

INTRODUCTORY LOCAL LAW NO. I -3 OF THE YEAR 2009

A LOCAL LAW AMENDING CHAPTER 57 OF THE CODE OF THE TOWN OF MONROE ENTITLED "ZONING" TO IMPLEMENT VARIOUS RECOMMENDATIONS OF THE TOWN'S 2005 COMPREHENSIVE PLAN UPDATE.

BE IT ENACTED by the Town Board of the Town of Monroe as follows:

Section 1. Legislative Intent.

The Town Board adopted its 2005 Comprehensive Plan Update on May 19, 2008. Said Plan recommended various Zoning Map and zoning text amendments. The Town Board finds and determines that the amendments contained in this Local Law will enhance the land use policies of the Town, will strengthen the protection of natural resources, preserve historic resources, create a more attractive economic and business climate, expand housing choices, protect property values and enhance and protect the physical appearance of the Monroe community.

Section 2.

Section 57-3 of the Code of the Town of Monroe is hereby amended by repealing there from the definitions of "Accessory Use or Building," "Basement," "Cellar," "Height of a Structure," and "Trailer Camp or Park."

Explanation: See below in Section 3.

Section 3.

Section 57-3 of the Code of the Town of Monroe is hereby amended by adding the following definitions in correct alphabetical order:

ACCESSORY USE OR BUILDING – A subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building. The term "accessory building" may include a private garage, garden shed or barn, a child's playhouse, a hot tub and/or a private greenhouse. Trailers shall not be deemed a "building" pursuant to this chapter.

Explanation: The existing definition reads: "ACCESSORY USE OR BUILDING: A subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building. The term "accessory building" may include a private garage, garden shed or barn, a private playhouse and a private greenhouse." This is one of the Building Inspector's suggestions, modified slightly to tie into other code provisions.

AGRICULTURAL ANIMAL – Any of the various species of animals commonly used for providing food and/or labor. Such species shall include but not be limited to horses, cows, donkeys, pigs, sheep, goats, chickens and rabbits.

Explanation: There is no existing definition; this change is a modification of the Building Inspector drawn up in years past to address the needs of people quartering various animals on their property.

BASEMENT – That portion of a building that is partly or completely below grade.

Explanation: The existing definition reads: “BASEMENT: A story partly underground, but having at least 1/2 of its height above the average finished grade level of the ground immediately adjacent to the building wall. A "basement" may count as habitable floor area.” This is one of the Building Inspector’s suggestions, to address NYS Building Code definitions.

BUILDING MATERIALS STORAGE YARD – A facility where building materials such as lumber, plywood, drywall, paneling, cement blocks, brick, roofing materials and other building products are stored and sold. A building materials storage yard may also include the sale of associated building products including hand tools and fasteners and the sale of landscaping materials and tools but shall not include the sale or rental of building or landscaping equipment.

Explanation: There is currently no definition of the same though it is addressed in the use tables; it is important to address what it should and should not include.

CLUB, MEMBERSHIP, NON-PROFIT - The premises and buildings used by a local chapter holding a valid charter from an international, national or state organization or by a bona fide local civic organization catering exclusively to members and their guests primarily for a patriotic, fraternal, benevolent, educational, religious or political purpose. The club shall not be used in whole or in part, for the conduct of any business or enterprise for profit, but this shall not be construed as preventing utilization of the club for benefits or performances for a recognized charity, nor for the meeting of other organizations, nor for educational and cultural purposes.

Explanation: There is currently no definition of the same though it is addressed in the use tables; it is important to address what it should and should not include.

DOMESTIC ANIMAL – Any of the various species of animals commonly kept as house pets including but not limited to dogs, cats, miniature pigs, canaries and other small pet birds, gerbils, weasels, ferrets, tropical fish, pet amphibians and reptiles not taken from the wild.

Explanation: There is no existing definition; this change is a modification of the Building Inspector drawn up in years past to address the needs of people quartering various animals on their property.

DRIVE THROUGH/FAST FOOD RESTAURANT – Any restaurant whose design or principal method of operation includes four or more of the following characteristics: (1) 45% or more of the floor area is devoted to food preparation, employee work space and customer service area; (2) a permanent menu board is provided from which to select and order food; (3) if a chain or franchised restaurant, standardized floor plans are used over several locations; (4) customers pay for food before consuming it; (5) a self-service condiment bar is provided; (6) trash receptacles are provided for self-servicing bussing; (7) furnishing plan indicates hard-finished, stationary seating arrangements; and (8) most main course food items are pre-packaged rather than made to order.

Explanation: There is currently no definition of a restaurant or fast food restaurant, even though the code speaks to drive in and drive-through restaurants.

GAS STATION – A place where gasoline or other equivalent fuel for motor vehicles, motor oil, lubricants and other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience store or supermarket.

Explanation: The code currently uses “filling station”; this law repeals that definition and uses gas station instead and modernizes it.

HEIGHT OF A STRUCTURE – The vertical measurement derived from the average finished grade six feet from the building or structure to the highest point of the building or structure, excluding a chimney.

Explanation: The existing definition reads “HEIGHT OF STRUCTURE: The vertical distance derived from the average finished grade at the foundation corners of the building or structure to the highest point of the building or structure, excluding a chimney”. This is one of the Building Inspector’s suggestions, to address NYS Building Code definitions and to address concerns about excessive grade modifications to accommodate a certain height of house.

KENNEL – More than five dogs kept in a primary and/or accessory structure on a residential lot shall be considered a kennel, whether maintained for private or commercial use.

Explanation: There is no existing definition; this change is a modification of the Building Inspector drawn up in years past to address the needs of people quartering various animals on their property.

RESTAURANT – An establishment where food and drink are prepared, served and consumed and whose design or principal method of operation is characterized by customers being provided with an individual menu and being served their food and drink by a restaurant employee at the same table or counter at which said items are consumed.

Explanation: There is currently no definition of a restaurant or fast food restaurant, even

though the code speaks to both kinds of restaurants.

SEMI-DETACHED HOUSES – Not more than two single family dwellings that are connected to one another by all or a portion of a common wall.

Explanation: This definition needed to be added to clarify elements of the code.

SHOP FOR CUSTOM WORK – A business premises used for fabrication of items, including but not limited to, clothing and personal articles, jewelry, furniture and other items made to individual order for sale at retail on the premises and not including the mass manufacture of standardized products.

Explanation: There is currently no definition of a shop for custom work, even though the code references the same.

TRAILER – A vehicle without motive power designed for the carrying property to be drawn by a vehicle with motive power. The term “trailer” shall include but not be limited to storage trailers, truck bodies, dropoff/pickup storage containers or other vehicle parts without wheels or axles otherwise originally intended to be used for commercial purposes.

Explanation: Adding this definition will make the zoning code consistent with Chapter 37 (Property Maintenance). Suggested by the Building Inspector.

TRUCK TERMINAL – A facility where goods owned by others are being transported or transferred by truck and where trucks, owned by the terminal or affiliate, are leased, repaired, serviced, maintained and/or temporarily stored.

Explanation: This definition is provided in order to help clarify what is and is not included in the definition of a warehouse.

VOCATIONAL SCHOOL – A specialized instructional establishment that provides on-site training of business, industrial, commercial and/or trade skills such as accounting, data processing and computer repair.

Explanation: There is currently no definition of the same though it is addressed in the use tables; it is important to address what it should and should not include.

WAREHOUSE – A building, a part of a building or a group of buildings used for the storage or storage and distribution of goods, wares and merchandise by one or more commercial or business interests and not open to the public. A warehouse shall not be construed to mean a self-storage facility and shall not provide truck maintenance or repair facilities.

Explanation: There is no existing definition; this change is proposed to help clarify uses addressed in the table of permitted uses.

WATERCOURSE – Any stream, pond, lake, reservoir, drainage channel or other

area of land that is normally or seasonally filled with water. Roadside ditches and shallow land depressions generally referred to as “grassed waterways” or “swales” and that carry water for only a few to several hours after a runoff-producing rain event shall not be considered watercourses. Man-made stormwater management basins and conveyances designed as part of a man-made stormwater management plan pursuant to State regulations in compliance with provisions of the Federal Clean Water Act shall not be considered watercourses. Where a question of whether a particular channel or area of water-filled land exists, the matter shall be determined by the Town Engineer based on an evaluation of the area in question.

Explanation: This definition is needed in order to implement the Comprehensive Plan policies regarding stream protection.

Section 4.

Subparagraph 57-8.A.(1) of the Code of the Town of Monroe is hereby repealed and a new Subparagraph 57-8.A. (1) is enacted as follows:

§57-8.A.(1) RR-3.0 ac. District (mountain residence: two hundred foot lot width).

Explanation: Cleanup to make the district name consistent with its current acreage requirement.

Section 5.

Subsections 57-9.A. and 57-9.D. of the Code of the Town of Monroe are hereby repealed and new Subsections 57-9.A. and 57-9.D are enacted as follows:

§57-9.A. The boundaries of each of the zoning districts are hereby established as shown on the Zoning Map of the Town of Monroe as most recently adopted by the Town Board pursuant to local law, which map is attached to this chapter. Said map and all changes contained therein are incorporated and declared to be part of Chapter 57 of the Code of the Town of Monroe.

Explanation: The existing language reads A. The boundaries of each of the zoning districts are hereby established as shown on the Zoning Map of the Town of Monroe, dated December 7, 1999, which map is attached to this chapter. Said map and all changes contained therein are hereby incorporated and declared to be part of Chapter 57 of the Code of the Town of Monroe.
Editor's Note: A copy of the Zoning Map is on file in the office of the Town Clerk. This change is to keep from having to change the text of the Code with every change to the Zoning Map.

§57-9.D. The Zoning Map of the Town of Monroe as most recently adopted by the Town Board pursuant to local law, is hereby incorporated and made a part of Chapter 57 of the Code of the Town of Monroe.

***Explanation: The existing language reads D’.** The Zoning Map of the Town of Monroe adopted August 1, 1983, as amended from time to time, is hereby superseded in its entirety by the Zoning Map dated December 7, 1999, which map is attached to this chapter. Said map and all changes contained therein are hereby incorporated and made a part of Chapter 57 of the Code of the Town of Monroe. *Editor’s Note: A copy of the Zoning Map is on file in the office of the Town Clerk. This is to keep from having to change the text of the Code with every change to the Zoning Map.**

Section 6.

Section 57-10 of the Code of the Town of Monroe is hereby amended by repealing the Schedule of District Regulations and enacting a new Schedule of District Regulations as follows:

SEE ATTACHMENT “A” ANNEXED HERETO

Explanation: The amendments to the Schedule of District Regulations are separately redlined. The proposed changes are in compliance with the Comprehensive Plan requirements, reducing impervious area and correcting the use tables.

Section 7.

Subsection 57-13.D of the Code of the Town of Monroe is hereby amended by repealing Subparagraph (6) and enacting a new Subparagraph (6) as follows:

§57-13.D.

(6) No building within a multiple dwelling group project shall be erected nearer than 60 feet to any property line that abuts properties that are not part of the multiple dwelling group project. Said 60 foot setback area shall not be used to erect accessory buildings or structures including, but not limited to, sheds, play equipment, pet houses, garden structures and/or decorative objects, patios and the like. The vegetation and maintenance of said 60 foot area shall be either in natural existing vegetation or as specified on the site plan and special exception use permit as approved by the Planning Board. Use restrictions and maintenance requirements shall be enforceable by individual residents, the Homeowners Association and/or the Town of Monroe. The Town shall have the right but not the obligation to enforce said use restrictions and maintenance requirements.

Explanation: The existing language reads No building shall be erected nearer than 60 feet to any property line, with the exception of townhouses or patio homes on individual lots which shall be located at least 25 feet from interior front and rear lot lines and 15 feet from side lot lines. This requirement shall not prevent the common walls of attached dwellings from being located on a property line nor from preventing one side wall of a patio home from being located on a lot line. This change helps to clarify the intent of the 60-foot outside buffer yard for a multiple dwelling group, and establishes meaningful protections on the same.

Section 8.

Subsection 57-13.D. of the Code of the Town of Monroe is hereby amended by enacting a new Subparagraph (7) as follows and re-numbering Subparagraphs (7)-(12) as (8)-(13):

§57-13.D.

(7) Notwithstanding the provisions of Subparagraph (6) above, the 60 foot property line setback requirement shall not apply to property lines separating townhouses or patio homes within the multiple dwelling group project itself. Townhouses or patio homes on individual lots shall be located at least 25 feet from the interior front and rear lot line and 15 feet from side lot lines. This requirement shall not prevent the common walls of attached dwellings from being located on a property line nor from preventing one side wall of a patio home from being located on a lot line.

Explanation: This is a companion change to Section 7 above, where the remaining language of the existing paragraph 6 about building separations inside of a multiple dwelling group is retained.

Section 9.

Subsection 57-13.N. of the Code of the Town of Monroe entitled “Multiple dwelling groups in UR-M District is hereby amended by repealing Subparagraph (5) and enacting a new Subparagraph (5) as follows:

§57-13.N. Multiple dwelling groups in UR-M District

(5) No building within a multiple dwelling group project shall be erected nearer than 60 feet to any property line that abuts properties that are not part of the multiple dwelling group project. Said 60 foot setback area shall not be used to erect accessory buildings or structures including, but not limited to, sheds, play equipment, pet houses, garden structures and/or decorative objects, patios and the like. The vegetation and maintenance of said 60 foot area shall be either in natural existing vegetation or as specified on the site plan and special exception use permit as approved by the Planning Board. Use restrictions and maintenance requirements shall be enforceable by individual residents, the Homeowners Association and/or the Town of Monroe. The Town shall have the right but not the obligation to enforce said use restrictions and maintenance requirements.

Explanation: The existing language reads No building shall be erected nearer than 60 feet to any property line, with the exception of townhouses or patio homes on individual lots which shall be located at least 25 feet from interior front and rear lot lines and 15 feet from side lot lines. This requirement shall not prevent the common walls of attached dwellings from being located on a property line nor from preventing one side wall of a patio home from being located on a lot line. This change helps to clarify the intent of the 60-foot outside buffer yard for a multiple dwelling group, and establishes meaningful protections on the same.

Section 10.

Subsection 57-13.N. of the Code of the Town of Monroe entitled “Multiple dwelling

groups in UR-M District” is hereby amended by enacting a new Subparagraph (6) as follows and re-numbering Subparagraphs (6) – (9) as (7) –(10):

§57-13.N. Multiple dwelling groups in UR-M District

(6) Notwithstanding the provisions of Subparagraph (5) above, the 60 foot property line setback requirement shall not apply to property lines separating townhouses or patio homes within the multiple dwelling group project itself. Townhouses or patio homes on individual lots shall be located at least 25 feet from the interior front and rear lot line and 15 feet from side lot lines. This requirement shall not prevent the common walls of attached dwellings from being located on a property line nor from preventing one side wall of a patio home from being located on a lot line.

Explanation: This is a companion change to Section 9 above, where the remaining language of the existing paragraph 6 about building separations inside of a multiple dwelling group is retained.

Section 11.

Subparagraph 57-13.P.(1)(d)(2) of the Code of the Town of Monroe is hereby repealed and a new Subparagraph 57-13.P.(1)(d)(2) is enacted as follows:

§57-13.P.(1)(d)(2) Limits on building height:

- (A) For one story structures, 15 feet for buildings with flat roofs or up to 23 feet for buildings with pitched roofs.**
- (B) For multi-story structures, the height shall be limited to the maximum building height established for buildings in the applicable zoning district.**

Explanation: The existing Code language simply includes height limits as in paragraph A, for single story self service storage unit structures. The new paragraph is to provide for multi-story self service storage facilities where permitted.

Section 12.

Subparagraph 57-13.P. (1)(c) of the Code of the Town of Monroe is hereby repealed and a new Subparagraph 57-13.P. (1)(c) is enacted as follows:

§57-13.P. (1)(c) Aesthetic, screening, landscaping and lighting. Care shall be taken to provide an aesthetically pleasing, well-landscaped and maintained facility and to avoid a monotonous or fortress-like appearance to the extent that the facility may be visible off-site. Required yards shall be landscaped with a mix of trees, shrubs of varying sizes and vegetative ground cover as appropriate to the site and as approved by the Planning Board. The color, material and design of structures, including their roof pitch, shall be reviewed by the Planning Board as to their conformity with surrounding structures’ appearance and community character, to the degree that said structures are visible to other properties. Particular attention shall be paid to the visibility and appearance of loading and access areas to multi-story buildings. For multi-story structures, where windows are

incorporated into the elevation, the design shall avoid creating nighttime visual impacts from such windows where internally lighted. Where windows are not incorporated in multi-story structures, exterior design elements shall be incorporated to break up the visual bulk of the structure and to add interest. Security lighting shall be provided on the site but in no case shall any of the lighting be directed or allowed to shine so as to cause a nuisance or hazard to other properties.

Explanation: The existing Code language does not include design measures that relate to multi-story self service storage facilities where permitted. It is proposed to add these uses to the HI district. The proposed requirements incorporate measures to keep the building looking attractive and to avoid problems that have been experienced in other communities that allow for the same.

Section 13.

Subparagraph 57-13.P.(1)(h) of the Code of the Town of Monroe is hereby repealed and a new Subparagraph 57-13.P.(1)(h) is enacted as follows:

§57-13.P.(1)(h) Signs. The provisions of Section 57-55 shall not apply to this use, but signs for self-storage facilities shall be permitted as follows:

- (1) A ground-mounted or pole mounted sign shall be permitted at the entry of the site. If ground-mounted, such sign shall not be located so as to interfere with the visibility of traffic entering or exiting the site. Such sign shall not be higher than 10 (ten) feet, as measured from the top of said sign, and shall not exceed 36 (thirty-six) square feet in area. In no case shall any temporary or permanent signage or other attention-getting devices be mounted to the ground nor secured to the roofs, doors or sides of any structures on the site nor to any fencing on the site.
- (2) On-site circulation signs shall be provided as needed subject to the review and approval of the Planning Board.
- (3) Multi-story self-storage structures shall be permitted a single wall-mounted sign not exceeding 540 (five hundred forty) square feet, with the Planning Board having the discretion to approve a second additional wall-mounted sign for a second building façade facing a road. Such wall-mounted signs shall be in addition to a pole or ground-mounted sign as permitted in subparagraph (1) above.

Explanation: The existing Code language does not include signage provisions that would be appropriate to multi-story self service storage facilities where permitted. The proposed requirements provide for a larger sign and for additional signage that would be appropriate to the use.

Section 14.

Subparagraph 57-13.P.(2) of the Code of the Town of Monroe is hereby repealed and a new subparagraph 57-13.P.(2) is enacted as follows:

§57-13.P.(2) Accessory uses. A leasing office of not more than 1,200 square feet in size for the purpose of leasing the units within the self-storage facility may be provided on the site. Incidental retail sale of boxes, tape, packing material and the like may take place in the leasing office. A manager's apartment may be provided for the use of a resident, on-site manager in addition to an accessory leasing office. The combined total size of the manager's apartment and the leasing office may not exceed 1,200 square feet.

Explanation: The existing Code language reads as follows:" (2) Accessory uses. A leasing office for the purpose of leasing the units within the self-service storage facility may be provided on the site. A manager's apartment may be provided for the use of a resident, on-site manager in addition to an accessory leasing office. The combined total size of the manager's apartment and the leasing office may not exceed 1,200 square feet." This adds language clarifying what items may be sold in the office as a reasonable accessory.

Section 15.

Section 57-14 of the Code of the Town of Monroe is hereby repealed and a new Section 57-14 is enacted as follows:

§57-14. Uses requiring approval.

In all districts, site plan approval by the Planning Board shall be required for:

- A. The erection or enlargement of all buildings except as provided in Subsection F below;**
- B. All uses of vacant land not authorized by the Building Inspector under Section 23-11(B), Section 46-3 or Section 46-4 of the Town Code;**
- C. Any change in use or in the intensity of use of buildings or land which will significantly affect the characteristics of the site in terms of required off-street parking, loading, access, drainage, utilities or other municipal services. A change in use or intensity of use shall mean a change or alteration from that use currently in existence or a change from any use which is protected as a non-conforming use as defined in Article VIII of this chapter. Mere replacements or renovations to a site not increasing the size of a structure or altering the layout of the structure shall not require site plan approval.**
- D. Any application for special exception use approval as defined in Article V of this chapter.**
- E. In all cases where an amendment to any such plan is proposed, the applicant must also secure approval for the amendment from the Planning Board.**
- F. Notwithstanding the foregoing, no site plan approval shall be required for the construction of, alteration to, or use of a single-family dwelling in any residential zoning district in regard to any lot that had earlier received subdivision approval from the Planning Board provided that the applicant does not propose to increase the amount of the impervious surface coverage on said lot by more than 500 square feet or 20%, whichever is greater, over what is shown on the filed subdivision map for that lot.**

Explanation: The existing Code language reads as follows:" § 57-14. Uses Requiring approval.

Site plan approval by the Planning Board shall be required for any:

A. Special exception use.

B. Permitted use in any NB, WR, GB, LI or HI District.

C. Church or any other house of worship or parochial school which is intended to accommodate more than 100 people at any one time.

D. Change in use to any use listed in Subsections A through C above.

E. Expansion of any use listed in Subsections A through C above. "

The revisions provide for site plan approval for a certain level of residential use, and eliminates some existing confusing exemptions to the existing requirements for site plan approval. This provides for a more uniform level of review, where needed, and the revisions to the procedural requirements including hearing make it much less onerous to the applicants, particularly small applicants.

Section 16.

Section 57-15 of the Code of the Town of Monroe is hereby repealed and a new Section 57-15 is enacted as follows:

§57-15. Submissions to Planning Board for review.

The applicant shall first obtain application and environmental assessment forms from the Town Clerk. The completed application and environmental forms and a site plan shall be submitted to and approved by the Planning Board for any use listed in §57-14(B), (C) and (D) above before a building permit and/or a certificate of occupancy can be issued for such use. The purpose of this section is to ensure that those uses which are permitted as of right or by special permit, but which are most intensive and have the greatest potential impact on the community, may first be analyzed by the Planning Board and qualified professionals engaged by the Planning Board, if necessary in the opinion of the Planning Board.

Explanation: The existing Code language reads as follows:" § 57-15: Submissions to Planning Board for review. The applicant shall first obtain application and environmental assessment forms from the Town Clerk. The completed application and environmental forms and a site plan shall be submitted to and approved by the Planning Board for any use listed in § 57-14A above before a building permit and/or certificate of occupancy can be issued for such use. The purpose of this section is to ensure that those uses w:ich are permitted by right or special exception, but which are the most intensive and have the greatest potential impact on the community, may be first be analyzed by the Planning Board and qualified professionals engaged by the Town Board or Planning Board, if necessary, in the opinion of the Planning Board. This revision makes the site plan review requirements consistent with the revised site plan categories.

Section 17.

Subsection 57-16.A. of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-16.A. is enacted as follows:

§57-16.A. The applicant shall discuss the proposed use with the Building Inspector prior to making an application to the Planning Board.

Explanation: The existing Code language reads as follows:" A. The applicant shall discuss the proposed use with the Building Inspector prior to making an application to the Planning Board. If the use is covered under § 57-14D or E above and requires no variances, requires no additional access to the property, buffers, signs lighting, front yard landscaping or major drainage improvements; does not expand the use by more than 20% in terms of floor area or parking and was not the subject of a reduction in permitted parking spaces pursuant to § 57-47E or G; is not similar to an application for the same property as submitted within the past three years; or is a change in use which is equally or less intensive than the previous use which existed within the preceding twelve-month period, then the Building Inspector shall be authorized to grant approval following his submission to the Planning Board, for its information, of a copy of the site plan application. If the Building Inspector feels that he is unable to determine the intensity of the proposed use, he shall submit the application to the Planning Board for approval. This revision makes the site plan review requirements consistent with the revised site plan categories.

Section 18.

Subsection 57-17.B. of the Code of the Town of Monroe is hereby amended by enacting a new Subparagraph (21) as follows:

§57-17. Information required on plan.

(21) The Planning Board shall, in appropriate cases, have the authority to waive any of the required elements listed in this section.

Explanation: This adds a new provision of code to allow more flexibility to the PB to waive submission requirements for simple plans, to save applicants money and time, while at the same time without compromising any valid goals of the Code and of the Comprehensive Plan. For some kinds of very simple applications, it is not always necessary to meet the full mapping and engineering requirements, which can be very expensive for a small landowner who is proposing a minor change to comply with. This provision allows the Planning Board to consider waiving these requirements in the instances where it is appropriate.

Section 19.

Section 57-19 of the Code of the Town of Monroe is hereby repealed and a new Section 57-19 is enacted as follows:

§57-19. Optional site plan public hearing.

A public hearing shall not be required before site plan approval is granted. The Planning Board shall have the option, where it deems it appropriate, to conduct a public hearing on the proposed site plan and, in such cases, shall provide for the giving of notice at least five days prior to the date thereof as follows:

- A. By publishing the notice in the official newspaper.
- B. By posting the notice of the hearing at the Town Hall.
- C. By requiring the applicant to send a copy of the notice of the hearing by certified mail, return receipt requested, to the owners of all property within 300 feet of the property which is the subject of the site plan application as the names and addresses appear on the latest assessment roll of the Town. Such notice shall be mailed at least five days prior to the hearing. Proof of such mailings and receipts for the same shall be filed with the Planning Board prior to, or at the time of, said hearing. In the event that the three hundred foot requirement extends to properties beyond the town boundary, the applicant shall acquire the names and addresses of said property owners from the latest assessment roll of the municipality in which said properties are located and shall comply with the mailing requirements as set forth herein.
- D. By providing such other notice as may be required by Article 12-B of the General Municipal Law or other applicable law. No action shall be taken on applications referred to the Orange County Planning Department until the Department's recommendation has been received or until the statutory period for such recommendation has elapsed, whichever is earlier.

Explanation: The existing code language REQUIRES a public hearing for site plan, and only allows the PB to waive it when reviewing a site plan for a change from one permitted use to another in that district. In practice this turns out to be exceptionally restrictive, and therefore it is proposed to allow greater flexibility for the PB to waive the hearing requirement. This is particularly important for the PB to be able to streamline and simplify the review process and reduce costs to an applicant, since more matters will be subject to site plan review per the amendments.

Section 20.

Subsection 57-21.H. of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-21.H. is enacted as follows:

§57-21.H. Each dwelling unit in the structure shall contain wholly within it, its own separate and private bathroom and kitchen. The accessory apartment shall contain only one separate kitchen. A Passover kitchen may be in a closet within the main kitchen area. Only a maximum of two bedrooms shall be allowed. No other rooms except for a living room and/or dining room and an optional laundry room shall be allowed. Attached garages, basements or other rooms shall be prohibited. The maximum area of the accessory apartment shall be 1,000 square feet. No single room shall exceed 200 square feet in area. A laundry room, if provided, shall not exceed 50 square feet in area.

Explanation: This article of code addresses attached residential accessory apartments . The existing code language reads as follows: H. Each dwelling unit in the structure shall contain its own separate and private bathroom and kitchen wholly within each dwelling unit. The accessory apartment shall contain not more than two bedrooms. The goal of this revision is to clarify and establish the limits on the size of the unit, so that it is a true accessory and subsidiary to the principal unit, as contrasted to a bona fide two-family unit. The existing code merely specifies the number of bedrooms but does not limit unit size, which could potentially cause it to become an enforcement problem.

Section 21.

Section 57-30 of the Code of the Town of Monroe is hereby amended by enacting new Subsections D and E and follows:

§57-30. Dwelling units over first floor non-residential uses.

The following shall apply to dwelling units over first floor non-residential uses:

- A. No more than two dwelling units per lot shall be permitted, regardless of the number of buildings per lot. No dwelling unit shall contain more than two bedrooms.**

- B. Minimum floor area for the dwelling units shall not be less than:**
 - (1) For a studio or efficiency unit: 500 square feet.**
 - (2) For a one bedroom unit: 750 square feet.**
 - (3) For a two bedroom unit: 900 square feet.**

- C. For the purposes of Subsection B., “floor area” shall mean the horizontal area of the following living space: kitchen, bathroom, living room, dining room, bedrooms and laundry room, together with adjoining closets and hallways.**

- D. The maximum floor area for a dwelling unit shall be 1,200 square feet.**

- E. Each dwelling unit in the structure shall contain wholly within it, its own separate and private bathroom and kitchen. A Passover kitchen may be in a closet within the main kitchen area. Only a maximum of two bedrooms shall be allowed. No other rooms except for a living room and/or dining room and an optional laundry room shall be allowed. Attached garages, basements or other rooms shall be prohibited. No single room shall exceed 200 square feet in area. A laundry room, if provided, shall not exceed 30 square feet in area and a closet Passover kitchen, if provided, shall not exceed 50 square feet in area.**

Explanation: The existing language reads as follows

The following shall apply to dwelling units over first-floor nonresidential uses:

A.No more than two dwelling units per lot shall be permitted, regardless of the number of buildings per lot.

No dwelling unit shall contain more than three bedrooms.

B.Minimum floor area for the dwelling units shall not be less than:

(1) For a studio or efficiency unit: 500 square feet.

(2)For a one-bedroom unit: 750 square feet.

(3)For a two-bedroom unit: 900 square feet.

(4)For a three-bedroom unit: 1,100 square feet.

C.For purposes of Subsection B, "floor area" shall mean the horizontal area of the following living spaces:

kitchen, living rooms, bedrooms, studies, dens and family rooms, together with adjoining closets and hallways.

This change makes the provisions conform more closely with the limits on room count and size similar to what is exists and proposed to be modified for residential accessory apartments.

Section 22.

Section 57-37 of the Code of the Town of Monroe is hereby amended by adding to Subsection B. Camp. the following sentence:

§57-37.B. This section shall not be construed to prohibit the set up and/or use of residential sleeping tents in residential backyards for period not exceeding two weeks in a year.

Explanation: This article of code lists prohibited uses. Paragraph B lists “Camp” as a prohibited use. This clarification was suggested by the Building Inspector so that people who would like to use tents in their backyards for short periods of time are clearly excluded from the prohibition..

Section 23.

Subsection 57-37.L. is hereby repealed.

Explanation: This article of code lists prohibited uses. Paragraph L.reads, “Vending machines not located entirely within or attached to a principal building”. This was determined not to be applicable to any use within the Town and therefore is proposed to be eliminated.

Section 24.

Subsection 57-38.E. of the Code of the Town of Monroe is hereby repealed and a new Subsection 38.E is enacted as follows:

§57-38.E. In any residential district, no private garage or other accessory building shall exceed 20 feet in height.

Explanation: The existing paragraph reads, “ E. In any RR-1.5 ac. or RR-1.0 ac. District, no private garage or other accessory building shall exceed 35 feet in height; and in any SR-20, SR-15, SR-10 or UR-M District, no private garage or other accessory building shall exceed 15 feet in height..” This height limit is too low to accommodate a pitched roof, which is more attractive and more compatible with typical residential rooflines. This has resulted in variance requests. A 35-foot building accessory is very tall and even in the rural districts, is incompatible, so the amendment proposes to make it equal in all districts. The proposed code revisions will resolve all these concerns.

Section 25.

Section 57-38.G. of the Code of the Town of Monroe is hereby repealed and a new Section 57-38.G. is enacted as follows:

§57-38.G. Domestic and agricultural animals. The keeping of domestic and agricultural animals and the maintenance of a stable, coop, pen, kennel, cage or other enclosure is a permitted residential accessory use subject to the following conditions:

(1) Dogs.

- (a) Not more than four dogs shall be kept in a primary and/or accessory structure on a residential lot. Litters under six months of age shall not be included in this count provided the same are not being bred for sale. Dogs shall be confined to the owner's property by means of structural fencing or runs.**
- (b) More than five dogs kept in a primary and/or accessory structure on a residential lot shall be considered a kennel, whether maintained for private or commercial use. Said kennel shall require site plan approval from the Planning Board and shall be located not less than one hundred fifty feet from any property line on a lot of not less than four acres in size.**
- (c) Wastes shall be handled so as not to pose a nuisance, runoff, odor or insect problem.**
- (d) Food storage shall be managed so as to avoid creating a nuisance, insect or animal vector problem.**

(2) Pigs, sheep and goats.

- (a) Not more than five pigs, sheep and/or goats in total shall be permitted to be kept in an accessory barn or shed and confined to the owner's property by means of structural fencing on a lot of not less than four acres in size. Said property and use shall require site plan approval by the Planning Board and shall be located not less than one hundred fifty feet from any property line.**
- (b) Wastes shall be handled so as not to pose a nuisance runoff, odor or insect problem.**
- (c) Food storage shall be managed so as to avoid creating a nuisance, insect or animal vector problem.**

(3) Horses, donkeys and cows.

- (a) Not more than one horse or one donkey or one cow shall be allowed for each acre. The maximum number of horses and/or donkeys and/or cows on a property shall be four. Colts or calves under eight months of age shall not be included in this count. Horses and/or donkeys and/or cows shall be confined to the owner's property by means of structural fencing and/or tethers. Enclosures such as sheds or stables shall be located at least one hundred fifty feet from any property line.**
- (b) Wastes shall be handled so as not to pose a nuisance runoff, odor or insect problem.**
- (c) Food storage shall be managed so as to avoid creating a nuisance, insect or animal vector problem.**

(4) Chickens, pigeons, rabbits, weasels, hawks, falcons.

- (a) Not more than twenty of the above animals in total shall be**

permitted to be kept in an accessory coop, hutch, barn or shed on a lot of not less than three acres in size. Enclosures shall be located not less than one hundred fifty feet from any property line. The above animals shall be confined to the owner's property with the exception of trained pigeons, hawks and/or falcons used for aerial display or exercise.

- (b) Wastes shall be handled so as not to pose a nuisance runoff, odor or insect problem.
- (c) Food storage shall be managed so as to avoid creating a nuisance, insect or animal vector problem.

Explanation: The existing paragraph "G. The quartering of domestic animals as pets shall be limited to the customary house pets, except that stables for horses and kennels for dog breeding may be considered accessory uses, provided that such uses shall be at least 150 feet from any property line" This does not provide adequate detail as to what a "customary house pet is", provides no limits on the numbers of animals, and provides no guidance or restrictions on handling wastes or food items. The proposed language is a modification of something that was proposed by the Building Inspector some years ago in response to a request.

Section 26

Section 57-39 of the Code of the Town of Monroe entitled "Lot area, width and coverages; side yards" is hereby repealed and a new Section 57-39 entitled " Non-conforming lots; width; flag lots" is enacted as follows:

- A. A non-conforming lot, separately owned and not adjoining any lot or land in the same ownership at the effective date of this local law, may be used or a building or structure may be erected on such lot for use, in accordance with all other applicable provisions of this chapter, provided that proof of such separate ownership is offered in the form of a title search. Non-conforming lots, not separately owned and adjoining any lot or lands in the same ownership at the effective date of this local law, shall be deemed to be merged with such adjoining lot or lands so as to lessen or eliminate the non-conformity.**
- B. Within all residential districts, no more than three flag-shaped lots may ever be created out of a parcel that existed as of the date of this chapter. Such lots may have their minimum building setback line established by the Planning Board at a point further back than the minimum required front yard setback set forth for the applicable zoning district in the Schedule of District Regulations. Such a setback line on flag or pork chop lots shall be noted on a map filed of record and such a lot shall not be further subdivided to create an additional building parcel without construction of a street to Town specifications and located within sixty feet of the established setback line. Notwithstanding the foregoing, no flag lot shall have a width less than fifty feet at any point between the front lot line and the building setback line. On a flag lot, the front yard setback established for said lot shall be measured from the rear lot line of the front lot, facing the road.**

Explanation: The existing Section 39 reads as follows:

A. Notwithstanding the lot area, lot width and lot coverage requirements of the Schedule of District Regulations, a single-family dwelling may be erected on any lot separately owned and not adjacent to any lot in the same ownership at the effective date of this chapter, provided that the aggregate width of the side yards shall not be less than 25% of the lot width, and that the narrower side yard shall not be less than six feet in width. [For lots which cannot conform to these standards, see § 57-65C(7).]

B. Anything to the contrary notwithstanding, no lot width shall be less than 50 feet, and the width of a lot at any point between front lot line and building setback line shall not be less than this dimension.

C. Within the RR-1.5 ac. District, no more than three flag- or porkchop-shaped lots may ever be created out of a parcel that existed as of the date of this chapter. Such lots may have their minimum building setback line established by the Planning Board at a point further back than the required 60 feet. Such a setback line on flag or porkchop lots shall be noted on a map filed of record, and such a lot shall not be further resubdivided to create an additional building parcel without construction of a street to Town specifications, and located within 60 feet of the established setback line.

D. Notwithstanding the lot area, lot width, lot coverage and minimum yard requirements of § 57-10 or 57-39E of this chapter, if a subdivision map was duly filed in the Orange County Clerk's office or had final plat approval of the Planning Board of the Town of Monroe prior to the third day of September 1954, which subdivision contains lots having areas less than that required by the provisions of this chapter, building permits and certificates of occupancy may be issued for such lots in such subdivision, provided that:

(1) Such lots shall contain an area of at least 7,500 square feet and shall have a width of at least 75 feet.

(2) The narrowest side yard shall be at least 13 feet wide and the combined side yards shall be at least 28 feet in width.

(3) Such lot shall have a front and rear yard of not less than 30 feet.

E. Where a subdivision map was duly filed in the Orange County Clerk's office or had either an unexpired preliminary or final plat approval by the Planning Board of the Town of Monroe prior to the effective date of this chapter, but after the third day of September 1954, which subdivision contains lots having areas less than that required by the provisions of this chapter, building permits and certificates of occupancy may be issued for lots of such subdivision, provided that each building lot shall contain an area of not less than 15,000 square feet of land and shall have a width of not less than 100 feet.

F. All yards on corner and through lots abutting any street shall meet the requirements for front yard setbacks for the district in which the lot is located.

This language is confusing, conflicts with itself, and establishes requirements from maps that under NYS Law are not entitled to protection. NYS Law provides for 3 years of protection only, yet the code in its current form protects subdivisions that date from 1954 and even to the 1930's; well in excess of 55 years! In order to avail themselves of the smaller lot provisions than the current district area regulations require. Subdivision plats from 1954 do not incorporate requirements from current environmental regulations, and 57-39 D, E and F are inconsistent with the Town's valid plan. This amendment retains the flag lot provisions and the lot width provisions that relate to flag lots, and establishes some guidance for how the zoning setbacks apply to flag lots in regard to the house layout, but it eliminates the convoluted, extended protections. The proposed amendment addresses these old lots by way of merger, which is a common way to address such matters.

Section 27.

Subsection 57-42.A. of the Code of the Town of Monroe is hereby amended by repealing Subparagraphs (1) and (2) therefrom and enacting a new Subparagraph (1) as follows:

§57-42.A.(1) A pool barrier meeting the requirements of the New York State Fire Prevention and Building Code shall be provided and maintained.

Explanation: This change and the next one are by the Building Inspector and bring Town code in line with NYS Building Code.

Section 28.

Subsection 57-42.A. of the Code of the Town of Monroe is hereby amended by re-numbering Subparagraphs (3) through (9) to Subparagraphs (2) through (8).

Explanation: This change accommodates the insertion of Section 27 above.

Section 29.

Section 57-43 of the Code of the Town of Monroe is hereby amended by enacting a new Subsection B as follows and re-lettering the existing Subsection B to Subsection C:

§57-43.B. A building setback line is hereby established in all districts parallel to and twenty (20) feet from the present normal shoreline or top of bank (whichever is farther from the normal waterline) of every other watercourse in the town not otherwise covered under the rubric of §57-43.A. No main building or accessory building shall be constructed between said setback line and the said shoreline or top of bank. The location of the said shoreline or top of bank shall be determined by the Town Engineer after a physical investigation of the site and the topographic, soils and hydrologic characteristics of the area in question.

Explanation: This change implements the provisions of the Comprehensive Plan protecting small streams and watercourses; see the added definition in Section 3 of this amendment.

Section 30.

Section 57-44.A.(3) of the Code of the Town of Monroe is hereby repealed and a new Section 57-44.A.(3) is enacted as follows:

§57-44.A.(3) Both:

- (a) As to the length of the main roof ridge or, in the case of a building with a flat roof, the length of the main roof; and
- (b) As to the type of construction of the roof: gable, hip, mansard, etc.

Explanation: This change adds paragraph b to the “no look-alike” provisions, so that the type of building roof design is correctly considered as one of the building dissimilarity indices.

Section 31.

Subparagraph 57-44.A.(3) of the Code of the Town of Monroe is hereby repealed and a new Subparagraph 57-44.A.(3) is enacted as follows:

§57-44.A. (5) Both:

- (a) As to the relative location of windows in the front elevation or in

- each of both side elevations with respect to each other, and with respect to any door, chimney, porch or attached garage in the same elevation; and
- (b) As to the different type of windows, such as casement, double-hung, etc.

Explanation: This change adds paragraph b to the “no look-alike” provisions, so that the type of window design is correctly considered as one of the building dissimilarity indices.

Section 32.

Subsection 57-44.D. of the Code of the Town of Monroe is hereby repealed.

Explanation: This existing subsection reads: “Notwithstanding the provisions of § 57-10, two neighboring buildings erected by the same owner or developer in an RR-1.5 ac. District shall have front yard depths that differ in least dimension by a minimum of 10 feet.” This is not needed in the RR-1.5(3.0) district, particularly where site plan approval is required.

Section 33.

Subsection 57-47.F. of the Code of the Town of Monroe is hereby amended by adding the following sentence to the end of said subsection:

§57-47.F. In the event that the reserved parking area is not required to be constructed during that three-year period, such reserved parking area shall not be used for building or other non-structural purposes but shall be maintained as vegetated open space as a permanent part of the use.

Explanation: This section relates to the “shadow” parking provisions, that allow the Planning Board to reserve some of the required parking area from being built in an effort to reduce pavement, if the parking is not needed and wanted. The existing provisions provide that the parking area may be bonded for a 3 year period, but in the current language there is nothing that protects that “reserved” area from being used for other building purposes in a way that may hinder the building from being converted to other uses in the future, and is contrary to the intent of the code.

Section 34.

Subsection 57-49.A. of the Code of the Town of Monroe is hereby amended by repealing Subparagraphs (1), (3), (4), (6), (7), (8), (9), (15), (16), (17), (20) and (21) and enacting new Subparagraphs (1), (3), (4), (6), (7), (8), (9), (15), (16), (17), (20) and (21) as follows:

§57-49.A.

- (1) Auditorium, convention hall, stadium, theater, dance instruction studio or other place of public assembly not otherwise classified: one parking space for each three fixed seats of capacity or one parking space for each 45 square feet of area available to patrons in cases where the capacity is not determined by the number**

of fixed seats. Benches shall be deemed to have a capacity of one person for each 24 inches of length.

Explanation: This existing item reads (1) Auditorium, convention hall, stadium, theater, dance instruction studio or other place of public assembly not otherwise classified: one parking space for each three fixed seats of capacity, or one parking space for each 40 square feet of floor area available to patrons in cases where the capacity is not determined by the number of fixed seats. Benches shall be deemed to have a capacity of one person for each 20 inches of length. People are getting wider, and the existing measure is too restrictive.

(4) Bowling alley: two parking spaces for each alley.

This existing item reads (4) Bowling alley: four parking spaces for each alley. This is excessive.

(6) Charitable institution: one parking space for each 200 square feet of floor area devoted to office or administrative use.

This existing item reads Charitable institution: one parking space for each 150 square feet of floor area devoted to office or administrative use. This is excessive.

(7) Club or lodge for social or civic purposes or community center building: one parking space for each 200 square feet of floor area available to patrons.

This existing item reads Club or lodge for social or civic purposes or community center building: one parking space for each 150 square feet of floor area available to patrons. This is excessive.

(8) Commercial swimming pools: one parking space for each 100 square feet of water area.

This existing item reads Commercial swimming pool: one parking space for each 25 square feet of water surface area, exclusive of the water surface of wading pools. This is excessive.

(9) Ice cream stand or refreshment stand: four parking spaces per each service window with a minimum of ten spaces.

This existing item reads Drive-in restaurant or refreshment stand or outdoor retail establishment: one parking space for each 40 square feet of building area devoted to retail sales and the display of goods for sale. This is excessive, and the added language will clarify the use,

(15) Membership club: one parking space for each 200 square feet of floor area available to patrons.

This existing item reads Membership club: one parking space for each 150 square feet of floor area available to patrons. This is excessive.

(16) Offices and office buildings: one parking space for each 200 square feet of floor area.

This existing item reads Offices and office buildings: one parking space for each 200 square feet of floor area or two parking spaces for each three employees customarily employed at one time, whichever is greater. It is more logical to count only by space, since employees can change.

(17) Neighborhood shopping center: one parking space for each 200 square feet of floor area available to patrons.

This existing item reads Neighborhood shopping center: one parking space for each 150 square feet of floor area available to patrons. This is excessive.

(20) Restaurant or tavern: one parking space for each four seats where fixed seating is provided or one parking space for each 45 square feet of floor area available for patrons.

This existing item reads Restaurant or tavern: one parking space for each 45 square feet of floor area. This is excessive.

(21) Retail store, personal service shop or studio or shop for custom work: one parking space for each 200 square feet of floor area available to patrons

This existing item reads Retail store, personal service store or studio or shop for custom work: one parking space for each 150 square feet of floor area available to patrons. This is excessive.

Section 35.

Subsection 57-49.A. of the Code of the Town of Monroe is hereby amended by enacting a new Subparagraph (28) as follows:

§57-49.A. (28) Drive through/fast food restaurant: One parking space for each three seats plus two parking spaces for pickup located near the drive through lane. Drive through lanes shall provide a minimum of 100 linear feet between the street line and the first service window or order board. Drive through lanes shall have a separate exit lane for emergency use or for other exiting traffic.

There are no requirements under the existing code to address the special parking requirements that apply to a fast food drive thru restaurant, along with requirements for separation of the drive-thru lanes and exit lanes. This amendment corrects that omission.

Section 36.

Subsection 57-51.D. of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-51.D. is enacted as follows:

§57-51.D. In any residence district, not more than one commercial vehicle, with a gross vehicle weight rating (according to the US DOT FHWA Vehicle Inventory and Use Survey Standards) not exceeding Class 3, may be housed on any single-family residential lot, and then only in a private driveway. Notwithstanding the foregoing, the parking of on-call emergency vehicles or public utility vehicles exceeding Class 3 shall be permitted on a

temporary basis not exceeding two continuous weeks per month.

***Explanation: The existing language of paragraph D.** "In any residence district, not more than one commercial vehicle, with a gross weight limited to 3/4 of one ton, may be housed on any lot, and then only in a private garage, except that motorized equipment properly accessory to garden apartments or multiple dwellings may be housed, but only within a roofed enclosure." –The proposed measure is roughly comparable to the existing language (allowing a slightly larger vehicle) but would be easier to administer and less burdensome on a homeowner, because it would not require the truck to be garaged. This is more reasonable a requirement given how common small commercial pickups have become. Further, this law provides for exemptions for those who are required as a provision of their jobs for on-call purposes to take heavier vehicles home. Such flexibility does not exist in the current requirements.*

Section 37.

Subsection 57-51.E. of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-51.E. is enacted as follows:

§57-51.E. In any residence district, not more than 50% of the area of a minimum required rear yard shall be used as a parking area except that there shall be a minimum setback of five (5) feet from any property line.

***Explanation: The existing language of paragraph E.** "In any residence district, not more than 50% of the area of a minimum required rear yard shall be used as a parking area." The revision provides for better protection of adjoining properties, by requiring a setback from rear yard parking.*

Section 38.

Subparagraph 57-51.I. of the Code of the Town of Monroe is hereby repealed and a new Subparagraph 57-51.I. is enacted as follows:

§57-51.I. In any non-residential district, an accessory parking area may be situated in whole or in part on the roof of the main building to which it is accessory. However, where site plans propose accessory parking on a roof, said plan shall incorporate structural screening measure to avoid visual impacts associated with such feature.

***Explanation: The existing language of paragraph "I."** "In any nonresidential district, except in the LI District, an accessory parking area may be situated in whole or in part on the roof of the main building to which it is accessory." There is no reason to restrict this from the LI district when allowed in all other non-residential districts. The revisions incorporate reasonable protective measures.*

Section 39.

Subsection 57-51.O. of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-51.O. is enacted as follows:

§57-51.O. Accessory private garages and parking areas may be constructed within or under any portion of a main building.

Explanation: The existing language of paragraph O. Accessory private garages may be constructed within or under any portion of a main building, provided that the access driveway does not at any point have a grade in excess of 10%. This section of code is really addressing two separate issues which have no real relation to each other, so the accessory garage segment is being retained in Section O, with a new section of code (see below) addressing the slope limitation, along with drainage requirements so that driveways that slope down to a road are not allowed to drain into the same in a way that would cause icing or other damage to the public road.

Section 40.

Section 57-51 of the Code of the Town of Monroe is hereby amended by adding a new Subsection U. as follows:

§57-51.U. All driveways and/or access drives in all districts shall not have a grade in excess of 10% at any point. Measures to ensure safe and proper drainage shall be incorporated as necessary.

Explanation: Same as the preceding explanation.

Section 41.

Subsection 57-58.B. of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-58.B. is enacted as follows:

§57-58.B. A building or structure used by a non-conforming use at the effective date of this chapter or any amendment thereto, may not be reconstructed, structurally altered, restored or repaired to an extent exceeding in aggregate cost 75% of the fair market value of such building or structure, unless the use of such building or structure is changed to a conforming use. The Board of Appeals may grant a variance, in accordance with the provisions of §57-65.D.(2)(b) for a reconstruction, structural alteration, restoration or repair exceeding 75% of the fair market value of such building or structure.

Explanation: The existing language reads: A building or structure used by a nonconforming use at the effective date of this chapter may not be reconstructed, structurally altered, restored or repaired to an extent exceeding in aggregate cost 75% of the fair market value of such building or structure, unless the use of such building or structure is changed to a conforming use. The Board of Appeals may grant a variance, in accordance with the provisions of § 57-65C(3) for a reconstruction, structural alteration, restoration or repair exceeding such 75% of the fair market value of such building or structure. This amendment correctly restricts the ZBA's authority so that it does not conflict with the Building Inspector's authority.

Section 42.

Section 57-59 of the Code of the Town of Monroe entitled "Extension of nonconforming uses" is hereby repealed and a new Section 57-59 entitled "Extension of non-conforming uses" is

enacted as follows:

§57-59. Extension of non-conforming uses.

A non-conforming use shall not be enlarged or extended, except as provided in §57-65.D. (2)(a).

Explanation: This makes the revised section references consistent.

Section 43.

Section 57-60 of the Code of the Town of Monroe entitled “Changes of nonconforming uses” is hereby repealed and a new Section 57-60 entitled “Changes of non-conforming uses” is enacted as follows:

§57-60. Changes in non-conforming uses.

A non-conforming use shall be changed only to a conforming use , except as provided in §57-65.D.(2)(c).

Explanation: This makes the revised section references consistent.

Section 44.

Subsection 57-63.E. of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-63.E. is enacted as follows:

§57-63.E. Rules of procedure. The Board shall prescribe rules for the conduct of its affairs, including but not limited to, the form and content of applications made to it, the designation of an Acting Chairperson, and the procedures for conducting its meetings and the rendering and filing of decisions provided the same are consistent with the Town Law.

Explanation: The existing language of paragraph E. Rules of procedure. The Board shall adopt and file in the Town Clerk's office such rules of procedure, not inconsistent with the provisions of Town Law and local ordinance, as it may deem necessary to the proper performance of its duties and the proper exercise of its powers. The existing rules and regulations of the Board of Appeals heretofore established, insofar as not inconsistent with this chapter, are hereby continued in force and effect, until amended or repealed by the Board. Explanation: This is to update the ZBA language and procedures to conform with current legal requirements

Section 45.

Subsection 57-63.F. of the Code of the Town of Monroe is hereby amended to add the following sentence at the end of such subsection:

A quorum shall consist of three members.

Explanation: The existing language of paragraph F.Meetings. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings shall be open to the public. This is a procedural clarification.

Section 46.

Subsections 57-63.G and 57-63.H of the Code of the Town of Monroe are hereby repealed and a new Subsection 57-63.G is enacted as follows:

§57-63.G. Public hearings. The Board shall fix the time, date and place for a public hearing on applications to be considered by it and shall provide for the giving of notice at least five (5) days prior to the date thereof as follows:

- (1) By publishing a notice in a newspaper of general circulation in the Town.**
- (2) By requiring the applicant to send a copy of the notice of public hearing by certified mail. Return receipt requested, to the owners of all property within 300 feet of the property that is the subject of the variance application or zoning interpretation as the names and addresses of said owners appear on the latest assessment roll of the Town. Proof of mailings and receipts shall be filed with the Zoning Board prior to, or at the time of, said hearing. The cost of sending or publishing any notices relating to such appeal shall be borne by the appealing party.**
- (3) If the land involved in any appeal is within 500 feet of the boundary of any other municipality, notice of the public hearing shall also be mailed to the Municipal Clerk of such other municipality.**
- (4) If the land involved in any appeal is within 500 feet of the boundary of any existing or proposed county or state park or any other recreation area; the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or the existing or proposed boundary of any county or state-owned land on which a public building or institution is situated; or the boundary of a farm operation located in an agricultural district, except where the appeal is for an area variance, notice of the public hearing and a description of the applicant's proposal shall be mailed to the Orange County Planning Department in accordance with Section 239-m of the General Municipal Law.**
- (5) The Board shall decide upon the appeal within 62 days after the conduct of such hearing. The time within which the Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Board shall be filed in the office of the Town Clerk within 5 business days after the day such decision is rendered and a copy thereof mailed to the applicant.**
- (6) A motion for the Board to hold a re-hearing to review any order, decision or determination of the Board not previously reviewed may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such re-hearing to occur. Upon such re-hearing, the**

Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided that the Board finds that the rights vested in persons acting on good faith and reliance upon the reviewed order, decision or determination will not be prejudiced thereby.

Explanation: The existing language of paragraphs .G Public hearings.

(1) Prior to taking any action on any application before it, the Zoning Board of Appeals shall advertise a public hearing in a newspaper of general circulation within the Town at least five days prior to the date of the hearing.

(2) In addition, the applicant shall send a copy of the notice of public hearing by certified mail, return receipt requested, to the owners of all property within 300 feet of the property which is the subject of the variance application or zoning interpretation as the names and addresses of said owners appear on the latest assessment roll of the Town. Such notice shall be mailed at least five days prior to the hearing. Proof of such mailings and receipts for same shall be filed with the Zoning Board prior to, or at the time of, said hearing.

H. Property near municipal boundary. In any matter which relates to a property which lies within 500 feet of the boundary of another municipality, the Secretary of the Board of Appeals shall transmit to the Municipal Clerk of such other municipality a copy of the official notice of the public hearing on such matter, not later than one day after publication thereof. Such other municipality shall have the right to appear and to be heard at such public hearing

Explanation: This paragraph and the next paragraph updates the procedures of the ZBA consistent with current requirements of law.

Section 47.

Section 57-63 of the Code of the Town of Monroe is hereby amended by enacting a new Subsection H. as follows:

§57-63.H. County review. No action shall be taken on applications referred to the Orange County Planning Department until the Department's recommendation has been received or 30 days have elapsed after the Department received the full statement on the applicant's proposal.

Explanation: See above for the existing language; this aligns the code with the requirements of General Municipal Law.

Section 48.

Subsection 57-63.I of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-63.I. is enacted as follows:

§57-63.I. Minutes and records. The Secretary shall keep minutes of the Board's proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact. The Secretary shall keep records of the Board's examinations and official actions, all of which shall be immediately filed in the Town Clerk's office and shall be a public record. A record of all variances granted pursuant to action of the Board under this chapter shall be maintained according to date and property address. Said files shall be available for public inspection.

Explanation: The existing language of paragraphs 1.Minutes and records. The Secretary shall keep minutes of the Board's proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact. The Secretary shall keep records of the Board's examinations and official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. A card index record of all variances and special exception uses granted pursuant to action of the Board under this chapter shall be maintained in an alphabetical street file, and the location of such variances and special exception uses shall be marked upon a copy of the Zoning Map. Said file and said map shall be available for public inspection. Explanation: This is to update the language based on current recordkeeping practices.

Section 49.

Section 57-65 of the Code of the Town of Monroe entitled “Variances” is hereby repealed and a new Section 57-65 entitled “Variances” is enacted as follows:

§57-65. Variances.

A. Except as otherwise provided in this chapter or the Town Law, the jurisdiction of the Board of Appeals is appellate only and is limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation or determination made by the Building Inspector. On appeal from the decision or determination of the Building Inspector, the Board shall have the power to grant use variances and area variances as specified in Subsection C. of this Section.

B. Guiding principles.

- (1) Every decision by the Board of Appeals granting a variance shall clearly set forth the nature and extent of such variance.**
- (2) Every variance granted by the Board of Appeals may be subject to conditions and safeguards as the Board shall deem to be applicable to the particular case. Violations of such conditions or safeguards as are part of the Board’s decision shall be deemed a violation of this chapter, punishable under the provisions of §57-75.**
- (3) Any variance granted by the Board of Appeals pursuant to the provisions of this Section shall be construed to be a non-conforming use.**

C. General standards.

- (1) Use variances. No use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board that for each and every permitted use under the zoning regulations for the particular district where the property is located:**

- (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial, as demonstrated by competent**

financial evidence.

- (b) That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
- (c) That the requested use variance, if granted, will not alter the essential character of the neighborhood.
- (d) That the alleged hardship has not been self-created.

(2) **Area variances.** In making its determination on an application for an area variance, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider whether:

- (a) An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
- (b) The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
- (c) The requested area variance is substantial.
- (d) The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- (e) The alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board but shall not necessarily preclude the granting of the area variance.

(3) In granting use or area variances, the Board shall grant the minimum variance that it shall deem necessary and adequate and, at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

D. Specific types of variances. In the instances of the following types of variances, the Board of Appeals is hereby specifically empowered to grant the variance pursuant to the guiding principles and general standards stated in Subsections B and C above and the following provisions:

- (1) With respect to lots in a single ownership lying across district boundaries at the effective date of this chapter or any subsequent amendment thereto, to grant a variance, in appropriate cases, for the extension into the more restrictive district of a lawful, conforming use permitted in the less restrictive district, but for a distance not exceeding 50 feet measured at right angles to such district boundary line. In granting such variance and, except in the case of a single or two-family residence, the Board of

Appeals shall require the applicant to acquire approval of the Planning Board where the applicant proposes any construction activities across the district boundary line.

(2) With respect to non-conforming uses, buildings and lots:

(a) To grant a variance pursuant to Subsection C(1) of this Section for the enlargement or extension of a non-conforming use or building on the effective date of this chapter, provided that:

[1] Such enlargement or extension shall not exceed in all 75% of the replacement cost of the existing building on the effective date of this chapter or any amendment thereto, exclusive of foundations.

[2] Such enlargement or extension shall be subject to Planning Board approval pursuant to §57-14 of this chapter.

[3] Compliance with all parking and truck loading requirements of Article XII is achieved.

(b) To grant a variance pursuant to Subsection C(1) of this Section for the reconstruction, structural alteration, restoration or repair of a building or structure used for a non-conforming use, to an extent exceeding in aggregate 75% of the replacement cost of such building or structure, exclusive of foundations, provided that:

[1] If such reconstruction, structural alteration, restoration or repair will change, alter, modify or otherwise extend the building or structural footprint or location on the lot, or any accessory building or structure thereon, then the variance shall be subject to Planning Board approval pursuant to §57-14 of this chapter.

(c) To grant a variance pursuant to Subsection C(1) of this Section for a change in a non-conforming use to another non-conforming use, provided that such variance shall be subject to Planning Board approval pursuant to §57-14 of this chapter, except where the such change in use is to a single or two-family residence.

Explanation: The existing language of the code is as follows: A. General delegation of power. The Board of Appeals, pursuant to § 267 of Article 16 of the Town Law, shall have power in passing on appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, to do the following:

(1) Vary or modify the application of any of the regulations or provisions of this chapter relating to the use, construction or structural changes in equipment or alteration of buildings or structures or the use of land, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.

(2) Any variance granted by the Board of Appeals pursuant to the provisions of this section shall be construed to be a nonconforming use or building.

B. Guiding principles.

(1) Every variance granted by the Board of Appeals shall be based upon and accompanied by a specific finding or findings, supported by evidence produced at a public hearing in the manner provided by law, to the effect that the exceptional circumstances of the particular case are such as to constitute practical difficulties or unnecessary hardships in the way of carrying out the strict application of the regulations of this chapter. Notice of such public hearing shall be given as provided by law.

(2) Every variance granted by the Board of Appeals shall be designed by the Board to safeguard the public health, safety, morals and general welfare and shall be further designed to provide reasonable consideration, among other things, to the character of the neighborhood or district, the conservation of property values and the direction of building development in accordance with a comprehensive plan and shall not involve substantial detriment to the public good nor substantially impair the intent and purpose of the zone plan and of this chapter.

(3) Every variance granted by the Board of Appeals shall, in appropriate cases, be made subject to such conditions and safeguards as the said Board shall deem to be applicable to the particular case.

C. Specific types of variances. In conformity with its general power to vary or modify the provisions of this chapter, as provided in § 57-65A and pursuant to the guiding principles stated in § 57-65B, the Board of Appeals is hereby specifically empowered to do the following:

(1) Grant a permit, in appropriate cases, where a lot of the appellant, as such lot existed at the time of the effective date of this chapter, lies across the boundary of two districts, for the extension into the more restricted district of a lawful conforming use permitted in the less restricted district, but for a distance not exceeding 50 feet measured at right angles to such district boundary.

(2) Grant a permit for the enlargement or extension of a nonconforming use or building on the lot occupied by such use or building at the effective date of this chapter, provided that such enlargement or extension was arranged, intended or designed for such nonconforming use at the effective date of this chapter and further provided that such enlargement or extension shall not exceed in all 75% of the fair market value of such use or existing building at the effective date of this chapter.

(3) Grant a permit for the reconstruction, structural alteration, restoration or repair of a building or structure used for a nonconforming use, to an extent exceeding in aggregate cost 75% of the fair market value of each such building or structure.

(4) Grant a certificate of occupancy for a change in a nonconforming use, provided that the Board shall have made a determination that such change will be beneficial to the general neighborhood and further provided that such change be made subject to such reasonable conditions and safeguards as the Board may stipulate.

(5) Grant variances to exempt a building, in whole or part, from the front yard requirement of the district in which such building is situated, in cases where such building is adjacent to an existing building or buildings which have nonconforming front yards; provided, however, that such buildings shall not be permitted to have a front yard of a depth less than that of the average of the two immediately adjoining buildings or than that of the only adjoining building when only one exists.

(6) Grant a variance modifying the side yard requirements on the side street frontage of a corner lot, in cases where such requirements would unduly reduce the buildable width of such corner lot.

(7) Grant a variance modifying the yard requirements of a nonconforming lot beyond the automatic modifications provided under the terms of § 57-39A and B.

(8) Waive the requirements of § 57-49 for accessory parking areas, in whole or in part, in a case involving lack of need for such parking areas, where the lot is within 500 feet of a municipal parking area owned or operated by the Town, measured in a straight line between the nearest point of such parking area and the nearest point of such lot.

(9) Waive the requirements of § 57-49 for accessory parking areas, in whole or in part, after making a finding that the normal application of such requirements is infeasible because:

(a) The lot has too restricted an area, unusual dimensions, shape or topographical character; and

(b) No other suitable and adequate lot can reasonably be put to such use within the limits specified in § 57-49A(7).

(10) Permit a reduction in the number of parking spaces in accessory garages or parking areas originally provided and installed pursuant to the requirements of § 57-48 or 57-49 in cases where proof is furnished to the Board that by reason of diminution in number of dwelling units or residents or in floor area, which

are factors determining the demand for parking spaces, the proposed reduction will be consistent with the requirements of said §§ 57-48 and 57-49.

(11) Grant a temporary building permit for a period not to exceed one year for a nonconforming building, structure or use incidental to a building or other construction project, including such uses as the storage of building supplies and machinery and a real estate office located on a tract of land where individual properties are being offered for sale, provided that such temporary permit shall be issued only upon written agreement by the owner or his agent to remove such building or structure upon expiration of such permit and further provided that such permit shall be subject to such reasonable conditions as the Board shall determine to be necessary to protect the public health, safety and general welfare. Such permit may be renewed annually, at the discretion of the Board, over a period not to exceed three years.

The existing language relating to variances and kinds of variances is not consistent with current state enabling legislation and caselaw governing variances. The changes eliminate some tasks that are not properly the role of the ZBA.

Section 50.

Section 57-75 of the Code of the Town of Monroe entitled “Penalties for offenses” is hereby repealed and a new Section 57-75 entitled “Penalties for offenses: is enacted as follows:

§57-75. Penalties for offenses.

- A. Where a violation of this chapter is determined to exist, the Building Inspector shall serve notice either by certified mail or personally upon the owner, agent or contractor of a building, structure or lot where such violation has been committed or shall exist, and on the lessee or tenant of a part of or of an entire building, structure or lot where such violation has been committed or shall exist, and on the agent, architect, engineer, contractor or any other person who takes part or assists in such violation or who maintains any building, structure or lot in which such violation shall exist. Failure to serve any of the persons specified shall not invalidate the proceedings commenced against those served notice.**
- B. Such notice shall require the removal of the violation within 10 days after service of the notice.**
- C. In cases where the removal of the violation within 10 days would be manifestly impossible, the Building Inspector shall determine a reasonable period of time within which the violation shall be removed but in no event shall such period exceed 30 days.**
- D. If those persons notified shall fail to remove such violation within the allotted time period, the Building Inspector shall charge them with such violation of this chapter before the appropriate court of law.**
- E. Persons found guilty of such violation shall be subject to a fine not exceeding \$250 or to imprisonment for not more than 15 days, or both, for each violation. Each and every week such violation continues after the allotted period of time for its removal shall be deemed a separate and distinct offense.**

- F. In addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate such violation, or to prevent occupancy of such building, structure or lot, or to prevent any illegal act, conduct, business or use in or about the premises.**
- G. Notwithstanding the provisions of Subsection B of this Section, nothing shall preclude the Building Inspector from requiring the removal of a violation immediately upon service of the notice, where the violation involves the use or occupancy of a building or structure in contravention of the site plan, special exception use permit, variance, building permit or certificate of occupancy provisions of this chapter.**

The existing language reads as follows: For any and every violation of any provisions of this chapter and upon failure to comply with written notice thereof or order to remove such violation within five days after serving of such notice or order, the owner, agent or contractor of a building, structure, premises, lot or land where such violation has been committed or shall exist, and the lessee or tenant of an entire building, structure, premises, lot or land where such violation has been committed or shall exist, and the owner, agent or contractor, lessee or tenant of any part of a building, structure, premises, lot or land, in which part such violation has been committed or shall exist, and the agent, architect, builder or contractor or any other person who commits, takes part or assists in such violation, or who maintains any building, structure, premises, lot or land in which any such violation shall exist shall be subject to a fine not exceeding \$50 or to imprisonment for not more than 10 days, or both, and each and every day the violation continues, after the owner, agent or contractor of the building, structure, premises, lot or land where such violation occurred has been notified thereof, shall be deemed a separate and distinct violation.

The changes strengthen the enforcement provisions of the Code.

Section 51.

Section 57-77 of the Code of the Town of Monroe entitled “Required information” is hereby repealed and a new Section 57-77 entitled “Procedure for amendment” is enacted as follows:

§57-77. Procedure for amendments.

- A. The Town Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement, or repeal the regulations and provisions of this chapter, including the Zoning Map, after public notice and hearing, in accordance with state law.**
- B. Petitions for amendments shall be submitted in quadruplicate to the Town Clerk.**
- C. Any petition for a change in the Zoning Map shall include the following:**

- The name of the property owner.
 - A map accurately drawn to an appropriate scale, showing the proposed zone district boundary change, property lines, the calculated areas effected in acres or feet, the street rights-of-way in the immediate vicinity and the lands and names of owners immediately adjacent to an extending within one hundred feet of all boundaries of the property to be re-zoned.
 - A metes and bounds description of the proposed amendment.
- D. The Town Board shall refer each such proposed amendment or change to the Planning Board for a report before a public hearing is held thereon. The Town Board shall take no action any such amendment without such report from the Planning Board unless the Planning Board fails for any reason to render such report within 30 days following the date of the referral.
- E. The Town Board shall fix the date, time and place for a public hearing on the proposed amendment and cause notice to be published in the official newspaper. The Town Board may require a petitioner to give additional forms of public notice or notice to adjacent property owners.
- F. In addition to the procedural requirements set forth herein, the procedural requirements of the provisions of §§ 239-1 and 239-m of the General Municipal Law relating to review by the County Planning Department and the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations must be complied with before any action may be taken on any amendment.
- G. Upon adoption of a change to the Zoning Map, the Town or petitioner shall file with the Town Clerk and the Building Inspector copies of an accurate survey description and drawing of the area effected by such amendment.

The existing language reads as follows: Any request for a change of Zoning District shall include a map, accurately drawn to an appropriate scale, showing the area of land included in the proposed change, the streets in the immediate vicinity and the land or lands and the name of the owner or owners thereof immediately adjacent to the extending within 100 feet of all boundaries of said property. The existing language provides no real detail on the procedures to be followed; this change corrects the problem in a way that matches current actual procedures.

Section 52.

Article XIX and Section 57-78 of the Code of the Town of Monroe are hereby repealed.

The existing language reads: Nothing in this chapter shall be deemed to affect any violation, liability, penalty, course of action or special proceedings arising under the provisions of the Zoning Ordinance of 1942 as amended on or before the effective date of this chapter. This is pointless as it relates to a 1942 ordinance.

Section 53

Chapter 57 of the Code of the Town of Monroe is hereby amended to add a new Article XIX entitled “Workforce Housing” as follows:

**ARTICLE XIX
Workforce Housing**

§57-78. Workforce housing regulations.

- A. Legislative intent. It is the intent of the Town of Monroe to provide guidelines, regulations and incentives for the development of moderately priced dwelling units for persons of moderate income levels. The Town recognizes the severity of the worsening local and regional shortage of such housing and it concludes that the issue adversely affects the quality of life of its residents and threatens to undermine local economic diversity of the type necessary to maintain a healthy tax base and adequate tax revenues in the face of the continually escalating costs of local government. The Town concludes that the creation of workforce housing stock and the proper administration and enforcement of how that resource is allocated within the community represents a fundamental and urgent function of local government.**
- B. Workforce Housing Unit shall mean a dwelling unit that is affordable to purchase for families earning between 101% and 120% of Orange County’s median family income as the same may be adjusted from time to time.**
- C. Workforce housing.**
 - (1) Workforce units. At least 20% of the units in a project shall be affordable. Such units shall be dispersed throughout a project and shall be indistinguishable from market rate units in terms of their exterior appearance.**
 - (2) Selection priorities. A family earning between 101% and 120% of the Orange County median family income shall be deemed eligible to apply for a workforce housing unit in the Town of Monroe. Priority preference will be given to applicants based upon the following factors:**

Preferences	Points		
	Current Residency		
	Town of Monroe		Orange County
a. Resident who resides in the Town of Monroe for a minimum of 2 consecutive years	3		0
b. Volunteer Fire Department or Ambulance Corps members with 2 years consecutive service.	3		1
c. Municipal employees with 2 years of consecutive employment	3		1
d. School district employees with 2 consecutive years employment	3		1
e. Veteran of the U.S. Armed Services, honorably discharged	2		0
f. Health care workers with a minimum of 2 years employment	2		0
g. Persons 60 years of age or over	2		0
h. Person with disabilities	2		0

(3)Percentage of workforce units by income range. Twenty-five (25%) of the required number of affordable housing units within a townhouse project shall be made available to households in each of the following income ranges that are based upon the Orange County median family income:

- (a) 101% - 105%;**
- (b) 106% - 110%;**
- (c) 111% - 115%;**
- (d) 116% - 120%.**

(4)Occupancy requirements. All workforce housing units shall be the primary residence of their owners. Owners may not rent their unit or any portion thereof to others.

(5)Initial sale and resale of workforce housing.

(a)Calculation of Initial Sales Price: Maximum sale price shall be set by resolution of the Town Board and amended from time to time after review of relevant information that may be provided by federal and state affordable housing departments, as well as developers. The initial sales price of a unit shall be calculated such that the annual cost of the sum of principal, interest, taxes, and private mortgage insurance (PMI) shall not exceed thirty (30%) percent of the Orange County median family income allowed for such unit for a family of four.

(b)Resale of workforce housing units: Workforce housing units shall only be sold to eligible income households. The owners of a workforce unit shall notify the Town Board of their intent to sell prior so that persons on the Town Workforce Housing “Waiting List” can be contacted to advise them of their eligibility to purchase the workforce housing unit. The maximum base resale price of a unit shall be calculated such that the annual cost of the sum of principal, interest, taxes, and private mortgage insurance (PMI) shall not exceed thirty (30%) percent of the Orange County median family income allowed for such unit for a family of four.

(c)Maintenance and upkeep: The exterior of all workforce units within a development shall be maintained at the original builder’s specifications.

(d) Tax Assessment: The Assessor shall consider the limited increase in the resale value of a workforce housing unit when determining the appropriate assessment on such units.

(e) Deed Restrictions: The original deed and any subsequent deeds or instruments used to transfer title to a workforce housing unit shall include a provision indicating that the unit is a workforce housing unit subject to

restrictions on occupancy and resale. Evidence of the inclusion of such restrictions on the filed subdivision map shall be made prior to issuing a Certificate of Occupancy for any unit in the subdivision. The following language shall be recorded in the deed: *“This dwelling unit has been constructed for use by moderate income families pursuant to a special housing program established by the Town of Monroe and must be the principal dwelling of the homeowner. All future sales or resale of this dwelling unit must be to a person who is determined to be eligible pursuant to the income limitations set forth by the Town Board and at a price determined to be in accordance with the Town’s workforce housing program.”*

(f) Transfer of affordable housing units through Estate: There shall be no restriction to the right to inherit a workforce housing unit, however, any subsequent resale of the unit must be to an eligible person.

(g) Administration: The Town Board shall oversee the administration of the workforce housing program.

- (i) The Town Board shall set annual income limits and resale values.**
- (ii) The Town Supervisor and/or Workforce Housing Committee appointed by the Town Board shall accept and review applications for workforce housing units. Applications shall be scored and ranked with an eligibility list maintained on file.**
- (iii) A lottery procedure to select applicants that have equal priority points shall be created, when needed.**
- (iv) The Town Supervisor or designee shall maintain a list of all workforce units in the Town.**
- (v) The Town Supervisor or designee shall review all deed restrictions for workforce housing units to ensure compliance with this Local Law.**
- (vi) The Town Supervisor or designee shall prepare an annual report to the Town Board on the status of its workforce housing units.**

(h) Fees: To offset the cost of administering the workforce housing program the following shall apply:

- (i) Developer shall pay one-quarter of one percent of the sale price of the workforce housing unit.**
- (ii) On resale, the homeowner shall pay one-quarter of one percent of the sales price of the workforce housing unit.**
- (iii) Each owner of a workforce housing unit shall provide**

proof of residency in a form acceptable to the Town Attorney.

(6) Development standards.

(a) Physical integration. Workforce housing units shall be physically integrated with the design of the overall subdivision/ site plan so that they are compatible in appearance to the market-rate units or structures. Exterior building finish materials and exterior architectural style and trim elements including, but not limited to, roofline, siding, porches and decorative trim elements shall be compatible in appearance and application on all units throughout the subdivision/ site plan, in the sole determination of the Planning Board. Interior finishes, hardware and appliances in affordable units need not be identical to those incorporated in market-rate units so long as the substitution would not impair the function of the workforce units.

(b) Workforce housing unit type, size and layout.

(i) Workforce housing units shall be provided according to the proportion of market-rate units within the development (townhouse, single family, single family semi-detached) except that, in order to more seamlessly integrate workforce housing units into a subdivision/ site plan of large single family detached dwellings, workforce units may be incorporated into semi-detached houses that are designed to appear as a single family detached dwelling in the development. The Planning Board shall modify lot lines within the subdivision/ site plan as set forth in Section A65-2B of the Town of Monroe Code in order to ensure that the resulting lot sizes throughout the subdivision/ site plan are appropriate to the size and layout of each dwelling.

(ii) Workforce housing units shall be distributed throughout the subdivision/ site plan and in phased developments and shall be constructed in numbers proportionate to that required pursuant to paragraph C(1) of this Article. Where this would result in an odd number, in cases where semi-detached workforce units are planned, then the number of workforce units in a given phase shall be rounded upwards.

(iii) Workforce housing units may be provided with two bedrooms fewer than comparable market-rate units

within the subdivision/ site plan but in no case shall workforce units be provided with less than two bedrooms.

(7) Minimum gross floor area requirements for workforce units shall be as follows:

<u>Unit Type</u>	<u>Minimum Sq. Ft. Floor Area per unit</u>
4 Bedroom	1,500
3 Bedroom	1,100
2 Bedroom	900

(8) Phasing.

(a) For any project that will be built in phases, the following schedule shall apply for all workforce units:

Percentage of Market-Rate Units Receiving Certificates of Occupancy	Percentage of Workforce Units Receiving Certificates of Occupancy
Up to 25%	0 (none required)
25% + 1 unit	At least 10%
50%	At least 50%
75%	At least 75%
100%	100%

(b) Certificates of occupancy shall be issued for market-rate units when the required percentage of workforce housing units for the respective phase has been completed.

Explanation: This language establishes the provisions regulating the optional bonus density for workforce housing in areas of the URM, SR districts, and the RR-1.0 district and only where there are central sewers provided. These regulations establish all of the details that apply to such housing, its appearance and other design requirements who is eligible to live in such housing, and other controls so that the units shall continue to be used for workforce housing. In single family detached subdivisions, the law provides for making semi-detached workforce units to be created in order to allow the units to better blend in.

Section 54. Applicability

The provisions of Section 6 of this Local Law shall not apply to any subdivision or site plan that has received either a preliminary approval or has achieved either a Negative Declaration or has an adopted Findings Statement concluding the SEQOR review process.

Explanation: This provides so that applicants with projects that are far advanced in the review process and have invested substantial amounts of money in the process can be protected from

the modified bulk and related requirements, as this would cause the need for a significant re-investment for re-engineering and review, and in some cases could jeopardize shared improvements.

Section 55. Severability.

If any clause, sentence, paragraph, section or part of this local law be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Explanation: Standard legal language.

Section 56. Effective Date.

This local law shall take effect upon the filing of certified copies thereof with the Office of the Secretary of State in accordance with the Municipal Home Rule Law.**Section 54. Severability.**

If any clause, sentence, paragraph, section or part of this local law be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Explanation: Standard legal language.

Section 55. Effective Date.

This local law shall take effect upon the filing of certified copies thereof with the Office of the Secretary of State in accordance with the Municipal Home Rule Law.