

CONSERVATION COMMISSION
JOHN EBERT, CHAIRMAN



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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

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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.
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.
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.
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

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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.
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).
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.
		Specific Comments
1-1	1.1	The DGEIS states that “the territories proposed for annexation are located

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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.
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”.
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.
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.
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.
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.
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.
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.
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

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		considered, the whole purpose of this DGEIS.
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.
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.
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?
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.
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?
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.
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

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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.
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?
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.
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.
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.
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.
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?
1-15	1.8	Please indicate whether any of the development within the VKJ has required blasting.
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.
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.

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		The impervious surface area required to accommodate this additional build out would significantly be higher under the WA.
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?
3-1	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.
	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.
3.1-2	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.
3.1-3	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.
3.1-3	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.
3.1-4	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.
3.1-4	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: <u>(1)</u> Guide the future growth and development of the Village in accordance with a comprehensive plan that represents the most beneficial and convenient

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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><u>(2)</u> 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><u>(3)</u> 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><u>(4)</u> Protect and conserve the value of buildings in the various districts established by this chapter.</p> <p><u>(5)</u> 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><u>(6)</u> 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><u>(7)</u> 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><u>(8)</u> Assure that public service providers will provide the necessary public facilities and service needed for anticipated and needed new development.</p> <p><u>(9)</u> 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>
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>
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>
3.1-12	3.1.2	<p>The Orange County Comprehensive Plan has no standing in the Town of Monroe.</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.
3.1-13	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.
3.1-13	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.
3.13.1-13	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.
3.1-14	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.
3.1-14	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.
3.1-15	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.
3.1-16	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.
3.1-16	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

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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.
3.1-16	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.
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.
3.1-17	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.
3.1-18	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.
3.1-18	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.
3.1-18	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.
3.2-1	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.-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.
3.2-2	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.
3.2-4	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.
3.2-6	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.-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.

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	T3.2-8	There is no supporting data for the market values assigned to the multifamily and single family dwellings.
	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.
	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.

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.
	3.5.1	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.
		<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.
3.5-6	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?
3.5-6	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

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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>
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>
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>
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>
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>
3.5-16	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>

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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.
3.5-20	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.
3.5-21	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.
3.5-22	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.
3.5-24	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.
3.5-27	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.

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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

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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.
3.6-1	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.
3.6-2	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.
3.6-2	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.
3.6-2	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.
3.6-2	3.6.1	It is well-established that the Environmental Resource Mapper only shows those

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		<p>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.</p>
3.6-2	3.6	<p>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.</p>
3.6-3	3.6	<p>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.</p>
	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>

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		annexation habitats, and determine the potential for annexation to impact these species.
	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.
3.6-3	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.
3.6-3	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.
3.6-4	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

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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.
3.6-4	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.
3.6-6	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.
3.6-6	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.
	3.7	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

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		<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 Schunnemunk 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>Schunnemunk 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 Schunnemunk 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	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.
3.7-1	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

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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.
3.7-2	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>
3.7-3	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

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		not suburban, but rural, consistent with the Town of Monroe Comprehensive Plan.
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.
3.7-3	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.
3.7-3	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.
3.7-4	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.
3.7-4	3.7.3	What will the impact be to hikers and public users who want to travel on the trails

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		<p>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.”</p>
3.7-4	3.7.3	<p>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.</p>
		<p>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/sustainableurbandedevelopment.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.</p>