

A LOCAL LAW to amend Chapter 300 of the
Code of the Town of Yorktown entitled
"ZONING"

Be it enacted by the Town Board of the Town
of Yorktown as follows:

Section I. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Chapter 300-21(C)(3) of the Code of the Town of Yorktown is hereby amended by deleting section 300-21(C)(3)(a)[2][g].

Chapter 195-41 of the Code of the Town of Yorktown is hereby amended by adding section 195-41.1 as follows:

§ 195-41.1 Public sites and open spaces on site plans containing residential units.

A. Reservation of land for parks.

- (1) Upon consideration of the particular type of development proposed and determination of the needs created by such development, the Board may require the reservation of land for a park or parks suitable for playground or other recreational purposes or other ecological purposes, whether or not said parks or playgrounds or areas are shown on the Official Map or Comprehensive Plan. Approximately 10% of the total area of a subdivision is required to be dedicated by the subdivider for playground or active recreation use. The minimum area of contiguous open space acceptable shall be three acres, unless a smaller area is still desirable because of the present use or future development of abutting land.
- (2) In all cases where the Board requires the reservation of land for park or playground purposes or other ecological purposes, the land shall be of such character so as to be usable for such stated purpose or alternatively shall be made usable for such use by the developer. Unless otherwise allowed by the Board, sites for active recreational use shall be level and dry.
- (3) If such area is for recreation, it shall have a frontage on one or more streets of at least 300 feet. No dimension of the site to be used for active recreation use shall be less than 250 feet. When the Board accepts land which is in excess of the ten-percent requirements, such excess lands need not conform to specifications set forth or adopted as part of this Part 1 which specifications are utilized to achieve a level, dry, active recreational site.
- (4) The Board shall give proper consideration to the provision by the developer of land for active recreation or open space reserved by covenants in the deeds for the common and exclusive use of all the property owners within the proposed subdivision. Such private recreational area shall be operated and maintained by said owners or association of owners, and the use of said reservation shall be confined to the owners or association of owners and no others.

B. In the event that an area to be used for a park, playground or other ecological use is required to be so reserved, the developer shall submit to the Board a plan in a form required by the Planning Board, at a scale of not less than 40 feet to the inch, such area and the following features thereof:

- (1) The boundaries of said area, giving lengths and bearings of all straight lines; and radii, lengths, central angles, tangent distances and radial bearings of all curves. All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest tenth of a second unless otherwise specified by the Town Engineer.
- (2) Existing features such as brooks, streams, marshes, ponds, clusters of trees, individual trees eight inches or more in diameter, rock outcrops, structures, drains, etc.
- (3) Existing and, if applicable, proposed changes in grades and contours of said area and of areas immediately adjacent.

C. Money in lieu of parkland reservation.

- (1) Upon consideration of the particular type of development proposed and a determination of the needs created by such development, the Planning Board may accept money in lieu of parkland reservation upon written application from the developer.
- (2) In determining the appropriateness of accepting such cash payment in lieu of reservation, the Board shall be guided by the following:
 - (a) The relationship of the residential site plan to the Town Comprehensive Plan, and particularly as such plan may show proposed park and playground area.
 - (b) The character and recreation needs of the neighborhood in which the residential site plan is located.
 - (c) The unsuitability of land in the subdivision for park and playground purposes by reason of location, access, grade or cost of development or maintenance.
 - (d) The possibility that land immediately adjoining the residential site plan will serve, in whole or in part, the park and playground needs of such residential site plan.
- (3) The cash value of such land shall be determined as set forth in Article III, § 195-16.

Chapter 300-169 of the Code of the Town of Yorktown is hereby amended by adding section 300-169 (F) as follows:

F. Public sites and open spaces on site plans containing residential units.

(A) Reservation of land for parks.

- (1) Upon consideration of the particular type of development proposed and determination of the needs created by such development, the Board may require the reservation of land for a park or parks suitable for playground or other recreational purposes or other ecological purposes, whether or not said parks or playgrounds or areas are shown on the Official Map or

Comprehensive Plan. Approximately 10% of the total area of a subdivision is required to be dedicated by the subdivider for playground or active recreation use. The minimum area of contiguous open space acceptable shall be three acres, unless a smaller area is still desirable because of the present use or future development of abutting land.

- (2) In all cases where the Board requires the reservation of land for park or playground purposes or other ecological purposes, the land shall be of such character so as to be usable for such stated purpose or alternatively shall be made usable for such use by the developer. Unless otherwise allowed by the Board, sites for active recreational use shall be level and dry.
 - (3) If such area is for recreation, it shall have a frontage on one or more streets of at least 300 feet. No dimension of the site to be used for active recreation use shall be less than 250 feet. When the Board accepts land which is in excess of the ten-percent requirements, such excess lands need not conform to specifications set forth or adopted as part of this Part 1 which specifications are utilized to achieve a level, dry, active recreational site.
 - (4) The Board shall give proper consideration to the provision by the developer of land for active recreation or open space reserved by covenants in the deeds for the common and exclusive use of all the property owners within the proposed subdivision. Such private recreational area shall be operated and maintained by said owners or association of owners, and the use of said reservation shall be confined to the owners or association of owners and no others.
- (B) In the event that an area to be used for a park, playground or other ecological use is required to be so reserved, the developer shall submit to the Board a plan in a form required by the Planning Board, at a scale of not less than 40 feet to the inch, such area and the following features thereof:
- (1) The boundaries of said area, giving lengths and bearings of all straight lines; and radii, lengths, central angles, tangent distances and radial bearings of all curves. All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest tenth of a second unless otherwise specified by the Town Engineer.
 - (2) Existing features such as brooks, streams, marshes, ponds, clusters of trees, individual trees eight inches or more in diameter, rock outcrops, structures, drains, etc.
 - (3) Existing and, if applicable, proposed changes in grades and contours of said area and of areas immediately adjacent.

C. Money in lieu of parkland reservation.

- (1) Upon consideration of the particular type of development proposed and a determination of the needs created by such development, the Planning Board may accept money in lieu of parkland reservation upon written application from the developer.
- (2) In determining the appropriateness of accepting such cash payment in lieu of reservation, the Board shall be guided by the following:
 - (a) The relationship of the residential site plan to the Town Comprehensive

Plan, and particularly as such plan may show proposed park and playground area.

- (b) The character and recreation needs of the neighborhood in which the residential site plan is located.
 - (c) The unsuitability of land in the subdivision for park and playground purposes by reason of location, access, grade or cost of development or maintenance.
 - (d) The possibility that land immediately adjoining the residential site plan will serve, in whole or in part, the park and playground needs of such residential site plan.
- (3) The cash value of such land shall be determined as set forth in Article III, § 195-16.

Section III. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed to the extent of such inconsistencies.

Section V. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.