

TOWN OF ATTICA, NY

LAND SEPARATION APPLICATION

Application # _____

Tax Map # _____

(Article 16 of the Town of Attica Zoning Law)

To the Planning Board, Town of Attica: Pursuant to the provision of the zoning law of said town, application is hereby made for a permit. **NO SEPARATION WILL BE COMPLETED BEFORE REVIEW OF PLANNING BOARD & FINAL APPROVAL OF TOWN BOARD.**

Land Owner Name & Address: _____

Contact Numbers: _____

Address/Location of Parcel Applying for Separation: _____

Acreage Original Parcel: _____ Number of Parcels Being Created by Split: _____

Circle one: Vacant Single Family Farm

Parcel #1 (current owner keeping) Parcel #2 (proposed new owner)

Acreage _____ Acreage _____

List All Buildings and Sizes:

Check if Attaching Additional Sheets for More than 2 Parcels.

Reason for Separation: _____

Attach 8 copies of original survey/sketch plan with dimensions of proposed new lot lines and submit to Town Clerk. Be sure to include the entire parcel being divided, proposed lot lines and any existing easements, deed restrictions or covenants affecting the property.

Signature: _____

Date: _____

<p>Town Clerk Received/Reviewed: _____ Date: _____</p> <p>Fee Paid: _____ (\$50 First Parcel; \$30 Each Additional Parcel)</p>

Planning Board Approval/Denial: _____

Date: _____

Town Board Approval/Denial: _____

Date: _____

*ZBA Approval/Denial: _____

Date: _____

*(If Applicable)

540 DIMENSIONAL SPECIFICATIONS (A-R District)

All structures shall comply with the specifications for minimum lot size, minimum lot line setbacks, maximum building height, maximum lot coverage, and minimum floor area set forth in Schedule II contained herein.

Substandard lots which are held in single and separate ownership when this zoning law becomes effective are entitled to an exception as of right to the minimum lot size and road frontage requirements only, without having to apply to the Zoning Board of Appeals for a variance. This exception does not entitle a landowner to a variance with respect to other nonconformities with zoning regulations.

ARTICLE 16: REGULATING LAND SEPERATIONS

1600 PURPOSE

It is declared to be the policy of the Town of Attica to consider land separations as part of a plan for the orderly, efficient, and economical development of the Town. This means, among other things, that lots created by land separations shall be of such character that they can be used safely for building purposes without danger to health, or peril from fire, flood, or other menace; that proper provision shall be made for drainage, water supply, wastewater treatment, and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties.

1610 PROCEDURE

Whenever any land separation is proposed, before any formal offer to sell any lots in such land separation, or any other part thereof, is made, and before any contract for sale is executed by the property owner, the property owner shall submit a sketch plan and obtain written approval of such sketch plan in accordance with the procedures set forth in this Article. Before any land is transferred or any permit for the erection of a structure is issued for such land, final authorization of said land separation shall be obtained as set forth in this Article.

A. Submission of Sketch Plan

A property owner shall, prior to undertaking land separation, submit to the Clerk of the Planning Board at least seven days prior to any regular meeting of the Board, a completed application for and eight copies of a Sketch Plan of the proposed land separation. The Sketch Plan shall show: (1) The entire parcel being divided, proposed lot lines, and (2) Any existing easements, deed restrictions or covenants affecting the property. At that time, the property owner shall also pay the Land Separation fee established by separate resolution of the Town Board.

B. Discussion of Requirements and Classification

The property owner shall attend the meeting of the Planning Board to discuss his/her proposal as set forth in the Sketch Plan.

Classification of the Sketch Plan will be made at this time by the Planning Board as to whether the proposal qualifies as a land separation, or must be

processed as a subdivision. When it deems necessary for protection of the public health, safety and welfare, the Planning Board may require a land separation to be processed as a subdivision in compliance with the Subdivision Regulations (Article 17).

C. Planning Board Preliminary Decision

The Planning Board shall review the Sketch Plan to determine whether it meets the purpose of these regulations as set forth in §1600. Prior to rendering its preliminary decision, the Planning Board shall first complete the SEQR (State Environmental Quality Review) process. The Planning Board shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant into the proposal prior to submitting it for final authorization. When deemed necessary by the Planning Board, the applicant may be required to resubmit his/her revised proposal for review by the entire Planning Board prior to submitting it for final authorization. Once the Planning Board makes its preliminary decision/recommendation, the approval will be submitted to the Town Board for final authorization.

D. Final Authorization

Within 180 days of Planning Board approval, the property owner shall provide the Town Board Chairperson, or his/her designee, three prints of a property survey prepared by a NYS Licensed Land Surveyor for final authorization. This survey shall meet all the recommendations made by the Planning Board and/or Town Board relative to the sketch plan. Upon determination that the survey complies with the Planning and Town Board's recommendation, the Chairperson, or other duly designated Officer of the Town Board, will sign the application and provide the property owner with a copy of such application. Failure of the property owner to submit the required survey documentation to the Town Board Chairperson, or his/her designee, within the 180 day time period will render the Planning Board approval null and void.

E. Filing or Survey(s) with Wyoming County Clerk

Within sixty (60) days of obtaining final authorization from the Town Board Chairperson, or his/her designee, the property owner shall file the survey(s) at the Wyoming County Clerk's Office. Failure of the property owner to file such documentation with the Wyoming County Clerk within the specified time period will render both the Planning Board and Town Board's approval and final authorization null and void.

1620 WAIVERS OR MODIFICATIONS

Where the Town Board finds that special circumstances exist in a proposed Land Separation, it may waive or modify specific requirements of this zoning law, subject

to appropriate conditions, provided that such waiver or modification shall not have the effect of nullifying the intent and purpose of the Town of Attica Zoning Law, Comprehensive Plan, or any existing master plan and official map.

In granting said waivers or modifications, the Town Board may require such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements so waived or modified.

1630 FEES

The Town of Attica has a Fee Schedule on file at the Town Clerk's Office. Copies of this Schedule are available and any fees due the Town must be paid in full before approvals are considered.

1640 VIOLATION AND PENALTY

- A. Any violation shall be deemed an offense punishable by a fine and/or imprisonment as set forth in Section 268 of NYS Town Law. Each and every week such violation continues shall be deemed a separate and distinct violation.
- B. It shall be further unlawful for any person to fail to comply with a written order of the Zoning Officer within the time fixed for compliance therewith.
- C. Appearance Ticket - The Zoning Officer may issue an appearance ticket to any person who fails to respond to a notice of violation and written order to correct the violation.
- D. The Zoning Officer may, with permission of the Town Board, engage the Town Attorney or any other attorney approved by the Town Board to initiate legal action to enforce provisions of this Law.
- E. In addition to the foregoing remedies, the Town of Attica and/or its appropriate officials and authorities may maintain an action for injunction to restrain, correct or abate any violation of this Law and/or maintain an action at law for damages sustained as a result of any violation of this Law and/or seek any other remedy permitted by law including Town Law Section 268. Damages shall include, but not be limited to, the legal fees and court costs expended or incurred by the Town as a result of any legal proceedings brought hereunder.

SCHEDULE II - AREA & ZONING REQUIREMENTS
TOWN OF ATTICA, WYOMING COUNTY, NEW YORK

ZONE / DISTRICT	Permitted Uses	Minimum Lot Size SF/Acre	Minimum Lot Width /Road Frontage Feet	Minimum Lot Depth Feet	Minimum Setback Requirements										Minimum Building Height Principal Bldg. Feet	Maximum Building Coverage on Lot Percentage	
					Principal Bldg. Side				Accessory Bldg.								
					Front	Rear	One	Both	Rear	Side	Front	Rear	One	Both			
Agricultural/ Residential	<i>Farms-Home</i>	10 Acres	400	600	100	75	50	100	50	200	200	50	50	20	25	50	10
	<i>Farms - All Other Structures</i>	----	----	----	200	200	200	400	-	-	-	-	-	-	-	50	-
	<i>Single Family - Non-Farm Dwelling</i>	2 Acres	200	175	100	50	20	40	20	20	20	20	20	20	35	20	20
	<i>Swimming Pools</i> – must be in side or rear lot, see §1.280, treated like an accessory building. <i>Private Air Strips</i>	10 Acres	400	600	100	75	50	100	50	200	200	50	50	25	25	25	10
Business (RESERVED)		5 Acres	200														
Industrial (RESERVED)		10 Acres	200														

The minimum setbacks shall be measured from the centerline of the road.
NOTE: Substandard lots which are held in single and separate ownership when this zoning law becomes effective are entitled to an exception as of right to the minimum lot size and road frontage requirements only, without having to apply to the Zoning Board of Appeals for a variance. This exception does not entitle a landowner to a variance with respect to other nonconformities with zoning regulations.