



MEMORANDUM

TO: Members, Hurley Planning Board

FROM: Bonnie Franson, AICP CEP, PP

RE: **Graff/Osterhoudt Lot Line Adjustment**
(SBL – 38.1/1/49 and 38.1/1/52.1)

DATE: July 27, 2023

CC: Maggie Colan, Planning Board Secretary

We are in receipt of the following items:

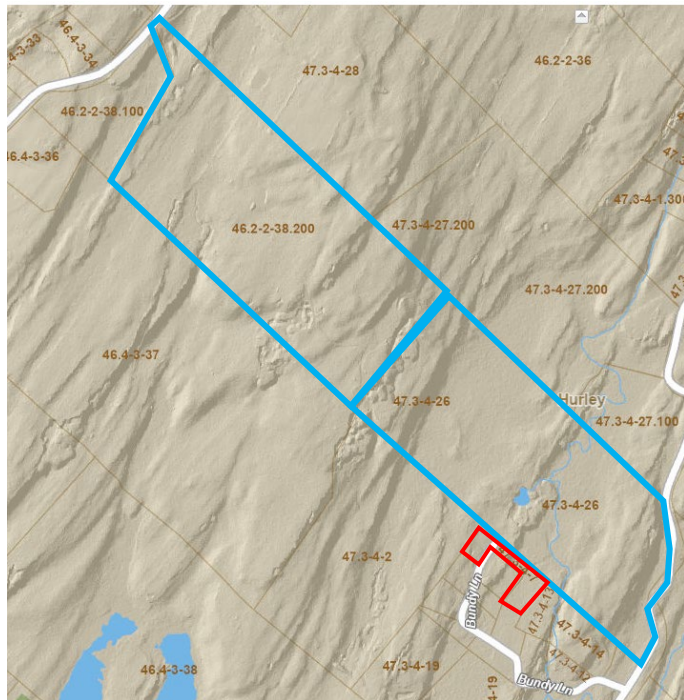
- Application for Re-subdivision of Property, dated 5/15/23;
- Map of Resubdivision of Lands of the Gary W. Graff Trust and Lands of Dean and Kristian Osterhoudt, prepared by Brinnier & Larios, dated June 28, 2023;
- Short EAF, Part 1, dated May 15, 2023.

Summary

The application involves lot line adjustments involving three properties:

- 46.2-2-38.200, 275 Spillway Road (Graff)
- 47.3-4-26, Spillway Road (Graff) – note that although the tax records indicate it is on Spillway Road, the parcel fronts to Stone Road
- 47.3-4-7, 49 and 53 Bundy Lane (Osterhoudt)

The blue parcels are in the ownership of Graff, and the red parcel is in the ownership of Osterhoudt. Although not shown on the survey, the Osterhoudt property contains manufactured housing units as per Ulster County real property, a single-family dwelling is situated on the Graff Property (Lot 38.2), and the other Graff property (26) may have a 480a forest tax exemption. Note that according to NYSDEC, a piece of land in the 480a forest tax law program may be sold, but the obligation to follow the management plan stays with the property for the remainder of the commitment period. Also, subdivisions of less



than 50 acres will be subject to roll-back taxes if established within the commitment period. This is informational for the Applicants, and not something that the Planning Board has to consider.

General Comments

1. Application. Our copy of the application does not include reference to the Osterhoudt property, or the signatures for Dean and Kristian Osterhoudt, who are parties to the application. The application needs to be amended to include all lots and signatures.
2. Process. After the lot line changes, there will continue to be three lots and no new lot is being created. However, as the proposed transfers of land involve lands larger than the minimum lot area for the A-2.5 zoning district, the application must be processed as a subdivision. A minor subdivision involves no more than two parcels as per the definition in the subdivision regulations. This resubdivision involves three parcels. It would appear that it then must be processed as a major subdivision. The Planning Board attorney should opine. It is unclear if these should/could be processed as two separate applications. If so, they would both be minor subdivisions, and a sketch and final plat is only required. This should be discussed.
2. Present Use of Property. The present uses of the properties are not indicated on the map or application. This should be noted to confirm the bulk requirements applicable to the subject properties.
3. Lot Line Adjustment (LLA). As per the subdivision regulations, where a subdivider proposes an exchange or transfer of land with an adjoining property, the Planning Board may waive the requirements for sketch plan approval and the public hearing on such proposal only if the following conditions are met:
 - (1) The area of the proposed land exchange or transfer does not exceed the minimum required lot area of the zoning district in which the affected lands are located. **This condition is not met. The land exchanges involve more than 2.5 acres of land.**
4. Subdivision. A determination needs to be made whether this can be processed as two minor subdivisions or one major subdivision. This will dictate process and the level of detail required on the map.
5. Deeds. Deeds should be submitted for the properties.

Subdivision Map

1. The Town generally recommends a highway note that indicate that the lands within 25 feet of the centerline of Stone Road and Spillway Road are reserved for public highway purposes.
2. The bulk table should have a “provided” column to assess whether any nonconformities exist or proposed nonconformities are being created. It does not appear any new nonconformities will be created, but it is unclear whether there are existing nonconformities on the Osterhoudt property.
3. As part of the conditions for any approval, revised deeds will need to be provided that describes the new metes and bounds of the transferred land which will be filed along with the applicable filing forms, to be reviewed by the Planning Board Attorney before filing.

4. The applicants should explicitly state whether any development or clearing will be conducted on the lots as part of the resubdivision.
5. It is noted that the Location Map does not show the existing parcel boundaries but those after the resubdivision of land.
6. The stream locations/wetlands should be checked against the NYSDEC Environmental Resource Mapper – the wetland are interconnected by wetland streams which do not appear on the map. Also, the wetland on the Osterhoudt property needs to also include a 100-foot regulated adjacent area.
7. A standard wetland note should be added, indicating that the disturbance to wetlands or within the adjacent area may require federal/state wetland permits.
8. Note that the Sheet is identified as 1 of 2. A Sheet 2 of 2 includes topographic information.
9. The map illustrates a map overlap area on one of the Graff lots. The Planning Board attorney should review and indicate if any issues arise from the overlap, or whether any notes or conditions would be appropriate as part of any decision.

SEQR

1. Type II action. Although the application may not fit the definition of a lot line adjustment under Hurley's zoning regulations, it is still considered a lot line adjustment under the SEQR regulations. A lot line adjustment is a Type II action and is exempt from SEQRA. Thus, the Planning Board does not conduct SEQRA review for this application.

Process

1. The application must be signed by all parties to the application.
2. The Planning Board should determine if this is a lot line adjustment. If it is a subdivision, it should be discussed with the Planning Board attorney whether this can be processed as minor subdivision or a major subdivision.
3. The Planning Board can classify the action as a SEQR Type II action.
4. Ulster County Planning Board GML review is not required for this proposed action.