

TOWN OF MONROE
LOCAL LAW NO. X OF THE YEAR 2021

A LOCAL LAW AMENDING CHAPTER 57 (ZONING) TO ESTABLISH A TWO-FAMILY DWELLING OVERLAY FOR THE AREA OF THE TOWN OF MONROE NORTH OF ROUTE 17.

Be it enacted by the Town Board of the Town of Monroe by authority of Article 16 §264 of the Town Law and Article 2, §10 of the Municipal Home Rule Law, as follows:

Section 1: Legislative findings and intent. The Town Board of the Town of Monroe hereby finds and declares:

A. The 2017 *Town of Monroe Comprehensive Plan Update* recommended as follows:

The Consultant’s Report included several options as to how the area north of Route 17 should be planned. The options promoted different levels of potential density, based on presence of existing development, location within the Orange County Sewer District, presence of environmentally sensitive resources, and other considerations....

The Conceptual Land Use Plan shows the area within the existing boundaries of the Orange County Sewer District being developed as a Suburban Residential land use area. The area on the west side of Seven Springs Road would remain mostly in the Open Space Residential land use area, given existing environmental constraints, and its location outside the sewer district boundary. The area along Seven Springs Mountain Road, and west of its intersection with Seven Springs Road, would be within the Rural Residential land use area, reflecting the existing development density that already exists, but consistent with adjoining neighborhoods in the Village of South Blooming Grove....

As mentioned previously, this portion of the Town of Monroe is in “transition”, and based on use variances and the pursuit of large accessory apartments, it is evident that existing homeowners in this area desire to live at a higher density for a variety of reasons, including living more communally among the extended families that reside here. As the adjoining Village of Kiryas Joel expands, and as development in the area progresses, it can be anticipated that traffic will increase, and that centralized sewer and water services will be expanded.

Over the long-term, the Town will need to address the progression of development, and it may be appropriate in the future to consider additional zone changes. However, regardless of density, new developments, as in the remainder of the Town, must be designed to accommodate meaningful expanses of open

space, avoid environmentally constrained lands, and protect the woodland visual character of the Town of Monroe. Bulk requirements would be established that ensure that the existing wooded character is retained to screen views of properties which may be developed at higher densities than presently allowed. Limitations on impervious surface area, requirements for preserving tree cover and other standards would be implemented. There may be other options that the Town Board would consider, or a combination of the above, based on the characteristics presented above. (2017 Town of Monroe Comprehensive Plan Update pp. 21-22)

- B. As anticipated, transition in this area has continued to progress and it is now appropriate to consider additional zone changes to accommodate more communal styles of living, while maintaining open space, avoiding environmentally constrained lands, and protecting woodland visual character; and
- C. Two-family dwellings can accommodate more communal living while maintaining the woodland character, by essentially removing the yard area between two detached units; and
- D. Consistent with the Comprehensive Plan, in order to maintain meaningful expanses of open space avoid environmentally constrained land and protect the woodland visual character, it is necessary to designate only a portion of the land north of Route 17 for authorization of two-family dwellings; and
- E. Consistent with the Comprehensive Plan, it is necessary to further promulgate regulations for screening views, limiting impervious surface area and preserving tree cover.

Section 2: Map a new overlay district on the Town of Monroe Zoning Map entitled “Two-family Overlay District” and abbreviated as “2F-O” containing the following areas:

1. All residentially-zoned lands within Orange County Sewer District #1 north of Route 17; and
2. All lands north of County Road 44; and
3. All lands currently having direct access to County Road 44 except for the lot designated as parcel 1-1-25.4 on the Orange County Tax Map, which only shall have that portion of its lands within 300 feet of the centerline of County Road 44 within the district; and
4. All lands currently having direct access to Cliff Court; and
5. That lot designated as parcel 1-1-26 on the Orange County Tax Map; and
6. That lot designated as parcel 1-1-28 on the Orange County Tax Map; and
7. All lands within 300 feet of Seven Springs Road.

Section 3: Add a new definition “DWELLING, TWO-FAMILY DETACHED” to Chapter 57 (Zoning) Article II (Word Usage and Definitions) §57-3 (Definitions) as follows:

DWELLING, TWO-FAMILY DETACHED

A dwelling for two families on an individual lot.

Section 4: Add a new sub paragraph “(5)” to Chapter 57 (Zoning) Article IV (Districts; Zoning Map; Schedule) §57-8 (Classes of districts) Paragraph C (Overlay districts) to read as follows:

(5) 2F-O Two-Family Overlay.

Section 5: Add a new section §57-21.9 entitled “Two-Family Overlay (2F-O) District” to Chapter 57 (Zoning) Article VII (Environmental and Design Standards) as follows:

§57-21.9 Two-Family Overlay District.

- A. Purpose. Consistent with the Town of Monroe Comprehensive Plan Update, the Town of Monroe seeks to allow for an additional housing option in select areas of the Town north of Route 17 with available access to existing infrastructure, and that retains meaningful expanses of existing open space to preserve the Town’s woodland visual character.
- B. Additional Uses Authorized. In addition to the uses authorized in the underlying zoning district, two-family detached dwellings shall be authorized as a special use subject to authorization and site plan approval by the Planning Board, subject to §57-13U.
- C. Bulk Standards. The bulk standards for two-family detached dwellings shall be the same as required for single-family detached dwellings in the underlying zoning district except as follows:
 - (1) Minimum lot area shall be the smaller of the following:
 - (a) Two times the minimum lot area for a single-family dwelling in the underlying zoning district; or
 - (b) 1.25 acres.
 - (2) The maximum lot coverage shall be 5% less than that permitted for single-family detached dwellings in recognition of the shared driveway to be used by both units.

Section 6: Add a new paragraph “U” entitled “Two-Family Detached Dwellings in 2F-O District” to Chapter 57 (Zoning) Article V (Special Uses) §57-13 (Individual standards for certain uses) as follows:

U. Two-Family Detached Dwellings in 2F-O District.

- (1) Wastewater. Under no circumstances may a lot be used for a two-family dwelling unless that dwelling is connected to a public sewer or the Town Engineer certifies based upon observed soil testing and review of a wastewater disposal system designed by a New York State Licensed Professional Engineer that the lot may be occupied and the wastewater disposed of without resulting in a danger to public health or personal property, and that adequate separate distance is proposed to protect existing public and private wells, and that the proposed system would not preclude the viability for constructing a private well on any adjacent lot.
- (2) Single Driveway. There shall be only one driveway shared by both dwelling units with a maximum width of 24 feet at any point within the front yard. A continuous circular driveway may be permitted, so long as the driveway is accessible at all points to both units.
- (3) Protection of woodland character. Except as necessary to provide a driveway and utility connections, there shall be no grading or removal of natural vegetation for the first 50% of the required front yard closest to the front lot line. The Planning Board may require reasonable assurances including a landscape plan, conservation easement or other such assurances as are necessary to maintain the woodland character of this area of the Town. Where a lot has been cleared of trees and is proposed for use as a two-family dwelling, the Planning Board shall require supplemental plantings to restore the natural wooded appearance of the front yard.

Section 7. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, 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, which shall remain in full force and effect.

Section 8. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.