

Chapter 120: PARKS AND RECREATION AREAS

ARTICLE I Reservation of Land

§ 120-1. Park lands required.

Pursuant to § 7-730 and § 7-725-a, Subdivision 5, of the Village Law, plats and site plans requiring approval shall show in proper cases and when required by the Planning Board, a park or parks suitably located for playground or other recreation purposes. If the Planning Board should determine that a suitable park or parks of adequate size cannot be located in any such plat or site plan or is otherwise not practical, such Board may require a payment to the Village of a sum of money to be determined and modified from time to time by the Board of Trustees, which sum shall constitute a trust fund to be used by the Board of Trustees exclusively for neighborhood park, playground or recreation purposes including the acquisition of land.

§ 120-2. Recreation area standards; payment in lieu of land.

- A. Recreation standards.** The Planning Board shall require that land be reserved for parks and playgrounds or other recreation purposes in locations designated on the Official Map, or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography and general character, and shall have adequate road access, for the particular purposes envisioned by the Planning Board. The area shall be shown and marked on the plat or site plan "Reserved for Park and/or Recreation Purposes." When recreation areas are required, the Planning Board shall reserve 8.5% of the total land area of the plat or site plan for park, playground and/or recreation purposes. The Planning Board may refer such proposed reservations to the Village Board or Parks Commission for recommendations. The developer shall offer for dedication dedicate all such recreation areas to the Village as a condition of final subdivision plat or site plan approval. The Planning Board shall establish the timing of acceptance of the offer of dedication.
- B. Minimum size of park and playground reservations.** In general, land reserved for recreation purposes shall have an area of at least five acres. When the percentages to be reserved would create less than five acres, the Board may require that the recreation area be located at a suitable place on the edge of the subdivision or site so that additional land may be added at such time as the adjacent land is developed. In no case shall an area of less than four acres be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. Where recreation land in any subdivision or site plan is not reserved, or the land reserved is less than 8.5%, the provisions of Subsection E shall be applicable.
- C. Recreation sites.** Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or other recreation purpose, and shall be relatively level and dry. A recreation site shall have a total frontage on one or more streets of at least 200 feet, and no other dimension of the site shall be less than 200 feet in depth. The Planning Board may refer any subdivision or site plan proposed to contain a dedicated park to the Village Board or the Parks Commission, for its recommendations. All land to be reserved for dedication to the Village for park purposes shall have prior approval of the Village Board and shall be shown and marked on the plat or site plan "Reserved for Park and/or Recreation Purposes."
- D. Other recreation reservations.** The provisions of this section are minimum standards. None of the subsections above shall be construed as prohibiting a developer from reserving additional other land for recreation purposes in addition to the requirements of this section. Additional land may be dedicated to the Village subject to subsection C above or reserved for residents of the property being developed.
- E. Alternative procedure:** money in lieu of land. Where, with respect to a particular subdivision or site plan, the reservation of land required pursuant to this section, either alone or in conjunction with abutting reservations on adjoining property, does not equal the percentage of total land required to be reserved in Subsection A, the Planning Board shall require, prior to

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preliminary approval of the subdivision plat or site plan, that the applicant deposit with the Village Board a cash payment in lieu of land reservation. Such deposit shall be placed in a Neighborhood Park and Recreation District Improvement Fund to be established by the Village Board. Such deposit shall be used by the Village for improvement of a neighborhood park, playground or recreation area, including the acquisition of property. The Planning Board shall determine the amount to be deposited, based on the following formula: \$5,500 per approved lot or dwelling unit, less a credit for the amount of land actually reserved for recreation purposes, if any, as the area of the land reserved bears in proportion to the land required for reservation in Subsection A, but not including any lands reserved through the density zoning regulation.

F. Subsection E not withstanding, in any affordable housing Zoning District, only, \$25,000, representing the cash payment in lieu of land for 10 approved lots shall be paid as a cash deposit as afore described prior to final approval of the subdivision plat. Thereafter, upon application for the 11th certificate of occupancy for an **affordable** housing unit, but prior to the issuance thereof, an additional sum of \$25,000 shall be so paid representing the cash payment in lieu of land for the next 10 lots or dwelling units, and the same shall occur upon application for the 21st certificate of occupancy, the 31st, and so on in increments of 10, until the entire sum for all such lots or dwelling units has been paid.

G. Applicability to land utilizing average density resolution. Any subdivision plat or site plan in which the principle of average density has been utilized, pursuant to the average density resolution of the Village, shall not be exempt from the provisions of this article, except as to such portion of land which is deemed by the Planning Board to be suitable for park, playground and/or recreation purposes and which is actually dedicated to the Village for park and recreation purposes. If no further area, other than the area to be reserved through averaging is required by the Planning Board, the full fee shall be paid, as required in Subsection E. If further land is required for reservation, apart from that reserved by averaging, as aforesaid, a credit shall be given as provided by Subsection E.

§ 120-3. Judicial review.

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

§ 120-4. Supersession of other laws.

This chapter supersedes, and is in derogation of, Chapter 230 of the Code of the Town of Blooming Grove, County of Orange, and State of New York. In addition, it is not intended that this chapter supersede the authority of the County of Orange Department of Health.

§ 120-6. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

§ 120-7. Repeal.

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

§ 120-8. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.