

PROPOSED LOCAL LAW NO. __ OF 2011

TOWN OF PLEASANT VALLEY

RE: A LOCAL LAW AMENDING CHAPTER 82 OF THE CODE OF THE TOWN OF PLEASANT VALLEY ENTITLED “SUBDIVISION OF LAND”

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF PLEASANT VALLEY AS FOLLOWS:

Section 1.

Chapter 82 of the Town of Pleasant Valley Code, entitled “Subdivision of Land” is hereby amended as follows:

Section 2.

§ 82-5. Inconsistencies with ~~town law~~ Town Law.

(A) Where this Chapter imposes ~~great~~ greater restrictions ~~that~~ than required by any other law, ordinance, or regulation, the provisions of this Chapter shall govern. Where the provisions of any other law, ordinance, or regulation imposes greater restrictions than are required by this Chapter, the provision of such law, ordinance or regulation shall govern.

Section 3.

§82-8. Terms Defined

AVERAGE DENSITY – Average density is a more flexible method of residential development that allows for a range of lot sizes. The Recommended Lot Size for the zoning applicable to ~~for~~ the district is used to calculate the allowed number of lots for a project, but the lot sizes can vary.

NET DENSITY – The base number of allowable residential units on a site after the unconstrained land [see §82-22A(1)] has been determined and then divided by the allowable number of units per acre ~~within~~ as determined by the Recommended Lot Size for the zoning district.

RECOMMENDED LOT SIZE – The minimum lot acreage that is used to calculate the Average Density for a zoning district. A lot within a subdivision may be smaller than the Recommended Lot Size for the zoning district only if the reduced acreage of the smaller lot is offset by increased acreage of another lot or lots within the subdivision such that the combined acreage divided by the number of lots equals or exceeds the Recommended Lot Size. Such larger lots shall be permanently restricted by deed and subdivision plat from further subdivision.

SHARED DRIVEWAY – This A privately owned and maintained driveway which branches out to serve up to four residences and does not need a turnaround area at the end of the driveway. ~~Driveway access is typically controlled by sight line, grades, and environmental factors, such as wetlands and stream crossings. A maintenance agreement is drawn up by property owners for a shared driveway.~~ **See §82-22(E), Design Standards.**

LOT LINE ADJUSTMENT – The modification of the boundary line between two adjoining parcels of land, transferring a piece of property from one parcel to the abutting parcel. A Lot Line Adjustment cannot create an additional lot, nor shall a line change make an existing lot nonconforming, or more nonconforming.

Section 4.

§ 82-11. Preliminary Plat Approval.

G. Approval of the Preliminary Plat.

(6) Approval of a preliminary plat shall expire six (6) months from the date of approval unless the subdivider submits the plat in final form. Two (2) extensions for a period of six (6) months each may be granted by the Planning Board upon application. Such applications for extensions may be granted unless changed conditions or new information indicate the unsuitability of the development as shown on the preliminary plat. **Extension requests shall be submitted to the Planning Board no later than two (2) weeks prior to the expiration date provided however, that the Planning Board may, in its sole discretion, elect to consider extension requests submitted after such deadline but prior to expiration.**

Section 5.

§82-22. Lots.

A. Number of Lots.

(2) To determine the “base” number of allowable residential units on the site, divide the unconstrained land by the allowable number of units per acre ~~within~~ **based on the Recommended Lot Size for** the zoning district. Round down fractional units of 0.5 or less. The resulting number is the maximum allowable residential units ~~allowed~~ on the site.

B. Lot Arrangement **and Size Determination.**

(1) Average Density. ~~There shall be no minimum lot size in a subdivision, provided that~~ **The final number of lots permitted within a subdivision shall be determined by the Planning Board pursuant to the provisions of §82-22A. Although there is no minimum lot size established pursuant to the Code,** the Dutchess County Department of Health shall assure that where on-site wells and on-site sewage treatment and disposal systems are planned, adequate minimum lot sizes are provided to assure the health and safety of the residents of the subdivision and the subdivision meets

the policies outlined in §82-4 above. **The minimum lot size allowable for any subdivision below the Recommended Lot Size shall be at the discretion of the Planning Board after consideration of factors outlined in the Resource Analysis required by Section 82-26 of this Chapter and SEORA review.**

E. Design Standards.

(1) Shared driveways are encouraged where appropriate to maintain rural character and provide an economical and attractive method of serving up to four homes. **Driveway access is typically controlled by sight-line, grades, and environmental factors, such as wetlands and stream crossings. All shared driveways shall be subject to a maintenance agreement between the owners of each and every lot, subject to approval of the Planning Board Attorney.**

Section 6.

82.25 General Requirements.

I. The following general requirements are applicable to both all maps submitted under resource analysis and conceptual discussion, sketch plan and the preliminary layout submittal.

A. Layouts and plats shall be clearly and legibly drawn at a convenient scale of not more than 100 feet to the inch.

B. Drawings shall be submitted on uniform-size sheets not larger than 36 inches by 48 inches. When more than one sheet is required to show the plat, an index map of the same size shall be submitted.

C. All submissions shall indicate the proposed subdivision name or identifying title; the words "Town of Pleasant Valley, Dutchess County, New York"; the name and address and seal of the licensed engineer or land surveyor responsible for the plat; and the date, approximate true North point and graphic scale.

D. For the purpose of maintaining accurate and current data for its records and for professional review by its consultants, and to evaluate such data in the context of a geographic information system, the Planning Board may, in its discretion, require that plans, maps and other data required for subdivisions under this chapter, and all updates and revisions to such plans, maps and data, be submitted in an electronic format in addition to the otherwise required paper submissions.

(1) The Planning Board may waive the electronic format submission requirement.

(2) A request for waiver of this requirement, if electronic format is requested by the Planning Board, may be submitted to the Planning Board upon competent evidence that the requirement will cause the applicant substantial economic hardship.

(3) The Planning Board may from time to time specify the specific format and type of electronic submission it requires for each type of application.

II. Lot Line Adjustment.

A. Waiver for Lot Line Adjustments.

An applicant may request that the full subdivision review process be waived and the application be treated as one for lot line adjustment, when the proposed subdivision satisfies all of the applicable criteria below:

- 1. Would not create an additional lot;**
- 2. Is a minor modification of an existing lot line;**
- 3. Would not create a nonconforming parcel or cause any other parcel to become nonconforming;**
- 4. Would comply with all applicable zoning requirements and applicable New York State Department of Health regulations pertaining to well and septic system distances from parcel boundaries;**
- 5. would not change the location of any well, septic, driveway, residence or any other structure.**

B. Waiver application procedure. To request such a waiver, the applicant shall submit:

- 1. A waiver application and a plat or map of the parcels affected by the proposed adjustment, showing all existing buildings, the location of existing utility or other easements or rights-of-way, wells and septic systems. The map shall show the existing lot lines, the location of all proposed new lot line(s) and the existing and new setback distances to any existing buildings. The map shall have the title "LOT LINE ADJUSTMENT between properties of (name) and (name)", and shall clearly indicate that the change will not result in a change in the number of lots.**
- 2. Upon submission of a complete application, the Planning Board shall, within 60 days, review the application and either approve or deny the application for waiver. Denial of the application for waiver will require the applicant to pursue the full subdivision procedure.**
- 3. Approval of the waiver application may be granted if the Planning Board determines that the proposed lot line adjustment satisfies the requirements of this Section 82.25(II) and is not likely to (a) adversely affect neighboring properties or the overall plan of the site, (b) cause any adverse environmental effects, (c) alter neighborhood character or (d) adversely affect any other considerations of health, safety and welfare. No public hearing shall be required.**

If the waiver is granted, the lot line adjustment shall be subject to review and approval by the Planning Board however, a resource analysis shall not be required and the Planning Board may waive the public hearing provisions of §§98-11 and §98-12 if it deems appropriate. Upon approval of an application for a lot line adjustment by the Planning Board, the applicant shall submit an amended map with the Town of Pleasant Valley and the Dutchess County Clerk within 60 days of the approval date.

Section 7. Separability.

A. Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed invalid, all other provisions hereof shall remain valid and enforceable.

B. To the extent that the amendments contained within this Local Law are inconsistent with Town Law §§ 274-a, 274-b, 276, 277, 278, or any other provision of Article 16 of the Town Law, the provisions of this Chapter are expressly intended to and do hereby supersede any such inconsistent provisions under the authority of § 10 of the Municipal Home Rule Law.

Section 8. Effective Date.

This Local Law shall take effect upon its being duly filed in the office of the Secretary of State of the State of New York.

Underline denotes addition

~~Strikeout~~ denotes deletion