

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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~~ of CLINTON
Town
~~VILLAGE~~

Local Law No. 2 of the year 1995.

A local law AMENDING THE TOWN OF CLINTON ZONING LAW, LOCAL LAW NO. 3,
(Insert Title)
1991, ARTICLE 7, SECTION 7.8 TO REGULATE LOT LINE ALTERATIONS

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~COUNTY~~
~~CITY~~ of CLINTON, DUTCHESS COUNTY, NEW YORK as follows:
Town
~~VILLAGE~~

SECTION 1. TITLE

This Local Law shall be known and may be cited as Town of Clinton Zoning Law Regulating Lot Line Alterations.

SECTION 2. PURPOSE AND INTENT

The Town Board of the Town of Clinton hereby finds and determines that to insure compliance with the Town of Clinton Zoning Law, Master Plan, other local laws, ordinances and resolutions regulating land use and land subdivision within the Town of Clinton that it is necessary to provide the procedure for and regulation of lot line alterations of land in the Town of Clinton.

SECTION 3. DEFINITIONS

For the purpose of this Local Law, the following terms shall have the meanings set forth hereinafter:

- (a) "Lot" means lot as defined in Town of Clinton Zoning Law, Local Law No. 3, 1991, Article 8, Section 8.2.
- (b) "Alteration" shall mean any change to the metes and bounds of any lot.
- (c) "Lot Lines" means lot lines as defined in Town of Clinton Zoning Law, Local Law No. 3, 1991, Article 8, Section 8.2.

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

2 B
(d) "Planning Board" means Planning Board as defined in Town of Clinton Zoning Law, Local Law No. 3, 1991, Article 7, Section 7.8.

(e) "Substandard Lot" means substandard lot as defined in Town of Clinton Zoning Law, Local Law No. 3, 1991, Article 8, Section 8.2.

SECTION 4. APPLICABILITY

This Local Law shall regulate all lot line alterations.

SECTION 5. APPLICATION PROCEDURE

For authority to institute a lot line alteration:

(a) All applications for Lot Line Alteration must be submitted to the Planning Board for review and approval.

(b) All applications to the Planning Board for Lot Line Alteration must include the following:

1. Existing description of the metes and bounds of all lots affected by the proposed Lot Line Alteration.
 2. A plat or map of all lots affected by the proposed lot line alteration.
 3. Proposed description of the metes and bounds of all lots affected by the proposed lot line alteration.
 4. Proposed plat or map certified by a surveyor licensed in the State of New York of all lots affected by the proposed lot line alteration.
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SECTION 6. ISSUANCE OF PERMIT AUTHORIZING LOT LINE ALTERATION

(a) The Planning Board, after review of application for lot line alteration is authorized to issue a permit to grant the application if:

1. The proposed lot line alteration does not thereby create any substandard lot, or render any lot more substandard than it may be.
2. In the event that the proposed lot line alteration proposes the creation of any non-conformance upon any of the affected lots with Town of Clinton Local Law for which a variance would be necessary, the application shall be deemed to require a variance and subject to the procedures regulating variances as set forth in Town of Clinton Zoning Law, Local Law No. 3, 1991, Article 7, Section 7.8(E).
3. The Planning Board shall be deemed to have approved an application and granted a permit for lot line alteration by indication of such approval upon the plat or map of the proposed lot line alteration and by letter to the applicant.

SECTION 7. WAIVER

Upon good cause shown by the applicant, the Planning Board may, by a majority vote, waive any or all of the application requirements except in those instances where a variance is required. Application fees may not be waived without prior approval by resolution of the Town Board.

SECTION 8. APPLICATION FEE

The fee for an application for a lot line alteration permit shall be as per fee schedule in force at the time application is received.

SECTION 9. SEPARABILITY

Should any section, paragraph, sentence, clause or phrase of this local law be declared unconstitutional or unjust for any reason by a Court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

SECTION 10. AMENDMENT

This local law shall be deemed to be paragraph K of Town of Clinton Zoning Law, Local Law No. 3, 1991, Article 7, Section 7.8.

SECTION 11. REPEAL OF PRIOR LOCAL LAW

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 12. EFFECTIVE DATE

~~This Local Law shall take effect immediately upon filing in the office of 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.)

2

95

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of Clinton _____ was duly passed by the Town Board _____ on March 14 1995., 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, 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 19____ 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 _____ 19____, 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 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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.

Carol Jean Mackin

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

Date: March 14, 1995

(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 Dutchess

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.

Donald B. Kelly
Signature
Town Attorney
Title

~~County~~
City of Clinton
~~Town~~
~~Village~~

Date: 3/15/95

PROJECT I.D. NUMBER

617.21

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT / SPONSOR TOWN OF CLINTON	2. PROJECT NAME LOCAL LAW AMENDMENT TO 1991 ZONING LAW REQUIRING PLANNING BOARD REVIEW OF LOT LINE ALTERATIONS
3. PROJECT LOCATION: Municipality TOWN OF CLINTON County DUTCHESS	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) APPLICABLE TO ENTIRE TOWN BUT WILL BE ADDRESSED AT SPECIFIC LOCATIONS WHERE LOT LINE ALTERATIONS ARE PROPOSED	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: REQUIRES ALL LOT LINE ALTERATIONS BE REVIEWED BY TOWN PLANNING BOARD TO INSURE COMPLIANCE WITH TOWN'S ZONING LAW	
7. AMOUNT OF LAND AFFECTED: VARIES WITH THE PROPOSED LOT LINE ALTERATIONS Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: VARIES WITH THE PROPOSED LOT LINE ALTERATIONS	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: TOWN OF CLINTON	Date: 3/10/95
Signature: Raynor Oberly TOWN SUPERVISOR	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 None since only moves a lot line and Planning Board ^{review} will determine if a SEQR review is needed for a specific lot line change

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 None since only moves a lot line and Planning Board review will determine if a SEQR review is needed for a specific lot line change

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 None since only moves a lot line and Planning Board review will determine if a SEQR review is needed for a specific lot line change

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.
 None since still requires compliance to existing master plan and zoning laws

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.
 None since only moves a lot line and Planning Board review will determine if a SEQR review is needed for a specific lot line change

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.
 None since only moves a lot line and Planning Board review will determine if a SEQR review is needed for a specific lot line change

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.
 None since only moves a lot line and Planning Board review will determine if a SEQR review is needed for a specific lot line change

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

TOWN BOARD TOWN OF CLINTON
 Name of Lead Agency

RAYMON OBERLY TOWN SUPERVISOR
 Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

Raymon Oberly
 Signature of Responsible Officer in Lead Agency

March 14, 1995
 Signature of Preparer (if different from responsible officer)
 Date

DUTCHESS COUNTY DEPARTMENT OF PLANNING

ZONING REFERRAL

Municipality T/Clinton

Referring Agency Town Board

Tax or Parcel Number NA

Project Name Lot Line Review (LL #3)

Applicant Town Board

Address of Property _____

Type of Action:

Jurisdictional Determinant:

- | | | | |
|----------------|-------------------------------------|--------------------|--------------------------|
| Text Amendment | <input checked="" type="checkbox"/> | State Road | <input type="checkbox"/> |
| Rezoning | <input type="checkbox"/> | County Road | <input type="checkbox"/> |
| Site Plan | <input type="checkbox"/> | State Property | <input type="checkbox"/> |
| Use Variance | <input type="checkbox"/> | County Property | <input type="checkbox"/> |
| Area Variance | <input type="checkbox"/> | Municipal Boundary | <input type="checkbox"/> |
| Special Permit | <input type="checkbox"/> | Drainage Channel | <input type="checkbox"/> |
| Other _____ | <input type="checkbox"/> | | |

Date Requested _____

Has this site been the subject of a previous referral? _____
Dutchess County Department of Planning Referral Number _____

FOR COUNTY OFFICE USE ONLY:

No Comments:

Comments Attached:

- | | | | |
|-------------------------|-------------------------------------|-----------------------------|--------------------------|
| Matter of Local Concern | <input checked="" type="checkbox"/> | Local Decision with Comment | <input type="checkbox"/> |
| No Jurisdiction | <input type="checkbox"/> | Conditional | <input type="checkbox"/> |
| No Authority | <input type="checkbox"/> | Denial | <input type="checkbox"/> |

Date of Submittal 2/16
 Date Report Requested 3/14
 Date Report Required 3/17
 Date of Transmittal 3/10

Logged in

Reviewer BB

Referral Number 95-47

Major Project _____