

Section One: Short Title

This Law shall be known as the “Town of Lorraine Lot Line Law”.

Section Two: Purpose

The purpose of this Law is to amend the existing Town of Lorraine Subdivision Regulations to permit changes and alterations of lot lines that do not create any new lots or parcels and to simplify the procedure for accomplishing a Lot Line Change without requiring the applicant to be treated procedurally as a sub divider.

Where this law conflicts or is inconsistent with the Town of Lorraine Subdivision Regulations, this Law shall supersede said regulations.

Section Three: Definitions

Altered Lot Line – The process whereby the owner of one lot or parcel of land conveys a portion of the lot or parcel to the owner of an adjoining lot or parcel of land for the purposes of changing the size or configuration of each existing lot or parcel of land without creating any new or additional lots or parcels of land.

Adjoining Lot or Parcel – Is a lot or parcel having a common boundary with another lot or parcel, and that common boundary is not separated by any space or by any State, County or Town road or street.

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” as defined in these regulations.

Section Four: Authority

The Planning Board of the Town of Lorraine is hereby authorized to approve or disapprove the altering of and changing of Lot Lines with or without conditions as the Planning Board may impose and in accordance with the provisions hereof, pursuant to the authority of the Town Board as contained in Town Law Section 276.

Section Five: The Procedure for Altering a Lot Line

A. The applicant shall consist of the record owners of each of the lots or parcels affected by the proposed altered lot line and they shall complete an Application for Altered Lot Line on a form to be designed and approved by the Planning Board and signed by the owners of each said lots or parcels.

B. A map and survey of the portion of land to be conveyed by a grantor to the adjoining lot or parcel owner shall be prepared and submitted to the Planning Board; and

C. A map or survey of the adjoining property shall also be prepared, if required under Paragraph H. below, said map or survey shall show both the adjoining property lot or parcel and the parcel or lot to be acquired as a single parcel of land.

D. All maps, plats or surveys required under this Lot Line Alteration Law shall meet the requirements of the Town of Lorraine Subdivision Law, Appendix A, and the Jefferson County Clerk's Office.

E. If either lot or parcel is part of a previously approved subdivision then a new subdivision plat depicting the altered lot or lots shall be prepared and presented to the Chairman of the Planning Board for signing upon the approval of the altered lot line.

F. The grantor of lands shall submit a proposed Deed conveying the portion of land to the adjoining lot or parcel owner. Said Deed must contain a clause stating that:

“This parcel of lands is conveyed pursuant to a Lot Line Alteration approved by the Planning Board of the Town of Lorraine, on (date) and does not create any new or additional building lots or parcels.”

G. The owner of the adjoining lot or parcel shall submit a proposed Deed describing, as a single parcel, the existing adjoining lot or parcel along with the property to be conveyed, conveying said increased lot or parcel as a single unified lot or parcel, to himself or herself, or such entity as the owner desires. Said Deed shall contain a cause as follows:

“This Deed of Conveyance is for the sole purpose of unifying into a single lot or parcel lands recently conveyed to the grantor as a result of the alteration of a lot line approved by the Planning Board of the Town of Lorraine on (date).”

H. In the event of a land trade between the two lots then each party shall comply with Paragraphs B., C., F., and G. as if each party was the sole grantor of lands.

I. Upon receipt of the Application and maps and surveys, the Planning Board shall schedule the matter to be heard and reviewed at the next regular meeting of the Planning Board, or by an advertized special meeting, which shall be attended by the applicant or the applicant's representative.

J. The Planning Board at the meeting shall review the documents submitted and, in the Planning Board's discretion, approve or disapprove the proposed “altered lot line”. Upon approval, the applicants shall prepare the proposed Deeds of Conveyance as required by this Law for examination and review by an attorney admitted to the NYS Bar Association. Upon review and approval by the attorney that the Deeds are in conformity with the provisions of this Law, the Planning Board Chairman, or acting Chairman, shall mark the adjoining land owner's survey map “accepted for filing by the Lorraine Planning Board” and it shall be properly signed and dated by the duly designated officer of the Planning Board. The Planning Board has the discretion to submit the documents to the Town's Attorney if there is any ambiguity.

In the event that the approved survey map and Deed are not filed in the Office of the Jefferson County Clerk within 62 days of the date upon which they were approved, the altered lot line approval shall become null and void as if it has never been approved. Upon request of either applicant, the Planning Board may extend this time period provided the request for extension has been received in writing within such 62 day period.

Section Six: Disapproval Required and Waivers

A. No application for altered lot lines will be approved if the end result will create or perpetuate a landlocked parcel of land.

B. Unless the Planning Board for a shown hardship shall grant a waiver no lot line shall be altered if any lot or parcel that is decreased in size would, as a result of the decrease, fail to conform to the requirements of Section 515 Lot Arrangement, of the Town of Lorraine Subdivision Law.

Section Seven: Fees

Fees for Lot Line Alteration reviews shall be as established by Town Board resolution. Such fees may include all administrative expenses, all actual expenses and liabilities incurred by the town or any of its officers or agencies in processing and reviewing applications hereunder and insuring compliance with this law and all other applicable laws or regulations, including but not limited to engineering fees and disbursements, legal fees and disbursements, publication expenses, administrative expenses and any other actual expenditure incurred or accrued by the town.

Section Eight: Effective Date.

This Law shall become effective upon its filing with the Secretary of the State of New York.