

SOUTHOLD TOWN ZONING BOARD OF APPEALS

**Town Annex/First Floor
54375 Main Road, Southold
Phone: 631 765-1809**

INSTRUCTIONS FOR WAIVER OF LOT MERGER APPLICATION

Please submit **eight (8) collated sets** with the **ORIGINAL SIGNED SET** on top with payment in the amount of **\$2,000.00** payable to the Town of Southold:

1. **NOTICE OF DISAPPROVAL** from the Building Inspector dated within the last 60 days, together with copies of permit application and all documents submitted to the Building Department, for ZBA submission.
2. **APPLICATION:** Typed or neatly written, signed by the property owner or representative and notarized. If applicant is not the owner an owner's consent is required. Transactional Disclosure forms are required for owner(s) and agent.
3. **FULL SCALE SURVEYS** for **both properties**. Surveyor should show all existing conditions and must show wetlands, bulkhead and high bank or bluff contours above mean sea level (MSL), square footage and dimensions of lot(s). Surveys should be signed, sealed and dated depicting all existing structures, size of structures, and setbacks/distances to all property lines.
4. **SINGLE-AND SEPARATE SEARCH** noting the Town of Southold as an insured for up to \$25,000, and other information. (Please note: if your deeds for each lot are not dated prior to June 30, 1983, an area variance application, subdivision application, and other agencies would be involved under different procedures, fee, etc.)
5. Copies of **ORIGINAL DEED** transfer prior to and since 1957, and **Current Deeds** for these properties. Proof of the date when the lot was created.
6. Waiver Questionnaire, ZBA Questionnaire and Agricultural Data Form if required listing all Agricultural District Properties located within 500 feet radius of subject parcel.
7. **ENVIRONMENTAL ASSESSMENT FORM**
8. **TOWN PROPERTY CARD** - available from Assessors Office for all properties.
9. **CHECK** payable to "**Town of Southold in the amount of \$2,000.00**"

The ZBA Office will contact you for scheduling and to request attendance by you and/or your agent representative at the hearing. Our office will provide instructions with the official Legal Notice, a yellow sign for you to post on the subject property, an area map showing the surrounding lots that will require notice by certified mail with a cover letter from you, and later, completed Affidavit forms confirming the mailings and posting.

PLEASE NOTE: IT IS THE APPLICANT/AGENT'S RESPONSIBILITY TO REVIEW THE CONTENTS OF THEIR ZBA OFFICE FILE FOR UPDATES ON ANY CORRESPONDENCE RECEIVED FROM NEIGHBOR'S AND/OR AGENCIES SUCH AS LWRP, COUNTY PLANNING, TRUSTEES, TOWN PLANNING, ETC. PRIOR TO THE DATE OF ANY SCHEDULED PUBLIC HEARING. THANK YOU

If your project involves a lot-line change or an increase in use density, this form will **not** apply. See Planning Board for subdivision or lot line change forms, and when appropriate, different ZBA forms (for an area variance) will be available.

July 2023

**APPLICATION TO THE TOWN OF SOUTHDOLD BOARD OF APPEALS
WAIVER OF LOT MERGER**

THIS APPLICATION IS BASED ON THE WRITTEN DETERMINATION OF THE BUILDING INSPECTOR DATED _____ WHEREBY THE BUILDING INSPECTOR DENIED AN APPLICATION DATED _____
under Town Code Chapter 280 (Zoning), Article II, Section 280-_____ for:

- ☐ Building Permit ☐ Permit for As-Built Construction
☐ Certificate of Occupancy ☐ Pre-Certificate of Occupancy ☐ Other _____

Owner of Parcel for Waiver (Vacant) _____
Owner of Adjacent Parcel: _____

Note: If applicant is not the owner, please state if applicant is owner's attorney, agent, architect, builder, contract vendee, etc.

Mailing Address: _____
Telephone No: _____ Email _____

Representative/Agent for Owner: _____
Address: _____
Telephone No: _____ Email: _____

Please specify who you wish correspondence to be mailed to, from the above:

- ☐ Owner, or ☐ Authorized Representative

I (we), _____,
request that the Zoning Board of Appeals waive the merger and recognize the original lot lines under the provisions of Article II, Sections 280-9, 280-10, 280-11 of the Southold Town Zoning Code, for the purpose of recognizing for Town building purposes Suffolk County Tax Map District 1000, Section _____ Block _____ Lot _____ containing _____ square feet located at #_____ Street _____, as a separate and distinct building parcel from District 1000 Section _____ Block _____ Lot _____ containing _____ square feet. The property is located in the _____ Residential Zone District.

The lot to be recognized was originally created by deed dated _____, is vacant, and has historically been treated and maintained as a separate and independent residential lot since the date of its original creation. Please indicate whether the statement is True.

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The lot to be unmerged has not been transferred to an unrelated person or entity since the time the merger was affected. Please indicate whether the statement is True.

This application is an alternative to that provided for under other Town Code provisions available for an area variance.

APPLICANT'S REASONS:

(1) The waiver would recognize a lot that is as large, or greater in size than a majority of the improved lots within 1,000 feet distance from any lot line of the lot proposed to be recognized because:

(2) The waiver would recognize a lot that is vacant and has historically been treated and maintained as a separate and independent residential lot since the date of its original creation because:

(3) The proposed waiver and recognition will not create an adverse impact on the physical or environmental conditions in the neighborhood or district because:

Please check one or more of the following that apply to the lot to be unmerged:

☐ This lot was formerly approved by the Southold Town Planning Board on _____ (attach copy of approval/subdivision map).

☐ This lot was approved or shown on a map approved by the Southold Town Board on _____ (attach copy of approval/subdivision map).

☐ This lot was approved by the Zoning Board of Appeals on _____ (please attach decision).

☐ A search of Town records found no approvals or other action by the Town of Southold, except for Application # _____ in the Year _____ (please attach copy).

Page 3 – Zoning Board of Appeals - Waiver of Merger Application

☐ A search of Town records found a Certificate of Occupancy was issued ___/___/___ for a dwelling or other purpose on SCTM Lot #_____ (please attach copy).

(Attach additional sheets if needed).

		Owner (Parcel 1)
Sworn to before me this	day of	, 20_____

Notary Public		

		Owner (Parcel 2)
Sworn to before me this	day of	, 20_____

Notary Public		

**ZONING BOARD OF APPEALS
LOT WAIVER QUESTIONNAIRE**

1. What are square footage and dimensions of parcels:

Subject Lot to Unmerge: Square Feet: _____ Depth: _____ Width: _____

Property Identified as merged with Subject Lot:

a) TM No. _____ Square Feet: _____ Depth: _____ Width: _____

b) TM No. _____ Square Feet: _____ Depth: _____ Width: _____

2. Date of First deed which created subject lot: _____

3. Date of Current Deed of present owner: _____

4. Owners' Names of subject lot at this time: _____

5. Date and Name of Subdivision that created subject lot(s) (if any) _____

6. Building permits issued in the past for subject lot(s): _____

7. Suffolk County Dept. of Health Service approvals issued for any lots: _____

8. Any other Town Actions regarding this property such as a Pre-existing Certificate of Occupancy for a preexisting building, Variance, Lot Line change, Board of Trustees Wetland Approval, or other type of approval to build or use the property in any way:

Explain: _____

9. Is there any building or structure, such as a patio, driveway, or other, overlapping the deeded lot lines which separate the two/three merged properties? _____

If so, Explain: _____

10. How many other vacant lots are on the same street and immediate neighborhood?

Please indicate other approvals or other information about common ownership of these lots.

I am owner of the subject lot and the above information provided is true and accurate to the best of my knowledge

Authorized signature

Date

Print Name

**QUESTIONNAIRE
FOR FILING WITH YOUR ZBA APPLICATION**

- A. Is the subject premises listed on the real estate market for sale?
_____Yes _____No
- B. Are there any proposals to change or alter land contours?
_____No _____Yes, please explain on attached sheet.

- C. 1.) Are there areas that contain sand or wetland grasses? _____
2.) Are those areas shown on the survey submitted with this application? _____
3.) Is the property bulk headed between the wetlands area and the upland building area?

4.) If your property contains wetlands or pond areas, have you contacted the Office of the Board of Trustees for its determination of jurisdiction? _____
Please confirm status of your inquiry or application with the Trustees:
_____and if issued, please attach copies of permit with conditions and approved survey.
- D. Is there a depression or sloping elevation near the area of proposed construction at or below five feet above mean sea level? _____
- E. Are there any patios, concrete barriers, bulkheads or fences that exist that are not shown on the survey that you are submitting? _____Please show area of the structures on a diagram if any exist or state none on the above line.
- F. Do you have any construction taking place at this time concerning your premises? _____
- G. If yes, please submit a copy of your building permit and survey as approved by the Building Department and please describe: _____
- H. Please attach all pre-certificates of occupancy and certificates of occupancy for the subject premises. If any are lacking, please apply to the Building Department to either obtain them or to obtain an Amended Notice of Disapproval.
- I. Do you or any co-owner also own other land adjoining or close to this parcel? _____
If yes, please label the proximity of your lands on your survey.
- J. Please list present use or operations conducted at this parcel
_____and the proposed use

- K. (example: existing single family, proposed: same with garage, pool or other)

Authorized Signature

Date

**AGRICULTURAL DATA STATEMENT
ZONING BOARD OF APPEALS
TOWN OF SOUTHDOLD**

WHEN TO USE THIS FORM: *This form must be completed by the applicant for any special use permit, site plan approval, use variance, area variance or subdivision approval on property within an agricultural district OR within 500 feet of a farm operation located in an agricultural district. All applications requiring an agricultural data statement must be referred to the Suffolk County Department of Planning in accordance with Section 239m and 239n of the General Municipal Law.*

1. Name of Applicant: _____
2. Address of Applicant: _____
3. Name of Land Owner (if other than Applicant): _____
4. Address of Land Owner: _____
5. Description of Proposed Project: _____

6. Location of Property: (Road and Tax map Number) _____

7. Is the parcel within 500 feet of a farm operation? { } Yes { } No
8. Is this parcel actively farmed? { } Yes { } No
9. Name and addresses of any owner(s) of land within the agricultural district containing active farm operations. Suffolk County Tax Lot numbers will be provided to you by the Zoning Board Staff, it is your responsibility to obtain the current names and mailing addresses from the Town Assessor's Office (765-1937) or from the Real Property Tax Office located in Riverhead.

NAME and ADDRESS

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

(Please use the back of this page if there are additional property owners)

_____/_____/_____
Signature of Applicant Date

Note:

1. The local Board will solicit comments from the owners of land identified above in order to consider the effect of the proposed action on their farm operation. Solicitations will be made by supplying a copy of this statement.
2. Comments returned to the local Board will be taken into consideration as part as the overall review of this application.
3. Copies of the completed Agricultural Data Statement shall be sent by applicant to the property owners identified above. The cost for mailing shall be paid by the Applicant at the time the application is submitted for review.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.				
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:				
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action.				
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES _____ _____	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

LWRP CONSISTENCY ASSESSMENT FORM

A. INSTRUCTIONS

1. All applicants for permits* including Town of Southold agencies, shall complete this CCAF for proposed actions that are subject to the Town of Southold Waterfront Consistency Review Law. This assessment is intended to supplement other information used by a Town of Southold agency in making a determination of consistency. **Except minor exempt actions including Building Permits and other ministerial permits not located within the Coastal Erosion Hazard Area.*
2. Before answering the questions in Section C, the preparer of this form should review the exempt minor action list, policies and explanations of each policy contained in the Town of Southold Local Waterfront Revitalization Program. A proposed action will be evaluated as to its significant beneficial and adverse effects upon the coastal area (which includes all of Southold Town).
3. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

A copy of the LWRP is available in the following places: online at the Town of Southold's website (southoldtown.northfork.net), the Board of Trustees Office, the Planning Department, all local libraries and the Town Clerk's office.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

SCTM# _____ - _____ - _____

The Application has been submitted to (check appropriate response):

Town Board ☐ **Planning Dept.** ☐ **Building Dept.** ☐ **Board of Trustees** ☐

1. Category of Town of Southold agency action (check appropriate response):

- | | | |
|-----|---|--|
| (a) | Action undertaken directly by Town agency (e.g. capital construction, planning activity, agency regulation, land transaction) | ☐
☐ |
| (b) | Financial assistance (e.g. grant, loan, subsidy) | |
| (c) | Permit, approval, license, certification: | ☐ |

Nature and extent of action:

Location of action: _____

Site acreage: _____

Present land use: _____

Present zoning classification: _____

2. If an application for the proposed action has been filed with the Town of Southold agency, the following information shall be provided:

(a) Name of applicant: _____

(b) Mailing address: _____

(c) Telephone number: Area Code () _____

(d) Application number, if any: _____

Will the action be directly undertaken, require funding, or approval by a state or federal agency?

Yes ☐ No ☐ If yes, which state or federal agency? _____

DEVELOPED COAST POLICY

Policy 1. Foster a pattern of development in the Town of Southold that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development. See LWRP Section III – Policies; Page 2 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 2. Protect and preserve historic and archaeological resources of the Town of Southold. See LWRP Section III – Policies Pages 3 through 6 for evaluation criteria

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 3. Enhance visual quality and protect scenic resources throughout the Town of Southold. See LWRP Section III – Policies Pages 6 through 7 for evaluation criteria

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

NATURAL COAST POLICIES

Policy 4. Minimize loss of life, structures, and natural resources from flooding and erosion. See LWRP Section III – Policies Pages 8 through 16 for evaluation criteria

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 5. Protect and improve water quality and supply in the Town of Southold. See LWRP Section III – Policies Pages 16 through 21 for evaluation criteria

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 6. Protect and restore the quality and function of the Town of Southold ecosystems including Significant Coastal Fish and Wildlife Habitats and wetlands. See LWRP Section III – Policies; Pages 22 through 32 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 7. Protect and improve air quality in the Town of Southold. See LWRP Section III – Policies Pages 32 through 34 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 8. Minimize environmental degradation in Town of Southold from solid waste and hazardous substances and wastes. See LWRP Section III – Policies; Pages 34 through 38 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

PUBLIC COAST POLICIES

Policy 9. Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Town of Southold. See LWRP Section III – Policies; Pages 38 through 46 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

WORKING COAST POLICIES

Policy 10. Protect Southold's water-dependent uses and promote siting of new water-dependent uses in suitable locations. See LWRP Section III – Policies; Pages 47 through 56 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 11. Promote sustainable use of living marine resources in Long Island Sound, the Peconic Estuary and Town waters. See LWRP Section III – Policies; Pages 57 through 62 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 12. Protect agricultural lands in the Town of Southold. See LWRP Section III – Policies; Pages 62 through 65 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 13. Promote appropriate use and development of energy and mineral resources. See LWRP Section III – Policies; Pages 65 through 68 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

TOWN OF SOUTHOLD ZONING CODE

Chapter 280. Zoning

Article II. Districts

§ 280-9. Lot recognition.

[Added 11-28-1995 by L.L. No. 23-1995; amended 7-22-1997 by L.L. No. 22-1997]

A.

A lot created by deed or Town approval shall be recognized by the Town if any one of the following standards apply and if the lots have not merged:

(1)

The identical lot was created by deed recorded in the Suffolk County Clerk's office on or before June 30, 1983, and the lot conformed to the minimum lot requirement(s) set forth in Bulk Schedule AA^(a) as of the date of lot creation.

[1]

Editor's Note: Bulk Schedule AA is located at the end of this chapter.

(2)

The lot(s) in question is/are approved by the Southold Town Planning Board.

(3)

The lot(s) in question is/are shown on a subdivision map approved by the Southold Town Board prior to June 30, 1983.

(4)

The lot(s) in question is/are approved and/or recognized by formal action of the Board of Appeals prior to June 30, 1983.

B.

All lots which are not recognized by the Town pursuant to the above section shall not receive any building permits or other development entitlements.

C.

All lots are subject to the merger provisions of § **280-10**.

§ 280-10. Merger.

[Added 11-28-1995 by L.L. No. 23-1995]

A.

Merger. A nonconforming lot shall merge with an adjacent conforming or nonconforming lot which has been held in common ownership with the first lot at any time after July 1, 1983. An adjacent lot is one which abuts with the parcel for a common course of 50 feet or more in distance. Nonconforming lot shall merge until the total lot size conforms to the current bulk schedule requirements.

[Amended 4-10-2007 by L.L. No. 10-2007]

B.

Definitions. "Common ownership" shall mean that the parcel is held by the same person in the same percentage of ownership as an adjoining parcel.

[Amended 4-10-2007 by L.L. No. 10-2007]

C.

Exceptions. Lots which are recognized under § **280-9** and meet any of the following categories shall be exempt from the merger provision set forth above and shall not be deemed merged by operation of this chapter:

Merger – Page 2

[Amended 3-4-1997 by L.L. No. 4-1997; 4-10-2007 by L.L. No. 10-2007]

(1)

The nonconforming lot has a minimum size of 40,000 square feet; or

(2)

The nonconforming lot obtained a lot size variance from the Zoning Board; or

(3)

If the lot is not on the maps described in former § 100-12,^{ut} the nonconforming lot has been held in single and separate ownership from July 1, 1983, to date; or

[1]

Editor's Note: Former § 100-12, Exceptions, was repealed 11-28-1995 by L.L. No. 23-1995, effective January 1, 1996.

(4)

If the lot is on the maps described in former § 100-12, the nonconforming lot has been held in single and separate ownership from January 1, 1997, to date;

(5)

Each lot is currently developed with a one-family dwelling with a minimum 850 square feet which falls within the existing lot lines and which has a certificate of occupancy or would qualify for one; or

(6)

If the lots would otherwise be recognized pursuant to this chapter and subsequently would have merged by operation of law as a result of the death of an owner or co-owner of one or more of the adjoining lots, except that the lots shall not be held in common ownership after the death of the surviving co-owner.

D.

Proof of merger. The Town shall require a person seeking determination of merger to provide any or all of the following documents for evaluation:

[Amended 3-4-1997 by L.L. No. 4-1997]

(1)

Proof of the date when the lot was created and the size of the lot, together with a copy of a legal description of the parcel, all to the satisfaction of the Town.

(2)

A copy of the current tax map and survey of the lot.

(3)

A copy of the original survey of the lot.

(4)

A title search showing single and separate ownership of the property from July 1, 1983, to the present time, prepared by a Suffolk County title insurance company indemnifying the Town of Southold with \$25,000 of insurance.

(5)

Other additional information or documentation as may be deemed necessary.

E.

Effect of merger. No building permit or other development entitlement will be issued by the Town until this section has been complied with. The Building Department will issue a written determination whether a property falls within an exemption to the merger provision.

§ 280-11. Waiver of merger.

[Amended 10-21-2008 by L.L. No. 14-2008]

If a lot has merged pursuant to the provisions of § **280-10**, the Zoning Board of Appeals may waive the merger and recognize original lot lines upon public hearing and finding that:

A.

Merger – Page 3

The lot proposed to be recognized has not been transferred to an unrelated person or entity since the time the merger was affected; and

B.

Upon balancing whether:

(1)

The proposed waiver would recognize a lot that is comparable in size to a majority of the improved lots in the neighborhood;

(2)

The lot proposed to be recognized is vacant and has historically been treated and maintained as a separate and independent residential lot since the date of its original creation; and

(3)

The proposed waiver and recognition will not create an adverse impact on the physical or environmental conditions in the neighborhood or district.