

TOWN OF GREENPORT LOCAL LAW NO. 3 OF 2020

A LOCAL LAW AMENDING CHAPTER 101 OF THE GREENPORT TOWN CODE TO ESTABLISH PROVISIONS RELATED TO THE EXPIRATION, EXTENSION OR REVOCATION OF SITE PLAN APPROVAL AND TO ESTABLISH A SET ASIDE FOR RECREATION AREAS OR FEE IN LIEU THEREOF

BE IT ENACTED by the Town Board of the Town of Greenport in the County of Columbia as follows:

**Section 1. Title of the Local Law.**

This local law shall be entitled "A Local Law Amending Chapter 101 of the Greenport Town Code to Establish Provisions Related to the Expiration, Extension or Revocation of Site Plan Approval and to Establish a Set Aside for Recreation Areas or Fee in Lieu Thereof."

**Section 2. Authorization.**

This local law is enacted pursuant to the Municipal Home Rule Law of the State of New York.

**Section 3. Purpose.**

The purpose of this local law is to amend Chapter 101 of the Town of Greenport Town Code to (i) expressly establish conditions that will result in the expiration or revocation of site plan approval, including a one-year limit on the validity of a site plan approval with two extension periods of six-months subject to good cause; and unambiguous authority of the Planning Board to revoke a site plan approval if the applicant acts in violation or outside the scope of the site plan approval; and (ii) to establish a local requirement for developers of subdivisions, apartment complexes or other multi-family dwelling units to set aside recreation areas or pay a fee in lieu thereof to provide funds dedicated to the acquisition and/or improvement of park and recreation facilities in the Town of Greenport.

**Section 4. Legislative Findings.**

The Town Board finds and determines that the existing recreational facilities of the Town, including the Town Park, are available to, and used by, all residents of the Town. The Town Board further finds and determines that the development and construction of multi-family dwelling units places a burden upon the Town's park and recreation facilities.

Sections 277 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, 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 and improvements, including the acquisition of property.

**Section 5. Amendments to Chapter 101 of the Town of Greenport Town Code.**

The Town Board of the Town of Greenport hereby amends Chapter 101 of the Town of Greenport Town Code by:

Amending Section §101-9 of the Town Code to delete and replace the current title with:

**§101-9. Planning Board actions on final site plan; expiration, extension, and revocation.**

The Town Board of the Town of Greenport further amends Section §101-9 to add subsections (E.) and (F.) as follows:

E. Approval expiration, extension, and revocation. Planning Board approval of a site plan shall expire and be revoked if any of the following circumstances occurs:

- (1) The site plan is not submitted for stamping and signature by the Chairperson in accordance with **§101-9(D)**;
- (2) The applicant fails to commence obtain the necessary building permits in accordance with Section 56-4 of the Town Code within twelve (12) months of site plan issuance, provided the Planning Board may grant two six-month extensions upon demonstration by the applicant of good cause for its delay in failing to commence construction; and/or
- (3) The applicant violates the conditions of any conditional site plan approval or engages in any construction or alteration not authorized by the final, conditional or amended site plan approval.

F. Any violation of the conditions of a site plan approval shall be deemed a violation of this chapter and shall be subject to enforcement action as provided herein.

The Town Board of the Town of Greenport further adds Section 101-18 as follows:

**§101-18. Recreational Facilities or Fee in Lieu Thereof**

**A. Requirements.**

Upon issuance of approval of a subdivision plat, site plan or other plan which shows dwelling units, the Planning Board, as a condition of approval, shall require the set-aside of parkland or recreation area and/or the payment by the applicant to the Town for a sum determined

by the Town Board. Such sum shall constitute a trust fund to be used by the Town exclusively for Town park, playground or recreation purposes, including the acquisition or improvement of land.

**B. Establishment of in-lieu payment.**

Based on an inventory of the Town's park and recreation facilities, potential new residential development, including construction of apartment complexes and multi-family dwelling units, and the park and recreation needs of such new development, the Town Board determines that the amount of the parkland recreation fee shall be \$200 per dwelling unit. Said amount may be amended from time to time by resolution of the Town Board. Any subdivision or multi-family dwelling unit for which a building permit has not been issued prior to the date of adoption of this chapter shall be subject to the parkland and recreation fee.

**Section 6. Supersession.**

Pursuant to the powers granted by the Municipal Home Rule, this Local Law supersedes all provisions of the Town of Greenport Town Code, to the extent such statutes are inconsistent with this Local Law, and any other laws or regulations of the Town of Greenport are superseded to the extent necessary to give this Local Law full force and effect. All other provisions shall remain the same.

**Section 7. Severability.**

The provisions of this Local Law shall be deemed independent of all other provisions of Chapter 101, and if any provisions herein shall be deemed or declared invalid, all other provisions of Chapter 101 shall remain valid and enforceable.

**Section 8. Effective Date.**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.