

**Part III Long Form Environmental Assessment Form  
Introductory Local Law # 3 of 2009  
Town of Monroe, County of Orange**

**A Local Law Amending the Code of the Town of Monroe Entitled “Zoning”  
to Implement Various Recommendations of the Town’s 2005  
Comprehensive Plan Update**

SEQR Environmental Assessment Forms are typically intended for use for projects involving direct construction, and are not well adapted for considering the effects of amending zoning regulations. For this reason, it is appropriate to evaluate the effects of such in the form of a Part III supplement to an Environmental Assessment Form, where the indirect and other potential effects of such governmental action can be more thoroughly analyzed. Accordingly, the Town of Monroe Town Board has considered the following, which shall also upon its adoption serve as the text of its Negative Declaration:

***Introduction***

The purpose for the Town Board of the Town of Monroe introducing this local law to effectuate several zoning amendments in implementation of various recommendations of the Town’s 2005 Comprehensive Plan Update. The Town of Monroe began the process of reviewing its land use policies in early 2005 by appointing a Comprehensive Plan Update Committee with a broad representation of Townwide interests. Town Board, Planning Board, Zoning Board of Appeals, and the Conservation Commission were represented on the Plan Update Committee, along with citizen representatives. The Committee met for a roughly two year period, holding public hearings in June of 2005 and July 12, 2007. Following the June 2005 hearing, the Plan Update was modified to address comments from the Orange County Planning Department, Planning Board members and others. The Plan Update was in fairly final form in early 2007 but no further action was taken while waiting for the Regional Plan Association’s Southeast Orange County Land Use Study to be fully finalized, in order to ensure that the Town’s Plan Update was consistent with the regional plan. After the RPA study was completed in 2007, some minor modifications were made to the Plan Update in order to conform the two documents, and the Update was then submitted to the Town Board. After completing public hearings and preparing a Generic Draft Environmental Impact Statement and a Negative Declaration, the Town Board adopted the Comprehensive Plan Update on May 19, 2008.

After adopting the Plan, the Town began work on the implementation process, reviewing and establishing implementation priorities that would most economically implement the Plan’s recommendations. Proposed Local Law #3 of

2009 is an initial legislative step in implementation, and incorporates changes to the zoning schedule of district regulations in order to reduce runoff and impervious area, among many other provisions. The schedule of district regulations has also been revised to eliminate some out of date references and uses. LL #3 contains over fifty sections.

By far the bulk of the changes to the zoning law are technical in nature, and the Town Board has authorized the preparation of an annotated version of the proposed local law that comments on each section of the law, comparing it to the current language, and briefly explaining the specific purpose and effect of the proposed language. That document is incorporated by reference. However, there are also more substantive changes intended to reduce existing problems, as with eliminating provisions that hyper-extended non-conforming subdivisions extending from 1954 and earlier, and as with the bulk requirements reducing the existing levels of permitted impervious coverage in the town's residential districts. The proposed local law also implements a provision of the Comprehensive Plan intended to help provide workforce housing, providing for the option of maintaining the previous zoning bulk requirements as a bonus provision, with the provision of workforce housing meeting the requirements of the code in areas where there is central sewer.

Specific consideration is given to the effects of this proposed local law in all relevant subject areas:

***Impact on Land (includes Agricultural Land Resources)***

This local law implements zoning amendments, and therefore creates no direct impacts on land. Indirectly, it is not expected to create any significant harmful impacts on land, as compared to the existing condition, which is the continued development of land in accordance with the existing zoning regulations. Although it might be assumed that, if a landowner opted to develop in sewered areas of the Town without making use of the workforce housing density bonus, it would result in increased land consumption and sprawl compared to the current situation, the actual experience of the Planning Board has been that lots even in sewered areas have averaged 0.87 acres in size, which is 94% of the current unsewered requirement.

The revisions to parking requirements and lot coverage provisions generally serve to reduce the impact on land, or to reduce the amount of impervious area. There are additional provisions proposed whereby area that is reserved for overflow parking areas cannot be developed if not needed after three years, thus protecting additional green areas within commercial sites.

There is very little active agricultural land within the Town of Monroe, and there is nothing in the proposed amendments that would affect ag lands and uses, as far as the town board can determine.

### ***Impact on Water***

This local law implements several zoning amendments, and therefore creates no direct impacts on water resources, including surface and groundwater use, quantity and quality, as well as drainage and flooding. Indirectly, it is not expected to create any harmful impacts on water resources, but rather small to moderate beneficial impacts. This law includes provisions to protect small streams that are not otherwise protected by state or federal requirements from disturbance; and it also reduces impervious lot coverage in residential districts of the town to a more reasonable level that is comparable with limits that are common in other municipalities. Revisions to reduce excessive parking requirements as well as added provisions protecting un-used "shadow" parking areas will also help to reduce impervious area. This would help protect both surface and ground water quality and quantity of recharge. To that extent, the effect of this local law would be either neutral or beneficial.

### ***Impact on Air***

This local law implements several minor zoning amendments, and therefore creates no direct impacts on air resources. Indirectly, it is not expected to create any significant harmful impacts on air resources. While it might be considered that the workforce housing bonus provisions could increase traffic and thereby creating harmful air quality impacts, it must be noted that the law's provisions are to be compared to existing conditions. See "*Impact on Land*" for related considerations. As compared to existing conditions, the amendments would be likely to reduce traffic somewhat over what might otherwise have been generated. To that extent, the effect of this local law would be beneficial.

### ***Impacts on Plants and Animals***

While the Part I of the Full EAF does acknowledge the presence of endangered species of wildlife within the town, including but not limited to rare dragonfly and damselfly species, Indiana bats and others, no direct or indirect impacts, are expected in this regard because this action involves zoning amendments. No direct construction is promoted or authorized by way of this local law, and any land use that would be authorized pursuant to the zoning would require site-specific analysis by the Planning Board pursuant to SEQR, where it would be appropriately reviewed on a site-specific basis. For related considerations, see *Impacts on Land* and *Impacts on Water*.

### ***Impact on Aesthetic Resources***

This local law implements several zoning amendments, and therefore creates no direct impacts on aesthetic resources. Indirectly, it is not expected to create any harmful impacts on aesthetic resources. The reduced lot coverage limitations would promote the retention of more vegetation and greenery on individual lots, and the parking amendments also promote reduced parking where appropriate. However, the parking requirements will primarily affect already developed commercial areas, which tend not to constitute aesthetic resources. Accordingly, the town board concludes that there will be no significant impacts whatsoever in this subject area, and no further consideration is needed.

### ***Impact on Historic and Archeological Resources***

No impacts whatsoever, either direct or indirect, beneficial or harmful, are expected in this subject area. The presence of cultural resources is routinely considered at the time of subdivision or site plan review, and none of these proposed minor zoning amendments affect the Planning Board's ability to collect and evaluate the information it needs pursuant to SEQR, nor the ability of any state agency to do so in compliance with the State Historic Preservation Act. No further consideration is needed.

### ***Impact on Open Space and Recreation***

No impacts are expected in this subject area, because none of the proposed amendments affect or speak directly to community open space and recreation. , While the reduced lot coverage requirements (see "Impacts on Land" for related considerations) will promote a sense of greater open space, this would be privately owned land and would not necessarily constitute a recreational resource. No further consideration is needed.

### ***Impact on Transportation***

This local law implements several zoning amendments, and therefore creates no direct impacts on transportation resources. Indirectly, it is not expected to create any significant harmful impacts on transportation resources. While it might be considered that the workforce housing bonus provisions could increase traffic and thereby creating harmful transportation impacts, it must be noted that the law's provisions are to be compared to existing conditions. See "*Impact on Land*" and "*Impact on Air Quality*" for related considerations. As compared to existing conditions, the amendments would be likely to reduce traffic somewhat over what might otherwise have been generated. To that extent, the effect of this local law would be beneficial.

### ***Impact on Energy***

The Town Board does not perceive that this local law would be likely to create any impacts, either direct or indirect, beneficial or harmful, on the use or conservation of energy resources. See *Impacts on Transportation* for related consideration. No new uses that are highly energy consumptive are proposed. Therefore, no further consideration is needed.

### ***Noise and Odor Impacts***

The Town Board does not perceive that this local law would be likely to create any impacts, either direct or indirect, beneficial or harmful, on the generation of noise or odor impacts, because the zoning law amendments do not speak to any type of new use that would be likely to generate excessive noise or odor. In any case, the Town Board observes that potential noise or odor impacts of any land use would be considered by the Planning Board during the course of site-specific site review. Therefore, no further consideration is needed.

### ***Impacts on Public Health and Safety***

This local law implements several minor zoning amendments, and therefore creates no direct impacts on public health and safety resources. Indirectly, it would help to protect public health and safety by helping protect water supplies from gasoline contamination in regard to the permitted uses in the NB district. This is a beneficial impact. Realistically, the other proposed amendments would be unlikely to create even indirect impacts, whether beneficial or harmful, in this subject area. No further consideration is deemed necessary.

### ***Impacts on Planning, Zoning, and Community Character***

Adoption of this local law and its multiple provisions would be entirely consistent with the Town of Monroe Comprehensive Plan, and in fact, the law is specifically proposed as a step in implementing the Town's 2005 Comprehensive Plan Update adopted by the Town Board in May of 2008. The revisions provide for more extensive site plan review of most land use development. While the code also does provide for waiver provisions for elements of the submissions if appropriate, the code essentially provides that new subdivision plans shall be built as shown, so that what the Planning Board reviewed is effectively what would be built, and will in effect provide for a uniform level of review among land use applications within the town, particularly when such uses would affect drainage or otherwise significantly affect the site.

The revisions provide for many other improvements that will protect community character; for example:

- The law enacts clarifications of the purpose and limitations on any development within the outside “buffer” yards of multiple dwelling groups are established, and the town will even have the right but not the obligation to enforce such restrictions.
- The law provides for a new multi-story storage building use, but also incorporates extensive additional visual and aesthetic review provisions in the code.
- The law incorporates provisions to limit the size of accessory apartments to two bedrooms and establishes other size limitations so that they are clearly accessory and subsidiary to the principal unit
- Garages and other accessory buildings are limited to 20 feet in height.
- The law eliminates the confusing and conflicting hyper-extended protections on old subdivision map parcels, addressing these by way of merger.
- The law provides guidance for how to treat yard setbacks and house orientation for flag lots.
- The law clarifies building height measurement in a way that is intended to avoid excessively tall houses.
- Residential lots district regulations now provide for lower amounts of lot coverage; more consistent with what is reasonably done in other areas and not encouraging the entire building envelope to be filled.

These amendments implement the Comprehensive Plan, and therefore are considered to be consistent with local planning objectives.

### ***Other Impacts***

The Town Board does not find it likely that this local law would create potentially significant impacts in other subject areas, including but not limited to solid waste generation and disposal, community services and fiscal impacts. While the incorporation of the workforce housing density bonus might be considered to create potential harmful impacts on schools and therefore on fiscal impacts in regard to school taxes, it must be remembered that this law’s impacts are being measured in comparison to effects of the existing code, which provides for the same density levels in sewerred areas without any other conditions being met. While it is appropriate overall for the prescribed density levels of new residential development to decrease somewhat, it is nevertheless consistent with the Comprehensive Plan to encourage the provision of workforce housing where appropriate, and therefore the code amendments provide for this bonus density,

subject to meeting the design requirements set forth in the code. The theoretical increase in density is a large one, but it merely compares to what is currently allowed as of right in areas where sewer is available, and the Planning Board has found that in most cases even when sewer is available without additional requirements, lot sizes averaged 0.87 acres or 94% of the current unsewered lot area requirement, though in the SR-10 district only 25% is currently required, with 50% in the SR-20 district, and 62% in the RR-1.0. Accordingly, compared to what is possible under the existing condition, there would only be a negligible if any impact on school children generation, because the workforce housing units are likely to be smaller than the market-rate units, and there would be a small impact on school tax generation, because the smaller workforce units would be assessed at a lower rate than the market rate units. The exact effect of this potential impact cannot be quantified, because it would be based on site-specific characteristics ranging from the size and assessment of both market-rate and workforce units as well as the number of school children generated from each. Because most market-rate residential projects that have been proposed in the town were tax-positive, meaning that the local amount to be generated by school tax revenues by the project exceeded the amount of local tax obligation incurred by the project, the Town Board cautiously concludes that, with 20% of units in such a project required to be workforce units, it is likely that the overall project would be close to tax neutral, or at worst, slightly negative. However, the Town Board understands that the possible impacts of tax neutrality or slight tax negativity for such a project must be weighed and balanced against the social and community benefits of providing housing for working individuals and families, which may even include teachers from the very taxing district in question. Overall, the Town Board finds it to be a negligibly harmful impact, if at all.

No further impacts were identified.

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