

**Final Supplemental Generic Environmental Impact
Statement**

for

**COMPREHENSIVE PLAN 2018 &
KIRYAS JOEL 164-ACRE ZONING**

Village of Kiryas Joel
Orange County, New York

Lead Agency:

VILLAGE OF KIRYAS JOEL BOARD OF TRUSTEES
P.O. Box 566, Monroe, New York 10949
Contact: Mr. Gedalye Szegedin, Village Administrator
(845) 783-8300

Planning Consultant:

TIM MILLER ASSOCIATES, INC.
10 North Street, Cold Spring, New York 10516
Contact: Frederick Wells
(845) 265-4400

Lead Agency Acceptance Date: August 24, 2018

August 23, 2018

Final Supplemental Generic Environmental Impact Statement

for

COMPREHENSIVE PLAN 2018 & KIRYAS JOEL 164-ACRE ZONING

Table of Contents

	<u>Page</u>
1.0 SUMMARY	1
2.1 Community Resources - Comments and Responses	3

Appendices

Appendix A	SEQRA Documentation
Appendix B	Public Hearing Transcript
Appendix C	Written Comments Received
Appendix D	Proposed Code Amendments
Appendix E	Proposed Zoning Map

1.0 SUMMARY

1.1 Summary of the Final Supplemental Generic Environmental Impact Statement

This document is a Final Supplemental Generic Environmental Impact Statement ("FSGEIS") prepared in accordance with the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations, 6 NYCRR Part 617. Pursuant to section 617.9(b)(8), this FGEIS consists of the Draft Supplemental Environmental Impact Statement ("DSGEIS"), a summary of the substantive comments received and their source; and the lead agency's responses to the comments.

The SEQRA documents have been prepared in connection with the consideration by the Village of Kiryas Joel of adopting a Comprehensive Plan, zoning amendments, and a Zoning Map change to apply zoning to the 164 acres of land annexed to the Village in 2016 (the "Action").

The SEQRA Process

The SEQRA lead agency for this action is the Village of Kiryas Joel Board of Trustees. SEQRA prescribes that the lead agency is responsible for the adequacy and accuracy of the Environmental Impact Statement. The Draft Supplemental Generic Environmental Impact Statement ("DSGEIS"), as supplemented by the FSGEIS, will provide the basis for the lead agency's Statement of Findings that will conclude the environmental review process for the Action.

SEQRA Background

The DSGEIS was prepared for the Comprehensive Plan and proposed 164-acre zoning and on July 6, 2018, the Village Board adopted a resolution which determined that the DSGEIS was complete and adequate for public review. Thereafter, the Village Board issued a Notice of Completion of Draft Supplemental Generic Environmental Impact Statement ("Draft SGEIS") and Notice of Joint Public Hearing on Draft SGEIS, Proposed Village of Kiryas Joel Comprehensive Plan and Related Local Laws. The notice is included in FSGEIS Appendix A. The DSGEIS and notice were promptly circulated to involved agencies and interested parties and posted on a publicly accessible internet site in accordance with SEQRA. The Village Board conducted a public hearing on the DSGEIS, proposed Comprehensive Plan and related Local Laws on July 25, 2018, at which time comments were heard, the SEQRA hearing was closed, and the comment period on the DSGEIS to receive written comments was open through August 7, 2018. Written comments on the DSGEIS were received from two commenters.

The Final Supplemental Generic Environmental Impact Statement

In accordance with SEQRA, this FSGEIS provides written responses to substantive comments on the DSGEIS received by the lead agency during the public review period, including oral comments made at the public hearing. The transcript of the DSGEIS public hearing is included in FSGEIS Appendix B. All written comments received by the lead agency during the public comment period are included in FSGEIS Appendix C, in their entirety.

There is a public website for all SEQRA-related materials for this action: kj-segra.com/164zoning

Comments received by the lead agency on the DSGEIS that are directly related to the potential significant adverse environmental impacts under review for the subject action, together with

responses to these comments, are provided in this FSGEIS as required by SEQRA. The substantive comments are repeated in a comment/response format in section 2. A comment may be summarized or paraphrased to clarify its context, or combined with other similar comments, and responses to comments that are previously addressed in this document may refer to the prior response. The source of each comment is referenced.

Future SEQRA Compliance

As provided by SEQRA, the DSGEIS deals with future actions in general or conceptual terms. As a Generic EIS, the document does not evaluate any site-specific development project and as a result, SEQRA anticipates that future related discretionary actions would warrant full consideration under the environmental review process. The Draft and Final SGEIS, therefore, will not displace the requirement for future review of proposed discretionary actions under SEQRA.

2.1 Community Resources - Comments and Responses

It is noted that the draft Comprehensive Plan for Kiryas Joel is a plan for the existing Village, which includes the 164-acre territory recently annexed to the Village and does not include the 56-acre territory of the future Town of Palm Tree which is outside the incorporated boundaries of the Village. The zoning is proposed to be applied to the 164 acres that were annexed to the Village in 2016 (a Zoning Map change). The proposed Zoning Map and Zoning Text Amendments would be applicable to the existing Village. It is further noted that the study area of the 2015 FGEIS for the 507-acre annexation encompassed the 164 acres recently annexed and the 56 acres of the future Town of Palm Tree.

Comment 2.1-1: (Letter 1, Tracy Schuh, The Preservation Collective, Inc., August 7, 2018):

Impacts to local and regional resources. The Village of Kiryas Joel and the new Town of Palm Tree border Village of South Blooming Grove, the Village of Woodbury, and County parkland in addition to having groundwater wells in other municipalities. Given that there is a regional hiking trail network in the area, a network of surface channels and watercourses as a tributary to the Ramapo River and other environmental considerations beyond the border of one municipality, we suggest three goals be added to the documents:

- 1) To coordinate planning with surrounding communities and the County.
- 2) To consider impacts of new development on nearby Town, State, and County Parklands and from viewsheds from any of these public open spaces.
- 3) To encourage preservation of ridgelines, wetlands, floodplains, stream corridors and other natural resources.

As stated in the Draft SGEIS document, any development proposal will need to conduct site specific investigations to confirm the actual impacts of a particular project development. However, SEQR does not stop at the municipal border and if a project is being built in one municipality, its impacts must be fully assessed by the SEQR process in that municipality, regardless of where the impacts occur.

For example, the GEIS should assess the potential visual impacts of future projects that would be built that would be visible from sensitive receptors like the hiking trails, in at least a general way. The assessment can not be deferred to the future. The GEIS should acknowledge that the trails are a sensitive visual impact receptor and recommend that all future projects be reviewed for such impacts on the trails. If a project is right next to a trail, a buffer will likely be needed. Screening of structures by leaving the existing vegetation in place, locating them behind hills, or planting new vegetation, should be suggested in the Plan as means to protect the views from the trails. We recommend referencing the DEC SEQR visual impact policy.

We support the efforts of the New York-New Jersey Trail Conference on creating and maintaining protective green corridors. We share their concerns about the future of two long-distance trails, the Long Path and Highlands Trail given the planned development in the area where the trails are located. We hope there is a collaboration between the Trail Conference, Orange County Planning, conservation groups, involved municipalities and landowners to see that these important trails links are protected and continue to be a great resource to the community now and for future generations.

Response 2.1-1: *While the DSGEIS and proposed Comprehensive Plan are essentially local tools developed to assist Kiryas Joel in addressing its proposed zoning for the 164 acre territory, by being available to the public for review and comment these documents*

and the SEQRA process provide a means to coordinate local planning with potentially affected communities. Related to this information are the prior documents prepared and reviewed publicly for the annexation proceedings, which included studies of the potential effects of future development on parklands, viewsheds and natural resources of the study area. These documents remain available to the public at kj-seqra.com.

As noted at the beginning of section 2.1, the area within which the Highlands Trail/Long Path runs is not part of the 164-area territory or otherwise in the Village of Kiryas Joel. Nevertheless, the following information is taken from the 507-Acre Annexation DGEIS (that included lands of Palm Tree) which evaluated potential visual impacts of development on trail viewsheds and the character of the trail environs.

“The Highlands Trail/Long Path traverses the ridge of Schunnemunk Mountain north of the annexation territory. From a point approximately one-half mile north of the northwestern tip of the existing Village of Kiryas Joel boundary, the trail descends from a peak at about elevation 1300 feet which is above the surrounding landscape. Along the line of this descent, [field reconnaissance by Tim Miller Associates on April 7, 2015] confirmed that there would be filtered visibility of buildings through the trees looking toward Kiryas Joel or the proposed annexation territory when leaves are not on the trees. Some development in the annexation territory would be somewhat visible through the trees from a portion of the trail only during the winter months. The extent of this change would not significantly change the character of the trail experience.” [page 3.7-3, April 29, 2015 DGEIS]

“The Highlands Trail/Long Path passes through Gonzaga Park from Schunnemunk Mountain and follows Seven Springs Road southward for about two-thirds of a mile, then exits the proposed annexation territory going toward Orange-Rockland Lakes. Over this portion of the trail, Seven Springs Road is a rural road (paved, two lanes, with no shoulders) lined on both sides by woodlands and scattered houses. Given the heavy tree cover in the areas surrounding the trail, even during months when leaves are off the trees, there are no open views out toward the south from the trail. [Footnote: Verified by Tim Miller Associates with field reconnaissance, April 7, 2015.] Some existing development in Kiryas Joel is visible through the trees from a portion of the trail.” [page 3.7-2, April 29, 2015 DGEIS]

The DGEIS continued: “As Seven Springs Road is a public road, the annexation will not remove or hinder public access to the roadway, as it now provides for users of the Highlands Trail/Long Path. However, the anticipated future development on Seven Springs Road and the concomitant modest increase in traffic on the local roads will change the character of this portion of the trail [about two-thirds of a mile] over time from a rural to a suburban landscape.” [page 3.7-3, April 29, 2015 DGEIS]

Maintenance of the trail corridor as a regional hiking resource will be retained including that portion on Seven Springs Road since the road is a public right-of-way. Visual buffering of development facing the roadway may be possible as project applications are reviewed -- by the Town of Palm Tree after it is established for lands on the east side of the road and by the Town of Monroe for lands on the west side of the road -- however the wooded character of this section of Seven Springs Road cannot be considered a permanent situation. Land abutting Seven Springs Road has been zoned by the Town of Monroe for single-family residences as a principal permitted use for many years and with the establishment of Palm Tree its development at a higher density is likely.

Comment 2.1-2: (Letter 2, New York-New Jersey Trail Conference, rec'd. August 7, 2018):

While this Comp Plan does not cover the 56 acres for the Town of Palm Tree which include the 30 +/- acres along Seven Springs Road (indicated on the map on page 10 with the yellow parcels indicating "future lands of Palm Tree"), there is the likelihood that these lands and possibly more lands bordering this new Town of Palm Tree will be densely developed to accommodate future expansion. Additionally, we are concerned that high density development on either side of Seven Springs Road will have a severe impact on the scenic and rural value of the trails, and potentially create a cultural conflict between trail users and future residents. A potential cultural conflict with hikers could be resolved if a buffer/greenway was installed on one of the parcels fronting on Seven Springs Road and Seven Springs Mountain Road, and provisions made within this Plan to plan such a green space. We strongly [advocate] inclusion of a protected greenway for the Long Path and Highlands trail be made as part of the process of creating a well-considered plan demonstrates that forethought and planning have preceded zoning, in order to bring about as much success as possible to the final outcome, with which all stakeholders, both residents and public facility users, can live with.

Response 2.1-2: As previously noted, the area within which the trail runs is not part of the Village of Kiryas Joel. Nevertheless, parcels east and west of Seven Springs Road are in private ownership and there are no known conservation easements or other legal restrictions that would preclude possible future development of these lands. Likewise, there also would appear to be no impediment to acquisition of adjacent parcels for conservation purposes by an interested organization. It may be possible for the NY-NJ Trail Conference to negotiate an easement across the lands to the west of Seven Springs Road to relocate the trail off the roadway.

Comment 2.1-3: (Letter 2, New York-New Jersey Trail Conference, rec'd. August 7, 2018):

The core corridor of the Long Path/Highlands Trail was essentially established on a rural road (Seven Springs Road), which is slated to become densely urban if future intense development is carried out on either side. This would create unsafe pedestrian zones with the rural character completely removed. The section of the future town of Palm Tree along Seven Springs Road is the most appropriate location in which to preserve at least a portion of the rural character endorsed by the County Comp Plan. Additionally, the Long Path, a 358-mile, long distance trail that connects the largest city on the Eastern Seaboard with the largest park in New York State, is considered a particularly environmentally sensitive asset to the state, since it is a vital linear green space connecting key parks, beauty spots, and high points along the Hudson River Valley that would remain isolated and depauperated over time otherwise. It provides safe spaces for wildlife to migrate between parks in a landscape under increasing human population pressures. Not only does the Long Path provide vital environmental protection and services and recreational access, it also delivers much-needed tourism dollars to the towns, counties, and states through which it travels.

Response 2.1-3: Access to the public trail will remain uninhibited from the public road. While new development in the area of the trail would likely result in an increase in local area traffic, development of lands in the Town of Palm Tree would also add provisions for pedestrian convenience and safety under the current requirements of the Kiryas Joel zoning code which is anticipated to be adopted by the new Town. As is required for all new development in Kiryas Joel, site improvements must include sidewalks and other elements intended to make the community as pedestrian friendly as possible. [Section 155-25.1 of the Code of Kiryas Joel.]

Neither annexation, planning or zoning will affect current ownership or uses of publically owned property. The Village fully anticipates that development within the annexed territory will honor and respect all public lands, including the County Park and any existing trails and easements related thereto.

Comment 2.1-4: (Letter 2, New York-New Jersey Trail Conference, rec'd. August 7, 2018):

While there are plans to provide some open spaces in the southern section of PT/KJ, the residents of Palm Tree will be even better served by having a greenway along the northern part of their community that provides transport-free access to some of the most outstanding landmarks in the county. ... A historic hiking trail, particularly one that links state and county parks, is considered green infrastructure, and deserves inclusion in Town and County Comp Plans. ... Preservation of a protected greenway as a buffer for an important and historic trail will provide the residents and planners of Palm Tree much-needed good PR as participants in good environmental stewardship in the wider community, in view of the higher density development intended in this area. ... It makes sense to include the needs of future generations, who will not only require housing, but also accessible places for relaxation and contemplation, particularly on sacred days, when walking is encouraged. ... Lastly, the PT Comp Plan fails to mention that these trails do not end at Gonzaga Park but continue along Seven Spring Road toward the Heritage Trail and Goosepond Mountain State Park. And being long-distance trails, crucially, their survival depends on maintaining a safe, preserved green corridor along or in the lands adjacent to Seven Springs Road. Since one of the recreational goals states that “the Village should evaluate potential lands for new neighborhood parks” ... We strongly recommend that consideration and provision be made for a linear park linking Gonzaga Park with the O&R land parcels on Seven Springs Road. This not only makes sense as preserving an existing asset, but will assure the peaceful coexistence of park visitors, neighbors and the people of Palm Tree.

Response 2.1-4: *Comments noted. The prior DGEIS of 2015, to which this document is a supplement, provided a description of the trail along Seven Springs Road and consideration of potential development along the road corridor. See Responses 2.1-1 and 2.1-2 above. The DGEIS further identified appropriate mitigation: “Any site-specific action will need to comply with the applicable State and local requirements created for the protection of existing resources. Individual site plan or subdivision reviews will need to investigate the extent of project visibility from nearby roads and publicly-accessible locations, as well as investigate the potential for the presence of archaeological resources. Plan reviews will need to address possible mitigation measures such as avoidance of sensitive resources, replanting visual buffers, establishing green spaces bordering development, and constructing attractive building designs that are appropriate at each site to create a livable community. Such measures should be taken without or with annexation.” [page 3.7-4] Future decision-makers, including the Village Board, Planning Board and Zoning Board of Appeals, will be informed by this FSGEIS to consider the open space needs of its residents, neighbors and visitors.*

Comment 2.1-5: (Peter Dombroski, Public Hearing Transcript (Pg. 18), July 25, 2018):

Will there be any open space in your community that other communities can enjoy? For example, we have the Twin Lakes in Monroe that you can walk around.

Response 2.1-5: *The Village of Kiryas Joel provides facilities and services, including recreational spaces, for the benefit of families within the community and paid for though the Village taxes. With the exception of the Kinder Park which is open only to Village residents, there are no other restrictions on the use of Village recreational spaces.*

Comment 2.1-6: (Carolyn Jamison, Public Hearing Transcript (Pg. 20), July 25, 2018):

Is there zoning that is going to limit the height of buildings and things like that? How about office buildings and commercial buildings?

***Response 2.1-6:** The proposed zoning of the 164 acre territory will reflect the zoning applicable to the entire Village. Structures in the R Residential district will be limited to four (4) stories and 60 feet. Structures in the C Commercial district will be limited to six (6) stories. Structures in a PUD district, which is established on a project by project basis, will be limited to six (6) stories and 75 feet.*

APPENDIX A
SEQRA Documentation

STATE ENVIRONMENTAL QUALITY REVIEW ACT

**NOTICE OF COMPLETION OF DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT
("DRAFT SGEIS")**

**NOTICE OF JOINT PUBLIC HEARING ON DRAFT SGEIS, PROPOSED VILLAGE OF KIRYAS JOEL
COMPREHENSIVE PLAN AND RELATED LOCAL LAWS**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of State Environmental Quality Review Act ("SEQRA") of the Environmental Conservation Law and the New York State Village Law.

A draft Supplemental Generic Environmental Impacts Statement ("Draft SGEIS") considering the potential adverse environmental impacts of proposed Village of Kiryas Joel Comprehensive Plan and resulting amendments to Chapter 155 and Chapter 124 of the Village of Kiryas Joel Code has been prepared by the Village of Kiryas Joel Board of Trustees ("Village Board") as lead agency.

On July 6, 2018, the Village Board determined that the Draft SGEIS was complete and adequate for public review. The Village Board will commence a joint public hearing on July 25, 2018 at 4:00p.m. at the Terrace on Forest Meeting Hall, 51 Forest Road, Suite 320, Monroe NY 10950; and will accept written comments on the Draft SGEIS, the proposed Village of Kiryas Joel Comprehensive Plan and resulting amendments to Chapter 155 [Zoning] and Chapter 124 [Streets] of the Village of Kiryas Joel Code through the close of business on Tuesday August 7, 2018.

- Lead Agency:** The Village of Kiryas Joel Board of Trustees
- Date of Notice:** July 9, 2018
- Address:** Village of Kiryas Joel, P.O. Box 566, Monroe, New York 10949.
- Name of Action:** Village of Kiryas Joel Comprehensive Plan and Local Laws SGEIS
- Project Location:** Village of Kiryas Joel, New York
- SEQRA Status:** Type I Action

Description of Action: This Proposed Action and Draft SGEIS is in accordance with the prior annexation of approximately 164 acres of land from the Town of Monroe to the Village of Kiryas Joel for which a DGEIS, FGEIS and SEQRA Findings Statement was adopted. This Draft SGEIS analyzes the potential environmental impacts related to the proposed Village of Kiryas Joel Comprehensive Plan and related local laws amending Chapters 124 [Streets] and 155 [Zoning] of the Village Code. The proposed action does not involve any particular development project, however this Draft SGEIS evaluates a generic development scenario over the next ten years, which is reasonable for the subject lands, for purposes of evaluation of the secondary impacts of the action.

Reasons Supporting This Determination: The Lead Agency has determined that the Draft SGEIS is consistent with the Part 617 regulations of the State Environmental Quality Review Act and is, therefore, adequate for public review. The Draft SGEIS is available for review at the Village of Kiryas Joel Village Hall, 51 Forest Road, Monroe, NY 10950 and online at the website www.kj-seqra.com.

A joint public hearing will be held on **July 25, 2018 at 4:00p.m. at the Terrace on Forest Meeting Hall, 51 Forest Road, Suite 320, Monroe NY 10950** and will accept written comments on the Draft SGEIS, proposed comprehensive plan and proposed local laws through the close of business on Tuesday August 7, 2018. The joint public hearing will hear comments related to the Draft SGEIS, the proposed comprehensive plan, and the proposed local laws amending Chapters 124 [Streets] and 155 [Zoning] of the Village of Kiryas Joel Code.

All comments should be directed to the contact person below.

For Further Information:

Frederick Wells, Tim Miller Associates, Inc.,
10 North Street
Cold Spring, N.Y. 10516
Telephone: 845-265-4400
Fax: 845-265-4418
Email: fwells@timmillerassociates.com

APPENDIX B

Public Hearing Transcript

----- x

IN THE MATTER
OF
PUBLIC HEARING ON DRAFT SGEIS, PROPOSED
VILLAGE OF KIRYAS JOEL COMPREHENSIVE PLAN
AND RELATED LOCAL LAWS

----- x

51 Forest Road
Suite 320
Monroe, New York
July 25, 2018

B E F O R E :

KIRYAS JOEL PLANNING BOARD
and
KIRYAS JOEL VILLAGE TRUSTEES

APPEARANCES:

TIM MILLER ASSOCIATES, INC.
10 North Street
Cold Spring, NY 10516
BY: FREDERICK P. WELLS, RLA.

JACOBOWITZ AND GUBITS, LLP.
Attorney for Kiryas Joel
158 Orange Avenue
Walden, New York 12586
BY: JOHN C. CAPPELLO, ESQ.

ROCKLAND & ORANGE REPORTING
2 Congers Road
New City, New York 10956
(845) 634-4200

1 Proceedings

2 MR. WELLS: I would like to open
3 tonight's meeting -- this afternoon's
4 meeting. We will start with the Pledge of
5 Allegiance.

6 (The Pledge of Allegiance was said.)

7 MR. WELLS: My name is Frederick Wells.
8 I'm from Tim Miller Associates. We are
9 planning consultants for the Village of
10 Kiryas Joel.

11 We're here today to hold a public
12 hearing, which has been duly advertised. The
13 hearing is on three aspects, a couple of
14 local laws with regard to changing the text
15 in the streets, and in the zoning a portion
16 of the village code. Also, on the draft
17 comprehensive plan that's been prepared for
18 Kiryas Joel, and on the draft supplemental
19 generic environmental impact statement
20 prepared for this action.

21 The primary action here is applying
22 zoning to the 164 acres that were annexed
23 back in 2016. So, Tim Miller Associates
24 prepared a comprehensive plan as a basis for
25 the zoning. The comprehensive plan took into

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

account the whole of KJ, but primarily concentrated on future development potential of the 164 acres as a Draft EIS, which is subject of the public review, and at this hearing, prior to any decision on the comprehensive plan or zoning is a draft as prepared under the auspices of the state environmental quality review act. And is subject to public comment. And any comments received would be taken into account and any further action is part of the SEQRA process.

The EIS is also a supplement to the environmental impact statement that was prepared for the annexation process. And it is also considered a generic EIS, in that, it doesn't study individual projects or specific projects, but works with the development scenario as applied to the development of the 164 acres as an example to the evaluate the potential impacts of that implementation.

So, individual development projects that are proposed in the Village will still be subject to SEQRA as they come before the planning board or the village board for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

review and approval.

The Village has also been working on changes to it's zoning text in relation to making adjustments in terms of correcting wording or improving the wording, or fine tuning some of the regulations that are already in the zoning, getting the opportunity we have to look at it as a whole. So, that is part of what is -- part of what is included in the zoning amendments that are being proposed.

A draft has been -- of all of these documents has been posted on line at kj-segra.com. There is also a copy of the latest zoning on the table over there. There is a copy of the latest revisions to the streets ordinance?

So, these draft documents are subject to public review here today. They were circulated, as I said, to the appropriate agencies. And they have been posted on the public website. The Village will continue to work on these and finalize the documents prior to the close of the review process. No

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

substantial changes to the existing zoning will be contemplated that would affect the EIS as is now written.

The Village will receive public comment today and until the end of the comment period which is stated in the notice, which is August 7.

So, I will briefly mention the items that are in zoning that have been looked at for changes. Which is primarily by title. I don't need to get into the details, because most of it is process oriented in terms of how projects were reviewed by the planning board.

The general items that are being potentially modified or adjusted are the definition sections and requirements relating to basement use, relating to home occupations, details about street design and development, building heights and setbacks, parking requirements, requirement for playground space in the site plan, review procedures.

So, we're here today to hear public

1 Proceedings
2 comments on these documents. And
3 essentially, we are here to receive them, if
4 there are questions. We may be able to
5 answer them or we may defer to review once we
6 close the comment period.

7 So, if there are anybody -- is there
8 anybody that wishes so speak, I would ask you
9 to sign your name on the sign-in sheet on the
10 door, if you haven't already, and we can
11 begin hearing comments.

12 Is there anyone who wishes to speak or
13 has questions? No one wishes to speak?

14 CAROL de BEER: Well, I'm a little bit
15 lost and I'm late. Excuse me. But I thought
16 there was going to be a presentation of what
17 the project was.

18 MR. WELLS: I'm sorry. I saw you just
19 come in. I briefly summarized what we're
20 here for is for changes, primarily for
21 changes that are proposed in the zoning
22 ordinance, zoning regulations of Kiryas Joel.
23 Which are on the table over there as red line
24 version.

25 CAROL de BEER: And you're going to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

explain how that's going to affect people who live in the surrounding area?

MR. WELLS: It really will not affect anyone in the surrounding area. The impact statement was written with regard to the zoning, explains that the zoning applies -- will apply to the land in KJ only, will not affect other people in terms of direct effect on development potential or use of the land.

CAROL de BEER: That's the zoning ordinance. But obviously the project itself is going to affect people in the surrounding areas.

MR. WELLS: This action is not related to any specific project. So, we have not looked at development of a particular parcel. We looked at development in general on 164 acres that were annexed.

So, this is more of a generic look in order to evaluate the effectiveness of zoning and the ability for the Village to regulate those 164 acres the way they wish.

CAROL de BEER: But you don't care how it affects everybody else?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

MR. WELLS: Well, as I say, the zoning is applied to the land, which then would be applied to any application by a developer to develop the land. But this action that is before the village right now is not a development action. It's primarily an administrative action to adopt zoning changes.

Any questions or comments?

To repeat some of what I said initially, this is a public hearing on several documents that are available to the public right now. One is the comprehensive plan for Village of Kiryas Joel, which we prepared as a basis for looking at zoning. And it's a typical process in New York State that a municipality would look at the planning aspect of their action before they actually zone something. So, that's what we did. In addition to looking at the 164 acres, we looked at the surrounding land and other land in KJ that -- to which all of the zoning applies. And that's what the comprehensive plan explains. And is subject to this hearing. In addition to the environmental impact statement, which

1 Proceedings
2 is a section of that same document, which
3 talks about the potential impacts of
4 implementing the zoning that's proposed and
5 implementing comprehensive plan. And so
6 comments tonight -- today, can be received on
7 or during this comment period, can be
8 received on the comprehensive plan, the
9 environmental impact statement or the draft
10 zoning changes.

11 Ma'am, if I may ask, did you sign in so
12 we can have your name? You spoke. If you
13 can sign in so we have your name for the
14 record that would be helpful.

15 If there is anyone else that wishes to
16 speak, please, take this opportunity.

17 CAROL de BEER: It's a little difficult
18 to know what to speak to because this is
19 unintelligible to me.

20 MR. SZEGEDIN: I think the newspaper had
21 a pretty good write up for what the public
22 hearing is about.

23 MR. WELLS: In addition to today, during
24 public hearing, there is an additional
25 comment period where we would receive written

1 Proceedings

2 comments, if you wish to take a look at it
3 and provide written comments either by e-mail
4 or a letter that's acceptable. The comment
5 period is open until August 7.

6 MR. SZEGEDIN: As was mentioned before,
7 everything is posted online at kj-segra.com
8 so, it's all there. There was a good write
9 up in the Times Herald Record, and the photo
10 news with the e-mail mentioned in it. So, if
11 somebody does make any comments today they
12 could still send in written comments
13 afterward.

14 CAROL de BEER: Does it say how long
15 it's going to take me to get from my house to
16 here? Does it tell me whether I'm going to
17 have water in the summer time?

18 MR. CAPPELLO: There is a book. There
19 is a generic environmental impact statement
20 as part of this comprehensive plan, which is
21 provided online. That does have an analysis,
22 and does talk about traffic, does talk about
23 water use, does talk about sewer usage as it
24 relates to the zoning --

25 CAROL de BEER: How do I obtain that

1 Proceedings

2 book?

3 MR. CAPPELLO: That is as Mr. Szegedin
4 just said, it's available online. You're
5 more than welcome to review it. You have
6 until August 7 to submit any specific written
7 comments that you have that would be taken in
8 and it will be prepared, and it will be
9 addressing those questions so you could see
10 whether your comments were answered.

11 MR. WELLS: We can keep the hearing
12 officially open until say 4:30 if anybody
13 wishes to speak.

14 CAROLYN JAMISON: I have a question
15 on --

16 MR. WELLS: If you would state your name
17 -- actually if you would come up to the
18 microphone, that would be best, so then we
19 can record what you have you to say
20 accurately. I appreciate it.

21 CAROLYN JAMISON: Okay. My name is
22 Carol Jameson. My question is, I don't -- I
23 actually need to look at a map. But I'm
24 wondering because my house is in the Town of
25 Blooming Grove. Will Kiryas Joel extend to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

the boundaries of Blooming Grove? For instance, the Lake Ann property, I understand that's slated for very extensive development, or it's in the planning stages, and I'm very concerned about that as far as aquifer and it's use by the surrounding areas. Because the high population density in Lake Ann area, for instance, will really dry up the aquifer, and then there is the sewage issues and roads, of course. So does it -- can someone answer that? Is this particular deliberation, does that extend to Blooming Grove? Will Kiryas Joel extend as far as Blooming Grove? No? Just the Monroe area.

MR. SZEGEDIN: There is nothing pending on annexing this. Only what is already annexed from the Town of Blooming Grove into the Village of Kiryas Joel, which is going to be part of the Town of Palm Tree. This is not related to.

CAROLYN JAMISON: Palm?

MR. SZEGEDIN: Palm Tree.

This is not related to Blooming Grove at all.

1 Proceedings

2 CAROLYN JAMISON: I understand. So by
3 separating the two towns legally will this
4 mitigate the very high taxes in the Town of
5 Monroe?

6 MR. SZEGEDIN: I can't speak for the
7 budget. I know the town board and the town
8 of Monroe is working on the budget as we
9 speak. I don't know what the impacts are on
10 the budget is going to be.

11 CAROLYN JAMISON: I know the high
12 population use of the school system and the
13 other services has really jacked up the taxes
14 in Monroe.

15 MR. SZEGEDIN: Whatever the impact is
16 going to be, the Village of Kiryas Joel is
17 going to be separated from Monroe come
18 January one.

19 CAROLYN JAMISON: Thank you.

20 MR. SZEGEDIN: Thank you.

21 MR. CAPPELLO: Are you from Blooming
22 Grove also?

23 CAROL de BEER: (Nods).

24 I guess one thing that does impress me
25 is that the community is very intent on what

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

they're going to do with their property for their selves. But as you said, you know, Monroe has to do what they have to do. What are you providing for us -- when Washingtonville builds a library we can all use that. You can use that. I can use that. I don't live in the Town of Washingtonville. When you billed a town called Palm Grove or Kiryas Joel, what is in it for us.

MR. SZEGEDIN: First of all, the statement you just made is not a hundred percent accurate. Because only residents in Blooming Grove could use the Blooming Grove library. Only residents in Monroe can use the Monroe library.

CAROLYN JAMISON: That's not true. I can use Washingtonville. I can use Monroe.

MR. CAPPELLO: They may permit them --

CAROLYN JAMISON: I have a card that's viable in all of those places. I can download --

MR. SZEGEDIN: Because Washingtonville is part of Blooming Grove. Washingtonville is a Village in the Town of Blooming Grove.

1 Proceedings

2 CAROLYN JAMISON: And Kiryas Joel?

3 MR. SZEGEDIN: Kiryas Joel is --

4 CAROL de BEER: And I use my card in
5 Newburgh, in Monroe, in Washingtonville. All
6 of those libraries, one card does it.

7 MR. CAPPELLO: That's a whole separate
8 law.

9 CAROL de BEER: That's a Ramapo Library
10 --

11 MR. CAPPELLO: That's Ramapo Library
12 System that individual libraries can choose
13 to participate in and meet the standards as
14 to whether -- but you can't -- you want the
15 answer or do you want to --

16 CAROL de BEER: I want you to answer,
17 yes. I want to here the answer.

18 MR. CAPPELLO: You're talking a specific
19 question about libraries.

20 CAROL de BEER: It was an example.

21 MR. CAPPELLO: Well, it -- give you the
22 truth about your example. Individual
23 libraries have the ability to participate or
24 not participate in the Ramapo Catskill
25 System. And they share services, so if there

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

was a library in Kiryas Joel they would have the ability to participate. They pay into Ramapo Catskill Library, and that's part of your budget if your library wants to do it. That's a service that has nothing to do whether a town or a Village permits it. That's whether your individual library agrees to participate in the cooperation among those systems through Ramapo. But your card, whether it's Village of Washingtonville or Town of Monroe or Village of Walden, that I happen to be on the library board, that services your library. Then your library participates in the Ramapo.

CAROL de BEER: I want to know what Kiryas Joel are going to provide available to me.

MR. SZEGEDIN: The norm in New York State is that each community is a home rule community providing for the residents that pay the taxes. But to answer your question.

CAROL de BEER: What taxes do you pay?

MR. SZEGEDIN: We pay property taxes to the Village of Kiryas Joel. We pay property

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

taxes to the Kiryas Joel Union Free School District. We also pay property taxes to Orange County. And we also paid property taxes, and we still pay, until January first to the Town of Monroe.

But just as a side note, the Village of Kiryas Joel ambulance corp and fire department are all participants in the mutual aid program going on calls outside of the Village of Kiryas Joel providing help on the Thruway and on the 17 for people who are injured. It's a common practice. Of course we provide. We live in a society.

We also provide great Kosher Rugelach downstairs that anybody could come and buy if that's what you are looking for. We provide a lot of services. Some of them you have to pay, the grocery store, some of them is provided for free.

CAROLYN JAMISON: What about the recreational facilities and stuff you're going to be building.

MR. SZEGEDIN: Recreational facilities that we provide now is a park that we have,

1 Proceedings

2 but in that facility we only servicing
3 residents from the Village of Kiryas Joel,
4 similar to Smith Farm in the Town of Monroe
5 or Harriman Farm or Woodbury Farm serving
6 only those communities that pay to fund those
7 farms.

8 CAROL de BEER: And that's being built
9 by the taxes that you paid to Kiryas Joel?

10 MR. SZEGEDIN: Yes. Yes.

11 PETER DOMBROSKI: So, will there be any
12 open space in the community that other
13 communities can enjoy.

14 MR. WELLS: Sir, can you give your name
15 for the record, please.

16 PETER DOMBROSKI: Peter Dombroski. Will
17 there be any open space in your community
18 that other communities can enjoy? For
19 example, we have the Twin Lakes in Monroe
20 that you can walk around.

21 MR. SZEGEDIN: The Town of Monroe has
22 probably 30 to 40 square miles. Kiryas Joel
23 only has one square mile. There is not much
24 land or recreational land available in the
25 Village of Kiryas Joel. People from outside

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

of Kiryas Joel come to use the next door health center for doctor visits.

CAROL de BEER: How many acres?

MR. SZEGEDIN: One square mile.

CAROLYN JAMISON: How is that property [speaker not heard] they are building over a wide area.

MR. SZEGEDIN: Similar to other places that are more densely populated. Kiryas Joel is 1.1 square mile now, after annexation it's going to be maybe 1.4 square mile.

CAROLYN JAMISON: But there is undeveloped land there. They said they are having undeveloped land.

MR. SZEGEDIN: That's 164 acres. And about 110 is buildable.

CAROLYN JAMISON: Is there a reason you're only taking over such a small area? I know you want to build in other -- you're buying real estate around the vicinity.

MR. SZEGEDIN: We are not buying up real estate as a government entity. There may be individual Hasidic people buying up land. But here we're dealing as Village of Kiryas

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

Joel government. And as the Village of Kiryas Joel government we're dealing with 1.1 -- 1.4 square miles that we have to design and plan and make the quality of life and the services the best we can.

CAROLYN JAMISON: Is there zoning that is going to limit the height of buildings and things like that?

MR. SZEGEDIN: We do have zoning as part of the draft zoning code that is going to limit the height of the building to a maximum of five stories residential buildings, yes.

CAROLYN JAMISON: How about office buildings and commercial buildings?

MR. SZEGEDIN: I think that's going to be six stories.

CAROLYN JAMISON: Six stories?

MR. SZEGEDIN: Yeah.

CAROLYN JAMISON: Why did you decide or choose not to incorporate a larger area of land?

MR. SZEGEDIN: There is some history to that. I think that people that followed the annexation proceeding pretty clearly saw an

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

application of 507 acres to be annexed. And there was a lot of litigation by the County and by the Town of Monroe and others to cut the size down from 507 to a total of 220. So, we settled for 220 because we wanted to live in peace with our neighbors. And we saw the opposition that the neighbors have put up against 507, that we were willing to cut back and make it only 120.

So, you're coming to the wrong public hearing. You should have come to the public hearing arguing for 507.

CAROL de BEER: Is all of this entire acre or whatever it is on this side of 17?

MR. SZEGEDIN: Yes. Yes. But even the 507 was all on this side of the 17.

CAROL de BEER: Why did you think your neighbors were upset.

MR. SZEGEDIN: I would let the neighbors speak for themselves. The County is one of the plaintiffs. You may want to call the county executive and ask him. The Town of Monroe, Town of Woodbury, actually Town of Blooming Grove is one of the plaintiffs also.

1 Proceedings

2 You may ask the Town of Blooming Grove mayor.

3 CAROLYN JAMISON: I think you should
4 know why your neighbors object to you being
5 and usurping all of that land.

6 MR. SZEGEDIN: You may want to enlighten
7 us.

8 CAROLYN JAMISON: Because you give
9 nothing back.

10 MR. SZEGEDIN: How can we give back? We
11 [speaker not heard] we're paying a lot of
12 taxes in the county and town taxes.

13 CAROLYN JAMISON: As we all do.

14 MR. SZEGEDIN: Oh, absolutely. But
15 we're not accusing you for not giving
16 anything back. You're accusing us for not
17 giving anything back.

18 CAROL de BEER: I do give back.

19 MR. SZEGEDIN: We're paying dearly taxes
20 to the Town of Monroe, County of Orange.

21 MR. WELLS: We should limit our
22 discussion to the matters at hand, which is
23 the local laws being proposed, account plan
24 and if --

25 CAROL de BEER: You should know that

1 Proceedings

2 people don't see that.

3 MR. SZEGEDIN: We needed to make Chris
4 Miles [ph] so --

5 CAROLYN JAMISON: So this is just for
6 information, for people's information.
7 You're going to build this way and that way
8 and it's going to be such and such.

9 MR. SZEGEDIN: If people believe that we
10 should build differently you should comment
11 on the record on that. You should comment on
12 the record that we're going to adopt a local
13 law after listening to everybody's opinion.

14 CAROLYN JAMISON: Does local law apply
15 to more than Kiryas Joel.

16 MR. SZEGEDIN: No.

17 CAROLYN JAMISON: Only?

18 MR. SZEGEDIN: This is only for Kiryas
19 Joel.

20 CAROL de BEER: I recommend you think
21 about your neighbors and you think about how
22 you want to live with them and what are the
23 issues, and that is serious.

24 MR. SZEGEDIN: Agree. Thank you.

25 PETER DOMBROSKI: Just to recap on my

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

side, no public space or public area offering will be available?

MR. SZEGEDIN: There is going to be public space, because part of the 164, there is a 30 acre public -- a 30 acre lake. But that lake is going to be preserved as a beautiful environmental asset to the new Town of Palm Tree. But we're not sure yet. At this point it's still privately owned. So, it's not a public space. We may buy it one day and develop a walking trail around it. But that's all not decided at this point.

MR. WELLS: Are there any other questions or comments?

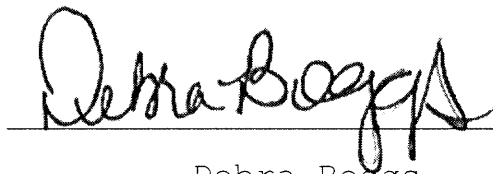
We will close the hearing now. As I say, there is a written comment period still open until August 7 if anyone wishes to add to the record. Thank you.

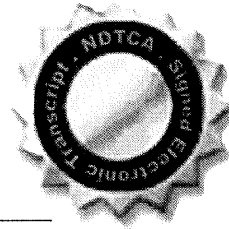
And the documents are on the kj-segra.com web site. Thank you.

(Time noted 4:35 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE FOREGOING IS CERTIFIED to be a true and correct transcription of the original stenographic minutes to the best of my ability.





Debra Boggs

APPENDIX C

Written Comments Received

Subject:

FW: Village of Kiryas Joel public comments Comp Plan and SGEIS

From: Preservation Collective [mailto:thepreservationcollective@yahoo.com]**Sent:** Tuesday, August 07, 2018 2:12 PM**To:** fwells@timmillerassociates.com**Cc:** tmiller@timmillerassociates.com**Subject:** Village of Kiryas Joel public comments Comp Plan and SGEIS

To Frederick Wells,

I have briefly reviewed the Village of Kiryas Joel Comprehensive Plan and Draft SGEIS (dated July 2, 2018) and would like to submit several comments as follows:

Our primary focus in our review of the planned expansion of development in the area would be the impacts to local and regional resources.

The Village of Kiryas Joel and the new Town of Palm Tree border Village of South Blooming Grove, the Village of Woodbury, and County parkland in addition to having groundwater wells in other municipalities. Given that there is a regional hiking trail network in the area, a network of surface channels and watercourses as a tributary to the Ramapo river and other environmental considerations beyond the border of one municipality, we suggest three goals be added to the documents:

- 1) To coordinate planning with surrounding communities and the County.
- 2) To consider impacts of new development on nearby Town, State, and County Parklands and from viewsheds from any of these public open spaces.
- 3) To encourage preservation of ridgelines, wetlands, floodplains, stream corridors and other natural resources.

As stated in the Draft SGEIS document, any development proposal will need to conduct site specific investigations to confirm the actual impacts of a particular project development. However, SEQR does not stop at the municipal border and if a project is being built in one municipality, its impacts must be fully assessed by the SEQR process in that municipality, regardless of where the impacts occur.

For example, the GEIS should assess the potential visual impacts of future projects that would be built that would be visible from sensitive receptors like the hiking trails, in at least a general way. The assessment can not be deferred to the future.

The GEIS should acknowledge that the trails are a sensitive visual impact receptor and recommend that all future projects be reviewed for such impacts on the trails. If a project is right next to a trail, a buffer will likely be needed. Screening of structures by leaving the existing vegetation in place, locating them behind hills, or planting new vegetation, should be suggested in the Plan as means to protect the views from the trails. We recommend referencing the DEC SEQR visual impact policy.

We support the efforts of the New York-New Jersey Trail Conference on creating and maintaining protective green corridors. We share their concerns about the future of two long-distance trails, the Long Path and Highlands Trail given the planned development in the area where the trails are located. We hope there is a collaboration between the Trail Conference, Orange County Planning, conservation groups, involved municipalities and landowners to see that these important trails links are protected and continue to be a great resource to the community now and for future generations.

As a side note, Orange County is in the process of updating their Comprehensive Plan and the County website has many planning resources that can assist in the review process for development impacts on watersheds and other local environmental resources that we hope can assist the decision makers in the Village of Kiryas Joel and

Town of Palm Tree when updating local zoning and ordinances. <https://www.orangecountygov.com/376/Orange-County-Plans-Documents>

We hope our comments prove helpful. Thank you for your consideration.

Tracy Schuh
The Preservation Collective, Inc.



Connecting People with Nature since 1920

600 Ramapo Valley Road • Mahwah, NJ 07430 • T 201.512.9348 • F 201.512.9012 • www.nynjtc.org

Response to the Kirjas Joel/Palm Tree 2018 Comprehensive Plan and DGEIS for the 164-acre zoning, on behalf of the New York – New Jersey Trail Conference

To whom it may concern,

We hereby present a response to the proposed town of Palm Tree Comprehensive Plan on behalf of the New York–New Jersey Trail Conference, a key stakeholder in the county and the primary manager of two long-distance trails, the Long Path and the Highlands Trail, which travel along the northernmost border of Palm Tree and will be severely impacted by the plans proposed in this document unless measures are taken to protect a corridor of open space for these historic trails. The **358-mile Long Path** connects New York City at the George Washington Bridge with John Boyd Thatcher Park in Albany County. The **182-mile Highlands Trail** connects the Delaware River in New Jersey to the Hudson River at Storm King Mountain. I would like to bring to your attention several statements highlighted in the PT Comp Plan, along with recommendations and some changes to ensure these trails are not impacted or extinguished by intensive development, and provide the opportunity for the residents and planners of Palm Tree and the County to be viewed as good neighbors to stakeholders within the larger area.

Firstly, the introduction states that:

*This document is prepared for the purpose of establishing the basis for adopting zoning for the recently annexed lands and to **serve as a template for the future expansion**. This plan encompasses the whole of Kiryas Joel, while the environmental review Section 6.0 is written specifically to **address the future development of the community in and around the 164-acre annexation and 56-acre expansion areas**"*

Additionally, as stated on page 4, " While the 56 additional acres remain within the Town of Monroe at the time this Plan is being prepared, this Plan considers the future scenario of Palm Tree."

While this Comp Plan does not cover the 56 acres for the Town of Palm Tree which include the 30 +/- acres along Seven Springs Road (indicated on the map on page 10 with the yellow parcels indicating "future lands of Palm Tree"), there is the likelihood that these lands and possibly more lands bordering this new Town of Palm tree will be densely developed to accommodate future expansion. Additionally, we are concerned that high density development on either side of Seven Springs Road will have a severe impact on the scenic and rural value of the trails, and potentially create a cultural conflict between trail users and future residents.

Concerns to address

A potential cultural conflict with hikers could be resolved if a buffer/greenway was installed on one of the parcels fronting on Seven Springs road and Seven Springs Mountain road, and provisions made within this Plan to plan such a green space. We strongly inclusion of a protected greenway for the Long Path and Highlands trail be made as part of the process of creating a *well-considered plan demonstrates that forethought and planning have preceded zoning*, in order to bring about as much success as possible to the final outcome, with which all stakeholders, both residents and public facility users, can live with.

Environmental considerations

The Palm Tree Comp Plan (p.8) mentions that an ***urban-rural concept remained the core theme*** of The *Orange County Comprehensive Plan - Strategies for Quality Communities 2010*, which provides a regional view of the natural and human environments.

In particular, section 3 of the *OC Comp Plan* stresses the need to preserve environmentally sensitive lands.”

The core corridor of the Long Path/Highlands Trail was essentially established on a ***rural*** road (Seven Springs Road), which is slated to become densely urban if future intense development is carried out on either side. This would create unsafe pedestrian zones with the rural character completely removed.

The section of the future town of Palm Tree along Seven Springs Road is the most appropriate location in which to preserve at least a portion of the *rural* character endorsed by the County Comp Plan.

Additionally, the Long Path, a 358-mile, long distance trail that connects the largest city on the Eastern Seaboard with the largest park in New York State, is considered a particularly *environmentally sensitive asset* to the state, since it is a vital linear green space connecting key parks, beauty spots, and high points along the Hudson River Valley that would remain isolated and depauperated over time otherwise. It provides safe spaces for wildlife to migrate between parks in a landscape under increasing human population pressures.

Not only does the Long Path provide vital environmental protection and services and recreational access, it also delivers much-needed tourism dollars to the towns, counties, and states through which it travels. In addition to its popular local and statewide following, the Long Path attracts travelers from other continents to thru-hike the trail, much as the Appalachian Trail does. Additionally, many people invest a great deal of their time and support in volunteering on the trail, maintaining it, advocating for it, building bridges and signage, administering the Long Path Guide for hikers, and hosting several world-class trail races along sections of the Long Path.

Green Spaces inclusive to the Plan

Page 8 notes that the County 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.

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, with the following:

Town Goals and Objectives (p7)

The Village of Kiryas Joel is located within the Town of Monroe. The **following goals are adapted** from the Town of Monroe 2017 Comprehensive Plan Update, “Goals and Objectives” in the “Vision for the Future” section.

1. Design **residential neighborhoods** to blend with the rural landscape, and at *appropriate densities that consider proximity to open space and sensitive ecological habitat*
3. **Encourage a system of open space and recreational lands for neighborhoods and preserve the environmental resources that sustain the health and welfare of the Town’s residents.”**

While there are plans to provide some open spaces in the southern section of PT/KJ, the residents of Palm Tree will be even better served by having a greenway along the northern part of their community that provides transport-free access to some of the most outstanding landmarks in the county.

Furthermore, the adapted goals and objectives include:

4. **Preserve historic and scenic assets** which provide an attractive appearance and unique community character.
5. Support **green infrastructure**.

A historic hiking trail, particularly one that links state and county parks, is considered green infrastructure, and deserves inclusion in Town and County Comp Plans.

Good Publicity

While page 7 states that “existing Town zoning in the vicinity of the Village of Kiryas Joel was intended to serve greater density than elsewhere; especially as applied to the area within the 164 acres. Further, in its approval of the annexation of the 164 acres, the Town acknowledged that extension of the Village’s land use regulations to the annexation territory would likely allow higher density development in the subject area.”

Preservation of a protected greenway as a buffer for an important and historic trail will provide the residents and planners of Palm Tree much-needed good PR as participants in good environmental stewardship in the wider community, in view of the higher density development intended in this area.

Recreation

It makes sense to include the needs of future generations, who will not only require housing, but also accessible places for relaxation and contemplation, particularly on sacred days, when walking is encouraged:

The goals outlined below may be realized through the Zoning Code to guide future development and *shape the community that is inherited by the next generation*.

The overall Plan objectives include the following:

6. Establish development guidelines that encourage facilities and services in neighborhood settings, including neighborhood-scale retail, educational, civic, religious and **recreational opportunities**.

Page 12 also states that a “Goal [is to] Facilitate the coexistence of mixed uses - residential development with attendant facilities for shopping, worship, schools, **recreation**, social services and work in walkable proximity”.

Trails and green corridors provide widely supported and very attractive passive recreational facilities.

A green protected *walkable* and locally-accessible corridor would support the PT Comp plans overall objective to

3. *Provide a fully walkable, pedestrian-oriented community with transportation access to regional centers.*

Section 4.9 Recreation (P27) is the first place that established long-distance trails have been mentioned:

“[Gonzaga] Park provides access to the Jessup and Highlands trails and the Long Path, which are marked hiking trails that connect to the regional trail network maintained by the NY-NJ Trail Conference.”

Lastly, the PT Comp Plan fails to mention that these trails do not end at Gonzaga Park but continue along Seven Spring Road toward the Heritage Trail and Goosepond Mountain State Park. And being *long-distance* trails, crucially, their survival depends on maintaining a safe, preserved green corridor along or in the lands adjacent to Seven Springs Road.

Since one of the recreational goals states that “the Village should evaluate potential lands for new neighborhood parks”

And (p33):

Develop a plan to **expand recreational opportunities** in the Village. Identify available locations for neighborhood park facilities and prioritize the locations by the recreational amenities that would suit different age groups residing nearby.”

We strongly recommend that consideration and provision be made for a linear park linking Gonzaga Park with the O&R land parcels on Seven Springs Road. This not only makes sense as preserving an existing asset, but will assure the peaceful coexistence of park visitors, neighbors and the people of Palm Tree.

APPENDIX D

Proposed Code Amendments

PROPOSED CHANGES ARE SHOWN IN EDIT MODE.

Article I: Street Specifications

§ 124-2 Preparation and submission of design plans for new and/or widened streets.

A plan of the proposed street shall be prepared by a qualified professional engineer or qualified land surveyor licensed by the State of New York.

A. The street design plans shall show the following elements, as a minimum:

(1) Proposed right-of-way of at least 50 feet (60 feet for designated streets) described by metes and bounds. *Roads are required to be public and dedicated to the Village unless the Planning Board grants an exception for private roads due to an extraordinary condition(s).*

(2) Location, width, ~~(30 feet minimum or 40 feet minimum on designated streets), sidewalks (6' wide, on both sides of the street),~~ profiles and grades of the proposed roadway. *Street pavement width shall be 37 feet minimum plus 6" curbs on both sides, concrete sidewalks shall be 6 feet wide located on both sides of the street. For projects fronting on existing streets with substandard widths, applicants shall widen the street proportionate to the frontage of their project and construct sidewalks and curbs, to the requisite widths and at their own cost.*

(3) Cross sections of the roadbed, curbs, and sidewalks, super elevations and maximum safe speed of curves. *All road profiles must illustrate vertical curves designed to accommodate school buses, fire trucks and tractor trailers.*

(4) through (8) no change.

(9) *All street names must be designated by the Village Board.*

§ 124-7 Dead-end streets and culs-de-sac.

B. Culs-de-sac shall generally be circular, with radii of sufficient length to permit both cars and trucks to negotiate the curve in a counterclockwise direction. *The minimum interior radius of a cul-de-sac shall be 40 feet.*

PROPOSED CHANGES ARE SHOWN IN EDIT MODE.

Chapter 155. ZONING

[HISTORY: Adopted by the Board of Trustees of the Village of Kiryas Joel 9-4-2007 by L.L. No. 7-2007. Editor's Note: This local law also superseded former Ch. 155, Zoning, adopted 7-19-1977 by L.L. No. 1-1977, as amended. Amendments noted where applicable.]

Article I. General Provisions

§ 155-1. Adoption of provisions.

There is hereby established and adopted, pursuant to Article 7 of the Village Law of the State of New York, and for the purposes set forth therein, a Zoning Law in accordance with a comprehensive plan for the development of the Village of Kiryas Joel in the Town of Monroe, Orange County, New York. This chapter embodies a comprehensive plan designed for the protection and promotion of the public health, safety and welfare.

§ 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 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 ~~seeped~~ *steeped* in tradition and veneration of community heritage.

B. This chapter and plan have the following purposes:

(1) Guide the future growth and development of the Village in accordance with a comprehensive plan that represents the most beneficial and convenient relationships among the areas within the Village, considering the suitability of the various uses in each area and the potential for such uses as indicated by existing conditions, having regard for conditions and trends both within the Village and in relation to adjoining areas.

(2) Provide adequate light, *and* air ~~and privacy~~; secure safety from fire, flood and other danger and prevent overcrowding of the land and undue congestion of population.

- (3) Protect the character and the social and economic stability of all parts of the Village and ensure that all development shall be orderly and beneficial.
- (4) Protect and conserve the value of buildings in the various districts established by this chapter.
- (5) Bring about the gradual conformity of the uses of land and buildings throughout the Village to the comprehensive plan set forth in this chapter, and minimize conflicts among the uses of land and buildings.
- (6) Promote the most beneficial relation between the uses of land and buildings and the circulation of traffic throughout the Village, having particular regard to the avoidance of congestion in the streets and the provision of safe and convenient traffic access appropriate to the various uses of land and buildings throughout the Village.
- (7) Serve as a guide for public policy and action in the efficient provision of public facilities and services, and for private building development and other activity relating to uses of land and buildings throughout the Village.
- (8) Assure that public service providers will provide the necessary public facilities and service needed for anticipated and needed new development.
- (9) Prevent the pollution of waters, ponds and streams; safeguard water resources and encourage the wise use and sound management of natural resources throughout the Village in order to preserve the integrity, stability and beauty of the community and the value of the land.

Article II. Definitions and Word Usage

§ 155-3. General construction of language.

All words used in the present tense include the future tense, all words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the working indicates otherwise. The word "lot" includes the word "plot," the word "building" includes the word "structure" and the word "shall" is mandatory. The word "person" includes any legal entity, as well as an individual. The word "use" shall be deemed also to include "designed, intended or arranged to be used." Unless otherwise specified, all distances shall be measured horizontally. The word "Village" means the Incorporated Village of Kiryas Joel; the term "Village Board" means the duly elected Village Board of Trustees of said Village; the term "Board of Appeals" means the duly appointed Board of Appeals of said Village; the term "Planning Board" means the duly appointed Planning Board of said Village.

§ 155-4. Definitions.

For the purposes of this chapter, certain words and terms used herein are defined as follows:

ALTER

To change or rearrange the structural parts of the ~~exit~~*existing* facilities or a building or structure, including extension on a side or increase in height, or the moving from one location or position to another.

AREA, FLOOR

All floor area within the exterior walls of a building, ~~but not to include open porches or breezeways, garages, basements or uninhabitable attic space.~~

ATTIC

The space enclosed by roof beams above and ceiling beams of the floor immediately below. Attics shall be used only for storage or mechanical equipment, not as habitable space. Attics shall have no windows, doors or porches. Maximum height of an attic shall be defined by the height from top floor ceiling to roof ridge (10 feet maximum).

BALCONY

An exterior floor that projects from the wall of a building, supported by a structure that is without additional independent supports, and surrounded by a railing. (See also definitions for "deck" and "porch/stoop" and the illustration following).

[Illustrations omitted from this draft]

BASEMENT

That portion of a building ~~wholly or partly underground and extending no more than six feet above average finished grade adjacent to and surrounding the structure within 10 feet of such structure. Should any portion of this level of construction exceed 12 feet above grade, however, it shall be considered a separate story and not a basement.~~ *extending no more than six (6) feet above average finished grade on a level site, and no portion exceeding eight (8) feet above grade on one wall if the slope from front to back or side to side equals or exceeds 8 feet. Any basement used as habitable space must have windows in similar proportion to upper floors, and must provide a direct means of egress to the outside.*

BASEMENT, SUB

A level below the basement only allowed on very steeply sloping sites where the grade from front to back or from side to side exceeds 10 feet. Subbasements shall be used only for mechanical equipment and storage, not as habitable space.

BUILDING

Any fixed structure having a roof and intended for the shelter, housing or enclosure of persons or chattels.

BUILDING OR STRUCTURE, ACCESSORY

A subordinate building, the use of which is ~~customarily~~ incidental to that of a main building on the same lot.

BUILDING COVERAGE

That portion of a lot that is covered by permanent structures, including building extensions that project beyond the foundation, but excluding unenclosed patios; unenclosed stairways to decks, porches or stoops; and eaves.

BUILDING, MAIN

A building in which is conducted the main or principal use of the lot on which such building is situated.

BUILDING GROUP, RELATED

More than one primary use building on a lot may be allowed as an exception if the Planning Board determines there are compelling reasons such as related use.

COMMUNITY ROOM

A room set aside for community functions, which shall not be used as living quarters.

DECK

An exterior roofless floored area adjoining a ~~house~~ *residential structure*, and supported on at least two opposing sides by an adjoining structure and/or posts, piers or other independent supports.

DWELLING

A building designed or used exclusively as living quarters for one or more families, and shall not be deemed to include a motel, hotel, rooming house or tourist home, ~~manufactured (mobile) home, trailers, camping car, tent or other similar temporary or mobile structure.~~

A. ONE-FAMILY — A detached building or manufactured home, designated for or occupied exclusively by one family and containing not more than one dwelling unit.

B. TWO-FAMILY — A property used for not more than two individual attached or detached dwelling units entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.

C. MULTIFAMILY — A building or portion thereof used or designed as a residence for three or more ~~apartment or~~ dwelling units.

DWELLING UNIT

A building or portion thereof used or designed as a residence for no more than one family.

ESSENTIAL SERVICES

The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, *storm drainage systems, sanitary sewer* or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare.

FAMILY

One or more persons occupying a dwelling unit and living as a housekeeping unit in a domestic relationship.

FENCE

Fences shall be allowed in front, side and rear yards. Front yard fences must allow views through the fence, e.g. chain link or picket, and are limited in height to four (4) feet. Side and rear yard fences may be opaque for privacy, and are limited in height to four (4) feet.

FRONTAGE

The extent of a parcel of land along a *public or private* street, *opposite the front of the building as defined by the Planning Board.*

FRONT YARD SETBACK LINE

A line parallel to the front lot line and at a distance ~~therefor~~ equal to the required minimum front yard *setback* for the district in which *a lot is* located.

GARAGE, PRIVATE

An accessory building or part of a main building used primarily for the storage of motor vehicles as an accessory use.

GRADE, FINISHED

The elevation, at any point along a wall of a building, of the completed surfaces of lawns, gardens, walls or roads adjoining such wall at that point.

HEIGHT OF BUILDING OR STRUCTURE

The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between the eaves and ridge for gable, hip and gambrel roofs.

HOME OCCUPATION

Any business, trade or profession, conducted in a dwelling *or basement and/or accessory building*, that is carried on by members of the household residing on the property, with or without nonresident employees, and that is clearly an accessory use in relation to the residential use of the premises. ~~A separate outdoor entrance must be provided for all home occupation spaces. See Section 155-21.C (1) (b) for the maximum space a home occupation may occupy.~~

Home occupations are divided into the following classes:

A. CLASS I (Minimal Impact) — A home occupation whose base of operation is carried out within the residence, that does not involve the parking of any business vehicles on site and that will not generate customer traffic, use an accessory building, receive deliveries by other than letter or parcel carriers or pose an environmental, safety or health hazard. Class I Minimal Impact Home Occupations are permitted accessory uses in all zones, requiring a permit from the ~~Zoning Officer~~ *Building Inspector*.

B. CLASS II — A home occupation whose base of operation is carried out within the residence ~~and/or accessory building~~ *or basement* and which will generate customer traffic or receive deliveries, ~~use an accessory building or outdoor storage, or~~ may have

environmental, safety or health impacts, *or may affect the quality of life of residents in the building*. Class II home occupations shall require site plan *and special permit* review *and approval* by the Planning Board *and a permit from the Building Inspector*.

IMPERVIOUS SURFACE COVERAGE

Impervious surface shall include any material, including buildings and pavement, that reduces or prevents absorption of stormwater into previously undeveloped land. Land that is replanted with grass, landscaping, trees or other vegetation shall not be considered impervious. The amount of impervious surface as a percentage of total lot area constitutes impervious surface coverage.

LOT

A parcel of land, not divided by or lying within a street or streets, occupied or to be occupied by a building or buildings and accessory buildings, together with such open spaces as are required under the provisions of this chapter, and having its principal frontage on a street or on such other means of access as may be deemed, in accordance with the provisions of law, to be adequate for purposes of issuing a building permit on such land.

LOT, AREA

The total area included within lot lines.

LOT, CORNER

A lot of which at least two adjacent sides abut on streets or public places.

LOT, DEPTH

The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINE, FRONT

The property or lines separating the lot from the street or streets. The front lot line shall, in the case of structures fronting on a private street, be measured from the edge of the right-of-way or, where there is no formal right-of-way, from the edge of ~~pavement~~*sidewalk*.

LOT LINES

The property lines bounding a lot as defined herein.

LOT WIDTH

The ~~mean~~-width of a lot measured at right angles to its depth, measured at the main building line.

MANUFACTURED HOME

A sectional prefabricated home intended to be permanently set on a foundation as a single family dwelling or attached to other units as a component in a multifamily structure.

~~MANUFACTURED (MOBILE) HOME~~

Any self-contained HUD-approved one-family dwelling unit designed for long-term occupancy; containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; designed to be transported, after fabrication, on its own wheels or on flatbed or other trailer; and arriving at the site where it is to be occupied as a dwelling complete. *Mobile homes are not typically set on permanent foundations.* ~~A sectional prefabricated house shall not be considered a "manufactured" or "mobile home."~~

~~NEIGHBORHOOD COMMERCIAL ENTERPRISE~~

~~A retail or service use that occupies less than 1,000 square feet of floor area and generates less than 100 trip-ends of traffic per day on average, not including auto-related enterprises, drive-in establishments, salvage yards, commercial recreational facilities, industrial uses, uses that involve the dispensing of gasoline or any other use that would generate significant noise, odor, fumes, light, glare, vibration or other similar impacts beyond the property line of the lot.~~

NONCONFORMING USE

A use of a building or ~~of land~~ ~~lot~~ that does not conform to the regulations as to the use in the district in which it is situated, which use was lawful at the time this chapter, or amendments thereto, became effective.

PARKING SPACE

An off-street space, available for the parking of one motor vehicle on a transient basis, having dimensions of not less than ~~nine~~-9 feet by 18 feet, exclusive of passageways and driveways appurtenant thereto, and giving access thereto, and having direct usable access to a street or right-of-way.

PATIO

An outdoor space for dining or recreation, *not elevated above the surrounding grade*, that adjoins a ~~residence~~-dwelling and is improved for that purpose by paving or the placement of bricks or stones on a sand, gravel or crushed stone *base*.

PLAYGROUND *or TOTLOT*

An improved recreation area containing facilities for young children to play upon, including but not limited to items such as slides, sandboxes and similar items.

PORCH or STOOP

A covered platform on a plane higher than the adjacent ground area, and typically having a separate roof at an entrance to a building.

PRIVATE DRIVE

A vehicular access serving a single principal structure of no more than four dwelling units in the case of residential properties.

SIGN

Any device for visual communication *with words, letters, numbers or other graphic representations* which is used for the purpose of bringing the subject ~~thereof~~ to the attention of the public, ~~and including any badge or insignia of the municipal agency or any civic, charitable, religious, patriotic or fraternal or similar organization.~~ *The maximum size of sign for a home occupation shall be four (4) square feet, with no one side longer than four (4) feet. The maximum size of a commercial sign shall be ten (10) square feet, with no one side longer than ten (10) feet. Billboard signs are not permitted.*

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above, then the space between the floor and the ceiling next above it. A basement shall be counted as a "story" if its ceiling is more than ~~five~~-six feet above the *average grade level* from which the height of the building is measured.

STORY, HALF

A story with at least two opposite exterior sides meeting a sloping roof not more than two feet above the floor of such story.

STREET

A public or private thoroughfare devoted to vehicular and pedestrian movement, including a road or right-of-way, over which abutting properties or dwellings have the rights of access, air and light.

STRUCTURE

Anything constructed or erected, the use of which requires ~~located~~-a *fixed location* on the ground, or attachment to something having *fixed* location on the ground, including but not limited to *buildings, porches, stoops, decks, free-standing* signs, swimming pools, ~~tennis courts, docks,~~ retaining or other types of walls and fences.

SUBDIVISION

The division of any parcel of land into two or more lots, blocks or sites for the purpose of sale, transfer of ownership or development. The term "subdivision" may also include any alteration of lot lines or dimensions of any lots shown on a plat previously approved and filed in the office of the County Clerk.

USE

The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, ACCESSORY

A use which is customarily incidental and subordinate to the principal uses of a lot or a building and located on the same lot therewith and limited to the uses specifically permitted for the zoning district in which it is located. (*Accessory use is distinguished from accessory building or structure.*)

YARD

A required open space of uniform width or depth, as the case may be on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the appropriate lot line and is unoccupied and unobstructed from the ~~group-ground~~ upward.

YARD, FRONT

A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

YARD, REAR

A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

YARD, SIDE

A yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard.

Article III. Establishment of Districts

§ 155-5. District classification.

The Village of Kiryas Joel is hereby divided into the following districts:

R Residential District

C Commercial District

§ 155-6. Zoning Map.

Said districts are bounded and defined as shown on a map entitled "Zoning Map for the Village of Kiryas Joel, Orange County, New York," which, with all explanatory matter thereon, including the effective date of this chapter, is hereby adopted and made a part of the chapter.

§ 155-7. (Reserved)

§ 155-8. Location of boundaries.

Where uncertainty exists as to the location of any boundaries shown on the Zoning Map, the following rules shall apply:

A. District boundary lines are intended to follow streets, rights-of-way, watercourses or lot lines, or be parallel or perpendicular thereto, unless such district boundary lines are fixed by dimensions, as shown on the Zoning Map.

B. Where district boundaries are indicated as following approximately streets or rights-of-way, the center lines thereof shall be construed to be such boundaries.

C. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.

§ 155-9. (Reserved)

Article IV. District Regulations

§ 155-10. Application or regulations.

In interpreting and applying this chapter, the requirements contained herein are declared to be the minimum requirements for the protection of public health, morals, safety, comfort, convenience and general welfare of the community. This chapter shall not be deemed to affect, in any manner whatsoever, any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or land or upon the erection, construction, establishment, moving, alteration or enlargement of buildings than are imposed by other ordinances, rules, regulation, license, certificates or other authorizations, by easements, covenants or agreements, the provisions of this chapter shall prevail. Except as hereinafter provided, the following general regulations shall apply.

§ 155-11. Conformance required for all land and buildings.

No building shall be erected, moved, altered, rebuilt or enlarged, nor shall any ~~land~~-lot or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with this chapter and, particularly, with the specific regulations for the district in which such building or land is located. Any use not specifically permitted by this chapter is prohibited.

§ 155-12. Lot required for every building.

Every building hereafter erected shall be located on a lot as herein defined. There shall be not more than one main building ~~and its accessory buildings~~ on any such lot unless specifically approved by the ~~Planning Board~~ ~~planning board~~ as a related building group.

§ 155-13. Yards and open space applicable to only one building.

No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be included as any part of the yard or open space for any other building; no yard or any other open space on one lot shall be considered as a yard or open space for a building on any other lot.

§ 155-14. Subdivision of lots.

A. Should a lot hereafter be formed from the part of a lot already occupied by a building, such separation shall be affected in such a manner as not to impair conformity with any of the requirements of this chapter with respect to the existing building and all yards and other required spaces in connection therewith, and no permit shall be issued for the erection of a building on the new lot thus created unless it complies with all the provisions of this chapter and any rules and regulations which have been or may be adopted for the subdivision ~~and platting~~ of the land.

B. The ~~Village of Kiryas Joel~~ Planning Board shall be authorized and empowered to approve preliminary and final plats of subdivisions showing lots, blocks, or sites, with or without streets or highways, within the Village of Kiryas Joel, pursuant to § 7-738 of ~~the~~-NYS Village Law. It shall do so pursuant to the procedures of said Village Law and according to the standards contained herein. It shall be further authorized, for this purpose, to prepare and adopt additional regulations governing subdivisions for Village Board approval.

C. The Planning Board shall also be authorized and empowered, pursuant to § 7-738 of ~~the~~-NYS Village Law and simultaneously with the approval of a plat or plats, to modify applicable provisions of this Zoning Law, subject to the conditions set forth in § 7-738 of the Village Law.

D. The Planning Board shall also be authorized and empowered to simultaneously grant preliminary and final approvals of those subdivisions not involving the construction of new improvements

("minor subdivisions"), provided that lots intended for zero lot line development shall not be granted final approval until such time as building foundations are installed and final lot line metes and boundaries are matched to such foundations.

E. ~~Lot improvements~~ *Minor lot line adjustments of no more than 500 square feet* shall be exempt from the *subdivision procedural* requirements contained herein, provided three copies of a plan prepared by a licensed land surveyor or professional engineer have been submitted describing the conveyances involved by metes and bounds and in sufficient detail to determine the situation fits the criteria below. To qualify as a *minor lot line adjustment, the action shall:* ~~lot improvement, the parcels shall:~~

(1) Involve *the transfer of land between two existing parcels that will:* ~~the addition of land to an existing parcel so as to:~~

(a) Improve *the* ability of ~~that one or both~~ parcels to comply with setback or other building standards; or

(b) Increase suitability of ~~the one or both~~ parcels for building development; or

(c) Add to the availability of open space; or

(d) Resolve a boundary line dispute or produce a corrected deed.; *and,*

(2) Not ~~substantially~~ reduce the ability of ~~the either~~ lot, ~~from which the lot improvement parcel is taken,~~ to comply with the applicable standards of this law.

~~(3) Include a map restriction to the effect the lot improvement parcel will never be considered a separate building lot apart from the tract to which it is being added.~~

F. The Planning Board shall, within ~~40~~ *30* days of the receipt of the lot ~~improvement~~ *line adjustment* plans, determine whether they comply with the exemption criteria found above. Should it fail to act in the provided time or find the plans do not meet the criteria, such plans shall be processed ~~as a minor or major~~ *in accordance with* subdivision *requirements*. If it finds they do qualify as a lot *line adjustment improvement*, the Board shall sign the plans with the following notation: "These plans are acknowledged by the Village of Kiryas Joel, and for recording purposes only, to represent an exempt lot *improvement line adjustment* in accord with § 155-14E of the Village of Kiryas Joel Zoning Law. No subdivision approval is required or given." No person shall record plans for any lot *improvement line adjustment* without so first obtaining the Planning Board's ~~clearance~~ *acknowledgement*.

§ 155-15. Irregularly shaped lots.

Where a question exists as to the proper application of any of the regulations of this chapter to a particular lot or parcel because of the peculiar or irregular shape of the lot or parcel, the Planning Board shall determine how such regulations shall be applied.

§ 155-16. Required width of street access.

No permit shall be issued for any structure unless the lot upon which the structure is to be built has a frontage of at least ~~1/2 the required minimum lot width~~ *18 feet* on a street or highway, which street or highway shall have been suitably improved or a bond posted therefor.

§ 155-17. Lots under water or subject to periodic flooding.

No portion of the minimum area requirement of a lot may be achieved by including land under water, land with an elevation below mean high water or land subject to periodic flooding. All minimum front, side and rear yard requirements must be satisfied by measurement on dry land.

§ 155-18. Accessory buildings, structures and uses.

All accessory buildings, structures and uses shall be located on the same lot with the principal uses to which they are accessory. Such accessory buildings, structures or uses shall comply with all setbacks applicable to principal structures. No accessory building or structure shall be used for human occupation *or business*. No storage container, ~~or~~ trailer, *mobile home*, or similar equipment shall be employed as an accessory building or structure.

§ 155-19. Residential district uses and requirements.

In any Residential District, no building or ~~premises-lot~~ shall be used, and no building or group of buildings, or part of a building or structure, shall be erected, constructed, enlarged, altered, arranged or designed to be used, in whole or in part, except for one or more of the uses set forth below. Only those uses specifically listed as being permitted shall be permitted.

A. Permitted principal uses, all of which shall be subject to site plan review *and approval* by the Village Planning Board (see § 155-21), are as follows:

- (1) One-family and two-family dwellings.
- (2) Multifamily dwellings.
- ~~(3) Class II home occupations.~~
- ~~(4) Neighborhood commercial enterprises.~~
- ~~(35)~~ Village hall, Village fire station, Village police station or other Village use.
- ~~(6) Public libraries.~~
- ~~(47)~~ Public parks and playgrounds and other recreation facilities intended for general public use.
- ~~(58)~~ Public parking lots.
- ~~(69)~~ Essential services.
- ~~(740)~~ Synagogues, ritual baths, public schools, private schools, ~~colleges and universities, cemeteries~~ and other places of worship or religious observance and instruction.

B. Permitted accessory uses shall be as follows:

- (1) Private garden house, toolhouse, playhouse, greenhouse or similar private accessory use not used for commercial or public purposes.
- (2) Private garage or carport for housing private passenger cars of residents ~~and their employees~~ living on the premises.
- ~~(3) Temporary storage of boat, house trailer, boat trailer, auto trailer, mobile house trailer or camper vehicle, provided that the same is enclosed within a building or is screened from view by evergreen planting.~~
- ~~(43)~~ *Class I h* Home occupations *with special permit for Class II occupations*.
- ~~(54)~~ Signs used on the same lot in conjunction with a permitted principal or accessory use ~~not exceeding two square feet~~, provided that such signs are not illuminated or painted with reflective or luminous-type paint, *and are mounted on the building (not free-standing)*.

C. Residential District requirements. There is hereby established, and declared to be a part of this chapter, the following schedule of development standards for the Residential District. The

requirements are subject to all other provisions of this chapter and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

Requirement	R District Standard
Minimum lot area (square feet)	2,000
<u>Requirements for 3 story buildings or lower:</u>	
Minimum front yard <i>setback for a public road</i> (feet)	30 <i>(from property line)</i>
<i>Minimum front yard setback for a private road</i> (feet)	20 <i>(from curb or sidewalk)</i>
Minimum side yard, main and accessory buildings (feet)	15
Minimum rear yard, main and accessory buildings (feet)	15
<i>Maximum building height:*</i>	
<i>In stories, above basement</i>	3
<i>In feet, from grade to ridge</i>	50
<i>In feet, from grade to top floor ceiling</i>	40
<i>In feet, above top floor ceiling</i>	10
Minimum building separation (principal buildings)	
Front to side or rear (feet)	45
Front to front (feet)	60
<i>Side to side (feet)</i>	30
<i>Rear to rear (feet)</i>	30
<u>Requirements for 4 story buildings:</u>	
<i>Minimum front yard setback for a public road</i> (feet)	40 <i>(from property line)</i>
<i>Minimum front yard setback for a private road</i> (feet)	20 <i>(from curb or sidewalk)</i>
<i>Minimum side yard, main and accessory buildings</i> (feet)	20
<i>Minimum rear yard, main and accessory buildings</i> (feet)	20
<i>Maximum building height:*</i>	
<i>In stories, above basement</i>	4
<i>In feet, from grade to ridge</i>	60
<i>In feet, from grade to top floor ceiling</i>	50
<i>In feet, above top floor ceiling</i>	10
<i>Minimum building separation</i>	
<i>Front to side or rear (feet)</i>	60
<i>Front to front (feet)</i>	80
<i>Side to side (feet)</i>	40
<i>Rear to rear (feet)</i>	40

* Planning Board may authorize greater heights, subject to limits imposed by New York State Building Code *and the following proportional increases.* ~~where building separations are proportionally increased.~~ *For every additional story, add 10 feet to front yard, 5 feet to side and rear yards, 15 feet to front to side or rear separation, 20 feet to front to front separation, 10 feet to side to side separation, 10 feet to rear to rear separation.*

§ 155-20. General regulations for residential districts.

The provisions of this chapter shall be subject to such expectations, additions or modifications as herein provided by the following general supplementary regulations:

A. Yards and setbacks.

(1) Terraces, patios, decks, balconies, *stairways* and porches.

(a) *A patio, deck or balcony of at least 130 square feet shall be provided for each dwelling unit with 3 or more bedrooms.*

(b) A terrace, patio, deck, balcony, enclosed stairway or porch/stoop shall be considered a part of the building in determination of yard size. All such structures shall be completely outside all setback areas. All structures requiring a guard rail shall provide same to the height and specifications required by the NYS Building Code. A paved patio or terrace shall not be considered in determination of yard size; provided, however, that such terrace is unroofed and without walls, parapets or other forms of enclosure. Such terrace, however, may have an open guard railing not over three feet high, but shall not project into any yards more than 15 feet.

~~*(b) A terrace, however, may have an open guard railing not over three feet high, but shall not project into any yards more than 15 feet.*~~

(c) Any unenclosed stairway shall not be considered a part of the building in the determination of the size of the yard, and may extend into any yard. Unenclosed stairways shall be a maximum of one story in height with no roof, and shall have a maximum of twenty (20) stairs. No habitable space shall be allowed under unenclosed stairs. Any balcony, deck or porch/stoop shall be considered a part of the building in the determination of the size of the yard, except that unenclosed stairways to such additions may extend into yards.

(2) Walls and fences. The yard requirements of this chapter shall not be deemed to prohibit any necessary retaining wall, including one used in conjunction with landscaping or terracing, nor to prohibit any fence or wall, provided that in any ~~residence-R~~ district such fence or wall shall not exceed four feet in height in any required yard.

(3) Visibility at intersections. At any street intersection in any ~~residential-R~~ district, no fence, wall or other structure or planting more than three feet in height shall be erected, placed or maintained so as to impair sight distances or otherwise create an unsafe traffic condition.

(4) Corner lots. On a corner lot in any ~~residence-R~~ district, there shall be provided a yard on each street equal in depth to the required front yard on such streets. A rear yard shall be provided on each corner lot, and the owner shall elect which yard is the rear yard.

(5) Zero lot line development. A dwelling unit may be placed on one interior side property lines (a zero setback), provided such property line also serves as the side lot line for the lot opposite. ~~and there exists an irrevocable written agreement between the parties, which shall be filed with the Village, assenting to such arrangement and jointly approving the site plan. Such agreement shall be placed on such site plan.~~ There shall, to maintain privacy, be no windows, doors, air conditioning units, or any other type of openings in the wall along the zero lot line, except when such a wall abuts permanent open spaces or a public or private

right-of-way, ~~in which no case no written agreement shall be required.~~ Any building wall *separating two or more dwelling units* located on the lot line shall be of a firewall construction.

B. Height exceptions. The height limitation of this chapter shall not apply to ~~spires, cupolas, domes,~~ chimneys, ventilators, ~~skylight, or similar features~~ and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve.

C. General Residential Building Regulations

(1) Maximum size of a residential building shall be 13,000 square feet per floor, outside dimensions. Maximum building length shall be 225 feet, outside dimensions.

(2) All basements in residential buildings must be assigned a use.

(3) All dwelling units shall have at least one window facing the street to allow observation of outdoor play spaces and bus arrivals. All windows 10 feet or higher from the ground shall have window gates.

(4) A second means of egress shall be required for all dwelling units.

(5) One light/dark detector controlled floodlight shall be provided above each main entrance.

(6) A fully enclosed solid waste receptacle at least ten (10) square feet in size shall be provided for each dwelling unit. Enclosures for trash cans shall have a top.

§ 155-21. Site plan review requirements.

All permitted principal uses shall be subject to site plan review *and approval* by the Village Planning Board as set forth below.

A. Application for site plan review. Application for site plan review shall be made to the Village Planning Board; and the Planning Board shall be authorized to undertake all necessary reviews and make all determinations, including approvals or disapprovals, of such applications. The Planning Board, shall, before approving a site plan hereunder, find that all of the following conditions and standards have been met, which shall be in addition to those applicable to the Commercial District as set forth in § 155-22 and such other requirements as are applicable to specific uses and set forth below:

(1) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

~~(2) The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.~~

~~(a) A minimum of one (1) shade tree of 2-1/2 inches trunk caliper shall be planted per each dwelling unit, or as directed by the Village Department of Public Works.~~

~~(3) Operations in connection with any special use will not be more objectionable to nearby properties than would be the operations of any permitted use not requiring a special permit.~~

~~(4) Parking areas will~~ *shall* be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit will be laid out

so to achieve maximum safety. *Parking areas shall include sufficient area for a vehicle to safely maneuver in and out of every space.*

(a) Residential uses shall be provided with one (1) off-street parking space ~~and turnaround area~~ per dwelling unit *of 999 square feet and larger; two (2) off-street parking spaces per three (3) dwelling units smaller than 999 square feet.; and two (2) off-street parking space per 2,500 square feet of un-renovated basement. ,which space shall be in addition to any garage area.* *Parking area for basement uses shall be set aside at the time of site plan approval.* Parking needs with respect to all other uses shall be determined in conjunction with site plan review. The amount of parking required shall be based on *the type of use as listed below.* ~~industry studies of parking needs for the type of use proposed or actual case-study comparisons for projects of similar character. The Planning Board shall consider the characteristics of projected customers, residents, occupants or visitors to a given facility; expected occupancy rates, traffic levels and numbers of employees; the impact of sharing parking with adjoining facilities; peak visitation periods; and hours of operation as compared to other neighborhood activities. Where industry standards are inadequate for the particular use or site involved or such standards are unavailable, the following standards may be applied by the Planning Board, as the case may be:~~ *Handicapped parking shall be provided in the location and quantity to meet the guidelines of the Americans with Disabilities Act (ADA).*

Use Type	Parking Requirement
Home occupations	1 space per 350 square feet of floor area devoted to use
Hotels/motels/lodging uses	1 space per rental room
Commercial/ retail /industrial uses	1 space per 250 square feet floor area
Places of public assembly	1 space per 50 square feet public floor area
Restaurants	1 space per 50 square feet public floor area
Vehicle service establishments	1 space per 100 square feet floor area
<i>Daycare establishments</i>	<i>1 space per nonresident staff member</i>
<i>Home occupations (Class II)</i>	<i>1 space per 350 square feet of floor area devoted to use in addition to the residential parking requirement</i>

(b) Each parking space shall consist of not less than an average of 270 square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Garages, ~~carports,~~ and driveways not in the public right-of-way may be considered parking spaces. *The minimum size parking space shall be 9 feet in width and 18 feet in depth.*

(c) Any lighting used to illuminate any off-street parking shall be so shielded as to deflect the light away from adjoining premises and public rights-of-way and avoid light spillage onto adjacent properties.

(d) All parking areas which are designed to accommodate 12 or more vehicles shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective stormwater control.

(e) Parking areas should be designed such that no vehicle might directly back out onto a *pedestrian walkway or sidewalk.* ~~public highway or through road within the development.~~ Traffic flows through a parking area should be minimized and limited to connections from one lot to another and to the public street or through road.

(f) A minimum of one (1) shade tree of 2-1/2 inches trunk caliper, and 12-14 feet in height, shall be planted per each dwelling unit, on the lot or as directed by the Village Department of Public Works.

~~(f) Commercial parking areas, where possible, should generally be located in the rear yard of any use, with the principal building situated near the front lot line as permitted by the Schedule of District Regulations. This is for the purpose of maintaining the continuity of the building line along any highway and avoiding the effective merger of parking areas along a highway into one mass of pavement where entrances and exits become difficult to identify.~~

(g) Any building erected, converted or enlarged for commercial, *retail*, office, manufacturing, wholesale, institutional or similar uses shall, in addition to the off-street parking space required above, provide adequate off-street areas for loading and unloading of vehicles. Public rights-of-way shall, under no circumstance, be used for loading or unloading of materials and no loading area shall be designed so as to require the backing of vehicles out over a sidewalk or into the street.

(h) The minimum size loading space shall be 60 feet in depth and 12 feet in width, with an overhead clearance of 14 feet.

(i) Access to and from all nonresidential off-street parking, loading and vehicle service areas shall comply with all permitting requirements and standards of the Village of Kiryas Joel, County of Orange or New York Department of Transportation standards, as the case may be. Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exits. All nonresidential parking and loading areas shall be separated from the paving edge of a street or adjoining property line by a planting strip at least 10 feet in depth.

~~(5.4)~~ Identification signs *for non residential uses*, not illuminated and ~~with a maximum area of 10 square feet, including one~~ visible to *the* public ~~view~~ from the street giving access, will be permitted, subject to determination by the Planning Board that the design and location of said sign or signs will, to the maximum extent possible, not be objectionable to nearby residential properties. *Refer to sign definition for size requirements.*

(5) All non residential uses shall provide space for garbage enclosures adequate for anticipated solid waste.

B. Required plans. ~~A p~~Plans for ~~the a~~ proposed development ~~of a lot for a permitted special use~~ shall be submitted with ~~an~~ *completed site plan* application ~~for a special permit~~. *Plans for a proposed special permit use shall be submitted with a completed special permit application.* The plans shall show the location of all existing and proposed buildings, parking areas, traffic access and circulation drives, water supply lines, sanitary sewers, storm drainage facilities, ~~streetlighting~~ *street lighting*, open spaces, landscaping, topography, special features and any other pertinent information about neighboring properties that may be necessary to determine and provide for the enforcement of this chapter.

The following drawings will be required for a complete application. All drawings must be signed and sealed by an architect, engineer, surveyor or landscape architect, as appropriate.

Cover Sheet with Location Map and List of Plans

Architectural Rendering – architectural elevation views showing color and materials for all sides, roof and decks

Existing Conditions Survey – show topography, structures, surface types, property boundaries, adjacent features within 200 feet, utilities

Site Plan - show roads, curbs, driveways, buildings, parking, walkways, walkway easements, trash enclosures

Grading Plan - show Site Plan features with existing and proposed grading

Utility Plan - show water service, sewer, electric connections, hydrants

Lighting Plan – show location of fixtures, light intensity (lumens) across the site

Drainage Plan – show stormwater pipes and structures, stormwater management features

Landscape Plan – show street trees, lawn, building foundation and other plantings

Details Plan(s) – show all relevant construction details, e.g. pavement, curb and storm inlet details, trash enclosures, light fixtures, etc.

C. Supplementary standards applicable to particular uses.

(1) Home occupations. Home occupations, as defined herein, shall be subject to the following regulations and standards, whether permitted ~~by-as an~~ accessory use (Class I) or Special ~~Permit~~ Use (Class II) ~~permit~~:

(a) More than one Class I (Minimal Impact) home occupation may occur on a single residential premises. However, the cumulative impacts must fall within the limits of these standards.

(b) The home occupation activity, whether located within the dwelling or in a ~~basement(customary) accessory structure~~, shall occupy an enclosed space of no more than 1,000 square feet ~~of gross floor area~~ or 50% of the gross floor area, whichever is less.

(c) A separate outdoor entrance must be provided for all home occupation spaces.

~~(e)~~ There shall be no indication of the home occupation from the exterior of the building except for a single sign not exceeding four square feet. Modifications to a structure shall not alter its primary residential character.

~~(d)~~ No outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be permitted in the front yard of the premises. Such goods, equipment or materials may be displayed or stored elsewhere on the property if appropriately ~~covered by a structure and/or~~ screened by a fence or natural vegetation, provided that any such outdoor storage does not occur within 20 feet of an adjacent property line.

~~(e)~~ Visitation to the dwelling for purposes of the home occupation by any persons other than members of the household shall be limited to the business hours of 8:00 a.m. to 6:00 p.m., Sunday through Friday. Only members of the household occupying such dwelling shall be employed on the premises in the conduct of a home occupation outside of these hours.

~~(f)~~ Sufficient off-street parking *shall be provided in accordance with Section 155-21.A (4) (a), up to three spaces, in addition to those required for the principal residential use, shall be provided in the case of Class II home occupations.* Such spaces shall be accessed from the residence driveway and designed so as to minimize disturbance to adjacent *units or* properties, including screening if necessary.

~~(g)~~ The home occupation shall be fully consistent with all other provisions of this chapter. When the use exceeds the relevant home occupation standards, the use shall no longer be considered such a home occupation. Any home occupation that exceeds these requirements shall, upon notice from the ~~Zoning Officer~~ *Building Inspector*, cease and desist

all activity related to such use until such time as a permit as provided hereunder for an allowed principal use has been obtained from the Village ~~Zoning Officer~~*Building Inspector* or the operation has been made to again conform with the applicable limitations for a home occupation.

~~(h) All Class II home occupations are transferable upon reapplication to the Planning Board for Special Use Permit. Class I home occupations shall be transferable without Planning Board review.~~

(i) The home occupation shall not utilize substantially more water than a residential use. The home occupation shall comply with all necessary Health Department requirements in regards to the utilization of water or solid waste disposal *and shall be subject to separate water and solid waste disposal charges for the home occupation.*

~~(2) Neighborhood commercial enterprises.~~

~~(a) New buildings in which neighborhood commercial enterprises are located shall meet all yard and lot coverage requirements applicable to all permitted use buildings in the zoning district in which the neighborhood store is to be located.~~

~~(b) At least one off-street parking space shall be provided for each 300 square feet of net retail floor area. In a building containing residential and retail commercial uses (multiple-use building), one additional off-street parking space for each residential use must be provided.~~

~~(c) If conducted in an existing residential building or within a R Residential District, the neighborhood commercial enterprise shall not alter the residential appearance of that building or neighborhood. Goods, equipment or materials may be displayed or stored on the property only if appropriately covered by a structure and/or screened by a fence or natural vegetation, provided that any such outdoor storage does not occur within 20 feet of an adjacent residential property line.~~

~~(d) The Planning Board may require larger lot areas than the minimum required in the Zoning District in order to accommodate required spaces and access driveways. Landscape buffering shall be required where necessary to shield adjacent properties from the impacts of the commercial use.~~

~~(e) No neighborhood commercial enterprise shall occupy more than 1,000 square feet of gross floor area or generate more than 100 trip-ends of traffic per day on average, applying as a guide the following daily rates:~~

Enterprise	Trip-ends
Restaurants	8 trip-ends per seat
Food market	175 trip-ends per 1,000 square feet gross floor area
Offices	6 trip-ends per employee
Other commercial uses	50.0 trip-ends per 1,000 square feet gross floor area
Other uses	See "Trip Generation," Institute of Transportation Engineers

~~(3) Multifamily dwellings. The following design criteria shall apply to multifamily developments:~~

~~(a) Developments of 50 units or more shall provide 1/2 acre of playground area per 50 units unless restricted to adult occupancy only.~~

~~(b)~~ There shall be no more than ~~18-35~~ dwellings in each multifamily building, ~~provided that the Village Planning Board may allow up to 24 units where the purpose is to accommodate additional affordable housing or adapt to unusual site conditions.~~ *Fire wall separations, vertical and horizontal, shall be constructed in the locations and with the materials meeting NYS Building Code standards.*

~~(c)~~ No ~~structure-building~~ shall be constructed within ~~five-ten (10)~~ feet of the edge of any parking area. All ~~structures-buildings~~ shall be fully subject to the yard, setback and other development standards of § 155-19C. Setbacks shall apply to both public and private streets and other accesses serving multiple dwelling units.

~~(d)~~ Access roads through the development and other private streets shall comply with Village of Kiryas Joel street requirements (Chapter 124) and no parking space shall be designed such that a vehicle would be backing or driving out ~~over a walkway onto a through road.~~ ~~Instead, there~~ *There* shall be a defined entrance and exit to and from each parking area.

~~(e)~~ No multifamily development shall be served by more than one entrance and one exit (combined) from any public highway, unless topography or other physical circumstances would preclude the use of a single entrance in a safe manner.

~~(f)~~ ~~No more than 10 parking spaces shall be provided in a continuous row without being interrupted by landscaping.~~ All off-street parking shall be adequately lighted and so arranged as to direct lighting away from residences.

(f) All multifamily developments shall provide a minimum of 50 square feet of playground area per unit. Playground space shall be aggregated to achieve a sufficient size to support playground equipment, and shall be located in an area convenient for use of residents.

(g) The amount of uncontrolled stormwater leaving the site along any property line after development shall not exceed that estimated for the site prior to development. In instances where stormwater facilities are impractical for engineering reasons, the Planning Board may modify this standard as it applies to a particular project but shall provide for the maximum practical reduction in flow that can be achieved under the circumstances.

(h) Maintenance of a multifamily project shall be vested in:

[1] An association, *condominium board* or other legal entity organized prior to the offering of the first unit for occupancy; or

[2] A manager, who may be the developer, or a person designated by the developer before the developer offers a unit for occupancy; or

[3] The owners or occupants of units themselves if the total number of owners or occupants within the development is not more than five.

(i) The association or manager, as the case may be, shall be responsible for maintenance, repair and replacement of the common areas of the development including buildings and, if applicable, the furniture, fixtures and equipment within the units. The project instruments shall specify the expenses that the maintenance organization may incur and collect from purchasers as a maintenance fee and secure maintenance of the project and enforcement of applicable covenants and restrictions in perpetuity.

~~(j) Conversions of motels, hotels or other existing structures to multifamily dwelling use, regardless of whether such conversions involve structural alterations, shall be subject to the provisions of this chapter. If the proposed project does involve structural alterations, the site plan shall include a certification of a registered architect or engineer to the effect that the~~

~~existing building is structurally sound and that the proposed conversion will not impair structural soundness.~~

(j) All general regulations of residential districts listed in 155-20 shall be required.

D. Planning Board Review

(1) All site plan applications will be subject to review in accordance with the regulations of the NY State Environmental Quality Review Act (SEQRA) prior to any site plan decisions.

(2) The Planning Board will follow all requirements for site plan review stipulated in NYS Village Law.

(3) All site plan applications must be approved by a majority vote of the Planning Board, except in the case where a County mandated review under Section 239m of General Municipal Law recommends modification or disapproval of a proposed action, in which case a vote of a majority plus one will be required.

(4) All site plan applications shall require drawings signed and sealed by appropriate professional(s) licensed by the State of New York Department of Education.

(5) All site plan approvals will include a resolution specifying what the approval is for, and listing all conditions of approval. All site plan denials will include a resolution specifying the reasons for the denial.

(6) A site plan approval is valid for two (2) years unless a building permit has been issued and construction initiated, in which case the approval will be extended to the approved closing date of the building permit.

§ 155-22. Commercial District uses and requirements.

A. Purpose. The Commercial District is intended to enable the development in a planned fashion of various ~~residential~~ *commercial* and related retail uses *within predominantly residential uses*, so as to result in a unified pattern of development for the areas of the Village primarily ~~west of~~ *on* Forest Road, *Bakertown Road and County Route 44*. Permitted uses, and the intensity of development of such use, shall be in accordance with site plan reviews and approvals. ~~Existing lots not exceeding three acres in area and with frontage on an improved street as of the effective date of this chapter within the Commercial District which meet the requirements of the R District may be developed for use by one or two family dwellings without the requirement for submitting a site plan and securing a special permit, provided that all the yard, area and open space requirements of the R District are met and provided that no new streets will be created in order to enable such use.~~ All other proposed principal or accessory uses shall be subject to the site plan and special permit procedures herein required.

B. Permitted principal uses.

(1) Permitted principal uses, all of which shall be subject to site plan review by the Planning Board, *except as otherwise provided herein*, shall be as follows:

(a) All uses permitted in the R District.

(b) Multifamily dwellings, subject to the provisions below.

(c) Local retail uses, subject to the provisions below.

~~(d) Hotels and motels, subject to the provisions below.~~

~~(e)~~ *Institutions*

~~(f)~~ *Offices*

(2) Multifamily dwellings, ~~hotels and motels~~. Such uses shall be permitted in the Commercial District, subject to the approval of a site plan in conjunction with an application for a special permit.

(3) Local retail uses. Such uses shall be permitted in the Commercial District, *having frontage on Forest Road, Bakertown Road or County Route 44* ~~subject to having frontage on Forest Road and~~ subject to approval of a site plan in conjunction with an application for a special permit.

C. Site plan and special permit. An applicant ~~developer~~ shall submit a proposed site plan showing the general layout of roads, driveways, parking areas, *and* buildings, ~~(including their general character, height, and proposed uses, means of access and egress, and such other features as shall enable the evaluation of the plan, including its relationship to existing and proposed development in the vicinity of the site plan.)~~

D. Site plan hearing. After review of the site plan, the ~~Village~~ *Planning Board* shall set a public hearing in accordance with ~~law~~ *Article 7 of the Village Law*. The ~~hearing body~~ *Planning Board* shall thereafter render a report which approves, disapproves or approves subject to stated modification. An approval shall also constitute special permit approval, and the applicant developer may thereafter apply for all required building permits in accordance with such special permit and may be required to post performance bonds to assure the installation of all necessary roads, utilities and other required features.

E. Standards for development. A proposed development in the Commercial District shall consist of at least two acres and shall demonstrate proper relationship of ~~preliminary site plans for adjacent commercial lands under the same ownership and for which final plans have not yet been presented~~ *site plan elements to adjoining uses and activities*.

(1) Planning intent. It is intended that the application of these regulations for the Commercial District shall result in a unified predominantly residential pattern of uses for such district, with the center of *commercial* activity to be focused toward a ~~single~~ grouping of local retail *and office* uses along Forest Road, *Bakertown Road or County Route 44*. ~~and in the general vicinity of its intersection with Van Buren Drive~~. It is further intended that in that same vicinity there shall be ~~the sole~~ concentration of the highest density of residential development. ~~including provision for housing designed for the elderly.~~

(2) Multiple dwellings, ~~hotels and motels~~. All multiple dwellings, ~~hotels and motels~~ shall be at a density not to exceed that which can be served *by* existing or planned public water supplies and sanitary sewage collection and treatment systems. Multiple dwellings, ~~hotels and motels~~ shall be arranged in a manner that will assure safe and convenient access, adequate off-street parking to serve the needs of residents and their visitors, privacy and light and air, open spaces and such other features as the Planning Board determines to be necessary to assure a stable residential environment.

(3) No building shall exceed ~~six (6)~~ *three* stories in height. All buildings shall be sited so as to enable convenient pedestrian access to community facilities and local shopping areas.

(4) Off-street loading and unloading areas for delivery of materials and supplies as well as arriving buses or other forms of public transportation shall be provided. Such facilities shall be sufficient in size to accommodate the volume of activity anticipated, be located away from adjoining residences and include minimal use of lighting and other features that will interfere with the quiet enjoyment of adjacent residential properties.

~~(3) Local retail. Local retail stores may be included in one grouping in the Commercial District. Such stores may include food stores and other similar local retail uses which serve~~

~~predominantly the residents of the Village. There shall be adequate parking to serve the needs of residents not within easy walking distance, and suitable parking and loading areas shall be provided for tradesmen and suppliers. All refuse collection areas shall be screened from public view. Lighting shall be so limited as not to create any nuisance for nearby residence areas. Signs shall be nonilluminated and limited in size and no more than 10 square feet for each retail store. Such signs may not be freestanding or extend above the roof line of buildings. All local retail uses shall be sited no closer than 25 feet to Forest Road.~~

§ 155-23. Nonconforming uses.

Except as otherwise provided in this section, the lawfully permitted use of land or buildings existing at the time of the adoption of this chapter or any amendment thereto may be continued although such use does not conform to the regulations specified by this chapter for the district in which such land or building is located. Said uses shall be deemed nonconforming uses.

A. Nonconforming use of buildings.

(1) A building or structure, the use of which does not conform to the use regulations for the district in which it is situated, shall not be enlarged or extended unless such building or structure, including such enlargement or extension, is made to conform to all regulations, including use, for the district in which it is situated; provided, however, that where the public welfare, health or safety warrants a reasonable and necessary extension, such extensions may be temporary or permanent, and permission therefor shall be obtained by application to and approval by the Planning Board.

(2) Such nonconforming building shall not be structurally altered unless such alterations are required by law; provided, however, that such maintenance and repair work as is required to keep a nonconforming building or structure in sound condition shall be permitted; and provided further that any such nonconforming use may be extended throughout any parts of the building which were lawfully and manifestly arranged or designed for such use at the time of the adoption of the provision of this chapter which made such use nonconforming.

(3) A nonconforming use of a building may be changed only to a conforming use.

(4) If any nonconforming use of a building ceases for any reason for a continuous period of more than 120 days, or is changed to a conforming use, or if the building in or on which such uses is conducted or maintained is moved for any reason, then any further use of such building shall be only in conformity with regulations specified by this chapter for the district in which such building is located.

(5) If any building in or on which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of the lot on which such building was located and the subsequent use of any building thereon shall be in conformity with the regulations specified by this chapter for the district in which such land or building is located.

B. Nonconformity, other than use. A building that is conforming in use but does not conform to the height, yard or lot area requirements of this chapter shall not be considered to be nonconforming within the meaning of Subsection A. However, no permit shall be issued that will result in the increase of any such nonconformity.

C. New buildings on nonconforming lots.

(1) A permit may be issued for the erection of a building housing a permitted use on any lot which has been made nonconforming with respect to area, depth, width or frontage requirements, by the adoption of this chapter or the Zoning Map, or any amendment thereto,

provided that a valid conveyance has been recorded or a bona fide contract of sale for said lot has been executed and delivered prior to the date of the adoption of the provision of this chapter that made the lot nonconforming.

(2) In the case of a lot ~~have~~*having* nonconforming dimensions in a particular district, the minimum required front and rear yards shall be those of the Residential District in which said lot's depth would meet the requirements of this chapter and the minimum required side yards shall be those of the Residential District in which said lot's width would meet the requirements of this chapter, but in no case shall such yards be less than would have been required prior to the date of adoption of this chapter.

§ 155-24. Affordable housing.

The affordable housing requirements of Chapter 47 of the Village of Kiryas Joel Code shall apply to new residential development within the Village of Kiryas Joel.

A. A table demonstrating compliance with the affordable housing requirements of Chapter 47 shall be shown on the site plan of every applicable project application. The table shall include calculations of the minimum percentage allocation (MPA) for all qualifying owner and rental unit developments. The table shall indicate unit numbers, locations, sizes and any other required information relevant to MPS affordable housing. Corresponding unit numbers shall be clearly shown on the building plans.

§ 155-25. Community rooms.

The requirements of Chapter 60 of the Village of Kiryas Joel Code shall apply to community rooms within the Village of Kiryas Joel.

§ 155-25.1. Walkways and walkway easements.

[Added 9-4-2007 by L.L. No. 3-2007]

A. Findings of fact; word usage. The Board of Trustees finds that environmentally friendly pedestrian travel, which produces healthful benefits for the residents, is a predominant form of transportation in the Village. Safe, properly designed and located pedestrian walkways are required to support residential development in the Village. The failure to provide and make available walkways and walkway easements is an adequate reason to deny development until such time as such walkways and walkway easements are provided. Walkways shall be integrated in an organized system to meet the pedestrian needs of the public. The terms "walkways" and "sidewalks" may be used interchangeably, but shall not be limited in location to the sides of streets.

B. Requirement of walkways and walkway easements on site plans and/or subdivision plats containing residential units.

(1) Before the Planning Board may approve a site plan or subdivision plat containing residential *dwelling* units, such a site plan or subdivision plat shall also show, when required by this chapter, walkways and walkway easements for public pedestrian use. Such walkways and walkway easements shall, in the discretion of the Planning Board, be classified in two classes. Class A walkways and walkway easements shall be those determined by the Planning Board to be immediately necessary. Class A walkways shall be suitably constructed *by the developer* prior to the issuance of certificates of occupancy for any of the residential *dwelling* units shown on the site plan or subdivision plat. Class B walkways shall be those which may be constructed at a later time and may be constructed in conjunction with and for the benefit of later development. All walkways and walkway easements shown on a site plan or subdivision plat shall be clearly designated as Class A or

Class B, in accordance with this ~~chapter~~*section*, but the failure to so designate such walkways shall not stop the Village from requiring their construction.

(2) Prior to final approval, the developer shall deliver to the Village all offers of dedication, deeds, and/or easements, in fully executed final form for recording, together with executed recording documents and such other instruments which may be required. The Village Attorney shall approve such documents as to form.

(a) All walkways with walkway easements for public use shall be open to the public for that portion of the site for which a certificate of occupancy has been issued.

(3) Walkways shall be considered the same as sidewalks and are public improvements for the purposes of Article 7 of the *New York State* Village Law.

(4) All walkways shall be:

(a) A minimum of six feet wide and properly paved;

(b) Properly laid out to ensure safe usage and handicapped accessibility. The grades shall be designed to be safely used by wheel chairs and carriages and shall conform to ADA standards;

(c) In compliance with street specifications for sidewalks; and

(d) Properly illuminated in accordance with the street specifications having a minimum of one street light, or equivalent, located on the premises.

(5) The Village may from time to time adopt, by resolution, design and construction standards.

§ 155-26. Synagogues, schools and institutions.

All synagogues, ritual baths, public schools, private schools, colleges and universities, cemeteries and other places of worship or religious observance and instruction *shall require review and approval of the Planning Board and* shall meet the following standards:

A. All such uses shall include adequate provision for parking at times of maximum attendance or use of the premises, with landscaping and controls over lighting as may be required so as to protect and not adversely affect adjoining residential properties, and with means of ingress and egress which are properly related to the street system.

B. Off-street loading and unloading areas for delivery of materials and supplies as well as arriving buses or other forms of public transportation shall be provided. Such facilities shall be sufficient in size to accommodate the volume of activity anticipated, be located away from adjoining residences and include minimal use of lighting and other features that will interfere with the quiet enjoyment of adjacent residential properties.

C. The secondary use of such facilities for catering hall purposes shall require additional parking as may be required to accommodate the added activity. Structures used for this purpose shall be subject to side and rear yard requirements of 50 feet wherever the adjoining property is in residential use. Such secondary uses shall be subject to site plan review by the Village Planning Board, which may impose additional limits with respect to place, time and nature of the operation.

§ 155-27. Planned unit development.

A. The Village Board may establish new Planned Unit Development (PUD) districts to encourage development of functionally integrated residential neighborhoods and commercial areas. The Village Board shall establish PUD Districts in the following manner:

- (1) The owner(s) of the land in a proposed PUD District shall initially apply to the ~~Village~~ Planning Board for the establishment of a PUD ~~Planned Unit Development~~ District. The application shall be in writing and include a detailed sketch plan describing the proposed development's principal features and proposed phasing.
- (2) The Planning Board shall review the sketch plan and related documents and render a report to the applicant on the acceptability of the proposal along with recommendations for changes or improvements, if any. An unfavorable report shall state clearly the reasons therefor and, if appropriate, advise the applicant what revisions are necessary to receive acceptance.
- (3) Upon receipt of the Planning Board's report, which shall be made within 62 days of the meeting at which the sketch plan is initially presented, the applicant shall submit a preliminary site plan for the project to the Planning Board.
- (4) Within 62 days of the receipt of a completed preliminary development plan, the Planning Board shall review such submission, act upon the SEQRA submission, conduct a public hearing on the development plan and recommend action to the Village Board regarding establishment of a PUD District to accommodate the proposed project. It shall concurrently approve, disapprove or approve with the modifications the preliminary development plan, conditioning any approval on action of the Village Board with respect to the PUD District.
- (5) When the Planning Board has approved a development plan for a proposed district, the Village Board shall proceed to consider amendment of this Zoning Law in accord with the Village Law, conducting a hearing and acting upon the same within 90 days of the meeting at which the Planning Board's recommendation is received. The Village Board shall provide for County Planning Department review of the proposal as required by law and may attach conditions to its approval.
- (6) When any PUD district is not substantially developed in accordance with the approved preliminary development plan for a period of three years from the effective date of its establishment, and provided that it shall then appear that rights vested in persons acting in good faith in reliance on such zoning classification will not be prejudiced thereby, the Village Board, upon resolution and no earlier than 62 days following written notice to the applicant, may declare the change in classification to a PUD District voided. The Village hereby exercises its authority under § 10 of the Municipal Home Rule to supersede the New York State Village Law so as to permit voiding of a zoning change without resorting to further rezoning procedures.
- (7) After the Planning Board has approved the preliminary development plan, and provided the Village Board has approved the establishment of the ~~PRD-PUD~~ District, the applicant shall prepare a final development plan and submit it to the Planning Board for final approval. The final development plan shall conform substantially to the preliminary development plan approved by the Planning Board, incorporating any revisions or other features that may have been recommended by the Planning Board and/or the Village Board at the time of preliminary review. Within 62 days of the receipt of a completed application for final development plan approval, the Planning Board shall review and act on such submissions and so notify the Village Board. A copy of the approved final development plan shall be filed in the Orange County Clerk's office.

B. General requirements.

- (1) Location. A PUD District may be permitted anywhere within the Village of Kiryas Joel.
- ~~(2) Minimum site area. A PUD District should comprise at least 10 contiguous acres of land.~~

(32) Permitted uses. All permitted principal and accessory uses shall be permitted in PUD Districts.

(43) Other zoning regulations. Setback and height requirements within a PUD District may be waived or modified by the Planning Board to accommodate innovative functionally integrated designs and site plans. Notwithstanding this, no structure shall be located within 75 feet of any rear or side lot line or 50 feet of any front lot line for the project as a whole and no structure shall exceed six stories or 75 feet in height. Such project shall also otherwise comply with all other provisions of this chapter.

§ 155-28. Landmark designations.

The Village of Kiryas Joel Village Board shall be authorized to designate historic districts and landmark sites, the improvement or modification of which shall be subject to site plan review for the purpose of ensuring that the historic integrity of the structure or site is maintained.

§ 155-29. ~~(Reserved)~~ *Building Address*

All buildings in the Village of Kiryas Joel must display the address (building number) of the property. The building number shall be displayed on the wall of the building above the main front door. The building number shall be a minimum of fifteen (15) inches high.

§ 155-30. (Reserved)

Article V. Enforcement and Administration

§ 155-31. Enforcement; penalties for offenses; other remedies.

A. Enforcement. The provisions of this chapter shall be carried out and shall be enforced by the Village in accordance with the provisions of the Village Law of the State of New York. *The Village Building Inspector, Code Enforcement Officer and Public Safety Officers are all empowered to enforce the Zoning Code.*

B. Penalties for offenses. Any owner, lessee, tenant, occupant, architect or builder, or the agent of any of them, who violates or is accessory to the violation of any provisions of this chapter or who fails to comply with any of the requirements thereof or who erects, constructs, alters, enlarges, converts, moves or uses any building or land in violation of any detailed statement or plans submitted by him and approved under the provisions of this chapter, on conviction, shall be subject to a fine of not more than \$500 for each such violation. If any person fails to abate any violation within five calendar days after written notice has been served personally upon him, or within 10 days after written notice has been sent to him by registered mail at his home or business address, or by posting such notice in a conspicuous place on any building or structure at any premises which are in violation of any of the provisions of this chapter, the ~~Zoning Officer~~ *Building Inspector* may revoke any building permit or certificate of occupancy for any building or structure on the premises on which such violation occurs, and such person shall be subject to a civil penalty or not more than \$500 each and every day that said violation continues, recoverable by suit brought by the Village and retained by it.

C. Other remedies. Any building which is erected, constructed, altered, enlarged, converted, demolished, moved or removed or which is used contrary to any of the provisions of this chapter shall be deemed to be an unlawful use, and the same are hereby declared to violations of this chapter. The proper Village authorities may institute an injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove any such erection, construction, alteration, enlargement, conversion or use which is in violation of any of the provisions of this chapter.

D. Compliance with chapter. No board, agency, officer or employee of the Village shall grant or approve any permit, license, certificate or other authorization, including special permits by the Village Board, for any construction, reconstruction, alteration, enlargement or moving any building, or for any use of land or building that would not be in full compliance with the provisions of this chapter.

E. Void permits. Any permit, license, certificate or other authorization, issued granted or approved in violation of the provisions of this chapter shall be null and void and of no effect without the necessity of any proceedings for revocation or nullification thereof, and any work undertaken or use established pursuant to any such permit, license or certificate or authorization shall be unlawful.

§ 155-32. Building permits.

The provisions of this section shall apply to the issuance of building permits.

A. When required. No building or structure shall be erected, enlarged, structurally altered to create additional usable space or dwellings, demolished, moved or removed, wholly or partly, and no excavation for any building structure or use shall be made until a permit therefor has been issued.

B. Accessory buildings. No building permit shall be issued for the construction of any detached accessory building or structure, inclusive of garages, utility sheds, storage sheds or any other outbuildings, until such time as the principal building of approved bulk, size and arrangement has been substantially completed on a lot in all respects conforming with all applicable provisions of this chapter.

C. Duration. A building permit shall expire and become void if construction is not started within a period of one year of the date of issuance of said permit.

D. Permits prior to adoption of provisions. All permits for buildings or structures issued prior to the effective date of this chapter, or prior to the effective date of an amendment to this chapter shall be null and void unless substantial work has been done toward the completion of said building or structure within one year of the date of issuance of such permit.

§ 155-33. Fees.

Fees and charges shall be paid in connection with permit applications, as may be authorized by the Village Board.

§ 155-34. Board of Appeals.

A Board of Appeals consisting of five persons is hereby established by the Village Board. The Board of Appeals shall have such powers, duties and authority vested in it by [Article 7 of the New York State Village Law](#).

Article VI. Miscellaneous Provisions

§ 155-35. Amendment of provisions.

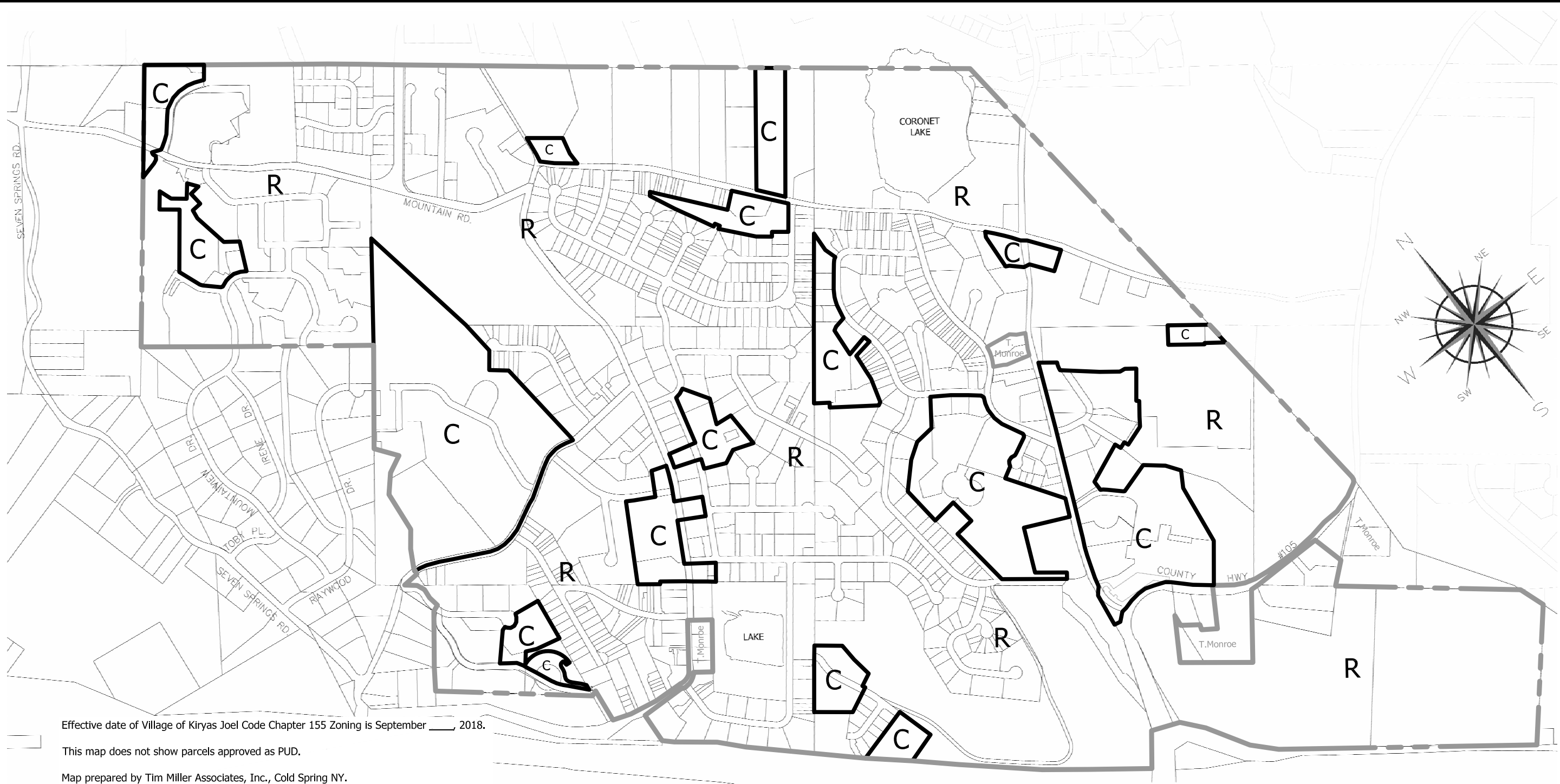
This chapter may be amended from time to time in accordance with the provisions of [Article 7 of the New York State Village Law](#).

§ 155-36. Short title.

This chapter shall be known as ~~any~~*-and* be cited as the "Zoning Law of the Village of Kiryas Joel, New York."

APPENDIX E

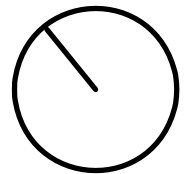
Proposed Zoning Map



Effective date of Village of Kiryas Joel Code Chapter 155 Zoning is September __, 2018.

This map does not show parcels approved as PUD.

Map prepared by Tim Miller Associates, Inc., Cold Spring NY.
Base map by Brach & Mann Associates, Monroe NY.



North



Scale

Zoning Districts

R - Residential District

C - Commercial District

ZONING MAP

Village of Kiryas Joel, Orange County, New York

Adopted: September __, 2018