

Sheila Conroy
P.O. Box 341
Central Valley, New York 10917
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Attention: Lead Agency: Village of Kiryas Joel, Board of Trustees
P.O. Box 566
Monroe, New York 10949
c/o of Tim Miller Associates, Inc.
10 North Street
Cold Springs, New York 10516
Email: tim@timmillerassocaites.com

**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

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.

- + 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?

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.

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.”*

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?

Besides the above study, an Environmental Impact Statement also must be completed before the County can even begin to work on an expansion?

- 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.”*

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.

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 Montainville 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---

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.

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?

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.

+ 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)

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.

+ 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

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.

+ 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.

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.

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.

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.

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?

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.

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.

3.5 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.

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.

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.

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?

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.

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:

- 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.

- 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.

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:

- 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.

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.

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.

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.

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.

- 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.

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.

3.7 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.

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.

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