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June 10, 2015

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Village Board of the Village of Kiryas Joel
Village Hall
P.O. Box 566
Monroe, New York 10949

Town Board of the Town of Monroe
Town Hall
11 Stage Road
Monroe, New York 10950

RE: Proposed Annexation of Land in the Town of Monroe
Comments on 164 Acre and 507 Acre Petitions (hereinafter the "Petitions")
Our File No.: 03923-62403

Dear Honorable Members of the Village and Town Boards:

This firm represents the Town of Woodbury and we submit these comments on behalf of the Town Board. These observations are limited to the Petitions themselves with respect to compliance with General Municipal Law (GML) Article 17, specifically including, but not limited to, GML Section 705(a) through (d).

Many of the parcels proposed to be annexed into the Village of Kiryas Joel abut land located within the Town of Woodbury. In addition, there are existing roads maintained by the Town of Woodbury that eventually serve many of the subject parcels. Finally, the lands to be annexed are proposed to be serviced by the Village's existing wastewater treatment facility

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which eventually ties into the same wastewater treatment facility that services the residents of the Town of Woodbury. Thus, the proposed annexations create concerns with respect to the Town of Woodbury's community character and the public facilities that serve its residents.

Comments on the 507 Acre Petition

- (a) Whether the persons signing the petition are qualified to sign the same?

Given the fact the petition was signed almost two (2) years ago, we believe some of the information needs to be updated because a few of the signatories do not match the records provided on the website for the Orange County Department of Real Property Tax Services (hereinafter the "County's Website"). In fact, we question whether the entire petition is stale given the passage of time.

In addition, regardless of the language in Paragraph 5 of the petition, corporate resolutions or other authorizations should be produced to confirm the signatories were authorized to sign on behalf of other individuals, or entities.

See attached Exhibit A for a complete list of possible discrepancies. Any parcel where it is shown the person signing the petition is not qualified to do so, should be removed from annexation consideration.

- (b) Whether the persons signing the petition represent the owners of a majority in assessed value of the proposed area to be annexed based upon the last preceding town assessment roll?

Since the petition is based upon the Town of Monroe's final assessment roll for 2013, the assessed values for all the proposed parcels to be annexed should be updated to reflect the assessment roll for 2015 since the annexation proceeding is likely to extend beyond July 1, 2015.

Notwithstanding the above, there are discrepancies between the assessed values stated in the petition and the 2013 records maintained on the County's Website. See Exhibit B for a list of properties that may have incorrect assessment values.

Once the assessed values and proper signatories are confirmed, it should be determined whether the persons signing the petition represent the owners of a *majority* in assessed value of the proposed area to be annexed.

- (c) Whether the petition substantially complies, in form or content, with the provisions of GML Article 17?

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The petition describes the land to be annexed via a legal description in "Exhibit A" and a map provided as "Exhibit B" of the petition. However, there appears to be instances where parcels proposed to be annexed are not included in the description in "Exhibit A" of the petition, but are included in the map attached as "Exhibit B" to the petition. Under GML Section 703(1), all parcels to be annexed must be adequately described. Here, there are possibly 17 parcels inadequately described. See a list of parcels that have not been properly described attached as Exhibit C to this letter. If these parcels are not adequately described, then the petition violates GML Section 703(1) and should be denied.

Comments on the 164 Acre Petition

- (a) Whether the persons signing the petition are qualified to sign the same?

Once again, regardless of the language in Paragraph 5 of the petition, corporate resolutions or other authorizations should be produced to confirm that the signatories were authorized to sign on behalf of other individuals, or entities.

See attached Exhibit D for a complete list of possible discrepancies with the information provided on the County's Website. Any parcel where it is shown the person signing the petition is not qualified to do so, should be removed from annexation consideration.

- (b) Whether the persons signing the petition represent the owners of a majority in assessed value of the proposed area to be annexed based upon the last preceding town assessment roll?

It appears the total sum of the assessed values listed in the petition is inaccurate. The sum of all the assessed values for all the parcels might be higher than noted in the petition. The number should be confirmed. In addition, the assessed values for all the proposed parcels to be annexed should be updated to reflect the assessment roll for 2015 since the annexation proceeding is likely to extend beyond July 1, 2015.

Once the assessed values and proper signatories are confirmed, it should be determined whether the persons signing the petition represent the owners of a *majority* in assessed value of the proposed area to be annexed.

Conclusion

The Town Board also questions whether the proposed Petitions are in the overall public interest. The approval of either petition would create numerous "island parcels" that remain

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under the jurisdiction of the Town of Monroe, but are surrounded by land located within the Village of Kiryas Joel (see Exhibit E attached to this letter for a list of "island parcels" associated with each petition). Based upon the prevailing case law, the creation of baroque and unnatural boundaries should be avoided. It is well settled that proposed annexations that result in such unnatural boundaries are not in the public interest. See, Village of Pomona v. Town of Haverstraw, 567 N.Y.S.2d 791, 171 A.D.2d 861 (2d Dept. 1991) and City of Middletown v. Town of Wallkill, 286 N.Y.S.2d 369, 19 A.D.2d 561 (2d Dept. 1967).

In addition, [the higher density development proposed with the annexation will negatively impact the Town of Woodbury's community character and the public facilities that serve its residents. The Town's rural suburban disposition in the area adjacent to the lands to be annexed will now abut high density urban-like developments that will increase traffic and noise impacts and completely change the view shed of that portion of the Town of Woodbury. In addition, the expansion of the Village of Kiryas Joel will place a strain on the County's ability to properly treat the wastewater for those areas of the Town that share the same wastewater treatment facility as the Village of Kiryas Joel.] Finally, [the potential loss of somewhere between 71 tax parcels (under the 164 acre petition) to 177 tax parcels (under the 507 acre petition) from the Town of Monroe's tax rolls, will significantly reduce the tax base for the Monroe-Woodbury School District because the Village of Kiryas Joel School District has already stated it would extend its boundaries to be co-terminus with the new Village boundaries. The Monroe-Woodbury School District serves residences of both the Town of Monroe (excluding the Village of Kiryas Joel) and the Town of Woodbury.]

3.7-1

3.3.10-1

We ask that these remarks be adequately addressed by the Village and Town Board prior to making its final determination on the annexation Petitions. If you have any questions or comments regarding the above, please feel free to contact our office. Thank you.

Very truly yours,


JOHN W. FURST

JWF/lr/1088082

cc: (Via e-mail only)

Town of Woodbury Town Board
Tim Miller Associates, Inc.

Pursuant to IRS Regulations, any tax advice contained in this communication or attachments is not intended to be used and cannot be used for purposes of avoiding penalties imposed by the Internal Revenue Code or promoting, marketing or recommending to another person any tax related matter.



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Today's hearing is clearly of interest to ALL of Orange County. I am given three minutes to speak, but our comments tonight are supplemented in writing and will be further added to relative to the DGEIS by June 22. While I am here as the County Executive today, I grew up in Monroe, graduated from Monroe-Woodbury, have served as a volunteer firefighter in this Town, and have family who live here.

The fundamental question asked in every annexation is as follows:

Whether "it is in the overall public interest to approve such proposed annexation"?

The question is of "public interest."

As the **Chief Executive Officer** of Orange County though, let me answer it clearly: Granting these annexation Petitions IS NOT in the overall public interest. Period.

The short answer having been stated, let's get to the substance.

The county believes that there will be fiscal and administrative impacts on the services it provides, and that those impacts will be contrary to the public interest. These comments provide a broad overview of those potential impacts, and the county will be supplementing the record with data and/or factual information related to these issues on or before June 22nd.

I note for the record that I have been receiving negative comments from an official from the Village of Kiryas Joel and from Monroe about the County's decision to complete this analysis. I respectfully must disagree. This is County business.



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I assume those complaints are intended to set up litigation by Kiryas Joel against the County. The fact is Kiryas Joel is already in litigation with the County. **For the record though**, were a massive annexation which has the potential to dramatically facilitate growth that also has overwhelming opposition from many others in the impacted community ever to be proposed elsewhere, I would push for this same type of County review. This is about the overall public interest.

Our initial written comments are attached. These comments include the following concerns:

1. Errors and inconsistencies of the descriptions of the Annexation territory.
2. The concerns that the Petition may impact County parkland.
3. Anticipated growth.
4. Social Services Costs.
5. Impact on Early Intervention and School District costs.
6. Impact on public health monitoring.
7. Impact on emergency services and loss of tax base to the fire district that presently covers the area proposed to be annexed.
8. The flawed nature of the traffic study.
9. The inconsistent use of varying demographic measurement methodologies.
10. The unnecessarily limited population projection timeframe utilized in the DGEIS.



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11. The errors in wetland impacts.

12. Wastewater impacts and impacts on the Ramapo River.

Those preliminary comments are provided tonight in greater detail than I have just presented, and are now on the County website – www.OrangeCountyGov.com. I have directed the County Planning Department to provide additional written comments to the Village on the DGEIS prior to the close of business June 22, 2015.

The question before your Boards is whether the proposed annexations are in the overall public interest. The answer is “no”.
Thank you.



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SUPPLEMENTAL WRITTEN COMMENTS ON BEHALF OF THE COUNTY OF ORANGE

By: Steve Neuhaus, Orange County Executive

The County of Orange hereby supplements the oral comments made by the County Executive today, June 10, 2015 consistent with the Village of Kiryas Joel Notice of General Municipal Law Article 17 Joint Public Hearing on two, overlapping Petitions for Annexation of Territory in the Town of Monroe to the Village of Kiryas Joel, dated May 1, 2015. Our comments also apply to the Village of Kiryas Joel, Village Board Resolution, dated May 1, 2015 setting a public hearing of June 10, 2015 and written comment period through June 22, 2015 on the Draft Generic Environmental Impact Statement (DGEIS) for the same two (2) Petitions for Annexation – one referred to as a proposed 507-acre Annexation and the second referred to as a 164-acre Annexation. The oral comments, as prepared for delivery, are attached hereto and made a part hereof.

County comments were prepared based on interviews with a range of interested parties as well as research conducted by a team of County senior staff from key agencies led by the County Planning Commissioner, David Church, AICP and assisted by a professional consultation team led by the Center for Governmental Research (CGR). County comments seek to assist in defining what is in the overall public interest for all constituents within the County.

Our comments today address a set of key documents that are the subject of the June 10, 2015 Public Hearing. First, County



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comments are directed at the Petitions for Annexation. Second, the County today provides preliminary comments on the DGEIS and will provide more detailed, written comments on the DGEIS on or before close of business June 22, 2015.

Petitions for Annexation

Both Petitions for Annexation contain multiple errors and inconsistencies in identifying tax parcels within the "annexation territory" (see Attachment A; List of Parcel Errors on Petition for Annexation). Consistent identification of unique tax parcels is needed throughout the petition document and with the three (3) exhibit attachments, each of which currently draws upon a different source of tax parcel data and identifiers.

Furthermore, there is a high likelihood that these discrepancies may have led to inadequate or insufficient public notice regarding the petition and/or inclusion in the affected areas, which is not in the public interest of those affected. The document must be revised so that only one identifier (SBL) is used to identify each tax parcel proposed for annexation throughout this petition.

For example, the proposed 507 acre Petition document includes tax parcel 43-3-1 with four (4) owner signatures, lists tax parcel 43-3-1 within the description of Area I in Exhibit A, yet provides the 2013 assessment value for three (3) other tax parcels (59-2-1.-1, -2 & -3) within Exhibit C. The true tax lot identifiers for these parcels are 59-2-1.-1, 59-2-1.-2, & 59-2-1.-3. In a second example, an owner signature is provided for both tax parcels 43-5-10 & 43-5-11, and the 2013 assessment value for both tax parcels is provided within Exhibit C; however, neither parcel is listed within the description of Area VIII in Exhibit A. A list of the errors we have been able to identify is annexed hereto as Exhibit "A". We cannot be certain this list is complete.

The County notes that the Petition for Annexation referred to as the proposed 507 acres Annexation includes the following parcel owned by the County of Orange and operated as parkland - Town of Monroe SBL: 1-1-5, 7.0 acres. The inclusion of County Parkland within the petition for annexation of territory remains a matter of concern and has the potential to cause several adverse impacts that would not be in the public interest. First, while the Petition was filed at the conclusion of the last Administration, no public notice has been located stating that a County-owned parcel, specifically SBL 1-1-5, was being included within and as part of the petition for annexation of territory. This 7-acre parcel constitutes a portion of a significant County park facility known as Gonzaga Park, and also accommodates the routes of the Highlands Trail and Long Path – two regionally-significant hiking trails. Any future impacts to the park as a result of

3-1-1



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annexation into the Village of Kiryas Joel must be evaluated within the context of the anticipated scale and intensity of development that will likely occur at neighboring properties, as well as an increase of patronage from nearby Village residents and additional needs for particular amenities or services. Preservation of the aforementioned hiking trails must also be ensured in the future, as such trails are characterized by undeveloped, natural landscapes and dramatic scenic views of Orange County; as such, any new development on the annexation territory will have the potential to negatively impact the natural qualities of these regionally-significant hiking trails.

3.1-1
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As such we express concern about the lack of documentation on the public interest and potential impacts of including such lands, without our agreement, on operations of this parkland including issues of public access. Until this is satisfactorily addressed, we cannot support inclusion of these lands in any Annexation.

Additional Comments on Petitions for Annexation.

The County of Orange, after review of NYS General Municipal Law §711 and in its capacity as the elected representatives of all county residents, is further obliged to provide additional comments on whether, in the words of the statute, "it is in the over-all public interest to approve such proposed annexation."

The county's position stated above is based on the following assumptions concerning the annexation:

The stated purpose of the annexation is to accommodate an expansion of the population of the Village of Kiryas Joel, as the capacity of the Village to add additional housing units within its current confines is constrained.

3.1-2

The immediate and predictable outcome of the annexation is to replicate the land use pattern now in place in the Village in the annexed lands.

3.1-3

Approval of the annexation will have the effect of increasing the number of housing units within the 507 acres under consideration and increasing the population. Moreover, the Petition, in our view, is based on an assumption that identical growth will occur with or without the annexation. If that is true, could not that identical growth happen by an even greater amount with the annexation. Put more simply, if the Village will grow vertically if not permitted to grow horizontally, what is to stop the growth from being vertical AND horizontal if horizontal growth is permitted.

3.1-4

Calculated on a *per capita* basis, a large proportion (61%) of the current population of Kiryas Joel is estimated to have income below the federal poverty line, thus is eligible for an array of social services, including Medicaid, Supplemental Nutrition Assistance Program (SNAP), Home Energy Assistance Program (HEAP) and others. These programs are funded by local, state and federal taxpayers. All other things being equal, an increase in the proportion of the total population eligible for

3.3.9-1

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services will increase the burden on the general taxpayer, and the county should expect to see a net spending increase. We will provide a detailed estimate of this increase in our comments to be submitted by June 22.

Cost impacts, by county department or school district
Department of Health

3.3.9-1
cont

Early intervention evaluations and services

Both program and administrative costs for early intervention evaluations and services (EIS) for birth-three and pre-K are likely to increase as the total population rises.

3.3.9-2

In addition, to the extent that children whose parents live elsewhere reside with extended family in Kiryas Joel, Early Intervention Costs rise. It would be helpful to quantify whether that is occurring.

Environmental health: The number of facilities for which the environmental health division is responsible (i.e., school and daycare food services; summer camps; food service establishments; and swimming pools) is likely to increase with an increase in total population.

3.3.9-3

Public health services and programs: The increase in population will increase the cost of monitoring and planning for immunization and infectious disease prevention and control services, particularly as they pertain to high-density housing.

3.3.9-4

Social Services

Medicaid: The total cost to NYS and the federal government of providing Medicaid services will rise with the anticipated increase in the number of residents qualifying for Medicaid services. New York State has presently capped Orange County's share of program costs and is reducing its share of administrative costs. The increase in population is likely to have little or no impact on the Orange County Government's Medicaid burden if County Medicaid costs remain capped. If that changes, however, County costs could increase significantly.

3.3.9-5

Supplemental Nutrition Assistance Program (SNAP): Fully federally funded, the increase in spending on SNAP that may occur as a result of this increase in population will not increase the cost to Orange County taxpayers.

3.3.9-6

Department of Mental Health: Although a significant portion of the DMH's budget is funded by Orange County, it does not appear that the Kiryas Joel community members access those services. Therefore, little to no cost increases are expected.

3.3.9-7

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Emergency Services

Emergency Medical Services: The proposed annexation will have no impact on the provision of EMS in the annexed properties. Kiryas Joel Volunteer EMS (KJEMS) will need to increase its staffing and equipment.

3.3.8-1

Emergency Communications: The residents of KJ often call a private call center with Yiddish operators to request emergency assistance. An increase in population will likely not be an increased burden on the 911 Center.

3.3.8-2

Fire Service: Boundaries and Tax Impact: Under state law, the boundaries of a fire district do not automatically change when the boundaries of a village expand. However, Town Law §182 notes that resident taxpayers can petition the Town Board to diminish the fire district borders to exclude the annexed territory. The law states that the Town Board shall diminish the said fire district based on the petition. Presumably, this would occur if the annexation were to move forward.

3.3.8-3

If the fire district outside the Village of Kiryas Joel is reduced in size, the fire district may see a net increase in cost per dwelling unit: Although the district will confront a reduction in tax base (as the assessed value of real property within the district will have fallen by \$9.2 million), there will not be a substantial reduction in costs. Despite the potential reduction in calls for service, labor is volunteer and most of the capital and operational costs are fixed. If the tax base falls without a corresponding reduction in cost, the tax burden on remaining taxpayers would rise.

Fire Suppression: The Village of KJ Fire Department (KJFD) has appropriate response apparatus for a village of its current size and building types. KJFD has a mixed volunteer and paid company of firefighters. The majority of the volunteer firefighters have beards that prevent an adequate seal for self-contained breathing apparatus (SCBA) mask. Firefighters are required by OSHA to wear a mask when fighting a fire or operating in other immediately dangerous to life hazard (IDLH) conditions. Therefore, it is a violation of OSHA standards for the majority of their volunteers to fight a fire inside a burning building. KJFD compensates for this fact by hiring firefighters from nearby areas to respond on call to conduct interior operations at fire scenes. KJFD also hires firefighters to staff their station and equipment on approximately 75 days each year when religious observance would prevent firefighters from performing firefighting duties.

3.3.8-4

A larger village with more buildings and residents will have more fires and other emergencies. Under KJFD's current operational model, they will likely need to increase the number of times that they request mutual aid. This increased demand for service from neighbors would not be offset by any additional revenue for the neighboring departments.



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Department of Planning

Transit Program Administration: The Village operates a municipal transit service for which the County Planning Department administers supporting Federal and State transit grants. The sole county cost arises from the non-federal, non-state ten percent county share of grant administration costs, which include overall operator oversight activities regarding village transit operations and maintenance of federally-supported bus equipment.

3.3.9-8

To date we have not identified other significant county expenditures that will experience an increase in cost as a result of an expansion of the population in the properties proposed for annexation.

Inconsistency With Town of Monroe Comprehensive Plan

The Annexation Proposal is inconsistent with Town of Monroe's Comprehensive Plan.

3.1-5

The annexation territory is comprised of lands currently zoned by the Town of Monroe as Rural Residential (RR-1 and RR-3) as well as smaller areas zoned Urban Residential Multi Family (URM). The Town of Monroe Comprehensive Plan references these zoning areas and while it acknowledges some of the Rural Residential Areas may be located in close proximity to the Village, these lands are not targeted for increases in development density. The Town of Monroe notes that because of the development constraints and sensitive characteristics of the lands, it recommends the use of clustering, limiting tree clearing, avoidance of siting development on ridges, and use low impact development techniques. Annexation will permit the Village (as described in the DGEIS) to rezone the lands PUD and permit development densities inconsistent with the Town's vision (and public interest).

EDUCATION

Monroe-Woodbury Central School District (MWCS D):

Special education services, including: If the annexed lands are not moved from the MWCS D to Kiryas Joel School District (KJSD), MWCS D will likely experience an increase in out-of-district placements by the Committee on Special Education for students with disabilities sent to KJSD.

Services to children with disabilities whose parents place them with extended family in Kiryas Joel for the purpose of accessing special education services (5-21).

If the annexed lands are not moved from the MWCS D to Kiryas Joel School District (KJSD), MWCS D will incur the cost of transportation, transition, support, and

3.3.10-2

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academic and health screening services for school age children whose families live in the annexed lands and attend a private school in Kiryas Joel.

3.3.10-2
cont

Administrative costs of increased Title I and Title III federal funding to support academic intervention services for economically disadvantaged children, and English language learner services, respectively. The programs are administered by the school district in which the child resides, and the funds are transferred to the non-public school which the child attends. Specific estimates of these cost increases will be provided by June 22.

3.3.10-3

PRELIMINARY COMMENTS RELATING TO THE DGEIS

Below are preliminary comments on the DGEIS. The County fully reserves the right and expectation that we will be providing more detailed written comments on the DGEIS on or before close of business June 22, 2015.

Traffic Study: Traffic Impact Study: [The traffic impact study is inherently flawed given that reductions in vehicle trips are estimated from the American Community Survey and by utilizing traffic counts rather than conducting a comprehensive origin and destination survey to calculate vehicular trips by dwelling unit type in Kiryas Joel. There is also no sound statistical or mathematical rationale in the DGEIS for reductions in vehicular trips and traffic impact between the no-build, 507 and 165 acre annexation alternatives. Furthermore, several major components that characterize a comprehensive traffic impact study such as a safety/accident analysis, an intersection level of service (LOS) evaluation, as well as a narrative of the anticipated traffic impacts and any changes in LOS that will occur on existing roadways both within and surrounding the Village are missing from the traffic impact analysis. Changes in the distribution of traffic on area roads due to annexation has also not been analyzed to any extent in the DGEIS.

3.4-1

The community relies on mass transit to address transportation needs and this is one of the primary underlying assumptions for reducing vehicle trips in the traffic impact analysis. However, there is no discussion on how mass transit services will be provided to the annexed property area.

3.4-2

Demographic Data Sources: The DEIS document must utilize a consistent data source to provide the socio-economic characteristics and demographic attributes which are ultimately relied upon to form conclusions throughout the DEIS. The DEIS currently draws upon several different versions of the ACS 5-year estimates to characterize modal split, vehicle ownership, journey-to-work data, and many other socio-economic

3.4-3

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variables for the resident population of Kiryas Joel and the annexation areas. For example, Table 3.4-11 relies upon the 2006-2010 ACS Estimates to state that 24% of workers in Kiryas Joel utilize public transportation in their journey to work; however, when the most recent 2009-2013 5-year Estimates are referenced, the percent of workers utilizing public transportation is only 18%. Methodologically speaking, all variables relating to population data in a study should reference the same dataset; in this case, specifically the 2009-2013 ACS 5-year Estimates are the most recent data made available by the Census Bureau.

3.4-3
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Population Growth: While it is true that the population residing in the annexation territory will increase regardless of the result of these petitions, the population growth will be substantially higher if the land is subject to the Village zoning rather than the Town zoning. The DGEIS assumes that full buildout of the annexation territory under the current zoning is 1,431 dwelling units; given the current household size of the Village, the maximum population of that area can then be anticipated to be approximately 8,443 people in about ten years. If however the annexation land is developed consistent with the current density of the Village of Kiryas Joel, which is approximately 6 units per acre, the maximum annexation territory density will be approximately 3,042 dwelling units, with a population of around 17,948 people in about ten years, more than double the population under the no-annexation scenario. The additional population living in the annexation territory will use energy, water and sewer capacity, transportation and transit capacity, emergency services, and social services at a rate consistent with other residents of the Village, causing a substantial impact to the public interest by straining the ability of the Village and the County to provide those services.

2-1

Population Projection Timeframe: The DGEIS projects the population of the Village out to 2025. The County feels that this is insufficient to account for the long-term impacts of the proposed annexations. We advise the Village to project the population of the Village according to all three scenarios--without annexation, with the 164-acre annexation, and with the 507-acre annexation--out to 2040. This will be consistent with projection timeframes contained within previous development proposals, and with projection timeframes developed by outside agencies such as the New York State Department of Transportation and the New York Metropolitan Transportation Council for other projects in the area of the Village.

3.2.10-1

The DGEIS seems to suggest that because population growth is constant under either scenario (annexation or no annexation) the water and wastewater service requirements are also equivalent. However, without annexation, a portion of anticipated growth would occur in surrounding Towns zoned with 3.0 acre parcel sizes

3.3.0-5
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typically serviced with conventional wells and septic systems. Therefore the 'no annexation' scenario precludes the need for a share of the otherwise proposed expansion of centralized water and wastewater infrastructure. The DGEIS must examine the benefits and/or liabilities associated with relieving expansion pressure on centralized W/WW services by the use of distributed W/WW services under the 'no annexation' scenario.

3.3.85
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Wetland Impacts: The DGEIS states that there are no wetlands within the annexation territory. This is not the case; the wetlands map in Section 3.6 of the DGEIS notes five areas designated as wetlands by the National Wetlands Inventory. Additionally, there are wetlands within the existing boundary of the Village, designated both by the National Wetlands Inventory and the New York State Department of Environmental Conservation. Development of the annexation territory will put additional strain on all these wetland areas through increased runoff, some of which will contain typical pollutants such as road salt and vehicle fluids.

3.6-1

Water: There is a plan in place to connect the existing Kiryas Joel water distribution system to the Catskill Aqueduct. In the meantime, the Village continues to develop groundwater sources in order to meet demands within the system. Plans, however, have not been submitted and finalized for either the connection to the aqueduct, or to continue to develop groundwater sources until such time as that connection is made. This does not necessarily mean that the Village will be unable to meet system demands (regardless of annexation), but proper planning is necessary to show how the Village will meet those demands as growth and system usage continues to increase. There is an assumption that adequate supply exists from both groundwater and aqueduct sources, but little mention is given to how this will be implemented or on what schedule to keep pace with demands.

3.5.7-1

The DGEIS indicates that centralized water available to the Village will include use of the Mountainville test wellfield which remains under permitting review. Use of this wellfield would constitute an interbasin water transfer, importing water from the nearby Woodbury Creek watershed. A 2011 Mountainville Well pumping test report by the applicant's consultant (LBG) describes a 425 gpm pumping test at this site, and includes calculations suggesting up that 1,212 gallons per minute might be supported by this location. On August 12, 2010, Chazen recorded a flow of 2.14 cfs (960 gpm) in the Woodbury Creek (August 2010 field report by Chazen for OCWA). On the basis of reference watersheds with available performance statistics, yet lower flow conditions in the Woodbury Creek would be expected approximately 10% of the time (e.g. less

3.5.7-2

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Page 12



STEVEN M. NEUHAUS

COUNTY EXECUTIVE

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than 960 gpm approximately one month per year). Page 2-10 of the DGEIS does not confirm the volume of water needed from the Mountainville test well site, nor discuss stream or biological impacts of accordingly gallon-for-gallon flow reductions in Woodbury Creek at either the demand rate under the 'annexation' scenario or the likely lower demand rate under the 'no annexation' scenario when a share of the proposed growth would be supported by individual wells.

3.5.7-2
cont
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Wastewater: There is no plan to expand capacities at the KJ Sewer Plant, as overflows from the pump station are routed to the rest of the Orange County collection system for treatment at the Harriman plant (i.e., with the exception of flows from the poultry processing plant, flows to the KJ plant are limited by pumping rates). While there is currently existing capacity at the Harriman plant, a facility study has been commissioned by the County to identify means of increasing treatment capacity within the Sewer District in order to meet projected future flows throughout the District. This expansion is needed with or without the annexation but if the annexation is permitted, the planned expansion may need to increase further. The cost of any potential expansions at Harriman will be borne by the entirety of the sewer district, even though growth rates, and thus treatment capacity allocation, is greater within KJ than other areas of the County. This is not inconsistent with the Orange County Sewer Use Law, nor is it in conflict with general sewer district practices. However, the statement that "...annexation will not result in negative fiscal impacts to OCSD#1 (pp. 3.5-33 of the DGEIS) is not fully examined or substantiated. With respect to wastewater, growth in the annexation area will result in increased capital costs throughout the District. While these costs may be mitigated by the addition of new users to share the burden, no discussion of this aspect is included in the DGEIS. Both Monroe and Kiryas Joel, as part of determining whether this annexation is in the overall public interest, should quantify the cost of expanding wastewater treatment if the annexation goes through on taxpayers in both Monroe and Kiryas Joel.

3.5.8-1

Impacts to the Ramapo River: This goes unaddressed in the DGEIS. The Village wastewater system, which will be serving the bulk, if not all, of the development occurring in the proposed annexation territory, drains into an unnamed tributary of the Ramapo River. The unnamed tributary has been shown to have high levels of salinity, a degradation of the water quality that can be traced directly to point and nonpoint source pollution occurring within the current Village boundary. Additional development in the annexation territory will further degrade water quality in the unnamed tributary and further downstream in the Ramapo River watershed. The impacts of the Ramapo River must be addressed in the DGEIS.

3.6-2



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Growth Inducing Impacts: The DGEIS does not adequately address induced growth and cumulative impacts. The DGEIS assumes population growth within the combined study area (Village and Annexation territory) to be constant under either scenario (annexation or no annexation). It does not estimate the additional growth potential attributable to the action. This underestimates the long-term potential for growth (and along with that growth, the needs for water and wastewater infrastructure).

8-1

The position of the proposal is that growth will occur regardless of annexation and the impacts of growth are somehow not linked to annexation. The DGEIS acknowledges that annexation will increase development density within the annexation territory similar to the Village's density and development patterns. In many instances the DGEIS defers the evaluation of the impacts of readily foreseeable resultant actions (i.e., rezoning, extension of utilities) to sometime in the future and suggest that impacts be evaluated on a case by case basis as they happen. This is contrary to sound planning practices and the intent of SEQRA as it may constitute *segmentation*. Moreover, the DGEIS assumes growth apparently will be identical by either vertical growth or horizontal growth. The DGEIS should explain by both types of growth are apparently deemed mutually exclusive as the County does not understand such an apparent assumption.

8-2

Impacts to Natural and Visual Resources: The DGEIS does not adequately examine the impacts of growth on the territory proposed for annexation. For example, the document does not examine how potentially adverse impacts to natural resources (soils, wildlife, habitat, and wetlands, etc.) and visual resources in the proposed annexation territory will be avoided, minimized or mitigated. No estimate of disturbance of the various resources, no assessment of cumulative impacts as a result of directing growth to this area is provided per the scoping document.

3.6-3

Final Language: These impacts are substantial, and are insufficiently addressed in the existing DGEIS document. We advise the Village to conduct further evaluation of the points raised in this letter and to issue an Amended Draft Generic Environmental Impact Statement, as we do not believe the issues can be sufficiently addressed in a Final Generic Environmental Impact Statement as it stands.

We appreciate the opportunity to comment on this document, and we reserve the right to make additional comments regarding the DGEIS at a later time.



Village of Monroe

7 Stage Road, Monroe, NY 10950

Tel: (845) 782-8341 · Fax (845) 782-3006

COMMENT BY HON. JAMES C. PURCELL, Mayor
VILLAGE OF MONROE
ON
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT
FOR

507-ACRE ANNEXATION
VILLAGE OF KIRYAS JOEL & TOWN OF MONROE, ORANGE COUNTY, NEW YORK

Mayor
James C. Purcell

Trustees
Wayne Chan
Irene Conklin
Melinda Gormley
Neil Dwyer

Clerk
Virginia Carey

Treasurer
Catherine M. Murray

Attorney
J. Scott Bonacic

Building Department
Jay Wilkins, Inspector
783-8656

Police Department
Alex Melchiorre, Chief
782-8644

Department of Public Works
Brian T. Smith, Supt.
783-4440

Water Department
783-4440

Planning Board
Gary Parise, Ch.

Arch. Appearance Review Bd.
Joseph C. Mancuso, Ch.

Zoning Board of Appeals
Paul S. Baum, Ch.

Village Historian
Linda Burroughs

My name is Jim Purcell. I am the Mayor of the Village of Monroe, a SEQRA Interested Agency. Because of the proximity of the area to be annexed and the Village of Monroe, we have a keen interest in the environmental review of the annexation.

The Village of Monroe has no present position on the ultimate question of whether the annexation should be approved. However, it is impossible even to make a reasoned determination in this regard because the Draft Generic Environmental Impact Statement does not adequately analyze the environmental impacts of the annexation. Indeed, the substance of the DGEIS is so lacking, so devoid of true substantive analysis, that it does not satisfy the SEQRA standard necessary to begin the public's review. This DGEIS needs to be redone. It needs to analyze the various environmental issues identified in the DGEIS Scope in a realistic and meaningful manner.

The fundamental problem with the DGEIS is that it either avoids or assumes away almost all of the environmental impacts that will result from the annexation. It is disingenuous to avoid studying real and certain environmental impacts of the annexation, including the likely high density rezoning of the annexed area, by simple statements that the impacts will be the same with or without annexation. It is improper to avoid studying likely transportation, noise, air quality, school, and other impacts by the assumptions specifically stated in the DGEIS – illegal to enforce – that the annexed area will be “occupied by Hasidic families,” where children will be schooled in private religious schools, where no motor vehicles will be used on the Sabbath or religious holidays, and where woman will not drive cars. SEQRA review cannot so easily be avoided, and people's freedom of ideas and choices cannot be so easily controlled.

I am submitting with my comments a more detailed request that the Village of Kiryas Joel, as Lead Agency, address in a meaningful manner the various environmental impacts that will result from the proposed annexation. The people of the Village of Monroe -- and all others -- deserve it.



Village of Monroe
7 Stage Road, Monroe, NY 10950
Tel: (845) 782-8341 • Fax (845) 782-3006

June 10, 2015

Mayor

James C. Purcell

Trustees

Wayne Chan
Irene Conklin
Melinda Gormley
Neil S. Dwyer

Clerk

Virginia Carey

Treasurer

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Zoning Board of Appeals

Paul S. Baum, Ch.

Village Historian

Linda Burroughs

Mr. Gedalye Szegedin, Administrator
Village of Kiryas Joel
P.O. Box 566
Monroe, NY 10949

Re: Petition for Annexation of 507+/- Acres
from Town of Monroe to Village of Kiryas Joel
177 tax lots located in the Town of Monroe

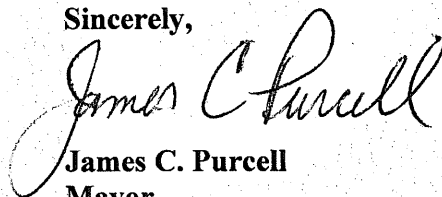
Dear Mr. Szegedin:

Based on the comments attached with regard to issues in the DGEIS the Village of Monroe goes on record that there is need for further study and analysis in a "Supplemental Generic Environmental Impact Statement (SGEIS) or in the Final Generic Environmental Impact Statement (FGEIS)".

The Village of Monroe has no present position on the ultimate question of whether the annexation should be approved. However, it is impossible to make a reasoned determination in this regard because the Draft Environmental Impact Statement does not adequately analyze the environmental impacts of the annexation.

On behalf of the Village of Monroe I ask that the attached detailed request to the Village of Kiryas Joel, as Lead agency, address in a meaningful manner the various environmental impacts that will result from the proposed annexation.


Sincerely,


James C. Purcell
Mayor

DETAILED COMMENTS BY HON. JAMES C. PURCELL, Mayor

ISSUES IN THE DGEIS THAT NEED FURTHER STUDY AND ANALYSIS IN A SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT ("SGEIS") OR IN THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT ("FGEIS")

2.0 PROJECT DESCRIPTION.

- Both here and in other areas of the DGEIS (e.g., 3.4) [the transportation impacts (including related traffic counts, noise impacts, and air quality impacts) are not fully or properly studied because it is assumed that all Village residents presently, and all future residents of the proposed annexed parcels will, adhere to Hasidic religious restrictions on their behavior, such as no driving on the Sabbath and certain religious holidays, and no woman drivers. Obviously, and especially as to the proposed 507-acre annexation (and/or its alternative), this religious restriction on behavior cannot be legally enforced. Thus, there must be additional studies in a SGEIS or in the FGEIS to properly identify the transportation needs and habits of non-Hasidic religious behavior, study their impact and offer meaningful mitigation measures. 3.4-4
 - Both here and in other areas of the DGEIS [the wastewater/sewer impacts are largely avoided because the DGEIS assumes that, based on the County's contractual and other obligations to the Village of Kiryas Joel, there is virtually unlimited capacity for wastewater/sewer demands. This is a severely flawed analysis. Whether or not the County has contractual obligations to Kiryas Joel (and other Harriman Sewer District members) does not resolve the issue of the environmental impacts to the Ramapo River. The failure of the County to expand its wastewater treatment capacity to accommodate the growth anticipated in the proposed annexation properties may give rise to a breach of contract, but it does not resolve the environmental impacts of the capacity of the receiving waters or of the DEC to issue the necessary permits. The DGEIS concludes, without any basis in a study or analysis of data, that "there are no 3.5.8-2
- 

3.5.8-2
cont

significant impacts to the receiving water body (Ramapo River) as a result of the proposed annexation action.” (DGEIS at 3.5-27). There must be additional studies in a SGEIS or in the FGEIS to properly address the biological and chemical ability of the Ramapo River, as the receiving stream for the intended wastewater/sewer demands, to accommodate the significant growth anticipated of almost 20,000 people. Also, the DGEIS must study the wastewater/sewer demands of pending projects with the County sewer district.



- Both here and in other areas of the DGEIS [the potable water impacts are largely avoided because the DGEIS assumes that it will be permitted for connection to the New York City aqueduct. As the DGEIS makes clear, without the New York City aqueduct – or more well capacity than currently identified to satisfy DEC requirements for a municipal water service based solely on wells -- the Village of Kiryas Joel is unable to service the annexed area with its municipal water, as the DGEIS notes that Kiryas Joel must now truck in water to its own residents on the occasion of peak demands. Because the identification of the wells alone are insufficient to satisfy Kiryas Joel’s anticipated growth and the new demands of the annexed area, and no permits have yet to be secured from New York City authorizing the use of the aqueduct water, there must be additional studies in a SGEIS or in the FGEIS to address how the Village of Kiryas Joel will address the water demands of the 20,000 anticipated inhabitants of the annexation area if there is no tie-in to the New York City aqueduct. Of course, one way to mitigate this impact would be to delay the annexation until after the New York City permits are issued. If this mitigation measure is not selected, then the studies are critical to assess the water demand (and related infrastructure improvement) impacts.

3.5.7-3

3.0 LAND USE AND ZONING

- The statement here, and elsewhere in the DGEIS to the same effect, that the “without annexation” and “with annexation” scenarios “reveal that

3.1-6
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3.1-6
(cont)

potential impacts of annexation relate not to population growth, but to the difference in population distribution, one to the other, based on the underlying premise of inevitable and continued population growth” is not supported in the DGEIS. Simply stating the assumed premise that the same growth will occur with or without annexation is not proof of the same. Further, such a premise defies logic. To posit that the anticipated 20,000 additional people in the annexation parcel -- if annexation proceeds at a pace as the DEGEIS proposes – will simply be “redistributed” into the Village of Kiryas Joel if there is no annexation is reckless speculation. The DGEIS states that the Village of Kiryas Joel has 80% of its tax lots “fully developed.” (DGEIS at 2-3). 20,000 people will not be “redistributed” to the remaining 20% of the less-than-fully-developed tax parcels remaining Kiryas Joel, a large portion of which are not controlled by Kiryas Joel, but instead are held in ownership by private developers. There must be additional studies in a SGEIS or in the FGEIS addressing the true impact of the substantial increase in population growth in the annexed area if annexation occurs and higher density zoning provides the basis for the projected 20,000 additional people.



- The DGEIS fails to provide mitigation measures regarding the environmental impacts of the large increase in population growth. This is improper under SEQRA. The reference in Section 3.1.4 that undefined zoning regulation constitutes mitigation, demonstrates a lack of understanding of the issue – or an avoidance of it. Zoning in the abstract mitigates nothing. Zoning only provides the opportunity for mitigation if, and then only to the extent, that the zoning regulations anticipated are set forth in detail and substantively have the effect of some level of mitigation. Thus, there is no mitigation set forth. In a similar fashion, the referenced “mitigation” in Section 3.1.4 that Kiryas Joel anticipates a master plan “for future land use decisions” is apropos of nothing, without any detailed substance of such a comprehensive plan. True and relevant mitigation

3.1-7



measures must be addressed in a SGEIS or the FGEIS; failure to do so will leave this EIS process fatally flawed. It also would be illegal SEQRA segmentation not to address the zoning that Kiryas Joel anticipates.

3.1-7
conf
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- The DGEIS conclusion that there will be little impact on the Monroe-Woodbury schools is based upon the assumption that that the “overwhelming majority of the new students” in the annexed area will attend private religious schools. This assumption again assumes away the issue, and is not legally enforceable. Similarly, the demographics concerning school district boundaries rest upon the assumption “that the annexation properties will continue to be occupied by Hasidic families.” Again, this assumption is not legally enforceable and avoids various significant environment impacts. Additional studies must be performed in a SGEIS or the FGEIS to address the potential that the annexation properties will not be occupied solely by Hasidic families with the same cultural norms, and that a majority of the new students in this area may be attending Monroe-Woodbury schools.

3.3.10-4

- Despite the projected significant increase in population growth and development in the area proposed to be annexed (premised in part on the availability of water and wastewater/sewer services and higher density zoning), the DGEIS refuses to study in any detail the impact of this significant population growth and development on natural resources, including wildlife, habitats, wetlands and water resources. Instead, the DGEIS baldly concludes that land disturbance resulting from construction activities will be “to much the same degree” with or without annexation. The DGEIS cannot ignore the significant environmental impacts on natural resources that the development of the proposed annexed properties will cause. Thus, additional studies are needed of the impact that the proposed population growth and high density development will likely have on the area’s natural resources, including wildlife, habitats, wetlands and water resources, and the associated mitigation measures necessary.

3.6-4

- Incredibly, the DGEIS concludes that there will be no direct impact on any visual or historic/cultural resources because “the proposed annexation action would not involve any physical disturbance of the ground” (DGEIS at 3.7-2). The DGEIS sets forth this conclusion despite its acknowledgement that there will be significant development related to the large population growth of the annexation parcels, and that the State Parks database notes that potentially archaeological sensitive areas “cover the majority of the western annexation territory.” (DGEIS at 3.7-2). Studies must be conducted to fully and effectively address the potential impacts to the visual and historical/cultural resources of the annexation area that will certainly result from its development to accommodate the estimated population surge if annexation occurs. 3.7-2

- The DGEIS conclusions that the annexation will have no growth inducing impacts, despite the greater availability of municipal water and wastewater/sewer services (DGEIS at 8-1), nor any significant environmental impacts whatsoever (DGEIS at 5-1), simply avoids the issues. These conclusions are not based upon any studies, but upon the assumption that the “growth of the Hasidic population will occur with or without annexation.” Once again, the DGEIS assumes away an issue, rather than studying and addressing the issue. Studies must be conducted in a SGEIS or the FGEIS to address the growth inducing impact of the annexation (together with necessary mitigations). 8-3



David J. Cooper
 Jody T. Cross ●
 Marsha Rubin Goldstein
 Jeremy E. Kozin
 Helen Collier Mauch ▲
 Matthew R. Pisciotta
 Daniel M. Richmond
 Brad K. Schwartz
 Lisa F. Smith ●
 David S. Steinmetz ■
 Krista E. Yacovone
 Michael D. Zarin

June 10, 2015

By Hand Delivery

Harley E. Doles III, Town Supervisor, and the
 Members of the Town Board
 Town of Monroe
 Town Hall
 11 Stage Road
 Monroe, New York 10950

Abraham Wieder, Mayor, and the
 Members of the Board of Trustees
 Village of Kiryas Joel
 Village Hall
 P.O. Box 566
 Monroe, New York 10949

■ Also admitted in D.C.
 ● Also admitted in CT
 ▲ Also admitted in NJ

*Petition comments -
 Not SEURA*

**Re: Comments on the December 23, 2013 Annexation Petition
 and on the August 15, 2014 Annexation Petition**

2-34

Dear Supervisor Doles, Mayor Wieder, and the Members of the Respective Boards:

This Firm represents United Monroe in connection with the proposed annexation by the Village of Kiryas Joel (the "Village") of substantial parts of the Town of Monroe (the "Town") (collectively, the "Annexation"). Subject to a full reservation of its rights, United Monroe submits these comments on both the 507-acre Annexation Petition ("507-acre Petition") and the 164-acre Annexation Petition ("164-acre Petition") (collectively, the "Petitions"). Both Petitions fail to comply with Article 17 of the New York General Municipal Law on multiple grounds. Moreover, as United Monroe will amplify in its written comments on the Draft Generic Environmental Impact Statement ("DGEIS"), neither Petition is the overall public interest.¹

¹ These comments specifically pertain to the sufficiency of the Petitions under the General Municipal Law. United Monroe will submit separate written comments on the DGEIS by the June 22, 2015 deadline.

I. 507-ACRE PETITION**A. Unqualified Signatures On Petition**

The 507-acre Petition is invalid in the first instance because it contains multiple unqualified, invalid signatures. See N.Y. Gen. Mun. Law § 705(1)(a). First, there are various corporate signatories which are not valid corporations under the New York State Business Corporation Law, Not-for-Profit Corporation Law or Religious Corporations Law. Konitz Estates, LLC, which is the alleged “owner of record” of S/B/L 1-2-30.7, is not an active (or inactive) Corporation or Business Entity in New York State. Congregation Lanzut of Orange County, the alleged “owner of record” of S/B/L 1-1-47.232, also is not an active (or inactive) Corporation or Business Entity in New York State, and does not appear to be validly formed under the Religious Corporations Law. Similarly, Bias Yisroel Congregation, the alleged “owner of record” of S/B/L 1-2-32.12, is not an active (or inactive) Corporation or Business Entity in New York State, and does not appear to be validly formed under the Religious Corporations Law. Finally, Atkins Brothers, Inc., the alleged “owner of record” of S/B/L 43-1-12, is not an active (or inactive) Corporation or Business Entity in New York State. The signatures of these entities should be stricken and the total assessed valuation of the “Territory proposed to be annexed to the Village” should be reduced by the assessed value of these parcels, *i.e.*, \$209,400.00.

Second, there are three (3) parcels that are jointly owned by two (2) entities but for which only one signature was obtained: S/B/L 1-3-14.21; 1-3-15; and 1-3-40. These properties are owned by both Amazon Realty Associates, Inc., and Burdock Realty Associates, Inc. There is only one signatory, however, signing for each of these three (3) parcels. It is unclear whether the signatory, Elozer Gruber, is signing on behalf of Amazon Realty Associates, signing on behalf of Burdock Realty Associates, or purporting to sign on behalf of both entities. Without a valid signature on behalf of both property owners, these parcels cannot be included in the total assessed valuation of the “Territory proposed to be annexed to the Village.” The total valuation should be reduced by the assessed value of these parcels, *i.e.*, \$145,300.00. The 507-acre Petition must be dismissed for failing to obtain valid qualified signatures.

B. Petition Does Not Describe The Territory To Be Annexed

The 507-acre Petition fails to substantially comply in form or content with multiple provisions of Article 17 of the General Municipal Law. See N.Y. Gen. Mun. Law § 705(1)(d). The 507-acre Petition, for example, is invalid because it does not sufficiently describe the territory to be annexed. See *id.* § 703(1); Bd. of Trustees of Irvington, Westchester Cnty. v. Town Bd. of Greenburgh, Westchester Cnty., 42 A.D.2d 731, 345 N.Y.S.2d 667, 668 (2d Dept. 1973) (upholding dismissal of annexation petition as defective where it did not contain an accurate description of the area sought to be annexed).

First, Exhibit A, which purports to contain the legal description of the territory to be annexed from the Town to the Village, contains the legal description for 164 parcels. Exhibit C, which purports to contain a certificate signed by the Town Assessor responsible for preparing the 2013 Final Town Assessment Roll and certifying that “the lots that Petitioners affirm they own

within the Territory proposed to be annexed have a total assessed valuation that is a majority of the total assessed valuation of all the real property in the Territory proposed to be annexed, according to the 2013 Final Assessment Roll of the Town,” contains 177 parcels. It is wholly unclear which parcels comprise the Territory that Petitioners seek to annex. For this reason alone, the 507-acre Petition should be rejected.

Second, the legal metes and bounds and accompanying parcel list included in Exhibit A do not match the parcel list certified by the Assessor in Exhibit C. The following parcels (by S/B/L number) were included in Exhibit C as part of the “Territory proposed to be annexed to the Village as described in Exhibit A of the Petition and as shown on the assessment roll of the Town for the year 2013,” but **were not included** in Exhibit A:

- 1-1-4.2
- 1-1-4.32
- 1-1-11.21
- 1-1-11.22
- 43-1-1
- 43-1-13
- 43-1-14
- 43-1-15
- 43-3-6
- 43-4-1
- 43-4-3
- 43-4-4
- 43-5-10
- 43-5-11

Again, for this reason alone, the 507-acre Petition should be rejected.

Moreover, there are multiple parcels identified in both Exhibit A and Exhibit C which, based on the legal metes and bounds description in Exhibit A, appear to be incorrectly identified. The following parcels were improperly identified in both Exhibit A and Exhibit C:

- 1-2-1
- 1-2-3.3
- 59-2-1.1
- 56-1-1.1
- 56-1-1.2
- 61-1-1.1
- 61-1-1.2
- 62-1-1.1
- 62-1-1.2
- 63-1-1.1
- 63-1-1.2
- 65-1-27

- 65-1-5
- 65-1-6
- 66-1-1.1
- 66-1-1.2

Finally, S/B/L 43-1-11 was included in Exhibit A but not included in Exhibit C.

The aforementioned inconsistencies render it entirely impossible to discern the limits of the Territory proposed for annexation. The 507-acre Petition must be dismissed for failing to comply with so much of Article 17 of the General Municipal Law as requires a complete and accurate description of the property at issue. See N.Y. Gen. Mun. Law §§ 703(1) & 705(1)(d).

II. 164-ACRE PETITION

A. Unqualified Signatures On Petition

As with the 507-acre Petition, the 164-acre Petition is invalid because it contains multiple unqualified, invalid signatures. See N.Y. Gen. Mun. Law § 705(1)(a).

First, there are corporate signatories which are not valid corporations under the New York State Business Corporation Law, Not-for-Profit Corporation Law or Religious Corporations Law. Upscale 4 Homes Corp., which is the alleged “owner of record” of S/B/L 65-1-32, is not an active (or inactive) Corporation or Business Entity in New York State. The signature of this entity should be stricken and the total assessed valuation of the “Territory proposed to be annexed to the Village” should be reduced by the assessed value of this parcel, i.e., \$20,000.00. It is also unclear what the corporate status of Bakertown Realty Equities is, and whether it owns S/B/L 1-3-1.3. According to the 2014 Final Town Assessment Roll, this parcel is wholly owned by “AES 11-07 Trust, Elimelech Schwartz, Trustee.” In the 164-acre Petition, however, there are two (2) entities listed below “AES 11-07 Trust” – “Bakertown Realty Equities” and “Jacob Bandua Trust.” Neither Bakertown Realty Equities, nor the Jacob Bandua Trust, appears to own S/B/L 1-3-1.3. Their names and signatures should be stricken from the Petition.

Second, again, there are three (3) parcels that are jointly owned by two (2) entities but for which only one signature was obtained: S/B/L 1-3-14.21; 1-3-15; and 1-3-40. These properties are owned by both Amazon Realty Associates, Inc., and Burdock Realty Associates, Inc. There is only one signatory, however, signing for each of these three (3) parcels. It is unclear whether the signatory, Elozer Gruber, is signing on behalf of Amazon Realty Associates, signing on behalf of Burdock Realty Associates, or purporting to sign on behalf of both entities. Without a valid signature on behalf of both property owners, these properties cannot be included in the total assessed valuation of the “Territory proposed to be annexed to the Village.” The total valuation should be reduced by the assessed value of these parcels, i.e., \$145,300.00. The 164-acre Petition must be dismissed for failing to obtain valid qualified signatures.

B. Petition Does Not Describe The Territory To Be Annexed

Also as with the 507-acre Petition, the 164-acre Petition is invalid because it does not sufficiently describe the territory to be annexed. See N.Y. Gen. Mun. Law §§ 703(1) & 705(1)(d).

First, Exhibit A to the 164-acre Petition, which purports to contain the legal description of the territory to be annexed from the Town to the Village, contains the legal description for 72 parcels. Exhibit C to the 164-acre Petition, which purports to contain a certificate signed by the Town Assessor responsible for preparing the 2014 Final Town Assessment Roll and certifying that “the tax lots that petitioners affirm in the Petition that they own within the Territory proposed to be annexed to the Village has [sic] a total assessed valuation that is a majority of the total assessed valuation of all of the Territory described in the Petition which is now situated in the Town and which is sought to be annexed to the Village, as shown on the assessment roll of the Town for the year 2014,” contains 71 parcels.

Second, the legal metes and bounds description and accompanying parcel list included in Exhibit A does not match the parcel list certified by the Assessor in Exhibit C. S/B/L 1-2-1 is included in Exhibit A (Area III) but is not included in Exhibit C. Moreover, Exhibit A lists S/B/L 61-1-1.-1 and 61-1-1.-2 (Area VIII), while Exhibit C lists S/B/L 61-1-1.1 and 61-1-1.2.

Again, the aforementioned inconsistencies render it entirely impossible to discern the limits of the Territory proposed for annexation. As such, the 164-acre Petition, too, must be dismissed for failing to comply with this requirement under the General Municipal Law.

III. BOTH PETITIONS CONTAIN FLAWED FORM AND CONTENT AND WOULD NOT BE IN THE OVERALL PUBLIC INTEREST

Both Petitions must be also dismissed because they both fail to comply with other provisions of Article 17 of the General Municipal Law. See N.Y. Gen. Mun. Law § 705(1)(d). The Annexation of 164 or 507 acres from the Town to the Village would not be in the overall public interest. Either Annexation would bring high density housing, unregulated development and legal noncompliance to the Annexation Area and will cause adverse impacts on both the public and the environment.

A. The Petitions Fail To Comply With The General Municipal Law Because They Are Unconstitutional, And Violating The U.S. Constitution Is Not In The Public Interest

Article 17 of the General Municipal Law must be construed in a manner that would avoid objectionable consequences, such as unconstitutional results. See, e.g., Loretto v. Teleprompter Manhattan CATV Corp., 58 N.Y.2d 143, 459 N.Y.S.2d 743, 747 (1983). Inasmuch as the Petitions would cause an unconstitutional result, they must be dismissed by virtue of such failure to comply with Article 17 of the General Municipal Law. See N.Y. Gen. Mun. Law § 705(1)(d).

As United Monroe has repeatedly pointed out, including in its Letter from United Monroe to the Monroe Town Board, dated May 15, 2014 (“May 15th United Monroe Letter,” annexed hereto as Exhibit “A”), either Annexation would violate the Establishment Clause of the United State Constitution. In particular, the Annexations would constitute an improper delegation of political power based upon religious criteria. The Town would be ceding “important, discretionary governmental powers” to the Village, which the United States Supreme Court has already recognized is a political subdivision whose franchise is determined by a religious test. See Bd. of Educ. of Kiryas Joel Vill. Sch. Dist. v. Grumet, 512 U.S. 687, 114 S. Ct. 2481 (1994).

To state the obvious, municipal action that violates the United States Constitution is not in the public interest. The Petitions’ form and content violate the General Municipal Law because they would cause an unconstitutional result.

B. The Petitions Also Must Be Dismissed Because The Monroe Town Code Standard of Ethics Prohibits “Voluntary Segregation”

Article 17 of the General Municipal Law must also be construed in a manner that would avoid objectionable consequences, such as mischievous or disastrous consequences. See, e.g., N.Y. Stat. § 148. Inasmuch as approving the Petitions would cause Town Board Members to violate the Town Code’s Standard of Ethics, they must be dismissed by virtue of such failure to comply with Article 17 of the General Municipal Law. See N.Y. Gen. Mun. Law § 705(1)(d).

As United Monroe has also previously pointed out, including by Letter to the Monroe Town Board, dated July 15, 2014 (“July 15th United Monroe Letter,” annexed hereto as Exhibit “B”), the Monroe Town Code specifically establishes that causing “voluntary segregation” is not in the public interest. Indeed, the legislative intent to avoid voluntary segregation is so strong that the Town Code establishes that it is an ethical violation for any Town Board Member(s) to act in any way that causes voluntary segregation.²

The Town Code’s Standard of Ethics establishes that no “Town Board member or Town employee of the Town or of any service or other organization chartered by or directly or indirectly sponsored or supported by the Town” can “[d]iscriminate or cause voluntary segregation, directly or indirectly, based upon creed, color, national origin, sex, sexual preference or disability.” (Monroe Town Code § 4-4(J)(1).)

As such, any action by any Town Board Member(s) that promotes the “voluntary segregation” of members of a particular religious group would, accordingly, appear to violate the Town’s Code of Ethics and would expose such Member(s) to the full range of Disciplinary Action contemplated by the Town Code. (See Monroe Town Code § 4-9(B) (“Any Town officer, Town

² Town Board Members who willfully violate the Town’s Standard of Ethics could lose their indemnification rights under the Town Code. (See Monroe Town Code § 8-4 (“The duty to indemnify and save harmless prescribed by this subsection shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.”)).

Board member, Town consultant or Town employee who engages in any action that violates any provision of this code may be warned or reprimanded or suspended or removed from office or employment by the Town Board, pursuant to the provisions of this code, applicable law or by the person or body authorized by law to impose such sanctions.”.)³

Thus, the Town Code clearly establishes that causing voluntary segregation, such as is the specific intent of the Petitions, is not in the overall public interest. The Petitions’ form and content violate the General Municipal Law because they would cause objectionable results.

C. Improper Creation Of “Baroque” Boundaries

The 507-acre Petition, in particular, would improperly result in a highly irregular, jagged border between the Town and the Village. New York Courts have repeatedly “condemned such ‘baroque’ annexations which result in ‘irregular and jagged indentations of the boundaries between the municipalities.’” See, e.g., Common Council of Middletown v. Town Bd. of Wallkill, 143 A.D.2d 215, 532 N.Y.S.2d 17, 19 (2d Dept. 1988) (multiple citations omitted). For this reason alone, the Petitions’ form and content fail to comply with Article 17 of the General Municipal Law. See N.Y. Gen. Mun. Law § 705(1)(d). The Petitions are also not in the overall public interest for this reason.

D. The Village Historic And Consistent Failure To Abide By Zoning, Land Use, And Environmental Laws Is Not In The Public Interest

Article 17 of the General Municipal Law must also be construed in a manner that would avoid objectionable consequences, such as a construction that would sacrifice or prejudice the public interest. See, e.g., N.Y. Stat. § 152. Inasmuch as approving the Petitions would sacrifice, prejudice and otherwise not be in the overall public interest, they must be dismissed by virtue of such failure to comply with Article 17 of the General Municipal Law. See N.Y. Gen. Mun. Law § 705(1)(d).

1. Kiryas Joel Was Created 40 Years Ago Specifically To Avoid The Town’s Zoning Laws

As Town Supervisor William C. Rogers’ ruling in 1976 on the original petition to incorporate the Village of Kiryas Joel makes clear, the Village was created with the express purpose of avoiding Monroe’s zoning laws. (See Decision on Sufficiency of Petition in the Matter of the Formation of a New Village To be Known as “Kiryas Joel,” Dec. 10, 1976, copy annexed hereto as Exhibit “C.”) In response to the illegal conversion and illegal construction of housing in the subdivision known as Monwood, the Town commenced legal proceedings to compel conformance with its zoning laws. (See id. at 3-4.) “Arduous opposition [was] thrown up” to the Town’s enforcement efforts by Monwood business leaders, who were concerned that the Town’s

³ As the United States Supreme Court has held, “[i]t is undisputed that those who [initially] negotiated the Village [of Kiryas Joel’s] boundaries when applying the general village incorporation statute drew them so as to exclude all but Satmars.” Grumet, 114 S. Ct. at 2489.

zoning laws would interfere with their development strategy. (Id. at 4.) Supervisor Rogers indicated that the residents of the illegal dwellings were unwitting victims of the business leaders' evasion of the law. (Id.)

Rather than comply with the Town's zoning laws, the leaders of the Satmar community in Monwood sought to "slip away from the Town's enforcement program" through the village incorporation procedure under State law. (Id. at 7.) Supervisor Rogers deemed this action to be "almost sinister and surely an abuse of the right of self incorporation." (Id.)

Supervisor Rogers rued that fact that, unlike your Boards, he could not comment on how the public interest would be affected by the 1976 village incorporation petition. (Id. at 8 ("As much as I would like to deal with the public interest question of this proposal and how I feel that it will endanger an otherwise rural residential neighborhood of Monroe, by law, I cannot.").) He felt constrained to only pass on the sufficiency of the petition. (Id. at 8-9.) Presciently, Supervisor Rogers predicted "more confrontations as bitter as th[is] one" if the Kiryas Joel community continued to avoid Monroe's laws:

For the Satmars to believe that they are above or separate from the rules and regulations that Monroe has chosen to live by or try to impose their mores upon the community of Monroe, or to hide behind the self-imposed shade of secrecy or cry out religious persecution when there is none, will only lead to more confrontations as bitter as the one this decision purports to resolve.

(Id. at 9.) History has, unfortunately, validated his concerns.

2. 40 Years Later, The Village Does Not Comply With Applicable State And Federal Environmental And Land Use Laws

Throughout the Annexation process, it has become clear that the Village still systematically disregards environmental regulations and other laws affecting the public interest, which allows unregulated development and accompanying adverse impacts, including:

- Routine failure to implement required environmental review under the State Environmental Quality Review Act ("SEQRA");
- Serial violation of basic municipal planning and zoning requirements, including that the Village's Planning and Zoning Board members do not satisfy the State-required training programs;
- Regular failure to refer land use matters to the Orange County Planning Department, as required by Section 239-m of the New York State General Municipal Law; and

- Repeated violations issues by the New York State Department of Environmental Conservation (“DEC”) and the U.S. Environmental Protection Agency (“EPA”) of applicable environmental protection requirements.

By way of background, in a written request under the State Freedom of Information Law (“FOIL”), dated August 18, 2014, for example, United Monroe requested that the Village provide basic information relating to its planning processes, including copies of all determinations made by any Village agencies under SEQRA, such as positive declarations, negative declarations, conditional negative declarations and/or findings statements. (See FOIL Request to the Village, dated Aug. 18, 2014, annexed hereto as Exhibit “D.”) In response, the Village did not produce *any* determinations made under SEQRA. (See Letter from Javid Afzali, Esq., to Daniel Richmond, Esq., dated Sept. 29, 2014, annexed hereto as Exhibit “E;” Letter from Javid Afzali, Esq., to Daniel Richmond, Esq., dated Nov. 10, 2014, annexed hereto as Exhibit “F;” E-mail from Javid Afzali, Esq., to Krista Yacovone, Esq., dated Nov. 19, 2014, annexed hereto as Exhibit “G.”) Indeed, the Village’s poor track record in implementing SEQRA is well-documented. See Cnty. of Orange v. Vill. of Kiryas Joel, 11 Misc. 3d 1056(A), 815 N.Y.S.2d 494 (Sup. Ct. Orange Cnty. 2005) (“One cannot presume that the requisite ‘hard look’ was taken based on the thickness of the DEIS or because the [agency’s] consultants were highly regarded in their fields.”), aff’d as modified, 44 A.D.3d 765, 844 N.Y.S.2d 57 (2d Dept. 2007). The Village’s history of SEQRA noncompliance is a legitimate line of inquiry where the subject action (*i.e.*, the Annexations) would make the Village responsible for additional SEQRA review in the future. (Cf. N.Y.S. D.E.C. Commissioner’s Policy, “Record of Compliance Enforcement Policy,” at 3 (establishing that “the environmental compliance history of a permit applicant is a relevant consideration regarding qualification for permitting”).)⁴

United Monroe has also confirmed that the Village does not fully adhere to other critical land use requirements. In its August 18th FOIL request, United Monroe also asked the Village to provide basic information relating to its planning processes, including (i) the identities of the members of the Village Planning Board and Zoning Board; (ii) documents relating to Village Planning Board and Zoning Board Members’ satisfaction of applicable training requirements since January 2012; (iii) all Planning Board and Zoning Board agendas, minutes, and resolutions since January 2012; and (iv) copies of all referrals made to the Orange County Planning Department pursuant to Section 239-m of the New York State General Municipal Law

⁴ Courts will consider an agency’s history of noncompliance with environmental regulations when reviewing the adequacy of any environmental review conducted by that agency. See, e.g., Citizens Advisory Comm. on Private Prisons, Inc. v. U.S. Dept. of Justice, 197 F. Supp. 2d 226, 251 (W.D. Pa. 2001), aff’d, 33 F. App’x 36 (3d Cir. 2002) (“[I]n cases where the agency has already violated [the National Environmental Policy Act], its vow of good faith and objectivity is often viewed with suspicion.”); Nat’l Res. Def. Council, Inc. v. U.S. Army Corps of Eng’rs, 457 F. Supp. 2d 198, 222 n.178 (S.D.N.Y. 2006) (citing Citizens Advisory Comm. on Private Prisons when discussing federal regulations prohibiting agencies from preparing an EIS simply to justify decisions already made, and requiring agencies to show a good faith and objective review of potential environmental impacts of the proposed action). Assessment of the Village’s history of poor environmental stewardship is therefore critical to an analysis of the proposed Annexations.

since January 2012. (See Exhibit D.)⁵ The Village's response demonstrated that it routinely violates municipal planning and zoning requirements, including that its Planning and Zoning Board members do not satisfy the State-required training programs, and that it never refers land use applications to the Orange County Planning Department, as is required by law. (See Exhibits E-G.)

Furthermore, both DEC and the U.S. Environmental Protection Agency have found repeated violations in the Village of applicable environmental protection requirements. (See Letter from United Monroe to DEC, dated Apr. 4, 2014 (without enclosures), annexed hereto as Exhibit "H.") These include violations of the Clean Water Act and failure to comply with State permitting requirements during construction activities and operations of its wastewater treatment plant. (See Letter from Daniel Richmond, Esq., to the Honorable Vincent L. Briccetti, dated Nov. 24, 2014, annexed hereto as Exhibit "I;" Letter from Krista Yacovone, Esq., to Robert L. Ewing, dated Dec. 3, 2014, annexed hereto as Exhibit "J;" Letter from Krista Yacovone, Esq., to Patrick Ferracane and Jennifer Zunino-Smith, dated Dec. 16, 2014, annexed hereto as Exhibit "K.")

The Village's consistent failure to comply with these basic requirements, which provide municipalities with mechanisms to protect the environment and the community when making land use decisions, will allow for unregulated, high density development that will cause significant harm to the environment and to citizens of Orange County. Absent a functioning planning process, future development could proceed without limitation or concern for the surrounding community. Such development would certainly not be in the public interest. The Petitions' form and content violate the General Municipal Law because they would cause such objectionable results.

E. The Content Of The Petitions Is Improper Because The Village Is Seeking To Misuse Annexation To Change Zoning, Which Is Also Not In The Public Interest

Again, Article 17 of the General Municipal Law must also be construed in a manner that would avoid objectionable consequences, such as mischievous or disastrous consequences. See, e.g., N.Y. Stat. § 148. Inasmuch as the Petitions are being advanced with the aim of improperly rezoning the land at issue, they must be dismissed by virtue of such failure to comply with Article 17 of the General Municipal Law. See N.Y. Gen. Mun. Law § 705(1)(d).

The subject Petitions also constitute an improper effort to avoid complying with the Town's current zoning because their goal is to rezone the subject land. It is axiomatic, however, that municipalities are not permitted to use annexation to evade current zoning constraints. See, e.g., Bd. of Trustees of Spring Valley v. Town of Ramapo, 264 A.D.2d 519, 694 N.Y.S.2d 712, 714 (2d Dept. 1999) ("Annexation may not be used as a means by which the owner of land in one municipality may escape the effect of that municipality's local legislation by having the land

⁵ The Village initially did not even acknowledge the request, which is deemed by operation of law to be a constructive denial of the request, and United Monroe was compelled to commence an administrative appeal by letter dated September 15, 2014.

transferred to an adjoining municipality.”); Bd. of Trustees, Vill. of Pomona v. Town of Ramapo, 567 N.Y.S.2d 791, 793, 171 A.D.2d 861, 863 (2d Dept. 1991) (“[T]he Village may not use annexation to subvert the development of an adjoining municipality's property pursuant to a lawfully enacted zoning ordinance.”); Vill. of Skaneateles v. Town of Skaneateles, 115 A.D.2d 282, 496 N.Y.S.2d 185, 186 (4th Dept. 1985) (“We have found no precedent approving the use of annexation as a device by which the owner of land in one municipality may escape the effect of that municipality's local legislation by having the land transferred to an adjoining municipality.”).

Here, it is clear that if either Annexation were allowed, the Village intends to change the zoning applicable to the lands at issue to allow for high density development in the Annexation Area. According to the Village's Updated Budget Analysis that the Village submitted to the State Environmental Facilities Corporation (“EFC”) in connection with the bonding of the Aqueduct Connection Project (EFC #16906), the Village projected that there would be 8,550 new residential connections and 1,500 new commercial connections by the year 2045. (See Budget Analysis, annexed hereto as Exhibit “L.”) Assuming six (6) people would live in each new residence, this contemplates the addition of 50,000 people.

In response to this analysis, EFC asked if “the growth projections for the Village [in the Budget Analysis could] be viewed as reasonable given that the available space within the Village does not support the long-term projections.” (See Aqueduct Connection Project Business Plan Supplement II, dated Jan. 31, 2014, copy annexed hereto as Exhibit “M.”) In response, the Village advised EFC about the proposed Annexation, and stated that “if indeed annexed into the Village, that opportunity [to rezone or develop the subject properties] exists and *would reasonably accommodate the anticipated growth described in the Business Plan.*” (*Id.* (emphasis added).) In the same paragraph, the Village noted the maximum allowable development under existing Town Zoning, and added that “[t]his does not account, however, for potential rezoning for increased densities.” (*Id.*) As such, not only did the Village make clear to EFC that its business model for the bonding of the aqueduct depended upon increasing the allowable density of the Annexation Area, but it also unambiguously signaled that this increase in density would be sufficient to accommodate the full development projected in the Budget Analysis -- 8,550 new residential connections and 1,500 new commercial connections by the year 2045.

The Village's representations to EFC obviously conflict with the maxim that municipalities are not permitted to use annexation to evade current zoning constraints. See, e.g., Bd. of Trustees of Spring Valley, 694 N.Y.S.2d at 714. As such, the Village's effort to avoid the Town's current zoning requirements is not in the overall public interest. Moreover, for this reason, the Petitions fail to comply with Article 17 of the General Municipal Law. See N.Y. Gen. Mun. Law § 705(1)(d).

F. Finally, The Petitions Are Further Flawed Because There Has Been Absolutely No Showing That Annexation Would Serve The Public Interest

As a map commissioned by the Village itself shows, the natural growth of the Hasidic community could almost certainly be accommodated without annexation. (See “Map of

Hasidic Jewish Land Owners Surrounding Kiryas Joel,” copy annexed hereto as Exhibit “N.”) The Map shows that there are Hasidic-owned properties outside Kiryas Joel totaling approximately 900 acres in Monroe, 1,100 acres in Woodbury and 1,300 acres in Blooming Grove. It would appear that the Hasidic community’s natural growth in the area could be accommodated in these areas under existing zoning.⁶

Conclusion

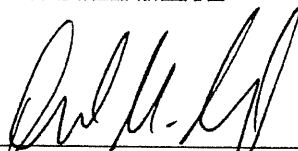
United Monroe wants to make clear that they do not take any issue with the Village residents themselves, many of whom very likely want to see the same changes in transparency and open government within the Village as United Monroe members. United Monroe wishes to work with these citizens to encourage a constitutionally sound, legally compliant path forward.

Please let us know if you have any questions.

Very truly yours,

ZARIN & STEINMETZ

By: _____


Daniel M. Richmond
Krista E. Yacovone

DMR/mth

encs.

cc: United Monroe
Commissioner David Church (via email)
Orange County Department of Planning
Town of Monroe Town Board (via email)
Assemblyman James Skoufis (via email)
Javid Afzali, Esq. (via email)
Counsel to Village of Kiryas Joel Board of Trustees
Steven Barshov, Esq. (via email)
Counsel to Monroe KJ Consulting LLC

⁶ In any event, the DGEIS completely fails to assess this alternative scenario. Again, United Monroe will amplify upon this and other flaws in the DGEIS in writing by the June 22, 2015 deadline.

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6/10/15

RE: Comments on the Village of Kiryas Joel ("KJ")
Proposed Annexation Application and
Draft Generic Environmental Impact Statement ("DGEIS")

On behalf of my client, Preserve Hudson Valley, LLC, I am requesting a printed copy of the DGEIS. My clients are directly harmed by the annexation and already commenced litigation objecting to the appointment of KJ as "lead agency" of the State Environmental Quality Review ("SEQR"). **The proposed annexation isolates my clients from the rest of the Town of Monroe, resulting in reduced Town services to my clients, including but not limited to snow plowing, leaf collection and dog catcher. This annexation directly hurts my clients by reducing community services, reducing their property values, and impairing their freedom to pursue life, liberty and happiness. The proposed annexation is not in the over-all public interest and certainly is not in the interest of my clients.**

3.1-8

The Swiss cheese or lace-like structured annexation with baroque boundaries, is highly irregular and is evidence of unadulterated gerrymandering. The irregularly shaped white areas within the orange annexation territory and the red area has been excluded from the annexation since the owners of these properties have not already agreed to the annexation. The yellow areas are included in the proposed 507 acre annexation as well as the 146 acre annexation. See attached color coded map (see attached Exhibit "A").

The red area on the map is the neighborhood in which my clients reside and is bordered on two sides by the Village of South Blooming Grove in the Town of Blooming Grove. The proposed annexation isolates this neighborhood from the rest of the Town of Monroe.

A. We, oppose the Annexation on the grounds that this annexation IS NOT FOR THE PUBLIC GOOD, BUT EXCLUSIVELY FOR THE GOOD OF A PRIVATE CLUB, known at the Hasidic Satmar.

The Hasidic Satmar community is a private organization which discriminates against non-white people and women. It does not represent the over-all public interests of the residences in the Town of Monroe, or the County of Orange.

B. THE PROPOSED ANNEXATION IS DISCRIMINATORY AND VIOLATES FEDERAL LAW.

The DGEIS makes it clear from the Executive Summary that the sole purpose of proposed annexation is to perpetuate residential segregation. This is a violation of Federal Fair Housing Act.

The goal of the Fair housing Act is to promote, open, integrated residential housing patterns and to prevent the increase of segregation, in ghettos, of racial group (*Otero v NYCHA*, 484 F 2d 1122, 1134 (2nd Cir. 1973).

Even under RLUIPA "Congress did not intend for religious institutions to be immune from local zoning laws," and positing that RLUIPA's exceptionally broad and inclusive language with regard to "'burdens' on religious exercise" should be interpreted to more closely mean "intentional discrimination" (*See, Wesleyan Methodist Church* at *2., 29 Seattle U. L. Rev. 805 (2006)

Allowing 500 acres of Orange County to be restricted for use by only one race, ethnic and religious group in perpetuity, discriminates against the majority of Orange County. The DGEIS states that "the annexation properties would be occupied by Hasidic families." (DGEIS 1-6).

There is no need for thousands of Satmar to live in one Village to conduct religious service, as it only requires a minyan of 13 men to conduct religious Jewish services. Only since the 1970's did the Satmar start to claim that their religion required them to live in insular communities to justify the creation exclusionary communities and land grabs. There are many different religions in the United States, there is no over-all public interest in preventing communities with differing belief systems from co-existing. It is not in the over-all public interest to facilitate in growth of segregated communities.

Segregation is the antithesis of over-all public interest and should not be a basis for an annexation of land which more than doubles the size of the existing Village.

Many other religious and ethic groups would also enjoy the luxury of having their families, for generations, live in close proximity to one another. However the natural integration throughout the United States makes this uncommon. **The laws of the United States do not allow for exclusionary housing developments for one race, religion or ethic group** because it goes against the basic tenant of the United States constitution to favor one religious group over all others.

The claimed need to live within walking distance of a temple is also a false claim. Many of the life long students in the Hasidic community are rabbis, and many of their homes are listed as tax-exemption houses of worship. There is no hardship or undue burden for groups of Hasidic families to move elsewhere in the United States and practice their religion without interruption. The Torah does not require the creation of a ghetto for the Jewish people in the Town of Monroe.

The DGEIS's justification for the annexation, that is necessary for the practice of the Hasidic religion, is not valid, as it does NOT impose a substantial burden on the person, assembly or institution, any more than a large community who would like to live near one another, but due to circumstances need to move further away.

Amish/ Pennsylvania Dutch communities, have set an example of continuing their religion and society, yet in enclaves throughout the country. The Amish, have a distinct way of life, yet they co-exist with their neighbors by following the zoning and planning laws of the areas where they settle, instead of trying to annex land and coerce already established communities to bend to their will.

The DGEIS's claim that KJ exclusionary use of the annexation territory imposes a substantial burden on the religious exercise of the people who already live on a large portion of the annexation territory.

The proof that KJ is discriminatory is in the U.S Census provided as Appendix H of the DGEIS.

According to the 2010 U.S. Census, the racial make up of Orange County and the communities surrounding KJ are as follows:

	White	Black	Hispanic	Asian
Orange County	77.20%	10.18%	18.02%	2.39%
Town of Monroe	91.28%	2.2%	8.43%	2.48%
Town of Blooming Grove	84.53%	6.22%	15.03%	2.25%
Town of Woodbury	79.12%	6.47%	14.75%	6.10%
Village of Harriman	66.87%	13.41%	18.11%	10.35%
Village of Kiryas Joel	99.16%	0.09%	1.34%	.06%

This shows a clear pattern of discrimination within the Village of KJ, as it is disproportionately almost 100% white. This is highly unusual. Very few, if any other municipalities in the United States, are so deeply segregated racially.

If the Annexation was to be allowed what guarantees are there that the homes built the annexation territory will be available for sale or ren to all Americans without

discrimination due to race or religion? What guarantees are in place that African Americans, Asian, Indians, Native Americans, Christian, Hindu, Muslim or Atheists will have an opportunity to buy or rent homes in the annexation territory?

There are no guarantees that properties will be advertised to the general community in English? Historically properties which are being sold or rented in KJ are not advertised in local papers and only those already within in the segregated KJ community even know of homes for sale or rent. This too violates the Fair Housing Act.

Based on KJ's current practices the annexation if permitted, will result in the annexation territory to be ceded to a discriminatory municipality in violation of the basic principals of the United States.

Discriminatory housing practices are a very serious violation of federal law and must not be condoned by any of the Town Board members. **If the Town Board members and Village Trustees vote to support discriminatory land use, they will be violating their oaths of office. Standard oaths of office include the following language, "I do solemnly swear that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office my according to the best of my ability."**

It should be noted that today, June 10, 2015, when I requested copies of the Village officers oaths of office, I was told that I could not have copies, and that I needed to contact the Town attorney. This violates Village Law, §4-402(e) and the Department of State's Local Government handbook which requires the Village Clerk "on demand of any person produce for inspection the books, records, and papers of his/her office during office hours, and shall furnish a copy of any portion thereof, certified in the proper form to be read in evidence, upon payment of his fees therefor, at the rate of twenty cents per folio. This is evidence that the Village does not have the capacity to abide by the laws of the State of New York and is incapable of properly being Lead Agency for the SEQR review.

The DGEIS asserts that KJ's population growth would happen with or without the proposed annexation. Does this mean the Village is contemplating violations of New York building and fire codes which limit occupancy of buildings for reasons of public safety? This statement is not based in fact, as population growth was much quicker when more space was available within Village in the 1990s, than it has been over the last several years.¹

3.2.10-2

¹ United States Census data 1990 to 2010

² Bd. of Trustees of Spring Valley v Town of Ramapo, 265 Ad 2d 519, 694 NYS 2d 712, 714 (2d

No Village, Town or City has the right to unlimited growth just because of a claim that all their generations need to live together. Families of all different races and religious beliefs are required to spread out and live in different parts of the nation. America is a big place. **It violates the very tenets of democracy to allow for religious or racial segregation for the benefit of one group. The Satmar are claiming religious beliefs to effectuate a land grab. The Satmar's private religious club, excludes people that are not white and who are not of the same religious sect.**

C. PROPOSED ANNEXATION VIOLATES NEW YORK STATE MUNICIPAL ANNEXATION LAW (SECTION 700):

The DGEIS makes it clear that the territory, if annexed, will be re-zoned in accordance with KJ's zoning code. Annexation Law expressly prohibits annexation for the purpose of rezoning.

"Annexation may not be used as a means by which the owner of the land in a municipality may escape the effect of that municipality's local legislations by having the land transferred to an adjoining municipality."²

In KJ's current zoning code there is **"no maximum density (units per acre)"** (DGEIS 1-1) Whereas ththe Town of Monroe zones for the annexation territory is RR-1.0AC allowing 1 single family house with optional auxiliary per acre; and RR-3AC allowing 1 single family house and an optional auxiliary apartment per 1.5 acres.

N.Y. Gen. Mun. Law §715: Annexation Law does no provide for the annexation of a school district outside of a city with less than population of 125,000.

This annexation cannot proceed without state legislative action since the establishment of KJ and Monroe-Woodbury school districts and their coterminous boundaries where established by State Legislative action.

N.Y. Gen. Mun. Law §713: The proposed annexation is known as the "five fingers" because it is an attempt to add additional acres to the Village from five distinct sides of the Village.

Since the annexation requires **"the consent of the people of the territory proposed to be annexed, a vote by all the residents of the "five fingers" will violate the voting rights of the residents of each one of the "five fingers"**. Each "finger" has a distinct group of interested people with standing to vote only on the annexation which directly impacts their property.

² Bd. of Trustees of Spring Valley v Town of Ramapo, 265 Ad 2d 519, 694 NYS 2d 712, 714 (2d Dept. 1999)

To allow all of the annexation area residents to vote, would be a dilution of an individual residents voting rights. Impairing a citizen's voting rights, which is also a violation of federal law and the 14th Amendment of the Constitution.

D. IMPACTS ARE NOT CONSIDERED IN DGEIS

1. The DGEIS fails to consider environmental impacts beyond 2025.

The DGEIS fails to consider the repercussion of this annexation beyond 10 years, since it only projected impacts until 2025. The DGEIS fails to consider the full impacts this annexation will have on the Regional Water Supply and Sewage systems; on the environment from loss of all the green space in the annexation territory; the dramatic change to the community character caused by the enlarged segregated community; the increased traffic patterns due to enormous increase in population; nor the strain on all community services, including schools and emergency services beyond 2025. 2-2

In the Full Environmental Assessment Form reference to development is checked off as "no". This is deeply misleading and disingenuous as the DGEIS itself main claim is that the need for the annexation is to develop the annexation territory to a very high density to accommodate and endlessly expanding population. 2-3

The SEQRA fails to consider future development or the environmental impacts of future development, it simply considers the annexation of land, nothing more. Yet on its face the DGEIS contemplates a dramatic increase in population density on the proposed annexed territories.

However the DGEIS is replete with references to KJ's plans to densely develop the annexation territory, including plans that significantly impact regional water resources and sewer treatment facilities.

2. The DGEIS provide misleading and inaccurate information regarding Water Supply for the Annexation Territory. 3.5.7-4

The DGEIS is based on KJ's unapproved hope that KJ will be given approval to tap into the NYC Catskill Aqueduct. At this time no agreements or approvals exist for this connection, nor has KJ demonstrated an ability to provide the necessary back up water supply needed to tap into the NYC water supply. ↓

To date KJ does not have permission from New York City Department of Environmental Protection ("DEP") to access the Catskill Aqueduct in New Windsor, or for permits from

the NYS DEC to utilize the wellfield in Mountainville.

3.5.7-4

The claims in the DGEIS that KJ will have either water supply is wishful thinking and therefore is inaccurate and misleading. KJ's application to New York State Department of Environmental Conservation ("DEC") to utilize the Mountainville wellfield water supply remains suspended while the DEC awaits the village's response to comments made at a 2014 hearing regarding the project.³

The entire annexation plan relies on this unapproved water supply.



In the alternative the DGEIS states that KJ may be planning to use a new well in Cornwall, as their primary new water supply, long-term and perhaps permanently. If KJ plans to rely totally on local wells for water for an annexation territory, and there is a severe risk that this will deplete flow in some streams, including a trout stream here in Cornwall, the Woodbury Creek. This too negatively impacts Orange County in general as it negatively impacts the water supply for people residing outside of the Town of Monroe and the Village of KJ and is of countywide and region concern.

3. The DGEIS provide misleading and inaccurate information regarding Sewer Treatment Facilities and costs for the Annexation Territory

3.5.8-3

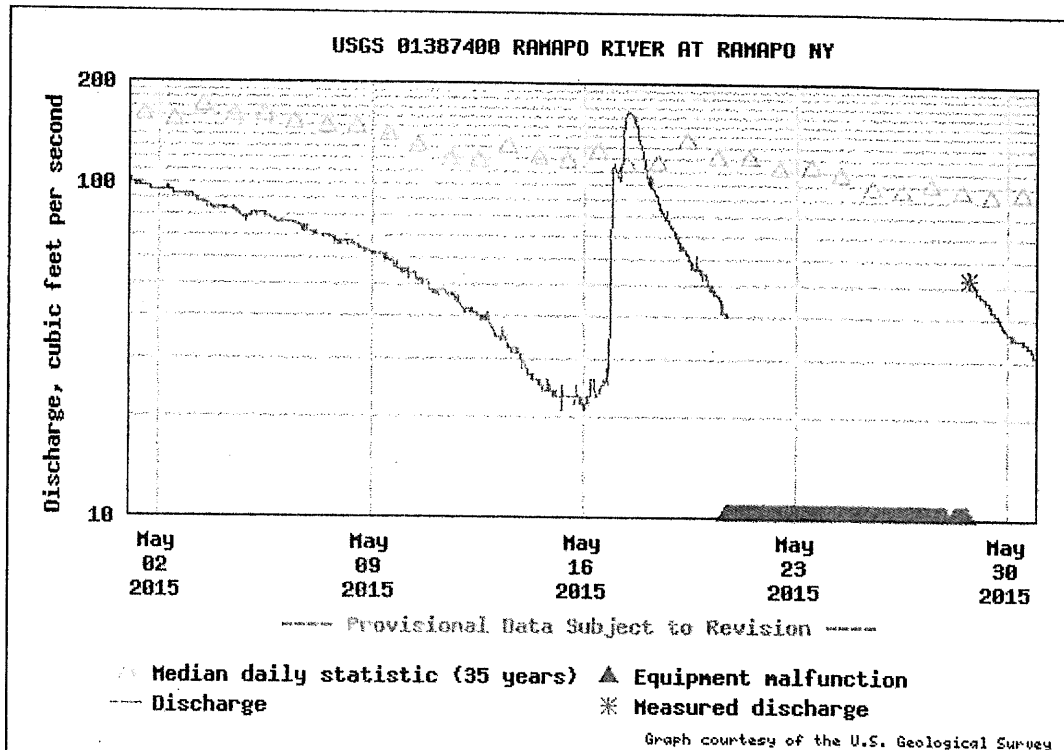
The DGEIS is replete with references to KJ's plans to densely develop the annexation territory, including plans to impact sewer treatment facilities which will in turn negatively impact the health of the Ramapo River watershed which supplies drinking water to Rockland County and Northern New Jersey.

The SEQR fails to consider the proposed annexation impacts on the regional New York State water supply, fails to consider the impacts increase sewage/waste water produced by the increase population being projected to live in the annexed territory will have on the interstate water supply of Rockland County and Northern New Jersey. The health of the Environmental Protection Agency ("EPA") protected Sole Source Ramapo-Mahwah Aquifer System will be negatively impacted by highly dense development in the annexation area, which will be sending its waste water into the Ramapo River and aquifer system.

See the graph below. Just during that little dry period in May 2015, the Ramapo River was flowing at about 25 cubic feet per second (or about 16 mgd) for about a week. Since about 8 mgd of that flow is wastewater discharges, the river was one-half wastewater. With new discharges from Kiryas Joel wastewater will become the primary source of water to the Ramapo Valley well field during the summer months.



³ <http://thephotonews.com/apps/pbcs.dll/article?AID=/20150604/NEWS01/150609972/0/EXPERTS24/KJ-water-pipeline-holdup> By Nathan Mayberg, June 4, 2015



3.5.8-3

This annexation could result in nearly 1 million gallons per day (mgd) of wastewater which will flow over (and into) the Ramapo Valley well field, which will need treatment. The cost of new water treatment equipment to protect the well field will be millions of dollars in, to be paid by UWNYS customers, outside of the Village. This unjustly transfers the costs of KJ's growth on others.



4. Proposed Annexation will disproportionately cost and negatively impact the residents and taxpayers of Orange County, and New York State.

3.3.8-6

According to the 2010 Census the Village of KJ has more people living under the poverty line than any place else in the U.S.A. "Half of the residents receive food stamps, and one-third receive Medicaid benefits and rely on federal vouchers to help pay their housing costs."

Granting permission for KJ to expand its 320 acre territory to 820 acres will greatly increase the financial burden of supporting the impoverished Village, on the residents of the Town of Monroe, the Monroe Woodbury School District, the County of Orange and the State of New York.

Since there are no restrictions on density in the KJ Village code it encourages overpopulation, even though the resources to sustain the growing population do not exist without negatively impacting other communities.



The DGEIS does not identify or take a "hard look" at the disproportionate costs to the taxpayers of the Town of Monroe, Orange County and New York State in supporting the improvised community of KJ who receives a large portion of governmental subsidies.

3.38-6
cont
↓

E. KJ HAS LARGE HISTORY OF ENVIRONMENTAL VIOLATIONS AND NON-COMPLIANCE WITH ENVIRONMENTAL PROTECTION AGENCY REGULATIONS, NYS DEC REGULATIONS AND SEQRA.

Please see attached a sampling of 167 pages the environmental violations and fines issued by EPA and DEC against KJ involving destruction and pollution of the wetlands and waters of the United States and New York State jurisdictional wetlands. (See attached Exhibit "B").

On October 23, 2014 United State Attorney for the Southern District of New York Preet Bharara filed a Complaint seeking civil penalties for violations of the Clean Water Act for discharging pollutants in the Waters of the United States.⁴ As a result, a recent Consent Order was signed, fining the polluters for approximately \$600,000. This is clear evidence that KJ does not enforce Clean Water Act regulations within the Village.

The recent appearance of signs within the Village of KJ which explicitly ask women to walk on the other side of the road from men, and to only wear a certain kind of attire, is sexist, violates women's rights, and is reminiscent of the Jim Crow signage, "Whites Only" and "Negros Only", which were outlawed in the 1960's. (see attached Exhibit "C").

CONCLUSION

In conclusion, the Annexation Petition and the DGEIS are fatally flawed for the following reasons:

- a. Does not consider impacts past 2025;
- b. Fails to consider the Countywide and Regional impacts;
- c. Ignores Village serial non-compliance history of Clean Water Act and environmental violations;
- d. Fails to consider public interest in protecting environment;
- e. It is discriminatory and violates Federal Fair Housing Act;
- f. It violates New York State's Municipal Annexation laws;
- g. It violates EPA and DEC's SEQR regulations by providing misleading and inaccurate information;

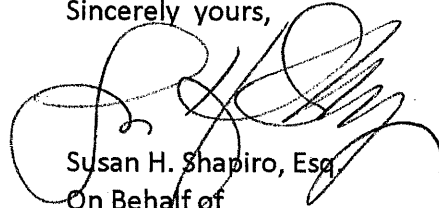
⁴ United State of America v Kiryas Joel Poultry Processing Plant, et al. (14 Civ. 8458, U.S.D.C.S.D.N.Y. filed October 23, 2014)

h. It is not in the over-all public interest.

Additionally we adopt and incorporate, all objections made to the annexation and the DGEIS in the public hearings or in writing, as own.

It would be arbitrary, capricious and without reason for the Town Boards to approve this SEQR or either annexation of 507 acres or 164 acres respectively, and would violate the oath of office each Board member took to uphold the constitutions of the United States and New York States.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Susan H. Shapiro', written over the typed name.

Susan H. Shapiro, Esq.
On Behalf of
Preserve Hudson Valley, LLC

TJM read 9/12/15

KORNFELD, REW, NEWMAN & SIMEONE

ATTORNEYS AND COUNSELLORS AT LAW

46 WASHINGTON AVENUE

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ROBERT E. REW JR. (1912-1960)

THOMAS J. NEWMAN (1928-2012)

JEROME M. KORNFELD (1923-2012)

OUR FILE # _____

June 9, 2015

(via e-mail: tmiller@timmillerassociates.com & regular mail)

Village of Kiryas Joel
c/o Tim Miller Associates, Inc.
10 North Street
Cold Spring, New York 10516

Re: Village of Kiryas Joel Annexation of 510 Acres from the Town of Monroe

To: Members of the General Public as well as all interested
and involved agencies

This office serves as counsel to the Board of Fire Commissioners of the Monroe Joint Fire District. The Board of Fire Commissioners and the Monroe Fire Department will be, we expect, the authority ultimately responsible for fire protection within the annexation area. We note that there is some documentation in the record which would seem to indicate that fire protection will be provided by an entity known as the "Fire Brigade" of the Village of Kiryas Joel.

3.3.8-7

In order to address fire protection concerns adequately, annexation proponents should provide information or assurances on the following points:

1. What is the official status of the Kiryas Joel fire department?
2. Why are residents instructed to call Kiryas Joel emergency dispatch in lieu of 911?
3. Does the "fire brigade" follow the New York State guidelines of two firefighters into an alarm of fire and two firefighters standing by for rescue.
4. What firefighting equipment does the "fire brigade" have?
5. Does the "fire brigade" have full-time firefighters on duty?
6. How many qualified and trained members (volunteer or paid) does the "fire brigade" have?
7. What are their qualifications: interior, exterior, or otherwise?

June 9, 2015

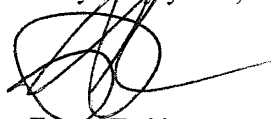
Page 2

In the event that the final annexation, should it occur, will rely upon the Village or its designated fire brigade, the end result may be that the Monroe Fire Department will often be called in on mutual aid response. This means that, in effect, the taxpayers of the Monroe Joint Fire District will shoulder the costs of fire protection in the Village without any contribution to those costs from Village inhabitants or their tax assessments. Given the high number of calls received even at the present time from the Village, this results in the potential abuse of the mutual aid system. This is exacerbated by the delay in the calls for assistance received from Village residents and visitors as detailed below. 3.3.8-8

The Monroe Fire Department has noted difficulties in the past responding to alarms of fire or other general emergency within the Village of Kiryas Joel. These difficulties stem largely from the practice of businesses and residents within the Village of calling the "Fire Brigade" or some emergency number provided within the village community, rather than 911, so that the calls may be properly routed through Orange County Dispatch. This has resulted and, we expect will continue to result, in delays of response or failures of timely response to fires and general emergencies. The proposed annexation will act to expand the geographic area in which this dangerous condition exists. Responsible fire protection has been jeopardized by the manner in which the Village of Kiryas Joel and its inhabitants have routed calls for alarms of fire or other general emergencies. The effect of this must be considered in any further annexation efforts. 3.3.8-9

In sum, the Monroe Fire Commissioners wish to go on record opposed to the annexation. Please note the interest of the Monroe Joint Fire District in this annexation proceeding and provide any response or request to the Board of Fire Commissioners at the address shown below with a copy to this office.

Very truly yours,



Frank T. Simeone

FTS:gu

cc: Board of Fire Commissioners
Monroe Joint Fire District
406 North Main Street
Monroe, New York 10950



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Tim Miller Associates
10 North Street
Cold Spring NY 10516

June 12, 2015

Mr. Miller

Re: Public Comment for DGEIS on Proposed Annexation in Monroe by Kiryas Joel

As custodian of two regional trails that traverse the proposed annexation, the New York-New Jersey Trail Conference is gravely concerned about both the environmental and cultural impacts that the proposed annexation will have on these historic trails.

3.7-3

The trails in question are not small, inconsequential recreational footpaths, but popular multi-state greenways connecting a series of preserves and state parks.

The Long Path, 356 miles in length from the George Washington Bridge to Boyd Thacher Park, NY, connects significant cultural and environmental features of New York State. Over the past 30-years, work on the LP has continued as efforts to fully protect the trail corridor and eliminate road walks.

The Highlands Trail, a multi-state 150-mile-long route that connects scenic and historic attractions, extends from Storm King Mountain on the Hudson River in New York south to Riegelsville, New Jersey, on the Delaware River. It highlights the natural beauty of the Highlands region, and draws the public's attention to this endangered resource. It is a cooperative effort of the New York - New Jersey Trail Conference, conservation organizations, state and local governments, and local businesses. We are actively working to preserve lands on either side of the trail to establish green corridors to connect preserved spaces across states.

Environmental Concerns:

1. Visual

The two trails share a path leading out of Gonzaga Park along Seven Springs Road, onto lands owned by Orange and Rockland utilities. Currently the character of the road walk along Seven Springs Road is forested and rural. Although the DGEIS states that there will be tree screening so that no buildings are visible from the road, except in winter, there is no guarantee that the development will not follow the densely developed character of the rest of Kiryas Joel. Such development would alter the character not to a suburban, as claimed in the DGEIS, but an urban environment: out of character for an area adjacent to preserved parkland.

2. Land Conservation

We do not believe the claim that "future development of the land" is a foregone conclusion. We would in fact prefer to see it preserved, as part of an important green corridor that we have been actively working to preserve, connecting state parks such as Sterling Forest, Goose Pond Mountain State Park, Schunemunk Mountain State Park and the Black Rock Forest. Green corridors are not only important to public recreational use, but vital to wildlife migration, genetic flow, and ecological health of biotic communities. A dense development in the middle of this green corridor would disrupt the progress that has been made in the creation of a corridor, as well as being completely inappropriate to the area.

3.7-4



We are especially concerned that the annexation and probably development will be right up to and surrounding the borders of Gonzaga Park, on both sides of Mountain and Seven Springs Roads. Such development would disrupt the character of, and create a negative visual impact to these preserved lands, and probably become a deterrent to recreational use of public space.

3.7-4
cont
↓

In fact, we have no other suitable place to put the trails than this critical spot. Heavy development on this critical 'neck' of land would substantially affect accessibility of these two trails, and would deprive the public of their current enjoyment of these two high profile trails.

Additionally, it is not true that dense development is more sustainable and has a lower impact on its surroundings, as claimed in the DGEIS, if it results in severely altering natural space. Dense development would be better suited to using vacant lots in urban areas than despoiling rural areas, and creating a heavy user impact on its water and waste treatment resources.

3.6-6

3. Natural impacts

Due to available resources, this area is currently zoned for "rural residential" living (homes on 1 - 1.5 acres) and if developed under its current zoning would have a moderate if not insignificant population increase in the coming years. If Kiryas Joel were to annex this land they would re-zone it to coincide with current village zoning codes to urban and build high-density high-rise housing. The impact to the natural surroundings necessary to accommodate this growth has not been addressed by this DEIS.

Assuming the annexed lands will be rezoned to coincide with the current Village of Kiryas Joel, the deforestation that would ensue would lead to the loss of habitat for many species, including the Indiana Bat and Dwarf Wedge mussel, both on the endangered species list. The clear-cutting of these trees will also completely alter the rural landscape and aesthetic of the greenway. Although the document mentions the area has been noted as habitat for potential rattlesnake dens and other protected species, we note that no official survey has been carried out. The lack of such surveying calls into question the thoroughness of this DEIS.

3.7-5

Cultural Concerns:

1. Social/ societal

Although the DGEIS states that 'the annexation will not remove or hinder public access to the County parkland from Seven Springs Road or Mountain Road', we think it is a reasonable concern that the extreme religious nature and dress code of the community occupying the current Village of Kiryas Joel could result in harassment of secular hikers walking on public roads along the trail in the proposed annexed areas.

2. Traffic

Dense development always results in higher traffic, creates both an unpleasant and unsafe experience for hikers. This is not the hiker experience we have been striving to create.

3.7-6

We trust that you will heed our concerns and consider preserving the land as a vital green link in the chain of important and valuable green areas and mountains we are privileged to have in our region.

Sincerely,

Edward Goodell
Executive Director
New York-New Jersey Trail Conference

To: Tim Miller Associates, Inc.
10 North Street
Cold Spring, New York 10516
845.265.4400
tim@timmillerassociates.com

From: Laura Rainoff
28 Fawn Hill Road
Tuxedo, New York 10987
914.262.4296
laurarainoff@gmail.com

Date: 6 March 2015

Re: Comments on Draft Generic Environmental Impact Statement for Proposed 507-acre and 146-acre annexations to the Village of Kyras Joel

The Draft Generic Environmental Impact Statement ("DGEIS") for Kyras Joel's ("KJ's") 2-4 petitioned 507-acre and 164-acre annexations is a sham. It does not address the full build-out of high-density housing that the KJ leadership has stated in publicly-filed documents that it intends for the annexed area(s).

The inevitable build-out and population explosion that will take place will have devastating and irreparable consequences for all of Orange County. This would include unworkable traffic, air and water pollution, lack of water resources, more sewage than can be treated, and unbearable tax burdens on the entire county to pay for it all, plus the enormous costs of the social services that the KJ population requires.

I address specifically the incompleteness of the DGEIS with respect to the impacts that either the 507 or the 164 acre illegal annexation petitions will have on the Monroe Woodbury Central School District. We do not have to speculate as to what impact the annexation(s) would have on the school district. The East Ramapo School District in Rockland County, New York, shows exactly what is in store. 3.3.10-5

When I was in high school in Rockland County in the 1970s, the East Ramapo School District was excellent, offering advanced placement courses, drama, music, arts and sports programs. It was a leading school district in the state.

Now, after the local Hasidic community has voted themselves onto the school board, public high school students cannot meet the New York state requirements to graduate in four years *because insufficient classes are offered for them*. There are no music, arts or sports programs or advanced placement courses. The formerly excellent East Ramapo School District has been eviscerated. The budget has been starved.

This has happened because the huge population of Hasidim in the school district have no interest in supporting the public schools that their children do not attend. Their only

interest in the school budget is the public funding that specifically supports the private religious schools and transportation provided for their special-needs students. This part of the East Ramapo school budget remains robust.

The facts of this situation have nothing to do with freedom of religion, anti-Semitism, or any fear or hostility towards a population of folks different from me. The facts show that the Hasidic members of the East Ramapo school board are willing to take any measures to promote their own community's interests, even when this deeply and irrevocably harms their neighbors. Our laws do not allow people who do not have children in the school system to refuse to pay their school taxes. It is equally wrong that a community who chooses to educate their children privately should deny education funding to the public school children in their school district *in order to benefit only themselves*.

Where in the DGEIS is any analysis of the devastating impacts of high-density housing development of the proposed annexed areas? *It is not there*. It is not there because the results of the high-density housing development would so deeply harm the non-Hasidic members of the Monroe Woodbury Central School District that the KJ leadership knows that that situation alone would doom their petition(s). 3.3.10-6

Instead, the KJ leadership claims that the KJ and Monroe Woodbury school districts have the ability between them to rectify this situation by separating the school districts. This not true. That action would require New York state involvement.

If the KJ leadership really wants to resolve this issue fairly, where in the DGEIS or either of the annexation petitions is the legally binding obligation from the petitioners that will guarantee the protection of the excellent Monroe Woodbury School District? The public school students of the school district desperately need and deserve that protection.

My husband and I own a 5-bedroom home in the town of Tuxedo, within the Monroe Woodbury School District, but outside the town of Monroe. This is relevant to the annexation petitions for several reasons. 3.3.10-7

First, the only potential buyers of our home will be families with children in the school district. The devastating impacts of the proposed annexations on the school district will harm the students in the district and will render my residence deeply devalued and unsaleable. Again, we do not have to speculate about this effect. Home values in Ramapo, Clarkstown and Haverstraw – the towns served by the East Ramapo School District – have plummeted from their market values before the Hasidic members of the East Ramapo school board destroyed the East Ramapo public schools.

Second, because I reside in Tuxedo, I have no vote with which to express my political opinions as to how the Town of Monroe board votes on the annexation petitions. Indeed, I have to beg their indulgence to even be allowed to speak at public comment during board meetings. If either of these illegal annexation petitions are granted, I – and all the other homeowners outside of the town of Monroe and within the Monroe Woodbury Central School District – will watch the financial value of our homes and the educational value of the school district plummet *with no political representation*.

The petitioners knew the state of zoning, roads, water, sewer, emergency services, sidewalks and street lighting that governed their properties when they purchased properties in Monroe. If they now do not like these governing laws and regulations, an illegal land-grab by annexation is not the way to change them.

It would be lovely for our family if our adult children could live close to us. But it would be illegal for me to try to annex my neighbor's land to fulfill this selfish desire and would deeply harm my neighbor. This is precisely what KJ is attempting with its illegal annexation petitions.

Cc:

Elsie Rodriguez, Interim Superintendent of Schools, MWCSO
Jon Huberth, President, Board of Education, MWCSO
Lorraine Carroll, Board of Education, MWCSO
Don Beeler, Board of Education, MWCSO
Natalie Brooks, Board of Education, MWCSO
Eleni K. Carter, Board of Education, MWCSO
Suzanne Donahue, Board of Education, MWCSO
Daniel Ezratty, Board of Education, MWCSO
Mark O'Brien, Board of Education, MWCSO
John Otero, Board of Education, MWCSO
Michael Rost, Supervisor, Town of Tuxedo
Steven M. Neuhaus, Orange County, New York Executive
Barry J. Cheney, Orange County District 8 Legislator
The Honorable Andrew M. Cuomo, Governor of New York State
John J. Bonacic, New York State Senate
Karl Brabenec, New York State Assembly

Subject: FW: opposition to Kiryas Joel annexation

From: Cathy Herbert [mailto:cherbert87@gmail.com]
Sent: Sunday, June 14, 2015 10:14 AM
To: tmiller@timmillerassociates.com
Subject: Re: opposition to Kiryas Joel annexation

Here are additional questions that I would like addressed. The structure and finances within KJ require explanation and additional transparency, particularly if the village is to expand. 3.2.11-1

The data that are readily available on public websites provides conflicting and troubling information that require explanation.

Although data show that 93% of KJ receives public assistance, the US census data paint a very different picture, with significant rates of home ownership and a median home price far above the median for the state. Although household income is low, the per capita expenditure per household is high.
<http://quickfacts.census.gov/qfd/states/36/3639853.html> Please explain how this is possible and what factors are involved, as this will have ramifications in the future of KJ, particularly if it becomes larger.

Many houses/apartments in the \$200-\$300K range show up as recently sold on Zillow; yet no properties are listed for sale. Please explain how sales of homes in KJ are typically made and confirm that sales conform to national anti-discrimination and equal opportunity housing requirements.

A search of the Orange County property database shows extremely low rates of taxation and no allocation for school taxes. Please elaborate on the property tax formula and the school tax formula and what the totals of these are for the village. 3.2.11-

The US Census data shows a median household income of @\$24,000 and yet family expenditures (5.58 family members) totals @\$40,000. Please explain. 3.2.11-

Please explain, as well, the mortgage/home acquisition processes that apply in KJ. In my experience, a family making \$24,000/year would not qualify for a \$200K condo. Are mortgages made through banks? Through other entities? What percentage is designated for low-income? Does low-income housing receive government funds? How are equal opportunity provisions of federal law enforced?

Thank you.

From: Cathy Herbert [mailto:cherbert87@gmail.com]
Sent: Thursday, June 11, 2015 12:41 PM
To: tmiller@timmillerassociates.com
Subject: Re: opposition to Kiryas Joel annexation

Having attended yesterday's meeting, I am in further opposition to annexation:

1) the residents who applied for annexation have the option that the rest of us do: move into the town/village/county that provides them with the resources they want. I live in the M-W school district because of the schools. Most of us choose our place of residence based on what the locale offers and what we can afford. These individuals should be treated no differently. A quick look at real estate listings shows properties at various price points for sale in K-J.

2) the services that these individuals say they need is already available. Multiple commuter options are available in Monroe and adjacent communities that serve the NYC area. To base a need for annexation on potential future needs of commuters is inappropriate.

Current services can simply be expanded.

3) annexation would place an inappropriate burden on firefighters in surrounding areas, especially if high-density properties are built and for which assurances of correct construction and meeting of codes applicable in the surrounding areas cannot be met. Annexation may result in significant dangers to firefighters in different locations.

4) current zoning laws protect all residents of Orange County.

Annexation is, as others have stated, just an attempt to avoid zoning laws.

5) activities in KJ currently affect the health of the Ramapo River and impacts downstream communities. In light of this, further expansion of high-density housing is ill-advised and should not be approved--whether in KJ or in other nearby areas unless an environmentally satisfactory solution is found.

There is no justification for annexation. It is not "smart" and it is not good for the entire region. No annexation or compromise related to annexation can be approved. To do so would be to bring grave harm to the environment and future of Orange County.

Cathy Herbert
20 Fawn Hill Road
Tuxedo, NY 10987
845 325 8274

From: Cathy Herbert [mailto:cherbert87@gmail.com]
Sent: Saturday, June 06, 2015 7:38 PM
To: tmiller@timmillerassociates.com
Subject: opposition to Kiryas Joel annexation

3.3.10-8

As a resident of the Monroe-Woodbury School District, I am in complete opposition to the annexation, which will place properties within Kiryas Joel in terms of zoning and development. It will, however, leave many properties within the Monroe-Woodbury School District.

This is unacceptable: Monroe-Woodbury School District should not include residents of Kiryas Joel, who have demonstrated no affiliation to or interest in, the public schools of the district. It is unacceptable that these individuals will be able to vote in school board elections and play any role in the decision-making process of the Monroe-Woodbury School District.

Kiryas Joel has its own school district; any annexation should, by virtue of common sense and fairness, include annexation to the Kiryas Joel school district.

3.3.10-9

The current proposed arrangement poses significant threats to the Monroe-Woodbury School District and the taxpaying residents, who are not part of Kiryas Joel. It raises the threat of a take over and dismantlement of the school system, similar to what has happened in East Ramapo, with deleterious effects on quality of life, taxes, and most of all, resulting in substandard education for children in public schools and multiple lawsuits. In East Ramapo, state oversight has been proposed, with entities such as the Anti-Defamation League weighing in in support of such oversight. It is irresponsible to even open up the possibility of such future events. For this reason alone, annexation is against the best interests of the entire community and must be rejected.

The annexation must be denied, out of concerns for infrastructure, water, traffic, sewer, education, and quality of life.

Thank you.

Cathy Herbert, Tuxedo

Subject: FW: RE; SEQRA Public Hearing - Kiryas Joel Annexation petition.

From: itzik gold [mailto:itzik2945@gmail.com]
Sent: Friday, June 12, 2015 2:07 PM
To: tmiller@timmillerassociates.com
Subject: RE; SEQRA Public Hearing - Kiryas Joel Annexation petition.

My name is Itzik Gold
I live in the Village of Kiryas Joel, Town of Monroe NY

First of all, I would like to put on record that I support the the 507 acre annexation petition and I urge the Town and the Village boards to vote yes and approve the annexation.

First I will comment on the DGEIS and after then I will explain why this annexation is in the over-all public interest.

The DGEIS fails to address the following;

Census figures.

As someone brought up at the public hearing, [the Census figures in the DGEIS is probably wrong. I follow the methodology from the US census for a quite few years and the result is getting more and more inaccurate from year to year. 2-5

Election districts.

There are Two Election districts within the proposed annexation area.(18 & 36) If this annexation succeeds, Two new election districts must be created in order to ensure that there is no election districts divided in two municipalities.

The 'No Action' scenario.

It must be noted in the DGEIS that 'no action' means a decision of action by the Town and Village boards to reject the annexation. And it must also recognize that such an action to reject the annexation may be illegal, particularly in this case. Because since the intention to annex these lands are partially because cultural and religious needs such a rejection will be a possible indirect violation of the general rule of the "RLUIPA"(Religious Land Use And Institutionalized Persons Act) that says; 6-1
"No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government can demonstrate that imposition of the burden on that person, assembly or institution.
A) is in furtherance of a compelling governmental interest; and
B) is the least restrictive means of furthering that compelling governmental interest."

The 'No Action' scenario also fails to review the possible negative consequences from such an action on the culture, society and lifestyle from the community at-large.

Yiddish language comments.

I was at the public hearing and I recognize that there are many Hasidic people that want to comment but they didn't because the don't speak English well. according to the law the purpose of the Hearing is to define what the over-all public interests are. If a majority of the people in the Town of Monroe don't use English as their first language, it would be appropriate to accept written comments in Yiddish too.

Zoning.

3.1-10

Every municipality is divided in multiple Zoning districts. Residential, commercial, industrial, Parks e.t.c.- Even Residential are divided in different zoning areas. Like rural, semi rural, high density and urban.

It would be appropriate to impose this zoning districts together with the annexation approval.

Now I will explain why this annexation is in the over-all public interest.

There is no exact definition in law how to define 'over-all public interest' in annexation.

It could mean a majority of opinions, the importance of the issues brought up, How much it will affect the petitioners VS how far it will affect the other interested parties.

Either way, an opinion that doesn't met the minimum standard of humanity and legality can't be accepted and categorized as public interest.

While this is not required by law, I believe that if the annexation would go for a referendum for the residents of the Town of Monroe it would be approved.

The only rational concern over the annexation brought up:

Environmental and Preservation.

While there are environmental impacts with the annexation, this concerns are not enough to overwrite the reasons to approve the annexation. And I really question if environmental concerns are the real issue here. It is quite obvious that there are many large developments in the region now and in the past with the same or greater environmental impacts than the annexation that for some reason didn't draw the same large scale opposition of the same people.(For instance the proposed Casino the expansion of Woodbury commons).

Preserving land is great only after housing for those in need are addressed. And don't tell me that you can't sleep at night because of this Four percent of Town land and 1/2 percent of county land in question. I usually read about corporate and oil companies who have the ability harm the Environment. But you will never hear an argument on a large venue that housing for people did harm the Environment, even if that's truly the case.

I also believe that most of the environmental concerns could be addressed even with annexation. High density housing is more sustainable and uses less environmental resources.

I would really like to see an honest debate solely about environmental concerns regarding the annexation. Unfortunately it didn't happened.

The annexation will;

- 1) bring Affordable Housing.
- 2) Boost the local Economy.
- 3) Help keep Taxes affordable.
- 4) Encourage new services.
- 5) Give the opportunity for our raised children to live in our exceptional community.
- 6) Ensure that families and children who live and will live in the this areas will given the right to access Parks.
- 7) Ensure that people are not denied from their property and religious rights.

2-6

I believe that after all, the annexation is the only way to archive peace and harmony between the communities.Because this will maintain the cultural divide with respect one to each other.

This property owners had suffered for to long. Their property rights have been violated.
They deserve some relief.
I believe that this Lead Agency scenario would never happened in an other place.

I encourage you to make the right decision and approve the annexation.

Thank You

Itzik Gold
13 Chevron Rd. Unit 201
Monroe NY
10950

To: Tim Miller Associates
10 North Street
Cold Spring, NY 10516

From: Patsy Wooters
19 Mansfield Place
Suffern, New York 10901

Date: June 14, 2015

Re: Public Comments on the Kiryas Joel Annexation Draft Environmental Impact Statement

During the scoping process for this environmental review, I requested the following be included in the impact study:

5. The scope of the environmental review include the history of Kiryas Joel's oversight of business wastewater discharges, as a business in Kiryas Joel was found in serious violation of the Clean Water Act in 2014.
6. The scope of the environmental review include any and all additional measures that Kiryas Joel must undertake to maintain effective oversight of business discharges into the wastewater stream] up to and including build out of the annexed land at the density of the existing portion of the village, or additional density if this is envisioned (my letter of March 7, 2015).

The DEIS includes only outdated information of wastewater from Kiryas Joel. The following (from page 3.5-24) was the limit of the attention given to waste water in the DEIS:

The NYSDEC has conducted biological surveys of the Ramapo River to assess water quality. Surveys were conducted in 1987, 1991, 1993, 1998. The surveys provide an assessment of water quality and the potential impact of the Harriman WWTP on the river's water quality.²⁵

The surveys were conducted at five stations on the Ramapo River over a distance of approximately 15 miles; from the Village of Harriman to Hillburn approximately one mile from the New York – New Jersey border. The 1998 report concludes that water quality in the Ramapo River ranges from slightly impacted to moderately impacted. Upstream of the Harriman WWTP, the river was moderately impacted, likely from urban run-off from Monroe. The report states "The Orange County Sewer District #1 discharge has a very minor and short lived impact on the river's water quality."²⁶ Water quality improved steadily with distance downstream of Harriman to the Hillman sampling station. The report pointed out that improvement in water quality from 1987 conditions was related to the Harriman WWTP operating within capacity after plant upgrades in 1987. Although somewhat dated, these surveys indicate that the Harriman WWTP plant has had minor impacts on water quality when operated within capacity, which is its current operating condition.

My scoping request was disregarded. A business within the Village of Kiryas Joel has violated the Clean Water Act egregiously and persistently. According to the U.S. Attorney's Office, Southern District of New York, Press Release of Thursday, October 23, 2014, owners of the Kiryas Joel Poultry Meat Processing Plant and the Kiryas Joel Meat Market Corporation made the following admissions:

- At various times between September 2008 and March 2010, and again on March 18, 2012, Defendants took inadequate steps to prevent spills of untreated wastewater from overflowing into storm drains that discharged to waters of the United States.
- From at least 2008 until May 1, 2011, as dischargers of stormwater associated with industrial activity, Defendants failed to apply for an individual permit or to seek coverage under a stormwater general permit, as required by law.
- At various times from at least 2008 until May 1, 2011, Defendants took inadequate steps to prevent stormwater associated with their industrial activities from discharging into storm drains and storm sewers that ultimately discharged into waters of the United States.
- At various times between January 2008 and April 2011, Defendants discharged wastewater containing excess concentrations of pollutants into the sewage plant at levels that caused violations of the plant's permit.

The historic record suggests annexed land will become the site of businesses that see a public benefit in disregarding the Clean Water Act. That potential impact must be included in the environmental impact statement.

3.58-5

The study must also address the level of diligence to which the Village of Kiryas Joel will attend to the requirements of the Clean Water Act based upon this history.

The reason that I request the environmental impact study address degradation of the Ramapo River as a result of annexation is because this river is the source of for drinking water in the Village of Suffern where I live.

NOTES:

Introduction:

Statement of concern as to the segmentation of the cities growth.

NOT A DGG - PETITIONER'S COUNSEL

Lack of a comprehensive plan: present development creates a pattern of unworkable city scape: 3.1-11

Current housing is dangerous: stick built wooden frame multifamily housing with limited building clearance. Same design as the NJ waterfront fire a month ago and similar disastrous fires in California. By continuing this development the city will simply sprawl using land and choking access. There is no planning for all the other land uses that a city of 40K will need.

By applying sound urban planning principles the higher density housing should be six to ten stories in masonry construction. This will allow pedestrian scale development which is essential for an urban setting. Further the roadway access needs to become a forefront issue as congestion for a city of 40K... even if largely on bus transit cannot be squeezed through a suburban road network. Access I needed for direct connections to I86 near the overpass to relieve pressure at Rte 32. 3.4-5

This type of development is much more energy efficient and less destructive of the environment. More space needs to be set aside for open space and public spaces consistent with good planning practice. 8-4

Again, my comments are intended not to deny the city the growth its residents require; but that the growth result in a liveable workable new city that is safe and well integrated with the surrounding communities; access ways and non-residential components. 3.1-11 Con't

JIM FLEISAND

TOWN OF WOODBURY

Comment #: _____

SEQRA PUBLIC HEARING / ANNEXATION PUBLIC HEARING

for the
ANNEXATION OF 507 and/or 164 ACRES FROM THE TOWN OF MONROE TO THE VILLAGE
OF KIRYAS JOEL

Written Comment Form

If you have written comments, please use this form to submit them in the box located at the speaker registration table or send to the address below. Please remember to print legibly.

Name: Matt Higgins Affiliation (if any): American

City, State, Zip: _____ Telephone / E-mail: _____

 I oppose see letter & attachment. Jpgs.
 I dont want to leave area with a
 foot in the ass.

Written comments on the DEIS are welcomed through June 22, 2015 until 5 p.m. Please direct documentation to:
Tim Miller Associates, Inc., 10 North Street, Cold Spring, NY 10516,
or e-mailed to:
tmiller@timmlerassociates.com

6/7/15

Tim Miller Associates
10 North Street
Cold Spring, NY 10516

Re: Kiryas Joel, DGEIS, Full Environmental Assessment Form

The people in Monroe & Woodbury strongly oppose annexation & have a right to vote on it. All Monroe & Woodbury should vote- not just what appears to be illegitimate petition signatures. Of the signatures listed 18 of 26 are businesses with 1 trust. They appear to be illegitimate with Strulovitch signing twice & Elozer Gruber signing 4x. The draft scoping outline indicates Monroe KJ Consulting LCC as Petitioner/Applicant. If ownership has changed it should be clarified & corrected. Signatures must be validated by County Board of Elections. It must have certification attached by the assessor by law.

Why is Woodbury written as being Annexed yet not being notified, nor any lands being listed?

2-7

How is that legit? Kiryas Joel application is incomplete & fictitious in claiming no new condo housing, no effect on water, sewer, traffic or runoff.

Stated purpose: Kiryas Joel is to be better able to provide service "police, fire, etc." Village does not have a police force. Nor can it's Fire Dept. enter a burning building; due to beards worn by Village Fire Dept. Village relies on outside police & fire now. The idea of Village providing better service is false. Properties would not need water or sewer service if no development is sought. No additional development is proposed yet 1,264 housing units can be built, according Village officials (3/24/15 THR Chris McKenna). So how is an annexation necessary? In the interest of full disclosure those planned, & or approved developments must be listed in entirety. Impacts on sewer, water, and traffic & Social Service outlays by the tax payers must be considered. These costs must be on the record.

3.3.8-12

3.3.8-13

With a reported 93% of people in Kiryas Joel on Medicaid it is no wonder the County bond ratings have been cut twice. In 2010 Medicaid outlays for Kiryas Joel were approximately \$91 million. Last year I heard a \$158 million cost for KJ Medicaid. This makes it expensive for all Orange County residents.

17 years ago I ate fish trout from the Ramapo River. It tasted like poop then, before the KJ sewer treatment. Today forget it. The Ramapo is overcapacity for sewage. The KJ sewer treatment plant flows into a stream behind the Freedman homes in Monroe. It's Federal Wetlands & a flood zone. I witnessed people being rescued by boat from the development. [Flooding is an issue.] See attached.

3.6-7

AHN: Mr. LaFeve 1/11/00
256-3059

Vg 2

Miss Margaret Duke
Regional Permit Administrator
21 South Putt Corners Rd.
New Paltz, N.Y. 12561-1696

Dear Miss Duke:

Mr. Joseph Marcogliese Regional Water Engineer referred me to you regarding the discharge of effluent from Kiras Joels sewer treatment plant. He said there were no reports of flooding when the original plans were made. Were any municipal officials asked about flooding?

I have personally witnessed 2 houses being evacuated by the fire dept. via rowboats. At least 1 basement was completely filled with water on Dorothy Drive.

The intermittent stream getting 400,000-1,000,000 gallons of wastewater daily runs thru (Wd) Wayland is subject to Severe Flooding/wetness/perc's slowly and has less than a 3 % slope. It is also within a few feet of 3 large housing projects. At least 2 of which have experienced severe flooding. Most residents of Lake Region Estates have wet basements, many get flooded. The entire area south of Freeland St, which encompasses the stream, is rated Wd till it hits Harriman. The intersection of North Main St. and 17m in Harriman has flooded countless times for years.

Monroe Ford Rte 17m in Monroe has black topped a large area adjacent to the stream, that was a buffer during flooding. Industrial Rd. in the town of Monroe/Woodbury has already begun a major development. It was given permits to build adjacent to this stream and will make the situation worse.

Who was in charge of surveying the effluent discharge? If in fact DEC checked on flooding what municipal personal were contacted to check on flooding? Please check into this, your prompt reply would be appreciated.

Cc: Mr. Mike Frerichs Supervisor Town of Monroe
Mayor Mancuso Village of Monroe
Mayor Gayser Village of Harriman
Mr. Jay Gubernick Supervisor Woodbury

Sincerely,

METAL™ NOTES

Myrna Kemnitz,
Monroe, NY.

3.1-13

High among the issues that have not been addressed directly is the indifference of the Kiryas Joel Village administration to environmental concerns, and along with that, the burden that puts on all neighboring communities in Orange County.

The KJ Village administration regards the rest of Orange County as a third-world entity, from which raw materials are extracted and into which waste is dumped. Illustrating this is the Kiryas Joel poultry processing plant, which the Orange County Water Department Report, citing data from its own testing, and additional corroborating data from an outside agency, documents saline is, as measured in water coming from the plant, 20 times higher than normal, and, that the plant used 14 tons of salt daily, 4 tons of which wash into our water every day. At a total of 9 gallons of water per bird, for soaking and rising three times, and using the plant's advertised figure of 40,000 birds per day, that's 360,000 GPD, not counting clean-up water, used by the facility, all running into a tributary of the Ramapo River, and then through Monroe. Town of Monroe, Village of Monroe and Village of Harriman received this report, and I was copied on it. Mayor Welle immediately filed an Article 78 in behalf of his residents in Harriman. The salted water continues on its path through the machinery at Orange County Sewer District #1, corroding it, and then flows into the Ramapo River as drinking water for people in New Jersey.

quality is an increasing concern on congested roadways and at major interstate intersections in the Monroe area, Kiryas Joel does not provide for one plug-in station for electric cars.

As for other species on the planet, Kiryas Joel appears indifferent.

In sum, Kiryas Joel has shown itself a pernicious manager of the land under its administration, and a threat to the well-being of its neighbors. Therefore, it should not be allowed to control the zoning or building on any additional land, and this annexation should not be approved.

*Myma Perot
Monroe, N.Y.*

KIRYAS JOEL COMMUNITY HOUSING DEVELOPMENT ORGANIZATION, INC.



51 Forest Road
Suite 360
Monroe, N.Y. 10950
Tel. (845) 782-7790
Fax: (845) 783-7415

Executive Board
JOSEPH WEISS
DAVID GREENFIELD
HERMAN ROSENFELD
JACOB LANDAU
JACOB BRACH

Executive Director
MOSES NEUMAN

June 17, 2015

Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516
tmiller@timmillerassociates.com

RE; SEQRA Public Hearing - Kiryas Joel Annexation petition

I am the Executive Director of the Kiryas Joel Community Housing Development Organization, which was established in 1992, in order to advocate for affordable housing. It goes without saying that multi-family home development is more economical than large lot single family homes. As a poor community but one with strong family ties, my organization proudly supports families in their quest for affordable housing.

Much of the annexation area is restricted to large lot development, requiring as much as 3 acres per home. This type of zoning is not conducive to affordable housing as it restricts lower and middle income families from being able to afford living in this area. In contrast, Kiryas Joel zoning permits smaller lot sizes, making the land available for more affordable living.

In establishing the Village of Kiryas Joel as the lead agency for this application, the DEC recognized the value of having walkable communities that promote affordable living on smaller lot sizes. This application for annexation supports that goal, as clearly documented in the DGEIS.

As an advocate for affordable housing, I strongly support the annexation application in meeting the needs for affordable and sustainable growth of our community.

Sincerely,

Moses Neuman
Executive Director

2-8



KIRYAS JOEL UNION FREE SCHOOL DISTRICT

48 Bakertown Road, Suite 401 Monroe, NY 10950 • (845) 782-2300 / Fax (845) 782-4176

JOEL PETLIN
Superintendent of Schools

HARRY POLATSEK
Board President

June 17, 2015

Tim Miller Associates
10 North Street
Cold Spring, NY 10516

Re: DGEIS and Annexation Petitions

Dear Mr. Miller,

3.3.10-10

As the representative of an interested agency, I carefully reviewed the DGEIS and I wholeheartedly agree with your analysis and conclusions relating to the educational impacts to the Kiryas Joel and Monroe Woodbury School Districts.


It has been clearly documented that the proposed annexation will have no impact on either School District, if the Monroe-Woodbury School District Board of Education will agree to an alteration of their school district boundaries, consistent with NYS Education Law Section 1507. For the sake of peace and harmony, on May 13, 2014 the Kiryas Joel School Board has already passed a resolution in support of the border alteration.

Much attention has been given to the East Ramapo Central School District in Rockland County, where Hasidic and Orthodox Jewish individuals control the Board of Education, and programs and services have been reduced over the years. Critics of the annexation petitions often cite the East Ramapo situation as the reason that the annexation should be rejected. Namely, they are concerned that the growth of the Hasidic population in the Monroe-Woodbury School District territory will ultimately lead to budget defeats and even a Board takeover.

What these critics fail to recognize is that the Hasidic population continues to grow in this area, with or without annexation. The DGEIS projects a total increase of 7,356 Hasidic people in 1,431 households over the next decade in the Monroe Woodbury School District without annexation. While I'm not advocating for annexation, it is clear to me that only with annexation will the Monroe-Woodbury Board be able to transfer the territory inhabited by the Hasidic residents (by approving an alteration of boundaries).

If annexation is voted down by the municipalities or the courts, it will ultimately have a negative impact on the Monroe-Woodbury School District. Through the changing demographics over the next decade, an additional 3000 Hasidic voters could have the potential to create a crisis in Monroe Woodbury that is comparable to East Ramapo. The only difference in these two situations is that if annexation occurs, the Monroe Woodbury Board could simply vote to alter their boundaries, transferring this population to the Kiryas Joel School District; a solution that is not available in East Ramapo.

Thank you for your consideration.

Sincerely

Joel Petlin
Superintendent

Cc: Kiryas Joel Mayor Abraham Wieder
Town of Monroe Supervisor Harley Doles

Subject: FW: KJ Annexation application

From: Robert Eychner [<mailto:eychner@gmail.com>]

Sent: Wednesday, June 17, 2015 4:37 PM

To: tmiller@timmillerassociates.com

Subject: KJ Annexation application

I am a resident, home owner and tax payer here in Monroe. NY.

31-13

I OPPOSE the approval of the annexation.

Subject: FW: KJ SEQRA
Attachments: KJ 6-10-15.docx

From: Mayor [mailto:mayor@villageofharriman.org]
Sent: Thursday, June 18, 2015 8:23 AM
To: fwells@timmlerassociates.com
Subject: KJ SEQRA

Attached are my comments to the Kiryas Joel SEQRA on the 507 and 164 acre annexation proposal

Stephen Welle, Mayor
Village of Harriman
1 Church St.
Harriman, NY 10926
845-783-4421
mayor@villageofharriman.org

Response to the Kiryas Joel DGEIS regarding the 507 and 164 acre annexation from the Town of Monroe into the Village of Kiryas Joel.

My name is Steve Welle. I have been a resident of the Village of Harriman for the past 38 years and have served on the Village Board since 1997. I have been the Mayor since 2001. Having lived in the area for 38 years and through my experience on the Village Board I have several major concerns and I am adamantly opposed to the proposed unsustainable 507 and 164 acre annexation from the Town of Monroe into the Village of Kiryas Joel. I am also under the opinion that this public hearing is illegal due to the fact that the Court has not ruled on the sequence of events of the three annexations (the proposed 507 and 164 acre annexation into Kiryas Joel and the proposed 336 acre annexation into South Blooming Grove).

It is my understanding that the purpose of this public hearing is for the involved agencies to hear the concerns regarding the proposed annexation. I have serious doubts as to whether or not the Village Board of Kiryas Joel is interested or capable of adequately reviewing the comments on this project since they held a scoping session on March 3, 2015 during a dangerous snow and ice storm. That meeting was held in spite of the numerous calls (including Orange County Executive Neuhaus) for the meeting to be held at a different time due to the inclement weather.

The Village of Harriman filed to be an involved agency for the 507 and 164 acre annexation due to the Harriman Waste Water Treatment Plant being in the Village of Harriman. There is a great concern that the significantly increased demands for waste water treatment will exasperate the existing problems and over load the plant. The Village Attorney also sent a separate letter to the Village of Kiryas Joel regarding our requests to be an involved agency. The Village of Harriman has never received any response from Kyrias Joel regarding the requests. 2-9

New York state General Municipal Law § 239 L,M,and N require that certain land use actions being reviewed under local zoning, site plan, and subdivision regulations be referred to a county planning agency for review and comment on aspects of the proposal that are of countywide or intermunicipal significance. The Village of Kiryas Joel has a history of consistently ignoring these § 239 reviews which are required of ALL municipalities. This shows their complete lack of respect and caring for the surrounding communities and the law.

The April 29, 2015 DGEIS transmitted by Tim Miller associates states that the population of Kiryas Joel will continue to grow regardless of this annexation being approved or not. In all other communities in Orange County, new development is approved based on available resources and infrastructure. The Village of Kiryas Joel has made it very apparent in this DGEIS that they plan on continuing to allow new construction without any regard for the availability of water and sewer resources. Several years ago when there was a moratorium on sewer connections in Orange County Sewer District # 1, Kiryas Joel continued to allow new construction and sewer connections while the other communities in the district 3.5.7-5

abided by the moratorium. This is another indication in their history of their lack of respect for the law or desire to get along with their neighbors.

The Village of Harriman residents have had to endure years of odor issues with the Harriman Waste Water Treatment Plant. Increased flows created by the explosive growth of Kiryas Joel (or any other community) are going to exacerbate this problem. In addition to the odors, as this plant nears capacity, there is great concern as to what happens when the new construction causes the plant to be over capacity. At times over the past several years this plant has been in violation of various regulations resulting in fines being assessed. This plant is monitored by the NYSDEC and the EPA and whatever fines are assessed are divided over the entire district not just the violators!

3.5.8-7

3.5.8-8

There has been a lot of discussion of expanding capacity either through technology or the construction of a new plant or expanded plant elsewhere. Who is going to pay for this? Why should the Village of Harriman ratepayers have to pay for expanded capacity when we don't need it?

The Village of Harriman has experienced elevated chloride levels in wells located along the Ramapo River over the last few years. The salinity of the waters flowing from the KJ Poultry plant has increased. At the same time the wells in the Village of Harriman have suffered. This is an impact which apparently has been ignored by the DGEIS and the scope. These environmental impacts MUST be studied!

3.6-8

If the unrestricted explosive growth in Kiryas Joel continues with their continued disregard for the environment and laws we will all be left with lower property values and higher bills to remediate Kiryas Joels violations.

There are many points in the DGEIS prepared by Tim Miller Associates which are questionable which is not surprising. There have been numerous actions taken by the Village of Kiryas Joel leaders over the last several years that have most of asking "What is happening here"? Unfortunately due to their past actions of noncompliance and disregard for their neighbors, there is no confidence that this is an honest and accurate reflection of the potential impacts which this annexation would have on the area. Given their history, why shouldn't we expect to see multi story apartment units built even though this possibility doesn't appear to be addressed in the DGEIS?

3.1-12

The DGEIS does not reflect the impact on the local volunteer fire departments. Currently the Kiryas Joel Volunteer Fire Department relies on the surrounding volunteer fire departments for mutual aid for most structure fires. If the properties in question were developed with the high density development typical of Kyrias Joel, it is safe to assume that the number of structure fires would also increase putting another unreasonable demand on our volunteers. Why wasn't this addressed?

3.3.8-14

The DGEIS claims that because the Hasidic women do not drive, the traffic impacts will be minimal. If the population increases at just the conservative rate indicated in the DGEIS, there will be a dramatic increase in traffic due to the increased services required to serve the additional population. There is more to traffic than just personal vehicles! A recent study done for the South East Orange County Traffic

3.4-6

3.4-7



Task Force warned of the potential of violations of the Federal Clean Air Standards with a modest to significant increase in traffic in the affected area.

3.4-7
con't

Although the DGEIS states that the residents of Kiryas Joel do not utilize several programs operated by the County, the majority of Orange County residents do not utilize most of these programs. Actually most of the population outside of Kiryas Joel support their families without expecting the government to subsidize them!

The Village of Kiryas Joel filed a SEQRA several years ago regarding the proposed water pipeline connection to the New York City aqueduct. The findings in this SEQRA document were based on an eighteen inch main. When the installation commenced a twenty-four inch main was installed dramatically increasing the capacity which was NOT addressed by SEQRA. Why should we believe any actions involving this proposed annexation would be handled properly?

It was brought up during the public hearing on June 10, 2015 that no one questioned the potential impacts of the casino project which was attempting to locate in Woodbury. This statement is completely erroneous! The casino developers were in the process of conducting SEQRA for their project. In addition to meeting with Woodbury officials the developer also met several times with the Village of Harriman to determine the areas of concern and what the necessary mitigation(s) would be. If the Village of Kyrias Joel was really interested in conducting an honest and thorough SEQRA, they would have reached out to the surrounding municipalities to determine the real potential impacts and possible mitigation!

2-10

It is very possible that the Town of Monroe Board is going to vote against this annexation because they know that this decision will ultimately wind up in a court to be decided. Don't let these Board members deceive you regardless of their vote! They have not had the common courtesy to communicate with the Village of Harriman regarding how this potential annexation would affect the Harriman Waste Water Treatment Plant even though the issues are common knowledge. It appears that the Town Board is not interested in the quality of life of a majority of the properties in the town.

This potential annexation if approved would be extremely detrimental to the Village of Harriman and the surrounding area!

The Village of Kiryas Joel needs to consider the environmental and economic impacts before permitting additional construction of housing units like other communities do!

I am opposed to these potential annexation proposals due to the effects on the environmental concerns and the history of Kiryas Joel not following the laws which are meant for ALL municipalities.

Zigmond Brach (Ziggy)

250 Seven Springs Rd

PO Box 1153

Monroe, NY 10950

917-270-8259

Re: Comments with regard to the proposed annexation,

To all elected town and village board members

You! Elected officials have an important decision to make. To the naked eye it seems as if this decision has something to do with annexation and environmental studies. But, the bold truth is that it does not have anything to with that. The decision which is now on your shoulders is much deeper and much more significant than annexing territory.

I bought a house which is built on 2 acres in the town of Woodbury near the village of KJ , thirty five years ago. Upon returning home one evening with my pregnant wife we were greeted with swastikas sprayed all over our sofas and our prayer books were destroyed.

I am sure that you are thinking, well, things changed in thirty-five years. Well let me tell you something, anti-Semitism wasn't invented in this town and it is not about to be abolished in this town. Anti-Semitism began hundreds of years ago it has continued ever since with the same vigor. The only things that changed, are the excuses and justifications for hating, the false reasons for this age old hatred has changed and evolved from generation to generation and place to place.

The same thing that happened to my house thirty-five years ago happened to a friend of mine just a short time ago when he built himself a new house in town of Monroe by Cliff Court and Seven Springs Rd. He showed up one morning and the new windows were shattered and swastikas were sprayed inside the house. The anti-Semites sent a clear message; we don't really care about a village or no village, we simply don't want you to live next to us because you are a Jew.

This is nothing new , during the Spanish inquisition there was a reason to hate the Jews, during the Russian pogroms there was a reason to hate the Jews, during the holocaust there was a reason to kill 6 million Jews and now in town of Monroe there is a reason to hate the Jews. The reasons may seem different, but all of these reasons have one thing in common. We are hated for who we are and not for what we do!

And to all you opposers including Mr. Assemblyman Skofus , if you care so much about the environmental and traffic impact, where was your outcry when town after town here approved plans for a mega casino right here? And what about the mega expansion of Woodbury Commons Where was your argument then Mr Skofus when you were on the Woodbury board ? The answer is that all of this doesn't matter to you, all that matters to you is that Jews wants to live here. Despite the fact that you changed the zoning in Woodbury from 1 acre of land per house , then to 2 acre, and then to 3 acres when you live in a condominium and all your board members live in houses which are on less than an acre of land.

So its very evident that you are targeting the jew even if he would be living on large parcels of land contrary to what you claim.

To prove my point I had filed for a subdivision of 110 town houses in the Town of Monroe and purchased a water company in Woodbury to supply the necessary water for that project. Of course there was no secret that this was intended for the Jewish community since it was within the borders of the Village of KJ. The leaders of Woodbury intentionally created a new local law just to stop us from

drinking water. I was forced to file a lawsuit in New York Supreme Court which ruled that such a law is unconstitutional. Would you call this hate?

Mr. Supervisor and gentleman of the board, if I felt that you were part of this hatred, I wouldn't even comment. I know you are all being harassed and intimidated by threats and fear.

There were brave leaders in the past that made brave decisions against anti-Semitism regardless of their personal political interests. President Truman will always be remembered as a world leader that had such bravery after the holocaust. I am appealing to you to be as brave as he was and approve an annexation even of much larger than 507 acres to provide the necessary needs for the local residents. Failure of passing annexation would force the local village to allow hi risers of 5 stories and up which would still have the same impact as well as the opposition falsely claims . The only one that would be able to stop that is the DOH or the DEC.

Please ask yourself, does this have anything to do with the expansion of A village or does it have to do with the expansion of a village that will provide homes for Jews? Be brave vote with your heart, and may God bless you.

Your consideration is greatly appreciated.

Zigmond Brach

Subject: Kiryas Joel land annexation

From: Harry Mitchell <patton16@optonline.net>

Subject: Kiryas Joel land annexation

Date: June 18, 2015 at 3:18:50 PM EDT

To: tmiller@tmillerassociates.com

My husband and I are 42 year residents of the Town of Woodbury in Highland Mills, New York. We are opposing the annexation of land by the Kyrias Joel community as we believe it will negatively effect many areas of our town and have profound impact on Orange County as whole. We have recently retired and are currently on a fixed income and see this expansion as a tremendous financial challenge to the town and ultimately to us as taxpayers. We worry about zoning laws changing and the creation of more cluster housing. This definitely effects the value of our home. We are even more concerned about the water/sewage situation. The Harriman plant is already overtaxed. We worry about the number of families in the Kyrias Joel community who are adding to the rise in our social services budget. We worry because they have not been "good neighbors" and do not readily adhere to local building codes/LAWS. 2-11

Why they were made lead agency given their past history is a mystery to us. However, we cannot change that now. We do not believe that the Environmental Impact Statement as released truly reflects the reality of what the communities of Monroe & Woodbury will be faced with if this annexation is approved. It is not in the public interest of Monroe, Woodbury or Orange County.

Thank you for your time.

Harry & Kathleen Mitchell
16 Lexington Avenue
Highland Mills, N.Y. 10930

Sat. June 13 2015

To Whom It May Concern,
I was unable to attend the public hearing on the Draft Generic Environmental Impact Statement due to a back injury & my husband was on a business trip.

We have lived and raised our family in Yonkers since 1949 and have always lived in peace with everyone. We know there was a Hasidic community and everyone went about their business and still do. We moved from Queens, when we resented the urbanization, traffic congestion, pollution etc. As many of our neighbors, we moved here for the rural flavor.

Our main objection to the annexation is the urbanization it will bring. Buildings upon buildings, loss of scenic beauty and wildlife. I understand sewage from their poultry plant is affecting our waters and the disregard of our building codes, zoning and any other laws that affect their community is ignored by their government.

Believe me, it is not about their religion, dress or anything of that nature. We would feel the same about any group who behaved in that fashion. I am disgusted with the already overdevelopment that has occurred in our area over the past 30 yrs. I am also against casinos. My disgust over the past thirty years is with greedy developers who don't

3.1-13

like to see an inch of land go
undeveloped.

My argument is not with
the Hasidic people. We have nothing
against their lifestyle except we
cannot accept the total ruination
of where we live by the
urbanization being brought to us
by them or anyone else.

Thank you so much for your time
on this matter!

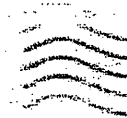
Sincerely

Doreen & Louis Fallot

Fallot
33 Winchester Dr.
Monroe, N.Y. 10950

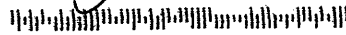
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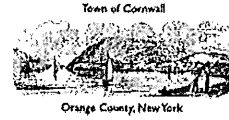
Jim Miller Associates Inc
10 North Street
Gold Spring, N.Y. 1051

10516302310





VILLAGE OF CORNWALL ON HUDSON
&
TOWN OF CORNWALL



June 19, 2013

BY EMAIL AND OVERNIGHT MAIL

Village of Kiryas Joel Board of Trustees
% Tim Miller Associates, Inc.
10 North Street
Cold Spring, New York 10516

Re: Joint Comments on the Village of Kiryas Joel's Annexation DGEIS

Dear Board of Trustees:

The Village of Cornwall on Hudson and the Town of Cornwall jointly wrote to the New York State Department of Environmental Conservation last year regarding serious issues we have with the water supply expansion sought by the Village of Kiryas Joel. There are significant and substantive issues that must be addressed resulting from the water supply expansion including the use of wells within Cornwall and near Cornwall on Hudson's own water supply wells. The time to address our concerns is now, during Kiryas Joel's annexation process; the annexed lands would be served by Kiryas Joel's water supply.

[As the provider of water for both Cornwall on Hudson and Cornwall, we are concerned with any proposals that might impact our ability to provide water to our residents.] This was why we previously wrote on this matter. As a result of our prior comments, and the comments of others, the DEC determined to hold a legislative hearing. After the hearing, rather than addressing the many comments raised, Kiryas Joel suspended the DEC's processing of the application. But Kiryas Joel continues with the construction of the pipeline. Yet the concerns remain unaddressed. [Because Kiryas Joel's insufficient analysis of the water supply expansion, we engaged the services of Maser Consulting to conduct our own evaluation of Kiryas Joel's proposed water supply expansion.]

3.5.7-6

Kiryas Joel declared itself to be the lead agency for the environmental review of both the water supply expansion and now the annexation. [A key question is whether Kiryas Joel's proposal to take 612,000 gallons per day from its well within Cornwall will impact the current and future needs of the Village and the Town's residents.]

[Maser conducted an extensive review of Kiryas Joel's proposal, and found that the aquifer test conducted by Kiryas Joel's consultants is inadequate for determination of



3.5.7-6
con't

impacts to water-dependent natural resources.] Maser prepared a report, criticizing Kiryas Joel's application for shortcomings in its analysis. Maser has now updated that report, reviewing the statements in Kiryas Joel's Draft Generic Environmental Impact Statement. A copy of Maser's updated report is attached.

Maser's efforts focused on whether Kiryas Joel's proposed water taking would detrimentally affect the Moodna Creek Watershed and the Village and Town's current needs for water supply. What Kiryas Joel completely ignored was the Town's plans to expand its public water supply significantly to unserved areas of the Town. The Town commissioned plans for such an expansion, which plans were prepared by Dufresne-Henry Engineers and Landscape Architects in August 2002. The 2002 public water supply expansion plans show that the Town could more than double the size of its existing water district at some point in the future. Additional sources of water would need — and still need — to be determined to support such an expansion. Kiryas Joel's application fails to adequately demonstrate that their taking would be of no impact on the Village and Town's water resources. It says nothing whatsoever about the impact on our future needs. And for this reason alone, the application fails to meet the requirements of Environmental Conservation Law § 15-1503(2)(c).

Given our concerns, and those of our consultant hydrogeologist, we recommend the following:

1. That Kiryas Joel, as SEQRA lead agency, rescind its prior negative declaration for the water supply expansion and conduct a new, full environmental review of the water supply expansion, addressing all of the environmental concerns raised during the DEC's legislative hearing; or
2. That Kiryas Joel address those comments fully, with detailed analyses, now, during its annexation DGEIS process.

These steps are necessary to protect the environment, including the current and future water supply needs of the Village of Cornwall on Hudson and the Town of Cornwall.

Respectfully Submitted,

Village of Cornwall on Hudson

By: Brendan G. Coyne
Brendan Coyne
Mayor

Town of Cornwall

By: Randy Clark
Randy Clark
Supervisor



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

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www.maserconsulting.com

June 18, 2015

VIA EMAIL

Tim Miller Associates, Inc.
10 North Street, Cold Spring, N.Y. 10516
Tim Miller, AICP

Re: 507-Acre Annexation
Town of Monroe to Village of Kiryas Joel
Route 32, Cornwall, New York
MC Project VCT011

Dear Mr. Miller:

On behalf of the Village of Cornwall-on-Hudson and the Town of Cornwall, Maser Consulting P.A. is providing the following comments and analyses regarding the above-referenced application. We have reviewed the GDEIS for the Proposed 507-Acre Annexation to Village of Kiryas Joel (KJ).

Draft Generic Environmental Impact Statement Comments

3.5.7-7

No response to the letter written on behalf of the Village of Cornwall on Hudson and the Town of Cornwall, originally dated April 16, 2014 and submitted to the NYSDEC as part of the public hearing for the DEC Application No.: 3-3399-00065/00001 Water Withdrawal, Village of Kiryas Joel Proposed Mountainville Well No. 1 have ever been received. Yet the GDEIS for this proposed 507-Acre Annexation proceeds without any consideration of the impacts noted in this letter. Response to the impacts repeated herein need to be addressed prior to proceeding with this process, or the GDEIS must be declared incomplete.

The apparent intent in the GDEIS is to utilize the Mountainville well as a potentially permanent water supply, rather than a secondary water supply, which contradicts KJ's prior statements and analysis. I refer to KJ's DEC application and their neg dec where there were repeated statements that the Mountainville well was part of the connection to the Aqueduct. Now, the most KJ is saying is that one year after the Mountainville well will be placed into service, KJ must identify a potential secondary source. Obviously KJ's intent is to use the Mountainville well as likely permanent water supply. Given the apparent change in use of the Mountainville well as a primary water supply, we request that KJ must rescind its prior neg dec according to the criteria set forth in 6 NYCRR 617.7(f). Should KJ not rescind its prior neg dec, KJ must address the environmental impacts associated with the primary use of the Mountainville well as part of the GEIS process, including responses to all outstanding comments made to the DEC as part of the water supply legislative hearing.



These comments and concerns, which relate to environmental impacts, have never been addressed by KJ, given that their neg dec was cursory and that KJ has voluntarily suspended the DEC permit proceeding.

KJ has improperly segmented the environmental review of its proposed expanded water supply and the annexation.

Page 3.5-3 states: "The addition of the Mountainville well field would enable the Village to meet this maximum daily demand and serve as an interim supply while the remainder of the pipeline connection to the Aqueduct is constructed."

3.5.7-8

What guarantees do the Village of Cornwall on Hudson and the Town of Cornwall have that KJ will complete the pipeline to the NYC aqueduct?

If a permit is granted to KJ to complete the pipeline to the NYC aqueduct, what is the NYSDEC perceived expiration date for this permit to ensure timely construction to get the Aqueduct connection into service and maintain the Mountainville Wells as a backup supply.

Page 3.5-3 states: "The draft consolidated permit would allow the Village to withdraw up to 2.54 mgd once the draft permit is finalized and Mountainville Well 1 is placed into service."

3.5.7-9

What controls or limits if any would be placed on the KJ Mountainville Well to maintain a sustainable withdrawal of water as to not adversely cause the impacts noted in this letter?

What is the status of the Orange County review and permit for the continuation of the installation of the water mains for the NYC aqueduct and the Mountainville Wells?

What is the plan for KJ should the NYCDEP deny the request to connect to the NYC aqueduct, if as noted on page 3.5-4 "Excessive groundwater withdrawals may affect neighbors to the Village who depend on the same groundwater resources"?

On page 3.5-4 the GDEIS states: "In September 2000, the Village of Kiryas Joel filed an official request with the New York City Department of Environmental Protection (NYCDEP) for conceptual approval to connect to the aqueduct." Further the GDEIS on the same page states "The City of New York must still provide final engineering approval for the proposed Village connection to the Catskill Aqueduct."

3.5.7-10

What is the status of this NYCDEP permit and plan review, give these plans were submitted 15 years ago? Correspondence between KJ and the NYCDEP should be provided as part of the record.



On page 3.5-4 the GDEIS states: "The allowable water taking from the aqueduct will be determined by the NYCDEP at a future time when approvals and infrastructure are in place to connect to the aqueduct. For example, the Village would be entitled to approximately 2.56 mgd from the aqueduct, based on the 2010 Census for the Village (20,175 population) and the 2010 NYC per capita water usage estimates (127 gpd). The Village would be required to maintain 100 percent back-up for the volume of its taking with existing and new groundwater wells. The Village intends to rely on its existing groundwater wells and new wells to be established in the future to meet this backup requirement."

3.5.7-11

Conversely, what is the 100% backup for KJ's highest yielding well (Mountainville) should there be an impact to adjoining properties or a failure at the well, assuming the NYCDEP Aqueduct is not online, permitted or available?

How is it that a connection to the NYC Aqueduct, requiring a 100% backup (the Mountainville well), has a findings statement prepared as noted on page 3.5-5 since the 100% backup Mountainville Well has not received any permits and the impacts elaborated in the public hearing process from April 2014 remain unanswered?

3.5.7-12

Page 3.5-5 states "The Village commenced the SEQRA coordinated review process for the Catskill Aqueduct Connection project in July, 2002. Amended Findings for the Catskill Aqueduct Connection project were adopted by the lead agency on March 31, 2009..."

3.5.7-13

Page 3-5.6, the GDEIS notes: "In addition to serving as a necessary backup to the City water, the Mountainville well will serve as an interim primary supply for the Village while the remainder of the pipeline is constructed."

The permit conditions need to be elaborated in order to quantify the impacts. How long will the Mountainville well serve as an interim primary supply for the Village? What limitations will be enacted to ensure KJ connects to the NYC Aqueduct or seeks another viable source of water should the NYC Aqueduct be unavailable or not permitted?

Page 3-5.7, the GDEIS notes: "A NYSDEC required 72 hour pumping test demonstrated that the Mountainville Well was self-sustaining and its use would not impact local nearby wells or other surface water bodies."

3.5.7-14

This statement is an opinion and should be removed from the GDEIS, especially given the complete lack of response to the letter written on behalf of the Village of Cornwall on Hudson and the Town of Cornwall, originally dated April 16, 2014 and submitted to the NYSDEC as part of the public hearing for the DEC Application No.: 3-3399-00065/00001 Water Withdrawal, Village of Kiryas Joel Proposed Mountainville Well No. 1.

Correct the typo stating "425 gallons per day" on page 3-5.7.

3.5.7-15



Page 3-5.14, "The draft consolidated water supply permit, WSA No. 11609, which includes Mountainville Well 1, will authorize a water withdrawal of 2.54 mgd".

3.5.7-16

This statement is an opinion and not based on a permitted withdrawal, and as such should be removed from the GDEIS.

Page 3.5-16, under a 'no annexation' scenario states: "Finally, the future use of Aqueduct water would be prohibited to outside users, unless special permission is granted by NYCDEP.

Without Annexation will the connection to the NYC Aqueduct be pursued? Will the Mountainville Wells be pursued? With a lesser population growth of 12,307 persons as compared to the with annexation population growth estimates, will the NYC and Mountainville connections be required? If so, to what extent?

3.5.7-17

On page 3-5.17, the statement "Once the Village is connected to the Catskill Aqueduct, it is intended to serve as the primary water source for the Village and groundwater wells will be in place as temporary back-up water supply during those periods when the Aqueduct water is unavailable due to maintenance. Therefore, after the aqueduct connection, the Village's wells will only be used on a temporary basis for testing or during those periods when the Aqueduct is unavailable." Assumes a permit will be issued.

3.5.7-18

If a permit is not issued for KJ, is the annexation feasible, given the existing wells and the impacts noted in this document? Without the Aqueduct we assume well permits will precede Annexation?

Page 3-5.19 states "Connection to the Catskill Aqueduct will also mitigate potential water supply source impacts."

3.5.7-19

This is not true as wells are needed during Aqueduct shutdowns. The Mountainville wells have not been permitted. There are many potential impacts noted herein and as provided to the NYSDEC during the public hearing and as the written comment attests. The document has not addressed the sustainability of aquifer recharge supplying their existing wells. This issue still needs to be addressed for the Mountainville site as previously discussed.

Hydrogeologic Technical Report Comments

We have also reviewed the hydrogeologic technical report prepared by Leggette Brashears and Graham, Inc. (LBG) dated August 2011 and titled, "72-Hour Pumping Test Report for Well 1, Mountainville Pump Station Parcel, Route 32, Cornwall, New York". The following comments and analyses pertain to that report.



Background

The Village of Kiryas Joel (KJ) has applied to the New York State Department of Environmental Conservation (NYSDEC) for a Public Water Supply Permit for Mountainville Well #1 for total taking of 612,000 gallons per day (GPD) at a rate of 425 gallons per minute (GPM). The well is located along Route 32, adjacent to Woodbury Creek, in the Town of Cornwall and approximately 1.8 miles south of the Taylor Road well field owned by the Village of Cornwall on Hudson. Both the Town of Cornwall and the Village of Cornwall on Hudson have shared interests regarding maintaining the viability of water resources within their jurisdictions. The applicant has stated that they proposed to connect their Well #1 to the water transmission line to be located along Route 32, which has been proposed to connect the Village of Kiryas Joel to the New York City aqueduct in Newburgh, New York.

Well #1 is completed within saturated, stratified, sand and gravel deposits that occur in the creek valley, with a reported screen interval between 83 and 103 feet below grade. Observation wells included Wells MW-1 and MW-2, located 51 and 94 feet, respectively from Well #1. Well MW-1 is reported to be completed with a screen interval 36 to 46 feet below grade, and well MW-2 is reported to be completed with a screen interval between 20 and 30 feet below grade. In addition, three shallow piezometers were installed: adjacent to Woodbury Creek; adjacent to one of the intermittent streams tributary to Woodbury Creek; and at a location in the wetlands between Well #1 and Woodbury Creek. The 72-hour pumping test was conducted by LBG during June of 2011. The test involved pumping Well #1 at variable rates of 482, 449, 442, and 425 GPM over the 72-hour period.

Concerns Regarding Aquifer Testing Configuration and Procedures

Our review of the LBG report revealed several concerns regarding test procedures and analyses with respect to the required evaluation of environmental impacts. These concerns are discussed as follows.

1. Information regarding the shallow sediments is largely missing from the LBG report. This is important, because the potential impact on surface water resources has not been adequately addressed. From the Water Supply Standards: "the proposed water withdrawal will be implemented in a manner to ensure it will result in no significant individual or cumulative adverse impacts on the quantity or quality of the water source and water-dependent natural resources". Water dependent natural resources include streams and wetlands. During drilling of the test well, no formation samples were collected or described for the upper 35 feet. For the two monitoring wells, there are driller's descriptions for the shallow sediments, but these are not detailed. There are also no geologic logs for the shallow piezometers that were installed for the aquifer test. Therefore, the available site-specific geologic information is inadequate to evaluate the potential hydraulic connection between the aquifer and the adjacent streams and wetlands.



2. The shallow piezometers installed in the intermittent stream and the wetland were dry at the time of the testing. Because there are no geologic logs for the piezometers, it is unknown if they were installed at correct depths for monitoring potential impacts. Monitoring of Woodbury Creek itself has little value, as it would not be expected that a measureable decline in the stream stage would be observed for short-term pumping.
3. The monitoring wells only partially penetrate the aquifer. While geologic descriptions for the upper 35 feet of materials penetrated by Well #1 are missing, the geologic log indicates finer sand and some silt in the upper part of the formation where MW-1 and MW-2 are completed. This stratification within the aquifer could result in the actual drawdown impact at the observation wells being under represented by the aquifer test.
4. The pumping rate for the aquifer test was variable, rather than constant as required by NYSDEC "Pumping Test Procedures for Water Withdrawal Permitting". The variable pumping rate complicates interpretation of hydraulic boundary conditions, such as nearby streams and wetlands, and obscures drawdown responses that would be indicative of an unconfined aquifer.

Concerns Regarding Aquifer Test Data and Analyses

5. Test data for the monitoring wells, piezometers, and offsite wells (actual numeric data) is missing from the report, preventing independent analyses of the hydraulic impacts. Traditional time-drawdown plots of the monitoring well data are not provided. These would help to determine if the aquifer indicates an unconfined type of response that could indicate direct hydraulic impact to streams and wetlands.
6. The numbers used for the distance-drawdown analysis performed by LBG are not provided. Because of the partially-penetrating observation wells (MW-1 and MW-2), potential recharge effects a potential unconfined aquifer response, the distance-drawdown analysis is unlikely to be valid either for determining aquifer hydraulic properties or drawdown impacts.
7. The wide range of the scale of the vertical axes on the domestic well water-level responses makes it difficult to determine if there was actually any drawdown impact on the domestic wells.
8. The Conclusions section of the report indicates that two additional wells are planned. A total of three wells seem to be excessive if this is only planned for a backup supply.
9. LBG provides no analysis of the potential drawdown impact for the proposed future well field with a pumping capacity of approximately 1200 GPM. That analysis needs to be performed.



Concerns Regarding Water Availability

10. LBG provided a safe yield analysis using a proprietary computer program. Without being provided the details of that computer program, it is not possible to verify their conclusion. However, the safe yield analysis appears to be focused on the ability to pump three wells simultaneously (not just the one well referred to in the application). The analysis does not appear to take into account the water availability and sustainable recharge of the aquifer.
11. No analysis was provided regarding the long-term impact on stream baseflow within the Moodna Creek basin, which could ultimately affect water availability for the Village and the Town. The Town and Village have significant plans for the expansion of their water service within their jurisdiction. Planning for this expansion has been ongoing since 2002 and has included recent aquifer testing at the Taylor Road well field owned by the Village.

Summary

The aquifer test conducted by LBG for Mountainville Well #1 is inadequate for determination of impacts to water-dependent natural resources. Dry shallow piezometers during the aquifer test yield no practical data regarding direct impacts to streams and wetlands. Partially-penetrating observation wells and variable pumping rates obscure aquifer responses that could potentially indicate an unconfined aquifer in strong hydraulic connection with adjacent streams and wetlands. The lack of detailed geologic logs for the shallow sediments further obscures any interpretation of hydraulic connection to surface water resources.

The aquifer test analyses provided by LBG for Well #1 are inadequate to define impacts to water-dependent natural resources. While test analyses were likely limited by the problems with the test configuration and implementation, independent analyses were limited by the lack of numerical data provided in the report. Furthermore, conclusions regarding safe yield appear to be focused on expansion of the water taking to include two additional wells, rather than on the ability of the resources to sustain the proposed pumping without adverse environmental impacts.

Given the deficiencies identified with respect to the aquifer test configuration, implementation and analyses, it is recommended that the application be denied until the applicant can perform additional testing that sufficiently addresses these deficiencies and adequately addresses impacts to water-dependent natural resources, including stream baseflow within the Moodna Creek basin. If the applicant intends to withdraw from three wells at the proposed combined pumping rate of 1200 GPM, then additional testing needs to be performed at this rate.

In addition, any ground-water diversion approved for this site should be limited to emergency use only, during periods when water from the aqueduct is otherwise unavailable. The



Tim Miller & Associates
June 18, 2015
MC Project No. VCT011
Page 8 of 8

Department should impose adequate safeguards to ensure that the wells are used solely for this purpose. Such safeguards should include, at a minimum, gauging and monthly monitoring reports to ensure that the water is not being taken in nonemergency situations. Copies of these reports should be provided simultaneously to the Village and the Town, given that they both rely on this water source for their own residents.

The Village and the Town's concerns are significant and substantive issues. If their concerns are not addressed by the applicant, The Village and the Town request that the DEC hold an adjudicatory hearing pursuant to 6 NYCRR Part 624, so that the concerns can be heard in a more formal forum and adjudicated.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in cursive script, appearing to read 'Andrew Fetherston'.

Andrew Fetherston, P.E.
Principal Associate

A handwritten signature in cursive script, appearing to read 'Thomas E. Dwyer'.

Thomas E. Dwyer, P.G.
Principal Associate

ABF/TED/jm

\\NBCAD\Projects\VCT\VCT-011 Joint Town Vil Water vs KJ\150618REV_ABF_NYDEC.docx



Open Space Institute

**STORM KING
ART CENTER**

June 19, 2015!

BY EMAIL AND OVERNIGHT MAIL

Village of Kiryas Joel Board of Trustees
 % Tim Miller Associates, Inc.
 10 North Street
 Cold Spring, New York 10516

Re: Joint Comments on the Village of Kiryas Joel's Annexation DGEIS

Dear Board of Trustees:

The Black Rock Forest Consortium, the Open Space Institute, Inc., the Orange County Land Trust, the Palisades Interstate Park Commission, and the Storm King Art Center wrote to the New York State Department of Environmental Conservation (NYSDEC) on March 20, 2013 and on April 28, 2014, regarding our concerns over the use of a proposed water supply well in Mountainville (the Mountainville Well) by the Village of Kiryas Joel (the Village). Our consulting hydrogeologists and biologists with The Chazen Companies also prepared a report dated April 29, 2014 identifying significant and substantive concerns with the proposed use of the Mountainville Well. We enclose copies of our March 20, 2013 and April 28, 2014 letters, and Chazen's April 29, 2014 report. For the reasons set forth below, the environmental impacts resulting from the Village's use of the Mountainville Well require further environmental review, including analyses of alternatives in order to minimize the impacts on the Moodna Creek and Ramapo River watersheds and their ecology.

As part of the Village's application to the NYSDEC, and in the Village's negative declaration under the State Environmental Quality Review Act (SEQRA) for the expansion of its water supply (the Water Supply Expansion Neg Dec), the Village stated, repeatedly, that the use of Mountainville Well would be as a secondary water supply source, which was a necessary prerequisite to the Village making a connection to the New York City Catskill Aqueduct (the NYC Aqueduct). The Village's Water Supply Expansion Neg Dec specifically stated that the Mountainville Well "will assure an adequate backup supply as required for the Village's Catskill Aqueduct connection." See the Water Supply Expansion Neg Dec at 1; see also the Village's Supplement W-1 for the Public Water Supply Permit dated November 15, 2011.

Now, in its Draft Generic Environmental Impact (DGEIS) the Village has changed its water supply project, stating that the Mountainville Well would be used as a primary source of water supply for some unspecified period of time, and possibly as a permanent water supply. See DGEIS at 3.5-1, 6. The Village's only apparent obligation would be to merely identify a redundant source of water one year after placing the Mountainville Well into service as a primary water source. The Village makes no commitment to use a redundant water supply within any timeframe, or to reserve the use of the

3.5, 7-2



3.5.7-20
cont

Mountainville Well as a backup supply as it previously claimed. This is a substantial change to the Village's proposed water supply expansion.

The Village's indefinite use of the Mountainville Well as a primary water source heightens our concerns over the environmental threats to the Moodna Creek and Ramapo River watersheds and their surrounding ecology.

Unfortunately the Village unilaterally suspended the NYSDEC's review of its water supply application. As a result, the Village has yet to address any of the significant and substantive comments raised during the NYSDEC's legislative hearing, including our prior comments. Nonetheless, construction of the pipeline to the Mountainville Well continues, without either NYSDEC or NYC approval to actually fill it with water. Furthermore, the Village is installing a pipe that is 24 inches in diameter; the Village's prior SEQRA review only evaluated the impacts associated with the use of an 18 inch diameter pipe. A 24 inch pipe has double the carrying capacity of an 18 inch pipe. This is one more example of the outstanding issues that the Village did not review under SEQRA, or inadequately reviewed. 3.5.7-21

SEQRA requires that a lead agency rescind a negative declaration whenever substantive (1) changes are proposed for the project, (2) new information is discovered, or (3) changes in circumstances related to the project arise; that were not previously considered and the lead agency determines that a significant adverse environmental impact may result. 6 NYCRR § 617.7(f).

Accordingly, we request that the Village rescind its Water Supply Expansion Neg Dec and undertake a full SEQRA analysis of the potential environmental impacts resulting from the Village's proposed permanent use of the Mountainville Well. Once again, our concerns are set forth in detail in the attached March 20, 2013 and April 28, 2014 letters, and Chazen's April 29, 2014 report.

Should the Village determine not to rescind its Water Supply Expansion Neg Dec, then the Village must address our concerns raised in this letter, our prior letters and the Chazen report as part of the Village's current Generic Environmental Impact Statement on the proposed annexation. We submit these documents as comments to the DGEIS, and because they are substantive, the Village must address them in any Final Generic Environmental Impact Statement. 6 NYCRR § 617.9(b)(8).

By reviewing separately the water supply issues from the annexation, the Village improperly segmented the review of water supply issues. Indeed, in its Water Supply Expansion Neg Dec the Village claimed that the expanded water supply would not induce growth. See Water Supply Expansion Neg Dec at 8. But now, in the Village's DGEIS, the Village states that "the primary benefit of annexation as it relates to water supply is the ability of landowners to connect to the Village of Kiryas Joel public water system." See DGEIS at 3.5-16. Thus, the Village has separated the environmental review of the water supply expansion from the annexation. **The Village should make every effort to cure this improper segmentation by undertaking a comprehensive environmental review now.**

The landscape in Orange County affected by the proposed water supply expansion has been the epicenter of conservation efforts for more than a century. Starting in 1909, the State of New York and the Palisades Interstate Park Commission protected over 71,000 acres of land in the western Hudson Highlands, including Harriman State Park (New York State's second largest state park), Bear Mountain State Park, Sterling Forest State Park and Storm King State Park. Collectively we have protected an additional 9,000 acres in this area at an aggregate cost of over \$72 million. The proposed water supply 3.5.7-22



3.5.7-22
con't

project may have a significant impact on the public's use and enjoyment of these scenic, historic and ecologically sensitive lands. As noted by Chazen, the Village's existing water supply analysis "fails to describe and evaluate inevitable environmental impacts of a 425 gpm inter-basin transfer removing water from the Woodbury Creek tributary watershed and its downstream Moodna Creek watershed." Based on actual field data and analyses, Chazen found that,


[the] continuous removal of 425 gpm will deplete the Woodbury Creek of more than half its flow during at least one month per year on average, **and is likely to fully dry the creekbed during drought periods.** These depletion impacts raise concerns also for downstream Moodna Creek flows since our data demonstrate that the Woodbury Creek supports half the flow of the Moodna Creek during dry periods.

See Chazen report at 1 (emphasis supplied). The Village has not addressed these concerns.

All agencies subject to SEQRA must "conduct their affairs with an awareness that they are stewards of the air, water, land, and living resources, and that they have an obligation to protect the environment for the use and enjoyment of this and all future generations." 6 NYCRR § 617.1(b). We ask that the Village carefully consider our significant and substantive concerns for the Moodna Creek and Ramapo River watersheds and their ecology.

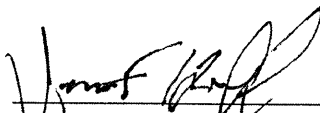
Respectfully Submitted,

Open Space Institute, Inc.

By: 

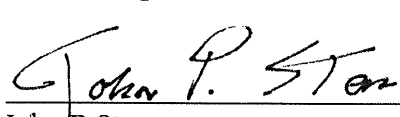
Kim Elliman
President & CEO

Palisades Interstate Park Commission

By: 

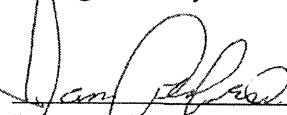
James F. Hall
Executive Director

Storm King Art Center

By: 

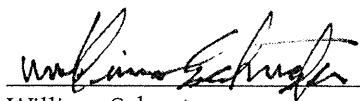
John P. Stern
President

Orange County Land Trust

By: 

James DeLaune
Executive Director

Black Rock Forest Consortium

By: 

William Schuster
Executive Director

Enclosures

Subject: FW: Statement made at DGEIS on 6/10/15

From: Elvira Stepinoff [<mailto:elvystep@optonline.net>]

Sent: Thursday, June 11, 2015 12:57 PM

To: tmiller@timmillerassociates.com

Subject: Statement made at DGEIS on 6/10/15

I am sending you a complete copy of the statement I made last evening in the Village of Kiryas Joel, regarding annexation and the DGEIS. Because of cheering and time constraints I was unable to complete my statement. The last two paragraphs are very important and I would like them to be part of the record of the DGEIS.

Thank you, Elvira (Elvy) Stepinoff

My name is Elvy Stepinoff and I've lived in the Village of Monroe for almost 10 years. I too come from a family that lived in the Shtetles, and Jewish Ghettos of Eastern Europe. My grandparents came to this county at the start of the last century looking to escape that harsh life and the Pogroms led by Czarist thugs against Jewish communities. They left behind many friends and relatives who were later destroyed by the Nazi holocaust during WWII. I grew up with the stories of their lives in the old country and the horrors of the death camps that they were lucky enough to escape.

When they came here, however, they were not welcomed with open arms. Rather, like all immigrant groups before and after them, they faced discrimination. There were neighborhoods they could not live in, schools and colleges they could not attend, clubs they could not join, and more. This kind of discrimination, and downright hatred exhibited by some people in our society is not directed just at Jews. Many people considered "different" by the majority are subjected to the same restrictions and worse. Racism and anti-semitism, anti-"other" in general is still too much a part of our society.

So, I grew up learning to work towards civil liberties for all people! -- All people, regardless of race, religion, gender, sexual orientation etc. That is what my grandparents worked for, and my parents, and my children as well.

Now I find myself being called anti-semitic because I oppose annexation of more land into the Village of Kiryas Joel.

I reject that accusation with my whole being. I am not anti-semitic. I am not anti Hassidic. What I am against is the existence of a theocratic government within this country founded on freedom of religion. Isn't that why the Pilgrims came here? I know that's why my grandparents came here. My guess is that is why the Satmars came here.

It is clear that I am not welcome into Kiryas Joel as a resident. Even as a visitor I am told by a sign at the entrance how to dress, who to talk to, and who not to touch. These signs say to me "go away---you are not wanted here". There are many Hassidim living outside the confines of Kiryas Joel, but I know of no one living within KJ who is not Hassidic! That is discrimination. That infringes on my rights to live where I want and practice my moral principles as I see fit.



Hamaspik of Rockland County Inc. • 58 Rt. 59 • Suite 1 • Monsey NY 10952
Tel (845) 356-8400 • Fax (845) 425-5075 • hamaspikrockland.org

June 15, 2015

Honorable Mayor Wieder
Village Board, Village of Kiryas Joel
Lead Agency on Annexations
51 Forest Road
Monroe, NY 10950

Dear Mayor Wieder:

I'm writing this letter in support of annexation as Executive Director of Hamaspik of Rockland County, a non-profit human-services agency that, among many other things, provides vital services to all the citizens of Orange County.

To preface: The New York State DOH's Nursing Home Transition/Diversion (NHTD) program provides critical supports and services to individuals transitioning back to their own homes from nursing homes, or said services in their own homes so as to keep them out of nursing homes.

Since Hamaspik's founding in 1986, the agency has served people of all ages in the greater Hudson Valley who have developmental delays or disabilities, as well as people who require nursing at home, other home care, long-term care and other services and supports. In Orange County, Hamaspik of Rockland not only provides NHTD but also delivers the DOH's Traumatic Brain Injury (TBI) program and the Care at Home Waiver initiative for medically frail children under 18 who do not have Medicaid.

Hamaspik's wide variety of services and supports continue to aid dozens of individuals of all religious and ethnic backgrounds throughout Orange County; its scope is hardly limited to the Village of Kiryas Joel.

Hamaspik is also the only agency in Orange County that provides the greater public with Community Transition Services (CTS) and Environmental Modifications (E-Mods) under the rubric of NHTD and TBI.

In the context of E-Mods, CTS and other programs, Hamaspik has successfully completed dozens of home modification projects: accessibility ramps, indoor or outdoor lifts, disabled-accessible restrooms (including grab bars, walk-in or roll-in showers and tubs), widened hallways, disabled-accessible doors and doorways and more.

These projects have been installed in the homes of individuals with special needs who reside across Orange County, including: Blooming Grove, Cantrell Valley, Chester, Goshen, Highland Mills, Newburgh, Pine Bush and Tuxedo, in addition to Kiryas Joel.



3.3.8-15

Given our experience-based authority on the greater public's health needs, it is our position that the annexation is vital for several reasons.

The elderly and frail among us, and those with other special needs, require access to regular clean water and sewer systems, as opposed to well water and septic systems, due to the specific hygienic and personal care needs that are part of their daily care.

These individuals also require sidewalks illuminated with streetlights as opposed to undeveloped roads to allow them to be transported locally from place to place in wheelchairs, to keep them integrated in their community. The developed streets which will result from annexation will also give them close proximity to shopping, schools, libraries and houses of worship. Sidewalks, and fire hydrants, for that matter, are vital for these individuals.

These individuals require both rapid access to emergency medical, fire department and public safety services in the event of health and other crises, and close local proximity to community health centers for their wellbeing.

All of the above may seem provincial, but upon review, we are certain you agree that at the end of the day and at the bottom line, the annexation will save both New York State and Orange County substantial sums of money in terms of preventing far costlier institutionalization of individuals with involved daily care needs. It is simply vital to annex as much land as possible to ensure that all these vulnerable people are provided with much needed care services.

Sincerely yours,

Meyer Wertheimer
Executive Director
Hamaspik of Rockland County

Frederick P. Wells

Subject: FW: Annexation Comments
Attachments: Jacob Wieder Annexation Comments.docx

From: Jacob Wieder [<mailto:jacobmwieder@gmail.com>]
Sent: Friday, June 19, 2015 10:38 AM
To: tmiller@timmlerassociates.com
Subject: Annexation Comments

see attached

--
Jacob Wieder
845-492-6868

I would like to make 3 short points and bring out why expanding the borders of Kiryas Joel the 507 acres as applied, will not only benefit the applicants, but **it will benefit all the municipalities involved as well as Orange County and the entire region!**

#1. I want to dispel a myth that has been spread around by irresponsible sources who quote only partial statistics. **Monroe residents have expressed their concern to me, they said that “all people in KJ are taking advantage of Social Service – extending the boundaries will drain the county’s budget”**. This is a myth that must be dispelled! All of KJ is NOT taking advantage of social programs. While many are eligible for Healthcare like Medicaid due to larger families and not very high incomes, many of them have insurance coverage through their employers and use Medicaid only as secondary payer, but without going into nitty bitty details – I want everyone to know that MANY people in Kiryas Joel work hard, and pay taxes! There are many businesses INSIDE Kiryas Joel, and many businesses OUTSIDE of Kiryas Joel that are operated by KJ residents, WE ALL PAY TAXES AND CONTRIBUTE TO THE ECONOMY! There are many rich people with nice houses and fancy cars – these people Pay taxes and support part of the county’s social budget! I want to ask everyone to look at the entire graph! Don’t take one slice out of the pie and smear innocent people like that! And please don’t use that to mislead naïve innocent people!

3.3.8-16

#2. I will state a fact here: Kiryas Joel and its residents “ARE” good neighbors with the surrounding neighborhoods! Town of Monroe and its Residents “are” good neighbors with Kiryas Joel, it’s a fact that I’ve proven time and time again – Only a very small minority of people in Monroe oppose annexation – they are a very small fraction! These are the same people, we recognize them from the 70’s, they were youngsters then, we were little kids playing around the lake on quickway road and they would stop and yell dirty Jews to scare us. They are older ladies now, and when we peacefully walk around the millpond lake they stop and yell “walk in your own parks!” [We do NOT have our own parks! Most of our other neighbors understand that this is what we want – we want for our kids access to medical care, schools, and parks where they feel safe and their needs are met.] It’s been a cold winter, I can’t tell you how many days my kids freeze at the bus stop and buses don’t come [Monroe residents also understand that Kiryas Joel and its residents bring benefits to THEM! We boost **your** economy! We shop in **your** stores, we run our own businesses and employ people from your communities in the towns and villages of Monroe, Harriman, central valley, Chester, Goshen, Middletown, (and so on) so many NON KJ residents are employed in Orange county by businesses owned by KJ residents. We also employ many of you INSIDE our village boundaries! Point in case: KJ contributes to the economy of the region on a large scale, expanding KJ will only expand the economy in the area!]

3.3.8-17

3.3.8-18

#3. In a time when local municipalities are approving zoning and trying to lure the gambling industries to our area, can we all stop for a minute and think of the ramifications of having casinos in the area? Next to casinos come along crime rates, lower Real Estate value, not to mention traffic and other negative environmental impacts, we all know the truth that most of the added jobs will NOT be for local residents, they’ll just bring outside people in! By contrast, [expanding the borders of Kiryas Joel will have a beautiful positive effect on the area! Kiryas Joel has no crime rate to speak of, no teen pregnancies out of wedlock, no drugs, no homeless, as well as other issues that are a big problem for municipalities with such a concentrated population! By extending the boundaries of Kiryas Joel, the Town, and County will

3.3.8-19



3.3.8-19
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have even more benefit of KJ's low crime rate, the local crime rate is partially wiped out by KJ – making Orange count a more desirable place to live!

I will end by saying we are good neighbors and expanding the borders will only bring more good! The rest is a negative propaganda that has been unsuccessful since the 1970's before the village was incorporated! Biggest proof that I'm right is the fact that the anti- annexation minority fraction has teamed up with the minute fraction of kiryas Joel dissidents!

I ask the elected officials from all branches of government involved in this project, to take the MAJORITY of the population's interest into consideration when making such important decisions and please vote YES for the **507** annexation Petition

Thanks Again!

6/17/2015

To: the Village of Kiryas Joel and the Monroe Town board

And Tim Miller associates

I've attended the Public Hearing for the 507 Acre annexation on June 10th and I heard a continues argument from the opponents to the annexation that the Hassidic Orthodox Jews are welcome to join all other citizens and live anywhere in New York State, so therefore there is no need to be annexed to get housing that serves for the needs of the Hassidic community because they will be fairly served and treated with housing and accommodations according to their religious needs in every area in Town of Monroe, Woodbury, Blooming Grove, Chester Etc, and anywhere in County of Orange or even State of New York, like any other citizen.

Starting by quoting from one of the most respectful national organizations to protect freedom of religion, The Becket Fund (See attached Exhibit #1):

But Orthodox Judaism is perhaps the religion that suffers the most hostility. In fact, this Court has previously held that several municipalities in New York were incorporated out of sheer "animosity toward Orthodox Jews as a group." LeBlanc-Sternberg v. Fletcher, 67 F.3d 412, 431 (2d Cir. 1995) (quoting leader of the incorporation movement as stating "the reason [for] forming this village is to keep people like you [i.e., Orthodox Jews] out of this neighborhood") (see attached page 16 - Ex. 1)

One of the most common manifestations of hostility towards Orthodox Jews is abuse of land use regulations. It is a well-known fact that Orthodox Jews may not drive on the Sabbath and that they therefore must reside within walking distance of a synagogue. Thus if a community wishes to prevent Orthodox Jews from moving into the neighborhood, it will manipulate land use regulations to forbid the synagogue from being opened in the neighborhood. A number of cases with this fact pattern—neighbor-driven attacks on new Orthodox Jewish land use—have arisen in the New York City metropolitan area. See, e.g., United Talmudical Acad. Torah V'Yirah, Inc. v. Town of Bethel, 899 N.Y.S.2d 63 (N.Y. Sup. Ct. 2009) (Town mayor illegally prevented issuance of certificate of occupancy for Orthodox synagogue on the basis that it was a "community center" rather than a house of worship and thus subject to additional zoning requirements); Lakewood Residents Ass'n v. Congregation Zichron Schneur, 570 A.2d 1032 (N.J. Super. Ct. Law Div. 1989) (neighborhood association sought to keep Orthodox synagogue out of neighborhood); Landau v. Twp. of Teaneck, 555 A.2d 1195 (N.J. Super. Ct. Law Div. 1989) (neighbors sought to invalidate sale of land to Orthodox synagogue)" (see attached page 18 – Ex. 1)

Beyond the land-use context, Orthodox Jews consistently face a variety of other types of hostility and discrimination. For instance, in Incantalupo v. Lawrence Union Free School District No. 15, 652 F. Supp. 2d 314 (E.D.N.Y. 2009), the court rejected a lawsuit claiming that a school board was unduly influenced by its Orthodox Jewish members. The court took plaintiffs to task for making allegations in the complaint about Orthodox Jews' different "grooming habits" and "wardrobes," "large nuclear families," and "political agendas," all offered in the course of insinuating that Orthodox Jewish members of the school board were wrongfully diverting money away from public schools for the benefit of Jewish private schools. Id. at 318 n.3. (see attached Page 24 – Ex. 1)

That brief as attached goes on and on quoting cases that proves the fact that the Orthodox community are NOT welcome in New York State and their being rejected specifically thru so called local zoning rules, but rather than

quoting and repeating from several Court rulings that is already mentioned in the Becket Fund amicus brief as attached, I would only add some local history closer to the area of Kiryas Joel, which is not part of that record.

Orange County - Village of Bloomingburg

- **Bloomingburg Decision #1 – Dated 6/9/2015 (see attached Exhibit #2)**
Judge ruled that a 25 Million dollar lawsuit filed by the Hasidic citizens against the village can move forward
- **Bloomingburg Decision #2 – Dated 6/16/2015 (see attached Exhibit #3)**
Judge ruled that a lawsuit filed by the Hasidic citizens against the board of elections can move forward

Orange County - Town of Woodbury

- **Village of Kiryas Joel Etc vs Village of Woodbury – Dated 3/19/2014 (see attached Exhibit #4)**
Judge nullified local law of Village of Woodbury because of is discrimination intent
- **Brach vs Woodbury – Dated 9/4/2012 (see attached Exhibit #5)**
Judge ruled that the case can move forward against the town violating the constitution

Orange County - Blooming Grove

- **Blooming Grove Brach (see attached Exhibit #6)**
Case against Blooming grove that the creation of the village was to violate religious right
- **Blooming Grove Sheri Toreh (see attached Exhibit #7)**
Case against Blooming grove that the creation of the village was to violate religious right
- **United Fairness times 2 (see attached Exhibits #8-9)**
Case against Blooming grove that the creation of the village was to violate religious right

Orange County - Chester

- **Decision (see attached Exhibit #10)**
Case against Town of Chester that the creation of the zoning laws was to violate religious right

Rockland County - Suffern

- **Rockland vs Suffern (see attached Exhibit #11)**
Judge ruled that the case can move forward against the village of Suffern for violating the constitution

Rockland County - Airmont


- **Airmont decision LeBlanc-Sternberg v. Fletcher, 67 F.3d 412 (2d Cir. 1995)**
Discrimination lawsuit against Airmomt Zoning - discussed in Exhibit 1 at the Becket Fund Brief

These cases show a clear direct pattern of local boards and communities using local laws to discriminate against Jews, and -not like the opponents- the Orthodox-Jews are not welcome at all at the so called other municipalities in NYS, specifically Hassidic Jews within the communities surrounding Kiryas Joel, and the history of these cases are enough reasons to vote for religious freedom to survive and to vote YES to allow the Jewish people to live with freedom atleast somewhere in NYS.

I urge you to vote in the affirmative, because we live in the United States and we are allowed to practice our religion in the USA.

Please include my letter AND all its exhibits as part of the annexation record.

Thanks in advance.



Samson Szegedin

PS. Some people at the hearing stood up denying anti-Semitism against Jews because they are themselves Jewish or their grand-parents were Jewish, I would note a Federal Court of appeals ruling in Feingold v New York ([Http://scholar.google.com/scholar_case?case=16168327816401827213](http://scholar.google.com/scholar_case?case=16168327816401827213)) the 2d Cir rejected lower courts suggestion, that a Jew is unlikely to be discriminated by another Jew on the basis of religion, holding that: "It is not reasonable to presume that individuals will not discriminate against practitioners of their own religious faith."

Tim Miller Associates, Inc.
10 North St.
Cold Spring, NY 10516
June 21, 2015

Gentlemen,

In regards to the Annexation Public Hearing held on June 10, 2015, I would like to offer my concerns as they pertain to the Draft Generic Environmental Impact Statement (DGEIS). These items must be addressed in order to have an accurate and unbiased document that will be used to fully evaluate the proposed annexation of lands from the Town of Monroe to the Village of Kiryas Joel. My comments, concerns, and questions are as follows:

1. There are still unresolved problems with the annexation petitions. Please clarify the list of parcels that are proposed for the annexation. In the DGEIS, Appendix D, page 45, there are 2 "Owner of Record" on the petition that do not have a SBL or an Assessed Value assigned to them. The 2 questioned owners are Bakertown Realty Equities by Mendel Wieder and Jacob Bandua Trusrty by Moshe Bandau. Are they included in the annexation request? If they are included in the annexation, then the "Total Assessed Value" is incorrect. Also, the witness statement submitted by Simon Gelb would also be incorrect as there would be 10 signatures listed on the page and not 8 as Mr. Gelb stated.
2. The DGEIS seems to be primarily concerned with population growth and impacts on public services. I could not find any information on the economic impacts the annexation would have. In order for "smart growth" to take place, jobs and economic opportunities must be provided. There was no analysis in the DGEIS regarding the possible effects on business as to how many jobs would be lost or gained in each municipality. 3.2.11-4
3. Currently the Town of Monroe has designated the URM zoning district for more affordable housing. The DGEIS did not address the possible need for rezoning in the Town of Monroe should the current URM (high density housing) be annexed into the Village of Kiryas Joel. 3.1-14
4. With or without the annexation, the Village of Kiryas Joel is projecting an increase in population to 19,663 as noted in the DGEIS. Currently the residents have one Village park on Larkin Drive in the Town of Monroe. Village residents also use other Town parks including but not limited to the Mombasha Park and the boat rental/pavilion at Round Lake. Will the increased population result in the need for increased parks in both municipalities? What will be the projected cost to build these additional park/recreation areas? Will there be costs to improve the current parks to adequately address the needs of the increased population? 3.3.8-20
5. The Monroe Free Library currently only serves the residents outside the Village of Kiryas Joel. Prior to 2005 the Village of Kiryas Joel residents paid library taxes and were able to use the library (see printout of articles "Kiryas Joel eager for own library" and "Monroe, NY- Regents Board Approves Changes To Monroe Library Charter Which Bans Kiryas Joel Residents"). The Town of Monroe parcels currently pay taxes to and are entitle to use services provided by the Monroe Free Library. Should the annexation result in the Village of Kiryas Joel obtaining the parcels, the Monroe Free Library could face a loss of \$215,644 in future tax revenue. The remaining Town of Monroe residents would then be responsible to make up the loss. There 3.2.11-5


should be an additional table in the DGEIS showing the loss of revenue to the library (see page 3.2-17 of the DGEIS). Currently there is only Table 3.2-11 listing the increased revenues, but nothing for lost revenue. Section 3.2.9 of the DGEIS, Mitigation Measure, should also list the increased demand for library services (public or private) as children especially are known to use materials/services provided by a library. Finally, the DGEIS should give the location of the private libraries that are currently serving the needs of the residents of the Village of Kiryas Joel.

3.2-11-5
Cont

6. The traffic section was lacking information on the following 3 intersections:
 - a. Route 208 and Mountain Road
 - b. Bakertown Road and Cty 105
 - c. Schunemunk Rd and Route 208

3.4-8

These intersections are important as the proposed annexed parcel may cause changes to the existing traffic patterns that could negatively affect these intersections.

I respectfully submit my concerns and hope they will all be addressed completely in the FGEIS.

Sincerely,



Mary Bingham
17 Carol Drive
Monroe, NY 10950

Jennie Brach
250 Seven Springs Rd
PO Box 1153
Monroe, NY 10950
845-783-8177

Re: Comments with regard to the proposed annexation,

To all elected Town of Monroe and Village of KJ board members,

Perhaps it would be wise that you follow the footsteps of the DEC and DOH and the DOT which are respected State agencies and if they have felt any flaws any with regard to the environmental or traffic impact they would definitely address it accordingly. To create a new state law such as the one presented in the assembly by Mr Skofus and in the State by Mr Larkin specifically targeting KJ petitioners and disregard for the state agencies which were the ones that had the trust for the past century to make these decisions is very obvious what "their" intention really is. So kindly take this into consideration while this decision lies before you all.

And to all of those that oppose annexation if you care so much about the environmental and traffic impact, why did not oppose when town after town in Orange County approved plans for a mega casino, and what about the mega expansion of Woodbury Commons where was your argument then? The answer is that all of this is ok to you, all that matters to you is that Jews want to live here in Orange County not about density.

So its very obvious that you are targeting the Jews even if they would be living on large parcels of land contrary to what you claim you would still scream and oppose. To prove my point when Woodbury created a new village which was overlapped on the entire Town of Woodbury , it was only done with the sole

intention to prevent the Jewish population to expand into its neighborhoods and had not provided any additional services such as sewer water etc.... Likewise, it had no regard for the heavy burden that taxpayers would be subject to double taxes, to a new village in addition to the existing town taxes. Years had already passed since then and no additional services were provided to its residents. The same applies is with neighboring town of Blooming Grove which also created the Village of South Blooming Grove for he same purpose.

In the event that for whatever reason this proposed annexation would not pass it will result in the following. The population of KJ will just continue to grow and 3.1-15 while not have enough land to expand on the width they will have no choice but to expand in the height. We will then see first 6 story houses and the 8 to 10 story houses which will have the same impact on traffic or environmental as you falsely claim.

Mr. Supervisor and the four distinguished council members on the board, if I felt that you were part of this hatred, I wouldn't even comment. Likewise, I know as well that you are all being harassed and intimidated by threats and fear to say No and have disregard to the existing State law.

There were brave leaders in the past that made brave decisions against anti-Semitism regardless of their personal political interests. President Truman will always be remembered as a world leader that had such bravery after the holocaust. I am appealing to you to be as brave as he was and approve an annexation even of much larger than 507 acres to provide the necessary needs for the local residents.

Be brave vote **YES** to annexation , and may God bless you.

Thank you

Jennie Brach



County Legislature

Michael Amo, Legislator
1st Legislative District

16 Summit Avenue
Central Valley, New York 10917

Tel: (845) 291-4800 ☎ Fax: (845) 291-4809

June 20, 2015

To: Mayor Abraham Wieder, Village of Kiryas Joel (NY)
Supervisor Harley Doles, Town of Monroe (NY)

From: Michael Amo, Orange County Legislator 

Subj: Annexation

The issue of annexation in your municipalities has drawn tremendous attention from the public and vote-seeking politicians. The New York State Constitution (Article IX) affords you the right to take such action. The opposition to annexation is driven by half-truths, opinions and myths. I am confident that the study being undertaken by the county will erase these concerns.

However, noteworthy is the fact that the aforementioned study commissioned by the County of Orange for \$200,000 appears to be driven by a unique policy affecting only the Village of Kiryas Joel and the Town of Monroe's annexation. At the Rules committee on June 17, 2015, I offered "a same as" resolution for the annexation taking place in the City of Middletown and the Town of Wallkill. It was soundly defeat 7-1; the very same vote count that passed the resolution to study your municipalities annexation. This is no coincidence. It is clear to me that the County Legislature has a bias when it comes to certain annexations and not to others. As a result, I recommend that you review comments made by the county for your annexation by the consultants engaged by the aforementioned resolution with extreme scrutiny.

In the more than 16 years that I have served in the Orange County Legislature (11/1998—6/2015), there has been planned and consistent growth in the Village of Kiryas Joel. The Village has efficiently responded to this growth within their one square mile boundaries. Over the years Kiryas Joel residents who were unable to build houses within the village limits have done so just outside to avail themselves of the culture the community offers them. During this same period the village has sought many options to supply the necessary water for their residents. Rather than consume water from local aqueducts serving neighboring communities, Kiryas Joel looked at ways to import needed water. The best answer was to tap into the New York City Aqueduct like other Orange County municipalities have done. At their own expense they are constructing a water pipeline.

As founding members of the Orange County Sewer District Kiryas Joel residents through taxation have paid for the plant and improvements as dictated by the county. As a result they have equal rights with other members of the district to access the services of the plant for which they paid.

Aside from water and sewer, the last obstacle to planned growth for the village is land on which to build needed housing. With the developable land within the village saturated other options are

needed. Annexation is the smartest solution for all involved. For obvious reason of quality of life, cultural integrity, religious preferences, taxation and civic involvement, clearly the proposed annexation of the 507 acres from the town of Monroe to the Village of Kiryas Joel should be approved by your respective Boards.

Thank you for the opportunity to comment on the annexation proposal before you.

Comments on Kiryas Joel's Annexation Requests

Draft Generic Environmental Impact Statement Input

Population Growth And Impact On Water And Wastewater capacity.

This submission contains 2 new scenarios that are based on 2000 to 2010 population growth based on the growth within age groups.

Also submitted was 3 scenarios that were done in 2013 and are based on municipal growth in the Orange County Sewer District

What is not currently considered in the DGEIS is the impacts that this growth will have on the surrounding communities.

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The Draft Environmental Impact Statement (DGEIS) Comments.

Introduction:

As described below, the population growth analysis and the assumptions on which it was based in the DGEIS are fundamentally flawed and must be redone in either a Supplemental Generic Environmental Impact Statement or the Final Environmental Impact Statement. The DGEIS and the population data on which it relies grossly understates the potential growth of the Village of Kiryas Joel. Based on the analysis below, the Village by its internal growth rate and in-migration rate, which the data herein cited suggests is significantly higher than cited in the DGEIS, is likely to result in the growth of the Village to more than 147,063 people by the year 2040 if a sufficient housing stock in a geographically expanded Village is available to accommodate such a population expansion.

3.2.10-3

As the DGEIS states time and again, the Village strives to provide its residents with several municipal services, including, most notably connection to the municipal sewer. However, the Orange County Sewer District No. 1, the Harriman Wastewater Treatment Plant and the Ramapo River have a fixed capacity to accommodate sewage flow and the overutilization of that capacity by the Village of Kirays Joel's significant rezoning of property within the sewer district to accommodate such growth will undoubtedly affect the patterns of population concentration, distribution and growth for both communities within Orange County Sewer District No. 1 and the Modena Communities because the sewage capacities these communities need to grow will be monopolized by the Village of Kiryas Joel.

3.5.8-8

In order for the lead agency to meet its obligation to take a hard look at the environmental impacts of an annexation that will undoubtedly facilitate a significant increase in density and sewer capacity utilization in Orange County Sewer District 1, particularly impacts on the patters of population concentration, distribution and growth, community character and human health, the Final Generic Environmental Impact Statement or a Supplemental Generic Environmental Impact Statement must:

1. revise its population analysis to address the issues and concerns raised in this submission; and
2. analyze the Village of Kiryas Joel's utilization of the capacity of Orange County Sewer District 1 and the potential utilization of such capacity by an expanded Village population within the Orange County Sewer District when compared with other communities in the sewer district and the Modena communities and

3.2.10-3
con 4

3.5.8-9



3. analyze how limited sewer capacity within the sewer district due to overutilization of such capacity by Kiryas Joel will impact the patterns of population concentration, distribution and growth and the availability and affordability of housing in the other Orange County Sewer District No 1 communities and the Modena communities.

3.5.8-9
con 4

Concerns about population projections for the Village of Kiryas Joel:

Concerns about Tim Miller Associates Population Projections:

Tim Miller and Associate's DGEIS document used the 2010 U.S. Census population of 20,175 but this represents the population when the Census was collected during 2010 and does not consider the year end final population which was 20,878. This is supported by the U.S. Census Summary document on page 1 of section H1. Using the year-end rate would result in a much higher population over the time period of 2010 to 2040. 3.2.10-4

Tim Miller and Associates used school age girls in the Kiryas Joel own parochial schools as the only population driver and this is not based on any methodology that I have seen for projecting population. This approach is not verifiable since there is no independent source for this information besides his tables in section H3 of the DGEIS. 3.2.10-5

The Tim Miller Associates document assumes that the U.S. Census growth rate was valid. However, my analysis suggests that the U.S. Census data is flawed and does not reflect the Kiryas Joel actual growth rate. In fact, my study suggests that the growth rate is closer to 8.5% and is consistent with the housing unit growth over the 2000 to 2010 period¹. 3.2.10-6

As a result of the fact that Tim Miller Associates used population by age, I reviewed the various population groups presented in the U.S. Census in order to determine where they got the projections in Section H1 of their DGEIS. Table 1.0 contains a summary of my review of the total population growth in Kiryas Joel from 2010 to 2040 and when added to my previous study becomes scenario number 4.²

¹ Orange County Sewer District, Population, Water Demand, Wastewater Projections, Assessment and Investigation. by Robert A. Fromaget, Dated February 7, 2013.

² Orange County Sewer District, Population, Water Demand, Wastewater Projections, Assessment and Investigation. by Robert A. Fromaget, Dated February 7, 2013.

Population Estimates Based On U.S. Census Age Groups

U.S. Census Kiryas Joel Total Population [Years of age]	% Growth by age group 2000 to 2010	2010 U.S. Census Pop.	2020	2030	2040	Change over 30 years	% Change over 30 years
Under 5	72.2%	4,609	9,252	18,573	37,284	28,032	608%
5 to 9	67.3%	3,648	7,000	13,431	25,771	18,771	515%
10 to 14	57.0%	2,707	4,713	8,206	14,288	9,575	354%
15 to 19	16.6%	2,075	2,447	2,886	3,404	957	46%
20 to 24	9.5%	1,596	1,754	1,927	2,117	364	23%
[15 to 24]	13.4%	3,671	4,194	4,801	5,501	1,830	50%
25 to 34	90.7%	2,763	6,582	15,680	37,354	30,772	1114%
35 to 44	80.8%	1,311	2,852	6,205	13,499	10,647	812%
45 to 54	-40.5%	509	442	292	193	(248)	-49%
55 to 59 *	693.9%	389	658	1,114	3,028	2,370	609%
60 to 64 *	839.5%	357	604	1,022	3,018	2,414	676%
65 and over	3.4%	211	218	225	233	15	7%
	53.6%	20,175	36,523	69,562	140,190	103,667	514%

Table 1.0, Total projected growth in Kiryas Joel from 2010 to 2040. The rate of growth is based on the U.S. Census data from 2000 to 2010. Details for this table are provided in Appendix A-1 – 2011 to 2020, A4 – 2021 to 2030 and A-9- 2031 to 2040.

There are a couple concerns with these projections.

1. Since the 15 to 24 age group is the group that is culturally significant how could the 2000 to 2010 U.S. Census data suggest that this group grew at a rate of 13.4% a year over that 10 year period. This group represents 18% of the total population and given the statements by the leaders of Kiryas Joel concerning their culture it is unrealistic to suggest that they grew an average of 13.4% a year. This is especially evident given the growth rates for the other age groups in table 1.0 above. What I suspect actually happened was that this group was not properly counted in the 2010 Census. 3.2.10-7
2. The growth of the “under 5 group” suggests that these children are not being born in this community but are “in-migrating” to Kiryas Joel. This is supported by the fact that the growth of the 25 to 34 age group was 90.7% from 2000 to 2010 while the 15 to 24 age group grew at the rate of 13.4% over that same period. Thus, the 25 to 44 group is the one that is providing the real growth for Kiryas Joel. This is supported by the data in Table 2.0, Female growth in Kiryas Joel. Table 2.0 shows that the 15 to 24 female group only grew by 7.5 % from 2000 to 2010 while the 25 to 34 age group grew by 104.1%. 3.2.10-8

My outlook supports a total growth for Kiryas Joel without ‘In-migration’ of 140,190 residents by 2040. However this does not consider the imbalance between the female population and the male population.

3.2.10-8
con 4

Based on the rate derived from the 2000 to 2010 U.S. Census data it is expected that Kiryas Joel’s female population will grow faster than their male counterparts from 2010 to 2040.

U.S. Census Kiryas Joel Female Population [Years of age]	2010 U.S. Census Female Pop.	2020	2030	2040	Change over 30 years	% Change over 30 years
Under 5	2,295	5,011	10,464	21,411	19,116	833%
5 to 9	1,759	3,720	7,482	14,702	12,943	736%
10 to 14	1,320	2,494	4,537	8,095	6,775	513%
15 to 19	887	1,105	1,362	1,665	560	63%
20 to 24	721	813	915	1,026	213	30%
Total:	1,608	1,918	2,276	2,691	1,083	67%
25 to 34	1,366	3,600	8,923	21,603	18,003	1318%
35 to 44	652	1,554	3,515	7,782	6,229	955%
45 to 54	251	212	124	66	(145)	-58%
55 to 59	198	355	622	1,742	1,387	700%
60 to 64	163	308	552	1,720	1,412	866%
65 and over	120	124	128	133	9	7%
	9,732	19,296	38,625	79,945	66,500	683.3%

Table 2.0, Projected growth of the Kiryas Joel Female population from 2010 to 2040. The rate of growth is based on the % growth based on U.S. Census data for 2000 to 2010. Detail for this table is provided in Appendix A-2, A-5 and A8 below.

The data above shows that the female population will grow by 64,786 residents from 2010 to 2040, or 666% over the 30 year period. As you can see in Table 2.0 above there is one group that continues to grow at a suspiciously slow rate of growth. That is those females reaching the age for marriage, i.e., 15 to 24. This raises a couple of concerns:

3.2.10-9

1. What happens to the total populations for those under 14 once they turn 15? Where do they go? Or were the 15 to 24 year old females even counted in the 2010 Census when it was conducted.
2. With the low number of 20 to 24 year olds where did the 25 to 34 population come from? Were they ‘in-migrants’ or are they the women that were not counted in the Census Survey? Since Kiryas Joel leadership states that they

3.2.10-10
↓

3.2.10-10
cont

have very little "in-migration" it suggests that they were in Kiryas Joel in 2010 but were not counted.

Concerns about the U.S. Census male projections based on age groups.

3.2.10-11

The male population projections³ shown in Table 2.0 are growing at a slower rate than the female. This suggests that the "in-migration" of males to Kiryas Joel will add to the internal growth rate and by 2040 it will reach a total of 12,558 in order to provide spouses for the larger female population.

U.S. Census Kiryas Joel Male Population [Years of age] - (53.8%)	2010 U.S. Census male Pop.	2020	2030	2040	Change over 30 years	% Change over 30 years
Under 5	2,314	4,241	8,109	15,873	13,559	586.0%
5 to 9	1,889	3,280	5,949	11,069	9,180	486.0%
10 to 14	1,387	2,219	3,669	6,193	4,806	346.5%
15 to 19	1,188	1,342	1,525	1,740	397	33.4%
20 to 24	875	940	1,012	1,091	216	17.2%
[15 to 24]	2,063	2,283	2,537	2,831	768	37.2%
25 to 34	1,397	2,982	6,757	15,751	14,354	1027.5%
35 to 44	659	1,299	2,690	5,717	5,058	767.5%
45 to 54	258	230	168	127	(131)	-50.8%
55 to 59	191	303	492	1,286	1,095	573.4%
60 to 64	194	297	470	1,298	1,104	569.2%
65 and over	91	94	97	100	9	10.0%
	10,443	17,227	30,937	60,245	49,648	475.4%

Table 2.0, Projected growth of the Kiryas Joel Male population from 2010 to 2040. The rate of growth is based on the % growth based on U.S. Census data for 2000 to 2010. Detail for this table is provided in Appendix A-3, A-6 and A9 below.

The only group that has more males than females is the 15 to 24 group in 2010.

³ Table 2.0, Growth of all groups of males between Under 5 through 44 years of age based on U.S. Census growth from 2000 to 2010.

The impact of the Female and Male population growth projections.

3.2.10-12

Although the male population in 2010 was higher than the female population the rate of growth for the males was slower between 2000 and 2010 and the growth of the females will exceed that of the male population about midway through the 2020's.

U.S. Census Kiryas Joel Population	2010 U.S. Census male Pop.	2020	2030	2040	Change over 30 years	% Change 2010 to 2040
Kiryas Joel Females	9,732	19,296	38,625	79,945	66,500	683.3%
Kiryas Joel Males	10,443	17,227	30,937	60,245	49,648	475.4%
Male In-migration		377	5,308	6,873	12,558	
Total Population	20,175	36,900	74,870	147,063	128,706	

Table 3.0, Projected shortage of male spouses for the available female population from 2020 to 2040.

The concern with this shortfall in males is that the community currently claims that they need the housing for the newlyweds between the 15 and 24 years of age. Yet that group (15 to 24) has more men than women which would mean there will be men who are available to be relocated to find a spouse in other communities.

Then there is the group that is in the 25 to 44 age groups that is growing faster than the 20 to 24 age group. The 20 to 24 age groups is too small to sustain the growth of the 25 to 44 age groups from within the community thus requiring more "in-migration."

3.2.10-13

This raises a question, "Who is actually in need of the housing and where are they coming from?"

The shortfall in available men mainly exists in the population in the age group under 5 to 14 years of age, where 6,872 males are needed to ensure the females have spouses. All of these conditions suggest a larger "in-migration" will be needed to support Kiryas Joel's growth and it will further escalate their growth.

Senior growth rates need to be adjusted to reflect reasonable growth..

3.2.10-14

The age groups 55 to 59 and 60 to 64 had significant increases from 2000 to 2010. However, the 2000 population in these groups were less than 100 and the 2010 populations were over 400 resulting in a significant growth rates for both of these age groups. Looking at the estimated 2011 thru 2013 growth rate for this population was of no use since the actual projected in the U.S. Census data for those years bounced up and down and had no value. Therefore, I converted to using the 5.4% growth rate for Kiryas Joel's community for both of these age groups.

Conclusion on Growth for Kiryas Joel.

The total estimated population found in this scenario based on 2000 to 2010 growth rate projections for each age group is 147,063 by 2040.

3.2.10-18

Impact of population on water and wastewater demand.

The impact of this assessment on population growth suggests that from 2010 to 2040 there will be a population of 147,063 people in the Village of Kiryas Joel and they will need 10.6 million gallons per day (gpd) of water. This is based on the Kiryas Joel FEIS document for their water pipeline where they state their average consumption is 72 gallons per day per resident.

3.5.7-23

Their wastewater capacity to support this community will be based on housing units and this population with an average of 6 persons per household will require 24,510 housing units. The DEC states that the wastewater capacity depends on the number of bedrooms and number of kitchens per unit⁴. However, the number of kitchens is not used in Orange County. At 450 gpd per unit Kiryas Joel will require 11.0 million gallons per day to support the 147,063 people in their municipality.⁵ However, then we need to add in the impact of infiltration and inflow (seepage into the sewer lines that ends up in the wastewater treatment plants). This could be in excess of 20% of the capacity, thus requiring an additional 2.2 million gallons of capacity.

3.5.8-10

A comparison of the U.S. Census growth for the 15 to 24 year old populations for most of the Orange County Sewer Districts municipalities.⁶

Taking a closer look at the 15 to 24 year old population. Table 4.0 below looks at the population and compares the population growth from 2000 to 2010 and shows that the growth in Kiryas Joel is in need of investigation since it is the only municipality that is growing below their U.S. Census population growth rate (See the last column in Table 4 below).

3.2.10-15



⁴ <http://www.timmlerassociates.com/publicreview/btholdings/App%20J%20Wastewater%20Report.pdf>, Wastewater Projections, Chester NY, page 3 indicated that 3 bedrooms would require 400 gpd. Since I assume all units will have 4 bedrooms then I used 450 gpd for this estimate.

⁵ See page 43 table 2.0, scenario 2, footnote 31: Kiryas Joel's population, water demand and wastewater projections based on an adjusted housing unit growth from 2000 to 2010.

⁶ Missing from this assessment is the Village of South Blooming Grove and part of the Town of Monroe that is in the district.

Municipality	Category	Total 2000 to 2010 U.S. Census Population Growth Rate	2000 U.S. Census	2010 U. S. Census	Change 2000 to 2010	% change 2000 to 2010	Avg. Growth Per Year	Avg Growth as a percent of U.S. Census Growth
Kiryas Joel	Total	5.4%	3,237	3,671	434	13%	1.3%	24%
	Females		1,495	1,608	113	8%	0.8%	
	Males		1,742	2,063	321	18%	1.8%	
Blooming Grove	Total	0.4%	2,049	2,418	369	18%	1.8%	450%
	Females		1,022	1,154	132	13%	1.3%	
	Males		1,027	1,264	237	23%	2.3%	
Harriman	Total	0.8%	224	294	70	31%	3.1%	388%
	Females		111	143	32	28%	2.8%	
	Males		113	151	38	34%	3.4%	
Woodbury	Total	2.1%	1,013	1460	447	44%	4.4%	210%
	Females		441	484	73	18%	1.8%	
	Males		407	616	209	52%	5.2%	
Village of Monroe	Total	0.8%	818	1,100	282	34%	3.4%	425%
	Females		441	484	73	18%	1.8%	
	Males		407	616	209	52%	5.2%	
Village of Chester	Total	1.5%	369	429	60	16%	1.6%	106%
	Females		186	192	6	3.0%	0.3%	
	Males		183	237	54	29%	2.9%	

Table 4.0, Population growth for males and females in the age group of 15 to 24 from 2000 to 2010 for communities within the Orange County Sewer District suggests that Kiryas Joel's female and male population is growing the slowest for this age group.

The data above provides an interesting picture and reinforces my concern about the accuracy of the U.S. Census for 2010. Upon careful review what you find is the Kiryas Joel population data for the age of 15 to 24 for both females and males, according the U.S. Census, grew 13.4% from 2000 to 2010. While all of the other communities in that district grew at a much faster rate. If you look at Appendix A2 below (Kiryas Joel U.S. Census Data by Age Groups) the data suggests that the growth for this population in Kiryas Joel remains almost flat over the 2010 to 2040 time period.

3.2.10-15
con 4

Growth in other Orange County Sewer District Municipalities:

Appendix B thru E contains population estimates using their population age groups. In reviewing these municipalities you can see that the population of most of the groups in most of the municipalities are experiencing a decrease in population. The only groups that are growing are the seniors and the 15 to 24 groups. This is not a healthy picture for our County or our state because as this population grows and working aged

residents decline in the neighboring communities and this will create many economic issues with healthcare and funding the programs needed to support this mix of residents.

Smart Growth

In response to the person from Tim Miller Associates concerning "Smart Growth." Smart Growth requires resources such as water and sewer and the community grows around the established infrastructure as the community grows.

9.1-1

"Smart Growth promotes efficient use of public and private infrastructure and starts with creating neighborhoods that maximize the use of existing infrastructure. Special consideration should be given to the location and timing of infrastructure extensions in rural areas *so as not to encourage growth that will promote inefficient and unsustainable development patterns; create the need for additional inefficient and costly infrastructure; result in the loss of viable agriculture, forest land, and important natural habitat; create conflicts between agricultural and urban land uses; or ultimately harm the character of the rural community.* Smart Growth principles have an economic benefit to the communities and regions that employ them."⁷

The above outlines why Kiryas Joel fails in its attempt to implement smart growth. It fails because it "promotes inefficient and unsustainable development patterns" by seeking to acquire the resources needed for their growth regardless of the cost to the environment or the taxpayers with whom they share these resources. That is why Kiryas Joel needs to go to Cornwall and New Windsor to get their water and this drives the need for more wastewater capacity.]By Kiryas Joel's own words it will grow regardless of the availability of land and the infrastructure will be provided by the government (aka, taxpayers) to support that growth. If we continue to dump the affluence into the Ramapo waterway which now has more affluence than it has capacity to process we are exposing the downstream municipalities that rely on this waterway as a sole source aquifer and this must stop. Kiryas Joel must complete an honest SEQRA document that addresses these issues and the government must take action if we are to understand the impact on the Ramapo river and the downstream communities. The last study completed on the amount of affluence that can be dumped into the Ramapo was when the plant was 1st built in approximately 1976. At that time it was rated as "not to exceed 6 million gallons per day (gpd)". With the Orange County Sewer District at 6 million gpd and the Kiryas Joel District at 970,000 gpd there is no more capacity and a new study MUST be performed.

3.5.8-11

⁷ <https://www.planning.org/policy/guides/adopted/smartgrowth.htm>

This is not smart growth, this is an environmental disaster waiting to happen!

I received the following from Mr. Terry Hughes (an engineer), who once operated the Suffern Wastewater treatment plant that also dumps into the Ramapo river. "The Ramapo River under the federal Safe Drinking Water Act is an identified sole source aquifer. It is the only sole source aquifer under that Act to be bi-state. However, unlike the Delaware River and the Susquehanna River, both of which supply drinking water to communities along its path, but are not Sole Source Aquifers, the Ramapo River is the only one which is not the subject of an interstate compact. The Delaware River compact involves NY, NY, and Pa., the Susquehanna River Compact involves NY and Pa.

The key point now for the petition is that the SEQRA analysis of environmental impacts does not include New Jersey as an interested agency in any form (the Bergen County boroughs sourcing their drinking water from the aquifer could be considered interested agencies or even involved agencies). [As Superintendent of Public Works for the Village of Suffern our sewer plant, discharging just upstream of Mahwah, New Jersey, of course had to disinfect our sewage discharges under our SPDES permit with chlorine, but since this was a sole source aquifer the requirement was the chlorine had to be eliminated since the Ramapo River was a drinking water source, so after chlorine disinfection sulfur dioxide treatment was demanded. Since this meant storage of two highly hazardous chemicals with difficult process control standards, the Village of Suffern became the first in the United States to use UV light for disinfection. Should this not be required for the carrying capacity of a drinking water source not to be compromised for any expansion of the poorly run Harriman sewage treatment plant of Orange County?⁸

3.5.8-12

I don't know, but the integrity of the Ramapo River as a bi-state sole source aquifer must be addressed in the DGEIS. Tim Miller Associates, the professionals preparing the DEIS for KJ, made a big point at the recent public hearing of stating since KJ plans to get its drinking water from the NYC aqueduct that there would be no impacts on available potable water supplies in Orange County, but in obverse issue is whether the wastewater from the expansion will destroy federally protected bi-state water supplies. Remember, this is not simply in NJ, the Village of Suffern wells are recharged from the Ramapo River, as are the United Water wells along the Ramapo River, which you can see from the Thruway."⁹

⁸ The Harriman Wastewater Treatment Plant is run by the County.

⁹ Provided by Terry Hughes, engineer and former head of DPW in Suffern, NY. Responsible for operating their sewer district.

Conclusion

Kiryas Joel's water supply and future demand.

Assume that this population projection for Kiryas Joel is correct and it will grow to 147,063 and with a consumption rate of 72 gpd per person, then its people will need 10.6 mgpd to satisfy their demand.

The current amount of water that is available to the Kiryas Joel Population is 1,928,000 gallons per day and each unit requires 432 gallon per day. In 2010 there were 4,135 housing units requiring 1,786,320 gpd to be set aside for those units leaving 141,680 gallons of the current supply available for growth. The county reported that from 2010 to 2013 an additional 424 building permits were issued and this means Kiryas Joel needs an additional 183,168 gallons of water, a shortfall of a little over 40,000 gallons per day. One thing that this does not take into consideration is the constant drawing water from these well will lower the water tables and thus the amount of water that can be drawn from there wells. This needs to be looked at if they are to maintain a sufficient capacity for back up as required by the DEP in NYC in order for them to hook up to the aqueduct.

A tour of Kiryas Joel will readily show that their construction has escalated, now they are building three story apartment buildings (more units) and there is no water to support the people when they move in. I submit this is why Kiryas Joel is so desperate to link to the Mountainville water supply and the aqueduct.

Kiryas Joel's wastewater supply and future demand.

The current capacity of the OCSD is 6 million gallons per day and there is 2.5 million gallons allocated to the 4 OCSD members.¹⁰ Since the OCSD users flows are not monitored with meters it is difficult to know how much each member uses. I would estimate based on their current water demand that Kiryas Joel's utilization is well over 2 mgpd if we include the seepage of water into the sewer mains (Infiltration and Inflow – I&I).

The increased population found in this study means Kiryas Joel will need 14.9 mgpd just to support the 158,355 people, or an increase of 12.4 mgpd. This will cover the actual water consumed by Kiryas Joel's projected population (11.4 mgpd) and the infiltration and inflows for that community.

¹⁰ Moodna members are not included because they have their own allocations or over 2 mgpd and some communities have requested to share in the 1.5 million that was added in 2006-2008..

However, as you know there are other communities connected to this district so their growth needs to be added to this capacity requirement.¹¹ What will they need?

The affluence from both the OCSD and the Kiryas Joel WWTPs is being dumped into the Ramapo River, a sole source waterway that replenishes the aquifers that supplies millions of people downstream with drinking water. This river was last rated to handle 6 mgpd of affluence per day and with the OCSD and Kiryas Joel's WWTPs both dumping into this waterway there is 6.97 mgpd poised to be dumped into the Ramapo River and in fact during storms it has exceeded this flow.

This growth exposes the drinking water source to contamination since the affluence may enter the aquifers and affect the water supply for the downstream communities that depend on it for drinking water. Now there is talk of increasing the capacity of the OCSD and the potential for contamination of this important waterway will increase.

What will this increased demand for water and wastewater do to the supply for all the residents of our county? How much will it cost? Shouldn't we take the time to protect these important resources and studied these impacts very carefully?

I understand that the DGEIS is presenting a negative declaration on the SEQRA – no environmental impacts. Is this the correct decision? I say no! I request that a full SEQRA be done with the participation of the State of New Jersey and the downstream communities in New York to protect this water source for the present and future residents of our Country.

¹¹ This information can be found in my other study, Orange County Sewer District, Population, Water Demand, Wastewater Projections, Assessment and Investigation. by Robert A. Fromaget, Dated February 7, 2013.

Appendices:

Appendix A Kiryas Joel U.S. Census Data by Age Group.

1. Kiryas Joel's Total U.S. Census Population projections for 2011 to 2020 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Total Population [Years of age]	2000 U.S. Census Population	2010 U.S. Census Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	% Change 2010 to 2020
Under 5	2,677	4,609	1,932	72%	7.2%	4,942	5,298	5,681	6,091	6,530	7,001	7,507	8,049	8,629	9,252	100.7%
5 to 9	2,180	3,648	1,468	67%	6.7%	3,894	4,156	4,436	4,734	5,053	5,393	5,757	6,144	6,558	7,000	91.9%
10 to 14	1,724	2,707	983	57%	5.7%	2,861	3,024	3,197	3,379	3,572	3,776	3,991	4,218	4,459	4,713	74.1%
15 to 19	1,779	2,075	296	17%	1.7%	2,110	2,145	2,180	2,217	2,253	2,291	2,329	2,368	2,407	2,447	17.9%
20 to 24	1,458	1,596	138	9%	0.9%	1,611	1,626	1,642	1,657	1,673	1,689	1,705	1,721	1,737	1,754	9.9%
[15 to 24]	3,237	3,671	434	13%	1.3%	3,721	3,771	3,821	3,872	3,924	3,977	4,030	4,084	4,139	4,194	14.3%
25 to 34	1,449	2,763	1,314	91%	9.1%	3,014	3,287	3,585	3,910	4,265	4,651	5,073	5,533	6,035	6,582	138.2%
35 to 44	725	1,311	586	81%	8.1%	1,417	1,531	1,655	1,789	1,934	2,090	2,259	2,441	2,639	2,852	117.6%
45 to 54	855	509	(346)	-40%	-4.0%	488	469	590	566	543	521	500	480	460	442	-13.2%
55 to 59 *	49	389	340	694%	69.4%	410	432	455	480	506	533	562	592	624	658	69.2%
60 to 64 *	38	357	319	839%	83.9%	376	397	418	441	464	489	516	544	573	604	69.2%
65 and over	204	211	7	3%	0.3%	212	212	213	214	215	215	216	217	218	218	3.5%
Totals:	13,138	20,175	7,037	54%	5.4%	21,334	22,578	24,052	25,478	27,008	28,651	30,414	32,308	34,340	36,523	

* For the purpose of estimating growth we estimated a growth rate of 5.4% a year due to the very low 2000 populations and relatively high 2010 population.

Table A1 --Total Kiryas Joel's population with the 2011 to 2020 growth based on 2000 to 2010 growth rate

Total Growth of all Kiryas Joel's residents in the 15 to 24 age group was 13% from 2000 to 2010 time period, or an average of 1.3% a year. This shows a significant decline in growth as compared to the growth in all groups younger than 15 and older than 24. Also, it brings into question the validity of this groups Census data.

2. Kiryas Joel's Female U.S. Census Population projections for 2011 to 2020 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Female Population [Years of age]	2000 U.S. Census Female Pop. - (46.2%)	2010 U.S. Census Female Pop. (48.2%)	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	% Change 2010 to 2020
Under 5	1,237	2,295	1,058	85.6%	8.6%	2,490	2,698	2,922	3,162	3,419	3,695	3,990	4,307	4,647	5,011	118.4%
5 to 9	1,007	1,759	752	74.6%	7.5%	1,903	2,056	2,220	2,395	2,581	2,780	2,993	3,219	3,462	3,720	111.5%
10 to 14	796	1,320	524	65.7%	6.6%	1,410	1,506	1,607	1,713	1,826	1,945	2,071	2,204	2,345	2,494	88.9%
15 to 19	822	887	65	7.9%	0.8%	907	928	949	970	991	1,013	1,036	1,058	1,081	1,105	24.6%
20 to 24	674	721	47	7.0%	0.7%	730	739	748	757	766	775	785	794	804	813	12.8%
[15 to 24]	1,495	1,608	113	7.5%	0.8%	1,637	1,666	1,696	1,727	1,757	1,789	1,820	1,852	1,885	1,918	19.3%
25 to 34	669	1,366	697	104.1%	10.4%	1,513	1,672	1,847	2,037	2,244	2,471	2,717	2,987	3,280	3,600	163.6%
35 to 44	335	652	317	94.7%	9.5%	714	781	853	932	1,016	1,108	1,207	1,313	1,429	1,554	138.3%
45 to 54	395	251	(144)	-36.5%	-3.6%	239	227	298	284	271	258	246	234	223	212	-15.7%
55 to 59	23	198	175	774.6%	77.5%	210	223	237	251	266	282	299	317	336	355	79.5%
60 to 64	18	163	145	828.5%	82.8%	174	186	199	212	226	240	256	272	289	308	88.7%
65 and over	94	120	26	27.3%	2.7%	120	121	121	122	122	123	123	123	124	124	3.6%
	6,070	9,732	3,662	60.3%	6.0%	10,410	11,138	12,000	12,834	13,730	14,691	15,722	16,830	18,019	19,296	

Table A2 - Kiryas Joel's female Population with the 2011 to 2020 growth based on 2000 to 2010 growth rate

Total Growth of all Kiryas Joel female residents between the ages of 15 to 24 was 7.5% over the 2000 to 2010 time period. The growth rate above and below the 15 to 24 age groups have a significantly higher population growth than this group and raises all kinds of questions as to the accuracy and completeness of the 2010 U.S. Census.

3. Kiryas Joel's Male U.S. Census Population projections for 2011 to 2020 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Male Population [Years of age] - (53.8%)	2000 U.S. Census Male Pop (53.8%)	2010 U.S. Census Female Pop. (51.8%)	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	% Change 2010 to 2020
Under 5	1,440	2,314	874	60.7%	6.1%	2,452	2,600	2,759	2,929	3,111	3,307	3,516	3,741	3,982	4,241	83.3%
5 to 9	1,173	1,889	716	61.1%	6.1%	1,991	2,100	2,216	2,340	2,472	2,613	2,764	2,925	3,097	3,280	73.6%
10 to 14	928	1,387	459	49.5%	5.0%	1,451	1,519	1,590	1,666	1,746	1,830	1,920	2,014	2,114	2,219	60.0%
15 to 19	957	1,188	231	24.1%	2.4%	1,202	1,217	1,232	1,247	1,262	1,278	1,293	1,310	1,326	1,342	13.0%
20 to 24	784	875	91	11.5%	1.2%	881	888	894	900	907	914	920	927	934	940	7.5%
[15 to 24]	1,742	2,063	321	18.5%	1.8%	2,084	2,104	2,126	2,147	2,169	2,191	2,214	2,236	2,259	2,283	10.7%
25 to 34	780	1,397	617	79.2%	7.9%	1,501	1,614	1,738	1,873	2,020	2,181	2,356	2,547	2,755	2,982	113.4%
35 to 44	390	659	269	69.0%	6.9%	703	750	802	857	917	982	1,052	1,128	1,210	1,299	97.0%
45 to 54	460	258	(202)	-43.9%	-4.4%	249	241	292	282	272	263	254	246	238	230	-10.8%
55 to 59	26	191	165	624.5%	62.5%	200	209	219	229	240	251	263	275	289	303	58.5%
60 to 64	20	194	174	848.9%	84.9%	202	210	219	229	239	249	260	271	284	297	52.8%
65 and over	110	91	(19)	-17.1%	-1.7%	91	92	92	92	93	93	93	93	94	94	3.4%
	7,068	10,443	3,375	48%	4.8%	10,924	11,440	12,052	12,644	13,279	13,960	14,692	15,478	16,321	17,227	

Table A3 –Kiryas Joel's male Population with the 2011 to 2020 growth based on 2000 to 2010 growth rate

Total Growth of all Kiryas Joel's male residents between the ages of 15 to 24 was 10.7 over the 2000 to 2010 time period. The growth of the Kiryas Joel male population over the 2000 to 2010 for those younger than 15 and higher than 24 grew at a lower rate than their female counterparts. Therefore, the female population out grew the male population during the 2011 to 2020 time period.

4. Kiryas Joel's Total U.S. Census Population projections for 2021 to 2030 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Total Population [Years of age]	2000 U.S. Census Pop.	2010 U.S. Census Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average % Growth Per year by age group	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	% Change 2010 to 2020
Under 5	2,677	4,609	1,932	72.2%	7.2%	9,920	10,636	11,403	12,226	13,109	14,055	15,069	16,157	17,323	18,573	100.7%
5 to 9	2,180	3,648	1,468	67.3%	6.7%	7,471	7,974	8,511	9,084	9,696	10,349	11,046	11,790	12,584	13,431	91.9%
10 to 14	1,724	2,707	983	57.0%	5.7%	4,982	5,266	5,566	5,884	6,219	6,574	6,949	7,345	7,764	8,206	74.1%
15 to 19	1,779	2,075	296	16.6%	1.7%	2,488	2,529	2,571	2,614	2,658	2,702	2,747	2,793	2,839	2,886	17.9%
20 to 24	1,458	1,596	138	9.5%	0.9%	1,770	1,787	1,804	1,821	1,838	1,856	1,873	1,891	1,909	1,927	9.9%
[15 to 24]	3,237	3,671	434	13.4%	1.3%	4,258	4,315	4,373	4,432	4,491	4,551	4,613	4,674	4,737	4,801	14.5%
25 to 34	1,449	2,763	1,314	90.7%	9.1%	7,179	7,830	8,540	9,315	10,159	11,080	12,085	13,181	14,377	15,680	138.2%
35 to 44	725	1,311	586	80.8%	8.1%	3,083	3,332	3,601	3,892	4,207	4,547	4,914	5,312	5,741	6,205	117.6%
45 to 54	855	509	(346)	-40.5%	-4.0%	424	407	390	375	359	345	331	318	305	292	33.8%
55 to 59	49	389	340	693.9%	69.4%	694	731	771	812	856	902	951	1,002	1,057	1,114	69.2%
60 to 64	38	357	319	839.5%	83.9%	637	671	707	745	786	828	873	920	970	1,022	69.2%
65 and over	204	211	7	3.4%	0.3%	218	219	220	221	221	222	223	224	224	225	3.1%
	16,375	23,846	7,471	45.6%	4.6%	38,866	41,382	44,086	46,989	50,109	53,460	57,061	60,931	65,091	69,562	

Table A4 – Total Kiryas Joel's population growth for 2021 to 2030 is based on the 2000 to 2010 growth rate.

Total Growth of all Kiryas Joel's residents in the 15 to 24 age group grew at a rate of 14.4% from 2000 to 2010 time period.

This was a smaller growth rate than any of age groups younger than 14 and between the ages of 25 to 44.

5. Kiryas Joel's Female U.S. Census Population for 2021 to 2030 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Female Population [Years of age]	2000 U.S. Census Female Pop. - (46.2%)	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Avg. % Change Per Year
Under 5	1,237	2,295	1,058	85.6%	8.6%	5,402	5,821	6,270	6,751	7,268	7,821	8,415	9,051	9,733	10,464	108.8%
5 to 9	1,007	1,759	752	74.6%	7.5%	3,996	4,290	4,604	4,939	5,297	5,679	6,087	6,522	6,987	7,482	101.1%
10 to 14	796	1,320	524	65.7%	6.6%	2,651	2,817	2,993	3,178	3,375	3,582	3,801	4,033	4,278	4,537	81.9%
15 to 19	822	887	65	7.9%	0.8%	1,129	1,153	1,177	1,202	1,228	1,254	1,280	1,307	1,334	1,362	23.3%
20 to 24	674	721	47	7.0%	0.7%	823	833	843	853	863	873	883	894	904	915	12.5%
[15 to 24]	1,495	1,608	113	7.5%	0.8%	1,952	1,986	2,020	2,055	2,091	2,127	2,163	2,200	2,238	2,276	18.7%
25 to 34	669	1,366	697	104.1%	10.4%	3,950	4,330	4,746	5,199	5,693	6,232	6,820	7,461	8,160	8,923	147.8%
35 to 44	335	652	317	94.7%	9.5%	1,688	1,834	1,992	2,162	2,346	2,545	2,760	2,992	3,244	3,515	126.3%
45 to 54	395	251	(144)	-36.5%	-3.6%	201	191	182	172	163	155	147	139	131	124	-41.3%
55 to 59	23	198	175	774.6%	77.5%	376	398	421	446	471	498	527	557	589	622	75.0%
60 to 64	18	163	145	828.5%	82.8%	327	347	368	390	414	439	465	492	521	552	79.5%
65 and over	94	120	26	27.3%	2.7%	124	125	125	126	126	127	127	127	128	128	3.2%
	7,565	11,340	3,775	49.9%	5.0%	20,667	22,139	23,721	25,419	27,244	29,205	31,312	33,576	36,009	38,625	

Table A5 – Total Kiryas Joel's Female population growth for 2021 to 2030 is based on the 2000 to 2010 growth rate.

Total Growth of all Kiryas Joel's Female residents in the 15 to 24 age group grew 18.7% from 2021 to 2030 time period. All other age groups younger than 14 and between the ages of 24 to 44 grew at a much faster rate.

6. Kiryas Joel's Male U.S. Census Population Projections for 2021 to 2030 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Male Population [Years of age] - (53.8%)	2000 U.S. Census Female Pop (53.8%)	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Avg. % Change Per Year
Under 5	1,440	2,314	874	60.7%	6.1%	4,518	4,815	5,133	5,475	5,841	6,234	6,655	7,106	7,590	8,109	91.2%
5 to 9	1,173	1,889	716	61.1%	6.1%	3,475	3,684	3,907	4,145	4,399	4,670	4,959	5,268	5,597	5,949	81.4%
10 to 14	928	1,387	459	49.5%	5.0%	2,331	2,449	2,573	2,705	2,844	2,992	3,147	3,311	3,485	3,669	65.3%
15 to 19	957	1,188	231	24.1%	2.4%	1,359	1,377	1,394	1,412	1,430	1,448	1,467	1,486	1,505	1,525	13.6%
20 to 24	784	875	91	11.5%	1.2%	947	954	961	968	976	983	990	997	1,005	1,012	7.6%
[15 to 24]	1,742	2,063	321	18.5%	1.8%	2,307	2,331	2,355	2,380	2,405	2,431	2,457	2,483	2,510	2,537	11.1%
25 to 34	780	1,397	617	79.2%	7.9%	3,230	3,500	3,794	4,116	4,466	4,848	5,265	5,720	6,216	6,757	126.6%
35 to 44	390	659	269	69.0%	6.9%	1,394	1,498	1,609	1,730	1,861	2,002	2,154	2,319	2,497	2,690	107.1%
45 to 54	460	258	(202)	-43.9%	-4.4%	223	216	209	202	196	190	184	179	173	168	-27.0%
55 to 59	26	191	165	624.5%	62.5%	317	333	349	367	385	404	424	446	468	492	62.4%
60 to 64	20	194	174	848.9%	84.9%	310	324	339	355	372	390	408	428	448	470	58.5%
65 and over	110	91	(19)	-17.1%	-1.7%	94	94	95	95	95	96	96	96	97	97	3.0%
	8,810	12,506	3,696	42.0%	4.2%	18,199	19,243	20,365	21,570	22,864	24,255	25,749	27,355	29,081	30,937	

Table A6 – Total Kiryas Joel's Male population growth for 2021 to 2030 is based on the 2000 to 2010 growth rate.

Total Growth of all Kiryas Joel's male residents in the 15 to 24 age group 11.1% from 2021 to 2030 time period. The growth of the male population grew at a much slower rate than their female counterparts. This resulted in a shortage of eligible men and this a need for more in-migration.

7. Kiryas Joel's Total U.S. Census Population projections for 2031 to 2040 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Total Population [Years of age]	2000 U.S. Census Pop.	2010 U.S. Census Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average % Growth Per year by age group	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	% change from 2030 to 2040
Under 5	2,677	4,609	1,932	72%	7.2%	19,913	21,351	22,891	24,544	26,315	28,214	30,250	32,433	34,774	37,284	100.7%
5 to 9	2,180	3,648	1,468	67%	6.7%	14,335	15,301	16,331	17,431	18,605	19,857	21,195	22,622	24,145	25,771	91.9%
10 to 14	1,724	2,707	983	57%	5.7%	8,674	9,169	9,691	10,244	10,828	11,446	12,098	12,788	13,517	14,288	74.1%
15 to 19	1,779	2,075	296	17%	1.7%	2,934	2,983	3,033	3,083	3,135	3,187	3,240	3,294	3,348	3,404	17.9%
20 to 24	1,458	1,596	138	9%	0.9%	1,945	1,964	1,982	2,001	2,020	2,039	2,058	2,078	2,097	2,117	9.9%
[15 to 24]	3,237	3,671	434	13%	1.3%	4,880	4,945	5,011	5,078	5,147	5,216	5,285	5,356	5,428	5,501	14.6%
25 to 34	1,449	2,763	1,314	91%	9.1%	17,102	18,653	20,345	22,190	24,202	26,396	28,790	31,401	34,248	37,354	138.2%
35 to 44	725	1,311	586	81%	8.1%	6,706	7,248	7,834	8,468	9,152	9,892	10,691	11,555	12,489	13,499	117.6%
45 to 54	855	509	(346)	-40%	-4.0%	280	269	258	248	238	228	219	210	202	193	-33.8%
55 to 59	49	389	340	694%	69.4%	1,174	1,988	2,096	2,209	2,328	2,454	2,586	2,726	2,873	3,028	171.9%
60 to 64	38	357	319	839%	83.9%	1,077	1,982	2,089	2,201	2,320	2,446	2,578	2,717	2,864	3,018	195.3%
65 and over	204	211	7	3%	0.3%	226	227	228	228	229	230	231	231	232	233	3.5%
	16,375	23,846	7,471	46%	4.6%	74,369	81,134	86,778	92,846	99,371	106,388	113,936	122,055	130,791	140,190	

Table A7 – Total Kiryas Joel's total population growth for 2031 to 2040 is based on the 2000 to 2010 growth rate.

Total Growth of all Kiryas Joel's residents in the 15 to 24 age group grew at a rate of 14.6% from 2030 to 2040. Looking at the Under 5 to 14 age groups and the 25 to 44 groups it is not possible for the 15 to 24 age groups to generate the population without significant in-migrate for 25 to 44 populations and a significant exodus for the 10 to 14 age groups.

8. Kiryas Joel's Female U.S. Census Population Projections for 2031 to 2040 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Female Population [Years of age]	2000 U.S. Census Female Pop. - (46.2%)	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	% change from 2030 to 2040
Under 5	1,237	2,295	1,058	86%	8.6%	11,249	12,089	12,991	13,957	14,994	16,105	17,296	18,573	19,943	21,411	104.6%
5 to 9	1,007	1,759	752	75%	7.5%	8,011	8,576	9,179	9,822	10,509	11,242	12,024	12,859	13,751	14,702	96.5%
10 to 14	796	1,320	524	66%	6.6%	4,811	5,100	5,406	5,729	6,071	6,432	6,814	7,218	7,644	8,095	78.4%
15 to 19	822	887	65	8%	0.8%	1,390	1,418	1,447	1,477	1,507	1,537	1,568	1,600	1,632	1,665	22.2%
20 to 24	674	721	47	7%	0.7%	925	936	947	958	969	980	991	1,003	1,014	1,026	12.2%
[15 to 24]	1,495	1,608	113	8%	0.8%	2,315	2,354	2,394	2,435	2,476	2,518	2,560	2,603	2,646	2,691	18.2%
25 to 34	669	1,366	697	104%	10.4%	9,755	10,662	11,652	12,731	13,908	15,192	16,593	18,120	19,786	21,603	142.1%
35 to 44	335	652	317	95%	9.5%	3,808	4,126	4,468	4,839	5,239	5,672	6,140	6,645	7,192	7,782	121.4%
45 to 54	395	251	(144)	-36%	-3.6%	117	111	104	98	92	87	81	76	71	66	-46.6%
55 to 59	23	198	175	775%	77.5%	657	1,134	1,196	1,263	1,332	1,406	1,484	1,565	1,651	1,742	180.1%
60 to 64	18	163	145	828%	82.8%	584	1,113	1,176	1,242	1,312	1,385	1,462	1,544	1,629	1,720	211.5%
65 and over	94	120	26	27%	2.7%	129	129	130	130	131	131	131	132	132	133	3.6%
	7,565	11,340	3,775	50%	5.0%	41,437	45,395	48,697	52,247	56,064	60,170	64,585	69,335	74,446	79,945	

Table A8 – Total Kiryas Joel's Female population growth for 2031 to 2040 is based on the 2000 to 2010 growth rate.

Total Growth of all Kiryas Joel's Female residents in the 15 to 24 age group grew 18.2% from 2031 to 2040. . However, all of the other age groups younger than 44 grew at a much faster rate. Again bringing into question U.S. Census data for the 15 to 24 age group. The females continue to grow faster than their male counterparts and therefore driving the need for in-migration of males to provide spouses for the growing female population.

9. Kiryas Joel's Male U.S. Census Population Projections for 2031 to 2040 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Male Population [Years of age] - (53.8%)	2000 U.S. Census Female Pop (53.8%)	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	% change from 2030 to 2040
Under 5	1,440	2,314	874	60.7%	6.1%	8,665	9,261	9,901	10,586	11,321	12,109	12,954	13,860	14,832	15,873	95.8%
5 to 9	1,173	1,889	716	61.1%	6.1%	6,324	6,724	7,152	7,608	8,095	8,615	9,170	9,762	10,395	11,069	86.1%
10 to 14	928	1,387	459	49.5%	5.0%	3,863	4,068	4,285	4,515	4,757	5,013	5,284	5,570	5,873	6,193	68.8%
15 to 19	957	1,188	231	24.1%	2.4%	1,545	1,565	1,585	1,606	1,628	1,649	1,671	1,694	1,716	1,740	14.1%
20 to 24	784	875	91	11.5%	1.2%	1,020	1,028	1,035	1,043	1,051	1,059	1,067	1,075	1,083	1,091	7.8%
[15 to 24]	1,742	2,063	321	18.5%	1.8%	2,564	2,592	2,621	2,649	2,679	2,708	2,738	2,769	2,800	2,831	11.6%
25 to 34	780	1,397	617	79.2%	7.9%	7,347	7,991	8,693	9,458	10,293	11,204	12,197	13,281	14,462	15,751	133.1%
35 to 44	390	659	269	69.0%	6.9%	2,898	3,123	3,366	3,629	3,913	4,220	4,551	4,910	5,298	5,717	112.5%
45 to 54	460	258	(202)	-43.9%	-4.4%	163	158	154	150	145	141	138	134	130	127	-24.4%
55 to 59	26	191	165	624.5%	62.5%	517	855	899	946	996	1,048	1,103	1,161	1,222	1,286	161.6%
60 to 64	20	194	174	848.9%	84.9%	493	868	913	959	1,009	1,061	1,115	1,173	1,234	1,298	176.2%
65 and over	110	91	(19)	-17.1%	-1.7%	97	98	98	98	99	99	99	99	100	100	3.4%
	8,810	12,506	3,696	42.0%	4.2%	32,931	35,739	38,081	40,599	43,307	46,219	49,351	52,720	56,345	60,245	

Table A9 – Total Kiryas Joel's male population growth for 2031 to 2040 is based on the 2000 to 2010 growth rate.

Total Growth of all Kiryas Joel's male residents in the 15 to 24 age group grew 11.6% from 2031 to 2040. Still less than all the other age groups younger than 44. Female residents continue to grow faster than their male counterparts.

Appendix B Blooming Grove's U.S. Census Data by Age Group.

1. Blooming Grove's U.S. Census Total Population projections from 2011 to 2020 based on U.S. Census Data for, 2000 to 2010

U.S. Census Blooming Grove Total Population [Years of age]	2000 U.S. Census Pop.	2010 U.S. Census Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg. % Change Per Year
Under 5	1,229	965	(264)	-21%	-2.1%	944	924	904	885	866	847	829	811	794	777	-2.0%
5 to 9	1,523	1,249	(274)	-18%	-1.8%	1,227	1,204	1,183	1,162	1,141	1,120	1,100	1,080	1,061	1,042	-1.7%
10 to 14	1,561	1,403	(158)	-10%	-1.0%	1,389	1,375	1,361	1,347	1,333	1,320	1,307	1,293	1,280	1,267	-1.0%
15 to 19	1,323	1,408	85	6%	0.6%	1,417	1,426	1,435	1,445	1,454	1,463	1,473	1,482	1,492	1,501	0.7%
20 to 24	726	1,010	284	39%	3.9%	1,050	1,091	1,133	1,178	1,224	1,271	1,321	1,373	1,427	1,482	4.7%
[15 to 24]	2,049	2,418	369	18%	1.8%	2,467	2,511	2,556	2,602	2,649	2,697	2,745	2,795	2,845	2,896	2.0%
25 to 34	1,999	1,597	(402)	-20%	-2.0%	1,565	1,533	1,503	1,472	1,443	1,414	1,385	1,357	1,330	1,303	-1.8%
35 to 44	3,358	2,703	(655)	-20%	-2.0%	2,650	2,599	2,548	2,498	2,449	2,402	2,355	2,309	2,264	2,220	-1.8%
45 to 54	2,699	3,328	629	23%	2.3%	3,406	3,485	3,566	3,649	3,734	3,821	3,910	4,002	4,095	4,190	2.6%
55 to 59	875	1,297	422	48%	4.8%	1,360	1,425	1,494	1,566	1,641	1,721	1,804	1,891	1,982	2,077	6.0%
60 to 64	619	973	354	57%	5.7%	1,029	1,087	1,150	1,215	1,285	1,358	1,436	1,518	1,605	1,697	7.4%
65 and over	1,439	2,095	656	46%	4.6%	2,191	2,290	2,395	2,504	2,618	2,737	2,862	2,993	3,129	3,272	5.6%
	17,351	18,028	677	4%	0.4%	18,226	18,440	18,671	18,920	19,188	19,475	19,782	20,109	20,458	20,828	

Table B1 – Total Blooming Grove population with the growth calculated from 2000 to 2010 to determine year to year average growth rate.

Total Growth of all Blooming Growth residents in the 15 to 24 age group is an average of 1.8% per year over the 2000 to 2010 time period. This is against declining growth in all other age groups from under 5 to 44 years of age and 25 to 44 years of age. In addition, this age group differs from the Kiryas Joel community in that this is the age when people go to college or the service.

2. Blooming Grove's U.S. Census Female Population Projections from 2011 to 2020 based on U.S. Census Data for, 2000 to 2010

U.S. Census Blooming Grove Female Population [Years of age]	2000 U.S. Census Female Pop. (49.9%)	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg. % Change Per Year
Under 5	613	470	(143)	-23%	-2.3%	459	448	438	428	418	408	398	389	380	371	-2.1%
5 to 9	760	616	(144)	-19%	-1.9%	604	593	582	571	560	549	539	529	519	509	-1.7%
10 to 14	779	710	(69)	-9%	-0.9%	704	697	691	685	679	673	667	661	655	650	-0.9%
15 to 19	660	692	32	5%	0.5%	695	699	702	705	709	712	716	719	723	726	0.5%
20 to 24	362	462	100	28%	2.8%	475	488	501	515	529	544	559	574	590	606	3.1%
[15 to 24]	1,022	1,154	132	13%	1.3%	1,170	1,185	1,200	1,216	1,231	1,247	1,263	1,280	1,296	1,313	1.4%
25 to 34	998	799	(199)	-20%	-2.0%	783	768	752	737	723	708	694	680	667	654	-1.8%
35 to 44	1,676	1,426	(250)	-15%	-1.5%	1,405	1,384	1,363	1,343	1,323	1,303	1,284	1,265	1,246	1,227	-1.4%
45 to 54	1,347	1,671	324	24%	2.4%	1,711	1,752	1,795	1,838	1,882	1,927	1,974	2,021	2,070	2,120	2.7%
55 to 59	437	629	192	44%	4.4%	657	686	716	747	780	815	851	888	927	968	5.4%
60 to 64	309	494	185	60%	6.0%	524	555	588	624	661	700	742	787	834	884	7.9%
65 and over	718	1,177	459	64%	6.4%	1,252	1,332	1,417	1,508	1,604	1,707	1,816	1,932	2,056	2,187	8.6%
	8,658	9,146	488	6%	0.6%	9,269	9,402	9,546	9,701	9,868	10,047	10,239	10,445	10,666	10,901	

Table B2 -Blooming Grove's female population with the growth calculated from 2000 to 2010 to determine year to year average growth rate.

Total Growth of all Blooming Grove female residents between the ages of 15 to 24 is 1.3% per year from 2000 to 2010. This is less than the rate of the males in the same age group. If you compare the growth in the female population in all other age groups against that of the males it shows that the females are growing/declining at a faster rate. The residents in the 45 to 65 and over are the fastest growing groups in Blooming Grove.

3. Blooming Grove's U.S. Census Male Population Projections from 2011 to 2020 based on U.S. Census Data for, 2000 to 2010

U.S. Census Blooming Grove Male Population [Years of age]	2000 U.S. Census Female Pop.	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg. % Change Per Year
Under 5	616	495	(121)	-20%	-2.0%	485	476	466	457	448	440	431	422	414	406	-1.8%
5 to 9	763	633	(130)	-17%	-1.7%	622	612	601	591	581	571	561	552	542	533	-1.6%
10 to 14	782	693	(89)	-11%	-1.1%	685	677	670	662	654	647	640	632	625	618	-1.1%
15 to 19	663	716	53	8%	0.8%	722	728	733	739	745	751	757	763	769	776	0.8%
20 to 24	364	548	184	51%	5.1%	576	605	636	668	702	737	775	814	855	898	6.4%
[15 to 24]	1,027	1,264	237	23%	2.3%	1,298	1,328	1,358	1,390	1,422	1,455	1,488	1,523	1,558	1,594	2.6%
25 to 34	1,001	798	(203)	-20%	-2.0%	782	766	750	735	720	706	691	677	663	650	-1.9%
35 to 44	1,682	1,277	(405)	-24%	-2.4%	1,246	1,216	1,187	1,158	1,130	1,103	1,077	1,051	1,025	1,001	-2.2%
45 to 54	1,352	1,657	305	23%	2.3%	1,694	1,733	1,772	1,812	1,852	1,894	1,937	1,980	2,025	2,071	2.5%
55 to 59	438	668	230	52%	5.2%	703	740	779	819	862	907	955	1,005	1,058	1,113	6.7%
60 to 64	310	479	169	54%	5.4%	505	533	562	592	624	658	694	732	772	814	7.0%
65 and over	721	918	197	27%	2.7%	943	969	995	1,023	1,051	1,079	1,109	1,139	1,170	1,202	3.1%
	8,693	8,882	189	2%	0.2%	8,964	9,053	9,151	9,256	9,371	9,494	9,626	9,768	9,920	10,081	

Table B3 –Blooming Grove's male population with the growth calculated from 2000 to 2010 to determine year to year average growth rate.

Total Growth of all Blooming Grove male residents between the ages of 15 to 24 are growing at 2.3% per year over the 2000 to 2010 time period and is almost twice the rate of growth of females. In addition, the males in the under 5 through the 10 to 14 age group are declining at a slower rate.

4. Blooming Grove's U.S. Census Total Population projections from 2021 to 2030 based on U.S. Census Data for, 2000 to 2010

U.S. Census Blooming Grove Total Population [Years of age]	2000 U.S. Census Pop.	2010 U.S. Census Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Avg. % Change Per Year
Under 5	1,229	965	(264)	-21%	-2.1%	760	744	728	712	697	682	667	653	639	625	-2.0%
5 to 9	1,523	1,249	(274)	-18%	-1.8%	1,023	1,004	986	969	951	934	917	901	885	869	-1.7%
10 to 14	1,561	1,403	(158)	-10%	-1.0%	1,254	1,242	1,229	1,217	1,204	1,192	1,180	1,168	1,156	1,145	-1.0%
15 to 19	1,323	1,408	85	6%	0.6%	1,511	1,520	1,530	1,540	1,550	1,560	1,570	1,580	1,590	1,600	0.7%
20 to 24	726	1,010	284	39%	3.9%	1,540	1,601	1,663	1,728	1,796	1,866	1,939	2,015	2,094	2,176	4.7%
[15 to 24]	2,049	2,418	369	18%	1.8%	3,051	3,106	3,162	3,219	3,277	3,336	3,396	3,457	3,519	3,583	-1.5%
25 to 34	1,999	1,597	(402)	-20%	-2.0%	1,277	1,252	1,226	1,202	1,178	1,154	1,131	1,108	1,086	1,064	-1.8%
35 to 44	3358	2,703	(655)	-20%	-2.0%	2,176	2,134	2,092	2,052	2,012	1,972	1,934	1,896	1,859	1,823	-1.8%
45 to 54	2699	3328	629	23%	2.3%	4,288	4,388	4,490	4,595	4,702	4,811	4,923	5,038	5,156	5,276	2.6%
55 to 59	875	1297	422	48%	4.8%	2,177	2,283	2,393	2,508	2,629	2,756	2,889	3,028	3,174	3,327	6.0%
60 to 64	619	973	354	57%	5.7%	1,794	1,896	2,005	2,120	2,241	2,369	2,504	2,648	2,799	2,959	7.4%
65 and over	1439	2095	656	46%	4.6%	3,421	3,577	3,740	3,910	4,089	4,275	4,470	4,674	4,887	5,110	5.6%
	19,400	20,446	1,046	5%	0.5%	21,222	21,640	22,083	22,552	23,048	23,572	24,125	24,709	25,324	25,973	

5. Blooming Grove's U.S. Census Females Population Projections from 2021 to 2030 based on U.S. Census Data for, 2000 to 2010

U.S. Census Blooming Grove Female Population Years of age]	2000 U.S. Census Female Pop. (49.9%)	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Avg. % Change Per Year
Under 5	613	470	(143)	-23%	-2.3%	362	354	346	338	330	322	314	307	300	293	-2.1%
5 to 9	760	616	(144)	-19%	-1.9%	499	490	480	471	462	454	445	437	428	420	-1.7%
10 to 14	779	710	(69)	-9%	-0.9%	644	638	633	627	621	616	610	605	600	594	-0.9%
15 to 19	660	692	32	5%	0.5%	730	733	737	740	744	747	751	755	758	762	0.5%
20 to 24	362	462	100	28%	2.8%	623	640	658	676	694	713	733	753	774	795	3.1%
[15 to 24]	1,022	1,154	132	13%	1.3%	1,352	1,370	1,387	1,405	1,423	1,442	1,460	1,479	1,498	1,517	-1.2%
25 to 34	998	799	(199)	-20%	-2.0%	641	628	615	603	591	579	568	556	545	535	-1.8%
35 to 44	1,676	1,426	(250)	-15%	-1.5%	1,209	1,191	1,173	1,156	1,139	1,122	1,105	1,088	1,072	1,056	-1.4%
45 to 54	1,347	1,671	324	24%	2.4%	2,171	2,223	2,277	2,331	2,387	2,445	2,504	2,564	2,626	2,689	2.7%
55 to 59	437	629	192	44%	4.4%	1,011	1,055	1,102	1,150	1,201	1,254	1,309	1,367	1,427	1,490	5.4%
60 to 64	309	494	185	60%	6.0%	937	993	1,053	1,116	1,183	1,254	1,329	1,408	1,493	1,582	7.9%
65 and over	718	1,177	459	64%	6.4%	2,327	2,475	2,634	2,802	2,981	3,172	3,374	3,590	3,819	4,064	8.6%
	8,658	9,146	488	6%	0.6%	11,153	11,420	11,706	12,010	12,333	12,677	13,042	13,431	13,843	14,280	

6. Blooming Grove's U.S. Census Male Population projections from 2021 to 2030 based on U.S. Census Data for, 2000 to 2010

U.S. Census Blooming Grove Male Population [Years of age]	2000 U.S. Census Female Pop.	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Avg. % Change Per Year
Under 5	616	495	(121)	-20%	-2.0%	398	390	383	375	368	361	354	347	340	333	-1.8%
5 to 9	763	633	(130)	-17%	-1.7%	524	515	506	498	489	481	473	465	457	449	-1.6%
10 to 14	782	693	(89)	-11%	-1.1%	611	604	597	590	584	577	570	564	557	551	-1.1%
15 to 19	663	716	53	8%	0.8%	782	788	794	801	807	814	820	827	833	840	0.8%
20 to 24	364	548	184	51%	5.1%	944	992	1,042	1,095	1,150	1,208	1,270	1,334	1,401	1,472	6.4%
[15 to 24]	1,027	1,264	237	23%	2.3%	1,726	1,765	1,806	1,848	1,891	1,935	1,979	2,025	2,072	2,120	1.4%
25 to 34	1,001	798	(203)	-20%	-2.0%	637	624	611	599	587	575	563	551	540	529	-1.9%
35 to 44	1,682	1,277	(405)	-24%	-2.4%	977	953	930	908	886	864	844	823	803	784	-2.2%
45 to 54	1,352	1,657	305	23%	2.3%	2,117	2,165	2,214	2,264	2,315	2,367	2,420	2,475	2,531	2,588	2.5%
55 to 59	438	668	230	52%	5.2%	1,171	1,233	1,297	1,365	1,437	1,512	1,591	1,675	1,762	1,855	6.7%
60 to 64	310	479	169	54%	5.4%	858	905	954	1,006	1,061	1,119	1,180	1,244	1,312	1,383	7.0%
65 and over	721	918	197	27%	2.7%	1,235	1,269	1,303	1,339	1,376	1,413	1,452	1,492	1,532	1,574	3.1%
	8,693	8,882	189	2%	0.2%	10,254	10,437	10,632	10,839	11,058	11,291	11,536	11,796	12,070	12,359	

Appendix C Harriman's U.S. Census Data by Age Group.

1. Harriman's U.S. Census Total Population projections from 2011 to 2020 based on U.S. Census Data for, 2000 to 2010

U.S. Census Harriman Total Population [Years of age]	2000 U.S. Census Pop.	2010 U.S. Census Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg. % Change Per Year.
Under 5	155	162	7	5%	0.5%	163	163	164	165	166	166	167	168	169	169	0.5%
5 to 9	170	154	(16)	-9%	-0.9%	153	151	150	148	147	146	144	143	141	140	-0.9%
10 to 14	175	145	(30)	-17%	-1.7%	143	140	138	135	133	131	128	126	124	122	-1.6%
15 to 19	128	153	25	20%	2.0%	156	159	162	165	169	172	175	179	182	186	2.1%
20 to 24	96	141	45	47%	4.7%	148	155	162	169	177	186	194	203	213	223	5.8%
[15 to 24]	224	294	70	31%	3.1%	303	313	322	333	343	354	365	376	388	400	3.6%
25 to 34	395	381	(14)	-4%	-0.4%	380	378	377	376	374	373	372	370	369	368	-0.3%
35 to 44	763	400	(363)	-48%	-4.8%	381	363	346	329	313	299	284	271	258	246	-3.9%
45 to 54	298	385	87	29%	2.9%	396	408	420	432	445	458	471	485	499	513	3.3%
55 to 59	85	151	66	78%	7.8%	163	175	189	204	219	237	255	275	296	319	11.1%
60 to 64	66	111	45	68%	6.8%	119	127	135	145	154	165	176	188	201	215	9.3%
65 and over	221	241	20	9%	0.9%	243	245	248	250	252	254	257	259	261	264	0.9%
	2,552	2,424	-128	-5%	-0.5%	2,443	2,465	2,490	2,518	2,550	2,585	2,624	2,667	2,713	2,764	

Table C1 –Total Harriman's population with the growth calculated from 2000 to 2010 to determine year to year average growth rate.

Total growth of all Harriman's residents in the 15 to 24 age group is an average of 3.1% per year over the 2000 to 2010 time period.

2. Harriman's U.S. Census Female Population projections from 2011 to 2020 based on U.S. Census Data for, 2000 to 2010

U.S. Census Harriman Female Population [Years of age]	2000 U.S. Census Female Pop. (49.7%)	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg. % Change Per Year.
Under 5	77	84	7	9%	0.9%	85	86	86	87	88	89	89	90	91	92	0.9%
5 to 9	84	79	(5)	-6%	-0.6%	78	78	77	77	76	76	75	75	74	74	-0.6%
10 to 14	87	68	(19)	-22%	-2.2%	67	65	64	62	61	60	58	57	56	55	-2.0%
15 to 19	64	76	12	19%	1.9%	77	79	81	82	84	85	87	89	90	92	2.1%
20 to 24	48	67	19	40%	4.0%	70	73	75	79	82	85	88	92	96	100	4.9%
[15 to 24]	111	143	32	28%	2.8%	147	151	156	160	165	169	174	179	184	189	3.2%
25 to 34	196	189	(7)	-4%	-0.4%	188	188	187	186	186	185	184	183	183	182	-0.4%
35 to 44	379	212	(167)	-44%	-4.4%	203	194	185	177	169	162	155	148	141	135	-3.6%
45 to 54	148	193	45	30%	3.0%	199	205	211	217	224	231	238	245	253	260	3.5%
55 to 59	42	77	35	82%	8.2%	83	90	98	106	114	124	134	145	157	170	12.0%
60 to 64	33	63	30	92%	9.2%	69	75	82	90	98	107	117	127	139	152	14.1%
65 and over	110	139	29	27%	2.7%	143	146	150	154	158	163	167	171	176	181	3.0%
	1,268	1,247	-21	-2%	-0.2%	1,262	1,278	1,297	1,317	1,340	1,365	1,393	1,423	1,456	1,492	

Table C2 –Harriman's female population with the growth calculated from 2000 to 2010 to determine year to year average growth rate.

Total Growth of all Harriman's female residents between the ages of 15 to 24 is 2.8% per year from 2000 to 2010. This is less than the rate of the males in the same age group. If you compare the growth in the female population in all other age groups against that of the males it shows that the females are growing/declining at a faster rate. The residents in the 45 to 65 and over are the fastest growing groups in Harriman.

3. Harriman's U.S. Census Male Population projections from 2011 to 2020 based on U.S. Census Data for, 2000 to 2010

U.S. Census Harriman Male Population [Years of age]	2000 U.S. Census Male Pop.	2010 U.S. Census Male Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg. % Change Per Year
Under 5	78	78	0	0%	0.0%	78	78	78	78	78	78	78	78	78	78	0.0%
5 to 9	86	75	(11)	-12%	-1.2%	74	73	72	71	71	70	69	68	67	66	-1.2%
10 to 14	88	77	(11)	-13%	-1.3%	76	75	74	73	72	71	70	70	69	68	-1.2%
15 to 19	64	77	13	20%	2.0%	79	80	82	83	85	87	88	90	92	93	2.1%
20 to 24	48	74	26	53%	5.3%	78	82	86	91	96	101	106	112	118	124	6.8%
[15 to 24]	113	151	38	34%	3.4%	156	161	167	173	178	185	191	197	204	211	4.0%
25 to 34	199	192	(7)	-3%	-0.3%	191	191	190	189	189	188	188	187	186	186	-0.3%
35 to 44	384	188	(196)	-51%	-5.1%	178	169	161	152	145	137	130	124	117	111	-4.1%
45 to 54	150	192	42	28%	2.8%	197	203	209	214	221	227	233	240	246	253	3.2%
55 to 59	43	74	31	73%	7.3%	79	85	91	98	105	113	121	130	140	150	10.2%
60 to 64	33	48	15	45%	4.5%	50	52	55	57	60	62	65	68	71	74	5.5%
65 and over	111	102	(9)	-8%	-0.8%	101	100	99	99	98	97	96	95	95	94	-0.8%
	1,284	1,177	-107	-8%	-0.8%	1,182	1,189	1,198	1,207	1,218	1,231	1,245	1,261	1,279	1,298	

Table C3 –Harriman's male population with the growth calculated from 2000 to 2010 to determine year to year average growth rate.

Total Growth of all Harriman's male residents between the ages of 15 to 24 have grown 2.6% per year over the 2000 to 2010 time period and is almost twice the rate of growth of females. In addition, the males in the under 5 through the 10 to 14 age group are declining at a slower rate than the females.

Appendix D Woodbury's U.S. Census Data by Age Group.

1. Woodbury, U.S. Census Total Population projections from 2011 to 2020 based on U.S. Census Data for, 2000 to 2010

U.S. Census Woodbury Total Population [Years of age]	2000 U.S. Census Pop.	2010 U.S. Census Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg. % Change Per Year
Under 5	767	728	(39)	-5%	-0.5%	724	721	717	713	710	706	702	699	695	692	-0.5%
5 to 9	839	958	119	14%	1.4%	972	985	999	1,014	1,028	1,042	1,057	1,072	1,087	1,103	1.5%
10 to 14	853	1,104	251	29%	2.9%	1,136	1,170	1,204	1,240	1,276	1,314	1,352	1,392	1,433	1,475	3.4%
15 to 19	645	911	266	41%	4.1%	949	988	1,028	1,071	1,115	1,161	1,209	1,259	1,311	1,365	5.0%
20 to 24	368	549	181	49%	4.9%	576	604	634	665	698	732	768	806	846	887	6.2%
[15 to 24]	1,013	1,460	447	44%	4.4%	1,524	1,592	1,662	1,735	1,812	1,892	1,975	2,062	2,153	2,248	5.4%
25 to 34	1,122	971	(151)	-13%	-1.3%	958	945	932	920	907	895	883	871	860	848	-1.3%
35 to 44	1,851	1,887	36	2%	0.2%	1,891	1,894	1,898	1,902	1,905	1,909	1,913	1,917	1,920	1,924	0.2%
45 to 54	1,458	1,988	530	36%	3.6%	2,060	2,135	2,213	2,293	2,377	2,463	2,552	2,645	2,741	2,841	4.3%
55 to 59	516	719	203	39%	3.9%	747	777	807	839	872	906	942	979	1,018	1,058	4.7%
60 to 64	339	541	202	60%	6.0%	573	607	644	682	723	766	811	860	911	965	7.8%
65 and over	702	997	295	42%	4.2%	1,039	1,083	1,128	1,175	1,225	1,276	1,330	1,386	1,444	1,505	5.1%
	9,460	11,353	1,893	20%	2.0%	11,625	11,909	12,205	12,514	12,836	13,171	13,521	13,886	14,266	14,663	

Table D1 – Total Woodbury's population with the growth calculated from 2000 to 2010 to determine year to year average growth rate.

Total growth of all Woodbury's residents in the 15 to 24 age group is an average of 4.4% per year over the 2000 to 2010 time period.

2. Woodbury, U.S. Census Female Population Projections from 2011 to 2020 based on U.S. Census Data for, 2000 to 2010

U.S. Census Woodbury Female Population [Years of age]	2000 U.S. Census Female Pop. (50.9%)	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg. % Change Per Year
Under 5	390	384	(6)	-2%	-0.2%	383	383	382	381	381	380	380	379	378	378	-0.2%
5 to 9	427	488	61	14%	1.4%	495	502	509	516	524	531	539	547	554	562	1.5%
10 to 14	434	579	145	33%	3.3%	598	618	639	660	682	705	728	753	778	804	3.9%
15 to 19	328	482	154	47%	4.7%	505	528	553	579	606	634	664	695	728	762	5.8%
20 to 24	187	317	130	69%	6.9%	339	362	388	414	443	474	506	542	579	619	9.5%
[15 to 24]	516	799	283	55%	5.5%	843	889	938	990	1,044	1,101	1,162	1,226	1,293	1,364	7.1%
25 to 34	571	470	(101)	-18%	-1.8%	462	454	445	438	430	422	415	407	400	393	-1.6%
35 to 44	942	855	(87)	-9%	-0.9%	847	839	831	824	816	809	801	794	786	779	-0.9%
45 to 54	742	981	239	32%	3.2%	1,013	1,045	1,079	1,114	1,149	1,186	1,225	1,264	1,305	1,347	3.7%
55 to 59	263	628	365	139%	13.9%	715	815	928	1,057	1,204	1,372	1,563	1,780	2,028	2,310	26.8%
60 to 64	173	455	282	164%	16.4%	529	616	717	834	971	1,130	1,315	1,530	1,781	2,072	35.5%
65 and over	357	139	(218)	-61%	-6.1%	131	123	115	108	101	95	89	84	79	74	-4.7%
	4,815	5,778	963	20%	2.0%	6,017	6,285	6,587	6,926	7,308	7,739	8,225	8,774	9,396	10,100	

Table D2 – Woodbury’s female population with the growth calculated from 2000 to 2010 to determine year to year average growth rate.

Total Growth of all Woodbury’s female residents between the ages of 15 to 24 is 5.5% per year from 2000 to 2010.

3. Woodbury, U.S. Census Male Population projections from 2011 to 2020 based on U.S. Census Data for, 2000 to 2010

U.S. Census Woodbury Male Population [Years of age]	2000 U.S. Census Male Pop.	2010 U.S. Census Male Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg. % Change Per Year
Under 5	377	344	(33)	-9%	-0.9%	341	338	335	332	329	326	324	321	318	315	-0.8%
5 to 9	412	470	58	14%	1.4%	477	483	490	497	504	511	518	526	533	541	1.5%
10 to 14	419	525	106	25%	2.5%	538	552	566	580	595	610	625	641	658	674	2.8%
15 to 19	317	429	112	35%	3.5%	444	460	476	493	510	529	547	567	587	608	4.2%
20 to 24	181	232	51	28%	2.8%	237	244	251	258	265	273	280	288	297	305	3.1%
[15 to 24]	497	661	164	33%	3.3%	683	705	728	752	777	803	829	856	885	914	3.8%
25 to 34	551	501	(50)	-9%	-0.9%	496	492	487	483	479	474	470	466	461	457	-0.9%
35 to 44	909	1,032	123	14%	1.4%	1,044	1,058	1,072	1,087	1,101	1,116	1,131	1,147	1,162	1,178	1.4%
45 to 54	716	1,007	291	41%	4.1%	1,048	1,090	1,132	1,184	1,226	1,279	1,331	1,383	1,445	1,507	4.9%
55 to 59	253	91	(162)	-64%	-6.4%	32	30	28	26	24	23	21	20	19	18	-8.1%
60 to 64	166	86	(80)	-48%	-4.8%	44	42	40	38	36	34	33	31	29	28	-6.7%
65 and over	345	858	513	149%	14.9%	908	1,044	1,190	1,378	1,583	1,819	2,089	2,401	2,758	3,169	26.9%
	4,645	5,575	930	20%	2.0%	5,608	5,832	6,078	6,352	6,656	6,994	7,370	7,792	8,263	8,792	

Table D3 – Woodbury’s male population with the growth calculated from 2000 to 2010 to determine year to year average growth rate.

Total Growth of all Woodbury’s male residents between the ages of 15 to 24 have grown 3.3% per year over the 2000 to 2010 time period and is almost twice the rate of growth of females. In addition, the males in the under 5 through the 10 to 14 age group are declining at a slower rate than the females.

Appendix E Village of Monroe's U.S. Census Data by Age Group.

1. Village of Monroe, U.S. Census Total Population projections from 2011 to 2020 based on U.S. Census Data for, 2000 to 2010

U.S. Census Village of Monroe Total Population [Years of age]	2000 U.S. Census Pop.	2010 U.S. Census Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg. % Change Per Year
Under 5	558	539	(19)	-3%	-0.3%	537	535	534	532	530	528	526	524	523	521	-0.3%
5 to 9	691	674	(17)	-2%	-0.2%	672	671	669	667	666	664	662	661	659	658	-0.2%
10 to 14	715	657	(58)	-8%	-0.8%	652	646	641	636	631	626	621	616	611	606	-0.8%
15 to 19	505	609	104	21%	2.1%	622	634	647	661	674	688	702	717	732	747	2.3%
20 to 24	313	491	178	57%	5.7%	519	548	580	613	647	684	723	764	808	854	7.4%
[15 to 24]	818	1,100	282	34%	3.4%	1,138	1,177	1,218	1,260	1,303	1,348	1,395	1,443	1,492	1,544	4.0%
25 to 34	912	851	(61)	-7%	-0.7%	845	840	834	828	823	817	812	807	801	796	-0.6%
35 to 44	1497	1,295	(202)	-13%	-1.3%	1,278	1,260	1,243	1,227	1,210	1,194	1,178	1,162	1,146	1,130	-1.3%
45 to 54	1184	1399	215	18%	1.8%	1,424	1,450	1,477	1,503	1,531	1,559	1,587	1,616	1,645	1,675	2.0%
55 to 59	426	508	82	19%	1.9%	518	528	538	548	559	570	581	592	603	615	2.1%
60 to 64	247	440	193	78%	7.8%	474	511	551	594	641	691	745	803	866	934	11.2%
65 and over	732	901	169	23%	2.3%	922	943	965	987	1,010	1,033	1,057	1,082	1,106	1,132	2.6%
	7,780	8,364	584	8%	0.8%	8,463	8,568	8,679	8,797	8,921	9,054	9,194	9,342	9,499	9,666	

Table E1 – Total Village of Monroe's population with the growth calculated from 2000 to 2010 to determine year to year average growth rate.

Total growth of all Village of Monroe's residents in the 15 to 24 age group was 3.4% per year over the 2000 to 2010 time period.

2. *Village of Monroe*, U.S. Census Female Population projections from 2011 to 2020 based on U.S. Census Data for, 2000 to 2010

U.S. Census Village of Monroe Female Population [Years of age]	2000 U.S. Census Female Pop. (50.9%)	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg. % Change Per Year
Under 5	281	255	(26)	-9%	-0.9%	253	250	248	246	244	241	239	237	235	233	-0.9%
5 to 9	348	311	(37)	-11%	-1.1%	308	304	301	298	295	292	289	286	283	280	-1.0%
10 to 14	360	311	(49)	-14%	-1.4%	307	303	299	295	291	287	283	279	275	271	-1.3%
15 to 19	254	283	29	11%	1.1%	286	289	293	296	300	303	306	310	313	317	1.2%
20 to 24	157	201	44	28%	2.8%	207	212	218	224	230	237	243	250	257	264	3.1%
[15 to 24]	411	484	73	18%	1.8%	493	501	510	519	528	538	547	557	566	576	1.9%
25 to 34	459	434	(25)	-5%	-0.5%	432	429	427	425	422	420	418	416	413	411	-0.5%
35 to 44	753	662	(91)	-12%	-1.2%	654	646	638	631	623	615	608	601	593	586	-1.1%
45 to 54	596	691	95	16%	1.6%	702	713	725	736	748	760	772	785	797	810	1.7%
55 to 59	214	258	44	20%	2.0%	263	269	274	280	285	291	297	303	309	316	2.2%
60 to 64	124	228	104	84%	8.4%	247	268	290	314	340	369	400	433	469	508	12.3%
65 and over	368	504	136	37%	3.7%	523	542	562	583	604	626	649	673	698	724	4.4%
	3,913	4,138	225	6%	0.6%	4,181	4,226	4,275	4,327	4,382	4,442	4,505	4,572	4,644	4,721	

Table E2 –Village of Monroe's female population with the growth calculated from 2000 to 2010 to determine year to year average growth rate.

Total Growth of all Village of Monroe's female residents between the ages of 15 to 24 is an average of 1.8% per year from 2000 to 2010.

3. *Village of Monroe*, U.S. Census Male Population projections from 2011 to 2020 based on U.S. Census Data for, 2000 to 2010

U.S. Census Village of Monroe Male Population [Years of age]	2000 U.S. Census Male Pop.	2010 U.S. Census Male Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg. % Change Per Year
Under 5	277	284	7	2%	0.2%	284	285	286	287	287	288	289	289	290	291	0.2%
5 to 9	343	363	20	6%	0.6%	365	367	369	371	373	375	377	379	382	384	0.6%
10 to 14	355	346	(9)	-3%	-0.3%	345	344	343	342	341	340	339	339	338	337	-0.3%
15 to 19	251	326	75	30%	3.0%	335	345	356	366	377	389	400	412	424	437	3.4%
20 to 24	156	290	134	86%	8.6%	312	339	369	401	435	473	514	558	606	659	12.7%
[15 to 24]	407	616	209	52%	5.2%	648	681	716	753	792	833	876	921	968	1,018	6.5%
25 to 34	453	417	(36)	-8%	-0.8%	414	410	407	404	401	397	394	391	388	385	-0.8%
35 to 44	744	633	(111)	-15%	-1.5%	624	614	605	596	587	578	570	561	553	545	-1.4%
45 to 54	588	708	120	20%	2.0%	722	737	752	767	783	799	815	832	848	866	2.2%
55 to 59	212	250	38	18%	1.8%	255	259	264	269	273	278	283	289	294	299	2.0%
60 to 64	123	212	89	73%	7.3%	227	244	262	281	301	323	346	372	399	428	10.2%
65 and over	364	397	33	9%	0.9%	399	403	407	410	414	418	422	425	429	433	0.9%
	3,867	4,226	359	9%	0.9%	4,282	4,348	4,418	4,493	4,573	4,658	4,749	4,847	4,951	5,062	

Table E3 Village of Monroe's male population with the growth calculated from 2000 to 2010 to determine year to year average growth rate.

Total Growth of all Village of Monroe's male residents between the ages of 15 to 24 have grown 5.2% per year over the 2000 to 2010 time period and is more than double the rate of growth of females. In addition, the males in the under 5 through the 10 to 14 age group are declining at a slower rate than the females.

Appendix F Village of Chester's U.S. Census Data by Age Group.

1. Village of Chester, U.S. Census Total Population projections from 2011 to 2020 based on U.S. Census Data for, 2000 to 2010

U.S. Census Village of Chester Total Population [Years of age]	2000 U.S. Census Pop.	2010 U.S. Census Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg. % Change Per Year
Under 5	235	278	43	18%	1.8%	283	288	294	299	304	310	316	321	327	333	2.0%
5 to 9	242	235	(7)	-3%	-0.3%	234	234	233	232	232	231	230	230	229	228	-0.3%
10 to 14	215	273	58	27%	2.7%	280	288	296	304	312	320	329	338	347	356	3.0%
15 to 19	181	235	54	30%	3.0%	242	249	257	264	272	280	289	297	306	315	3.4%
20 to 24	188	194	6	3%	0.3%	195	195	196	196	197	198	198	199	200	200	0.3%
[15 to 24]	369	429	60	16%	1.6%	436	443	450	458	465	473	480	488	496	504	1.8%
25 to 34	625	599	(26)	-4%	-0.4%	597	594	592	589	587	584	582	579	577	575	-0.4%
35 to 44	638	658	20	3%	0.3%	660	662	664	666	668	670	673	675	677	679	0.3%
45 to 54	464	659	195	42%	4.2%	687	716	746	777	810	844	879	916	955	995	5.1%
55 to 59	159	238	79	50%	5.0%	250	262	275	289	303	318	334	351	368	387	6.2%
60 to 64	121	185	64	53%	5.3%	195	205	216	227	239	252	265	279	294	310	6.7%
65 and over	377	415	38	10%	1.0%	419	423	428	432	436	441	445	450	454	459	1.1%
	3,445	3,969	524	15%	1.5%	4,041	4,117	4,195	4,276	4,361	4,449	4,540	4,635	4,734	4,837	

Table E1 –Total Village of Chester's population with the growth calculated from 2000 to 2010 to determine year to year average growth rate.

Total growth of all Village of Chester's residents in the 15 to 24 age group was an average of 1.6% per year over the 2000 to 2010 time period.

2. *Village of Chester*, U.S. Census Female Population projections from 2011 to 2020 based on U.S. Census Data for, 2000 to 2010

U.S. Census Village of Chester Female Population [Years of age]	2000 U.S. Census Female Pop. (50.9%)	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg. % Change Per Year
Under 5	122	138	16	13%	1.3%	140	142	143	145	147	149	151	153	155	157	1.4%
5 to 9	126	123	(3)	-2%	-0.2%	123	122	122	122	122	121	121	121	121	120	-0.2%
10 to 14	112	130	18	16%	1.6%	132	134	136	139	141	143	146	148	150	153	1.8%
15 to 19	91	90	(1)	-1%	-0.1%	90	90	90	90	89	89	89	89	89	89	-0.1%
20 to 24	95	102	7	8%	0.8%	103	104	104	105	106	107	108	109	109	110	0.8%
[15 to 24]	186	192	6	3%	0.3%	193	193	194	195	195	196	197	197	198	199	0.3%
25 to 34	325	318	(7)	-2%	-0.2%	317	317	316	315	315	314	313	313	312	311	-0.2%
35 to 44	332	322	(10)	-3%	-0.3%	321	320	319	318	317	316	315	314	314	313	-0.3%
45 to 54	241	344	103	43%	4.3%	359	374	390	406	424	442	461	480	501	522	5.2%
55 to 59	83	129	46	56%	5.6%	136	144	152	160	169	179	189	200	211	222	7.2%
60 to 64	63	97	34	54%	5.4%	102	108	114	120	126	133	140	148	156	164	6.9%
65 and over	196	247	51	26%	2.6%	253	260	267	274	281	288	296	303	311	319	2.9%
	1,785	2,040	255	14%	1.4%	2,076	2,114	2,153	2,195	2,237	2,282	2,329	2,377	2,428	2,481	

Table E2 –Village of Chester’s female population with the growth calculated from 2000 to 2010 to determine year to year average growth rate.

Total Growth of all Village of Chester’s female residents between the ages of 15 to 24 is an average of 0.3% per year from 2000 to 2010. This is less than the rate of the males in the same age group. If you compare the growth in the female population in all other age groups against that of the Village of Monroe.

3. *Village of Chester, U.S. Census Male Population projections from 2011 to 2020 based on U.S. Census Data for, 2000 to 2010*

U.S. Census Village of Chester Male Population [Years of age]	2000 U.S. Census Male Pop.	2010 U.S. Census Male Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg. % Change Per Year
Under 5	113	140	27	24%	2.4%	143	147	150	154	158	161	165	169	173	178	2.7%
5 to 9	116	112	(4)	-4%	-0.4%	112	111	111	110	110	110	109	109	108	108	-0.4%
10 to 14	103	143	40	39%	3.9%	148	154	160	166	172	179	186	193	201	208	4.6%
15 to 19	90	145	55	61%	6.1%	152	161	171	182	193	205	217	231	245	260	7.9%
20 to 24	93	92	(1)	-2%	-0.2%	92	92	92	91	91	91	91	91	91	91	-0.2%
[15 to 24]	183	237	54	29%	2.9%	244	251	258	266	274	282	290	298	307	316	3.3%
25 to 34	300	281	(19)	-6%	-0.6%	279	277	276	274	272	270	269	267	265	264	-0.6%
35 to 44	306	336	30	10%	1.0%	339	342	346	349	352	356	359	363	366	370	1.0%
45 to 54	223	315	92	41%	4.1%	328	342	356	371	386	402	419	436	454	473	5.0%
55 to 59	76	109	33	43%	4.3%	114	118	124	129	134	140	146	152	159	166	5.2%
60 to 64	58	88	30	52%	5.2%	93	97	102	108	113	119	125	132	138	145	6.5%
65 and over	181	168	(13)	-7%	-0.7%	166	165	163	162	161	160	159	158	156	155	-0.8%
	1,660	1,929	269	16%	1.6%	1,965	2,007	2,050	2,096	2,143	2,193	2,245	2,300	2,357	2,417	

Table E3 Village of Chester's male population with the growth calculated from 2000 to 2010 to determine year to year average growth rate.

Total Growth of all Village of Chester's male residents between the ages of 15 to 24 have grown 2.9% per year over the 2000 to 2010 time period.

Addendum to my submission on The Draft Environmental Impact Statement (DGEIS) Annexation Comments

Introduction:

This document is added to my original submission and it address the issue concerning the 2000 to 2010 population growth for the 15 to 24 year old population for both females and males.

In order to assess the number of residents that would fall into the 15 to 24 categories I took the Kiryas Joel population growth from 2000 to 2010 and made the following adjustments: 3.2.10-16

1. Adjusted the 15 to 19 population to have the same growth rate as that of the 10 to 14 year olds (females - 6.6% growth; males - 5.0% growth).
2. Adjusted the 20 to 24 population to have the same growth as the 24 to 34 age group (females - 10.4% growth; males - 7.9% growth.)



The net result is the following:

Kiryas Joel's Adjusted Female Population

Appendix A below provides the detail behind the data in the following table.

U.S. Census Kiryas Joel Female Population [Years of age]	2000 U.S. Census Female Pop. - (46.2%)	2010 U.S. Census Female Pop.	% Change 2000 to 2010	2020	2030	2040	Change over 30 years
Under 5	1,237	2,295	85.6%	5,012	10,466	21,414	833.1%
5 to 9	1,007	1,759	74.6%	3,603	7,140	13,928	691.8%
10 to 14	796	1,320	65.7%	2,464	4,456	7,924	500.3%
15 to 19	822	887	7.9%	1,764	3,291	5,949	570.7%
20 to 24	674	721	7.0%	1,974	4,958	12,066	1573.5%
Total:	1,495	1,608	7.5%	3,737	8,248	18,015	1020.3%
25 to 34	669	1,366	104.1%	3,535	8,700	21,007	1437.8%
35 to 44	335	652	94.7%	1,544	3,483	7,703	1081.5%
45 to 54	395	251	-36.5%	173	121	87	-65.4%
55 to 59	23	198	774.6%	333	560	946	377.6%
60 to 64	18	163	828.5%	287	496	849	421.0%
65 and over	94	120	27.3%	124	127	131	9.5%
	6,070	9,732	60.3%	20,810	43,798	92,004	845.4%

Table 1.0, Summary of the adjusted Kiryas Joel's projected female population growth from 2010 to 2040.

This adjusted population growth for Kiryas Joel adds in an adjustment to the 15 to 24 age groups growth rate and then spread out the growth taking into consideration the fact that the females are growing at a faster rate than their male counterparts. It takes the 2000 to 2010



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growth rate and divided it for each age group by the total of the female and male growth for those age groups. The total population growth was then distributed based on the percentage of growth each was responsible for. The result is an increase in the female population of 12,059 over the original calculation presented in the original document I submitted concerning the Annexation.

The final female population projection is 92,004 by 2040. However, again this is a conservative growth estimate as I show in my original Orange County Sewer District, Water Demand, Wastewater Projections, Assessment and Investigation Document submitted with my original submission.

Kiryas Joel's Adjusted Male Population Projection

U.S. Census Kiryas Joel Male Population [Years of age] - (53.8%)	2000 U.S. Census Male Pop (53.8%)	2010 U.S. Census Male Pop.	% Change 2000 to 2010	2020	2030	2040	Change over 30 years
Under 5	1,440	2,314	60.7%	4,240	8,107	15,870	585.8%
5 to 9	1,173	1,889	61.1%	3,397	6,291	11,843	526.9%
10 to 14	928	1,387	49.5%	2,249	3,750	6,364	358.8%
15 to 19	957	1,188	24.1%	1,849	3,000	5,003	321.1%
20 to 24	784	875	11.5%	1,828	4,100	9,511	987.0%
	1,742	2,063	18.5%	3,677	7,100	14,514	603.5%
25 to 34	780	1,397	79.2%	3,048	6,980	16,347	1070.2%
35 to 44	390	659	69.0%	1,309	2,722	5,796	779.4%
45 to 54	460	258	-43.9%	164	102	60	-76.6%
55 to 59	26	191	624.5%	326	553	939	391.5%
60 to 64	20	194	848.9%	318	527	880	353.7%
65 and over	110	91	-17.1%	95	98	102	12.5%
Totals:	7,068	10,443	47.7%	18,822	36,229	72,716	596.3%

Table 2.0, Summary of the adjusted Kiryas Joel's projected male population growth from 2010 to 2040.

This adjusted population growth for Kiryas Joel adds in an adjustment to the 15 to 24 age groups growth rate and then spread out the growth taking into consideration the fact that the females are growing at a faster rate than their male counterparts. It takes the 2000 to 2010 growth rate and divided it for each age group by the total of the female and male growth for those age groups. The total population growth was then distributed based on the percentage of growth each was responsible for. The result is an increase in the Male population of 12,506 over the original calculation presented in the original document I submitted concerning the Annexation.

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This growth is total due to the change in the 15 to 24 year old groups and is consistent with the fact that the males in these groups grew faster than the females.

The Impact on the In-Migration as a result of this estimate

U.S. Census Kiryas Joel Population [Years of age] - (53.8%)	2000 U.S. Census Females minus Males	2010 U.S. Census Females minus Males	2020 Estimated Females to Males	2030 Estimated Females to Males	2040 Estimated Females to Males
Under 5	(203)	(19)	771	2,358	5,543
5 to 9	(166)	(130)	206	849	2,085
10 to 14	(131)	(67)	215	705	1,559
15 to 19	(135)	(301)	(85)	291	946
20 to 24	(111)	(154)	145	858	2,555
	(246)	(455)	60	1,149	3,501
25 to 34	(110)	(31)	487	1,721	4,659
35 to 44	(55)	(7)	235	762	1,908
45 to 54	(65)	(7)	9	20	27
55 to 59	(4)	7	7	7	7
60 to 64	(3)	(31)	(31)	(31)	(31)
65 and over	(16)	29	29	29	29
	(1,245)	(1,166)	1,988	7,569	19,287

Table 3.0, Summary of the adjusted Kiryas Joel's projected female and male population growth from 2010 to 2040 and the impact on in-migration. Since 2010 the growth rate of the females has been higher than the males and thus spouses will be moving in to fill the shortfall.

Conclusion:

The estimated in-migration will be 19,287. This will bring the total population of Kiryas Joel to 184,007 by 2040.

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Appendices

Appendix A2 Kiryas Joel U.S. Census Data by Age Group.

1. Kiryas Joel's Total U.S. Census Population projections for 2011 to 2020 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Total Population [Years of age]	2000 U.S. Census Pop.	2010 U.S. Census Pop.	Change 2000 to 2010	% Change 2000 to 2010	Avg % by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Change over 10 years.
Under 5	2,677	4,609	1,932	72.2%	7.2%	4,942	5,298	5,681	6,091	6,530	7,001	7,507	8,049	8,629	9,252	100.7%
5 to 9	2,180	3,648	1,468	67.3%	6.7%	3,894	4,156	4,436	4,734	5,053	5,393	5,757	6,144	6,558	7,000	91.9%
10 to 14	1,724	2,707	983	57.0%	5.7%	2,861	3,024	3,197	3,379	3,572	3,776	3,991	4,218	4,459	4,713	74.1%
15 to 19	1,779	2,075	296	16.6%	1.7%	2,193	2,318	2,451	2,590	2,738	2,894	3,059	3,234	3,418	3,613	74.1%
20 to 24	1,458	1,596	138	9.5%	0.9%	1,741	1,899	2,071	2,259	2,463	2,687	2,930	3,196	3,486	3,802	138.2%
[15 to 24]	3,237	3,671	434	13.4%	1.3%	3,934	4,217	4,521	4,849	5,201	5,581	5,989	6,430	6,904	7,415	102.0%
25 to 34	1,449	2,763	1,314	90.7%	9.1%	3,014	3,287	3,585	3,910	4,265	4,651	5,073	5,533	6,035	6,582	138.2%
35 to 44	725	1,311	586	80.8%	8.1%	1,417	1,531	1,655	1,789	1,934	2,090	2,259	2,441	2,639	2,852	117.6%
45 to 54	855	509	(346)	-40.5%	-4.0%	488	469	450	431	414	397	381	366	351	337	-33.8%
55 to 59 *	49	389	340	693.9%	69.4%	410	432	455	480	506	533	562	592	624	658	69.2%
60 to 64 *	38	357	319	839.5%	83.9%	376	397	418	441	464	489	516	544	573	604	69.2%
65 and over	204	211	7	3.4%	0.3%	212	212	213	214	215	215	216	217	218	218	3.5%
Totals:	13,138	20,175	7,037	53.6%	5.4%	21,548	23,024	24,611	26,318	28,154	30,128	32,251	34,534	36,990	39,632	83.3%

* Assumed to grow at 5.4% a year. The 2000 to 2010 must be an anomaly and has no value in projecting growth for these age groups

Table A2.1 - Total Kiryas Joel's population with the 2011 to 2020 growth based on 2000 to 2010 growth rate for all groups with the exception of the 15 to 19 assumed to grow at the same rate as the 10 to 14 age group (5.7%), 20 to 24 assumed to grow at the same rate as the 24 to 29 age group (9.1%), 55 to 59 and 60 to 64 both of these senior groups are assumed to grow at 5.4% a year.

This adjusted population growth for Kiryas Joel is to determine what would happen if the grow was adjusted to determine the effects of a more rapid growth for the 15 to 24 age groups. It is not logical for us to accept the 2000 to 2010 U.S. Census growth rate as it is at best it is questionable given the growth rates of the younger groups and the 25 to 44 age groups. The result is an increase of 3,109 over the original calculation where we did not make the adjustments to the 15 to 24 age groups.

2. Kiryas Joel's Female U.S. Census Population Projections for 2011 to 2020 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Female Population [Years of age]	2000 U.S. Census Female Pop. - (46.2%)	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Avg Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Change over 10 years.
Under 5	1,237	2,295	1,058	85.6%	8.6%	2,490	2,698	2,922	3,162	3,419	3,695	3,991	4,308	4,647	5,012	118.4%
5 to 9	1,007	1,759	752	74.6%	7.5%	1,894	2,038	2,192	2,357	2,532	2,719	2,919	3,132	3,360	3,603	104.8%
10 to 14	796	1,320	524	65.7%	6.6%	1,408	1,501	1,599	1,703	1,813	1,929	2,052	2,182	2,319	2,464	86.7%
15 to 19	822	887	65	7.9%	0.8%	954	1,026	1,101	1,181	1,265	1,354	1,448	1,548	1,653	1,764	98.9%
20 to 24	674	721	47	7.0%	0.7%	803	893	991	1,097	1,213	1,340	1,479	1,630	1,794	1,974	173.7%
[15 to 24.]	1,495	1,608	113	7.5%	0.8%	1,684	1,766	1,854	1,949	2,051	2,161	2,279	2,407	2,544	2,692	67.4%
25 to 34	669	1,366	697	104.1%	10.4%	1,508	1,663	1,833	2,017	2,219	2,438	2,678	2,939	3,224	3,535	158.7%
35 to 44	335	652	317	94.7%	9.5%	713	780	851	929	1,012	1,103	1,200	1,306	1,420	1,544	136.8%
45 to 54	395	251	(144)	-36.5%	-3.6%	242	233	224	216	208	200	193	186	179	173	-31.1%
55 to 59	23	198	175	774.6%	77.5%	209	220	231	244	257	270	285	300	316	333	68.0%
60 to 64	18	163	145	828.5%	82.8%	173	183	194	205	217	229	242	256	271	287	75.8%
65 and over	94	120	26	27.3%	2.7%	120	121	121	121	122	122	123	123	123	124	3.1%
Totals:	6,070	9,732	3,662	60.3%	6.0%	10,514	11,355	12,259	13,231	14,277	15,400	16,609	17,909	19,306	20,810	98.4%

Table A2.2 –Kiryas Joel's female Population with the 2011 to 2020 growth based on 2000 to 2010 growth rate for all groups with the exception of the 15 to 19 assumed to grow at the same rate as the 10 to 14 age group (5.7%), 20 to 24 assumed to grow at the same rate as the 24 to 29 age group (9.1%), 55 to 59 and 60 to 64 both of these senior groups are assumed to grow at 5.4% a year. We then distribute the growth number across the Female and Male population based on their respective growth rates for each category

This adjusted population growth for Kiryas Joel is then spread out to take into consideration the fact that the females are growing at a more rapid rate than their male counterparts. We took the 2000 to 2010 growth rate and divided it for each age group by the total of the female and male growth for those age groups. The total population growth was then distributed based on the percentage of growth each was responsible for. The result is an increase of 1,514 over the original calculation where we did not make the adjustments to the 15 to 24 age groups.

3. Kiryas Joel's Male U.S. Census Population projections for 2011 to 2020 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Male Population [Years of age] - (53.8%)	2000 U.S. Census Male Pop (53.8%)	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Change over 10 years.
Under 5	1,440	2,314	874	61%	6.1%	2,452	2,600	2,759	2,929	3,111	3,307	3,516	3,741	3,982	4,240	83.2%
5 to 9	1,173	1,889	716	61%	6.1%	2,000	2,118	2,243	2,378	2,521	2,674	2,838	3,012	3,198	3,397	79.8%
10 to 14	928	1,387	459	50%	5.0%	1,453	1,523	1,598	1,676	1,759	1,846	1,939	2,037	2,140	2,249	62.2%
15 to 19	957	1,188	231	24%	2.4%	1,239	1,293	1,349	1,409	1,473	1,540	1,611	1,686	1,765	1,849	55.6%
20 to 24	784	875	91	12%	1.2%	938	1,006	1,080	1,161	1,250	1,346	1,452	1,567	1,692	1,828	109.0%
[15 to 24]	1,742	2,063	321	18%	1.8%	2,250	2,451	2,667	2,900	3,150	3,420	3,710	4,023	4,360	4,723	128.9%
25 to 34	780	1,397	617	79%	7.9%	1,505	1,623	1,752	1,893	2,046	2,213	2,395	2,594	2,811	3,048	118.2%
35 to 44	390	659	269	69%	6.9%	704	752	804	860	921	987	1,058	1,135	1,219	1,309	98.6%
45 to 54	460	258	(202)	-44%	-4.4%	247	236	226	216	206	197	188	180	172	164	-36.5%
55 to 59	26	191	165	625%	62.5%	202	213	224	237	250	263	278	293	309	326	70.5%
60 to 64	20	194	174	849%	84.9%	204	214	225	236	248	260	273	287	302	318	63.7%
65 and over	110	91	(19)	-17%	-1.7%	91	92	92	92	93	93	94	94	94	95	4.0%
Totals:	7,068	10,443	3,375	47.7%	4.8%	11,033	11,669	12,352	13,087	13,877	14,728	15,642	16,626	17,684	18,822	69.3%

Table A2.3 –Kiryas Joel's male Population with the 2011 to 2020 growth based on 2000 to 2010 growth rate for all groups with the exception of the 15 to 19 assumed to grow at the same rate as the 10 to 14 age group (5.7%), 20 to 24 assumed to grow at the same rate as the 24 to 29 age group (9.1%), 55 to 59 and 60 to 64 both of these senior groups are assumed to grow at 5.4% a year. We then distribute the growth number across the Female and Male population based on their respective growth rates for each category

This adjusted population growth for Kiryas Joel is then spread out to take into consideration the fact that the females are growing at a more rapid rate than their male counterparts. We took the 2000 to 2010 growth rate and divided it for each age group by the total of the female and male growth for those age groups. The total population growth was then distributed based on the percentage of growth each was responsible for. As you can see the total growth for the males is about 30% less than the women. The result is an increase of 1,595 over the original calculation where we did not make the adjustments to the 15 to 24 age groups.

4. Kiryas Joel's Total U.S. Census Population Projections for 2021 to 2030 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Total Population [Years of age]	2000 U.S. Census Pop.	2010 U.S. Census Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	% Change over 10 years.
Under 5	2,677	4,609	1,932	72%	7.2%	9,920	10,636	11,403	12,226	13,109	14,055	15,069	16,157	17,323	18,573	100.7%
5 to 9	2,180	3,648	1,468	67%	6.7%	7,471	7,974	8,511	9,084	9,696	10,349	11,046	11,790	12,584	13,431	91.9%
10 to 14	1,724	2,707	983	57%	5.7%	4,982	5,266	5,566	5,884	6,219	6,574	6,949	7,345	7,764	8,206	74.1%
15 to 19	1,779	2,075	296	17%	1.7%	3,819	4,037	4,267	4,510	4,767	5,039	5,326	5,630	5,951	6,290	74.1%
20 to 24	1,458	1,596	138	9%	0.9%	4,147	4,523	4,933	5,380	5,868	6,400	6,981	7,614	8,304	9,057	138.2%
Total	3,237	3,671	434	13%	1.3%	7,966	8,559	9,200	9,890	10,635	11,439	12,307	13,244	14,255	15,348	107.0%
25 to 34	1,449	2,763	1,314	91%	9.1%	7,179	7,830	8,540	9,315	10,159	11,080	12,085	13,181	14,377	15,680	138.2%
35 to 44	725	1,311	586	81%	8.1%	3,083	3,332	3,601	3,892	4,207	4,547	4,914	5,312	5,741	6,205	117.6%
45 to 54	855	509	(346)	-40%	-4.0%	323	310	298	285	274	263	252	242	232	223	-33.8%
55 to 59	49	389	340	694%	69.4%	694	731	771	812	856	902	951	1,002	1,057	1,114	69.2%
60 to 64	38	357	319	839%	83.9%	637	671	707	745	786	828	873	920	970	1,022	69.2%
65 and over	204	211	7	3%	0.3%	219	220	221	221	222	223	224	224	225	226	3.5%
	13,138	20,175	7,037	54%	5.4%	42,473	45,529	48,818	52,356	56,163	60,261	64,670	69,417	74,526	80,027	101.9%

Table A2.4 – Total Kiryas Joel's population with the 2011 to 2020 growth based on 2000 to 2010 growth rate for all groups with the exception of the 15 to 19 assumed to grow at the same rate as the 10 to 14 age group (5.7%), 20 to 24 assumed to grow at the same rate as the 24 to 29 age group (9.1%), 55 to 59 and 60 to 64 both of these senior groups are assumed to grow at 5.4% a year.

This adjusted population growth for Kiryas Joel is to determine what would happen if the growth was adjusted to determine the effects of a more rapid growth for the 15 to 24 age groups. It is not logical for us to accept the 2000 to 2010 U.S. Census growth rate as it is at best it is questionable given the growth rates of the younger groups and the 25 to 44 age groups. The result is an increase of 10,465 over the original calculation where we did not make the adjustments to the 15 to 24 age groups.

5. Kiryas Joel's Female U.S. Census Population for 2021 to 2030 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Female Population [Years of age]	2000 U.S. Census Female Pop. - (46.2%)	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	% Change over 10 years.
Under 5	1,237	2,295	1,058	86%	8.6%	5,403	5,821	6,271	6,752	7,268	7,822	8,415	9,052	9,734	10,466	108.8%
5 to 9	1,007	1,759	752	75%	7.5%	3,862	4,139	4,434	4,749	5,086	5,445	5,828	6,237	6,674	7,140	98.2%
10 to 14	796	1,320	524	66%	6.6%	2,617	2,779	2,950	3,131	3,323	3,525	3,739	3,965	4,203	4,456	80.8%
15 to 19	822	887	65	8%	0.8%	1,881	2,006	2,137	2,275	2,422	2,577	2,741	2,914	3,097	3,291	86.6%
20 to 24	674	721	47	7%	0.7%	2,169	2,383	2,616	2,870	3,147	3,449	3,779	4,138	4,530	4,958	151.2%
Total	1,495	1,608	113	8%	0.8%	4,051	4,388	4,753	5,145	5,569	6,026	6,519	7,052	7,627	8,248	206.4%
25 to 34	669	1,366	697	104%	10.4%	3,873	4,243	4,646	5,086	5,566	6,089	6,659	7,281	7,960	8,700	146.2%
35 to 44	335	652	317	95%	9.5%	1,677	1,821	1,977	2,145	2,327	2,524	2,737	2,967	3,215	3,483	125.7%
45 to 54	395	251	(144)	-36%	-3.6%	167	161	155	150	144	139	135	130	125	121	-29.9%
55 to 59	23	198	175	775%	77.5%	350	369	389	410	432	455	479	505	532	560	68.5%
60 to 64	18	163	145	828%	82.8%	303	320	338	357	377	399	421	445	469	496	72.9%
65 and over	94	120	26	27%	2.7%	124	124	125	125	126	126	126	127	127	127	3.1%
	6,070	9,732	3,662	60%	6.0%	22,427	24,166	26,038	28,051	30,218	32,549	35,058	37,760	40,667	43,798	110.5%

Table A2.5 –Kiryas Joel's Female Population with the 2011 to 2020 growth based on 2000 to 2010 growth rate for all groups with the exception of the 15 to19 assumed to grow at the same rate as the 10 to 14 age group (5.7%), 20 to 24 assumed to grow at the same rate as the 24 to 29 age group (9.1%), 55 to 59 and 60 to 64 both of these senior groups are assumed to grow at 5.4% a year. We then distribute the growth number across the Female and Male population based on their respective growth rates for each category

This adjusted population growth for Kiryas Joel is then spread out to take into consideration the fact that the females are growing at a more rapid rate than their male counterparts. We took the 2000 to 2010 growth rate and divided it for each age group by the total of the female and male growth for those age groups. The total population growth was then distributed based on the percentage of growth each was responsible for. The result is an increase in the female population of 5,173 over the original calculation where we did not make the adjustments to the 15 to24 age groups.

6. Kiryas Joel's Male U.S. Census Population projections for 2021 to 2030 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Male Population [Years of age] - (53.8%)	2000 U.S. Census Female Pop (53.8%)	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	% Change over 10 years.
Under 5	1,440	2,314	874	61%	6.1%	4,517	4,814	5,133	5,474	5,840	6,233	6,654	7,105	7,589	8,107	91.2%
5 to 9	1,173	1,889	716	61%	6.1%	3,609	3,836	4,077	4,335	4,610	4,904	5,218	5,552	5,909	6,291	85.2%
10 to 14	928	1,387	459	50%	5.0%	2,365	2,487	2,616	2,752	2,896	3,049	3,210	3,380	3,560	3,750	66.7%
15 to 19	957	1,188	231	24%	2.4%	1,937	2,031	2,130	2,235	2,345	2,462	2,585	2,716	2,854	3,000	62.2%
20 to 24	784	875	91	12%	1.2%	1,977	2,140	2,317	2,511	2,721	2,951	3,202	3,476	3,774	4,100	124.2%
Total	1,742	2,063	321	18%	1.8%	3,915	4,171	4,447	4,745	5,067	5,413	5,788	6,192	6,628	7,100	50.3%
25 to 34	780	1,397	617	79%	7.9%	3,306	3,587	3,894	4,229	4,594	4,992	5,426	5,900	6,416	6,980	129.0%
35 to 44	390	659	269	69%	6.9%	1,406	1,511	1,624	1,747	1,879	2,023	2,178	2,345	2,526	2,722	108.0%
45 to 54	460	258	(202)	-44%	-4.4%	156	149	142	136	130	123	118	112	107	102	-38.0%
55 to 59	26	191	165	625%	62.5%	343	362	382	403	425	448	472	498	525	553	69.9%
60 to 64	20	194	174	849%	84.9%	334	351	369	388	408	430	452	476	500	527	65.8%
65 and over	110	91	(19)	-17%	-1.7%	95	95	96	96	97	97	97	98	98	98	4.0%
	7,068	10,443	3,375	48%	4.8%	20,046	21,363	22,780	24,305	25,946	27,711	29,612	31,657	33,859	36,229	92.5%

Table A2.6 –Kiryas Joel's male Population with the 2011 to 2020 growth based on 2000 to 2010 growth rate for all groups with the exception of the 15 to 19 assumed to grow at the same rate as the 10 to 14 age group (5.7%), 20 to 24 assumed to grow at the same rate as the 24 to 29 age group (9.1%), 55 to 59 and 60 to 64 both of these senior groups are assumed to grow at 5.4% a year. We then distribute the growth number across the Female and Male population based on their respective growth rates for each category

This adjusted population growth for Kiryas Joel is then spread out to take into consideration the fact that the females are growing at a more rapid rate than their male counterparts. We took the 2000 to 2010 growth rate and divided it for each age group by the total of the female and male growth for those age groups. The total population growth was then distributed based on the percentage of growth each was responsible for. As you can see the total growth for the males is about 30% less than the women. The result is an increase of 5,292 over the original calculation where we did not make the adjustments to the 15 to 24 age groups.

7. Kiryas Joel's Total U.S. Census Population Projections for 2031 to 2040 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Total Population [Years of age]	2000 U.S. Census Pop	2010 U.S. Census Pop.	Change 2000 to 2010	% Change 2000 to 2010	Avg. Growth by age group	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	% Change over 10 years.
Under 5	2,677	4,609	1,932	72%	7.2%	19,913	21,351	22,891	24,544	26,315	28,214	30,250	32,433	34,774	37,284	100.7%
5 to 9	2,180	3,648	1,468	67%	6.7%	14,335	15,301	16,331	17,431	18,605	19,857	21,195	22,622	24,145	25,771	91.9%
10 to 14	1,724	2,707	983	57%	5.7%	8,674	9,169	9,691	10,244	10,828	11,446	12,098	12,788	13,517	14,288	74.1%
15 to 19	1,779	2,075	296	17%	1.7%	6,649	7,028	7,429	7,852	8,300	8,773	9,274	9,802	10,361	10,952	74.1%
20 to 24	1,458	1,596	138	9%	0.9%	9,879	10,775	11,752	12,817	13,980	15,247	16,630	18,138	19,783	21,577	138.2%
Total	3,237	3,671	434	13%	1.3%	16,528	17,803	19,181	20,670	22,280	24,021	25,904	27,941	30,144	32,529	111.9%
25 to 34	1,449	2,763	1,314	91%	9.1%	17,102	18,653	20,345	22,190	24,202	26,396	28,790	31,401	34,248	37,354	138.2%
35 to 44	725	1,311	586	81%	8.1%	6,706	7,248	7,834	8,468	9,152	9,892	10,691	11,555	12,489	13,499	117.6%
45 to 54	855	509	(346)	-40%	-4.0%	214	205	197	189	181	174	167	160	154	147	-33.8%
55 to 59	49	389	340	694%	69.4%	1,174	1,237	1,304	1,374	1,449	1,527	1,609	1,696	1,788	1,884	69.2%
60 to 64	38	357	319	839%	83.9%	1,077	1,135	1,197	1,261	1,329	1,401	1,477	1,557	1,641	1,729	69.2%
65 and over	204	211	7	3%	0.3%	227	228	228	229	230	231	231	232	233	234	3.5%
	13,138	20,175	7,037	54%	5.4%	85,951	92,329	99,199	106,599	114,570	123,159	132,413	142,385	153,134	164,720	105.8%

Table A2.7 – Total Kiryas Joel's population with the 2011 to 2020 growth based on 2000 to 2010 growth rate for all groups with the exception of the 15 to 19 assumed to grow at the same rate as the 10 to 14 age group (5.7%), 20 to 24 assumed to grow at the same rate as the 24 to 29 age group (9.1%), 55 to 59 and 60 to 64 both of these senior groups are assumed to grow at 5.4% a year.

This adjusted population growth for Kiryas Joel is to determine what would happen if the growth was adjusted to determine the effects of a more rapid growth for the 15 to 24 age groups. It is not logical for us to accept the 2000 to 2010 U.S. Census growth rate as it is at best it is questionable given the growth rates of the younger groups and the 25 to 44 age groups. The result is a cumulative increase of 24,530 over the original calculation where we did not make the adjustments to the 15 to 24 age groups.

8. Kiryas Joel's Female U.S. Census Population projections for 2031 to 2040 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Female Population [Years of age]	2000 U.S. Census Female Pop. - (46.2%)	2010 U.S. Census Female Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	% Change over 10 years.
Under 5	1,237	2,295	1,058	86%	8.6%	11,250	12,091	12,992	13,959	14,996	16,107	17,298	18,576	19,945	21,414	104.6%
5 to 9	1,007	1,759	752	75%	7.5%	7,638	8,169	8,735	9,340	9,986	10,675	11,411	12,196	13,034	13,928	95.1%
10 to 14	796	1,320	524	66%	6.6%	4,723	5,005	5,303	5,618	5,951	6,303	6,675	7,068	7,484	7,924	77.8%
15 to 19	822	887	65	8%	0.8%	3,495	3,711	3,940	4,181	4,437	4,707	4,992	5,293	5,612	5,949	80.8%
20 to 24	674	721	47	7%	0.7%	5,424	5,933	6,487	7,092	7,752	8,472	9,257	10,114	11,048	12,066	143.4%
Total	1,495	1,608	113	8%	0.8%	8,919	9,644	10,427	11,274	12,189	13,179	14,249	15,407	16,660	18,015	118.4%
25 to 34	669	1,366	697	104%	10.4%	9,508	10,388	11,349	12,396	13,539	14,785	16,144	17,627	19,243	21,007	141.4%
35 to 44	335	652	317	95%	9.5%	3,773	4,087	4,426	4,792	5,188	5,616	6,079	6,579	7,119	7,703	121.1%
45 to 54	395	251	(144)	-36%	-3.6%	117	113	109	106	102	99	96	93	90	87	-28.2%
55 to 59	23	198	175	775%	77.5%	590	622	656	691	728	767	808	852	897	946	68.8%
60 to 64	18	163	145	828%	82.8%	523	552	583	615	649	685	723	763	805	849	71.4%
65 and over	94	120	26	27%	2.7%	128	128	129	129	129	130	130	131	131	131	3.1%
	6,070	9,732	3,662	60%	6.0%	47,169	50,799	54,709	58,921	63,458	68,346	73,613	79,290	85,408	92,004	110.1%

Table A2.8 –Kiryas Joel's female Population with the 2011 to 2020 growth based on 2000 to 2010 growth rate for all groups with the exception of the 15 to 19 assumed to grow at the same rate as the 10 to 14 age group (5.7%), 20 to 24 assumed to grow at the same rate as the 24 to 29 age group (9.1%), 55 to 59 and 60 to 64 both of these senior groups are assumed to grow at 5.4% a year. We then distribute the growth number across the Female and Male population based on their respective growth rates for each category

This adjusted population growth for Kiryas Joel is then spread out to take into consideration the fact that the females are growing at a more rapid rate than their male counterparts. We took the 2000 to 2010 growth rate and divided it for each age group by the total of the female and male growth for those age groups. The total population growth was then distributed based on the percentage of growth each was responsible for. The result is an increase in the female population of 12,059 over the original calculation where we did not make the adjustments to the 15 to 24 age groups.

9. Kiryas Joel's Male U.S. Census Population Projections for 2031 to 2040 based on 2000 to 2010 U.S. Census

U.S. Census Kiryas Joel Male Population [Years of age] - (53.8%)	2000 U.S. Census Male Pop (53.8%)	2010 U.S. Census Male Pop.	Change 2000 to 2010	% Change 2000 to 2010	Average Growth by age group	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	% Change over 10 years.
Under 5	1,440	2,314	874	61%	6.1%	8,664	9,260	9,899	10,584	11,319	12,107	12,952	13,858	14,829	15,870	95.7%
5 to 9	1,173	1,889	716	61%	6.1%	6,698	7,132	7,596	8,090	8,619	9,182	9,784	10,426	11,111	11,843	88.3%
10 to 14	928	1,387	459	50%	5.0%	3,952	4,164	4,389	4,626	4,877	5,143	5,423	5,720	6,033	6,364	69.7%
15 to 19	957	1,188	231	24%	2.4%	3,154	3,317	3,489	3,671	3,863	4,067	4,282	4,509	4,749	5,003	66.8%
20 to 24	784	875	91	12%	1.2%	4,455	4,842	5,264	5,725	6,227	6,775	7,373	8,025	8,735	9,511	132.0%
Total	1,742	2,063	321	18%	1.8%	7,609	8,159	8,753	9,396	10,091	10,842	11,655	12,534	13,485	14,514	104.4%
25 to 34	780	1,397	617	79%	7.9%	7,594	8,265	8,996	9,793	10,663	11,611	12,646	13,774	15,005	16,347	134.2%
35 to 44	390	659	269	69%	6.9%	2,933	3,161	3,408	3,675	3,964	4,275	4,612	4,976	5,370	5,796	113.0%
45 to 54	460	258	(202)	-44%	-4.4%	97	92	87	83	79	75	71	67	64	60	-40.5%
55 to 59	26	191	165	625%	62.5%	583	615	649	684	721	760	801	845	890	939	69.6%
60 to 64	20	194	174	849%	84.9%	554	583	614	646	680	716	754	794	836	880	67.2%
65 and over	110	91	(19)	-17%	-1.7%	99	99	100	100	100	101	101	102	102	102	4.0%
	7,068	10,443	3,375	48%	4.8%	38,782	41,530	44,490	47,678	51,113	54,813	58,799	63,095	67,726	72,716	100.7%

Table A2.6 –Kiryas Joel's male Population with the 2011 to 2020 growth based on 2000 to 2010 growth rate for all groups with the exception of the 15 to 19 assumed to grow at the same rate as the 10 to 14 age group (5.7%), 20 to 24 assumed to grow at the same rate as the 24 to 29 age group (9.1%), 55 to 59 and 60 to 64 both of these senior groups are assumed to grow at 5.4% a year. We then distribute the growth number across the Female and Male population based on their respective growth rates for each category

This adjusted population growth for Kiryas Joel is then spread out to take into consideration the fact that the females are growing at a more rapid rate than their male counterparts. We took the 2000 to 2010 growth rate and divided it for each age group by the total of the female and male growth for those age groups. The total population growth was then distributed based on the percentage of growth each was responsible for. As you can see the total growth for the males is about 30% less than the women. The result is an increase of 12,471 over the original calculation where we did not make the adjustments to the 15 to 24 age groups

KIRYAS JOEL MUNICIPAL LOCAL DEVELOPMENT CORP.
HEAD START PROGRAM

48 Bakertown Rd. Suite 406 * Monroe, NY 10950 * (845) 783-3651 Fax: (845) 783-4680

June 21, 2015

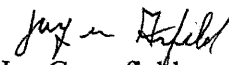
Dear Mr. Gedalye Szegedin,

It is with pleasure that I write this letter of support on behalf of the village of Kiryas Joel. We at the KJ Head Start hope that the annexation for the village of Kiryas Joel will be approved. Clearly there is a need for more housing in the village, which would be feasible if the annexation took place. Without it the people of KJ and their children will be stuck with nowhere to go.

The KJ Head Start is pleased to continue supporting the village of Kiryas Joel and its families. We look forward to providing additional day care and health services to all those families that would benefit from this annexation.

It is my sincere hope that the Village of KJ's request for annexation is approved so we can continue providing services to children and families who need day care services, so that parents can go to work and support them.

Sincerely,


Jay Greenfield
Director

Goldy Spitzer

6/21/2015

To: the Village of Kiryas Joel and the Monroe Town board And Tim Miller associates

I read about the Public Hearing for the 507 Acre annexation on June 10th and I heard about a continues argument from the opponents to the annexation that Hassidic Orthodox Jews are welcome to join all New York citizens and live anywhere in Orange County, so therefore there is no need to have more land annexed to Kiryas Joel to get new housing that serves the needs of the Hassidic community because they will be fairly served and treated with housing and accommodations according to their religious needs in every area in Orange County.

Please read the attached articles of a prominent Jewish newspaper These articles show a clear direct pattern of local boards and communities using local laws to discriminate against Orthodox Jews, and that the Orthodox-Jews are not welcome at all in other municipalities in NYS, the history of these communities are enough reasons to vote for our religious freedom to survive and for you to vote YES to allow the orthodox Jewish people to live with freedom at a minimum in Kiryas Joel.

I urge you to please vote yes to approve the annexation, please vote YES on the 507 Acres, because we live in the United States and we are allowed to practice our religion in the USA, and we are being blocked and un-welcomed in so many other NY communities, please let us have a place where we are fully welcome and a place we can call it home.

Please include my letter together with its 4 articles as exhibits as part of the annexation record.

Thanks in advance.

Goldy Spitzer

Honorable Town Supervisor Harley Doles
Honorable Village Mayor Abraham Wieder
c/o Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

Dear Mr. Doles and Mr. Wieder,

I am writing to add my voice in support of the application for annexation of 507 acres of land into the Village of Kiryas Joel. For the reasons set forth below, I strongly believe that this annexation is in the overall public interest of the area.

As a husband and father residing in the Village of Kiryas Joel, I enjoy many of the services afforded to me in this community. As my family and other families in Kiryas Joel continue to grow in size, I worry that I will not be able to have adequate living space for my children when they get older and start their own families. I treasure spending time with my family and I can't imagine not having my extended family living nearby in the annexation area, to celebrate family events and holidays with me and my wife.

2-12

The annexation will also have a positive impact on the ability to construct affordable housing. This is a crucial need in our community as most of the residents cannot afford to live in expensive homes on large lots.

In addition to accommodating our growth, the annexation area will also serve the educational and religious needs of our expanding community. This new area will be able to accommodate the construction of additional schools and houses of worship which are crucial to the needs of my family and community.

For the sake of my children and my neighbor's children, I urge you and the Boards of the Town of Monroe and the Village of Kiryas Joel to support the application for annexation.

Sincerely,

Print Name: Mr. _____ Signature: _____

Address: _____

Apartment: _____ Monroe, NY 10950

Date: ___/___/___



חברת העלה דקריית יואל
KIRYAS JOEL VOLUNTEER E.M.S. INC.

51 Forest Road, Suite 375 • Monroe, New York 10950

24 Hour Emergency Number: 845-783-1212

Admin. Office: 845-371-4141 Fax: 845-746-4255

E-Mail: office@kiryasjoelems.org

Board Of Directors

Emanuel Lebnrovitz

Aron Shaul Sandel

Eluzer Gruber

Jacob Gluck

Aron Wolf Platsek

Founder

Moshe Aron Steinberg

6/10/15

To Whom It May Concern:

KJ EMS has been providing high quality care with an exceptional quick response time to the Kiryas Joel community and when called upon, to its surrounding neighbors, for about 40 years.

In the past year, KJ EMS responded to approximately 6000 calls. In 2014 we were recognized and awarded for agency of the year. We have been providing mutual Aid assistance to all our neighbors and we are available when we are requested for assistance, standbys, community affairs and local drills. 3,382

We have the resources, personnel, ambulances, state of the art equipment and the constant continued support of our village governmental officials.

Should the annexation go through, I am confident that we can continue providing the same high quality care within the same timely response that our community and residents have become accustomed to.

I therefore implore you to vote yes for the annexation so that those residents can benefit from our services and all the other exceptional services available to the current residents of Kiryas Joel.

Thank You!

Sincerely,

Israel Knobloch, Administrator

!

Subject: FW: Comments on SEQRA DOCUMENTS FOR PROPOSED 507-ACRE ANNEXATION to VILLAGE OF KIRYAS JOEL

From: MICHAEL G KROPOSKI [mailto:mkroposki@sbcglobal.net]
Sent: Saturday, June 20, 2015 6:45 PM
To: tmiller@timmlerassociates.com
Subject: Comments on SEQRA DOCUMENTS FOR PROPOSED 507-ACRE ANNEXATION to VILLAGE OF KIRYAS JOEL

The draft shows almost no negative impacts by assuming up front that there will be the same population growth with or without annexation. This is just not so. If the regions bordering KJ cannot accommodate large fast growth it would not take place. Secondly it misses the real issues " Is the annexation area suitable for high density growth and is it ECONOMICALLY feasible.

6 NYCRR 617.1 Provides :

3.2.11-6

(d) It was the intention of the Legislature that the protection and enhancement of the environment, human and community resources should be given appropriate weight with **social and economic** considerations in determining public policy, and that those factors be **considered together** in reaching decisions on proposed activities. Accordingly, it is the intention of this Part that a suitable balance of **social, economic and environmental** factors be incorporated into the planning and decision-making processes of state, regional and local agencies. **It is not the intention of SEQR that environmental factors be the sole consideration in decision-making.**

The Kiryas Joel (KJ) land annexation Petitions present a complex interplay of economic, social and environmental issues. The primary one is whether KJ is presently an economically viable municipality and whether the expansion of it results in an economically viable entity.

The annexation area is rather hilly and uneven making high density development difficult and more expensive. With reports that KJ has the lowest per capita income in the County, can they realistically afford such high cost development. If they cannot annexation will lead to a economic disaster in terms of a functioning municipal government.

3.1-16

One example of the unaddressed economic issues is the need for adequate access roads. It appears that the annexation area will lead to expanded use of access on Forrest Avenue, a Monroe Village street which was not designed for use as a major access way. Who will pay for upgrading expanded access for the high density development in the annexation area?(If it is even feasible). Certainly not the Village of Monroe! This is a real impact which is not addressed in the draft SEQRA. This should have been at least mentioned in the Cumulative Impacts section but it is not.

3.4-9

The Fiscal chapter in the draft is curiously devoid of most financial information concerning the projected costs of the annexation. With annexation it shows a KJ tax revenue surplus of about \$2,379,758 but does not indicate the specific projected cost of providing streets, water, sewers etc to the annexation area. The draft uses a figure of \$70 per capita but does not provide any backup information to support the reasonableness of this figure. The whole issue of the additional costs of high density development is not addressed. There is almost no economic data for KJ in the draft while at the same time complete budgets for the Town of Monroe and the MW School District are included!

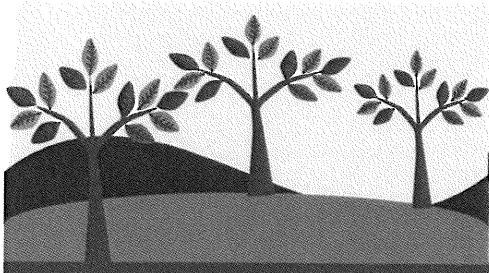
3.7.11-7

3.7.11-8

There is a short reference to the KJ village budget that states the village tax revenue is 25.9% of the whole budget. Sales tax is said to contribute 37% and user fees 20.3%. There is no explanation as to the source of the remaining 16.9% assuming that the KJ Village presently has a balanced budget!

Although, as is pointed out above, assessing the economics of the environmental impacts of the annexation are a central issue under the statute and regulations, this draft simply avoids the whole issue. If the economic resources are not adequate to fund the expansion of the KJ Village, to go forward with the annexation is a bad decision for environmental protection.

Respectfully submitted,
Michael Kroposki



The Preservation Collective, Inc.

PO Box 721 | Chester NY 10918 |

www.thepreservationcollective.com

June 22, 2015

Tim Miller
Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

Sent via email: tmiller@timmillerassociates.com

Re: Town of Monroe/Village of Kiryas Joel
Annexation Petition(s) / DGEIS Public Hearing Comments

Dear Mr. Miller:

As with our comments on the Draft Scope Document(s), we hope the information in this letter proves useful for the GEIS on the annexation petitions. As you know, our non-profit organization works to help protect scenic, historic and cultural resources that are important to a community as well as raise awareness of environmental impacts of new development. Over the years, our organization has contributed to the review process of many new development projects brought to our attention as well as involved in comprehensive planning in Orange County.

We attended the public hearing on June 10 to gather information. Many of the comments and written submissions to date cover the same concerns that we have, in particular the need for additional studies to analyze the impacts and mitigation measures associated with any high density, commercial, and or mixed use development planned for the land that would annexed. There are many environmental concerns including impacts on water and sewer resources already questioned by other commenters. We also want to know more details on how the planned developments will impact the area's natural and cultural resources compared to those that would occur without annexation, as well as the compatibility of annexation-related development with surrounding municipalities' efforts to preserve their rural character and resources.

It has been argued that high density housing uses less of some resources; however it may use more of others. In the question of the overall benefit, green space needs to be preserved. Otherwise, with unlimited growth, in the end, you use up all the land and many of the benefits prove illusory.

SEQR gives local boards' independent authority to impose conditions on project approvals to mitigate negative impacts on open spaces and their associated environmental features. Open space helps control storm water runoff, preserves surface water quality and stream flows, and aids in the infiltration of surface water to replenish aquifers just to name a few benefits.

3.6-9
↓

3.6-9
con 4

When lands are converted to other uses, the natural benefits provided by open space often must be replaced through the construction of water treatment facilities and infrastructure to control storm water, all paid for through local tax revenue. A series of studies have found the preservation of open space to be a more economical way to address storm water requirements.

Open space shouldn't be an afterthought. That is what international planning expert Randall Arendt, author of *Designing Open Space Subdivisions*, believes. A New York Times article described his philosophy as "a good development...starts with what you don't develop." According to him, "you identify the open space first". The DGEIS did not do so and this should be addressed.

The DGEIS states (3.1.4) "It is anticipated that the Village of Kiryas Joel will establish a master plan committee to study the opportunities and constraints of the 507 acres as it relates to Village goals for its existing and future residents, and make specific recommendations for future land use decisions." Shouldn't an updated plan by the Village of Kiryas Joel already be completed so that the DGEIS can study the anticipated impacts of the annexation and the "Smart Growth" elements to be adopted?

3.1-17

How will the FGEIS set the thresholds required by SEQR regulation 6 NYCRR 617.10[c]? What if the goals and recommendations of the Village master plan are different than those that are stated in the GEIS? Will a Supplemental GEIS be done, as required by SEQR 6 NYCRR 617.10(d)(4)? These questions should be addressed.

In regards to open space and parkland, when reviewing comments on the Scope Document and DGEIS, we did not see where the question about parkland fees was addressed. The Town of Monroe's parkland fees and the estimated total fees that would be due the Town based on a build-out analysis, which would be given up if land is annexed into the Village, should have been addressed. We estimate a \$3,000 per unit fee x 1,431 potential dwelling units (as per DGEIS) = \$4,293,000.00 in potential parkland fees to the Town without annexation. Please note these parkland funds could be used to improve existing parkland in the Town, which can be utilized by those living in the proposed annexation area, and/or used to preserve additional open space in the area of the nearby County park and hiking trails. With annexation, these environmental benefits will be lost.

3.2.11-9

The DGEIS states (3.1.4) that "Land use compatibility has occurred in the Village and the Town of Monroe, generally, through adherence to commonly accepted planning principles, zoning codes, building codes and environmental rules and regulations. Such rules and policies are expected to continue with or without the annexation action." Can you be more specific and list those principles, codes, rules and regulations that are "commonly accepted" and those that are not? And what about compatibility with the bordering municipalities' land use regulations?

3.1-18

When thinking about the question whether the annexation is in the overall public interest, we question how each municipality would approve the anticipated development in taking a hard look at the environmental impacts as required and what comparisons in their review of the level of impacts and mitigation would be. There should be a comparison between the two municipalities' plans, policies, procedures and standards of development review included in the zoning data summary (Table 3-1-1). For example, what is the comparison of regulations by zoning district between Town of Monroe and Village of Kiryas Joel on limiting development of steep slopes and around waterbodies; lakes/streams and what is the difference in building setbacks?

3.1-19



3.1-19
con't

In addition, the Town of Monroe has utilized the Town Law (Section 278(3)(a)) for clustered layouts for projects which may not achieve greater development density than would be permitted for a conventional subdivision in the zoning district but do so in a fashion that “encourage[s] flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open lands.” This authority is also included in Town Code A65-2. This could be used to preserve the important greenway with hiking trail linkages. What zoning provisions does the Village of Kiryas Joel have currently, or would it adopt, to accomplish the same goal?

How does the Village of Kiryas Joel foster public involvement in the land use review process? Is information of meetings (agenda & minutes) available on its website? Does it issue public hearing notices for site plan review to property owners within 300 feet of the proposed action like the Town of Monroe does?

3.1-20

The DGEIS (3.1-16) states that it “assumes that the new development in the study area would accommodate the current mix of uses including open space on the few lots that are currently vacant or under-developed.” How did you come to this assumption? Can this statement be clarified and more specific: which “few lots” will include open space, how much open space will be persevered and will it be contiguous open space within the study area and adjacent property, e.g. County parkland? Is there any factual basis for this claim?

3.1-21

As for County parkland, what is the reasoning for a portion of it being included in the annexation?

3.1-22

As you know, when a municipality reviews development, it needs to ensure that it does not negatively affect surrounding properties and that the community develops in an orderly and cost-effective fashion. “Smart Growth” principles also include drawing boundaries of growth areas and conservation areas. Is there any such distinction of conservation areas if high density, urban development is planned to continue in the annexed area with no maximum density? What happens if the Village of Kiryas Joel meets the “level of ultimate development” as quoted in the Comprehensive Plan (dated Dec. 1999 page 19)?; will there be an effort to annex additional lands to develop them in the same way as what is being proposed now?

3.1-23

In regards to cultural resources section (3.7), is there a map and photos in the DGEIS to illustrate and support its determinations? When looking at the big picture of Orange County, opportunities in connecting conservation corridors may present themselves following the paths of the hiking trails. The County Open Space Plan recognizes the important network of recreation corridors, including the Shawangunk Ridge Trail, Long Path and Highland Trail as well as the Appalachian Trail.

3.7-7

High density development in mountain areas of the Village of Kiryas Joel is already seen from the famous Appalachian National Scenic Trail (see attached photo *). This is as an example of missed opportunities in past Planning Board review processes to mitigate impacts of development in higher elevations. Had they utilized the NYS DEC Program Policy know as “Assessing and Mitigating Visual Impacts” perhaps they could have reconsidered the location of high density development and extensive clearing by implementing mitigations measures to reduce visual impacts e.g. earth tone colors and tree preservation in this viewshed. If the annexation is approved, how will the Village of Kiryas Joel do this in the future?

3.7-8



* 2007 photo. Expanded tree clearing has occurred in area since photo in order to accommodate other development plans.

More specifically, under the DEC Program Policy (pages 3-4), the Appalachian Trail is an “aesthetic resource of statewide significance”, and if the proposed annexation will have visual impacts on it, these impacts were not specifically assessed or mitigated in the DGEIS.

3.7-8
con 4

The DGEIS references the Orange County Comprehensive Plan and states that it (the County Plan) depicts the Village of Kiryas Joel as being in the center of a sizable urban area or “Priority Growth Area”. The designation does not necessarily mean that the development planned if the land is annexed is appropriate for urban development on all of that land, as implied in the DGEIS (3.1-12). Consideration for steep slopes, wetlands and the location of resources like the Long Path and County parkland should be taken into consideration. We feel the following excerpt from that County Plan should be included in its entirety in the final GEIS (3.1-9):

3.1-24

Orange County Plan 2010, page 32 - “It is important to note that the Growth Areas were created at a broad-scale and represent generalized areas of the County where growth should reasonably be focused; therefore, not all land within the proposed Areas are developable or necessarily appropriate for development. Any development project should seek to preserve important natural and cultural resources, regardless of location.” [emphasis added]

The plans of the neighboring municipalities, as described in the DGEIS (3.1), emphasize protecting their natural environment. Does the DGEIS recognize that the impacts associated with the development of the lands in the proposed annexation will not end at the municipal boundary? If the land is annexed, what are the requirements in the Village of Kiryas Joel code to avoid habitat fragmentation, protect shared water resources, preserve prominent hiking trails, preserve tree lines and avoid visual impacts to surrounding areas?

3.1-25

The DGEIS states (3.1-18) that “Ultimately the overall development density of the land encompassing the Village and the annexation properties, with or without annexation, will be the same order of magnitude.” How did you come to this determination if the “theoretical maximum residential development density on the annexation land” will change from approximately 5 to 8.7 du/ac without annexation (and .1 to 3.5 du/ac in the adjoining municipalities) to at least double that, approximately 12 to 20 du/ac if annexation occurs and the Village has no regulated maximum density? As mitigation, will the Village implement a maximum density where areas abut low density zones and determine areas appropriate for either residential or commercial development based on surrounding uses?

3.1-26

We do not believe enough supporting analysis was provided that concurs with the DGEIS statements that (3.7.3) “under either development scenario described in the Project Description (without or with annexation), disturbance of the land would result from development activities to much the same degree regardless of the action.” and (3.6.3) “General areas of review related to the natural resources of any particular site in either municipal code include similar reviews and approvals”.

3.1-27

Briefly reviewing the Town of Monroe code, there appears to be more specific and more preventive regulations to guide its Planning Board in the approval process, including guidance from a Conservation Commission. In addition, the Town of Monroe has a regularly updated website with meeting agendas and minutes plus its site plan regulations improve public participation in the review process by encouraging participation by those living in the close proximity of the study area, due to their personal knowledge to communicate issues affecting a proposed action.

We believe it is in the overall public interest to foster public involvement in planning and development of communities as well as municipalities having established regulations that are environmentally conscious and ability to have applied properly in the approval process.

Thank you for your consideration.

Regards,



Tracy Schuh
President
TPC, Inc.

Cc: Town of Monroe Town Board
Orange County Planning Department
NYS DEC Commissioner and Regional Director Region 3

Reference: SEQR 617: <http://www.dec.ny.gov/regs/4490.html>

Attachment: Appalachian Trail viewshed – copy of photo from 2007

From: Russ Kassoff [mailto:russk@frontiernet.net]
Sent: Monday, June 22, 2015 9:27 AM
To: tmiller@timmlerassociates.com
Subject: Written Comments SEQRA PUBLIC HEARING / ANNEXATION PUBLIC HEARING 507 and/or 164 Acres Town of Monroe - 6-22-15

PLEASE REPLY WITH AN E-MAIL CONFIRMATION OF RECEIPT OF THIS MISSIVE AND POST ON THE APPROPRIATE PAGE AS REQUIRED AT YOUR EARLIEST CONVENIENCE.
Thank you.

Comment #: _____

SEQRA PUBLIC HEARING / ANNEXATION PUBLIC HEARING
for the
ANNEXATION OF 507 and/or 164 ACRES FROM THE TOWN OF MONROE TO THE
VILLAGE OF KIRYAS JOEL

Written Comment Form

Name: RUSS KASSOFF **Affiliation (if any):** Citizen and Taxpayer of the Unincorporated Town of Monroe

City, State, Zip: Monroe, NY 10950 **Telephone / E-mail:** russk@frontiernet.net

1. We simply DO NOT HAVE THE NATURAL RESOURCES TO SUSTAIN THE PROJECTED POPULATION GROWTH IN THIS AREA WITHOUT EXTRAORDINARY EXPENSIVE MEANS THAT SHOULD NOT BE BORNE BY THE OVERALL COMMUNITY FOR WHICH A HUGE ACQUISITION OF NATURAL RESOURCES WOULD BE NEEDED whether from the unsmart, unsustainable growth of the KJ community already here OR and influx of people to a built up, rezoned, high growth annexation land. 3.6-10

2. It is ridiculous to build a 13 mile pipeline to tap the NYC Water Supply. NYC has not issued permits for this - and the water in NYC has become more expensive than ever to its residents. The NYC Water Board has not approved the tapping of their Water Supply for KJ. Even KJ residents will incur HIGH WATER RATES from NYC should this ever be approved. Only political support exists as a result of the assurance of the block vote. There will be a tremendous resistance to this plan from the NYC residents and the Water Board which again has so far been done without proper approvals. 3.5.7-24

The inactive Cornwall wells beneath the property purchased by KJ interests has inaccurately been reported to NOT HAVE ANY EFFECT ON THE RESIDENTIAL LOCAL RESIDENTS OF CORNWALL. This is simply not true as reported by the Mayor of Cornwall. There has to be another way involving FOLLOWING THE ZONING LAWS AND THE RULES OF GOVERNMENT!

2a. **Consequences of massive building and development** - Who will be responsible for the aquifer and the quality of water to the surrounding neighbors as far as the aquifer will provide if, as is a normal occurrence construction causes the pollution of such aquifer? Will the polluted aquifer causing compromised water, perhaps even brown drinking water allow those who have been harmed to sue construction companies and developers? **A SOLE SOURCE**

3.5.7-25

AQUIFER for this region has always been met by the DEC with rulings that all development in such areas would be denied and the permitting would be rejected as well as building proposals because if the aquifer IS our single source then **THE ENTIRE COMMUNITY WOULD BE HARMED.**

2b. At the Public Comment hearing several residents of KJ who lived within the annexation proposal lands spoke to **needing services** that the town has so far not provided. Like anyone else in any area of the town **[all property owners may petition the town to create or develop a water district, a sewer district and the town CAN grant you the OK to create one providing that you pay for it.** Has a petition ever been filed to the town for such services? I myself enjoy my well water - I drink it, I wash with it, I shower with it and I love it. Massive construction projects will certainly damage the aquifer and who knows what effect that will be. **[A single home built in 2000 about 200 yards away turned my water brown for a week.. Imagine what massive development would do. If these residents of the unincorporated town of Monroe HAVE indeed approached the town for such services (including sidewalks and lights) and the town has refused them, it would be easy to ask some of the townspeople such as those in United Monroe to help them get these services. This side of town would help them. It appears both the Village and Town governments intentionally would not - in an effort to make more of a case for unsupported annexation.**

3.5.7-26

3. **SEWER** - The KJ leaders have shown complete disregard for the community outside of KJ. Every single proposal, every single act through government is completely based on their own sole interests (the leaders, developers and power brokers). The damage and harm to the overall community **INCLUDING** the people of KJ perpetuates an unfair gaming of the system and forces the government (us) to pay for things that we should not be paying for based on the magic bookkeeping of the culture. The rest of Orange County outside of KJ is not growing at an unsustainable rate, therefore no drastic measures for water is needed. **[The system is set up so that those living in sewer district #1 MUST share in the burden of improvements and fines for environmental violations. We are running at capacity in Harriman most of the time. There is simply no body of water other than the Ramapo River to handle sewage. ONLY the needs of KJ exceed the rest of Orange County in needing sewage disposal. The system is unfairly stacked against the non-KJ communities in the county who are NOT growing at an uncontrollable exponential rate to share in the penalty of overuse and misuse of the sewage system yet KJ continuously has been shown to have environmental violations and fines in the hundreds of thousands of dollars. Harriman just cannot expand.]** The stench at the county sewage plant in Harriman has caused the quality of life of Harriman residents to suffer severely. **To pay hundreds of millions of dollars to create a sewer pipeline and upgrade or even build new sewage treatment plants miles away from KJ for their sole needs and not the needs of the rest of the residents of Orange County is heinous and unfair at best. It is simply not in the best interest of the community.**

3.5.8-13

THERE HAS BEEN NO RESPONSE from the KJ Village Board to Mayor Welle of Harriman regarding having even a simple dialog about this when such issues regularly arise. Another example of how KJ leaders have no concern for the general public.

4. **VACANT APARTMENTS IN KJ, KJ Low Income Housing** [In a meeting I had at the Orange County Department of Real Property and Budget, I was told that **10% of all the apartments in KJ are VACANT!!! WHY???** A conservative estimate of today's KJ population is 25,000 in spite of all studies intentionally using numbers for everything that are over FIVE YEARS OLD! These vacant apartments could house 2,500 people!!! And yet public knowledge has printed 8,500 new units to be developed on rezoned annexed lands which could accommodate as much as 50,000 new people. NYS in the form of housing grants, aid and also Federal Funds are paid to KJ every year yet it's been 12 years since a village lottery was held to award **low income housing** to the poorest of KJ residents. **WHERE IS THIS MONEY AND WHY HAS KJ BEEN ALLOWED TO DISREGARD THE LAWFUL APPROPRIATING OF A PORTION OF THESE STATE AND FEDERAL FUNDS TOWARDS LOW INCOME HOUSING?**

3.3.8-22

5. **EMERGENCY EVACUATION PLANS AND TRAFFIC** - There are only two roads in and out of KJ. Both of them merge into the only major arteries that would be used to escape from the area. With additional population - in the event of a natural emergency or otherwise (earthquake, nuclear accident, the exit of KJ currently would completely block the entire rest of the town. Only 13 miles away Indian Point could have such an event at any time. We've had two serious events causing shutdown of the nuclear reactors in the past two months. Even now the density of KJ would delay any evacuations. This does not appear to be addressed in the DGEIS. How many people would die in such an emergency because proper evacuation procedures were not addressed?

3.4.10

6. Sadly, **HOME VALUES** outside of KJ have **plummeted**. It is extremely disconcerting AND disturbing that the real estate market has collapsed. My home has plummeted in value by 33% in the past two years. I wouldn't be able to sell it for what I paid for it 20 years ago! **The average price of a single family home is now under 200k** in the Town of Monroe outside of KJ in spite of what the real estate brokers will tell you. **It is now cheaper to buy a house here than an apartment in KJ which averages 200K..** A flyer has been distributed by KJ developers that indicate **new construction will be \$200 per sq foot!!** The new apartments will be an average of **2400 square feet. That's an average price for new apartments of \$480K!!!** People who have invested their life savings in a home in the Town of Monroe **CANNOT SELL THEIR HOMES WITHOUT GIVING THEM AWAY**, and even then nobody is coming here to even look at homes, let alone purchase. For this bucolic, rural residential community to suffer the immeasurable stress of losing their investments, being unable to leave when in fact most love living here, is all **because of the uncertainty of uncontrolled development designed for one specific group of people that does not participate in the overall community.** It is also unfortunate that the uncertainty spreads to the future of the Monroe-Woodbury School District as the blue print of the destruction of the East Ramapo School District is becoming all too public and the sleeping residents and prospective buyers are becoming **ALL TOO AWARE. What is happening to those of us who are non-hasidic is of no concern to the leaders of KJ AND the**

3.2.11-10

elected officials picked by their block vote. This is morally criminal and certainly not in the spirit of community.

7. When **Dov Hikind** was paid to come up to the KJ public comment forum on June 10 to spew hatred, accusations and insinuations at all of us outside the Hasidic community, he and attorney Barshow - continued to paint those **not Hassids as anti-semitic and our new N word - Nazis which is so deplorable it warrants national attention.** As a Jew who celebrates the American way of life I am disgusted and offended as this rhetoric is **ALL LIES! As a Jew Mr. Hikind should remember the commandments - especially “Thou Shalt Not Lie!”** They both stated that the community was going to grow at this excessive rate - which is unsupportable and certainly not “smart growth” and asked - “would you rather THEY (he used THEY) buy property all over Orange County?” The crowd - Town and County residents screamed out **YES!! WE expect the leaders to oversee that the insular community of the good people of KJ observe the zoning laws, the rules, and respect the overall spirit and intent that the founding fathers created to live as Americans just like the rest of us.** If they are not financially and fiscally responsible for raising their large families - **WHY SHOULD IT BE EVERYONE ELSE’S PROBLEM? THE SECULAR MULTI-DENOMINATIONAL TOWN is always willing to sit down and discuss possible solutions with our Hasidic neighbors - at least have a dialogue.** The leaders would never want this, they’d lose power to the hearts and minds of the good people of KJ.

THE EXPECTATION IS THAT THE QUALITY OF LIFE OUTSIDE OF KJ OF ALL THE RESIDENTS WHO CHOSE AND CONTINUE TO LIVE HERE SHOULD BE GREATLY DIMINISHED AT THE EXPENSE OF THE UNSUPPORTABLE NEEDS OF THE PEOPLE OF ONLY KJ!!!

8. **THE BLOCK VOTE** consists of edicts from the leaders - the Rabbis and the Village Board as well as desperate intense hate-baiting and libelous campaigning by our Town Supervisor and HIS town council followers to mandate votes for representatives who will only be beholden - both covertly and overtly to **ALL** the wishes of the KJ Powers - not the good people of KJ. The village people - with the God given gift of free thought, are not permitted to vote with an informed conscience. They know not for whom they vote. The leaders will do everything to prevent the rest of the town to have **ANY** representation, they will not listen to **US** in a public forum and certainly not act within the budget comprised of **OUR** taxes for the overall good of the community. As an example, the movie theatre appears to be a siphoning drain of **ALL** the taxpaying Monroe citizens - without a business plan, and includes using the property taxes of KJ taxpayers even though the good people of KJ are forbidden to see movies. It is a bad business venture which has spent over 2 million dollars **ALREADY.** Since the movies rented get 1/2 the gross, **it would take 571,429.5 ticket sales to break even without buying another roll of toilet paper!! This building and its commercial movie venture belong in the private sector and BACK ON THE TAX ROLLS,** not owned and managed by the town government. It’s a money siphon designed to divide and conquer the opinion of the town who choose to remain uninformed.

It is the job of the town board to PROTECT ALL of the townspeople. The culture of the insular community of KJ promotes no interest in sitting down and meeting with us,

therefore we expect the town supervisor and town board to civilly be able to use logic and intelligence to deem whether the town should grant 507 acres or 164 acres from its sovereign borders. It is an easy decision to not allow unsustainable growth in our rural residential community for a myriad of reasons.. Water, Sewer, Traffic, Congestion, The Post Office.. The KJ BLOCK VOTE elected the town council to represent ALL of us. Not just KJ. We have little confidence that our needs and rural residential lifestyle will be protected by this board. The only sane vote to this is NO!

9. In a couple of years all the KJ children will be of **voting age** and again, know not for whom they vote - the worst of it being the harm it will do the the generations of folks who have roots in the Town of Monroe specifically to enjoy the rural residential lifestyle. We barely have any say in how the government wastes and decides to spend our precious money now. We might as well just write out our property tax checks to the Village Trustees. It will save on the extra level of paid administrative services and give them more of our tax money to spend on things the community does not want.

10. The town **MUST CREATE A WARD SYSTEM** for town council representation and KJ must not continue to be allowed to choose who the rest of the town's elected officials are especially when their culture doesn't permit coming together with the rest of the town's residents. Same is true for the school district. It would be the same as if the townspeople who do welcome and participate in the overall community FOR ALL - would take over the boards of the private schools. IT'S THE SAME THING!!! We exercise the common sense that we have no business doing that.

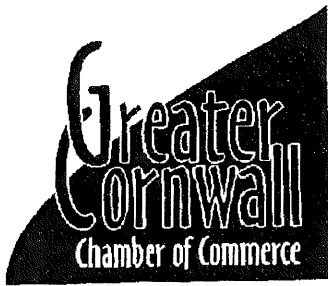
It is a real shame that the leaders and powers that be do everything possible to misinform and prevent the insular community of good people from branching out and joining us in events in the outside world - as right next door to KJ there is a most beautiful all-encompassing place with all-encompassing good people. The residents of theTown of Monroe.

*****BOTH ANNEXATION PROPOSALS ARE NOT IN THE OVERALL INTEREST OF THE COMMUNITY.. THE EXPANSION as KJ has printed of "THE HOLY LAND" is not more important than the preservation and defense of the sovereign borders of the Town of Monroe - for which the Town Board has sworn an oath to protect.**

FINALLY - The leaders of KJ show absolutely no interest in respecting, sympathizing, and ALLOWING anyone outside of their community to be considered as humans with rights. Hopefully one day soon the Alliance will rise up, cooler heads will prevail, and we'll have peaceful and financial co-existence.

Thank you for the opportunity to submit these written comments.

Russ Kassoff
russk@frontiernet.net



PO Box 700
Cornwall, NY 12518
www.cornwallchamber.org

June 22, 2015

Via fax

Tim Miller Associates, Inc.
10 North Street
Cold Spring, New York 10516

RE: Village of Kiryas Joel's Annexation DGEIS

On behalf of the members of the Greater Cornwall Chamber of Commerce, please be advised that the Chamber of Commerce has serious issues with the Village of KJ's annexation permit process. There are significant and substantive issues that must be addressed resulting from my previous letter to the DEC.

The Chamber is against any recent proposals or a request for reinstatement of the permit set forth by the Village of KJ in respect to construction of the water pipeline, its request to using the Mountainville wells and any proposal for water supply expansion, as well as its request for annexation of land from the Town of Monroe to the Village of Kiryas Joel.

We, as the Chamber, take great pride in our growing membership of local businesses and we believe this annexation permit is not in the overall best interests of greater Cornwall or its surrounding communities.

We believe the aquifer test conducted by KJ consultants is inadequate for determination of impacts to water dependent natural resources, our local farms, our tourism, our rivers and streams, the Moodna Creek Watershed and, most importantly, our own plans for our current needs for our water supply to our residents. 3.5.7-27

The Chamber has requested that Kiryas Joel, as SEQRA lead agency in this annexation process, address all concerns and issues brought up previously by the DEC's Legislative Hearing in 2014, address all environmental concerns listed above, and withdraw any petition for annexation until a new, full, environmental review of the water supply expansion be submitted.

Thank you,

Richard Massimi
President
Greater Cornwall Chamber of Commerce

June 21, 2015

Lead Agency: The Village of Kiryas Joel
%TIM MILLER ASSOCIATES, INC.
10 North Street, Cold Spring, New York 10516
FAX 845.265.4418
tmiller@timmillerassociates.com

By email and fax, to be included in the Public Record

Response to the **Annexation of 507 Acres Annexation Town of Monroe to the Village of Kiryas Joel DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Dear Village of Kiryas Joel Mayor and Trustees:

There are two annexations being considered. One is for **164 acres** and the other for **507** (including part of a County Park-where a previous water tower request by the Village was denied). Since the 164 acres annexation is a **segment** of the 507 acre annexation request, and segmentation is contrary to NYS law, it should be summarily dismissed if all parties desire to comply with the law.

The NYS Constitution Article 9 section 1d, State annexation law Article 17 of the GMU and prevailing case law clearly indicate that the annexation must be in the **“overall public interest”**. That means in the overall public interest of **ALL of the involved and interested communities**, not just the overall public interest of one municipality. How does it benefit Monroe, or for that matter, Woodbury, Blooming Grove and the County, to have a city forced upon them? Because that is what is being proposed. And please note, **Smart Growth** involves more than sidewalks and public transportation. It involves open space and wise use of resources and no reliance on taxis as public transportation.

2-13

Is it in the **overall public interest** for one municipality to impose its lifestyle on its neighbors through a hostile takeover?

*“The annexation lands are currently largely vacant or underdeveloped and provide an open space resource, although neither designated nor protected as such. In the future, whether or not the proposed annexation land becomes part of the Village of Kiryas Joel, **it will likely be developed to accommodate the projected population growth.**”* 507 Annexation DGEIS 3.6-5

3.1-28

This means high density housing. Is this annexation an attempt to circumvent current zoning?

Current zoning in the 507 acres does not in any way restrict the practice of any religion, just the intense build out. Surely, religious worship is recognized whether you live in apartments or in a private homes. Surely religious worship is recognized whether you drive or not. (Page 1 of 3)

Is it in the **overall public interest** to develop housing to the point where you **exceed the capacity of natural and other resources**? To attempt to exceed physical limitations? (It is physically impossible for two separate objects of matter to occupy the same space at the same time.) That is what the Village is trying to do here especially in to **sewer capacity**.

2-14

In regard to sewer service, the DGEIS frequently refers to the lack of sewer service availability in the area to be annexed as one of the reasons for annexation. Since this area is already in OC Sewer District # 1, why would annexation be necessary for obtaining sewer service? The majority of the area is in that district, however approximately a quarter of the land "to be annexed" is in the Moodna Sewer district. The Moodna Group, because of litigation and other factors, does not have priority over OC Sewer #1.

3.5.8-14

IF annexation were to occur, the *entire* area would be in OC #1 and therefore that one quarter of the annexed land would "jump the queue" ahead of residents of Woodbury and other areas, who have been in the sewer district for years with no hook-up, due to "lack of capacity". The residents in the annexed area would obtain that service at the expense of their neighbors.

There are numerous issues not addressed regarding **water supply**, which is inadequate currently and will be even more so if this annexation goes through. There are issues not addressed regarding inter-basin transfers that will help the Ramapo basin with increased flow but to the detriment of the already stressed Moodna basin.

3.5.7-28

The Village does not have a **water supply** adequate for the growth anticipated in its current territory; it definitely will not have an adequate water supply for the additional growth in expanded area should this annexation go through and be developed as indicated. And the Village of Kiryas Joel seems to be relying on water sources that are **not yet approved**, like the Mountainville wells, whose application was withdrawn back in January. Additionally, the Village plans on one well permit for a series of wells not connected or contiguous in anyway and these should be separate permits. Also, there is no back up water supply for redundancy as required. The water consumption rates are **underestimated** and this annexation and increased density will have a detrimental effect on the water supply in NYC should the Catskill Aqueduct connection be approved by the NYC DEP. It will have a detrimental effect on an approved Woodbury water source (a well nearby and not revealed by Village leaders to the NYC DEP) if the Mountainville wells are approved.

The DGEIS does not adequately address the increased **impervious surfaces** and the additional **runoff** due to high density housing as indicated above. Specifically, the document does not correctly address the effect that additional runoff will have on current drainage basins.

3.6-11

The DGEIS It does mention Inter-basin transfers as follows:

3.6-12



3.6-12
con't

"Thus, the water resources of the Ramapo watershed will be augmented by the inter-basin transfer of water, increasing the surface flow volume without a corresponding withdrawal from the Ramapo Basin." The transfer to the Ramapo basin is **from** the Moodna basin. What is not properly addressed is how this would affect the MOODNA basin, which is already stressed.

It is frequently asserted throughout the document that the anticipated, exponential growth is "natural" and therefore no other factors contributing to growth are included. However in order to be more accurate, the DGEIS, should also include growth due to the influx of Satmar from areas such as Brooklyn.

3.2.10-19

How can any municipality approve a document fraught with inadequacies on many fronts? I strongly urge BOTH boards to VOTE NO on this annexation in order to avoid an environmental fiasco!

Respectfully and Truthfully,

Lorraine McNeill
PO Box 767
Highland Mills NY 10930



June 22, 2015

The Honorable Harley E. Doles III, Town Supervisor of Monroe, New York
The Honorable Abraham Wieder, Village Mayor of Kiryas Joel, New York
c/o Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

Re: Support for Land Annexation to the Village of Kiryas Joel

Dear Supervisor Doles and Mayor Wieder:

Ezras Choilim Health Center is a New York State licensed diagnostic and treatment center that has been in operation in the Village of Kiryas Joel since 1995. We maintain a 40,000 square foot facility with 170 employees who successfully provide a "battery of services" (primary medical care, dental, and mental health care, as well as rehabilitative services) that has made us the provider of choice within our community. Although our designated service area is the Village of Kiryas Joel, we managed over 110,000 patient visits in 2014 and we draw patients from throughout the Town of Monroe and indeed the entire southeastern portion of Orange County.

3.3.8-23

The need and the ability to provide adequate housing as a best practice clearly contributes to the health of the population we serve and effectively supports positive medical outcomes for the Center's patients.

With the continued growth of the Village, and as a public non-profit community health center, we are strategically positioned to meet the current and future primary health care needs of the growing communities noted.

As a result, Ezras Choilim Health Center is in full support of the land annexation petition submitted to the Town Board of Monroe and the Village of Kiryas Joel Trustees.

We urge you to vote YES on the pending annexation petitions.

Sincerely,

Joel Mittelman
Executive Director

Susan Roth, AICP
26 Laura Road
Monroe, NY 10950

6/22/2015

RE: Proposed KJ Annexation application, comment on DGEIS.

Dear Board members:

I appeared at the night of the public hearing and intended to speak. However, there were a great number of people that had signed up before me, and at 9:45 there were approximately 30 speakers ahead of me. Based on the time that it was taking for each speaker it would have been beyond the time where I would have been able to get a ride back home. I understand that the public hearing was closed after an exhaustive night of public comments, and my only opportunity to submit comments is by writing this letter. Considering the complexity and controversy surrounding the proposed annexation, the public hearing should have been continued to allow another night of public comments, and I would have liked an opportunity to comment on this project in person and to listen to the comments that were submitted by other attendees.

[The analysis in the DGEIS does not provide enough information to evaluate the impacts of the project in the community. The basis of the analysis, the project description, which is supposed to allow the public an understanding of project, tells us that old housing was built at a density of about 6 units an acre and newer housing built at 19 units per acre. I am not convinced that, without a plan of development, that higher, unsupportable density would result.] Estimates are based on current growth rates, however if it is the goal of the development community to maximize profits, what better way than to build denser housing?

3.1-29

[There should be a supplement to the EIS demonstrating a potential build out scenario that illustrates how the land could be developed and integrated into the community in such a way that it transitions from higher densities of KJ to nearby rural densities. If this petition was for a zoning change, the development community would have had to demonstrate how it would look, and how impacts related to high density, such as the need for new residents to have access to nearby open space, how development would address the need for transit, new schools (whether or not they are public or private), and traffic. There is no particular plan at this point, even though this petition to change municipalities is a request of private development. I think that this level of detail is important, especially since KJ is part of this community, and shares resources with surrounding towns and Orange County. We ask no less of other developers that come to our community.]

Communities should be built with the idea that they would continue to work for all types of family groups, not just the current community. Communities evolve over time, needs become different, and sometimes they move away, and dismissing traffic concerns because women of this community do not drive is presumptuous. This practice insures that if the people who currently live here move or change their minds about women drivers in a few generations, then we will all have problems with parking and traffic.

3.1-30

When I have visited KJ, the quality of pedestrian facilities vary; with some of them poorly designed in terms of safety. For example, I've seen parking areas that use dropped curb sidewalks as the primary means of access to parking across the front of a building, dumpsters that are located near the edge of sidewalks and parking lots that obstruct the view of the walker and could create an accident. Although I admire any community that addresses the need for pedestrian access, sometimes there is a need for more than just a sidewalk to make the experience of walking pleasant and safe. In addition, I think that the need for parking by the KJ Village Planning Board is often underestimated. It is difficult to find parking on private lots, creating potential conflicts.

2-15

As stewards of this quality of life in the Town of Monroe, I think it is important for the Town Board of Monroe to take actions to ensure that the quality of life for all residents is maintained, those within and outside the Village of KJ. This proposal, in its current form should be rejected for lack of quality information about the proposal. In other words, ask the development community to demonstrate the build out. I understand that this request would create only a conceptual build out, but a concept could be used as a basis for design planning that could be carried over into the development process and the findings statement. Without a conceptual plan, the build out is uncertain and it does not make any sense for the Monroe Town Board to grant the petition.

2-16

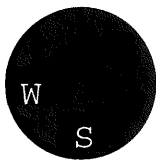
The speaker representing the owners alluded to the need to extend streets, create pedestrian and bus stops, new housing and expand other facilities. To defend the idea that they have no idea of how this would work out on the land is simply not believable, nor is the idea that this property is too large for a PUD concept that could be designed to blend into the broader community and provide residents of KJ with quality housing that includes amenities that residents need, including pocket parks, open space, transit opportunities, schools and more.

Sincerely,



Susan Roth, AICP

Resident of the Town of Monroe



W ILLENS + SCARVALONE ^{LLP}

40 W allStreet, Suite 4100
New York, NY 10005
www.willensscarvalone.com

tel 646 200-6334
fax 800 879-7938

Jonathan A. W illens
Edward Scarvalone

June 22, 2015

BY EMAIL

Tim Miller
Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

Re: Public Comments on the Proposed Annexation

We represent Kiryas Joel Poultry Processing Plant, Inc. (“KJ Poultry”), and submit these comments on KJ Poultry’s behalf in support of the proposed annexation to the Village of Kiryas Joel (“Village”).

I. Factual Background.

KJ Poultry is a privately-owned business located in the Village. It owns and operates the largest poultry plant in New York State, and is an important source of kosher chicken and turkey to the greater New York City metropolitan area and beyond. KJ Poultry sells to leading supermarkets, both kosher and non-kosher.

KJ Poultry is also a vital part of the Orange County local economy. The company is one of the largest private employers in the County. KJ Poultry employs over 250 people, almost all of whom are residents of the County. The great majority of its employees live outside the Village. These employees and their families, through their spending power, support local businesses throughout the County. So, too, does KJ Poultry, which obtains a significant amount of goods and services from the surrounding community, including contractors from all of the building trades: carpenters, electricians, plumbers, masons, *etc.*

II. KJ Poultry’s Record of Environmental Compliance.

Some of the public comments appear to assume that KJ Poultry is operated or controlled by the Village, and that any environmental compliance issues affecting the poultry plant must be the fault of the Village. This assumption is erroneous. The Village is not responsible for KJ Poultry’s conduct, any more than KJ Poultry is

3.1-31
↓

3.7-31
Con't

responsible for the Village's. Nor does it make sense to argue that the Village has "allowed" KJ Poultry to violate the Clean Water Act, as some commenters have claimed, inasmuch as the state and federal environmental regulators (not municipalities) are generally responsible for enforcement of the Act.

In any event, the criticisms of KJ Poultry's environmental compliance record ignore the facts. KJ Poultry discharges its wastewater pursuant to a permit from the Orange County Department of Public Works. The wastewater is pre-treated before being discharged to the local sewage treatment plant. The pre-treatment process removes all of the solid material from the wastewater, and reduces the organic pollutants to levels prescribed by the discharge permit issued by the County. The wastewater, upon discharge to the sewage treatment plant, is combined with sanitary waste from Orange County Sewer District #1, and the combined waste stream receives additional treatment by the sewage treatment plant before being discharged.

Since 2011, KJ Poultry has been in complete compliance with its discharge permit. In November of that year, KJ Poultry completed construction of an upgraded state-of-the-art pretreatment facility, designed by an environmental engineering consultant based in Virginia that specializes in poultry plants. The pretreatment upgrade, which cost KJ Poultry approximately \$1 million in design and construction costs, has proven to be a complete success, as the plant's wastewater consistently meets permit limits. These efforts have been applauded by the New York State Department of Environmental Conservation (NYS-DEC) and the U.S. Environmental Protection Agency (EPA).

Also in 2011, KJ Poultry completed construction of an upgraded stormwater control system, which captures all of the stormwater from the plant's loading area and directs it to the pretreatment facility for treatment, rather than allowing it to run off into the Village's municipal stormwater system. This stormwater upgrade, too, has been a success.

In addition to making these important upgrades, KJ Poultry resolved a potential dispute with EPA about the alleged historical violations pre-dating the upgrades' implementation. The parties negotiated a consent decree in October 2014 that settled this potential dispute, with KJ Poultry agreeing to pay an agreed-upon amount of civil penalties (\$330,000). The consent decree (a copy of which is attached) makes clear that the violations in question are past violations, and concern conditions that were remedied by the 2011 upgrades. *See* Consent Decree, ¶ 9.¹

¹ Thus, the consent decree's mention of instances when KJ Poultry's wastewater allegedly caused the sewage treatment plant to violate its permit states that these instances occurred "[a]t various

It is hardly uncommon for food processors to negotiate environmental settlements with government regulators. Food processing, by its very nature, yields wastewater containing organic pollutants, which – while not as harmful as other pollutants – must nonetheless be treated before discharge to the local sewage treatment plant. Wastewater from food processing is therefore subject to rigorous permitting from local authorities. Exceedances of permit limits sometimes occur, even by companies much larger than KJ Poultry. For example, Empire Kosher Poultry and Washington Beef have been the subject of recent environmental enforcement efforts involving the payment of significant civil penalties.²

The hallmark of a responsible company, however, is fixing the technical problems that gave rise to the environmental compliance concerns, and then resolving potential litigation with the environmental regulators. KJ Poultry has accomplished both of these goals – both through the 2011 upgrades described above, *see* page 2, and the 2014 consent decree with EPA. Going forward, KJ Poultry will continue to discuss issues of potential concern with the environmental regulators, whether EPA or NYS-DEC, and make additional investments in compliance technology where appropriate.³

Finally, the facts demonstrate KJ Poultry's commitment to conservation and recycling of resources. The company has reduced its water consumption and its wastewater by 40% – from approximately 250,000 gallons-per-day to 150,000 gallons-per-day – through a series of extensive (and expensive) plumbing improvements. As a consequence, KJ Poultry is not only saving 100,000 gallons-per-day in water usage each operational day, but has also decreased the amount of wastewater that it sends to the local sewage treatment plant – effectively reducing, by 100,000 gallons-per-day, the sewage loading of Orange County Sewer District #1. This improvement should be duly considered as part of your SEQRA analysis of potential water and sewer impacts.⁴

3.5.8-15

² In June 2013, Empire Kosher Poultry entered into an agreement with Pennsylvania's Department of Environmental Protection to pay \$99,000 in civil penalties to resolve Clean Water Act violations dating back to 2008. *See* <http://www.haaretz.com/jewish-world/jewish-world-news/1.528693>. In May 2010, Washington Beef entered into a consent decree with the U.S. Justice Department and EPA to pay a \$750,000 civil penalty and install treatment equipment estimated to cost approximately \$3,000,000. *See* <http://www.justice.gov/opa/pr/washington-state-slaughterhouse-operator-agrees-resolve-clean-water-act-permit-violations>.

³ All told, KJ Poultry has invested more than \$2.5 million in environmental improvements and mitigation measures since 2008. This expenditure is in addition to the cost of retaining an environmental engineering consultant and hiring a full-time compliance manager.

⁴ We are unaware of any water consumer or wastewater discharger in Orange County that can boast of a comparable 40% reduction.

III. KJ Poultry Supports the Proposed Annexation.

The proposed annexation will enable the Village to continue to grow in a smart, responsible way, by incorporating the new acreage into the Village sewer system and road system. This type of smart growth, in turn, will help the County at large, and also help KJ Poultry's customers and employees – both those who live in the Town of Monroe, and those who live elsewhere in Orange County. KJ Poultry therefore supports the annexation.

Sincerely yours,

A handwritten signature in cursive script that reads "Ed Scarvalone".

Edward Scarvalone

Encl.

Subject: FW: Public comment

From: james.skoufis@gmail.com [<mailto:james.skoufis@gmail.com>] **On Behalf Of** Assemblyman James Skoufis
Sent: Monday, June 22, 2015 9:29 AM
To: tmiller@timmillerassociates.com
Subject: Public comment

Please add the following to my remarks given at the June 10, 2015 DGEIS public hearing:

Given that each of the two, simultaneous annexation petitions offered just 90 seconds of public comment for a total of three minutes, I and many others did not have sufficient time to provide our remarks at the June 10, 2015 public hearing.

If I was afforded adequate time at the hearing, I would have concluded by requesting that Kiryas Joel officials make a genuine effort towards peaceful relations with neighboring communities. Hostilely taking land, forcing lawsuits, forcing state legislation, and dividing the very place we all call home are circumstances that I would hope no one wants to live by. So many, including thousands of residents in Kiryas Joel, have long looked for village officials to engage with neighboring communities and work towards peace. I look forward to that day.

Margie Turrin
2 Preakness Lane
New City NY 10956

**RE: PROPOSED ANNEXATION to VILLAGE OF KIRYAS JOEL
ORANGE COUNTY, NEW YORK**

TO: Tim Miller, Tim Miller Associates, Inc., 10 North Street, Cold Spring, NY 10516,

Please note my strong objection to the proposed annexation of 507 acres of land, 177 tax lots from the Town of Monroe to the Village of Kiryas Joel, and the subsequent petition to annex an additional 164 acres. It is surprising that the Village of Kiryas Joel Board of Trustees has been approved to be the lead agency for the Draft GEIS for this project. This seems a clear conflict of interest.

The proposed development plan does not take into account the current impact on water for Rockland County. The proposed source of water is not clearly delineated and much is left to be determined later. Planning cannot be done on blind trust. Prior to approving any kind of annexation clear plans need to be in place that note the source of all drinking water and the plan for wastewater.

3.5.7-29

Rockland draws a third of her water resources from well fields in the Ramapo River. Currently the water being pulled for drinking water is primarily groundwater from the wells, however there are times that, in addition to the well water, this water is pulling surface water. This means an extra layer of purification is required which is an extra cost to United Water and ultimately the customers as the end users.

Currently there are wastewater discharges upstream of the Ramapo Valley and Suffern well fields of approximately 8 mgd., which coincidentally is equal to the amount of river flow at these well fields during times of drought. This wastewater amount will increase with the new development being discussed as part of this annexation, which will overwhelm the flow in this area.

3.6-13

Rockland County commissioned a USGS study to look at our water resources from the period 2005-2007. This report (USGS 2010-5245, Paul Heisig) was published in 2010 and noted that during times of drought most of the well fields' water supply comes from the river, not the wells. I have already noted that during times of drought this flow is primarily treated wastewater. This is a major concern as the wastewater plant was not designed to treat the water up to drinking water standards and this added 'flush' of wastewater into the Ramapo will require added and costly treatment prior to use as drinking water.

Without a clear plan for a reliable water source that does not jeopardize existing water users this plan should not even be under discussion. Our resources have limits and this needs to be recognized and considered in planning. I join with many others in objecting to this proposal.

Sincerely,

Margie Turrin

Margie Turrin

To: Tim Miller Associates
10 North Street
Cold Spring, NY 10516

From: Geoff Welch
The Ramapo River Committee
15 Liberty Rock Road
Sloatsburg, New York 10974

Date: June 22, 2015

Re: Public Comments on the Kiryas Joel Annexation Draft
Environmental Impact Statement

The Ramapo River Committee requests the following issues be addresses in a Supplemental Environmental Impact Study:

Kiryas Joel is located in the Northern Headwaters of the Ramapo River Watershed. The Watershed is also the designated area of the Federal Ramapo River Sole Source Aquifer listed in 1992.

3.6-14

“...the U.S. Environmental Protection Agency has determined that the Ramapo River Basin Aquifer Systems within the Ramapo River Basin satisfy all determination criteria as a Sole Source Aquifer pursuant to section 1424(e) of the Safe Drinking Water Act. Satisfying the designation criteria resulted in the following findings: The Ramapo River Basin Aquifer Systems are the sole source of drinking water for the Aquifer Service Area; there are no viable alternative drinking water sources of sufficient supply; and if contamination were to occur, it would pose a significant hazard to the public health...”

www.epa.gov/region02/water/aquifer/ramapo/fr_rampo.htm

Since undeveloped forested lands offer the highest level of surface and ground water quality and protection, we request that the supplemental DEIS address environmental impacts from the expected urban level of development in the proposed Kiryas Joel annexation areas, particularly in the onsite streamflow source areas, of the Ramapo River designated Sole Source Aquifer.

Please address downstream environmental impacts on surface and ground water and on the public water supply areas and the Ramapo River aquatic ecosystem in New York and New Jersey.

3.6-15

Special Consideration in the Supplemental DEIS should be given to potential negative impacts from non-point source pollution and point source point source pollution on the aquatic ecosystem and the recreation uses in the several mile segment of the Ramapo River in Harriman State Park downstream in Orange County and the New York State Recreational Ramapo River Corridor in Rockland County.

If Kiryas Joel Annexation was to occur what zoning exists to protect riparian buffers, wetlands, vernal ponds?

3.6-16

How would Kiryas Joel's watershed protection zoning compare with that in the New York City upstate watershed lands? How would Kiryas Joel's watershed protection zoning compare with that in the State of New Jersey's Highlands Preservation Zone?

3.6-17

Please address these other concerns in the Supplemental DEIS:

- The expansive commercial development, with large parking lots and heavy traffic, build in the Ramapo River Sole Source Aquifer in Orange County is already a concern for water quality. Losing more natural areas for urban development in Kiryas Joel will further impact water quality.
- Wastewater discharges upstream of the UWNY Ramapo Valley well field and Suffern well field are presently about 8 mgd. Wastewater discharges will increase with new development such as Kiryas Joel and Tuxedo Farms in Tuxedo. River flow at the Ramapo Valley Public Water Supply Well Field during drought is about 8 mgd. USGS studies show that most of the well fields' supply comes from the river during drought. Most of the well fields' supply is thus wastewater during drought. This is a concern for public health.
- Kiryas Joel Poultry Meat Processing Plant and the Kiryas Joel Meat Market Corporation severely violated the Clean Water Act

3.6-18

3.6-19

3.6-20



3.6-20
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as cited by the EPA. How can we expect environment enforcement with Kiryas Joel Annexation of more land?

- “From at least 2008 until May 1, 2011, as dischargers of stormwater associated with industrial activity, Defendants failed to apply for an individual permit or to seek coverage under a stormwater general permit, as required by law.
- At various times from at least 2008 until May 1, 2011, Defendants took inadequate steps to prevent stormwater associated with their industrial activities from discharging into storm drains and storm sewers that ultimately discharged into waters of the United States.
-
- At various times between January 2008 and April 2011, Defendants discharged wastewater containing excess concentrations of pollutants into the sewage plant at levels that caused violations of the plant’s permit.”

Thank you for your consideration of these environmental concerns.

A new map of the Ramapo River Watershed is included below:

8 Andrews St.

Cornwall on Hudson, NY 12520

June 19, 2015

Tim Miller Associates, Inc.

10 North St

Cold Spring, NY 10516

Re: Annexation Proposal for the 507 Acres from the Town of Monroe to the Village of Kirylas Joel (KJ)

Dear Mr. Miller,

We have attended numerous hearings regarding this annexation proposal and are concerned about the impact it would have on our Village and the citizens of Orange County.

3.5.7-30

We are very concerned regarding the annexation and the use of the wells in Mountainville to support this annexation. As of today, there has been no indication that the NYCDEP has granted or is even considering granting access to the Catskill aqueduct as the primary water source for this annexation as was originally proposed. At the meeting that was held in KJ, the apparent intent is now to use the Mountainville wells as the primary source. Doesn't this negate the entire request? What would the secondary source be? How would it be monitored? How would the aquifer replenish? How will this affect the populations of Cornwall and Cornwall on Hudson who also obtain their water from the same aquifer? How can an annexation proceed or even be considered if the basic question of water has not been resolved!?

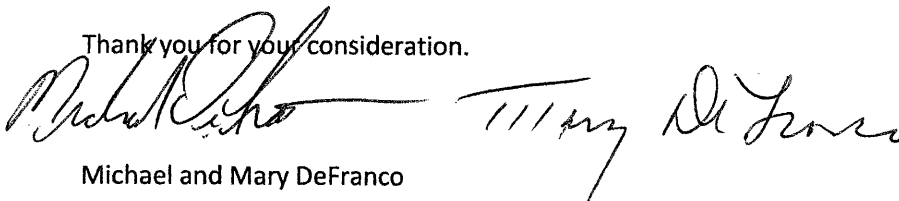
Projections for growth in KJ were only established for 10 years, my understanding is a 20 year projection is required to truly assess the impact of rapidly expanding population on natural resources and the infrastructures needed to support this large population growth.

3.2.10-20

This annexation is NOT in the best interest of my Village, the people of Orange County or NYS as a whole.

The process must begin anew since the basic questions have not yet been adequately answered.

Thank you for your consideration.



Michael and Mary DeFranco

Concerned Citizens of Cornwall on Hudson, Orange County, NY

CONSERVATION COMMISSION
JOHN EBERT, CHAIRMAN



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Sandra Dunlap
Bonnie Franson
Ward Brower

Nina Petito (Secretary)

June 20, 2015

Honorable Abraham Wieder, Mayor
And Board of Trustees
Village of Kiryas Joel
PO Box 566
Monroe, New York 10949


**RE: Comment Letter – Annexation of Land/507 Acres
Draft Generic Environmental Impact Statement (DGEIS)
Town of Monroe to Village of Kiryas Joel**

Dear Honorable Mayor Wieder and Trustees:

Petitioners, purportedly representing owners of one hundred seventy-seven (177) parcels, submitted on April 29, 2015 the Draft Generic Environmental Impact Statement for public comment associated with their request to annex 507.4 acres of land from the unincorporated Town of Monroe to the Village of Kiryas Joel. The Commission understands the demand for additional housing, services, infrastructure and amenities required by the petitioners; however we are cognizant that the supply of land available for purposes of every kind is a fixed unvarying factor, with an inertia which the cajolery of political and social development is powerless to disturb.

Kindly find attached for your review and action, Town of Monroe Conservation Commission Comments to the DGEIS. Please be advise, there are serious errors and omissions contained in the DGEIS and that a determination of the public interest cannot be rendered based on our analysis of the data in the DGEIS involving noise, agricultural, ecological, archeological, historic or aesthetic significance, and existing patterns of population concentration, distribution or growth. The Commission further notes that it's Comment Letter – DGEIS Scoping Outline dated March 6, 2015 received little or no inclusion or consideration in the DGEIS.

Very truly yours,


John Ebert

Attachment: Monroe Conservation Commission Comments to DGEIS

cc. Harley Doles III, Supervisor
Town of Monroe Town Board
Town of Monroe Planning Board

TOWN OF MONROE CONSERVATION COMMISSION
 COMMENTS TO DGEIS – JUNE 20, 2015

Page	Section	General Comments
General Comments		<p>It is disturbing that the NYSDEC would render a decision to allow the Village of Kiryas Joel to be lead agency, based on their environmental record, and lack of transparency. We must especially point out that the Commissioner clearly does not even understand who the “applicant” is. See http://www.dec.ny.gov/permits/100698.html. Commissioner Marten’s determination states: “ Further, ECL Article 8 and its implementing regulations compel the result here inasmuch as they define the lead agency as the agency with principal responsibility for carrying out or approving an action. In the case of direct actions, this usually means the agency undertaking the action (see ECL §8-111[6] and 6 NYCRR §617.2[u]). Both the Town Board and the Village Board are responsible for approving the annexation.⁵”</p> <p>Footnote 5 states: “ I understand the concern that a lead agency may not be able to objectively review its own project. However, SEQR provides that the lead agency should be the one that is principally responsible for carrying out the action. The willingness of the courts to scrutinize agencies' compliance with SEQR and to overturn actions where compliance with the law is found wanting serve as safeguards to the process along with the public disclosure aspects of SEQR (see Gerard, Ruzow and Weinberg, Environmental Impact Review in New York, §3.03[1] [LexisNexis 2011]).” The NYSDEC made a <u>determination on the belief that the Village of Kiryas Joel “VKJ” is the Applicant</u>; this is incorrect, according to the Applicant’s attorney letter dated March 27, 2014. Orange County Executive Steven M. Neuhaus disclosed on 6/22/15 that the Petitions for Annexation contain multiple errors and inconsistencies in identifying tax parcels within the “annexation territory”.</p>
General Comments		<p>Disclose the names of the officers, directors, CEO, shareholders, and agents, of Monroe KJ Consulting LLC. Are any of the principals also members of the Kiryas Joel Board of Trustees or the Town of Monroe Town Board? It needs to be disclosed whether any of the foregoing are also decision makers in the annexation process.</p>
General Comments		<p>Disclose whether the Village of Kiryas Joel has representation in Monroe KJ Consulting LLC as one of the foregoing.</p>
General Comments		<p>Disclose whether any Village of Kiryas Joel Board of Trustees member is also a officer, director, shareholder, or agent of any LLC or a Petitioner who has signed the annexation agreement.</p>
General Comments		<p>The DGEIS needs to provide evidence that all Petitioners have signed the agreement with Monroe KJ Consulting LLC to represent them in the processing of the annexation agreement, and in the submission of the SEQRA documents. Note that the DGEIS, under either build out scenario, predicates build out on an expectation that existing single family, two-family and three-family dwellings will be demolished to accommodate the annexation. This is evident from a review of Appendix E. Do these Petitioners consent to their dwellings being demolished to accommodate the build out?</p>

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General Comments		Submit a map which illustrates the boundary of the annexation area, which also highlights each property for which an owner signed the annexation petition. It should be clearly understood which property owners consent to the annexation within the annexation territory. This is especially important for purposes of understanding the impact that the annexation would have on the existing single family neighborhood which is zoned R-1.0, as the annexation will change the community character of this residential neighborhood.	3.1-32
General Comments		Alternatives. The DGEIS fails to acknowledge the extensive landholdings that have been purchased in the vicinity of the Village that could accommodate growth within the region, consistent with each municipal zoning regulation. The Village of Kiryas Joel commissioned preparation of the map illustrated here: http://www.recordonline.com/article/20140207/news/402070360 . It is evident that there is significantly more land controlled by members of the Village of Kiryas Joel and the Hasidic community that could accommodate growth than that included in the immediate annexation area. The DGEIS would lead one to believe that there are limited options to accommodate growth. This is inconsistent with the potential build out that could be accommodated on the parcels shown on the subject map referenced in the above link. The Petitioners are primarily a collection of developers, evidenced by the significant number of Petitioners which are LLCs, realty companies, and incorporated businesses, who seek to increase their profit by developing at a higher density than presently allowed in accordance with existing municipal zoning. The DGEIS already states that the growth can be accommodated without the annexation. Thus, there is no compelling reason to annex lands into the Village, except to allow a higher density and thus greater profit margin, than allowed under current zoning.	6-2
General Comments		Transfer of Development Rights (TDR) is a potential alternative which the DGEIS fails to examine. The development rights from lands within the R-1.0 and R-3.0 could be transferred to the UR-M properties, and a conservation easement implemented on the R-1.0 and R-3.0 lands to preserve them as undeveloped open space in perpetuity. This would have two benefits – preserving open space consistent with the Town of Monroe Comprehensive Plan, and placing development within closer proximity to the VKJ on UR-M properties which would be less costly to extend services to. Until such time that real alternatives are examined, the Monroe Town Board should not approve any such annexation, which is inconsistent with the Town of Monroe Comprehensive Plan and zoning.	6-3
General Comments		The DGEIS fails to provide a rational set of assumptions for establishing the build out under the two hypothetical alternatives. The DGEIS assumes that the same type of housing units and market values are applicable under the “with annexation” (“WA”) or “without annexation” (“WOA”) alternatives and that the only difference will be in the distribution of those units. This is not supported by the zoning regulations or real development patterns. For example, the “without annexation” alternative includes, in its yield, accessory apartments which cannot even be assigned a separate market value, as they are incorporated into preexisting dwellings. Yet, these accessory apartments are assigned the same average market value as if they were standalone single family dwelling units – accessory apartments would not even be built in a real “with annexation” alternative. The existing VKJ housing is overwhelmingly multifamily residential dwellings and the same would occur under a proposed annexation – the majority	6-4 ↓

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		would be rental dwellings and would not have the same value as ownership dwelling units on fee simple lots as in the WOA. The comparison of alternative build outs is meaningless and does not provide any real analysis.	6-4 con 4
General Comments		<p>The DGEIS attempts to argue that Kiryas Joel is a “sustainable” community. This is untrue. While there is one aspect which may be considered sustainable, i.e., walkable streets and fewer vehicles, the Village lacks other attributes which could be considered “sustainable”. Examples include:</p> <ul style="list-style-type: none"> • The large household sizes in KJ and the explosive growth results in significantly higher rates of wastewater generation and water consumption per average household; • It is our understanding that the religious community that comprises KJ is required, for religious customs, to keep a “kosher” household. With the additional appliances (more electricity) and additional food handling (different sinks for washing foods) and other customs, are any purported gains in energy or water consumption savings offset by religious customs? Has this been addressed? • Village building practices result in the clear-cut of land, preserving few areas in a natural state. The Village has significantly higher impervious surface coverage without any concomitant preserved open space to mitigate the pollutants that enter existing water bodies from stormwater runoff and promote recharge to the groundwater system. A lack of trees and lack of open space contribute to a significant increase in greenhouse effects (no carbon sequestration and the creation of extensive heat islands). 	9-2
General Comments		<p>As a general comment, the DGEIS fails to examine real and substantiated build out scenarios, and should be rejected by the Town Board. The Town Board should require a revised DGEIS be submitted that is grounded in realistic trends and past practices in the Village of Kiryas Joel. Major fundamental flaws in this analysis include:</p> <ul style="list-style-type: none"> • Arbitrarily limiting the build out analysis to 2025; • Ignoring past trends in real estate development and representative residential densities within the Village of Kiryas Joel which are substantially higher, and which will continue since there is no basis to assume otherwise and the DGEIS states as much; • Arbitrarily establishing a “without annexation” comparison, which overestimates the number of dwellings that could be constructed under existing zoning regulations; • Under the without annexation alternative (WOA), does not provide a realistic and rationale examination of the properties that are already developed and are unlikely to be redeveloped. 	2-17
		Specific Comments	
1-1	1.1	The DGEIS states that “the territories proposed for annexation are located	2-18 ↓

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		adjacent to the existing Village boundary.” This statement is untrue. Many of the properties do not directly adjoin the Village boundaries. If territory is intended to reference each “annexation area”, note that those property groupings are purely arbitrary and for reference and analysis purposes only.	2-18 Con't
1-1	1.1	In the second paragraph, as this is the first reference to the lead agency, the DGEIS should indicate “Kiryas Joel” before “Board of Trustees”.	2-19
1-1	1.1	Existing Zoning. It is incorrect to state that the zoning allows 8.7 dwelling units per acre for typical residential units with two bedrooms or more. The URM district allows the highest density residential use and is regulated in Section 57-13.N of the Town of Monroe Code is 8 dwelling units per acre for non-age restricted two-bedroom units.	3.1-33
1-1	1.1	Existing zoning. The DGEIS incorrectly states that multifamily dwellings are permitted “under certain conditions.” As per 155-20 of the KJ Code, multifamily dwellings are permitted principal uses in the same manner that one and two family dwellings are allowed. There are supplementary standards which guide the development, but these standards in no way limit the location or density of the use, which is permitted by right.	3.1-34
1-1	1.1	Existing zoning. It is incorrect to state that the need for central water and sewer is not a requirement of the “existing zoning”. Current zoning makes few references to the requirement for central water or sewer and it is not referenced as a specific standard for development to occur.	3.1-35
1-2	1.1	The analysis, which evaluates a potential build out based on a predicted population growth to 2025, is arbitrary. The proposed build out of the annexation land should be based on well-established building practices in the Village, and assuming the maximum build out as is appropriate for a worst case scenario. Nothing provided in the DGEIS justifies a lesser build alternative. The Village of Kiryas Joel zoning specifically states that multifamily buildings can each contain from 18-24 dwelling units per building. The PUD could allow more density. The DGEIS fails to evaluate the full, significant and adverse impacts that would result from the annexation.	3.1-36
1-2	1.3	It is incorrect to state that with and without annexation environmental impacts vary only as to the “distribution” of the population. The DGEIS would have one believe that the build out under either scenario would be the same. This is only the result of establishing an arbitrary build out scenario which caps growth to 19,663 persons. There is no rationale basis to cap growth, as the Village does not do so now. The Village of Kiryas Joel has not provided, as mitigation, a restriction that it will only build the 1,431 dwelling units which is purported to be the necessary number of housing units to accommodate the arbitrary 19,663 persons by 2025. Nor will the build out be the same, as mentioned previously.	3.1-37
1-3	1.3	It is noted that neither the Town of Monroe nor the VJK have adopted the County Comprehensive Plan as a statement of their own policies. In addition, nowhere in the County Plan does the document define recommended densities for a Priority Growth Area.	3.1-38
1-3	1.3	The creation of the VKJ “Master Plan Committee” is irrelevant to the DGEIS. The Town of Monroe would have no control over how the annexation lands are developed once incorporated into the Village. The Town should not rely on future “promises” as a basis for ensuring that environmental impacts are	3.1-39 ↓

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		considered, the whole purpose of this DGEIS.	3.1-39 con 4
1-5	1.4	The DGEIS grossly overestimates the market value of future housing in the Village of Kiryas Joel. The entire fiscal analysis is incorrect, and the Town of Monroe will experience a deficit as a result of the proposed annexation. This is because the DGEIS does not establish market value using the rental income approach for the WA alternative.	3.2-11
1-8	1.5	The DGEIS reports that the Petitioners desire to live in the VKJ to have access to various services within the Village. Many of the desired services that are listed are in fact private services, or services that are not owned by the municipality, and are available to persons outside the Village. Other services, like sewer and water, the Village already makes available to property owners outside the Village. The DGEIS does not state any compelling rationale for the need to annex Petitioners lands, other than to allow speculative developers to build at a higher density and profit from same. There is no history of applicants applying for special use permits or variances before the Town of Monroe Zoning Board Appeals to obtain the services that are represented as lacking or not currently available to them.	2-20
1-10	1.5	Road Maintenance. The DGEIS concludes that the Town of Monroe would continue to maintain village roads at a discounted rate? The specific roads and actual cost to maintain roads under the existing contract are not detailed in the DGEIS. Does the current contract cover said cost?	3.38-26
1-10	1.5	Library. The Town of Monroe residents, including Petitioners, have full access to the services offered through the Ramapo-Catskill Library system. Unfortunately, as the Village of Kiryas Joel did not comply with their own agreement to construct a VKJ library in lieu of paying taxes to the library, Village residents are banned from checking out materials. See : http://thephotonews.com/apps/pbcs.dll/article?AID=/20131030/NEWS01/131039988/Charter-now-excludes-Kiryas-Joel-residents-from-using-Monroe-library- The comment with regard to “Yiddish speaking” residents not using the services is without substantive support, as Yiddish speaking persons regularly use the library.	3.38-26
1-12	1.6	Traffic. The traffic section does not evaluate the true impact of full build out of the parcels to be annexed into the VKJ. Further, the “without annexation” alternative is not realistic or rationale alternative for the reasons set forth earlier, as it would result in fewer units, and thus any comparison is without merit. No analysis is given for adequate consideration to noise exposures and sources of noise as an integral part of the DGEIS. Will unacceptable noise zones above 65 db and above result from the annexation and development of the annexed land?	3.4-11 3.4-12
1-13	1.7	The DGEIS utilizes a rate of 66 gallons per day for water usage. Is this the actual rate utilized and approved by NYSDOH for permitting purposes? Current water use rates are known but not specified in the DGEIS. Reference to average gallons per day of water use should be from a known data source. If not, what is the rate, and what is the total usage using that rate, based on full build out, and not the arbitrary 2025 build out.	3.5.7-3
1-13	1.7	The DGEIS lacks real, substantive analysis in comparing alternatives. What is the likelihood that the Village would extend sewer service to an area zoned for 3	6-5 ↓

TOWN OF MONROE CONSERVATION COMMISSION
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		acres under the WOA? The extent to which public sewers is likely to be provided should be analyzed based on valid with annexation and without annexation alternatives.	6-5 cont
1-13	1.7	The WAA requires that the Village create a backup supply equal to the amount of water it will take from the Catskill Reservoir system. What would have been the requirement for water demand for the WOA? Does the WAA option require that a larger volume of water be committed to serve the Village as a result of the full backup requirement?	6-6
1-13	1.7	The WA alternative grossly underestimates the demand for water, as it only considers the impacts associated with an arbitrary 2025 build out.	6-7
1-13	1.7	In stating that the Village of Kiryas Joel can service outside Petitioners via an out of district agreement, there does not appear to be a compelling reason to annex the lands on the basis of providing water supply.	3.5.7-32
1-13	1.7	The WA does not examine the significant impact to water supply that full build out of the annexation lands will create. The amount of water demanded by full build out of the annexation lands based on the Village's current zoning and realistic development trends needs to be evaluated. In addition, the Village's current water supply system which it controls needs to be compared to the volume of water required to meet the NYCDEP requirements for a full backup supply. Has the Village's water supply been in compliance with water quality standards for the last five years? Data sets from the prior five years of KJ well quantity and quality test should be provided in the DGEIS.	3.5.7-33
1-13	1.7	The conclusions regarding wastewater treatment and impact on the Ramapo River are unsubstantiated and unrealistic. Under the WOA, the DGEIS must examine what is the likelihood of areas zoned for 1 acre and 3 acres per dwelling to be served by public sewers. It does not account for the real conditions that many of the parcels within the Mountainview Drive area are already developed, and do not require connection to any systems.	3.5.8-17
1-13	1.7	Does the wastewater demand match current NYSDOH requirements for estimating the gallons per day of wastewater to be generated by dwelling unit? Does the NYSDOH evaluate wastewater generation based on the number of bedrooms per dwelling?	3.5.8-18
1-15	1.8	Please indicate whether any of the development within the VKJ has required blasting.	3.6-21
1-15	1.8	The NYSDEC response letter indicating the potential presence of sensitive species within the study area has not been provided within the appendices. This correspondence must be provided to ensure that it reflects the NYSDEC's Natural Heritage Program's current database. Furthermore, the DGEIS does not attempt to evaluate the potential presence of other species, based on EIS documents prepared for nearby development projects or based on the ecological habitat found within the annexation area.	3.6-22
1-16	1.8	The DGEIS fails to examine the true impact of the annexation on natural resources, by arbitrarily setting the build out of the annexation lands to 2025 and not examining the full build out potential. In addition, it incorrectly concludes that the potential impacts would be the same under the WOA and the WA. The WAA would situate 2,394 more dwelling units than under the WOA but yet concludes that the impact would be the same without any substantive support.	3.6-23 ↓

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		The impervious surface area required to accommodate this additional build out would significantly be higher under the WA.	3.6-23 con't
1-16	1.8	The DGEIS completely fails to disclose water quality results of the drinking water supply from the well fields serving the VKJ. Are any wells presently shut down?	3.5.7-32
3-1	3.1.1	The comment that the Village is a mix of "single family" and multifamily buildings is not supported by Census data. The Village's housing stock is almost exclusively multifamily. Based on 2011-2013 ACS data, only 1.1 percent of all housing units are single-family detached dwellings where 3.7 percent of the housing stock were single family detached in the previous 3-year ACS period. Approximately 99.1 percent of the housing stock consists of buildings with 3 or more dwellings, with the majority in the 5-19 dwelling unit range. The Village is overwhelmingly multifamily in character. The same can be anticipated to occur in the annexation area, which would be grossly inconsistent with the Town of Monroe Comprehensive Plan and existing community character. The Village of Kiryas Joel does not provide any diversity of housing.	3.1-40
	F3.1-3	The DGEIS appears to be pointing out that even though the Village has approved PUD zoning districts, it has not mapped them. Thus, the adopted zoning map is in fact not representative of actual zoning in the Village.	3.1-41
3.1-2	3.1.1	The maximum density within the unincorporated area is incorrect – the maximum density is not 8.7 acres. The actual density for single family with accessory apartments, based on Forest Edge and Vintage Vista, is closer to 4.5-5 dwelling units per acre. Density is reduced due to the need to construct streets, stormwater basins, and other inefficiencies of land development.	3.1-42
3.1-3	3.1.1	The comment that the Town created an "impediment" to growth of the Hasidic community is not supported by the facts. This comment is inconsistent with the DGEIS itself, in that the DGEIS concludes that the amount of growth required to be accommodated to the year 2025 can occur without annexation. Further, the surrounding properties within the Town and other nearby municipalities support extensive growth of the Hasidic community, but at a density consistent with land use policies and zoning laws.	3.1-43
3.1-3	3.1.1	The DGEIS attempts to portray that the rezoning to a three acre lot minimum density is inconsistent with the Comprehensive Plan. This is wrong, as the UR-M districts that adjoin Kiryas Joel allow a substantially high density of development to accommodate a diversity of housing, and each zoning district in the Town allows accessory apartments. The Town of Monroe is the one municipality which allows multifamily dwellings, consistent with the overwhelming majority of housing in the VKJ, adjacent to its borders.	3.1-44
3.1-4	3.1.2	First, the zoning is not the Comprehensive Plan for the Village. The Village has a comprehensive plan, which was appended to the Village's submission to the NYSDEC in a lead agency dispute with the Town of Monroe. The DGEIS fails to discuss any of the recommendations, goals and objectives of the Plan. This is a significant omission which should be addressed in a supplemental DGEIS.	3.1-45
3.1-4	3.1.2	It is noteworthy that the DGEIS omits all the purposes set forth in the zoning. According to the zoning, the purposes also include: 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	3.1-46 ↓

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		<p>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.</p> <p>(2) Provide adequate light, air and privacy; secure safety from fire, flood and other danger and prevent overcrowding of the land and undue congestion of population.</p> <p>(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.</p> <p>(4) Protect and conserve the value of buildings in the various districts established by this chapter.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(8) Assure that public service providers will provide the necessary public facilities and service needed for anticipated and needed new development.</p> <p>(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.</p> <p>Much of the development in the Village has been inconsistent with the purposes of its own zoning, particularly the purpose set forth in "9" above. In pursuing a development pattern which is almost exclusively high density multifamily development, the natural environment has been clear cut, except for those areas which cannot be developed, e.g., one state wetland which cannot be developed.</p>	<p>3.1-46 con't</p>
3.1-4	3.1.2	<p>The Village does not promote ownership opportunities- this is inconsistent with its "comprehensive plan" as embodied in the zoning. According to the Census ACS data for 2011-2013, 67.7 percent of all housing units are renter-occupied. And this percentage is increasing, as the percent renter occupancy was less in the preceding 3-year period, or 36.1 percent.</p>	<p>3.1-47</p>
3.1-12	3.1.2	<p>On the basis of the Regional Sustainability Plan, the VKJ and any annexation would result in a conflict with the following smart growth principles: does not promote residential uses, as only multifamily dwellings are being constructed; does not create a range of housing opportunities; does not preserve open space or natural beauty; does not direct growth to an existing community (as it is relying on an annexation to usurp additional land intended for open space protection); does not encourage community and stakeholder collaboration.</p>	<p>9-3</p>
3.1-12	3.1.2	<p>The Orange County Comprehensive Plan has no standing in the Town of Monroe.</p>	<p>3.1-48 ↓</p>

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		It is also inconsistent with the Town of Monroe Comprehensive Plan, to the extent that the priority growth area includes sensitive environmental features and lands which are zoned for low-density residential and open space purposes.	3.1-48 Con't
3.1-13	3.1.2	Here, the DGEIS states the actual density of two developments proposed within the UR-M zoning district. Regardless, it incorrectly estimates a significantly higher yield (8.712 dwelling units per acre) on UR-M parcels than can be accommodated based on real life examples for the without annexation alternative.	3.1-49
3.1-13	3.1.2	Note that Forest Edge and Vintage Vista have been constructed in a manner which integrates sidewalks and sidewalk connections to the VKJ. The Village has also extended sewer and water to the developments. Thus, incorporation into the Village is not necessary to have the same amenities that are within the Village. More importantly, these two developments introduce a housing type that is lacking in the Village – single-family detached dwelling units with the potential for accessory apartments, providing housing choice and diversity which is not available in the VKJ.	3.1-50
3.13.1-13	3.1.2	In addition, the DGEIS provides real world examples of the typical and expected development pattern for the annexation lands if approved to enter the Village – 12.1 to 19.3 dwelling units per acre. Yet, the DGEIS fails to calculate the “real” build out of the annexation lands if incorporated into the VKJ. The real build out could be 6,134 to 9,684 dwelling units, based on recent developments within the Village. The DGEIS fails to examine the real impacts of the annexation, and must be revised and resubmitted to take into consideration the real trends in the Village, not an arbitrary analysis projected to 2025.	3.1-51
3.1-14	3.1.3	The statement regarding the build out under single family versus multiple family residences is incorrect. The DGEIS significantly overestimates the number of dwelling units that can be developed in the UR-M district – real examples of yield result in yields close to 4-5 dwelling units per acre. Even after presenting the two developments, Forest Edge and Vintage Vista, the DGEIS wrongly overestimates the yield for single family dwellings with accessory apartments in the UR-M zone.	3.1-52
3.1-14	3.1.3	It is evident that the Petitioners are speculative developers. Why would one demolish a single family dwelling to accommodate 3.714 dwelling units per acre unless for that purpose? This is evidence that the annexation is not for purposes of enabling existing residents to access the uses within the Village proper, but to allow speculators to reduce existing single family, owner-occupied neighborhoods to multifamily rental enclaves, reducing housing opportunities and ownership opportunities, inconsistent with the purported objective of the VKJ zoning law.	3.1-53
3.1-15	3.1.3	The DGEIS states that under the without annexation alternative (WOA), most parcels do not have feasible access to public water. Given that statement, the build out scenario for the WOA is overestimated as the alternative relies entirely on the assumption that public water will be provided to each parcel. The density expressed in Appendix E cannot be achieved using individual wells.	3.1-54
3.1-16	3.1.3	The residential density of 6.6 units per acre is fiction – once annexed, multifamily residences will be constructed as reported in the same paragraph. The density will be significantly higher.	3.1-55
3.1-16	3.1.3	Please identify the average amount of “open space” provided in recent multifamily developments in the VKJ. The statement “the current mix of uses	3.1-56 ↓

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		including open space” is misleading, since almost all developments in the Village have <u>not</u> preserved any open space, unless a DEC designated resource is present which cannot be fully disturbed.	3.1-56 Con't
3.1-16	3.1.3	The analyses are deeply flawed to assume the exact same population numbers, based on very different housing units, can be accommodated under either scenario. The WOA assumes a large number of dwelling units will be accessory apartments, which can be constructed with two bedrooms only. This unit type cannot accommodate the same number of persons as the dwellings that are being built in the VKJ, which have substantially more bedrooms. The population from a WA and WOA cannot be the same with different mixes of housing.	6-8
3.1-17	3.1.3	The DGEIS fails to address the annexation’s impact on the reduction of UR-M lands available for multifamily residential development. The UR-M provides the Town with a location to meet its fair share of affordable and diverse housing.	3.1-57
3.1-17	3.1.3	The DGEIS completely fails to discuss the annexation’s compatibility with the Town of Monroe Comprehensive Plan and zoning. It relies solely on the Orange County Comprehensive Plan, a Plan with no official status in the Town, to support the annexation by stating that the annexation area is in a “Priority Growth Area”. The DGEIS must specifically state and address whether the annexation, and significant increase in density, is consistent with the Town of Monroe Comprehensive Plan.	3.1-58
3.1-18	3.1.3	On this page, the DGEIS specifically acknowledges that the new residential density would be 12-20 dwelling units per acre under annexation, but then fails to examine the full impact of the build out at that density on the 507 acres.	3.1-59
3.1-18	3.1.3	The DGEIS incorrectly states the maximum density yield under the WOA – the R-3.0 zoned lands cannot be developed at 5 dwelling units per acre.	3.1-60
3.1-18	3.1.4	Development of a master plan committee is speculative at best, and not a mitigation. The Village has failed to master plan in the past – the DGEIS notes that the only “plan” is the zoning. This mitigation is self-serving, without any merit, and should be deleted.	3.1-61
3.2-1	3.2.1	What is the average density in the unincorporated area of the Town, outside the Village? No meaningful comparison of population density is provided.	3.2.10-2
3.2-1	3.2.1	Please address whether the 27 percent population growth in the Town of Monroe is largely a result of growth in the VKJ.	3.2.10-22
3.2-2	3.2.1	The median value of an owner-occupied housing unit is overestimated. The current value, based on the 2013 ACS estimate, is \$313,300, not \$365,600.	3.2.11-12
3.2-4	3.2.1	There is no basis for limiting the build out analysis to 2025. The full potential population projection from annexation, and a density of 12-20 dwelling units per acre, must be estimated, and the impacts with that population assessed. This flawed DGEIS requires supplementation.	3.2.10-23
3.2-6	3.2.1	The 1,431 dwelling units in the WOA alternative include accessory apartments which can only accommodate two bedrooms. The population from the WOA will be less than with the WA. The DGEIS incorrectly assumes that 5.6 persons on average can be accommodated in a two-bedroom accessory apartment.	3.2.10-24
3.2-7	3.2.1	The DGEIS acknowledges that the build out population can be accommodated within South Blooming Grove, Monroe and Woodbury. It would appear, based on that statement, that the need for annexation is to change the zoning for the benefit of certain developers, and not based on any community need.	3.2.10-25

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	T3.2-8	There is no supporting data for the market values assigned to the multifamily and single family dwellings.	3.2.11-13
	T3.2-8	The DGEIS fiscal analysis is fatally flawed, as it does not estimate market value based on the rental income approach. The DGEIS specifically states that the multifamily residences will be in condominium ownership under the WA. The equivalent market values for condominiums are significantly less than their sales market value based on the manner in which condos are valued using the rental income approach, and the fact that the units are not situated on individual fee simple lots. The fiscal analysis must be redone, requiring supplementation.	3.2.11-14
	T3.2-8	As mentioned previously, only 32.3 percent of dwelling units in the VKJ are owner-occupied. The majority of dwellings are rental units. The fiscal analysis significantly overestimates the total market value of the dwellings under the WA , as the values will be much lower, based on the majority of dwellings being rentals, and not fee simple units. In comparison, buildout under the WOA would result in significantly higher market values, as the DGEIS acknowledges that the dwellings would be in fee simple ownership, comparable to existing single family detached dwellings on their own individual properties, including most recently Forest Edge and Vintage Vista.	3.2.11-15

WA – With Annexation Alternative

WOA – Without Annexation Alternative

VKJ – Village of Kiryas Joel

Population – trend based on annexation history

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Page	Section	Comment	
		<u>General Comments</u>	
	3.5.1	The description of plans for water supply to accommodate the proposed Annexation and the plan for continued rapid population growth in the Village of Kiryas Joel (VKJ) include adding sources of water from within (groundwater) and outside of (groundwater and water to be supplied from the Catskill aqueduct) the watershed of the Ramapo River. Thus, wastewater generated from all these additional sources would be discharged to the Ramapo River at either the Harriman wastewater treatment plant (WWTP) or the VKJ WWTP (assuming substantial, expensive upgrades to the Harriman WWTP). However, our understanding is that under current conditions, the reach of the Ramapo River in our area has little if any remaining waste assimilative capacity (WAC). This needs to be clearly described in the DGEIS, along with the identification of feasible and affordable approaches for addressing this issue (if any) that would be acceptable to all stakeholders, before any of the expansion described in the DGEIS can be considered. Similarly, the concerns of stakeholders downstream of our area need to be clearly identified and addressed. A substantial component of the water supply for Rockland County in New York and Bergen County in New Jersey is supplied by well fields that tap aquifers recharged by the Ramapo River.	3.5.8-18
	3.5.1	From a sustainability aspect, a comparison is needed between: <ul style="list-style-type: none"> • the estimated groundwater recharge to water supply aquifers that are tapped in the study area; and • the overall projected groundwater usage. This assessment needs to include induced infiltration from surface water bodies, and the effect on the flow and water levels in these surface water bodies.	3.5.7-35
		<u>Specific Comments</u>	
3.5-1 and 3.5-2	3.5.1	Well 28 in the Brenner well field, described as a high capacity well, produces water from the Ramapo River valley sand and gravel aquifer. The DGEIS should include estimates of the amount of induced surface water infiltration from the Ramapo River and its tributaries due to the operation of Well 28 and other wells in the Brenner well field, as well as estimates of the potential reduction in surface water flow in these streams resulting from the operation of the this well field, given that: (1) the effluent from the VKJ WWTP discharges to a tributary of the Ramapo River upstream of the well field and thus this effluent may contribute recharge to the aquifer tapped by the well field; and (2) the Harriman WWTP discharges to the river downstream of the Brenner well field, and a decrease in river flow will increase the impact from the Harriman WWTP effluent on the river water quality.	3.5.7-36
3.5-6	3.5.1	In the first paragraph under the header "Mountainville Well Field", it is stated that "A requirement for connection to the Catskill Aqueduct and the New York City water supply will be to have a backup supply source in the event that repairs are needed on the Aqueduct." Will there also be other reasons for the required backup that will be included in the agreement between New York City (NYC) and VKJ, such as the potential for a reduction or complete cessation of water supply from the Catskill Aqueduct as NYC's water needs continue to expand?	3.5.7-37
3.5-6	3.5.1	In the third paragraph under the header "Mountainville Well Field", it is stated that "The aquifer consists of interbeds of well-sorted sand and gravel, silt and clay. The	3.5.7-38 ↓

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		<p>best water-yielding and water-bearing material in the aquifer is the coarse sand and gravel deposits". Review of the "Town of Monroe, Orange County Groundwater Study Map" (http://ocgis.orangecountygov.com/Gallery/PDF/LAND AND WATER/GWR TOWN%20OF%20MONROE.pdf) indicates that unconsolidated deposits in the area of the Mountainville well field consist of "Stratified clay and silt with no or thin layers of sand and gravel at land surface and below the water table". This description is not inconsistent with the description provided above, but it provides further detail and indicates that the sand and gravel beds constitute only a small percentage of the deposits intersected by the well intakes, with the remainder being low permeability, low yielding clay and silt. Were the estimated well yields for this well field based on 72-hour pumping tests? Given that the beds of gravel and sand are likely thin and possibly discontinuous in this type of setting, the minimum required 72-hour pumping test would likely overestimate the long term safe yield of wells.</p>	35.7-38 con 4
3.5-9	3.5.1	<p>The last paragraph on this page begins with "The groundwater sources and wells may include: ...". This is a clear statement that required water sources are not yet defined or resolved. Availability of water resources, and the associated management of wastewater produced by use of water from these sources, are some of the most significant, critical-path issues that need to be resolved before the feasibility of Annexation and major population growth in the annexed area can be fully assessed. Since these issues have been ongoing topics of study for some time, and are still far from being resolved, the availability of the required water sources cannot be considered a forgone conclusion at this point in either the decision-making or the assessments being conducted as they relate to the proposed Annexation and related topics.</p>	35.7-39
3.5-11	3.5.1	<p>In the last sentence of the fourth paragraph of this page, the sentence reads "Therefore, without the annexation, residents in Town of Monroe land are ultimately dependent upon available private wells". Note that this is also the case in much of the rest of the Town of Monroe, not just in the area being considered for annexation. Also, the water supply would not necessarily be reliant on available private wells; new wells could also be installed.</p>	35.7-40
3.5-13	3.5.2	<p>The second paragraph on this page indicates that the per capita water usage in VKJ (66 gallons per day [GPD]) is 12 percent greater than the average in Orange County (58.9 GPD). Given this greater than average per capita water usage, and that during the public comment hearing for the DGEIS on June 10, 2015 it was pointed out that the population growth estimates provided in the DGEIS for the VKJ community are likely greatly underestimated, the actual projected water needs require re-evaluation before the DGEIS can be completed.</p>	35.7-41
3.5-14	3.5.2	<p>What are the plans/assumptions for management of wastewater produced from the Vintage Vista and Forest Edge projects? Is there capacity at the VKJ WWTP?</p>	3.5.8-19
3.5-16	3.5.2	<p>In the last paragraph under "Village and Annexation Territory", it is stated that "The capacity of these water sources to serve new development in the land proposed for annexation will be reviewed on a case-by-case basis by agencies authorizing respective approvals and permits (OCDOH, NYSDEC, and NYSDOH)". Note that under the scenario without annexation (i.e., the existing scenario) they would also be reviewed by boards within the Town of Monroe (e.g., Planning Board). The feasibility and approval of constructing dwellings on these properties will be partly based on</p>	35.7-42 ↓

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		availability of sufficient well yield/water supply. Under existing laws and zoning, lack of sufficient water supply, among other considerations, may lead to a determination that the property cannot be developed for a dwelling as proposed.	3.5.7-42 con't
3.5-20	3.5.4	In the second full paragraph on this page, it is stated that "As further discussed below, Orange County has recently retained an engineering consultant to develop plans over the next year to expand the treatment capacity of the District by up to an additional 3 mgd." Our understanding is that this work will be a "study" rather than the development of specific plans for plant expansion, and that the study will assess the feasibility of approaches to expanding capacity. The study results would be used as one consideration to determine whether expansion is feasible.	3.5.8-20
3.5-21	3.5.4	The third full paragraph on this page states that "Treatment rates at the Harriman WWTP have remained relatively stable over the past few years", and implies that there has not been an increase in treatment rates since 2008. This seems reasonable, since there has been little growth in Orange County outside of VKJ during this period. Note that the impacts of increased wastewater generated as a result of growth in VKJ would be reflected in data from the VKJ WWTP, not the Harriman WWTP.	3.5.8-21
3.5-22	3.5.4	The second paragraph on this page states that the VKJ WWTP "...was initially designed to treat up to 500,000 gallons per day and has since been expanded to the current capacity of 970,000 gpd." This expansion provided a capacity increase of 94 percent. In consideration of the previous comment above, the date and purpose/basis for this large capacity increase in a plant that was constructed fairly recently (in 2000) should be described in detail in the DGEIS.	3.5.8-22
3.5-24	3.5.4	The third paragraph on this page states that "Although somewhat dated, these surveys indicate that the Harriman WWTP plant has had minor impacts on water quality when operated within capacity, which is it's current operating condition". The water quality referred to in this sentence is the water in the Ramapo River. The survey referenced was conducted in 1998, and bases its conclusion on a comparison to data from 1987. The 1998 survey pre-dates the 50 percent capacity upgrade at the Harriman WWTP and pre-dates the startup of the VKJ WWTP. Thus, data from the 1998 survey is not representative of current conditions in the Ramapo River. This needs to be addressed in the DGEIS using data representative of current conditions.	3.5.8-23
3.5-27	3.5.4	The third paragraph on this page indicates that Orange County has commissioned an engineering firm to "...prepare a facility plan to study enlarging treatment capacity at Harriman WWTP from 6 to 9 mgd". As mentioned in the comment on page 3.5-20, our understanding is that this work will be a study that assesses the feasibility of approaches to expanding capacity. The study results would be used as one consideration to determine whether expansion is feasible. Basing a near-term decision regarding the feasibility of Annexation and population expansion on the anticipation that the study will indicate the WWTP expansion is feasible, and that the WWTP would ultimately be expanded (funding, permitting, planning, design, public acceptance, etc.), is not prudent.	3.5.8-24

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Page	Section	Comment
	Land Use	What is the impact of the annexation on Orange and Rockland Utility property located in the annexation area? What zoning would be applied to this public service use?
	3.6	As a general comment, the DGEIS must acknowledge that the Village of Kiryas Joel (VKJ) is located in the New York-New Jersey Hudson Highlands region, a US Fish and Wildlife Service significant land habitat complex. The DGEIS fails to examine the impacts that would occur to this area of the region. The annexation area is identified as one with moderate conservation, biodiversity, and recreational value. Development at a high density, urban development intensity, is inconsistent with the land's values. See: http://na.fs.fed.us/pubs/stewardship/ny_nj_highlands02_lr.pdf The annexation lands are clearly within the region, as shown on p. 7 of the report.
	3.6	The biodiversity values for the annexation parcels can be reviewed here: The DGEIS must evaluate and determine the potential impact on biodiversity. http://www.crssa.rutgers.edu/projects/hiris/Orange/org_bio.htm Biodiversity Resource Value is "moderate" within the annexation areas.
3.6-1	3.6.1	Given the shallow depth to bedrock for the lands found on the west side of the VKJ, it can be anticipated that blasting will be required to construct multifamily dwellings at the densities being sought. The DGEIS does not examine this impact. Areas that are bedrock-controlled need to be mapped, and an evaluation of impacts conducted.
3.6-1	3.6.1	Orange County has two-foot contour data from which slopes could be estimated using this readily available source of data. A meaningful generic analysis of topography must be performed. At a minimum, the DGEIS can estimate slope

3.1-62

3.6-24

3.6-25

3.6-26

3.6-27



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		categories using soil categories which provide slope ranges. The DGEIS needs to present meaningful information with regard to topographic patterns within the annexation area, and the ability to build high density housing based on slope patterns. It does not provide any analysis of the amount of soil and land disturbance that would occur, based on those slope patterns. The amount of disturbance to accommodate large building footprints on lands containing steep slopes is very different than disturbances on lands that are flat.	3.6-27 con 14
3.6-1	3.6.1	Statements such as "the soils in the study area are very common in Orange County and have no unusual characteristics that significantly affect their use in modern construction" are not meaningful and provide no real information regarding soil patterns and characteristics. While Arnot-Lordstown soils may be "common in Orange County" they are found in areas that are bedrock controlled, largely within the park systems and in areas with very low density development because of the constraints they pose to building development. The DGEIS does not offer a meaningful analysis of soils, soil patterns, and their development potential for uses such as roads, utilities, and large building footprints for buildings typically constructed in the VKJ. This needs to be provided.	3.6-28
3.6-2	3.6.1	Rather than provide a general discussion of soil capabilities, submit a soil chart with each soil type, slope range, and development capabilities and limitations for various types of land uses, including large footprint buildings, roads, below ground utilities, recreation, and open space. It is customary practice when preparing a DGEIS to include a table of soils and their capabilities.	3.6-29
3.6-2	3.6.1	With regard to the "SCS identifies some of the soils as prime farmland", specifically identify which soils are prime farmland and farmland of statewide importance, and present them on a map – it cannot be determined where these lands are located.	3.6-30
3.6-2	3.6.1	The DGEIS completely fails to identify ecological habitats and the likely range of species that would inhabit the area. There are numerous secondary resources, including previous DEISs conducted in the area, from which the DGEIS can draw relevant information. The DGEIS must describe the existing ecological habit and values associated with same within the annexation lands.	3.6-31
3.6-2	3.6.1	It is well-established that the Environmental Resource Mapper only shows those	3.6-32 ↓

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		areas where a species has already been identified based on studies conducted on other sites. Use of either the NYSDEC Natural Heritage Program (NHP) letters or the Environmental Resources Mapper are not a substitute for conducting additional secondary source reviews of data, and conducting a field walk of the subject area. This conclusion is contained on every NHP letter. The DGEIS must be amended to include specific evaluations of species and habitats in the annexation areas.	3.6-32 Con't
3.6-2	3.6	As a general comment, since the preparer of the DGEIS has the consent to represent the various Petitioners, the consultant has the ability to conduct site visits to provide a general inventory of the habitat and species present, based on actual field review. The results of field evaluations need to be provided in the DGEIS.	3.6-33
3.6-3	3.6	A large area on the west side of the existing VKJ boundaries contains habitat for the timber rattlesnake, a State threatened species. Statements such as “Incidences of Timber Rattlesnake potential habitat have also been reported in the region” are insufficient to document the potential impact on this species, especially since specific habitat known to be important to this species can be identified using secondary resources, as described below. The impact of the annexation on the timber rattlesnake must be analyzed.	3.6-34
	3.6	<p>According to data readily available from the National Map, a large portion of the land area on the west side of Seven Springs Road within the proposed annexation area is identified as “interior cliff and talus” habitat. Its associations include those in the Highlands. Typical species prevalent in this habitat are identified in the following link: http://explorer.natureserve.org/servlet/NatureServe?searchSystemUid=ELEMENT_GLOBAL.2.723008</p> <p>Among the sensitive species found in this ecological habitat are: timber rattlesnake (state threatened), American peregrine falcon (State endangered) golden eagle (State endangered), and many other animals, as well as plants (some of which are on federal protection lists). The timber rattlesnake has been encountered in numerous locations in the project vicinity, within comparable habitats.</p> <p>The DGEIS must evaluate the potential presence of species likely to inhabit the</p>	3.6-35 ↓

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		annexation habitats, and determine the potential for annexation to impact these species.	3.6-35 Con 4
	3.6	The area on the west side of Seven Springs Road is actually an extension of Schunnemunk Mountain. This area shares the same geology and soils. Unlike the remainder of the VKJ, which mostly grew on areas with Erie and Mardin gravelly soils which were formerly farmed and more conducive to building development, remaining lands on the west side of the VKJ are contained in the Arnot-Lordstown complex, the same conditions found on Schunnemunk Mountain. These soils are difficult and not conducive to high density building development. The DGEIS fails to make any distinction between the soils and their capabilities to accommodate development. The area on the west side of the Village, including the dwellings that exist in the Mountain View Drive neighborhood, is constrained for building development purposes.	3.6-36
3.6-3	3.6.1	The DGEIS should also identify the potential presence of wetlands and streams, using aerial photography and hydric soil mapping. These secondary resources can readily be reviewed to identify the potential presence of these resources in the project area. Not all wetland areas have been identified as a result of the limited use of data for the identification of wetlands.	3.6-37
3.6-3	3.6.1	Please identify whether any of the waterbodies or watercourses identified in the DGEIS are impaired waterbodies. According to the NYSDEC Waterbody Inventory Data Sheets, Highland Brook is identified as having “minor impacts”. Also, the watershed locations in the annexation areas and the streams to which these watersheds contribute need to be mapped. A map of the streams referenced in the DGEIS is not provided.	3.6-38
3.6-4	3.6.1	The DGEIS does not present any existing water quality data for the streams to which high density development would contribute. Please provide water quality data for the streams and the potential impact to development that would result. The DGEIS indicates that each existing single family parcel within the R-1.0 zoned areas can accommodate additional building development. If each lot is redeveloped, would they be subject to a SPDES Permit? What regulations exist in the Village to ensure that the redevelopment of each lot, and stormwater runoff from each lot, will be	3.6-39 ↓

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		mitigated. There are a substantial number of dwellings located here, and the impact to stormwater quality and quantity must be evaluated.	3.6-39 Con 4
3.6-4	3.6.2	The DGEIS fails to meet the requirements of the scoping outline which requires: “Estimate future development disturbance and potential implications for natural resources in annexation lands.” No such estimate is provided. “Estimate” by definition, requires a quantification of the land disturbance that will occur under the annexation. None has been provided. An estimate, including mapping and methodology, must be included.	3.6-40
3.6-6	3.6.2	Please identify all stormwater SPDES violations within the Village of Kiryas Joel within the past five years, the cause for the violation, and how it is being remedied.	3.6-41
3.6-6	3.6.2	Out of basin transfer of water is not a “sustainable” or green building practice, according to numerous environmental organizations. In this instance, the VKJ is consuming, or holding for storage, twice the amount of water required to service the Village, as agreements with the NYCDEP require that an equivalent amount of water that is being used from the NYCDEP systems be developed through its Village resources. This is a very unsustainable practice.	3.6-42
	3.7	With regard to community character, cultural and recreational resources, it is a state objective to preserve lands within the Highlands region. Specifically, the NYS Open Space Plan states: “NEW YORK HIGHLANDS {32.} ♦^ - The Highlands are a unique physiographic region running through the States of Pennsylvania, New Jersey, New York, and Connecticut. The USDA Forest Service has analyzed and documented this area as a high priority for conservation efforts, and the federal Highlands Conservation Act of 2004 codifies its status as a “nationally significant landscape,” with federal funding authorized for further conservation protection. The New York Highlands are characterized by forested ridges, rocky outcrops, pristine streams and wetlands, special geologic features, and exceptional scenic vistas. They are located in the densely populated New York metropolitan area. They provide and protect water for millions of New York and New Jersey residents. The Highlands contain numerous state-owned historic sites, State Parks, DEC management units and State Forests, and NYC	3.7-9 ↓

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3.7-9
 con't

		<p>Watershed Lands. These public resources are not only ecological jewels and critical habitats, but they are also recreational destinations and economic catalysts. Hundreds of thousands enjoy these public resources annually, and they inject funds into local economies and support jobs. West of the Hudson River, these public resources include Sterling Forest, Harriman, Bear Mountain, Storm King Mountain, Goosepond Mountain, and Schunne-munk Mountain State Parks.... The Highlands also contain preserves and habitat owned by non-profit organizations and private entities, including the Open Space Institute, Hudson Highlands Land Trust, Scenic Hudson, and Black Rock Forest Consortium. These lands, many of which are open to the public, protect thousands of acres of habitat and numerous important species, and provide important connections to state and agency-owned properties. Priority will be given to connections of existing protected lands on both sides of the Hudson River and to the creation of a corridor comprising State Parks, DEC lands and other lands that span the length of the Highlands in New York."</p> <p>Schunne-munk Mountain and connections to trails and other open space lands are being targeted for open in open space. The lands on the west side of the VKJ boundaries, especially west of Seven Springs Road, are part of the Schunne-munk Mountain complex. This area must be conserved in open space, consistent with the state's open space and recreation objectives.</p>	
	3.7	The DGEIS does not evaluate potential impacts on historic and archaeological resources. At a minimum and given the magnitude of the annexation, a Phase IA cultural resource evaluation must be performed to assess potential impacts on these resources.	3.7-10
	3.7	Please identify any cultural resource investigations that have been done for the large-scale housing developments that have been constructed within the existing VKJ, as support and an indication that these studies will be conducted after land is annexed into the Village.	3.7-11
3.7-1	3.7.1	This section begins with an arbitrary delineation of "study area" as it pertains to an evaluation of cultural resources, which includes visual resources. A viewshed map and analysis must be provided which documents locations from which the	3.7-12 ↓

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		annexation area will be visible. There is no basis or substantiation that views are limited by local topography. Portions of the existing Village of Kiryas Joel are quite visible from NYS Route 17 and areas within the Village of Monroe. The DGEIS must document existing historic, scenic and cultural facilities within the project vicinity, including outside of the VKJ, document locations from which the annexed areas would be visible, and in particular, whether there are any significant historic or scenic resources which would be adversely impacted by development of the annexation lands.	3.7-12 con 14
3.7-2	3.7.3	<p>The DGEIS incorrectly states that the following: “However, under either development scenario described in the Project Description (without or with annexation), disturbance of the land would result from development activities to much the same degree regardless of the action. Without or with annexation, future development could disturb virtually all of the developable land in some fashion, either resulting in temporary or permanent removal of vegetation and addition of new buildings and other facilities.”</p> <p>This is not true and an unsupportable statement. The resulting residential and visual character of lands that are zoned for a residential density of 1 acre per dwelling unit, or 3 acres per dwelling unit, would retain much more significant expanses of undeveloped woodland than under a scenario where the realistic buildout of the annexed lands, based on VKJ existing development, would be at a density of up to 20 dwelling units per acre. Existing aerial photos of the VKJ readily demonstrate this pattern. The DGEIS also does not realistically consider the additional density reduction that results by excluding environmentally constrained lands from the calculation of buildout under the “without annexation” alternative, thereby further reducing development and the visual impacts that would result. The DGEIS fails completely to discuss the significant adverse impact that would result to existing rural community character, in part reflected by the type of visual environment preserved by lower density development.</p>	3.7-13
3.7-3	3.7.3	The DGEIS incorrectly states that the without annexation alternative would result in “suburban” development. Density which allows one dwelling unit per three acres is	3.7-14 ↓

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 Joel” dated April 29, 2015**

		not suburban, but rural, consistent with the Town of Monroe Comprehensive Plan.	3.7-14 con 4
3.7-3	3.7.3	The DGEIS continues to state: “Development can be anticipated to include contemporary, multi-family housing and neighborhood commercial uses, local roads and various pedestrian amenities such as wide sidewalks, shelters at bus stops, and fencing around residential yards.” First, this is an indication that the DGEIS has not fully examined the real “with annexation” alternative – the DGEIS admits that a whole range of uses will occur on the annexation lands, but then only evaluates an arbitrary, solely residential, 2025 buildout scenario. This statement is also not true for the without annexation alternative, as commercial uses are not allowed in the existing Town of Monroe zoning districts within the annexation area. This is further evidence that the DGEIS’s conclusions that visual impacts would be the same under either alternative are incorrect, as the character of the development to be constructed under the alternatives will be vastly different.	3.7-15
3.7-3	3.7.3	The DGEIS states: “Development on higher topography, when planned, should be evaluated at the site plan review stage to identify opportunities for buffering of views that would otherwise be opened from nearby vantage points.” This analysis can and must be performed at this time – that is the purpose of the DGEIS analysis. Using standard viewshed analysis methodology, it can be readily determined which areas would be visible from surrounding sensitive historic and scenic resources.	3.7-16
3.7-3	3.7.3	A specific visual impact analysis should be conducted for the Highland Trail/Long Path. At various vantage points along the path, it can be determined, using standard visual impact methodology, whether views from the trail will be impacted by the introduction of high density, urban development comparable to that which exists presently in the VKJ. Simply stating that the “path was walked” is inappropriate methodology and unsupported.	3.7-17
3.7-4	3.7.3	Standard multipliers exist for the appropriate amount of land which should be set aside to accommodate areas for active and passive recreation. The DGEIS fails to quantify how much recreational land would be required to meet the demands of the population at buildout. The DGEIS fails to quantify the need to set aside land for recreational pursuits.	3.7-18
3.7-4	3.7.3	What will the impact be to hikers and public users who want to travel on the trails	3.7-19 ↓

6/22/15 Supplemental Comments from Town of Monroe Conservation Commission on:
 “Draft Environmental Impact Statement, 507-Acre Annexation, Town of Monroe to Village of Kiryas Joel” dated April 29, 2015

		within the annexation area, or use the County Park? A portion of Gonzaga Park is within the area to be annexed. It is common for hikers and recreationalists to be dressed in shorts, tank tops, and other types of recreational gear in summer months. If annexed, these recreational users will be entering a village where signage is posted which requires anyone, including visitors, within the Village to wear “long skirts or pants”, “covered necklines”, “sleeves past the elbow”, and “maintain gender separation in all public areas.”	3.7-19 con 4
3.7-4	3.7.3	The DGEIS fails to compare the amount of recreational land, or fee in lieu of land, which would be generated under the with and without annexation alternatives. In the without annexation alternative, homeowners in the annexation lands have full use of the Town of Monroe recreational properties. The DGEIS does not mention any Town of Monroe recreational facilities, and the benefits they offer in this regard.	3.7-20
		The VKJ practice of not preserving open space (except wetlands where they cannot by state regulation) is an unsustainable development practice. See, for example: http://www.asla.org/sustainableurbandevelopment.aspx . The DGEIS argues that because the VKJ has sidewalks, it is sustainable. However, sustainable design encompasses many other facets of design, including open space set asides for passive recreation and health benefits that are immediately accessible to the population it serves.	3.7-21

Subject: SEQRA PUBLIC HEARING/ANNEXATION PUBLIC HEARING

From: Beemer, Stefanie [mailto:Beemer@pbworld.com]
Sent: Monday, June 22, 2015 2:07 PM
To: tmiller@timmillerassociates.com
Subject: SEQRA PUBLIC HEARING/ANNEXATION PUBLIC HEARING

Mr. Miller et al:

I have attached my comments to the Draft Generic EIS for the Annexation of the 507 and 164 acres to the village of Kiryas Joel from the town of Monroe. I found several items of concern and I feel that a complete EIS needs to be conducted due to community and environmental concerns not addressed in the DGEIS. Among several items that were not complete or too generic to make a final assumptions, a few have come to concern.

1. [With the majority of the annexation in environmentally sensitive areas, there is a need of clarification] to the DGEIS in the statement:

“Prior to any decision-making the lead agency for this action must complete the requisite SEQRA review. Since there is no development project associated with the Annexation Petitions, the only actions required under Article 17 of the New York State General Municipal Law are the resolutions by the Village of Kiryas Joel Board of Trustees and the Town Board of the Town of Monroe to approve or deny the annexation.”

3.6-43

[While at the time, there is no “official developments” tied to this annexation, there are future planned developments after approval of this annexation. The annexation area includes areas within the freshwater wetland buffer zone (south of Coronet Lake and West of Forrest Road Lake) as per Figure 3.6-4 of the DGEIS and will require permits. Since work would take place within regulated areas, permits from the NYSDEC per NYSDEC Article 24 as well as permits and approvals from other regulatory agencies. Regulatory agencies issuing permits or approvals could be involved agencies in the SEQR process. Because of the involvement of permits and approvals by outside agencies not including Lead Agency, the annexation should not be approved or denied solely by elected officials of the Kiryas Joel Village Board and the Town of Monroe Board members.]

2. Wetland review in Section 3.6 of the DGEIS was based on GIS mapping provided by Orange County and the NYSDEC’s Environmental Resource Mapper. **These types of maps do not necessarily reflect current conditions.** A field survey by wetlands and other ecologists is needed to accurately determine wetlands and other sensitive resources. **Was a field survey performed by certified ecologist to identify wetland and environmentally sensitive areas and confirm the accuracy of information? Were areas listed as protected species areas physically identified? If so, when were these performed and by whom?**

3.6-44

3. Nowhere in the DGEIS is FWS discussed nor any reference to inquiry letter sent to NYSDEC or FWS to confirm wildlife and habitat impacts. Have surveys of the habitat been performed by environmental experts?

3.6-45

I have no affiliation and I am a current resident in Orange County. This annexation is not in the best interest for the town of Monroe and surrounding areas including all of Orange County.

Address and Telephone Number
Stefanie Beemer
282 Mountain Lodge Road
Monroe, NY 10950

From: suzanne bellanich [mailto:sbmb@optonline.net]
Sent: Monday, June 22, 2015 4:57 PM
To: tmiller@timillerassociates.com
Subject: SEQRA PUBLIC HEARING /ANNEXATION PUBLIC HEARING

I am an environmentalist as well as a New York Taxpayer. Zoning laws protect all citizens in this state and need to be abided by all.

Current zoning of the 507 acre annexation parcel is sustainable through use of private septic systems. The sole purpose of the 507 acre annexation request is to allow for rezoning of the land to support high density development. High density development cannot be sustained through private septic systems. High Density development would require a larger sewage treatment plant and force the waste downstream. We know the Ramapo River cannot take the impact of this effluent. The Ramapo River cannot bear the brunt of any expansion due to its current state of the highly salinized effluent and raw chicken waste originating from the KJ Chicken processing plant. The most recent EPA fine of \$330,000 occurred in November, 2014, where it was acknowledged that raw chicken waste was disposed of into storm drains literally poisoning the water with animal waste parts. It's illegal and it's appalling! Perhaps another option would be forcing the waste upstream to New Windsor, NY in some a high cost development of a Sewage Treatment facility there then the waste would be destined for the Hudson River.

3.6-46

I would venture to say that will not be an option as we are lucky to have environmental groups advocating for the health of our most precious estuary river. The Hudson River doesn't need 3 million gallons of waste water flowing into it. NO waterway does!

The land and waterways cannot support High Density development of this 507 acre parcel. Without rezoning, the annexation serves no benefit to the community of KJ. On NO level does the annexation serve any benefit to the residents of the Incorporated Town of Monroe, Orange County, or New York State. This annexation should not be granted simply to usurp existing zoning laws.

Respectfully,

Suzanne Bellanich
25 Wilson Rd
Monroe, NY 10950
sbmb@optonline.net
845-783-6784

From: yrberger@gmail.com [mailto:yrberger@gmail.com]

Sent: Monday, June 22, 2015 3:29 PM

To: tmiller@timillerassociates.com

Cc: Gedalye Szegedin

Subject:

As a lifetime Kiryas Joel resident, I often volunteer at the Aishes Chayil Women's Services Center. I am passionate about newborns, and revel in the joy of caring for them. I'd therefore appreciate if the perspective of this post-partum convalescent facility were part of the annexation record.

Aishes Chayil is a 62 bed facility which provides a multitude of post-partum services for the new moms, their newborns and families. Aishes Chayil serves over 3,000 mothers annually.

Although my daily schedule is quite full, what with a full time job and a household of three children, I still cherish the time I am privileged to spend in a joyous environment as such, where new life is celebrated. When I look at the faces of those infants, it brings back memories of my younger siblings at that age, who are now fathers and mothers with children of their own, and I envision them attending Village schools and synagogues, and patronizing Village businesses. And I wonder; will the recent rabble rouser succeed in preventing them from remaining in the community where their parents, and for some even their grandparents, were born and raised? I look into those eyes and wonder; who will decide their place of residency? And I realize that these children's most basic American right is being challenged. Because if their right to choose where to live is taken from them, what other rights will they try to take away next?

And what I find most ironic is, that well over 100 employees of Aishes Chayil are from outside Kiryas Joel. So our neighbors are essentially saying: "pay us to take care of your newborns, but once they grow up, they'll just have to leave"...

Natural growth is a fact of life. To ignore it, would be irresponsible. Therefore, for the sake of our offspring, I urge you to vote 'yes' to approve annexation.

Thank you,
JB



Steven M. Neuhaus
County Executive

Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
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David E. Church, AICP
Commissioner

www.orangecountygov.com/planning
planning@orangecountygov.com

County Reply: Non-Mandatory Review of Local Planning Action

Local Referring Board:	<i>Village of Kiryas Joel</i>	Referral ID #:	<i>KJV01-15</i>
Applicant:	<i>Village of Kiryas Joel</i>	Tax Map #:	Numerous
Project Name:	<i>Annexation of land into Village of Kiryas Joel</i>	Local File #:	<i>N/A</i>
Proposed Action:	<i>Draft Generic Environmental Impact Statement for 507+/- & 165+/- acre annexation proposals</i>		

Comments (16 pages):

The Orange County Department of Planning is in receipt of a Draft Generic Environmental Impact Statement (DGEIS) for the 507+/- and 165+/- acre land annexation proposals from the Town of Monroe to the Village of Kiryas Joel, dated April 29, 2015. We have reviewed the DGEIS as an Interested Agency under the State Environmental Quality Review Act (SEQRA) and provided written comments as follows:

The County of Orange also restates our view that we are far more than an Interested Agency. The preferred annexation Action includes park land owned and operated by the County, and both annexation proposals include road rights-of-way owned and maintained by the County. Additionally, the County administers, manages, or provides a significant range of programs and services that could be impacted by foreseeable future growth and development with or without annexation. As such, it is essential that the DGEIS address these impacts and reasonable alternatives that would avoid (or allow mitigation of) such impacts.

County comments were prepared based on interviews with a range of interested parties and research conducted by a team of County senior staff from key agencies. The County was assisted by a professional consultation team led by the Center for Governmental Research (CGR) and the Chazen Companies. While the proposed action alone to annex 507 acres (or alternatively 164 acres) has been represented as a procedural action involving simple adjustments of municipal boundary lines, this proposed action has clear subsequent and related actions that cannot be segmented from the annexation proposal. This includes highly predictable development emanating therefrom which has the potential to result in significant adverse impacts to any annexation lands, to the municipalities neighboring these territories, and to Orange County as a whole.

Overall we find that there are gross deficiencies in the environmental, fiscal, and social impact analyses in the DGEIS regarding each annexation alternative. These deficiencies are presented below and render the DGEIS inadequate with regard to identifying potential impacts, mitigating or avoiding such impacts and taking a "hard look" as required under SEQRA regulations.

The three part SEQRA "hard look" test requires a lead agency to:

- 1) Identify relevant areas of environmental concern,
- 2) Thoroughly analyze those areas to determine if the action may have a significant adverse impact, and
- 3) Support its determination with reasoned elaboration.

In this case, it is this Department's view that the designated SEQRA Lead Agency has failed to identify and document, quantitatively with logical rationale or reasoned elaboration, the full, relevant areas of environmental concern, or thoroughly analyze the areas of environmental concern identified through scoping or support determinations made in the DGEIS. As such, we recommend that the DGEIS be supplemented prior to release of an FGEIS based on our comments and those provided by other involved and interested parties as well as the public.

General Comments

1. The DGEIS does not adequately examine the adverse impacts of growth on the territory proposed for annexation. The document repeatedly relies on a series of statements/assertions that defer analysis to an unspecified future date. There are numerous instances in the document which indicate "*the proposed annexation would not involve any physical disturbance of the ground and thus...*" no impacts are anticipated to occur. There will be an increase in land consumed and developed under the annexation proposal. As such, the failure to analyze predictable outcomes from expected and likely land use and development with current annexation proposals, and deferring such analysis to subsequent actions undefined in the DGEIS (presumably rezoning and site specific permit actions), presents a concern that environment impact analysis is being segmented and deferred to an undefined and uncertain future. 8-5

For example, the document does not examine how potentially adverse impacts to natural resources (e.g. soils, wildlife, habitat, and wetlands) in the proposed annexation territory will be avoided, minimized, or mitigated. There is no estimate of the disturbance of various resources and no assessment of cumulative impacts as a result of directing growth to this area.. 36-47

2. The overarching assumption in the DGEIS is that growth will occur regardless of annexation and the impacts of growth are somehow unrelated to annexation. The DGEIS acknowledges that annexation will increase development density within the annexation territory comparable to the Village's density and development patterns. In many instances the DGEIS defers the evaluation of the impacts of readily foreseeable resultant actions (e.g., rezoning and extension of utilities) to sometime in the future and suggests that impacts be evaluated on a case by case basis. This is contrary to the intent of SEQRA and defies sound planning practices. 8-6
3. The DGEIS assumes population growth within the combined study area (Village and Annexation territory) to be constant under either scenario (annexation or no annexation). It does not estimate the additional growth potential attributable to the action. If annexation were to occur, there remains the current potential for development within the Village's historical boundary will remain. Failing to account for growth within the Village (under annexation) underestimates the long-term potential for growth, and ignores the potential adverse impacts on resources (e.g. demand for water and wastewater infrastructure). Were the population within the Village to increase as the DGEIS posits without annexation and additional density was permitted within the annexed properties, the total population could be higher than estimated. There are, of course, additional implications for community service demands and environmental impacts that follow from this improper estimation of population growth. 8-7
4. The DGEIS provides a discussion on only two alternatives – the less 165+/- acre annexation proposal or No Action. This Department believes there are other reasonable alternatives that can be defined and analyzed that would provide important guidance in determining potential adverse impacts and identifying actions to avoid or mitigate such impacts. For instance, alternatives should be defined according to alternative annexation arrangements, no annexation but development options with rezoning within one or more adjoining municipalities, and/or no annexation and development consistent current zoning and land use regulations. Additionally, an alternative should be analyzed that keys the pace, scale and pattern of growth, development and land uses to available infrastructure – with zoning as exists now in the adjoining Towns versus with zoning similar to that currently in the Village. Our concern is that adverse effects to areas including potable water, sewer treatment capacity, transportation, and transit facilities have gone largely unexamined. 6-9

5. The DGEIS does not adequately address induced growth and cumulative impacts. The position of the proposal is that growth will occur regardless of annexation and the impacts of growth are somehow unrelated to annexation. The DGEIS acknowledges that annexation will increase development density within the annexation territory similar to the Village's density and development patterns. In many instances the DGEIS defers the evaluation of the impacts of readily foreseeable resultant actions (e.g., rezoning or extension of utilities) to sometime in the future and suggest that impacts be evaluated on a case by case basis as they occur. This is contrary to the intent of SEQRA and sound planning practices. 8-8
6. The maps/figures provided often fail to include the annexation territory as a reference. Figures 3.4-7 (Area Sidewalks) and 3.4-8 (Bus Routes) as examples do not include the proposed annexation territory, making it difficult to relate the text to the proposal. This should be corrected. 3.4-3
7. Population Projection Timeframe: The DGEIS projects the population of the Village out to 2025. The County feels that this is insufficient to account for the long-term impacts of the proposed annexations on infrastructure and service demands. 3.2.10-26

Specific Comments

I. Project Purpose, Need and Benefits (DGEIS Section 2.0)

1. The Action is narrowly defined as the annexation of 507 acres from the Town to the Village. The DGEIS states *"The purported purpose of Annexation Petition is to enable community members who live in the annexation territory to share the unique municipal services and cultural facilities that exist in the Kiryas Joel, including central water and sewer services, schools, public safety and fire protection services, among many others."* (p2-1). 2-21

Many, if not all, of these services are currently available from the County, Town and or Village (through contractual means) and no justification is provided why the annexation is necessary to provide these services.

2. The DGEIS further indicates that population growth of the community *"is inevitable, with or without the annexation territory, given the religious, cultural and social norms"* of the community and estimates that the population will nearly double in ten years growing by 19,663 new residents for a total population of the study area of 42,297. (p2-7) The overarching assumption is that this growth will occur regardless of whether annexation occurs or not, and *"demographic and growth analyses have shown that internal population growth within Kiryas Joel has not been restricted by the lack of services such as sewer and water, nor by available housing, as is typically the case in other communities."* (p2-12) 2-22

The DGEIS indicates *"The Village is the only entity capable of providing sufficient public sewer and water infrastructure and services to the annexation territory."* (p2-12)

These statements are in conflict with one another and there are several examples of lands within the Town being provided with water and sewer services (including Forest Edge & Vintage Vista).

3. The DGEIS projects population growth and the impacts on services and the environment only through the year 2025, noting that significant population or building growth is likely to occur through this period. This is a relatively short planning horizon for this action. A more appropriate planning horizon would extend growth through 2040, recognizing that the capacity of the current village plus the annexed properties is likely to become a limiting factor on organic growth at some point within this 25 year period planning horizon. 2-23

III. Land Use and Zoning (DGEIS Section 3.1)

1. The DGEIS indicates that the Village has "comprehensive zoning regulations" adopted in 2007 that serve as the Village's comprehensive plan. The regulatory or policy status of this document is not well understood. Furthermore, The Village of Kiryas Joel also apparently adopted a Comprehensive Plan in 1999. Unfortunately, there is no record of such adoption. There is also no record that this 1999 adopted plan was sent to the Orange County Department of Planning for review as a mandatory referral under NYS Article 12B, Section 239, paragraphs l, m and n of the General Municipal Law. There is also no record that the Kiryas Joel Village Board of Trustees, Planning or Zoning Boards have referred any mandatory land use and zoning action to OC Planning under this law. This requires greater clarification. 3.1-63
2. There are a number of instances in which the DGEIS selectively cites a reference or concept (e.g., Monroe Comprehensive Plan) without providing the full citation or context of the document's recommendation. This has a tendency to skew the reader's understanding of the citation. For instance, p3.1-7 the DGEIS cites that Monroe's plan supports the use of density bonuses, clustered housing, and extension of sewers to provide for high density housing in the annexation territory. While there is a discussion of these tools, the Plan also cautions that these tools be carefully examined and that *"under current market conditions in our area, new affordable housing units have not been generated simply as a result of making unrestricted density bonuses available."* (p 73 Monroe Comprehensive Plan) 3.1-64
3. The methodology for calculating the development potential of the annexation territory with and without annexation is not described. The reader is referred to a spreadsheet in Appendix E. The methodology notes that any assumptions should be described. The development potential of the lands in the annexation territory 3.1-65

may be restricted by site characteristics including topography, slopes, soils/bedrock, wetlands, and other environmental features. It is not clear which of these resources will be impacted or to what extent. (See also Natural Resources). It is not clear that the development potential without annexation can be achieved given that the lands may require the use of on-site well and septic.

3.1-65
con 14

4. There is no discussion of non-residential land uses that may occur under the annexation scenario. The Villages PUD provision permits all forms of uses. The Town's current zoning does not permit commercial uses. How will non-residential land uses impact the health, safety, and general welfare of adjacent properties? The DGEIS should include an analysis of the resultant traffic, demand for water and sewer services, and any resultant impact on community services.
5. The assumption that water service is not available to lands in the annexation territory (under the no Annexation alternative) is not supported by the record. The most recent Forest Edge and Vintage Village projects are served by central water and sewer.
6. The annexation proposal is inconsistent with Town of Monroe's Comprehensive Plan. The annexation territory is comprised of lands currently zoned by the Town of Monroe as Rural Residential (RR-1 and RR-3) as well as smaller areas zoned as Urban Residential Multi Family (URM) units. The Town of Monroe Comprehensive Plan references these zoning areas, and while it acknowledges some of the Rural Residential Areas that may be located in close proximity to the Village, these lands are not identified for increases in development density. The Town of Monroe recommends the use of clustering, limiting tree clearing, avoidance of siting development on ridges, and use low impact development techniques due to development constraints and sensitive characteristics of the lands. Annexation will permit the Village (as described in the DGEIS) to rezone the lands PUD and permit development densities inconsistent with the Town's vision (and public interest).
7. Under Mitigation, the DGEIS indicates that the Village of Kiryas Joel will establish a master plan committee to make recommendations on land use issues as means of mitigating impacts of annexation. This section continues to describe various "Smart Growth" initiatives that may (or may not) be entertained. The master plan committee, if formed, is reminded that referral of its proposals is likely required to the County Planning Department under Section 239-m of the General Municipal Law. The Lead Agency is reminded that it has a history of non-compliance with such referrals.

3.1-66

3.1-67

3.1-68

8. **IV. Demographic and Fiscal (DGEIS Section 3.2)**

1. Data Sourcing: The DGEIS cites data from a number of different sources and years, making a direct comparison of data impossible. We maintain that the DGEIS document must utilize a consistent data source to provide the socio-economic characteristics and demographic attributes which may be relied upon to form conclusions throughout the DGEIS. The DGEIS currently draws upon several different versions of the ACS 5-year estimates to characterize modal split, vehicle ownership, journey-to-work data, and many other socio-economic variables for the resident population of Kiryas Joel and the annexation areas; thus, the Lead Agency is allowing itself to pick and choose the data that presents the 'best picture.' For example, Table 3.4-11 relies upon the 2006-2010 ACS Estimates in standing that 24% of workers in Kiryas Joel utilize public transportation in their journey to work; however, when the most recent 2009-2013 5-Year Estimates are referenced, the percent of workers utilizing public transportation is only 18%. All variables relating to population data in a study should reference the same inter-censal dataset to present a consistent method of analysis. In this case, the most recent data available from the Census Bureau is the 2009-2013 ACS 5-Year Estimates. Painting the most favorable set of facts is unacceptable, arbitrary, and capricious when more current information is available. The Lead Agency should either update its data or lay out a rationale for why it utilized the information it did.

3.2.10-7

2. Population Projection Timeframe: The DGEIS projects the population of the Village out to 2025. This is palpably insufficient, arbitrary and capricious. Under any reasonable planning based standard this fails

3.2.10-28
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3.2.10-28
con 4

to address the long-term impacts of the proposed annexations on infrastructure and service demands. Given the population density of the Village of Kiryas Joel presently, a ten year build out presents a grossly inadequate picture of the actual impacts of this annexation. We advise the Village to project the population of the Village according to all three scenarios--without annexation, with the 164-acre annexation, and with the 507-acre annexation—out to 2040. This will be consistent with projection timeframes contained within previous development proposals, and with projection timeframes developed by outside agencies such as the New York State Department of Transportation and the New York Metropolitan Transportation Council. That [population growth through 2040 should then be utilized to determine the impact on the Harriman Wastewater Treatment Plant.] If this is not satisfactorily addressed, and the true, long-term projections and impact on sewer not explained, it is inconceivable how this office could do anything but recommend against either annexation were this office given the ability to make legally binding comments.

3. The DGEIS asserts that the population will grow at the same rate regardless of whether the annexation occurs or not. The DGEIS should address the validity of this forecast in several respects. 3.2.10-29
- Without annexation, the DGEIS assumes that the unit density within the Village will rise from approximately 6 housing units per acre to 9 housing units per acre. The DGEIS should address whether such a rapid buildout is realistic, given the existing residential density.
 - It is not sufficient to simply assert that such a rapid buildout within the Village will unquestionably occur if annexation is denied. What alternatives—including building new housing on lands in close proximity to the Village (but outside the Town of Monroe)—exist, and what would be the implications of such development?
 - In the event that annexation occurs, will the density within the Village increase regardless? IF so, this would enable population growth even greater than that forecast in the DGEIS. Such growth could come from, for-instance, in-migration. ,
4. If the annexation is denied, physical constraints may force the community to accommodate new families in nontraditional ways, perhaps involving the relocation of established families to other locations to make room for new family formation within the Village proper. The DGEIS should thoroughly address the impact of the increased population growth that would result from the annexation's denial. 3.2.10-30

V. Community Services and Facilities (DGEIS Section 3.3)

- Based on the assumption that the population will remain constant with or without annexation, the DGEIS fails to enumerate any impacts on community service costs; however, this assertion is based on very strong assumptions about the ability of the community to increase density within the Village. In order to be complete, the DGEIS should address the implications for community services with increasing the population. 3.3.8-26
- Administrative costs for the full range of county-funded and county-administered public services would be influenced by a significant increase in population, regardless of where in Orange County the increase is generated. This may require an expansion of county offices and/or other facilities. 3.3.8-27
- OC Parkland & Highlands Trail: The County notes that the Petition for Annexation referred to as the proposed 507 acres Annexation includes the following parcel owned by the County of Orange and operated as parkland - Town of Monroe SBL: 1-1-5, 7.0 acres. The inclusion of County Parkland within the petition for annexation of territory remains a matter of concern and has the potential to cause several impacts that would *not* be in the public interest. While the Petition was filed at the conclusion of the last Administration, no public notice has been located stating that a County-owned parcel, specifically SBL 1-1-5, was being included within and as part of the petition for annexation of territory. This 7-acre parcel constitutes a portion of a County park facility known as Gonzaga Park, and also accommodates the routes of the Highlands Trail and Long Path – two regionally-significant hiking trails. Any future impacts to the park as a result of 3.1-69

annexation into the Village of Kiryas Joel must be evaluated within the context of the anticipated scale and intensity of development that will likely occur at neighboring properties, as well as an increase of patronage from nearby Village residents and additional needs for particular amenities or services. Preservation of the aforementioned hiking trails must also be ensured in the future, as such trails are characterized by undeveloped, natural landscapes and dramatic scenic views of Orange County; as such, any new development on the annexation territory will have the potential to negatively impact the natural qualities of these regionally-significant hiking trails.

3.1-69
Con 4

VI. Police and Public Safety Services (DGEIS Section 3.3.1)

3.3.8-28

1. The DGEIS should better articulate the capacity of the 45 public safety officers employed by the Village.
2. The Orange County Civil Service Office lists only the title of 'Watchguard' for the department of Public Safety in Kiryas Joel but lists only five employees in that job classification. This substantial discrepancy should be addressed by creating a job description for Public Safety Officer with accurate qualifications and properly listing the professionals that work in this job title.
3. The Urban Land Institute methodology used in the DGEIS for estimating staffing needs for police and public safety is based on ratios developed twenty years ago. The applicant should have developed a staffing model by estimating the needs based on the specific portfolio of services needed in the community, the anticipated demand for those services based on historical trends, and the community environment.
4. The DGEIS does not consider the increase in calls in the neighboring communities that would be generated from the increased traffic volume on local roads and increased residents and visitors to the neighboring communities. This volume of calls would place additional stress on neighboring law enforcement agencies.
5. The DGEIS should clarify the existing presence of law enforcement in the Town of Monroe. As presently written, it overstates the availability of both the NYS Troopers and the Orange County Sheriff's Department. NYS Police Troop F is the primary responder to the town and several neighboring communities with between 1 and 3 units available to patrol and respond. The County Sheriffs do not maintain a presence in the community and respond to requests only when NYS Police Troopers are not available.

3.3.8-29

3.3.8-30

3.3.8-31

VII. Fire Protection (DGEIS Section 3.3.1)

1. The DGEIS does not state whether or not the Village or residents of the annexed area would seek to reduce the boundaries of the Monroe Joint Fire District after annexation. If the boundaries of the district are reduced, the Monroe Joint Fire District will see a reduction in tax revenue with no presumed change in demand for services. The DGEIS should address how that negative impact should be addressed and how the Village will offset the lost revenue.
2. Most of the proposed area of annexation does not have municipal water and fire hydrants. The proposed structures, even with sprinklers, have the potential for large fires from the substantial use of combustible materials in their construction. The DGEIS must address the adequacy of water supply for fire suppression including hydrant locations, water pressure, and flow rates. In areas where municipal water is not present, resources for water such as draft points and cisterns should be considered as part of the application.
3. Kiryas Joel Fire Department relies on mutual aid from neighboring departments to extinguish fires where self-contained breathing apparatus (SCBAs) are needed. As indicated in the Orange County Mutual Aid plan: *"Under generally accepted standards (ISO Municipal Grading Schedule), a fire department is expected to have appropriately trained manpower and equipment to handle two emergencies of moderate proportion. In essence a fire department would be expected to be able to at least fill a first alarm assignment and still have available resources to provide a minimal level of protection to its jurisdiction."* Expanded territory and population will inevitably lead to additional requests for mutual aid to provide essential fire protection services that the Village should be able to provide on its own. The DGEIS should present a

3.3.8-32

3.3.8-33

3.3.8-34



mitigation plan to prevent this unreasonable burden on neighboring departments unless a mitigation plan with sufficient trained firefighters on duty is enacted. 3.3.8-34
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4. The DGEIS asserts that the KJFD has 8 paid fire fighters that are SCBA rated interior firefighters. Available information shows that there are five part time employees with the civil service title firefighter and one full time fire chief with the civil service title of laborer. Interviews with local fire officials outside of Kiryas Joel and from the KJ administrator indicate that the KJFD only uses paid firefighters on approximately 75 days of the year. This substantial discrepancy in the DGEIS dramatically overstates the current manpower capability of the department and should be corrected. 3.3.8-35

5. The proposed staffing impact described in the DGEIS appears to be based on the ratio of full time fire fighters to residents. This method is inappropriate for a community served by fully volunteer firefighters (Monroe Fire District) or a combination of part time firefighters and volunteers (Kiryas Joel.) The DGEIS staffing estimates must first address if the annexed area will be served by Kiryas Joel through diminishment of the existing fire district. If it will become responsible for the area, it should address how the department will meet industry standards for staffing and operations (such as NFPA 1720: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations and Special Operations to the Public by Volunteer Fire Departments) without reliance on mutual aid for basic fire department operations. If the area will remain in the Monroe Joint Fire District, the DGEIS should consider if the increased call volume will necessitate the addition of paid staff at the Monroe Fire Department to handle the increase in calls. 3.3.8-36

VIII. Ambulance and Health Services (DGEIS Section 3.3.1)

1. The DGEIS should clearly state the boundaries of the Ambulance Operating Certificate of Kiryas Joel Volunteer EMS (KJEMS), how annexation will affect those boundaries, and whether services to any person could be affected. 3.3.8-37

2. The impact numbers for increased calls in the Village and neighboring areas in the DGEIS are based on twenty-year-old ratios. The DGEIS should create more accurate projections of future demand for service for both KJEMS and Monroe Volunteer Ambulance based on existing calls for EMS service in the community and population growth. 3.3.8-38

3. If the area is not annexed into the Village, the DGEIS should identify how residents in that area will access EMS services and if the Monroe Volunteer Ambulance will need to adjust its staffing model to handle the increased call volume. 3.3.8-39

4. In the DGEIS, the estimated need for additional hospital beds are based on ratios developed more than twenty years ago. The DGEIS should ascertain the impact of an increase in the share of population on Medicaid on the fiscal health of local healthcare facilities. 3.3.8-40

IX. Health (DGEIS Section 3.3.1)

1. The DGEIS fails to address the existing conditions and potential impacts of the annexation on early intervention evaluations and services provided to children from birth to age 5, many of whom reside within the Village of Kiryas Joel. County program costs for early intervention include, but are not limited to: evaluation, transportation, respite, and related services. 3.3.9-9

2. The DGEIS fails to address the county's programmatic costs associated with monitoring and issuing permits for children's camps; food service establishments; school food services at non-public schools; and swimming pools. As noted above, commercial expansion associated with population growth is not adequately addressed in the DGEIS. 3.3.9-10

3. Public health issues – both existing and future –the DGEIS. There is a direct correlation between population density and infectious disease prevention and transmission (e.g. mumps). The increase in population forecast in the DGEIS will have the effect of increasing population density overall. Increases in direct costs associated with planning and monitoring immunization programs also need to be addressed.

3.3.9-11

X. Social Services (DGEIS Section 3.3.2)

1. The DGEIS asserts that there will be no impact of the action on social service costs based upon two assumptions. First, the DGEIS asserts that the net population increase will be negligible as the annexation only affects the location of population growth, not the net increase. As noted above, however, the assertion that total population growth will be identical with or without annexation is not well supported. Acknowledging that the annexation option enables more rapid and greater population growth. The DGEIS should address the potential implications of increased service demand. These impacts will be even greater if a more realistic planning horizon (e.g. through 2040) is adopted in revisions to the DGEIS.

3.3.9-12

Second, the DGEIS notes that the largest components of social service costs—particularly Medicaid and Supplemental Nutrition Assistance (SNAP), are funded by state and federal taxpayers or, as in the case of Temporary Assistance to Needy Families and many other county services are not used by residents of the Village of Kiryas Joel. Although the fact that program costs are currently funded by state and federal taxpayers does not mean that there are no impacts on county taxpayers, as Orange County administers these programs. This funding assumption is used in the DGEIS to avoid the obligation to forecast future social service costs, including administrative and indirect expenses.

3.3.9-13

XI. Traffic & Transportation (DGEIS Section 3.4)

1. Traffic Study Methodology: The traffic study in the DGEIS is deficient and inherently flawed given that reductions in vehicle trips are estimated from the American Community Survey and by utilizing traffic counts. The appropriate calculation would be fashioned by conducting a comprehensive origin and destination survey to calculate vehicular trips by dwelling unit type in Kiryas Joel. Traffic counts into and out of Kiryas Joel were compiled for OC Road 44, Forest Rd., Bakertown Rd. and Acres Rd. and used to reduce all vehicle trips generated by the 4100+ households in Kiryas Joel (referred to as mode split in the DGEIS) by 18% and 25% for the AM and PM peak hours, respectively. However, traffic from significant thoroughfares at the cordon line into and out of Kiryas Joel (Seven Springs Rd, CR 44 (North), Bakerstown Rd. (North)) were not counted or included in the total trips made by Kiryas Joel inhabitants. The use of Saturday traffic conditions in Kiryas Joel (DGEIS page 3.4-7) to estimate through traffic does not meet the Institute of Traffic Engineers standards and is unacceptable. As a result of these numerous flaws in the traffic analysis, trip reduction (mode split) is overestimated in the DGEIS. Traffic impact is not calculated quantitatively at all.

3.4-14

Origin & Destination Survey: There is no question that vehicle trip characteristics made by Kiryas Joel families are unique. Women do not drive for religious and cultural reasons. Household vehicle ownership is low. A large number of people rely on mass transit services to commute to work. The numbers of taxi and car service trips are also much greater than other communities. These travel characteristics are so unique that a comprehensive origin and destination study is needed to obtain statistically significant trip generation rates and to accurately estimate through and pass-by traffic, as well as estimate overall traffic and air quality impacts of the proposed DGEIS alternatives.

3.4-15

2. Traffic Study Components: Several key components that characterize a comprehensive traffic impact study, including a safety/accident analysis, an intersection level of service (LOS) evaluation, and a narrative of the anticipated traffic impacts and any changes in LOS for existing roadways within and surrounding the Village, are missing from the traffic analysis. Changes in the distribution of traffic on area roads due to annexation have also not been analyzed to any extent in the DGEIS.

3.4-16
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Overall, the Traffic portion of the DGEIS (Section 3.4) does not adequately address traffic concerns associated with the annexation actions. The DGEIS only examines the number of trips generated and does not address the impacts of those trips to specific intersections and roadways. There is no review of safety and or accidents in Section 3.4. An operational analysis is the traditional standard when evaluating potential traffic impacts of an action.

3.4-16
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3. Truck Traffic: Page 3.4-23 of the DGEIS indicates that "...commercial development is anticipated to grow in step with the growing residential needs, generally comprised of the existing balance of truck and vehicle traffic along with a similar proportion of internal trips with commercial destinations." The growth and impact of commercial truck traffic due to annexation will affect roads within and surrounding Kiryas Joel. The impact of increased truck traffic to area roads and air quality has not been analyzed to any extent in the DGEIS.

3.4-17

4. Annexation Alternatives Traffic Impact: The DGEIS asserts that annexation produces fewer new trips than growth without annexation produces, and therefore the annexation action is not responsible for any mitigation since the mitigation would have been required anyway. One of the basic premises of the traffic discussion is that less trips are generated under the annexation action than under no annexation is not substantiated. There is also no sound statistical or mathematical rationale in the DGEIS for reductions in vehicular trips and assumed traffic impact between the no-build, 507 and 165 acre annexation alternatives. The use of travel and trip-making characteristics from the Village of Harriman ACS and applying them to the 507+/- and 165+/- acre annexation alternative areas (Page 3.4-19) is unjustifiable given that the 507 and 165 acre alternative areas do not share any common characteristics to any degree with the Village of Harriman.

3.4-18

5. Mass Transit Utilization: The community relies on mass transit to address transportation needs and this is one of the primary underlying assumptions for reducing vehicle trips in the traffic analysis. However, there is no discussion on how mass transit services will be provided to the annexed property area and how mass transit will reduce trips and assumed traffic impact quantitatively. A near doubling of the population will place significant demands on the transit system. Transit routes will vary depending on the annexation alternative selected, along with local street geometry, thereby affecting roadway capacity and levels-of-service.

3.4-19

6. The traffic analysis relies, in part, on the construction of transportation improvements conceptualized in the Southeast Orange County Traffic and Land Use Study to address any impacts of increased traffic. There is no discussion on how the annexation/no annexation alternatives may impact the demand and/or timing of a planned improvement. There is no discussion about the timing of the growth, the distribution of this traffic based on the timing, or what impact this will have on the system if particular improvements are not in place.

3.4-20

7. There is no discussion of how construction related traffic will impact the highway network. As a result of the planned action (and the alternative), a greater volume of construction activity will occur in the annexation territory. The distribution of this traffic will vary and should be explored and discussion should occur about traffic impacts during mass gatherings as well.

3.4-21

8. Section 3.4 is an analysis of trips, not how these trips impact the roadway network. Section 3.4 bases all conclusions/recommendations on the number of trips without providing an operational analysis. Several critical intersections should be selected and level of service compared for existing, no-build, and build conditions.

3.4-22

9. Section 3.4.7 Mitigation Measures states that "As the traffic impacts are not expected as a direct result of annexation action, mitigation measures are not required for the annexation action." In addition the DGEIS Executive Summary notes that "Traffic impacts are not expected as a direct result of the annexation action but rather will evolve over time as growth takes place." This assertion amounts to segmenting the action from a readily foreseeable impact.

3.4-23

10. Section 3.4 contends that no mitigation is required as a direct result of the annexation based on the fact that annexation will produce fewer trips than would normal development. If traffic generation is a result of

3.4-24



annexation and introduces new trips to the study area, then mitigation from the impact of these trips must be considered based on the results of a quantitative analyses of the impact of the trips generated by annexation. The annexation action is a specific project and as such should be considered as generating new traffic and being responsible for associate mitigation.

3.4-24
cont

11. What is the last sentence on page 3.4-7 based on? This sentence states “The counts for Table 3.4-2 indicate the traffic levels for the a.m. and p.m. mid-weekday periods are of the same magnitude typical for commutation areas.” Where are the traffic levels for typical commutation areas presented?
12. Table 3.4-3 presents compares 2014 counts conducted in the Village of Kiryas Joel to “Kiryas Joel External” trips based on an “External Percentage”. It is noted that this “External percentage” is “computed based on Saturday traffic being pass through traffic as a percentage of Sunday traffic for the day ending 5 p.m.” The rationale behind this method should be explained in more detail, and quantitative details should be provided showing how the external percentages were arrived at.
13. Section 3.4 and Appendix F present several tables showing trip rates for two land uses – 220 Apartments and 330 Condos. These rates are different for the same land uses in the various tables. The rational for these discrepancies should be explained or the errors corrected.
14. Modal splits are discussed on page 3.4-8 and then appear as factors (percentages) in Table 3.4-5., where they are applied to trip generations to arrive at adjusted (lower) trips. Where did these percentages come from? The quantitative method of arriving at the percentages should be provided.

3.4-25

3.4-26

3.4-27

3.4-28

XII. Community Water and Sewer Services (DGEIS Section 3.5)

1. There is a plan under development to connect the existing Kiryas Joel water distribution system to the Catskill Aqueduct. In the meantime, the Village continues to develop groundwater sources in order to meet demands within the system. Plans, however, have not been submitted and finalized for either the connection to the aqueduct, or to continue to develop groundwater sources until such time as that connection is made.

This does not necessarily mean that the Village will be unable to meet system demands (regardless of annexation), but proper planning is necessary to show how the Village will meet those demands as growth and system usage continues to increase. There is an assumption that adequate supply exists from both groundwater and aqueduct sources, but little mention is given to how this will be implemented or how it will be scheduled to keep pace with demands.

Annexation is anticipated to accelerate the rate of development and demand for utilities. There is no correlation of when new dwelling units will be brought on line and how this will correlate with the associated demand and available capacity of systems. This analysis should be provided.

3.5.7-43

2. There is no plan to expand capacities at the Kiryas Joel Sewer Plant (KJSP). Currently, overflows from the pump station are routed to the Orange County collection system for treatment at the Harriman plant (i.e., with the exception of flows from the poultry processing plant, flows to the KJSP are limited by pumping rates). While there is currently existing capacity at the Harriman plant, a facility study has been commissioned by the County to identify means of increasing treatment capacity within the Sewer District in order to meet projected future flows throughout the District.

3.5.8-26

The cost of any potential expansions at Harriman will be shouldered by the entirety of the sewer district, even though growth rates, and thus treatment capacity allocation, are anticipated to be substantially greater within Kiryas Joel than other areas of the District. This is not inconsistent with the Orange County Sewer Use Law, nor is it in conflict with general sewer district practices. However, the statement that “...annexation will not result in negative fiscal impacts to OCSD#1” (pg 3.5-33 of the DGEIS) is not fully examined or substantiated.

3.5.8-27

With respect to wastewater, growth in the annexation area will result in increased capital costs throughout the District. While these costs may be mitigated by the addition of new users to share the burden, no discussion of this aspect is included in the DGEIS. The DGEIS should provide an analysis of the capital costs that are attributable to growth within Kirays Joel/Annexation territory and how these capital costs will be assessed to the users.

Water Supply

3.5.7-44

1. The DGEIS seems to suggest that because population growth is constant under either scenario (annexation or no annexation) the water and wastewater service requirements are also equivalent. However, without annexation, a portion of anticipated growth would occur in surrounding Towns typically serviced with conventional on site wells and septic systems. Therefore the 'no annexation' scenario precludes the need for a share of the centralized water and wastewater infrastructure currently planned. The DGEIS must examine the benefits and/or liabilities associated with relieving expansion pressure on centralized W/WW services by the use of distributed W/WW services under the 'no annexation' scenario.

2. The DGEIS indicates that centralized water available to the Village will include use of the Mountainville test wellfield which remains under permitting review. Use of this well field has not yet been approved and would constitute an inter-basin water transfer, importing water to Kiryas Joel from the nearby Woodbury Creek watershed. This uncertainty and the impacts of the inter-basin transfer must be addressed.

3.5.7-45

3. A 2011 Mountainville Well pumping test report by the applicant's consultant (LBG) describes a 425 gpm pumping test at this site, and includes calculations suggesting that 1,212 gallons per minute might be supported by this location. On August 12, 2010, the Chazen Companies recorded a flow of just 2.14 cfs (960 gpm) in the Woodbury Creek (August 2010 field report by Chazen for OCWA) during a period when reference watersheds with available performance statistics indicated lower flows would be expected approximately 10% of the time. Thus Woodbury Creek flows of approximately 960 gpm or less currently occur over more than one full month per year. Interbasin transfers remove water that ultimately leave watersheds by streams, so a continuous 425 gpm pumping rate would remove half or more of the flow of the Woodbury Creek for more than one month per year, and fully dry the streambed for more than one month per year if a pumping rate of 1,212 gpm is used.

3.5.7-46

Page 2-10 of the DGEIS does not confirm the volume of water needed from the Mountainville test well site. The analysis also does not discuss stream or biological impacts of such gallon-for-gallon flow reductions in Woodbury Creek under either the demand rate under the 'annexation' scenario or the likely lower demand rate under the 'no annexation' scenario when a share of the proposed growth might be supported by individual wells.

The Woodbury Creek is a Class C(TS) stream indicating it has the capacity to support trout species and serve as spawning habitat; the Creek also hosts other native aquatic species, and is abutted by substantial riparian wetlands. Benthic macro-invertebrate sampling overseen by OCWA has occurred on the Woodbury Creek four times, in the years of 2005, 2006, 2010 and 2012, documenting slow declines in ecological habitat condition, with the latest known (2013) report identifying Slightly Impaired water quality. Depleted stream flow would presumably pose additional stress on this creek, requiring analysis in the DGEIS.

The August 12, 2010 Chazen gauging data also indicate that the Woodbury Creek provides fully half of the flow of the Moodna Creek below their point of confluence. An interbasin removal of 425 gpm from the Mountainview wellfield would therefore reduce the lowest month flows of the Moodna creek by 27% or more, with greater flow depletion if up to 1,121 is removed from the Moodna Creek. The existing conditions and impacts of such flow depletion on the Moodna Creek below its confluence with Woodbury Creek require evaluation in the DGEIS.

4. Inter-basin Water Transfer: The DGEIS readily states that withdrawal of 612,000 gallons per day (GPD) from the Mountainville well will occur for at least one if not two years because of KJ population growth and annexation. This will occur until approval and a connection to the NYC Aqueduct is made. NYSDOH

3.5.7-47



3.5.7-47
cont

requires that redundancy exist with the most productive well out of service. With the projected growth of Kiryas Joel, as reported by Tim Miller, in all likelihood the Mountainville and/or the Star Mountain Well Fields will be in service even if the Village is eventually connected to the NYC Aqueduct. This constitutes a planned exportation of water from the Woodbury Creek and Moodna water basins to the Ramapo water basin. The water withdrawal and transfer will impact the ability of municipalities in the Woodbury Creek and Moodna basins from developing residentially and commercially; thereby impacting their community viability. This impact needs to be analyzed in the DGEIS.

XIII. Natural Resources (DGEIS Section 3.6)

1. There is no comprehensive assessment of the suitability of the annexation territory to accommodate the projected growth. For example, the topographical map provided does not quantify/characterize that portion of the annexation territory where slopes may exceed 15% or 25% making development of the areas problematic.

Similarly, the document lacks sufficient detail/illustration of the soil types of the annexation territory. It does not provide a breakdown of the target area by soil type, making it difficult to make an assessment of the land areas suitability for development. The document does note that "*The SCS identifies potential limitations for these soils related to excavations and development of roads and buildings due to their physical and chemical characteristics*" (p 3.6-2 of SGEIS).

3.6-48

The assumption is that the annexation territory has the capacity (by virtue of zoning) to accommodate growth under the current zoning scheme. There is no justification provided as to how a higher density is achieved under a new zoning scheme that the Village will propose. This is a critical issue and a land use plan should be developed to demonstrate the carrying capacity of the annexation lands to accommodate this growth. A comprehensive assessment should be developed to understand the impacts and substantiate the planned annexation.

2. Stormwater Impact: The annexation territory will be developed at a higher density under the annexation proposal. Provision of stormwater management measures can become problematic at higher densities especially on sites with development constraints such as those of the annexation territory. The stormwater impact/mitigation possibilities should be discussed in relation to the annexation proposals.

3. Wetland Impacts: The DGEIS states that there are no wetlands within the annexation territory. This is not the case; the wetlands map in Section 3.6 of the DGEIS notes five areas designated as wetlands by the National Wetlands Inventory. Additionally, the annexation territory may contain numerous locally-regulated wetlands and/or areas of hydric soils smaller than 12.4 acres, which would need to be delineated in order to accurately assess and evaluate the potential for adverse impacts to wetland areas. There are also wetlands within the existing boundary of the Village, designated both by the National Wetlands Inventory (NWI) and the New York State Department of Environmental Conservation (NYSDEC). Development of the annexation territory can put additional strain on all wetlands. The DGEIS should be amended to reflect the same and the impacts discussed both within the annexation territory and the Town of Monroe consistent with the Town of Monroe Local Law entitled "Local Freshwater Wetlands Local Law of the Town of Monroe in Chapter 56 of that Town's Code. The clearing of vegetated areas and the creation of impervious surfaces can lead to increased volumes of stormwater runoff draining into wetland areas; stormwater runoff in developed areas typically contains sediment and pollutants such as road salt and vehicle fluids, which can significantly impact the health and ecology of a wetland.

3.6-50

In addition to concerns of site-specific wetland identification and the overall threats and generalized impacts to wetlands that will parallel development of the annexation territory, it remains critical to evaluate the magnitude and potential extent of these impacts given the locally-significant framework of wetland protection in the Town of Monroe. In 1990, the Town of Monroe adopted Chapter §56 of the Town Code (entitled "Local Freshwater Wetlands Local Law of the Town of Monroe") which stated the legislative intent of the Town Board to preserve and protect wetlands, and established a set of criteria and procedures through which

3.6-51
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the Town Board, Town Engineer/Building Inspector, and Planning Board could proactively enforce the protection of wetlands. To this day, this chapter represents one of the most comprehensive, robust pieces of local legislation that pertains specifically to wetland protection; §56-1 states the following as the Legislative findings and applicability of the chapter:

“A. The Town Board of the Town of Monroe finds that the preservation and protection of wetlands is a matter of concern to the town. This chapter acknowledges that wetland areas constitute an important physical, economic, social, aesthetic and recreational asset to existing and future residents of the town. Wetlands are part of an ecosystem that, if not protected, can cause or aggravate flooding, erosion and diminution of surface water and groundwater resources and may pose a threat to the health, safety and welfare of the people of Monroe and the surrounding region.

B. Current New York State Department of Environmental Conservation (NYSDEC) law regulates activities in and adjacent to wetlands 12.4 acres and greater. Wetlands less than 12.4 acres are considered local wetlands and shall be subject to the procedures and conditions set forth herein.”

Given the conveyed importance and comprehensive regulation of wetlands throughout Chapter §56 of the Town Code of the Town of Monroe, the annexation of 500+ acres of Town territory into the Village of Kiryas Joel would effectively reduce the extent of wetland areas that are regulated by the Town. The annexation of territory would thus serve to enable degradation of wetlands within and surrounding the annexation territory, and would also subsequently impact the surface water resources and drainage basins that are hydrologically connected to those wetlands. The DGEIS should address and mitigate these impacts.

- 4. Impacts to the Ramapo River: This goes unaddressed in the DGEIS. The Village wastewater system, which will be serving the bulk , if not all, of the development occurring in the proposed annexation territory, drains into an unnamed tributary of the Ramapo River. The unnamed tributary has been shown to have high levels of salinity, a degradation of the water quality that can be traced directly to point and nonpoint source pollution occurring within the current Village boundary. Additional development in the annexation territory would further degrade water quality in the unnamed tributary and farther downstream in the Ramapo River watershed.

3.6-52

There is also scientific data that indicates that chicken have a high degree on antibiotic resistant E. coli. Given the increase in population attributable to annexation and the fact that the Kiryas Joel chicken processing plant indirectly discharges treated effluent by way of its sewage treatment plant into the Ramapo River, this potential health and environmental hazard should be thoroughly analyzed in the DGEIS.

XIV. Cultural Resources (DGEIS Section 3.7)

The document suggests that the proposed annexation territory is visible from the Highlands Trail/Long Path located less than ½ mile north of the site. There is no estimate of the anticipated land clearing and loss of vegetation associated with annexation. There is no documentation of the potential visibility (i.e., photographs, zone of visibility analysis) provided to substantiate this claim or to understand the potential impacts.

3.7-23

XV. Thresholds for Future Environmental Reviews (DGEIS Section 4.0)

The Village of Kiryas Joel has consistently failed to abide by land use, zoning and environmental laws (SEQRA) as documented in past court cases and regulatory sanctions issued by the NYSDEC. There is no record that the 1999 adopted Kiryas Joel Comprehensive Plan was ever sent to the Orange County Department of Planning for review as mandated under NYS Article 12B, Section 239, paragraphs l, m and n of the General Municipal Law. In fact, there is no record that the Kiryas Joel Village Board or the Kiryas Joel

Planning or Zoning Boards have ever referred a mandatory land use or zoning action to OC Planning for review under this law.

XVI. Alternatives (DGEIS Section 6.0)

According to SEQRA, “agencies shall use all practicable means to realize the policies and goals set forth in this article, and shall act and choose alternatives which, consistent with social, economic and other essential considerations, to the maximum extent practicable, minimize or avoid adverse environmental effects, including effects revealed in the environmental impact statement process.” It is clear that the DGEIS makes no attempt to determine and analyze viable alternatives that would minimize or avoid significant impacts to the environment, water, wastewater and transportation systems. While State Law may not expressly require a comprehensive land use plan be drafted before a vote on annexation is taken, the same would undoubtedly present the truest impact of the annexation. A clear land use plan done in advance of the annexation vote would be in the overall public interest and the County recommends the same be completed.

6-10

If annexation does not occur, those who may move into the annexed territory may choose to live in the adjoining or nearby municipalities where current community members own land and/or reside such as Chester, Woodbury or South Blooming Grove. This alternative may assist in mitigating impacts on water, wastewater and the transportation system. This alternative was not analyzed to any extent in the DGEIS and should be included.

XVII. Growth-Inducing Aspects and Cumulative Impacts (DGEIS Section 8.0)

1. The DGEIS does not adequately address induced growth and cumulative impacts. The position of the proposal is that growth will occur regardless of annexation and the impacts of growth are somehow not linked to annexation. The DGEIS acknowledges that annexation will increase development density within the annexation territory similar to the Village’s density and development patterns. In many instances the DGEIS defers the evaluation of the impacts of readily foreseeable resultant actions (i.e., rezoning, extension of utilities) to sometime in the future and suggest that impacts be evaluated on a case by case basis as they happen. This is contrary to the intent of SEQRA and sound planning practices.
2. The Town of Monroe zoning is largely restrictive of multi-family development at higher densities. Under the annexation alternative, the property will be rezoned on a case by case basis utilizing the Villages zoning scheme which allows all uses without density restrictions under its Planned Unit development (PUD) provision. Rezoning of the annexation territory is a readily foreseeable consequence of the action, the document notes this in several locations indicating that higher densities will be permitted. A generic EIS is the appropriate tool to analyze a series or sequence of actions having common or cumulative impacts on a particular resource. This analysis is not provided.
3. The growth rate of the Village is likely to accelerate as a result of annexation. Once annexed, lands will be rezoned according to PUD, allowing high density development and thus making development of the properties more lucrative to individual land owners. The DGEIS should include a discussion of how this growth may be managed so as to avoid exceeding the available carrying capacity of various utilities and facilities that are necessary to accommodate this growth.

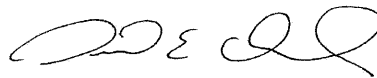
8-9

For instance, the DGEIS asserts there will be no traffic impacts; there are a number of publicly sponsored transportation improvement projects which the applicant relies on being in place in order to make this assertion. Similarly, the project sponsors rely on the connection to the City’s aqueduct for water and expansion of the County’s Harriman WWTP for sewer treatment capacity. The timing of these improvements is not clearly defined with respect to the growth anticipated under either scenario (annexation versus no annexation). Absent of these improvements, there are a number of adverse impacts that are not fully identified and explored.

8-10

Overall, the above documented impacts are substantial, potentially adverse and insufficiently addressed in the existing DGEIS document. We advise the Village to conduct further evaluation of the points raised in this letter and to issue an Amended or Supplemental Draft Generic Environmental Impact Statement, as we do not believe the issues can be sufficiently addressed in a Final Generic Environmental Impact Statement based on current documentation by the Lead Agency.

Date: June 22, 2015



David Church, AICP
Commissioner of Planning

Sheila Conroy
P.O. Box 341
Central Valley, New York 10917
June 22, 2015

Attention: Lead Agency: Village of Kiryas Joel, Board of Trustees
P.O. Box 566
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**RE: Comments on DGEIS for the Annexation of 507 Acres
into the Village of Kiryas Joel**

Before submitting comments on specifics within the GDEIS, I feel it necessary to make a general comment about inflammatory statements made at the June 10, 2015 public hearing as well as other similar statements that have been voiced by some Kiryas Joel officials whenever someone questions or opposes their wishes or plans. To label anyone and everyone who does not agree with the leadership of this community as anti-Semitic or anti-Hasidic shows a lack of respect and sensitivity to others whose rights and thoughts have as much validity as everyone else's. Unfortunately, a single minded plan that only looks at the needs of one group of people whom, by their own descriptions and actions do not wish to interact with anyone not part of that group and who do not acknowledge the rights, desires or beliefs of others, portrays a closed off society intolerant to the world around them. Reaction to such behavior is not anti-Semitic or anti-Hasidic---people's anger is directed at the disrespect and insensitivity which is shown to "outsiders". The "top down" style of governance that makes most decisions in secret and, by choice ,has limited interaction with people who are not Hasidic creates a mentality whereby anyone even questioning what the leaders and supporters of Kiryas Joel wish to do is labeled anti-Semitic. Even members of the Kiryas Joel community who disagree with the current leadership are ostracized, shunned and intimidated. Labeling anyone who disagrees by using inflammatory and racist terms re-enforces the perception of not treating others with respect or as equals.

Another general comment: as part of the scoping process, many of us in the public requested that the DGEIS be organized in a logical fashion and that clear language that could be understood by non-technical people be used for this document. I would like to commend the authors of this document in positively responding to this request.

A general Comment: In the document, it was stated that the average Kiryas Joel household size is 5.9 people but sometimes 5.1 people were used for water, sewer and growth calculations. Over a period of the ten years shown, this will underestimate the accumulative impacts.

Major impact: Zoning

Before looking at specific sections of the document, there has been one impact that has been very difficult to quantify. It is the huge impact that the Kiryas Joel style of development will have on what is now basically fairly vacant land with less than 30 homes on 507 acres. There has been some analysis of what could be expected without annexation and if the Monroe zoning remained in place (more about this later). There has been some analysis with annexation but it appears to be rather conservative. It has hard to know what zoning was applied to the annexable land, especially since one of the main zoning

3.2.10-31

districts in Kiryas Joel zoning codes, the PUD, is an overlay which can be applied anywhere and has no maximum number of dwelling units per acre. This leaves room for great variations of unknown densities.

So perhaps another approach is to look at development in the current Village and then duplicate that in the annexable land since this provides actual and existing development data:

- 1) The current Village is about 700 acres or 1.1 square miles (Page 2.0-3)
- 2) About 80% (560 acres of the land is fully developed) , leaving 20% (140 acres) undeveloped (Page 2.0-3)
- 3) The average density of the Village, according to the 2010 census, is 19,000 people per square mile as compared to neighboring Town of Monroe with a density of 1,986. (page 3.2-1)
- 4) Once the remaining undeveloped land within the Village (20% or 140 acres) is developed, based on existing patterns, it is reasonable to believe that the density of 19,000 people per square mile will become closer to 20,000 people per square mile or even a little higher
- 5) The approximate Village population per the 2010 census was 20,175 people. While this population is the total since the Village formed in 1978, growth has increased more rapidly over the years as more existing families have large families, who marry young and in turn have large families, etc. The growth rate has increased considerably from those early years as demonstrated by the fact that Kiryas Joel officially became the fastest growing community in New York State some years ago and still holds that ranking.
- 6) Under current Monroe zoning, development on these 507 acres would allow about 1,431 dwelling with a population of 7,356 people (calculated at 5.1 persons per dwelling)
- 7) The proposed annexation contains 507 acres which is only 53 acres less than the already developed land in the Village. Kiryas Joel states repeatedly in this document that the land they wish to annex would be developed to fit the more dense Village lifestyle, not the less intense style that exists in the current Town of Monroe zoning code.. Therefore, we get a better idea of what the proposed land for annexation will look like if we simply superimpose the 19,000 people per square mile which would mean a population of almost 20,000 people in this annexed area and all the impacts that accompanies this development pattern as compared to 7,356 people under Monroe's zoning. (It should be noted that there is potential for the density per square mile to go higher depending how liberally the overlay PUD district is applied since it has no maximum density. A current development within the Village (Atzei Tymurim Gardens) of 185 units on 9.6 acres has a density of 19.3 dwellings/acre).

2.0: Project Description:

+ Here and throughout the document, the time frame studied is only 10 years. Since the DEIS, done by the Village of Kiryas Joel, for the NYC aqueduct connection looked at a 20 year time frame, with resultant growth figures and impacts, it is reasonable that this GDEIS should have used that same 20 year time frame. This is especially true given the following:

- * The SEQRA calculations for the aqueduct connection, which covered a 20 year analysis period, showed data ending about the same time as the annexation study (2025) so we do not have figures from either study now beyond the 10 year time frame.
- * Kiryas Joel is the fastest growing community in all of New York State.
- * The Village has the highest population density in all of Orange County, far exceeding any of the County's existing cities.
- * The Village has the highest percentage of people using social services of any community in the County.
- * This annexation proposal increases the size of the Village by 75%. While the DGEIS claims

there are no development plans on the table yet, given all its past history, rezoning of the land to high density housing is almost guaranteed.

For all of the above reasons, the DGEIS must address impacts out to a 20 year time frame. 10 years is simply too short and limited, given the unusual and unique characteristics of this community's growth patterns.

3.2.10-32

- + I could not locate in this section or elsewhere in the document any listing of those parcels not held by annexation petitioners--- how many, what acreage? This should be in the document since annexation into the Village, by its own description throughout the document, is to accommodate the Kiryas Joel lifestyle, based on Hasidic culture and religion. Non-Kiryas Joel landowners, who brought their homes for a rural lifestyle, would not fit into the exclusionary lifestyle of the Village which markets only to Hasidim residents, and so would be detrimentally harmed by this annexation. How many such homeowners would be impacted and what mitigations would be used to prevent discrimination against them?

2-24

Looking at the current borders of the Village, high density and high rise residences are built almost on property lines with minimal setbacks so that single family homes at the outskirts of the Village are dwarfed by these massive structures. Any non-Hasidic homeowners clearly will not fit into or be welcomed into the Kiryas Joel lifestyle or community where "...many of its public institutions reflect the language and culture of this this religious lifestyle." (p. 2-4). How will these non-Kiryas Joel people, who own homes caught up in the annexation, have their property rights and lifestyle respected, just as the Village wishes to have its community respected? There is no analysis of or reference to non-Hasidic landowners.

- + Pp. 2-7 to 2-10: Annexation vs. no Annexation. Since it is claimed throughout the document that growth is inevitable, It would seem better to let growth continue within the existing border of Kiryas Joel for a number of reasons:

- 1) There would be much less disturbance of land. Since development within the existing Village is at a much more intense level than development in the proposed annexed lands, much less land would be disturbed by leaving the existing Monroe zoning in place, realizing that there is still accommodation for growth at the Monroe zoning level of 8.7du/ac in some districts. This would provide a buffer area of less density around the highly dense Village development style and provide some of missing elements of Smart Growth, like open space, clustered developments that include open space protection and housing that blends into the natural setting, that are not found in the existing Village.
- 2) Maintaining growth within the current Village boundaries is more cost effective since it reduces the need for long and costly extensions of water and sewer lines and sidewalks. Some housing in the proposed annexation area could use wells and septic systems if density is not as high as in the Village.
- 3) Building more housing within the current boundaries would provide more opportunities for those living in the proposed annexed areas who favor the Kiryas Joel lifestyle to be able to move into the Village and enjoy services already present. They would be able to live within the close confines that they favor without the major impacts of replicating a intense development style outside the Village that already exists inside the current Village boundaries.
- 4) Providing more housing within the current boundaries would provide the sidewalks, bus services and other facilities that already exist without the need to build new ones and it would help pay for the costs associated with these services by providing more users/customer without adding utility service lines or more bus stops/pick up locations which increase service costs.

2-25

Sewer Services (Comments below address issues in this section. Additional comments on sewers are found in Section 3.5 which are specific to issues raised there)

Page 2-9

Statement: "By a 1978 intermunicipal agreement, OCSD#1 allows additional connections to District facilities from properties outside the boundaries of the District in several municipalities... Parcels in the western portion of the annexation territory thus have access to the District facilities."

3.5.8-28

Questions: Does the County agree with this interpretation? If the lands described above are entitled to use the District's facilities, this contradicts those statements justifying the annexation in order to provide these lands with sewer service. It would appear that they do not need to be annexed into the Village in order to be connected.

Page 2-10

Statement: "Orange County has determined that the HWWTP has sufficient capacity to accommodate the anticipated growth in the District, including the Village of Kiryas Joel, through 2015.

The County further confirmed that sufficient capacity beyond 2015 will be provided based on its obligation to increase capacity pursuant to a 2010 Agreement between Orange County and the Sewer District once the existing District facilities reached 85 percent of their capacity....The County has begun planning for capacity expansion."

Questions: This agreement was signed in 2010, but 5 years later there are still no completed studies or data to prove if and how expansion can occur. In fact, the study **has only just begun**. Where is the data to support the above statement that there is capacity beyond 2015? Since monthly operating reports are filled regarding the Harriman Plant's outflow, where is the data from January- May 2015 which will show if the plant is operating at, below or above capacity?

3.5.8-29

Besides the above study, an Environmental Impact Statement also must be completed before the County can even begin to work on an expansion?

3.5.8-30

- 1) What will be the mitigation until an expansion occurs?
- 2) Will the Plant be inundated with sewage beyond its capacity and continue to receive violations and fines from the DEC? Will the other communities who share this plant and do not have the unusual growth rate of the Village of Kiryas Joel be expected to share these fines?
- 3) What is the mitigation if the Harriman Plant cannot expand enough to meet the growth demands of Kiryas Joel? At some point, the Ramapo River will not be able to accept any more treated effluent—nobody has any idea right now how close we are to that limit. What is the mitigation when the Ramapo can accept no more effluent?
- 4) Once the Harriman Plant can no longer expand, where will the sewage go?

Basically, the DGEIS has not answered this question with conclusive facts or data anywhere in this document which means it is incomplete on this impact.

Page 2-10

Statement: "Pursuant to legal precedent, the County is obligated to serve the needs of District properties before contracting to sell excess capacity to communities outside of the District. Therefore, the annexation properties located outside of the District boundaries are not entitled to sewer service without either annexation to the Village or approval of an outside user agreement."

3.5.8-31

Questions: This statement seems to contradict the earlier statement that almost all of the land proposed for annexation is in the sewer district. (Please see comments in Section 3.5-28 where the real motive for the need to annex land for sewer needs becomes clear) It seems an appropriate time to raise the entire issue of fairness ---fairness to those already in the District who are not yet being served. How do you justify what is in effect expanding a District that is currently having problems serving its existing users, including an ongoing track record of violations, by annexing 507 acres that will be not be developed with 7,356 people under its current Monroe zoning Page 2-8), but which will be developed with over 20,000 people under Village zoning, thereby greatly increasing sewer demands. Therein lies the crux of the problem: while the Village repeatedly claims that growth is inevitable, it fails to acknowledge the finite limitations of available resources to support its growth. This is why people question how such an incredible growth rate that creates demand for high density city resources can sustain itself in a rural/suburban environment?

New York City is the perfect contrast of why more urbanized development works there ---it has multiple reservoirs that were built almost 100 years ago when population was much smaller and land was available to create its massive system. It would not be possible to recreate this system in today's world. It has larger bodies of water at reasonable distances into which it can discharge its treated effluent. And it has a large and diverse enough population to absorb the costs for these services as well as for the high costs of social services required by Kiryas Joel. The point is that while inevitable growth may be sustainable in highly developed urban centers, it is not sustainable in more lightly populated rural/suburban environments.

Water Services

Page #2-10

Statement: This page discusses that the Village currently has sufficient water supply to meet current demands, except during those times of peak demand. It further describes other possible water sources which include the Mountainville Well, the Star Mountain well field and the purchased Woodbury Heights Water Company.

3.5.7-48

Questions: The document does not quantify how frequently these "peak times" occur or how much water is trucked in. According to the EIS for the aqueduct application, these "peak times" were often associated with religious observances that consisted of at least 75 days/year. Is this number still accurate? Since the new **approved** water supplies (excluding the unapproved Mountainville and Star wells) that have been added can barely keep up with the Village's growth, what is the current existing water deficit during these peak times? How much water needs to be trucked in daily during these peak time---gallons per day and for how many days in a row? The original Environmental Study for the Aqueduct Connection was begun in 2003 and modified a few years later, so those figures likely need updating. Do these peak times occur in the summer or fall when water tables may be lower due to seasonal adjustments? How frequently do these peak demand times occur?

What is the status of the Mountainville and Star well sites named above? Are they close to being brought on -line? Have they received DEC permits? Since the Village has been unable to demonstrate a reliable back up supply to meet the amounts of water it wishes to withdraw from the NYC Aqueduct, that application has not yet been approved. Given the "inevitable growth rate" proclaimed by the Village and the requirement by the NYC Department of Environmental Protection that all water now and in the future that is drawn from the pipeline must have an independent back up supply so that the Aqueduct does not become the primary supplier, the Village will need to continuously be looking for ever more well fields. This again goes to the central issue of being able to sustain itself given that resources are not infinite---

3.5.7-49

the Village currently has not solved its water needs for its current population, let alone a future high growth population rate for annexed lands.

P. #2-11: *"Based on the foregoing inventory of water supply resources, it is evident that the Village will have an adequate public supply sufficient to accommodate the annexation parcels."*

Questions: Where are the well permits for the Mountainville and Star Wells? Where are the DEC approvals for these wells? What are the yields that have been approved by the DEC, not estimates based on preliminary pumping tests. If these are not working and approved wells, then they cannot be counted to supply the annexation parcels. And since the Aqueduct connection is not completed or approved, this water supply also cannot count.

3.57-50

Schools

Page #2-11: Since the Kiryas Joel Schools are religious schools, with the exception of the special needs school, it should be possible to enter into discussions with the Monroe Woodbury District so as to work out an agreement for children outside the district to attend Kiryas Joel schools without the need to annex lands into the Village. They are already attending the religious schools. Other private schools in the County, such as John Burke High School in Goshen, bring in students from other districts whose parents wish for them to have a Catholic education. Have any discussions been proposed to discuss this issue BEFORE OR WHILE annexation was proposed?

3.3.10-11

Project Purpose, Need and Benefits

Pages #2-11 to 2-12

Statement: *"In establishing the Village, the future residents sought to establish a community with a character that was tolerant and welcoming, and one that would provide for adequate services and amenities to accommodate their common cultural and religious practices. The Village presently consists of approximately 700 acres of land. The resident population of Kiryas Joel consists predominately of Hasidic Jews of the Satmar sect".*

Questions: This statement actually helps to justify the alternative of allowing more in-Village growth. As described above, the Village is welcoming to its own religious/cultural group which is almost exclusively comprised of ".Hasidic Jews of the Satmar sect". The Village does not welcome non-Hasidic Jews to buy homes or live in the community. Many of its residents converse in their own language. There are no public schools for non-Hasidic people. How diverse is the population of the Village? How many non-Hasidic people actually reside in the Village? While I am hesitant to use the word "discriminatory", it does seem to apply here in that housing is only marketed to people from a particular group who share the same cultural/religious identities. From descriptions throughout the document it is clear that the same discriminatory practices for settling people in the annexed area would be followed. Therefore, rather than having these same exclusionary practices proliferate in another 507 acres, it would be preferable to continue growth within the existing Village borders. Otherwise, the diversity of population that would be allowed to exist in the annexed areas under various types of zoning will be totally displaced, to be replaced by the existing exclusionary pattern inside the Village.

One of the requirements for approving an annexation proposal is that it should benefit the general public, not just the desires of one community that only welcomes its own cultural/religious group. That requirement is not met for the Town of Monroe since annexation of these 507 acres into the Village will guarantee that no one outside the Hasidic culture will live there. In effect, "outsiders" will be excluded. Since this exclusion currently exists within the Village, in-growth there will not affect non-Hasidic people. It seems rather apparent that these lands have been purchased individually or through various corporations for the purpose of being annexed into the Village. The Village should welcome and

encourage these individuals to move into the existing Village in order to obtain the services, cultural and religious practices they desire.

These purchases also raise many questions about conflicts of interest and monetary gains since the lands were purchased based on current less dense zoning. Annexation which could provide for many PUD overlays with undefined numbers of housing units would provide great financial incentives to both the petitioners and the Village to seek annexation.

- 1) For petitioners, who purchased their properties with the current zoning in place, being annexed into the Village with much higher densities would provide quite a financial windfall. Instead of a maximum of almost 8.7 units per acre and then declining densities under Monroe's zoning code, petitioners could seek a PUD overlay district under Village zoning which could permit over 20 units per acre. I am not accusing anyone, but there certainly is a large financial incentive to be annexed for significant financial benefits, especially for those individuals who own more than one parcel.
- 2) And there is a huge monetary incentive for the Village to approve the annexation in order to provide a needed infusion of money for its costly aqueduct pipeline. As reported by the newspapers, even before the scoping session for this annexation, the Village had sent out draft agreements to petitioners outlining that they would be charged \$25,000 to \$30,000 per unit in order to connect to the Village's water system. At the maximum of 8.7 units/acre, under existing zoning, this would bring in \$21,750 to \$26,100/acre. Although the Village's PUD overlay district has no maximum, let's say that 20 units/acre could be built, bringing in a total fee of \$500,000 to \$600,000 per acre. Published reports have explored the financing problems that the Village has experienced regarding the pipeline expenditures. Rezoning to higher Village densities and charging service fees would be one way to help bring in large sums of much needed cash.

With such powerful and rewarding financial incentives for the Village and petitioners to support annexation, the question arises about how objective and impartial the decision by the lead agency can be. Throughout this document it becomes clear that just as the Village needs to continuously extend and expand its need for water and sewer facilities in order to support its fast growth rate; it equally needs continuously new and large revenue streams to fund the growing debt for these services. In other words, it needs more land and money to fuel existing growth and then will need additional lands and money to fuel that growth in an ongoing, self-perpetuating cycle. While there are great gains for Kiryas Joel related interests, this has to be weighed against benefits to and interests of people outside the Village.

Reviews, Permits and Approvals

Pages #2.0-13 to 2.0-14: This section explains the process for approval of future projects on the lands proposed for annexation. The process is properly explained, but, unfortunately, history shows that this is not the process followed in the Village and so it provides no reassurance that transparency and proper procedure will be followed. If this land is annexed, it will go into an "invisible development hole" whereby the public will not know what will happen on each parcel until the bulldozers roll in and foundations are poured. In the Village, historically, there is no public SEQRA for any subdivisions or site plans. There are no public hearings or minutes of Planning Board meetings. Even the County does not know when or where official meetings occur. There is no submission of County 239 review. There are no public notices in the newspapers. The process outlined in this section of the document has simply not been followed by the Village which is one reason why people opposed the Village's designation as lead agency. There is no transparency.

The document also goes on to state: "For development to occur on other properties {besides the 2 already approved by the Town of Monroe}, in the annexation territory following the annexation process, a property owner would be required to seek the appropriate rezoning, subdivision and or site plan approvals pursuant to the Village Zoning Code" It should be noted that in the next section of the document, it states after annexation, a committee will study the area and determine how to best develop it. So we really have no idea of what will happen on this property and we never will since almost no government procedures or decisions are seen by the general public or even by the residents of the Village.

3.-1 Land Use and Zoning

+ Page 3.-1- 2, Paragraph 2: Under the discussion of the PUD districts, the DGEIS states that "...there is no maximum density (units per acre) in the code. Since this has been applied as an overlay district which can be approved anywhere in the Village, there should be further analysis of how many PUD districts currently exist and what the maximum density is in each. This gives at least an historic perspective on how future development could occur in the existing Village or in future annexed land. This is important because over the years, densities per acre have clearly increased with the building of more storied residences. Since the PUD district has no maximum density or specific location in the codes, historical analysis is the only way to evaluate how often this overlay district has been used and the range of densities within the district.

3.1-70

+ Although the DGEIS repeatedly suggests that no specific development plans exist for the proposed annexed lands, it would appear that these lands would be expected to develop at much higher densities than any other place in the County, given past history. There is no discussion of why those parcels in the Town of Monroe that allow higher densities (some as much as 8.7 dwelling per acre) could not remain in the Town unless the desire is to go to much higher densities. In Project Description section, P. 2.0-5, it states that: "A recent estimate of housing density is { in the Village} approximately 5.84 du/ac in 2014" so the Town of Monroe's density of 8.7du/ac is very favorable without annexation. (This estimated density of 5.84 du/ac seems inconsistent with the 19,000 people per square mile figure)

3.1-71

Agreements to provide additional desired services for Kiryas Joel residents living on lands in the Town of Monroe can easily be worked out without the need to annex land into the Village. It would appear that one of the main annexation motivations is to have the much higher densities prevalent within the existing Village. Why cannot the higher densities properties in the Town of Monroe remain where they are and service agreements with residents be worked out? People who purchase a home in an area without these services should not expect that municipal boundaries will be moved to accommodate their desires for more services or a specific religious/cultural lifestyle.

3.1-72

+ Page 3.-1-6 & 7 : Monroe Master Plan

Monroe's Master Plan for this area envisions some higher densities (as much as 8.7 du/ac) in order to offer affordable housing options. This is consistent with Kiryas Joel zoning described in the document. Density bonuses are also offered under certain conditions. This already exists without annexation.

Another thing that exists in Monroe's Plan, and that Smart Growth supports, is encouraging cluster development whereby homes are built on smaller lots within a subdivision in order to leave

3.1-73
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undisturbed green space in order to preserve open spaces and natural resources. Kiryas Joel development style does not provide for this aspect of Smart Growth at all. In contrast their development style is clear cutting, high density housing on every buildable piece of land, minimum separation of buildings, almost no yards or green space and repetitive housing design styles. Instead of preserving open space or protecting ridgelines, Kiryas Joel builds massive retaining walls with high rise buildings perched on top which can be seen from long distances in the surrounding area. Monroe's Master Plan with the positive aspects of Smart Growth, i.e., preservation of open spaces and natural resources, would be gutted by annexation as would its desire for affordable housing for its own residents in this area since annexation would only allow the Satmar sect described throughout the document to live there. How does annexation benefit Monroe? In fact, all the surrounding communities have within their Master Plans, cluster development (some with density bonuses related how open space is preserved) and/or ridge preservation. These desirable zoning tools do not exist in Kiryas Joel's Master Plan and would be lost with annexation.

3.1-73
con 4

+ Pages # 3.1-9 to 11

The DGEIS has selectively quoted parts of the Orange County Master Plan and the Open Space Plan that support its definition but minimizes sections that do not support its growth pattern. While it is true that the Master Plan identified southern Orange County as a "priority growth area", it is highly doubtful that anyone at the County envisioned the phenomenal growth rate of the Village of Kiryas Joel. How could anyone in the County have foreseen a population density of 19,000 people per square mile (in Kiryas Joel), when the highest density anywhere else in the County is 9,000 people per square mile?

Both the County Master Plan and the Open Space Plan talk about balancing growth. Kiryas Joel development model incorporates the high density aspects of these plans such as sidewalks and bus service while totally ignoring the balancing aspects such as preserving open space, landforms and landscapes, etc. You must incorporate the entire concept, not pick and choose some components while totally ignoring the others., such as below. That is not Smart Growth.

3.1-74

Page #3.1-10: Describes how the Open Space Plan talks about "The major resources areas considered are water resources, agriculture, recreation, landforms and landscapes and biological diversity ...as relates to the social, environmental and economic benefits of open space. of the social, environmental and economic benefits."

Page #3.1-11 "The {Open Space} Plan recommends that County government continue to monitor land use trends and assist municipalities in open space protection measures, protection of water resources, farmland protection, expansion of recreation resources, and protection of plants, animals and their habitats (biodiversity). " Where do these any of these exist in the Village of Kiryas Joel or in its Master Plan? There are no maps in the appendices that show these parts of the County's plans, only the high densities and sidewalks. One cannot only quote those portions of the County's Master Plan and Open Space Plan that it likes and ignore the rest. As far as anyone knows there are no existing open spaces or plans for any to be preserved in the existing Village or in the proposed annexation areas, if it follows the development pattern of previous annexations and of the existing land use. What mitigations are planned to incorporate these other aspects of Smart Growth that are intended to balance high densities.

3.1-75

Pages #3.1-11 & 12

In its discussions of the various regional plans, including the Orange County Greenway Compact, the Mid-Hudson Regional Sustainability Plan and others, there is an emphasis on those points that fit the high density development pattern but that ignore the balancing points which are missing from the existing Village:

- 1) Creating a range of housing opportunities and choices
- 2) Preserving open space, farmland, natural beauty, and critical environmental areas (while farmland is gone, the other 3 items should be considered)
- 3) Encouraging community and stakeholder collaboration in development decisions.

3.1-76

If these aspects of Smart Growth which balance other aspects such as high density housing do exist, please elaborate on how they are met and where. Otherwise, it is not really Smart Growth but sprawl. As a mitigation, how will these aspects of Smart Growth be addressed?

Pages #3.1-14 to 3.1-16

The analysis of growth with and without annexation is laid out fairly clearly. From the numbers shown, I would have to say that the better way to accommodate the "inevitable" growth is by not annexing the land, but by distributing most of the growth in the existing Village and working out an agreement with the Town of Monroe for some minor adjustments for zoning flexibility. Leaving the boundaries where they are has the advantages listed above plus it allows for some of the missing Smart Growth aspects by providing for affordable housing at reduced densities thereby allowing for a mix of housing, perhaps even clusters, while protecting open spaces and reducing the needs to extend costly service lines. There are already existing agreements in some of these adjacent Monroe lands which could simply be expanded without annexing the land out of Monroe and into the Village.

Section 3.4: Traffic and Transportation

Page #3.4-3: Roads

Question: Here and elsewhere in this section, there are references to CR 64 (Dunderberg Road) as being the most direct route to the Quickway, Thruway and Woodbury Common. For clarification, I believe you mean Ninninger Road. Dunderberg Road turns off CR 64 and runs past the Monroe-Woodbury Middle School and the High School.

3.4-29

Page #3.4-6: date of traffic study

Question: For clarification, were the dates chosen for the traffic study (late January and early February 2015) affected in any way by weather conditions? Specifically, was there stormy weather that affected school openings or that could have affected traffic counts?

3.4-30

Page 3.4-22: trip generation

Question: The following statement appears to be a bit misleading: "Overall, the proposed annexation compared to no annexation is anticipated to result in a reduction of 18 to 25 percent in the growth peak hour trips into and out of Kiryas Joel as shown in Table 3.4-14. Within the context of these volumes, then the number of trips generated is effectively reduced by developing within the annexation territory." If am understanding this correctly, trip generation does increase within the annexation area by the fact that it will be developed in the high density lifestyle of the existing Village. However, because with annexation, it would become part of the Village, these trips do not count as travel into and out of Kiryas Joel. I am looking for clarification on this point.

3.4-31

Pages 3.4-26 to 29: Air Quality

Question: The document does not address 2 facts. Annexation of 507 acres will likely extend bus lines. While public transportation does take cars off the roads, buses, unless they adopt cleaner exhaust systems, can be quite polluting as seen and smelled from the black smoke exiting the tail pipe. If the "inevitable" growth occurs within the existing Village and is not distributed out into the annexed areas, while there will be more buses with increased population, the distribution would be more contained by use of existing bus routes and bus stops and thus less polluting. This is another plus for in-Village growth as opposed to annexation. 3.4-32

3.5 Community Water and Sewer Services

Page #3.5-1, 3.5-1, 3.5-14 Total Water Supply

Mountainville Well should not be counted: On the pages shown above, as well as elsewhere in this document, yields are cited for the Mountainville well. These should not be included since that well has not been approved by the DEC. In its application for well approval, the Village failed to mention the approved Woodbury Well that is in the same area. The well testing done by the Village of Kiryas Joel did not include monitoring the existing Woodbury Well for drawdown impacts. Not only has the Mountainville Well not been approved, due to deficiencies in its applications, there is also no indication of what the safe yield would be from this well or what pumping limitations would be imposed. There is no way at this point that water from this well should be factored into the annexation discussion. It is premature and guesswork. 3.5.7-51

Page #3.5-2: Recharge to well from Ramapo River

Question: Given that there is a hydraulic relationship between Well 28 and the Ramapo River, is there any danger that this well could be negatively impacted if there are incidents of improperly treated discharges from the Harriman Plant into the River? I do not know where the well sits in relation to the recharge area so I am simply asking for clarification since every well is important for supplying the Village's increasing water needs. 3.5.7-52

Page #3.5-2 and 3: Peak Water Demand

Question: It would help to know numerically how many days in 2014 did the Village experience the peak demands over the 1.9mgd that it can safely pump? Elsewhere in the document as well as in the SEQRA document for the NYC Aqueduct Connection, there were references to about 75 days during the year when special religious observances significantly increased the water needs of the Village (from 66 gpd/person to 88 gpd/person) This section is vague in quantifying what it means by "a few occasions". Also, in my comments for the scoping document, I asked for the number of trucks that were used daily to bring in water as well as how much they held or how many gallons of water had to be trucked in per day and over what time period. These are important questions since water for consumption, industrial use (such as at the chicken plant) and for fire protection is an essential resource. More quantified data is needed. 3.5.7-53

Page #3.5-3: Redundancy Requirement

Question: This page explains that in order to consolidate all of the numerous well permits into one permit, the Village must "...establish an alternative water supply source to meet its maximum day demand and to meet is redundancy requirement." Further, the NYSDOH, requires that "...all sources of water meet the peak maximum day demand with the greatest capacity well out of service (Mountainville Well #1)." How can the Mountainville Well even be considered in this calculation since it does not exist--- it is not approved, has not shown that its pumping does not affect the near-by approved Woodbury Well, does not have yield figures and does not have data for pumping limitations? How can a non-approved, non-existent well be part of this or any other calculation? 3.5.7-54

Page #3.5- 6 Mountainville Well Yields

Question: How in honesty can this document claim that the Village can meet the NYC Aqueduct requirement of having a back-up supply to meet the amount of water it plans to withdraw from the pipeline? This section discusses that according to the 2010 census, showing a Village population of 20,175 residents, the Village is allowed to withdraw 2.56 mgd from the aqueduct. However, the Village only has the ability to provide 1.93 mgd with its existing wells. It uses the non-existent and unapproved Mountainville Well to make up the 600,000 galls/day deficiency. This well does not exist and it has not been proven that it can pump that quantity of water per day. 3.5.7-SS

And this section further claims that it will use this imaginary well as a temporary primary water supply until the aqueduct connection is completed. There is no basis to make this claim since there is not even a time table for it and when this well will be approved. In addition, in its earlier SEQRA documents both for the aqueduct and for the Mountainville Well, the Village described the use of this well as a temporary water supply when the aqueduct is shut down for repairs. Nowhere did it mention or analyze that this well would be used for a primary water supply BEFORE connection to the aqueduct.. It appears that things have changed without following proper procedure or without advance notice to interested or involved parties.

Page #3.5-7: Inaccurate well testing

In its application to the DEC for approval for the Mountainville Well, the Village conducted the required 72 hour test but never mentioned or monitored the already approved Woodbury Well which is only a short distance from their well. This fact was totally ignored in their SEQRA review. This is a huge omission and corrupts the SEQRA review that was completed by the Village, raising legitimate concerns about the Village's ability to do honest SEQRA reviews. (It should also be noted that their SEQRA review for the aqueduct connection was also flawed and was taken to court by Orange County. It should further be noted that charts prepared for water usage for the aqueduct SEQRA process were flawed as well, claiming to use a 5.9% growth rate, but using lower growth rates ranging from 4.71% per year down to 4.22% per year which greatly underestimated water and sewage usage). The Court found in Orange County's favor and agreed that a number of impacts had not been properly studied, including the impact of induced growth. The argument that growth was "inevitable" and did not need to be studied was not acceptable. Unfortunately for the public, the County settled out of court without the issues deemed as incomplete ever being completed. On crucial issues such as adequate water, people fear that the same pattern is being repeated. I ask again, how can a large amount of water, over 600,000 galls/day, be counted in any analysis when the well does not exist and improper testing was done regarding its yield?

Questions have also been raised by the public and 5 environmental groups regarding the safe yield from this well and its potential negative impact on the Moodna basin. So many concerns were raised that the DEC held an adjudicatory hearing in April 2014. None of these questions have been resolved by independent and scientific analysis.

Pages 3.5-12 to 17:

These pages contain lengthy explanations regarding water service to existing developments outside of but associated with the Village of Kiryas Joel and how they are permitted to use the Village's water via agreements that are perfectly legal and acceptable. If the "inevitable growth" is distributed within the Village and growth outside is allowed under Monroe's existing zoning in the no annexation option, those parcels with the 8.7 du/acre would need to contract as outside users. With the less dense Monroe zoning on other parcels, wells would be sufficient to meet household needs.

There is something very disturbing and even disingenuous about people who desire the Kiryas Joel religious and cultural lifestyle who buy land outside of but adjacent to the Village and now want the border to shift for their personal desires. One has to wonder how the Village would feel if non-Hasidic people were to purchase land at the edge, but still inside, of the Village and petition to annex their land out of the Village and into one of the surrounding towns or villages because they preferred a more rural lifestyle. Of course, this is highly unlikely since an "outsider" would not be able to purchase land or a home anywhere in the Village. But carrying this scenario further, what if people were to purchase land at the borders of other near-by local community and, looking across the border into the neighboring community, preferred that zoning for various reasons such as profit or less restrictions and so petitioned to be annexed. All of these purchases adjacent to Kiryas Joel and touching each other to amass 507 acres of landowners seeking annexation for the Village lifestyle raise many questions of real intent when these purchasers could have sought housing inside the existing Village. It sets a dangerous precedent of people purchasing land in one community, "shopping" for zoning they personally prefer and shifting community borders via annexation.

3.5 Community Sewer

Page #3.5-24: Outdated data for impact on Ramapo River

Unfortunately, the 1987, 1991, 1993 and 1998 biological surveys of the Ramapo River cited here to demonstrate minimal impact on the Ramapo River from the upstream 2 sewer plants, are interesting for baseline information, but are so outdated (17 years old) that they have very little practical use because:

3.5.8-32

- 1) The Harriman Plant was much smaller and was phasing in sewage in-flow over a period of years so that the accumulative effect would take longer than the above time periods to fully realize the plant's long term impacts.
- 2) The Harriman Plant changed its treatment design 3 times as it expanded, the last in 2006, eight years after the last survey so there is no way to tell what, if any impact, this has had.
- 3) The plant has increased from 2.0 mgd to 4.0 (in 2006) mgd to 6.0 mgd. The 2 increases occurred long after the last survey
- 4) The Kiryas Joel Treatment Plant, with a 500,000 gpd capacity was not completed until 2000, two (2) years after the last survey. This capacity expanded to 970,000 gpd which also was not part of the survey
- 5) The Kiryas Joel Plant has had serious issues at times with its effluent meeting its permit standards and been cited for violations.
- 6) The Kiryas Joel chicken plant has caused major problems for sewage plant operations due to the type of effluent, including but not limited to, the high salt content of its wastewater.
- 7) The Harriman Treatment Plant has a long history of problems and violations. For example, in March 2012, the DEC put the County on notice that between January 2010 to December 2011, the Harriman Plant had exceeded its SPEDES Permit effluent limits a total of 67 times.

These are a few of the reasons why the above surveys have little value and new ones need to be undertaken before any expansion of the plant can proceed. Since the Village relies on the County to manage the plants and undertake any further expansions, there is no way that anyone can know how much or if expansion can occur relative to its impact on the Ramapo River. Data from 17 years ago does not tell us anything about the current condition of the Ramapo River or how much more effluent it can accept.

Page #3.5-21 to 23: Permit Exceedances and average flows

Question: The document cites average flow rates for 2008 and 2009. More current figures should be used, and not just picking out a month here or there but looking at entire years. As stated above, I found correspondence from the DEC showing that between January 2011 to December 2011, the Harriman Plant exceeded its SPEDES Permit effluent limits a total of 67 times. Clearly, there was a problem. 3.5.8-33

- 1) How many violations exist for 2012, 2013, 2014 at both the Harriman and the Kiryas Joel Sewer Plants?
- 2) What are the monthly flow rates for 2013-2015 2014, as well as for the first half of 2015.
- 3) Only the November 2014 flow is given for the Kiryas Joel Plant. How many times in the past 3 to 4 years has each plant reached its maximum capacity? How many times has it exceeded its approved capacity? Kiryas Joel itself has grown considerably since 2008/2009, thus reducing those capacity figures.

Again, the information cited is interesting history, but not relevant for decision making 6/7 years later. These surveys are too outdated to support the conclusion that these plants, one of which didn't even exist at the time, have had only a minor impact on the Ramapo River, a federally designated sole source aquifer for 30% of Rockland County and for over 2,000,000 New Jersey residents. More accurate and complete figures need to be provided before any annexation decision can be made.

Page #3.5-25

This document notes that the projected growth studies done by Orange County in 2010 regarding sewer capacity are higher than the numbers submitted by the Village in either the EIS for the Aqueduct connection or for annexation proposal which re-enforces my earlier suggestion that a low to high range be used for this calculation. Given that the Village has a strong vested interest to approve the Aqueduct connection and this application, suspicions that growth numbers might be understated so as to support these decisions could be reduced by using a broader method for doing the calculations. 3.5.8-34

Pages #3.5-26 & 27: Harriman Plant Expansion

The DGEIS cites a 2006 study that looked at and concluded that the Harriman Plant could be expanded from 6.0 mgd to 9.0 mgd by changing over to an MBR technology treatment system instead of the one being currently used. While the MBR technology would not require additional land for plant expansion and could replace systems that have reached their maximum life expectancy at a more economical cost (\$29,590,000 vs. \$36,410,000), the MBR technology also has some down sides: 3.5.8-35

- 1) It is a relatively new technology and so has a limited track record
- 2) Requires more maintenance
- 3) Annual operating costs, including electricity, are higher

So it would appear that the analysis still needs to be done to see if the higher operating costs and reliability of the MBR system is enough to offset the less expensive operating costs for the conventional existing system but the more costly construction costs for the latter. Since the study to consider all of this began in January 2015, there are no conclusions yet.

And, it is important to note that, nowhere in the discussion of expanding the Harriman Plant with one of the above two technologies, is there any mention of more updated surveys (not 17 year old ones) to determine the impacts on the Ramapo River from the 2 existing plants or anticipated impacts of the Harriman Plant adding another 2.0 mgd of discharge into the river. At the time of the last survey, perhaps 2.0 mgd of sewage was discharging into the river. Today, combined with the Kiryas Joel Plant, that total

has increased to somewhere between 6.0 to just under 7.0 mgd if the plants are operating at their full capacity. Since we do not figures for how often that happens or how often the plants exceed their permitted effluent discharges, many important questions remain unanswered. Therefore, the conclusions drawn here cannot be supported.

3.58-35
con 4

Page 3.5-27: Quality of wastewater

I must respectfully disagree with the statement that: "the quality of the wastewater treatment plant effluent is not affected by the level of population growth" Just the opposite is true. The frequent need to expand the plant has a direct relationship to the growth within the district. Kiryas Joel's growth is far above any norm, and as described in this document numerous times, is unique to the culture and religion of the Hasidim community. At some point in the not too distant future, based on historical data, the growth of the Village will outstrip the ability of the 2 plants to process effluent to the quality required by the permits---either by the fact that no more expansions can physically and practically occur at the plants or by the fact that the Ramapo has reached its maximum capacity to accept effluent. It is disturbing that there does not seem to be a recognition or understanding of this.

3.58-36

Page #3.5-28: sewer service to properties within annexation area

One of the earlier arguments for annexation was that it would be difficult to connect these properties to the sewer system and there might be a need for out of district agreements. However, this page indicates that even without annexation, most of these parcels (77%) are located in the OCSW#1 while 23% (115 acres) are served by the same district via the Moodna agreement. Thus 100% of properties are in a sewer district.

But there might be an underlying motive for annexation which now becomes clearer if one put together the facts--- via litigation, it appears that those communities that are a part of OCSD#1 (which includes the Village of Kiryas Joel) have first claims on sewer capacity at the Harriman Plant and that the plant must be expanded ad infinitum whenever that capacity reaches 85%. Therefore, 23% of the land in the annexed area falls into a lower category for sewer rights by being in the Moodna group which it appears can only get additional capacity if there is anything left over after from OCSW#1's needs are met. Thus this 23% of land area can only be elevated to a category of guaranteed first rights by annexing it into the Village, which then raises it into the higher ranking of being in OCSW#1, jumping over others in its previous Moodna group. This is quite an incentive for annexation, especially if OCSW#1 continually gobbles up each expansion, leaving little for the Moodna group to share. Now it begins to make sense.

3.58-37

Page #3.5-30: sewer needs with and without annexation

To understand all of this, it is necessary to relate figures from Sections 2.0 (Project Description) and 3.0 (Land Use and Planning). And in relating these sections to the sewer needs (as well as water needs), there is some confusion in the numbers used.

Without annexation, under Monroe's Existing Zoning

- 1) 7,356 additional people could move into the annexation area by the year 2025. These could include people from the Village. (This number is based on 5.1 people/ unit). At 5.9 people/unit, the population would be 8,437.

- 2) Sewage and water needs at 66 gpd would range from 485,496/gpd to 556,842/gpd, depending on which population figure is used.
- 3) From Section 2.0-8, this equates to 1,431 dwelling units with an average of 5.14 people per dwelling. Density would be approximately 2.8 units per acre.

Growth within existing Village without annexation

- 1) Over the next 10 years, the Village estimates that it will need 3,825 housing units.
- 2) According to the document, this equates to 19,663 people. However, this is a case where 5.14 people per household was used instead of the 5.9 that it noted. The revised population is 22,568 people.
- 3) Without annexation, the entire population would remain in the existing Village. While there would be continue to be significant internal impacts, there would be minimal exterior impacts since the less intense zoning of Monroe would remain. Those wishing to connect to the Village's water system could continue to do so by agreement. Schools and other desired services could also be arranged.
- 4) At water/sewage usage of 66 gpd, under this scenario, 1,297,758/gpd to 1,489,488/gpd would be needed.

Growth with annexation

- 1) With annexation, Kiryas Joel states that the needed 3,825 dwelling could all be accommodated in this area which would automatically increase development from the existing zoning by 2.6 times. (3825 vs 1,431 under Monroe zoning)
- 2) But what is more important is that, once annexed it will not be just the impacts from the additional 2,394 units. This would only be the start of the preferred Kiryas-Joel development style, which in fairly rapid time, due to its growth rate, would create a mirror image of the existing Village and the all the associated impacts. This is one reason why the 10 year analysis is too short a time
- 3) While the document acknowledges that some of these 3,825 units could be built on the remaining vacant land with the additional units going into the annexed area, of course, the Village is free to adopt any zoning it chooses to develop these 507 acres.

3.6. Natural Resources

Page #3.6-1: Elevated and Sloped areas

Questions: Under topography, there are references to elevations of 600 feet to 1000 feet above sea level in the proposed annexation land along with some sloped areas exceeding 25%.

- 1) What are the mitigations for visual impacts for the higher elevations and the sloped areas of 25% and more. This is important because within the existing Village, there are minimal mitigations regarding these types of areas. In fact, instead of blending into the existing topography, in some areas 3 and 4 story residences are built on top of huge retaining walls. Since this already exists within the current Village boundaries, it would support the agreement to distribute the population within these already greatly disturbed areas and not replicate these designs in the largely undeveloped annexation area. T
- 2) There is no reference in the mitigation section of how these areas will be treated or be protected--only that they can be built on using proper construction techniques.

3.6-53

Page #3.6-3: Wetlands

Questions: There is a big concern for how wetlands will be handled within the annexation area. Wetlands are important for recharge of water in the area, to control run-off and flooding and to filter sediment and other debris during times of heavy rainfall. Since there have not been public meetings regarding site plans within the existing Village so that people can see how wetlands have been protected or managed and there are no statements in the mitigation section on this topic, there is concern about how wetlands will be protected in the annexation area. 3.6-54

- 1) Where can approved site plans be viewed for existing development to see how wetlands have been mapped and handled?
- 2) Is the Army Corps of Engineers or the DEC contacted about wetlands under their jurisdictions or are they simply ignored and filled in?
- 3) Since we not know what has happened within the existing Village borders, it raises serious questions about what practices will be followed if more wetlands are incorporated into the Village via annexation.

Page # 3.6-5 to 6; Open Space, Natural Resources

Questions: Historically, open space and natural resources (components of Smart Growth) have been largely ignored under the existing Village development pattern. As stated previously, areas are clear cut, high density multi-story dwellings are built on hilltops with massive retaining walls and with very little separation between structures. As part of this study, a computer model should be developed to show the land to be annexed as it could be developed under current Monroe zoning and how it could be developed using the typical Village pattern. This would provide a valuable visual of the true impacts of annexation. Again, since there is no real plan for open space design or sensitivity to natural resources within the Village, distribution of "inevitable growth" should remain there and not spill out into the surrounding Monroe land. This visual comparison would show so much more than words could describe. It does not matter that there are no specific plans. One only need reproduce the development style that exists within the current Village and superimpose this onto the annexation lands. This would be an easy thing to do with the today's technology. 3.6-55

Page #3.6-7: Mitigations

These are generic mitigations that likely will not occur, based on past history. One only needs to look at the existing development pattern. Is there any expectation that the Village will alter its intense development style after 38 years of growth? Practically, these mitigations do not exist in the existing Village and they are unlikely to exist in the annexed lands. This is another argument for directing growth into the existing Village. This is a better chance that these mitigations measure would be followed under the existing Monroe zoning. 3.6-56

3.7 Cultural Resources

Page #3.7-1: Gonzaga Park

Gonzaga Park is mentioned on this page, as well as a few other pages, as being a part of the proposed annexed land. Since this is a County park, the annexation lines should be redrawn so as to exclude any part of Gonzaga Park. 3.6-57

Page #3.7-3

Clarification: The first paragraph describes the change in the landscape as the vacant land is cleared as going from rural to suburban. A more accurate description would be from rural to urban

Social Services

This topic has been left to the end because the information provided is very vague and incomplete. Questions from the public and the County sought information on social service costs for the Village, including food stamps, heating assistance, Medicare and Medicaid including reimbursements or subsidies for taxi or private car transportation, housing allowance subsidies and subsidies for bus operation

The basic response is that 59.8% of Kiryas Joel households fall below the poverty line and that about 57.3% receive food stamps. It goes on to say that "Other recent reports have documented those high percentages of Village residents are reliant on government aid programs and services provided through Orange County such as Medicaid." (Page #3.3-2)

This is an inadequate answer for an important question for the unusual demographics of this community.

Being the fastest growing community in the state with such a high number of people "reliant" on government programs has a fiscal impact that needs to be examined. The statement above vaguely acknowledges that there are reports that the numbers are higher than the 57.3% cited but there is almost no documentation given for any figures. While there is some validity to the argument that Village residents do not generally incur costs to the taxpayer for jail and police services, the statements here do not allow an analysis to compare these costs. Usually 57% of communities are not in prison with entire families in prison for successive generations. Statements in this document acknowledge that cultural and religious practices that encourage large families also tend to place these families below the poverty level and give no indication that subsequent generations will not follow the same pattern.

3.3.8-41

Given this unique characteristic, a better break-down and analysis needs to be done.] This section is incomplete and inadequate.

I appreciate that the online materials, including hearing transcripts and comments has been kept very up-to-date for public review.

I respectfully submit these comments for the 507 acre annexation SEQRA review.

Sincerely,

Sheila Conroy

From: Bob Dillon [<mailto:dillonfloods@gmail.com>]

Sent: Monday, June 22, 2015 9:36 PM

To: tmiller@timmillerassociates.com

Subject: Draft Generic Environmental Impact Statement (EIS) for the Proposed 507-Acre Annexation to the Village of Kiryas Joel, Orange County, New York

June 22, 2015

Email to:

Tim Miller
Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516
tmiller@timmillerassociates.com

From:
Bob Dillon
New City, NY
DillonFloods@gmail.com

Re: Draft Generic Environmental Impact Statement (EIS) for the Proposed 507-Acre Annexation to the Village of Kiryas Joel, Orange County, New York

Water and Wastewater Comments to Tim Miller Associates, Inc.
Planning Consultant and Contact Person for Kiryas Joel

Mr. Miller,

I concur with and support the already submitted comments of; Geoff Welch of The Ramapo River Committee and Robert Kecskes, for the Rockland Water Coalition.

Additionally I have some of my own.

Regarding flooding of downriver communities:

- The online REPOSITORY FOR SEQRA DOCUMENTS FOR PROPOSED ANNEXATION to VILLAGE OF KIRYAS JOEL ORANGE COUNTY, NEW YORK makes no mention of the Adverse Impacts of Cross-Basin Export of millions of gallons per day of water diverted from the New York City (NYC) water supply system destined for eventual discharge to the Ramapo River.
- The online REPOSITORY FOR SEQRA DOCUMENTS FOR PROPOSED ANNEXATION to VILLAGE OF KIRYAS JOEL ORANGE COUNTY, NEW YORK makes no mention of the Adverse Impacts of

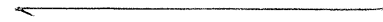
3.6-58
↓

pumping of millions of gallons water per day from additional well fields destined for eventual discharged for to the Ramapo River.

3.6-58
con't

Cross-Basin Export of millions of gallons of water per day (MGD) from the NYC system and pumping additional MGD from additional well fields will result in higher than average flows in the Ramapo River and will increase the risk to downriver communities during extreme weather events such as Hurricane Irene.

Bob Dillon



The above comments are my own and do not necessarily represent the views of the following Public Service Organizations of which I am a member:

State of New York - Rockland Bergen Flood Mitigation Task Force
Appointed February 25, 2015

Rockland County Task Force on Water Resource Management
Co-Chair, Drought Management and Flood Management Committee
Member, Systems Management Committee
Since 2014

Rockland Residents Against Flooding Tomorrow (Rockland R.A.F.T.)
Founding Member, 2007

Rockland Water Coalition
<http://sustainablerockland.org/>
Member since 2007

Rockland County Water Quality Committee
Associate Member since 2007

TAPPAN ZEE BRIDGE/I-287
ENVIRONMENTAL REVIEW
Environmental Stakeholders' Advisory Working Group
Member, 2007 through 2011

Subject: Annexation DGEIS

From: Michael Donnelly [mailto:Michael.Donnelly@DDDLLPLaw.Com]

Sent: Monday, June 22, 2015 4:18 PM

To: tim@timmillerassociates.com

Cc: Christine Tucker; Daniel Burke; Dennis McWatters; Gerry McQuade - Town of Monroe (gerard@monroeny.org); Harley Doles (supervisor@monroeny.org); Mary Ellen Beams (maryellen@monroeny.org); Peter Tilem; Rick Colon; Richard J. Pearson, PE, PTOE; Bob Peake

Subject: Annexation DGEIS

I write to you as the attorney for the Town of Monroe. Under separate cover you have today received the comments of JMC, the consulting firm retained by the town to review the adequacy of the DGEIS. In addition to that which is contained in the report the comments below are suggestions for supplementation provided by individual town board members after reviewing the JMC report.

- The population numbers are large. Even a 164 annexation would increase growth by 12,630 over no annexation. Of course, 164 should be considered carefully as an alternate between 507 and none.
- Regarding the final paragraph on hikers: We were always told those were not Village authorized signs. We should recommend that the DGEIS make some statement that the Village will post signs welcoming hikers on the Long Path. That is what good neighbors do.
- I am in concurrence with the comments contained in the referenced report. However, regarding Traffic and Transportation [it may be recommended that current ratio of registered vehicles to dwelling units in Kiryas Joel be extrapolated to 2025 and beyond. Also the increase in taxis and public transportation vehicles should be 3.4-33 factored in when considering the build out and the impact on the four intersections and the triangular intersections of 17M and 208] as recommended by JMC.

Michael H. Donnelly
Dickover, Donnelly & Donovan, LLP
Michael.Donnelly@dddllplaw.com
(845) 294-9447



Mayor
Abraham Wieder

Village Clerk
Gedalye Szegedin

From the Desk of
Ari Felberman

Coordinator of the Mayor's Office for Government Relations

June 22, 2015

To whom it may concern:

Please consider my comments on the proposed annexation.

Kiryas Joel residents conduct themselves in accordance with their ancient traditions, they live and let live and don't impose their beliefs or customs on others.

When Chasidic Jews moved into the Town of Monroe, in 1974, they were met with official discrimination which made their lives miserable. It wasn't about water resources, sewer capacity, school district, growth (smart or otherwise), pollution, social services or any other excuse. It was simply; *we don't want Chasidic Jews here!* A federal lawsuit stopped the overt discrimination and created the Village of Kiryas Joel but the bias continues unabated.

Fast forward forty years and the following is a real snap shot of how the Village of Kiryas Joel stacks up with its neighbors and with the county.

The Town of Monroe nets \$1 million annually from KJ taxes
OC to this day benefits from KJ Sewer Plant's excess capacity
DEC and the County consider KJ a smart growth community
KJ is one of few OC municipalities that added sewer capacity
KJ is one of few OC municipalities that added water sources
KJ's school district does not burden its neighbors
KJ does not burden federal or state governments for tuition
KJ's does not have a crime rate or a drug problem to speak of
KJ provides employment opportunities for many others

In light of the following, how could a larger and even more vibrant KJ be anything other than a boon to the county overall? I am confident that when you will judge this annexation proposal strictly on the merits you will come to a conclusion that will benefit all county residents.

Sincerely,



Ari Felberman

June 22, 2015 Comments

April 29 2015

Draft Generic Environmental Impact Statement (EIS) for the Proposed 507-Acre Annexation to the Village of Kiryas Joel, Orange County, New York

**Water and Wastewater Comments to Tim Miller Associates, Inc.
Planning Consultant and Contact Person for Kiryas Joel**

**By
Robert Kecskes
For the
Rockland Water Coalition**

INTRODUCTION

I have been retained by the Rockland Water Coalition to evaluate the April 29 2015 Draft Generic Environmental Impact Statement (EIS) for the Proposed 507-Acre Annexation to the Village of Kiryas Joel Orange County, New York. I wish to convey some of my water supply and wastewater concerns with the EIS, and recommend means to address those concerns.

Regarding my professional background, I possess a Bachelor's Degree in Earth Science from the College of New Jersey and have completed my Graduate Credits in Water Resources from Rutgers University. I have over 40 years of experience managing environmental projects and programs, including 25 years as Chief of the Water Supply Planning Section at the New Jersey Department of Environmental Protection. This section is devoted to statewide and regional water supply planning, and is mandated to develop water supply plans, strategies and policies for areas experiencing or projected to experience water supply shortages. I have directly managed or have been directly involved in an array of projects that included new reservoirs, regional water pipelines, desalination facilities, etc., and strategies dealing with water conservation, wastewater reuse, ground-surface water optimization, and other water planning initiatives that are capable of maximizing available water. Further, I was one of the primary authors of the 1996 and 2015 (draft) New Jersey Statewide Water Supply Plans.

PROPOSED PROJECT DESCRIPTION

The EIS has evaluated possible environmental impacts associated with annexation of 507 acres from the Town of Monroe to the Village of Kiryas Joel, in Orange County, New York. The annexation is being proposed to meet the Village and immediately adjacent Town of Monroe's projected population

growth. Based on the EIS, the population is projected to nearly double in the combined Kiryas Joel/annexed Town of Monroe properties in the next ten years, growing from the existing estimated 2014 population of 22,634 persons to 42,297 by the year 2025.

Water demand growth as a result of the projected population increase in Kiryas Joel and the proposed annexed properties is expected to be substantial. The EIS indicates that the Village used 1.61 million gallons per day (mgd) on average in 2014. With the annexation, this is projected to increase to 2.79 mgd by 2025, or an increase of 1.18 mgd.¹ No demand projections were made in the EIS beyond 2025.

Based on the EIS, the Village's present water supply is from 16 bedrock groundwater wells and one sand and gravel (buried valley) well that are primarily located in two well fields. Ten of the wells are located within the Village boundaries, while seven wells are located in the Brenner well field which is located on Larkin Road in the Town of Monroe. All of these wells are located in the Ramapo River watershed. The combined permitted water withdrawal capacity for these wells is about 1.93 mgd, which is in excess of the 1.61 mgd presently withdrawn.

The Village is presently seeking to add capacity with a new well field located on Village-owned property in the Town of Cornwall (the "Mountainville well field"). It approved, the Village would be authorized to collectively withdraw up to 2.54 mgd. The Mountainville well field would be located in the Moodna Creek watershed, which flows into the Hudson River.

As discussed above, however, demand from the Village and the annexed land is projected to increase to 2.79 mgd by 2025, which is about 0.25 mgd more than the amount available once the Mountainville well field was permitted. The EIS indicates that there is a concern that it will be increasingly difficult for the local aquifers to serve as a reliable water supply.

Consequently, the Village developed a plan that is not solely dependent on local aquifers. The plan for the Village of Kiryas Joel is to connect to the New York City (NYC) water supply system which conveys water from its Ashokan Reservoir in the Catskills to the City via an aqueduct that passes through Orange County. In 2000, the New York City Department of Environmental Protection (NYCDEP) conceptually approved the Village's request to withdraw up to 2.0 mgd from the aqueduct in the Town of New Windsor.

This amount was based on the year 2000 population of NYC and the Village of Kiryas Joel. According to the NYC Administrative Code which prescribes how

¹ Two 2014 and 2025 water demands are given by the consultant. The first is provided above. The second indicates that 2014 demand is 1.49 mgd, and that 2025 demand would be 2.31 mgd. To be conservative, the higher estimates were used in this report.

much water can be diverted from the NYC aqueduct, the amount of water the Village is permitted to withdraw is calculated by multiplying the Village population, by the per capita consumption of New York City residents (as reported for both entities in the most recent US Census). The NYCDEP conceptually approved the Village request to withdraw up to 2.0 mgd in November 2000, based upon population data at that time.

The actual amount of water diverted from the New York City aqueduct will be established by the NYCDEP at a future time when approvals and infrastructure have been implemented for the Village to connect to the aqueduct. For instance, the Village would be presently entitled to approximately 2.56 mgd from the aqueduct, based on the 2010 Census for the Kiryas Joel (20,175 population) and the 2010 New York City per capita water usage estimates (127 gpd). In addition, Kiryas Joel would be mandated by New York City to maintain 100% back-up water supplies for the volume it diverts from the aqueduct with existing and new supplies.

The EIS indicates that the Village proposes to rely on its existing wells and new wells in the future to meet this backup requirement. As discussed above, the current permitted Village supply is 2.54 mgd, but 2.79 mgd will be necessary to meet the projected 2025 demand. To make up for this shortfall, Kiryas Joel has evaluated the Star Mountain well field in the Town of Cornwall, and the Woodbury Heights Estates well field in the Village of Woodbury. These will require further permitting to bring them on-line as part of the Village water supply system. These additional sources would be able to provide an additional 1.81 mgd, which would make available a total of about 4.35 mgd, which is well in excess of the Village's project 2025 demand of 2.79 mgd.

Based on the EIS, the 12 - 13 mile Kiryas Joel pipeline from the aqueduct to the Village will be constructed in two phases. The six-mile first phase will connect the Village and the Mountainville well field pump station in the Town of Cornwall, and is nearly completed. The second six or seven-mile phase will connect the Mountainville well field pump station with the New York City aqueduct, and is supposed to be completed in 2017.

Upon Kiryas Joel connecting to the aqueduct, the EIS states that it will serve as the primary water supply for the Village in 2017, and its wells will serve as a temporary back-up water supply during those periods when the aqueduct water is unavailable due to maintenance.

Without annexation by Kiryas Joel and the approval of the Town of Monroe, the 507-acre properties would be required to be served by private wells, according to the EIS. In addition, the EIS points out that without annexation, connection of these 507-acre properties to the New York City aqueduct would be difficult.

With regard to wastewater needs for Kiryas Joel and the proposed annexed lands, the EIS indicates that wastewater from the Village is presently

treated at either the Village wastewater treatment plant in Kiryas Joel and at the Orange County Sewer District #1 (OCSD#1) Harriman wastewater treatment plant in the Village of Harriman. The Village plant is within the OCSD#1 service area.

The Village built its own wastewater treatment plant in 2000 due to a sewer moratorium that had been placed on new connections to the Harriman wastewater treatment plant. Although the plant was built by the Village, it is operated by the OCSD#1 since it is the latter entity's service area. The OCSD#1 plant also treats wastewater from the Village of Monroe, the Village of Harriman and portions of the Town of Monroe, including the majority of the proposed annexation properties, as well as municipalities outside of the OCSD#1 service area which include the Village and Town of Chester, the Town of Blooming Grove, the Town of Woodbury and portions of the Town of Monroe not within the OCSD#1 mapped boundaries. Both the Kiryas Joel and OCSD#1 plants discharge wastewater to the Ramapo River watershed.

The Village plant has a capacity of 0.97 mgd, and recent monitoring shows that average discharge is approximately 0.72 mgd, or 74% of capacity. The EIS does not appear to identify how much wastewater is conveyed to the OCSD#1, but if the Village used 1.61 mgd on average in 2014, approximately 0.89 mgd of the Village's wastewater is presently treated at the Harriman plant.

The OCSD#1 plant has a capacity of 6 mgd; as described in the EIS, recent discharges from the plant have been averaging about 4.46 mgd. Orange County is presently in the process of developing plans over the next year to expand the treatment capacity of the OCSD#1 plant to up to 9 mgd. The plan will include an assessment of discharging the wastewater outside of the Ramapo River watershed.

Wastewater projections out to the year 2025 estimate that approximately 1.3 mgd of additional flow will be generated by the Village of Kiryas Joel and the annexed 507-acre properties in the Town of Kiryas Joel. The EIS indicates that the OCSD#1 plant can accommodate the wastewater flow increases, once that plant is expanded.

As described above, all of the Village's current water supply originates in the Ramapo River watershed; about one-third of the supply would originate in the Moodna Creek watershed when the Mountainville well field is on line. However, all of the Village and annexed water supply is expected to be from the New York City aqueduct when the pipeline is completed and all repair work on the aqueduct is completed a few years from now.

About half of the water supplies from the other towns and villages that convey their wastewater to the OCSD#1 plant originate from the Ramapo River watershed and about half originate in the Moodna Creek watershed. It is anticipated that this ratio will continue in the future.

GENERAL CONCERNS AND RECOMMENDATIONS

There are a number of major concerns on some of the positions reached in the EIS, namely:

Uncertainty of the Location of the OCSD#1 Discharge Location

The Kiryas Joel inflow to the OCSD#1 wastewater treatment plant will be the largest contributor of wastewater if the annexation is approved. The EIS minimally discusses (or does not discuss at all) the discharge and how it affects downstream water uses and users, despite the Village playing such a large role in the in these effects. The current OCSD#1 discharge affects these users in both a positive and a negative way, assuming that the OCSD#1 discharge will be continued at its present location on the Ramapo River.

From a positive perspective, and assuming that the OCSD#1 discharge will remain at its current location in the future and that the Village will connect to the New York City aqueduct, the additional wastewater that Kiryas Joel and the annexation will contribute to the Ramapo River flow will be beneficial. This supplemental flow will allow the United Water New York (UWNY) passing flow to be met more frequently in the future, as well as augment the North Jersey District Water Supply Commission Wanaque Reservoir system. 3.5.8-38

From a negative perspective, the additional wastewater can negatively impact these water supplies and aquatic resources, as described below. As shown, these effects can be detrimental.

In addition, Orange County planning officials are evaluating relocating the OCSD#1 discharge location, largely as a result of additional wastewater inflow that Kiryas Joel and the annexed properties will be conveying to the plant. If the location is changed, the reduction in the safe yield of downstream supplies would be significant.

None of the above impacts were discussed in the EIS. It is strongly recommended that these effects be quantified and thoroughly described. This assessment should take into consideration all the inflows and outflows in the Ramapo River watershed in order to be accurate. If not, Kiryas Joel should await the findings of the OCSD#1 plan, which is scheduled to be completed next year.

Uncertainty of Wastewater Comprising a Larger Fraction of a Major Drinking Water Supply

If the OCSD#1 plant continues its outfall to the Ramapo River, and discharges more wastewater due to larger inflow from Kiryas Joel and the annexed properties, downstream water supplies on the Ramapo River will be comprised of an increasingly large fraction of wastewater.

At present, the Ramapo River where it flows past the UWNY well field and the Suffern well field is comprised almost entirely of wastewater during drought,

primarily from the OCSD#1 plant. It is a well-known fact that the river recharges the aquifer during drought that these well fields use. As a consequence, these wells are drawing in wastewater during low flow periods. Two of the ten UWNY wells have had to install expensive filtration equipment since they have been identified as being under the influence of surface water from the Ramapo River. UWNY customers pay for this equipment as part of their water rates.

As discussed below, if the aqueduct supply is not implemented, the proportion of wastewater will be even larger. There are numerous regulated and unregulated pollutants in wastewater that can degrade these supplies, as well as impair natural resources dependent on freshwater in the Ramapo River. Complete approval to connect into the aqueduct has not yet been granted by the NYCDEP.

Being that the most of the additional wastewater will have its origin from the Kiryas Joel and annexation property expansion, the EIS should comprehensively evaluate the above-described impacts. It is emphasized that these pollutants can have impacts on public health, and that it (and Orange County) can be found legally responsible if these impacts are validated. It is also possible that Kiryas Joel can be found to be legally responsible for expensive upgrades to downstream water suppliers if they are degraded.

3.5.83c

Uncertainty of the Use of the New York City Aqueduct

As described above, if the Kiryas Joel connection to the New York City aqueduct is not implemented, and the OCSD#1 discharge remains at its present location, the Ramapo River will be comprised of even larger concentrations of wastewater than described above due to the large contribution that the Village and annexed properties will result in (as well as the other towns that convey their wastewater to the OCSD#1 plant). Since the Kiryas Joel withdrawals in the Ramapo River watershed would increase over time, it would play a large role in this phenomenon.

3.5.7-56

New York City has yet to entirely approve the aqueduct connection to Kiryas Joel. In the event that this approval was denied, Kiryas Joel and the annexed properties would have to rely on its existing wells in the Ramapo River watershed as well as new well fields. The potential increase in the wastewater concentrations were not evaluated in this case. The EIS should evaluate a "fall-back" strategy if the aqueduct option is not approved.

Uncertainty of the Approval of the Mountainville Well Field

The Mountainville well field has yet to be approved by the NYSDEC. If this well field is not permitted, and Kiryas Joel's other preliminary alternatives were not approved, the back-up supply required of New York City's approval for use of the aqueduct would be in jeopardy. The EIS should be revised to reflect this potential obstacle.

3.5.7-57

Protection of a Sole Source Aquifer

The United States Environmental Protection Agency (USEPA) defines a sole or principal source aquifer as an aquifer that supplies at least 50% of the

drinking water used in the area overlying the aquifer (Public Law 93-523, 42 U.S.C. 300 et seq.). These areas do not have alternative drinking water source(s) that could physically, legally and economically supply all those who depend on the aquifer for drinking water.

Sole Source Aquifer designation is a primary mechanism to protect drinking water supplies in areas where there are few or no alternative sources to the ground water resource and where, if contamination occurred, using an alternative source would be extremely costly. The designation protects an area's ground water resource by requiring the USEPA to review certain proposed projects within the designated area. All proposed projects receiving federal funds are subject to review to ensure that they do not endanger the drinking water source.

If the USEPA Administrator determines that a Sole Source Aquifer could be potentially contaminated, a commitment for federal financial assistance is not supposed to be entered into for any project which the USEPA determines may contaminate the aquifer.

According to the EIS, Kiryas Joel is receiving funding from the New York State Environmental Facilities Corporation (NYSEFC) for the construction of the aqueduct pipeline. It is believed that the NYSEFC is partially funded with Federal Clean Water Capitalization Grants.

As described above, the additional wastewater that will be generated by Kiryas Joel and the annexed properties poses a potential risk to the Ramapo River's ground water supplies. Since the EIS has primarily ignored this risk, opponents of the project may wish to research whether the USEPA should play a role in this project.

Uncertainty in the Conclusion that Study Area Populations will be the Same With and Without Annexation

Throughout the EIS, it is claimed that the year-2025 population will be the same regardless of whether the 507-acre Town of Monroe properties are annexed by Kiryas Joel. This conclusion is highly inaccurate for several reasons.

First, the annexation will facilitate accelerated development in the annexed lands because individual properties will be expeditiously able to connect into the Village's public supply that would have been carefully planned for the 507-acre properties. Without annexation, however, individually subdivided properties and the entity to provide public water would be subject to approval by the Town of Monroe and the Orange County Department of Public Health. As discussed in the EIS, extending water service to the properties outside the Village is a discretionary action by the Village and serving the Village's current inhabitants is a required priority. Without annexation, residents in the adjacent Town of Monroe properties are ultimately dependent upon available private wells.

3.57-58



3.5.7-58
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Without annexation, the process of either being served by Kiryas Joel or being dependent on private wells will undoubtedly delay development, and hence the 2025 population projections estimated in the EIS. In addition, if the residents have to rely on private wells, there is no guarantee that all of the wells would be approvable. Well interference would likely represent a major obstacle to reaching the same population as the annexed lands.

Furthermore, the likelihood of the 507-acre properties being served by the New York City aqueduct is reduced if the properties are not annexed by Kiryas Joel. As pointed out in the EIS, the future use of aqueduct water would be prohibited in the 507-acre properties if they were not annexed, unless special permission is granted by New York City. And if they were permitted, interconnections on these properties may be subject to higher fees paid to New York City. If the 507-acre property was not annexed by the Kiryas Joel, connecting to the Village water system from the aqueduct would involve greater cost and uncertainty than under the annexation scenario where community water service is provided to all landowners.

Second, and similar to the above, are the delays in providing wastewater service to the 507-acre properties if they were not annexed. According to the EIS, annexation of these properties would provide the assurance of connecting new development in these lands to the OCSD#1 public sewer system, as well as allow properties with existing individual septic systems to connect to the public sewer system.

3.5.8-40

On the other hand, without annexation certain properties in these lands may be required to install individual septic systems for future development if public sewers are not practically available. Thus, without annexation wastewater service would be expected to be delayed and to cover less of the properties on these 507 acres. In addition, if most of the 507-acre properties were served by private wells and septic systems, down-zoning may be necessary to ensure that the wells are not contaminated.

It is thus recommended that the EIS be revised to more accurately quantify how many dwelling would potentially be sewerd versus now many would be served by septic systems, plus an improved projection of when these would occur over time. This revision should also include an assessment of both scenarios on streamflow depletion and wastewater impacts where the OCSD#1 discharge either remains in the Ramapo River watershed, or is relocated to the Moodna Creek watershed or to the Hudson River.

Lack of Clarity in the EIS on Describing Water Quality Impacts

When arguing for annexation of the 507-acre Town of Monroe properties by Kiryas Joel, the EIS indicated that "the demand for wastewater treatment in the Village of Kiryas Joel will continue to increase based upon the Village's current and projected future growth. With and without annexation, undeveloped land in the Village and Town of Monroe will be developed over time along with the demand for wastewater treatment. The quality of the wastewater treatment plant effluent is not affected by the level of population growth or its location. Rather, it is more dependent upon the proper operation and maintenance of the facility as it was designed.

Therefore, there are no significant impacts to the receiving water body (Ramapo River) as a result of the proposed annexation action."

It is assumed that these statements were made to support the EIS's premise that the 507-acre Town of Monroe properties would be similarly developed regardless of whether it was annexed by Kiryas Joel. As shown above, annexation is likely to accelerate the pace of dense development in these properties. Without annexation, the probability that these properties will grow at the rate predicted in the EIS is lessened. The fact that development in these properties while not annexed has been historically low over the last few decades confirms this view.

3.58-41

Consequently, it is recommended that the EIS indicate that the rate of development and the need to construct wastewater infrastructure is expected to be delayed if the 507-acre properties in the Town of Monroe is not annexed by the Village of Kiryas Joel. The EIS should further state that the water quality impacts associated with delayed growth in these properties (e.g., more wastewater and non-point source pollutants in the Ramapo River, reduced streamflow depletion from ground water withdrawals and impervious cover, etc.) will also be delayed if these properties are not annexed.

Utilization of a Stunted Planning Period

The EIS employed a ten-year planning horizon to evaluate the effects of Kiryas Joel annexing the 507-acre properties in the Town of Monroe. This obviously is of little value in estimating the long-term environmental effects of the proposed annexation. It is also an insufficient planning period in determining the long-term economic effects of the potential joining of the two land areas. A planning period should be established that is long enough to more adequately assess these environmental and financial impacts. Otherwise, these effects can cross impact thresholds that are highly undesirable a short time subsequent to the end of an abbreviated planning horizon. A more prolonged planning period may have been capable of identifying these thresholds so that another course of action could have been selected.

3.5.8-42

An appropriate example might be the selection of increasing the size of the OCSD#1 plant to 9 mgd to meet mostly the proposed annexation project's planning needs over the next decade. In this example, the current location of the OCSD#1 outfall to the Ramapo River may be adequate. This location may be found to be cost-effective in the shorter term. However, if a 20 or 25 year planning period were employed, it may have been determined that the increase in the discharge could only be dealt with by relocating it 15 years from now to a larger body of water for dilution purposes (such as the Hudson River). This would result in higher costs to all OCSD#1 customers, including Kiryas Joel and its annexed customers. It is possible that this would not be financially feasible if known today.

To avoid these possible shortcomings, it is recommended that the EIS be revised to reflect a planning period of at least 20 years. Either that or a

decision on annexation should await the OCSD#1 plan that is due next year so that Kiryas Joel can make a more informed decision for its residents and those in the 507-acre properties. This issue was addressed more comprehensively in a previous recommendation.

Potential Continuation of the Use of Local Ground Water Supplies

The EIS indicates that Kiryas Joel will abandon its well fields when it is connected to the New York City aqueduct. It specifies that these well fields will only be used when the aqueduct is unavailable. The cost of New York City aqueduct water will be substantially higher than the continued use of its well fields. In addition, its current well fields in the Ramapo River watershed is causing significant streamflow depletion in the Ramapo River and increasing the concentration of wastewater in the river during periods of low streamflow.

3.57-59

Based on the above, it is recommended that the EIS include a provision that specifies that Kiryas Joel will request that NYSDEC modify its existing Village permits as well as any other permits for new well fields to include a condition that the wells are only to be used when the aqueduct is unavailable.

Lack of Available Back-Up Supplies After 2025

The EIS proposes specific water supply alternatives to serve as backup supplies when the aqueduct is not available in the future, but these supplies are not yet permitted by the NYSDEC. There is no guarantee that these backup supplies will be permitted.

3.57-60

The EIS should not be approved until these supplies have NYSDEC permits. Backup supplies should be permitted to meet demand for at least the next 20 years to ensure that ample supplies can be made available beyond the ten-year planning horizon.

Lack of an Integrated Water Resource Plan for the Ramapo River Watershed

The Ramapo River is one of the most utilized rivers in New York. During drought, most of the river's freshwater is removed as a result of inter-basin transfers and consumptive uses (e.g., irrigation) of ground water. At these times, the river is comprised of mostly wastewater. This phenomenon is expected to become more severe as development occurs in Kiryas Joel, and if the nearby properties are annexed. It will also become more severe as other developments and their consequent hydro-modifications occur in the watershed. It was not long ago that this river was quite healthy.

3.6-59

A major reason that the river has reached the above condition is that decisions on land use, water supply, wastewater, etc., are made on an individual and primarily local basis. The past accumulative effects of these decisions are typically ignored, and the effects of future activities are generally not considered on a collective basis. The Kiryas Joel decision discussed in the EIS is one more example of this lack of assessing total



3.6-59
cont

cumulative impacts on the river, its tributaries, and its ground water resources.

The EIS should acknowledge this major discrepancy, and encourage the utilization of an integrated water resource management plan for the Ramapo River watershed. During the interim, the EIS should be placed on hold until the effects of the expanded OCSD#1 plant discharge can be evaluated on downstream water supplies of UWNY and Suffern's well fields. This evaluation will need to consider low streamflow conditions during future drought conditions (i.e., extreme drought in let's say at the end of a 20 year planning period) that factor in projected depletive and consumptive water uses, amount of wastewater comprising the stream during these periods, chemical and biological composition of the wastewater, nonpoint source pollution concentrations from a storm during drought conditions, water quality entering the wells, and water quality after conventional treatment. If, after conventional treatment, the water does not meet drinking water standards, appropriate upgrades to the treatment plant and nonpoint source controls should be evaluated and implemented so that the well fields can produce water that meets the standards.

The EIS should not be approved until this evaluation has been made.

Over the longer term, Orange County and Rockland County (and perhaps New Jersey) should develop a comprehensive integrated water resource management plan for the Ramapo River. While this particular recommendation is beyond the scope of the annexation EIS, it is most definitely needed to deal with current water issues and those that can be anticipated in the future.

Subject: SEQRA PUBLIC HEARING /ANNEXATION PUBLIC HEARING for the annexation of 507 and/or 164 acres from the town of Monroe to the Village of KJ

From: Lorraine Loening [mailto:lorrainel@frontier.com]

Sent: Monday, June 22, 2015 4:41 PM

To: tmiller@timmlerassociates.com

Subject: SEQRA PUBLIC HEARING /ANNEXATION PUBLIC HEARING for the annexation of 507 and/or 164 acres from the town of Monroe to the Village of KJ

Hello,

I am extremely concerned that the properties that are in the annexation are cloaked in a veil of secrecy. The use of LLCs is masking the true individual owners of these properties. How on earth can the DEC or anyone give lead agency status to any town or village until the identities of these property owners are revealed? A litigator would certainly want to know if the judge or jurors at a trial have any financial or emotional stake in the outcome of a trial. Well isn't it the same thing with the annexation? What if the men who are to make this decision would be the recipient of a personal financial windfall? The owners must be identified and then only if we can discern that not one of the men on these boards (or their family members or their campaign contributors) have nothing to gain by their votes can we consider moving forward.

Cordially,

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June 22, 2015

Via E-Mail – tmiller@timmlerassociates.com

Tim Miller Associates, Inc.
10 North Street
Cold Springs, New York 10516

Attention: Tim Miller, AICP

Re: Submission of Village of Woodbury, New York

Dear Mr. Miller:

This correspondence shall constitute the comments of the Village of Woodbury, New York ("Village") with regard to the Draft Generic Environmental Impact Statement ("DGEIS").

WATER SUPPLY

The Existing Conditions Narrative found in Section 3.5.1 of the document refer to wells that have yet to be permitted for use by NYSDEC or NYSDOH. Only permitted water sources should be included in any discussion regarding existing conditions.

The narrative discusses the submission of Annual Water Withdrawal Reports to NYSDEC for the existing Water Supply Permit. These reports should be included in the Appendix and made available for review to substantiate the conclusions. We note discrepancies in the reported 2014 average day demand. Page 3.5-2 of the report states the average water withdrawal in 2014 was 1.61 MGD. Page 3.5-13 states that average daily water usage in 2014 was 1.49 MGD. 3.5.7-61

Based on the existing permitted water supply, the Village of Kiryas Joel is not capable of meeting its maximum day demand. Therefore, projections to any annexed land is speculative at best.

The narrative discusses various other planned sources of additional water supply including the Mountainville well field, the NYC Aqueduct connection and the Star Mountain well field. At this point in time, none of these additional sources have the required regulatory approvals.

The report utilizes the average day demand to develop a per capita flow rate of 66 gallons per person, per day demand. This value is significantly lower than the recommended 75 gallons per day, per person which NYSDEC publishes.

3.5.7-62

The Mountainville and Star Mountain well fields are both located in the Moodna Creek Basin. It is unclear whether the initial environmental reviews for these Water Taking Permits evaluated the impacts of an out-of-basin transfer of groundwater into the Ramapo Basin.

The statements regarding the potential availability of adequate water service are somewhat speculative, and provide intent, but do not indicate, for example, whether the various permitting agencies have committed to providing access, capacity, or service if permit requirements are met. The DGEIS fails to consider or evaluate alternative water service options in the absence of the required approvals of the State and any other permitting agency.

3.5.7-63

WASTEWATER

Based on the figures provided in the report, it appears that the Harriman WWTP has an available capacity of approximately 1.5 MGD. The proposed increase in demand due to the projected population growth is 1.30 MGD in 2025, not considering any increase in flows to the WWTP from other portions of the current service area. Currently, there is not available wastewater treatment capacity at the Harriman WWTP to serve the projected growth.

Additional information should be provided regarding the wastewater treatment facility located in Kiryas Joel. A single month's worth of historical data is provided in Appendix G. This is grossly inadequate. No indication of current WWTP performance is provided in the report. An operational audit of the facility must be completed to identify actual available treatment capacity based on the current loadings to the facility.

3.5.8-43

The statements regarding the potential availability of adequate sewer service are at best speculative and do not indicate, for example, whether the various permitting agencies have committed to providing access, capacity, or service if permit requirements are met. The DGEIS fails to consider or evaluate alternative wastewater disposal plans in the event that the Harriman WWTP is not viable and fails to consider alternatives in the event that approvals are not received from the State and any other permitting agencies.

3.5.8-44

ZONING AND LAND USE

The population and growth calculations, which have been provided, have calculated a projected increase in population of 19,663 people in the Year 2025. These growth projections are solely based on past growth and do not appear to give consideration to the potential exponential growth which could

3.2.10-33



occur with the addition of vacant developable land. Additionally, we note that the analysis is only for a 10-year look ahead. At least a 25-year analysis is required.

3.2.10-33
con 4

It appears that the analysis without annexation gives consideration to the allowable density based on the subject properties as based on current Town of Monroe Zoning requirements. However, the analysis with annexation only evaluates a potential density which is based on the growth projections provided. The current zoning code in Kiryas Joel has no limitation on the number of units per acre. In consideration of this, the development potential is significantly greater than the analysis suggests.

3.1-77

Table 1-2, p. 1-4 indicates that without annexation, there is expected to be an increase within Kiryas Joel of 2,394 units on undeveloped property (and an addition of 12,307 people). With annexation, these properties are not shown to have an increase, on the basis that "the proposed action is specific to annexation lands." pp. 1-5. This approach should be examined with respect for the potential for the claim of segmentation, by excluding this growth potential. The DGEIS has many examples of the effect of impacts without annexation on the lands outside the current Village boundaries.

3.1-78

Throughout the DGEIS, there are references to increases in tax revenue to the Village of KJ and other taxing entities due to the increase in value of assessable properties and the availability of additional tax revenue to increase services. As one example see p. 1-5, and fourth paragraph with reference to "net tax benefit". In actual practice, the amount of tax revenue to be assessed is based on budgetary needs of the taxing entities. All other factors being equal, the result of the increased value of new development would be to decrease (almost always very modestly) the overall tax rate and thus the amount to be paid by existing property. As presented, the statements are at least misleading. For example, see p 1-5, second paragraph, with reference to net tax benefits being used to fund capital projects. This is not the case. All references should be revised, and to be truly informative, some appropriate examples should be provided.

3.2.11-16

TRAFFIC

No specific traffic study was completed for the DGEIS. As such, there are no specific analyses of roadways or intersections outside of the Village of Kiryas Joel where the increase in population of 19,663 could have significant impacts on highway capacity, intersection capacity and safety. [We believe that capacity analyses of all affected roadways and intersections should be evaluated to determine the potential impacts.]

The Transportation Section of the report does project trip generation based on the two (2) scenarios, with and without annexation, as provided in tables found in Appendix F. Trip generation rates for the same classification vary between the zoning designations. For example, the trip generation rate for ITE Class 230 (Condo) in Table F3-5 varies between 0.351 and 0.507 depending on the location of the unit. Table F3-7 designates a rate for the same classification of 0.417 and 0.339. [Additional discussion and documentation must be provided for the varying use of trip generation rates.]

3.4-34

Page 1-12,13, regarding traffic indicates that with annexation, reduced traffic growth outside the Village is anticipated as Village transportation services such as sidewalks are extended into the annexation area, as compared to without annexation. [The DGEIS text does not properly identify or analyze affected intersections beyond the Kiryas Joel boundary.]

The Traffic section, p. 3-4-21 refers (footnote 11) to a traffic study referenced as prepared by Saccardi & Schiff. This study is not recent and was prepared for a project that was not approved. A more relevant study would be the traffic study prepared by AKRF for the selected casino in Sullivan County. This section should be revised to reflect the current study and the implications on traffic thereof.

3.4-35

INCORPORATION OF RECORD

Initially, the Village respectfully directs your attention to the record of the Public Hearing with regard to the DGEIS. As our Office was present and those comments were provided, rather than repeat those various issues identified that record is incorporated herein by reference. In addition, the prior comments of the Village submitted previously are also respectfully incorporated herein by reference without the need to repeat the same. As our Office was present during the recent Public Hearing we are fully aware that the record was extensive and therefore incorporate the same by reference as though set forth in full herein.

DEMOGRAPHICS

Completely deficient from the DGEIS is any consideration that the need to expand by the Village of Kiryas Joel, New York ("KJ") can be accomplished in the same manner that KJ was first established. When a growing Satmar population within Williamsburg, New York could not accommodate Satmar members, the historical example was a relocation of the over-flowing population outside of the City of New York. This is the basis for KJ being established in Orange County, New York. That same practice and pattern of relocating in other communities to accommodate a growing population was completely ignored as an alternative in studying the impacts of the proposed Annexation.

6-11

The DGEIS fundamentally ignored this alternative to the need for Annexation. In fact, rather the religious community has relocated in Sullivan County to provide for the growth of that community. There is nothing in the record that would preclude such an alternative and the failure of the DGEIS to consider the same is an abandonment of any required "hard look" with regard to impacts and alternatives. The statistics provided demonstrate a slowing of in-migration to KJ from outside as the growth limitations of KJ realized.

PROJECTED DEVELOPMENT NOT CONSIDERED

The DGEIS manifestly eliminates the requisite "hard look" at the impacts of Annexation that will result in the pattern of development already existing in KJ. Simply stated, failure to analyze the build-out that can reasonably be anticipated based upon the KJ history of development is improper segmentation under SEQRA. No matter how any build-out is to be considered, the failure to actually consider that build-out is evidence that the impacts from Annexation have not been identified. Without the impacts being so identified, mitigation measures cannot be properly proposed. The failure to analyze the build-out in a manner consistent with the historical KJ development also fails to identify impacts upon the social-economic and community character of the area to be annexed. This manifest failure to identify the impacts precludes any meaningful opportunity to set forth mitigation measures that are required under SEQRA. Therefore, the failure of the DGEIS to even consider various build-out scenarios is a fundamental flaw in the SEQRA process concerning Annexation.

6-12

EXCESSIVE ENTANGLEMENT

At the time of the incorporation of KJ, it was only speculation as to the ultimate involvement in potential control by religious authorities over municipal affairs. As several decades have developed since the incorporation of KJ, that involvement is no longer a matter of speculation. Established jurisprudence has confirmed examples of religious authorities having control over municipal matters. This excessive entanglement has already been the subject matter of review by the United States Supreme Court.

With a clear historical pattern developed since the incorporation of KJ, it is reasonable to expect (and even municipal officials in KJ admit) that the annexed area would become a continuation of the practices and patterns of the behavior regarding religious influence over municipal matters. The impact of such excessive entanglement has not been identified so that appropriate mitigation measures can be determined that impact upon the community character.

In fact, information made available during the public hearing on the DGEIS has produced evidence that the Annexation is an effort to "extend the holy borders" of KJ to the newly annexed area. Accordingly, with this manifest identification of continued land use as previously taken place in KJ adumbrates at least community character impacts that were not identified in the DGEIS.

CONCLUSION

The Village respectfully submits that the above matters must be reviewed and responded to in accordance with all applicable law and SEQRA requirements. The DGEIS is not adequate for further consideration and further steps the SEQRA process until the aforementioned deficiencies are properly addressed and resolved.

Very truly yours,


Dennis F. A. Lynch

DEAL/sd

cc: Mayor Michael Queenan

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June 22, 2015

*ADMITTED IN NEW YORK AND NEW JERSEY
**ADMITTED IN NEW YORK AND CONNECTICUT

VIA REGULAR MAIL and EMAIL

Tim Miller Associates, Inc.,
10 North Street
Cold Spring, NY 10516

Re: DGEIS 507 acre annexation petition

Dear Mr. Miller:

We are counsel to the Board of Education of the Monroe-Woodbury Central School District ("MWCS D"). Subject to a full reservation of its rights, the MWCS D is submitting its written comments on the Draft Generic Environmental Impact Statement ("DGEIS") on the petition for Annexation of approximately 507 acres from the Town of Monroe ("Town") to the Village of Kiryas Joel ("Village") dated December 23, 2013 ("507 acre petition").

Generally, MWCS D confined its review to those areas of the DGEIS that directly impacted the District such as population growth, demographics and fiscal analysis. However, while we did not provide comprehensive comment on the remainder components, MWCS D submits that those areas of the DGEIS are equally flawed.

Initially, MWCS D notes that it is apparent that the DGEIS was drafted in a manner as to benefit the proposed annexation. For example, it is disconcerting that after the time to provide comment on the DGEIS was closed, the Village accepted and posted as part of the SEQRA Repository on this project, the comment letter dated April 23, 2015 from the legal firm representing the Board of Education of the Kiryas Joel Union Free School District ("KJUFSD"), that disputed the MWCS D submittal on the DGEIS scoping document. Furthermore, much of the financial data used to support the analysis of the financial impact on the MWCS D was procured in a questionable manner and certainly, without attention to accuracy.

Section 1.0 Executive Summary Existing Zoning: The statement that the Town zoning in the annexed area does not allow for commercial development is incorrect.

3.1-79

Section 2.1 Project Location and Description:

As MWCSO previously commented, the population of Kiryas Joel will continue to exceed the housing stock and continue to overflow its borders. The only real check on this growth is the land use zoning of the neighboring communities limiting the density of units per acre and the control of water and sewer usage. Currently, as admitted in the DGEIS, the Village zoning does not limit the number of units per acre. Without some control in growth, the impact to the District and surrounding communities will increase dramatically.

3.1-80

The DGEIS incorrectly calculates the projection of potential housing units with and without annexation. Under both scenarios, the projection fails to take into account potential limitations on development, including, but not limited to storm water management, wetlands, steep slopes, ponds, lakes, drainage basins, endangered species or fauna, historical sites, and sanitary sewer capacity topography. It is a glaring oversight that while the DGEIS includes various maps that depict the zoning, it fails to include readily available overlays for wetlands, slopes or endangered species.

It is especially disconcerting that the calculation of development without annexation relies solely on the Town zoning, that allows in a single family home, the construction of an accessory apartment or in some instances in the DGEIS, what is inaccurately referred to as a condominium. Such representation is disingenuous and ignores the significant restrictions on the approval of accessory apartments in the Town. The Town of Monroe Code specifically limits "the specific purpose and intent of this section to allow an accessory apartment within one-family detached residential structures in all one-family residence districts in order to provide the opportunity and encouragement for the development of small rental housing units designed, in particular, to meet the special housing needs of single persons and couples." [Town of Monroe Zoning Code, Section 57-21]. Furthermore, accessory apartments are specifically limited in size to two bedrooms." [Town of Monroe Zoning Code Section 57-21(H)]. It is noted that the two developments Forest Edge and Vintage Vista located on the land proposed to be annexed, are touted in the DGEIS as ripe for accessory apartments. However, such representation appears to be poised to flaunt the Town Law given the very specific purpose and restriction on accessory apartment use. As repeatedly asserted, Hasidic families have on average 6 children. Accessory apartments in single family homes cannot accommodate nor are they intended to accommodate families let alone 8 people.

3.1-81

It is also significant that the Village has not adopted a comprehensive plan whereas the Town has implemented such a plan. The DGEIS must include a discussion and analysis of the impact of the Village's lack of planning.

3.1-82

Section 3.2.6 Fiscal Analysis Schools:

As noted in MWCSO's comments on the petitions, regardless of the size of the annexation, the impact to MWCSO is significant. Notwithstanding that the demographic and financial projections due to the significant growth in Kiryas Joel's population in the 10 short years noted in the DGEIS are underestimated, even using these inaccurate premises, the impact on MWCSO cannot be overcome.

While the children of Kiryas Joel families attend private school, the District is obligated to provide support services such as transportation, and books. In the DGEIS, the source of the data for the analysis of the purported cost to provide services to Kiryas Joel students of \$1,700 is neither specific to a particular time period nor verified. [See, 3.2.6 DGEIS]. In fact, the figure of \$1,700 was provided by MWCSO as an estimate during a casual conversation initiated by the KJUFSD business official. During that conversation it was never represented that this information would be used as the accurate foundation analysis of fiscal impacts for the DGEIS, nor was there a follow-up contact to the MWCSO to confirm the accuracy of these numbers. Had anyone bothered to contact MWCSO, they would have learned that the actual number for the cost of services to general education students during the 2014-2015 school year is \$2,986. If in 2014-2015, the District was to provide these services to the projected 8,160 students, the cost of services is actually \$24,365,760 which clearly does not account for increases in the cost of services during this period. 3.3.10-12

In addition, the District provides education services for special needs students. The DGEIS analysis of financial impacts to provide special education services relies on the information provided by the Superintendent of KJUFSD that the tuition is approximately \$79,000. However, again, the time frame of this purported tuition was not provided nor was the number confirmed with MWCSO. Further, the tuition cost does not include the cost of related services. In actuality, the 2014-2015 cost of tuition is \$86,000 and the cost of related services for 7 of the 11 special education students is \$17,320. Therefore, the average cost per student for tuition and services is \$89,000 this year, which does not account for the part-time students. Moreover, their costs will not remain stagnant over the next 10 years as suggested by the DGEIS. 3.3.10-13

Notwithstanding the questionable accuracy of the DGEIS figures, the costs will continue to rise dramatically as the cost of providing transportation, books, salary, tuition and other associated costs increase on an annual basis. Based on these accurate numbers, the financial impacts must be adjusted to reflect the actual numbers and adjusted for inflation over the course of the growth projection. 3.3.10-14

MWCSO notes that 10 years is an artificial time frame on which to base the analysis of the impacts. Furthermore, the projected population growth is predicated on stale outdated information, including the U.S. Census and a 2009 growth study for the Village of Kiryas Joel. We submit that a more accurate projection of potential growth is not only the expected 6 children per family, but the capacity of water supply to the Village which above all else will drive the potential for growth. 3.3.10-15

It is incomprehensible that the DGEIS would summarily dismiss the increased water capacity as a source of potential increased population. If that were the case, there would be no need to increase water capacity. The fact is that in order to sustain the viability of the loan from the Environmental Facilities Corporation, the Village has underwritten such by forecasting significant increases in housing and the corresponding financial commitment of those homeowners providing the influx of money necessary to pay off that loan. It is axiomatic, water is absolutely essential for any growth to occur.

Proceeding on that premise coupled with the unlimited density controls of the Village zoning, we submit that the current growth projection is grossly underestimated. A simple calculation of the individual water usage per day based on the availability of water projects a 3.3.10-15 can't

staggering potential for growth. Increasing the capacity allows for the exponential expansion of the population growth calculating water usage at 70 gallons per day ("GPD") per person:

3.3.10-15
con 4

- 1 million GPD add 14,285 new residents;
- 4.5 million GPD, add 64,285 new residents; and
- 6 million GPD, add 85,714 new residents.

While it is asserted that the revenue from the taxes the additional housing may generate will more than compensate for these expenses, that position is not accurate. Significantly, there is no factual information or even a historical foundation submitted to substantiate these purported forecasts of revenue enhancement. Specifically, the data provided in Tables 3.2-8 and 3.2-9 as the foundation for determining the assessed value of the new construction is unreliable. This crucial information is unsubstantiated and merely based on Appendix E which is nothing more than a projection of housing construction and a vague reference to property assessments in Orange County as well as unexplained values derived from proposed future housing. Moreover, the analysis noted in the DGEIS failed to account for increasing costs to the District to provide these services.

Real property valuation is a complex process and is impacted by the type of housing - single family versus multi-family versus condominiums versus low income housing. Further, the valuation of assessment and taxing formula is different for each. The mere fact that housing stocks will increase is not a reliable predictor of tax revenue. Given the potential for low income housing, the DGEIS must be adjusted to reflect the different type of real property tax scenarios. It is especially notable that the analysis applied to determine future public school taxes, Tables 3.2-14 and 3.2-15, are misleading. This analysis does not accurately reflect the calculation of taxes and as illustrated, depicts an artificial windfall to MWCS D. The analysis should be based on a trajectory of increasing expenditures and corresponding tax levy, tax levy distribution among the municipalities affected, and the impact of the tax cap over the course of the 10 years.

3.3.10-16

Furthermore, the assertion of alleged tax revenue as a windfall to the District is a misnomer. The increased costs for such services are factored into the budget and are spread out over the entire district population, but the tax levy is based on the relative assessment of each community. Accordingly, while the tax levy for MWCS D impacted by the annexed area may decrease, the levy in other areas could increase.

3.3.10-17

Of significant concern is that the District may experience a decrease in state aid due to the increased housing. The calculation of state aid is also a complicated formula. However, with a greater aggregate assessed valuation from more housing without a corresponding increase in student population attending the MWCS D, the District might appear wealthier than it actually is which could result in a diminution of state aid. Therefore, also there must be an analysis of the potential impact on state aid.

3.3.10-18

The DGEIS does acknowledge that the growth will require a significant expansion to the private religious schools and to a lesser extent KJUFSD. Yet, there is only one stray comment from the KJUFSD Superintendent representing that the private schools are building infrastructure. Notably absent is any documentation on the amount of private or public school classroom space needed to accommodate the growth, timelines for proposed construction, recitation of what is currently being constructed, the cost of such construction, the impact to the

3.3.10-19

tax base of the construction or any other of the myriad impacts that result from such and should be included in Tables 3.2-14, 3.2-15 and 3.2-17.

3.3.10-19
con 4

While, it is argued that the MWCS D could easily deflect these impacts by engaging in a boundary change process, the impact of this project on the MWCS D must be analyzed without the specter of such. The factors to be considered in determining whether to alter school district boundaries are the educational interests of the students involved, the effect of the transfer on the tax revenues of the districts involved and the effect of the transfer on the educational programs of the school from which the property is transferred. (Appeal of Michailides, 31 Ed Dept Rep 204). While KJUFSD purports to have adopted a resolution approving an alteration of boundary lines, there is no corresponding evidence that the parties have undertaken the necessary analysis of the factors to approve such. Moreover, boundary changes are limited by law and the unpredictable decisions of government officials and it cannot be relied on as a panacea to address these impacts.

3.3.10-21

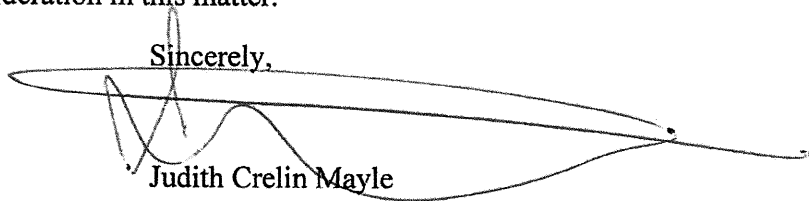
However, of significance and not addressed in the DGEIS is the potential impact such expansion may have on the very existence of the KJUFSD. Education Law Section 1504 provided the authority to the Village of Kiryas Joel to create the KJUFSD, which boundaries were coterminous with that of the Village. Clearly, the legislature in authorizing the creation of this type of school district, set forth the fundamental precedent that the boundary lines of the municipality and the district must be coterminous. To ignore that fundamental principal serves only to circumvent the law, especially in light that Section 1504 is silent as to whether a school district so created can expand beyond those initial boundaries without the corresponding expansion of the municipal territory. Further, while KJUFSD advocates for a boundary change with the MWCS D, it is equally questionable as to whether it is KJUFSD or the Village that has the authority to approve such expansion. It is of no small import that this basic tenant cannot be ignored when considering the overall impact of the project.

3.3.10-21

Respectfully, based on the evidence both submitted on the record and pursuant to this letter, the DGEIS should be deemed incomplete.

Thank you for your consideration in this matter.

Sincerely,



Judith Crelin Mayle

cc: Elsie Rodriguez, Superintendent
Monroe Woodbury Central School District School Board

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June 22, 2015

*ADMITTED IN NEW YORK AND NEW JERSEY
**ADMITTED IN NEW YORK AND CONNECTICUT

VIA REGULAR MAIL and EMAIL

Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

Petition comments -
NOT SEQRA
2-34

Re: Article 17 General Municipal Law 507 acre and 164 acre annexation petitions

Dear Mr. Miller:

We are counsel to the Board of Education of the Monroe-Woodbury Central School District ("MWCS D"). Subject to a full reservation of its rights, the MWCS D is submitting its written comments on the Petition for Annexation of approximately 510 acres from the Town of Monroe ("Town") to the Village of Kiryas Joel ("Village") dated December 23, 2013 ("507 acre petition") and the Petition for Annexation of approximately 164 acres from the Town to the Village dated August 15, 2014 ("164 acre petition").

MWCS D asserts that both the 507 acre and 164 acre petitions fail to comply in form and content with the provisions of Article 17 of the General Municipal Law. Further, neither petition is in the overall public interest. Accordingly, both petitions must be rejected.

1) Sufficiency of Petitions:

General Comment:

Section 703 of the New York General Municipal Law sets forth the minimum requirements necessary to determine the validity of a petition for annexation. Specifically, such petitions require:

- A description of the lands to be annexed;
- The number of inhabitants residing on the lands to be annexed;
- The petition must be signed by at least 20 percent of the persons residing in the requested area eligible to vote or by the owners of the majority of assessed valuation of the real property to be annexed;

- The signatures of each property owner must be authenticated on each sheet by adding at the bottom of each sheet an affidavit of the witness; and
- Where the petition is signed by the owners of a majority in assessed valuation of the real property there must be attached a certification of the assessor responsible for the preparation of the assessment role certifying to such facts.

There are a significant number of irregularities which invalidate both the 507 acre and 164 acre petitions as follows:

a) **507 Acre Petition**

As the pages of this petition are not numbered, we have prepared the attached, Exhibit A, which inserts handwritten numbers for each page of the petition which will correspond with our following comments:

Pages 3-21:

At page 2, the Witness Clause of the petition, petitioners assert that they each executed the petition on December 23, 2013. First, we submit that it is improbable that the 177 petitioners each executed the petition on December 23, 2013. Additionally, as further evidence of this, as documented in the sworn affidavit of the witnesses, Simon Gelb, the signatures were not authenticated until December 27, 2013, 4 days after the Petitioners were alleged to have executed the petition.

Pages 4-21:

The petitions include numerous substantial unauthenticated alterations. Handwritten alterations of the affirmation were not initialed for authenticity. Altering the petition without authentication of the alteration by the authenticating witness undermines the veracity of the petition, as it is impossible to determine whether the petition was validly altered. Therefore, the petition must be invalidated.

Pages 11-19:

The petitions were altered by inserting handwritten names under the purported signatures of petitioners and striking assessed values of properties without authentication. Altering the petition without authentication of the alteration by either the petitioner or the authenticating witness undermines the veracity of the petition, as it is impossible to determine whether the petition was altered after or before it was allegedly witnessed and notarized. Those signatures must be invalidated and the corresponding assessed value of the purported annexed territory reduced accordingly.

Page 3:

SBL 43-5-3.2: The record property owners are: Henry Weinstock and Shana Weinstock. However, only Henry Weinstock executed the petition. Given that there is no representation that this property is owned by a corporate or other entity, or that the second owner is deceased, similar to SBL 43-5-4.1, both property owners must execute the petition. Therefore, the signature must be invalidated and the corresponding assessed values of the property to be annexed reduced by \$74,000.

SBL 65-1-25: The record property owners are: Joel Brach and Helen Brach. However, only Joel Brach executed the petition. Given that there is no representation that this property is owned by a corporate or other entity, or that the second owner is deceased similar to SBL 43-5-4.1, both property owners must execute the petition. Therefore, the signature must be invalidated and the corresponding assessed value of the property to be annexed reduced by \$33,600.

The petition was altered to insert handwritten names of purported petitioners at SBL 2-1-9.1; 2-1-4,21 and 1-1-39. However, the alterations were not authenticated. Altering the petition without authentication of the alteration by either the petitioner or the authenticating witness undermines the veracity of the petition, as it is impossible to determine whether the petition was altered after it was allegedly witnessed and notarized. We submit each such alteration invalidates the petition. Therefore, the signatures must be invalidated and the respective corresponding assessed values of the property to be annexed reduced by \$78,400; \$110,000 and \$28,000.

Page 4:

The petition was altered in numerous places including the addition of handwritten names and the striking of the assessed value of \$65,800 without authentication of the alteration by the witness or petitioner at SBL 43-1-6; 43-2-5 and 43-5-6. Altering the petition without authentication of the alteration by either the petitioner or the authenticating witness undermines the veracity of the petition, as it is impossible to determine whether the petition was altered before or after it was allegedly authenticated by the witness and notarized. We submit each such alteration invalidates those signatures and the respective corresponding assessed values of the property to be annexed reduced by \$70,900; and \$61,100.

Page 5:

SBL 1-2-8.11: The record property owners are: Lillian Strulovitch and Pincus J. Strulovitch. However, only one property owner executed the petition. Given that there is no representation that this property is owned by a corporate or other entity, or that the second owner is deceased similar to SBL 43-5-4.1, both property owners must execute the petition.

SBL 1-2-8.11 and 1-3-12: In addition, equally troublesome, the signatures for the purported owner of properties SBL 1-3-12 and SBL 12-8.11 mirror each other. However, the property owner listed for 1-3-12 is one Joseph Strulovitch 1, LLC, and the individual who signed is identified as Joseph Strulovitch. Whereas the owners of 1-2-8.11 are noted as Lillian/Pincus Strulovitch, which has the exact same signature as for lot 1-3-12. Additionally, we note that these two properties, SBL 1-3-12 and 1-2-8.11 are also included on the 164 acre petition. Yet, in that case, although the actual signature is a mirror image of the signatures on the 507 acre petition, the name of the signatory for lots 1-3-12 and 1-2-8.11 is now identified as Pincus J. Strulovitch. Furthermore, although two lot owners are noted for 1-2-8.11 there is only one signatory. We submit that this is clear and convincing evidence that this person is not qualified to execute the petition and the respective corresponding assessed values of the property to be annexed must be reduced by \$69,500 and \$89,200.

Page 6:

The petition was altered by inserting the handwritten names without authentication at SBL 1-2-8.21;1-2-27 and 1-1-49. Altering the petition without authentication of the alteration by either the petitioner or the authenticating witness undermines the veracity of the petition, as it is impossible to determine whether the petition was altered before or after it was allegedly authenticated by the witness and notarized. We submit each such alteration invalidates the signatures and the respective corresponding assessed values of the property to be annexed must be reduced by \$181,400; \$23,300 and \$36,700.

SBL 1-1-52 did not include an assessed value nor is this property certified by the Assessor as part of the property proposed to be annexed on Appendix C.

Page 7:

SBL 1-1-22.1: The signature of the purported Petitioner was altered without authentication and must be invalidated and the respective corresponding assessed values of the property to be annexed reduced by \$15,000. Altering the petition without authentication of the alteration by either the petitioner or the authenticating witness undermines the veracity of the petition, as it is impossible to determine whether the petition was altered before or after it was allegedly authenticated by the witness and notarized.

Page 8:

SBL 1-2-30.1: The record property owners are Moses Goldberger and Briendel Chavi. However, only Moses Goldberger executed the petition for this property. Given that there is no representation that this property is owned by a corporate or other entity, or that the second owner is deceased similar to SBL 43-5-4.1, both property owners must execute the petition. Therefore, the signature must be invalidated and the respective corresponding assessed value of the property to be annexed reduced by \$147,250.

SBL 56-1-1.1: Simon Gelb is the record owner of the property and as such, executed the petition as the petitioner. However, Mr. Gelb also executed the affidavit as a witness to the authenticity of the signatures on this page. Therefore, the signature must be invalidated and the respective corresponding assessed value of the property to be annexed reduced by \$61,600.

Page 9:

The petition was altered without authentication when the names of the petitioners were added without initials by the witness or purported petitioner at SBL 1-1-25.4; 1-2-31.1 and 1- 2-6. Altering the petition without authentication of the alteration by either the petitioner or the authenticating witness undermines the veracity of the petition, as it is impossible to determine whether the petition was altered before or after it was allegedly authenticated by the witness and notarized. Therefore, the signatures must be invalidated and the respective corresponding assessed values of the property to be annexed reduced by \$58,000; \$72,700 and \$116,700.

Page 10:

The petition was altered by inserting the handwritten names without authentication of the petitioner or authenticating witness at SBL 1-1-23;1-3-14.2; 1-3-15; 1-3-40; 2-1-1; 43-1-12; 1-1-25.2 and 1-2-32.12. Altering the petition without authentication of the alteration by either the petitioner or the authenticating witness undermines the veracity of the petition, as it is impossible to determine whether the petition was altered before or after it was allegedly authenticated by the witness and notarized. Therefore, the signatures must be invalidated and the respective corresponding assessed values of the property to be annexed reduced by \$58,500; \$64,800; \$62,900; \$17,600; \$234,000; \$7,800; \$67,700 and \$56,200.

The witness in his affidavit affirms/swears that 9 petitioners executed the petition, when in actuality, there were only 8 signatures. Moreover, without authentication of the alteration, the veracity of the petition is undermined as it is impossible to determine whether the petition was altered after or before it was allegedly witnessed and notarized. Therefore, the entire page must be invalidated and the respective corresponding assessed values of the property to be annexed reduced by \$359,500.

SBL 1-2-32-12: The record owner of the property is Yisorel Cong Bais and not Bais Yisroel Cong. Therefore, the signature must be invalidated and the respective corresponding assessed value of the property to be annexed reduced by \$56,200.

SBL 1-3-14.21; 1-3-15 and 1-3-15 are owned by two entities, Amazon Realty Associates, Inc., and Burdock Realty Associates, Inc. However, the owner of record on all three parcels is noted as represented on the petition as Amazon/Burdock Rlty Assoc Inc. Further, there is only one signatory. It is unclear as to both the names of the record owners as well as to which property the petitioner is executing the petition on behalf of.

Page 12:

SBL 1-1-25.3: The signature of the petitioner was altered without authentication by the petitioner. Altering the petition without authentication of the alteration by the petitioner undermines the veracity of the petition, as it is impossible to determine when and whether the petition was validly altered. Therefore, the signature must be invalidated and the respective corresponding assessed values of the property to be annexed reduced by \$18,600.

Page 18:

The petition was repeatedly altered without authentication by inserting handwritten names of petitioners and adding property listings SBL 65-1-27 and 65-1-28 and assessed values. Altering the petition without authentication of the alteration by the petitioner undermines the veracity of the petition, as it is impossible to determine when and whether the petition was validly altered. Therefore, the signatures must be invalidated and the respective corresponding assessed values of the property to be annexed reduced accordingly.

Page 19:

The witness, in his affidavit affirms/swears that 9 property owners executed the petition when only 5 purported property owners executed the petition. Moreover, without authentication of the alteration, the veracity of the petition is undermined as it is impossible to determine when and whether the petition was validly altered. Therefore, the entire page must be invalidated and the respective corresponding assessed values of the property to be annexed reduced by \$156,400.

SBL 43-3-1: The record property owners are Israel Werzberger and Yittele Werzberger. However, the petition incorrectly includes NDS Property Management, Inc., and Jossi Leib Werzberger as the owners of record. Moreover, it appears that pursuant to Appendix C, the property has been assigned different SBL numbers. Therefore, the signatures must be invalidated and the respective corresponding assessed values of the property to be annexed reduced by \$91,700.

Exhibit A - The Description of the purported Annexed Territory conflicts with Exhibit C - the Assessors Certification that Exhibit A of the Petition is the 177 Parcels constituting the purported annexed territory:

- The following lot is noted on Exhibit A, but not on Exhibit C: Area VIII, SBL 43-1-11.
- The following lots are noted on Exhibit C, but not on Exhibit A: SBL: 1-1-4.2; 1-1-4.32; 1-1-11.21; 1-1-11.22; 43-1-13; 43-1-14; 43-1-15; 43-3-6; 43-4-1; 43-4-3; 43-4-4; 43-5-10; and 43-5-11.
- In Exhibit C, 177 lots are purported to be included in the annexed territory while in Exhibit A, only 164 lots are noted as the metes and bounds of the purported annexed territory.

Given the substantive inaccuracies as noted throughout the petition, the petition does not substantially comply in form and content with Article 17 of the General Municipal Law. Moreover, the invalidation of the noted signatures reduces the total assessed valuation of the property such that the petitioners do not represent a majority of the total assessed valuation of the territory described to be annexed. Accordingly, the 507 acre annexation petition must be rejected.

b) 164 Acre Petition:

As the pages of this petition are not numbered, we have prepared the attached, Exhibit B, which inserts handwritten numbers for each page of the petition which will correspond with our following comments:

Pages 3-5:

At page 2, the Witness Clause of the petition, petitioner's assert that they each executed the petition on August 15, 2014. First, we submit that it is improbable that the petitioners each executed the petition on August 15, 2014. Additionally, as further evidence of this, as documented in the sworn affidavit of the witnesses, Simon Gelb, the

signatures were not authenticated until August 19, 2014, 4 days after the Petitioners were alleged to have executed the petition.

Each page of the petition was altered by inserting the handwritten names of alleged signatories to the petition without authentication. Altering the petition without authentication of the alteration by the petitioner undermines the veracity of the petition, as it is impossible to determine whether the petition was validly altered. Therefore, those signatures must be invalidated and the assessed value of the purported annexed territory reduced accordingly.

Page 4:

The witness, in his affidavit affirms/swears that 8 property owners executed the petition when in actuality 10 purported property owners executed the petition. Moreover, without authentication of the alteration, the veracity of the petition is undermined as it is impossible to determine whether the petition was altered after or before it was allegedly witnessed for authenticity and notarized. The petition must be invalidated and the respective corresponding assessed values of the property to be annexed reduced by \$676,500.

SBL 1-2-8.11 and 1-3-12: Please see 507 acre petition comment to Page 5 above.

SBL: 1-3-1.3: There are four owners of record, however, AES 11-07 Trust, Elimelech Schwartz, Trustee, Bakertown Realty Equities and Jacob Bandua Trust. However, only three individuals executed the petition. Therefore, the signatures must be invalidated and the respective corresponding assessed values of the property to be annexed reduced by \$91,600.

SBL 65-1-32: There is no such property listed for the Town of Monroe for Orange County, N.Y.

Exhibit A - The Description of the purported Annexed Territory conflicts with Exhibit C - the Assessors Certification that Exhibit A of the Petition is the 177 Parcels constituting the purported annexed territory:

- The following lot is noted on Exhibit A, but not on Exhibit C: Area III, SBL 1-2-1.
- In Exhibit C, 71 lots are purported to be included in the annexed territory while in Exhibit A, only 70 lots are noted as the metes and bounds of the purported annexed territory.

Given the substantive inaccuracies as noted throughout the petition, the petition does not substantially comply in form and content with Article 17 of the General Municipal law. Moreover, the invalidation of the noted signatures reduces the total assessed valuation of the property such that the petitioners does not represent a majority of the total assessed valuation of the territory described to be annexed. Accordingly, the 164 acre annexation petition must be rejected.

2. The Proposed Petitions for Annexation are not in the Overall Best Interest of the Monroe Woodbury Central School District:

We submit that regardless of the size of the annexation, the impact to the MWCS D is significant. Notwithstanding that the demographic and financial projections due to the significant growth in Kiryas Joel's population in the 10 short years noted in the DGEIS are underestimated, even using these inaccurate premises, the impact on MWCS D cannot be overcome.

First, the MWCS D notes that regardless of the annexation, the population of Kiryas Joel will continue to exceed the housing stock and continue to overflow its borders. The only real check on this growth is the land use zoning of the neighboring communities limiting the density of units per acre and the control of water and sewer usage. Currently, as admitted in the DGEIS, the Village zoning does not limit the number of units per acre. Without some control in growth, the impact to the MWCS D and surrounding communities will rise dramatically. It is also significant that the Village has not adopted a comprehensive plan, whereas the Town has adopted a plan for development.

We also note that such growth will also demand increased classroom space. It is acknowledged that the growth will require a significant expansion to the private religious schools and to a lesser extent KJUFSD. However, notably absent is any documentation on the amount of private or public school classroom space needed to accommodate the growth, timelines for proposed construction, recitation of what is currently being constructed, the cost of such construction, the impact to the tax base of the construction or any other of the myriad impacts that result from such and should be factored into the impacts.

While the children of Kiryas Joel families attend private school, the MWCS D is obligated to provide support services such as transportation and books. In the DGEIS, the source of the data for the analysis of these purported costs to provide services to Kiryas Joel students of \$1,700 is neither specific to a particular time period nor verified. [See, 3.2.6 DGEIS]. In fact, the figure of \$1,700 was provided by MWCS D as an estimate during a casual conversation initiated by the KJUFSD business official. During that conversation it was never represented that this information would be used as the accurate foundation analysis of fiscal impacts for the DGEIS, nor was there a follow-up contact to the MWCS D to confirm the accuracy of these numbers. The actual number for the cost of services during the 2014-2015 school year is \$2,986. At a projected 8,160 students (not taking into account the increase in the cost of services during this period), the cost to MWCS D to provide these services is \$24,365,760.

In addition, MWCS D provides education services for special needs students. Again, the DGEIS failed to verify the costs associated with determining the fiscal impact of the annexation on the District. Currently, for the 2014-2015 school year, the average tuition costs is \$86,000 for the full-time students and not \$79,000 as asserted in the DGEIS. In addition, the District incurs related service costs for 7 of the students at \$17,320 per student. Combined, the average tuition and service cost to the District is \$89,000 per student. Moreover, these costs will not remain stagnant over the next 10 years. Please note that this cost does not include the part-time students.

Notwithstanding the questionable accuracy of the DGEIS figures, the cost will continue to rise dramatically as the cost of providing transportation, books, salary, tuition and other associated costs increase on an annual basis.

Furthermore, as to the time of the projected growth, MWCS D notes that 10 years is an artificial time frame on which to base the analysis of the impacts. Furthermore, the projected population growth is predicated on stale outdated information, including the U.S. Census and a 2009 growth study for the Village of Kiryas Joel. It is significant that although more recent data from Orange County for 2010 predicting a growth rate of 8.2% to 7.0% was available it was rejected out of hand.

MWCS D asserts that a more accurate projection of potential growth is not only the expected 6 children per family, but the capacity of water supply to the Village which above all else will drive the potential for growth.

It is incomprehensible that the DGEIS would summarily dismiss the increased water capacity as a source of potential increased population. If that were the case, there would be no need to increase water capacity. The fact is that in order to sustain the viability of the loan from the Environmental Facilities Corporation, the Village has underwritten such by forecasting significant increases in housing and the corresponding financial commitment of those homeowners providing the influx of money necessary to pay off that loan. It is axiomatic, water is absolutely essential for any growth to occur.

Proceeding on that premise coupled with the unlimited density controls of the Village zoning, we submit that the current growth projection is grossly underestimated. A simple calculation of the individual water usage per day based on the availability of water projects a staggering potential for growth. Increasing the capacity allows for the exponential expansion of the population growth calculating water usage at 70 gallons per day (“GPD”) per person:

- 1 million GPD add 14,285 new residents;
- 4.5 million GPD, add 64,285 new residents; and
- 6 million GPD, add 85,714 new residents.

While it is asserted that the revenue from the taxes that the additional housing may generate will more than compensate for these expenses, that position is not accurate. Significantly, there is no factual information or even a historical foundation submitted to substantiate these purported forecasts of revenue enhancement. [See, Source at Table 3.2-8 and 3.2-9 of the DGEIS]. Rather, this information which is critical to the analysis of the impacts is provided through sheer speculation. Moreover, the analysis noted in the DGEIS failed to account for increasing costs to the MWCS D to provide these services. [See, 3.2.6 DGEIS]. Property valuation is a complex process and is impacted by the type of housing, single family versus multi-family versus condominiums versus low income housing. Further, the valuation of assessment and taxing formula is different for each. The mere fact that housing stocks might increase is not a reliable predictor of tax revenue.

It is especially notable that the analysis applied to determine future public school taxes in the DGEIS is misleading. The analysis does not accurately reflect the manner in calculating taxes and as illustrated represents an artificial windfall to MWCS D. The analysis should be based on a trajectory of increasing expenditures and corresponding tax levy, tax levy distribution among the municipalities affected and the impact of the tax cap over the course of the 10 years.

Furthermore, the assertion of alleged tax revenue as a windfall to the MWCS D is a misnomer. The increased costs for such services are factored into the budget and are spread out over the entire MWCS D population, but the tax levy is based on the relative assessment of each community. Accordingly, while the tax levy for MWCS D impacted by the annexed area may decrease, the levy in other areas could increase.

Of significant concern, the MWCS D may experience a decrease in state aid due to the increased housing. The calculation of state aid is also a complicated formula. However, the greater the aggregate assessed valuation due to increased housing without the corresponding increase in student population, MWCS D might appear wealthier than it actually is which could result in a diminution of state aid.

In addition, the projected increase in population is limited solely to the growth in the 507 or 164 acre proposed territory. However, it also ignores both the potential for migration into the area and the continued development of housing stock on property currently located in the Village of Kiryas Joel.

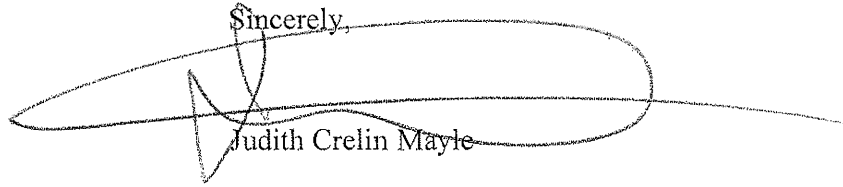
While it is argued that the MWCS D could easily deflect these impacts by engaging in a boundary change process, the impact of this project on the MWCS D must be analyzed without the specter of such. The factors to be considered in determining whether to alter school district boundaries are the educational interests of the students involved, the effect of the transfer on the tax revenues of the districts involved and the effect of the transfer on the educational programs of the school from which the property is transferred. (Appeal of Michailides, 31 Ed Dept Rep 204). While the Kiryas Joel Union Free School District ("KJUFSD") purports to have adopted a resolution approving an alteration of boundary lines, there is no corresponding evidence that the parties have undertaken the necessary analysis of the factors to approve a boundary line change. Moreover, boundary changes are limited by law and the unpredictable decisions of government officials and it cannot be relied on as a panacea to address these impacts.

However, of significance is the potential impact such expansion may have on the very existence of the KJUFSD. Education Law Section 1504 provided the authority to the Village of Kiryas Joel to create the KJUFSD, which boundaries were coterminous with that of the Village. Clearly, the legislature, in authorizing the creation of this type of school district, set forth the fundamental precedent that the boundary lines of the municipality and the district must be coterminous. To ignore that fundamental principal serves only to circumvent the law, especially in light that Section 1504 is silent as to whether a school district so created can expand beyond those initial boundaries without the corresponding expansion of the municipal territory. Further, while KJUFSD advocates for a boundary change with MWCS D, it is equally questionable as to whether it is KJUFSD or the Village that has the authority to approve such expansion. It is of no small import that this basic tenant cannot be ignored when considering the overall public interest.

Respectfully, based on the evidence both submitted on the record and pursuant to this letter, the annexation petition fails to satisfy the requirements of Article 17 of the General Municipal Law. Accordingly, both petitions must be deemed invalid.

Thank you for your consideration in this matter.

Sincerely,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal tail extending to the right. The signature is positioned over the printed name.

Judith Crelin Mayle

cc: Elsie Rodriguez, Superintendent
Monroe Woodbury Central School District School Board

Motty's

CAR SERVICE מאטי'ס

June 18, 2015

To Village and Town Board members:

Mottys Car Service has been operating in the Village of Kiryas Joel for the past 7 years. As you are considering the proposed annexation please take into consideration the following, from a transportation standpoint.

During the winter months the snow plowing services in the Village of Kiryas Joel is one of the highest caliber especially when compared to the services provided by the village of Monroe. For a community which depends on public transportation this is crucial.

Within the Village Of Kiryas Joel all streets have sidewalks and street-lights for pedestrian safety. But the areas being considered for annexation currently do not have sidewalks or street lights and pedestrians find themselves at risk when they walk the roads in the evening.

Therefore, just from a safety point of view please approve the proposed annexation.

Sincerely,

Motty's Car Service



S E R V I C E A N D R E S P O N S I B I L I T Y I S W H A T C O U N T S

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PATRICK A. KNOWLES*

*LICENSED ALSO IN NEW JERSEY
+LICENSED ALSO IN CONNECTICUT

June 22, 2015

Via E-Mail: gskjki@gmail.com

Village of Kiryas Joel Board of Trustees
51 Forest Road, Suite 340
Monroe, New York 10950

Attention: Mr. Gedalye Szegedin
Village Administrator

Re: Response to Village of Kiryas Joel DGEIS

Dear Mr. Szegedin:

Please allow this correspondence to provide you with comments from the Village of South Blooming Grove in response to the Draft Generic Environmental Impact Statement ("DGEIS") distributed by the Village of Kiryas Joel concerning the above proposed Annexation. The issues below are in addition to the issues previously raised and pending in the legal proceedings challenging the proposed Annexation.

A. Zoning & Land Use Issues

1. The population and growth calculations, which have been provided, have calculated a projected increase in population of 19,663 people in the Year 2025. These growth projections are solely based on past growth and do not appear to give consideration to the potential exponential growth which could occur with the addition of vacant developable land. Additionally, we note that the analysis is only for a 10-year look ahead. We would suggest that a 25-year analysis would be more appropriate.

3.2-10-33

2. It appears that the analysis without annexation gives consideration to the allowable density based on the subject properties as based on current Town of Monroe Zoning requirements. However, the analysis with annexation only evaluates a potential density which is

3.1-77
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based on the growth projections provided. The current zoning code in Kiryas Joel has no limitation on the number of units per acre. In consideration of this, the development potential is significantly greater than the analysis suggests.

3.1-77
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3. Table 1-2, p. 1-4 indicates that without annexation, there is expected to be an increase within Kiryas Joel of 2,394 units on undeveloped property (and an addition of 12,307 people). With annexation, these properties are not shown to have an increase, on the basis that "the proposed action is specific to annexation lands." pp. 1-5. This approach should be examined with respect for the potential for the claim of segmentation, by excluding this growth potential. The DGEIS has many examples of the effect of impacts without annexation on the lands outside the current Village boundaries.

3.1-78

4. Throughout the DGEIS, there are references to increases in tax revenue to the Village of KJ and other taxing entities due to the increase in value of assessable properties and the availability of additional tax revenue to increase services. As one example see p. 1-5, and fourth paragraph with reference to "net tax benefit". In actual practice, the amount of tax revenue to be assessed is based on budgetary needs of the taxing entities. All other factors being equal, the result of the increased value of new development would be to decrease (almost always very modestly) the overall tax rate and thus the amount to be paid by existing property. As presented, the statements are misleading. For example, see p 1-5, second paragraph, with reference to net tax benefits being used to fund capital projects. This is not the case. All references should be revised, and to be truly informative, some examples should be provided.

3.2.11-16

B. Traffic & Transportation Issues

1. No specific traffic study was completed for the DGEIS. As such, there are no specific analyses of roadways or intersections outside of the Village of Kiryas Joel where the increase in population of 19,663 could have significant impacts on highway capacity, intersection capacity and safety. We believe that capacity analyses of all affected roadways and intersections should be evaluated to determine the potential impacts.

3.4-34

2. The Transportation Section of the report does project trip generation based on the two (2) scenarios, with and without annexation, as provided in tables found in Appendix F. Trip generation rates for the same classification vary between the zoning designations. For example, the trip generation rate for ITE Class 230 (Condo) in Table F3-5 varies between 0.351 and 0.507 depending on the location of the unit. Table F3-7 designates a rate for the same classification of 0.417 and 0.339. Additional discussion and documentation should be provided for the varying use of trip generation rates.



3. Page 1-12,13, regarding traffic indicates that with annexation, reduced traffic growth outside the Village is anticipated as Village transportation services such as sidewalks are extended into the annexation area, as compared to without annexation. The DGEIS text does not appear to identify or analyze affected intersections beyond the Kiryas Joel boundary.

3.4-34
con 4

4. The Traffic section, p. 3-4-21 refers (footnote 11) to a traffic study referenced as prepared by Saccardi & Schiff. This study is not recent and was prepared for a project that was not approved. A more relevant study would be the traffic study prepared by AKRF for the selected casino in Sullivan County. This section should be revised to reflect the current study and the implications on traffic thereof.

3.4-35

C. Water Supply & Delivery Issues

1. The Existing Conditions Narrative found in Section 3.5.1 of the document refer to wells that have yet to be permitted for use by NYSDEC or NYSDOH. It is our opinion that only permitted water sources should be included in any discussion regarding existing conditions.

2. The narrative discusses the submission of Annual Water Withdrawal Reports to NYSDEC for the existing Water Supply Permit. We would recommend that these reports be included in the Appendix and made available for review to substantiate the conclusions. We note discrepancies in the reported 2014 average day demand. Page 3.5-2 of the report states the average water withdrawal in 2014 was 1.61 MGD. Page 3.5-13 states that average daily water usage in 2014 was 1.49 MGD.

3.5.7-61

3. Based on the existing permitted water supply, the Village of Kiryas Joel is not capable of meeting its maximum day demand.

3.5.7-76

4. The narrative discusses various other planned sources of additional water supply including the Mountainville well field, the NYC Aqueduct connection and the Star Mountain well field. At this point in time, none of these additional sources have the required regulatory approvals.

5. The report utilizes the average day demand to develop a per capita flow rate of 66 gallons per person, per day demand. This value is significantly lower than the recommended 75 gallons per day, per person which NYSDEC publishes.

3.5.7-62

6. The Mountainville and Star Mountain well fields are both located in the Moodna Creek Basin. It is unclear whether the initial environmental reviews for these Water Taking Permits evaluated the affects of an out-of-basin transfer of groundwater into the Ramapo Basin.

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VILLAGE OF KIRYAS JOEL BOARD OF TRUSTEES

JUNE 22, 2015

PAGE FOUR

7. The statements regarding the potential availability of adequate water service are somewhat speculative, and provide intent, but do not indicate, for example, whether the various permitting agencies have committed to providing access, capacity, or service if permit requirements are met. The DGEIS fails to consider or evaluate alternative water service options in the absence of the required approvals of the State and any other permitting agency. See Glen Head--Glenwood Landing Civic Council, Inc. v. Town of Oyster Bay, 88 A.D.2d 484 (1982).

3.57-63

D. Wastewater Treatment & Delivery Issues

1. Based on the figures provided in the report, it appears that the Harriman WWTP has an available capacity of approximately 1.5 MGD. The proposed increase in demand due to the projected population growth is 1.30 MGD in 2025, not considering any increase in flows to the WWTP from other portions of the current service area. Currently, there is not available wastewater treatment capacity at the Harriman WWTP to serve the projected growth.

2. Additional information should be provided regarding the wastewater treatment facility located in Kiryas Joel. A single month's worth of historical data is provided in Appendix G. No indication of current WWTP performance is provided in the report. We would recommend that an operational audit of the facility be completed to identify actual available treatment capacity based on the current loadings to the facility.

3.58-43

3. The statements regarding the potential availability of adequate sewer service are somewhat speculative, and provide intent, but do not indicate, for example, whether the various permitting agencies have committed to providing access, capacity, or service if permit requirements are met. The DGEIS fails to consider or evaluate alternative wastewater disposal plans in the event that the Harriman WWTP is not viable and fails to consider alternatives in the event that approvals are not received from the State and any other permitting agencies. See Glen Head--Glenwood Landing Civic Council, Inc. v. Town of Oyster Bay, 88 A.D.2d 484 (1982).

3.58-44

E. Record Incorporated Therein By Reference

The record of the Public Hearing with regard to the DGEIS is incorporated herein by reference. As our Office was present and those comments were provided, rather than repeat those various issues identified that record is incorporated herein by reference. In addition, any prior comments of the Village submitted previously are also respectfully incorporated herein by reference without the need to repeat the same. As our Office was present during the recent Public Hearing we are fully aware that the record was extensive and therefore incorporate the same by reference as though set forth in full herein.

F. Demographics

The DGEIS fails to consider whether the need to expand by the Village of Kiryas Joel, New York can be accomplished in the same manner that Kiryas Joel was first established. When a growing Satmar population within Williamsburg, New York could not accommodate Satmar members, the historical example was a relocation of the over-flowing population outside of the City of New York. This is the basis for Kiryas Joel being established in Orange County, New York. That same practice and pattern of relocating in other communities to accommodate a growing population was completely ignored as an alternative in studying the impacts of the proposed Annexation. 6-11

The DGEIS ignored this alternative to the need for Annexation. There is nothing in the record that would preclude such an alternative and the failure of the DGEIS to consider the same is an abandonment of any required "hard look" with regard to impacts and alternatives. The statistics provided demonstrate a slowing of in-migration to KJ from outside as the growth limitations of Kiryas Joel are realized.

G. Projected Development Not Considered

The DGEIS fails to take "hard look" at the impacts of Annexation that will result in the pattern of development already existing in Kiryas Joel. Simply stated, failure to analyze the build-out that can reasonably be anticipated based upon the Kiryas Joel history of development is improper segmentation under SEQRA. No matter how any build-out is to be considered, the failure to actually consider that build-out is evidence that the impacts from Annexation have not been identified. Without the impacts being so identified, mitigation measures cannot be properly proposed. The failure to analyze the build-out in a manner consistent with historical Kiryas Joel development also fails to identify impacts upon the social-economic and community character of the area to be annexed. This manifest failure to identify the impacts precludes any meaningful opportunity to set forth mitigation measures that are required under SEQRA. Therefore, the failure of the DGEIS to even consider various build-out scenarios is a fundamental flaw in the SEQRA process concerning Annexation. 6-12

F. Separation of Religion and Government

At the time of the incorporation of Kiryas Joel, it was only speculation as to the ultimate involvement in potential control by religious authorities over municipal affairs. As several

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VILLAGE OF KIRYAS JOEL BOARD OF TRUSTEES
JUNE 22, 2015
PAGE SIX

decades have developed since the incorporation of Kiryas Joel, that involvement is no longer a matter of speculation. Established jurisprudence has confirmed examples of religious authorities having control over municipal matters. This failure of separation between Religion and Government has already been the subject matter of review by the United States Supreme Court.

With a clear historical pattern developed since the incorporation of Kiryas Joel, it is reasonable to expect that the annexed area would become a continuation of the practices and patterns of the behavior regarding religious influence over municipal matters. The impact of such entanglement of religion and government has not been identified so that appropriate mitigation measures can be determined that impact upon the community character.

The DGEIS discusses the growth of the "Hasidic Community" but conducts no analysis of other groups- religious or otherwise in the proposed annexation area. The DGEIS may not properly analyze the growth of only one group in the affected area.

Conclusion

The Village Board of the Village of South Blooming Grove requests that the above matters be reviewed and responded to in accordance with all applicable law and SEQRA requirements.

Very truly yours,



Brian D. Nugent

BDN/etm

cc: [Via E-Mail: tmiller@timmlerassociates.com](mailto:tmiller@timmlerassociates.com)
Tim Miller Associates, Inc.
Attention: Tim Miller, AICP

Via First Class Mail

Town of Monroe Town Board
Attention: Harley E. Doles III, Town Supervisor

**Blima Oppenheim
144 Seven Springs Road
Monroe, NY 10950**

June 21, 2015

To whom it may concern:

I am a homeowner and I am one of the petitioners for my property to be annexed into the village of Kiryas Joel.

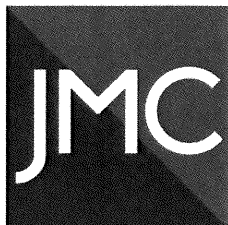
I was confused by objections to the proposed annexation voiced at the public hearing by people from Tuxedo, NY and beyond, calling it a 'land-grab'. Kindly explain how can a property owner's request to get services for a property that he paid for, and has legal title to, be considered a 'land-grab'?

Furthermore, objectors to the annexation proposal into the Village of Kiryas Joel, which is supported by all of the property owners, lent their support to an annexation proposal into the Village of Blooming Grove, for much of the same property which is not supported by the property owners.

So when I petition for my land to be annexed into a community of my choice they call it a 'land-grab' but when they, against my expressed wish, try to forcibly annex my land they consider it just and legal. Something just doesn't add up. I ask you to protect my rights as a property owner and approve the annexation I signed on to.

Sincerely,


Blima Oppenheim



Site Planning	Entitlements
Civil Engineering	Construction Services
Landscape Architecture	3D Visualization
Land Surveying	Laser Scanning
Transportation Engineering	

MEMORANDUM

DATE: June 18, 2015

TO: Supervisor Harley Doles III and Members of the Town Board
Michael H. Donnelly, Esq., Dickover, Donnelly & Donovan, LLP
Mr. Tim Miller, AICP, Tim Miller Associates

FROM: Mr. Richard J. Pearson, PE, PTOE, JMC
Mr. Robert B. Peake, AICP, JMC

RE: JMC Project 15095
Kiryas Joel Annexation
Town of Monroe & Village of Kiryas Joel, NY

SUBJECT: **Comments on Kiryas Joel Annexation Draft Generic Environmental Impact Statement (DGEIS)**

As requested by the Town of Monroe, we have reviewed the Draft Generic Environmental Impact Statement (DGEIS) for the 507.4 (507) acre annexation of a portion of the Town of Monroe to the Village of Kiryas Joel, which was accepted by the Village of Kiryas Joel Board of Trustees on May 1, 2015 and was the subject of a public hearing on June 10, 2015. The DGEIS includes an alternative 164 acre annexation.

Several of our below comments note the DGEIS page number to the left of the comment, referring to a specific location in the DGEIS to which the comment is addressed. Comments without a DGEIS page reference are of a non-page specific nature.

Based upon our review of the DGEIS, we offer the following comments:

A. A Supplemental DGEIS Is Required

The Kiryas Joel Annexation DGEIS is based entirely on a 10 year projection of population growth of residents within the existing Village of Kiryas Joel, which is comprised of approximately 700 acres per the DGEIS. The 10 year analysis included in the DGEIS considers only a portion of the potential future impacts. Accordingly, a supplemental DGEIS needs to be prepared to properly address the buildout potential of the entire 1,207 acres and provide the public with an opportunity to comment on the anticipated impacts associated with the proposed annexation and resulting/anticipated

increase in density and population of the 507 acres of existing Town lands as well as the 164 acre alternative annexation. In order to properly evaluate the full environmental impacts associated with the proposed annexation. A timeframe for when such buildouts would occur beyond 2025 should be included. If several alternative buildout scenarios are contemplated as reasonable for the Proposed Action and the noted Alternatives, all of these buildout scenarios should be evaluated.

2-26
cont

The attached pages from the New York State Department of Environmental Conservation (NYSDEC) include the cover page of the SEQR Handbook, 3rd Edition, dated 2010 as well as Chapter 7: SEQR and Local Government Development Decision. In Chapter 7, Section D 1. Are Municipal Annexations Subject to SEQR, the NYSDEC publication states “Municipal decisions on annexation are similar in their consequences to rezoning decisions; both decisions have the potential to change land use patterns and require a hard look at the consequences of the whole action.”

A buildout analysis is a standard method for evaluating zoning densities in growth potential and comparing proposed/anticipated zoning densities to existing zoning densities. For example, as described in the attached American Planning Association's March 2006 article "Zoning Practice" "Buildout Analysis", "The basic purpose of buildout analysis is to...evaluate potential impacts and...possible alternatives," and is part of good planning practice. For the subject Kiryas Joel annexation DGEIS, buildout analyses need to be conducted in order to evaluate longer-term (greater than 10 year) impacts from the associated population growth to critical infrastructure, including but not limited to water and sanitary sewer demands and evaluating capacities to accommodate such demands.

The following Tables JMC-1 through JMC-4 compare the 10 year Hasidic population growth analyzed in the DGEIS to anticipated buildout Hasidic population growth projected by JMC under various alternatives. The tables demonstrate that the ultimate population growths beyond year 2025 (which are associated with environmental impacts) are substantially greater than the 10 year growth analyzed in the DGEIS.

2-26
cont

Table JMC-1 includes the 10 year Hasidic population growth of 19,663 persons considered in the DGEIS without and with the 507 acre annexation as well as without and with the alternative 164 acre annexation, which are identified as Scenarios “A” through “D” in the DGEIS. Table JMC-1 also includes three JMC buildout scenarios based on the 507 acre annexation and the 164 acre annexation, as well as the buildout based on existing zoning of the three territories.

JMC buildout conditions were evaluated by JMC cumulatively in JMC Buildout Scenario “1” for the existing 700 acres of Kiryas Joel as well as the 507 total proposed annexation acres, which are comprised of 347 acres of low density (RR-1.0 AC and RR-3 AC) zoning within the Town and 164 acres of multi-family (UR-M) zoning

within the Town. JMC Buildout Scenario “1” shows an increase in the Hasidic population within the 1,207 acres of approximately 81,361 persons.

JMC Buildout Scenario “2” is based on the 164 acre alternative annexation. The Hasidic population would be expected to grow by approximately 35,007 persons within the 1,207 acres under this alternative.

JMC Buildout Scenario “3” is based on the Hasidic population potential increase without either annexation. An increase of 22,377 persons could be accommodated based on the projections included in the DGEIS.

Table JMC-2 compares the JMC projected increase in Hasidic populations within the annexation areas with and without the 507 and 164 acre annexations. A net increase of approximately 58,984 persons are projected with the 507 acre annexation, compared to a net increase of approximately 12,630 persons with the 164 acre annexation. The substantial increase in additional dwelling units and persons in the 507 acre annexation is related to the substantial increase in permitted proposed density with annexation as compared to existing Town regulations within the 343 lower density acres.

Table JMC-3 shows the minimum anticipated Hasidic population growth based on projections included in the DGEIS. The table considers 20 dwelling units per developable acre as included in the DGEIS for the annexed territories. The table shows a buildout Hasidic population growth of approximately 59,237 persons with the 507 acres annexation and approximately 29,252 persons with the alternative 164 acre annexation. The table shows the additional future increased population not analyzed in the DGEIS based on the 507 acre annexation, the 164 acre alternative annexation and without annexation.

Table JMC-4 is similar to Table JMC-3, yet projects a development density of 30 dwelling units per developable acre for the annexed territories, consistent with Tables JMC-1 and JMC-2. We believe a higher rate of 30 units per acre should be used than the rate of 20 units per acre based on our review of recent development within Kiryas Joel. Developments with rates of 38.1, 35.7 and 33 units per acre characterize current trends. The Village does not have a regulated maximum number of units per acre and the development is limited on a practical basis by the buildings not having elevators. The rate of 30 units per acre accounts for mixed residential development types and commercial uses. The current Village construction activity includes redevelopment, resulting in higher density buildings. A 10 unit development was recently razed and a 30 unit development is being constructed on the same property. Table JMC-4 shows an increase with the 507 acre annexation of approximately 61,698 additional future increased Hasidic population which was not analyzed in the DGEIS. A supplemental DGEIS is required to analyze the additional population.

TABLE JMC-1
DGEIS YEAR 2025 HASIDIC GROWTH VERSUS JMC BUILDOUT HASIDIC GROWTH

SCENARIO	TERRITORY	HASIDIC POPULATION GROWTH	DWELLING UNITS PER ACRE		PERSONS PER UNIT
			DEVELOPABLE	GROSS	
DGEIS SCENARIO "A" • Without Annexation • 507 Acre Territory • 19,663 Persons in 2025	507 Town Acres (164 & 343)	7,356	3.82	2.82	5.1
	Kiryas Joel (700 acres)	12,307 ⁽¹⁾	-(1)	9.26 ⁽¹⁾	5.4
	Total (1,207 acres)	19,663		-	-
DGEIS SCENARIO "B" • With Annexation • 507 Acre Territory • 19,663 Persons in 2025	507 Annexed Acres (164 & 343)	19,663	20	7.54	5.1
	Kiryas Joel (700 acres)	0 ⁽¹⁾	-(1)	5.84 ⁽¹⁾⁽²⁾	5.5
	Total (1,207 acres)	19,663		-	-
DGEIS SCENARIO "C" • Without Annexation • 164 Acre Alternative • 19,663 Persons in 2025	164 Town Acres	4,642	9.25 ⁽⁸⁾	5.51	5.1
	Kiryas Joel (700 Acres)	15,021 ⁽¹⁾	-(1)	10.01 ⁽¹⁾	5.4
	Total (864 Acres)	19,663		-	-
DGEIS SCENARIO "D" • With 164 Acre Annexation • 19,663 Persons in 2025	164 Annexed Acres	11,517	20	11.92	5.9
	Kiryas Joel (700 Acres)	8,146 ⁽¹⁾	-(1)	8.51 ⁽¹⁾	5.2
	Total (864 Acres)	19,663		-	-
JMC BUILDOUT SCENARIO "1" • With 507 Acre Annexation	507 Annexed Acres	66,340 ⁽³⁾⁽⁶⁾	30 ⁽³⁾	22.16 ⁽³⁾	5.9 ⁽³⁾
	Kiryas Joel (700 Acres)	15,021 ⁽⁵⁾⁽⁶⁾	-(1)	6.08 ⁽⁵⁾⁽⁶⁾	5.5 ⁽⁷⁾
	Kiryas Joel Total (1,207 Acres)	81,361⁽⁵⁾⁽⁶⁾		-	-
JMC BUILDOUT SCENARIO "2" • With 164 Acre Annexation	164 Annexed Acres	17,272 ⁽⁴⁾⁽⁶⁾	30 ⁽³⁾	17.85 ⁽³⁾⁽⁴⁾⁽⁶⁾	5.9 ⁽⁴⁾
	Kiryas Joel (700 Acres)	15,021 ⁽⁵⁾⁽⁶⁾	-(1)	6.08 ⁽⁵⁾⁽⁶⁾	5.5 ⁽⁷⁾
	Kiryas Joel Subtotal (864 Acres)	32,293⁽⁵⁾⁽⁶⁾	-	-	-
	343 Town Acres	2,714 ⁽⁹⁾		1.55 ⁽⁹⁾	5.1 ⁽⁹⁾
	Total (1,207 Acres)	35,007		-	-
JMC BUILDOUT SCENARIO "3" • Without Annexation	Kiryas Joel (700 Acres)	15,021 ⁽⁵⁾⁽⁶⁾	-(1)	6.08 ⁽⁵⁾⁽⁶⁾	5.5 ⁽⁷⁾
	164 Town Acres	4,642 ⁽⁸⁾	9.25 ⁽⁸⁾	5.51 ⁽⁸⁾	5.1 ⁽⁸⁾
	343 Town Acres	2,714 ⁽⁹⁾	2.29 ⁽⁹⁾	1.55 ⁽⁹⁾	5.1 ⁽⁹⁾
	Total	22,377			

Notes:

⁽¹⁾ Projected DGEIS net growth in Kiryas Joel population shown in the existing 700 acres varies from 0 (zero) to 15,021 since the DGEIS population is based on projected net dwelling units **needed** for year 2025 population increase of 19,663 persons per DGEIS Tables E-1 and AHE-1. It is illogical and inconsistent for the DGEIS to not consider any population growth within the existing 700 acres under DGEIS Scenario "B" while considering an additional 15,021 persons under DGEIS Scenario "C."

- (2) Existing density of 5.84 dwelling units per acre shown for the 700 acres within the existing Village is based on total acreage, which includes undeveloped and underdeveloped property in Kiryas Joel.
- (3) Based on 374.8 acres of developable land and 507.4 acres of gross land per DGEIS scenario "B" and 97.6 acres of developable land of the 164 acres per DGEIS Scenario "D". JMC Scenarios 1 and 2 are based on recent Kiryas Joel projects and consider development of 30 dwelling units per acre of developable land rather than the 20 units per acre analyzed in DGEIS Scenarios "B" and "D", as well as 5.9 persons per unit per DGEIS Scenario "D".
- (4) Based on DGEIS projected 97.6 acres of developable land of the 164 acre annexed territory.
- (5) Kiryas Joel growth potential may be higher than the 15,021 persons considered in DGEIS Scenario "C" since there is undeveloped and underdeveloped property in Kiryas Joel.
- (6) Buildout potential may be higher since Kiryas Joel does not have a regulated maximum permitted residential density. Recent Kiryas Joel developments have densities up to 38 units per acre.
- (7) Persons per unit is based on existing density of Kiryas Joel.
- (8) Per DGEIS Scenario "C" and 97.6 acres of developable land of the 164 acres per DGEIS Scenario "D".
- (9) Subtracting 4,642 persons in 164 acre territory shown without annexation in DGEIS Scenario "C" from 7,356 persons in 507.4 acre territory shown without annexation in DGEIS Scenario "A" results in 2,714 persons, a density of 1.55 dwelling units per acre and 5.1 persons per unit in the 343 acres without annexation.

TABLE JMC-2
PROJECTED JMC BUILDOUT INCREASE IN HASIDIC POPULATION WITHIN
ANNEXATION AREAS

SCENARIO	CONDITION	INCREASE
507 Acres	With Annexation	66,340 ⁽¹⁾⁽³⁾
	Without Annexation	7,356 ⁽²⁾
	Net Increase With Annexation	58,984⁽³⁾
164 Acres	With Annexation	17,272 ⁽¹⁾⁽³⁾
	Without Annexation	4,642 ⁽⁵⁾
	Net Increase With Annexation	12,630⁽³⁾

Notes:

- (1) See Table JMC-1 for supplemental information regarding the projections.
- (2) Based on DGEIS Scenario "A".
- (3) Buildout potential may be higher since Kiryas Joel does not have a regulated maximum permitted residential density. A density of 30 units per developable acre in the annexation area has been considered in the JMC analyses. Recent Kiryas Joel developments have densities up to 38 units per acre.
- (4) Based on Table 1, DGEIS Scenario "C".

TABLE JMC-3
JMC MINIMUM BUILDOUT POPULATION GROWTH VERSUS DGEIS YEAR 2025 GROWTH ⁽¹⁾

SCENARIO	TERRITORY	BASED ON 20 DWELLING UNITS PER DEVELOPABLE ACRE	PERSONS PER UNIT	POPULATION GROWTH BUILDOUT	DGEIS 2025 INCREASED POPULATION	ADDITIONAL FUTURE INCREASED POPULATION NOT ANALYZED IN DGEIS
507 ACRES ANNEXATION	507 Annexed Acres	14.77	5.9	44,216 ⁽²⁾	-	-
	Kiryas Joel (700 Acres)	-	5.5	15,021 ⁽¹⁾⁽²⁾	-	-
	Total (1207 Acres)	-	-	59,237⁽²⁾	19,663	39,574⁽²⁾⁽³⁾
164 ACRES ANNEXATION	164 Annexed Acres	11.92	5.9	11,517 ⁽²⁾	-	-
	Kiryas Joel (700 Acres)	-	5.5	15,021 ⁽¹⁾⁽²⁾	-	-
	343 Town Acres	1.55	5.1	2,714	-	-
	Total (1207 Acres)	-	-	29,252⁽²⁾	19,663	9,589⁽²⁾⁽³⁾
WITHOUT ANNEXATION	Kiryas Joel (700 Acres)	-	5.5	15,021 ⁽¹⁾⁽²⁾	-	-
	164 Town Acres	5.51	5.1	4,642	-	-
	343 Town Acres	1.55	5.1	2,714	-	-
	Total (1207 Acres)	-	-	22,377⁽²⁾	19,663	2,714

Notes:

- (1) The minimum Hasidic population of 15,021 persons in the existing 700 acres is based on the year 2025 Hasidic growth considered in DGEIS Scenario "C" which is based on dwelling units **needed**, rather than the buildout potential of vacant and underdeveloped land.
- (2) Population growths are based on JMC buildout scenarios described in Table JMC-1, except that a density of 20 dwelling units per developable acre is used for the annexation area, which is consistent with the DGEIS, rather than the 30 units per acre considered in Table JMC-1. Buildout population growth may be higher than shown since Kiryas Joel does not have a regulated maximum permitted residential density.
- (3) The DGEIS did not analyze the additional future increased population resulting from the annexation based on full buildout.

TABLE JMC-4
JMC PROJECTED BUILDOUT POPULATION GROWTH VERSUS DGEIS YEAR 2025 GROWTH ⁽¹⁾

SCENARIO	TERRITORY	BASED ON 30 DWELLING UNITS PER DEVELOPABLE ACRE	PERSONS PER UNIT	POPULATION GROWTH BUILDOUT	DGEIS 2025 INCREASED POPULATION	ADDITIONAL FUTURE INCREASED POPULATION NOT ANALYZED IN DGEIS
507 ACRES ANNEXATION	507 Annexed Acres	22.16	5.9	66,340 ⁽²⁾	-	-
	Kiryas Joel (700 Acres)	-	5.5	15,021 ⁽¹⁾⁽²⁾	-	-
	Total (1207 Acres)	-	-	81,361⁽²⁾	19,663	61,698⁽³⁾
164 ACRES ANNEXATION	164 Annexed Acres	17.85	5.9	17,272 ⁽²⁾	-	-
	Kiryas Joel (700 Acres)	-	5.5	15,021 ⁽¹⁾⁽²⁾	-	-
	343 Town Acres	1.55	5.1	2,714	-	-
	Total (1207 Acres)	-	-	35,007	19,663	15,344⁽³⁾
WITHOUT ANNEXATION	Kiryas Joel (700 Acres)	-	5.5	15,021 ⁽¹⁾⁽²⁾	-	-
	164 Town Acres	5.51	5.1	4,642	-	-
	343 Town Acres	1.55	5.1	2,714	-	-
	Total (1207 Acres)	-	-	22,377⁽²⁾	19,663	2,714

Notes:

- (1) The minimum Hasidic population of 15,021 persons in the existing 700 acres is based on the year 2025 Hasidic growth considered in DGEIS Scenario "C" which is based on dwelling units **needed**, rather than the buildout potential of vacant and underdeveloped land.
- (2) Population growths are based on JMC buildout scenarios described in Table JMC-1, which considered 30 dwelling units per developable acre based on recent Kiryas Joel developments. Buildout population growth may be higher than shown since Kiryas Joel does not have a regulated maximum permitted residential density. Recently Kiryas Joel developments have up to 38 units per developable acre.
- (3) The DGEIS did not analyze the additional future increased population resulting from the annexation based on full buildout.

B. Land Use and Zoning

- B1. What is the impact on the property values of the properties adjoining the proposed annexation area, particularly for the properties that will be surrounded on three sides by the annexation lands? 3.2.11-26
- B2. Referencing our overall comment regarding the necessity of the completion of a buildout analysis, the results of such an analysis must be evaluated for its related impacts to land use and zoning.

C. Demographics and Fiscal

- C.1
pg. 3.2-2 Table 3.2-1 does not indicate which are recorded and which are projected populations. This should be so noted on the Table. 3.2.10-34
- C.2
pg. 3.2-4 The Kiryas Joel population projections should be updated using the latest available American Community Survey (ACS) data for determining the Village's average family size. 3.2.10-35
- C.3
pg. 3.2-4 What is the geographic extent of the National Center for Health statistics used to project the number of annual deaths in Kiryas Joel? A broad geographical data set may not accurately reflect the unique characteristics of the Kiryas Joel population, such as less vehicular driving by the residents, etc. Would birth and death statistics from the Village provide more pertinent data? 3.2.10-36
- C.4
pg. 3.2-5 The DGEIS states that the projected 2014 population of the Village was compared to the number of marriage licenses issued in the Village between 2010 and 2013 and was also compared to the number of new building permits issued between 2010 and 2013 and "found to be reasonable". The specific numbers of marriage licenses and new building permits issued for the noted time period need to be included in the DGEIS so that the conclusion may be supported. 3.2.10-37
- C.5
pg. 3.2-16 The discussion of Table 3.2-11 Future Increased Revenues by Jurisdiction With Annexation—Post Development is misleading because the discussion compares tax revenues versus Pre-Development taxes and does not provide a comparison with Table 3.2-10 Future Increased Revenues by Jurisdiction Without Annexation—Post Development. This is a more valid comparison 3.2.11-2
↓

3.2.11-27
cont

because the Post Development scenario in Table 3.2-10 will occur in any case with no action. Thus, the difference in future taxes generated for With versus Without Annexation Post-Development for Orange County is \$448,803, for combined Monroe Townwide and Monroe Highway Townwide is \$164,014, and for the Village is \$1,504,852. A discussion is needed of the comparison of post development tax revenues generated with and without the annexation.

C.6

pg. 3.2-17 In Table 3.2-11, explain the basis for using 1,952 projected units on the annexation land and 1,873 units projected for growth within Kiryas Joel as a basis for deriving the \$195,718,122 total assessed value of the improvements for the future increased tax revenues by jurisdiction calculations. The Appendix E Table E-1 With Annexation Scenario "B"—Growth in the 507-Acre Annexation Territory states that the projected number of dwelling units in the Annexation Land is 3,825 with zero projected net dwelling units needed in Kiryas Joel.

3.2.11-28

C.7

pg. 3.2-19 The DGEIS Municipal Cost—Without Annexation section discusses the tax revenues as presented in Table 3.2-10. The rightmost column of Table 3.2-10 presents these tax revenues as "Future Tax Increase". Thus, this column is mislabeled because it does not represent the "Future Tax Increase" but rather the "Future Tax Revenue", and thus is misleading. This column description as well as a similar column heading in Table 3.2-11 must be changed accordingly. The discussion of the Tables on pages 3.2-15 through 3.2-17 must also be revised to reflect the correct description as Future Tax Revenue.

3.2.11-29

C.8

pgs. 3.2-20

and 3.2-21 It is not noted that a comparison of the net tax benefit to the Town of Monroe as depicted on Table 3.2-12 and Table 3.2-13 shows a net reduction of the "Net Benefit" tax revenue of \$336,980 with the annexation compared to without the annexation. Thus, although as discussed in the DGEIS the Town's tax revenue under either scenario more than covers the cost of providing Town services, the net Town tax surplus is smaller by \$336,980 under the annexation scenario.

3.2.11-30

C.9

pg. 3.2-26 The DGEIS states that it is unlikely, without annexation taking place, there would be any motivation to revise the current Kiryas Joel School District (KJSD) boundary lines into the Town of Monroe. The DEIS then goes on to state at the bottom of the same page that the school tax rate in Kiryas

3.2.11-31



3.2.11-31
con 4

Joel is lower than the school tax rate for the Monroe-Woodbury School District (MWSD). This would be an approximately 44% savings on the school tax rate per \$1,000 of assessed value as described in the DGEIS. That would seem to be a potentially significant motivation for revising the KJSD boundaries even without the annexation, especially since the vast majority of the students in the annexation lands attend parochial school.

C.11 Referencing our overall comment regarding the necessity of the completion of a buildout analysis, the results of such an analysis must be evaluated for its related demographic and fiscal impacts.

D. Community Services and Facilities

D.1 What is the impact on the adjoining properties to the proposed annexation area on municipal services such as street snow plowing, trash collection, etc., particularly for the properties that will be surrounded on three sides by the annexation lands? Which municipality will provide these services? How will that be arranged? 3.3.8-42

D.2. Referencing our overall comment regarding the necessity of the completion of a buildout analysis, the results of such an analysis must be evaluated for its related impacts to community services and facilities.

D.3
pg. 3.3-15 The DGEIS does not address the fiscal impacts associated with mutual aid requests to the Monroe Fire Department (MFD) should the Kiryas Joel Fire Protection District be expanded to include the annexation territories. The annexation territories would no longer pay taxes to the MFD, and thus the impact of these tax reductions on the MFD, which will respond to mutual aid calls in the annexed territories post-development when the building densities and sizes are larger, should be analyzed. 3.3.8-4

E. Traffic and Transportation

E.1
pg 3.4-1 The entire Traffic and Transportation section needs to be revised to reflect conditions associated with the buildout of the annexed territories beyond year 2025 as well as continued development within Kiryas Joel as previously described in this memorandum. Tables E-1 and Alt E-1 show additional development in the areas proposed for annexation as compared to the populations in the annexation areas without the 507 acre annexation or 164 acre alternate annexation. 3.4-36

E.2

pg 3.4-4 Key intersections are described on page 3.4-4 (CR 64 was inadvertently labeled as CR 44 in the DGEIS). Quantitative intersection capacity analyses should be computed for the four intersections described in the DGEIS, as well as for the triangular intersections of Route 208 and Route 17M. The analyses should be provided for peak weekday AM and PM hours based on existing traffic volumes as well as future volumes without and with the annexation and buildout of the annexed territories. A Saturday peak hour analysis is not required since Kiryas Joel related Saturday traffic volumes are significantly lower than on other days. We concur that trip generation rates per unit for Kiryas Joel is lower than rates in other municipalities since many people walk rather than drive, the women do not drive and many people use public transportation, carpool and limit certain trips to internal trips within Kiryas Joel. However, the potential buildout including the annexed area and continued growth within the existing 700 acre Kiryas Joel should be compared to the less intensive potential buildout of the Town lands without the annexation. Recommended improvements to the analyzed intersections should be described and analyzed. 3.4-37

E.3

pg 1-2 The DGEIS discusses the obligation for future consideration of SEQRA on particular projects that may be proposed. Have traffic studies been performed for Planning Board review of developments recently constructed within Kiryas Joel?

F. Community Water and Sewer Services

F.1

pg. 3.5-1 When will the NYSDEC draft consolidated water supply permit (WSA No. 11,069) be approved as final? What is the impact of this timing? 3.5.7-64

F.2

pgs. 3.5-3 and 3.5-6 The Mountainville well field, according to the WSA No. 11,609 in Appendix G.1, states that the Mountainville Well No. 1 is the largest well in the Village system, thus in order to meet redundancy requirements its contribution cannot be counted towards total well system capacity of 1,928,800 gpd, per Special Condition 1B of the permit. (This Condition notes that the Village is authorized to take up to 2.54 million gallons per day (mgd) only until March 31, 2015, and this period of time is past.) The DGEIS statement that the addition of the Mountainville well field would enable the Village to meet its maximum daily demand and serve as an interim supply while the remainder of the pipeline connection to the 3.5.7-65 ↓

Aqueduct is constructed is therefore not accurate because it cannot be counted towards permitted total system capacity. As such, what is the impact of this on the Village's water supply until the Aqueduct connection is completed?

3.5.7-65
Cont

F.3

pgs. 3.5-5 A copy of the intermunicipal agreement with the Town of New Windsor to share the Town's existing connection to the Catskill Aqueduct, which is discussed in the DGEIS, should be provided as an appendix.

F.4

The analysis which the Village submitted to the State Environmental Facilities Corporation (EFC) in connection with the bonding of the Aqueduct Connection project, relies on demographic growth projections through the year 2045, with 8,550 new residential connections and 1,500 new commercial connections. The EFC-related projection thus exceeds the year 2025 population analyzed in the DGEIS. This further supports our contention that the DGEIS timeframe ending at the year 2025 is not adequate for analyzing the proposed impacts of the annexation resulting from the buildout of the annexation properties.

3.2.10-38

F.5

pg. 3.5-6 Explain the rights the Village has to the Mountainville well field, and any contested ownership of groundwater resources claimed by any nearby municipalities. How will that impact the use of the well field by Kiryas Joel and the annexed territory in the future?

3.5.7-66

F.6

pg. 3.5-6 Specific details should be provided regarding the status of the permitting required for the Village's proposed connection to the Catskill Aqueduct. Filing dates, current review status, and expected date of final permit approvals should be provided.

3.5.7-67

F.7

pg. 3.5-6 In addition, specific details should be provided regarding the status of the construction schedule of Phase 1 and Phase 2 of the Village's proposed connection to the Catskill Aqueduct. The DGEIS states that according to the project engineer (whose firm is not identified) the construction of Phase 1 is nearing completion and is scheduled to be completed in 2015, with Phase 2 to be completed in 2017. This response does not provide sufficient detail. A monthly schedule of work to be completed on the Aqueduct construction including current construction status needs to be provided.

3.5.7-68

- F.8
pg. 3.5-6 Footnote 9, etc. All footnoted correspondence that is not part of a previous public record needs to be included in the DGEIS appendices. 2-27
-
- F.9
pg. 3.5-6 The statement that the Mountainville well will serve as an interim primary supply for the Village while the remainder of the Aqueduct pipeline is constructed is not accurate. What is the impact of this on the Village's water supply until the Aqueduct connection is completed? 3.5.7-69
-
- F.10
pg. 3.5-8 The current status of the Woodbury Heights Estate Water Company's March 2014 application to the NYSDEC for a water supply permit should be provided. When is the approval expected? What impact does this timing have on the Village? 3.5.7-70
-
- F.11
pg. 3.5-9 Further details should be provided on the volume of water allowed to be taken from the Catskill Aqueduct both with and without the proposed annexation based on the date that the connection is anticipated to be completed. Describe this permitting process and the timing involved. 3.5.7-71
-
- F.12
pg. 3.5-9 It should be clarified if the 100 percent back-up for the volume of water taken from the Aqueduct as specified by the New York City administrative code is required to be calculated with the largest supply well out of service. If so, how does this impact the Village's water supply calculations? 3.5.7-72
-
- F.13
pg. 3.5-10 Table 3.5-1 should be modified with additional columns that show the type of permitting required and permitting status for each of the various well fields, the timeframe permitting is anticipated to take (if applicable), as well as the anticipated permitted water to be taken from each well field. 3.5.7-73
-
- F.14 Figure
3.5-1 This figure should be modified to include a legend, to depict the extent of the Catskill Aqueduct connection pipeline currently installed, the pipeline yet to be installed, and monthly dates of the anticipated installation next to those sections of the pipeline remaining to be installed. The figure should also depict the proposed annexation area. Explain the meaning of "Pipeline Route A" depicted on the figure. 3.5.7-74
-

F.15 Figure

3.5-20 The statement that “It has been reported that the Villages of South Blooming Grove and Woodbury are successors to the rights and obligations of the Towns of Blooming Grove and Woodbury, with respect to the inter-municipal agreements”. What is the source of the reporting? 3.5.7-75

F.16 What is the impact on the Village of Kiryas Joel (either with or without the annexation) should an upgrade to the County’s wastewater treatment plant not be completed prior to reaching maximum capacity for the existing plant, and a moratorium on new sanitary connections is enacted? 3.5.8-45

F.17 Referencing our overall comment regarding the necessity of the completion of a buildout analysis, the results of such an analysis must be evaluated for its related impacts to community water and sewer services. JMC Buildout Scenario “1” of Table JMC-1 of this memo shows a buildout population of 81,361 with the buildout of the 507 acre annexation and existing Village of Kiryas Joel. Using the 66.0 gallons per person average daily water usage rate as described in Section 3.5.5 page 3.5-30 of the DGEIS, yields a total average daily water usage and sanitary flow of 5,369,826 gallons per day, which is approximately 90% of the existing Harriman Wastewater Treatment Plant capacity of 6.0 million gallons per day (mgd). Under JMC Buildout Scenario “2” of Table JMC-1, the 164 acre annexation alternative yields a buildout population of 35,007, which in turn yields a 2,310,462 gallons per day average daily water usage and sanitary flow. The potential 3.0 mgd upgrade to the sanitary wastewater treatment capacity of the Orange County Sewer District #1 is not sufficient to accommodate these buildout populations in addition to continued population growth in other areas of the Sewer District. Clearly, there are significant water and sanitary buildout impacts and these must be analyzed in a supplemental DGEIS. 3.5.8-46

G. Natural Resources

G.1

pg. 3.6-4 Under Section 3.6.2 of the DGEIS, the statement is made that under the growth scenario described in the project description (without and with annexation), disturbance of the land would result from construction activities to much the same degree. This statement is not supported by a comparison of the existing Town of Monroe zoning regulations which limits unit density and has various bulk regulations in place which limit the extent of site disturbance activities. A comparison with the denser development permitted under KJ zoning should be provided to determine if the degree of land disturbance following annexation would change versus the no annexation scenario. 3.6-60

H. Cultural Resources

H.1

Pg. 3.7-4 The DGEIS notes that because Seven Springs Road is a public road, the annexation will not remove or hinder public access to the roadway as it currently provides for users of the Highlands Trail and Long Path, significant regional hiking trailways. However, people using those trails might be impacted should the Village post signs (as it currently does at other entrances to the Village) asking visitors to dress in a modest way, specifically by “wearing long skirts or pants; covered necklines; sleeves past the elbow; [and to]...maintain gender separation in all public areas.” Impacts to users of the trails should be addressed. 3.7-24.

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**SIERRA
CLUB**
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LOWER HUDSON GROUP

c/o Gale Pisha, Secretary
13 New Haven Avenue
Nanuet, NY 10954

June 22, 2015

Tim Miller
Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

Re: Sierra Club Lower Hudson Group's comments on the Draft Generic Environmental Impact Statement (DGEIS) regarding the annexation of certain lands to the Village of Kiryas Joel

The following comments are made on behalf of the more than 4,200 members of Sierra Club Lower Hudson Group (SCLHG), which includes members in Rockland County who will be affected by the environmental impacts of the proposed annexation.

The main--but not the only--objection of SCLHG to the DGEIS is the impact on the Ramapo River of the increased wastewater discharge from new development that will result from this annexation. This river supplies one-third of Rockland County's drinking water from well fields in the Ramapo Sole Source Aquifer.

I. The DGEIS's projections of population increase and resultant impacts on the environment out to the year 2025 are not adequate.

The DGEIS for the 507-acre annexation, section 3.2, projects the population of Kiryas Joel (KJ) will almost double in the next 10 years. Projecting out to the year 2025 is not enough to adequately assess the impacts from this high rate of population growth, since the rate of growth will presumably continue past that date. With more typical development projects, the population of the development usually increases until full build-out of the development and then stops. The KJ DGEIS makes no statement that once this doubling of population occurs in 10 years, it will stop. Therefore a plausible time frame for projection of impacts should be much longer, and at least the estimated lifetime of the water or sewer infrastructure, since this infrastructure will be needed to accommodate the continued rate of increase. At least a 50 year projection of population increase would be more adequate in properly identifying the environmental impacts of this population increase on the water and sewer capacity, as well as on other natural resources, in the region.

II. The addition of wastewater to the Ramapo River will have negative implications for the water supply of Rockland County.

The projected population increase will have major impacts for water supply and wastewater release.

To meet projected future water supply needs, the DGEIS states that KJ will connect to the Mountainville well field and eventually the New York City Aqueduct. A pipeline is being constructed which will bring water from Mountainville to the Village of KJ in 2015, and the DGEIS projects that the remainder of the pipeline to New Windsor to connect to the aqueduct will be completed by 2017. However, these plans are indefinite, since additional funds are needed to complete the pipeline, and

3.6-61
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approval is needed by New York City. The DGEIS states, "The allowable water taking from the aqueduct will be determined by the NYCDEP at a future time when approvals and infrastructure are in place to connect to the aqueduct." (p. 3.5-4). With the possibility that funding will not materialize nor approvals be granted by NYC, there is the distinct possibility that the Mountainville well field will be the primary water source for this future increase in need. SCLHG believes that pumping from Mountainville will deplete the Woodbury Creek during low flow times, and that the diversion of this water from the Moodna basin to the Ramapo basin when it is discharged to the river as wastewater will have a negative impact on the Moodna basin.

The wastewater for KJ currently discharges to the Ramapo River basin via two waste water treatment plants (WWTPs), the Harriman and the Village of KJ WWTPs. The Village proposes to meet the increased need for wastewater discharge by increasing Harriman's capacity 50% from 6 mgd to 9 mgd to accommodate the 1.3 mgd average daily sewage flow increase. The DGEIS acknowledges that "thirty percent of Rockland County and two million residents in New Jersey receive their drinking water from the Ramapo River aquifer" (p. 3.5-24).

3.5.8-47

While the DGEIS may be technically correct that "the quality of the wastewater treatment plant effluent is not affected by the level of population growth or its location," (p. 3.5-27), it is clearly not correct to conclude from this statement that "therefore, there are no significant impacts to the receiving water body (Ramapo River) as a result of the proposed annexation action" (p. 3.5-27). **This conclusion completely ignores the fact that the increased amount of wastewater effluent very much impacts the receiving water body.**

Robert Kecskes, with 25 years of experience as Chief of the Water Supply Planning Section at the New Jersey Department of Environmental Protection, authored a report in 2014 assessing New York and New Jersey water resources, specifically related to proposed development projects along the Ramapo River which included two casinos and Orange County's Tuxedo Farms. While the casinos are no longer a threat to the Ramapo Sole Source Aquifer, Kecskes' analysis of the current and future wastewater composition of the Ramapo clearly contradicts the DGEIS assumption of no harm to the river from increases in wastewater effluent.

1.3 mgd of treated sewage released from KJ into the Ramapo daily will have a more severe effect on the proportion of wastewater to freshwater than the two casinos whose impacts are detailed in Table 2 on page 9 of the attached report. The fact is that the current drought flow of the Ramapo is comprised primarily of wastewater, and if 1.3 mgd is added upstream, it will be entirely wastewater as it enters northern New Jersey.

Although effluent is treated to some extent by WWTPs, the wastewater is clearly not treated to drinking water standards. Not only does the Harriman WWTP discharge into the Ramapo, but the Kiryas Joel WWTP discharges into a tributary of the Ramapo River. According to 2013 reports (attached), the Kiryas Joel WWTP was implicated as the primary source of a dramatic and steady increase of specific conductance levels in water samples from the tributary of the Ramapo downstream of the plant that significantly exceeded NYS Department of Environmental Conservation levels of concern. The SCLHG believes that KJ ought to remedy this defect in its WWTP before undertaking any expansion.

3.5.8-48

Kecskes discussed the potential impacts of the wastewater component of the river. One is that wastewater dominated waterways will affect indigenous aquatic life (Kecskes, p. 11). Another is the potential effect on downstream drinking water quality:

"As the Ramapo River is converted to more wastewater in the future, the potential to affect downstream drinking water quality grows. For example, the [United Water New York] well field and wells in the [U.S. Environmental Protection Agency]-designated Sole Source Aquifer that are operated by communities in New Jersey [and Rockland County] are recharged by the

Ramapo River during low flow conditions. The Ramapo River and the underlying aquifer are in close hydraulic connection. If the river is comprised of more and more wastewater with greater frequency and for longer durations, the probability of needing expensive water treatment plant upgrades increases. It is important to note that wastewater treatment plants do not discharge effluent that meets drinking water quality standards, but wells are required to meet these standards." Kecskes, NY/NJ Water Resources Assessment, 2014, p. 10)

Sierra Club Lower Hudson Group believes that the increase of wastewater in the Ramapo River will result in the drinking water for one-third of Rockland County from the Ramapo well fields needing higher levels of treatment to be potable. This will cost Rockland County ratepayers more money, yet the fiscal impacts of increased wastewater discharge from KJ were not included in section 3.5.5, which discusses the costs only to the residents of Orange County Sewer District #1. 3.5.8-49

There is also a danger that some of the contaminants in the wells might not be discovered by United Water, since it is only required to test for certain substances. Another possibility is that residents will be exposed to these contaminants before the water company discovers them via tests.

III. The letters of support from Rockland County legislators for the inter-basin transfer of water from the NY City Aqueduct to the Ramapo basin are not applicable to the current DGEIS.

The DGEIS lists in Appendix G9 and refers to several letters of support from Rockland County legislators for the plan to tap into the NYC Aqueduct water supply and discharge the resultant wastewater to the Ramapo River. The writers claimed this would bolster the flow of the Ramapo, which they believed was necessary due to a general shortage of water in Rockland County. 3.5.7-77

These letters were written in 2005, before the real state of Rockland's long-term water supply was known. Since then, there has been a study by the US Geological Survey of Rockland's aquifer (available at <http://ny.water.usgs.gov/projects/rockland/>), which found it was replenishing faster than previously thought. In addition, Rockland officials in 2005 thought Lake DeForest reservoir was low because of drought. We now know that an alleged broken valve at the dam was allowing much more water to be sent downstream to New Jersey than permitted, and when this was fixed, the reservoir filled up quickly. Also, water demand has since been shown to be decreasing in Rockland (Appleton letter to PSC, Nov. 8, 2013, attached), part of a nationwide trend. Therefore, Rockland's water supply was found to be more robust than was thought in 2005. On the other hand, the Ramapo Sole Source Aquifer has been threatened and actually impacted by numerous development projects since 2005 that both deplete the regular flow and replace it with wastewater releases, as described in Kecskes' report. [Therefore, it is clear that in 2005, the legislators did not have the understanding of Rockland's water situation they do now, and these earlier letters of support are not appropriate to support the current annexation proposal.]

In conclusion, the DGEIS for the proposed annexation is not adequate because it 1) fails to project far enough into the future to be meaningful in addressing the water, sewer, and other impacts of the annexation, 2) completely fails to assess the impacts of the wastewater effluent on the Ramapo River and the residents downstream whose drinking water will be affected, and 3) uses outdated letters of support to imply that this annexation is currently supported by the Rockland County Legislature.

Respectfully submitted,

Gale Pisha
Secretary
Sierra Club Lower Hudson Group



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June 22, 2015

Via Overnight and Electronic Mail (tmiller@timmillerassociates.com)

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■ Also admitted in D.C.
 ● Also admitted in CT
 ▲ Also admitted in NJ

**Re: Comments On Draft Generic Environmental Impact Statement
 For Proposed 507-Acre Annexation Of Land From
 The Town Of Monroe By The Village of Kiryas Joel**

Dear Mr. Miller:

This Firm represents United Monroe in connection with the proposed annexation of approximately 507 acres of land (the "Proposed Annexation") from the Town of Monroe (the "Town") by the Village of Kiryas Joel (the "Village"). United Monroe respectfully submits these comments on the Draft Generic Environmental Impact Statement ("DGEIS") for the Proposed Annexation, which was purportedly prepared pursuant to the State Environmental Quality Review Act ("SEQRA"). These comments are submitted in good faith to assist the Town Board and the Village Board (collectively, the "Boards"), each of which are independently obligated to issue findings under SEQRA if they proceed with the Proposed Annexation.¹

The DGEIS is deficient for many reasons, including, but not limited to, that:

- (1) The Proposed Annexation would violate the Establishment Clause;
- (2) The Proposed Annexation is illegal because, as the DGEIS concedes, it is intended to evade the Town's duly adopted Zoning Code,
- (3) The Proposed Annexation is also illegal because it would create baroque boundaries, and an isolated "island" of Town residents;

¹ United Monroe's comments on the DGEIS's deficiencies generally apply to the proposed 507-acre annexation, as well as the so-called 164-acre alternative.

(4) The DGEIS fails to identify, much less take a “hard look” at, the Village’s systemic disregard for fundamental zoning, land use, and environmental laws, and the consequent unregulated development;

(5) The DGEIS fails to rationally assess reasonably foreseeable significant adverse impacts of the Proposed Annexation, including by using irrationally low build-out and density projections and by failing to assess impacts past the year 2025;

(6) Contrary to SEQRA’s essential purpose, the DGEIS fails to set forth any concrete mitigation measures; and

(7) The DGEIS fails to set forth any real thresholds for further review, contrary to SEQRA’s GEIS requirements.

The substantive gaps in the DGEIS’s analysis are so large that, by law, a Supplemental Generic Environmental Impact Statement (“SGEIS”) is required to allow the Involved Agencies, including the Town Board, to review and comment upon the missing information, as well as to ensure compliance with SEQRA’s public participation requirements.

Every community needs to accommodate natural growth. Satisfying that need, however, does not give municipalities *carte blanche* to disregard the environment. To the contrary, in considering how to accommodate natural growth, the Town Board and the Village Board both must “strike a balance” between social and economic goals and legitimate concerns about the environment. To accomplish this, SEQRA requires both Boards to “inject environmental considerations directly into governmental decision making,” bearing in mind that ultimately they are “*obligat[ed] to protect the environment for the use and enjoyment of this and all future generations.*”

The State Legislature enacted SEQRA specifically because the “*capacity of the environment is limited.*” Thus, agencies are required by SEQRA to “identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds from being reached.” As New York Courts hold, the essential purpose of an environmental impact statement (“EIS”) is to serve as an “environmental alarm bell,” to alert public officials to environmental shifts *before* those changes reach “ecological points of no return.” As such, the New York State Department of Environmental Conservation (“DEC”) notes that a generic EIS (“GEIS”) “should identify upper limits of acceptable growth inducement.”

The DGEIS, however, fails to consider the capacity for development of the territories at issue, or when development therein would reach the “ecological point of no return.” It gives no consideration to acceptable limits for development. It indicates, for example, that development in the territories at issue would surpass the available water supply even before 2025, but, impermissibly, “[I]ike the proverbial ostrich . . . put[s] out of sight and mind a clear environmental problem.” Thus, even if SEQRA only required an EIS to serve as a mere “disclosure document” to assess potential significant adverse impacts, it would fail that purpose. Under SEQRA, an EIS must fulfill a far more “action-forcing” or “substantive” requirement -- it must propose concrete mitigation measures.

As the Courts hold, municipalities cannot “opt[] for maximum development of the land area involved without proposing any substantively salutary mitigating measures which would minimize the adverse environmental effect of its decision.” The DGEIS, however, fails to identify any meaningful mitigation measures or thresholds for further environmental review that would lead to the identification of mitigation measures. The only apparent mitigation the DGEIS appears to offer is further environmental review by the Village down the road. Aside from all other problems with this approach, it would be irrational for the Boards to rely on this “mitigation” because the Village’s history provides no reasonable basis to believe that such review would ever happen.

Thus, even if the DGEIS had rationally assessed the significant adverse environmental impacts posed by the Proposed Annexation, respectfully, it would still be a meaningless document under SEQRA.

I. United Monroe Submits These Comments Under A Reservation Of Rights

Initially, United Monroe makes clear that it is submitting these comments under a full reservation of its rights to object to these proceedings, if necessary, at a later date.

A. Annexation Would Violate Establishment Clause

As explained in greater detail in a Letter from United Monroe to the Monroe Town Board, dated May 15, 2014, annexed hereto as Exhibit “A”, the Annexation would violate the Establishment Clause of the United State Constitution. The Annexation would constitute an improper delegation of political power based upon religious criteria. The Town would be ceding, and the Village would be assuming, “important, discretionary governmental powers,” which the United States Supreme Court has already recognized is a political subdivision whose franchise is determined by a religious test. See Bd. of Educ. of Kiryas Joel Vill. Sch. Dist. v. Grumet, 512 U.S. 687, 114 S. Ct. 2481 (1994).

Simply put, the Boards cannot “draw[] political boundaries on the basis of people’s faith.” Id. at 2505 (Kennedy, J., concurring). The Boards should consider the constitutionality of the Annexation before they waste further time or resources on it. See Cappelli Assocs. V v. Meehan, 247 A.D.2d 381, 667 N.Y.S.2d 914, 915 (2d Dept. 1998) (holding that town board “did not need to complete the SEQRA review proceedings” where it determined, in its legislative capacity, that the proposed action “would be incompatible” with the community’s objectives).

B. Village Is Unable To Properly Serve As Lead Agency Under SEQRA

The Village’s review under SEQRA is illegitimate because DEC erred in selecting the Village as Lead Agency for the review. As further described below, it is clear that the Village has little regard for land use laws and environmental regulations, let alone any respect for its obligations under SEQRA. This poor track record shows that the subject SEQRA review, with the Village at the helm as Lead Agency, cannot be trusted to adequately study the potential significant adverse impacts of the Proposed Annexation on the environment and community.

Moreover, the Village's track record shows that it will not give due consideration to public input in the environmental review, as SEQRA requires. Indeed, the Village's disregard for public input in the SEQRA process was already demonstrated by its insistence on holding its Scoping Session on the night of a major snow storm. Despite numerous pleas for the Village to adjourn the Scoping Session (such as requests from public officials including the Orange County Executive), if only for public safety's sake, the Village cynically proceeded with the Scoping Session.²

Respectfully, the DGEIS itself further evidences the Village's intent to misuse of the SEQRA process to rationalize a pre-ordained result.

C. The 507-Acre And 164-Acre Petitions Are Fatally Flawed

By letter dated June 10, 2015 to the Town and Village Boards, United Monroe explained why the 507-acre Petition and 164-acre Petition (the "Petitions") are both facially invalid under Article 17 of the New York State General Municipal Law. These invalidities include, but are not limited to, unqualified signatures and ambiguous descriptions of the territories at issue.

The Petitions are further invalid because, *inter alia*, they are being advanced with the clear aim of avoiding compliance with the Town's duly adopted current zoning. It is axiomatic that municipalities are not permitted to use annexation to evade existing zoning laws. See, e.g., Bd. of Trustees of Spring Valley v. Town of Ramapo, 264 A.D.2d 519, 694 N.Y.S.2d 712, 714 (2d Dept. 1999) ("Annexation may not be used as a means by which the owner of land in one municipality may escape the effect of that municipality's local legislation by having the land transferred to an adjoining municipality."); Bd. of Trustees, Vill. of Pomona v. Town of Ramapo, 567 N.Y.S.2d 791, 793, 171 A.D.2d 861, 863 (2d Dept. 1991) ("[T]he Village may not use annexation to subvert the development of an adjoining municipality's property pursuant to a lawfully enacted zoning ordinance."); Vill. of Skaneateles v. Town of Skaneateles, 115 A.D.2d 282, 496 N.Y.S.2d 185, 186 (4th Dept. 1985) ("We have found no precedent approving the use of annexation as a device by which the owner of land in one municipality may escape the effect of that municipality's local legislation by having the land transferred to an adjoining municipality.").

The DGEIS recognizes that the Village harbors the improper intent, if the Proposed Annexation were approved, of changing the zoning in the land at issue to substantially increase density. (See DGEIS at 3.1-16 ("With annexation, the DGEIS assumes the parcels proposed to be annexed to the Village of Kiryas Joel will be developed pursuant to the Village zoning to accommodate a greater portion of the projected growth demands of the community to the year 2025.")) As discussed further below, the DGEIS concedes that the Village has no effective zoning regulations. The very first page of the DGEIS states that "[t]here is no maximum density (units per acre) provision in the [Village] code." (DGEIS at 1-1.) This means that development can take

² The last speaker at the Scoping Session was the Highway Superintendent for the Town of Monroe, who had to advise the public to drive with extreme caution in light of the weather conditions, warning that "you could skid off the road in a minute." Conditions were so bad that "[i]f you ha[d] a survival kit in your car and you [couldn't] get out of your car," the Highway Superintendent advised that you "please use it."

place in the Village virtually without limitation. Moreover, the Village has no legitimate planning process to implement reasonable density restrictions, even if they existed.³

Moreover, New York Courts have repeatedly rejected “‘baroque’ annexations which result in ‘irregular and jagged indentations of the boundaries between the municipalities.’” See, e.g., Common Council of Middletown v. Town Bd. of Walkill, 143 A.D.2d 215, 532 N.Y.S.2d 17, 19 (2d Dept. 1988) (multiple citations omitted). The Annexation is void *ab initio* because it would improperly result in a highly irregular, jagged border between the Town and the Village.

Also, as the DGEIS recognizes, Annexation “would result in a number of parcels remaining in the Town of Monroe but surrounded by annexed land.” (DGEIS at 3.1-17.) In addition to improperly creating baroque boundaries, the Annexation would significantly harm the unity of community of the Town residents left behind in this isolated “island.”

II. The DGEIS Is Fatally Flawed

A. SEQRA

“SEQRA’s fundamental policy is to inject environmental considerations directly into governmental decision making.” Merson v. McNally, 90 N.Y.2d 742, 665 N.Y.S.2d 605, 609 (1997) (citation omitted), quoting Coca-Cola Bottling Co. of N.Y. v. Bd. of Estimate of the City of N.Y., 72 N.Y.2d 674, 536 N.Y.S.2d 33, 35 (1988); see also Jackson v. N.Y. State Urban Dev. Corp., 67 N.Y.2d 400, 503 N.Y.S.2d 298, 303 (1986) (“SEQRA makes environmental protection a concern of every agency.”).

SEQRA’s “basic purpose” is to require agencies, such as both Boards here, to incorporate the consideration of environmental factors into their decision making processes. 6 N.Y.C.R.R. § 617.1(c) (“The basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of state, regional and local government agencies at the earliest possible time.”).

In enacting SEQRA, the State Legislature made clear its intent that all agencies, including the Town Board and the Village Board, “conduct their affairs with an awareness that they are stewards of the air, water, land, and living resources,” and that they are specifically “obligat[ed] to protect the environment for the use and enjoyment of this and all future generations”:

³ The Village’s lack of any density regulation, when understood in conjunction with the Village’s serial disregard for land use laws and SEQRA, enables development without any regard for its impact on the public health, safety, or general welfare. Annexation lawfully cannot be used to avoid the Town’s lawfully enacted zoning laws, particularly where, as here, it is intended to allow unfettered development, without mitigation.

It is the intent of the legislature that all agencies conduct their affairs with an awareness that they are stewards of the air, water, land, and living resources, and that *they have an obligation to protect the environment for the use and enjoyment of this and all future generations.*

N.Y. Env'tl. Conserv. Law § 8-0103(8) (emphasis added); see also 6 N.Y.C.R.R. § 617.1(b) (“In adopting SEQRA, it was the Legislature’s intention that all agencies conduct their affairs with an awareness that they are stewards of the air, water, land, and living resources, and that *they have an obligation to protect the environment for the use and enjoyment of this and all future generations.*” (emphasis added)).

The Legislature further intended that all agencies, including both Boards, must give “due consideration” to “preventing environmental damage” when considering actions that may, like the Annexation, adversely impact the environment:

It is the intent of the legislature that all agencies which regulate activities of individuals, corporations, and public agencies which are found to affect the quality of the environment *shall regulate such activities so that due consideration is given to preventing environmental damage.*

N.Y. Env'tl. Conserv. Law § 8-0103(9) (emphasis added).

The State Legislature further intended that “to the fullest extent possible” all laws, including Article 17 of the State General Municipal Law (the “Municipal Annexation Law”) be implemented in accordance with SEQRA’s salutary purposes. N.Y. Env'tl. Conserv. Law § 8-0103(6) (“It is the intent of the legislature that *to the fullest extent possible* the policies, statutes, regulations, and ordinances of the state and its political subdivisions should be interpreted and administered in accordance with the policies set forth in [SEQRA].” (emphasis added)).

SEQRA was specifically enacted to compel agencies, such as both Boards, to “strike a balance” between social and economic goals and legitimate concerns about the environment. Jackson, 503 N.Y.S.2d at 303. Agencies, such as the Boards here, are required to consider environmental factors together with social and economic factors:

It is the intent of the legislature that the protection and enhancement of the environment, human and community resources shall be given appropriate weight with social and economic considerations in public policy. Social, economic, and environmental factors shall be considered together in reaching decisions on proposed activities.

N.Y. Env'tl. Conserv. Law § 8-0103(7); 6 N.Y.C.R.R. § 617.1(d) (“[I]t is the intention of this Part that a suitable balance of social, economic and environmental factors be incorporated into the planning and decision-making processes of state, regional and local agencies.”); see also Jackson, 503 N.Y.S.2d at 303 (“In proposing action, an agency must give consideration not only to social and economic factors, but also to protection and enhancement of the environment.”).

Respectfully, the DGEIS evinces a willful disregard for the State Legislature's goals in enacting SEQRA.

B. The EIS Process Is The "Heart" Of SEQRA

"The heart of SEQRA is the Environmental Impact Statement (EIS) process," which is required for any action, such as the Annexation, which "may have a significant effect on the environment." Jackson, 503 N.Y.S.2d at 304, quoting N.Y. Env'tl. Conserv. Law § 8-0109(2); see also Akpan v. Koch, 75 N.Y.2d 561, 555 N.Y.S.2d 16, 19 (1990) ("The primary purpose of SEQRA is 'to inject environmental considerations directly into governmental decision making'." (citation omitted)).

The EIS process obligates both Boards to assess environmental impacts and develop enforceable mitigation measures specifically to avoid "ecological points of no return." Williamsburg Around the Bridge Block Ass'n v. Giuliani, 223 A.D.2d 64, 644 N.Y.S.2d 252, 257 (1st Dept. 1996) ("The purpose of an EIS is to act as an 'environmental "alarm bell", the purpose of which is to alert public officials to environmental shifts before those changes reach 'ecological points of no return.'" (citation omitted)).

To that end, SEQRA mandates the preparation of an EIS when a proposed development project "may have a significant effect on the environment" to ensure that appropriate mitigation measures are developed.

The basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of state, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant impact on the environment, and, if it is determined that the action may have a significant adverse impact, prepare or request an environmental impact statement.

6 N.Y.C.R.R. § 617.1(c) (emphasis added); see also N.Y. Env'tl. Conserv. Law § 8-109(1) (affirmatively establishing that "[a]gencies shall use all practicable means to realize the policies and goals set forth in [SEQRA] article, and shall act and choose alternatives which, consistent with social, economic and other essential considerations, to the maximum extent practicable, minimize or avoid adverse environmental effects, including effects revealed in the environmental impact statement process." (emphasis added)).

As the Village, in particular, must be aware, Courts will not accept inadequate environmental review, no matter how well packaged or by whom it was performed. See Cnty. of Orange v. Vill. of Kiryas Joel, 11 Misc. 3d 1056(A), 815 N.Y.S.2d 494 (Sup. Ct. Orange Cnty. 2005) ("One cannot presume that the requisite 'hard look' was taken based on the thickness of the DEIS or because the [agency's] consultants were highly regard in their fields."), aff'd as modified, 44 A.D.3d 765, 844 N.Y.S.2d 57 (2d Dept. 2007). As the Appellate Division, Second Department held in County of Orange, which concerned the Village's proposed water pipeline:

▪ The Village did not “fully identif[y] the nature and extent of all of the wetlands that would be disturbed or affected by the construction of the proposed water pipeline, how those wetlands would be disturbed, and how such disturbance, if any, would affect the salutary flood control, pollution absorption, groundwater recharge, and habitat functions of those wetlands;”

▪ “[N]either the DEIS nor the FEIS fully identified the location, nature, or extent of the bodies of surface water into which wastewater from the proposed treatment plant would be discharged, and which State classes and standards of quality and purity apply to those water bodies;”

▪ “Nor did the DEIS or the FEIS adequately identify how much effluent would be discharged into those bodies of water over what periods of time, what the nature of the effluent might be, and what the effect upon those bodies of water are likely to be;”

▪ “[T]he DEIS and the FEIS were [also] rendered inadequate by the absence of a site-specific and design-specific phase 1–B archaeological study;” and

▪ “[T]he DEIS and the FEIS provided no demographic analysis or projections with respect to the effect of the availability of a steady and stable supply of potable water on population movement into or out of the Village.”

Id. at 61-62. For these reasons, the Second Department held that the Village Board of Trustees failed to take the requisite “hard look” under SEQRA. Id. at 62. It is unclear why the Village would expect the similarly flawed environmental review here to pass muster.

C. Supplementation Is Required To Provide Opportunities For The Boards And The Public To Comment Upon The Substantial Information Missing From The DGEIS

Where, as here, significant new information is required subsequent to the filing of a draft environmental impact statement, an supplemental environmental impact statement (“SEIS”) is required:

The law recognizes that in situations in which significantly new information has been discovered subsequent to the filing of a draft EIS, which new information is relevant to the environmental impact of the proposed action, a supplemental EIS containing this information should be circulated to the relevant agencies so as to insure that the decision making authorities are well informed.

Horn v. Int’l Bus. Machines Corp., 110 A.D.2d 87, 493 N.Y.S.2d 184, 192 (2d Dept. 1985), appeal denied, 67 N.Y.2d 602, 499 N.Y.S.2d 1027 (1986). Of particular relevance here, the Village must, as a matter of law, subject the multiple unaddressed issues outlined herein and in the comments of other impacted agencies and individuals to further public review:

[C]ourts have cautioned that the omission of required information from a draft EIS cannot be cured by simply including the required data in the final EIS since the abbreviated comment period for the final EIS “is not a substitute for the extended period and comprehensive procedures for public and agency scrutiny of and comment on the draft EIS.”

Horn, 493 N.Y.S.2d at 192, quoting Webster Assocs. v. Town of Webster, 59 N.Y.2d 220, 228, 464 N.Y.S.2d 431 (1983).

To ensure that the Town Board, other impacted agencies, and the public have an opportunity to comment on the substantial information and analysis that is missing from the DGEIS, the Village must require a supplemental GEIS (“SGEIS”) that contains this missing information.

D. DGEIS Fails To Incorporate Any Mitigation Measures Or Concrete Thresholds For Further Review, Violating SEQRA Generally, And The GEIS Process Specifically

Ultimately, respectfully, the DGEIS is a meaningless document under SEQRA. It fails SEQRA’s fundamental purpose of developing legitimate mitigation measures to address the significant adverse environmental impacts of the Proposed Annexation. Aside from all other problems affecting the vague and illegal mitigation it ultimately purports to propose -- *i.e.*, further environmental review by the Village down the road -- it would be irrational for the Boards to rely on this “mitigation” because the Village’s history provides no reasonable basis to believe that such review would ever happen.

At the end of the SEQRA process, both the Village Board and the Town Board will each need to certify that, *inter alia*, they have considered and adopted all practicable mitigation measures. See 6 N.Y.C.R.R. § 617.11(d). The DGEIS’s failure to propose any meaningful mitigation measures or thresholds for further review leaves the Boards without any objective factual basis to make their necessary findings. See Halperin v. City of New Rochelle, 24 A.D.3d 768, 809 N.Y.S.2d 98, 105 (2d Dept. 2005) (establishing that an agency’s land use determination can only be deemed rational “if it has some objective factual basis”), leave to appeal denied by 6 N.Y.3d 890, 817 N.Y.S.2d 624 (Table), and by 7 N.Y.3d 708, 822 N.Y.S.2d 482 (Table) (2006).

“SEQRA is not merely a disclosure statute; it ‘imposes far more ‘action-forcing’ or ‘substantive’ requirements on state and local decisionmakers than [the federal National Environmental Policy Act] imposes on their federal counterparts.” Jackson, 503 N.Y.S.2d at 303; N.Y.S. D.E.C., SEQR Handbook, at 3 (3d ed. 2010) (stating that SEQRA “mandates that agencies act on the substantive information produced by the environmental review”). SEQRA’s “action forcing” requirement “can lead to project denial if the adverse impacts are overriding and adequate mitigation or alternatives are not available.” SEQR Handbook, at 3.

Courts will vacate SEQRA review where “*the municipality has opted for maximum development of the land area involved without proposing any substantively salutary mitigating*”

measures which would minimize the adverse environmental effect of its decision.” Save the Pine Bush, Inc. v. Planning Bd. of Albany, 130 A.D.2d 1, 518 N.Y.S.2d 466, 468 (3d Dept. 1987) (emphasis added), leave to appeal denied by 70 N.Y.2d 610, 522 N.Y.S.2d 111 (1987). The Boards cannot take action that would set the stage for maximum development of the territories at issue without proposing mitigation measures.

1. Lack Of Mitigation Measures

The DGEIS is completely devoid of meaningful mitigation measures.

In addition to all other flaws in the Land Use and Zoning Section, for example, the only apparent mitigation measure offered is that it “anticipate[s] that the Village of Kiryas Joel will establish a master plan committee to study opportunities and constraints of the 507 acres as it relates to the Village goals for its existing and future residents, and make specific recommendations for future land use decisions.” (See DGEIS at 3.1-18.) Given the Village’s historical and demonstrable poor track record of land use and environmental compliance, the notion that the Village would form a “committee” that would establish a reasonable framework for development in the Annexation territories is irrational.

Moreover, deferring the development of mitigation measures to an indefinite time where it would be addressed by an unknown “committee” violates SEQRA on multiple grounds. First, it is axiomatic that by “deferring resolution” of potential environmental issues until after the conclusion of the SEQRA process, an agency “fail[s] to take the requisite hard look at [] area[s] of environmental concern.” Penfield Panorama Area Cmty., Inc. v. Town of Penfield Planning Bd., 253 A.D.2d 342, 688 N.Y.S.2d 848, 854 (4th Dept. 1999) (annulling Planning Board’s approval for, *inter alia*, deferring resolution of hazardous waste remediation issue); see also Silvercup Studios, Inc. v. Power Auth. of N.Y., 285 A.D.2d 598, 729 N.Y.S.2d 47 (2d Dept. 2001).

As stated in a seminal SEQRA Decision, H.O.M.E.S. v. N.Y. State Urban Dev. Corp., agencies, like the Boards, simply cannot “[l]ike the proverbial ostrich . . . put out of sight and mind a clear environmental problem.” 69 A.D.2d 222, 418 N.Y.S.2d 827, 831-32 (4th Dept. 1979) (finding that the agency failed to take “hard look” where it “vaguely recognized” the existence of potential adverse environmental impacts, but, in an “Alice-In-Wonderland manner,” simply “relied upon general assurances that after the problems developed [other entities] would adequately mitigate them by some unspecified action”).

Second, the analysis and development of meaningful mitigation measures to address the adverse impacts of the Proposed Annexation on Land Use and Zoning (as well as all other areas of environmental concern) cannot be delegated to another municipal agency or entity, such as the unknown “committee” referred to in the DGEIS. See Coca-Cola Bottling Co. of N.Y. v. Bd. of Estimate of City of N.Y., 72 N.Y.2d 674, 536 N.Y.S.2d 33, 37 (1988) (holding that an agency responsible for reviewing environmental impacts of an action under SEQRA cannot delegate its review responsibilities to another agency; final determination of relevant issues must remain with the agencies charged with evaluating them under SEQRA). The SGEIS must propose mitigation measures for the Proposed Annexation’s adverse impacts on Land Use and Zoning (and other areas of environmental concern), for the Boards to consider.

Similarly, the public has a right to comment on mitigation measures proposed to address the adverse impacts caused by the Proposed Annexation on Land Use and Zoning (as well as all other areas of environmental concern). The Court of Appeals has affirmed that “mitigation measures of undisputed importance [cannot] escape” public comment and agency review under SEQRA. Bronx Comm. for Toxic Free Sch. v. N.Y. City Sch. Const. Auth., 20 N.Y.3d 148, 958 N.Y.S.2d 65, 69 (2012). In Bronx Committee, the Court of Appeals held that an agency erred in postponing detailed consideration of long-term maintenance and monitoring measures relating to a proposed school project on a contaminated site. Similarly, here, the Boards cannot defer consideration of concrete mitigation measures needed to address the clearly foreseeable significant adverse environmental impacts posed by the Proposed Annexation.

The DEC’s SEQR Handbook gives “examples of routine mitigation measures that should be considered in a generic EIS,” including:

- The establishment of performance standards, conditions or impact thresholds which could apply to future site or project specific reviews. An agency could require submission of stormwater management plans with site-specific project applications, including criteria relating to run-off, retention or disposal. Similarly, *in an area where public water supply and waste water treatment are not available, an agency could consider maximum allowable residential densities to control cumulative impacts on a groundwater aquifer.*

- Careful timing or phasing of development. For projects involving stream disturbances, the agency should consider timing of in-water work so as to avoid critical fish migration periods. *Where future development will require substantial land clearing, the agency should consider work sequences and schedules that would minimize acreage cleared at any one time and ensure construction of stormwater management features in advance of other construction activities.*

- Monitoring. An agency may *require monitoring of specific impacts (air, water, traffic, etc.)* during construction or operation of the multiple projects or phases addresses by the generic EIS, *to ensure that cumulative thresholds established in the generic EIS are not exceeded.*

SEQR Handbook, at 147 (emphasis added). The GEIS should consider, and more importantly, recommend, specific mitigation measures in each of these categories.

The SGEIS should consider if the problem of unregulated development could best be avoided by rejected the Proposed Annexation. The SGEIS should consider when the environment, including the human environment, would be best protected by maintaining the Town’s stewardship over the territories at issue. The SGEIS should also consider if the adverse impacts could be avoided by abiding by the currently zoning.

The SGEIS, for example, should consider clear and enforceable thresholds for future project specific reviews. The SGEIS should consider at what point development in the territories at issue would outpace the capacity of the environment. See N.Y. Envtl. Conserv. Law

§ 8-0103(5). The SGEIS should consider at what point development in the territories at issue will surpass the capacity to provide water for it. The SGEIS should also address the capacity of the impacted environment, including water services and the Ramapo River, to handle development. The SGEIS should develop enforceable mitigation measures related to those critical thresholds. The SGEIS should consider an enforceable monitoring program to ensure that critical thresholds related to development, including sewer and water, are not surpassed. See id.

The SGEIS should also address how any thresholds identified in it would be enforced or could be relied upon in light of the Village's extremely faulty history of environmental and land use compliance and enforcement.

The SGEIS should similarly address what thresholds are needed to meet SEQRA's policy of "[p]romoting patterns of development" that "minimize adverse impact on the environment." See N.Y. Env'tl. Conserv. Law § 8-0101(3)(c). Similarly, the SGEIS should consider phased development, to tie development to an enforceable monitoring program, as well as to reduce environmental impacts.

2. Lack Of Thresholds For Further Environmental Review

The State Legislature specifically recognized that the "*capacity of the environment is limited,*" and that agencies implementing SEQRA must "*identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds from being reached:*"

The capacity of the environment is limited, and it is the intent of the legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds from being reached.

N.Y. Env'tl. Conserv. Law § 8-0103(5) (emphasis added). Thus, SEQRA requires agencies, such as both Boards, to adopt mitigation measures to prevent critical thresholds from being surpassed.

Thus, SEQRA specifically requires that GEISs consider, among other things, "[t]hresholds and conditions that would trigger the need for supplemental determinations of significance or site-specific EISs." SEQR Handbook, at 146; see also 6 N.Y.C.R.R. § 617.10(c) (providing that GEISs and their findings must "set forth conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance. This may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS"). Of special relevance here, DEC further states that "[t]he generic EIS should identify upper limits of acceptable growth inducement in order to provide guidance to the decision maker." SEQR Handbook, at 147 (emphasis added).

The one-page discussion of thresholds in the DGEIS fails to satisfy SEQRA's mandate. (See DGEIS at 4-1.) This section, as the DGEIS as a whole, fails to establish concrete mitigation measures.

As it now stands, the DGEIS simply relies on the illusory premise that, after Annexation, the Village would conduct SEQRA review on a case-by-case basis. (See DGEIS at 4-1.) This premise is irrational because, as discussed immediately below, the Village has historically avoided compliance with land use and environmental laws, including SEQRA. Moreover, it fails to assess the critical thresholds at issue here or discuss what the capacity of the affected environment is. The SGEIS should discuss what actions are required to prevent critical thresholds related to development in the territories at issue from being reached.

E. DGEIS Fails To Identify, Much Less Take a "Hard Look" At, The Village's Historic Disregard For Land Use And Environmental Laws Intended To Protect The Public Health, Safety And General Welfare

As United Monroe wrote in its comments on the draft Scoping document, the Village's history of noncompliance with basic land use and environmental laws is a critical line of inquiry where the subject action (i.e., the Proposed Annexation) would give the Village jurisdiction over the development of additional territories. (See Letter from Daniel Richmond, Esq., to Tim Miller Associates, dated Mar. 10, 2015, at 5-6 & 8-9; see also N.Y.S. D.E.C. Commissioner's Policy, "Record of Compliance Enforcement Policy," at 3.) As set forth below, the Village has demonstrated its routine failure to comply with SEQRA, its failure to satisfy local planning and zoning requirements, and its repeated violation of federal and state environmental laws.

Under SEQRA, agencies must: (i) identify the relevant areas of environmental concern, (ii) take a "hard look" at them, and (iii) make a "reasoned elaboration" of the basis for their determinations. Jackson, 503 N.Y.S.2d at 305. The "hard look" requirement "recognizes the intent of the Legislature in SEQRA that its concerns that environmental issues are serious and that in making decisions which may have the potential to cause a material adverse environmental effect, they should take such concerns seriously." Nash Metalware Co. v. Council of City of N.Y., 14 Misc. 3d 1211(A), 836 N.Y.S.2d 487 (Sup. Ct. N.Y. Cnty. 2006). The DGEIS, however, fails to identify, much less take seriously, the environmental implications of the Village's historic record of environmental and land use noncompliance.

Absent a functioning planning process, future development under the Village's jurisdiction will continue to proceed without limitation or concern for environment, the surrounding community, much less the residents of the Village itself. The Village's failure to enforce environmental requirements causes adverse impacts. The DGEIS's failure to address the Village's pattern of noncompliance with established planning, zoning and environmental laws, regulations, and practices, or to discuss the potential adverse environmental impacts that may flow from the Village's consistent disregard for legally mandated requirements, is irrational. This flaw is particularly inappropriate given that the so-called mitigations discussed in the DGEIS depend on the Village's adherence to land use and environmental requirements. (See DGEIS at 3.1-18 & 4-1.)

1. Kiryas Joel Was Created 40 Years Ago To Avoid The Town's Zoning Laws

As Town Supervisor William C. Rogers' ruling in 1976 on the original petition to incorporate the Village of Kiryas Joel makes clear, the Village was created with the express purpose of avoiding Monroe's zoning laws. (See Decision on Sufficiency of Petition in the Matter of the Formation of a New Village To be Known as "Kiryas Joel," Dec. 10, 1976, annexed hereto as Exhibit "B".) In response to the illegal conversion and illegal construction of housing in the subdivision known as Monwood, the Town commenced legal proceedings to compel conformance with its zoning laws. (See *id.* at 3-4.) "Arduous opposition [was] thrown up" to the Town's enforcement efforts by Monwood business leaders, who were concerned that the Town's zoning laws would interfere with their marketing strategy. (*Id.* at 4.) Residents of the illegal dwellings were apparently unwitting victims of the business leaders' evasion of the law. (*Id.*)

Rather than comply with the Town's zoning laws, the leaders of the Satmar community in Monwood sought to "slip away from the Town's enforcement program" through the village incorporation procedure under State law. (*Id.* at 7.) Supervisor Rogers deemed this action to be "almost sinister and surely an abuse of the right of self incorporation." (*Id.*)

Supervisor Rogers rued the fact that, unlike the Boards here, he could not comment on how the public interest would be affected by the 1976 village incorporation petition. (*Id.* at 8 ("As much as I would like to deal with the public interest question of this proposal and how I feel that it will endanger an otherwise rural residential neighborhood of Monroe, by law, I cannot.")) He felt constrained to only pass on the sufficiency of the petition. (*Id.* at 8-9.)

Presciently, Supervisor Rogers predicted "more confrontations as bitter as th[is] one" if the Kiryas Joel community continued to avoid Monroe's laws:

For the Satmars to believe that they are above or separate from the rules and regulations that Monroe has chosen to live by or try to impose their mores upon the community of Monroe, or to hide behind the self-imposed shade of secrecy or cry out religious persecution when there is none, will only lead to more confrontations as bitter as the one this decision purports to resolve.

(*Id.* at 9.) History has, unfortunately, validated Supervisor Rogers' concerns.

2. 40 Years Later, The Village Still Ignores Applicable Environmental And Land Use Laws

It is not surprising that a municipality incorporated for the express purpose of avoiding local land use requirements has flouted its legal obligations ever since. The Village perpetuates a systemic disregard for environmental and land use laws, as well as other laws affecting the public interest. The result is unregulated, poorly planned development, which adversely impacts residents of the Village and of the Town alike. Annexation would simply allow this pattern of unregulated development to expand to even more territories. The victims of this

would include all area residents. The impacts of this unbridled development would also reach beyond the Village’s municipal boundaries, and would adversely impact residents of the remaining Town area.

Throughout the Annexation process, it has become clear that the Village still systematically disregards environmental regulations and other laws affecting the public interest, which allows unregulated development and accompanying adverse impacts, including:

- Routine failure to implement required environmental review under SEQRA;
- Serial violation of basic municipal planning and zoning requirements, including that the Village’s Planning and Zoning Board members do not satisfy the State-required training programs;
- Regular failure to refer land use matters to the Orange County Planning Department, as required by Section 239-m of the New York State General Municipal Law; and
- Repeated violations issues by the DEC and the U.S. Environmental Protection Agency (“EPA”) of applicable environmental protection requirements.

United Monroe has, for example, confirmed that the Village does not adhere to basic, critical land use requirements. In a written request pursuant to the State Freedom of Information Law (“FOIL”), dated August 18, 2014, United Monroe asked the Village to provide basic information relating to its planning processes, including:

- (i) the identities of the members of the Village Planning Board and Zoning Board;
- (ii) documents relating to Village Planning Board and Zoning Board Members’ satisfaction of applicable training requirements since January 2012;
- (iii) all Planning Board and Zoning Board agendas, minutes, and resolutions since January 2012; and
- (iv) copies of all referrals made to the Orange County Planning Department pursuant to Section 239-m of the New York State General Municipal Law since January 2012.

(See Letter from Daniel Richmond, Esq., to Gedalye Szegedin, Village Clerk, dated Aug. 18, 2014, annexed hereto as Exhibit “C”).⁴ The Village’s response demonstrated that it routinely violates municipal planning and zoning requirements, including that its Planning and Zoning Board

⁴ Further evidencing the Village’s disregard for the law, the Village initially did not even acknowledge United Monroe’s August 18th FOIL Request. The Village’s failure to respond constituted a constructive denial of the request. As such, United Monroe was compelled to commence an administrative appeal by letter dated September 15, 2014, which finally compelled compliance.

members do not satisfy the State-required training programs, and that it never refers land use applications to the Orange County Planning Department, as required by law.

Similarly, United Monroe confirmed that the Village regularly ignores SEQRA. In its August 18th FOIL Request, United Monroe also requested copies of all determinations made by any Village agencies under SEQRA, such as positive declarations, negative declarations, conditional negative declarations and/or findings statements. In response, the Village did not produce *any* determinations made under SEQRA. (See Letter from Javid Afzali, Esq., to Daniel Richmond, Esq., dated Sept. 29, 2014 (without exhibits), annexed hereto as Exhibit “D”; Letter from Javid Afzali, Esq., to Daniel Richmond, Esq., dated Nov. 10, 2014 (without exhibits), annexed hereto as Exhibit “E”; E-mail from Javid Afzali, Esq., to Krista Yacovone, Esq., dated Nov. 19, 2014, annexed hereto as Exhibit “F”).⁵

Furthermore, both DEC and the EPA have found repeated violations in the Village of fundamental environmental protection requirements. These include violations of the Clean Water Act and failure to comply with State permitting requirements during construction activities and operations of its wastewater treatment plant. (See Letter from Daniel Richmond, Esq., to the Honorable Vincent L. Briccetti, dated Nov. 24, 2014, annexed hereto as Exhibit G”; Letter from Krista Yacovone, Esq., to Robert L. Ewing, dated Dec. 3, 2014, annexed hereto as Exhibit “H”; Letter from Krista Yacovone, Esq., to Patrick Ferracane and Jennifer Zunino-Smith, dated Dec. 16, 2014, annexed hereto as Exhibit “I”).⁶

3. DGEIS Irrationally Fails To Consider The Village’s Serial Noncompliance With Basic Environmental And Land Use Laws, And The Attendant Adverse Impacts This Causes

The SEQRA review of the Proposed Annexation must be sufficient to assist the Boards in determining whether Annexation is in the overall public interest. Clearly, the GEIS needs to consider how the overall public interest would be affected if, as can be reasonably anticipated, the Village’s poor track record of compliance with fundamental land use, zoning, and environmental laws, and the attendant unregulated development, were broadcast to a larger area through Annexation. The DGEIS audaciously ignores this critical issue.

The SGEIS must consider the potential significant adverse impacts that unregulated, high-density development in the Annexation territories would have on residents of the Village and of the remaining Town. See N.Y. Gen. Mun. Law § 711(1) (requiring that Boards entertaining annexation petitions consider, *inter alia*, potential effects on “the territory proposed to be annexed” as well as “the remaining area of the local government or governments in which the territory is situated”). The Village’s lack of functioning planning and zoning processes, and its disinclination to abide by State-mandated environmental review processes, would significantly

⁵ Again, the Village’s poor track record in implementing SEQRA is well-documented. See Cnty. of Orange, 815 N.Y.S.2d 49.

⁶ The DGEIS failure to assess the Village’s historic environmental noncompliance with respect to wastewater treatment plant operation is particularly irrational inasmuch as the DGEIS’s conclusion that the Proposed Annexation would not affect the Ramapo River is premised on the proper operation of such plants.

adversely impact residents of both the Village and the Town, as well as neighboring municipalities. The SGEIS must consider these impacts.⁷

The DGEIS's failure to consider that the Village's poor track record of complying with *any* legal requirements is arbitrary and irrational. If left uncorrected, both Boards will lack substantial evidence they each need to issue SEQRA Findings, see 6 N.Y.C.R.R. § 617.11, as well as to assess whether the Proposed Annexation is in the overall public interest. See N.Y. Gen. Mun. Law § 711. When properly considered, the Village's poor track record of environmental and land use compliance and enforcement, standing alone: (i) warrants rejection of the Proposed Annexation under SEQRA because its environmental costs far outweigh any social or economic benefit it might provide, and (ii) is sufficient grounds to reject the Proposed Annexation as being contrary to the overall public interest.⁸

F. Irrational Failure To Study Past 2025

The DGEIS's arbitrary use of 2025 as the outside date for analysis is irrational. (See, e.g., DGEIS at 1-2.) "SEQRA mandates the consideration of all 'impacts which may be reasonably expected to result from the proposed action,' and this includes subsequent actions which are 'likely to be undertaken as a result thereof.'" Schulz v. N.Y. State Dept. of Env'tl. Conservation, 200 A.D.2d 793, 606 N.Y.S.2d 459, 461 (3d Dept. 1994) (citations omitted). It is not even possible for the Boards to consider meaningful mitigation measures without consideration of clearly foreseeable and contemplated build-out scenarios. See Halperin, 809 N.Y.S.2d at 105 (holding agency land use determination can only be deemed rational if they have "some objective factual basis").

It is irrational to use a ten (10)-year window for analysis where, as here, the Boards are aware that the impacts of the Proposed Annexation would range well past that date. See Develop Don't Destroy (Brooklyn), Inc. v. Empire State Dev. Corp., 94 A.D.3d 508, 942 N.Y.S.2d 477, 479 (1st Dept.), leave to appeal denied by 19 N.Y.3d 806, 950 N.Y.S.2d 104 (2012). In that case, the Court held that the respondent agency acted arbitrarily when it based its analysis on a ten (10)-year build-out scenario despite the fact that it was aware of a Development Agreement that

⁷ Stormwater management during and after construction, for example, is just one area where the Village's environmental mismanagement could adversely impact residents of neighboring municipalities. Absent the Village's implementation of stormwater controls, mismanaged runoff from increased impervious surfaces in the Annexation area could negatively impact neighboring properties in Monroe, causing flooding, damaging water quality and affecting other natural resources.

⁸ Any suggestion that the Religious Land Use and Institutionalized Person Act ("RLUIPA") would be implicated if the Boards reject the Annexation has no support in the law. RLUIPA only applies to "land use regulation," which RLUIPA defines as "a zoning or landmarking law." 42 U.S.C. § 2000cc-5(c). Annexation is legally and statutorily distinct from zoning and landmarking laws, and is not subject to RLUIPA. Cf. Faith Temple Church v. Town of Brighton, 405 F. Supp. 2d 250, 255 (W.D.N.Y. 2005) (holding that RLUIPA does not apply to eminent domain proceedings because "[t]he simple fact is that Congress chose to limit the application of RLUIPA to cases involving 'a zoning or landmarking law'").

provided for a significantly extended substantial completion date, twenty-five (25) years from the study date. See Develop Don't Destroy (Brooklyn), 942 N.Y.S.2d at 479.

Here, both Boards, and certainly the Village Board, are aware that the Village is relying on growth projections for the Annexation lands through the year 2045. The Village's Updated Budget Analysis, which the Village submitted to the State Environmental Facilities Corporation ("EFC") in connection with the bonding of the Aqueduct Connection Project (EFC #16906), relied on projections through the year 2045. In particular, the Village projected that there would be 8,550 new residential connections and 1,500 new commercial connections by the year 2045. (See Budget Analysis, annexed hereto as Exhibit "J".) Assuming six (6) people would live in each new residence, this contemplates the addition of 50,000 people.

In response to this analysis, EFC asked the Village if "the growth projections for the Village [in the Budget Analysis could] be viewed as reasonable given that the available space within the Village does not support the long-term projections." (See Aqueduct Connection Project Business Plan Supplement II, dated Jan. 31, 2014, annexed hereto as Exhibit "K".) In response, the Village advised EFC about the proposed Annexation, and stated that "if indeed annexed into the Village, that opportunity [to rezone or develop the subject properties] exists and *would reasonably accommodate the anticipated growth described in the Business Plan.*" (Id. (emphasis added).) In the same paragraph, the Village noted the maximum allowable development under existing Town Zoning, and added that "[t]his does not account, however, for potential rezoning for increased densities." (Id.)⁹

As such, not only did the Village make clear to EFC that its business model for the bonding of the aqueduct depended upon illegally increasing the allowable density of the Annexation area, but it also unambiguously signaled that this increase in density would be sufficient to accommodate the full development projected in the Budget Analysis -- 8,550 new residential connections and 1,500 new commercial connections by the year 2045. The build-out scenarios considered in the SGEIS must include the development projected by the Village to EFC -- i.e., 8,550 new residential connections and 1,500 new commercial connections by the year 2045. Again, assuming six (6) people living in each new household, this could inject more than 50,000 people into the annexed areas. As such, at minimum, the SGEIS needs to consider the adverse impacts of this extraordinarily intense high-density development on the environment and neighboring communities.¹⁰ This applies to every section of the SGEIS, including with respect to Land Use and Zoning, Demographics and Fiscal, Community Services and Facilities, and Community Water and Sewer Services.

⁹ Again, the Village's representations to EFC obviously conflict with the maxim that municipalities are not permitted to use annexation to evade current zoning constraints. See, e.g., Bd. of Trustees of Spring Valley, 694 N.Y.S.2d at 714; Bd. of Trustees, Vill. of Pomona, 567 N.Y.S.2d at 793; Vill. of Skaneateles, 496 N.Y.S.2d at 186.

¹⁰ Thus, this is not a case where development after ten (10) years was nothing more than "unsupported speculation;" instead, as established by the Village's representations to EFC, high-density development through 2045 is clearly foreseeable. Cf. Fisher v. Giuliani, 280 A.D.2d 13, 720 N.Y.S.2d 50, 55 (1st Dept. 2001).

The SGEIS also needs to consider the significant adverse impacts of development at the densities discussed below in sections H.2 and H.3 of this Letter.

As the Village implicitly recognized when it issued the Positive Declaration requiring the instant DGEIS, this is not a situation where the environmental review of an annexation should be limited because development objectives are unknown. Cf. City Council of Watervliet v. Town Bd. of Colonie, 3 N.Y.3d 508, 789 N.Y.S.2d 88, 93-94 (2004). To the contrary, the Village has already represented to a State agency that it will promote development at least through 2045 at intense levels on the territories it would like to annex in order to fund significant infrastructure expansion. As such, the environmental review should “be more extensive” and “address the specific use of the property [that the Village laid out for EFC] in evaluating the related environmental effects.” City Council of Watervliet, 789 N.Y.S.2d at 94.¹¹

The artificial use of 2025 as the end date for analysis, for example, results in an artificial capping of projected development of 3,825 units. (See DGEIS at 2-7 & 3.1-15.) The SGEIS must set forth how many units can be anticipated through 2045. If there is any discrepancy between the number produced as the result of this analysis and the projections the Village made to EFC, the SGEIS must explain this discrepancy.

Ultimately, the DGEIS’s use of the year 2025 as an end date for analysis appears intended to avoid grappling with issues that would clearly arise after that date, such as insufficient infrastructure. Regardless of the motivation for using 2025 as an end date, it improperly and irrationally constrains the analysis, and must be corrected.

G. DGEIS Fails To Show Need For The Annexation

The DGEIS fails to show a need for the Annexation because it states that projected growth of the Hasidic community could be accommodated in the existing Village. (See DGEIS at 2-12 (stating that projected demographic growth necessitates the expansion of the existing Kiryas Joel community, *either in greater density through more and larger buildings within the existing Village or over a wider land area beyond current Village boundaries.* (emphasis added)).) The SGEIS should discuss why the Village thinks it is necessary to expand the boundaries of the Village government to accommodate natural growth.

If the only asserted reason for expanding the Village government’s jurisdiction is to change the zoning of the territories at issues, then the purported need for the Proposed Annexation, as discussed above, is illegitimate. See Bd. of Trustees of Spring Valley, 694 N.Y.S.2d at 714; Bd. of Trustees, Vill. of Pomona, 567 N.Y.S.2d at 793; Vill. of Skaneateles, 496

¹¹ Notably, the SEQRA Findings adopted by the Village in connection with the development of the water supply pipeline, which is the subject of the Village’s discussion with EFC, state that “[t]he project does not involve the expansion of the Village’s distribution system into previously undeveloped or subserviced areas but will allow the existing Village to be served with a new source of water supply.” (Resolution Adopting Amended Findings Statement (Mar. 31, 2009), at 4 (emphasis added), annexed hereto as Exhibit “L”.) The Findings indicate that the pipeline was not intended to serve areas outside the Village’s present boundaries. Certainly, no environmental review has been conducted in this regard.

N.Y.S.2d at 186. The SGEIS should address whether Annexation would be pursued by the Village if, as the law requires, it would abide by the existing zoning.

United Monroe understands that the Village has extended water and sewer service to developments in the Town, including the Forest Edge and Vintage Vista subdivisions. The SGEIS should explain whether the Village would offer these services to other developments outside the Village without the Proposed Annexation. It should discuss legal and engineering mechanisms that could be used to enable the Village to provide sewer and water services to residents outside of its jurisdiction.

The SGEIS should discuss any contracts the Village has with the owners of properties in the territories at issue regarding the provision of water. The SGEIS should list each such property with which the Village has a contract. The SGEIS should discuss all legal implications of such contracts.

Similarly, the stated “unity of purpose” set forth in the DGEIS is suspect. (See DGEIS at 2-12 (stating that “unity of purpose” relates to a claim that “[o]wners of the properties proposed for annexation seek to avail themselves of the benefits of numerous municipal and other community services that are provided or are otherwise available to Kiryas Joel residents”).)

The SGEIS should discuss how many residents of territories proposed for Annexation actually intend to remain in their residences after the Annexation. Many of the signatories to the Annexation are corporate entities. The SGEIS should discuss these corporate entities interest in the Proposed Annexation. The SGEIS should also discuss how many of the Petitioners intend to take advantage of the illicit re-zoning of the territories at issue after Annexation by redeveloping their properties for high density development. The SGEIS should also clarify whether the build-out scenarios discussed in the DGEIS are premised on the replacement of existing single family and other low density residential development with high-density development.

Moreover, the DGEIS fails to consider how the Proposed Annexation would upset the “unity of purpose” of Town residents, particularly those who would be left isolated from the Town as the result of the Annexation. As the DGEIS recognizes, “[t]he proposed annexation would result in a number of parcels remaining in the Town of Monroe but surrounded by annexed land.” (DGEIS at 3.1-17.) The SGEIS must address how Annexation would adversely impact residents left behind in this isolated area. See N.Y. Gen. Mun. Law § 711(1) (requiring that Boards entertaining annexation petitions consider, *inter alia*, potential effects on “the remaining area of the local government or governments in which the territory is situated”). This analysis should specifically address how the Proposed Annexation would affect the unity of purpose residents left in this isolated “island” now have with the Town of Monroe.

H. Other Issues With DGEIS's Land Use and Zoning Analysis**1. Failure To Consider Development Potential In Other Areas To Accommodate Natural Growth**

[The SGEIS should address how the natural growth of the Satmar and/or other Hasidic communities can be accommodated under the existing zoning in the area.] Because GEISs do not focus on detailed site- or project-specific scenarios, SEQRA requires that GEISs consider, *inter alia*, “[h]ypothetical scenarios as alternatives that could occur under the proposed action, including all reasonable alternatives that could achieve the project sponsor’s objectives.” SEQOR Handbook, at 146; 6 N.Y.C.R.R. § 617.10(c).

As a map commissioned by the Village itself shows¹² the natural growth anticipated by the DGEIS of the Hasidic community could almost certainly be accommodated without the Annexation.

[The Map, entitled “Map of Hasidic Jewish Land Owners Surrounding Kiryas Joel,” shows that there are Hasidic-owned properties outside Kiryas Joel totaling approximately 900 acres in Monroe, 1,100 acres in Woodbury and 1,300 acres in Blooming Grove. (See Map, annexed hereto as Exhibit “N”.) The DGEIS fails to assess whether the Hasidic community’s natural growth in the area could not be accommodated in these areas under existing zoning.] The development of the areas shown on the Map under the existing zoning should be assessed as an Alternative in Section 6 of the SGEIS. This Alternative must be described and evaluated at a level of detail sufficient to permit a comparative assessment to the Proposed Annexation. See 6 N.Y.C.R.R. § 617.9(b)(5)(v).

Again, the SGEIS should explain why the Village feels it is necessary to expand the political boundaries of the Village government to accommodate natural growth.¹³

2. Irrational And Inconsistent Density Projections

Rational analysis must be premised on a “reasonable worst-case scenario” for development under the Annexation. See Chinese Staff & Workers’ Ass’n v. Burden, 88 A.D.3d 425, 932 N.Y.S.2d 1, 3 (1st Dept. 2011). The DGEIS is flawed because it fails to consider the level of development foreseeable with the Proposed Annexation.

¹² See Gary Buiso, “Village in New York Puts Out Map ‘Where The Jews Live,’” N.Y. Post, May 18, 2014, annexed hereto as Exhibit “M”) (“Information about the religion of landowners came from the village [of Kiryas Joel], which commissioned the map, according to James Feury, a managing partner with AFR Engineering and Land Survey, which created the map.”).

¹³ The DGEIS states that “[t]he resident population of Kiryas Joel consists predominately of Hasidic Jews of the Satmar sect.” (DGEIS at 2-11.) The SGEIS should indicate whether any non-Hasidic Jews live in Kiryas Joel, and whether any individuals not in the Satmar sect live in Kiryas Joel.

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The DGEIS states that if the Proposed Annexation proceeds, “theoretical maximum residential development density on the annexation land” would change to allow up to twenty (20) dwelling units per acre.” (DGEIS at 3.1-18.) First, the SGEIS should explain how this statement correlates to the statement on the first page of the DGEIS that “[t]here is no maximum density (units per acre) provision in the [Village] code.” (See DGEIS at 1-1.) Both of these statements should be considered in the SGEIS in light of the Village’s poor track record of land use and environmental compliance.

In any event, even accepting a maximum residential development of twenty (20) dwelling units per acre, (see DGEIS at 3.1-18.), extrapolating from this, the DGEIS indicates that over 10,000 dwelling units could be built in the territories proposed for annexation. Multiplied by the stated average family size of 5.9 persons, (see DGEIS at 3.2-3 & 3.2-4), this would suggest that up to nearly 60,000 people could be placed in housing in the territories at issue. Given the Village’s faulty development record, unfortunately, development at this level under the Annexation is foreseeable, and must be considered as a reasonable worst case scenario. See Chinese Staff & Workers’ Ass’n, 932 N.Y.S.2d at 3. The SGEIS should assess the environmental impacts of this level of development, and propose appropriate mitigation measures to prevent critical thresholds from being surpassed.

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The Kiryas Joel Comprehensive Plan states that, at the time of its writing, “[t]here are eight major vacant parcels suitable for residential development totaling 185 acres.” (Comprehensive Plan for the Village of Kiryas Joel, Summary of Findings and Proposals, at ¶ 11.) It adds that “[a]t the current type and density of development in the Village, between 1,400 and 1,800 dwelling units could be built on these parcels.” (Id.) Extrapolating from this, the Village’s Comprehensive Plan suggests that almost 5,000 dwelling units could be built in the territories proposed for annexation. Multiplied by the stated average family size of 5.9 persons, (see DGEIS at 3.2-3 & 3.2-4), this would suggest that up to nearly 30,000 people could be placed in housing in the territories at issue. The SGEIS should assess the environmental impacts of this level of development, and propose appropriate mitigation measures and thresholds for further environmental review. See Chinese Staff & Workers’ Ass’n, 932 N.Y.S.2d at 3.

The SGEIS needs to assess how many units could reasonably be developed in the territories proposed for annexation in light of recognized environmental constraints, including sewer and water capacities. See N.Y. Env’tl. Conserv. Law § 8-0103(5). It should discuss patterns of development that would avoid significant adverse impacts on the environment. See N.Y. Env’tl. Conserv. Law § 8-0101(3)(c).

The SGEIS should also consider the American Planning Association’s adopted Policy Guide on Smart Growth, including its policy that “[s]pecial consideration should be given to the location and timing of infrastructure extensions in rural areas so as not to encourage growth that will promote inefficient and unsustainable development patterns; [and] create the need for additional inefficient and costly infrastructure.”

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**3. Failure To Rationally Assess Future Growth
 As The Result Of "In-Migration" From Other Areas**

[Consideration of growth inducing impacts is critical here.] See SEQR Handbook, at 147 (stating that a "generic EIS should describe any potential that proposed actions may have for 'triggering' further development"). As DEC states, "[i]f such a 'triggering' potential is identified, the anticipated pattern and sequence of actions resulting from the initial proposal should be assessed." Id.

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[The DGEIS's assumption that demographic growth would be the same with or without Annexation conflicts with past patterns of development in the Village. (See, e.g., DGEIS at 3.2-2, Table 3.2-1 (showing far more growth in the Village in the 1990s, when more land was available, and, correspondingly, there was more in-migration from other areas).) The DGEIS states that "in-migration [to the Village] in the early years was high," but fails to explore the reasons for this. (DGEIS at 3.2-1.) The SGEIS should discuss why in-migration was much higher in the early years of the Village. It should consider, for example, whether the reason in-migration was high in the Village's early years was the fact that land was available for unregulated development. The SGEIS should also consider whether in-migration would increase again if, as the result of the Proposed Annexation, substantially more land became available for unregulated development.] See Chinese Staff & Workers' Ass'n, 932 N.Y.S.2d at 3.

Finally, the SGEIS should consider the analysis of New York University Professor Dr. Richard Hull, Ph.D., which anticipates the possibility of mass migration to Kiryas Joel and the surrounding areas as the result of housing challenges and cultural conflicts in Brooklyn.

**4. Irrational Consideration Of Loss Of
 Majority Of Town's UR-M Zoning District**

The DGEIS acknowledges that the Proposed Annexation would result in the loss of "approximately 53 percent of the total area of UR-M district lands now in the Town." (DGEIS at 3.1-17.) Other than to recognize this loss, however, the DGEIS contains no analysis of how this loss would impact the remaining area of the Town. But see N.Y. Gen. Mun. Law § 711(1) (requiring that Boards entertaining annexation petitions consider, *inter alia*, potential effects on "the remaining area of the local government or governments in which the territory is situated"). Would this loss, for example, affect the Town's ability to provide a reasonable mix of housing opportunities to Town residents, including affordable housing?

3.1-86

I. Demographics And Fiscal Resources

For the reasons discussed above, the Demographics and Fiscal impacts section of the DGEIS is inherently flawed by virtue of its use of an arbitrary 2025 outside date for analysis, its failure to consider a reasonable worst case for density projections. The SGEIS must consider the significant adverse environmental impacts posed by a reasonable worst case development scenario, and use 2045 as an outside date for analysis, and propose concrete, enforceable mitigation measures to prevent the area from reaching an ecological point of no return. See Williamsburg Around the Bridge Block Ass'n, 644 N.Y.S.2d at 257; N.Y. Envtl. Conserv. Law § 8-0103(5).

3.1-87

Moreover, the DGEIS discussion of census data omits from discussion housing data available from U.S. Census Bureau. (See DGEIS at 3.2-2 to 3.2-3.) The SGEIS should include an analysis of the housing data provided by the Census Bureau. The SGEIS should also indicate what the Village population in 2010 would be calculated by multiplying an average family size of 5.9 persons (see DGEIS at 3.2-3 & 3.2-4) by the number of units reported in the Village by the U.S. Census. This analysis should also assess housing unit growth in the Village between 2000 and 2010. If the housing unit growth rate during this period differs from the population growth for the same time period by the U.S. Census, the SGEIS should explain why this might be.

3.2.10-40

The DGEIS also acknowledges that analysis prepared by Orange County reveals a significantly higher growth rate for the Village, and indicates that 10,000 more people would be residing in the Village than the DGEIS indicates by 2025. (See DGEIS at 3.2-3 to 3.2-4.) The DGEIS, however, fails to explain how it arrived at far lower projections for population growth than Orange County. The SGEIS should correct this deficiency and assess potential environmental impacts, including on water and sewer capacities through 2045, consistently with the County's projections.

3.2.10-41

J. Community Water And Sewer

For the reasons discussed above, the Community Water and Sewer Section of the DGEIS is inherently flawed by virtue of its use of an arbitrary 2025 outside date for analysis and its failure to address reasonable worst case build-out scenarios and density projections. These include the Village's representations to EFC, and those set forth in the Village's Comprehensive Plan, as well as the potentially more than 10,000 dwelling units alluded to in the DGEIS itself. See Chinese Staff & Workers' Ass'n, 932 N.Y.S.2d at 3. This information is particularly relevant to this section of the GEIS. The SGEIS must re-present both the water and sewer analysis showing what the Village's water and sewer demands would be if the Proposed Annexation occurs using 2045 as an outside date for analysis, and using the projections presented to EFC, the analysis set forth in the Village's Comprehensive Plan, as well as the potentially more than 10,000 dwelling units (and 60,000 users in the territories at issue) alluded to in the DGEIS itself.

3.5.7-78

This section should show what water and sewer demand would be based on projected growth rates extrapolated from housing data available from Census Bureau. Similarly, the section should show what water and sewer demand would be expected to be in 2025 and 2045 based on the growth rates projected by Orange County. (See DGEIS at 3.2-3 to 3.2-4.)¹⁴

1. Other Particular Water Issues

The DGEIS outside date of 2025 for analysis is particularly inapt with respect to potential water usage. Even using the DGEIS's figures, the DGEIS fails to address how the Village

3.5.7-79

¹⁴ Moreover, this section of the DGEIS appears to present conflicting scenarios for population growth by 2025. (Compare DGEIS at 3.5-13 (projecting population increase of 12,307 persons by 2025, and 2.31 million gallons per day ("mgd") of future water use), with DGEIS at 3.5-17 (projecting population growth of 19,663 persons by 2025 with 2.79 mgd of future water use).) The SGEIS should explain this apparent discrepancy. The SGEIS should also explain the basis for the former projection.



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would provide adequate water for Village residents past 2025. Indeed, the DGEIS actually indicates that the Village would outstrip available water capacity *before* 2025. The DGEIS fails to discuss what coordinated actions are necessary to prevent development in the territories at issue from surpassing the capacity of the environment to supply water. See N.Y. Env'tl. Conserv. Law § 8-0103(5).

The DGEIS recognizes that, regardless of its use of the Aqueduct, “[t]he Village would be required to maintain 100 percent back-up for the volume of its taking with existing and new groundwater wells.” (DGEIS at 3.5-4.) The DGEIS claims that “the Village currently has permitted capacity of 1.93 mgd and expects to expand that capacity with the addition of the Mountainville well field to 2.54 mgd.” (DGEIS at 3.5-6.) The Village, however, has not obtained permission to access and withdraw groundwater from the Mountainville well field. As such, even assuming the Village’s apparent claim that it will have access to wells with a capacity of 2.54 mgd, it would appear that 2.54 mgd is the limitation on the Village’s access to water. The SGEIS needs to address when this capacity limitation will be reached. The SGEIS needs to assess what level of development the 2.54 mgd limitation could reasonably support. The SGEIS needs to explain how the Village can rationally anticipate that it can satisfy a water demand of 2.79 mgd. Cf. H.O.M.E.S., 418 N.Y.S.2d at 831-32. In light of the 2.54 mgd limitation stated in the DGEIS, the SGEIS should set forth what the Village’s anticipated water demand past 2025 and through 2045 would be, with and without the Proposed Annexation, using a reasonable worst case scenario. See Chinese Staff & Workers’ Ass’n, 932 N.Y.S.2d at 3.

3.5.7-80

Bearing in mind the 2.54 mgd water limitation stated in the DGEIS, the SGEIS should identify critical thresholds for development in the Village, the Annexation territories, and the surrounding areas to ensure that all action necessary to prevent such thresholds from being reached are taken. See N.Y. Env'tl. Conserv. Law § 8-0103(5). The SGEIS should specifically identify upper limits of acceptable growth with the 2.54 mgd limitation stated in the DGEIS in mind. See SEQR Handbook, at 147.

3.5.7-81

The DGEIS also fails to consider water usage by the poultry plant in the Village. The SGEIS should address whether production at this facility will increase to match projected population growth. The SGEIS should discuss how much additional water the poultry plant will require by 2025, and by 2045.

3.5.7-82

Again, the DGEIS fails to explain why the Proposed Annexation is necessary. The DGEIS concedes that “extending water service to land outside the Village is a discretionary action of the Village,” such that the Village could “extend water service to land outside the Village on a case by case basis.” (DGEIS at 3.5-11.) The SGEIS should explain if, without the Annexation, growth could be accommodated using the Village’s water services.

3.5.7-83

[The DGEIS also fails to consider rational mitigation measures for the Proposed Annexation’s potential significant adverse impacts on water.] See Save the Pine Bush, Inc., 518 N.Y.S.2d at 468 (rejecting SEQRA review where “the municipality has opted for maximum development of the land area involved without proposing any substantively salutary mitigating measures which would minimize the adverse environmental effect of its decision” (emphasis added)).

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The DGEIS states that “[c]onnection to the Catskill Aqueduct will also mitigate potential water supply impacts.” (DGEIS at 3.5-19.) First, again, the SGEIS should consider the American Planning Association’s adopted Policy Guide on Smart Growth, including its policy that “[s]pecial consideration should be given to the location and timing of infrastructure extensions in rural areas so as not to encourage growth that will promote inefficient and unsustainable development patterns; [and] create the need for additional inefficient and costly infrastructure.”

In any event, the DGEIS states, however, that “the use of Aqueduct water is strictly limited to the territorial boundaries of the Village.” (DGEIS at 3.5-19.) The SGEIS needs to explain if the Village believes this means that, with Annexation, it would be able to use Aqueduct water for the territories at issue. If the Village does believe it can use Aqueduct water for the territories at issue, the SGEIS should explain how this correlates with the SEQRA Findings adopted by the Village in connection with the development of the water supply pipeline, which states that “[t]he project does not involve the expansion of the Village’s distribution system into previously undeveloped or subserved areas but will allow the existing Village to be served with a new source of water supply.” (See Exhibit L.)

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Also, if the Village believes it can use Aqueduct water for the territories at issue, the SGEIS should discuss whether the Village has made this belief clear to the New York City Department of Environmental Protection (“DEP”). Any relevant correspondence to this point should be produced in the SGEIS. To the extent DEP has not been notified as an Interested Agency in this proceedings, going forward, it should be included.

Moreover, the DGEIS acknowledges that the engineering plans for this connection are still subject to the review and approval of DEP. (DGEIS at 3.5-19.) Even if the Village believes it can use Aqueduct water for the territories at issue, it should consider whether it is rational to rely on an unapproved mitigation measures.

3.5.7-85

If the Village accepts that it cannot lawfully use Aqueduct water for the territories at issue, the SGEIS should explain why the purported Aqueduct connection has any relevance to the Proposed Annexation. The SGEIS should also explain how the prohibition against using Aqueduct water outside the Village will be enforced.

3.5.7-86

Ultimately, the DGEIS analysis of water is flawed because it fails to assess the level of development that could reasonably be supported given the limitations on available water. See N.Y. Env’tl. Conserv. Law § 8-0103(5). This should include correlating maximum allowable residential densities to environmentally sound sewer and water capacities. The SGEIS also needs to discuss patterns of development that would avoid overstretching the available water supply. See N.Y. Env’tl. Conserv. Law § 8-0101(3)(c).

The SGEIS should propose concrete mitigation measures to address significant adverse impacts posed by the Proposed Annexation, and to prevent the area from reaching an ecological point of no return. See Williamsburg Around the Bridge Block Ass’n, 644 N.Y.S.2d at 257.

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The SGEIS, for example, should consider clear and enforceable thresholds for future project specific reviews and monitoring programs. See SEQOR Handbook, at 147. This



discussion should include the merit of phased development tied to any such thresholds or monitoring programs. See id.

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Finally, the SGEIS should discuss whether it would be rational for either Board to rely in their respective SEQRA Findings on mitigation measures, such as development limitations, in light of the Village's history of environmental and land use noncompliance. See Chinese Staff & Workers' Ass'n, 932 N.Y.S.2d at 3.

2. Other Particular Sewer Issues

The DGEIS specifically recognizes that "the quality of the wastewater treatment plant effluent" is "dependent upon the proper operation and maintenance of the facility as it was designed." (DGEIS at 3.5-27.) As such, it is particularly egregious that this section of the DGEIS fails to consider the Village's poor track record of environmental compliance, especially with respect to the operation and maintenance of wastewater treatment plants.

As discussed above, both DEC and the EPA have found repeated violations in the Village of fundamental environmental protection requirements particularly with respect to the operation of wastewater treatment plants. These include violations of the Clean Water Act and failure to comply with State permitting requirements during construction activities and operations of its wastewater treatment plant. (See Exhibits G-I.) In light of this history, the DGEIS is entirely irrational in suggesting that "there are no significant impacts to the receiving water body (Ramapo River) as a result of the proposed annexation." (See DGEIS at 3.5-27.) The SGEIS needs to re-evaluate the potential for significant adverse impacts to the Ramapo River in light of this history.

Moreover, the DGEIS's statement with respect to wastewater that "[t]he demand for wastewater treatment" either with or without the Proposed Annexation "will be generally the same" fails to consider the growth inducing impacts of the Annexation, discussed above. (See DGEIS at 3.5-27.)

3.5.8-50

K. Community Services and Facilities

Perhaps the most fundamental community service to the public health, safety and welfare is a functioning planning process and responsible environmental stewardship. Again, however, the Village systematically disregards environmental regulations, land use laws, and other laws affecting the public interest, which allows unregulated development and accompanying significant adverse impacts. The DGEIS, again, fails to address this topic. The SGEIS should discuss what planning process residents of the territories at issue could reasonably expect, and how this would affect residents of the Village, the territories to be annexed, and the rest of the Town. The SGEIS should also discuss whether a complete absence of planning processes and environmental enforcement is in the public interest.

The DGEIS claims that the tax revenues generated by new development in the territories at issue will support the increased need for services, such as fire protection, ambulance and health services. (DGEIS at 3.3-14 to 3.3-16.) The SGEIS must provide greater detail about

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anticipated tax revenues and apportionment to these services, including details on the current budget needs and potential equipment upgrades.

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Furthermore, the SGEIS should discuss existing telecommunication, electric, and natural gas lines in surrounding areas, and describe the ability of these utility providers to service each potential development scenario. Possible utility improvements to service the area under the potential development scenarios must be proposed. Sewer and water issues, as discussed above, warrant special consideration.

L. Traffic and Transportation

The DGEIS makes many assumptions about projected traffic patterns based on religious and cultural norms in the Kiryas Joel community, namely, that most residents do not drive from sundown Friday to sundown Saturday (DGEIS at 3.4-5, 3.4-7) or during religious holidays (DGEIS at 3.4-7), and that women residents do not drive (DGEIS at 3.4-8.) These assumptions lead the DGEIS to falsely conclude that traffic impacts will be "very low." (DGEIS at 3.4-7.) Although the male residents may not drive on the Sabbath or other religious holidays, and although the female residents may never drive, the DGEIS recognizes that taxi and car services and public buses are common transportation substitutes. (DGEIS at 3.4-8 to 3.4-9.) Thus, the traffic analysis must address increases in cars and buses on the roads at all peak and off-peak hours, including use of cars and buses operated by non-Hasidic drivers during the Sabbath and religious holidays.

3.4-43

An influx of up to 60,000 people in the territories at issue -- a number that will surely grow once the SGEIS accounts for the likely possibility of in-migration from other Hasidic communities -- would greatly increase the number of taxis, buses and other shared modes of transportation on the roads, even during the Sabbath and/or religious holidays. The SGEIS must realistically incorporate the use of these shared modes of transportation into its trip analyses and must specifically recognize and address the heightened use of taxis particularly by all women in the community. The SGEIS also must address noise and air quality impacts from the increase in vehicles on the road, including proposing mitigation measures for noise and air quality.

M. Natural Resources

The DGEIS asserts that, were the Proposed Annexation approved, Town Code provisions intended to protect sensitive resources, such as Chapter 56 ("Wetlands"), would no longer be applicable. (DGEIS at 3.6-7.) Again, the Village cannot lawfully evade Town Code requirements through the annexation process. In any event, the GEIS must assess the potential adverse impacts of this evisceration of these Town Code requirements.

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Moreover, Section 3.6 of the DGEIS was apparently based on mapping provided by Orange County and DEC, which do not necessarily reflect current conditions. In connection with the preparation of the SGEIS, a field survey is required to accurately determine wetlands and other sensitive resources.

The DGEIS also does not indicate if both the U.S. Fish and Wildlife Service and DEC were contacted in connection with wildlife and sensitive habitats in the territories at issue. The SGEIS should address this deficiency.

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N. Cultural Resources

[A discussion of visual impacts and community character is crucial to the analysis] under the State Municipal Annexation Law as to whether the proposed annexation is “in the over-all public interest.” See N.Y. Gen. Mun. Law § 711. As the Court of Appeals has held, SEQRA analysis is not limited to the physical impacts of a proposed action. Chinese Staff & Workers Ass’n v. City of New York, 68 N.Y.2d 359, 509 N.Y.S.2d 499, 503 (1986). It is well-settled that the environmental concerns covered by SEQRA include socio-economic concerns and impact on existing community character. N.Y. Env’tl. Conserv. Law § 8-0105(6) (defining “environment” as “*physical conditions which will be affected by a proposed action, including . . . existing patterns of population concentration, distribution, or growth, and existing community or neighborhood character*” (emphasis added)). As the Court of Appeals has held:

[T]he impact that a project may have on population patterns or existing community character, with or without a separate impacts on the physical environment, is a relevant concern in an environmental analysis since the [SEQRA] statute includes these concerns as elements of the environment.

3.7-25

Chinese Staff, 509 N.Y.S.2d at 503. [This includes “the potential displacement of local residents and businesses,” regardless of whether the Proposed Annexation may effect these impacts primarily or secondarily or in the short terms or in the long term.] Id. at 503-04.

It is also well-settled law that the environmental concerns covered by SEQRA include aesthetics and visual impacts. See, e.g., WEOK Broad. Corp. v. Planning Bd. of Lloyd, 79 N.Y.2d 373, 583 N.Y.S.2d 170, 176 (1992) (indicating that consideration of “negative aesthetic impacts,” such as the visual effect of radio transmission towers on the local community, can be an important factor in SEQRA review and can constitute a sufficient basis upon which to base SEQRA determinations); Scenic Hudson v. Town of Fishkill Town Bd., 258 A.D.2d 654, 685 N.Y.S.2d 777, 780 (2d Dept. 1999) (annulling town board rezoning, and indicating that EIS should have been prepared where proposed action would have a “significant negative impact on the region’s visual environment,” air quality and public health and safety, among other things).

The DGEIS does not fully consider the impacts that the proposed Annexation, as well as each potential development scenario, would have on the character of the adjoining areas. (See DGEIS at 3.7-3 (concluding that “future development could disturb virtually all of the developable land in some fashion”).) This analysis should include potential impacts on existing patterns of population concentration, distribution, or growth. [See N.Y. Env’tl. Conserv. Law § 8-0105(6). The SGEIS must go farther and explain the consequences of converting rural land to high density development, specifically rezoning the land for 8,550 new residential connections and 1,500 new commercial connections by 2045. The SGEIS should also review such a conversion for consistency with all applicable planning documents, including the comprehensive plans of both

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the Town and the Village, the Orange County Comprehensive Plan, the Orange County Greenway Compact, the Orange County Open Space Plan, and the Ramapo River Watershed Management Plan.

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The SGEIS should discuss the potential displacement of Town residents, including displacement resulting from declining home values. In addition, this section should include a discussion of lighting impacts as a result of each proposed development scenario on surrounding communities. Unlike the mitigation measures proposed in the DGEIS, the SGEIS should include concrete mitigation measures to limit potential adverse impacts on these communities. In light of the Village's complete lack of any functioning planning process, the SGEIS cannot rely on individual site plan and subdivision reviews to require implementation of mitigation measures. The SGEIS must discuss landscaping, buffering and other tactics to avoid impacts to sensitive resources and to Village and Town residents.

The SGEIS should also include a review of aesthetic and visual impacts to surrounding communities in both the Town and the Village. Specifically, the SGEIS should identify in text and photographs the visual characteristics and significant visual resources in the proposed Annexation area, as well as in proximate areas with affected viewsheds, including, but not limited to, viewsheds from scenic resources. The SGEIS should include a viewshed analysis based on the potential heights of buildings under each proposed development scenario, identifying the worst case viewsheds and conditions that could have a clear line of sight toward the developments. Mitigation measures should be proposed to limit any potential adverse impacts on visual resources, including scenic views.

3.7-27

In addition to the Highlands Trail/Long Path and Gonzaga Park, the SGEIS must also study potential impacts to the Heritage Trail, Crane Park, and the new Village private park on Larkin Drive.

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Conclusion

We would be pleased to expound on any of the statements set forth in this Letter for the Boards or to answer any questions the Boards may have at a mutually convenient time. At this point in time, however, all evidence shows that the Proposed Annexation must be rejected.

Please let us know if you have any questions.

Very truly yours,

ZARIN & STEINMETZ

By: 

Daniel Richmond
Krista Yacovone

DMR/mth
encs.

cc: United Monroe
Harley E. Doles III, Town Supervisor and the
Members of the Town Board
Michael Donnelly, Esq.
Mary Ellen Beams, Town Clerk

June 22, 2015

Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY
Re: KJ Annexation – Public Hearing Comments

Tim Miller Associates, Inc:

I do not believe the annexation petitions are being filed by individual property owners but rather by the hierarchy from within this theocracy, Kiryas Joel (KJ). These leaders, builders and LLC's stand to gain financially once the zoning is changed from the current restrictions of the Town of Monroe zoning to the high density zoning of the Village of KJ. As we all know, annexation is not a means to obtain zoning changes or to obtain more land because you "ran out of room." Annexation is supposed to be for the good of all involved. This annexation does not prove, in any of the research, scoping documents or DGEIS, that this would benefit BOTH communities. This petition to annex land out of the Town of Monroe and into the Village of KJ, is to enrich a few and is a detriment to the rest. Where are all the land owners who filed this petition? Why hasn't every owner of these properties been to and spoken at the (2) Scoping Sessions? Why aren't all of the property owners at any Town of Monroe Board meetings? Why didn't anyone who is in favor of annexation speak at the public comment session that the county opened up to all residents on April 16, 2015? Where are the minutes to the KJ Board meetings? Where are the letters from these property owners in the scoping documents? This has been the main topic of concern within our communities since December of 2013. It's quite odd that these individual property owners would be allowing their municipality to speak to and defend their annexation request.

I'd like to turn now to traffic concerns. Six major state roads (or road segments) listed in your report are located outside the boundaries of KJ and none of them has direct access into KJ although the Quickway follows the village's southern boundary. There is also no entrance or exit into or out of KJ off of the Quickway. Why? Where's the recommendation for this, annexation or not. There are 3 key county roads that pass through or run along the village of KJ and are all two lane roads. County Route 64 is one such road and it carries a large population of Monroe-Woodbury school children to and from the four schools located off it. I have been witness to many close calls on that road. People travel this road at a high rate of speed as the road is mostly straight. It has many blind spots due to the limited site distance from the hills. There are many inexperienced drivers on that stretch as the High School is one turn off this road. Added vehicles will only increase the odds of accidents.

3.4-38

3.4-39

As I look at Figure 3.4-2: Local Transportation Network, this is a map highlighted in orange and blue. The "key" roads are in orange. Is this map from 1991? This visual doesn't show the extent of roads that are traveled by the Village of KJ residents (and the delivery trucks, construction vehicles, emergency vehicles, school buses...) going into

3.4-40
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and out of the village daily. Large areas have been omitted. I highlighted the following roads in both orange and green as seen in the attachment to this e-mail, and they are - Route 208 and North Main starting at the intersection by Schunnemunk St. continuing past Franklin. North Main turns into Spring Street running past Smith's Clove Park and out to Freeland/County Route 105.. Carpenter Place, Mill Pond Parkway, Maple and Mapes as major entry/egress "key" roads for the residents and other traffic of the village. Another area is the stretch of Seven Springs Rd. which runs between the section of Forest Rd. you have highlighted and Mountain Rd. you have highlighted. The entire stretch of Forest Rd. and Forest St. that connects from the bridge leading into and out of KJ from the bridge, into where the Glenwood School is and out to N. Main Street. It's amazing how incomplete this traffic report is. Maybe it's because you didn't conduct your own traffic study? I didn't see traffic counters on all the roads I mentioned.

3.4-40
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In section 3.4.3 - Existing Traffic – It states "Existing traffic patterns in Kiryas Joel reflect the culture of the residents of this community. Most Kiryas Joel residents do not drive from sundown Friday to sundown Saturday. Saturday traffic is lighter than most other communities where retail activity on Saturdays generate considerable amounts of traffic."

3.4-41

Residents from outside of KJ are very impacted by the traffic that the village of KJ creates outside of its borders (the highlighted map proves it). Saturday is a day that the community outside of KJ does shopping, kids sports, errands, as these working residents hold weekday jobs (for the most part). I would say the majority outside of KJ work the 5 weekdays and are off weekends. We see less traffic in our area on Saturday even with the shopping and that includes anyone from the surrounding communities coming to shop. Saturdays on our area roads are quite enjoyable. Saturdays are very reminiscent to what every day used to be like when I moved here 23 years ago, even with the build-up of stores and other residences because it has been organic growth. The traffic that has come as a result of unplanned explosive uncontrolled growth the other 6 days of the week is crushing to our community. The road conditions suffer from the constant traffic, the noise and the pollution is overwhelming. Litter is a huge factor. The Town of Monroe has had to pay upwards of \$5k, and \$7k on two separate occasions within the last year to Marangi Carting to clean up the roads going into this village from the town. Concrete trucks, construction vehicles, delivery trucks, emergency vehicles, taxis, cars, box trucks, tractor trailers all on narrow 25 mile an hour residential streets. Night and day, 6 days a week, non-stop. Add to this the frequent holidays that the village of KJ celebrates. Some of these celebrations, none of which are discussed in this DGEIS regarding traffic, are so large that tens of thousands rush in within a one or two day period to partake in the festivities. Trucks with loud speakers strapped to them are driven around the village of KJ and out along the neighboring streets with music blaring until 2am. It's been a constant struggle to live in "quiet enjoyment" of our homes. This is the right of any home owner. This is why we have noise ordinances. For some reason the village of KJ thinks they are above our laws.

3.4.6.1 - Noise – Existing noise is NOT typical in the study area. A constant barrage of construction vehicles is very noisy. The act of construction itself is noisy, banging,

3.4-42
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3.4-42
con 4

nailing, tailgates of dump trucks banging against themselves when they dump their load, cement trucks,... The large celebrations, many celebrations – vehicle traffic, horns blowing, loud music from the village that can be heard miles and miles outside of the village of KJ. Residents outside of KJ have had to complain as late as 1am and 2am to their local police stations that the noise from the village is still going on. We work, our children go to school as early as 6:15 am for the High School and the noise ordinance is something that's to be followed not ignored. Citizens have had to organize police presence for the traffic associated with these events. The village of KJ has never spoken with the surrounding communities about these events or their police departments beforehand. It's become so unmanageable, ordinary citizens have had to go to the local police and ask for their departments to mitigate the traffic when we know these events are happening. Over the years we've learned what dates these events fall on and we keep in the loop on the internet just to try and manage the inevitable.

Fair Housing Violations are being committed on a regular basis within the cloistered community of KJ. The very fact that a village is cloistered is a violation. There's been letters from the community leaders and public comment about their holy village. How is there a holy village in the USA? What happened to the separation of church and state? How is a community that is 93% reliant on public assistance building non-stop through an 8+ year housing recession? How are families buying homes with average sales prices between \$300k-\$400k if they are recipients of public assistance? How are they qualifying for mortgage loans? Are any of these newly constructed residences being built as low income housing? What government funds are being used to build housing and is there oversight?

There was so much wrong with the public comments from those in favor of the annexation at the Public Hearing on June 10th, 2015 that those comments alone should spark an investigation into Fair Housing Violations. Other investigations into the village of KJ should be made by the ACLU, National Council of Jewish Women, NOW, UNICEF, HUD, DEC, DOJ, DOS, the Attorney General, the U.S. Attorney for the Southern District of New York, Preet Bharara, and the list goes on...

The attorney for the petitioners, Mr. Barshov, spoke at the Public Hearing on June 10th and stated he was going to layout the affirmative case as to why the annexation is in the overall public interest, saying his speech will be part of the record for the decision makers who are the two boards. He says, "fact #1, Kiryas Joel's population is going to grow. No one in this room can stop it because, people have children. They are going to have a lot of children because for the last 40 years they have been having children." "Where are these people going to go?" "Where are they going to live?" "Would you prefer that they be spread all around Orange County?" When the audience answered, "yes", Mr. Barshov said that made no sense. Really? Why would that not make sense? His argument is that KJ's policy is to grow out into the bordering properties that surround it. In terms of public policy it makes no sense for the members of KJ's community to sprinkle themselves around Orange county per Mr. Barshov. Is this really a reason for annexation? That people within an insular village ran out of room to build? No, it isn't. These bordering properties are in some cases, the homes of residents of the

Town of Monroe and other municipalities that have lived there are raised their children for generations. To expect a community to keep growing and expect to be able to all stay together and additional members to never expect to have to move elsewhere, is ridiculous. This group of people seem to be able to move anywhere and everywhere from their history. They moved from central Europe to Brooklyn, NY. They moved from Brooklyn to Bloomingburg. There are Hasidic enclaves in Rockland county and Lakewood, NJ. Just because a community of people outgrow its village borders doesn't mean others need to give up their homes and communities. This is outrageous. The earth isn't growing, it's going to remain the same size. You can't put 10 lbs. of potatoes in a 5 lb. sack. If this community of people wants to grow and they all want to stay together, the only logical solution is to start a community in a place that is so vast and not built out by others, it will allow for this vision. Buying a development in the 1970's that was 1 mile square (-), seems to be a flawed vision, a flaw that they want others to fix by giving them their land and selling them their houses because they need it/them. How is this "smart growth" as Mr. Barshov states? I've not seen communities grow by branching out into neighboring communities. What is this man talking about? He is grasping at straws. I'm asking that his entire speech be looked into and his "facts" and statements be answered using the laws of annexation and what is allowed under the law. His argument of "Unity of Purpose" would mean that after land gets annexed and they need more, the next bordering lands would just make sense to take over and so on and so on. This is just madness. This is from an attorney? His comments must be addressed. There is no reason why a Hasidic person cannot buy a piece of property outside the village of KJ as some have done. There seems to be an issue in doing so however, after buying. These "home owners" don't want to limit their building to that of the town's codes. As they say, buyer-beware. They knew the zoning when they bought. If they didn't like it, don't buy it. There should be no reason why the village of KJ is home to only Hasidic people. Where is the diversity? Where is Fair Housing being applied? Mr. Barshov seemed to think it was great that the bus company servicing KJ will now be able to grow. Why do I care if a bus company is able to expand its operations as that village grows? We should agree to annex land so that a bus company can grow its business?

And if the insanity of what went on at this public hearing wasn't enough, the Supervisor of the Town of Monroe went on to be quoted by VoslzNeias just prior to the Public Hearing. Here is a link to the article.

[\(http://www.vosizneias.com/205953/2015/06/11/kiryas-joel-ny-kj-annexation-debate-in-the-spotlight-at-public-hearing-video/\)](http://www.vosizneias.com/205953/2015/06/11/kiryas-joel-ny-kj-annexation-debate-in-the-spotlight-at-public-hearing-video/). I pulled this out to highlight the section I am referring to: Doles noted that while many of those present were of different religions, they shared the commonality of believing in a higher authority. "I can only say that we trust in Him and that He will make sure that we will do right for His children, all of His children," said Doles. Doles affirmed his commitment to the Kiryas Joel and its founder, the Satmar Rebbe, Rabbi Yoel Teitelbaum. "I am happy that Rabbi Joel was guided by G-d's hand to come here, because this is where the Lord wanted His children to come and survive and thrive," said Doles. "That is what I understand and whatever I have to do to be able to provide this service to Hashem, that is what I am going to do."

This man is supposed to be impartial. He and his board are supposed to do what's in the best interest of the two municipalities involved. He's supposed to wait until all of the information has been received and sent to the Town of Monroe Board to be carefully reviewed and a decision rendered based on the facts before them. He's already made a decision and declared it to all, publicly. Now what? Does he need to recuse himself from the vote? I would think so.

The village of KJ has been blessed with very accepting neighbors since its inception. No one bothers with them in their village. It really is their own cloistered community. Not only do they have their community, they come out into the surrounding communities on a regular basis to do their shopping, run businesses, own homes and investment properties, walk around the ponds, go to the movies in Chester, use the bowling alley in Chester and beyond. These aren't a people who are discriminated against by anyone outside their community. There are no incidents of violence against them. They have been left alone to do what they wish. Maybe because they have been left alone, a lot of what's been going on in that village has not been known to anyone outside of it? Well, that's now changed. Many people from outside KJ have been educating themselves on what is really going on. It's time everyone start playing by the same rules. It seems this is not what has been happening. It seems like the burden of that village is upon the shoulders of most of the rest of us in the state of NY, especially those of us residing in Orange county. It seems the state of NY has been complicit in allowing this burden to be placed on those outside of KJ. This should also be investigated. There is no way this can be sustained as it stands now and especially not if an annexation of more land into that community were to happen. Others cannot be made to pay for all of the services needed by this particular population of people. We can barely pay for our own families let alone anyone else's.

In closing, this DGEIS was to address the situation honestly and it has not. You can only mitigate if done truthfully and this DGEIS was not.

Thank you,

Elizabeth Ridgeway, Town of Monroe Resident

June 9, 2015

Re: the 507 acre annexation proposal by Village of Kiryas Joel

3.6-52

Dear Town of Monroe officials, State of New York officials, Kiryas Joel officials:

My name is Marty Rowland, adjunct professor at Pace University, Pleasantville, and licensed professional environmental engineer.

I teach ecosystem management. I was asked by a student to comment on the proposed annexation, as she is concerned about the capacity of the local sewage treatment system and water supply system to handle the expected growth that would follow this annexation; and about the track record of the Village of Kiryas Joel in its discharge of environmental pollutants into adjoining water ways.

The 507-acre Annexation DGEIS, on page 8-2, says that "expansion of water and sewer service ... may result in future demand for these services..." This appears to state the problem backwards, as an approval of annexation will drive the stated desire of the Village of Kiryas Joel to expand the construction of multi-story housing, which will then strain the capacity of the local sewer system to handle the additional flows. If the Village plans to use septic systems for this growth, there needs to be an analysis of whether the local watershed can accommodate this increase in nitrogen, phosphorus, and ammonia. If, on the other hand, the Village plans to build its own treatment plant and hire a professional crew to run it, then everything may be just fine. But there is no indication that this is the Village's intent.

It is the responsibility of the State of New York to critically analyze this type of impact. The concern I have is that the Village of Kiryas Joel is the lead agency in the preparation of the DGEIS; an organization with a long record of violations of pollution discharge from its chicken processing plant. If the State fails to address the possibility that that chicken processing facility may increase its capacity, and thereby increase the potential for more pollution, then the Town of Monroe and the State will have failed in its duty to promote the General Welfare of all people living downstream of the Village.

I recommend that conditions for this annexation be set, if the annexation must be approved. The conditions would assure that no significant harms are caused to the environment because of unplanned growth and/or willful disregard for the quality of the environment and the General Welfare of those who must put up with pollution from the Village. The State must not allow the Village to rubber stamp its own EIS.

Marty Rowland, Ph.D., P.E.
Professional Environmental Engineer
New York - 087566
drmarty@nyc.rr.com

Subject: Submitting Public Comment on behalf of a colleague -- Re: Kiryas Joel annexation DGEIS
Attachments: Marty Rowland comments KJ annexation DGEIS 6-9-15.pdf

From: Fran Perchick [<mailto:fpenn2@aol.com>]
Sent: Monday, June 22, 2015 3:06 PM
To: tmiller@timmillerassociates.com
Cc: SkoufisJ@assembly.state.ny.us; ceoffice@orangecountygov.com; drmarty@nyc.rr.com
Subject: Submitting Public Comment on behalf of a colleague -- Re: Kiryas Joel annexation DGEIS

Attn: Tim Miller at Tim Miller Associates

Please accept the comments in the attached document from Marty Rowland, adjunct professor at Pace University and environmental engineer. He has asked me to forward his comments for your review in consideration of the Kiryas Joel annexation proposal DGEIS.

Please note that I voiced my own personal comments in opposition to the proposed annexation at the June 10, 2015 public hearing when I spoke before the Kiryas Joel and Town of Monroe officials that evening. I commented on my opposition to both the proposed 507 and 164 acre annexations and provided details pertaining to the the negative environmental implications of annexation and subsequent development of the land, as many of the negative impacts were not fully addressed by the DGEIS. This annexation proposal does NOT benefit the communities surrounding Kiryas Joel, in fact it is HARMFUL to this region, and does not promote the overall public good, but rather is a detriment to overall public good. The annexations must not proceed.

Thank you. Please see Mr. Rowland's comments in his email below (which should appear in blue font) and also attached as a separate PDF.

Sincerely,

Fran Perchick
Resident of the Town of Monroe

UNITED TALMUDICAL ACADEMY OF KIRYAS JOEL, INC.

55 Forest Road
Monroe, New York 10950

(845) 783-5800

June 22, 2015

Board of Trustees of the Village of Kiryas Joel
Board of Trustees of the Town of Monroe
51 Forest Road
Monroe, New York 10950

Re: Statement in Support of Annexation

Gentlemen:

The following is a transcript of the statement on behalf of Annexation to be made by Joseph S. Scarmato, Esq. as attorney for United Talmudical Academy of Kiryas Joel, Inc.:

Introduction

- I am here tonight because of my association with United Talmudical Academy of Kiryas Joel, Inc (UTA).
- I am an attorney who has represented the interests of the UTA and its affiliates for more than 12 years.
- I have personally witnessed the many benefits that the UTA has brought to the Community.

The Organization

- UTA is a religious based educational and charitable organization that provides tuition based education to students and social services to the community in the Village of Kiryas Joel.
- UTA also raises charitable donations to support and organize a variety of social programs for the community such as health centers that would otherwise become the responsibility of municipal or county government.
- UTA's is a stabilizing force within the Village. Its communal approach to addressing community needs builds strong bonds between the residents, thus contributing to a tranquil and law abiding environment and reducing the need for high levels of law enforcement within the Village, a benefit and a savings to the Town.

A Quality Educator

- UTA provides a high quality education for students pre-k through 12th grade
- UTA religious based curriculum instills a healthy respect for law and order

- UTA produces graduates that are morally strong law abiding citizens resulting in lower per capita incidence of crime, violence and drug abuse in the Village of Kiryas Joel than exists in other areas of Orange County.
- UTA has a higher graduation rate and a lower drop-out rate than any surrounding secular school

An Economical Educator

- UTA's educational system is economical with a budget of approximately \$200MM by contrast Monroe-Woodbury School district educates far fewer students but has a budget of over \$200MM.
- UTA educates over 8,000 students in the Village of Kiryas Joel who would otherwise be enrolled in the Monroe-Woodbury School District.
- UTA's cost per student is significantly less than surrounding secular schools due to the fact that it is largely tuition based and subsidized by the generous donations of a Community that values good education.
- UTA's operations reduce the Town's educational burden and reduce the need to build new facilities and increase School Taxes in the Monroe-Woodbury School District.
- UTA's operations are currently saving the Towns of Monroe & Woodbury the cost of facilities, teachers, administrators and maintenance personnel to educate over 8,000 students annually.

A Valued Employer

- UTA's infrastructure includes more than 15 school and administrative buildings in the Village dedicated to the education of children.
- UTA employs over 1,500 workers as educators, administrators and maintenance personnel.
- UTA is also the largest employer in the Village of Kiryas Joel, employing workers from both within the Village as well as other areas of Orange County.
- UTA also sponsors the construction of new facilities throughout the Village and is responsible for the creation of hundreds of construction jobs annually.

I whole heartedly urge you to vote YES to approve of the annexation of the proposed parcels into the Village of Kiryas Joel.

Very truly yours,



Joseph S. Scarmato, Esq.
Attorney

JSS/jms

**Judah Spitzer
5 Apta Way
Monroe, NY 10950**

June 18, 2015

To whom it may concern:

The applicant's attorney's suggestion at the public hearing, that the Kiryas Joel expansion not be limited to the Town of Monroe but dispersed throughout the county received thunderous applause. Initially I mistook the applause as a sign that county residents welcomed the idea of Orthodox Jews living in their neighborhoods. That is until I did a reality check.

Enclosed is a Town of Woodbury map in the vicinity of the Village of Kiryas Joel. The highlighted area on the map is a town-owned open-space buffer. This buffer was part of a deal between the developer of Woodbury Junction and the Town of Woodbury. This 450 acre parcel was zoned R3 but the owner threatened to sell the land to Kiryas Joel unless it was down-zoned to R1. The town acquiesced and demanded the buffer in exchange.

Homes in that development would have been ideal for Orthodox Jews who are prohibited from driving on Shabbos, because of its close proximity to Kiryas Joel's Shuls and kosher infrastructure. But this open-space buffer denies potential Orthodox buyers that option.

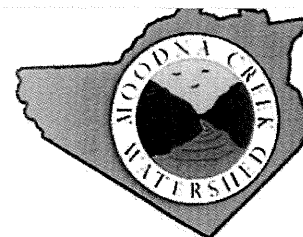
As such, to prove their sincerity I tell our neighbors' "tear down that buffer." Otherwise, their public rhetoric notwithstanding, our neighbors not only do not welcome us in their communities they are actively doing all they can to prevent us from growing our own community. In 21st century America this should not stand! Please approve the proposed annexation.

Sincerely,


Judah Spitzer

Moodna Creek Watershed Intermunicipal Council

c/o Orange County Water Authority
 99 Main Street, Goshen, New York 10924
 (845) 615-3868
http://waterauthority.orangecountygov.com/moodna_council.html



June 17, 2015

Village of Kiryas Joel
 c/o Tim Miller Associates, Inc.
 10 North Street
 Cold Spring, NY 10516

Re: Draft Generic Environmental Impact Statement on the proposed Petition for Annexation of 507 Acres from the Town of Monroe to the Village of Kiryas Joel

June 16, 2015

The Moodna Creek Watershed Intermunicipal Council is comprised of 15 towns and villages and the Orange County Water Authority as voting members, and 13 non-voting members. We formed in October 2010 because of our shared concerns about watershed issues that go beyond individual municipalities and may require a collaborative approach for an effective response. We recognize that what we each do may have impacts on those upstream or downstream. We are submitting comments to express our concerns about water supply and wastewater management plans related to this proposed annexation, and about the potential environmental and economic impacts these plans may cause on water resources in the Moodna Creek and some of its tributaries.

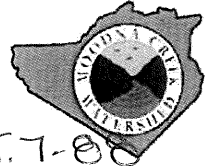
We are particularly concerned about water withdrawals from water sources located inside the Moodna Creek watershed and where some of this water is or may be discharged outside the Moodna Creek watershed. There are a number of existing water withdrawals from locations in the Moodna basin that involve such diversions to other adjacent basins through wastewater systems, including water that flows to the county's wastewater treatment plant in Harriman, to the Village of Goshen wastewater treatment plant, and to the Silver Stream diversion that flows into the City of Newburgh water supply. These are diversions to the Ramapo, Wallkill and Quassaick Creek basins, respectively. In the context of the NYS DEC's registration requirement for interbasin diversions, the diversion of water from the Moodna to the Ramapo basin does constitute a diversion from one major basin to another as defined by DEC, while the others noted above do not. Yet from an ecological, recreational and economic viewpoint, it is largely irrelevant whether the existing diversions, or new ones in the future, are categorized by DEC as "interbasin transfers" in this context, because individual streams can be significantly impacted in any case.

Notably, we are not aware of any significant diversions from adjacent watersheds into the Moodna basin. We believe, therefore, that the Moodna Creek is currently impacted by a net export of water that's being withdrawn inside the

- Executive Committee
- Town of Blooming Grove
- Town of Chester
- Village of Chester
- Town of Cornwall
- Village of Cornwall-on-Hudson
- Town of Goshen
- Town of Hamptonburgh
- Town of Monroe
- Town of Montgomery
- Town of New Windsor
- Village of South Blooming Grove
- Town of Warwick
- Village of Washingtonville
- Town of Woodbury
- Village of Woodbury
- Orange County Water Authority
- Non-Municipal Members
- Black Rock Fish & Game Club
- Black Rock Forest Consortium
- Friends of Walton Lake
- New York Natural History Council
- NY/NJ Trail Conference
- Orange County Land Trust
- Orange County Federation of Sportsmen's Clubs
- Pollades Interstate Park Commission
- Preservation Collective
- John Mickelson
- Dick Manley
- Kate Ahmadi
- Ed Butler

3.5.7-88





basin, used for water supply purposes, and conveyed via wastewater discharges to streams outside the basin. Our Council submitted detailed comments on some of these issues as they relate to the Woodbury Creek, an important tributary of the Moodna Creek, and to the lower portion of the Moodna Creek itself, during the comment process for the Village of Kiryas Joel water supply permit application for the proposed Mountainville Well and Pump Station (DEC Application ID: 3-3399-00065/00001) in 2013. These concerns were re-affirmed in our comments at the public hearing on this application on April 29, 2014, and comments by some other parties included similar concerns. Those comments remain highly relevant and are attached with this letter to be considered as an attachment to these comments. They include more detailed technical material based on several studies that indicate some apparent underlying and pre-existing risks for the Moodna Creek and some of its tributaries regarding potential for low-flow conditions that could damage fisheries and other instream flow values and functions in these streams.

3.5.7-80
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There appears to have been a highly significant change in the Village of Kiryas Joel's proposed use of the Mountainville well referenced above since the water supply permit application for it was subject to public review and comment in 2013 and 2014. That previous application indicated this well would be used only as a backup supply after a pipeline connection and tap to the NY City water system was completed, with continuous daily use proposed only for an initial interim period for c. 1 year. The current DGEIS that is the subject of this comment letter seems to indicate a different plan in which the Village of Kiryas Joel could wait considerably longer before the NY City water connection comes on-line. This new plan was not considered in the previous SEQRA process for the Mountainville well, and the DGEIS for the proposed annexation must consider the environmental and economic impacts of this new scenario on the Woodbury Creek and the lower Moodna Creek that receives flow from the Woodbury Creek. We do not believe that it adequately considers and addresses these issues.

3.5.7-89

Over time, the cumulative and growing impact of the existing withdrawals and diversions outside of the Moodna basin has slowly diminished the amount of water available for use in the basin. This affects what is available for others as fresh water and it can decrease the assimilative capacities of the streams, creeks, and rivers to accept stormwater and wastewater without significant impacts on fish, shellfish, crustaceans, and aquatic and associated terrestrial habitats. Water availability within the Moodna basin is vital to the health, safety, and welfare of all of the residents, businesses, and visitors in our communities. Research referenced in our attached, previous comments on the 2013 water supply permit application indicate that existing flows may be near a limit for sustainable use during low or even normal flow conditions in parts of the basin.

3.5.7-90



In summary, the Moodna Creek Watershed Intermunicipal Council is requesting that the DGEIS include more detailed information on current instream flow conditions and projected low-flow conditions under various scenarios, including a no-action scenario in which low-flow conditions may change due to



other factors outside the proposed annexation (such as climate change, drought, or more water diversions from the Moodna basin by other new projects and actions). The Council requests a more thorough consideration of the impacts and risks noted above, and consideration of alternatives and mitigation strategies as required by SEQR. Pending decisions about water supply and wastewater capacity for Kiryas Joel and other nearby communities will be closely connected to, and affected by, the current SEQR process for the proposed land annexation plans. In this regard, the proposed land annexation will potentially have a major impact on the Moodna Creek, the Woodbury Creek and other tributaries of the Moodna. We urge the Village and all involved agencies, including the New York State DEC, to ensure that this process considers these issues carefully to minimize and avoid adverse impacts.

357-90
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Sincerely,

(KD)

Michael Sweeton

Michael Sweeton, Council Chairman

Cc: Town of Blooming Grove
Town of Chester
Village of Chester
Town of Cornwall
Village of Cornwall-on-Hudson
Town of Goshen
Town of Hamptonburgh
Town of Monroe
Town of Montgomery
Town of New Windsor
Village of South Blooming Grove
Town of Warwick
Village of Washingtonville
Town of Woodbury
Village of Woodbury
Orange County Water Authority

Subject: Questions regarding Kiryas Joel DEIS

From: Richard Timm [<mailto:rtimm@us.ibm.com>]

Sent: Monday, June 22, 2015 7:57 PM

To: tmiller@timmlerassociates.com

Subject: Questions regarding Kiryas Joel DEIS

1. What would the impact be if shown on a current topographical map? (The map in the DEIS is so old it doesn't even show the Rt 6 extension.)

3.6-63

2. Please account for the routing impact on the Highlands Trail and the Long Path.

3. Please account for the impact on hikers themselves ... The NY NJ Trail Conference is a nonprofit organization with a membership of 10,000 individuals and 100 clubs that have a combined membership of over 100,000 active, outdoor-loving people.

3.7-29

4. Please account for the economic impact of creating an atmosphere that this is no longer a hiking friendly area ... I am referring to the van-loads of hikers that are brought to this area

5. Please account for the impact on the 28 items listed on Amazon under Highlands Trail NY (a more detailed search is needed to filter out the false-positive matches as well as to include those that were missed, plus those regarding the Long Path).

Thank you,

Richard Timm
rtimm@us.ibm.com
mobile 1 845 325 7059



Moses Witriol
Director

DEPARTMENT OF PUBLIC SAFETY
VILLAGE OF KIRYAS JOEL

63 Forest Road • Monroe, New York 10950
Phone: (845) 783-3498 • Fax: (845) 774-2802

June 22, 2015

To whom it may concern:

As director of the Dept. of Public Safety for the Village of Kiryas Joel I look forward to the opportunity to provide the residents of the proposed annexation areas the services which Kiryas Joel residents have been enjoying for the past seventeen years.

In these years I have received numerous calls from residents of these areas seeking to benefit from the protection and community services which my department routinely provides Kiryas Joel residents. Unfortunately, due to municipal restrictions I was unable to assist them at that time.

For all practical purposes the residents of these areas are part of the Kiryas Joel community, on a cultural and on a practical level. Therefore the municipal boundary should reflect that reality. This would benefit all parties concerned.

Please approve the proposed annexation without undue delay.

Sincerely,

Moses Witriol
Director



MEDER CONSULTING SERVICES
COMMUNITY PLANNING & DEVELOPMENT

DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS)
507-ACRE ANNEXATION
VILLAGE OF KIRYAS JOEL & TOWN OF MONROE,
ORANGE COUNTY, NEW YORK
APRIL 29, 2015

SUBSTANTIVE REVIEW COMMENTS ON SELECTED SUBSECTIONS¹

GENERAL OBSERVATIONS

1. Unlike most other EISs that have been prepared in accordance with a disciplined scientific approach to projecting a future scenario using customary analytical methods, this DGEIS starts out by identifying a future scenario that has been decreed in advance to represent conditions in 2025, and then presents multiple analyses that are intended to justify the description of the future scenario. However, merely articulating a predetermined “take it or leave” future scenario at the outset and then trying to justify that outcome in reverse does not qualify as “taking a hard look” at the proposed Annexation Petition’s impacts on patterns of population concentration, distribution and growth, housing distribution and growth, and the concomitant impacts on the demand for community services, facilities, and utilities generated by those who may wish to reside in the Annexation Territory (i.e., any of the 10 annexation areas identified in Figure 2-3). In multiple respects, the analyses presented in the DGEIS are flawed and should be redone. It is acceptable for an EIS to present more than one methodology for evaluating potential environmental impacts, and doing so may be warranted if the environmental setting is characterized by one or more unique circumstances, but the DGEIS should not altogether exclude any presentation of customarily applied methodologies for analyzing projected population and housing growth in the Annexation Territory under a variety of assumptions. The exclusive use of alternative methodologies that have been specifically crafted for this particular environmental review of the Proposed Action under SEQRA is not appropriate.
2. The DGEIS fails to provide any justification for establishing a 10-year time horizon for analytical purposes. In acknowledgment of the fact that the Village of Kiryas Joel has experienced a higher rate of growth than all other municipalities in Orange County over many years and that trend is expected to

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¹ Except as noted otherwise, substantive review comments focus exclusively on the 507-acre Annexation Petition filed in December 2013, not the 164-acre Annexation Petition filed in August 2014 that has been labeled as an alternative in the DGEIS.

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continue according to the Project Sponsor, combined with the long-range impacts and far-reaching implications that the proposed Annexation Petition is expected to produce, the environmental analyses undertaken for this DGEIS should have been based upon a time horizon of at least 20 years. More particularly, use of a longer study period is justified for any and all of the following reasons:

a. This approach would be more consistent with other population projection studies that were previously completed for the Village, such as the 2009 "Growth Study for the Village of Kiryas Joel Amended FEIS for the Proposed Connection to the New York City Catskill Aqueduct," presented in DGEIS Appendix H2.

b. The American Community Service (ACS) data presented in Table DP05 of DGEIS Appendix H reveals that 25.3% of the Village's population is under the age of 5 using the latest available data. The 10-year study period used for all analyses in the DGEIS completely ignores the ultimate housing needs of this group, notwithstanding the DGEIS' stated assertion that most residents residing in the Village as children will remain there through adulthood and will typically require a family dwelling of their own by age 20, if not a year or two earlier at ages 18 or 19. In fact, the Village's population under the age of 5 is actually larger than the Village's population in the 5 to 9 year age cohort. So not only does the DGEIS ignore longer-term impacts associated with a growing population and all the other related impacts attendant to that condition, but it also ignores the growing bulge in the under 5 age cohort, which will have even more dramatic impacts in the future beyond the 10-year study period. For the environmental analyses to be defensible for the type of Proposed Action that is the subject of this DGEIS, the study period used for those analyses should correspond to the length of a generation. That would be approximately 20 years based on the life cycle characteristics of the population that is projected to reside in the expanded Village of Kiryas Joel.

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c. The use of only a 10-year study period severely underestimates potential long-term impacts associated with a nearly 73% increase in the land area that is proposed to be included in the incorporated Village of Kiryas Joel if the Annexation Petition is approved. In addition to underestimating potential impacts on population concentration, distribution, and growth, and potential impacts on housing demand, the DGEIS analyses also fail to accurately identify projected demand for community services, facilities and utilities (especially sewer service), traffic generation, and projected land disturbance (especially of prime agricultural land, forested areas, wetlands, and buffers surrounding existing wetlands and other surface water resources, among others). Because of the artificially foreshortened study period used for all environmental analyses presented in the DGEIS,

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the full range of potential impacts is not captured and virtually every impact analysis presented in the DGEIS is flawed and unreliable as a basis for evaluating whether the proposed annexation would have potential adverse environmental impacts or be in the public interest.

- d. Though there are only two Involved Agencies for the purpose of the currently defined Proposed Action, many additional actions related to the proposed annexation will need to be taken in the future by other involved agencies and stakeholders who will be relying upon the DGEIS as a starting point for any supplementary environmental analyses that may be required to support those other future actions. Based upon the number of deficient analyses that are included in the DGEIS, reliance upon this document could easily lead to misguided and misinformed decision-making by those other involved agencies and stakeholders, many of whom are responsible for providing a wide array of community services, facilities, and/or utilities to the general public within the Annexation Area as well as the larger region of which it is a part.

Section 1.0 – Executive Summary

3. According to page 3 of the adopted DGEIS Scoping Outline, the document was to include 11 different “Summaries” on a variety of topics. Though the DGEIS contains the requisite Table of Contents and Section 1.0 presents information that might qualify as a “Summary” on four other required topics, the Executive Summary does not include “Summaries” for the following six required topics. 2-28

- C. Outline significant beneficial and adverse impacts.
- D. Issues of controversy.
- E. Proposed mitigation measures.
- F. Adverse impacts that cannot be avoided.
- H. Irreversible and irretrievable commitment of resources.
- I. Growth inducing aspects.

In view of the fact that the above information was required to be addressed by the adopted DGEIS Scoping Outline, it would appear that the DGEIS was prematurely accepted as complete by the Lead Agency on May 1, 2015 and was not actually ready for public review at that time.

4. Page 1-3 – Section 1.3 – Land Use and Zoning: Under the narrative sub-section entitled “Compatibility with Surrounding Land Use Patterns,” there is a statement that reads: “Ultimately the overall density of development on the land encompassing the Village and the annexation territory (±1,207 acres), with or without annexation, will be the same.” That statement is erroneous and not supportable. Clearly, the density of development in the Annexation Territory will be lower 3.1-88
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than the density of development in the existing Village of Kiryas Joel if the Annexation Petition is not approved because no change in zoning would occur in the unincorporated areas of the Town of Monroe, and the two neighboring municipalities have very different zoning policies. While maximum permitted residential densities in the Town of Monroe may range between 0.67 and 8.7 dwelling units per acre for single-family residences with an accessory apartment, there is no maximum residential density in the Village of Kiryas Joel. Based on past experience, development has actually been permitted to occur in the Village at a much higher level of density and is projected to reach 12 to 20 dwelling units per acre² if the Annexation Petition is approved and the projected demand for housing (as generated by anticipated population growth among residents who are associated with the Village) is accurate and is satisfied by new residential construction within the Village limits. Even if there is pressure to develop new housing to accommodate the projected population growth, new residential development constructed in the unincorporated areas of the Town of Monroe without any annexation will still need to be in full compliance with the zoning and environmental regulations of that municipality.

5. This summary of DGEIS review comments often points out that many of the environmental analyses presented in the DGEIS are based upon unsupportable assumptions and/or the use of faulty methodologies, thereby resulting in erroneous conclusions. Once new and/or updated information has been presented to address those DGEIS shortcomings, a substantially revised Executive Summary will need to be prepared as well. The updated Executive Summary should be closely correlated with the content presented in the balance of the DGEIS.

Section 2.0 – Description of the Proposed Action

6. Figure 2-3 – Annexation Map: According to this figure, the Annexation Territory includes land that is part of multiple street rights-of-way, as identified below. However, land within those street rights-of-way and the Owner of Record of such street rights-of-way does not appear to be identified in the Annexation Petition filed on December 13, 2013, which is included in DGEIS Appendix D. These omissions should be clarified.

Annexation Area	Unaccounted for Street Rights-of-Way
I	Portions of Schunnemunk Road and Raywood Drive
II	Portion of Forest Road
III	Portions of Mountain Road (C.R. #44) and Seven Springs Road (C.R. #44)
IV	Portions of Forest Road and Acres Road
V	Portion of Acres Road

² DGEIS page 3.1-18.

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Annexation Area	Unaccounted for Street Rights-of-Way
VI	Portions of Acres Road and Bakertown Road
VII	<i>None</i>
VIII (A)	Portion of Seven Springs Mountain Road (C.R. #44)
VIII (B)	Portions of Seven Springs Mountain Road (C.R. #44) and Seven Springs Road
VIII (C)	<i>None</i>
VIII (D)	Portions of Seven Springs Road, Mountain View Drive, and Irene Drive
VIII (E)	<i>None</i>
VIII (F)	Portion of Toby Place
IX	Portion of Highland Road (C.R. #105)
X	<i>No streets</i>

7. Acreage Discrepancies: Table E-2 in DGEIS Appendix E presents a lot-by-lot analysis of maximum development potential under existing Town of Monroe zoning policies for each property in the Annexation Territory. However, it appears that there are several discrepancies between the data presented in Table E-2 and the information concerning acreage of the annexation areas depicted on Figure 2-3, as summarized below.

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Annexation Area	Table E-2 Lot Areas Summed (Acres ±)	Figure 2-3 Areas Identified (Acres ±)
I	15.1	13.7
II	13.0	20.1
III	38.1	41.6
IV	12.8	14.1
V	4.0	4.2
VI	78.0	80.6
VII	16.0	15.7
VIII (A)	3.3	4.0
VIII (B)	16.2	17.2
VIII (C)	102.6	99.4
VIII (D)	83.1	81.3
VIII (E)	99.6	98.9
VIII (F)	6.6	6.8
IX	4.5	2.3
X	5.2	7.5
Total	498.1*	507.4

*Lot 21 in Annexation Area VIII (C) was omitted from Table E-2. With that missing lot included, this total would be slightly larger. If the separate "Roads" category identified at the end of Table E-2 (9.3 acres total) is included as well, the total acreage of the Annexation Territory would exceed 507.4 acres.

The reason for these acreage discrepancies should be explained in the DGEIS narrative and pertinent tables.

8. Annexation Area VI: This area includes two different numbered lots on opposite sides of Acres Road that are both labeled "94." According to the "Notes" in Table E-2, the acreage figure associated with Lot "94" includes land on both sides of the street. When a large parcel of land is separated by a street, the individual pieces typically have different tax map designations, but only one tax map number appears to be associated with the lot labeled "94." The accuracy of this information should be reconfirmed. In addition to providing additional clarification for the purpose of ensuring that the information presented on Table E-2 is complete, it is also important to clarify this information since the lot labeled "94" with the tax map designation of "1-3-40" bears a Property Type Classification Code of 105 (Agricultural Vacant Land, productive) and appears to be subject to an agricultural assessment under the New York State Tax Law and the New York State Agriculture and Markets Law. The total amount of land within the Annexation Territory that is subject to the agricultural assessment should be clarified and identified in Table E-2 as well. 3.1-90

9. Annexation Area VIII (A): This area includes two numbered lots. On the Town of Monroe Zoning Map, the parcels of land that would correspond to Lots "1" and "2" in Annexation Area VIII (A) extend all the way to the municipal boundary of the Village of South Blooming Grove. On the Annexation Map (Figure 2-3), however, the northerly edges of the lots labeled "1" and "2" do not touch that municipal boundary, suggesting that portions of both lots with the tax map designations of "1-1-4.2" and "1-1-4.32" are not intended to be part of the Annexation Petition and would remain in the Town of Monroe. On other figures included in the DGEIS, however, the area of proposed annexation is shown extending all the way to the municipal boundary of the Village of South Blooming Grove in that location (e.g., Figures 3.5-3 and 3.5-4). These discrepancies should be resolved. If the depiction of the Annexation Area on Figure 2-3 is accurate, a rationale should be provided for the proposed configurations of Lots "1" and "2" in Annexation Area VIII (A), and the implications of splitting existing lots between two municipal jurisdictions and zoning district designations should be described. It is also noted that the lot labeled "2" is developed with a one-family residence but the land included in the Annexation Territory does not appear to include the adjacent lot containing the driveway access to that home. If the driveway remains in the existing location, access to the residence would be provided over land in the Town of Monroe, while the residence would be located in the expanded Village of Kiryas Joel. From a practical perspective, this may create an awkward condition for the owner of that property. Clarification should be provided on whether the existing driveway access to Lot "2" would remain the same or be modified if the Annexation Petition is approved. 3.1-90

10. Annexation Area VIII (C): This area contains a total of six numbered lots, but only five of them are identified in Table E-2. The lot identified as "21" in Figure 2-3 is missing so the acreage associated with Annexation Area VIII (C) in Table E-2 would appear to be underestimated. Clarification should also be provided in regard to the lot labeled "27." On the Town of Monroe Zoning Map, the parcel of land that would correspond to Lot "27" in Annexation Area VIII (C) extends all the way to the municipal boundary of the Village of South Blooming Grove. On the Annexation Map (Figure 2-3), however, the westerly edge of Lot "27" does not touch that municipal boundary, suggesting that a portion of the lot with the tax map designation of "1-1-39" is not intended to be part of the Annexation Petition and would remain in the Town of Monroe. On other figures included in the DGEIS, however, the area of proposed annexation is shown extending all the way to the municipal boundary of the Village of South Blooming Grove in that location (e.g., Figures 3.5-3 and 3.5-4). These discrepancies should be resolved. If the depiction of the Annexation Area on Figure 2-3 is accurate, a rationale should be provided for the proposed configuration of Lot "27" in Annexation Area VIII (C), and the implications of splitting an existing lot between two municipal jurisdictions and zoning district designations should be described. It is also noted that the lot identified as "26" is landlocked but currently developed with a use labeled as "School/Health." At the present time, its sole means of access is from Cliff Court, which is proposed to remain in the Town of Monroe. The lot labeled "27" is similarly landlocked. Its existing land use is identified as "Res. Vac," but the existing location of access to that lot is not clear. Clarification should be provided on whether the location of access to these lots would be modified if the Annexation Petition is approved and those properties are developed in accordance with Village of Kiryas Joel zoning regulations. 3.1-92
11. Page 2-14 – Section 2.4 – Reviews, Permits and Approvals (cont'd): According to page 15 of the adopted DGEIS Scoping Outline, the Town of Blooming Grove and the New York-New Jersey Trail Conference were both required to be identified as "Interested Agencies." The DGEIS does not identify either one as an Interested Agency so those oversights will need to be corrected. 2-29

Section 3.1 – Land Use and Zoning

12. Pages 3.1-1 to 3.1-4 – Section 3.1.1 – Existing Conditions: According to Section II.A.2.c of the adopted DGEIS Scoping Outline, the DGEIS was required to address the relationship between the Annexation Territory and adjoining land uses, including compatibility with those land uses, in the Town of Blooming Grove. This topic was omitted altogether from the DGEIS and needs to be addressed given the proximity of the Annexation Territory to the Town of Blooming Grove and because discussion of this topic was originally required. The failure of the DGEIS to directly study potential zoning related impacts on the Town of Blooming Grove is inconsistent with the adopted DGEIS Scoping Outline, suggesting that the DGEIS was prematurely accepted as complete by the 3.1-93
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Lead Agency on May 1, 2015. Given the absence of required information, the DGEIS was not actually ready for public review at that time. When the missing discussion is added, Figure 3.1-4 should also be updated to identify zoning district designations in adjacent portions of the Town of Blooming Grove.

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13. Page 3.1-2 - Section 3.1.1 – Existing Conditions (cont’d): In the 4th paragraph on this page, it is stated that “Maximum residential density permitted in this portion of the Town [referring to the UR-M District] ranges (depending on zoning district) from 0.7 to 8.7 dwelling units per acre (du/ac) for a one-family residence unit with two bedrooms and an accessory dwelling.” To fully understand the derivation of that statement, the text should be correlated with Table 3.1-1, which is not mentioned until later in the narrative.
14. Pages 3.1-8 – Section 3.12 – Land Use Plans (cont’d): According to Section II.A.2.d of the adopted DGEIS Scoping Outline, the DGEIS was required to address consistency of the Annexation Petition with municipal comprehensive plans, including but not limited to that of the Town of Blooming Grove. This topic was omitted altogether from the DGEIS and needs to be addressed given the proximity of the Annexation Territory to the Town of Blooming Grove and because discussion of this topic was originally required. The failure of the DGEIS to directly study potential impacts relating to Town of Blooming Grove comprehensive plan policies is inconsistent with the adopted DGEIS Scoping Outline, suggesting that the DGEIS was prematurely accepted as complete by the Lead Agency on May 1, 2015. Given the absence of required information, the DGEIS was not actually ready for public review at that time.
15. Pages 3.1-8 and 3.1-9 – Section 3.1.2 – Land Use Plans (cont’d): The DGEIS discussion of the “Village of South Blooming Grove Comprehensive Plan/Planning Policy” should include the full description of the four named overlay districts, exactly as they are written in § 235-5.B(2) of the current Village Zoning Law, instead of incompletely paraphrasing the purposes of those overlay districts.
16. Pages 3.1-14 and 3.1-15 – Section 3.1.3 – Potential Impacts: The third paragraph in this section includes the following statement: “Simply put, the land use scenario Without Annexation represents reasonable maximum growth in the annexation lands pursuant to the applicable Town zoning.” In the absence of additional information, this would appear to be an unsupported conclusory statement. In general, the DGEIS discussion of Town of Monroe zoning parameters that are relevant to the computation of maximum development potential in the 10 areas covered by the Annexation Petition is too selective in its choice of starting assumptions and too vague in describing the underlying methodology that was used to generate Table E-2 in DGEIS Appendix E. For example, in the absence of the proposed annexation, it is probably not realistic to assume that every single family residence constructed in the unincorporated Town of Monroe will contain an

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accessory apartment, even if such an outcome is permissible under the Town's zoning regulations. If the Project Sponsor believes that such a conclusion can be supported, the data necessary to justify that underlying assumption should be presented in the DGEIS. Furthermore, Table 3.1-1 does not fully present the range of densities permitted in the RR-3AC, RR-1.5AC, and UR-M districts under a variety of assumptions concerning the presence or absence of central sewer service. Rather than pre-judge the future development scenario and assume that central sewer service will be available in all 10 annexations areas under the "Land Use Scenario without Annexation," as implied by the information presented in Table 3.1-1, it is recommended that Table 3.1-1 be expanded to also identify the maximum permitted residential densities permitted when there is no central sewer service available. As noted elsewhere in the DGEIS, some portions of the Annexation Territory are located outside the Orange County Sewer District #1 boundary and their future connection to central sewers is not guaranteed.³ Particularly as part of a GEIS, when the future being described includes many unknowns, it is important for the environmental analyses conducted to reflect some type of sensitivity analysis. A more neutral and objective analysis of maximum development potential would be presented if alternative zoning parameters (i.e., no central sewer service and full central sewer service, with and without accessory apartments) were identified in Table 3.1-1 and then reflected in an updated version of Table E-2 or alternative versions of that table.

17. Table 3.1-1 – Zoning Data: When Table 3.1-1 is updated, it is recommended that several other revisions be made. In addition to identifying additional parameters for maximum permitted density when no sewer service is available, as previously discussed, the following should be addressed:

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- a. Citations should be provided to the relevant sections of the municipal code(s) from which the specific zoning parameters have been obtained.
- b. Since there is no requirement for central sewer service for a single-family dwelling in the Town of Monroe's RR-3AC District, reference to that requirement should be removed.
- c. It is noted that maximum density standards may not be rounded up under customary zoning practice, though the figures presented for the Town of Monroe's RR-3AC and RR-1.0AC Districts in Table 3.1-1 were both rounded up to numbers that actually exceed maximum permitted density standards. Because Table E-2 correctly used the more accurate density figures, it is recommended that Table 3.1-1 either reference the same



³ According to Figure 3.5-4, currently unserved areas would include all of Annexation Area VIII (A), part of Annexation Area VIII (B), most if not all of Annexation Area VIII (C), and part of Annexation Area VIII (E). These areas include some or all of approximately 15-17 annexation lots identified on Figure 2-3.

figures or include a footnote explaining that the "Maximum Permitted Residential Density" figures were rounded up only on Table 3.1-1, but more precise figures to three decimal points were used for purposes of calculating maximum development potential in Table E-2.

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- d. By making an assumption that all the lots in the Annexation Territory would be served by central sewer under the "Land Use Scenario without Annexation" option, it is anticipated that the maximum development potential of the Annexation Territory under existing zoning parameters would be somewhat overstated. It is important to present an accurate and realistic range of alternatives in the DGEIS, since the analysis of maximum development potential forms the basis of the calculation of how many new dwelling units would be constructed in the Town of Monroe outside the existing Village of Kiryas Joel in the absence of any annexation (currently estimated at 1,431 dwelling units but subject to change again once the comments herein have been addressed) and how many additional dwelling units would be needed to meet the demand for housing by the projected population within the existing Village limits or elsewhere (currently estimated at 2,394 dwelling units but also subject to change based upon a revised development potential analysis and alternative methodologies for developing population forecasts).
 - e. Given the demonstrated large size of families in the Hasidic community that have chosen to live in the Village of Kiryas Joel and surrounding areas of the Town of Monroe, it is not logical to define projected housing growth in terms of 2-bedroom dwelling units. In zoning districts where permitted housing density is defined by the size of dwelling units (e.g., the UR-M District in the Town of Monroe), additional zoning parameters for larger size dwelling units should also be identified in this table.
 - f. This table should be expanded to include zoning parameters for the Town of Blooming Grove, given the proximity of that Town to the Annexation Territory.
18. Table E-2 – Lot by Lot Development Yield – 507-Acre Annexation: Based upon a detailed review of this table, the following comments are noted:
- a. The DGEIS does not contain a sufficient explanation of the methodology that was used to generate this table, either in the column headings or notes at the end of the table itself or in the narrative included in Section 3.1.3 beginning on page 3.1-14. In fact, there is no mention of Table E-2 in Section 3.1.3, an omission that should be corrected. In general, this lack of explanatory detail does not allow the reader to easily understand how the computations were completed or to verify the accuracy of the results.

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- b. Under the column heading labeled "Land Use fr assess roll," clarification is needed for the land use described as "Res. Vac." Does that label signify that the lot was developed with a residence that was unoccupied at the time of preparation of the Assessment Roll, or something different? The date of the Assessment Roll that was relied upon to populate the fields under this column heading should be identified in Table E-2. The shortcoming of using data from an assessment roll rather than a lot-by-lot land use survey should also be described.

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- c. Table E-2 contains some errors in zoning district designations for a few lots in two of the proposed annexation areas, as identified below.

3.1-101

Annexation Area	Table E-2 Zoning District Designation	Actual Zoning District Designation
II – Lots 66, 71, 72, 73, 74, 75	UR-M	RR-1.0 AC
VIII (B) – Lots 23, 24	RR-1.0 AC	RR-3 AC

These errors, among others, will need to be corrected before the analysis presented in Table E-2 can be verified as being an accurate characterization of future development potential in the Annexation Territory under the "Land Use Scenario without Annexation."

- d. Both the narrative on page 3.1-15 and Table E-2 make reference to the need to account for "certain environmental constraints" and "Constrained Area(s)," respectively. However, no explanation is provided for what those environmental constraints include and how they are to be accounted for. The definition of what constitutes a "Constrained Area," as that term is used in Table E-2, should be provided. From a practical perspective, are there other features of land that would have a bearing on its development potential that were *not* included under the label "Constrained Area." If so, why were those other features not accounted for as well? In that event, Table E-2 should include an additional note qualifying the results of the analysis presented.

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- e. The figures identified in the column labeled "As-of-right/Build per zoning density (DU/Ac) are based upon the data presented in the column labeled "Maximum permitted residential density" in Table 3.1-1. Those figures were presumably cited in Table E-2 because they produced an outcome that was intended to meet the Project Sponsor's objective of maximizing residential development potential in the Annexation Territory. Inherent in the use of the identified density multipliers (of 0.667, 3,485, and 8.712 for the RR-3AC, RR-1.0 AC, and UR-M Districts, respectively), however, is the assumption that nearly every lot in the Annexation Territory (in all

3.1-103



three zoning districts) that is not already occupied by a use that was viewed as being somewhat immune to future change (e.g., cemetery, transportation feature, conservation land, stormwater feature, school, religious use, health building) would need to be developed with a single family residence as well as an accessory apartment. While that development scenario may be theoretically possible under the Town of Monroe zoning requirements, it is unclear how the use of accessory apartments on most lots would allow the projected population growth to be absorbed in the manner anticipated since accessory apartments are not permitted to have more than two bedrooms⁴ and the DGEIS repeatedly asserts that average household size among the Hasidic families in the Village of Kiryas Joel is typically 5.9 persons.⁵ It would seem that the prospective accessory apartments would either need to be occupied by smaller than average households (thereby further reducing the population assumed to reside in the Annexation Territory to a figure below 7,356 persons residing in 1,431 dwelling units) or else could produce severely overcrowded housing conditions if occupied by a typical 5.9-person household. In addition to concerns about reliance on the use of accessory apartments in the analysis presented in Table E-2, it is further noted that four lots in the UR-M District (excluding the already approved Forest Edge development) are projected to be developed at a much higher density of 10 dwelling units per acre. That density could only be achieved for one-bedroom apartments in a "multiple dwelling group" or for two-bedroom apartments in such a development if they were restricted to senior occupancy.⁶ Typically, a family with an average size of 5.9 persons could not be accommodated in such small quarters.

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- f. Clarification is needed on the information presented under the column labeled "As of right/Build per zoning (# DU)" in Table E-2. At the end of that column, there is a note that reads "Calculated yield assumes combining abutting lots." However, no information is provided on which of the annexation lots were treated in that manner. In addition, it is unclear whether the figures presented under that column are intended to represent the net dwelling unit *increase* on a lot that is already developed, or the total development potential of the annexation lot including any existing dwelling units (or assuming complete redevelopment of the lot). It is noted that the product of the number in the column labeled

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⁴ Code of the Town of Monroe, § 57-21.H.

⁵ A figure of 5.9 persons per dwelling is identified multiple times in the DGEIS as the average household size in the existing Village of Kiryas Joel. It is noted, however, that data presented on Table E-1 of DGEIS Appendix E produces a different result. According to that table, the Village had a 2014 population of 22,634 persons and a 2014 housing inventory of 4,086 dwelling units. Those two figures yield an average household size of 5.539 persons, not 5.9 persons. This discrepancy in projected average household size needs to be resolved.

⁶ Code of the Town of Monroe, § 57-13.N.(1).

"Developable (Ac.)" and the number in the column labeled "As of right/Build per zoning density (DU/Ac)" often does not produce the result identified in the column labeled "As of right/Build per zoning (# DU)." An explanation should be provided on how the information identified in the column labeled "Existing density (DU/Ac)" factors into the overall analysis. Clarification should be provided on all of these matters.

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- g. It is important to note that the accuracy of the maximum development potential analysis presented in Table E-2 of the DGEIS cannot be verified until the above-described discrepancies and errors are addressed. Based upon the questions that have been raised so far, it cannot be verified that the Annexation Territory could accommodate 1,431 dwelling units under existing Town of Monroe zoning requirements as stated in Table E-2, nor can it be verified that the population to be accommodated in those units would total 7,356 persons. Without a careful reexamination of this analysis, it is not possible to reach reliable conclusions concerning the potential impacts of the proposed annexation on new housing construction, population growth, and demand for community services, facilities, and utilities within the Annexation Territory, and to make an accurate comparison between existing and potential future conditions. Since this analysis is one of several fundamental starting points for a variety of additional environmental analyses that are presented elsewhere in the DGEIS, the inaccuracies and insufficiencies described herein must be satisfactorily addressed.
19. Page 3.1-14 – Section 3.1.3 – Potential Impacts: The DGEIS discussion of "Land Use Scenario with Annexation" does not provide sufficient detail to demonstrate how the existing Village of Kiryas Joel could accommodate growth of another 3,825 new dwelling units in a responsible and environmentally sound manner on the developable land remaining in the Village, which the DGEIS claims would be necessary if the Annexation Petition is not approved. Based on data presented in Table E-1 in DGEIS Appendix E, the Village had 4,086 dwelling units as of 2014. According to information provided elsewhere in the DGEIS,⁷ 80% of the parcels of land (tax lots) in the Village are fully developed, leaving at most 20% of the parcels of land (tax lots) in the Village available to accommodate the additional projected growth.⁸ On the 565.5 acres of Village land that has already been developed (80% of 700 acres), the housing density would be 7.2 dwelling units per acre (4,086 dwelling units in 2014 divided by 565.5 acres). If that development density were to be applied to the 140 acres that might remain available for development, no more than 1,008 additional dwelling units could be accommodated *based on historical trends in the Village itself*. Yet, the DGEIS

3.1-105



⁷ DGEIS Section 2.0 – Project Description, page 2-3.

⁸ Land that is still available for additional development could, in fact, be even less than 20% if some portion of the land not yet fully developed is currently partially developed.

effectively makes the entirely unsupportable assertion that those 140 acres could accommodate 3,825 additional dwelling units, resulting in a development density of more than 27 dwelling units per acre on that land. If the pressures to accommodate additional population growth in the Village of Kiryas Joel were as great as implied in the DGEIS, then some of this development should have already occurred inside the Village. Conversely, if the lack of sufficient land in the Village were actually an impediment to accommodating that population growth, then additional pressure for development in the Town outside the Village boundaries would have already been felt. Yet, the DGEIS notes that the Annexation Territory now contains only 99 dwelling units and a population of 300 persons on 507.4 acres — relatively small numbers in comparison to the projected development density and population growth under the Annexation Petition.

3.1-105
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20. Page 3.1-17 – Section 3.1.3 – Potential Impacts (cont'd): The DGEIS discussion of “Annexation and District Lines” should be expanded to address road maintenance considerations.

3.1-106

Section 3.2 – Demographics and Fiscal

21. Page 3.2-1 – Section 3.2.1. – Demographics: In the first paragraph on this page, it is stated that the Village of Kiryas Joel had a population of 20,175 in 2010 according to the U.S. Census. However, the actual U.S. Census data included in DGEIS Appendix H indicates that the 2010 population was 20,878. Similarly, different figures are presented for the Village’s population in 2014. For example, Table 3.2-1 in Section 3.2.1 identifies a population of 22,643 while Table E-1 in FGEIS Appendix E identifies a figure of 22,634. Because so many different sources of population data are presented in the DGEIS, and some of that data is inconsistent, it is recommended that the accuracy of population figures cited in the DGEIS be reconfirmed and specific data sources be cited each time a population statistic is identified. The text references provided could be to a table that is embedded in the narrative portion of the DGEIS or to supplementary data that is included in FGEIS Appendix H, as appropriate.

3.2.10-45

22. Table E-1 – Change in Population Distribution: This table contains a number of important statistics that form the basis for other analyses presented elsewhere in the DGEIS so it is important for it to be accurate and understandable. To that end, the following discrepancies are noted and should be resolved:

3.2.10-46

- a. The first section containing 2014 demographic statistics for Kiryas Joel states that the existing average family size is 5.9 persons per dwelling unit. This is a key statistic that is often cited in many other sections of the DGEIS and is used as a basis for the population projection through 2025. However, it is not possible to verify the accuracy of that figure using the data presented in Table E-1. In fact, a figure of only 5.539 results from



dividing the 2014 population of 22,634 by the 2014 housing stock of 4,086 dwelling units. An explanation should be provided for this discrepancy.

3.2.10-46
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b. It is recommended that average family size statistics be provided for the second and third sections of Table E-1 as well so that figures are also presented for the Town of Monroe under the 507-acre and the alternative 164-acre annexation scenarios. Using the data presented in Table E-1, those figures would appear to be 3.03 persons per dwelling unit in the Town of Monroe under the 507-acre annexation scenario and 7.41 persons per dwelling unit in the Town of Monroe under the 164-acre annexation scenario.

3.2.10-47

c. The fourth section of Table E-1 presents a future picture of Hasidic population growth in the Annexation Territory projected out by 10 years, noting that the Study Area will gain 19,663 people between 2015 and 2025, with or without any annexation, and those new people will require a total of 3,825 dwelling units. A comparison between those two figures reveals an average household size of 5.14 persons per dwelling unit. If 5.9 persons per dwelling unit is the accurate figure to use for purposes of projecting future housing demand, then it is unclear why 3,825 new dwelling units would be needed by the Village of Kiryas Joel. Instead, it would seem that a total of 3,333 dwelling units would more than suffice (assuming the population projection of 19,663 is accurate to start with, which it is unlikely to be). Additional information must be presented to explain the discrepancy between the 5.9-person average household size, which is referenced in multiple sub-sections of the DGEIS as one of the key parameters to be used for future population projections, and the 5.14-person average household size that is derived from the figures identified in Table E-1. It is noted that none of the average household size figure identified on the second page of Table E-1 come close to the 5.9 person per dwelling unit figure that was cited elsewhere as the relevant figure to be used for determining how much housing demand would result from the projected population increase.

3.2.10-48

d. The second page of Table E-1 is intended to present the methodology that was used to distribute the anticipated new population between the Village of Kiryas Joel and the unincorporated portions of the Town that together constitute the Annexation Territory. However, no explanation is provided for why average household size is different for each of the individual scenarios presented on this page of Table E-1.

3.2.10-49

23. The DGEIS contains virtually no discussion of potential fiscal impacts as they relate to services that are or may need to be provided by Orange County in the future, yet it is clear that some impacts will result. This significant omission in the DGEIS needs to be addressed.

3.2.11-32

24. As previously noted in Comment 2 of this document, the time horizon selected by the Project Sponsor for study of potential environmental impacts in this DGEIS was only 10 years and should have instead covered at least a 20-year time period. Because the population projections affect virtually every other impact analysis presented in the DGEIS, the lack of reliable population projections covering a longer time period also calls into question the accuracy of nearly every other study of potential environmental impacts undertaken as part of the preparation of this DGEIS. Since it is believed that many of those other analyses will need to be redone, additional comments on what is now included in this subsection of the DGEIS will be withheld until more accurate information is available for review. 3.2.10-50

Section 3.3 – Community Services and Facilities

25. Page 3.3-16 – Section 3.3.5 – Potential Impacts – Other Public Services: The land selected for inclusion in the proposed Annexation Territory according to Figure 2-3 will result in a municipal boundary configuration that produces a few potentially awkward road relationships in the Town of Monroe. While it is likely that many of the boundaries of the proposed annexation areas were chosen to ensure that all portions of the proposed Annexation Territory were contiguous to each other and to the existing municipal boundary of the Village of Kiryas Joel, some new segments of road discontinuity will be created in a few locations. If a single road continually weaves in and out of two adjoining municipalities, such a condition could pose extra challenges for maintenance of that road as well as any sidewalks that are constructed along the traveled-way of that road. Examples of roads that will exhibit this characteristic if the Annexation Petition is approved without modification include portions of Seven Springs Mountain Road (C.R. #44), Seven Springs Road, Schunneunk Road, Raywood Drive, Mountain View Drive, and Irene Drive. These practical considerations should be identified and analyzed. 3.3.8-45

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26. Page 3.3-16 – Section 3.3.5 – Potential Impacts – Other Public Services: The DGEIS fails to adequately address potential impacts on “Orange County Social Services.” In fact, the DGEIS includes the unsupportable statement that “there will be no difference in the cost or availability of County Services as a result of annexation.” The pertinent issue is not whether a particular amount of growth will or will not occur in the Study Area. It is whether the County will be equipped to address all of the new requests for assistance, resulting from the projected population growth. If the DGEIS provides a proper analysis of potential environmental impacts, the County will be better equipped to plan for any needed expansion of its services when and as needed. 3.3.9-14

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27. Page 3.3-17 – Section 3.3.5 – Potential Impacts – Other Public Services (cont’d): At the end of this page, the DGEIS includes a statement indicating that “the 3.3.9-15
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residents of Kiryas Joel do not typically utilize many other available County services.....As a result, it would appear that any higher proportionate reliance on Medicaid and SNAP is offset by the lower proportionate use of these other programs so as to not reflect a disproportional reliance on County social services or depletion of Orange County tax resources." It not the job of the Project Sponsor, however, to weigh and balance potential environmental impacts and trade one off for another so that a "no impact" conclusion can be justified. Instead, the DGEIS should include the data needed to quantify the projected usage of County services in relation to the cost of providing those services so that the potential impacts associated with the projected population growth can be evaluated, and the Lead Agency can then fulfill it duty to "weigh and balance relevant environmental impacts with social, economic and other considerations"⁹ as part of the formulation of its SEQRA Findings on the Proposed Action.

3.3.9-15
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Section 3.6 – Natural Resources

28. Page 3.6-4 – Section 3.6.2 - Potential Impacts: The DGEIS points out that the proposed annexation itself would not involve any physical disturbance of the ground, which is an accurate statement. The DGEIS also acknowledges that disturbance of the land (e.g., geology, soils, topography, wildlife and habitats, wetlands and water resources) would eventually result from construction activities in the Annexation Territory, which is also an accurate statement. [The DGEIS begins to go astray and deviate from portraying an accurate picture of potential future conditions, however, when it asserts that the type and amount of disturbance that would result would essentially be the same with or without the proposed annexation. Clearly, that is an inaccurate and unsupported conclusion. First, if the Annexation Petition is approved, the land is question will become part of the Village of Kiryas Joel and all proposed land development activities will be under the Village’s jurisdiction. Elsewhere in the DGEIS, it was previously noted that the newly annexed lands would need to receive a zoning designation that is likely to be one of the two mapped districts included in the Village’s Zoning Law (either “R” or “C”, until such time that a “PUD” designation may be chosen instead). The DGEIS also acknowledges that the Village’s zoning regulations do not specify a maximum density, unlike the regulations that currently govern land development in the Annexation Territory under the Town of Monroe Zoning Law. Consequently, it is also reasonable to conclude that properties in the Annexation Territory will be subject to much more intense development pressure if the Annexation Petition is approved and some of the natural resources located in the Annexation Territory (e.g., wetlands, trees) may receive much less environmental protection.

3.6-64

29. Page 3.6.7 – Section 3.6.3 - Mitigation Measures: Though this topic is only covered superficially in the DGEIS, it is noted that the Town of Monroe has

3.6-65
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⁹ 6 NYCRR Part 617.11(d)(2).

wetlands regulations¹⁰ and the Village of Kiryas Joel does not. Similarly, the Town of Monroe has specific provisions concerning the protection of trees¹¹ as part of subdivision development, and the Village of Kiryas Joel does not have comparable provisions. The only wetland resources that are currently regulated in the Village are those that are defined as State- or Federally-regulated wetlands. The DGEIS should be supplemented with an analysis of whether the Annexation Territory contains wetlands that would be regulated if that land remains in the Town of Monroe, and should further demonstrate that there would be no impact to locally regulated wetlands by removal of the Annexation Territory from the regulatory jurisdiction of the Town of Monroe or, in the alternative, should analyze the impacts of deregulating any locally regulated wetlands that might become part of the Village of Kiryas Joel if the Annexation Petition is approved. The DGEIS should also include a more complete analysis of potential impacts on trees in the Annexation Territory.

36-65
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Section 4.0 – Thresholds for Future Environmental Reviews

30. Page 4-1 – Section 4.0 – Thresholds for Future Environmental Reviews: This section is woefully inadequate. The opening paragraph correctly describes the intent of this subsection, but the balance of the narrative does not provide the needed level of specificity for it to fulfill one of the mandates of a GEIS. Instead of providing a clear roadmap for future environmental reviews, including identification of numerical thresholds that would trigger the need for supplementary environmental analysis beyond that which is included in the DGEIS, the narrative in this subsection merely describes the anticipated review process – one that has presumably been in effect already and will continue to be applied in the future. The DGEIS should instead provide sufficient information to enable future applicants for approval of development projects in the Annexation Territory to know whether supplementary environmental analysis would be required for their projects and what type of additional analyses may need to be undertaken. It is also important to point out that a variety of potential actions, including but not limited to “construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area...” and “construction or expansion of a single-family, two-family or a three-family residence on an approved lot including provision of necessarily utility connections,” are defined as Type II actions and would not be subject to further environmental review under SEQRA, notwithstanding any implications to the contrary in the DGEIS. It is conceivable therefore that some of the projected growth in housing development forecast under the DGEIS analysis could actually occur without any further environmental review under SEQRA.

4-1

¹⁰ Code of the Town of Monroe, Chapter 56, Wetlands.

¹¹ Code of the Town of Monroe, Chapter 57, Zoning, Article XX.

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31. Page 4-1 – Section 4.0 – Thresholds for Future Environmental Reviews: This subsection should also elaborate on the “master plan committee” process that is anticipated to be pursued by the Village of Kiryas Joel “to study the opportunities and constraints of the 507 acres as it relates to Village goals for its existing and future residents, and make specific recommendations for future land use decisions.”¹² Among other considerations, this discussion should also describe the type of environmental review that would be undertaken to satisfy SEQRA prior to the Village of Kiryas Joel establishing zoning policies for land in the Annexation Territory. 4-2
32. When a SEQRA Findings Statement is adopted for Proposed Action (approval of the Annexation Petition), it should include a clear and unambiguous description of “Thresholds for Future Environmental Reviews” to ensure that proper consideration is given to various environmental resources by other Involved Agencies when more site-specific plans have been identified for development of lands in the Annexation Territory.

Conclusion

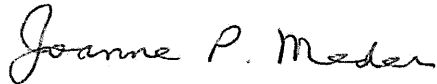
Because many of the essential underlying environmental analyses included in the DGEIS will need to be supplemented and/or revised, and those modifications could alter the conclusions to be drawn from those analyses as well as the type of supplementary environmental review to be required for site-specific projects within the Annexation Territory in the future, it is recommended that the Lead Agency provide sufficient time for review and comment on the Final GEIS before making its required Findings under SEQRA. It is also recommended that the Lead Agency schedule a public hearing on the FGEIS because (a) a limited amount of time was afforded to the public and other interested parties to review the DGEIS once it was accepted by the Lead Agency on May 1, 2015; (b) the DGEIS was already missing essential information required by the adopted DGEIS Scoping Outline at the time of the DGEIS’ acceptance by the Lead Agency on May 1, 2015; (c) the public hearing held on the DGEIS was opened and closed in a single meeting (June 10, 2015) at which speakers were limited to three minutes of oral comment each; and (d) the Lead Agency was unwilling to extend the written comment deadline on the DGEIS by even a modest amount of time as requested by some speakers at the June 10, 2015 public hearing. While 6 NYCRR Part 617 (SEQRA) does not specifically provide for the holding of a public hearing on an FEIS, it also does not preclude a Lead Agency from doing so and many other municipalities in the New York Metropolitan area have followed that procedure when new and/or revised analyses are included in a Final EIS for the first time. As an alternative, the Lead Agency could also elect to prepare a Supplemental GEIS, prior to completion of the FGEIS, and then follow all the procedures that are applicable to a DEIS. It is recommended that the Lead Agency carefully review the criteria for

¹² DGEIS Section 3.1.4 – Mitigation Measures, page 3.1-18.

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requiring preparation of a Supplemental EIS¹³ before determining its next course of action. If the Lead Agency chooses to next prepare an FGEIS, rather than a Supplemental DGEIS, it is further recommended that the Lead Agency provide for more than a 10-day waiting period between the date of acceptance of the FGEIS and the adoption of a Findings Statement so that members of the public and others, especially those who are identified as Interested Agencies, can fully digest the FGEIS and contribute in a well-informed, meaningful way to the final steps in the environmental review process under SEQRA. A period of at least 30 days should be provided for that final step to ensure effective outreach and proper coordination between all Involved and Interested Agencies and others, consistent with the urging of the Commissioner of the New York State Department of Environmental Conservation when he issued his Lead Agency Determination on January 28, 2015.

Respectfully submitted,



Joanne P. Meder, AICP
President

507-Acre Annexation Petition DGEIS - Kiryas Joel (V) & Monroe (T) - Substantive Review Comments - June 22, 2015.doc

¹³ 6 NYCRR Part 617.9(a)(7).

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HENRY M. HOCHERMAN
RETIRED

June 22, 2015

Via Electronic Mail (tmiller@tmillerassociates.com)

Timothy Miller Associates, Inc.
10 North Street
Cold Spring, New York 10516

*RE: Comment on the 507-Acre Annexation Town of Monroe to
Village of Kiryas Joel Draft Generic Environmental
Impact Statement (the "DGEIS") Prepared Pursuant to the
New York State Environmental Quality Review Act ("SEQRA")*

Dear Mr. Miller:

We are counsel to the Town of Blooming Grove. On the Town's behalf, we submit herewith the enclosed written comments on the above-referenced DGEIS, which have been prepared by Joanne P. Meder, AICP of Meder Consulting Services. Ms. Meder has a Master's Degree in City and Regional Planning from Harvard University and more than 20 years of land use, planning, zoning and SEQRA review experience, representing both municipal governments and private applicants in the SEQRA process. Her comments highlight several fundamental flaws in the DGEIS that must be addressed either through a Supplemental General Environmental Impacts Statement ("SGEIS") or in the Final Generic Environmental Impact Statement ("FGEIS").

We remind you that pursuant to SEQRA, the Board of Trustees of the Village of Kiryas Joel, as Lead Agency, must identify and take a "hard look" at the relevant areas of environmental concern related to the proposed annexation. *See County of Orange v Vil. of Kiryas Joel*, 44 AD3d 765, 767 (2d Dept 2007). The enclosed comments identify relevant areas of environmental concern which the DGEIS fails to consider or inadequately analyzes. These environmental concerns must be addressed through a SGEIS or in the FGEIS or the Lead Agency simply will not have sufficient information necessary to take a hard look at the relevant areas of environmental concern. The Lead Agency's failure to meet this obligation could result in the invalidation of any findings statement and concomitant approval of the annexation by the Lead Agency by a court of competent jurisdiction.

HOCHERMAN TORTORELLA & WEKSTEIN, LLP

Timothy Miller Associates, Inc.

June 22, 2015

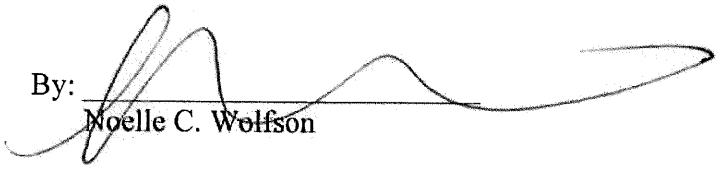
Page 2

Please feel free to contact the undersigned if you have any questions.

Respectfully submitted,

Hocherman Tortorella & Wekstein, LLP

By:


Moelle C. Wolfson

Enclosure

cc: Town Board of the Town of Blooming Grove
Board of Trustees of the Village of Kiryas Joel
Town Board of the Town of Monroe
David E. Church, AICP, Planning Commissioner, Orange County
Joanne P. Meder, AICP
Adam L. Wekstein, Esq.

69 Woodcock Mountain Drive
Washingtonville, New York 10992
845-496-8043; ahmadi@frontier.com

June 16, 2015

Tim Miller Associates
10 North Street
Cold Spring, New York 10516

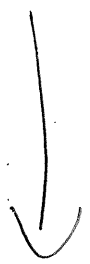
Dear Mr. Miller and associates:

This letter is in reference to the Kiryas Joel annexation environmental impact statement hearing of June 10. I would like to expand, and in one instance correct, my verbal statement.

I prefer to speak and write about Schunnemunk Mountain environment generally, but am unable to understand the maps, so confine my remarks to Gonzaga Park, on Schunnemunk Mountain.

First, Gonzaga Park is small. According to the County property website, it is 115.7 acres in size (correction: *not* the much smaller size I had gleaned from Town tax maps). In one or two directions, paths are marked closed. Because of this relatively small size, losing 7 acres would have a significant impact. More specifically, it is unclear but seems that this decrease would take place at the entrance. Compromising accessibility is crucial, of course, and, in fact, might compromise the entire parcel; given the narrow steep terrain after the entrance gate, access might be impossible. In addition, parking for hikers outside the gate (during winter hours when the park has been closed during the last years) would probably be impossible. Maps do not reveal whether or not the small pond, the glory of the Park, the home of dragonflies, now home to a picnic table --- where several people have fished, as one elder had done with his family as a child, or its stream, would be part of the lost 7 acres.

3.7-30



Second, Gonzaga has already had a complicated history. It was the home of the Novitiate of St. Andrew on Hudson since the twenties and of Jesuits since the seventies, then of RECAP. The State took it over in 1995, eventually demolishing a magnificent stone building. Reportedly, the extraordinary woodwork inside had been vandalized --- even burned --- many times. The man who supervised the demolition told me that, in the end, he had to sleep on the site. On the last night, seven groups tried to enter. The State also thankfully cleaned up enormous amounts of heavy trash thrown down a steep slope, as well as a couch, tires, and everything-else-you-could-imagine in the pond. In 2004, the State turned Gonzaga over to the County for a public park. It opened in 2012.

The deed for this transaction specifies that:

This grant is made and accepted upon the condition that said Premises shall be improved and maintained for park, recreation and playground purposes. In the event that said Premises are not improved and maintained for said purposes, the title hereby conveyed shall revert to The People of the State of New York and the Attorney General may institute an action in the Supreme Court for a judgment declaring a reversion of such title in the State.

Regarding the parking and the trailhead, it further specifies:

3.7-30

Grantor reserves the right but not the obligation to construct a parking area and trailhead near the intersection of the aforementioned trail easement and the northerly line of Seven Springs Road, said parking area to be limited to a maximum of twenty (20) cars, the exact location of said trailhead and parking area to be determined by agreement between the Grantor (or the Commissioner of the Office of Parks, Recreation and Historic Preservation on behalf of the Grantor) and Grantee.

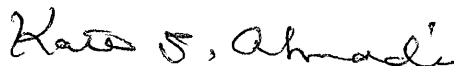
Grantee covenants and agrees that the portion of the herein described Premises lying above contour elevation 1060 feet U. S. G. S. Quadrangle (Monroe) shall not be improved or developed except for open space purposes or as required by the Office of Parks, Recreation and Historic Preservation for the management and maintenance of the aforementioned trail easement.

Finally, during the several years it has been operating as an Orange County Park, it has developed into a small but lovely well-maintained community park. On or near borders between Kiryas Joel, Woodbury, South Blooming Grove, and Monroe, it welcomes all. Young *Hasidic* men and others have, for many years, hiked Schunnemunk Mountain ridge from the park, greeting each other peacefully as we hikers do. The ballfield is used by *Hasidim* and others alike. Passive recreation park activities such as nature education, picnicking, fishing, walking, birding, even meditation and praying, go on among all groups. It is a place, an environment, where so-called different peoples can appreciate nature: flowers planted by previous owners, foxes, views, alone or together, as we wish, but where in time we are also learning to communicate. It is one of the few places where that is happening, where there is hope that it can continue to happen and to develop. Personally, it is my hope that our children and grandchildren will play together. Perhaps it is time for that playground that is mentioned in the deed.

In conclusion, I speak and write against the annexation of any part of Gonzaga Park. Any annexation would have negative detrimental impact on the Park --- and thereby on Schunnemunk Mountain --- in these specific ways: size, access, parking, functionality, viewshed, access to trails, protection of ridge and pond/stream, wildlife, human relations, and fundamentally its legality.

Thank you for your attention to this new and growing public park that we share.

Sincerely



Kate S. Ahmadi, Ph. D.

citizen, Blooming Grove

TEL. 845.534.4445
FAX 845.534.4471



190 ANGOLA ROAD
CORNWALL, NY 12518

Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

RE: Village of Kiryas Joel Annexation DGEIS
Town of Monroe to Village of Kiryas Joel

Please note that I, David Clearwater, President of Jones Farm, Angola Road, Cornwall am against the annexation permit process referenced above and request the Village of KJ withdraw their permit request.

I also have serious concerns in respect to the construction of the proposed water pipeline and the plans for the use of the Mountainville Wells. The acquifer test conducted by KJ consultants is inadequate for determination of a negative impact to our farm as well as the Moodna Creek Watershed and our wells.

Since Kiryas Joel is now SEQRA lead agency in this annexation process, please address all issues brought up previously at the DEC legislative hearing in 2014, address my environmental concerns and I respectfully request the Village of Kiryas Joel withdraw all applications for annexation and application for water permit until a new, full environmental review of the acquifer test be done.

Thank you.

D Clearwater

MEMORANDUM OF SUPPORT

To: Supervisor Harley Doles
Mayor Abraham Wieder

From: Mr. & Mrs.

Monroe, NY 10950

Date: June __, 2015

Re: Annexation Petition

Our family is one of the many petitioners who have asked to become part of the Village of Kiryas Joel through a lawfully filed petition for annexation. As many of my neighbors have already voiced at the Public Hearing, our reason for this request is to become legally part of a community that we feel a kinship with - the home to much of our friends and family. It is crucial to us to be able to enjoy many of the amenities of Kiryas Joel including street lights, sidewalks, daily garbage pick-up, sewer hook up, transportation, public safety, a KinderPark and much more.

2-33

The annexation will also allow us to expand our community to meet the growing family needs for affordable housing. By providing clustered housing on smaller lots, we could better accommodate the needs of our large families.

One point is often lost in the annexation debate that must be stressed. No homeowners were forced to be included in the petition for annexation. Like my family, all petitioners seeking to join the Village of Kiryas Joel appreciate the culture and lifestyle of the Kiryas Joel community and wish to identify with their Hasidic neighbors. All of the properties in the petition are owned by Hasidic families and no other properties were included without the consent of the owner. This is significant because some have argued that the annexation is a "land grab" or an attempt to build on other peoples land. Nothing could be further from the truth.

We therefore urge the Town and Village Boards to support our petition for annexation.

Respectfully,

Mr. _____

Mrs. _____

Honorable Town Supervisor Harley Doles
Honorable Village Mayor Abraham Wieder
c/o Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

Dear Mr. Doles and Mr. Wieder,

2-30

Please accept my sincere request to permit the annexation of 507 acres to permit the annexation of 507 acres of land from the Town of Monroe into the Village of Kiryas Joel. I believe that his request is reasonable, necessary and in the overall public interest.

I am a wife and mother living in Kiryas Joel and I enjoy numerous amenities by living in this community. As I do not drive a motor vehicle, I am pleased that this community has prioritized the need for sidewalks, street lights and a robust public transportation system. These things are not luxuries but rather are necessities to me and my children. They all positively impact the quality of my life and I can't imagine living in an area where these things are unavailable.

Only through annexation will these services be expanded. An enlarged Village of Kiryas Joel will be able to offer sidewalks, street lights and public transportation to the annexation area which will benefit my neighbors and friends. As my children start their own households, they too would be able to enjoy these services in the annexation area, while maintaining their connection to our close family.

The children of Kiryas Joel are 50% of today but 100% of tomorrow. We need the annexation area to prepare for the future of our children, in a safe and sustainable way.

Thank you for supporting the petition for annexation. The improvement of the quality of our lives is truly in the overall public interest.

Sincerely,

Print Name: Mrs. _____ Signature: _____

Address: _____

Apartment: _____ Monroe, NY 10950

Date: ___/___/___

Honorable Town Supervisor Harley Doles
Honorable Village Mayor Abraham Wieder
c/o Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

Dear Mr. Doles and Mr. Wieder,

2-31

As children residing in Kiryas Joel we have a large stake in the issue of annexation. Besides having friends and family living in the area outside of our village, we too are concerned for the future.

We rely on street lights and sidewalks in order to travel in our community, with safety and security. We have the ability to use the Village's Kinder Park in order to have healthy exercise and the fun of play. We have the convenience of walking to school, stores and synagogues in a safe and secure way. We take these things for granted, but they are not available for our friends and family living outside of Kiryas Joel.

Though we are young now, with G-d's help and our parent's guidance, we hope to grow up in this area and continue the tradition of our ancestors. We hope to continue living nearby our families and friends, even after we get married and establish our own households. Only with the annexation will it be possible for us to have an affordable home near our parents and continue to have the many services we need in our lives.

We respectfully ask the Monroe Town Board and the Kiryas Joel Village Board to approve the annexation petition. Our future depends on it.

Thank you for your consideration.

Date: __/__/__

Signature: _____
Print Name: _____
Address: _____ #_____
Monroe, NY 10950

Signature: _____
Print Name: _____
Address: _____ #_____
Monroe, NY 10950

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Monroe, NY 10950

June 22, 2015

Honorable Town Supervisor Harley Doles
Honorable Village Mayor Abraham Wieder
c/o Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

Dear Mr. Doles and Mr. Wieder,

2-32

I am writing to demonstrate support for the application for annexation of 507 acres of land into the Village of Kiryas Joel. I strongly believe that this annexation is in the overall public interest of the area.

As one of the nearly one thousand students attending the UTA Mesivta College of Kiryas Joel and a resident of the Village of Kiryas Joel, I enjoy many of the services afforded to me in this community. Upon my graduation, I look forward to the opportunity to build a family here and I worry that I will not be able to have adequate living space at that time.

An expanded Village of Kiryas Joel will give me and my fellow graduates the opportunity to find suitable employment, as well as give us social and cultural opportunities for our future. There is also a crucial need for affordable housing in our community as most of my fellow students cannot afford to live in expensive homes on large lots.

In addition to accommodating our growth, the annexation area will also serve the educational and religious needs that my classmates and I require. This new area will be able to accommodate the construction of additional schools and houses of worship which are crucial to the needs of my classmates and myself.

I urge you and the Boards of the Town of Monroe and the Village of Kiryas Joel to support the application for annexation so that after graduation I can continue my residency in this great Village.

Sincerely,

Signature: _____
(Print) Mr. _____
9-17 Berdichev Drive
Monroe, NY 10950