

APPENDIX III - D

LOCAL LAW 2 OF 2004

SUB-DIVISION

&

BOUNDARY LINE

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NEW YORK 12207

(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 a new matter.

Town of Canaan

Local Law No. 2 of the year 2004

A Local Law to amend Article VI of the Land Subdivision Regulations concerning lot boundary line adjustments and to establish related application and review standards.

Be it enacted by the Town Board of the Town of Canaan as follows:

Section 1. Article VI, Section 5 of the Land Subdivision Regulations of the Town of Canaan entitled "Requirements for Waiver of Subdivision Approval to Allow Lot Boundary Line Adjustment" is hereby amended as follows:

1. An application for a waiver of subdivision approval to allow lot boundary line adjustment shall include a plat conforming to the standards set forth in Paragraph A hereinbelow and which shall identify or be accompanied by the information set forth in the other paragraphs hereinbelow.

A. Drafting Standards.

- (1) The plat shall be drawn to the scale of one inch equals fifty (50) feet or one inch equals one hundred (100) feet.
- (2) Dimensions shall be in feet and decimal parts thereof (except that areas of lots shall be shown in acres and decimal parts thereof), and bearings in degrees, minutes and seconds.
- (3) Plats shall be on sheets eighteen by twenty-four inches (18"x24") or twenty-four by thirty-six inches (24"x36").
- (4) Existing and proposed lot lines shall be shown on separate plat sheets and a licensed New York State Land Surveyor must certify each sheet (except with respect to any lot or part of a lot not required to be surveyed as a result of the provisions of Paragraph E below).

B. General Information.

- (1) Names and addresses of the owners of the lots involved in the proposed lot boundary line adjustment.
- (2) Name and address of the licensed New York State Land Surveyor responsible for the plat, stamped on each sheet with an original seal.
- (3) Zoning classification and requirements.
- (4) Date, north point and scale.

- (5) A location map for the purpose of locating the lots, at a scale of not more than eight hundred feet to the inch.

C. Existing Features.

- (1) Except as otherwise provided in Paragraph E hereinbelow, a complete survey of the lots included in the proposed lot boundary line adjustment showing all existing lot lines, survey pins and other survey reference markers, courses, distances, lot sizes, buildings and other structures, driveways, ways, streets and roads, wells, septic fields and overhead utility lines and setback and road frontage distances.
- (2) The location, names and width of all roads and ways adjacent to any of the lots and the location of classified streams and wetlands.

D. Proposed Features. Except as otherwise provided in Paragraph E hereinbelow, a complete survey of the lots included in the proposed lot line adjustment showing:

- (1) The location of all lot lines, survey pins and other survey reference markers after the proposed adjustment.
- (2) Total area of each lot after the proposed adjustment.
- (3) Setback distances from property boundaries of each building, structure, driveway, way, street and road, well, septic field and overhead utility after the proposed adjustment.
- (4) Road frontage distances for each lot after the proposed adjustment.

E. Certain Unsurveyed Lots.

- (1) If any lot has not previously been surveyed by the licensed New York State Land Surveyor responsible for the plat and the proposed lot line adjustment (or, if more than one lot line is being adjusted, each lot line adjustment) would increase the size of one of such lot, then no survey of such lot shall be required but the plat shall nevertheless show the approximate location of the other lot lines of such lot and its approximate size.
- (2) In the case of either Paragraph C or Paragraph D hereinabove, if any lot greater than six acres in size has not previously been surveyed by the licensed New York State Land Surveyor responsible for the plat, then the survey of such lot required by either Paragraph C or D may cover only a portion of such lot that is at least six acres in size and includes all lot lines being adjusted and all parts of the lot that are within 375 feet from any such lot line; provided, however, that the plat sheet shall include a drawing of the entire lot (which may be part of the location map) and set forth its estimated total area.

F. Survey Pin Certification. A certification by the licensed New York State Land Surveyor responsible for the plat that all survey pins and other survey

reference markers shown on each plat sheet are in place at the locations shown.

Section 2. This local law shall be effective upon filing with the Secretary of State.

(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 20 04 of the (County)(City)(~~Town~~)(Village) of Canaan was duly passed by the Canaan Town Board on July 26th 20 04, 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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) (repassed after disapproval) by the _____ on _____ 20 _____.
(Name of Legislative Body)
(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) (repassed after disapproval) by the _____ on _____ 20 _____. Such local 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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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.

Charlotte L. Cowan
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: _____

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature LOIS PHILLIPS

TOWN ATTORNEY
Title

County _____
City of _____
Town _____
Village _____

Date: _____

RESOLUTION # 71 - August 9, 2004

WHEREAS, THE TOWN BOARD OF THE TOWN OF CANAAN wishes to amend Article VI, Section 5 of the Land Subdivision Regulations entitled "Requirements for Waiver of Subdivision Approval to Allow Lot Boundary Line Adjustment"; and

WHEREAS, the Town Board scheduled a public hearing to be held on July 26, 2004; and

WHEREAS, notice of public hearing was duly published in the official newspaper of the Town of Canaan and posted by the Town Clerk; and

WHEREAS, a public hearing was held on July 26, 2004; and

WHEREAS, all interested persons were heard.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Canaan declares itself lead agency for purposes of environmental review pursuant to the State Environmental Quality Review Act and determines that the proposed local law will not result in potential significant adverse impacts to the environment and issues a Negative Declaration of Environmental Significance; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Canaan hereby adopts Local Law 2 of 2004, effective immediately and directs that a copy of this local law be filed in the Office of the New York State Secretary of State.