

CHAPTER 114

Altered Lot Lines and Boundary Line Adjustments

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[History: Adopted by the Town Board of the Town of New Baltimore on July 11, 2016 as Local Law 2 of 2016.]

1. Short title.

This article shall be known as the “Lot Line Law of the Town of New Baltimore.”

2. Purpose.

- A. The purpose of this local law is to amend the existing Town of New Baltimore Subdivision Regulations such that lot line alterations and boundary line adjustments are considered separately from subdivision of land.
- B. Where this article conflicts or is inconsistent with the Town of New Baltimore Subdivision Regulations, this article shall supersede said regulations.

3. Definitions.

As used in this article, the following terms shall have the meaning indicated:

ALTERED LOT LINE – The process whereby the owner of one parcel of land conveys a portion of land to an adjacent landowner merely for purposes of increasing the size of the neighbor’s land or to accommodate a natural feature of the premises or the local zoning law without creating a new lot. However, this lot line law shall not be applicable where any lot affected by the proposed new lot line creates a new subdividable parcel and the applicant must, in that case, submit a full minor or major subdivision application, as the case may be.

BOUNDARY LINE ADJUSTMENT - A change in the boundary of two adjoining, lots, which may be utilized to correct error(s) in deed(s) or to fulfill a shared desire of the property owners involved wherein no more than one acre is to be conveyed or at the discretion of the Planning Board.

SUBDIVISION – The division of any parcel of land into two or more lots, blocks or sites, with or without streets, and including resubdivision. Specifically excluded from this definition, however, is an “altered lot line.”

4. Application and procedure for creating an altered lot line.

- A. A map and survey of the portion of land to be conveyed by a grantor to his/her adjacent landowner shall be prepared showing any existing buildings within 100 feet of all boundary lines.
- B. A map or survey of the adjacent landowner's property shall also be prepared, if required pursuant to the provisions of Subsection G below; said map or survey shall show both the adjacent landowner's parcel and the parcel to be acquired as a single parcel of land.
- C. The grantor shall convey the parcel of land in issue by way of a proper deed and shall record the same.
- D. The adjacent landowner shall prepare and record a deed which describes, as a single parcel, his/her existing property and the parcel being acquired from the grantor. In the event, however, a survey of the adjacent landowner's property is not used, then the adjoining landowner shall prepare and record one deed which describes both his/her existing parcel being acquired from the grantor as two separate parcels. In such case, however, the deed shall contain a clause stating that the purpose of acquiring the additional parcel is merely to increase the size of the existing parcel and that no new building lot is created by the conveyance.
- E. Review and approval.
 - (1) Prior to approving an altered lot line, the New Baltimore Planning Board shall review;
 - a. The map and survey of the land to be conveyed by the grantor.
 - b. The map or survey showing both the adjacent landowner's property and the land to be conveyed by the grantor as a single parcel of land.
 - c. The deed conveying the parcel in issue to the adjacent landowner.
 - d. The deed of the adjacent landowner which describes his existing property and the parcel being acquired from the grantor, either as a single parcel or as two separate parcels in accordance with the provisions of Subsection D above.
 - (2) Upon approving an altered lot line, the New Baltimore Planning Board Chairman shall mark the adjacent landowner's survey map "accepted for filing by the New Baltimore Planning Board," and it shall be properly signed and dated by the duly designated officer of the planning Board. In the event the approved survey map and the receptive deeds are not filed in the office of the Greene County Clerk within 30 days of the date upon which they are approved, the altered lot line shall become null and void as though it had never been approved. The thirty-day time period, however, may be extended upon request of the grantor or the adjacent landowner and upon approval of the Planning Board.
- F. Unless a variance is granted, an altered lot line shall not be approved where such conveyance would cause a parcel to fail to meet the minimum lot size or setbacks required by any Town of New Baltimore local law or regulation.
- G. The New Baltimore Planning board may in its discretion require a survey map of the adjacent landowner's property with just cause.

- H. The Town of New Baltimore shall charge a fee as shall be set from time to time by resolution of the Town Board for each lot line application submitted.

5. Application and procedure for creating a boundary line adjustment.

The following items shall be submitted to the Planning Board:

- A. A filing fee in an amount as shall be set from time to time by resolution of the Town Board,
- B. A map and survey of the portion of land to be conveyed by a grantor to his/her adjacent landowner shall be prepared showing any existing buildings within 100 feet of all boundary lines.
- C. A map or survey of the adjacent landowner's property shall also be prepared, if required pursuant to the provisions of Subsection 4. G above; said map or survey shall show both the adjacent landowner's parcel and the parcel to be acquired as a single parcel of land.
- D. Deeds describing the new boundaries of the properties;
- E. A brief written description of the purpose of the proposed transaction; and
- F. A public hearing is not mandatory, however the Planning Board may require a public hearing if in its discretion there may be substantial environmental or community impacts associated with the application.

6. Approval.

The decision of the Planning Board shall be rendered in writing within 62 days of the date all items set forth above were received by the Clerk of the Planning Board. The Planning Board shall deny any boundary line adjustment which violates existing Town of New Baltimore local law or regulation or is inconsistent with the stated purpose of such law or regulation. In the event the boundary line adjustment is approved, the Chairperson shall affix the date and stamp of the Town upon the map submitted.