

**DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS)
ADOPTION OF REVISED CHAPTER 57 ZONING AND ATTACHED ZONING TABLES (ZONING CODE
AMENDMENT)**

**LAST REVISED OCTOBER 12, 2015
TOWN OF MONROE, ORANGE COUNTY, NEW YORK**

PROJECT NAME: ADOPTION OF REVISED CHAPTER 57 ZONING AND ATTACHED ZONING TABLES
(ZONING CODE AMENDMENT) LAST REVISED OCTOBER 12, 2015

LOCATION: Unincorporated portions of Town of Monroe

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DATE OF DETERMINATION OF COMPLETENESS: November 12, 2015

DATE OF COMPLETE FILING: November 13, 2015

DATE AND LOCATION OF PUBLIC HEARING: November 30, 2015 at 7:30 P.M. at the Monroe Arts and Civic Center, 34 Millpond Parkway, Monroe, NY 10950

A copy of the DGEIS and the proposed Zoning Code Amendments will be available for public inspection by November 13, 2015 at the Town Clerks Office, in the basement of the Monroe Senior Center on 101 Mine Road, Monroe, NY and at the Monroe Free Library, 44 Millpond Parkway, Monroe, NY 10950. In addition, both documents will be available on the Town of Monroe Website.

COMMENT DUE DATE: December 14, 2015 or ten days after the close of the public hearing, whichever is later. Comments will be received by the Lead Agency until the close of business day.

**TOWN OF MONROE ADOPTION OF REVISED CHAPTER 57 ZONING AND ATTACHED ZONING TABLES,
LAST REVISED OCTOBER 12, 2015
GENERIC DRAFT ENVIRONMENTAL IMPACT STATEMENT (GDEIS)
Prepared October 28 2015**

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Revised Zoning Code and Attached Zoning Tables, Last Revised October 12, 2015

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I. INTRODUCTION

Upon the completion of the Town Comprehensive Plan (adopted on May 19, 2008) the Town began the process of updating Chapter 57 Zoning and zoning tables. The project, is referred to as the Amendment of Chapter 57 Zoning and Attached Tables, Town of Monroe, NY, last revised 10-12-2015 or “Zoning Code Amendment”.

The Zoning Code Amendment is the compilation of efforts of several committees and editors over a 5 year period, which included citizens representatives, planning board members and town board members as well as the professionals that serve the Town Board.

This Zoning Code Amendment is a substantial revision of the existing zoning code of the Town of Monroe, but not a new adoption of a zoning code, but for the ease of understanding of the public is presented as a replacement, with the existing code and proposed changes clearly marked in the public review document.

The Zoning Code Amendment includes an updated version of a previous tree code that has been under consideration for the last 30 years. The updated version includes provisions for all types of development approvals (site plan and subdivision review), including minimum landscaping requirements. This addition to the code is an appropriate amendment to the Zoning Code Amendment because it provides clarity to the intent of the Town Board to protect our natural resources, especially large native trees. Protection of trees enhances our quality of life, protects property from damage by stabilizing steep slopes, and provides cover and foraging for the wildlife in our Town.

In addition, the Zoning Code Amendment was updated to provide the development community with a clearer picture of what is expected during review of their projects. This is important for attracting development that will be an asset to the community for years to come.

This Environmental Impact Statement evaluates the proposed Zoning Code Amendments in terms of impacts to areas discussed when the Town of Monroe Comprehensive Plan (adopted May 19, 2008), and updated when necessary.

The intention of a Generic Environmental Impact Statement (GDEIS) is broader than a specific environmental study (ordinarily referred to as a Draft Environmental Impact Statement) on any given project that would be affected by the proposed Zoning Code Amendment. This is intentional, because as a regulation, it is impossible to predict which development projects will go forward. This GDEIS will explore the differences between the existing zoning code in effect in the Town of Monroe and the proposed regulations as a basis of comparison and discussion of the impacts.

This GDEIS and series of SEQR public hearings and documents does not relieve the Planning Board, ZBA, or Town Board from responsibilities as lead agency under SEQRA for examining the environmental impacts of any future site specific development proposal in the Town of Monroe.

II. BACKGROUND

Zoning regulations were first adopted in the Town of Monroe in 1965 and reaffirmed in 1972. Under the municipal home rule system, incorporated by the local governments such as cities, town, and villages in New York State have the power to enact local laws governing local matters without interference from the state. The state does set limits to what the local governments may regulate. For example, New York State has preempted certain aspects of mining regulation, such that the local government may regulate the areas where mining may take place, but the state controls the conduct of the mining operation and mine reclamation. The same is true for the regulation of Medical Marijuana facilities that are mentioned in the new version of Chapter 57. By defining such facility in the Town of Monroe zoning code, the Town ensures that only specific locations are used for the use if it is ever proposed, and seeks to limit state permitted activities that would be appropriate for Monroe. However, the state only intends on issuing a few permits for this heavily regulated use, and would still be required to seek permits through the state.

New York State allows local governments the power to undertake the adoption of local laws for the purpose of protecting the health, safety, and welfare of its residents. However, these regulations must also comply with other regulations established by the state and federal government, and not unduly infringe on the rights of the citizens. If a government exceeds its authority by adopting a regulation that is a significant restriction on property rights, that regulation can be struck down by the courts. The striking down of individual regulation would not create a situation where the entire regulation would be null and void, because of severability clauses usually adopted in any zoning code.

It is the responsibility of any local government to strike that balance between property rights and the rights of the citizens to enjoy a community made better by development changes guided by a zoning code. Changes to a community are incremental, but are meant to be long lasting. However, zoning regulations, like all government rules and regulations, operate within a framework of state and federal requirements. State requirements that most effect the review of developments in the Town of Monroe are New York State Town Laws (Sections 130-265) and NYS State Environmental Quality Review Act (Section 617), adopted pursuant to provisions of the Environmental Conservation Laws (Sections 3-0301(1)(b), 3-0301(2)(m) and 8-0113.

The zoning code is administered by three primary agencies in the Town of Monroe, the Building Department, the Planning Board, and the Zoning Board of Appeals (ZBA). When there is no site plan or subdivision plan required, the enforcement of the zoning code is the responsibility of the Building Department to enforce provisions of the code. Ordinarily, this includes minor additions to existing site plans, and other residential permits.

When a site plan or subdivision requires approval of the Planning Board, the Planning Board bears the responsibility to ensure that the provisions of the zoning code are met throughout the course of the review, and relies on the building department and other consultants to assist with this task. The Planning Board is also given special latitude to determine whether a permitted project is consistent

with the character of the community and infringes on the environment or others enjoyment of their property under the rules imposed on it by the State Environmental Quality Review Act.

And finally, the ZBA is responsible for interpreting the provisions of the code by request of applicants, should they be unclear. They evaluate proposals for approval of minor deviations from the zoning code on a case by case basis within a set of guidelines imposed on it from the state and the local regulations. These approvals are known as variances, and once approved have the effect of being a regulation that can be imposed on the property in perpetuity. For example, if the ZBA allows for a variance of a setback in a front or side yard, the variance could run with the land, even if the applicant before the board with the proposal decided not to build on the property, unless limitations of the use of the variance is imposed. Likewise, a use variance (allowing a use that was not otherwise permitted) could also permanently run with the property, even if the property is sold to a new owner. For this reason, the ZBA decisions are closely related to changes in the zoning code rules and regulations for specific properties. For these reasons, the Zoning Code Amendment seeks to limit the allowable relief granted by the ZBA as a rule, even though State Law address limits of allowable variances as a general rule.

The amended code will not change the zoning districts or the Zoning Map in the Town of Monroe, with the exception of the renaming of one district. The zones currently included within the zoning code are:

1. Residential Districts

- a. RR 3.0 ac. Districts (formally known as RR 1.5)- This district has a minimum of 3.0 acres for individual lots and is located mostly on the southern and eastern portion of the Town. Much of the land is not served by water and sewer districts.
- b. RR-1.0 ac. District (single-family dwellings)-This district is the dominant district in the middle of the town. The minimum lot size in this district is 1.0 acres. Many of the district boundaries abut the Villages of Monroe and Kiryas Joel.
- c. SR-20 District (single family dwelling) this district is a single family district with a minimum of 40,000 unless central sewer facilities are provided, then the minimum lot size is 20,000 square feet. It is located in areas along Mombasha and Lakes Road in the southern part of the Town, and an area that is adjacent to the Village of Monroe and the Town of Blooming Grove on the Northwest boarder of the Town. It include the area currently used by Rosemarin's Day Camp on School Road.
- d. SR-15 District (single family dwellings) This district has a minimum of 40,000 square feet for a lot without central sewer facilities. If the lot is served by central sewer, the lot size is permitted to be 15,000 square feet. It is located in the neighborhoods west of Lakes Road nearby Walton and Round Island Lake, and an area that is adjacent to the Village of Harriman and the Village of Monroe on the south side of 17M. The district is dominated with homes that were built before 1980.
- e. SR-10 District (single-family dwellings). This district requires that homes without central sewer facility have a minimum square footage of 40,000. Homes served by central sewer can be reduced to 10,000. This district is located adjacent to the Village of Monroe on the southeast side of Lakes Road where it intersects with Cedar Cliff Road,

and in smaller zones dominated by seasonal residences that have been converted to year round residences in the southern portion of the Town.

- f. UR-M (multiple residence district). The URM district allows single family use by right on lots that are 40,000 square feet without central sewer facilities and on 10,000 square foot lots with central sewer facilities. In addition, the URM district allows Multiple Dwelling groups by special use permit.

2. Nonresidential districts:

- a. NB District (neighborhood shopping). This district allows for the establishment of mostly small businesses that would serve the resident population of Monroe. There is a single NB district located on Lakes Road south of Laroe Road.
- b. WR District (waterfront recreational business. This district allow for the business establishments that are associated with publicly accessed lakes in Monroe. The district encompasses parcels surrounding O&R Lake adjacent to 208 and bordering Blooming Grove, and parcels adjacent to Walton and Round Island Lake.
- c. GB District (commercial, wholesale, storage and automotive sales and service). This district provides for a variety of business uses that mostly serve local residents. Residential units are only allowed as a second floor apartment over a business. The district is located on both sides of 208 adjacent to the Village of Monroe, and on 17M on property located within the Town of Monroe, but is adjacent to similar businesses in the Village of Monroe and Harriman on 17M.
- a. LI District (light industrial). The LI district is dominated by a mix of businesses that could be accommodated on larger parcels and non-nuisance light industrial uses. It is located adjacent to State Route 17, across from the Village of Kiryas Joel, and is currently accessed from a driveway off 208. Future plans are to extend Larkin drive to this property.
- b. HI District (heavy industrial). The HI district was originally written to include non-nuisance industrial and warehouse uses because of its convenient access to 17, 32, and I-87. However a zoning change that occurred in the 1990s permitted the development of a large shopping complex that included big box retailers of Walmart, Home Depot, B.J.s , Target and more. In addition to this development, a large upscale residential condominium complex was built adjacent to the Target. This entire development crosses municipal boundaries, and later expansion phases are yet to be realized.

In the fall of 2015, there was a proposal before the Town Board to allow the annexation of 507 acres of land to be annexed into the Village of Kiryas Joel. This was studied under the DGEIS prepared by Tim Miller Associates. The SEQRA process concluded for this proposed annexation, and an alternative annexation proposal that included 164 acres of primarily URM zoned land adjacent to Kiryas Joel was approved by the joint boards of Kiryas Joel and the Town of Monroe. This action is currently under litigation, and does not have any bearing on the current plans for the URM zoning regulations, which were expanded to consider the needs of all the residents of the Town of Monroe. This pending litigation was not factored into the following discussions contained within this DGEIS for the Zoning Code Amendment project, since it would have little impact on the zoning requirements imposed in the Town.

III. SUMMARY OF CHANGES TO CHAPTER 57

The following is a summary of the changes to the current zoning code, including the zoning tables.

1. Some of the changes relate to modernizing to code. Since the code was first adopted, language changes and litigation has affected the enforcement of local zoning laws. In addition, our language changes from time to time requiring updates. For example, most people refer to “cellars” as “basements” and “filling stations” as “gas stations.” Without defining new terms commonly used in our language, codes may not have the same effectiveness as they did when these terms were commonly used.
2. This revision allows for the establishment of Home Businesses and Home Offices that do not require changes to the home owner property. Better control for these uses are also provided for the benefit of the neighboring properties. In summary, under this version, homeowners are allow to start most any type of businesses in their homes without permits, provided that they are (1) limited to one story of their house (2) they do not require modification of the property, and (3) they do not generate noise or odor that can be heard off the property, regardless of the type of business it is. There are certain types of businesses that are excluded and identified, such as a kennel and an engine repair shop. Once a home business grows enough to require off-street parking, they are subject to special permit, and special conditions that would help the use fit better in the neighborhood. These permits would be decided on a case-by-case basis, by applying guidelines that are specified in this chapter.
3. This revision allows home daycare as a home business use provided that no more than 12 children are on the property at any given time, including the home owners own children under the age of 12. Otherwise the use is subject to special permit.
4. This revision allows for change of use in any business building that has an existing site plan provided that the use is legally permitted in the same district and that there are no changes to the site plan required to change the use. In addition, special waivers of parking requirements are automatically permitted up to 5 spaces. For example, if a strip mall wants to lease a storefront to a deli in place of a hair salon that moved out, and both uses are permitted, applicants need not come before the Planning Board and request a change of use on the site plan. The owner would still need to get a building permit from the building inspector, and if the building inspector notes that the change of use requires less than 5 more parking spaces, a waiver is automatically authorized with the C.O. for the change of use. This regulation would encourage small business starts within our community, since site plans, fees, and processing time would be eliminated, thereby reducing start up costs. In the existing code, a similar provision exists under 57-16.A. However, this provision simplifies the determining factors for application of this special relief cause, and clarify the limits of this special exemption.
5. All accessory apartments, whether they are attached or detached require special permit. Formerly, some permits were allowed without special permit, and some were allowed at the discretion of the Building Inspector, in accordance with conditions in the code. In any case all permits were terminated with the change of ownership.

These permits would now run with the property, and not be terminated on the change of ownership. Creating apartments requires certain modifications of a building to make it a dwelling. Although the Building Department has been reasonable about allowing new owners time to comply with the regulations without changing the property, not allowing the owner to sell the property with a legal accessory apartment could hold up the sale of the property, since the building would have to be modified to sell the property back to a one family home under most lending guidelines. The code is written with flexibility, to allow the homeowner to come before the Planning Board with a survey of their property to request the use, rather than submitting a site plan in accordance with the current regulations. If there are no changes are required to the exterior of the building, then the Planning Board could grant the special use and the resolution would be filed with the building inspector. If changes are requested, then owner would have to show proposed changes on a site plan filed with the building inspector and comply with zoning regulations.

6. Tree protection was expanded as part of this Zoning Code Amendment. New regulations were created to prevent the loss of mature trees for any cause have been added to the code. The purpose of this law is to maintain the tree canopy appearance of our Town and to encourage the establishment of native trees, and to help control problems with erosion when trees are cut from sloped areas. Special consideration have been given to trees that have been damaged by a storm, dead trees, and trees that have been determined to be hazardous. The application for a single permit for tree removal is simpler for trees in residential areas, and are not required for trees that have not reach 10 inches in diameter. In addition, the Zoning Code Amendment requires the identification of trees on property prior to a subdivision review, in order to establish value of the tree cover prior to subdivision or site plan of a property. This will allow the Planning Board to contemplate the advantages gained by avoidance of stands of mature trees on the property and justify the need for clustering. This technique is used in “form based” zoning codes to help project the environmentally sensitive portions of the property, and identify those areas that are best utilized for development.
7. Landscaping requirements are added to the Zoning Code Amendment, and would apply to all commercial uses, provided that a site plan was required, or the value of the rehabilitation or renovation exceeded 75% of the cost of the building. This allows for earlier site plans to remain in full force, and as they change over time, a more uniform landscaping requirement to be applied to all new construction.
8. The Zoning Code Amendment more clearly defines “manufactured homes,” which are built to residential code safety standards from “mobile homes” which are now not permitted to be used as a home, except for in the case of an emergency. Included in this revision are better standards to make a manufactured home community fit better in our Town.
9. Several changes were made to separate regulations from definitions, and ensure that regulations affecting one item were located in one section, to make it easier to update the code in the future and reduce accidental conflicts.
10. Solar Panels, both ground mounted and roof mounted are encouraged in the Zoning Code Amendment. Ground Mounted Solar Panels are permitted in areas as a primary use or accessory use, depending on the district. Roof mounted solar panels are permitted in all

districts, even if the roof mounted solar panel provides energy that will be sold back to the utility company. Conditions for the review of the panels are a part of the Zoning Code Amendment.

11. Medical Marijuana facilities are added as an appropriate use only in areas that would ordinarily include light industrial or medical research facility uses. In addition, sales to the general public are restricted. The use still requires an application to the State with a substantial fee, however, it was necessary to deliberately mention the use so that there is no confusion regarding the intention of the appropriate standards needed to contemplate this use. In other words, if the code were silent, more generalized descriptions of the use (for example, "agriculture") could possibly apply.
12. Within the Zoning Table or Land Use Tables the following changes were made:
 - a. RR-1.5, the name was changed to RR-3.0 to correctly reflect the minimum lot size, and the maximum lot coverage was changed from 20 to 10 percent. Church or places of worship was changed to eliminate the reference to Sunday Schools or parish houses subject to site plan approval. Additional uses of Ground Mounted Solar Panels and Roof Mounted Solar Panels are permitted. In addition special uses were expanded to include Day Care Centers, Hotels or Motels, Day Camps, Kennels for Dogs and Cats, and accessory apartments, the last of which was changed from a permitted use.
 - b. RR-1.0. The allowance for the establishment of a 25,000 square foot lot if central sewer facilities were provided was removed, and maximum lot coverage was reduced from 40 to 20 percent. In addition, maximum building height was changed from 25 to 30 feet. Churches and places of worship were changed to eliminate parochial schools, Sunday schools or parish houses. Accessory uses were expanded to include bus shelters and Roof Mounted Solar Panels. Special uses were changed to remove bus passenger shelters, museums and art galleries, public or semi public buildings. New uses of a day camp were added. Accessory apartments (both attached and detached) are now permitted by special use under the new regulations.
 - c. SR-20. The maximum lot coverage for this district was changed from 40 to 25% for the 40,000 square foot minimum lots, and from 40% to 30 percent for 20,000 square foot lots. In addition height of buildings was changed to 30 feet from 35 feet. Churches and places of worship were changed to eliminate parochial schools, Sunday schools or parish houses. Bus passenger shelters, roof mounted solar panels and ground mounted solar panels were added to accessory uses. Detached and attached accessory uses were changed from permitted to special exception uses.
 - d. SR-15. For a 15,000 square foot lot, minimum lot width was changed from 35 to 100 feet. Minimum rear yard was changed for 15,000 square foot lots from 40 to 50 feet. Maximum lot coverage for 40,000 lots was changed from 40 to 25 percent. Maximum lot coverage for 15,000 square foot lots was changed from 50 to 30 percent. Allowable height was changed from 35 to 30 feet. Churches and places of worship were changed to eliminate parochial schools, Sunday schools or parish houses. Accessory uses now include Bus Passenger Shelters and roof mounted solar panels. Bus Passenger shelters, museums and art galleries, public or semi public buildings were eliminated from special exception uses. Accessory apartments (both

attached and detached) are now permitted by special use under the new regulations.

- e. URM district: The permitted uses have been expanded to include Medical Arts buildings, Grocery Stores and Ground Mounted Solar panels. Accessory Uses have been expanded to include Bus Passenger Shelters, roof-mounted solar panels, and ground mounted solar panels. The Special Exception uses have been expanded to include Neighborhood Shopping Centers, Medical Marijuana Facilities and Manufactured Home Parks and to eliminate livestock keeping and breeding. Day care centers, which were part of the Special Exception Uses now have minimum lot requirements that are similar to the rest of the lot requirements for other uses in this category.
- f. NB District. Neighborhood Shopping Center and Day Care Centers were changed from a principal permitted use to a Special Exception use. Personal service store was eliminated from the description of "Personal Service Store, studio or shop for custom use" in the Principal permitted uses. Other uses added as principal permitted uses include: Museum or Gallery, Municipal Park or Playground, Beauty Salon or similar use, Yoga Studio, Dance Studio or Marshal Arts Studio, Photography Studio, Artists Studio, Veterinary Offices for household pets. Day Care Center was eliminated from principal permitted uses. Accessory Uses were expanded to include Bus Passenger waiting shelter subject to site plan approval. Special exception use were expanded to include dog and/or cat Boarding facilities.
- g. WR district. The WR district was expanded to include Museum or Art Galleries as permitted uses. Accessory uses now include Bus Passenger Shelters, Non-commercial swimming pools, and Roof Mounted Solar Panels. Special Exception uses were expanded to include Hotels and Motels.
- h. GB district. Telephone Exchanges were eliminated from permitted uses, and museum or art galleries were added. Bus Passenger shelters and roof mounted solar panels were added to accessory uses. Special Exception Uses were expanded to include Day Care Centers, Multiple Family Housing, and Dog Kennels or Cat/Dog Boarding. In addition, if there are no central sewer facilities, the required lot size is 40,000 square feet. New minimum lot front and side yard standards were created for the 10,000 square foot lot size.
- i. LI district: the LI district was expanded to include Museum and Art Galleries and Ground Mounted Solar Panels as permitted Uses. In addition Bus Passenger Shelters, roof mounted and ground mounted solar panels were added to accessory uses. Special Exception uses were expanded to include Artist Live/Work spaces, Day Care Centers, Kennels for Dog and/or Cats, and Medical Marijuana Facilities.
- j. The HI district. Integrated residential uses, Outdoor sports facilities, and Hotels and Motels were removed from permitted uses to special exception uses. Ground mounted solar panels are permitted as a primary use on a lot. Bus Passenger Shelters, roof mounted solar panels, and ground mounted solar panels are permitted as an accessory use. Building equipment storage yards and Medical Marijuana Facilities were added as special exception uses.

IV. REQUIRED PERMITS AND APPROVALS

The adoption of the Zoning Code Amendment requires the approval of the Town Board. It is the only agency with the authority to adopt the proposed zoning changes, pursuant to the Municipal Home Rule Laws in New York State. This zoning code is a substantial revision of the existing zoning code, but not a new adoption of a zoning code, but for the ease of understanding of the public is presented as a replacement, with the existing code and proposed changes clearly marked in the public review document.

In accordance with Section 239 of the General Municipal Law, the code is subject to review by the Orange County Planning Department. Since this zoning update is an implementation of the Current Comprehensive Plan, it is anticipated that it would be consistent with regional planning objectives.

V. SUMMARY OF IMPACTS

This Generic Environmental Impact Statement identified no significant impacts as a result of adoption of the changes that would occur as a result of adopting the Zoning Code Amendment. It is an implementation of the currently enforced Town of Monroe Comprehensive Plan Update, formally adopted on May 19, 2008. The Zoning Code Amendment provides better control over land development and has a significant number of benefits to the environment, especially forested areas, water and wetland resources, as well as providing standards that will make Monroe a better place for its residents.

In addition, the Zoning Code Amendment addresses protection of those man-made resources that we depend upon; traffic resources and infrastructure, by limiting development in areas where additional infrastructure is not feasible, and creating new opportunity where infrastructure is planned or available.

VI. ALTERNATIVE ACTIONS

The only proposed alternative to adopting the Zoning Code Amendment would be to continue with the current zoning code as it is, referred to as a “no-action” scenario under SEQRA. The comprehensive review and modification of the zoning code is an implementation of the Town of Monroe Comprehensive Plan, adopted in May of 2008, which calls for a more proactive protection of the environment and address appropriate levels of development in all areas in Monroe. In addition, there are several changes made in the code that address deficiencies caused by the passage of time with the code that was first adopted in 1965. Because of the limitations of the existing code to address recommendations of the Town of Monroe’s Comprehensive Plan, the Town has determined that a no-action scenario would not be acceptable.

VII. ENVIRONMENTAL SETTING, IMPACTS & MITIGATION MEASURES

A. ENVIRONMENTAL SETTING (LOCATION)

The Town of Monroe is located in the southeastern portion of Orange County. To the east and northeast, the Town is bounded by the Town of Woodbury, to the north and west, by the Town of Blooming Grove, to the south by Warwick, and to the south and west, by the Town of Chester. Interstate 87 (NYS Thruway) lies east of Monroe, serving the interchanges with New York State Routes 6/17 and Routes 32 near Woodbury Commons Mall. Route 17 is a major east-west limited access highway dividing the most northerly parts of the unincorporated Town and the Village of Kiyas Joel from the bulk of the unincorporated Town and the Villages of Monroe and Harriman. Route 17 is undergoing a transformation to become the future interstate 86, and is currently being improved to meet the standards of a federal highway. Work is expected to be completed by 2020.

Although the Town of Monroe enjoys a fairly robust local economic base, its proximity to New York City attracts many who choose to live in this area and work in New York City or the metro areas surrounding the city. New York City and many of these areas are accessible to commuters through mass transit (both bus and train), as are many of the surrounding communities.

The residents enjoy a high quality of life in this community, including an excellent public school system, and family oriented activities. As a result, much of the property in the unincorporated Town has developed with single family housing, much of it proposed or pending during the completion of the Town of Monroe Comprehensive Plan, adopted in May of 2008.

When the comprehensive plan was written there were 24 subdivision proposals, at different stages of completion before the planning board, which totaled 823 acres of land in the Town of Monroe (Town of Monroe Comprehensive Plan, Adopted May 19, 2008, page 96) Since the writing of the Comprehensive Plan, Subdivision approval was granted for most of these subdivisions, some of them provided new conservation lands to the Town of Monroe.

B. REGIONAL PLANS

The Town of Monroe is subject to the following regional planning efforts:

- County of Orange, New York Stormwater Management Plan (Draft). The County of Orange has begun creating a plan that will help to provide additional resources to municipalities, educating them on the importance of creating effective management of storm water runoff from development. This effort includes an analysis of major water ways and will focus on the six minimum measures required by the United States Environmental Protection Agency and the New York State Department of Environmental Conservation.
- County of Orange, Economic Development Strategy, Adopted July 2015. The goal of this plan is to attract and support businesses in Orange County, improve economic capacity, strengthen key industries and support the development of small businesses. Key industries

identified in the plan are Agriculture, Arts, Medical, Technology, Recreational, Retail, Tourism, historic and cultural opportunities.

- County of Orange Comprehensive Plan, adopted 2010. Provides regional and social economic background and shared goals for all municipalities in Orange County. The Town of Monroe is listed as an area of Regional Growth because of the availability of infrastructure.
- County of Orange, Open Space Plan, adopted 2004. Identifies other open space preservation indicatives and provides additional guidelines for the protection of open space in Orange County, including agricultural open space.
- County of Orange, Water Master Plan, Draft prepared 2010. The Plan identifies ways in that the County and the Orange County Water Authority can assist local government to assure the availability of water in the County. This Plan assumes that success for such function must be based on collaboration between municipalities, water purveyors, and the County including the OCWA.
- Mid Hudson Regional Sustainable Plan: the plan creates a vision for sustainable development that builds on our Region's unique social, cultural, and natural history, with the goal of promoting economic development, environmental sustainability, thereby enhancing quality of life for residents in a 7 county region of the Mid-Hudson Valley. The plan provides a common framework for achieving regional goals, with the responsibility of implementation directed at residents, organizations, and municipalities.

C. FLORA AND FAUNA

The Town of Monroe contains substantial contiguous forested areas, mostly on lands that are along the southern third of the town that were once part of the farms and mining activity that dominated the area. Many of forested areas are remainder of subdivided properties that were unsuitable for development because of slopes and the presence of wetlands. However, there are substantial treed areas within conservation easements surrounding and adjacent to subdivisions, especially in the southern part of the Town. Many of these forested areas remain connected and accessible to wildlife in the area.

At the writing of the comprehensive plan, the Town had approximately 1200 acres of land that was either publicly owned or in conservation ownership. This has only slightly increased with the approval of subdivisions that provided conservation easements on heavily sloped areas.

The trees and forested areas provide the wildlife with habitat, help to stabilize soils and create natural filters for our air and water. Changes to the local laws in Monroe protect wetlands, many of which are forested in the Town of Monroe. In addition to providing protection of our environment, the trees and natural topography enhance the quality of life by providing a rural aesthetic enjoyed by residents.

The Town of Monroe's Comprehensive Plan recommended that the quality of the natural areas be evaluated as a part of subdivision and site plan review, and encouraged the preservation of high-quality habitat to the greatest extent possible. It recommended that the Tree Law also be revisited

to help prevent clearing prior to subdivision review, and help better preserve natural habitat and encourage replanting of native species.

Included as part of the Zoning Code Amendment is a new tree law that better protects mature trees, and requires planning board review of existing wooded areas prior to laying out the subdivision. This will help the planning board identify those areas that would be best left in the natural state on the site, and encourage the consideration of clustering, when deemed appropriate in order to protect these natural resources.

In addition, the Zoning Code Amendment includes Tree Harvesting provisions and provides for substantial penalties for property owners that clear properties prior to a subdivision review. These penalties include restrictions on time before the owner can submit a plan for review to the Planning Board and money, as well as requiring replacement of those trees.

The proposed law will have a beneficial impact on the protection of trees in the Town of Monroe, therefore no mitigation is required.

D. SOILS AND NATURAL TOPOGRAPHY

Soil characteristics have a strong relationship to the land use suitability, as soil slopes, stability, permeability and composition. Every land use is affected by the soil characteristics, and it is important to match soil types and appropriate uses. Whether a structural use requires the use of an in-ground septic system or connection to a central sewer system, the capacity of the soils to either absorb the wastewater, or to accommodate the sewer line installation is an important land use consideration when creating habitable buildings. The United States Department of Agriculture Soil Conservation Services published a Soil Survey for Orange County, New York, in September 1981, which maps the soil types for each municipality in the county.

In addition, the natural topography of the Town of Monroe, characterized by the rolling hills, and tree cover is one of its greatest assets and was identified in the Town Comprehensive Plan as an important element of any conservation program.

There are three general types of soil represented in the Town:

- Mardin-Erie soils are found in the northern two-thirds of the Town. It is a moderately sloped somewhat clayey glacial till.
- Hollis-Rock Outcrop is a moderately steep, somewhat excessively drained soil that is shallow over hard schist, granite and gneiss bedrock. This soil type dominates the southern portion of the Town.
- There is a small portion of Arnot-Swartswood-Hollis Soils found in the extreme northern and western edge of the Town. These soils are very steep and excessively well drained over sandstone, gneiss and schist in the upland area and can vary in depth from shallow to deep. They were formed by glacial till.

The proposed Zoning Code Amendment prohibit the clearing of trees on steeply sloped areas and will have a beneficial impact on the protection of steeply sloped areas, many of which are subject to

severe erosion. The requirement to create a pre-development tree plan prior to subdivision of property will also help to identify and preserve those areas that are more sensitive to development and erosion. In addition to the protection of the natural areas for the benefit of the environment, areas often considered for protection coincide with the ridgelines and view sheds worthy of preservation in the Town.

The proposed Zoning Code Amendments are consistent with the Goals of the Town of Monroe Comprehensive Plan and are more protective of our valuable natural resources, therefore there are no significant environmental impacts to Soils and Topography and no mitigation measures are needed.

E. WATER RESOURCES

The proposed Zoning Code Amendments include protection of water and wetland resources as part of the subdivision and site plan review within the proposed tree code. Since the adoption of the Town of Monroe Comprehensive Plan in 2008, New York State has updated the Stormwater and Pollution protection regulations to encourage the use of green infrastructure for stormwater recharge and runoff control, including the use of rain gardens. A separate chapter further protects wetland and water courses in the Town of Monroe, and applies to all development proposals. However, identification of these resources is the first step to understanding how these natural wetland and watercourse behave on the property, and this information is required as part of the subdivision and site plan process.

Therefore the proposed Zoning Code Amendment will have a positive impact on the protection of these resources, and no mitigation measures are necessary.

F. TRAFFIC AND TRANSPORTATION

In the GDEIS prepared for the Town of Monroe Comprehensive Plan, the authors acknowledge that there are tremendous challenges both locally and regionally at key transportation nodes, as evaluated by the Southeast Orange Regional Traffic Task Force Study prepared for Orange County. Solutions to these challenges are still being evaluated today, especially in areas that lead to Woodbury Commons on 32, Larkin Drive, and within the Village of Monroe on 17M. In addition, increased tourist-resort destinations in Sullivan County create more traffic on I-87 and Route 17M as people traveling from New York City pass through Orange County to get these tourist destinations west of Monroe.

Proposed changes to the existing code to create the need for a special use permit for more intense uses, such as multiple family dwelling allow the planning board to carefully weigh the impacts of the traffic created by the uses, and how ingress and egress would be incorporated into the traffic patterns on existing streets in Monroe. In addition, in areas where development is less dense and the road infrastructure tends to be narrower and steeper, overall density has been reduced in the tables.

Therefore, the proposed Zoning Code Amendment will have a positive impact on traffic in the Town of Monroe and no mitigation measures are necessary.

G. RECREATION AND OPEN SPACES

At the time of the writing of the Comprehensive Plan, the Town of Monroe had over 2234 acres of land dedicated to remain open space in the form of conservation land or parkland. Since the writing of the plan, the Town has added Round Lake Island into its conservation program, as well as conservation easements associated with stream corridors and wetland preservation during the subdivision approval process. The proposed Zoning Code Amendment assists with the development of appropriate conservation areas within the Tree Code and Tree Harvesting sections of the proposed Zoning Code Amendment, which provide substantially more protection to the open spaces than the zoning code currently enforced.

Therefore, the proposed Zoning Code Amendment will have a positive net impact on recreation and open spaces in Monroe, and no mitigation measures are necessary.

H. HISTORICAL AND CULTURAL RESOURCES

A list of historical and cultural resources was appended in the Town of Monroe Comprehensive Plan, adopted May 19, 2008 on page 124 and are identified on the Town of Monroe's website. Consideration of the impact on these resources is considered as part of the SEQRA review for individual subdivision and site plans. However, the current zoning code as it is currently enforced and the Proposed Zoning Code Amendment do not directly address historical and cultural resources. Ordinarily, a law to protect these resources would be a separate law created outside the zoning provisions. Because the zoning code is silent on this specific issue, the proposed Zoning Code Amendment will have no negative impact on historical and cultural resources in the Town of Monroe. Therefore no mitigation measures are required.

I. SOCIAL AND COMMUNITY FACILITY RESOURCES

The Town identified the facilities owned and operated by the Town in the Town of Monroe Comprehensive Plan, adopted May 19, 2008 starting on page 61. Since the date of the plan, the Town of Monroe purchased a movie theater in the Village of Monroe after it had been closed for over a year. The building has been reopened as the Monroe Arts and Civic Center, and has been reopened for viewing movies, lectures about arts, and for community meetings. In addition to the Monroe Arts and Civic Center, the Town owns the former homestead and historic stone barn of the former Faber Farm, which was subdivided from the balance of the property for the development of single family homes.

The Town of Monroe complies with the regulations of the zoning code when developing new uses, however there are no immediate physical changes planned for any of the Town's property holdings.

The current zoning code nor the proposed Zoning Code Amendment impact the social and community facility resources. Considerations of impacts on taxing districts, which are used to support these facilities, are discussed under Fiscal Impacts in a later section of the GDEIS. No further mitigation is required.

J. HOUSING RESOURCES

At the time that the Town of Monroe Comprehensive Plan, adopted in May of 2008 was written, Monroe and surrounding areas were experiencing an upsurge in housing construction, especially those homes that were targeting luxury housing markets. The average cost of these homes were \$407,279 in 2006 outside the range of affordability of the average household income in Orange County of \$71,455 in 2005 (Quality of Life Report, 2007 published by the Orange County Citizens Foundation). Concerns were expressed in the Town of Monroe Comprehensive Plan about the continued affordability of housing in Monroe, and the fear was that smaller, older homes would become popular targets for the development community as tear downs and replacement. However, the United States experienced a recession resulting in slowed new housing starts in Orange County by 2008, and at the writing of this GDEIS in 2015 has only begun to recover. In 2012 the Orange County Citizens Foundation reported that the median income for Orange County was \$69,255 and the average cost of single family homes had dropped slightly to \$403,972 (Quality of Life Report, 2012, Orange County Citizens Foundation) and continued to drop, especially if the homes were older. As a result, many older homes have become attractive to younger families.

The Zoning Code Amendment addresses affordable housing by allowing the majority of single family residential properties to apply for special use permits to create an attached or detached apartment on the property, which would create affordable rentals. Unlike the previous version, the accessory apartment, once approved would be an addition that would not require that the new owner reapply for a permit and would run with the land, unless it became a serious enough nuisance to warrant the revocation of the special use permit. In addition, there are revised regulations that allow for Manufactured Home Parks to be established in selected districts by special use permit. Manufactured homes can be an acceptable alternative to homes built on site, and provide families of lower incomes with affordable housing choices in areas that are adjacent to the Village, so that services are available. The majority of the affordable housing choices (such as rentals) remain in the Villages, where residents are within walking distance of stores and other services.

The Zoning Code Amendment addresses affordable housing better than the previous version of the code and therefore does not have any negative impact on housing resources within the Town of Monroe, and therefore no mitigation is required.

K. LAND USE AND TOWN OF MONROE COMPREHENSIVE PLAN

Included in the Town of Monroe Comprehensive Plan adopted May 19, 2008 recommended the following goals concerning land use:

- **The Town remains primarily a residential community of primarily single family detached homes, with new lands uses developed in harmony with the limits of the land and the transportation network.** Essentially, the bulk of the districts in the Town remain dominated by single family uses, except for areas that are adjacent to the Villages. Adjacent to the village, smaller lots are more appropriate because of existing opportunities to be served by water and sewer districts, and the ability to expand pedestrian connections into business and service areas. Larger lot are required as the districts move away from the

Village to the more rural areas. The zoning map will not be changing with adoption of the Zoning Code Amendments.

- **To protect “workforce” housing within the town, and to fulfill the towns legal obligation to provide a fair share of new affordable and diverse where possible. Particular attention should be paid to areas where pedestrian connections can be made to existing commercial area, when possible.** The existing code allows higher densities of homes closer to the Villages of Monroe, Harriman and Kiryas Joel, where it is possible to walk to services and businesses. In addition, the existing code allows for attached and unattached accessory apartments on single lots, which have been used to create affordable housing within a single family home, and are now permitted by special use permit in the code. (Also see discussion in previous Section I). This will not change with the adoption of the Zoning Code Amendments.
- **To protect existing streetscapes and community character in the town, especially older scenic roads that previously served farms and are under review for subdividing.** This is achieved in the Zoning Code Amendment with the requirement that applicants provide information on the location of natural features on a map so that they can be considered by the Planning Board prior to considering the layout of the property. (See discussion in previous Sections B and C.)
- **To protect the character of existing and new residential neighborhoods.** Bulk regulations were examined in each zoning district and reduced where it was appropriate to preserve open space on existing lots and discourage over-development of smaller lots. In addition, new tree preservation regulations in the Zoning Code Amendment discourages owners from cutting down mature healthy trees on their properties.
- **Commercial areas of the town will promote a diverse mix of non-residential land uses; retain existing businesses and work cooperatively with Village to maintain an attractive corridor.** The creation of new commercial enterprises is a concern for every municipality, since the business community supports the residential community by providing jobs, and generating taxes without generating school children, which helps to offset the burden of the costs of this expense from the residents. The Zoning Code Amendment expands potential uses in all commercial districts, allowing the establishment of high quality businesses that would be an asset to the Town. In addition, new landscaping standards would apply to all new development to enhance transitions between residential and commercial areas, and soften commercial structures and parking lots.
- **Develop and create new recreational facilities.** The current zoning code does not directly address recreational facilities, however the continued practice of clustering creates opportunities for passive recreation on conservation easements within the Town which are enjoyed by the residents. In addition, fees that are required on a per dwelling basis, continue to fund new recreational opportunities for the residents. This practice will not change with the adoption of the Zoning Code Amendments.
- **Open Space Preservation Policies.** The Town of Monroe Comprehensive Plan recommends that clustering be utilized to preserve features and habitat on properties that are proposed for development. In fact, more recent subdivisions, such as the Shea Meadows subdivision identified areas that were important to preserve under conservation

easements (heavily steep slopes, and stream corridors) as a part of the subdivision review. However, the Zoning Code Amendment requires that features be identified prior to the layout of a subdivision so that areas that need conserving can be more easily identified and protected.

- **Community Character and design issues:** The Town of Monroe Comprehensive Plan recommended that more attention be paid to the aesthetic value of individual subdivision projects, including the connectivity of open spaces, greenways, waterways, and forested areas. The Zoning Code Amendment addresses this issue to the greatest extent possible by protecting trees, requiring the development of a tree plan that highlights features of a lot, and with the reduction of allowable buildable area on lots within many of the residential districts. In addition, the Zoning Code Amendment encourages the Planning Board to compel the use of clustering when it becomes apparent that there are significant features on the site that should be preserved. The Town of Monroe Comprehensive Plan recommended on page 93 that building heights be revised in the code in order to control heights of new buildings, which relates to the community character. The Zoning Code Amendments would require that building heights be calculated from the natural or finished grade, whichever is lower, to prevent calculating the height from the base of the building that has been artificially elevated. Permitted elevation would be calculated using the grading plan submitted to the building department.
- **Updating Land Use Regulation (zoning).** The Town of Monroe Comprehensive Plan anticipated that one of the next steps in the process would be to update the zoning regulations for the Town of Monroe to reflect many of the recommended policies in the Town of Monroe Comprehensive Plan. This project reflects the outcome of this recommendation and has taken several years and has been vetted through volunteer committees, Town Planning Board representatives, the Code Enforcement Department, and other town professionals.

The adoption of the Zoning Code Amendment is consistent with the land use recommendations found in the Town of Monroe Comprehensive Plan, adopted May 19, 2008 and no significant adverse impacts were identified, therefore no mitigation is required.

L. FISCAL IMPACTS

The proposed Zoning Code Amendment is not anticipated to create significantly different fiscal income impacts on the Town or its residents as compared to the existing zoning regulations. The expansion of uses within zones help to create more potential for business development in certain commercial zones, however the development is subject to the market, as well as taxes collected on the developed parcels that would benefit schools, roads, and other infrastructure funded and maintained by taxing districts. In addition, development potential was reduced by lot coverage in certain residential zones, which is intended to maintain the character of these areas. Often actions that relate to the preservation of the character and beauty of a community result in more stable home prices, and therefore more stable revenue from taxes. In addition, slight reductions of development potential correspond with the lack of available services or connections to those services, which creates more efficiency and encourages development in places where it can be supported, saving the Town money when it provides services to development within the Town.

Therefore the proposed zoning regulations will have no appreciable fiscal impact on the Town's ability to provide services funded by taxing districts.

M. OTHER IMPACTS –SOLID WASTE AND ENERGY

The adoption of the Zoning Code Amendments will not have any appreciable impacts on solid waste, which is contracted by the Town for carting for residents, since density of housing would remain approximately the same in all zoning districts. Commercial uses are required to contract for solid waste disposal. Trash and recyclables are routinely collected by licensed providers and disposed of within the guidelines of current local, state and federal laws.

The adoption of the Zoning Code Amendments may have a moderate impact on the reduction of energy use, since ground mounted solar panels are permitted in selected districts, and roof mounted solar panels are permitted as accessory uses in all districts. Other new uses that are permitted are similar to already permitted uses in districts that could have been developed on the property.

Therefore, the adoption of the Zoning Code Amendment will have no adverse impact on the environment attributable to solid waste or energy generation.

N. IRREVERSIBLE OR IRRETRIEVABLE COMMITMENTS OF RESOURCES, UNAVOIDABLE IMPACTS.

The adoption of the Zoning Code Amendment will not result in Irreversible or Irretrievable commitments of resources or unavoidable impacts. The Zoning Code Amendment is an improvement on the current zoning code, allowing for better protection of the natural flora and fauna, community character and visual resources which give Monroe it high standard of living. The Zoning Code Amendment is an implementation of Town of Monroe Comprehensive Plan Policies that are thoughtful and balanced of the natural environment, the needs of the citizens, and the rights of property owners.

Therefore, the adoption of the Zoning Code Amendment will not result in irreversible or irretrievable commitment of resources or unavoidable impacts,. Therefore no mitigation is required.

O. GROWTH INDUCING IMPACTS

The adoption of the Proposed Zoning Code Amendment will control land development and potential for growth in ways that are slightly more restrictive than the current zoning. For example, in the RR-1.0 Zoning District , the reduction of allowable lot size because of the availability of central sewer was removed. In addition, changes to the tree code allow for preservation of sensitive areas that were once considered part of the developable area when laying out subdivisions. These minor reductions will reduce the number of single family lots in this zoning district. In addition, new requirement for reduced coverage will effectively limit the size of buildings on lots, and create more open space around buildings, which will have a minor impact on occupation and use of lots.

The adoption of the Zoning Code Amendment will create a minor decrease in density in some district when compared to the current zoning code enforced by the Town of Monroe, and therefore will not have growth inducing impacts and no mitigation is required.

P. IMPACT ON FUTURE REGULATIONS AND DEVELOPMENT IN REGARD TO SEQRA

The Zoning Code Amendment is subject to recommendations and policies developed in the Town of Monroe Comprehensive Plan, adopted May 19, 2008, or any other actions taken by the Town Board to clarify policies of the comprehensive plan. This Zoning Code Amendment was amended as an implementation of the Town of Monroe Comprehensive Plan, and this DGEIS highlights policies of the plan and how the Zoning Code Amendment addresses these policies.

However, once the Zoning Code Amendment is adopted, the Town Board, Planning Board, and Zoning Board of Appeals are still responsible for conducting an environmental review of any action under their purview where the zoning code regulations would normally be applied. This document does not replace the responsibility or inhibit the Town Board, Planning Board, or Zoning Board of Appeals from conducting SEQRA reviews for future development proposals or requests made regarding the same.

In addition, the Zoning Code Amendment is consistent with regional plans adopted by the County and other regional agencies. Many of these plans recognize that the Town of Monroe is a regional growth center, with available water and sewer that could be developed over time. The Zoning Code Amendment, which is consistent with the Town of Monroe Comprehensive Plan, is an implementation of many of the existing local, county and regional goals of maintaining a high quality of life, protecting the environment and community resources, and the promotion of a diverse economic base of non-nuisance businesses. No mitigation is required as a result of this action on future or existing regulations.