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Orange County Department of Planning

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County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: Town of Monroe Board

Applicant: Town Board

Project Name: Local Law Zoning Code, Chapter 57

Proposed Action: Local Law to amend Chapter 57 of the Code of the Town of Monroe to conform more closely to the recommendations of the new Town Comprehensive Plan

Reason for County Review: Local Law affecting zoning or land use

Date of Full Statement: October 2, 2017

Referral ID #: MOT 06-17M

Tax Map #: municipality wide

Local File #: none provided

Comments:

The Department has received the above referenced local law and has determined that the intended land use has the potential to cause inter-municipal and countywide impacts. Therefore, the following binding comments should be addressed and may not be acted contrary upon except by a majority plus one vote of the members of the Town Board or by disapproving the action.

1. Trail Connectivity: The proposed zoning law clearly prioritizes environmental protection measures such as ridgeline protection, tree preservation, water supply protection, and other measures. These are admirable goals, and the language included in the zoning code will make it easier for the Town to achieve these goals. We commend the Town for inclusion of these measures. However, the Town should also include language in a similar vein to promote trail development and trail network connections throughout the Town. The County Planning Department would be happy to work with the Town to develop suitable language, upon request. This language should be incorporated into one of the following places: §57-13, Individual Standards for Certain Uses; §57-21.4, Scenic Roads; §57-25, List of Discretionary Public Improvements; or another location that the Board determines to be appropriate.
2. Affordable Housing Access: We commend the Town for including reasonable provisions for accessory apartments and mobile home parks that do not impose an unreasonable burden upon landowners. We note, however, that in order to be permitted, accessory apartments are to be made "part of and subordinate to" the single family residence. This restriction should be rephrased to allow, for instance, an apartment above a detached garage, or accessory apartments as separate structures on a residential site, to allow for maximum flexibility for the homeowner.

Additionally, this Department offers the following advisory comments for your consideration.

Home-Based Businesses: The proposed use and bulk tables for the residential zones show two permitted accessory uses: "home occupation," which is defined, and "home professional office," which is not. We advise the Town to include a definition for "home professional office," or to incorporate the professional office use into "home occupation" and eliminate the differentiation in the tables.

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Application Submittal: The proposed local law was originally submitted in July and updated at the beginning of October. For future submittals of local laws, we advise the Town that a "redline version," which shows the differences between the existing code and the proposed changes, is preferred and should be submitted to the County if it is prepared for the Town. We remind the Town that the County Planning Department should receive all information relevant to the application whenever a project is referred, including Environmental Assessment Forms and other SEQR documentation. Further, pursuant to the notice periods noted in sections §57-11.F and §57-16.D, we remind the Town that while projects subject to New York State General Municipal Law §239 paragraphs l, m, and n do not have to be referred to County Planning 30 days prior to the public hearing, they must be referred to County Planning 30 days prior to any action being taken on said projects.

County Recommendation: Approval subject to modification as per comments # 1 and 2

Date: October 31, 2017

Prepared by: Megan Tennermann, AICP, Planner


David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.

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