

LOT LINE LAW OF THE TOWN OF WINDHAM

Section One: Short Title

This Law shall be known as the "Lot Line Law of the Town of Windham".

Section Two: Purpose

The purpose of this local law is to amend the existing Town of Windham Subdivision Regulations such that lot line alterations are considered separately from subdivisions of land.

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

Section Three: Definitions

Altered Lot Line - the process whereby the owner of one parcel of land conveys a portion of land to an adjacent landowner merely for purposes of increasing the size of the neighbor's land without creating a new lot.

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".

Section Four: Procedure for Creating an Altered Lot Line

- A. A map and survey of the portion of land to be conveyed by a grantor to his/her adjacent landowner shall be prepared.
- B. A map or survey of the adjacent landowner's property shall also be prepared, if required pursuant to the provisions of paragraph "G" below; said map or survey shall show both the adjacent landowner's parcel and the parcel to be acquired as a single parcel of land.
- C. The grantor shall convey the parcel of land in issue by way of a proper deed and shall record the same.

SCHEDULE "A"

D. The adjacent landowner shall prepare and record a deed which describes as a single parcel, his/her existing property and the parcel being acquired from the grantor. In the event, however, a survey of the adjacent landowner's property is not used, then the adjoining landowner shall prepare and record one deed which describes both his/her existing parcel and the parcel being acquired from the grantor as two separate parcels. In such case, however, the deed shall contain a clause stating that the purpose of acquiring the additional parcel is merely to increase the size of the existing parcel and that no new building lot is created by the conveyance.

E. Prior to approving an "altered lot line" the Windham Planning Board and its Town Attorney shall review:

- (1) the map and survey of the land to be conveyed by the grantor;
- (2) the map or survey showing both the adjacent landowner's property and the land to be conveyed by grantor as a single parcel of land.
- (3) the deed conveying the parcel in issue to the adjacent landowner;
- (4) the deed of the adjacent landowner which describes his existing property and the parcel being acquired from the grantor, either as a single parcel or as two separate parcels in accordance with the provision of Section Four, Item D above.

Upon approving an "altered lot line" the Windham Planning Board Chairman, or acting Chairman as the case may be, shall mark the adjacent landowner's survey map "accepted for filing by the Windham Planning Board" and it shall be properly signed and dated by the duly designated officer of the Planning Board. In the event the approved survey map and the respective deeds are not filed in the office the Greene County Clerk within thirty days of the date upon which they are approved, the altered lot line shall become null and void as though they have never been approved. The thirty (30) day time period, however, may be extended upon request of the grantor or the adjacent landowner and upon approval of the Planning Board.

F. Unless a waiver is granted pursuant to Section 6 of Article I of the Town of Windham Subdivision Regulations, an "altered lot line" shall not be approved where such conveyance would cause a parcel to fail to meet the requirements of Section 4 of Article IV of the Town of Windham Subdivision Regulations.

G. The Windham Planning Board may require a survey map of the adjacent landowner's property upon a showing of just cause.

Section Five: Effective Date

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