

## **ARTICLE 19-100: COMMUNITY RESIDENTIAL FACILITIES FOR THE DISABLED**

### **Section 19-101. Purpose**

The purpose of this Local Law is to implement procedures for the Town Supervisor, Planning Board, and Town Board to follow when evaluating proposed "community residential facilities for the disabled" during the forty-day response period given under §42.34 of the New York State Hygiene Law.

### **Section 19-105. Receipt of Notice**

When notice shall be given to any Town Officer of a proposed "community residential facility for the disabled", pursuant to §41.34 of the New York State Mental Hygiene Law, such official shall deliver such proposal to the members of the Town's Planning Board within seventy-two hours of receipt.

### **Section 19-110. Planning Board**

The Planning Board shall consider the proposed facility in the context of the Town Zoning Code and the New York State Mental Hygiene Law, Article 41, and shall make a recommendation to the Town Board, on or before the tenth day after it receives notice of such proposal, whether the proposal is consistent with the overall plan of the Town and the Mental Hygiene Law.

### **Section 19-115. Town Board**

- (a) The Town Board shall hold a public hearing regarding the proposed facility on or before the twentieth day after it receives a recommendation from the Planning Board.
- (b) Notice of such public hearing shall be published in the local newspaper at least seven days before the public hearing is to be held.
- (c) Following such hearing, the Town Board shall review all public comments and the Planning Board's recommendation as to suitability of the proposed location and acceptability of the proposed facility, after which the Town Board shall render its decision, and shall issue its findings of fact and conclusions of law, approving the facility on the proposed site, suggesting suitable alternative sites for the proposed facility, or rejecting the proposed facility on the grounds that it would result in an over-concentration of such facilities in the Town, as provided for by §41.34 (c) (1) (C) of the New York State Mental Hygiene Law.

### **Section 19-120. Notice of Decision**

- (a) Such decision shall be forwarded to the agency sponsoring the proposed facility and to the commissioner of the office of the department responsible for the issuance of a license and operating certificate to the proposed community residential facility within five days of rendering the same.

(b) If the Town Board shall fail to respond to the proposed facility on or before the fortieth day after a Town official first receives notice of the proposal, the sponsoring agency may establish a community residence at a site recommended in its notice.

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