

§ 230-73. Parks and playground sites.

~~A. In all cases where this chapter requires approval by the Planning Board~~ **Reservation of any site plan development that includes residential units, the regulations adopted by the Village Board of Trustees applicable to subdivisions regarding provision for parks for playground or other recreation purposes, or money in lieu thereof, shall apply. Where money in lieu of recreation land is accepted, the amount shall be calculated based on the per dwelling unit fee then in effect for a subdivision in an RA District****parkland.**

~~B.~~

A. Site development plans and recreation facilities. Any site plan containing residential units shall, when required by the Planning Board, include a park or parks suitably located for playground or other recreational purposes, in accordance with requirements of § 7-725-a, Subdivision 6, of the Village Law. The Planning Board shall determine whether a proper case exists for requiring such land reservation. Such determination shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Village based on projected population growth to which the particular site plan will contribute. If such need is found to exist, and the Planning Board determines that suitable lands do not exist on the subject property for such reservation, the Planning Board may require the payment of a fee in lieu of parkland in accordance with § 230-73(B) herein.

B. Where payment of a fee in lieu of parkland is required as set forth above, the payments made pursuant to this chapter shall be established by resolution of the Board of Trustees and set forth in the Master Fee Schedule, as may be amended from time to time, for each of the following dwelling types: efficiency (studio unit), one-bedroom unit, two-bedroom unit, three-bedroom unit, or single-family (detached or attached) dwelling. Units that are Affordable Affirmatively Furthering Fair Housing (AFFH) Units pursuant to §230-48 shall not be included in the total number of dwelling units for calculation of such fee and no fee will be due for such units. Payment of such fee in lieu of parkland shall be a condition of site plan approval.

C. This section shall not apply to property ~~which~~that formed part of a subdivision that was itself approved on condition that land or money be set aside for parks, playground or other recreational purposes. If the land included in a site plan under review is a portion of a subdivision plat that has been reviewed and approved, the Board shall credit the applicant for any land set aside or money donated in lieu thereof under such subdivision plat approval.

~~§ 230-123. Areas for parks and playgrounds.~~

~~A. Sites required. In subdividing property, provisions should be made for the laying out of suitable sites for parks and playgrounds.~~ **§ 230-123. Reservation of parkland.**

A. Any subdivision plat containing residential units shall, when required by the Planning Board, include a park or parks suitably located for playground or other recreational purposes, in accordance with the requirements of § 7-730, Subdivision 4, of the Village Law. The Planning Board shall determine whether a proper case exists for requiring such land reservation. Such determination shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Village based on the projected population growth to which the particular subdivision plat will contribute. If such need is found to exist, and the Planning Board determines that suitable lands do not exist on the subject property for such reservation, the Planning Board may require the payment of a fee in lieu of parkland in accordance with § 230-123(B) herein. Where possible, 10% of the total area of the subdivision should be allotted for this purpose, except where such 10% amounts to less than 1/4 acre,

and no recreation plot shall be less than 1/4 acre in size.

~~B. Money in lieu of recreation land. Whenever the Planning Board of the Village, in approving a plat showing lots, blocks or sites, with or without streets or highways, determines that a suitable park or parks of adequate size cannot be properly located in any such plat or is otherwise not practical, there shall be paid to the Village a sum of money to be used for neighborhood park, playground or recreation purposes, including the acquisition of land for such purposes, to be computed in accordance with the following formula and subject to the following conditions:~~

~~(1) For every subdivision in an RA or RB district, a fee set by resolution of the Board of Trustees shall be paid to the Department of Engineering.~~

~~(2)~~

B. Where payment of a fee in lieu of parkland is required as set forth above, the payments made pursuant to this chapter shall be established by resolution of the Board of Trustees and set forth in the Master Fee Schedule, as may be amended from time to time. Units that are Affordable Affirmatively Furthering Fair Housing (AFFH) Units pursuant to §230-48 shall not be included in the total number of dwelling units for calculation of such fee and no fee will be due for such units. Payment of such fee in lieu of parkland shall be a condition of subdivision approval and payment shall be made prior to the signing of the subdivision plat by the Planning Board Chair.

C. No sum of money shall be payable in lieu of park, playground or recreation land in relation to any lot which, on September 15, 1986, is in the subdivision already improved with a residential dwelling constructed prior to September 15, 1986.

~~(3) Payment of a sum of money in lieu of land for park, playground or recreation purposes shall be made to the Village by the applicant for plat approval by the Planning Board or proprietor or developer of the lot or lots, at his option, either at the time of plat approval by the Planning Board or at the time of the issuance of a building permit by the Village Engineer and in conformity with whatever formula may be in force pursuant to a resolution of the Board of Trustees of the Village at the time of payment of the sum of money in lieu of land for park, playground or recreation land.~~

~~(4) The formula and conditions set forth above shall be applicable only to plats in RA and RB Zoning Districts. In regard to plats in other zoning districts as to which the Planning Board of the Village has, on approval, determined that a suitable park or parks of adequate size cannot be properly located in such plats or is otherwise not practical, a sum of money in lieu of park, playground or recreation land shall be paid to the Village in an amount to be determined by the Board of Trustees in each case on the basis of the facts and circumstances of that case and after consideration of such recommendations as the Planning Board may have made.~~

~~(5)~~

D. All funds paid in lieu of recreation land shall constitute a trust fund to be used by the Village of Croton-on-Hudson exclusively for park, playground or recreation purposes, including the acquisition of land.