

8.1 Growth Inducing Aspects and Cumulative Impacts Comments and Responses

Comment 8-1: (Letter 2, Steven Neuhaus, Orange County Executive, June 10, 2015):

Growth Inducing Impacts: The DGEIS does not adequately address induced growth and cumulative impacts. The DGEIS assumes population growth within the combined study area (Village and Annexation territory) to be constant under either scenario (annexation or no annexation). It does not estimate the additional growth potential attributable to the action. This underestimates the long-term potential for growth (and along with that growth, the needs for water and wastewater infrastructure).

Response 8-1: The anticipated population growth is not caused by or an impact of annexation. The DGEIS section related to Demographics reasonably and rationally described growth projections for the Village and the annexation territory. As noted there, 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, including the need for adequate services such as water and sewer, population growth itself but is not an impact of annexation requiring the overly speculative and encyclopedic level of analysis suggested by the comment.

As indicated throughout the DGEIS, annexation will not be a growth inducing action. It is intended to better accomodate the inevitable growth that is taking place in the local community. The DGEIS addressed growth, in large part, to assist reviewers in understanding what the implications are if annexation does or does not occur - but not because growth is a result of the annexation.

In order to properly plan for services, Orange County projected the population of KJ at around 55,000 by the year 2020 in their ten year growth projections done in 2010 with no assumption of annexation. The County projection can be accessed at: http://www.orangecountygov.com/filestorage/124/1362/3210/Summary_Guide_to_Population_Projections_8-13-10.pdf

The anticipated population growth was on the horizon long before the annexation petition was filed. In addition to the Countys' population projections several other studies have been conducted to assist in planning for the service needs of the anticipated population growth, again preceding annexation. For example the County's AFEIS for the Harriman Wastewater Treatment Plant (WWTP), completed in 2010 was based on the population growth and build out analysis of the anticipated a population of 55,000 by the year 2020. The 2010 update to the Orange County Comprehensive Plan also contained population projections and housing forcasts without consideraton of annexation. Additionally the Orange County Final Water Master Plan, published in October 2010 included five and ten year planning horizons which also anticipated this growth.

It should be noted in the study conducted by AKRF as part of the AFEIS for the extension of the aqueduct, came to the conclusion that growth continued regardless of the availability of water or sewer infrastructure. The AKRF study compared statistics for population growth during the period when there was a sewer hookup moratorium to the period directly thereafter and the growth remained the same.

Annexation is intended to better accomodate the inevitable growth that is taking place in the local community. The DGEIS addressed growth, in large part, to assist reviewers in

understanding what the implications are if annexation does or does not occur - but not because growth is a result of the annexation.

Comment 8-2: (Letter 2, Steven Neuhaus, Orange County Executive, June 10, 2015): The position of the proposal is that growth will occur regardless of annexation and the impacts of growth are somehow not linked to annexation. The DGEIS acknowledges that annexation will increase development density within the annexation territory similar to the Village's density and development patterns. In many instances the DGEIS defers the evaluation of the impacts of readily foreseeable resultant actions (i.e., rezoning, extension of utilities) to sometime in the future and suggest that impacts be evaluated on a case by case basis as they happen. This is contrary to sound planning practices and the intent of SEQRA as it may constitute *segmentation*. Moreover, the DGEIS assumes growth apparently will be identical by either vertical growth or horizontal growth. The DGEIS should explain why both types of growth are apparently deemed mutually exclusive as the County does not understand such an apparent assumption.

Response 8-2: *The DGEIS does not acknowledge that annexation will increase development density within the annexation territory; rather, what is acknowledged is that growth and development will likely take place in the existing village, the annexation lands and in the surrounding municipalities over time. The DGEIS has acknowledged that if the annexation petition is approved, additional effort will be needed to determine how and where housing will take place to accommodate the growth.*

The Generic EIS has taken a reasoned and hard look at the likely implications of annexation, assuming that the natural growth that appears likely to occur, actually takes place. It acknowledges the necessity to comply with federal, state, county and local laws, all of which serve to minimize environmental impacts. It acknowledges future water demand, and implications of growth on all categories of environmental conditions.

Future actions have been identified. Any future discretionary actions will still require compliance with SEQRA. This process in no way has attempted to segment those future decisions and in fact acknowledges the necessity of future compliance.

Annexation does not grow the population. Annexation changes where taxes are paid and which municipality is responsible for providing services. Fiscal impacts, community service impacts, transportation impacts and the provision of water and sewer services have been thoroughly evaluated on a generic level in this DGEIS in order to compare the Annexation scenario to the no Annexation scenario. However, the specific environmental impacts of future development applications for individual parcels of land will be properly evaluated on a site specific basis at the time of application.

Comment 8-3: (Letter 3, James C Purcell, Village of Monroe Mayor, June 10, 2015): The DGEIS conclusions that the annexation will have no growth inducing impacts, despite the greater availability of municipal water and wastewater/sewer services (DGEIS at 8-1), nor any significant environmental impacts whatsoever (DGEIS at 5-1), simply avoids the issues. These conclusions are not based upon any studies, but upon the assumption that the "growth of the Hasidic population will occur with or without annexation." Once again, the DGEIS assumes away an issue, rather than studying and addressing the issue. Studies must be conducted in a SGEIS or the FGEIS to address the growth inducing impact of the annexation (together with necessary mitigations).

Response 8-3: *The anticipated increases in water and wastewater infrastructure demand are related to population growth, not to annexation. Population growth is not caused by or an impact of annexation.*

Comment 8-4: (Letter 12, Jim Freiband, Town of Woodbury, June 10, 2015): This type of development is much more energy efficient and less destructive of the environment. More space needs to be set aside for open space and public, spaces consistent with good planning practice.

Response 8-4: *Comment noted. The Village is mindful that designated open space and parkland areas are an integral part of good community planning. Accordingly, while this DGEIS cannot identify which lots will include open space, it does provide the background to alert future decision-makers, including the Village Board, Planning Board and Zoning Board of Appeals to consider the open space needs of its residents and to be carefully cognizant of important environmental assets of the annexation territory, including the areas near the County's Gonzaga Park, Coronet Lake, the regulated wetlands and protected wildlife areas.*

Comment 8-5: (Letter 54, David E. Church, AICP, Commissioner, Orange County Department of Planning, June 22, 2015): The DGEIS does not adequately examine the adverse impacts of growth on the territory proposed for annexation. The document repeatedly relies on a series of statements/assertions that defer analysis to an unspecified future date. There are numerous instances in the document which indicate "the proposed annexation would not involve any physical disturbance of the ground and thus..." no impacts are anticipated to occur. There will be an increase in land consumed and developed under the annexation proposal. As such, the failure to analyze predictable outcomes from expected and likely land use and development with current annexation proposals, and deferring such analysis to subsequent actions undefined in the DGEIS (presumably rezoning and site specific permit actions), presents a concern that environment impact analysis is being segmented and deferred to an undefined and uncertain future.

Response 8-5: *Refer to responses 8-1 and 8-2 The DGEIS does contain general projections of growth and development consistent with the conceptual nature of a Generic EIS.*

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 and/or Town zoning codes. Likewise, any future action relating to a comprehensive plan or zoning decision for the annexation territory is subject to State and local laws, including SEQRA, and that process will take place in accordance with all local, state and federal regulations.

Comment 8-6: (Letter 54, David E. Church, AICP, Commissioner, Orange County Department of Planning, June 22, 2015): The overarching assumption in the DGEIS is that growth will occur regardless of annexation and the impacts of growth are somehow unrelated to annexation. The DGEIS acknowledges that annexation will increase development density within the annexation territory comparable to the Village's density and development patterns. In many instances the DGEIS defers the evaluation of the impacts of readily foreseeable resultant actions (e.g., rezoning and extension of utilities) to sometime in the future and suggests that impacts be evaluated on a case by case basis. This is contrary to the intent of SEQRA and defies sound planning practices.

Response 8-6: Refer to Responses 8-1, 8-2 and 8-5

Comment 8-7: (Letter 54, David E. Church, AICP, Commissioner, Orange County Department of Planning, June 22, 2015): The DGEIS assumes population growth within the combined study area (Village and Annexation territory) to be constant under either scenario (annexation or no annexation). It does not estimate the additional growth potential attributable to the action. If annexation were to occur, there remains the current potential for development within the Village's historical boundary will remain. Failing to account for growth within the Village (under annexation) underestimates the long-term potential for growth, and ignores the potential adverse impacts on resources (e.g. demand for water and wastewater infrastructure). Were the population within the Village to increase as the DGEIS posits without annexation and additional density was permitted within the annexed properties, the total population could be higher than estimated. There are, of course, additional implications for community service demands and environmental impacts that follow from this improper estimation of population growth.

Response 8-7: SEQRA requires that an EIS contain a description and evaluation of the range of reasonable alternatives to the proposed action which are feasible considering the objectives and capabilities of the project sponsor. It does not require that every conceivable alternative be considered or that the lead agency develop entirely hypothetical scenarios.

The projection of population growth and the methodology used for those projections were clearly laid out in the DGEIS. The homogeneous nature of the Orthodox Jewish community that lives in this area is unique and lends itself to a clear and reliable estimate of future population. As stated in the DGEIS, females stay in their community and begin families by 20 years of age that typically include four to eight children. Immigration is limited in this community and the percentage of senior citizens (the generation of Jews lost in the Holocaust) is low so the mortality rate is moderate. The population was conservatively estimated under the assumption that each female student will marry over the next 10 years and have a family. The growth will be the same thus the per capita demands for water and wastewater will be the same with or without the annexation.

There have been many comments that the consumption of water and sewer services is "an impact" of growth (and even annexation). Yet those services have been planned, in most cases built, and have and will provide for the population growth of the County and the Village of Kiryas Joel. The provision of water and sewer services is a responsibility of government and if demand does not exceed capacity, it would not be considered an "adverse impact." Impacts occur when demand exceeds capacity. But that has not been identified in connection with either annexation or the ten year growth scenario discussed in the DGEIS.

All of the Village and much of the annexation area is already in the Orange County Sewer District so sewer consumption as an impact of annexation and/or growth is largely moot.

Water service could be extended to the annexation area under the no annexation scenario. Whether it is or is not, however, and whether growth occurs in the Village, the

annexation lands or the surrounding communities, future water consumption associated with the KJ community growth will still be very similar to the projections in the DGEIS.

Water coming from the NYC Aqueduct and used in the annexation area will preserve groundwater in the region and is clearly in the public interest, compared to forcing low density suburban sprawl throughout the area and serving it with local wells.

The anticipated population growth is the constant. Determination of the future development scenario is the variable. 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 and/or Town zoning codes. Likewise, any future action relating to a comprehensive plan or zoning decision for the annexation territory is subject to State and local laws, including SEQRA, and that process will take place in accordance with all local, state and federal regulations.

Comment 8-8: (Letter 54, David E. Church, AICP, Commissioner, Orange County Department of Planning, June 22, 2015): The DGEIS does not adequately address induced growth and cumulative impacts. The position of the proposal is that growth will occur regardless of annexation and the impacts of growth are somehow unrelated to annexation. The DGEIS acknowledges that annexation will increase development density within the annexation territory similar to the Village's density and development patterns. In many instances the DGEIS defers the evaluation of the impacts of readily foreseeable resultant actions (e.g., rezoning or extension of utilities) to sometime in the future and suggest that impacts be evaluated on a case by case basis as they occur. This is contrary to the intent of SEQRA and sound planning practices.

Response 8-8: Refer to Responses 8-1, 8-2, 8-5 and 8-7.

Comment 8-9: (Letter 54, David E. Church, AICP, Commissioner, Orange County Department of Planning, June 22, 2015): The Town of Monroe zoning is largely restrictive of multi-family development at higher densities. Under the annexation alternative, the property will be rezoned on a case by case basis utilizing the Villages zoning scheme which allows all uses without density restrictions under its Planned Unit development (PUD) provision. Rezoning of the annexation territory is a readily foreseeable consequence of the action, the document notes this in several locations indicating that higher densities will be permitted. A generic EIS is the appropriate tool to analyze a series or sequence of actions having common or cumulative impacts on a particular resource.

Response 8-9: Comment noted. Contrary to the comment, the DGEIS does not state that under annexation, zoning will occur on a case by case basis. Under the With Annexation scenario, the DGEIS analysis has been conducted assuming development in the annexation lands could occur generally consistent with existing densities historic to the Village of Kiryas Joel. Under the Without Annexation scenario, the existing Town zoning was assumed to remain as is. 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 and/or Town zoning codes. Likewise, any future action relating to a comprehensive plan or zoning decision for the annexation territory is subject to State and local laws, including SEQRA, and that process will take place in accordance with all local, state and federal regulations.

Comment 8-10: (Letter 54, David E. Church, AICP, Commissioner, Orange County Department of Planning, June 22, 2015): The growth rate of the Village is likely to accelerate as a result of annexation. Once annexed, lands will be rezoned according to PUD, allowing high density development and thus making development of the properties more lucrative to individual land owners. The DGEIS should include a discussion of how this growth may be managed so as to avoid exceeding the available carrying capacity of various utilities and facilities that are necessary to accommodate this growth.

For instance, the DGEIS asserts there will be no traffic impacts; there are a number of publicly sponsored transportation improvement projects which the applicant relies on being in place in order to make this assertion. Similarly, the project sponsors rely on the connection to the City's aqueduct for water and expansion of the County's Harriman WWTP for sewer treatment capacity. The timing of these improvements is not clearly defined with respect to the growth anticipated under either scenario (annexation versus no annexation). Absent of these improvements, there are a number of adverse impacts that are not fully identified and explored.

***Response 8-10:** There is no support for the comment that the growth rate will accelerate as a result of the annexation. Rather, prior growth studies indicate that Village growth patterns will remain consistent*

The DGEIS reasonably and rationally acknowledges the current and future availability of sewer and water to accommodate future growth based on the Village's efforts to secure a safe and reliable water supply from the NYC Aqueduct and the County's obligations and efforts to expand wastewater treatment capacity in the District.

The DGEIS reasonably estimated trip generation under the no annexation and annexation scenarios. It is reasonable to assume for purposes of a traffic analysis that just as traffic conditions will change with future growth, planned infrastructure will also be built in the future to address that growth. The DGEIS did not propose any measures that are not already in the planning process for traffic and there is no reliance on them. The acknowledgement of those improvements is reasonable and consistent with the conceptual nature of a Generic EIS.

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 and/or Town zoning codes. Obviously, if certain infrastructure improvements do not occur, they will need to be considered and addressed.