

4.1 Thresholds Comments and Responses

Comment 4-1: (Letter 77, Joanne P. Meder, AICP, Meder Consulting Services, June 22, 2015): Instead of providing a clear roadmap for future environmental reviews, including identification of numerical thresholds that would trigger the need for supplementary environmental analysis beyond that which is included in the DGEIS, the narrative in this subsection merely describes the anticipated review process - one that has presumably been in effect already and will continue to be applied in the future. The DGEIS should instead provide sufficient information to enable future applicants for approval of development projects in the Annexation Territory to know whether supplementary environmental analysis would be required for their projects and what type of additional analyses may need to be undertaken. It is also important to point out that a variety of potential actions, including but not limited to "construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area " and "construction or expansion of a single-family, two-family or a three-family residence on an approved lot including provision of necessarily utility connections," are defined as Type II actions and would not be subject to further environmental review under SEQRA, notwithstanding any implications to the contrary in the DGEIS. It is conceivable therefore that some of the projected growth in housing development forecast under the DGEIS analysis could actually occur without any further environmental review under SEQRA.

Response 4-1: 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. Regarding Type II actions, such actions are not subject to SEQRA in any regard and this would not change as a result of the DGEIS.

Comment 4-2: (Letter 77, Joanne P. Meder, AICP, Meder Consulting Services, June 22, 2015): This subsection should also elaborate on the "master plan committee" process that is anticipated to be pursued by the Village of Kiryas Joel "to study the opportunities and constraints of the 507 acres as it relates to Village goals for its existing and future residents, and make specific recommendations for future land use decisions." Among other considerations, this discussion should also describe the type of environmental review that would be undertaken to satisfy SEQRA prior to the Village of Kiryas Joel establishing zoning policies for land in the Annexation Territory.

Response 4-2: The notion of a master plan committee was identified in the land use chapter as a means for the Village Board to consider and act on extending its zoning code to the new 507-acre territory annexed to the Village, once that territory is officially

within its jurisdiction. Any future action relating to a comprehensive plan or zoning decision for the annexation territory will be subject to State and local laws, including 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.