

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Thompson

Local Law No. 8 of the year 2017

A local law amending Chapter 52 entitled "Planning Board and Zoning Board of Appeals" and Chapter 250 entitled "Zoning and Planned Unit Development" of the Town of Thompson Code

Be it enacted by the Town Board of the

Town of Thompson

1. §52-3 E. is hereby amended to read as follows:

E. Pursuant to the findings in the Town of Thompson Parks and Recreation Study, which was adopted by the Town Board on June 20, 2017, there is a concrete need for additional parks and recreation facilities to support future recreational demands: new residential developments that will contribute to the population growth, whether year-round or seasonal, will create a demand for parks and recreational facilities in addition to those that exist presently. New residential development should be reviewed by the Planning Board on an individualized basis to determine if suitable park and/or recreational facilities of adequate size to meet the demands of the new population associated with the development can be located on the site of the new development. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any plat showing lots, blocks or sites pursuant to Town Law §277(4) or any site plan pursuant to Town Law §274-a(6), or is otherwise not practical, the Planning Board shall require, as a condition of approval of any such plat, payment to the Town of a sum of money in lieu of park land on site. Any monies required by the Planning Board in lieu of land for parks, playground, or other recreational purposes shall be deposited in a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including acquisition of property. The fee for same shall be consistent with parkland fees as set in Article XIX of Chapter 250 of the Town Code.

2. §250-151 B. is amended to read as follows:

B. Land for such park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular subdivision plat will contribute.

3. §250-151 C. is amended to read as follows:

C. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any plat showing lots, blocks or sites pursuant to Town Law §277(4) or is otherwise not practical, the Planning Board shall require, as a condition of

approval of any such plat, payment to the Town of a sum of money in lieu of park land on site. Any monies required by the Planning Board in lieu of land for parks, playground, or other recreational purposes shall be deposited in a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including acquisition of property. The fee for same shall be consistent with parkland fees as set in Article XIX of Chapter 250 of the Town Code.

3. §250-152 B. is amended to read as follows:

B. For all developments and subdivisions, other than up to a four-lot minor subdivision, if the Planning Board has required the incorporation of recreation facilities by the developer on his site, the parkland fee shall be \$2,500.00 per unit or lot, whichever is higher. The Planning Board may reduce this fee to a minimum of \$1,250.00 per unit or lot, whichever is higher, by reviewing, on a case by case basis the following criteria or any other relevant data to determine the proposed development's overall impact on the Town's recreational facilities:

Population/demographics of proposed development;

Types of recreational facilities proposed for the site, including whether passive or active, and the nature of the facilities proposed;

Number of housing units proposed;

Size/acres of proposed site;

Seasonality of the development's population, as well as seasonality of the on-site facilities;

Location of proposed development relative to other proposed or existing public recreational facilities.

4. §250-153 C. is amended to read as follows:

C. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any plat showing lots, blocks or sites pursuant to Town Law §274(A)(6) or is otherwise not practical, the Planning Board shall require, as a condition of approval of any such plat, payment to the Town of a sum of money in lieu of park land on site. Any monies required by the Planning Board in lieu of land for parks, playground, or other recreational purposes shall be deposited in a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including acquisition of property. The fee for same shall be consistent with parkland fees as set in Article XIX of Chapter 250 of the Town Code.

5. §250-154 B. is amended to read as follows:

B. For all developments and subdivisions, other than up to a four-lot minor subdivision, if the Planning Board has required the incorporation of recreation facilities by the developer on his site, the parkland fee shall be \$2,500.00 per unit or lot, whichever is higher. The Planning Board may reduce the fee to a minimum of \$1,250.00 per unit or lot, whichever is higher, by reviewing, on a case by case basis the following criteria or any other relevant data to determine the proposed development's overall impact on the Town's recreational facilities:

Population/demographics of proposed development;

Types of recreational facilities proposed for the site, including whether passive or active, and the nature of the facilities proposed;  
Number of housing units proposed;  
Size/acres of proposed site;  
Seasonality of the development's population, as well as seasonality of the on-site facilities;  
Location of proposed development relative to other proposed or existing public recreational facilities.

6. Except as herein specifically amended, the remainder of Chapter 52 and Chapter 250 of such Code shall remain in full force and effect.
7. If any clause, sentence, paragraph, subdivision, section or part thereof this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.
8. Except as herein otherwise provided penalties for the violation of this local law, any person committing an offense against any provision of the chapter of the Code of the Town of Thompson shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, of such Code.
9. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the Town of Thompson was duly passed by the Town Board on \_\_\_\_\_, 2017 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by Elective Chief Executive Officer\*)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2017 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2017, in accordance with the applicable provisions of law.

3. (Final adoption by referendum)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2017 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on \_\_\_\_\_ 2017, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2017 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2017 in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of sections 36/37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at a special/general election held on \_\_\_\_\_ 2017 became operative.

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\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

6. (County local law concerning adoption of Charter)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2017 of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_ 2017, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide the appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

\_\_\_\_\_  
~~Clerk of the county legislative body, city, town,  
village clerk or officer designated by local legislative  
body~~

Date: \_\_\_\_\_, 2017

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality)

STATE OF NEW YORK  
COUNTY OF SULLIVAN

I, the undersigned, do hereby certify that the foregoing local law contains the correct text and that all proper proceeding have been had or taken for the enactment of the local law annexed hereto.

Date: \_\_\_\_\_, 2017

\_\_\_\_\_  
Attorney for Town of Thompson