



SOUTHOLD PLANNING DEPARTMENT

Re-Subdivision (Lot Line Modification) Application Packet

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SOUTHOLD PLANNING BOARD

Office Information

Telephone : 631-765-1938

Mailing Address: PO Box 1179
Southold, NY 11971

Office Location: Town Hall Annex (Capital One Bank Building)
54375 State Route 25
Southold, NY
(in the back of the Capital One Bank Building at the
corner of Main Road & Youngs Ave.)

Internet: <http://southoldtownny.gov/119/Planning>

Planning Board Members

Donald J. Wilcenski, Chair

James H. Rich III

Martin H. Sidor

Pierce Rafferty

Planning Staff

Heather Lanza, AICP – Planning Director

Mark Terry – Assistant Planning Director

Brian Cummings - Planner

Erica Bufkins – Planner Trainee

– Secretarial Assistant

Jessica Michaelis – Clerk Typist

SOUTHOLD PLANNING DEPARTMENT

Re-Subdivision Process Summary (Lot line modifications)

1. Pre-submission conference
2. Submit complete Re-Subdivision Application (see Checklist for Re-Subdivisions)
3. Application reviewed to determine if the proposal is eligible for a waiver pursuant to Town Code **§ 240-57 Waiver, adjustment of property lines**. If eligible, the re-subdivision may be authorized by the Planning Board by resolution and **no further review will be required**. However, if the project is ineligible for a waiver, the application will be processed as indicated.
4. Referrals to other agencies as needed.
5. SEQR review and determination
6. Public Hearing (the public hearing may be waived in certain cases)
7. Final Approval resolution
8. Record deeds in the Office of the Suffolk County Clerk and send a copy to the Planning Department for our records

Please note the following:

- **Suffolk County Department of Health Services approval may be required for lot line modifications.** In some situations existing County Health Department approvals may be sufficient, or certain lots may be exempt (refer to Suffolk County Sanitary Code – Article 6 §760-601 – 609 for more details). In other cases, the Planning Board may waive the requirement for SCDHS approval prior to Planning Board approval (see attached Planning Board Policy).
- **Subdivision process.** While the Town Code requires re-subdivisions to be processed the same as a standard subdivision, in many cases the Planning Board has the ability to waive many of the requirements where it can be shown that the public health, safety and welfare will not be affected by the lot-line modification.

Southold Planning Department

Re-Subdivision Application Checklist

Applications must contain, at a minimum, every item listed below, unless you have been advised otherwise by the Planning Board. The Planning Board may require additional information, including any and all subdivision requirements from Chapter 240 of the Southold Town Code.

- Cover letter which lists the materials submitted by the applicant and/or agent
- Re-Subdivision Application Form
- Authorization Letters
 - From the property owner(s), if the Applicant is not the owner of the land, to authorize the re-subdivision application.
 - From the Applicant, if an agent is representing the Applicant before the Planning Board, to authorize that agent to represent the Applicant.
 - *(samples attached)*
- Copy of property deeds for all involved properties
- Copy of certificates of occupancy for all existing buildings
- Copies of Easements, Covenants & Restrictions, and decisions from other agencies with conditions restricting this property in any way.
- Proof the parcels meet the Lot Recognition standard in §280-9 Lot Recognition
- Short Environmental Assessment Form
- Application Fee - \$500
- Six (6) copies of a survey showing existing conditions on the parcels involved
- Six (6) copies of the Re-Subdivision Plan which shows the existing and proposed lot line configurations as well as the existing and proposed lot areas (see Re-subdivision Map Requirements attached for more detail).
- Draft deeds including a reference stating “the Southold Town Planning Board approved this lot line modification by resolution on (insert approval date)”, the Schedule with the legal description of the lot line modification and a Schedule with the map or a sketch illustrating the modification (it must be legible) on legal or letter-size paper.

Checks should be made payable to the “Town of Southold”

All maps are to be FOLDED by the APPLICANT with title block visible. The title block should be in the lower right hand corner of the plat.

Incomplete submissions WILL NOT be held or processed by the Planning Board due to space limitations and the volume of applications. Please be sure to schedule a Pre-Submission Meeting with a member of the Planning Staff prior to making a submission.

TOWN OF SOUTHOLD PLANNING DEPARTMENT

Re-subdivision (Lot Line Modifications) Map Requirements

Re-Subdivision Plan

1. **Scale:** 1"=100' or any scale that legibly displays the details of the application
2. **Key** explaining information and symbols
3. Existing and proposed lot lines. **Existing lot lines shall be shown with dashed lines** and proposed lot lines shall be shown with solid lot lines.
4. Table showing the existing and proposed lot areas, and buildable lands if applicable.
5. Existing and proposed improvements, including the location of driveways, roads, utilities, water supply and sanitary systems.
6. Name of project.
7. Name of all property owners.
8. Name, address and telephone number of New York State licensed surveyor or engineer preparing the plan.
9. North arrow.
10. Tax map section, block and lot numbers.
11. All utilities, available and/or proposed.
12. Zoning District, including exact boundary lines of district if located in more than one district and acreage within each district.
13. Existing Easements, Covenants and/or Restrictions, including liber and page number (s).
14. Distance to the nearest existing, or platted streets, street intersections, or other public ways within or immediately adjacent to the lots.
15. Location of wetlands, recharge areas, flood-prone areas (as shown on the FEMA Flood Maps) and/or the Coastal Erosion Hazard Area Line.
16. Please note: in certain situations, the Planning Board may require more information, including a full Existing Resources Site Analysis Plan, to be able to make a determination on the application.



SOUTHOLD PLANNING DEPARTMENT

Re-subdivision (Lot Line Modification) Application Form

APPLICATION IS HEREBY MADE to the Town of Southold Planning Board for the proposed **RE-SUBDIVISION** described herein:

1. Original Subdivision Name _____

2. Suffolk County Tax Map # (include all tax map parcels involved)

3. Hamlet _____

4. Street Location _____

5. Acreage of Site _____

6. Zoning District _____

7. Date of Submission _____

8. Please provide the names, addresses and phone numbers for the following people:

Applicant:

8. (continued) Please provide the names, addresses and phone numbers for the following people:

Agent: _____

Property Owner(s): _____

Surveyor: _____

Engineer: _____

Attorney: _____

9. Briefly describe the proposed lot line change and state reason(s) for requesting same.

10. DOES THE PROPOSED MODIFICATION

- (a) Affect the street layout in the original subdivision? _____
- (b) Affect any area reserved for public use? _____
- (c) Diminish the size of any lot? _____
- (d) Create an additional building lot? _____
- (e) Create a nonconforming lot? _____
- (f) Require a variance from the Zoning Board of Appeals? _____
- (g) Impact the future planning of the subject properties? _____

11. Does the parcel(s) meet the Lot Recognition standard in Town Code §280-9 Lot Recognition? Yes____. No____. If “yes”, explain how:

12. Does this application meet the standard in § 240-57. Waiver, adjustment of property lines to waive the subdivision process? If so, please provide the name and date of the original subdivision. _____

13. Application completed by owner agent other

Upon submitting a completed application, the Planning Board will review the proposal and determine if the project is eligible for a waiver of subdivision review pursuant to Town Code § 240-57. Waiver, adjustment of property lines. If the application meets the criteria for a waiver, the modification may be authorized by the Planning Board by resolution and no further review will be required.

If the proposed lot line modification will create substandard lot sizes, lot widths or make existing structures nonconforming with respect to setbacks, the applicant will not be able to receive Planning Board approval without first obtaining relief from the Zoning Board of Appeals.

Signature of Preparer _____ **Date** _____

Southold Planning Department

Applicant Transactional Disclosure Form

The Town of Southold's Code of Ethics prohibits conflicts of interest on the part of town officers and employees. The purpose of this form is to provide information which can alert the town of possible conflicts of interest and allow it to take whatever action is necessary to avoid same.

Your Name: _____

Last, First, middle initial
unless you are applying in the name of someone else or other entity, such as a company. If so, indicate the other person's or company's name.

Nature of Application: (Check all that apply)

Subdivision or Re-subdivision _____ Site Plan _____
Other (Please name other activity) _____

Do you personally (or through your company, spouse, sibling, parent or child) have a relationship with any officer or employee of the Town of Southold? "Relationship includes by blood, marriage or business interest. "Business interest" means a business, including a partnership, in which the town officer or employee has even a partial ownership of (or employment by) a corporation in which the town officer or employee owns more than 5% of the shares.

Yes ___ No ___

If you answered "Yes" complete the balance of this form and date and sign where indicated.

Name of the person employed by the Town of Southold _____
Title or position of that person _____

Describe the relationship between yourself (the applicant) and the town officer or employee. Either check the appropriate line A through D and/or describe in the space provided.

The town officer or employee or his or her spouse, sibling, parent or child is (check all that apply):

- _____ A. the owner of greater than 5% of the shares of the corporate stock of the applicant (when the applicant is a corporation);
- _____ B. the legal or beneficial owner of any interest in a noncorporate entity (when the applicant is not a corporation);
- _____ C. an officer, director, partner or employee of the applicant; or
- _____ D. the actual applicant

Description of Relationship:

Submitted this ___ day of ___ 20

Signature _____

Print Name _____

SOUTHOLD PLANNING DEPARTMENT

Sample Agent Authorization Letters for Planning Applications:

1. I, John Smith, owner of the property identified as SCTM# 1000-100-10-10 in Mattituck, NY, hereby authorize Southold Consultants Inc. to act as my agent and handle all necessary work involved in the subdivision/site plan process with the Southold Planning Board.

Signature: _____

Sworn before me this ____ day of _____ 20__, _____

[Notary Stamp]

2. We, John and Jane Smith, owner of the property identified as SCTM# 1000-100-10-10 in Mattituck, NY, hereby authorize Southold Consultants Inc. to apply for a subdivision on our property and hire any agents necessary to complete the work involved in the subdivision/site plan process with the Southold Planning Board.

Signature: _____

Sworn before me this ____ day of _____ 20__, _____

[Notary Stamp]

3. I, John Smith, President of Southold Consultants Inc., hereby authorize Jim Jones, Esq. to act as my agent on the property of SCTM#1000-100-10-10 in Mattituck, NY and handle all necessary work involved in the subdivision/site plan process with the Southold Planning Board.

Signature: _____

Sworn before me this 30th day of August 2004, _____

[Notary Stamp]

LWRP CONSISTENCY ASSESSMENT FORM

A. INSTRUCTIONS

1. All applicants for permits* including Town of Southold agencies, shall complete this CCAF for proposed actions that are subject to the Town of Southold Waterfront Consistency Review Law. This assessment is intended to supplement other information used by a Town of Southold agency in making a determination of consistency. **Except minor exempt actions including Building Permits and other ministerial permits not located within the Coastal Erosion Hazard Area.*
2. Before answering the questions in Section C, the preparer of this form should review the exempt minor action list, policies and explanations of each policy contained in the Town of Southold Local Waterfront Revitalization Program. A proposed action will be evaluated as to its significant beneficial and adverse effects upon the coastal area (which includes all of Southold Town).
3. If any question in Section C on this form is answered "yes" or "no", then the proposed action will affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. **Thus, each answer must be explained in detail, listing both supporting and non-supporting facts.** If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

A copy of the LWRP is available in the following places: online at the Town of Southold's website (southoldtown.northfork.net), the Board of Trustees Office, the Planning Department, all local libraries and the Town Clerk's office.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

SCTM# _____ - _____ - _____

PROJECT NAME _____

The Application has been submitted to (check appropriate response):

Town Board **Planning Board** **Building Dept.** **Board of Trustees**

1. **Category of Town of Southold agency action** (check appropriate response):

- (a) Action undertaken directly by Town agency (e.g. capital construction, planning activity, agency regulation, land transaction)
- (b) Financial assistance (e.g. grant, loan, subsidy)
- (c) Permit, approval, license, certification:

Nature and extent of action:

Location of action: _____

Site acreage: _____

Present land use: _____

Present zoning classification: _____

2. If an application for the proposed action has been filed with the Town of Southold agency, the following information shall be provided:

(a) Name of applicant: _____

(b) Mailing address: _____

(c) Telephone number: Area Code () _____

(d) Application number, if any: _____

Will the action be directly undertaken, require funding, or approval by a state or federal agency?

Yes No If yes, which state or federal agency? _____

C. Evaluate the project to the following policies by analyzing how the project will further support or not support the policies. Provide all proposed Best Management Practices that will further each policy. Incomplete answers will require that the form be returned for completion.

DEVELOPED COAST POLICY

Policy 1. Foster a pattern of development in the Town of Southold that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development. See LWRP Section III – Policies; Page 2 for evaluation criteria.

Yes No Not Applicable

Attach additional sheets if necessary

Policy 2. Protect and preserve historic and archaeological resources of the Town of Southold. See LWRP Section III – Policies Pages 3 through 6 for evaluation criteria

Yes No Not Applicable

Attach additional sheets if necessary

Policy 3. Enhance visual quality and protect scenic resources throughout the Town of Southold. See LWRP Section III – Policies Pages 6 through 7 for evaluation criteria

Yes No Not Applicable

Attach additional sheets if necessary

NATURAL COAST POLICIES

Policy 4. Minimize loss of life, structures, and natural resources from flooding and erosion. See LWRP Section III – Policies Pages 8 through 16 for evaluation criteria

Yes No Not Applicable

Attach additional sheets if necessary

Policy 5. Protect and improve water quality and supply in the Town of Southold. See LWRP Section III – Policies Pages 16 through 21 for evaluation criteria

Yes No Not Applicable

Attach additional sheets if necessary

Policy 6. Protect and restore the quality and function of the Town of Southold ecosystems including Significant Coastal Fish and Wildlife Habitats and wetlands. See LWRP Section III – Policies; Pages 22 through 32 for evaluation criteria.

Yes No Not Applicable

Attach additional sheets if necessary

Policy 7. Protect and improve air quality in the Town of Southold. See LWRP Section III – Policies Pages 32 through 34 for evaluation criteria.

Yes No Not Applicable

Attach additional sheets if necessary

Policy 8. Minimize environmental degradation in Town of Southold from solid waste and hazardous substances and wastes. See LWRP Section III – Policies; Pages 34 through 38 for evaluation criteria.

Yes No Not Applicable

PUBLIC COAST POLICIES

Policy 9. Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Town of Southold. See LWRP Section III – Policies; Pages 38 through 46 for evaluation criteria.

Yes No Not Applicable

Attach additional sheets if necessary

WORKING COAST POLICIES

Policy 10. Protect Southold's water-dependent uses and promote siting of new water-dependent uses in suitable locations. See LWRP Section III – Policies; Pages 47 through 56 for evaluation criteria.

Yes No Not Applicable

Attach additional sheets if necessary

Policy 11. Promote sustainable use of living marine resources in Long Island Sound, the Peconic Estuary and Town waters. See LWRP Section III – Policies; Pages 57 through 62 for evaluation criteria.

Yes No Not Applicable

Attach additional sheets if necessary

Policy 12. Protect agricultural lands in the Town of Southold. See LWRP Section III – Policies; Pages 62 through 65 for evaluation criteria.

Yes No Not Applicable

Attach additional sheets if necessary

Policy 13. Promote appropriate use and development of energy and mineral resources. See LWRP Section III – Policies; Pages 65 through 68 for evaluation criteria.

Yes No Not Applicable

PREPARED BY _____ **TITLE** _____ **DATE** _____

THIS IS TO CERTIFY THAT THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE SOUTHOLD PLANNING BOARD ON FEBRUARY 14, 2011:

WHEREAS, the Southold Planning Board has found that applications for lot line modifications (re-subdivisions) often involve very minor adjustments of lot lines, or adjustments that result in no new development potential; and

WHEREAS, the Southold Planning Board, pursuant to §240-56 of the Town Code, has the authority to waive certain requirements in the subdivision review process; and

WHEREAS, the Southold Planning Board, by way of this policy, intends to simplify and shorten the application process for certain lot line modification (aka re-subdivision) requests by reducing the number of agency approvals necessary prior to Planning Board approval;

NOW, THEREFORE, BE IT

RESOLVED that the Planning Board of the Town of Southold hereby adopts the “Lot Line Modification/Re-subdivision Application Process Policy” as follows:

Lot Line Modification/Re-subdivision Application Process Policy

The following applications for lot line modifications (re-subdivisions) are eligible for a decision from the Southold Planning Board prior to receiving approval by the Suffolk County Department of Health Services (SCDHS):

1. The transfer of land from an oversized parcel (larger than the minimum zoning requires) where the oversized parcel remains above the minimum lot size required, and where no new development potential will be created in the parcel to which the land is transferred.
2. The transfer of land between two or more parcels, all of which are currently developed and can produce legal certificates of occupancy, which results in no new development potential.
3. The transfer of land between two or more parcels, vacant or developed, where the SCDHS has previously approved the subdivision map, and where the two lots will remain at or above the minimum lot size required by zoning.
4. Other situations where the Planning Board finds the amount of land being transferred is negligible will result in no additional residential units being developed, and that there will be no impact to wetlands or other sensitive environmental features.

The Planning Board shall formally waive the requirement for SCDHS approval by resolution prior to their decision resolution. The following language shall also be included in every

Planning Board decision resolution containing the waiver of the requirement for SCDHS approval:

‘The Southold Town Planning Board, in waiving the requirement for SCDHS approval prior to their own approval, is simply waiving a technical requirement of final plat approval under the Town Code and makes no representations as to whether SCDHS approval is required. SCDHS approval of this lot line change may be necessary to be in compliance with the Suffolk County Sanitary Code, and to be eligible for future construction or renovations.’

The following clause will also be inserted at the end of the resolution and the applicant required to sign a copy for our files:

‘I understand that Southold Town Planning Board approval of this lot line modification does not grant, guarantee or waive an approval, if required, from the Suffolk County Department of Health Services. I understand that I will need to apply separately to the SCDHS for any applicable approvals.’

Signature of Applicant