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MEMORANDUM

TO: **City of Beacon City Council**

FROM: **Keane & Beane, P.C.**

RE: **Lot Line Adjustments**

DATE: **May 9, 2018**

Please find attached to this memorandum a proposed local law which sets forth an administrative review process for lot line adjustments, without requiring an appearance before the Planning Board.

Pursuant to General City law, subdivision of land in New York is controlled at the local government level. In the City of Beacon subdivision of land is specifically regulated by Chapter 195 of the Code of the City of Beacon. The term subdivision is currently defined in Section 195-10 of the City Code as:

> The division of any parcel of land, regardless of use, into two or more lots, plots, blocks, sites or parcels, with or without the creation of new streets or private roads, for the purpose, whether immediate or future, of transfer of ownership or building development, **and shall include resubdivision** as defined herein.

Under this definition, the City of Beacon requires full subdivision review for any resubdivision application. Resubdivisions are defined in the City Code as "any change of existing property lines or of property lines shown on a plat approved by the Planning Board and filed in the office of the County Clerk." By this definition, simple lot line adjustments are considered resubdivisions requiring full subdivision review. A lot line adjustment or alteration is a means by which a boundary line diving two lots is adjusted or moved. Such a move is typically made by agreement between the owners of the parcels. For example, the sale of an unused portion of the right of way would require resubdivision approval. An agreement between neighbors to resolve a dispute when a fence is extending over a border conveying a small strip of land so that a driveway can be widened, would all require resubdivision approval. There is obviously a cost and expense associated with subdivision review including appearing at Planning Board meetings, preparation of a subdivision map, etc.

In New York State there is no statutory requirement that defines lot line adjustment as a subdivision. General City Law Section 32(4)(a) provides the following:

> The term "subdivision" **may** include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved an filed in the office of the county clerk or register of the county in which such plat is located.

Some municipalities, including Beacon, require applications for lot line adjustments to go through a full subdivision review by the Planning Board. Other municipalities, by contrast, provide that a lot line adjustment is not a subdivision or resubdivision of land at all and review applications for lot line changes using a simple administrative process. In such cases, lot line adjustments are often processed and decided by municipal planning staff or building officials or the planning board itself using expedited procedures, which do not involve a public hearing. Whether considered a subdivision or not, the lots created as a result of any lot line adjustment must conform to applicable zoning regulations and the procedure must not result in an increase in the number of lots or parcels.

In order to create a more efficient application process for lot line adjustment applications, our office has prepared the attached local law. The attached local law sets forth an administrative review process for lot line adjustments, without requiring full subdivision review before the Planning Board. The law amends the definitions of "resubdivision" and "subdivision" to exclude lot line adjustments and creates a definition for lot line adjustments. Under the proposed local law lot line adjustments are defined as "any conveyance of real property between adjacent landowners which does not result in additional buildable lot(s) nor create a zoning deficiency in either lot. A lot line adjustment is not considered a subdivision for purposes of this chapter." All applications for lot line adjustments will be submitted to the Building Department to be reviewed by the Building Inspector. The Building Inspector shall determine whether the application meets the criteria for classification as a lot line adjustment. If the Building Inspector determines that the application is for a resubdivision and not a lot line adjustment, formal subdivision review is required pursuant to Section 195-3 of the Code of the City of Beacon. This process will greatly reduce the costs and time required to review a lot line adjustment application.

Attach.

ecc: Anthony Ruggiero
Tim Dexter