

1.0 SUMMARY

1.12 Summary of the Final Generic Environmental Impact Statement ¹

This document is a Final Generic Environmental Impact Statement ("FGEIS") prepared in accordance with the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations, 6 NYCRR Part 617. Pursuant to section 617.9(b)(8), this FGEIS consists of the Draft Environmental Impact Statement ("DGEIS"), a summary of the substantive comments received and their source; and the lead agency's responses to all substantive comments.

The SEQRA documents have been prepared in connection with the consideration by the governing boards of the Town of Monroe and Village of Kiryas Joel of a petition by certain private property owners in the Town for the annexation of approximately 507 acres of land from the Town of Monroe to the Village of Kiryas Joel, in Orange County, New York (the "Action"). The DGEIS and this FGEIS also review a second petition by certain private property owners in the Town for the annexation of approximately 164 acres of land (included entirely within the 507-acre annexation territory) from the Town to the Village. The lead agency for the Action is the Village of Kiryas Joel Board of Trustees.

No development project has been presented with the Annexation Petitions. Further, no plan has been presented regarding future zoning that may be applicable to the lands should the annexation be approved. The land is presently zoned by the Town of Monroe and has development potential under the existing applicable zoning designations. The future zoning will be determined by the Village if the annexation petition is approved. It is not known what that zoning will be, but for the purposes of this review, it was assumed that development density in the annexation area will be similar to the existing Village and that density can accommodate the projected growth in the ten year scenario reviewed herein.

The Village Board of Trustees, acting as the SEQRA Lead Agency, has determined that the proposed action is a Type I Action under SEQRA and potential impacts of the action should be assessed in a generic environmental impact statement. The only actions required under Article 17 of the New York State General Municipal Law are the resolutions by the Village of Kiryas Joel Board of Trustees and the Town Board of the Town of Monroe to approve or deny the annexation based on the their respective public interest review and determination and the SEQRA Findings of the lead and involved agencies that result from the SEQRA process.

The SEQRA Process

The SEQRA lead agency for this action is the Village of Kiryas Joel Board of Trustees. SEQRA prescribes that the lead agency is responsible for the adequacy and accuracy of the FGEIS. The DGEIS, as supplemented by the FGEIS, will provide the basis for the lead agency's Statement of Findings that will conclude the environmental review process for the Action. The Village Board and the Town Board of the Town of Monroe will each adopt a Statement of Findings relative to the environmental effects of the annexation prior to taking any action regarding the annexation.

¹ The FGEIS is prepared as an addendum to the DGEIS – section numbering will follow the DGEIS sequence.

SEQRA Background

The DGEIS was prepared for the 507-acre annexation and the 164-acre annexation alternative based on a written scope accepted by the lead agency on March 20, 2015. (The adopted Scoping Document is included in Appendix B of the DGEIS.) The Village Board and its consultants prepared a Draft GEIS in accordance with the final Scoping Outline which considered the 507-acre Annexation Petition as the primary action and the 164-acre Annexation Petition as an alternative. The Village Board and its consultants considered the comments of over 175 residents and neighbors [and politicians], including those received during and after the two scoping sessions for the Draft GEIS and a forum conducted by the County Planning Department. On May 1, 2015, the Village Board adopted a resolution which determined that the Draft GEIS for the proposed 507-acre Annexation and 164-acre Annexation was complete and adequate for public review. Thereafter, the Village Board issued a Combined Notice of Completion of Draft GEIS and SEQRA Public Hearing and Comment Period. The notice is included in FGEIS Appendix B. The DGEIS and notice were promptly circulated to involved agencies and interested parties and posted on a publicly accessible internet site in accordance with SEQRA. The Village Board conducted a public hearing on the DGEIS and the annexation petitions on June 10, 2015, at which time the annexation hearing was closed, and the comment period on the DGEIS was held open to receive written comments through June 22, 2015. Public comments on the DGEIS were received from over 4500 commenters.

The FGEIS has been prepared with input from the Village of Kiryas Joel officials, with the assistance of Village staff and the Village's advisors.

The Final Generic Environmental Impact Statement

In accordance with SEQRA, this FGEIS provides written responses to substantive comments on the DGEIS received by the lead agency during the public review period, including oral comments made at the public hearing. The transcript of the DGEIS public hearing is included in FGEIS Appendix D. All written comments received by the lead agency during the public comment period on the DGEIS are included in FGEIS Appendix E, in their entirety.²

In the interest of having a transparent review process, the Village set up a public website for all SEQRA-related materials for this action, kj-seqra.com. The website has been updated and maintained to include the annexation petitions, SEQRA notices, the Scoping Outline, the DGEIS and reference material used in its preparation, the public hearing transcript, all written comments received on the DGEIS and Annexation Petitions, and over 4,000 letters of support from current Kiryas Joel residents.

The lead agency acknowledges each and every comment received from the public and from interested agencies during this review process. Refer to Appendices D and E to read all comments received in their entirety.

Comments received by the lead agency on the DGEIS that are directly related to the potential significant adverse environmental impacts under review for the subject action, together with responses to these comments, are provided in this FGEIS as required by SEQRA. The substantive comments are repeated in a comment/response format and are organized by topic following the sequence in the DGEIS sections.

² Due to the volume of comments and exhibits received, Appendix E is provided digitally on the accompanying CD.

In some cases, an author's comment may be summarized or paraphrased to clarify its context, or combined with other similar comments, and some responses to comments that are previously addressed in this document refer to the prior response. The source of each comment is referenced. Appendix E1 provides a cross-reference number in the page margin to each substantive comment that the FGEIS response addresses.

Additionally, the transcript of the SEQRA/Annexation hearing (Appendix D) was thoroughly reviewed. The Village Board of Trustees, who were in attendance at the Public Hearing, acknowledges and appreciates the feedback and information provided at that time. The hearing transcript has been posted to the website.

The majority of the DGEIS comments made at the public hearing were repeated in, or were very similar to, the written comments received. The transcripts have been marked with a cross reference in the page margin to the respective DGEIS and FGEIS section where corresponding information can be found. In certain instances, specific comments and responses in the Final GEIS are referenced. All substantive verbal comments received during the public hearing have been addressed in the responses to comments.

The lead agency acknowledges that there were many comments received during this review that are not directly attributed to potential environmental impacts of the proposed action and therefore are not addressed in this document, consistent with the guidance set forth in SEQRA. For example, comments concerning the adequacy of the annexation petitions, the overall public interest of the annexation, and the boundaries of the proposed annexation territory are not addressed in this document because they fall within the municipalities' decision-making authority under the General Municipal Law Article 17 and not SEQRA.

In addition, allegations regarding the Village's lack of adherence to land use and environmental laws; alleged past noncompliance of facilities located in Kiryas Joel; allegations of intentional discrimination, anti-Semitism and the like; or comparisons to the East Ramapo School District are not addressed in this SEQRA document as they do not relate to the stated intention of SEQRA with respect to the disclosure of potential adverse environmental impacts associated with the proposed action.

The DGEIS provided factual background information on all applicable subject areas and compared the no action alternative of no annexation to the proposed project of annexation. Many of the comments on the DGEIS, however, confused the proposed action of annexation with the likely population growth that has and is projected to take place in the Kiryas Joel community. Many comments also requested population projections beyond a ten year planning time frame.

It has been the consistent view of the Lead Agency that the natural population growth that is projected to occur in the foreseeable future is not a discretionary action subject to SEQRA, nor is it something that can (or should) be controlled in the context of a SEQRA review. In other words, internal population growth in and of itself is not an impact of annexation but, rather, annexation is one potential response to such increases in population, and that action does have certain implications that are considered in the DGEIS.

Regarding the ten year time horizon utilized in the DGEIS, a ten year time frame is a commonly used duration for planning studies. Orange County's own projections for population growth in the County go out ten years as do most municipal comprehensive plans. For example the County's AFEIS for the Harriman Wastewater Treatment Plant (WWTP), completed in 2010 was

based on a population growth and build out analysis through 2025. The 2010 update to the Orange County Comprehensive Plan also contained population projections and housing forecasts out to 2020. While the 2011 Woodbury Comprehensive Plan DGEIS did not contain any specific forecasts, the plan itself is a vision of the Village in 2020. Additionally, the Orange County Final Water Master Plan, published in October 2010, included five and ten year planning horizons. There is greater statistical accuracy with a projection that extends over ten years versus a twenty-five year or more projection. There are a significant number of unknown factors that can alter the results of a projection over a twenty-five year or more time frame.

The goal of this SEQRA process, therefore, has been to reasonably assess the environmental effects of the 507-acre annexation if it were to be approved, and compare it to the environmental effects of the 164-acre annexation proposal and the no-action alternative. The information provided in the DGEIS discusses the potential effects of population distribution scenarios under both the 507-acre annexation proposal and the 164-acre alternative.

The lead agency also acknowledges that several comments call for the preparation of a supplemental EIS. A lead agency may require a supplemental EIS in the following circumstances: (1) project changes which may result in one or more significant adverse environmental impacts not addressed in the original EIS; (2) discovery of new information, not previously available, concerning significant adverse impacts; (3) a change in circumstances related to the project which may result in a significant adverse environmental impact(s); or (4) site-specific or project-specific analysis of potential significant adverse environmental impact(s) needed for actions following a generic EIS. The lead agency has considered the need for preparing a supplemental EIS and has determined that, at this time, none of the four circumstances described above apply to this action. All substantive comments related to environmental effects of the annexation action have been considered and are reasonably addressed in the FGEIS.

Future SEQRA Compliance

As provided by SEQRA and noted elsewhere, the DGEIS deals with future actions subsequent to the annexation in broad and conceptual terms. The DGEIS was used because the proposed actions that may flow from annexation are large in both space and time, with so many uncertainties about specific projects and impacts, that a conventional EIS would have been impractical.

As a result, SEQRA anticipates that future related discretionary actions would still warrant consideration under SEQRA, whether in the form of a supplement to the GEIS or a negative declaration. In certain circumstances, if a subsequent site specific action will be carried out in conformance with the conditions or thresholds established for such actions in the findings statement resulting from the GEIS, then no further SEQRA consideration would be required.

Here, because details of future projects and impacts are indeed unknown, the DGEIS did not suggest conditions or thresholds which would eliminate the need for further environmental review. The analysis provided in the DGEIS is conceptual in nature and is not a substitute for site-specific reviews. The DGEIS, therefore, will not displace the requirement for future consideration of proposed discretionary actions.

The Project Description

The nature of the annexation petition has not changed since its publication in the DGEIS. Sections 2.2, 2.3 and 2.4 that follow are repeated from the DGEIS with limited updated information for the convenience of the reader.