

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Duanesburg

FILED
STATE RECORDS

FEB 15 2018

DEPARTMENT OF STATE

Local Law No. 2 of the year 2018

A local law Amending the Subdivision Ordinance of the Town of Duanesburg.
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Duanesburg

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF DUANESBURG LOCAL LAW NO. 2 OF 2018

**A LOCAL LAW AMENDING THE SUBDIVISION ORDINANCE OF THE
TOWN OF DUANESBURG**

BE IT ENACTED by the Town Board of the Town of Duaneburg, in the County of Schenectady, as follows:

Section 1. Title of Local Law.

This Local Law shall be entitled "A Local Law Amending the Subdivision Ordinance of the Town of Duaneburg".

Section 2. Authorization.

This Local Law is enacted pursuant to the Municipal Home Rule Law and Article 16 of the Town Law of the State of New York.

Section 3. Purpose.

It is the intent and purpose of this Local Law to clarify the distinction between a subdivision of land which is subject to full scrutiny, review and approval by the Town Planning Board, and a mere lot line adjustment or minor subdivision (consisting of no more than two lots) which should be considered and permitted with a minimum burden imposed upon the involved property owner(s).

Section 4. Amendments to Article 2 of the Subdivision Ordinance titled "Definitions".

Article 2 is hereby amended to add the following new definition:

LOT LINE ADJUSTMENT - The relocation or revision of the boundary line of a lot to change the area of said lot and of an existing adjacent lot or lots, and which does not create any additional number of lots. A lot line adjustment shall not be considered a subdivision or a resubdivision.

Section 5. Amendments to Article 3 of the Subdivision Ordinance titled "Platting Procedures".

Section 3.3 of Article 3 is hereby repealed and replaced with:

Section 3.3 Pre-Application Review

.1 Requirements. The applicant for a Subdivision or Lot Line Adjustment, or his duly authorized representative, shall attend the meeting of the Planning Board in order to discuss the intent and application of these regulations. At least ten (10) days prior to any regularly scheduled meeting, the applicant shall submit to the Town Building Inspector ten (10) copies of a

sketch plan of the proposed subdivision or lot line adjustment as required by Section 3.3.2. (below). Within thirty (30) days of meeting with the applicant, the Planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

A subdivision may contain features of a technical nature which are such that the review and opinion of a licensed professional engineer may be required. The Planning Board may engage such licensed professional engineer who for the purposes of this Ordinance becomes the Town Engineer for this subdivision. The subdivider shall reimburse the Town for the fees charged by the Town Engineer in accordance with Section 15.7 of the Town Zoning Ordinance and no plat shall be given final approval until such fees are reimbursed.

.2 Sketch Plan. The sketch plan initially submitted to the Planning Board shall be based on the tax map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted showing the following information:

- (a) A vicinity map at a scale of one inch equals 2,000 feet indicating the location of the proposed subdivision in relation to major streets, streams and municipal boundaries;
- (b) All existing structures, wooded areas, streams, existing bodies of water, easements, wetlands, railroads, cemeteries, drainage ditches, and other physical features, within the portion to be subdivided and within two hundred (200) feet thereof;
- (c) All the utilities available at the property, and all streets which are either proposed, mapped or built;
- (d) Contour lines at interval of not more than ten (10) feet;
- (e) The location of any of the one hundred (100) year floodplain limit as shown on the HUD Flood Insurance Map;
- (f) The layout and approximate dimensions and area of lots (including lot width and depth and area), street layout, recreation areas, systems of drainage, sewage utilities, and water supply (see Section 6.6), within the subdivided area, as well as proposed building locations, the applicable zoning requirements for lot area, width, side, front and rear yards, with an indication that each lot is equal to or in excess of these requirements; the location of zoning district boundary lines affecting the subdivision; and indication of any lots in which other than a residential use is intended;
- (g) The name of the owner and applicant(s) and the names of all abutting owners adjacent to or for five (500) feet along the road.

.3 Waiver of Submission Requirements. The Planning Board may waive, upon the request of the applicant, any of the submission requirements of this Article if the Planning Board determines that such requirement is not necessary or appropriate for review of the subdivision.

.4 Classification. The Planning Board shall determine whether the sketch plan illustrates a Lot Line Adjustment, a Minor or a Major Subdivision, as defined by these regulations. The Board may require, however, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions, when it is deemed necessary for protection of the public, health, safety and welfare. If the sketch plan is classified as a Minor Subdivision,

and not otherwise exempt under Section 3.3.3, the subdivider shall then comply with the procedure outlined in Section 3.4 of these regulations. If the application is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Section 3.5.

5 Exemptions. The Planning Board may, in its discretion, exempt Lot Line Adjustments or Minor Subdivisions from full scrutiny, review and approval by the Town Planning Board, as required by Section 3.4. The determination as to whether any proposed action should be exempt shall be within the reasonable interpretation and discretion of the Planning Board and shall only be considered upon application made and good cause shown by the owner(s) of the affected lots. If the Planning Board so determines that the proposed action neither creates nor increases any significant planning issues with respect to the existing or potential future use of any involved parcel(s), and in the instance of a Lot Line Adjustment, that no additional lots will be created as a result of the lot line adjustment, the Planning Board may, at its discretion, declare the proposed action to be exempt from any further subdivision review pursuant to this Article, whereupon it shall refer the application to the Code Enforcement Officer to complete the administration of the same. A Lot Line Adjustment plat shall be filed in the same manner and following the same procedures as filing of Minor Subdivision plats except that the Code Enforcement Officer may sign the Lot Line Adjustment plat or exempt Minor Subdivision plats in the event the Planning Board declines to exercise jurisdiction.

Notwithstanding anything to the contrary, in the event the Planning Board is of the opinion that the primary purpose and intent of the proposed action is to develop the affected lot(s) in circumvention of the otherwise applicable subdivision review and proceedings, the application to treat such action as a Lot Line Adjustment may properly be denied. In the event the Lot Line Adjustment is considered for review as a Minor Subdivision, all applicable procedures of Article 3, and in particular Section 3.4, shall apply.

Section 3.4 is hereby amended to add Section 3.4.4

4 Filing of Minor Subdivision Plat. Within six (6) months of Planning Board approval on a Minor Subdivision, the applicant shall submit the plat for signature. If the applicant fails to submit plans for signature within six (6) months the approval shall be considered null and void unless an extension of time is requested in writing and granted by the Planning Board.

The plat shall be filed with the Schenectady County Clerk within forty-five (45) days from the date signed by the Chairman of the Planning Board. If the applicant fails to submit plans for signature within forty-five (45) days the approval shall be considered null and void unless an extension of time is requested in writing and granted by the Planning Board.

The applicant shall bear all fees in connection with the filing of the plat.

Section 6. Supercession.

Pursuant to the powers granted by the Municipal Home Rule, this Local Law supersedes all provisions of the Subdivision Ordinance herein addressed, in so far as such statutes are inconsistent with this Law and any other laws or regulations of the Town of Duanesburg are superseded to the extent necessary to give this Local Law full force and effect. All other provisions shall remain the same. Local Law No. 3 of 2016 and Local Law No. 2 of 2017 are hereby expressly rescinded and superceded by this Local Law.

Section 7. Severability.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 8. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2018 of the (County)(City)(Town)(Village) of Duanesburg was duly passed by the Town Board on February 8, 2018, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date:

February 8, 2018

(Seal)