

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 17th day of April, 2012 at 7:15 pm o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code as follows:

**CHAPTER 108
ZONING
ARTICLE XXIII. Residence RC District
(Retirement Community)**

§108-116. Purpose.

It is the purpose of this article to implement the recommendations of the ~~Master Plan Comprehensive Plan~~ to permit the construction of high density living accommodations and attendant services within a hamlet area as specifically mapped within the Town of Riverhead through the use of transferred development rights. with suitable facilities and services that are sufficiently adequate to provide seniors and disabled older individuals with comfortable and safe home-like housing in a congregate setting while providing a continuum of care that allows seniors and older individuals to age in place, and to further provide services that encourage personal independence and enhance the quality of life. In addition, it is the intent of the Town Board to provide a diversity of housing types to be located in close proximity to shopping, medical offices, public services and public transportation. Particular development applications made pursuant to this zoning use district will require the transfer of development rights pursuant to Article LXII of this chapter.

~~§ 108-117. Uses.~~

~~In the residence RC District (Retirement Community), no building, structure or premises shall be used or arranged or designed to be used and no building or structure shall be hereafter erected, reconstructed or altered or occupied, unless otherwise provided in this chapter for the following special permitted uses;~~

- ~~A. One family dwelling units, either attached or designed to provide living accommodations for persons over the age of 55 years.~~
- ~~B. Accessory uses. Accessory uses shall include those uses customarily incidental to the above permitted uses.~~

§108-117. Definitions.

The following terms, phrases, words and their derivatives shall have the meanings given herein:

Affordable Assisted Living Retirement Community or Continuing Care Retirement Community – an Assisted Living Retirement community or Continuing Care Retirement Community in which a minimum of seventy-five percent (75%) of the residents thereof have an income at or less than one hundred and ten percent (110%) of median household income for the county of Suffolk as determined by the United States Census Bureau

Assisted Living Retirement Community - A facility which provides for a combination of the following land uses:

(i) Adult Care Facility

A facility that provides residential care and services either as an adult home, an enriched housing program or family type home for adults authorized and enabled by the New York Social Services Law Section 461-b for senior individuals sixty-five (65) years and older who are unable to live independently.

(ii) Adult Day Care Facility

A non-residential program of services for seniors that provides opportunities for social interaction, recreational facilities, meals, transportation and personal car and supervision for those seniors with functional limitations and disabilities on a non-residential basis.

(iii) Assisted Living Residence

A facility consisting of dwelling units that is certified by the New York State Department of Health to provide residential long term care, supervision and services which include case management, twenty four (24) hour on site monitoring, meals, housekeeping, laundry services, recreational and social activities, wellness and transportation for those seniors sixty five (65) years of age and older who need assistance with daily living activities as authorized and mandated by New York Public Health Law, Article 46B.

Continuing Care Retirement Community - A facility that consists in both independent and assisted residences organized in a congregate setting which provides personal care and supervision and other services for seniors sixty-five (65) years or older as authorized and mandated by the New York Public Health Law, Article 46A. Those uses and services provided within an Assisted Living Retirement Community shall also be provided within a Continuing Care Retirement Community. Assisted Living Residences shall constitute no less than forty percent (40%) of the total number of units within a Continuing Care Retirement Community to be constructed simultaneously with Independent Living Residences.

Conventional Assisted Living Retirement community or Continuing Care Retirement Community – An Assisted Living Retirement Community or a continuing Care Retirement Community which is not considered an affordable community such that income limits are not imposed.

Section 108-117.1 - Uses

In the Residence RC District (Retirement Community), no building, structure or premises shall be used or arranged or designed to be used and no building shall be hereafter erected, reconstructed or altered or occupied, unless otherwise provided in this chapter for the following specially permitted uses:

- A. One family dwelling units, either attached or detached, designed to provide living accommodations for persons ~~over the age of fifty-five (55) years~~ fifty-five years of age or older.
- ~~B. Accessory Uses. Accessory uses shall include those uses customarily incidental to the above permitted uses.~~
- B. Assisted Living Retirement Community
- C. Continuing Care Retirement Community.
- D. Accessory Uses. Accessory uses shall include structures, buildings or improvements which are located on the same lot as the principal use and are customarily incidental to the principal use and designed for the sole use of the residents of the community or their guests.

Section 108-118 – General Lot, Yard, Dimensional, Yield and Height Requirements

- A. No building shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified. The as-of-right development yield for dwelling units for persons fifty-five (55) years of age or older shall not exceed one dwelling unit per 40,000 square feet of land area without the use of transferred development rights pursuant to Article LXII of the Riverhead Zoning Ordinance.
- B. There shall be dimensional requirements for all residential units within the Residence RC Zoning Use District to wit; independent dwelling units within a Continuing Care Retirement Community shall not exceed 1200 square feet and shall not be less than 600 square feet. All other units within either an Assisted Living Retirement Community or a Continuing Care Retirement Community shall not exceed 1,050square feet and shall not be less than 600 square feet. There shall be a maximum of two bedrooms for all residential units within either an Assisted Living Retirement Community or a Continuing Care Retirement Community.

- C. The development yield for all residential units within either an affordable Assisted Living Retirement Community or an affordable Continuing Care Retirement Community shall be as follows:
- (i) Independent living units shall not exceed four (4) dwelling units per 40,000 square feet of real property.
 - (ii) Assisted living units shall not exceed eight (8) units per 40,000 square feet of real property.
- D. The development yield for all residential units within either a conventional Assisted Living Retirement Community or a conventional Continuing Care Facility shall be as follows:
- (i) Independent living units shall not exceed two (2) dwelling units per 40,000 square feet of real property. Independent Living units shall not exceed four (4) dwelling units per acre with the redemption of development rights, at a rate of one (1) additional unit per development right.
 - (ii) Assisted living units shall not exceed four (4) dwelling units per 40,000 square feet of real property. Assisted Living units shall not exceed eight (8) dwelling units per acre with the redemption of development rights, at a rate of one (1) additional unit per development right.
- E. The maximum height of all buildings shall not exceed 3.5 stories of 45 feet.
- F. The lot area shall not be less than fifteen (15) acres of contiguous real property in single or consolidated ownership. The contemplated development shall not be subdividable. Multiple lots shall be consolidated prior to the approval of the relevant special permit.

§108-119. Additional requirements.

- A. There shall be a protective planting strip or buffer, not less than 40 50 feet in width along any lot line, except the buffer area shall be 50 feet in width along any lot line abutting a residential district or use. No structure, storage or parking or other uses shall be permitted within this strip or buffer. Said buffer or strip will be planted with evergreens or similar vegetation which, when planted, shall be at least six feet tall and when mature shall be maintained at a height of not less than eight feet, so as to provide an effective natural screen between districts and buildings.
- B. The site plan shall show, in addition to all other requirements of this chapter, the following:
- ~~(1) The proposed method of collection and disposal of stormwater, designed so as not to interfere with adjoining properties or burden public facilities.~~

- ~~(2) The proposed lighting facilities for the safety of pedestrian and vehicular traffic, with exterior spotlighting of buildings or grounds to be from shaded sources and located so that the light beams are not directed toward any lot in a residential district or toward a public highway.~~
- ~~(3) The method of water supply and of sewage disposal, conforming to Health Department requirements.~~
- (1) All lots shall be located within the Town of Riverhead Water District and Sewer District or located within 1500 feet of the Water District and Sewer District and subject to approval for the requisite capacity for the proposed development. Applicant shall be responsible for all costs related to application for Water and or Sewer District extension and costs related to extension of the appurtenances to include the parcel in the water and sewer districts.
- (2) The method of water supply and of sewage disposal, conforming to Health Department requirements.
- (3) At least 30 % of the total site area shall be devoted to open space which shall be kept in its natural state or landscaped and maintained with grass for passive recreational uses such as picnic area, walking trails, gardening and horticultural.
- (4) The use of interconnecting walkways, trails and natural walking paths for pedestrian traffic shall be an integral part of the design of any development to facilitate access between common areas, groups of dwellings units and open space areas.
- (5) All primary walkways and sidewalks shall meet Americans with Disabilities Act (ADA) requirements. Trails and natural walking paths are exempt from this requirement however the Town encourages maximizing accessibility to all residents. Due consideration shall be given to planning walks, ramps, driveways to prevent slipping, stumbling and handrails and ample places for rest shall be strategically provided.
- (6) A buffer strip of not less than twenty five (25) feet in width, consisting of massed trees and shrubbery or existing mature vegetation supplemented by new landscaping shall be maintained alongside front and rear property lines, except the buffer area shall be 50 feet in width along any lot line abutting a residential district or use. The trees and shrubbery shall consist of evergreens and deciduous plant material which, when planted, shall be at least six feet tall and when mature shall be maintained at a height of not less than eight feet, so as to provide an effective natural screen. No structure shall be permitted within this strip or buffer.
- (7) All utilities shall be placed underground, including telephone, electric and cable telephone service.

(8) All parking shall comply with the parking schedule set forth in Section 108-60 of this Chapter notwithstanding the following:

No parking shall be provided within twenty five (25) linear feet of the principal frontage. Parking and loading areas shall be placed as far from adjacent residences as possible (but a minimum of fifty (50) linear feet) and surrounded by landscaping.

(9) The proposed method of collection and disposal of storm water, designed so as not to interfere with adjoining properties or burden public facilities.

(10) The proposed lighting facilities for the safety of pedestrian and vehicular traffic, with exterior spotlighting of buildings or grounds to be from shaded sources and located so that the light beams are not directed toward any lot in a residential district or toward a public highway.

~~C. Parking shall be provided in conformity with the Parking Schedule and § 108-60. For each parking space required, there shall be provided 30 square feet of landscaped island or green area. Such areas shall not be less than eight feet in width, measured on the shortest side. Such areas shall be contained by curbs conforming to the Town of Riverhead highway specifications. Said areas shall be landscaped in accordance with § 108-64.1D of this chapter and shall be maintained as set forth in Subsection A above.~~

- Underline represents addition(s)
- Strikethrough represents deletion(s)

Dated: Riverhead, New York
March 20, 2012

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD**

DIANE M. WILHELM, TOWN CLERK