

2.5 Project Description Comments and Responses

Comment 2-1 (Letter 2, Steven Neuhaus, Orange County Executive, June 10, 2015):

Population growth: While it is true that the population residing in the annexation territory will increase regardless of the result of these petitions, the population growth will be substantially higher if the land is subject to the Village zoning rather than the Town zoning. The DGEIS assumes that full buildout of the annexation territory under the current zoning is 1,431 dwelling units; given the current household size of the Village, the maximum population of that area can then be anticipated to be approximately 8,443 people in about ten years. If however the annexation land is developed consistent with the current density of the Village of Kiryas Joel, which is approximately 6 units per acre, the maximum annexation territory density will be approximately 3,024 dwelling units, with a population of around 17,948 people in about ten years, more than double the population under the no-annexation scenario. The additional population living in the annexation territory will use energy, water and sewer capacity, transportation and transit capacity, emergency services, and social services at a rate consistent with other residents of the Village, causing a substantial impact to the public interest by straining the ability of the Village and the County to provide those services.

***Response 2-1:** The DGEIS did not address the maximum carrying capacity of the annexation lands because the lands have not yet been annexed and considered under the Village zoning code. Future zoning for the annexation territory will be subject to supplemental review under SEQRA. Without a zoning decision, those metrics can only be roughly estimated based on historic trends and population growth projections.*

It is not unreasonable to assume long term use of the annexation lands will mimic the densities in the area of the existing village. The time frame for that development, however, cannot be known. Moreover, the future landowners will be paying taxes to all service providers which would be expected to offset the increased use of services.

The County has done its own projections of growth for all municipalities in the County, including Kiryas Joel. At the time of the 2010 Census, the County projected a population for the Village of some 55,000 persons by 2020.

See http://www.orangecountygov.com/filestorage/124/1362/3210/Summary_Guide_to_Population_Projections_8-13-10.pdf

The following is excerpted from the above noted "Orange County's Summary Guide to Population Projections".

"Population Projections:

County Planning, using the data provided by the Census Bureau and other sources, produced four different population projections for Orange County, made available in the attached spreadsheet. The first method, shown on the attached spreadsheet shaded in yellow and projecting forward the average annual growth rate since the 2000 Census, is described above. Using that method, the population of Orange County in 2020 is projected to be 438,977 people. The second method, shaded in green, is similar to the first method, except that the projected growth rate is determined by projecting forward the rate at which the County grew between July 1, 2008 and July 1, 2009. Using this method, the population of Orange County in 2020 is projected to be 430,564 people. The third method, shaded in gray, was developed by the New York Metropolitan Transportation

Council and is based on historic rates of residential building permit activity in the County and the population associated with new residences; the NYMTC model was developed in 2005 and does not include population projections for the Villages of South Blooming Grove or Woodbury, as both villages were incorporated in 2006. Using the NYMTC method, the population of Orange County in 2020 is projected to be 431,168 people. The fourth method, shaded in blue, is similar to the first two in that it uses historic population data primarily provided by the Census Bureau to determine the average annual growth rate in Orange County from 1894 to the present and projects that annual growth rate forward to 2020; this model was developed in 2002, at which time it was determined that insufficient data existed to determine a long-term growth rate for the Village of Kiryas Joel, and the Villages of South Blooming Grove and Woodbury had not yet been incorporated. Using the fourth method, the population of Orange County in 2020 is projected to be 439,213 people.

Given the range of possibilities and the fact that all four methods produced population projections within a 2.5% margin of error, County Planning evaluated the four methods and chose the second, the 2008-2009 growth rate, as being the most appropriate. This assumption is based on the 2008-09 growth rate being the most current data available and reflective of current economic and demographic conditions, the growth rate being in keeping with trends predicted by NYMTC, the growth rate for the Village of Kiryas Joel being consistent with its growth since 1990, and growth being predicted to occur in the places where we know growth is occurring based on building permit data and applications received during the GML 239 project review process.

Based on this data, the population of Orange County is predicted to be 400,009 people in 2013, 421,603 people in 2018, and 430,564 people in 2020."

It is noted that the County's growth projections go out 10 years -- a common time frame for such exercises and consistent with the time horizon utilized in the DGEIS.

The growth of the County and the provision of services is the primary role of County government. The County has been aware of the likely growth of the Kiryas Joel Village population for many years as noted above. Given this and the fact that these projections have been publicly available for more than five years, and will occur with or without annexation, the statement that annexation is the condition that will strain resources and is contrary to the public interest is not supported by the record.

The Village expects to continue to provide a high level of services to its residents and given the County's knowledge of the projected growth, there is no reason to believe that the County will not carry out the proper planning to provide services to its citizenry.

Comment 2-2 (Letter 5, Susan H. Shapiro, Esq., Preserve Hudson Valley, LLC., June 10, 2015): The DGEIS fails to consider environmental impacts beyond 2025. The DGEIS fails to consider the repercussion of this annexation beyond 10 years, since it only projected impacts until 2025. The DGEIS fails to consider the full impacts this annexation will have on the regional water supply and sewage systems; on the environment from loss of all the green space in the annexation territory; the dramatic change to the community character caused by the enlarged segregated community; the increased traffic patterns due to enormous increase in population; nor the strain on all community services, including schools and emergency services beyond 2025.

Response 2-2: *Comments noted. The annexation is not a growth inducing action as the DGEIS establishes that the projected growth of the Kiryas Joel population will occur with*

or without annexation. It is therefore erroneous to suggest that the annexation action will have environmental impacts associated with growth. It will not. The DGEIS addressed the differences between where growth will likely occur - vis a vis annexation versus no annexation.

See Responses 2-1 and 2-23 regarding the growth projection time frame.

Comment 2-3 (Letter 5, Susan H. Shapiro, Esq., Preserve Hudson Valley, LLC., June 10, 2015): In the Full Environmental Assessment Form reference to development is checked off as “no”. This is deeply misleading and disingenuous as the DGEIS itself main claim is that the need for the annexation is to develop the annexation territory to a very high density to accommodate an endlessly expanding population. The EAF fails to consider future development or the environmental impacts of future development, it simply considers the annexation of land, nothing more. Yet on its face the DGEIS contemplates a dramatic increase in population density on the proposed annexed territories. However, the DGEIS is replete with references to KJ’s plans to densely develop the annexation territory, including plans that significantly impact regional water resources and sewer treatment facilities.

Response 2-3: *There is no inconsistency between the EAF and the DGEIS. As noted elsewhere, the annexation petition was not accompanied by a development project or plan for the annexation territory. Any such development plan for all or a part of the annexation territory will be subject to all federal, State and local laws, including the Village and/or Town zoning codes and SEQRA. Likewise, as noted in the DGEIS, future applications for site development will also be subject to SEQRA as well as all other applicable federal, State and local laws.*

Also see responses to Comments 2-1 and 2-2.

Comment 2-4 (Letter 8, Laura Rainoff, March 6, 2015): The Draft Generic Environmental Impact Statement (“DGEIS”) for Kiryas Joel’s (“KJ’s”) petitioned 507-acre and 164-acre annexations does not address the full build-out of high-density housing that the KJ leadership has stated in publicly-filed documents that it intends for the annexed area(s). The inevitable build-out and population explosion that will take place will have devastating and irreparable consequences for all of Orange County. This would include unworkable traffic, air and water pollution, lack of water resources, more sewage than can be treated, and unbearable tax burdens on the entire county to pay for it all, plus the enormous costs of the social services that the KJ population requires.

Response 2-4: *See responses to Comments 2-2 and 2-3.*

It has not been demonstrated that the County taxpayers bear an enormous cost for social services to support the Village residents. In fact, the opposite is true. As discussed in DGEIS Section 3.3.5, the County Department of Social Services budget includes funds that are administered by the County but are reimbursed by the Federal and State Government. In fact 70 percent of the social services budget is reimbursable expenses. Due to modest family incomes and large family sizes, the Village of Kiryas Joel has a high percentage of households that are eligible (as other similarly situate households throughout the County, State and United States) for Medicaid and financial assistance for heating and food costs. These are the same services that are reimbursable by the Federal and State governments. The residents of Kiryas Joel do not

utilize many other available County services supported by County tax dollars, including the Orange County Community College, Orange County Court System, Orange County jail, drug rehab or substance abuse programs, Orange County Sheriff, or the Valley View Nursing Home.

Comment 2-5 (Letter 10, Itzik Gold, Monroe, June 12, 2015): The Census figures in the DGEIS are probably wrong. I follow the methodology from the US Census for a quite few years and the result is getting more and more inaccurate from year to year. There are two election districts within the proposed annexation area. (18 & 36) If this annexation succeeds, two new election districts must be created in order to ensure that there is no election district divided in two municipalities.

Response 2-5: *Comment noted. This comment appears unrelated to any environmental effects.*

Comment 2-6 (Letter 10, Itzik Gold, Monroe, June 12, 2015): The annexation will:

- 1) Bring Affordable Housing.
- 2) Boost the local economy.
- 3) Help keep taxes affordable.
- 4) Encourage new services.
- 5) Give the opportunity for our raised children to live in our exceptional community.
- 6) Ensure that families and children who live and will live in this area will be given the right to access parks.
- 7) Ensure that people are not denied from their property and religious rights.

Response 2-6: *Comment noted.*

Comment 2-7 (Letter 13, Matt Higgins, June 7, 2015): Why is Woodbury written as being annexed yet not being notified, nor any lands being listed?

Response 2-7: *The annexation only involves land within the boundaries of the Town of Monroe.*

Comment 2-8 (Letter 15, Moses Neuman, Executive Director, Kiryas Joel Community Housing Development Organization, Inc., June 17, 2015): I am the Executive Director of the Kiryas Joel Community Housing Development Organization, which was established in 1992, in order to advocate for affordable housing. It goes without saying that multi-family home development is more economical than large lot single family homes. As a poor community but one with strong family ties, my organization proudly supports families in their quest for affordable housing.

Much of the annexation area is restricted to large lot development, requiring as much as 3 acres per home. This type of zoning is not conducive to affordable housing as it restricts lower and middle income families from being able to afford living in this area. In contrast, Kiryas Joel zoning permits smaller lot sizes, making the land available for more affordable living.

In establishing the Village of Kiryas Joel as the lead agency for this application, the DEC recognized the value of having walkable communities that promote affordable living on smaller lot sizes. This application for annexation supports that goal, as clearly documented in the DGEIS.

As an advocate for affordable housing, I strongly support the annexation application in meeting the needs for affordable and sustainable growth of our community.

Response 2-8: *Comments noted.*

Comment 2-9 (Letter 18, Stephen Welle, Mayor, Village of Harriman, June 10, 2015): The Village of Harriman filed to be an involved agency for the 507 and 164 acre annexation due to the Harriman Waste Water Treatment Plant being in the Village of Harriman. There is a great concern that the significantly increased demands for waste water treatment will exasperate the existing problems and over load the plant. The Village Attorney also sent a separate letter to the Village of Kiryas Joel regarding our requests to be an involved agency. The Village of Harriman has never received any response from Kiryas Joel regarding the requests.

Response 2-9: *Pursuant to SEQRA, an “involved agency” is “an agency that has jurisdiction by law to fund, approve or directly undertake an action.” 6 NYCRR 617.1(s). In contrast, an “interested agency” is defined by SEQRA as “an agency that lacks the jurisdiction to fund, approve, or directly undertake an action but wishes to participate in the review process because of its specific expertise or concern about the proposed action. An ‘interested agency’ has the same ability to participate in the review process as a member of the public.” 6 NYCRR 617.1(t). Accordingly, the Village of Harriman is an interested agency.*

In response to the Village of Harriman request, Kiryas Joel instructed its professional consultants to add Harriman to the list of interested agencies and the Village will be provided copies of all relevant SEQRA notices. Indeed, the consultants confirmed that all SEQRA notices to date have been sent to the Village of Harriman.

Comment 2-10 (Letter 18, Stephen Welle, Mayor, Village of Harriman, June 10, 2015): If the Village of Kiryas Joel was really interested in conducting an honest and thorough SEQRA, they would have reached out to the surrounding municipalities to determine the real potential impacts and possible mitigation.

Response 2-10: *The Village of Kiryas Joel advertised and held two voluntary public scoping meetings seeking input on the DGEIS process and the contents of the DGEIS, which has been prepared according to the scoping outline and posted to a website <http://www.kj-seqra.com/> including relevant reference documents. A voluntary public hearing has also been held on the Draft GEIS, with ample opportunity for written comments to be submitted. This has all been noticed in the local newspaper and reported in a variety of public outlets. Indeed, the Village of Harriman was provided with mailed notice of these as well and Mayor Welle spoke at two of the three public meetings held by the Village. The Village has welcomed comments from its neighbors throughout these proceedings.*

Comment 2-11 (Letter 20, Harry & Kathleen Mitchell, June 18, 2015): We see this expansion as a tremendous financial challenge to the town and ultimately to us as taxpayers. We worry about zoning laws changing and the creation of more cluster housing. This definitely effects the value of our home. We are even more concerned about the water/sewage situation. The Harriman plant is already overtaxed. We worry about the number of families in the Kiryas Joel community who are adding to the rise in our social services budget. We worry because they have not been “good neighbors” and do not readily adhere to local building codes/laws.

Response 2-11: DGEIS sections 3.2.4 and 3.2.5 present analyses of projected revenues and costs to the Town of Monroe. The net benefit to the Town of Monroe is projected to be \$336,980 more if development occurs as projected Without Annexation than would be expected With Annexation. However, With Annexation the tax revenues more than cover expenses to the Town.

There is no evidence provided demonstrating that home values are affected by annexation actions that have occurred historically in Orange County.

See response to Comment 2-4 regarding the cost of social services.

Comment 2-12 (Letter 36 - One of 1,630 identical letters): I am writing to add my voice in support of the application for annexation of 507 acres of land into the Village of Kiryas Joel. For the reasons set forth below, I strongly believe that this annexation is in the overall public interest of the area. As a husband and father residing in the Village of Kiryas Joel, I enjoy many of the services afforded to me in this community. As my family and other families in Kiryas Joel continue to grow in size, I worry that I will not be able to have adequate living space for my children when they get older and start their own families. I treasure spending time with my family and I can't imagine not having my extended family living nearby in the annexation area, to celebrate family events and holidays with me and my wife. The annexation will also have a positive impact on the ability to construct affordable housing. This is a crucial need in our community as most of the residents cannot afford to live in expensive homes on large lots.

In addition to accommodating our growth, the annexation area will also serve the educational and religious needs of our expanding community. This new area will be able to accommodate the construction of additional schools and houses of worship which are crucial to the needs of my family and community. For the sake of my children and my neighbor's children, I urge you and the boards of the Town of Monroe and the Village of Kiryas Joel to support the application for annexation.

Response 2-12: *Comments noted.*

Comment 2-13 (Letter 42, Lorraine McNeill, June 21, 2015): The NYS Constitution Article 9 section 1d, State annexation law Article 17 of the GMU and prevailing case law clearly indicate that the annexation must be in the "overall public interest". That means in the overall public interest of all of the involved and interested communities, not just the overall public interest of one municipality. How does it benefit Monroe, or for that matter, Woodbury, Blooming Grove and the County, to have a city forced upon them? Because that is what is being proposed. And please note, Smart Growth involves more than sidewalks and public transportation. It involves open space and wise use of resources and no reliance on taxis as public transportation.

Response 2-13: *This comment appears directed more to the annexation determination than to the DGEIS. However, as noted elsewhere, the annexation petition being considered here by the Town and Village governments was filed by a group of private property owners in the Town. Annexation is an established right of local governments to add territory provided for in the bill of rights for local governments in Article IX of the NYS Constitution, subject to consideration of the benefits or detriments of the annexing municipality, the territory proposed to be annexed and the remaining municipality from which such lands would be taken.*

In its consideration of this petition, the Village is attempting to responsibly address the needs of the annexation petitioners as well as its growing population in a manner that also recognizes the benefits and detriments to the Town.

Smart growth is an urban planning and transportation theory that concentrates growth in compact walkable urban centers to avoid sprawl. It also advocates compact, transit-oriented, walkable, bicycle-friendly land use, including neighborhood schools, complete streets, and mixed-use development with a range of housing choices. This type of development was lauded by the Commissioner of the NYSDEC in his January 28, 2015 lead agency decision for this action where he stated that compact, high density development (as anticipated if annexation is approved) "is more likely to result in a community that is more walk-able, bike-able and more conducive to mass transit while reducing vehicle miles traveled and generation of green house gas emissions from combustion. As a general rule, high density development, appropriately sited, is considered more environmentally sustainable and conserves open space." There is little question that a village such as Kiryas Joel meets most, if not all of the criteria of smart growth.

Comment 2-14 (Letter 42, Lorraine McNeill, June 21, 2015): Is it in the overall public interest to develop housing to the point where you exceed the capacity of natural and other resources? To attempt to exceed physical limitations? (It is physically impossible for two separate objects of matter to occupy the same space at the same time.) That is what the Village is trying to do here especially in to sewer capacity.

Response 2-14: See response to Comment 2-13. The DGEIS has identified that there is sufficient capacity in Orange County to accommodate substantial growth.

Comment 2-15 (Letter 44, Susan Roth, AICP, June 22, 2015): When I have visited KJ, the quality of pedestrian facilities vary; with some of them poorly designed in terms of safety. For example, I've seen parking areas that use dropped curb sidewalks as the primary means of access to parking across the front of a building, dumpsters that are located near the edge of sidewalks and parking lots that obstruct the view of the walker and could create an accident. Although I admire any community that addresses the need for pedestrian access, sometimes there is a need for more than just a sidewalk to make the experience of walking pleasant and safe. In addition, I think that the need for parking by the KJ Village Planning Board is often underestimated. It is difficult to find parking on private lots, creating potential conflicts.

Response 2-15: Comments noted.

Comment 2-16 (Letter 44, Susan Roth, AICP, June 22, 2015): As stewards of this quality of life in the Town of Monroe, I think it is important for the Town Board of Monroe to take actions to ensure that the quality of life for all residents is maintained, those within and outside the Village of KJ. This proposal, in its current form should be rejected for lack of quality information about the proposal. In other words, ask the development community to demonstrate the build out. I understand that this request would create only a conceptual build out, but a concept could be used as a basis for design planning that could be carried over into the development process and the findings statement. Without a conceptual plan, the build out is uncertain and it does not make any sense for the Monroe Town Board to grant the petition.

The speaker representing the owners alluded to the need to extend streets, create pedestrian and bus stops, new housing and expand other facilities. To defend the idea that they have no idea of how this would work out on the land is simply not believable, nor is the idea that this property is too large for a PUD concept that could be designed to blend into the broader community and provide residents of KJ with quality housing that includes amenities that residents need, including pocket parks, open space, transit opportunities, schools and more.

Response 2-16: *Comments noted. These comments appear directed to the Town of Monroe and its underlying annexation decision and not to the DGEIS. Nevertheless, as noted elsewhere, the annexation petition was not accompanied by a development project or plan for the annexation territory. Any such development plan for all or a part of the annexation territory will be subject to all federal, State and local laws, including the Village and/or Town zoning codes and SEQRA. Likewise, as noted in the DGEIS, future applications for site development will also be subject to SEQRA as well as all other applicable federal, State and local laws.*

Comment 2-17 (Letter 50, John Ebert, Chairman, Monroe Conservation Commission, June 20, 2015): Major fundamental flaws in this analysis include:

- 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.

Response 2-17: *See responses to Comments 2-1 and 2-2. The DGEIS specifically used the ten year time frame for its growth projections because the data available on existing populations within the Village supports a very accurate projection over the next ten years. Many community master plans use a ten year planning time frame. There was nothing arbitrary about that. Moreover, existing residential densities were used in the DGEIS to project future conditions.*

The "no-annexation" scenario presented a reasonable and rational growth scenario for the purpose of comparison. The DGEIS stated that each scenario entailed certain assumptions, including that underdeveloped lots would be fully redeveloped.

Comment 2-18 (Letter 50, John Ebert, Chairman, Monroe Conservation Commission, June 20, 2015): The DGEIS states that "the territories proposed for annexation are located 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.

Response 2-18: *The annexation petitions each included a map showing the extent of the "territory," or collection of tax lots, represented in the petition and the relationship of the territory to the existing Village and Town boundaries. These maps are provided in*

the DGEIS. Proposed annexation properties either about the Village boundaries or about other lands proposed for annexation that about the Village boundaries.

Comment 2-19 (Letter 50, John Ebert, Chairman, Monroe Conservation Commission, June 20, 2015): In the second paragraph, as this is the first reference to the lead agency, the DGEIS should indicate "Kiryas Joel" before "Board of Trustees".

Response 2-19: *As indicated on the DGEIS cover, cover page, and accompanying Notice of Completion, the lead agency for this action has clearly been identified as the Kiryas Joel Board of Trustees.*

Comment 2-20 (Letter 50, John Ebert, Chairman, Monroe Conservation Commission, June 20, 2015): 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.

Response 2-20: *The DGEIS made no assertions about speculative developers. The Town of Monroe Zoning Board of Appeals does not provide "services that are represented as lacking" and no appeal before the Monroe ZBA could accomplish the provision of Kiryas Joel municipal services.*

As indicated in the DGEIS:

"There is unity of purpose in favor of the annexation within the local community and public facilities and services are available to meet the demand of the unified community. Owners of the properties proposed for annexation seek to avail themselves of the benefits of numerous municipal and other community services that are provided or are otherwise available to Kiryas Joel residents.

The Village is the only entity capable of providing sufficient public sewer and water infrastructure and services to the annexation territory. The Village also provides a managed stormwater system covering more than half of the community as an "MS4" community – a Municipal Separate Storm Sewer System in an urbanized area that has developed a Stormwater Management Program for the municipality. The availability of such resources, together with the desire for other community services that are only available to Village residents, is the purported reason the Annexation Petitioners have initiated the petition.

In addition to central public water and sewer, additional desired services include: public and private schools, public safety and fire protection services, full-time paid EMS, places of worship and mikvahs, daily sanitation pickup, day care, head start services, pedestrian friendly communities with a sidewalk system and streetlights, Village parks, public transportation, municipal water supply for fire protection (hydrants), affordable housing and health care services with specialty care to accommodate larger families. The public services in Kiryas Joel are provided in a culturally-friendly manner as all

Village staff is bilingual to appropriately interact with the predominantly Yiddish speaking Village population.

Few of these services are currently provided by the Town of Monroe to the proposed annexation lands.

Ultimately, annexation will provide the residents of these parcels with public services, more balanced land use and higher levels of public health and safety, consistent with opportunities already available within the Village."

Comment 2-21 (Letter 54, David E. Church, AICP, Commissioner, Orange County Department of Planning, June 22, 2015): The Action is narrowly defined as the annexation of 507 acres from the Town to the Village. The DGEIS states "The purported purpose of Annexation Petition is to enable community members who live in the annexation territory to share the unique municipal services and cultural facilities that exist in the Kiryas Joel, including central water and sewer services, schools, public safety and fire protection services, among many others." (p2-1). Many, if not all, of these services are currently available from the County, Town and or Village (through contractual means) and no justification is provided why the annexation is necessary to provide these services.

Response 2-21: *The potential to contract for services is acknowledged by the DGEIS, however, the Village is in a more unique position to provide the range and quality of services that are functionally and culturally more likely to satisfy the needs of future residents in the annexation area. Not listed in the cited quote are the unique benefits of better access to such things as places of worship and mikvahs, day care and head start programs, and health care facilities which specifically cater to the cultural needs of the local population. Also the Village's Kinder Park only serves Village residents.*

In addition, one of the most important identified benefits of living in Kiryas Joel is the presence and access to public safety, fire protection, and emergency medical service providers, all of Village Hall services including the building department, the drivers of the Village transportation services, and the Department of Public Works, who are able to communicate with the residents who's primary language is Yiddish.

Comment 2-22 (Letter 54, David E. Church, AICP, Commissioner, Orange County Department of Planning, June 22, 2015): The DGEIS further indicates that population growth of the community "is inevitable, with or without the annexation territory, given the religious, cultural and social norms" of the community and estimates that the population will nearly double in ten years. The overarching assumption is that this growth will occur regardless of whether annexation occurs or not, and "demographic and growth analyses have shown that internal population growth within Kiryas Joel has not been restricted by the lack of services such as sewer and water, nor by available housing, as is typically the case in other communities." (p2-12) The DGEIS indicates "The Village is the only entity capable of providing sufficient public sewer and water infrastructure and services to the annexation territory." (p2-12) These statements are in conflict with one another and there are several examples of lands within the Town being provided with water and sewer services (including Forest Edge & Vintage Vista).

Response 2-22: *The Village does not believe that the aforementioned statements actually conflict. The Village in fact facilitated water and sewer connections for the Forest Edge and Vintage Vista properties, which would not otherwise have access to sufficient on-site well water or septic systems to support their density.*

Moreover, as indicated in response to comment 2-1, the County projected the Village of Kiryas Joel population to be in excess of 55,000 by the year 2020. The County made the same assumption as set forth in the DGEIS, in essence, that growth would occur, with or without annexation. See response to comment 2-21.

Comment 2-23 (Letter 54, David E. Church, AICP, Commissioner, Orange County Department of Planning, June 22, 2015): The DGEIS projects population growth and the impacts on services and the environment only through the year 2025, noting that significant population or building growth is likely to occur through this period. This is a relatively short planning horizon for this action. A more appropriate planning horizon would extend growth through 2040, recognizing that the capacity of the current village plus the annexed properties is likely to become a limiting factor on organic growth at some point within this 25 year period planning horizon.

Response 2-23: *Growth of the local population will inevitably continue in perpetuity, however the 10-year projection is a reliably accurate and predictable indicator to draw conclusions about the effects of such growth.*

The Orange County Comprehensive Plan, last updated in 2010, makes no projections beyond a ten year horizon. The Village of Woodbury Comprehensive Plan uses a ten year time frame, as does the Tuxedo 2011 Comprehensive Plan update. The DGEIS also uses this standard planning time frame.

However, as an agency responsible for local and regional planning matters, and with the substantial historic data provided in the DGEIS, the County Planning Department is capable of making its own projections of growth beyond 2025. It is a very simple calculation and bears consideration by all interested agencies, especially Orange County.

The Village of Kiryas Joel is well aware that its growth projections are limited to ten years' time using actual, available population data and a limited amount of assumptions about the near term future. While not specifically discussed within the context of annexation, the Village is continually planning and implementing improvements in services and infrastructure to address its future needs and expectations. Limiting factors on growth, whether they turn out to be utility services, land capability, or some other factor in two, ten, twenty-five years, or beyond any particular "planning horizon", will continually require the Village and the County to seek out measures and practices to adequately serve their respective populations.

Comment 2-24 (Letter 55, Sheila Conroy, June 22, 2015): I could not locate in the document any listing of those parcels generally in the annexation area not held by annexation petitioners--
- how many, what acreage? 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.

Response 2-24: *Individuals within the annexation area who are not culturally affiliated with the Kiryas Joel lifestyle presumably will continue to live in harmony, as they have for many years with their neighbors. There is no basis for assuming they will not fit or will not be welcomed in the community. In essence, they are already in the neighborhood at the present time, and that will continue, with or without annexation.*

Comment 2-25 (Letter 55, Sheila Conroy, June 22, 2015): 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 an 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.

Response 2-25: *Orange County covers 839 square miles and is developed at an overall average density of some 150 housing units per square mile. Land is not in short supply. Annexing land from one municipality to another does not reduce land availability. Rather it provides flexibility in land use and in this case, could focus development activity in an area where higher density development, and availability of services and infrastructure already exist.*

The commentor does not recognize that there are already numerous Hasidic families living outside the borders of Kiryas Joel who seek improved connections with the Kiryas Joel community. There is also available, developable land outside the borders of Kiryas Joel where, in two particular cases (the Forest Edge and Vintage Vista properties which

are both within the proposed annexation territory), has recently been utilized for new development for the growing local population.

Comment 2-26 (Letter 67, Richard J. Pearson, PE, & Robert B. Peake, AICP, June 18, 2015): The 10 year analysis included in the DGEIS considers only a portion of the potential future impacts. Accordingly, a supplemental DGEIS needs to be prepared to properly address the buildout potential of the entire 1,207 acres and provide the public with an opportunity to comment on the anticipated impacts associated with the proposed annexation and resulting/anticipated increase in density and population of the 507 acres of existing Town lands as well as the 164 acre alternative annexation. A timeframe for when such buildouts would occur beyond 2025 should be included. If several alternative buildout scenarios are contemplated as reasonable for the Proposed Action and the noted Alternatives, all of these buildout scenarios should be evaluated.

Tables JMC-1 through JMC-4 compare the 10 year Hasidic population growth analyzed in the DGEIS to anticipated buildout Hasidic population growth projected by JMC under various alternatives. The tables demonstrate that the ultimate population growths beyond year 2025 (which are associated with environmental impacts) are substantially greater than the 10 year growth analyzed in the DGEIS.

Response 2-26: *The SEQRA action being assessed in the DGEIS is the annexation petition filed by a group of private property owners in the Town. The DGEIS assesses the reasonable level of impacts that such an annexation of land to the Village could entail. As a component of that analysis, the DGEIS projects the naturally expected growth of Village population over a ten year horizon to consider the level of impact in accommodating such growth in the proposed expanded Village including the annexation territory. It was never intended to be a SEQRA analysis of the full build-out of the Village and annexation territory under an unreasonable worst case development density scenario. SEQRA suggests that a Generic EIS only present and analyze hypothetical scenarios that could and are likely to occur. The DGEIS does just that in a rational and reasonable way.*

As clearly stated in the DGEIS, the annexation action will not cause the projected population growth; rather such growth will occur with or without annexation. Therefore, while the implications of that population growth requires good planning, population growth itself but is not an impact of annexation requiring the encyclopedic level of analysis suggested by the comment.

As noted elsewhere, the annexation petition was not accompanied by a development project or plan for the annexation territory. Any such development plan for all or a part of the annexation territory will be subject to all federal, State and local laws, including SEQRA and the Village zoning code. See also responses to Comments 2-2 and 2-23.

Comment 2-27 (Letter 67, Richard J. Pearson, PE, & Robert B. Peake, AICP, June 18, 2015): Footnote 9, etc. All footnoted correspondence that is not part of a previous public record needs to be included in the DGEIS appendices.

Response 2-27: *Appendix A of this FGEIS includes an updated list of references cited in the DGEIS and FGEIS including footnote references, and supersedes DGEIS*

Appendix A, References. Most reference materials cited have been made available to the public on the SEQRA repository website set up for this action.

Comment 2-28 (Letter 77, Joanne P. Meder, AICP, Meder Consulting Services, June 22, 2015): The Executive Summary does not include "Summaries" for the following six required topics.

- C. Outline significant beneficial and adverse impacts.
- D. Issues of controversy.
- E. Proposed mitigation measures.
- F. Adverse impacts that cannot be avoided.
- H. Irreversible and irretrievable commitment of resources.
- I. Growth inducing aspects.

Response 2-28: *Comment noted. Those sections can be found in the applicable chapters of the document.*

Comment 2-29 (Letter 77, Joanne P. Meder, AICP, Meder Consulting Services, June 22, 2015): Page 2-14- Section 2.4- Reviews, Permits and Approvals: According to the adopted DGEIS Scoping Outline, the Town of Blooming Grove and the New York-New Jersey Trail Conference were both required to be identified as "Interested Agencies." The DGEIS does not identify either one as an Interested Agency so those oversights will need to be corrected.

Response 2-29: *Pursuant to SEQRA, an "involved agency" is "an agency that has jurisdiction by law to fund, approve or directly undertake an action." 6 NYCRR 617.1(s). In contrast, an "interested agency" is defined by SEQRA as "an agency that lacks the jurisdiction to fund, approve, or directly undertake an action but wishes to participate in the review process because of its specific expertise or concern about the proposed action. An 'interested agency' has the same ability to participate in the review process as a member of the public." 6 NYCRR 617.1(t). An "Agency" is defined by SEQRA as "a state or local agency." Accordingly, the Town of Blooming Grove could meet the definition of interested agency; however, the Village is unaware of any specific request to be so treated by the Town. Nevertheless, based on this comment, the Town has been added to this list and included in the distributions of SEQRA documents and notices.*

The New York-New Jersey Trail Conference, as a not for profit corporation, does not meet the definition of an "interested agency." Nevertheless, the Trail Conference has been added to the public mailing list and has been included in the distributions of SEQRA notices.

Comment 2-30 (Letter 125 — One of 1,474 identical letters): Please accept my sincere request to permit the annexation of 507 acres to permit the annexation of 507 acres of land from the Town of Monroe into the Village of Kiryas Joel. I believe that his request is reasonable, necessary and in the overall public interest.

I am a wife and mother living in Kiryas Joel and I enjoy numerous amenities by living in this community. As I do not drive a motor vehicle, I am pleased that this community has prioritized the need for sidewalks, street lights and a robust public transportation system. These things are not luxuries but rather are necessities to me and my children. They all positively impact the quality of my life and I can't imagine living in an area where these things are unavailable.

Only through annexation will these services be expanded. An enlarged Village of Kiryas Joel will be able to offer sidewalks, street lights and public transportation to the annexation area which will benefit my neighbors and friends. As my children start their own households, they too would be able to enjoy these services in the annexation area, while maintaining their connection to our close family.

The children of Kiryas Joel are 50% of today but 100% of tomorrow. We need the annexation area to prepare for the future of our children, in a safe and sustainable way.

Thank you for supporting the petition for annexation. The improvement of the quality of our lives is truly in the overall public interest.

Response 2-30: *Comments noted.*

Comment 2-31 (Letter 126 — One of 618 identical letters): As children residing in Kiryas Joel we have a large stake in the issue of annexation. Besides having friends and family living in the area outside of our village, we too are concerned for the future.

We rely on street lights and sidewalks in order to travel in our community, with safety and security. We have the ability to use the Village's Kinder Park in order to have healthy exercise and the fun of play. We have the convenience of walking to school, stores and synagogues in a safe and secure way. We take these things for granted, but they are not available for our friends and family living outside of Kiryas Joel.

Though we are young now, with G-d's help and our parent's guidance, we hope to grow up in this area and continue the tradition of our ancestors. We hope to continue living nearby our families and friends, even after we get married and establish our own households. Only with the annexation will it be possible for us to have an affordable home near our parents and continue to have the many services we need in our lives.

We respectfully ask the Monroe Town Board and the Kiryas Joel Village Board to approve the annexation petition. Our future depends on it.

Response 2-31: *Comments noted.*

Comment 2-32 (Letter 127 — One of 592 identical letters): I am writing to demonstrate support for the application for annexation of 507 acres of land into the Village of Kiryas Joel. I strongly believe that this annexation is in the overall public interest of the area.

As one of the nearly one thousand students attending the UTA Mesivta College of Kiryas Joel and a resident of the Village of Kiryas Joel, I enjoy many of the services afforded to me in this community. Upon my graduation, I look forward to the opportunity to build a family here and I worry that I will not be able to have adequate living space at that time.

An expanded Village of Kiryas Joel will give me and my fellow graduates the opportunity to find suitable employment, as well as give us social and cultural opportunities for our future. There is also a crucial need for affordable housing in our community as most of my fellow students cannot afford to live in expensive homes on large lots.

In addition to accommodating our growth, the annexation area will also serve the educational and religious needs that my classmates and I require. This new area will be able to accommodate the construction of additional schools and houses of worship which are crucial to the needs of my classmates and myself.

I urge you and the Boards of the Town of Monroe and the Village of Kiryas Joel to support the application for annexation so that after graduation I can continue my residency in this great Village.

Response 2-32: Comments noted.

Comment 2-33 (Letters 80 to 124 – Identical letters): Our family is one of the many petitioners who have asked to become part of the Village of Kiryas Joel through a lawfully filed petition for annexation. As many of my neighbors have already voiced at the Public Hearing, our reason for this request is to become legally part of a community that we feel a kinship with the home to much of our friends and family. It is crucial to us to be able to enjoy many of the amenities of Kiryas Joel including street lights, sidewalks, daily garbage pick-up, sewer hook up, transportation, public safety, a Kinder Park and much more.

The annexation will also allow us to expand our community to meet the growing family needs for affordable housing. By providing clustered housing on smaller lots, we could better accommodate the needs of our large families.

One point is often lost in the annexation debate that must be stressed. No homeowners were forced to be included in the petition for annexation. Like my family, all petitioners seeking to join the Village of Kiryas Joel appreciate the culture and lifestyle of the Kiryas Joel community and wish to identify with their Hasidic neighbors. All of the properties in the petition are owned by Hasidic families and no other properties were included without the consent of the owner. This is significant because some have argued that the annexation is a "land grab" or an attempt to build on other peoples land. Nothing could be further from the truth.

We therefore urge the Town and Village Boards to support our petition for annexation.

Response 2-33: Comments noted.

Comment 2-34 (Letter 4, Daniel M. Richmond & Krista E. Yacovone, June 10, 2015; and Letter 63, Judith Crelin Mayle, June 22, 2015): Comments on the December 23, 2013 Annexation Petition and on the August 15, 2014 Annexation Petition.

Response 2-34: These comments are directed to the adequacy of the annexation petition and are otherwise beyond the scope of the DGEIS.