

TOWN OF CLARKSTOWN

LOCAL LAW NO. - 2013

Be it enacted by the Town Board of the Town of Clarkstown as follows:

Section 1. Title

A Local Law amending Chapter 290 (Zoning) of the Local Laws of the Town of Clarkstown with respect to Senior Citizen Housing, Senior Citizen Congregate Housing and Assisted Care Living Quarters.

Section 2. Legislative intent.

The purpose of this Local Law is to amend Chapter 290 of the Town of Clarkstown Zoning Code to allow development of crucially needed additional senior housing. By permitting the development of Senior Congregate Housing and Assisted Living Quarters, housing options for seniors will be expanded and seniors will be provided a "continuum of care," which will require less effort on the part of seniors to transition from one level of senior care to another as their needs change.

Section 3. 290-3B. Definitions.

Section 290-3B, SENIOR CITIZEN CONGREGATE HOUSING – is hereby amended to read as follows:

A facility consisting of a building, or a group of buildings in a campus setting, which serves as a residence for persons age 55 or older who do not need daily assistance and can live independently, but where meals may be available in a dining room setting. In addition, housekeeping, linen, laundry services and other amenities may be provided. No licensed professional medical care or related services are directly provided.

Section 290-3B, SENIOR CITIZEN HOUSING – is hereby amended to read as follows:

A building or a group of buildings which have the total number of dwelling units specifically designed for the needs of the elderly, which may be constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or with the assistance of a municipal, state or federal governmental agency, and which is constructed and maintained on a nonprofit or limited profit basis by an organization or its wholly owned subsidiary incorporated pursuant to the provisions of the laws of the State of New York. This includes Assisted Care Living Quarters and Senior Citizen Congregate Housing.

Section 4. Planning Board Special Permit in R-22, R-10, R-15, LO, RG-1, RG-2, PO, MF-1, MF-2 & MF-3

Section 290-11A, Tables 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15a, 18 and 19, General Use Regulations, Column 3 Heading are hereby amended to read as follows:

Uses Permitted by Special Permit of the Board of Appeals, Town Board, or the Planning Board, Where Specified. (Subject to 290-15 and to Section Listed Use, Where Applicable)

Section 290-11A, Tables 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15a, 18 and 19, General Use Regulations, Column 3 are hereby amended to add the following:

#### C. PLANNING BOARD.

Section 290-11A, Table 4, General Use Regulations, R-15 District, Column 3, B. TOWN BOARD, Item 5; Table 5, General Use Regulations, R-10 District, Column 3, B. TOWN BOARD, Item 6; Table 6, General Use Regulations, RG-1 District, Column 3, B. TOWN BOARD, Item 6; Table 7, General Use Regulations, RG-2 District, Column 3, B. TOWN BOARD, Item 5; Table 9, General Use Regulations, PO District, Column 3, B. TOWN BOARD, Item 1; Table 11, General Use Regulations, CS District, Column 3, B. TOWN BOARD, Item 3; Table 19, General Use Regulations, MF-1, MF-2 and MF-3 Districts, Column 3, B. TOWN BOARD, Item 2 are hereby amended to read as follows:

(Reserved)

Section 290-11A, Table 3, General Use Regulations, R-22 District; Table 4, General Use Regulations, R-15 District; Table 5, General Use Regulations, R-10 District; Table 6, General Use Regulations, RG-1 District; Table 7, General Use Regulations, RG-2 District; Table 9, General Use Regulations, PO District; Table 11, General Use Regulations; Table 19, General Use Regulations, MF-1, MF-2 and MF-3 Districts, are hereby amended to add a new item "1" to Column 3, C. PLANNING BOARD as follows:

Senior citizen housing subject to 290-17O(A)

Section 290-15. Special Findings A. is hereby amended to read as follows:

A. Before granting a special permit for any use in the Use Table, Column 3, the Town Board, Planning Board or the Board of Appeals (as per 290-32C(3)), as specified therein, shall make the following special findings (as well as any additional requirements and conditions set forth for any specific use in the Use Table and in 290-17).

Section 290-17. Additional requirements for certain special permit uses. is hereby amended to read as follows:

The Board of Appeals, Planning Board or the Town Board, as specified in the Use Table, subject to making the special findings in 290-15, may grant a special permit for any use in this section, provided that the additional requirements and conditions for each use set forth in the lettered subsections below are complied with:

Section 5. Requirements.

Section 290-17O(A)(2). Prohibitions. is hereby amended to read as follows:

Prohibitions. This subsection does not permit nursing homes, convalescent homes, private proprietary homes, homes for the aged or any other facilities regulated and licensed by the Department of Health under the Public Health Law of the State of New York, except for Assisted Care Living Quarters and Senior Citizen Congregate Housing.

Section 290-17O(A)(5). Construction requirements. is hereby amended to read as follows:

Construction requirements. All building and dwelling units constructed under this subsection shall be constructed in accordance with the New York State Building Construction Code and conform to any additional requirements of the state or federal programs providing for housing for the elderly, whichever is applicable, and shall be inspected and approved by the Building Inspector. There shall be no more than 200 dwelling units constructed at any one site.

Section 290-17O(A)(10). Required off-street parking (subject to Article VI). is hereby amended to read as follows:

Senior Citizen Congregate Housing

Dwelling Unit Type	Parking Space
Efficiency	1.0
One-bedroom	1.0
Two-bedroom	1.5
Superintendent	2.0

Assisted Care Living Quarters

Per Bed

0.55

Section 290-170(A)(11)(c) is hereby amended to read as follows:

Minimum front lot line shall be 300 feet along a major, secondary or collector street.

Section 290-170(A)(11)(d)[1] is hereby amended to read as follows:

Ingress and egress roads shall be from a major, secondary or collector street. A variance from this provision shall be deemed a use variance.

Section 290-170(A)(11)(g) is hereby amended to read as follows:

Maximum density permitted shall be 20 dwelling units per acre, none of which may contain more than two bedrooms, with the exception of one superintendent's apartment per complex which shall consist of no more than three bedrooms. Notwithstanding the above, no more than 10% of the 20 dwellings per acre shall be two bedrooms.

Section 290-170(A)(11)(l) is hereby amended to read as follows:

Minimum distance between Senior Citizen Congregate Housing sites shall be not less than 1,500 feet.

Section 290-170(A)(11), is hereby amended to add new item "(m)" as follows:

(m) Minimum distance between Assisted Care Living Quarters shall not be less than 1,500 feet.

Section 290-170(A)(11), is hereby amended to add new item "(n)" as follows:

(n) The total aggregate number of Senior Citizen Housing units allowable under the Planning Board Special Permit pursuant to this section shall be no more than 700. The Town Board may, by resolution passed by a super-majority vote after a public hearing, increase the total number of Senior Citizen Housing units. No such increase shall take place until at least one year after the final Planning Board Approval of the initial 700 units.

Section 6. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.