

Section 9.0 Recreation

This section is presented to demonstrate the Project's compliance with Town of Yorktown Town Code ("Code") requirements for the set-aside of project land for park and recreation purposes.

Relevant Code Sections. The relevant sections for all development projects in the R-3 Multifamily Residential Districts as applied to the recreation space/ fee obligations for the Project read in pertinent part and are set forth as follows:

Code § 300-21(C)(3)(a)(2)(f): At least 400 square feet of usable open space is provided on the site for each dwelling unit for play area and other outdoor living uses. The developer shall provide a suitably improved playground/play area. Each such playground/ play area shall have a minimum area of 1,200 square feet and a maximum distance of 1,000 feet from the units to be served.

Code § 300-21(C)(3)(a)(2)(g): in addition to the above, the developer shall also set aside 10% of the site for the provision of park and/or recreational facilities. If the provision of such facilities is impractical because of the particular layout of the development or for other reasons, a recreation fee of \$4,000 per unit shall be submitted prior to the approval of the application.

Application to the Project. The Project is able to meet the set-aside requirements and is therefore not liable for the payment of any recreational fees under Code §§ 300-21 and 300-22. The Project's civil engineers, Site Design Consultants, have demonstrated on the site-plan drawings that the Project exceeds all dimensional requirements relating to the set-asides, square footage, and placement.

For example, Site Design Consultants have demonstrated the following:

1. The code requirement of 400 square feet per dwelling unit yields a Project requirement of 59,200 square feet of set-aside; the Project as currently designed has a set-aside of 95,555 square feet.
2. The minimum playground square footage of 1,200 square feet located at within 1,000 feet of the units to be served is satisfied by a 6,700 square foot pool and a 3,150 square foot pool.
3. In addition to the above, the Code, in two places, requires a set-aside of at least 10% for the provision of park and/or recreation facilities; resulting in burden on the Project of 60,045 square feet. The Project is proposing 71,555 square feet of compliant set-aside open and recreation space.

The relevant numbers as set forth above are presented in a Code-compliant table on previously submitted site plan application materials.

Conclusion. As set forth above, the Project complies with all recreational set-aside and playground requirements and therefore does not trigger the fee in lieu of obligations.

Sheet 6 of 8 of the plan set shows the proposed recreational areas and provides the above comparison in a table.