

**PUBLIC HEARING
TOWN OF MONROE**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Monroe, Orange County, New York, on October 7, 2019 at 7:00 PM. at the Town of Monroe Senior Center, 101 Mine Road, Monroe, New York 10950.

The Town Board of the Town of Monroe will conduct such Public Hearing concerning the Draft Scope for Preparation of a Draft Generic Environmental Impact Statement to solicit public comment and to permit the submission of any written comments until October 25, 2019 at 4:00 P concerning the proposed Amendments to Town Code, Chapter 57 (Special Planning District and Conservation Cluster Residential Floating Zone).

The Town of Monroe will make every effort to assure that the public hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

The Draft Scope for Preparation of a Draft Generic Environmental Impact Statement, is available on the Town website www.monroeny.org and at the Town Clerk's Office, at 1465 Orange Turnpike, Monroe, New York, 10950, Monday – Friday, 9:00 am – 4:00 pm.

BY ORDER OF THE TOWN CLERK
MARY ELLEN F. BEAMS
TOWN OF MONROE

**LOCAL LAW NO. __ OF 2019
OF THE INCORPORATED TOWN OF MONROE, NEW YORK TOWN BOARD
AMENDING CHAPTER 57 OF THE CODE OF THE TOWN OF MONROE**

A LOCAL LAW to amend the Code of the Town of Monroe Chapter 57 to add Article XXI entitled “Special Planning Districts.”

BE IT ENACTED AS FOLLOWS:

Section 1. Legislative Intent.

A Local Law to amend the Code of the Town of Monroe by amending Chapter 57 to add Article XXI entitled “Special Planning Districts” pursuant to Municipal Home Rule Law Section 10 et. seq.

This Chapter is authorized by the New York State Constitution Article IX, § 2, the provisions of the New York Municipal Home Rule Law, and the provisions of the Statute of Local Governments.

This Local Law shall be known and may be cited as “Local Law No. __ of 2019.”

Section 2. Effect.

Chapter 57 of the Code of the Town of Monroe is hereby amended by adding Article XXI entitled “Special Planning Districts” and Section 57-94 entitled “Conservation Cluster Residential Floating Zone” and shall read as follows:

Article XXI Special Planning Districts

§ 57-94 Conservation Cluster Residential Floating Zone.

A. Statement of intent and objectives.

- (1) It is the intent of this Conservation Cluster Residential (“CCR”) Floating Zone to provide a more flexible zoning framework to incentivize more intensive clustering of residential development along the boundaries of the Town’s villages in order to preserve large expanses of continuous open space to serve as a “growth edge” and discourage a sprawling, land- and resource-consumptive, large-lot development pattern. In the place of prescribed standards for uses, lot sizes, yards and setbacks, this district favors a more process-based approach, wherein an applicant will develop a Master Development Plan designed to meet several identified planning purposes and criteria, as a basis for more flexible use, bulk and design standards. The CCR District is a floating zone that may be affixed to parcels by the Town Board as provided below.
- (2) Among the Comprehensive Plan goals to be achieved through use of the CCR Floating Zone include the following:
 - (a) Residential neighborhoods will be designed to blend with and preserve, not dominate,

the existing rural woodland landscape, and developed at an appropriate range of densities that take into consideration proximity to open space and sensitive ecological habitat, proximity to major transportation corridors, proximity to employment and shopping opportunities, and availability of sewer and water service.

- (b) Encourage an interconnected system of open space and recreational lands that provides a supporting sustainable framework for the neighborhoods within the Town and preserve the environmental resources that sustain the health and welfare of the Town's residents.
 - (c) Implement regulations necessary to ensure that applicants submit development applications that fully disclose the proposed density, intensity, size, environmental constraints and design of projects so that the boards can fully assess a project's potential impacts and adopt mitigation measures that are consistent with the goals and objectives and policies of this Plan Update.
- (3) Among the Comprehensive Plan objectives to be achieved through use of the CCR Floating Zone include the following:
- (a) Allow medium density, suburban residential neighborhoods in those areas that are close to existing Village residential neighborhoods, are served by central water and sewer, and proximate to major employment and shopping centers within the Town.
 - (b) Allow limited high density, urban residential neighborhoods which are immediately adjacent to one or more of the Town's villages and are not significantly constrained by sensitive environmental features, and allow a variety of housing types in these neighborhoods.
 - (c) Ensure that large developments proposed within urban residential neighborhoods, e.g., over 50 dwelling units, be designed to provide a mix of housing units, e.g., a mix of two-, three-, multifamily, townhome, and other housing types, rather than one single dwelling unit type, so as to promote housing diversity.
 - (d) Require that applications for subdivisions which meet a defined minimum number of proposed lots submit both a conventional and cluster development layout, and allow the Planning Board to determine whether the cluster development must be pursued so that the Town's objective for preserving undisturbed open space are met.
 - (e) Ensure that all developments are designed to "fit" within the existing landscape, and that a minimum percentage of undisturbed woodland is integrated into all new developments to promote healthy and attractive neighborhoods.

B. Application procedure and approval process.

- (1) Petition for the CCR overlay to be applied to a parcel or parcels shall be made to the Town Board along with a Master Development Plan illustrating the general layout and mix of uses.
- (2) Master Development Plan (MDP) required. In order to allow the Town Board and the petitioner to reach an understanding on the basic use mix, density and layout, prior to

designation of the CCR, a Master Development Plan shall be submitted that meets the following criteria:

- (a) The MDP shall be prepared by an architect, engineer or land surveyor licensed in the State of New York.
- (b) The MDP shall be drawn to an engineering scale and contain the date of last revision, north arrow and graphic scale.
- (c) The MDP shall contain the stamp or seal and be signed by the professional preparing the map.
- (d) The interior road system of all existing and proposed rights-of-way and easements shall be provided and indicated as to whether public or private ownership is proposed.
- (e) Use areas shall be designated with conceptual footprints indicating the number of dwelling units and bedrooms by each housing type and indicating the floor area of non-residential, general community facilities and accessory structures.
- (f) In order to determine the conservation value of open space, the MDP shall include a "conservation plan" of the project site, identifying areas with "conservation value" which may include historic, ecological, agricultural, water resource, scenic, or other natural resource value. Lands with conservation value include scenic view corridors, agricultural land, land with prime farmland soils or soils of statewide importance, aquifers and their recharge areas, ecological habitat for sensitive species, historic buildings or landscapes, large areas or contiguous forest, ridgelines and hillsides visible from public roads or other public areas, state or federal wetlands, lakes, water bodies, and stream corridors. These areas shall be mapped on a separate conservation plan which clearly demarcates these areas.
- (g) Proposed common open spaces shall be outlined on the MDP and a narrative provided indicating how open spaces are to be preserved in perpetuity, owned and maintained.
- (h) Proposed bulk requirements applicable to designated use areas of the site, including building heights, setbacks and yards from proposed site roadways or external existing Town roadways, coverage restrictions, FAR restrictions, separation between buildings, and any other bulk constraints necessary to ensure site plans for component use areas are consistent with the plan portrayed in the MDP.
- (i) Conceptual elevations of proposed buildings in each use area, and identification of general architectural or site design features necessary to ensure the community character and or aesthetic character of the component use area identified in the MDP.
- (j) The relationship between the proposed road system, parking lots, buildings, utilities and open spaces shall be provided.
- (k) The proposed water, storm and sanitary sewer systems shall be shown and how they

are proposed to be connected to the system of adjoining areas shall be indicated.

- (l) Environmental characteristics of the project site shall be shown, including topography, areas of slope in excess of 30%, soils, flood zones, rock outcrops, streams, swamps, lakes, ponds and other wetlands and all proposed alterations of said environmental characteristics.
 - (m) Estimates of peak-hour traffic generation derived from the proposed development and its relation to surrounding development and its relation to surrounding roads and intersections, including design elements to mitigate traffic impacts shall be provided in an accompanying narrative.
 - (n) If the development is to be phased, a clear indication of the phasing process shall be provided. The MDP shall show each phase of development with the dates of anticipated commencement and completion of the same.
 - (o) Narrative of how the proposal would be consistent with the official planning objectives of the Town as well as the criteria listed in subsection C.
 - (p) Fiscal impact analysis indicating predicted assessed value of the project and anticipated public service costs based on the per-capita multiplier methods and or proportional valuation (for any assisted living or non-residential development proposed) average costing methods.
- (3) Every application for CCR authorization shall be accompanied by a fee as set forth in the Town fee schedule.
- (4) State Environmental Quality Review. The authorization of CCR zoning to any parcel shall be deemed a Type 1 action pursuant to 6 NYCRR 617.
- (5) Referral to Planning Board. The Town Board may refer the application to the Planning Board at its discretion. In the case of such referral, the Planning Board shall submit its report on the proposed petition to the Town Board within 60 days of receipt of a referred petition. Such referral shall include the proposed petition; Master Development Plan; and a Negative Declaration of Environmental Significance or an Environmental Impact Statement pursuant to 6 NYCRR 617. The Planning Board shall review the petition and Master Development Plan against the criteria in subsection C, the intent of the CCR floating zone and the goals and objectives of subsection A in recommending whether to authorize the CCR floating zone. The Planning Board shall also review the layout of the Master Development Plan as well as the scale and intensity of proposed development. The Planning Board shall recommend whether the MDP should be approved, approved with modifications or denied and is encouraged to provide recommendations for how the MDP could be improved in order to incorporate best practices of sustainable land development.
- C. Criteria for authorization of CCR Floating Zone. Authorization of the CCR floating zone is subject to the same discretion as any zoning map amendment. Compliance with indicated criteria in no way compels the Town Board to designate the site for CCR Floating Zone. The Town Board shall consider the following criteria among other relevant considerations in

determining whether or not to authorize the “landing” or designation of the CCR Floating Zone to a particular parcel or group of parcels in connection with a proposed petition and MDP.

- (1) The parcel or assembly of parcels to be included in the CCR Floating Zone shall contain at least 80 contiguous acres. Solely for the purposes of interpretation of this requirement, contiguous shall include lands divided by a Town or County road so long as lands directly perpendicular to the street centerline on both sides of the road are in common ownership (see provision 11 of this subsection) for a distance of no less than 100 feet.
- (2) The site must be served by a central water and sewer system approved by the Town Board.
- (3) The proposed MDP must preserve at least 65% of the total gross lot area as open space subject to conservation easement in favor of the Town of Monroe and/or acceptable alternative land trust or dedication to the Town of Monroe, County of Orange or State of New York as parkland, and the area to be preserved shall be prioritized as follows:
 - (a) Those areas most constrained by sensitive environmental resources.
 - (b) Areas of high conservation value.
 - (c) The portion of the site furthest from existing village boundaries.
 - (d) Areas currently used for agriculture, which use may continue to operate post-development subject to elimination of development rights through covenant or easement.
- (4) Where located with primary access from a County Road, the project site must be within 1,600 feet of the boundary of an incorporated Village within the Town of Monroe. Where not located with primary access from a County Road, the site must be within 600 feet of the boundary of an incorporated Village within the Town of Monroe. Such distance shall be measured from the Village boundary to the closest lot line to the Village boundary.
- (5) Permitted residential density. The maximum residential density of the proposed MDP shall be equal to the gross lot area (without reduction of environmentally constrained lands) divided by one-half acre per unit.
- (6) At least 20% of units are restricted to sale or lease to families earning less than 100% of area median income (workforce housing), and an adequate means of enforcing and administering the restriction for a period of no less than 30 years is provided. Sale and lease of all income-restrictive units shall be made available to the general public on an on-going basis, and where necessary a waiting list structure shall be proposed to offer units to the general public in a fair manner as they become available. Where allowed under law, a weighting system that gives preference to existing Town residents, public servants, local emergency service volunteers, or other identified selected groups via a weighting system may be proposed for the income-restricted units.
- (7) At least 15% of units are restricted to sale or lease to families where at least one person is

over the age of 55 and no permanent resident is under the age of 18 and an adequate means of enforcing and administering the restriction for a period of no less than 30 years is provided.

- (8) An average of no more than 2.25 bedrooms per unit are provided across the entire MDP and no more than 20% of units have more than three bedrooms, as a means of limiting impacts on school resources and providing a diversity of housing, not currently served by the Town's existing mostly single-family detached housing supply, which currently provides adequate options for units with more than three bedrooms per dwelling unit.
- (9) The proposal is conceptually sound in that it meets a demonstrated community or market need and it conforms to sustainable design principles in the layout of the proposed roadway system, in the land use configuration, open space and drainage system and in the scale of the elements, both absolute and as they relate to one another.
- (10) There are adequate public facilities, services, utilities and road access available to support the development or adequate facilities are proposed to be made available.
- (11) Ownership. The land proposed for a CCR may be owned by one or more persons or corporations but shall be combined into a single contiguous parcel of land at or prior to final site plan approval by the Planning Board for development of any portion or phase of an approved MDP. The petition shall be jointly made by all record owners, and requirements of approval shall be imposed jointly and severally on all of them. The requirement for merger of component lots shall not prevent the subsequent subdivision of the tract as part of the approved project to accommodate single-family homes on fee-simple lots, phases, or separate home owner's associations or to support financing of component project elements, but such subdivision shall require the approval of the Planning Board pursuant to the Town's Subdivision of Land Regulation Chapter and compliance with the relevant requirements of NY Town Law and NY General Municipal Law.
- (12) A fiscal impact analysis shall be provided demonstrating that the project is not anticipated to result in adverse fiscal impacts to any Town, school or emergency service taxing jurisdictions.
- (13) Permitted principal uses. The following uses may be authorized as parts of an MDP for development of a CCR district:
 - (a) Single-family detached dwelling units on individual lots of not more than 15,000 square feet.
 - (b) Single-family attached dwelling units.
 - (c) Single-family semi-attached dwelling units.
 - (d) Multiple-family residences including but not limited to workforce apartments or condominium flats.
 - (e) Assisted living facilities.

- (f) Open space preserves and parkland.
 - (g) Hotels, spa facilities and conference centers.
 - (h) Sit-down restaurants, personal service establishments and/or retail uses restricted to no more than 5% of the gross floor area of the proposed development and integrated into clubhouses, recreational uses or other accessory non-residential structures.
- (14) Permitted accessory uses. The following uses may be authorized accessory to a principal permitted use proposed as part of an MDP for development of a CCR district:
- (a) Accessory uses as permitted elsewhere in this chapter for principal uses allowed in the CCR, except that accessory apartments shall not be permitted for any unit within a CCR. Any apartment, is expected to be counted as part of the density calculation of the CCR.
 - (b) Other accessory uses related to the planned development and subordinate to the principal use, including storage and maintenance buildings, management offices, clubhouses, recreational uses and facilities, sales centers, security facilities, and utility structures serving the proposed development.
 - (c) Common dining, laundry, restaurant, medical, personal services and housekeeping facilities, principally for the use of senior residents, in conjunction with assisted living facilities or groups of at least 50 dwelling units restricted to senior occupancy.
- (15) Design standards.
- (a) Coverage in development area. Within the 35% of lot area designated for development, no more than 65% of the area may be covered with impervious surfaces, the rest to be comprised of landscaped areas, lawns or open areas left substantially in their natural state.
 - (b) Buffering from sensitive environmental resources. No impervious surfaces shall be proposed within 100 feet from a DEC or US ACOE jurisdictional wetland, except that access roads or driveways may be proposed through such areas where necessary to provide adequate emergency access to the community. Areas within the buffer may be used for active and passive recreational use by residents, unless otherwise prohibited by other laws or regulations.
 - (c) Distance between principal buildings. At a minimum, the distance between two principal buildings shall be not less than their average height.
 - (d) Separation from existing public street. No building shall be proposed within 50 feet of an existing public street. Generally, the area along an existing public street shall be maintained in a naturally, wooded state, or in a state of equivalent appearance, except for areas where the project is proposed to be accessed.
 - (e) Increased perimeter setbacks may be required whenever it is determined that they are

warranted by the topography, the nature of the existing vegetation or the relationship to and impact on neighboring properties and uses.

(f) Off-street parking and loading. Off-street parking and loading shall be provided in accordance with the ratios established in §57-49 of this chapter.

(g) The right-of-way and pavement widths for internal roads shall be determined from sound planning and engineering standards to be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and police or emergency vehicles. The construction of roads shall meet Town requirements for design and materials and be approved by the Town Highway Superintendent.

(16) Design considerations. The following design elements shall be considered advisory and shall not be mandatory in the design of the MDP.

(a) Visual screening between adjoining residential yards and between residences and nonresidential areas shall be accomplished through the use of vegetation, walls or fencing.

(b) Buildings and accessory structures shall be set back a minimum of 25 feet from any street intended to carry through-traffic.

(c) Front load garages shall be discouraged, and where unavoidable, should not project closer to the street than the balance of the front façade of the structure. For townhouses and multifamily structures, community garage structures and/or rear loaded garages accessed via an alley are favored.

(d) Sidewalks should be provided on each side of a residential street or parking area where residences are proposed. Along through streets with no directly adjacent residences, sidewalks shall be provided on one side.

(e) Reasonable attempt will be made to incorporate historic resources including stone walls and foundations into the design of the proposed development.

D. Town Board action on the petition for a CCR floating zone designation.

(1) Upon receipt of a valid and complete application including a Negative Declaration of Environmental Significance or a complete Draft Environmental Impact Statement, the Town Board shall set a date for and conduct a public hearing for the purpose of considering an amendment to the Zoning Map to "land" or designate the CCR floating zone district designation to the subject property. A public hearing shall be set by the Town Board within 30 days of receipt of the valid and complete application, if the Town Board elects to proceed with consideration of the Petition. Such public hearing shall be conducted within sixty (60) days of receipt of the valid and complete application.

(2) The Town Board shall refer the petition to involved and interested agencies in conformance with 6 NYCRR 617.

- (3) The Town Board shall refer the petition to Orange County Planning Department for comment pursuant to the applicable provisions of GML §239.
- (4) The Town Board shall disapprove, approve or approve subject to conditions the petition in accordance with the provisions of NY Town Law Section 265 Article XVIII (Amendments) of this chapter, in the form of a local law.
- (5) Decision. The Town Board when deciding whether to disapprove, approve, or approve with conditions a petition for CCR, the Town Board will consider:
 - (a) The consistency of the proposed petition and MDP with the intent of the CCR floating zone.
 - (b) The consistency with the goals and objectives of the Comprehensive Plan as listed in subsection A.
 - (c) The consistency with the criteria listed in subsection C.
 - (d) The report of the Planning Board including any recommended modifications.
 - (e) The input of any interested or involved agencies as defined by 6 NYCRR 617.
 - (f) The suitability of the MDP to meet the purposes of this chapter as well as their incorporation of best practices for sustainable land development.
- (6) The Town Board, in its discretion, may impose reasonable conditions to an approved CCR authorization as necessary to assure conformance of the project with the intent, objectives and requirements of these regulations.
- (7) The approved CCR shall be designated on the Zoning Map of the Town of Monroe, New York and reference the local law authorizing the designation shall be included on the Map.
- (8) Standard conditions regarding CCR authorization. Unless otherwise overridden by the Town Board, authorization for CCR shall be conditioned upon the following:
 - (a) Securing of site plan approval in accordance with Article VI of the Code of the Town of Monroe prior to issuance of a building permit in connection with the construction of any element of an approved MDP.
 - (b) If a valid and complete application for site plan approval is not presented to the Planning Board for approval within six months of the date of CCR authorization or if no development is initiated on the site within 18 months of the date of approval of a site plan by the Planning Board, the zoning of said parcel shall revert back to the zoning of said parcel prior to its change to a CCR district.
- (9) Upon designation, the MDP and attendant narratives, design requirements, indicated bulk standards and other conditions of approval shall override any competing provisions of the Zoning Local Law.

E. Additional requirements applicable to subsequent site plans. In addition to any requirements imposed by the Planning Board during review of subsequent site plan applications, the following requirements shall be imposed on any application for site plan approval of a component of any approved MDP within a designated CCR.

(1) Homeowners' association. Where common areas exist, the ownership, maintenance and preservation of such property shall be permanently assured to the satisfaction of the Town Board by the filing of appropriate easements, covenants and restrictions and through a private land trust or association of all property owners (hereafter "homeowners' association" or "HOA") established in accordance with applicable law and pursuant to the following requirements:

(a) The HOA certificate of incorporation, the bylaws and the organization's declaration of restrictions shall be submitted to the Town Attorney and the Planning Board for approval before any final site plan approval may be granted. They shall clearly provide:

[1] That the HOA will be responsible for all insurance, taxes, governmental assessments, utility costs, maintenance, operation, repair and the management of the common areas, including recreational facilities and other amenities.

[2] That a capital reserve fund for future major maintenance and repairs will be created.

[3] That membership in the HOA will be mandatory for all unit owners within the planned development.

[4] That the assessments levied by the HOA which are unpaid in excess of 60 days shall become both a lien on individual title and a personal obligation against the unit owner.

[5] The HOA must be formed prior to the issuance of a building permit for the first dwelling unit. The HOA must be formed pursuant to the applicable regulations promulgated by the New York State Attorney General's Office. All requirements in this chapter for HOAs shall be equally applicable to homeowners' associations, condominiums and cooperatives.

(b) Where there is to be a lease of any portion of the common areas, it must be submitted for approval to the Town Board, which will examine the relationship of the lease to the HOA with regard to rights of use and access by the unit owners in and to the common areas.

(c) The HOA shall not be dissolved.

(d) The HOA shall not dispose of or convey any common areas for any uses other than those specified in the approved Master Development Plan and as amended.

(2) Planned development deed restrictions.

(a) The developer shall, prior to final approval and as a condition thereof, designate common areas. The common areas shall consist of all land in residentially developed