

**SPECIAL MEETING
BOARD OF TRUSTEES
MONDAY, JUNE 13, 2016 @ 4:30 PM**

A Special Meeting of the Board of Trustees was held on Monday, June 13, 2016 in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY. Mayor James Purcell led in the pledge to the flag and called the meeting to order.

Present: Mayor Purcell; Trustees Conklin, Behringer and Chan
Also Present: Alternate Attorney Golden and Village Clerk Carey

Absent: Trustee Dwyer

LOCAL LAW # 3 OF 2016 MORATORIUM ON CERTAIN PERMITS, CO'S AND APPROVALS FOR RESIDENTIAL DEVELOPMENT: (see minutes page 1 and 4)

Response from the Orange County Department of Planning was received on 6/8/16 – Mandatory Review of Local Planning Action as per NYS General Municipal Law 239-l, m, & n. The O.C. Planning Dept., Megan Tennermann, AICP, Planner advised not to extend the moratorium beyond 6 months and to complete the Village's review of their zoning within that 6 month period.

SEQRA DETERMINATION: On a motion by Trustee Conklin seconded by Trustee Behringer, it was:

RESOLVED, the Board of Trustees of the Village of Monroe, as Lead Agency, with reference to the adoption of a Local Law to set a 6-month moratorium allowing the Village Board a reasonable opportunity to complete its comprehensive zoning review, including adoption of zoning regulations consistent with the Village's recently adopted Comprehensive Plan, and any amendments deemed necessary to that Comprehensive Plan. This Local Law is classified as a Type II Action.

Ayes: Trustees Conklin, Behringer and Chan

Nays: None

LOCAL LAW ADOPTION: On a motion by Trustee Conklin seconded by Trustee Chan, the following Local Law was adopted:

WHEREAS, the purpose of the Moratorium is to protect the public health, safety and welfare of the residents of the Village of Monroe and to maintain the *status quo* of certain residential development in the Village while the Board of Trustees completes its comprehensive zoning review, including the adoption of zoning regulations; and

WHEREAS, the Board of Trustees finds that appropriate measures must be taken to secure a temporary reasonable halt on certain residential permits, certificates of occupancy and approvals for development within the SR 10 and SR 20 zoning districts during such review; and

WHEREAS, without the temporary halt, there is the potential that certain primary residential uses could be located in areas within the Village which would be unsuitable or incompatible with the decisions by the Board of Trustees in finalizing its Comprehensive Plan and zoning regulations;

WHEREAS, the potential for such unsuitable and incompatible residential uses would have materially adverse and irreversible impacts on the Village; and

WHEREAS, upon the filing of this local law with the New York Secretary of State, and for six months following the introduction of this Local Law, having been introduced on May 17, 2016, no new applications may be accepted, and no building or other permits or certificates of occupancy may be issued or granted for residential development in the SR 10 and SR 20 zoning districts, unless specifically exempted from this Local Law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Monroe that the Board of Trustees hereby adopts and enacts Local Law 3 of 2016 instituting a moratorium on certain permits, certificates of occupancy and approvals for residential development.

Upon Roll Call Vote:

Ayes: Trustees Conklin, Behringer and Chan

Nays: None

**VILLAGE OF MONROE
LOCAL LAW No. 3 OF 2016**

**A LOCAL LAW INSTITUTING A MORATORIUM ON CERTAIN PERMITS,
CERTIFICATES OF OCCUPANCY AND APPROVALS FOR RESIDENTIAL
DEVELOPMENT**

BE IT ENACTED by the Board of Trustees of the Village of Monroe, Orange County, New York as follows:

SECTION 1: PURPOSE AND INTENT

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Village of Monroe and to maintain the *status quo* of certain residential development in the Village. This Local Law will allow the Board of Trustees a reasonable opportunity to complete its comprehensive zoning review, including the adoption of zoning regulations consistent with the Village's recently adopted Comprehensive Plan, and any amendments deemed necessary to that Comprehensive Plan. The moratorium is for a period of six (6) months, which is considered to be adequate time to consider such zoning regulations and amendments.

SECTION 2: LEGISLATIVE FINDINGS

The Village of Monroe Board of Trustees does hereby find that appropriate measures must be taken to secure a temporary reasonable halt on certain residential permits, certificates of occupancy and approvals for development within the SR10 and SR20 zoning districts in the Village to protect the public interest while the Board of Trustees completes its review and potential revisions to the Village's Zoning Code and Comprehensive Plan, including the necessary compliance with the analysis and procedures mandated by the State Environmental Quality Review Act ("SEQRA").

Without a temporary halt on certain residential permits, certificates of occupancy and approvals for development within the SR10 and SR20 zoning districts, there is the potential that certain primary residential uses could be located in areas within the Village which would be unsuitable or incompatible with the decisions by the Village Board of Trustees in finalizing its Comprehensive Plan and compatible zoning regulations. The potential for such unsuitable or incompatible residential uses would have materially adverse and irreversible impacts to the Village. By maintaining the *status quo* on residential development in the Village's SR10 and SR20 zoning districts until such time as appropriate consideration and potential amendments to the Village Zoning Code and Comprehensive Plan are adopted, the Board of Trustees can provide for the planned orderly growth and development of the Village.

SECTION 3: MORATORIUM IMPOSED; APPLICABILITY

Other than as excepted below, and for approvals, certificates or permits already granted, for six (6) months following the introduction of this Local Law on May 17, 2016 ("Introduction Date") no new applications may be accepted and no building or other permits or certificates of occupancy may be issued or granted for residential development in the SR10 and SR20 zoning districts, other than for previously approved structures, site plans, subdivisions and conditional use permits, or applications pending on the Introduction Date. No approval of any demolition of any residential structure, or any significant part thereof, in the SR10 and SR20 zoning districts may be granted during this moratorium, except those of an emergency nature when there is a clear imminent danger to the life or safety of the public as determined by the Village Building Inspector. Also during this moratorium, no decisions, interpretations, or determinations may be issued for any residential development in the SR10 or SR20 zoning districts, other than for applications pending on the Introduction Date. Any applications for approvals or permits filed after the Introduction Date, and not otherwise exempted from this moratorium, shall be filed at the risk of the applicants and shall not be granted or issued consistent with then existing law until this moratorium is lifted.

Excepted from this residential development moratorium in the SR10 and SR20 zoning districts are (i) usual and customary repairs of existing structures, (ii) certificates of occupancy for residential structures, or residential accessory structures previously approved, or approvable by the Building Inspector, and (iii) otherwise allowable residential accessory uses not involving space that can be used for living purposes.

This Local Law shall be binding on the Mayor, Board of Trustees, Planning Board, Zoning Board of Appeals, all Village officials and employees, including, but not limited to, the Building Inspector, and all real property owners and other applicants desiring land use approvals.

During the period of the moratorium, the Board of Trustees shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Village of Monroe Zoning Code and Comprehensive Plan.

SECTION 4: TERM

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date.

This Local Law shall be subject to renewal for cumulative periods of up to an additional six (6) months, if necessary, by Resolution(s) of the Board of Trustees.

This moratorium may be withdrawn or lifted at any time by a resolution of the Village Board of Trustees.

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SECTION 5: EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 7 of the New York State Village Law concerning special use permit, site plan, building permit and certificate of occupancy procedure and requirements, this Local Law shall control.

SECTION 6: WAIVER

Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers to its applicability. However, the Board of Trustees may, but is not obligated to, promulgate regulations by a Resolution of the Board authorizing a hardship waiver process to this moratorium if it subsequently determines that a waiver process is necessary and in the best interests of the Village.

SECTION 7: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule Law.

AGREEMENT: M-W SCHOOL BUS LEASE

On a motion by Trustee Conklin seconded by Trustee Chan, it was:

RESOLVED, the Board of Trustees approved renewal of a “School Bus Lease Agreement” between the Village of Monroe and the Monroe-Woodbury School District for the purpose of leasing a school bus for use by the Police Department. Term of lease shall be one year beginning on 7/1/16 to 6/30/17 at the rate of \$1/year. The Village shall be responsible for all costs and expenses associated with the operation, maintenance and repair of the equipment, including but not limited to the cost of public liability and property damage insurance, fire insurance and compensation insurance of drivers and the cost of collision insurance on a per mile basis to be provided to the Village at the beginning of the term. At the conclusion of the lease, the Village shall deliver to the School District any and all records relating to its use of the equipment to the School District. It is further

**RESOLVED, the Village shall provide the School District with an insurance certificate naming the Monroe-Woodbury School District as an additional insured party and evidencing the following minimum coverage’s and limits: (a) commercial general liability insurance \$1,000,000 per occurrence / \$2,000,000 aggregate; (b) vehicle rental insurance \$1,000,000 per occurrence / aggregate; and (c) worker’s compensation and disability insurance at the statutory limits. It is
Further**

RESOLVED, the Village will defend, indemnify and hold harmless the School District for any claims, demands, lawsuits, judgments, losses or expenses (including reasonable attorney’s fees) arising from their use of the School District vehicle under this Agreement, which is caused by

or results from the negligence of any of its officers, employees, agents or representatives, to the maximum extent permissible by law. It is further

RESOLVED, either party may cancel this Agreement without cause, upon not less than 30 days prior written notice delivered to other party via certified mail, return receipt requested.

RESOLVED, that Mayor Purcell is hereby authorized to sign said agreement to be returned to the Board of Education of the Monroe Woodbury School District.

Ayes: Trustees Conklin, Behringer and Chan

Nays: None

ADJOURNMENT:

On a motion by Trustee Conklin seconded by Trustee Behringer, with all in favor, no further business, the meeting was adjourned at 4:40 PM.

Respectfully submitted,

**Virginia Carey
Village Clerk**