

EXECUTIVE SESSION 6/13/17:

Prior to the Public Hearing, the Board of Trustees convened in Executive Session at 6:30 PM for discussion of Attorney/ Client Privilege.

**PUBLIC HEARING 6.13.17 – 6:55 PM
PROPOSED LOCAL LAW
“CONTINUING THE MORATORIUM ON CERTAIN PERMITS, CERTIFICATES OF
OCCUPANCY AND APPROVALS FOR RESIDENTIAL DEVELOPMENT”**

A Public Hearing was held on Tuesday June 13, 2017 at 6:55 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY on a proposed Local Law entitled “A Local Law Continuing the Moratorium on Certain Permits, Certificates of Occupancy and Approvals on Residential Development.” 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 through July 18, 2017, while the Board of Trustees continues to analyze and determine potential appropriate revisions and amendments to the Village of Monroe Code.

Present: Mayor Purcell, Trustees Conklin, Behringer, Dwyer and Chan

Also present: Attorney’s Rick Golden and Kelly Naughton, Village Clerk Baxter and Deputy Clerk Zahra

There were 7 people from the public present for the Public Hearing. There was no written correspondence received. The Public Hearing was left open for 5 minutes.

Homeowner Timothy Mitts asked Mayor Purcell how much longer is the Board looking to make the moratorium last. Mayor Purcell responded that they were not sure. Mr. Mitts continued to ask what issues were still open that were preventing the Board from lifting the moratorium. Mayor Purcell responded there are issues and concerns being reviewed, but the Board was 90% there and that this public hearing on the moratorium is for any concerns that the public may have. He continued that the Village is on hold and something will be explained once the public hearing is closed to further explain that.

Mr. Mitts stated that Attorney Naughton has had the opportunity to review the paperwork that she mentioned two meetings prior. Cant she assist the Board in getting through this process quicker? Mayor Purcell responded that the Board has gone through everything that has been provided to them.

Resident Ann Porcaro of 55 James Road addressed the Board regarding a letter she submitted in January 2017 requesting a waiver from the moratorium. She and her disabled husband are looking to build an accessory apartment for their son who would move in to care for them and assist with home maintenance. She is anxious is to move forward.

With no further questions, on a motion by Trustee Conklin, seconded by Trustee Dwyer and carried, the Public Hearing was closed at 7:00 PM.

Mayor Purcell stated that before we move forward with any local laws, the Village needs to receive approval from the County in accordance with law 239 and the Village Board has run into an issue. The County has 30 days to respond to our request and they have not responded yet. Mayor Purcell stated that he would have legal explain what was going on with the moratorium and the County.

Attorney Golden stated that the Village is required by law to submit a referral to the Orange County Department of Planning when requesting a moratorium. The County in turn has 30 days to provide their report back to that referral. As a result, by operation of law, the Village cannot vote to set a moratorium and the moratorium will expire shortly. The Board can decide what they want to do tonight, but they cannot extend the moratorium.

**BOARD OF TRUSTEES MEETING
TUESDAY, JUNE 13, 2017
(www.villageofmonroe.org)**

A Special Meeting of the Board of Trustees was held on Tuesday, June 13, 2017 at 7:00 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY. Mayor Purcell led in the pledge to the flag and called the meeting to order. Emergency exits were announced.

**Present: Mayor Purcell; Trustees Conklin, Dwyer, Chan and Behringer
Also present: Attorney's Rick Golden and Kelly Naughton, Village Clerk Baxter and Deputy Clerk Zahra.**

AUTHORIZING THE LAW FIRM OF BURKE, MIELE, GOLDEN AND NAUGHTON, LLP. TO INITIATE LEGAL ACTION:

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

RESOLVED, HRR Corp. and/or Timothy Mitts has violated the Village Code by hosting large gatherings of the general public, with more than 100 people in attendance, without the proper permits being issued; and

WHEREAS, it is public knowledge that HRR Corp. and/or Timothy Mitts intends on hosting similar events in the near future; and

WHEREAS, the Board of Trustees of the Village of Monroe wishes to enjoin the property owner from hosting such events in violation of the Village Code, and which have safety and general welfare concerns for the Village residents.

NOW, THEREFORE, BE IT RESOLVED that the Village of Monroe Board of Trustees hereby authorizes Burke, Miele, Golden & Naughton, LLP, Goshen, New York, to prepare all necessary papers, and file in the New York State Supreme Court, or any other court of appropriate jurisdiction, any legal action or actions necessary, and any appeals, at such time as is permitted by law and upon any appropriate cause of action and/or violation, against HRR Corp. and/or Timothy Mitts, or any other appropriate party, and seeking any lawful remedies under State and local law, including injunctions, fines and penalties, to enjoin any future violations of this nature.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

COMPLETING THE SEQRA PROCESS FOR INTRODUCTORY LOCAL LAWS 5, 6, 7, 8, AND 9 OF 2016:

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

RESOLVED, the Board of Trustees has been working diligently on reviewing its Comprehensive Plan and Village Code, and is considering Introductory Local Laws 5, 6, 7, 8, and 9 of 2016; and

WHEREAS, based upon the Environmental Assessment Form, Parts 1, 2 and 3, where applicable, the Board of Trustees hereby determines that Introductory Local Laws 5, 6, 7, 8, and 9 of 2016 will not have a significant adverse environmental impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Monroe hereby issues a Negative Declaration in connection with Introductory Local Laws 5, 6, 7, 8, and 9 of 2016, completing the SEQRA process. The reasoned elaboration for this conclusion is set forth in the question and answers in the EAF Parts 2 and 3. The substantive modifications addressed in Introductory Local Laws 5, 6, 7, 8, and 9 of 2016 were to make the Village Code more streamlined and understandable, and ensuring that the changes were protective of the Village's obligation to provide adequate housing options for all concerned. Consistent with the 2009 Tri-County Regional Housing Study, the Village is less than 100 units short of its target for the year 2020. This shortfall can be made up through additional multi-family/affordable units constructed on upper floors of commercial buildings in the CB zone, which will continue to be permitted in the amended zoning and recommended in the Comprehensive Plan.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

LOCAL LAW 5 OF 2016 AMENDING THE COMPREHENSIVE PLAN OF THE VILLAGE OF MONROE:

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

RESOLVED, the Board of Trustees has been working diligently on reviewing its Comprehensive Plan and Village Code, and is considering Introductory Local Law 5 of 2016; and

WHEREAS, the purpose of Introductory Local Law 5 of 2016 is to amend the Comprehensive Plan to correct minor typographical and grammatical errors generally, and to make several substantive revisions.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Monroe that the Board of Trustees hereby adopts and enacts Introductory Local Law 5 of 2016 amending the Comprehensive Plan.

**Ayes: Trustees Conklin, Behringer, Dwyer and Chan
Nays: None**

LOCAL LAW 6 OF 2016 AMENDING THE VILLAGE OF MONROE ZONING MAP:

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

RESOLVED, the Board of Trustees has been working diligently on reviewing its Comprehensive Plan and Village Code, and is considering Introductory Local Law 6 of 2016; and

WHEREAS, the purpose of Introductory Local Law 6 is to change the zoning designation for certain properties within the Village of Monroe, and to adopt the Village Zoning Map reflecting such changes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Monroe that the Board of Trustees hereby adopts and enacts Introductory Local Law 6 of 2016 amending the Zoning Map.

Trustee Dwyer asked for clarification when Attorney Naughton mentioned the laws of 2016, but there have been revisions to these laws going into 2017. Attorney Naughton stated that it is only referring to the introductory local law number, when the local law is approved by the Secretary of State, it will be assigned a consecutive, new local law, and they will include the most current, updated revision of the laws that have been provided to everyone. The laws will get reordered at time of adoption with the State. Attorney Golden interjected that this is the States way of ensuring that there are no gaps in the laws, they will be filed in order. The law states that the introductory local law numbers stay the same through adoption and will be assigned a new number once it is filed with the Secretary of State.

Trustee Dwyer asked if the revisions in Introductory Local Law #6 regarding the updating of Section, Lot & Block are included in the most current version. Attorney Naughton stated that they were.

Village Clerk Baxter also stated that Attorney Naughton provided some additional guidance with a spreadsheet that will assist the Village of tracking its local laws, by including its introductory law number, a brief description of the law, when it was adopted and what the newly assigned local law number is. There will be a system in place to track the local laws and their numbers.

**Ayes: Trustees Conklin, Behringer, Dwyer and Chan
Nays: None**

LOCAL LAW 7 OF 2016 AMENDING THE ZONING CODE OF THE VILLAGE OF MONROE FOR CONSISTENCY WITH THE VILLAGE COMPREHENSIVE PLAN:

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

RESOLVED, the Board of Trustees has been working diligently on reviewing its Comprehensive Plan and Village Code, and is considering Introductory Local Laws 7 of 2016; and

WHEREAS, the purpose of Introductory Local Law 7 is to update and amend Chapter 200 (“Zoning”) of the Village of Monroe Code for consistency with the Village Comprehensive Plan, and to protect the public health, safety and general welfare of its residents.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Monroe that the Board of Trustees hereby adopts and enacts Introductory Local Law 7 of 2016 amending the Zoning Code of the Village of Monroe for consistency with the Village Comprehensive Plan.

**Ayes: Trustees Conklin, Behringer, Dwyer and Chan
Nays: None**

LOCAL LAW 8 OF 2016 AMENDING THE ZONING CODE OF THE VILLAGE OF MONROE:

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

RESOLVED, the Board of Trustees has been working diligently on reviewing its Comprehensive Plan and Village Code, and is considering Introductory Local Law 8 of 2016; and

WHEREAS, the purpose of Introductory Local Law 8 is to make various amendments to Chapter 200 (“Zoning”) of the Code of the Village of Monroe, and to protect the public health, safety and general welfare of its residents.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Monroe that the Board of Trustees hereby adopts and enacts Introductory Local Law 8 of 2016 amending the Zoning Code of the Village of Monroe.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

LOCAL LAW 9 OF 2016 AMENDING THE CODE OF THE VILLAGE OF MONROE:

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

RESOLVED, the Board of Trustees has been working diligently on reviewing its Comprehensive Plan and Village Code, and is considering Introductory Local Law 9 of 2016; and

WHEREAS, the purpose of Introductory Local Law 9 is to amend various chapters of the Code of the Village of Monroe, and to protect the public health, safety and general welfare of its residents.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Monroe that the Board of Trustees hereby adopts and enacts Introductory Local Law 9 of 2016 amending the Village Code.

Ayes: Trustees Conklin, Behringer, Dwyer and Chan

Nays: None

MAYOR’S REPORT:

Trustee Dwyer stated for the record in regards to the local laws that the Board just adopted. Trustee Dwyer addressed Attorney Naughton and asked if the most recent map was still showing a section of as URM versus SR-10 has been updated. Attorney Naughton stated that the zoning map had been updated, but it was the signage map that still needed to be corrected in a follow-up clarification law. Trustee Dwyer continued and asked for reassurance that Board does have at its disposal the ability to do what it needs to do to further create amendments and modifications through local laws going forward. Attorney Naughton stated that the Board does that have ability at any time to do that.

PUBLIC COMMENT: # PRESENT 7 TIME: 7:25PM

Resident Liz Walsh asked if the maps that were referenced in the local laws available for viewing. Attorney Naughton stated that they were available on the Village’s website.

Resident John Karl asked Mayor Purcell if every municipality in Orange County complying with filing the necessary paperwork for the 239 to law Orange County Department of Planning. Mayor Purcell stated that he isn’t concerned what other municipalities are doing, but he believes that everyone should follow the rule of law, that is what controls our communities. The laws are there to protect our interests. Mr. Karl stated that they do protect us, especially since we are all connected to the Orange County Sewer District #1.

Property owner Timothy Mitts asked the Board as to the status of the petition that was submitted regarding a hearing. Mayor Purcell stated there was no status at this time. Mr. Mitts asked Mayor Purcell if he had received the letter from his attorney dated June 13th 2017 and Mayor Purcell stated that he had. Mr. Mitts continued and asked that since the moratorium was no longer in place, he could return tomorrow morning and file his ZBA appeal? Mayor Purcell stated that he could. Attorney Rick Golden interjected and stated that just for clarification purposes, even though the moratorium was lifted, there are now new local laws that have been

adopted that have changed the zoning so they will still have to be compliant with the new code. Mr. Mitts stated that his situation is different, and Attorney Golden stated that it wasn't. Attorney Golden continued that anyone who is applying for something will still have to go to the Building Department who will see if it conforms to the new code, and tell you whether or not you will be able to file. Mr. Mitts stated that he had a decision last year that was put on hold because of the moratorium. Attorney Golden stated providing there are no changes to the code, it would continue. However if there were changes to the code, then that could affect the decision.

Mr. Mitts continued, and asked Mayor Purcell about the injunction that was brought up this evening. Mayor Purcell stated that he would have the Attorney answer that. Attorney Golden stated that the Village Board authorized his office to proceed with legal action to seek an injunction. Mr. Mitts interjected and asked the Board if they understood that he did what he did for the kids of the community. He stated that he doesn't think that it is fair that he is now being penalized for doing something in his own home. He advised the Board that he has invited the graduates to use his home for pictures on the 23rd of June and that he spoke with Chief Conklin about it and he didn't have any issues with it. Mr. Mitts stated that if the Board had a problem with it, to please write his attorney and let them know. Attorney Golden told Mr. Mitts that it wasn't so much a police issue as it does not conform to the zoning. Mr. Mitts interjected and said that it is a private residence and really the Village cannot dictate what someone can do in his residence but he'll let the lawyers deal with that.

EXECUTIVE SESSION:

On a motion by Trustee Chan, seconded by Trustee Dwyer, with all in favor, the meeting was closed at 7:19 PM. Following a 5-minute recess, the Board convened in Executive Session for discussion of Building Department Personnel.

Respectfully Submitted,

Ann-Margret Baxter
Village Clerk

Executive Session Minutes compiled by Mayor Purcell.

OPEN SESSION: on a motion by Trustee Conklin seconded by Trustee Behringer and carried, the Open Meeting resumed at 7:35 PM.

ADJOURNMENT:

On a motion by Trustee Conklin, seconded by Trustee Chan and carried, no further business, the meeting was adjourned at 7:40 PM.

Ayes: Trustees Chan, Behringer, Dwyer and Conklin

Nays: None