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June 22, 2015

Via E-Mail – tmiller@timmillerassociates.com

Tim Miller Associates, Inc.
10 North Street
Cold Springs, New York 10516

Attention: Tim Miller, AICP

Re: Submission of Village of Woodbury, New York

Dear Mr. Miller:

This correspondence shall constitute the comments of the Village of Woodbury, New York (“Village”) with regard to the Draft Generic Environmental Impact Statement (“DGEIS”).

WATER SUPPLY

The Existing Conditions Narrative found in Section 3.5.1 of the document refer to wells that have yet to be permitted for use by NYSDEC or NYSDOH. Only permitted water sources should be included in any discussion regarding existing conditions.

The narrative discusses the submission of Annual Water Withdrawal Reports to NYSDEC for the existing Water Supply Permit. These reports should be included in the Appendix and made available for review to substantiate the conclusions. We note discrepancies in the reported 2014 average day demand. Page 3.5-2 of the report states the average water withdrawal in 2014 was 1.61 MGD. Page 3.5-13 states that average daily water usage in 2014 was 1.49 MGD.

Based on the existing permitted water supply, the Village of Kiryas Joel is not capable of meeting its maximum day demand. Therefore, projections to any annexed land is speculative at best.

The narrative discusses various other planned sources of additional water supply including the Mountainville well field, the NYC Aqueduct connection and the Star Mountain well field. At this point in time, none of these additional sources have the required regulatory approvals.

The report utilizes the average day demand to develop a per capita flow rate of 66 gallons per person, per day demand. This value is significantly lower than the recommended 75 gallons per day, per person which NYSDEC publishes.

The Mountainville and Star Mountain well fields are both located in the Moodna Creek Basin. It is unclear whether the initial environmental reviews for these Water Taking Permits evaluated the impacts of an out-of-basin transfer of groundwater into the Ramapo Basin.

The statements regarding the potential availability of adequate water service are somewhat speculative, and provide intent, but do not indicate, for example, whether the various permitting agencies have committed to providing access, capacity, or service if permit requirements are met. The DGEIS fails to consider or evaluate alternative water service options in the absence of the required approvals of the State and any other permitting agency.

WASTEWATER

Based on the figures provided in the report, it appears that the Harriman WWTP has an available capacity of approximately 1.5 MGD. The proposed increase in demand due to the projected population growth is 1.30 MGD in 2025, not considering any increase in flows to the WWTP from other portions of the current service area. Currently, there is not available wastewater treatment capacity at the Harriman WWTP to serve the projected growth.

Additional information should be provided regarding the wastewater treatment facility located in Kiryas Joel. A single month's worth of historical data is provided in Appendix G. This is grossly inadequate. No indication of current WWTP performance is provided in the report. An operational audit of the facility must be completed to identify actual available treatment capacity based on the current loadings to the facility.

The statements regarding the potential availability of adequate sewer service are at best speculative and do not indicate, for example, whether the various permitting agencies have committed to providing access, capacity, or service if permit requirements are met. The DGEIS fails to consider or evaluate alternative wastewater disposal plans in the event that the Harriman WWTP is not viable and fails to consider alternatives in the event that approvals are not received from the State and any other permitting agencies.

ZONING AND LAND USE

The population and growth calculations, which have been provided, have calculated a projected increase in population of 19,663 people in the Year 2025. These growth projections are solely based on past growth and do not appear to give consideration to the potential exponential growth which could

occur with the addition of vacant developable land. Additionally, we note that the analysis is only for a 10-year look ahead. At least a 25-year analysis is required.

It appears that the analysis without annexation gives consideration to the allowable density based on the subject properties as based on current Town of Monroe Zoning requirements. However, the analysis with annexation only evaluates a potential density which is based on the growth projections provided. The current zoning code in Kiryas Joel has no limitation on the number of units per acre. In consideration of this, the development potential is significantly greater than the analysis suggests.

Table 1-2, p. 1-4 indicates that without annexation, there is expected to be an increase within Kiryas Joel of 2,394 units on undeveloped property (and an addition of 12,307 people). With annexation, these properties are not shown to have an increase, on the basis that "the proposed action is specific to annexation lands." pp. 1-5. This approach should be examined with respect for the potential for the claim of segmentation, by excluding this growth potential. The DGEIS has many examples of the effect of impacts without annexation on the lands outside the current Village boundaries.

Throughout the DGEIS, there are references to increases in tax revenue to the Village of KJ and other taxing entities due to the increase in value of assessable properties and the availability of additional tax revenue to increase services. As one example see p. 1-5, and fourth paragraph with reference to "net tax benefit". In actual practice, the amount of tax revenue to be assessed is based on budgetary needs of the taxing entities. All other factors being equal, the result of the increased value of new development would be to decrease (almost always very modestly) the overall tax rate and thus the amount to be paid by existing property. As presented, the statements are at least misleading. For example, see p 1-5, second paragraph, with reference to net tax benefits being used to fund capital projects. This is not the case. All references should be revised, and to be truly informative, some appropriate examples should be provided.

TRAFFIC

No specific traffic study was completed for the DGEIS. As such, there are no specific analyses of roadways or intersections outside of the Village of Kiryas Joel where the increase in population of 19,663 could have significant impacts on highway capacity, intersection capacity and safety. We believe that capacity analyses of all affected roadways and intersections should be evaluated to determine the potential impacts.

The Transportation Section of the report does project trip generation based on the two (2) scenarios, with and without annexation, as provided in tables found in Appendix F. Trip generation rates for the same classification vary between the zoning designations. For example, the trip generation rate for ITE Class 230 (Condo) in Table F3-5 varies between 0.351 and 0.507 depending on the location of the unit. Table F3-7 designates a rate for the same classification of 0.417 and 0.339. Additional discussion and documentation must be provided for the varying use of trip generation rates.

Page 1-12,13, regarding traffic indicates that with annexation, reduced traffic growth outside the Village is anticipated as Village transportation services such as sidewalks are extended into the annexation area, as compared to without annexation. The DGEIS text does not properly identify or analyze affected intersections beyond the Kiryas Joel boundary.

The Traffic section, p. 3-4-21 refers (footnote 11) to a traffic study referenced as prepared by Saccardi & Schiff. This study is not recent and was prepared for a project that was not approved. A more relevant study would be the traffic study prepared by AKRF for the selected casino in Sullivan County. This section should be revised to reflect the current study and the implications on traffic thereof.

INCORPORATION OF RECORD

Initially, the Village respectfully directs your attention to the record of the Public Hearing with regard to the DGEIS. As our Office was present and those comments were provided, rather than repeat those various issues identified that record is incorporated herein by reference. In addition, the prior comments of the Village submitted previously are also respectfully incorporated herein by reference without the need to repeat the same. As our Office was present during the recent Public Hearing we are fully aware that the record was extensive and therefore incorporate the same by reference as though set forth in full herein.

DEMOGRAPHICS

Completely deficient from the DGEIS is any consideration that the need to expand by the Village of Kiryas Joel, New York ("KJ") can be accomplished in the same manner that KJ was first established. When a growing Satmar population within Williamsburg, New York could not accommodate Satmar members, the historical example was a relocation of the over-flowing population outside of the City of New York. This is the basis for KJ being established in Orange County, New York. That same practice and pattern of relocating in other communities to accommodate a growing population was completely ignored as an alternative in studying the impacts of the proposed Annexation.

The DGEIS fundamentally ignored this alternative to the need for Annexation. In fact, rather the religious community has relocated in Sullivan County to provide for the growth of that community. There is nothing in the record that would preclude such an alternative and the failure of the DGEIS to consider the same is an abandonment of any required "hard look" with regard to impacts and alternatives. The statistics provided demonstrate a slowing of in-migration to KJ from outside as the growth limitations of KJ realized.

PROJECTED DEVELOPMENT NOT CONSIDERED

The DGEIS manifestly eliminates the requisite "hard look" at the impacts of Annexation that will result in the pattern of development already existing in KJ. Simply stated, failure to analyze the build-out that can reasonably be anticipated based upon the KJ history of development is improper segmentation under SEQRA. No matter how any build-out is to be considered, the failure to actually consider that build-out is evidence that the impacts from Annexation have not been identified. Without the impacts being so identified, mitigation measures cannot be properly proposed. The failure to analyze the build-out in a manner consistent with the historical KJ development also fails to identify impacts upon the social-economic and community character of the area to be annexed. This manifest failure to identify the impacts precludes any meaningful opportunity to set forth mitigation measures that are required under SEQRA. Therefore, the failure of the DGEIS to even consider various build-out scenarios is a fundamental flaw in the SEQRA process concerning Annexation.

EXCESSIVE ENTANGLEMENT

At the time of the incorporation of KJ, it was only speculation as to the ultimate involvement in potential control by religious authorities over municipal affairs. As several decades have developed since the incorporation of KJ, that involvement is no longer a matter of speculation. Established jurisprudence has confirmed examples of religious authorities having control over municipal matters. This excessive entanglement has already been the subject matter of review by the United States Supreme Court.

With a clear historical pattern developed since the incorporation of KJ, it is reasonable to expect (and even municipal officials in KJ admit) that the annexed area would become a continuation of the practices and patterns of the behavior regarding religious influence over municipal matters. The impact of such excessive entanglement has not been identified so that appropriate mitigation measures can be determined that impact upon the community character.

In fact, information made available during the public hearing on the DGEIS has produced evidence that the Annexation is an effort to “extend the holy borders” of KJ to the newly annexed area. Accordingly, with this manifest identification of continued land use as previously taken place in KJ adumbrates at least community character impacts that were not identified in the DGEIS.

CONCLUSION

The Village respectfully submits that the above matters must be reviewed and responded to in accordance with all applicable law and SEQRA requirements. The DGEIS is not adequate for further consideration and further steps the SEQRA process until the aforementioned deficiencies are properly addressed and resolved.

Very truly yours,


Dennis A. Lynch

DEAL/sd

cc: Mayor Michael Queenan