

## A primer on minor subdivisions in Nassau County



Andrea Tsoukalas, Forchelli, Curto, Deegan,  
Schwartz, Mineo & Terrana, LLP

The Nassau County Charter defines a minor subdivision as "any proposed subdivision resulting in fewer than five lots." In most cases, a two to four lot subdivision will be considered minor unless the project involves a new public road or public improvement or there are environmental considerations that must be examined to determine the impact on the community.

As a practical matter, the major difference between minor and major subdivisions is the level of county review. Minor subdivisions are reviewed internally by Nassau County Planning Commission (Commission) staff and are not subject to the review and approval of the Nassau County Department of Health and Department of Public Works. The other major distinction is that a map filing with the county clerk is not required under Real Property Law 334-a. Applicants that receive minor subdivision approval from the commission simply record deeds in the Nassau County clerk's office within one year of approval to complete the process and to create the new lots.

Moreover, pursuant to Nassau County Charter §1610(b), the commission has jurisdiction over "all portions of the county outside of cities and villages or within a city or village and within three hundred feet of the boundary of such cities and villages." In plain English, if the property you are subdividing is wholly within the municipal boundaries of a town, then the commission has jurisdiction over the application. If the property is wholly within an incorporated village or city, then that village or city has jurisdiction. If, however, the property is also within three hundred feet of another municipal boundary, then the commission and the other municipalities have jurisdiction over the application.

All subdivisions applications in Nassau County require an extensive zoning analysis to determine the legal status of the premises, the character of the neighborhood and the parameters of development.

Andrea Tsoukalas, Esq. is a partner at Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP, Uniondale, N.Y.