

Ch 124
7-19-2005

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

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.

County
City of Washingtonville
Town
Village

Local Law No. 1 of the year 2005

A local law titled "Parkland and Recreation Fees"
(Insert Title)

Be it enacted by the Board of Trustees
(Name of Legislative Body)

County
City of Washingtonville
Town
Village

Section 1. The Code of the Village of Washingtonville is amended by adopting a new chapter, titled "Parkland and Recreation Fees," as Chapter 124 of the Code of the Village of Washingtonville, to read as follows:

§124-1. Legislative findings.

The Board of Trustees finds and determines that the construction of dwelling units and conversion of nonresidential building space to dwelling units places a burden upon the Village's park and recreation facilities. State Village Law §§7-725-a(6) and 7-730(4) authorizes a local requirement that developers of dwelling units set aside parkland or pay a fee in lieu thereof to provide funds for the acquisition and improvement of park and recreation facilities. The Board of Trustees finds and determines that the Village in its entirety constitutes a neighborhood and that the community facilities of the Village are in all respects neighborhood facilities available to all residents of the Village. The Board thus finds and determines that the best and most practical parks, playgrounds and recreation facilities can be provided through a municipal system of parks, playgrounds and recreation facilities, and that developers of all

dwelling units should contribute a fair share toward the improvement and strengthening of municipal park and recreation facilities.

§124-2. Requirements.

Upon issuance of approval or permit of a subdivision plat, site plan, special permit, conditional use or other plan which shows dwelling units, the Planning Board or Zoning Board of Appeals, as the case may be, as a condition of approval or permit, shall require the set aside of parkland or recreation area and/or the payment by the applicant to the Village of a sum determined by the Board of Trustees. Such sum shall constitute a trust fund to be used by the Board of Trustees exclusively for municipal park, playground or recreation purposes, including the acquisition or improvement of park and recreation land. The Planning Board or Zoning Board of Appeals may, where appropriate, require the set aside of parkland or recreation area and the payment of a sum to the Village.

§124-3. Establishment of in-lieu payment.

The Board of Trustees shall by resolution establish the amount of the parkland and recreation fee. In establishing said amount, the Board shall consider an inventory of the Village's parkland and recreation facilities and needs, actual and potential new residential development and the park and recreation needs of such new development. Said amount may be amended from time to time by resolution of the Board of Trustees. Any dwelling unit for which a building permit has not been issued prior to the date of adoption of this local law shall be subject to the parkland and recreation fee established pursuant to this law.

Section 2. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 3. To the extent that this local law may be found to be inconsistent with any provision of the state Village Law, including §§7-725-a(6) and 7-730(4) thereof, or any special law, said local law shall supercede any such inconsistent provision in order to effectuate the purposes of this local law.

Section 4. 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 that 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. 1 of 2005 of the ~~(County)~~(City)(Town)(Village) of Washingtonville was duly passed by the Board of Trustees on July 19, 2005, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval by the _____ and was deemed duly adopted on _____ 20__,
(Name of Legislative Body)
(Elective Chief Executive Officer)*
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 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval by the _____ on _____ 20__. Such local law was submitted
(Name of Legislative Body)
(Elective Chief Executive Officer)*
to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors thereon at the (general)(special)(annual) election held on _____ 20__ in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval by the _____ on _____ 20__. Such local law was subject
(Name of Legislative Body)
(Elective Chief Executive Officer)*
to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20__ in accordance with the applicable provisions of law.

***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, the chairperson 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.**

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 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (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 the (special)(general) election held on _____ 20_ became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20_ 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 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 an appropriate certification)

I further certify that I have compared the preceding local law with the original on file in this office and that 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 or Village Clerk
or officer designated by local legislative body

Christine Shenkman, Village Clerk

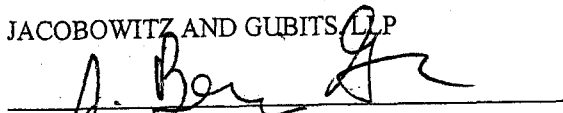
Date: 08-22-05

(Seal)

(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 ORANGE

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

JACOBOWITZ AND GUBITS, LLP

Signature: J. Benjamin Gailey
Attorneys for the Town

County
City of Washingtonville
Town
Village

Date: August 5, 2005



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

September 13, 2005

RANDY A. DANIELS
SECRETARY OF STATE

Village of Washingtonville
29 West Main Street
Washingtonville, NY 10992-1412

RE: Village of Washingtonville, Local Law 1, 2005, filed on 9/1/2005

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated.
Additional local law filing forms will be forwarded upon request.

Sincerely,
Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

LL:cb