

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.

Town of Thompson

Local Law No. ____ of the year 2017

A local law to amend Chapter 212 entitled Subdivision of Land in the Town of Thompson Town Code

Be it enacted by the Town Board of the

Town of Thompson

1. §212-9 Lot improvements is hereby replaced with the following:

§212-9 Lot improvements.

A. Lot improvements, wherein an existing parcel or parcels of land are combined with a contiguous lot for the purpose of increasing the size of the existing lot, said application shall be exempt from the provisions of these regulations, provided that:

- (1) Any lot proposed shall comply in all respects with the provisions of this chapter, the Town Zoning Law, and applicable state statutes.
- (2) The parcels being combined are whole parcels as they currently exist on the Town of Thompson Tax Maps as filed in the Office of Real Property in the County of Sullivan.
- (3) That the combination does not include any partial portion of land of any existing parcels, in which case the procedures for a minor subdivision pursuant to §212-8 would need to be complied with prior to any effectuation of a lot improvement.
- (4) The parcels being combined have the same ownership as determined by the recorded deeds for all lots to be combined.
- (5) That all parcels being combined are current on all property tax payments and have no Town Code violations.
- (6) That all parcels being combined are contiguous to each other, are in the same school district and are in the same special districts, if any.
- (7) That there are no liens of record on any of the parcels being combined as shown through a title search or applicant provides an affidavit confirming no liens, or confirming they will combine all liens to spread over the affected parcel.

- (8) Said lot improvement shall not create any new plot and shall not impede the maintenance of existing or future access or utility service to any lot that is the subject of a lot improvement.
- (9) Any lot improvement shall not impact the existing designated zoning district for that portion of the property.
- (10) If no adverse changes are foreseen and all previous conditions are met, in the discretion of the Town Assessor or a Town Code Enforcement Officer, all procedural requirements for Planning Board review may be waived, including engineering review, and the lot improvement may be forwarded by the Town Assessor to the Sullivan County Office of Real Property without further evaluation. A public hearing shall not be required for lot improvement under this section.
- (11) If the Assessor is satisfied in his/her discretion that all conditions are met to approve a lot improvement under this section, then the Assessor shall make a request to the Sullivan County Office of Real Property. Upon such approval, the Petitioner may file with the county a deed containing the combined lots with a new metes and bounds description that incorporates all combined lots as well as properly references the combination of all tax parcels.

B. Wherein a lot improvement application does not meet all procedural requirements pursuant to §212-9 A., or where a number of smaller lots are further subdividable or re-allotted so as to make a lesser number of larger lots, this shall be exempt from the provisions of these regulations, provided that:

- (1) Any lot proposed to be reduced in size shall comply in all respects with the provisions of this chapter, the Town Zoning Law, and applicable state statutes.

C. Procedure.

- (1) An appropriate application with five copies of the sketch plan are submitted to the Planning Board at least ten (10) business days prior to the regularly scheduled meeting.
- (2) Sketch plans shall be based on tax map information or some other similarly accurate base map and shall include:
 - (a) A map of the parent parcel and an indication of the proposed lot line change to be made drawn within it.
 - (b) The name of the owner, the name of the professional person responsible for drafting the new deed description and possible new map.
- (3) The Planning Board shall determine whether the sketch plan meets the purpose of this law and if it does may waive any procedural requirements and approve same after an abbreviated review.

- (4) Recording approval. After the Planning Board shall have determined that the conditions for a lot improvement exemption have been met, a duly authorized member of the Planning Board shall sign the plat with the following notation: "Approval is granted for recording purposes only in accordance with §212-9 of the Town of Thompson Subdivision Law."
 - (5) Plat requirements; fees. Plats submitted as lot improvements shall be subject to the same schedule of fees as minor subdivisions.
2. Except as herein specifically amended, the remainder of Chapter 212 of such code shall remain in full force and effect.
3. If any clause, sentence, paragraph, subdivision, section or part thereof this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.
4. This local law shall take effect immediately 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 the matter therein 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. ___ of 2017 of the Town of Thompson was duly passed by the Town Board on _____, 2017 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by Elective Chief Executive Officer*)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 2017 of the County/City/Town/Town/Village of _____ was duly passed by the _____ on _____ 2017 and was (approved) (not approved) (repassed after disapproval) by the _____ on _____ and was deemed duly adopted on _____ 2017, in accordance with the applicable provisions of law.

3. (Final adoption by referendum)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 2017 of the County/City/Town/Town/Village of _____ was duly passed by the _____ on _____ 2017 and was (approved) (not approved) (repassed after disapproval) by the _____ on _____. 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 _____ 2017, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 2017 of the County/City/Town/Town/Village of _____ was duly passed by the _____ on _____ 2017 and was (approved) (not approved) (repassed after disapproval) by the _____ on _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2017 in accordance with the applicable provisions of law.

* 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, 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 2017 of the City of _____ having been submitted to referendum pursuant to the provisions of sections 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 a special/general election held on _____ 2017 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 2017 of the County of _____, State of New York, having been submitted to the electors at the General Election of November ____ 2017, 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 of 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 the 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.

~~Clerk of the county legislative body, city, town, village clerk or officer designated by local legislative body~~

Date: _____, 2017

(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 SULLIVAN

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

Date: _____, 2017

Attorney for Town of Thompson