

Local Law Filing

(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 Livingston
Town
Village

Local Law No. 4 of the year 2017

A local law amending the Zoning Law of the Town of Livingston to provide
for boundary line / lot line adjustments

Be it enacted by the Town Board of the
(Name of Legislative Body)

County
City of Livingston as follows:
Town
Village

Section 1. LEGISLATIVE INTENT:

The Town of Livingston presently has established comprehensive zoning regulations for the Town. The Town recognizes that at times two or more parcels may need or desire to adjust the boundary between the parcels known as a boundary line adjustment, lot line adjustment or as the result of a boundary line agreement. The Town acknowledges where this action creates no new lots and creates lots in conformance or more in conformance with the town zoning law, such actions should be permitted with expedited process by the planning board. This law is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

Section 2.

Be it enacted by the Town Board of the Town of Livingston that the Town of Livingston Zoning Law is amended as follows:

Section 1.3 entitled DEFINITIONS shall be amended to add the following definitions in alphabetical order:

Boundary Line Adjustment / Lot Line Adjustment - a change in the existing established boundary, between two or more existing contiguous parcels of land, in which an area of land is added and/or subtracted from one parcel to another contiguous parcel, and which may or may not change the areas of the original parcel, but does not change the number of parcels of land that originally existed.

Boundary Line Agreement - a means of establishing a boundary which is currently ambiguous and which two or more parties have agreed to establish a new boundary, clearly defining the boundary, which shall be able to be established now and in the future.

Section 4.40 entitled BOUNDARY LINE ADJUSTMENT / LOT LINE ADJUSTMENT shall be added as follows:

4.40 BOUNDARY LINE ADJUSTMENT / LOT LINE ADJUSTMENT

1. Lot line/ Boundary line adjustments can be a way to reconfigure existing parcels of land into more useful areas and configurations.
2. Requests for Boundary Line / Lot Line Adjustments or Boundary Line Agreements shall be filed with the Town of Livingston Planning Board or their agent on the official Town application for such purpose. Said Lot Line/ Boundary Line Adjustments and Boundary Line Agreements do not count as a subdivision for any of the original parcels.
3. Criteria:
 - a. The adjustment and/or agreement must be between existing contiguous parcels of land.
 - b. The adjustment does NOT create any new parcel that presently does not exist.
 - c. The adjustment may reduce, but shall NOT extinguish, existing legal access to a public highway for any and all parcels involved.
 - d. The net result of the adjustment is that all parcels involved conform or more closely conform as required by other provisions of the Town of Livingston Zoning law.
 - e. The newly established boundaries must be only established by, and a map of said new boundaries drafted by, a New York State Licensed Land Surveyor. The map prepared must have mathematical references or "Ties" (Bearing and Distance) to at least three permanent

recoverable objects, satisfactory to the Town of Livingston Planning Board, so that said new boundaries may be re-established in the future. Said map must be filed in the Columbia County Clerk's Office in the prescribed time frame for the Adjustment and/or Agreement to be valid.

- f. To complete the adjustment, the owner or owners of the adjusted parcels will need to file deeds effectuating the transfer between parcels involved. The deeds should specifically include a clause that the parcel(s) created to accomplish the lot line adjustment shall be merged with and become part of the adjacent lands and not form a separate building lot, referring to the owner's name and recording information of the adjacent property to which this new parcel is to become part. After approval, as soon as practicable, the deeds are to be recorded in the County Clerk's office.
- g. The final adjustment is not to cause existing uses of the properties to be out of compliance with any provisions of the Town of Livingston Zoning law, New York State or local health or sanitary codes or New York State DEC laws or regulations.

4. Processing Procedures:

- a. A lot line/boundary line adjustment/boundary line agreement application filed with the Town of Livingston Planning Board or their agent shall include the following:
 - i. A completed lot line adjustment application.
 - ii. Current deed of record for all parcels germane to the action.
 - iii. A current survey map produced by a New York State Licensed Land Surveyor, depicting existing boundaries and the new proposed boundaries. The map prepared must have mathematical references or "Ties" (Bearing and Distance) to at least three permanent recoverable objects, satisfactory to the Town of Livingston Planning Board, so that said new boundaries may be re-established in the future. Said map must be filed in the Columbia County Clerk's Office in the prescribed time frame for the Boundary Line / Lot Line adjustment and/or Boundary Line agreement approval to be valid.
 - iv. Any other information deemed necessary by the Town of Livingston Planning Board for review and approval of the proposed boundary line changes.
 - v. Approval by the Town of Livingston Planning Board shall not require a public hearing nor require written notification of any adjoining owners.
 - vi. Payment of the required fee, as set by Town Board resolution.
 - vii. The completed application, maps, deeds and any accompanying information shall be submitted at least 10 days prior to the next scheduled Town of Livingston Planning Board Meeting.

Section 3. VALIDITY & SEVERABILITY.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

Section 4. EFFECTIVE DATE.

This local law shall take effect immediately upon passage and filing with the New York State Department 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. 4 of 2017 of the Town of Livingston was duly passed by the Town Board on _____, 2017, 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____. 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 (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 chairman 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 _____, _____, 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 1, above.

Tammy Molinski, Town Clerk

(Seal)

Date:

(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 COLUMBIA

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 Robert J. Fitzsimmons

Title: Counsel _____

County _____
City of _____ Livingston _____
Town _____
Village _____

Date: