

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Briarcliff Manor

Local Law No. 1 of the year 2014

A local law TO AMEND CHAPTER 220 OF THE CODE OF THE VILLAGE OF BRIARCLIFF MANOR
(Insert Title)
TO LIST SENIOR CARE COMMUNITY AS A SPECIAL PERMIT USE WITHIN THE
RESIDENCE DISTRICTS SUBJECT TO SPECIAL STANDARDS AND REQUIREMENTS

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Briarcliff Manor as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2014 of the (County)(City)(Town)(Village) of Briarcliff Manor was duly passed by the Board of Trustees (Name of Legislative Body) on June 18 2014, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2014, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: June 26, 2014

(Seal)

LOCAL LAW TO AMEND CHAPTER
220 OF THE CODE OF THE VILLAGE
OF BRIARCLIFF MANOR TO LIST
SENIOR CARE COMMUNITY AS A
SPECIAL PERMIT USE WITHIN THE
RESIDENCE DISTRICTS SUBJECT TO
SPECIAL STANDARDS AND
REQUIREMENTS

Be it enacted by the Board of Trustees of the Village of Briarcliff Manor as follows:

1. In Section 220-2 of the Code of the Village of Briarcliff Manor, the definition of “Continuing Care Retirement Community (CCRC)” is hereby amended by deleting the said definition in its entirety and adding the following new definition:

“SENIOR CARE COMMUNITY

A for-profit development that

- A. Is “housing for older persons” meaning housing that is
1. provided under any State or Federal program that the Secretary of Housing and Urban Development of the United States determines is specifically designed and operated to assist elderly persons as defined in such State or Federal program, or
 2. intended for, and solely occupied by, persons 62 years of age or older; or
 3. intended and operated for occupancy by persons 55 years of age or older, and
 - i. at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older; and
 - ii. the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under 42 USCS § 3607 as same may be amended from time to time; and
 - iii. the housing facility or community complies with rules issued by the Secretary for verification of occupancy, which shall
 - a. provide for verification by reliable surveys and affidavits; and

- b. include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause ii above. Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification. [Source: 42 U.S.C.S. § 3607, as same may be amended from time to time]

B. Such development

1. Is a Continuing Care Retirement Community (CCRC) authorized by the State of New York in accordance with Article 46 of the Public Health Law, as said law may be amended from time to time, or
2. Is a Fee-For-Service Continuing Care Retirement Communities Demonstration Program authorized by the State of New York in accordance with Article 46-A of the Public Health Law, as said law may be amended from time to time, or,
3. Is an Assisted Living development (ALD) certified and licensed in accordance with Article 46-B of the Public Health Law, as said law may be amended from time to time, which shall, among other things provide a continuum of housing, daily living services and facilities, and health care for seniors; or
4. Is a congregate living facility that provides senior residents with access to, and a choice of, any of the following:
 - i. Independent living units (ILU); and
 - ii. Assisted living units (ALU), including but not limited to
 - a. the provision of services in accordance with an enhanced assisted living certificate issued by the New York State Department of Health that enables the Senior Care Community to admit and retain residents who chronically require the physical assistance of another person, or require more than intermittent or occasional assistance from medical personnel; and
 - b. the provision of services with a special needs assisted living certificate issued by the New York State Department of Health that provides memory care services to meet the unique needs of older adults who have been given a medical diagnosis of Alzheimer's disease or other recognized forms of dementia, including around-the-clock supervision and assistance with daily activities, 24-hour security and supportive services; and/or
 - iii. Skilled nursing units (SNU), and

C. Such development shall further include:

1. A range of medical, health care and social services, including, among other things, home health care, hospice care, dementia care, memory care, respite care, rehabilitation services, including on-site physician's offices, and
2. Amenities, facilities and programs specifically designed to enhance the length and quality of life of senior residents, including common dining, recreation, incidental retail, incidental personal services, and cultural facilities, and
3. Optional overnight accommodations for the guest(s) of any resident, only as may be permitted as a condition of the required special permit.”

2. Section 220-6.J.(14) of the Code of the Village of Briarcliff Manor is hereby amended by deleting it in its entirety and replacing it with the following:

“(14) Senior Care Community within the R60A and R80A Residential Districts. The Village Board may grant a special permit for construction and operation of a Senior Care Community as defined in Section 220-2 of this Code, as a permanent institutional use, subject to the following standards and requirements set forth below:

(a) Notwithstanding the criteria set forth in the Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings Editor's Note: The Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings is included at the end of this chapter. The following parameters shall govern the establishment of any Senior Care Community:

[1] Minimum size of lot. The minimum size of the lot on which a Senior Care Community may be established shall be 50 acres.

[2] Maximum density. No more than six ILUs per acre or 10 residents per acre shall be permitted in any Senior Care Community.

[3] Dimensional requirements applicable to Senior Care Community development. The size of any building and development situated in a Senior Care Community in the R60A or R80A District shall conform to the R60A or the R80A District requirements, respectively, except as set forth herein:

[a] The maximum gross floor area ratio shall not exceed 0.35. For the purposes of this section, below-grade parking areas, loading areas, cellars, balconies, mezzanines and storage or mechanical spaces shall not be considered as floor area.

- [b] The maximum building coverage shall not exceed 10%, excluding any structures or portions thereof used for Village purposes
 - [c] In addition to the requirements of Subsection C, the Village Board shall establish the appropriate location, arrangement, length, width and height of the building(s) on the property with specific consideration to the visual impact of the development on the surrounding properties.
 - [d] At least 75% of the land shall be maintained as open space, unoccupied by any buildings or aboveground parking areas, other than those used for Village purposes. Any calculation of open space on the property shall include any land available for public recreational use.
 - [e] A minimum setback of 125 feet shall be provided along all portions of the land abutting any public street line. Such setback shall be appropriately planted and properly maintained, as detailed in any relevant special permit conditions.
 - [f] Notwithstanding the provisions of the Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings, Exceptions and Modifications, Subsection 1(c) as to height, the maximum building height shall not exceed 10 stories.
- (b) Required findings. In addition to the requirements of Subsection C, the Village Board of Trustees shall make each and every one of the following findings
- [1] The proposed Senior Care Community will preserve large contiguous areas as open space.
 - [2] The proposed Senior Care Community will increase and diversify the tax base with relatively little impact on Village services.
 - [3] The proposed Senior Care Community will provide alternate forms of housing to meet the changing needs of Village and area residents and allow residents to remain in Briarcliff Manor.
 - [4] There will not be an overabundance of such facilities or other age restricted housing within the Village.
 - [5] The proposed Senior Care Community is needed and appropriate.

(c) Off-street parking and loading.

[1] Off-street parking requirements. The minimum off-street parking requirements for a Senior Care Community shall be based upon the following, as may be deemed appropriate by the Board of Trustees, which in the exercise of its administrative discretion, may reduce such requirements:

[a] Residential parking requirement: 1.2 spaces per ILU; and

[b] Staff and amenity parking: 0.4 spaces multiplied by the number of aggregate ILU, ALU and SNF units; and

[c] Visitor parking: 0.15 spaces multiplied by the number of aggregate ILU, ALU and SNF units.

[2] Off-street loading. In connection with the issuance of the special permit for the Senior Care Community, the Village Board shall ensure that appropriate loading areas are provided in suitable locations to properly service the needs of the Senior Care Community.

[3] Design and layout. In connection with the design and layout of any parking or loading areas the approving agency shall be guided by the provisions of § 220-12 of the Zoning Law and may grant waivers from compliance with the provisions of § 220-12C(6), entitled "Landscaping within parking areas," in the interest of achieving an appropriate layout and design for the operation of the Senior Care Community in any development where structured parking is provided below the grade of the first-story of the principal building served thereby.

(d) Other requirements. In addition to the special standards described above, to the extent not inconsistent herewith, a Senior Care Community shall comply with all other requirements of the Zoning Ordinance of the Village of Briarcliff Manor, including but not limited to the special permit use provisions detailed in § 220-6 and the Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings."

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

4. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York within the provisions of the Municipal Home Rule Law.