ARTICLE 17

EFFECTIVE DATE AND ADOPTION OF 2016 ZONING LAW

Section 17.1 Existing Zoning Ordinance Amended, Readopted, and Reenacted

The existing Zoning Ordinance of the Town of Caneadea, New York, as amended, adopted May 8, 1975, is hereby revoked and cancelled. This revocation and cancellation and the adoption of this new Zoning Law, shall not affect or prevent any future prosecution of, any action to abate any violation existing at the time this law is enacted, if the use is in violation of the provisions of this law. Nothing herein shall be deemed to change the status of nonconforming uses created by virtue of the Zoning Ordinance adopted April 13, 1989, as amended, if such uses remain nonconforming under the provisions of this law.

Section 17.2 Enacting Clause

Pursuant to the authority conferred by Article 16 of the Town Law of the State of New York, the Town Board of the Town of Caneadea, County of Allegany and State of New York, has ordained and does hereby enact this comprehensive, local Zoning Law regulating and restricting the location, size, and use of buildings and other structures and the use of land in the Town of Caneadea.

Section 17.3 Effective Date

This Zoning Law shall become effective upon its filing in the Office of the Department of State, which is herein referred to as the “effective date.”

Section 17.4 Transition Provisions

A. This new Zoning Law shall apply to all applications for building permits, site plan approvals, subdivision approvals, special approvals, special use permits, or any other approval or authorization hereunder, submitted on or after the effective date.

B. If a completed application is submitted prior to the effective date, and if such application is diligently prosecuted to conclusion, the application shall be governed by the provisions of the Zoning Ordinance in effect immediately prior to the effective date, unless the applicant elects by written notice accompanying the application or delivered within a reasonable time after submission of the application to be governed by the provisions of this new zoning law as in effect on and after the effective date. For the purposes of this section only, an application shall be deemed "completed" if it contains all required information, materials, and fees normally and reasonably required by the appropriate Town official(s) (e.g., Town Planner with respect to subdivision, special use permit, rezoning, and Site Plan approval applications and the Zoning Official with respect to Building Permit, Variance, and Special Approval Applications) including initial SEQR forms, to commence the review process by the appropriate Town official or board. An application shall be deemed "diligently prosecuted to conclusion" if the applicant promptly responds to any inquiries and promptly supplies any additional information reasonably required by the reviewing Town officials and/or boards,

appears at all required scheduled public hearings, and otherwise cooperates so as to permit and enable the appropriate Town officials and/or boards to adequately and completely review the application and render a decision on same within a reasonable period of time of its submission, and in any event within nine (9) months of its submission.

C. The Town Board may, with respect to a specific application, if an applicant demonstrates

1. severe, adverse economic impact will result to the applicant if this revised, restated chapter is applied to the applicant's application because of a substantial expenditure of funds by the applicant prior to the adoption of this revised, restated law and in reliance upon the provisions of the ordinance in effect prior to the effective date; or
2. delay in rendering a decision by the applicable official or board is due to the failure of such official or board to act within a reasonable period of time and not due to any failure or default by the applicant; extend by no more than four (4) additional months the privilege of having the application be governed by the provisions of the zoning ordinance in effect prior to the effective date, or extend by no more than four additional months the nine month period within which diligent prosecution of the application must be completed to obtain the benefit of utilizing the pre-effective-date ordinance provisions. An application for extension under this subsection must be made prior to, or within thirty (30) days after, the end of any applicable period by written request to the Town Clerk or Town Supervisor setting forth the requested relief and the grounds for same.