

Topic: Recreational Uses; Site Plan Approval;
Zoning
Resource Type: Regulations
State: New York
Jurisdiction Type: Municipal
Municipality: Town of North Castle
Year (adopted, written, etc.): 1990
Community Type - applicable to: Suburban; Rural
Title: Town of North Castle Parkland
Reservations Ordinance
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Abstract

It is the intent of the Town Board to require the provision of parkland and recreation land in conjunction with the granting of site development plan approval for multifamily uses in all zoning districts of the Town of North Castle where such uses are permitted. The Town of North Castle finds that multifamily housing places an added burden on the Town of North Castle in regard to providing adequate park and recreation areas to service the needs of the inhabitants of such housing. In the event that it is not practical, in the opinion of the Planning Board, for a particular development to provide park and recreation areas adequate to service all of those needs, then such housing shall be required to pay funds to the town so that it can provide for these added needs as it is in the best interests of the town and future inhabitants.

Resource

Town of North Castle NY Parkland Reservations

Code of the Town of New Castle NY

Chapter 143: Parkland Reservations

General Code

[http://www.e-](http://www.e-codes.generalcode.com/codebook_frameset.asp?t=tc&p=0492%2D143%2Ehtm%23ArticleI&cn=515&n=[1][137][514])

[codes.generalcode.com/codebook_frameset.asp?t=tc&p=0492%2D143%2Ehtm%23ArticleI&cn=515&n=\[1\]\[137\]\[514\]](http://www.e-codes.generalcode.com/codebook_frameset.asp?t=tc&p=0492%2D143%2Ehtm%23ArticleI&cn=515&n=[1][137][514])

HISTORY: Adopted by the Town Board of the Town of North Castle: Art. I, 6-28-1990 as L.L. No. 4-1990. Amendments noted where applicable.]

ARTICLE I Multifamily Housing Requiring Site Plan Approval Only [Adopted 6-28-1990 as L.L. No. 4-1990]

§ 143-1. Title.

This Article shall be known and cited as the "Parkland Reservations Law of North Castle for Multifamily Housing Requiring Site Plan Approval Only."

§ 143-2. Statutory authority.

This Article is enacted pursuant to the authority of the town to promote the public health, safety and general welfare of its citizenry under the New York State Municipal Home Rule Law.

§ 143-3. Findings; purpose.

Pursuant to the authority duly vested in it, it is the intention of the Town Board to require the provision of parkland and recreation land in conjunction with the granting of site development plan approval for multifamily uses (such as the construction of condominiums and/or cooperative apartments which require site plan approval only and do not require subdivision plan approval) in all zoning districts of the Town of North Castle where such uses are permitted. The Town of North Castle finds that multifamily housing places an added burden on the Town of North Castle in regard to providing adequate park and recreation areas to service the needs of the inhabitants of such housing. In the event that it is not practical, in the opinion of the Planning Board, for a particular development to provide park and recreation areas adequate to service all of those needs, then such housing shall be required to pay funds to the town so that it can provide for these added needs as it is in the best interests of the town and future inhabitants. Such funds shall be used exclusively for neighborhood parks, playgrounds or any other recreational purposes, including the acquisition of property, which are intended to benefit primarily, but not exclusively, the residents of the development subject to the fee.

§ 143-4. Recreation areas; ownership.

- A. Recreation areas. Except as provided in § 143-5 below, each multifamily development shall include a park and/or recreation area ("recreation area") which is planned, designed, improved and maintained for the use of the residents of such development and their nonpaying guests. Such recreation area shall comprise not less than 12% of the total site area or an area of one acre, whichever is greater, and shall be improved with facilities as determined necessary and appropriate by the Planning Board in consultation with the Parks and Recreation Board to meet the anticipated neighborhood recreational needs of the population expected to reside there. Environmentally sensitive lands, such as wetlands and steep slopes, shall not be included in the required minimum percentage of recreation land. The specific plan for the recreation area shall be subject to Planning Board approval as to location, design and adequacy, taking into consideration the size of the development and the anticipated occupancy of the units.
- B. Ownership. The ownership of reservations for park and/or recreation areas shall be clearly indicated on the site development plan and established in a manner satisfactory to the Planning Board and Town Attorney so as to assure their proper future

continuation and maintenance.

§ 143-5. Recreation fee.

- A. Where the Planning Board determines that a suitable recreation area cannot be properly located in any such development or is otherwise not practical, the Board may require, as a condition of approval of any such site plan, a payment to the town of a sum which shall be placed in a trust fund to be used by the Town Board exclusively for neighborhood park, playground or recreation purposes, including the acquisition of property. Alternatively, where such Planning Board determines that only a smaller sized recreation area and/or one with less than the full range of facilities required to serve the neighborhood recreational needs of the projected residents can be provided, said Board may require the payment of only such proportion of the applicable fees as it determines is appropriate in consideration of the unmet needs resulting from the lesser sized recreation area and/or lesser facilities actually to be provided.

- B. The recreation fee paid to the town shall be \$3,000 per dwelling unit for a multifamily development (or other form of residential development) requiring only a site plan or special permit approval, except that the recreation fee to be paid to the town for such developments shall be \$1,500 per studio dwelling unit as above provided.

§ 143-6. Applicability.

This Article shall be enforceable at the time of a site plan approval against those tracts of land proposed to be developed for multifamily use which require site plan approval only, where such development contemplates the division of the development into individual ownership vis-a-vis fee ownership of a unit or a proprietary lease.

§ 143-7. Exemptions.

Any property for which a recreation area has been provided or a fee paid pursuant to this Article or pursuant to the requirements of the Town of North Castle's land subdivision regulations shall be responsible only for the reservation of such area or the payment of such fee which is in excess of that previously provided.

§ 143-8. Repealer.

- A. Repeal of conflicting Town of North Castle laws. Ordinances or local laws of the Town of North Castle or parts thereof which are in conflict with the provisions of this Article are hereby superseded to the extent necessary to give this Article full force and effect.

B. Supersession. This Article shall supersede inconsistent provisions of Town Law §§ 274-a and 277(l), Article 16.