



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
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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.



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June 10, 2015

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**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.
- 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

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.

3.0 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

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

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.

- 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.
- 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.

- 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.
- 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).