

**VILLAGE OF CROTON-ON-HUDSON
BOARD OF TRUSTEES**

LOCAL LAW INTRODUCTORY NO. 10-2024

A LOCAL LAW TO AMEND THE ZONING LAW OF THE VILLAGE OF CROTON-ON-HUDSON, CHAPTER 230, REGARDING THE RESERVATION OF PARKLAND

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section One. Section 230-73, Parks and playground sites, of the Zoning Code of the Village of Croton-on-Hudson is hereby repealed in its entirety and replaced with language to read as follows:

§ 230-73 Reservation of parkland.

- 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 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.
- 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.

Section Two. Section 230-123, Areas for parks and playground, of the Zoning Code of the Village of Croton-on-Hudson is hereby repealed in its entirety and replaced with language to read as follows:

§ 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. 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 already improved with a residential building.
- 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.

Section Three. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declare invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Four. Effective Date.

This local law shall take effect immediately upon filing in the office of the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.