

# STATE OF NEW YORK

7895--A

2025-2026 Regular Sessions

## IN SENATE

May 13, 2025

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommended to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the town law, in relation to the use of funds for the acquisition of property for park, playground, and recreational facilities and equipment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs (a) and (c) of subdivision 4 of section 277 of  
2 the town law, as added by chapter 727 of the laws of 1992, are amended  
3 to read as follows:

4 (a) Before the planning board may approve a subdivision plat contain-  
5 ing residential units and subdivision plats seeking to divide land  
6 exceeding twenty-five acres for commercial and industrial development,  
7 such subdivision plat shall also show, when required by such board, a  
8 park or parks suitably located for playground or other recreational  
9 purposes.

10 (c) In the event the planning board makes a finding pursuant to para-  
11 graph (b) of this subdivision that the proposed subdivision plat  
12 presents a proper case for requiring a park or parks suitably located  
13 for playgrounds or other recreational purposes, then such land shall be  
14 set aside and declared held in the public trust for use limited to park,  
15 playground, or recreation, together with a sum of money equal to twenty  
16 percent of the value of the land or twenty percent of the town's  
17 projected costs to improve the property for park, playground or recre-  
18 ational purposes whichever is greater but not to exceed thirty percent  
19 of the value of the land, to be deposited in a trust fund for improve-  
20 ment, expansion, repair or replacement of the park, playground, and  
21 recreational facilities and equipment, including costs related to design

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 and construction, and costs related to management and general maintenance of the park, playground, and recreational facility created on the  
2 land(s) set aside for such purpose.

3  
4 (d) In the event the planning board makes a finding pursuant to paragraph (b) of this subdivision that the proposed subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park  
5 or parks of adequate size to meet the requirement cannot be properly  
6 located on such subdivision plat, the planning board may require a sum  
7 of money in lieu thereof, in an amount to be established by the town  
8 board. In making such determination of suitability, the board shall  
9 assess the size and suitability of lands shown on the subdivision plat  
10 which could be possible locations for park or recreational facilities,  
11 as well as practical factors including whether there is a need for additional  
12 facilities in the immediate neighborhood or existing parks, playgrounds and recreational facilities proximate to the proposed subdivision that would benefit from improvement, expansion, repair, replacement and management and/or general maintenance. Any monies required by the  
13 planning board in lieu of land for park, playground or other recreational  
14 purposes, pursuant to the provisions of this section, shall be deposited  
15 into a trust fund to be used by the town exclusively for park,  
16 playground or other recreational purposes, including the acquisition of  
17 property, improvement, expansion, repair or replacement of the park, playground, and recreational facilities and equipment, including costs related to design and construction, and costs related to management and general maintenance of the park, playground, and recreational facilities.

18  
19 § 2. The subdivision heading and paragraphs (c) and (d) of subdivision  
20 6 of section 274-a of the town law, as added by chapter 694 of the laws  
21 of 1992, are amended to read as follows:

22  
23 Reservation of parkland on site plans containing residential units and commercial and industrial site plans seeking to develop and improve land exceeding twenty-five acres.

24  
25 (c) In the event the authorized board makes a finding pursuant to  
26 paragraph (b) of this subdivision that the proposed site plan presents a  
27 proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, then such land shall be set aside and declared held in the public trust for use limited to park, playground, or recreation, together with a sum of money equal to twenty percent of the value of the land or twenty percent of the town's projected costs to improve the property for park, playground or recreational purposes whichever is greater but not to exceed thirty percent of the value of the land, to be deposited in a trust fund for improvement of the park, playground, and recreational facilities and equipment, including costs related to design and construction, and costs related to management and general maintenance of the park, playground, and recreational facility created on the land(s) set aside for such purpose.

28  
29 (d) In the event the planning board makes a finding pursuant to paragraph (b) of this subdivision that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or  
30 parks of adequate size to meet the requirement cannot be properly  
31 located on such site plan, the [authorized] planning board may require a  
32 sum of money in lieu thereof to be established by the town board. In  
33 making such determination of suitability, the board shall assess the  
34 size and suitability of lands shown on the site plan which could be

1 possible locations for park or recreational facilities, as well as prac-  
2 tical factors including whether there is a need for additional facili-  
3 ties in the immediate neighborhood or existing parks, playgrounds, and  
4 recreational facilities proximate to the proposed subdivision that would  
5 benefit from improvement, expansion, repair, replacement and management  
6 and/or general maintenance. Any monies required by the [~~authorized~~]  
7 planning board in lieu of land for park, playground or other recreation-  
8 al purposes, pursuant to the provisions of this section, shall be depos-  
9 ited into a trust fund to be used by the town exclusively for park,  
10 playground or other recreational purposes, including the acquisition of  
11 property, improvement, expansion, repair or replacement of the park,  
12 playground, and recreational facilities and equipment, costs related to  
13 design and construction, and costs related to management and general  
14 maintenance of the park, playground, and recreational facilities.

15 [~~(d)~~] (e) Notwithstanding the foregoing provisions of this subdivi-  
16 sion, if the land included in a site plan under review is a portion of a  
17 subdivision plat which has been reviewed and approved pursuant to  
18 section two hundred seventy-six of this article, the authorized board  
19 shall credit the applicant for any land set aside or money donated in  
20 lieu thereof under such subdivision plat approval. In the event of  
21 resubdivision of such plat, nothing shall preclude the additional reser-  
22 vation of parkland or money donated in lieu thereof.

23 § 3. This act shall take effect immediately.