

9.1 Energy Use/Smart Growth Comments and Responses

Comment 9-1: (Letter 32, Robert A. Fromaget, Monroe, New York): Smart Growth requires resources such as water and sewer and the community grows around the established infrastructure as the community grows.

“Smart Growth promotes efficient use of public and private infrastructure and starts with creating neighborhoods that maximize the use of existing infrastructure. Special consideration should be given to the location and timing of infrastructure extensions in rural areas so as not to encourage growth that will promote inefficient and unsustainable development patterns; create the need for additional inefficient and costly infrastructure; result in the loss of viable agriculture, forest land, and important natural habitat; create conflicts between agricultural and urban land uses; or ultimately harm the character of the rural community. Smart Growth principles have an economic benefit to the communities and regions that employ them.”

The above outlines why Kiryas Joel fails in its attempt to implement smart growth. It fails because it “promotes inefficient and unsustainable development patterns” by seeking to acquire the resources needed for their growth regardless of the cost to the environment or the taxpayers with whom they share these resources. That is why Kiryas Joel needs to go to Cornwall and New Windsor to get their water and this drives the need for more wastewater capacity.

Response 9-1: *The growth of the Village of Kiryas Joel promotes higher density, pedestrian oriented communities where community services are centralized and concentrations of development warrant infrastructure. This is consistent with the concepts of “Smart Growth”. There is no evidence that its development pattern is unsustainable. “Smart Growth” is achieved through the following:*

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, 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 collaboration in development decisions.*

The existing and anticipated future development of the Village of Kiryas Joel is complementary in the implementation of these goals. This type of development is in conformance with the Priority Growth Concept included in the Orange County Comprehensive Plan 2010 Update and results in sustainable development. The Village is addressing its growing population in a manner that recognizes the needs and wishes of its citizens in a sustainable manner.

The 1983 annexation petition resulted in Findings that it was more advantageous to have the Village of Kiryas Joel expand in a concise and consolidated manner than to create a situation where there were pockets of this community spread throughout the region in a non-cohesive manner. The Findings stated that “it was more important that the Village expand its unique way of life in a central complex around its existing core so that the sociological and religious uniqueness of this community will remain centrally

fixed rather than spread and sprawled haphazardly throughout the northeast sector of the Town."

Comment 9-2: (Letter 50, John Ebert, Chairman, Monroe Conservation Commission, June 20, 2015): The DGEIS attempts to argue that Kiryas Joel is a "sustainable" community. This is untrue. While there is one aspect which may be considered sustainable, i.e., walkable streets and fewer vehicles, the Village lacks other attributes which could be considered "sustainable". Examples include:

- The large household sizes in KJ and the explosive growth results in significantly higher rates of wastewater generation and water consumption per average household;
- It is our understanding that the religious community that comprises KJ is required, for religious customs, to keep a "kosher" household. With the additional appliances (more electricity) and additional food handling (different sinks for washing foods) and other customs, are any purported gains in energy or water consumption savings offset by religious customs? Has this been addressed?
- Village building practices result in the clear-cut of land, preserving few areas in a natural state. The Village has significantly higher impervious surface coverage without any concomitant preserved open space to mitigate the pollutants that enter existing water bodies from stormwater runoff and promote recharge to the groundwater system. A lack of trees and lack of open space contribute to a significant increase in greenhouse effects (no carbon sequestration and the creation of extensive heat islands).

Response 9-2: *New York Department of Health Standards indicate average per capita water usage for planning purposes is 75 gallons per person per day. The FEIS for the Aqueduct usage in Kiryas Joel indicated an average per capita useage of 66 gallons per person per day, lower than the NYS Standard.*

Dual sinks and separate appliances do not necessarily utilize more water or more energy per household. Two toilets flushed once each do not use more water that one toilet flushed twice. It is the usage that determines the consumption of resources, not the number of applicances. Water usage in the Village, in fact, differ from the Department standard due to such factors as there are no residential swimming pools in Kiryas Joel, fire hydrants are not used for activities other than fire protection, and household laundry machine and dishwasher use is actually less consumptive of water on a per capita basis.

The Village provides stormwater management facilities to accommodate runoff from impervious surfaces. There are a number of wetland areas in the Village that have been preserved which provide natural filtering of pollutants and assist in accommodating runoff.

Comment 9-3: (Letter 50, John Ebert, Chairman, Monroe Conservation Commission, June 20, 2015): On the basis of the Regional Sustainability Plan, the VKJ and any annexation would result in a conflict with the following smart growth principles: does not promote residential uses, as only multifamily dwellings are being constructed; does not create a range of housing opportunities; does not preserve open space or natural beauty; does not direct growth to an existing community (as it is relying on an annexation to usurp additional land intended for open space protection); does not encourage community and stakeholder collaboration.

Response 9-3: *The referenced document is the Mid-Hudson Regional Sustainability Plan, herein referred to as the “Plan,” published by NYSERDA. The Plan defines the Mid-Hudson Region as being a mix of high density urban areas and rural areas and indicates that the major identifying feature of this region is water. The area is centered around the Hudson River, has the tidal flats and shoreline of Long Island Sound and has a higher availability of water supply via its reservoirs than many other areas of the Country.*

In terms of land use the Plan lists the following goals in an effort to achieve sustainability. The Plan states, “The Region’s land use and development patterns are at the heart of achieving the Plan’s objectives. 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:

- 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, 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 collaboration in development decisions.*

These are exactly the tenants that are the foundation of development in the Village of Kiryas Joel.

The Plan stipulates that additional growth should take place around existing growth centers and defines growth centers as follows, “Growth Centers are cities, towns, and villages with above average population, housing, and job densities, robust road, transit, bike, and pedestrian networks, and the capacity to support mass transit service, which make them good targets for ‘smart growth’ development.” The Town of Monroe including the Village of Kiryas Joel is identified as a potential growth center in the Plan.

Sustainable development can be achieved through the development of “Complete Communities” which the Plan defines as follows: 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. This is achieved by attracting high-paying jobs, essential services, and retail opportunities to village and hamlet downtowns. Additionally, it requires establishing bicycle and pedestrian connections among a community’s services, residences, and local schools to facilitate mobility. Investing in the public realm, including sidewalks, crosswalks, bike lanes, and street trees,

The existing and future development of the Village of Kiryas Joel is consistent with the Complete Community concept and not in opposition to Smart Growth principals.

Although it is reasonable to assume that future development within the Village of Kiryas Joel will include multifamily dwellings, annexation does not preclude other types of development or a mix of multifamily and single family development. There are single

family subdivisions in the annexation lands and in the village where housing choices are available. Moreover, a village such as Kiryas Joel provides higher density, more affordable housing that many other communities have consistently refused to accommodate in their master plans and zoning revisions in the past several decades. Indeed, NY courts have found such practices of neighboring communities “exclusionary.”

Residential development and the current zoning of undeveloped land in the Town of Monroe and Orange County is overwhelmingly single family residential. The multifamily development in Kiryas Joel represents, and actually provides for, a diversity of housing compared to available housing in the region.

Growth in this area is an extension of an existing community, consistent with the Orange County Priority Growth Area concept and the Regional Sustainability Plan definition of sustainable development. Development of the Village of Kiryas Joel succeeds in the overall preservation of regional open space by concentrating development within the Village, thus contributing to the preservation of open space in other parts of the region.

Comment 9-4: (Letter 69, Daniel Richmond, Zarin & Steinmetz, June 22, 2015): The SGEIS should also consider the American Planning Association's adopted Policy Guide on Smart Growth, including its policy that “[s]pecial consideration should be given to the location and timing of infrastructure extensions in rural areas so as not to encourage growth that will promote inefficient and unsustainable development patterns; [and] create the need for additional inefficient and costly infrastructure.”

Response 9-4: *In the American Planning Association's (APA) adopted Policy Guide on Smart Growth referenced in the comment, Smart Growth is defined as “An increased density of development resulting in a more compact urbanized area allowing a more efficient delivery of quality public services.” This is the principle that guides the Village of Kiryas Joel.*

In the APA's Policy Guide its goals are identified as follows: “The American Planning Association supports the development of mixed use, mixed income livable communities where people choose to live, work, and play because they are attractive and economical options rather than forced decisions. The American Planning Association identifies Smart Growth as that which supports choice and opportunity by promoting efficient and sustainable land development, incorporates redevelopment patterns that optimize prior infrastructure investments, and consumes less land that is otherwise available for agriculture, open space, natural systems, and rural lifestyles. Supporting the right of Americans to choose where and how they live, work, and play enables economic freedom for all Americans.”

Comment 9-4 takes it's statement out of context. The entire paragraph referenced in the comment states: “Infill development and redevelopment, increased density of development, and the adaptive re-use of existing buildings result in efficient utilization of land resources, more compact urban areas, and more efficient delivery of quality public services. Efficient use of public and private infrastructure starts with creating neighborhoods that maximize the use of existing infrastructure. Special consideration should be given to the location and timing of infrastructure extensions in rural areas so as not to encourage growth that will promote inefficient and unsustainable development patterns; create the need for additional inefficient and costly infrastructure; result in the loss of viable agriculture, forest land, and important natural habitat; create conflicts

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between agricultural and urban land uses; or ultimately harm the character of the rural community. Smart Growth principles have an economic benefit to the communities and regions that employ them. Mixed-use developments include quality housing, varied by type and price, integrated with shopping,”

Infrastructure extensions in rural areas as noted in the APA Guide refers to remote areas of rural undeveloped land or remote agricultural areas, not developed areas on the fringe of an infrastructure improvement area as is the case with Kiryas Joel. The APA supports establishing infrastructure extension policies that support and preserve rural communities and rural landscapes as is the case here by concentrating development where such resources exist or could more readily, efficiently and logically be expanded.