



NAUGHTON
& TORRE LLP
ATTORNEYS AND COUNSELORS
AT LAW

KELLY M. NAUGHTON*
ASHLEY N. TORRE**
ROBERT M. MIELE**

* Admitted in New York & Massachusetts
** Admitted in New York & New Jersey

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Via Email: assistant@townofnewpaltz.org
Town of New Paltz Town Board
Town Hall
P.O. Box 550
52 Clearwater Road
New Paltz, New York 12561

Re: Revisions to the Subdivision Regulations

Dear Hon. Bettez and Town Council Members:

At its meeting on February 13, 2023, the Planning Board requested that I send the Town Board proposed revisions to the Subdivision Regulations (Town Code Chapter 121) concerning cluster subdivisions and lot line adjustments. I have included potential language for the Town Board's consideration below.

Proposed Amendments Applicable to Cluster Subdivisions:

Modify Town Code § 121-25(C)(1) as follows (deleted text noted by strikethrough; new text noted by underline):

- (1) Applicability.
 - (a) A subdivider of property in any residential zoning district of the Town may request that the Planning Board approve a clustered residential development plan for the property.
 - (b) In appropriate ~~eases~~ subdivision applications involving 15 or more acres of land and four or more residential lots, the Planning Board may require that a cluster development plan for the property be prepared if, in the Board's ~~judgement~~ judgment, cluster development would be in the best interest of the Town and achieve one or more of the objectives set forth in ~~Subsection C~~ Section 121-25(C)(2)(c) below.
 - (c) ~~Before making a determination of completeness for a preliminary subdivision application involving 15 or more acres of land or four or~~

- ~~(d) more residential lots, the Planning Board shall require that a cluster development plan be submitted and determine that the proposed~~
- ~~(e) cluster plan incorporates the general intent and spirit of these regulations to the maximum extent possible.~~

Proposed Amendments to Include Specific Provisions for Lot Line Adjustments:

- 1) Add a new definition for “lot line adjustment” in Town Code § 121-4 as follows:

Lot line adjustment: Any alteration or modification of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the County Clerk in which a portion of one or more lots is added to an adjoining lot or lots without increasing the total number of buildable lots. A lot line adjustment is not a subdivision, but an amending map must be signed and recorded as provided in § 121-5.

- 2) Amend the definition of “subdivision” in Town Code § 121-4 as follows (deleted text noted by strikethrough; new text noted by underline):

The division of any parcel of land into two or more lots, plots, blocks, parcels, sites or other divisions of land for the purpose, whether immediate or future, of sale, transfer of ownership, development, or change of existing use to any use regulated by the Zoning Law. The term "subdivision" ~~includes any alteration or modification of lot lines or dimensions of any lots or parcels previously created, whether created by deed or other instrument prior to adoption of subdivision regulations by the Town of New Paltz or by a subdivision plat filed in the office of the County Clerk, but does not include a~~ lot line adjustment (as defined above) or merger of adjoining lots that eliminates lot lines conveyances for the purpose of combining lots or parcels but does not change any lot line. (See § 121-5). Where a parcel of land is held in single ownership or control, the existence of a road, highway or natural feature does not create a "natural" subdivision of such parcel or tract of land unless such road or highway was shown on a subdivision plan approved by the Town of New Paltz Planning Board pursuant to these regulations.

- 3) Add a new section Town Code § 121-5 as follows:

Lot Line Adjustments and Mergers

- A. Although a lot line adjustment does not require approval as a subdivision, lot lines may not be changed (other than for lot mergers) unless an amending map has been approved and signed by the Planning Board Chair. The map may be signed and recorded following sketch review and Planning Board approval of the final lot line adjustment map in a form acceptable for filing in the County Clerk's office. The purpose of such review shall be only to confirm the following conditions are met:
 - (1) The application does not create any new building parcels;
 - (2) The application does not create or increase any nonconformity with zoning dimensional requirements; and

- (3) existing on-site utilities and driveways are located on the parcel on which an existing building which they serve is situated or appropriate easements for utilities exist and have been filed with the County Clerk's office.
- B. All property owners whose lots will be affected by the lot line adjustment must sign a consent to file.
- C. Other procedural requirements of this chapter, including the public hearing requirements, do not apply, unless the Planning Board determines, in the course of its review of the lot line adjustment, that there are issues that would justify holding a public hearing. In such a case, the Planning Board may reclassify the lot line adjustment as a subdivision, hold a public hearing in accordance with the provisions of § 121-7, and require that the applicant comply with applicable rules for subdivisions. To the extent that this section may conflict with the provisions of § 276 of the Town Law, the Town Board hereby declares its intention to supersede the Town Law pursuant to the Municipal Home Rule Law, Article 2, § 10 et seq.
- D. Lot mergers, in which lot lines between lots are eliminated, do not require any approval under these regulations.
- 4) Amend fee schedule to include application fee for lot line adjustments and require escrow to reimburse consultant review fees.

Please do not hesitate to contact me should you have any questions or comments.

Very truly yours,



Ashley N. Torre

ANT:vc

cc: Town of New Paltz Planning Board (via email)
Joseph Moriello, Esq. (via email)