

**VILLAGE OF BUCHANAN
LOCAL LAW NO. 3 OF THE YEAR 2014**

**A LOCAL LAW AMENDING CHAPTER 211 ENTITLED ZONING
TO THE CODE OF THE VILLAGE OF BUCHANAN**

Section One: The following sections of Chapter 211 of the Village Code are amended to read as follows:

Article VII:

Section 211-27 (i) shall be added and shall read as follows:

Reservation of Parkland

General standards.

(A) Pursuant to Village Law, the Planning Board may require that a site plan containing residential units also contain a park or parks suitably located for playground or other recreational purposes.

(1) Before the Planning Board may require that land be reserved for park, playground or other recreational purposes, the Planning Board must make a finding that such requirement is warranted. Such a finding shall include an evaluation of the present and anticipated future needs for park and recreational purposes in the Village, based on the projected population growth to which the particular site plan will contribute.

B. Ownership of park area. The ownership of reservations for park purposes shall be clearly indicated on the site plan and established in a manner satisfactory to the Planning Board so as to assure their proper future continuation and maintenance.

C. Cash payment in lieu of reservation.

(1) Where the Planning Board makes a finding that the proposed site plan presents a proper case for requiring a park or parks suitably located for playground or other recreational purposes, but that a suitable park or parks of adequate size cannot be properly located on such site plan, the Planning Board may require, as a condition to approval of the site plan, a payment to the Village of a sum of money determined by the Board of Trustees.

(2) In making the determination of suitability, the Planning Board shall assess the size and suitability of lands shown on the site plan which could be possible locations for park or recreational facilities, as well as practical factors, including whether there is a need for additional facilities in the immediate neighborhood.

(3) Any moneys required by the Planning Board in lieu of land for park, playground or other recreational purposes pursuant to this section shall be deposited into a trust fund to be used by

the Village exclusively for park, playground or other recreational purposes, including the acquisition of property.

(4) Credit for land set aside in subdivision approval. Notwithstanding Subsections A through C of this section, if the land included in a site plan under review is a portion of a subdivision plat that has been reviewed and approved, the Planning Board shall credit the applicant for any land set aside for parkland or money donated in lieu thereof under such subdivision plat approval. In the event of re-subdivision of such plat, nothing shall preclude the additional reservation of parkland or money donated in lieu thereof.

(5) Where money in lieu of recreation land is accepted, the amount shall be calculated based on the per-dwelling-unit at a rate as set from time to time by resolution of the Board of Trustees.

Section Two: This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.