

## **TOWN OF CAIRO - Resolution # 2019-115**

### **A PROPOSED AMENDMENT TO TOWN OF CAIRO LOCAL LAW NUMBER 1 OF 1990, KNOWN AS THE TOWN OF CAIRO LOCAL LAW REGULATING THE SUBDIVISION OF LAND, AS AMENDED 2/27/06 AND 11/15/06.**

STATEMENT OF PURPOSE: The Cairo Town Board believes the current subdivision law does not provide a simplified process for lot line adjustments between parcels and that one should be incorporated into the law. The board further believes that town residents wishing to subdivide property may be faced with exorbitant and unnecessary survey costs when subdividing a small parcel of land from a large, parent parcel where it is not necessary to survey the entire, parent parcel to accomplish the intended subdivision. Therefore, the town board acts to amend the town's subdivision law as follows:

**1. Town of Cairo Subdivision Law, Article V, Section 2 shall be amended to add paragraph "F" as follows:**

- F. An applicant proposing a minor subdivision shall not be required to provide the planning board with a survey of the entire parent parcel when the surveyor who prepared the applicant's subdivision plat can certify to the board that the subdivided parcel(s) location can be accurately determined without an overall survey of the parent parcel, and that the subdivision will not create a nonconforming parcel, or cause any other parcel to become nonconforming.

For purposes of this paragraph "F", the term "Parent Parcel" shall mean the currently existing parcel from which the proposed, subdivided parcel(s) is/are proposed.

**2. The Town of Cairo Subdivision Law shall be amended to add Article VI as follows:**

#### ARTICLE VI

Section 1. Lot Line Adjustments.

- A. Notwithstanding any other provision of this law, an applicant may request that the subdivision review process be waived when a proposed subdivision is a lot line adjustment that meets the following criteria:
1. The adjustment of the current boundary lines would not create an additional lot;

2. It is a minor modification of one or more existing boundary lines between two parcels, or the merger and conveyance of a portion of one parcel to an adjoining parcel;
3. It would not create a nonconforming parcel or cause any other parcel to become nonconforming; and
4. It would comply with all applicable zoning requirements and applicable New York State Health Department regulations pertaining to well and septic system distances from parcel boundaries.

B. Document Submission Requirements

1. To request a waiver of the subdivision review process for a line adjustment, the applicant shall submit the usual subdivision application with a notation that the subdivision consists solely of a lot line adjustment and that a waiver of the review process is requested. The application with waiver request shall be signed by the owners or duly authorized agents of both affected parcels.
2. The applicant shall submit a plat or map of the parcels, or portions thereof, affected by the proposed adjustment, showing all existing buildings, the location of existing utility or other easements or rights-of-way, wells and septic systems. The map shall show all existing, affected lot lines and location of the proposed new lot line(s) and the existing and new setback distances to any existing buildings.
3. The map shall have the title, "LOT LINE ADJUSTMENT between the properties of (name) and (name)" and shall include a restriction to the effect that the land added to the existing parcel, and the existing parcel are combined to form a single, undivided lot.

C. Action by Planning Board on Waiver Request.

1. When the Planning Board determines the Applicant's submissions conform with the provisions of this Article, it may grant the applicant's request and waive any and all further subdivision review requirements and immediately approve the application and sign the subdivision maps.