

LOCAL LAW NO. __ of 2023

**Town of Ulster, County of Ulster
A Local Law known and cited as Parkland and Recreation Fees**

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

Section 1. Legislative Findings

- A. The Town Board finds and determines that the existing recreational facilities of the Town are available to, and used by, all residents of the Town. The Town Board further finds and determines that the construction of dwelling units and conversion of nonresidential building space to dwelling units places a burden upon the Town's park and recreation facilities.
- B. Sections 277, 274-b and 274-a of the New York State Town Law authorize a local government to authorize its planning board, upon finding that a subdivision, site plan, special exception use or other land use development containing residential dwelling units will contribute to the future need for park and recreational facilities in the Town, to either require that suitably located land for parks or other recreational purposes be set aside on a subdivision plat, site plan or other land development plan, or, upon finding that parks, playgrounds or recreational facilities sufficient to meet the requirements of the proposed residential development cannot be properly located on the subdivision plat or site plan, that the Planning Board may require that a sum of money in lieu thereof, in an amount to be established by the Town Board, be deposited into a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including the acquisition of property.
- C. The Town Board finds and determines that the Town of Ulster Planning Board should review any land use development that proposes to construct new dwelling units, whether proposed on a subdivision plat or site plan, or by special use permit or accessory apartment permit, or any other permit, approval required by the Town of Ulster Town Code, and make the determinations required by the New York State Town Law with respect to the suitability of land for parks, playgrounds or recreational facilities to meet the needs of the development and the impact of such development on the Town's system of parks, playgrounds and recreational facilities.
- D. When the location, character and size of land proposed for residential development is such that the reservation of land for parks, playgrounds and recreational facilities is not suitable, the Town Board further finds and determines that a system of parks, playgrounds and recreation facilities to serve the recreational needs of residents in such developments can most efficiently and effectively be provided and maintained by expanding the existing municipal system of parks, playgrounds and recreation facilities, and that developers of new dwelling units should contribute a fair share toward the improvement and strengthening those municipal park and recreation facilities, so as not to overburden the existing facilities.

- E. Local Law No. 1 of 2022 – A Local Law known and cited as Parkland and Recreation Fees – is hereby repealed in full and shall be replaced by the instant Local Law.

Section 2. Requirements

- A. At the time of approval of a subdivision plat, site plan, special permit, conditional use accessory apartment permit, or other plan which shows dwelling units to be constructed, the Planning Board, as a condition of approval or permit, shall determine the suitability of land within the development for recreational facilities, and require that sufficient land to meet the recreational needs of the development and that adequate provision has been made for the use, maintenance and protection of such land for the intended recreational purpose.
- B. In the event such facilities are not proposed, or, in the judgment of the Planning Board, such land is not suitable to meet the needs of the development, the Planning Board shall require the applicant to pay the sum determined by the Town Board in lieu of such land as a condition precedent to the Chairman signing the subdivision plat, site plan or special permit authorization. Such sum shall constitute a trust fund to be held by the Town and used exclusively for municipal park, playground or recreation purposes, including the acquisition or improvement of park and recreation land. No such development plan shall be signed by the Chairman of the Planning Board, and such plan shall not be valid for issuance of a building permit or certificate of occupancy, unless a receipt evidencing payment of the required recreation fee is duly issued by the Town Clerk.

Section 3. Establishment of fee in lieu of parkland

The amount of the parkland and recreation fee shall be as follows:

40 dwelling units or less:	\$2,000.00 per dwelling unit
41 dwelling units or more:	\$4,000.00 per dwelling unit

Parkland and recreation fees are cumulative in nature. Projects may not be built in phases so as to reduce the parkland and recreation fee. For example, a 57 dwelling unit housing project will incur a parkland and recreation fee of \$148,000.00 (40 x \$2,000.00, plus 17 x \$4,000.00). Any additional dwelling unit for the same project will be at the rate of \$4,000.00 per dwelling unit.

Said amounts may be amended from time to time by resolution of the Town Board as necessary to reflect current cost and requirements for municipal park, playground or recreation facilities.

Notwithstanding that the parkland and recreation fee due at the time of development plan approval has been paid, dwelling unit(s) shall be subject to the parkland and recreation fee in effect at the time a building permit is issued.

In the event that the Town Board increases the fee after approval of the development plan, but prior to the issuance of a building permit for a residential dwelling unit on such plan, a building

permit for such unit may not be issued until the entire fee is paid and a receipt evidencing payment of the full amount of the required recreation fee is duly issued by the Town Clerk.