

PROPOSED LOCAL LAW M OF 2019

A LOCAL LAW

TO AMEND CHAPTER 295, ZONING CODE OF THE VILLAGE OF HASTINGS-ON-HUDSON TO UPDATE AND REVISE PROVISIONS REGARDING NURSING HOMES, ASSISTED LIVING FACILITIES AND SENIOR HOUSING PROVISIONS

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

SECTION 1: Section 295-5 Definitions of the Zoning Code is hereby amended delete the existing definitions of **SENIOR ASSISTED-LIVING HOUSING** and **SENIOR ENRICHED/INDEPENDENT LIVING HOUSING**.

SECTION 2: Section 295-5 Definitions of the Zoning Code is hereby amended by inserting the following new definitions:

ACTIVE ADULT/INDEPENDENT LIVING HOUSING

Handicapped-adaptable individual or multifamily dwelling units with individual kitchens and bathrooms where, because of age and either disability or infirmity of the residents, the following services are provided to residents within the dwelling unit or in common facilities on site: dining, laundry, security and housekeeping. Residents may have the option of cooking for themselves, being provided with meals in their rooms, or eating in a common dining facility on-site. An Active Adult/Independent Living Facility does not require licensure or oversight by the New York State Health Department. Any in-home care, doctors' visits, or other health-related services are arranged for privately by the resident.

ASSISTED LIVING HOUSING

A residential facility for individuals who require some assistance with daily living, with units that may contain kitchenettes, that is operated by an entity licensed by the State of New York Department of Health to operate an adult home (as defined in 18 NYCRR 487), enriched housing program (as defined in 18 NYCRR 488), or residence for adults (as defined in 18 NYCRR 490), including any such adult care facility offering services through an assisted living program (as defined in 18 NYCRR 494) or licensed as an assisted living residence, enhanced assisted living residence and/or special needs assisted living residence pursuant to 10 NYCRR 1001. The facility will combine dwelling units with provision of services, including, but not limited to, communal dining, medication supervision, personal care, physical therapy, and assistance with the activities of daily living such as bathing, dressing, grooming, eating and/or ambulation for persons who do not need the skilled medical care provided by a nursing home or convalescent care facility.

CONTINUUM OF CARE FACILITY

A residential facility that provides a combination of the features and amenities of Active Adult/Independent Living Housing, Assisted Living Housing and/or a Nursing Home and provides residential units or beds for more than one of those levels of care within the same building or buildings on a single development site.

NURSING HOME OR CONVALESCENT HOME

Any establishment where three or more persons suffering from or afflicted with or convalescing from any infirmity, disease or ailment are habitually kept or boarded or housed for remuneration, constructed overseen and operated pursuant to Article 28 of New York State Public Health Law, NYCRR Title 10, Section 86.2.

SECTION 3: Section 295-36 of the Zoning Code, table of parking requirements is hereby amended to replace the requirement for “Hospital, nursing home, sanitarium, convalescent home, home for the aged or philanthropic institutions providing overnight facilities” as follows:

Use	Minimum Off-Street Parking
Hospital, nursing home, active adult/independent living housing, assisted living housing, continuum of care facility	1 space for each 2 beds, plus 1 space for each employee, plus one space for or each nonemployee medical practitioner or technician regularly practicing in the facility

SECTION 4: Section 295-67(B)(3) of the Zoning Code is hereby amended to reflect updated definitions as follows:

(3) Hospitals; nursing homes or convalescent homes provided that:

- (a) They shall occupy a lot of not less than 20 acres that has not less than 1,500 feet of frontage on a state highway; and
- (b) They shall comply with the requirements set forth in Subsection A(3)(b) through (e) above.

SECTION 4: Section 295-67(B)(4) of the Zoning Code is hereby amended to reflect updated definitions as follows:

(4) Assisted living housing, active adult/independent living housing, continuum of care facility provided that:

- (a) They shall occupy a lot of not less than five acres;
- (b) They shall be located at least 75 feet from any street or lot line and contain accommodations for not more than five beds per acre; and
- (c) They shall comply with the requirements set forth in Subsection A(3)(b) through (c) and (e).

SECTION 5: Section 295-68(B) and (C) of the Zoning Code is hereby amended to reflect updated definitions as follows:

B. Principal uses requiring a special use permit. The following uses are permitted principal uses in an R-10 District but require a special use permit issued pursuant to Article X of this chapter: any use in an R-20 District requiring a special use permit as set forth in § 295-67B above, except hospitals and nursing homes or convalescent homes.

C. Accessory uses. The following uses are permitted accessory uses in an R-10 District but only in conjunction with a principal use that is permitted in an R-10 District: any accessory use

permitted in an R-20 District as set forth in § 295-67C above, except uses accessory to hospitals and nursing homes or convalescent homes.

SECTION 6: Section 295-72.3(B)(1) of the Zoning Code is hereby amended to reflect updated definitions as follows:

B. Principal uses. The following uses are permitted principal uses in a MUPDD District:

(1) Dwellings for three or more families, including active adult/independent living housing and assisted living housing, provided that:

(a) The maximum number of dwelling units per acre shall be six and the maximum number of bedrooms per acre shall be 12.

[1] The maximum number of dwelling units and bedrooms per acre may be increased by not more than 33 1/3% beyond the basic permitted density if the applicant agrees to dedicate to the Village, or an entity designated by the Board of Trustees, land for open space or recreation purposes, and if the Board of Trustees determines that such dedication of land is of sufficient size and suitability to permit the increased density, which determination shall lie within the absolute discretion of the Board of Trustees.

[2] Any such land dedicated in exchange for increased density shall not be included in lot area for purposes of calculating maximum building coverage and maximum development coverage under Subsection E of this section, nor shall it reduce the applicant's open space requirement under the following subsection.

(b) For each dwelling unit, there shall be provided suitably improved and usable recreation area and open space in the following amounts:

[1] One hundred square feet for each studio (efficiency) dwelling unit; and

[2] Two hundred square feet for each bedroom.

SECTION 7: SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<u>Part 1 – Project and Sponsor Information</u>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:		Zip Code:
1. <u>Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</u>			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input type="checkbox"/>	<input type="checkbox"/>
2. <u>Does the proposed action require a permit, approval or funding from any other government Agency?</u>			NO	YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>	<input type="checkbox"/>
3. a. <u>Total acreage of the site of the proposed action?</u> _____ acres				
b. <u>Total acreage to be physically disturbed?</u> _____ acres				
c. <u>Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</u> _____ acres				
4. <u>Check all land uses that occur on, are adjoining or near the proposed action:</u>				
5. Urban Rural (non-agriculture) Industrial Commercial Residential (suburban)				
<input type="checkbox"/> Forest Agriculture Aquatic Other(Specify):				
<input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. <u>A permitted use under the zoning regulations?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <u>Consistent with the adopted comprehensive plan?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. <u>Is the proposed action consistent with the predominant character of the existing built or natural landscape?</u>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. <u>Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</u>	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. <u>Will the proposed action result in a substantial increase in traffic above present levels?</u>	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. <u>Does the proposed action meet or exceed the state energy code requirements?</u>	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. <u>Will the proposed action connect to an existing public/private water supply?</u>	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. <u>Will the proposed action connect to existing wastewater utilities?</u>	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. <u>Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</u>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. <u>Identify the typical habitat types that occur on, or are likely to be found on the project site</u> Check all that apply: <div style="display: flex; justify-content: space-between; padding: 5px;"> <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional </div> <div style="display: flex; justify-content: space-between; padding: 5px;"> Wetland <input type="checkbox"/> Urban Suburban </div>		
15. <u>Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?</u>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. <u>Is the project site located in the 100-year flood plan?</u>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. <u>Will the proposed action create storm water discharge, either from point or non-point sources?</u> If Yes, <div style="margin-left: 20px;"> a. Will storm water discharges flow to adjacent properties? </div> <div style="margin-left: 20px;"> b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? </div> If Yes, briefly describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
18. <u>Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?</u> If Yes, explain the purpose and size of the impoundment: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. <u>Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</u> If Yes, describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. <u>Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</u> If Yes, describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: _____ Date: _____</p> <p><u>Signature</u> _____ <u>Title</u>: _____</p>		

<http://www.co.westchester.ny.us/planning/regionalplan/Referral%20Form.pdf> Prepared by Westchester County Department of Planning—October 2018