

Topic:	Zoning; Subdivision Approvals
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	Town of Brookhaven
Year (adopted, written, etc.):	1996-2001
Community Type - applicable to:	Suburban; Rural
Title:	Town of Brookhaven Land Division Ordinance
Document Last Updated in Database:	April 28, 2017

Abstract

This law sets forth the application requirements for persons seeking to divide their land into multiple plots.

Resource

Town of Brookhaven NY Land Division
Code of the Town of Brookhaven NY
Chapter 85: Zoning
Article XXXV Supplementary Provisions
General Code
[http://www.codes.generalcode.com/codebook_frameset.asp?t=tc&p=0012%2D085%2Ehtm%23Section85%2D399%2E&cn=1977&n=\[1\]\[1343\]\[1478\]\[1977\]](http://www.codes.generalcode.com/codebook_frameset.asp?t=tc&p=0012%2D085%2Ehtm%23Section85%2D399%2E&cn=1977&n=[1][1343][1478][1977])

§ 85-399. Land division.

[Added 10-15-1996, effective 10-24-1996; amended 5-22-1997, effective 6-9-1997]

A land division, as defined in this chapter, may, upon the determination of the Commissioner of the Department of Planning, Environment and Development or his designee or the Planning Board, be exempt from the requirements of a subdivision application.

- A. A land division shall be subject to the review and approval of the Planning Board, which approval may be subject to the imposition of reasonable conditions as said Planning Board shall determine. A land division application shall include the following:
[Amended 2-10-2004, effective 3-1-2004]

- (1) A survey of the entire site showing proposed lot lines, zoning lines, existing pavement, existing dwellings, existing and proposed topography, site data table, key map, existing conditions within 200 feet of the subject property, all special district lines and drainage in the area and ownership of the site and surrounding properties.
- (2) A completed application on a form to be supplied by the Planning Board.
- (3) An application fee in the amount established by Chapter 29 of the Code of the Town of Brookhaven. If the Planning Board determines that the applicant must file a preliminary plat, then this fee shall be in lieu of the preliminary filing fee provided for by Chapter 29 of the Code of the Town of Brookhaven.
- (4) A recreation fee as required by Chapter 29 of the Code of the Town of Brookhaven.
- (5) A chain of title may be required at the discretion of the Planning Board.

B. Land divisions with variances. Any land division requiring area variances shall also require the review and approval of the Zoning Board of Appeals. **[Amended 2-10-2004, effective 3-1-2004]**

- (1) The Board of Appeals, in its review, shall consider the written recommendation(s) of the Planning Division.
- (2) The owner of the subject property may be required to file a declaration of covenants and restrictions in such form as shall be approved by the Town Attorney, including, but not limited to, the following:
 - (a) That all access roads shall remain private and shall be maintained by the property owners and their successors and assigns; and
 - (b) Any or all condition(s) imposed by the Board of Appeals in its grant of approval;
 - (c) Prohibiting further subdivision of the property, except where the resultant lot(s) on the land division are amenable to further subdivision and the resultant lots will be in full compliance with all requirements of this chapter; and
 - (d) That any further subdivision of said resultant lot(s) shall be subject to the review and approval of the Planning Board.

(3) The applicant shall pay a recreational fee as required by Chapter 29 of the Code of the Town of Brookhaven.

- C. Land divisions shall be subject to the requirements for public improvements set forth in the Planning Board Subdivision Regulations.
- D. The calculation of area for interior lots known as “flag lots” (lots with road frontage of 20 feet or less) shall exclude the area encompassed by or attributable to the portion of said lot which is 20 feet or less in width. **[Added 2-22-2001, effective 3-5-2001]**

NOTE: See:

§ 85-1 Definitions

LAND DIVISION — A division of any parcel of land into two or more lots, plots or sites in which all building lots front on an existing improved street, not requiring the construction of any new streets or roads and not adversely affecting the development of the remainder of the parcel or adjoining property. **[Added 10-15-1996, effective 10-24-1996; amended 5-22-1997, effective 6-9-1997]**