

# STATE OF NEW YORK

7895

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

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. Paragraph (c) of subdivision 4 of section 277 of the town  
2 law, as added by chapter 727 of the laws of 1992, is amended to read as  
3 follows:

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

19 (d) In the event the planning board makes a finding pursuant to para-  
20 graph (b) of this subdivision that the proposed subdivision plat  
21 presents a proper case for requiring a park or parks suitably located  
22 for playgrounds or other recreational purposes, but that a suitable park  
23 or parks of adequate size to meet the requirement cannot be properly  
24 located on such subdivision plat, the planning board may require a sum

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

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1 of money in lieu thereof, in an amount to be established by the town  
2 board. In making such determination of suitability, the board shall  
3 assess the size and suitability of lands shown on the subdivision plat  
4 which could be possible locations for park or recreational facilities,  
5 as well as practical factors including whether there is a need for addi-  
6 tional facilities in the immediate neighborhood. Any monies required by  
7 the planning board in lieu of land for park, playground or other recre-  
8 ational purposes, pursuant to the provisions of this section, shall be  
9 deposited 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 § 2. Paragraphs (c) and (d) of subdivision 6 of section 274-a of the  
16 town law, as added by chapter 694 of the laws of 1992, are amended to  
17 read as follows:

18 (c) In the event the authorized board makes a finding pursuant to  
19 paragraph (b) of this subdivision that the proposed site plan presents a  
20 proper case for requiring a park or parks suitably located for play-  
21 grounds or other recreational purposes, then such land shall be set  
22 aside and declared held in the public trust for use limited to park,  
23 playground, or recreation, together with a sum of money equal to twenty  
24 percent of the value of the land or twenty percent of the Town's  
25 projected costs to improve the property for park, playground or recre-  
26 ational purposes whichever is greater but not to exceed thirty percent  
27 of the value of the land, to be deposited in a trust fund for improve-  
28 ment, expansion, repair or replacement of the park, playground, and  
29 recreational facilities and equipment, including costs related to design  
30 and construction, and costs related to management and general mainte-  
31 nance of the park, playground, and recreational facility created on the  
32 land(s) set aside for such purpose.

33 (d) In the event the planning board makes a finding pursuant to para-  
34 graph (b) of this subdivision that the proposed subdivision plat  
35 presents a proper case for requiring a park or parks suitably located  
36 for playgrounds or other recreational purposes, but that a suitable park  
37 or parks of adequate size to meet the requirement cannot be properly  
38 located on such site plan, the authorized board may require a sum of  
39 money in lieu thereof to be established by the town board. In making  
40 such determination of suitability, the board shall assess the size and  
41 suitability of lands shown on the site plan which could be possible  
42 locations for park or recreational facilities, as well as practical  
43 factors including whether there is a need for additional facilities in  
44 the immediate neighborhood. Any monies required by the authorized board  
45 in lieu of land for park, playground or other recreational purposes,  
46 pursuant to the provisions of this section, shall be deposited into a  
47 trust fund to be used by the town exclusively for park, playground or  
48 other recreational purposes, including the acquisition of property,  
49 improvement, expansion, repair or replacement of the park, playground,  
50 and recreational facilities and equipment, costs related to design and  
51 construction, and costs related to management and general maintenance of  
52 the park, playground, and recreational facilities.

53 [~~a~~] (e) Notwithstanding the foregoing provisions of this subdivi-  
54 sion, if the land included in a site plan under review is a portion of a  
55 subdivision plat which has been reviewed and approved pursuant to  
56 section two hundred seventy-six of this article, the authorized board

1 shall credit the applicant for any land set aside or money donated in  
2 lieu thereof under such subdivision plat approval. In the event of  
3 resubdivision of such plat, nothing shall preclude the additional reser-  
4 vation of parkland or money donated in lieu thereof.  
5 § 3. This act shall take effect immediately.