

3.1 Land Use and Zoning

3.1.1 Existing Conditions

Land Use

The Village of Kiryas Joel is a compact, primarily residential community located in a predominantly rural/residential area of Orange County. The Village has developed rapidly since its incorporation in 1977, with a mix of single family and multi-family buildings, neighborhood commercial uses, and community services including parochial schools and other religious facilities.

Land use mapping of Kiryas Joel and lands surrounding the Village was made available by Orange County GIS Division, based on property class codes supplied by the assessors of each municipality. See Figure 3.1-1. The nearby lands surrounding Kiryas Joel in the towns of Monroe, Blooming Grove and Woodbury, and Village of Monroe have a mix of uses, including single family buildings, commercial uses, and community services as well as agriculture and land that is mapped vacant (undeveloped). One parcel is owned by the County of Orange and is part of Gonzaga Park (SBL 1-1-5). Given the large sizes of many of the parcels in the study area which have a single residence evident in aerial photography, the map does not reveal the extent of underdeveloped land. Many parcels in Kiryas Joel that are shown in the County map as unknown now have multiple residence buildings evident in aerial photography.

The residential densities of the area around Kiryas Joel, based on the 2010 Census tract data, range from less than 500 persons per square mile to over 9000 per square mile. Orange County has mapped population density less than 500 in the Town of Blooming Grove west of Kiryas Joel and in the Town of Woodbury east of Kiryas Joel; 500 to 1500 in the Village of South Blooming Grove and Town of Woodbury immediately north of Kiryas Joel; 1500 to 3000 in the town and village of Monroe directly south of Kiryas Joel; and 5000 to 9000 in lands immediately surrounding Kiryas Joel in the Town of Monroe. As shown in the County's mapping reproduced in Figure 3.1-2, much of the Village of Kiryas Joel itself has a density greater than 9000 persons per square mile. Actually, according to the 2013 US Census estimate, Kiryas Joel has a density of 19,900 persons per square mile.

Zoning

While the Village of Kiryas Joel is located within the Town of Monroe, under New York State law, the land use policies of the Town, including zoning, affect only the Town outside the Villages of Kiryas Joel, Monroe and Harriman. The Village provides its own policies for land use that are not subject to oversight by the Town.

The Village of Kiryas Joel is divided into two zoning districts described in its zoning code: R Residential, and C Commercial.¹ The Village code also has provisions for Planned Unit Development (PUD) which in practice has been applied as an overlay zone on numerous parcels for specific development applications. The adopted Village Zoning Map shown in Figure 3.1-3 shows the areas zoned for Residential and Commercial but does not show lands subsequently approved as Planned Unit Development.

Generally, the R, C, and PUD districts in the Village of Kiryas Joel all permit one-family and two-family dwellings as principal uses and multi-family dwellings under certain conditions. The R and C districts also permit various other uses such as neighborhood commercial, public and semi-public facilities; the C district permits local retail, hotels and motels under certain conditions. No accessory apartments are permitted in any district. Home occupations are permitted in the R and PUD districts, subject to supplementary standards. The regulation for PUD permits “all” uses, subject to Planning Board approval. Minimum lot sizes are specified for each district. There is no maximum density (units per acre) provision in the code.

In the Town of Monroe, the lots in the annexation territory are zoned for predominantly residential uses -- Rural Residential, 1 acre and 3 acre (RR-1.0AC and RR-3AC),² and Urban Residential Multi-Family (UR-M) district. The most restrictive residential zone in the Town of Monroe is the RR-3AC zone, allowing a single family residence (potentially with an accessory apartment) on a minimum 3-acre lot. Existing Town of Monroe zoning applicable to the annexation parcels is shown in Figure 3.1-4.

Generally, the three residential districts of the Town zoning all permit a one-family dwelling as a principal use with an accessory apartment on a lot, as well as various public and semi-public facilities. No commercial uses are permitted. The UR-M district also permits multiple dwelling groups as a special exception use with Planning Board approval; the Town requires that adequate municipal sewer and water supply is available to serve such development. Maximum residential density permitted in this portion of the Town ranges (depending on the district) from 0.7 to 8.7 dwelling units per acre (du/ac) for a one-family residence unit with two bedrooms and an accessory dwelling.

Until 2001, multiple dwelling groups were permitted in the RR-1.0AC and RR-3AC districts of the Town, including areas in the vicinity of Kiryas Joel. Local Law 2 of 2001³ was enacted to eliminate such uses in these districts as a “step in the implementation of the policies and recommendations of the [1998 Master] Plan,” while the Town also recognized the suitability of such higher density in the vicinity of Kiryas Joel:

¹ Village of Kiryas Joel Code, Chapter 155, Zoning. § 155-27. Adopted 9/4/07.

² Town of Monroe Zoning regulation refers to RR-1.5AC with 3 acre minimum lot size; the Town Zoning Map indicates “RR-3AC” for the RR-1.5AC zone. “RR-3AC” is used in this report.

³ Local Law 2 of 2001 was repealed and later reenacted as LL 1 of 2002.

High density multiple dwelling groups, on the other hand, require centralized water and sewer facilities for both public health and environmental reasons. Multiple dwelling groups, therefore, are more conducive to areas of the Town where these centralized services are more available or accessible, namely, in the more suburban or populated areas on the outskirts of the Villages of Monroe, Harriman and Kiryas Joel.⁴

The zoning amendments passed in the early 2000s created two impediments to the growth of the Hasidic community: reduced development density by changing RR-1.5 to RR-3.0 and eliminating multiple dwelling group as a permitted use. Interestingly, these changes conflict with Monroe's 1998 Master Plan and subsequent Master Plan of 2008 which specifically identify lands in proximity of the villages, including Kiryas Joel, to be suitable for higher densities, citing an urgent goal of providing affordable housing opportunities and the availability of public water and sewer services in these areas.

Table 3.1-1 at the end of this section summarizes the parameters of the zoning in Kiryas Joel and nearby land in the Town of Monroe, Village of South Blooming Grove and Village of Woodbury, as relevant to this DGEIS. Portions of the Village of South Blooming Grove and Village of Woodbury abut portions of the proposed annexation lands to the northeast and east, respectively. Existing zoning in the municipalities immediately surrounding Kiryas Joel is shown in Figure 3.1-4.

In the Village of South Blooming Grove, the abutting lots are zoned either Office/Research/Light Industrial (ORI) or Rural Residential (RR). The ORI zone allows uses other than residential uses, except where part of a mixed use building. Single family and multifamily residences are not permitted in the ORI zone. The RR zone permits single family detached residences and numerous other uses by conditional use permit or special permit. Multifamily residences are not permitted in the RR zone. Maximum permitted residential density is 0.1 dwelling unit per acre or as determined by a site analysis method spelled out in the zoning.

In the Village of Woodbury, the abutting lots are zoned either Residential 2-Acre (R-2A) or Residential 3-Acre (R-3A). These zones allow single family uses and limited nonresidential uses. Multifamily residences are not permitted in the R-2A or R-3A zone. Maximum permitted residential density ranges from 0.25 to 0.5 dwelling unit per acre in these zones.

Recently, the Village of Woodbury considered and enacted planning and zoning changes that, according to the New York State Supreme Court, environmental claims part, did not give proper regard to local and regional housing needs of the Hasidic Jewish community and would have an exclusionary effect on land use in the region. Accordingly, the Court declared the zoning amendments void, except the amendments of section 310-13 known as the Ridge Preservation Overlay District. The Court also

⁴ Town of Monroe, Local Law 1 of 2002.

declared the Village Comprehensive Plan void on procedural grounds.⁵ At the present time, the zoning set forth in the previous code adopted by the Town of Woodbury in 1988 (including the R-2A or R-3A district descriptions above) is applicable in the Village of Woodbury, excepting recent aforementioned amendments.

Section 310-13 of the Village Zoning Code regulates development on lands in the Village over 600 feet in elevation that are visible from designated view corridors, which potentially includes all the land on the Village side of the common municipal boundary. Two Ridge Preservation View Corridors are identified in this area of the Village – along Seven Springs Road (County Route 44) and County Route 105. These provisions related to open space preservation are applicable to land development only in the Village of Woodbury.

3.1.2 Land Use Plans

Village of Kiryas Joel Comprehensive Plan

The Village adopted comprehensive zoning regulations in 2007 that are considered by the Village to be its comprehensive plan:

This chapter embodies a comprehensive plan designed for the protection and promotion of the public health, safety and welfare.⁶

§ 155-2. Findings and purposes.

A. Plan findings. The Village of Kiryas Joel is a densely populated and rapidly growing community with strong cultural ties and a heavy pedestrian orientation. The character of the community is one of strong neighborhoods. The Village Board of the Village of Kiryas Joel hereby finds as follows:

(1) The character and quality of people are in a large measure the result of the home environment. The home and its intrinsic influences are the very foundation of good citizenship and any factor contributing to the establishment of homes and the fostering of home life doubtless tends to the enhancement, not only of community life, but of the life of the nation as a whole.

(2) The zoning of the Village for mixed, but primarily residential, use ensures the development and strengthening of neighborhoods where residents can walk to shopping, worship and work. It also offers inducements not only to the wealthy, but also to those of moderate means to conduct their own businesses and own their own homes. With ownership comes stability, the welding together of family ties and better attention to the rearing of children. With ownership

⁵ Supreme Court of the State of New York, "Decision, Order & Judgment", In the Matter of the Application of Village of Kiryas Joel, et. al., For a Judgment Pursuant to Article 78 against Village of Woodbury, et. al. March 19, 2014.

⁶ Village of Kiryas Joel, "Chapter 155, Zoning".

comes increased interest in the promotion of public agencies, such as houses of worship and schools, which have for their purpose a desired development of the moral and mental make-up of the citizenry of the country. With ownership of one's home comes recognition of the individual's responsibility for his share in the safeguarding of public welfare of the community. The pride in achievement that derives from personal participation in the activities of the neighborhood ensures continuous community betterment.

(3) The implementation of this plan will serve to promote and perpetuate the community legacy in preserving a serene and tranquil life steeped in tradition and veneration of community heritage.

The style of development in Kiryas Joel encompasses a number of elements that are ingredients of Smart Growth. Examples include the extensive transit services available to and used by the community; the integration of places of employment and neighborhood commercial services close to facilities for housing; and walkways and walkway easements on site plans and subdivision plats containing residential units (Zoning §155-25 and -25.1).

Town of Monroe Master Plan

The Town of Monroe adopted its Master Plan in 1998. It subsequently adopted a comprehensive update of its Master Plan in May 2008. The Town's Master Plan is intended to guide the town's growth and preservation goals for the future and provides general planning principles related to land use, natural resources, housing, and economic development, among others.

The Master Plan outlines a future vision and goals, policies and recommendations to implement that vision, considering the natural resources of the Town and its human resources that intimately utilize that natural environment. Typically a land use plan highlights issues and goals that relate to the municipality as a whole with discussion relating to the patterns of the natural and manmade environments. The Town of Monroe Plan indeed provides an overview of land use patterns, one of which has been applied to the lands that are proposed for annexation -- Neighborhood Residential land uses.

The Master Plan identifies lands to the west of the Village, including proposed annexation lots, in the Rural Residential land use category. The Plan includes the following description of these areas:

Despite its "rural" designation, this land use category may be located close to the fringes of Village boundaries, and some lands may even have access to public sewers. However, these lands are typically undeveloped or constrained by topographic or road access issues and may be served by extensive networks of private roads if served at all. Where sewer service may exist or be extended, it should be used as a means to cluster development in a way that preserves site features and habitat, in a way that creates open space or creates and/or protects

new transit corridors, not to increase base land use densities. With or without the presence of central water or sewer services, average densities should be low in this land use category, and clustering should be required with or without the availability of services wherever appropriate in order to achieve the natural resources goals of this Plan.

Existing transportation links and access in this category may be variable, as some land in this category will be on the fringes of the Village(s) and may be influenced by traffic conditions in the Village(s). Attention should be paid to creating interconnections among roads in order to relieve pressure on existing connector roads and create alternative travel paths wherever safe and feasible. While it may not be feasible to retrofit existing roads with pedestrian paths without destroying existing community character, consideration should be given to creating new bicycle and/or pedestrian paths, particularly where new parklands are created in this category.

Tree preservation will continue to be important in this category, but the most significant concern in this area will be community character. Measures to protect the existing streetscape will be more important in this category, to ease transitions between existing areas of development and existing vacant lands where development is proposed. While limited areas of commercial use may be considered suitable for clusters of development in these areas, it is not generally considered likely to be feasible in this category and is discouraged in preference to supporting the existing commercial centers in the Town and Villages. [p.116]

The Master Plan identifies lands to the north and east of the Village of Kiryas Joel in the Neighborhood Residential land use category (UR-M zoning district). These include the proposed annexation lands. The Plan provides the following description of these areas:

This category is a small one that includes non-commercial lands directly adjacent to, or having convenient access to, Village commercial areas. Typically this category is adjacent to Village of Monroe. URM-districted areas can offer pedestrian access to existing Village businesses, though this is not always the case. These lands may have sewer service or may lie just outside existing sewer service areas. Soil conditions in this area are usually deep, and the presence of surface rock or bedrock does not limit land use in this category.

This is intended to be the highest density residential land use category, but actual allowable density levels would depend on conditions such as affordable housing provisions, slope, water resources, and other services. Bonus provisions are particularly appropriate in this category in order to provide affordable housing. This land use category is particularly suited for a wide variety of housing types. Clustering would be appropriate in order to preserve features and/or provide for affordable housing.

Close attention should be paid to providing pedestrian connections and making new development accessible to existing and future transit, to minimize the transportation impacts of new development. In this land use category, the most

significant concern will be community character and protecting the visual character of the nearby housing and the surrounding areas, while accommodating reasonable new development. Measures to protect the character of existing development in these areas from being overwhelmed by scale of large new structures will be important. Commercial uses are not appropriate for inclusion in this category, due to the proximity of lands to existing business areas in the Villages. [pp.117-18]

As it relates to the proposed action and the current residents and property owners of the annexation parcels, the Town Plan presents a vision of balance between new residential development that can take advantage of sewer service availability, nearby existing development and the natural environment.

Although natural resource and open space preservation remain high priorities for the Town, equally important is the need for affordable housing within the community. The Plan encourages bonus density and clustered development as a means of achieving the new diversified housing stock. Connections to transportation routes, especially pedestrian access, are cited as important ingredients of new development. Limited commercial uses may be suitable within clusters of development.

Like the Town's zoning which specifically cites areas (including the outskirts of Kiryas Joel) where centralized water and sewer services are more accessible, there is focus in the Town's Plan on accommodating growth in the more populated areas.

The plan for land use cites heavily the *Southeast Orange County Traffic and Land Use Study* of 2005. That study "points out the severe conditions that currently exist and are projected to exist at key regional traffic nodes, and it clearly indicates that the current zoning and growth patterns within the study area are not sustainable. [The Town Plan's policy is] that the limited transportation and other resources such as water and sewer capacity should be used to create density incentives for growth nodes that are easily accessible to existing services and for the creation of diverse and affordable housing opportunities." ⁷ A key factor in the Plan that will influence both residential and non-residential land use and land use densities is transportation.

Town/Village of Woodbury Land Use Plans

Portions of the Village of Woodbury also abut portions of the proposed annexation lands to the northeast and east. In August 2006, the Village of Woodbury was established and in June 2007, the Village agreed to assume the Town's zoning and planning functions within the Village's boundaries.⁸ The Village planning policy assigns low density

⁷ Town of Monroe, "Master Plan - Comprehensive Update 2005". Adopted May 19, 2008. Pg.114.

⁸ In August 2006, the Village of Woodbury was incorporated as a separate municipality, the boundaries of which are coterminous with the boundaries of the Town except for those portions of the Town that fall within the Village of Harriman.

residential use in areas abutting the common municipal line with Kiryas Joel.⁹ This policy is reflected in the current R-2A zoning designation in the Village which allows a residential density of 0.5 unit per acre.

In 2014, the NYS Supreme Court annulled the Village's proposed comprehensive plan and zoning code amendments, finding that the Village failed to adequately consider higher density zoning in the western part of the Village in the vicinity of Kiryas Joel when it enacted these laws, characterizing the Village's zoning as exclusionary.

In its Open Space Plan (latest available draft dated 2005¹⁰), the Village identifies most land in the abutting areas as vacant with open space preservation stated as a principal goal. As previously mentioned, the provisions of Section 310-13 of the Village Zoning Code relating to open space preservation are applicable to land development only in the Village of Woodbury.

Village of South Blooming Grove Comprehensive Plan / Planning Policy

The Village of South Blooming Grove abuts portions of the proposed annexation territory to the north and west. In 2009, the Village of South Blooming Grove adopted its Zoning Code, which in effect is also its comprehensive plan, as a draft plan was not adopted.¹¹ The Village zoning of the nearby land is Rural Residential (RR) with the stated purpose to promote the Village's rural character, protect open space and environmentally sensitive resources, and guide residential development.¹² The Code also establishes overlay districts applicable to the nearby land with the stated purpose to protect views of scenic importance, views of ridgelines and hillsides, surface water resources, and significant biological species and their habitats.

The following overlay districts have been designated on the land adjacent to the annexation territory in the Village of South Blooming Grove:

- Scenic Viewshed Overlay to protect areas of scenic importance, preserve scenic qualities of man-made landscapes and structures, and preserve native vegetation.
- Ridgeline Overlay to protect the scenic quality of ridgelines and hillsides.
- Surface Water Overlay to protect the scenic character and water resource values of the surface waters and wetlands.

⁹ Stuart Turner & Associates, "Master Plan Town of Woodbury". Adopted March 3, 1988. Map 5, Proposed Land Use Plan. This document is outdated but reflects current Village of Woodbury policy.

¹⁰ Stuart Turner & Associates, "Draft Town of Woodbury Open Space & Natural Resource Protection Plan", November 2005. This document is outdated but reflects current Village of Woodbury policy.

¹¹ Conversation with Robert Jeroloman, Mayor, Village of South Blooming Grove, 4/7/15. The draft comprehensive plan is unpublished.

¹² Zoning Code, Village of South Blooming Grove, NY. §235-5B.(1)(a).

- Significant Biological Overlay to preserve and protect threatened and endangered species of flora and fauna and the community of species necessary to support their presence and survival.

The Village planning policy relative to scenic preservation, in practice, is implemented through particular provisions of the zoning code's overlay districts. New development in the nearby areas of South Blooming Grove would be required to: "fit" visually with its surroundings; not be visible, to the maximum extent practicable, above the top of a ridgeline, above the top of vegetation located on the ridgeline, from surrounding private property, from adjoining public rights-of-way or from adjoining ridgelines; avoid occupying or obstructing public views of land within the Ridgeline Overlay District, be located at least 100 feet from a surface water resource, and preserve and protect significant biological species and their habitats.

The provisions of the South Blooming Grove Zoning Code relating to scenic preservation (inclusive of all overlay districts described above) are applicable to land development only in the Village of South Blooming Grove.

Orange County Comprehensive Plan

The *Orange County Comprehensive Plan, Strategies for Quality Communities*, adopted in 2003 and last updated in 2010, provides a regional view of the natural and human environments.

The Orange County Department of Planning prepared a comprehensive development plan that put forward an urban-rural growth strategy for the County that was adopted by the County Legislature in 1980. The central idea was to develop a growth concept that welcomed "growth that comes as a natural course" but "stage and direct growth into areas where it can be supported efficiently and at least cost." Growth was focused toward existing centers to maintain the rural character of most of the County. When the plan was updated in 1987 to reflect a quickening of development in the County, the urban-rural concept remained the core theme of the Plan and it is carried into the 2010 plan.

The County Plan depicts the Village of Kiryas Joel in the center of a sizable urban area, or "Priority Growth Area," encompassing much of Woodbury and Blooming Grove and most of Monroe, and bisected by an important mixed use corridor, NYS Route 17.¹³ The Growth Areas were identified to differentiate between urban areas, where density and infrastructure investments are most appropriately focused, and rural areas, containing important agricultural land and open space or environmental resources. Priority Growth Areas represent generalized areas of the County where growth should be focused. The County builds on the Priority Growth Areas of earlier plans in anticipating future

¹³ Orange County Department of Planning. "Orange County Comprehensive Plan - Strategies for Quality Communities." Update October 2010. Pgs. 4 & 8.

development trends and defining land use priorities in its Land Use Plan. Comprehensive Plan reviews have refined these areas relative to centralized water and sewer service areas, existing land use, local centers, local zoning, certain environmental constraints, protected open space and transit opportunities.

Most [Growth Areas] include a prominent central business district, the presence of regional civic and employment sites, a mix of land use types and intensities, pedestrian oriented neighborhoods, access to major transportation systems, and a diversity of housing, community and commercial activities. It is within the boundaries of the Growth Areas that the County encourages additional urban / village growth, such as higher density residential, commercial and certain industrial uses, and other community services. The use of infill construction as a method of revitalization is especially appropriate in these areas. Priority should be given to the Growth Areas, and specifically the Villages and Cities within them, for County support, incentives, and investment in water and sewer infrastructure improvements/extensions, sidewalk construction, transportation infra-structure, opportunities for transit-oriented development, housing, and commercial development. [p.33]

As it relates to the proposed action, the Plan anticipates growth in the Priority Growth Areas while advocating a vision for quality community design with strategies and tools for allocation of land resources, transportation, economic development, housing, neighborhoods, and infrastructure for the future.

Orange County Open Space Plan

The *Orange County Open Space Plan*, adopted in 2004, was prepared by the County Planning Department as a formal supplement to the County Comprehensive Plan. This Plan identifies existing open space initiatives and outlines a strategy on a County-wide scale to protect undeveloped lands for future generations. The major resource areas considered are water resources, agriculture, recreation, landforms and landscapes, and biological diversity (“biodiversity”) as relates to the social, environmental and economic benefits of open space.

Specific to Kiryas Joel, the Plan identifies the following resources in the study area: a Priority Growth Area (includes 100% of the study area); wellhead protection areas for municipal wells; prime agricultural soils (scattered over $\pm 33\%$ of the study area); a recreational trail (Highland Trail/Long Path through the western portion of the study area); and potential critical plant habitats ($\pm 18\%$ of the study area). Additionally, the Plan identifies 100% of the study area to be within the Ramapo River watershed, a priority drinking water source, and a Core Biological Diversity Area is mapped to the immediate north of the study area.

It is noted that the Plan does not identify any specific landform or landscape in the study area for its scenic quality for Orange County. This category would include designated or

potential scenic byways, scenic area of County or statewide significance, National Historic Landmark, or National Register historic place.

The Open Space Plan lists a number of actions recommended for Orange County government to take to address open space needs, while taking into account the Comprehensive Plan's development vision for the Priority Growth Areas. The Plan recommends that County government continue to monitor land use trends and assist municipalities in open space protection measures, protection of water resources, farmland protection, expansion of recreation resources, and protection of plants, animals and their habitats (biodiversity).

Regional Plans

At a broader scale, the County has participated in a number of planning studies that outline strategies for community growth and land preservation in the County irrespective of land-specific resources and conditions. These efforts are reflected in the Orange County Greenway Compact, the Mid-Hudson Regional Sustainability Plan, and the Mid-Hudson Regional Economic Development Strategy and Progress Reports, among others. All of these plans build on central themes or building blocks for a sustainable Region: the natural environments, economic settings, accessibility and connectivity, the social settings (commonly called "quality of life"), and the existing community centers which embody all the assets of sustainable human settlement (ranging from hamlet centers to the cities).¹⁴

These regional plans speak to the overarching issues for the Region to tackle as a consortium rather than individual communities, all of them guided by a Greenway principal which states: "Communities can work together to develop mutually beneficial regional strategies for natural and cultural resource protection, economic development (including necessary public facilities and infrastructure), public access and heritage and environmental education."¹⁵

As may apply to the instant action, planning for localized community issues remains a function of local governments and their representative citizenry with similar concerns about the environment and livable communities in the Region. The *Mid-Hudson Regional Sustainability Plan* speaks directly to the importance of local level action: "While the Plan provides a common framework, each resident, municipality, and organization has the freedom and the responsibility to chart their own course toward achieving the Plan's objectives, either individually or collectively."¹⁶

¹⁴ Ecology and Environment, Inc., "Mid-Hudson Regional Sustainability Plan" Prepared for: Mid-Hudson Planning Consortium. March 2013. Pg. 2-2.

¹⁵ Orange County Department of Planning, "Orange County Greenway Compact". June 12, 2013. Pg. 14.

¹⁶ Ecology and Environment, Inc., "Mid-Hudson Regional Sustainability Plan" Prepared for: Mid-Hudson Planning Consortium. March 2013. Pg. 1-1.

Applicable to the local scale, the Plan describes what a community can become:

A 'complete community' is any place, whether it is in an urban or rural setting, where residents can access jobs, a diversity of services, schools, recreational opportunities, and open space within a short distance of their home without having to drive. ...where basic retail and services are concentrated in walkable environments. ... The objective is to revitalize or reinforce the success and traditional character of these places by attracting more jobs, retail, schools, multifamily housing, and other activities. This allows residents to link numerous activities in a single trip, such as shopping for groceries, mailing a package, and visiting the dentist, saving time, money, and reducing GHG emissions, all while protecting open space from development. [Pg. 4-24]

Further, regarding land use and development, the *Regional Sustainability Plan* advocates making all growth Smart Growth:

Achieving sustainable development in the Mid-Hudson Region will require the implementation of comprehensive smart growth strategies. Smart growth aims to create and maintain great neighborhoods and communities by: [Pg. 9-4]

1. Mixing land uses
2. Taking advantage of compact building design
3. Creating a range of housing opportunities and choices
4. Creating walkable neighborhoods
5. Fostering distinctive, attractive communities with a strong sense of place
6. Preserving open space, farmland, natural beauty, and critical environmental areas
7. Strengthening and directing development towards existing communities
8. Providing a variety of transportation choices
9. Making development decisions predictable, fair, and cost effective
10. Encouraging community and stakeholder collaboration in development decisions

Future Development Trends

As is referenced by every County plan, the Village of Kiryas Joel is situated within a Priority Growth Area envisioned by the County. The *Orange County Comprehensive Plan* details the historical growth of the County and its municipalities, some of which have experienced increasing rates of residential growth in recent decades. All of the foregoing plans speak to this growth experience. This DGEIS anticipates that residential growth in the Town of Monroe and Village of Kiryas Joel will continue in like fashion in the foreseeable future.

Two recently approved projects in the Town that reflect this trend are Forest Edge (SBL 1-2-8.21) and Vintage Vista (SBL 65-1-1 to -31) subdivisions (single-family residences in condominium ownership), both on lots that are now proposed for annexation.

Forest Edge is a 55 lot residential project to be developed on 24.4 acres (potential yield with accessory apartments: 4.5 dwelling units per acre, or du/ac)

- UR-M zoning district
- Condominium ownership
- Will connect to the Orange County sewer system, is within the OCSD#1
- Will connect to the Kiryas Joel water system, by agreement with the Village as an outside user
- Has fire hydrants ($\pm 400'$ apart)
- Has sidewalks and streetlights
- Is fully permitted and under construction

Vintage Vista is a 28 lot residential project to be developed on 10.6 acres (potential yield with accessory apartments: 5.3 du/ac)

- UR-M zoning district
- Condominium ownership
- Will connect to the Orange County sewer system, is within the OCSD#1
- Will connect to the Kiryas Joel water system, by agreement with the Village as an outside user
- Has fire hydrants ($\pm 500'$ apart)
- Has sidewalks and streetlights
- Is fully permitted and under construction

Two recently constructed projects in the Village that reflect its growth trend are Atzei Tymurim Gardens (SBL 307-1-19 et. al.) and Beirach Moshe Gardens (SBL 347-1-1.2 et. al.) multi-family developments.

Atzei Tymurim Gardens is a 185-unit multiple-residence project developed on 9.6 acres (19.3 du/ac)

- R zoning district
- Condominium ownership
- 3-story buildings
- Will connect to the Orange County sewer system, is within the OCSD#1
- Will connect to the Kiryas Joel water system
- Has fire hydrants ($\pm 150'$ apart)
- Has sidewalks and streetlights
- Is fully permitted and under construction

Beirach Moshe Gardens is a 342-unit multiple-residence project developed on 28.2 acres (12.1 du/ac)

- R zoning district
- Condominium ownership
- 3-story buildings
- Connected to the Orange County sewer system, is within the OCSD#1

- Connected to the Kiryas Joel water system
- Has fire hydrants ($\pm 150'$ apart)
- Has sidewalks and streetlights
- Is built and occupied

3.1.3 Potential Impacts

Any number of development scenarios may be possible, primarily as a function of the development intentions of individual land owners. However, it is anticipated that the population of the Village of Kiryas Joel community will continue to grow as projected under any scenario. The two development scenarios used in this DGEIS to project potential impacts from the annexation -- the Without Annexation and With Annexation scenarios -- reveal that potential impacts of annexation relate not to population growth, but to the difference in population distribution, one to the other, based on the underlying premise of inevitable and continued population growth. (The population growth projection is further discussed in DGEIS section 3.2.)

Both of the above analyses use the projected population growth as a point of reference and distribute that growth in different ways. Overall, the differences in the two scenarios relate to the change in distribution of the population between the Town and Village lands. A tabulation of the two scenarios is provided in DGEIS Appendix E.

Simply put, the land use scenario Without Annexation represents reasonable maximum growth in the annexation lands pursuant to the applicable Town zoning.

The scenario With Annexation represents estimated maximum growth in the annexation lands pursuant to Village zoning.

Land Use Scenario Without Annexation

As permitted under the existing zoning of the Town of Monroe, future use of the parcels proposed for annexation can be expected to accommodate new residences and associated community service uses to the extent allowed by the zoning. The existing regulations that apply to land development would apply to development without annexation.

For the purposes of this analysis, it is assumed that there would be no change in the existing zoning in the Town of Monroe without annexation.

Properties that have access to central water and sewer services will yield greater density than lots with individual wells and septic systems. Likewise, residential development in a single family subdivision format typically will result in greater yield than a multiple dwelling group design due to requirements of the zoning code that inversely tie unit size to yield. The existing UR-M zoning for the annexation parcels does not permit commercial uses.

On Rural Residence property, development of single family subdivisions is a likely scenario, at up to 3.5 units per acre (accounting for an accessory apartment) on each RR-1.0AC lot, and up to 0.7 units per acre on each RR-3AC lot (again accounting for an accessory apartment). On Urban Residential Multi-Family property, single family subdivisions are likely to yield up to 8.7 units per acre (accounting for an accessory apartment). Accounting for zoning requirements and certain environmental constraints, assuming consolidation of adjacent lots, and allowing land for roads on larger parcels, a lot-by-lot calculation of the development yield on the undeveloped or underdeveloped annexation land yields an estimated 1,431 dwelling units. Average gross density would be 2.82 units per acre.

Most of the annexation properties are situated within the OCSD#1 and have a right of access to municipal sewer service connections. There are twelve (12) proposed annexation parcels located outside the district boundary but are part of the Moodna service area. Connections to central sewers for these parcels, totalling 115 acres or 25 percent of the developable land proposed for annexation, would require individual approvals by the Sewer District. (Impacts to public sewer are further discussed in DGEIS section 3.5.) Alternatively, these parcels could conceivably be developed with on-site septics.

The annexation properties generally do not have feasible access to public water, except for Forest Edge and Vintage Vista which will have water connections to the Village of Kiryas Joel system via existing agreements with the Village. It is anticipated that future development under the no annexation scenario would obtain water from individual on-site wells or contracts with the Village. (Impacts to public water are further discussed in DGEIS section 3.5.)

As explained in the Project Description, a total of 3,825 dwelling units will be needed for the additional community population projected in year 2025. (Refer to the tabulation in Appendix E.) With 1,431 units possible in the Town of Monroe, all or a portion of the remaining 2,394 units, and associated neighborhood commercial and community service uses, would likely be built within the existing limits of the Village of Kiryas Joel.¹⁷ Development within Kiryas Joel would have access to existing central water and sewer facilities. The Village's zoning regulations could allow for such development by application of the PUD regulations. Accounting for the existing population in the Village, average gross density of the Village would be 9.26 units per acre in 2025.

¹⁷ Some or all of this development could take place on other lands in Monroe, South Blooming Grove and Woodbury which would reduce the potential development within the existing Village. For the purpose of this analysis a maximum impact scenario of all remaining population locating within the existing Village limits is presented.

Land Use Scenario With Annexation

With annexation, the DGEIS assumes the parcels proposed to be annexed to the Village of Kiryas Joel will be developed pursuant to Village zoning to accommodate a greater portion of the projected growth demands of the community to the year 2025. In this scenario, 3,825 new housing units could be constructed on the developable land in the annexation lands. Expressed as gross density to compare to the prior scenario, this growth would result in an overall development density of approximately 6.6 units to the acre in the 1207 acres of Village lands. The development would most likely be multi-family buildings on the larger lots and adjacent lots that are consolidated. Neighborhood commercial and community service facilities would also be necessary to serve the new population.

To accommodate the growth in this manner, zoning for the annexation lands would be established pursuant to the Village existing zoning code as either the R or C districts, or as a PUD district. Changes in zoning would not automatically occur with the annexation action but would occur as parcels are proposed for development. Any projects in the annexation territory that have been fully approved by the Town of Monroe would retain the right to build the approved plan upon annexation. No zoning conflicts have been identified that would be created by the annexation action.

This scenario assumes that the new development in the study area would accommodate the current mix of uses including open space on the few lots that are currently vacant or under-developed. The development density in the annexation land in this scenario would be lower than what exists in the newer Village developments and higher than the current overall average density of the Village (5.8 units per acre).

As described above, most of the annexation properties are within the OCSD#1, have right of access to municipal sewers and would therefore connect new development to that system. The boundary of the OCSD#1 would not automatically change with the annexation action, thus the remaining 12 parcels located outside the district boundary would require individual approvals by the Sewer District to facilitate connections to the County system. With annexation, the annexation properties would have right of access to the Village water system. (Impacts to public sewer and water are further discussed in DGEIS section 3.5.)

Both of the above analyses use the projected population growth as a point of reference and distribute that growth in different ways. Overall, the differences in the two scenarios relate to the change in distribution of the population between the Town and Village lands. (A tabulation of the two scenarios is provided in DGEIS Appendix E.)

The projections anticipate that the level of growth of other community land uses will be commensurate with the anticipated residential growth. In Kiryas Joel, the extent of commercial enterprise and institutional activities, including retail, schools and

community-specific social services and facilities, is directly linked to the needs of the unique population that it serves.

Annexation and District Lines

The annexation action would result in simultaneous changes to certain district lines (for example, property tax jurisdiction) and not for other districts (school district, fire service area, sewer service area, legislative/voting district).

The proposed annexation would result in a number of parcels remaining in the Town of Monroe but surrounded by annexed land – for example, see Mountain View Drive in Figure 2-3. The potential impact of the annexation action to such parcels would include no change in property or school tax liability, fire department response, legislative jurisdiction, sewer and water availability. By comparison, the potential impact of the annexation action to annexed parcels would include a change in property and school tax liability, and fire department response. It is anticipated that the school district and fire service area boundaries would likely be changed subsequent to the annexation to better provide these services to the affected parcels. Refer to further discussions of these services in section 3.3, Community Services and Facilities. Refer to further discussions of water and sewer services in section 3.5, Community Water and Sewer Services.

The annexation action would remove approximately 176 acres¹⁸ of land from the Town of Monroe UR-M district, wherein multi-family residences are permitted. This area represents approximately 53 percent of the total area of UR-M district lands now in the Town. Approximately 32 percent of the total area of UR-M district lands in the Town is underdeveloped, in agricultural use or is vacant and potentially available for development, and is located within the annexation territory. Annexation would remove this land from the Town of Monroe.

Compatibility with Surrounding Land Use Patterns

Both scenarios presented above would conform with the underlying precepts of the Priority Growth Area encompassing the study area that is identified in the County's Comprehensive Plan. Either scenario would provide land uses similar to existing nearby uses and in accordance with existing zoning, would place residential development close to local commerce centers and transit opportunities, would address environmental constraints of the land, and would utilize centralized water and sewer services.

Based on the historical trend of Kiryas Joel, development of the annexation lands will occur at a faster rate than development of the surrounding region. Development potential of the annexation lands and nearby lands in the neighboring municipalities based on the existing zoning will ultimately yield differences in residential densities.

¹⁸ Initial estimate of area was 184 acres, cited in the adopted DGEIS Scope.

The theoretical maximum residential development density on the annexation land will change from approximately 5 to 8.7 du/ac without annexation to approximately 12 to 20 du/ac with annexation, compared to 0.1 to 3.5 du/ac in the adjoining municipalities.¹⁹

These relationships are not unlike what already exists, or is possible under existing zoning, around the boundaries of the Village as it exists right now.

Ultimately the overall development density of the land encompassing the Village and the annexation properties, with or without annexation, will be the same order of magnitude.

3.1.4 Mitigation Measures

Mitigation of the effects of annexation on land use in the local area would typically be by implementation of zoning regulations that would address growth anticipated to occur. Additionally, zoning often creates transition areas between different density zones. This is one of the primary purposes of zoning. Being a home rule state, the responsibility for zoning legislation lies with the municipality.

Land use compatibility has occurred in the Village and the Town of Monroe, generally, through adherence to commonly accepted planning principals, zoning codes, building codes and environmental rules and regulations. Such rules and policies are expected to continue, with or without the annexation action.

It is anticipated that the Village of Kiryas Joel will establish a master plan committee to study the opportunities and constraints of the 507 acres as it relates to Village goals for its existing and future residents, and make specific recommendations for future land use decisions.

Future land use would adopt a number of Smart Growth elements as have been enumerated in the Regional Sustainability Plan and elsewhere: mixing land uses in a community setting, compact building design, walkable neighborhoods, creating a distinctive community with a strong sense of place, preserve critical environmental areas, directing development towards existing communities, providing transportation choices – all of these elements foster improved accessibility, affordability, reduced traffic, consolidated infrastructure, and environmental protection as an alternative to traditional suburban sprawl.

¹⁹ Cited density ranges based on T. Monroe UR-M (for single family and multi-family), Beirach Moshe Gardens (12.1 du/ac) and Atzei Tymurim Gardens (19.3 du/ac), V. South Blooming Grove RR, and T. Monroe RR-1.0AC districts.

**Table 3.1-1
Zoning Data**

Table summarizes the zoning criteria applicable to this study.

Zone	Permitted land use	Minimum lot size	Maximum building height	Maximum permitted residential density (calculated as du/ac)
Town of Monroe				
RR-1.0AC	Principal use: Single family with accessory apartment; various public and semi-public facilities. No commercial uses.	25,000 sq.ft. with central sewer	2.5 stories	3.5 du/ac ¹
RR-3AC²	Principal use: Single family with accessory apartment; various public and semi-public facilities. No commercial uses.	3 acres with central sewer		0.7 du/ac ¹
UR-M	Principal use: Single family with accessory apartment; various public and semi-public facilities. No commercial uses. Special exception use: Multiple dwelling group ⁴	10,000 sq.ft. with central sewer 5 acres with central sewer		8.7 du/ac ¹ 5 du/ac (2+ BR unit) ⁴ 8 du/ac (2 BR unit) 10 du/ac (senior 2 BR unit)
Village of Kiryas Joel				
R	Principal uses: One-family and two-family dwellings; Multi-family dwellings; Neighborhood commercial; various public and semi-public facilities. No accessory apartments.	2,000 sq.ft.	4 stories	No regulated maximum.
C	Principal uses: All uses permitted in the R District; Multifamily dwellings by special permit with central water and sewer; Local retail uses with frontage on Forest Road in the general vicinity of Van Buren Drive, by special permit; Hotels and motels with central water and sewer.	2 acres	Multiple dwelling, hotel, motel; 3 stories	
PUD³	Principal uses: All	10 acres	6 stories	

See footnotes next page. Table continues on next page.

**Table 3.1-1
Zoning Data**

Table summarizes the zoning criteria applicable to this study.

Zone	Permitted land use	Minimum lot size	Maximum building height	Maximum permitted residential density (calculated as du/ac)
Table continued from prior page.				
Village of South Blooming Grove				
RR	Principal uses: One-family dwellings; Mixed retail/office/residential, retail, office, and various other uses allowed by conditional use or special permit. Accessory apartment allowed by conditional use permit. Multi-family dwellings not permitted	Determined by Planning Board	2 stories	0.1 du/ac or as determined by site analysis
ORI	Principal uses: Retail; office; light industry; research; mixed retail/office/residential. Various other uses allowed by conditional use or special permit. Single-family and multi-family dwellings not permitted	20,000 sq. ft.	2 stories	None except as part of a mixed use
Town/Village of Woodbury				
R-2A	Principal uses: One-family; agriculture; horticulture. Various accessory and special permit uses.	2 acres	35' height	0.5 du/ac
R-3A		3 acres		0.33 du/ac exc. 0.25 on lots >10ac
Table compiled by TMA 2014.				
¹ Listed density assumes full build of one SF unit plus one accessory apartment per lot where permitted.				
² RR-3AC and RR1.5AC refer to the same zoning. RR-1.5AC in the Town Code is shown as RR-3AC on the official zoning map.				
³ Planned Unit Development (PUD) district is provided for in the Village of Kiryas Joel Code and has been applied as an overlay zone in the Village, but is not shown on the official zoning map.				
⁴ Multiple dwelling group is permitted in UR-M zone at net density maximum ranging from 5 to 12 du/ac depending on number of bedrooms, or 10 to 14 du/ac for senior citizen units depending on number of bedrooms.				



Steven M. Neuhaus
County Executive

Kiryas Joel Landuse 3/14/2014

Legend

- Interstate; Federal Highway
 - State Route; County Road
 - Local Road
 - Municipalities
- LANDUSE ***
- UNKNOWN
 - AGRICULTURE
 - COMMERCIAL
 - COMMUNITY SERVICES
 - INDUSTRIAL
 - OFFICE
 - PARKS
 - PUBLIC SERVICE
 - RESIDENTIAL
 - VACANT

* Landuse Data is based on the Property Class Codes taken from Real Property data. This data is supplied by the Town Assessors of each Municipality.



1 inch = 650 feet

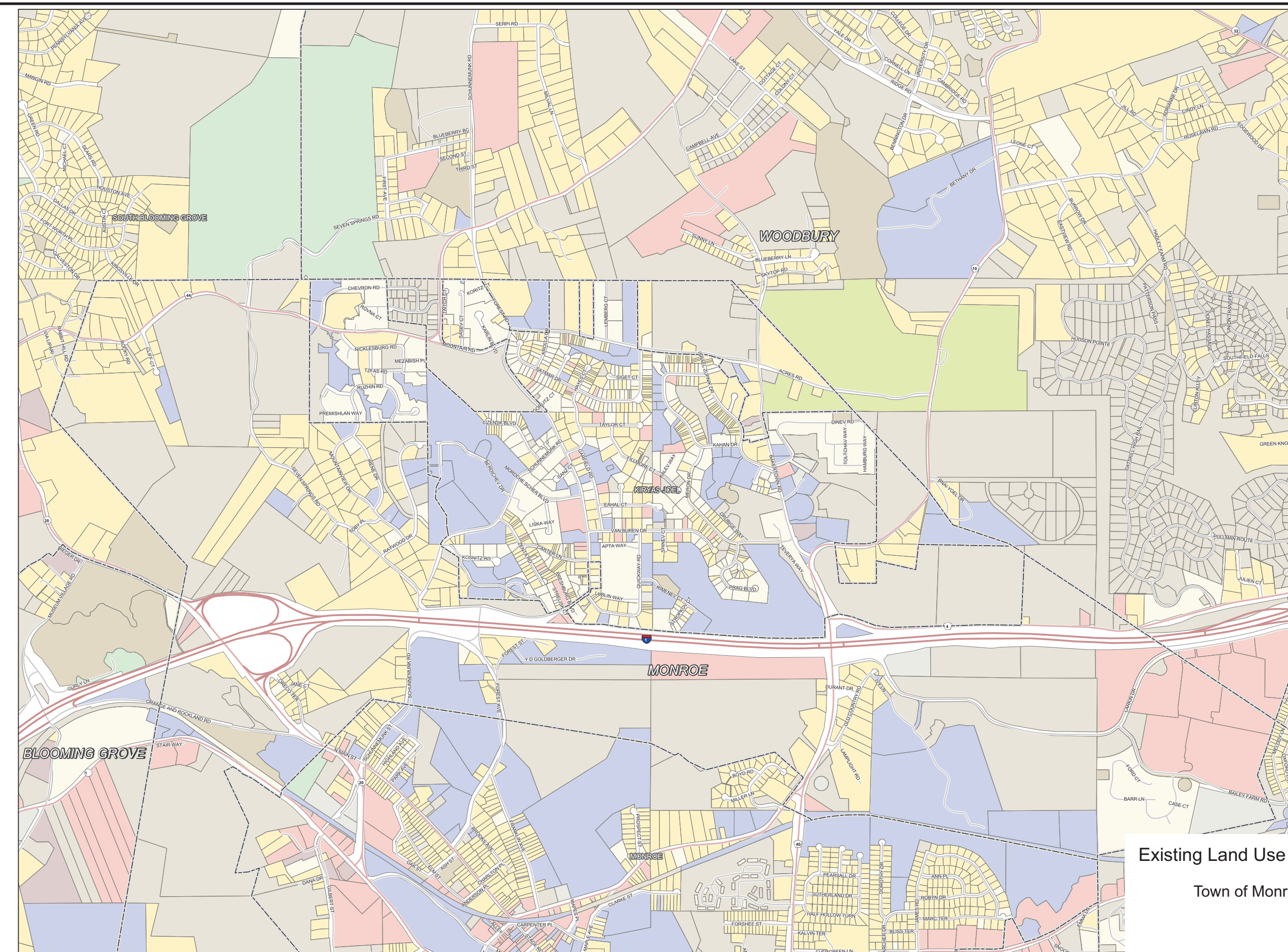
0 500 1,000 2,000 Feet

DISCLAIMER: This map is a product of the Orange County Information Technology GIS Division. The data depicted here have been developed with extensive cooperation from other County departments, as well as other Federal, State and Local government agencies. Orange County and OCGIS make no representations as to the accuracy of the information in the mapping data, but rather, provide said information as is. Orange County and OCGIS expressly disclaim responsibility for damages or liability that may arise from the use of this map.

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Figure 3.1-1:
Existing Land Use Surrounding Kiryas Joel
Kiryas Joel Annexation
Town of Monroe and Village of Kiryas Joel
Orange County, NY
Source: Orange County GIS
Scale: Graphic Scale as shown



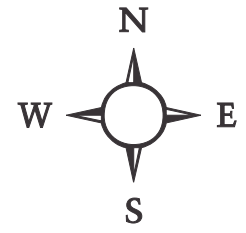
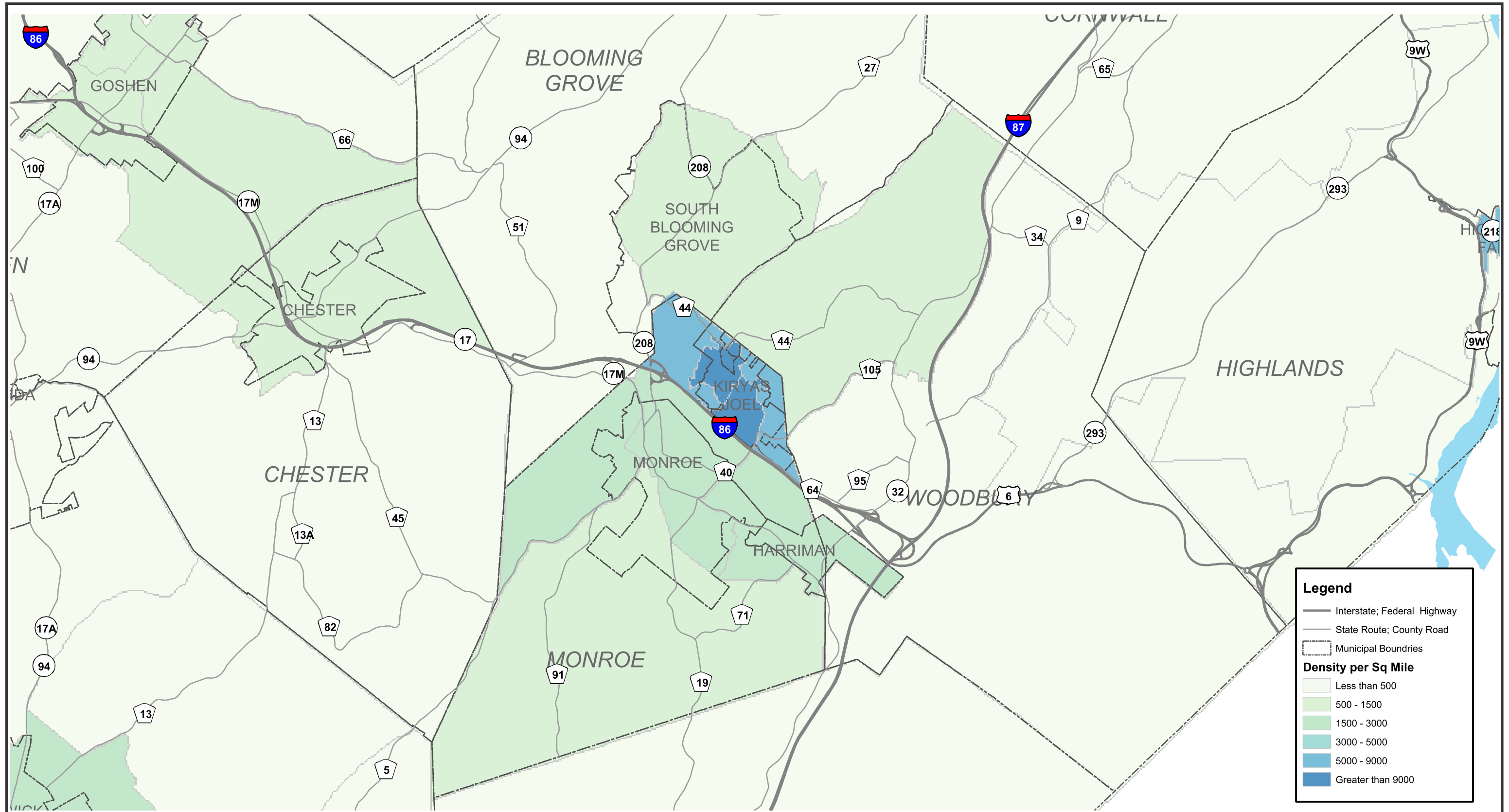
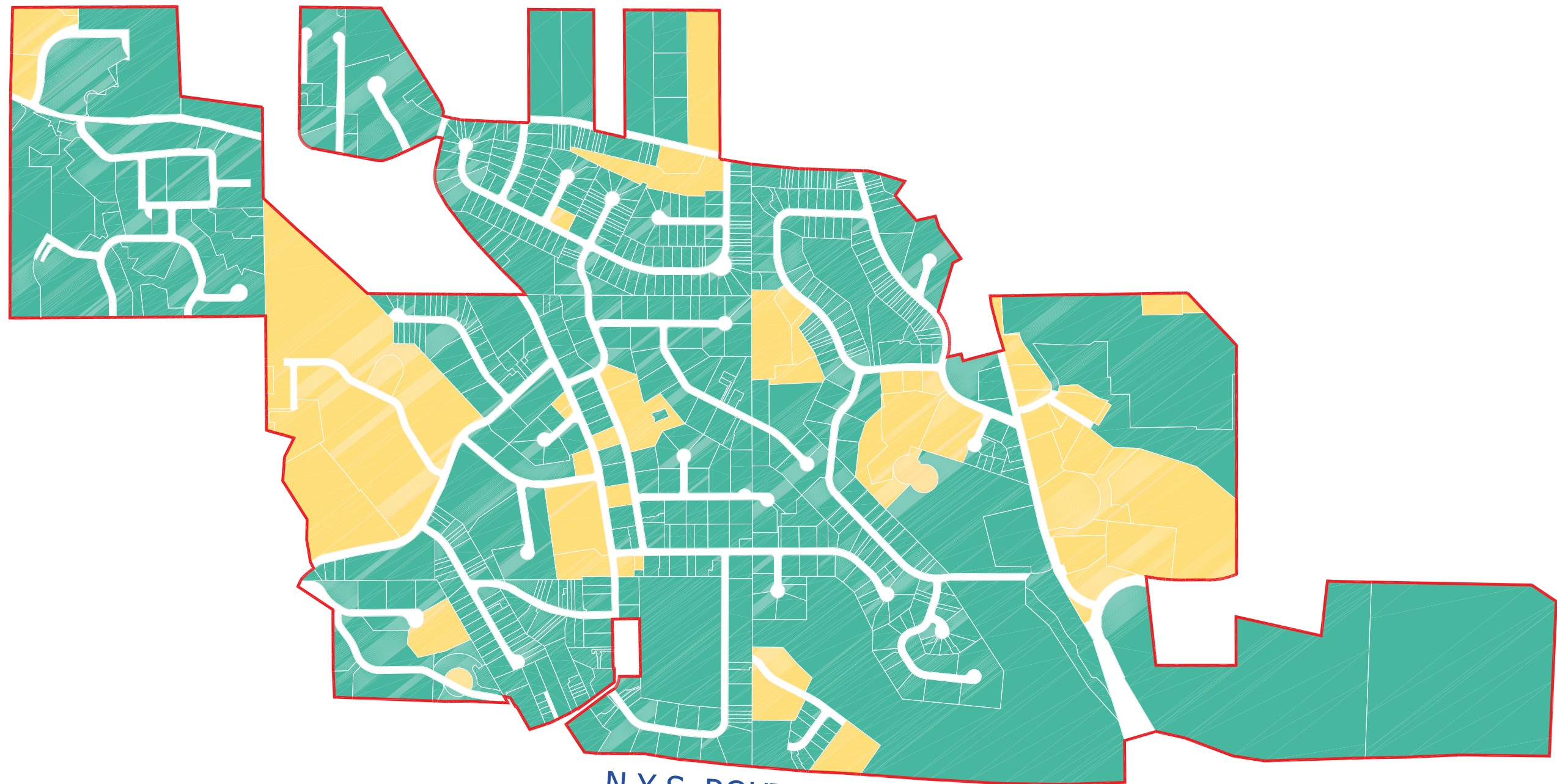


Figure 3.1-2: Existing Residential Densities
 Kiryas Joel Annexation
 Town of Monroe and Village of Kiryas Joel
 Orange County, NY
 Source: Orange County GIS / 2010 U.S. Census
 Scale: Not to Scale



N.Y.S. ROUTE 17 & U.S. ROUTE 6

LEGEND OF SHADING

- R (RESIDENTIAL) ZONING DISTRICT
- C (COMMERCIAL) ZONING DISTRICT

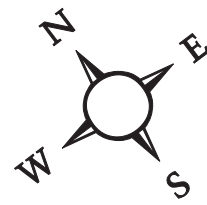
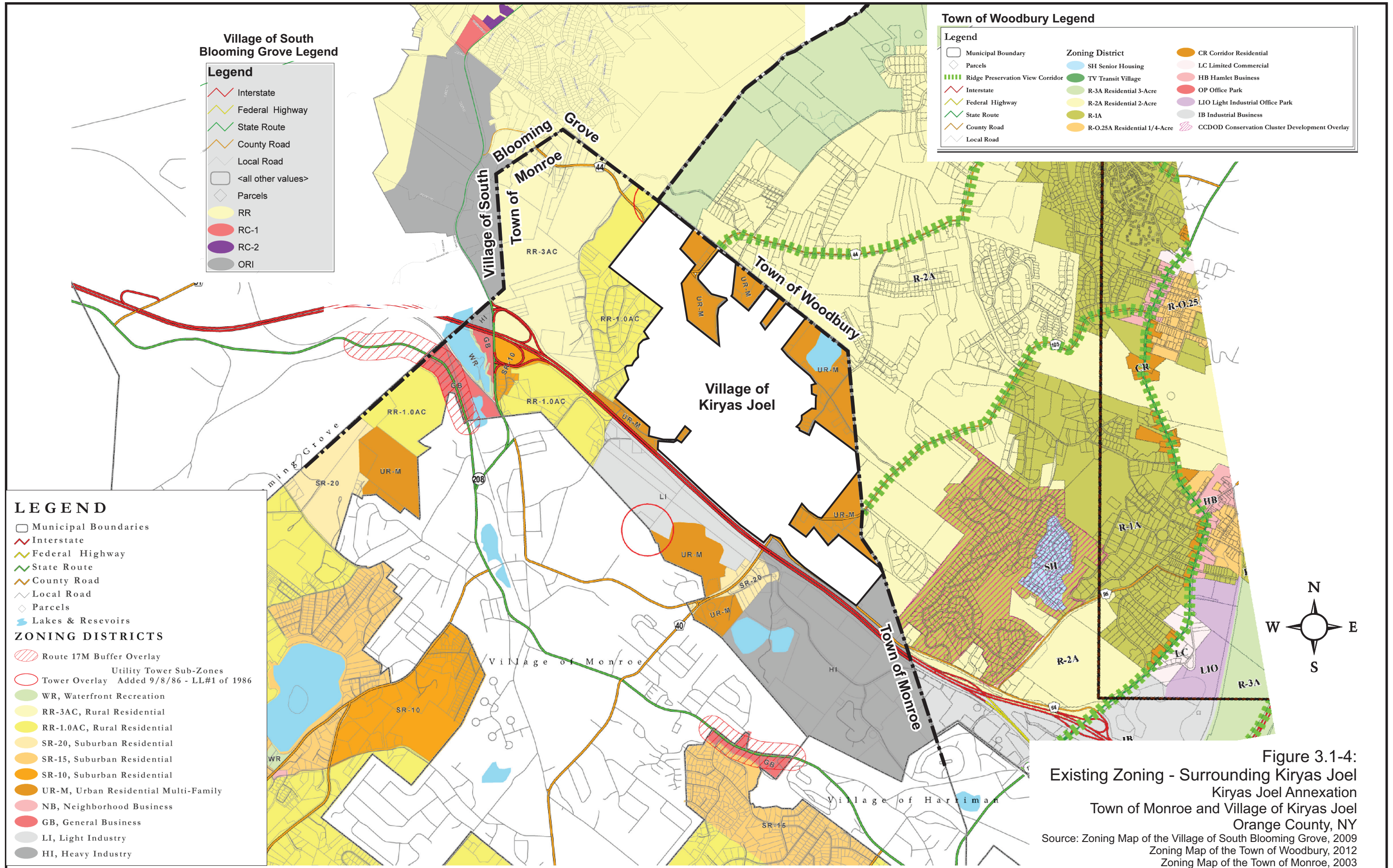


Figure 3.1-3:
 Existing Zoning - Village of Kiryas Joel
 Kiryas Joel Annexation
 Town of Monroe and Village of Kiryas Joel
 Orange County, NY
 Source: Village of Kiryas Joel (2007)
 Scale: Not to Scale



Village of South Blooming Grove Legend

Legend

- Interstate
- Federal Highway
- State Route
- County Road
- Local Road
- <all other values>
- Parcels
- RR
- RC-1
- RC-2
- ORI

Town of Woodbury Legend

Legend

- Municipal Boundary
- Parcels
- Ridge Preservation View Corridor
- Interstate
- Federal Highway
- State Route
- County Road
- Local Road

Zoning District

- SH Senior Housing
- TV Transit Village
- R-3A Residential 3-Acre
- R-2A Residential 2-Acre
- R-1A
- R-O.25A Residential 1/4-Acre

- CR Corridor Residential
- LC Limited Commercial
- HB Hamlet Business
- OP Office Park
- LIO Light Industrial Office Park
- IB Industrial Business
- CCDOD Conservation Cluster Development Overlay

LEGEND

- Municipal Boundaries
- Interstate
- Federal Highway
- State Route
- County Road
- Local Road
- Parcels
- Lakes & Reservoirs

ZONING DISTRICTS

- Route 17M Buffer Overlay
- Utility Tower Sub-Zones
- Tower Overlay Added 9/8/86 - LL#1 of 1986
- WR, Waterfront Recreation
- RR-3AC, Rural Residential
- RR-1.0AC, Rural Residential
- SR-20, Suburban Residential
- SR-15, Suburban Residential
- SR-10, Suburban Residential
- UR-M, Urban Residential Multi-Family
- NB, Neighborhood Business
- GB, General Business
- LI, Light Industry
- HI, Heavy Industry

Figure 3.1-4:
Existing Zoning - Surrounding Kiryas Joel
 Kiryas Joel Annexation
 Town of Monroe and Village of Kiryas Joel
 Orange County, NY
 Source: Zoning Map of the Village of South Blooming Grove, 2009
 Zoning Map of the Town of Woodbury, 2012
 Zoning Map of the Town of Monroe, 2003
 Scale: Not to Scale