

**TOWN OF NORTH CASTLE**  
**Local Law 1 For the Year 2011**  
(Adopted February 16, 2011)

**A local law to reduce the recreation fee, to allow additional height for driveway entry piers and gates and to remove the two extension maximum for final subdivision plat approval pursuant to NYS Town Law.**

**Section 1.** Replace Section A216-35 of the Town Code with the following text:

§ A216-35.

- A. Where the Planning Board finds that, with respect to a subdivision, a reservation of land would be inappropriate, the Planning Board shall require the applicant to deposit with the Town Board a parks reservation fee of \$10,000 per new building lot. These moneys shall be placed in a special fund to be used for the purchase and development of sites for parks and recreational areas in the Town.
- B. In all cases where a middle income unit is developed, the recreation fee shall be \$1,000 per new building lot.

**Section 2.** Replace Section 143-5.B and C of the Town Code with the following text:

- B. The recreation fee paid to the town shall be \$3,000 per dwelling unit for a multifamily development (or other form of residential development) requiring only a site plan or special permit approval, except that assisted living units shall have a recreation fee of \$1,000 per unit.
- C. In all cases where a middle income unit is developed, the recreation fee shall be \$1,000 per dwelling unit for a multifamily development (or other form of residential development) requiring only a site plan or special permit approval.

**Section 3.** Replace Section 213-14.G(1) of the Town Code with the following text:

- G. Walls and fences.
- (1) The yard requirements of this chapter shall not be deemed to prohibit any necessary retaining wall nor to prohibit any fence or wall, subject to applicable permits and reviews by the Building Inspector, and further provided that the finished side of such fencing or wall shall face the exterior of the property as defined by the property line, and provided that such fence or wall does not exceed six feet in height. Mesh deer fencing exceeding six feet in height and driveway entry piers and gates exceeding six feet in height shall be permitted to reach a height of eight feet, except that deer fencing over six feet in height shall not be permitted within 25 feet of the front property line.

**Section 4.** Replace Section A216-16.J of the Town Code with the following text:

- J. Expiration of conditional approval. Conditional approval of a final plat shall expire within 180 days after the date of the resolution granting conditional approval unless such

requirements have been certified as completed. The Planning Board may extend the time in which a conditionally approved plat in final form must be submitted for signature if, in its opinion, such extension is warranted by the particular circumstances thereof, for periods of 90 days each.

**Section 5.** Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

**Section 6.** Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

**Section 7.** Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: February 16, 2011