

Local Law No. __ of 2023, entitled:

“Revised Amendment to Section 250-31 of the Town Code – Alternate Care Facilities”

BE IT ENACTED BY, the Town Board of the Town of Clinton as follows:

1. Subsection (B) (5) of Section 250-31 of Chapter 250 of the Town Code is hereby amended by repealing the existing subsection (B) (5) in its entirety and replacing it with a new subsection (B) (5) which shall read as follows:

(5) Any increase in the resident population, change in type of population, and/or any expansion of the facilities shall require application to the Planning Board for consideration of a new or amended special use permit and shall require either approval of a site plan, or the re-examination of the existing site plan, by the Planning Board. In reviewing an application for an increase in the resident population, change in type of population, and/or any expansion of the facilities, the Planning Board shall consider the criteria specified in § 250-96 (Site Plans) and § 250-97 (Special Use Permits), and whether there would be any significant additional adverse impacts to the surrounding neighborhood if the application is granted. A nonconforming alternative care facility shall only be permitted to expand its resident population to an amount not exceeding fifty percent (50%) of the resident population that existed on the effective date of this chapter.

2. Subsection (B) of Section 250-31 of Chapter 250 of the Town Code is hereby amended by adding subsection (B) (6) which shall read as follows:

(6) This section shall apply to any alternate care facility that is permitted by special use permit in the underlying zoning district or that is a nonconforming use. Any alternate care facility that is a nonconforming use which is granted a special use permit or amended special use permit and receives approval of

either a site plan or an amended site plan, shall be deemed to be in compliance with § 250-80 and § 250-81(A).

3. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, 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 of this Local Law, which shall remain in full force and effect.
4. This Local Law is adopted pursuant to § 261-263 of the Town Law and § 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community.
5. To the extent that any provision of this Local Law is inconsistent with Town Law §§ 263, 274-a, 274-b or any other provision of Article 16 of the Town Law or of Real Property Law, the provisions of this Local Law are expressly intended to and do hereby supersede any such inconsistent provisions under the Town's municipal home rule powers, pursuant to Municipal Home Rule Law §10(1)(i)(d)(3); §10(1)(ii)(a)(14) and §22 to supersede any inconsistent authority.
6. This Local Law shall take effect immediately upon filing with the Secretary of State.