

**Topic:** Affordable Housing; Senior Housing  
**Resource Type:** Regulations  
**State:** New York  
**Jurisdiction Type:** Municipal  
**Municipality:** Town of Brookhaven  
**Year (adopted, written, etc.):** 1997-2005  
**Community Type - applicable to:** Suburban; Rural  
**Title:** Town of Brookhaven Planned Retirement Congregate Housing Community Ordinance  
**Document Last Updated in Database:** May 1, 2017

### ***Abstract***

Chapter 85, Article XIIA of the Town Code for the Town of Brookhaven creates a Planned Retirement Congregate Housing Community District, in order to give affordable housing options to the elderly community in the Town of Brookhaven, NY.

### ***Resource***

Town of Brookhaven NY Planned Retirement Congregate Housing Community  
Code of the Town of Brookhaven NY  
Chapter 85: Zoning  
Article XIIA  
General Code  
[http://www.e-codes.generalcode.com/codebook\\_frameset.asp?t=tc&p=0012%2D085%2Ehtm%23Section85%2D111%2E&cn=1650&n=\[1\]\[1343\]\[1478\]\[1626\]\[1650\]](http://www.codes.generalcode.com/codebook_frameset.asp?t=tc&p=0012%2D085%2Ehtm%23Section85%2D111%2E&cn=1650&n=[1][1343][1478][1626][1650])  
ARTICLE XIIA PRCHC Residence District (Planned Retirement Congregate Housing Community)  
[Amended 5-2-1995, effective 5-22-1995; 9-2-1997 by L.L. No. 13-1997, effective 9-5-1997; 8-23-2005 by L.L. No. 21-2005, effective 8-29-2005]

§ 85-111. Intent.

- A. It has been determined by the Town Board that planned congregate housing retirement communities are desirable since they are organized, constructed, designed and planned to serve the needs of older persons who no longer wish to provide certain services for themselves. Suitable and adequate facilities and services for assisted living, including but not limited to congregating dining, housekeeping services and social, cultural and recreational activities, meet the needs of older persons and permit them to enjoy an independent, pleasant and safe lifestyle. In addition, it is the intent of the Town Board to provide a diversity of housing types to meet the economic needs of Town of Brookhaven

residents. In particular, the Town Board recognizes the need to provide workforce and affordable housing units in order to address both current and anticipated population requirements. Therefore, maximum permitted densities may be increased to accomplish these goals.

- B. Eligibility. The following provisions are intended to provide for proper housing for the Town's senior citizens. The Town Board recognizes an existing and growing need for the provision of housing, especially designed for senior citizens.

#### § 85-111.1. Definitions.

"Senior citizen housing unit" is hereby defined and shall be limited to persons who are 55 years of age or over, with the following exceptions:

- A. A husband and wife under the age of 55 years who is residing with his or her spouse who is 55 years of age or over.
- B. Children and grandchildren residing with their parents or grandparents where one of said parents or grandparents with whom the child or children or grandchild or grandchildren is/are residing is 55 years of age or older, provided that said child or children or grandchild or grandchildren are over the age of 19 years.
- C. Adults under 55 years of age may be admitted as permanent residents if it is established to the satisfaction of the Town Board that the presence of such person is essential for the physical care and economic support of eligible older persons.

#### § 85-112. Permitted uses.

In the PRCHC Residence District, no building, structure or premises shall be used or occupied and no building or part thereof or structure shall be erected or altered, except for one or more of the following uses:

- A. Adult care facilities as defined and licensed by New York State Department of Health.

#### § 85-113. Accessory uses.

- A. Customary accessory uses, structures and buildings, shall be permitted when located on the same lot as the principal authorized use, provided that such uses are clearly incidental to the principal use and do not include any activity conducted as a business.

§ 85-114. Planning Board special permits — accessory uses.

The following special permit uses shall be subject to the criteria as set forth in Article IVA, § 85-51, in addition to the criteria contained herein:

- A. Dining, recreational, social and cultural facilities for the sole use of residents of the community and their guests.
- B. Medical offices, provided that such uses are primarily for the use and benefit of the residents and further provided that said use does not exceed 5,000 square feet in gross floor area or more than 3% of the total gross floor area of the site.

§ 85-115. Prohibited uses.

All uses not expressly permitted are prohibited.

§ 85-116. Minimum lot area.

Except as otherwise provided herein, the minimum required lot area shall be 10 acres.

§ 85-117. (Reserved)

§ 85-117.1. Minimum width of lot throughout.

Except as otherwise provided herein, the minimum required width of lot shall be 200 feet.

§ 85-117.2. Minimum front yard setback.

- A. The minimum required front yard setback shall be 25 feet. The Planning Board of the Town of Brookhaven may increase the minimum required front yard setback up to 100 feet if deemed appropriate based upon the nature and character of development within 500 feet of the subject parcel. No parking shall be permitted within a designated front yard setback.

§ 85-117.3. Minimum required side yard and rear yard setbacks.

Except as otherwise provided herein, a minimum required setback of 50 feet shall be provided adjacent to all adjoining properties.

§ 85-117.4. Maximum permitted height.

- A. Except as otherwise provided herein, the maximum permitted height for all structures

shall be 35 feet or 2 1/2 stories.

- B. The Town Board may increase the maximum permitted height to 50 feet and/or three stories, whichever is less.

§ 85-117.5. Maximum permitted floor area ratio (FAR).

The maximum permitted FAR shall be 30%.

§ 85-117.6. Density (units/beds per acre).

- A. The maximum permitted density shall be eight units per acre or 12 beds per acre, whichever is less.
- B. Exceptions. Notwithstanding the above, change of zone applications approved and effective prior to the effective date of this article, which established density pursuant to covenants properly recorded in accordance with Town standards, and those applications which were granted hardship relief pursuant to § 17D-5, as well as those applications which were exempt pursuant to § 17D-4, entitled "Moratorium on Development Within MF-1, MF-2, PRC, PRC-3 and PRCHC Districts," shall be exempt from the density provisions contained in this article. Nothing herein shall be deemed in any manner to limit the Town Board's authority to rezone property in accordance with the provisions of Town Law and the Town Code.

§ 85-117.7. Transfer of development rights.

- A. The transfer of development rights (TDR) associated with this chapter shall be completed in accordance with § 85-408, entitled "Transfer of development rights."

§ 85-117.8. Affordable housing.

Minimum requirements. A minimum of 10% of all units permitted pursuant to § 85-117.6 shall be maintained as workforce housing or affordable housing units in accordance with Town guidelines. In no case shall less than one affordable or workforce unit be provided. All fractions shall be rounded up to the nearest whole number.

§ 85-117.9. Supplementary requirements.

- A. Due consideration shall be given in planning walks, ramps and driveways; gradients of walks shall not exceed 10%; single-riser grade changes in walks shall not be permitted, All outdoor areas available to the residents shall be designed so as to permit residents

to move about freely.

- B. The design and location of all buildings, recreational facilities and other site improvements shall be consistent with the ultimate purpose of achieving independent, pleasant living arrangements for older persons and shall contemplate the desires and needs of older persons for privacy, participation in social and community activities, and accessibility to all community facilities.
- C. All dwelling units shall incorporate design features, to the maximum extent practicable, which insure the safety and convenience of the residents, including but not limited to the provision of grab bars, nonscalding faucets, water impervious nonslip floors, flush thresholds and wheelchair-accessible doorways.
- D. Central lobby. A central lobby shall be provided which shall accommodate a twenty-four-hour reception desk/switchboard, lounge areas and other customary communal ties.
- E. Central dining area. A central dining area providing not less than 20 square feet of space for each dwelling unit shall be provided with adequate facilities to serve all daily meals.
- F. Central meeting room. A central multipurpose meeting room/auditorium shall be provided, unless the central dining area is designed for conversion to such usage.
- G. Recreational facilities.
  - (1) Indoor recreational areas, including but not limited to group game and activity areas, swimming pools, library rooms, health clubs, pocket pool and billiard, ping-pong, table games, craft and hobby rooms and other recreational facilities, shall be included with an overall minimum area of at least 25 square feet per dwelling unit, which shall be accessible to all residents.
  - (2) Outdoor recreational areas equal to at least 50 square feet per dwelling unit, including but not limited to group game areas, sitting areas, swimming pools, tennis courts, shuffleboard courts and other recreational facilities, shall be included and available to all residents. Landscaped areas that are not developed for recreational purposes shall not be deemed to satisfy the requirements of this section.

§ 85-117.10. General severability.

If any clause, sentence, paragraph, section or item of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair nor invalidate

the remainder hereof, but such adjudication shall be confined in its operation to the clause, sentence, paragraph, section or item directly involved in the controversy in which such judgment shall have been rendered.