

Tim Miller Associates, Inc.  
10 North St.  
Cold Spring, NY 10516  
March 9, 2015

Gentlemen,

In regards to the Kiryas Joel draft scope for the proposed annexation of 507+/- acres from the Town of Monroe to the Village of Kiryas Joel I have the following comments and concerns which I would like addressed:

1. Please clarify the process used to complete the Full EAF. There seem to be several inconsistencies in the information noted in the form. I give the following 2 examples: 1) Section C4d Existing Community Services –Parks. There are several parks that serve the Village of Kiryas Joel as well as the Town of Monroe, but none are listed. 2) Section E.2ni. Natural Resources On or Near Project Site - Source(s) of description or evaluation: NYSDEC Environmental Resource Mapper, however, there was no copy of the “Mapper” attached to the application or available on the annexation website. Please explain why the form is not signed? Will the form be available to review after corrections are made to it? Will the “Mapper” information be made available?
2. Please discuss the Village of Kiryas Joel’s “smart growth” in regards to the annexation. I have included a copy of an article by Bob Scheiner, AIA. “Smart Growth 101”: Talk of the Towns & Topics: Vol.28, Issue No.5, Sept/Oct: pages 19-20.Print. I would like to know how the proposed annexation will enable the resident to have not only affordable housing, but to also have enough economic opportunities available to its residents. I have only heard rumors that the annexation is only being considered for more housing, but in order for smart growth to take place, jobs and economic growth opportunities must also be planned for, as well as affordable housing. In addition, how does the annexation affect “smart growth” in the Town of Monroe, and the Town’s affordable housing? Many residents in the Town of Monroe see their children leave the community for better opportunities and affordable housings. Are the children in one community being given greater consideration than their counterparts in the neighboring communities?
3. Please explain should the proposed annexation request succeed, how it will affect zoning in the Town of Monroe. Would the Town of Monroe need to modify its zoning to replace the high density zones (URM) lost in the annexation to the Village of Kiryas Joel? Would the Town of Monroe have to find different locations for its affordable housing?
4. Will the addition of new homes from the proposed annexation result in the need for additional parkland for the residents of the Village of Kiryas Joel? Where will the additional parkland be located?
5. Currently the parcels that are in the Town of Monroe have access to the Monroe Free Library. Since the Village of Kiryas Joel has not paid taxes to the library since 2005, residents of the Village of Kiryas Joel do not have borrowing privileges. As this proposed annexation would result in a loss of library service, how much will it cost the Village of Kiryas Joel to build and staff their own library? Where would the library be built and when?

6. According to the September 26, 2014 legal notice (see attachment) the Village of Kiryas Joel has estimated costs of \$48,000,000 for the construction of and improvements to the Village water system. What will the cost to repay the bonds be per parcel/building lot should the proposed annexation not take place? What will the costs be per parcel/building lot should the proposed annexation be approved? What are the hookup fees to the Village of Kiryas Joel compared to the hookup fees the Town of Monroe charges? Would any Town parcel currently served by a private well be forced to abandon the well and hook up to the Village of Kiryas Joel water system?
7. Please compare the assessed value and tax rates of parcels that have single family homes, versus 2 family homes, versus condos, versus townhouses. If the assessed value is lower for condos and townhouses when compared to single family homes, will that not reduce the amount of revenue from property taxes available to the Town of Monroe?
8. In regards to traffic, what effect will the proposed annexation have on traffic to the local roads? Please be specific in regards to the following 3 intersections:
  - a. Rt. 208 and Mountain Rd.
  - b. Bakertown Road and Cty 105
  - c. Schunnemunk Rd and Rt. 208
9. According to Kiryas Joel Village code chapter 56 and chapter A168, business are only allowed in the main shopping center "...unless the owner or operator registers with the village. Said registration must be made with the Village Clerk in accordance with the registration requirements set forth below and upon payment of a registration fee. Registration shall be valid for one year from the date thereof." Please identify how these businesses outside of the main shopping center will impact traffic on local roads as they will result in increased traffic in residential areas.
10. According to Kiryas Joel Village code chapter 127, swimming pools are not permitted. Will this apply to the proposed annexed parcels? Will current swimming pools have to be taken down or filled in?
11. While watching the cable show Meet the Leaders originally aired 9/18/14, in regards to the "fingers" (currently Town parcels) when compared to the surrounding Village of Kiryas Joel parcels, Supervisor Doles stated "...you really wouldn't see any cultural differences. You wouldn't see any real difference between one piece of property and another, they are almost intrinsically woven together..." My question is, if there are no cultural differences and they have coexisted well with the current Town/Village arrangement, why is annexation necessary? If increased zoning density is the main concern, have the owners of the parcels who are seeking to annex their properties to the Village of Kiryas Joel, ever contacted the Town of Monroe to request a change to a higher density zoning as allowed for in Town code chapter 57, Article XVII?
12. In the DGEIS of April 1983, section **Social and Economic Considerations**, it states "It should be noted that adjacent to the northwest corner of the existing Village and abutting annexation sections I and II is a parcel developed and used by Jehovah's Witnesses as a Kingdom Hall. This is a Christian religious group which has a large building used primarily on weekends for gatherings of the faithful. No difficulties have been evidenced in the past as this use has co-existed and operated in its normal fashion (as it did prior to the formation of the Village some six years ago), and its future continued use is not in any jeopardy by reason of the annexations." In my opinion, the Social and Economic Considerations that were mentioned in the 1983

- document also need to be addressed in regards to this new 507 acre annexation request. The factors (economic?) that lead to the sale of the Jehovah's Witnesses property must be vetted.
13. During the public hearing on March 3, 2015 a gentleman stated the residents of Kiryas Joel do not use the services of Valley View. It was unclear to me if the gentleman was indicating that there is no need for the services of Valley View (such as short term rehabilitation, long term rehabilitation, skilled nursing care, etc.) or if different facilities were utilized. Are the residents of the Village of Kiryas Joel using the rehabilitative services/nursing care in facilities such as Aishes Chayil D'Kiryas Joel or other similar facilities in Rockland county? Or do they not use any services at all?
  14. In the Decision on Sufficiency of Petition, signed Dec. 10, 1976; page 9 it reads: "For the Satmars to believe that they are above or separate from the rules and regulations that Monroe has chosen to live by or try to impose their mores upon the community of Monroe, or to hide behind the self-imposed shade of secrecy or cry out religious persecution when there is none, will only lead to more confrontations as bitter as the one this decision purports to resolve. I hope that will not be the case." Based on all the controversy the current proposed 507 acre annexation has instilled in our communities, especially as it relates to quality of life and zoning density, it appears we have not learned from our past indiscretions and thoughtlessness. The EIS may not be able to reconcile these differences, but it should address all economic and environmental issues truthfully. If there is some additional document that could be prepared to address the social, religious, and political issues that divide our communities it should be prepared, discussed openly, and affirmatively acted upon.

Thank you for giving me this opportunity to have my concerns addressed regarding the proposed 507 +/- acre annexation scoping.

Sincerely yours,



Mary Bingham  
17 Carol Drive  
Monroe, NY 10950

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: Proposed Annexation of 510 Acres of Land from the Town of Monroe to the Village of Kiryas Joel		
Project Location (describe, and attach a general location map): Lands to be annexed are located in the Town of Monroe and directly about the Village of Kiryas Joel as more particularly described in the attached maps.		
Brief Description of Proposed Action (include purpose or need): The proposed action involves the review and determination under the Municipal Annexation Law of a petition by 116 private property owner petitioners to annex approximately 510 acres of territory comprised of 177 tax lots from the Town to the Village. The territory proposed to be annexed to the Village is located in the Town and abuts the Village. The Village, likewise, is located entirely within the Town. The petitioners are the landowners and persons who are identified as part of the greater Kiryas Joel community. The annexation is proposed to consolidate the properties of a number of community members who seek to share the unique community character and services and cultural mores that exist in the Village of Kiryas Joel, including central water and sewer services, the public school, police and fire protection services, places of worship, pedestrian friendly communities with access to sidewalks and public transportation, affordable housing to accommodate larger families, among others.  This action will not, in and of itself, involve the approval of any specific development plan or plans, nor does it involve any physical site disturbance. Therefore, questions in this EAF relating to development impacts are not applicable to the proposed action.		
Name of Applicant/Sponsor: Monroe KJ Consulting LLC	Telephone: (646) 378-7229	E-Mail: sbarshov@sprlaw.com
Address: PO Box 51		
City/PO: Monroe	State: NY	Zip Code: 10949
Project Contact (if not same as sponsor; give name and title/role): Steven Barshov, Esq., Attorney for Applicant	Telephone: (646) 378-7229	E-Mail: sbarshov@sprlaw.com
Address: Sive, Paget & Riesel, PC, 460 Park Avenue, 10th Floor		
City/PO: New York	State: NY	Zip Code: 10022
Property Owner (if not same as sponsor): Various owners (see Petition for Annexation)	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

**B. Government Approvals Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town Board/Annexation Determination; Village Board/Annexation Determination	December 27, 2013
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No		

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
Rural Residential (RR-3AC; RR-1AC) and Urban Residential Multi-family (UR-M)

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
If Yes,  
i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Monroe-Woodbury Central School District

b. What police or other public protection forces serve the project site?  
New York State Police; Orange County Sheriff

c. Which fire protection and emergency medical services serve the project site?  
Monroe Fire Department with mutual aid from the Orange County Mutual Aid Network

d. What parks serve the project site?  
None identified

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Annexation of land from the Town of Monroe to Village of Kiryas Joel

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres  
b. Total acreage to be physically disturbed? 0 acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 507 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
\_\_\_\_\_  
ii. Is a cluster/conservation layout proposed?  Yes  No  
iii. Number of lots proposed? \_\_\_\_\_  
iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will proposed action be constructed in multiple phases?  Yes  No  
i. If No, anticipated period of construction: \_\_\_\_\_ months  
ii. If Yes:  
• Total number of phases anticipated \_\_\_\_\_  
• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No

If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No

If Yes,

i. Total number of structures \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No

If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will proposed action cause or result in disturbance to bottom sediments?  Yes  No  
If Yes, describe: \_\_\_\_\_

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No  
If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No  
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_  
Annexation itself will not require water supply

vi. If water supply will be from wells (public or private), maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No  
If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No





h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

---

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade to, an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
--	---

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n.. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): vacant  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	12	12	0
• Forested	409	409	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			0
• Agricultural (includes active orchards, field, greenhouse etc.)	22	22	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	7	7	0
• Wetlands (freshwater or tidal)	24	24	0
• Non-vegetated (bare rock, earth or fill)			0
• Other Describe: <u>Rural residence</u>	33	33	0

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities:  
\_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  

- Dam height: \_\_\_\_\_ feet
- Dam length: \_\_\_\_\_ feet
- Surface area: \_\_\_\_\_ acres
- Volume impounded: \_\_\_\_\_ gallons OR acre-feet

ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection:  
\_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  

- If yes, cite sources/documentation: \_\_\_\_\_

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
\_\_\_\_\_  
\_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
\_\_\_\_\_  
\_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
\_\_\_\_\_  
\_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

---

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ 4.5 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ 4 %

c. Predominant soil type(s) present on project site:

Swartswood gl	_____	50 %
Mardin gsl	_____	23 %
Arnot-Lordstown	_____	13 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 3 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ 26 % of site  
 Moderately Well Drained: \_\_\_\_\_ 64 % of site  
 Poorly Drained \_\_\_\_\_ 10 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 22 % of site  
 10-15%: \_\_\_\_\_ 66 % of site  
 15% or greater: \_\_\_\_\_ 12 % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_  
 \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name Palm Brook Classification \_\_\_\_\_
- Lakes or Ponds: Name Coronet Lake Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) MO-11

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

---

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100 year Floodplain?  Yes  No

k. Is the project site in the 500 year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: Sole Source Aquifer: Ramapo SSA

m. Identify the predominant wildlife species that occupy or use the project site: _____ species typical of upland _____ Northern Hardwood habitat _____	_____ _____ _____
n. Does the project site contain a designated significant natural community? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes:	
<i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ Pitch Pine-oak-heath Rocky summit located approx. 0.2 mile off-site	
<i>ii.</i> Source(s) of description or evaluation: <u>NYSDEC Environmental Resource Mapper</u>	
<i>iii.</i> Extent of community/habitat:	
<ul style="list-style-type: none"> <li>• Currently: _____ 2.5 acres</li> <li>• Following completion of project as proposed: _____ 2.5 acres</li> <li>• Gain or loss (indicate + or -): _____ 0 acres</li> </ul>	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
NYSDEC Environmental Resource Mapper identifies a sensitivity area for the Alleghany woodrat ( <i>Neotoma magister</i> ), NYS endangered animal, reported approx. 1 mile off-site in 1949 at Bull Mine Mountain.	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If yes, give a brief description of how the proposed action may affect that use: _____ _____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, provide county plus district name/number: <u>ORAN001</u>	
b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes:	
<i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes:	
<i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input checked="" type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_



# SMART GROWTH 101

## How smart growth planning principles create more sustainable, accessible communities

By Bob Scheiner, AIA, PP, H2M architects + engineers

In recent years, “smart growth” has become an increasingly popular phrase. As a concept, it has garnered support from the likes of designers, developers and public officials. However, it has also become a term that is frequently tossed around without a full understanding of what it means.

Smart growth is a planning principle that focuses heavily on creating communities that are accessible for residents to both work and live. It gives communities more choices — from transportation to housing to the workplace — and encourages the investment and development of existing communities to meet the needs of all households.

Too often, an area becomes increasingly expensive to live, pricing out parts of its population. Conceptually, smart growth has the ability to at least slow down the numbers of people leaving for more affordable communities by creating a range of housing options, including affordable housing.

The focus on creating affordable homes ensures they are compact and green in design. The construction of smaller, greener homes leads to more densely populated communities, giving them the capacity to be more self-sufficient. It also cuts the cost to homeowners by reducing energy and water consumption.

Despite the communities becoming more densely populated, smart growth accounts for ways to reduce traffic. In addition to creating environments where people can afford to live closer to their jobs, smart growth develops alternative means of transportation, including sidewalks, bicycle paths and more intuitive public transportation systems. It increases accessibility, providing new opportunities to those who previously lacked a way to reach their destinations.

In addition to its economic advantages, smart growth also improves the health of communities. By using public transit to cut down traffic, congestion and air pollution are reduced. The addition of physical activity to the daily lives of residents is an added benefit. Wider sidewalks and bike paths

encourage residents who would typically drive to their destinations to travel in healthier ways.

Other environmental advantages to smart growth include the protection of water quality. The proximity of homes to schools, stores and jobs creates less of a need for paved roads, which preserve natural spaces for public parks and athletic fields. With this accomplished, stormwater runoff becomes secondary. The natural spaces used for parks and recreation act as a filter for stormwater, where the stormwater runoff from paved surfaces collects

[See: Boost on Page 20](#)



architects + engineers  
practical approach. creative results.

631.756.8000 | [www.h2m.com](http://www.h2m.com)

## From Page 19: Smart Growth Can Provide Boost to Struggling Economies

pollutants that are hazardous to surrounding bodies of water.

On Long Island, examples of smart growth are beginning to pop up with more frequency as these areas become heavily invested in the concept. The village of Patchogue is one of the island's more predominant smart growth success stories.

Patchogue, which was at one time a destination for many, found itself in the midst of an economic downturn. Many of the downtown storefronts that were there for generations were being boarded-up. Residents were flocking to the surrounding areas that seemed to have a more promising future. However, over the last decade, Patchogue's downtown has been reborn.

With the support of political officials and the surrounding community, the boarded-up storefronts have become a central hub for entertainment, dining and the arts. There has been development of affordable housing, mixed-use development and townhouse complexes. Updates have been made to the village's infrastructure, such as those made to its wastewater treatment plants to support the growth. In just a matter of years, smart growth has provided

a boost to a community that was struggling to get back on its feet.

Around Long Island, other communities are beginning to show signs of smart growth as the concept gains more steam. Farmingdale is nearing completion on a \$38 million mixed-use apartment building near their railroad station. The development, which will contain 39 apartments and 6,200 square feet of retail space, plans to open its doors in 2015.

The village of Hempstead has put in place a \$2.5 billion downtown redevelopment plan that will develop everything within a half-mile of the train station. In the works are new residences, shops, a hotel, new entertainment venues and parking. The plan will create more than 13,500 jobs, 10,000 of which will be in construction, with the remainder going to local residents.

Following years of traditional suburban sprawl in our communities, smart growth requires a significant ideological shift, and turning the concept into a reality will not be simple. However, if the right balance is achieved, smart growth can help support local economies, improve quality of life and protect our environment. □

**ENVIRONMENTAL PERMITTING & COMPLIANCE**  
**SPECIAL INSPECTIONS & MATERIALS TESTING**  
**TRANSPORTATION & INFRASTRUCTURE**  
**HYDRAULIC & HYDROLOGIC ANALYSIS**  
**STRUCTURAL DESIGN & ANALYSIS**  
**HAZARD MITIGATION PLANNING**  
**CONSTRUCTION MANAGEMENT**  
**ZONING COMPLIANCE REVIEW**  
**GEOTECHNICAL ENGINEERING**  
**SITE PLANNING & DESIGN**  
**SURVEYING & MAPPING**  
**WATER RESOURCES**  
**POWER & ENERGY**

**HEADQUARTERS**  
70 Pleasant Hill Road  
Mountainville, NY 10953  
T 845-534-5959  
F 845-534-5999



# TECTONIC

Practical Solutions, Exceptional Service



LATHAM NY  
NEWBURGH NY  
LONG ISLAND CITY NY

[WWW.TECTONICENGINEERING.COM](http://WWW.TECTONICENGINEERING.COM)

**SUPPLEMENTAL SUMMONS AND NOTICE  
SUPREME COURT OF THE STATE OF NEW YORK,  
COUNTY OF SULLIVAN**

Index No. 2013-3029  
Sun West Mortgage Company, Inc.,  
Plaintiff, against James William Elliott a/k/a James  
W. Elliott a/k/a James W. Elliott, and all the heirs at law,  
next of kin, distributees, devisees, grantees, trustees,  
tenors, creditors, assignees and successors in interest of  
any of the aforesaid defendants at law, next of kin,  
distributees, devisees, grantees, trustees, tenors,  
creditors, assignees and successors in interest of the  
aforesaid classes of persons, if they or any of them be  
dead, and their respective husbands, wives or widows, if  
any, all of whom and whose names and places of  
residence are unknown to the Plaintiff, except as herein  
stated, Louise Elliott a/k/a Louise A. Elliott, and all the  
heirs at law, next of kin, distributees, devisees, grantees,  
trustees, tenors, creditors, assignees and successors in  
interest of any of the aforesaid defendants at law, next of  
kin, distributees, devisees, grantees, trustees, tenors,  
creditors, assignees and successors in interest of the  
aforesaid classes of persons, if they or any of them be  
dead, and their respective husbands, wives or widows, if  
any, all of whom and whose names and places of  
residence are unknown to the Plaintiff, except as herein  
stated, New York State Department of Taxation and  
Finance-Civil Enforcement-Coll Ventr Suprt Unit,  
United Stationers Supply, Lorie Fisher, The People Of  
The State Of New York, and The United States Of  
America,  
Defendant(s).

**TO THE ABOVE DEFENDANTS:**  
YOU ARE HEREBY SUMMONED to answer the  
complaint in this action, and to serve a copy of your  
answer, or if the Complaint is not served with this  
Summons, to serve a Notice of Appearance on the  
Plaintiff's attorneys within twenty (20) days after the  
service of the Summons exclusive of the day of service or  
within thirty (30) days after completion of service where  
service is made in any other manner than by personal  
delivery within the State. In case of your failure to  
appear, or answer, judgment will be taken against you by  
default for the relief demanded in this Complaint.

**NOTICE-YOU ARE IN DANGER OF LOSING  
YOUR HOME** - If you do not respond to this  
summons and complaint by serving a copy of the  
answer to the attorney for the mortgage company  
who filed this foreclosure proceeding against you and  
filing the answer with the court, a default judgment  
may be entered and you can lose your home. Speak to  
an attorney or go to the court where your case is  
pending for further information on how to answer the  
summons and protect your property. Sending a  
payment to the mortgage company will not stop the  
foreclosure action. **YOU MUST RESPOND BY  
SERVING A COPY OF THE ANSWER ON THE  
ATTORNEY FOR THE PLAINTIFF (MORTGAGE  
COMPANY) AND FILING THE ANSWER WITH  
THE COURT.**

We are attempting to collect a debt. Any information  
obtained will be used for that purpose. The foregoing  
summons is served upon you by publication pursuant to  
an order of the Honorable Frank J. LaBada, J.S.C.,  
Sullivan County, dated on July 1, 2014

Dated: June 4, 2014  
**STEIN, WIENER & ROTH, L.L.P.**  
Attorney's for Plaintiff, By: Kiyam J. Poulson, Esq., One  
Old Country Road, Suite 113, Carle Place, NY 11514  
(516) 742-1212 SWR FILE# 64102/ULSTER

**NOTICE OF NATURE OF ACTION  
AND RELIEF SOUGHT**

The object of this action is to foreclose a mortgage to  
secure \$ 50,000 and interest, that was duly recorded in  
the Office of the Clerk of the County of SULLIVAN on  
August 23, 2005 in Document #2005-0066-078 that being  
the County wherein the said real property was then  
situated, and at the same time and place the mortgages  
duly paid to said County Clerk Office the recording tax  
on said mortgage covering the premises known as 88  
Highland Avenue, Woodridge, NY 12789 located at  
Section 102 Block 2 and Lot 33

The relief sought is the within action of a final  
judgment directing the sale of the premises described  
above to satisfy the debt secured by the mortgage  
described above.

**NOTICE OF FORMATION  
NEW YORK LIMITED LIABILITY COMPANY**

The name of the Limited Liability Company (the  
"Company") is Lakeview Estates of Monticello, LLC; the  
date of filing of the Articles of Organization with the  
New York Department of State was September 17, 2014;  
the County in New York in which the office of the  
Company is located is Sullivan County, New York; the  
street address of the Company in Sullivan County, New  
York is 329 Anawana Lake Road, Monticello, New York  
12701; the Secretary of State has been designated as  
agent of the Company upon whom process may be  
served and the Secretary of State shall mail a copy of any  
process against the Company served upon him to  
counsel for the Company, Kalter, Kaplan, Zeiger &  
Forman, 6166 State Route 42, PO Box 30, Woodbourne,

**VILLAGE OF KIRYAS JOEL, NEW YORK**

**NOTICE**

**PLEASE TAKE NOTICE** that on September 19, 2014  
the Board of Trustees of the Village of Kiryas Joel, in the  
County of Orange, New York, adopted a resolution fur-  
ther amending the bond resolution adopted by said  
Board of Trustees on July 8, 2004 and heretofore  
amended on June 1, 2010 and March 22, 2013, which  
bond resolution, as further amended, is entitled:  
"Bond Resolution of the Village of Kiryas Joel, New  
York, adopted July 8, 2004, amended on June 1, 2010  
and further amended on March 22, 2013 and September  
19, 2014, authorizing the construction of improvements to  
the Village water system, including establishment of a  
connection to the New York City Catskill Aqueduct and  
other water system improvements, stating the estimated  
maximum cost thereof is \$48,000,000, appropriating said  
amount for such purpose, and authorizing the issuance of  
\$48,000,000 serial bonds of said Village to finance said  
appropriation," an abstract of such bond resolution con-  
cisely stating the purpose and effect thereof, being as fol-  
lows:

**FIRST: AUTHORIZING** the Village of Kiryas Joel to  
construct improvements to the Village water system, in  
phases, including establishment of a connection to New  
York City's Catskill Aqueduct, construction of booster  
pump stations, a water treatment facility, a back-up well  
field supply source and approximately 13 miles of pipe-  
line, appurtenances including a vacuum pricing system,  
design and construction of the Mountainville Well and  
Pump Station and Ridge Road Pump Station, develop-  
ment costs, construction oversight and a chlorination fa-  
cility and all other related costs and expenses for auxil-  
iary work, land acquisition, materials, equipment,  
restorations, HVAC, electrical and engineering, legal and  
consulting costs, contingencies and other related costs, as  
described in the report prepared for the Village by CDM  
Smith engineers dated July 2008, the revised report dated  
August 2009 and the further revised and supplement-  
al reports dated October 2012, May 2013 and August  
2014; **STATING** the estimated maximum cost thereof,  
including preliminary costs and costs incidental thereto,  
and the financing thereof, is \$48,000,000; **APPROPRI-  
ATING** said amount for such purpose; **STATING** the  
plan of financing includes the issuance of \$48,000,000 se-  
rial bonds of the Village to finance said appropriation,  
and the levy of taxes upon all the taxable real property  
within the Village to pay the principal of said bonds and  
the interest thereon; and **STATING** that it is expected  
that grant funds may be received by the Village in con-  
nection with the project described herein and any such  
grant funds are authorized to be applied toward the cost  
of said project or redemption of the Village's bonds or  
notes issued to finance the project, or to be budgeted as  
an offset to the taxes to be collected for the payment of  
the principal of said interest on said bonds or notes.

**SECOND: AUTHORIZING** the issuance of \$48,000,000  
serial bonds of the Village pursuant to the Local Finance  
Law of the State of New York to finance said appropria-  
tion;

**THIRD: DETERMINING** and **STATING** that (a) the  
period of probable usefulness of the effect as purpose for  
which the bonds are authorized is forty (40) years; (b) the  
proceeds of the bonds herein authorized and any bond  
anticipation notes issued in anticipation of said bonds  
may be applied to reimburse the Village for expenditures  
made after the effective date of this resolution; and (c)  
the proposed maturity of said serial bonds will exceed  
five (5) years;

**FOURTH: DETERMINING** that said bonds, and any  
bond anticipation notes issued in anticipation of said  
bonds, and the renewals of said bond anticipation notes  
shall be general obligations of the Village; and  
**PLEDGING** to their payment the faith and credit of the  
Village;

**FIFTH: DELEGATING** to the Village Treasurer the  
powers and duties as to the issuance of said bonds and  
any bond anticipation notes issued in anticipation of said  
bonds, or the renewals thereof; and

**SIXTH: DETERMINING** that the bond resolution is  
subject to a permissive referendum.

DATED: September 19, 2014  
**GEDALYE SZEGEDEN  
VILLAGE CLERK**

**NOTICE OF SALE**

**SUPREME COURT COUNTY OF ORANGE**  
Bank of America, N.A., Plaintiff, against Francis  
Malkonec et al., Defendant(s). Pursuant to a Judgment  
of Foreclosure and Sale duly dated July 18, 2014 I, the  
undersigned Referee will sell at public auction at the  
Third Floor Lobby/Foreclosure Sales Area of the Orange  
County Courthouse, 285 Main Street, Goshen, New  
York, in the County of Orange on October 10, 2014 at  
10:00AM, premises known as 11 Estate Drive,  
Middletown, NY 10940. All that certain plot piece or  
parcel of land, with the buildings and improvements  
erected, situate, lying and being in the City of  
Middletown, County of Orange and State of NY, Section:  
59 Block: 1 Lot: 1-6. Approximate amount of judgment  
\$181,257.17 plus interest and costs. Premises will be sold  
subject to provisions of filed Judgment Indent 2013-  
006382. Kara M. Gorriv, Esq., Referee Shandra, DiCaro &

PETITION FOR THE ANNEXATION OF LANDS IN  
THE TOWN OF MONROE TO THE VILLAGE OF  
KIRYAS JOEL, ORANGE COUNTY, NEW YORK

**DRAFT**

**GENERIC  
ENVIRONMENTAL IMPACT  
STATEMENT**

APRIL 1983

PREPARED BY:

S.J. SCHULMAN PE AICP  
PLANNING & ZONING CONSULTANT  
WHITE PLAINS, NEW YORK

TABLE OF CONTENTS

INTRODUCTION AND SUMMARY	Page 1
SOCIAL & ECONOMIC CONSIDERATIONS	3
ZONING	5
COUNTY & REGIONAL PLANS	9
SOILS & DRAINAGE	13
SEWERAGE & WATER SUPPLY	16
REFERENCES	19
 <u>MAPS*</u>	
Lands Proposed to be Annexed	Following Page 1
Town of Monroe Zoning Map	8
Village of Kiryas Joel Zoning Map	8
Orange County 1972 Guide Comprehensive Development Plan	10
Generalized Soils Condition & Drainage Basins	14
Soil Survey of Orange County, Sheet 73	14
Ramapo River Drainage Study, Plate 12	14
Flood Insurance Rate Map	14

---

\*Showing Annexation Sections I, II, III, IV  
as noted, or as limited to part  
of Section IV in last two maps

## SOCIAL & ECONOMIC CONSIDERATIONS

### Social:

Petitioners are members of the Hassidic sect resident in the adjacent Village of Kiryas Joel and self-evidently wish to be more closely integrated with their friends, associates, relatives and co-religionists in the Village. The Village is populated solely by active practicing Hassidim, who are likewise the sole property owners of lands in the Village. Their religious and cultural commitments are essential elements of the social structure of the Village. The Village has a resident strong religious leader, there is a local religious school system (although property owners pay taxes to the local public school district), and there is universal adherence to common religious precepts and practices and life styles. Residents do not own or use television or radio or other reflections of the larger secular society. They pray and practice their religion in scrupulous adherence to its tenets and customs. There is an extensive parochial school system, a large synagogue, and ritual baths. Residents maintain close personal and family ties with other members of their Hassidic sect, primarily those who reside in Williamsburgh, Brooklyn. Many of them are employed in the same industries in New York City, and they use community-owned buses for travel to and from work.

The annexation would allow the future residents on the subject lands to be more fully integrated into their religious group, including making them eligible for service (either by appointment or election) on Village bodies as well as eligible to participate in Village public hearings and voting in Village elections.

The non-residential lands (as zoned now by the Town, and as may be zoned by the Village and used in the future) also relate directly to the socio-economic impact of the proposed annexation. The practices and mores of the Hassidic sect are such that they would wish future employees and employers to be adherents. Such additional local employment opportunities would tend to reduce commuting to New York City and other non-local job locations. Owners and users of non-residential properties should be enabled to participate in Village zoning decisions as to the permitted uses of their properties, which decisions directly relate to the continuing socio-economic viability and health of the Village.

It should be noted that adjacent to the northwest corner of the existing Village and abutting annexation sections I and II is a parcel developed and used by Jehovah's Witnesses as a Kingdom Hall. This is a Christian religious group which has a large building used primarily on weekends for gatherings of the faithful. No difficulties have been evidenced in the past as this use has co-existed and operated in its normal fashion (as it did prior to the formation of the Village some six years ago), and its future continued use is not in any jeopardy by reason of the annexations.

SUPERVISOR, TOWN OF MONROE  
ORANGE COUNTY, NEW YORK

-----x  
IN RE MATTER OF THE FORMATION OF A NEW  
VILLAGE TO BE KNOWN AS

"KIRYAS JOEL"

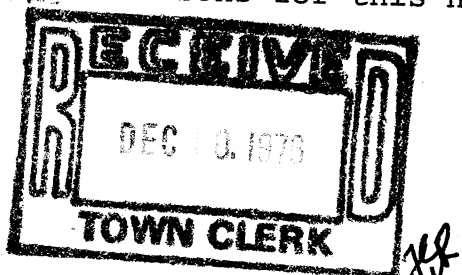
Decision On  
Sufficiency  
Of Petition

-----x  
ROGERS, W.C., Supervisor

There has been presented to the undersigned a petition framed under the provisions of the Village Law of this State to form a new village within the bounds of the Town of Monroe. The name of the village is proposed to be KIRYAS JOEL, which roughly translated means the "Community of Joel".

The petition was presented to me on November 8, 1976. Notice of the required public hearing on that petition was published in the Monroe Gazette on November 11th and November 18th, 1976. A copy of the same Notice was posted in five public places within the territory to be carved out as a new village on November 15, 1976. The public hearing on the petition was held on December 2, 1976 in the basement of Garden Apartment #5 on Quickway Road in Section I of the Monwood Subdivision, the principal area of the village to be. The petition, affidavits of posting and publishing, written objections and the verbatim transcript of the testimony of the hearing are filed herewith.

Before relating to the technical niceties of the petition and the objections thereto, the reasons for this new birth should somehow



be set down so that present and future residents of this 177 year<sup>1</sup> old Town<sup>2</sup> may know why there is now a third village in their midst. This decision seems to be a most appropriate place to do so.

The traditional elements that underlie the self incorporation of a new municipality are principally the desire and need of residents of a more densely populated area for municipal services which in the past were usually not available at the hands of a Town or County. The desired services were usually water supply, police protection, fire protection and sewer systems. The laws of this State have changed considerably in the last 50 years and all these services are now available through the Town, and in many cases are being supplied by both Town and Counties throughout the State. Thus, the need for self-incorporation into villages has, for the most part, disappeared. A cursory review of State records indicates that there have been only nine villages formed in the entire State since the end of World War II. The area to be included in this new village is now served by a town water and sewer district (privately maintained but subject to Town takeover). It will shortly be incorporated into the operation of Orange County Sewer District #1. It finds police protection from the nearby barracks of the New York State Police. It has fire protection from the Mombasha Fire Company, the same Company that serves the Village of Monroe. Its roads are more than adequately maintained by the Town of Monroe Highway Department and the area is subject to

1. Monroe was created by act of the Legislature adopted in 1799 under the name "Cheesecoaks".

2. The Village of Monroe was incorporated in 1894; the Village of Harriman in 1914.



every Town wide protective ordinance or local law that this Town has enacted. Why then is there a need to incorporate?

The answer to this question lies in the makeup of the individuals who will reside within this new village, should I approve this petition. These residents are and will be all of the Satmar Hasidic persuasion. They dress, worship and live differently from the average Monroe citizen. In and of itself these facts are of no moment. Perhaps the Satmar Hasidic manner of dress, means of worship and way of life are more noble than mine or the rest of Monroe's citizenry. Perhaps not. That is not in issue. However, the Satmar believe in large, close knit family units and sociological groups and are accustomed to a highly dense urban form of living, having for the most part been residents of the Borough of Brooklyn in the City of New York since the end of World War II. Furthermore, the sociological way of life for the Satmar Hasidic is one of distained isolation from the rest of the community. These factors are at the root of their need to incorporate.

When the Satmar leadership chose Monroe as a future place of residence for some of their community, they purchased an already approved but unbuilt upon subdivision that lay within a rural, residential, low-density zoning district set aside for single family homes on 25,000 sq. ft. lots (R-150 district). This district also permitted 80 multiple units of garden apartments. This subdivision was and is still called "Monwood". In constructing the dwellings in Monwood, the Town Board and the Town Building Department felt strongly that many of the dwellings were converted into two and some three family

units and that dwellings under construction were being constructed for two and three units each. We felt these conversions and new construction to be surreptitious and illegal and commenced legal proceedings to compel a reconversion and halt future residential construction until zoning conformance was had. It was a bitter contest opposed at every conceivable step by the Satmars. The legal contest virtually consumed this Town for five months and the cry went up from the other residents of this Town, particularly those of the Northeast area where the Monwood subdivision lies, to enforce our Zoning and Building Codes. The most salient observation was, "If I have to obey the Zoning Law, so do the Satmars".

The Town Board never really understood the reason for the arduous opposition thrown up by the Satmar community to its code enforcement position but felt it lay buried deep in an economic reality that the business leaders could not market the dwellings to their membership unless the cost of maintaining them could be shared by two or three tenants (and their families), whether or not they were related in family groups or were no more than income tenants. Perhaps zoning enforcement might have meant financial ruin for the Monwood business leaders. We felt that those who actually bought or contracted to buy the dwellings had no idea of the Town's zoning restrictions and were unsuspecting objects of the enforcement action.

We also felt that the Town's enforcement position was a rallying point for the Satmar's ingrained feeling of persecution against the Jewish faith. The more the Town sought to enforce, the more it was

accused of persecuting the Hasidic Jews. Of course, nothing could be further from the truth. The Satmars were and are welcomed in Monroe as any new group would be. Their customs were respected and accommodated. They received approval to build a large Synagogue on Forest Road, as well as a private educational complex and religious bath facility. A temporary bath was allowed as were the use of the basements in the garden apartments for schooling pending completion of the permanent facilities. Indeed, there was no problem at all relative to the Satmars in Monroe until the zoning issue. Perhaps this fictitious "persecution" syndrome clouded the real issue more than anything else. It was an erroneous and distinctly unfair invective to toss at the Town's zoning enforcement program.

At any rate the Town's zoning position is well documented in the several law suits that arose in this controversy. (i.e., In the Matter of the Application of Andrew W. Barone; Buchinger v. Moore; Schwartz v. DeAngelis; United Talmudic Association v. Town of Monroe; Monfield Homes, Inc. v. Moore; Hirsch v. Moore; and the several applications decided by the Zoning Board of Appeals.

At the height of the dispute the Satmars presented to me a petition to form a new village of very large dimensions which included many properties and people not of the Satmar belief. The Town Board felt that that attempt at self incorporation was a use of the Village Law to escape the accusing finger of the Town which would at the same time allow the Satmars to enact their own zoning laws designed to suit their economic and sociological needs. The Town realized the strength

of the Satmar move in that the Board was, by law, foreclosed from passing upon the public good - or lack of it - in forming such a village, yet (by a split vote) the Board decided to attack the very law that enabled the formation of a village without a decision by the Town from whence it would be carved upon the public good of such a creation.

At the same time a petition was presented to the Town Board and the Village of Monroe Board of Trustees by the Northeast property owners to annex land around the core of the Monwood subdivision into the Village of Monroe and to do so before action was taken on the new village application, thereby precluding the formation of the new village (a new village cannot be formed within the bounds of another). This led to an attack on that proceeding in United States District Court by means of a "civil rights" suit (Schwartz, etal. v. DeAngelis, etal), and that in turn led to compromise negotiations between the Satmar leadership and the residents of the northeast section of Town.

After strenuous negotiations virtually all the Northeast property owners and the Satmar group agreed to the formation of a new village on a much smaller scale than originally proposed and one that would not include any one who did not want to be within its bounds. It was limited to 320+ acres owned by the Satmar community. The Town Board acquiesced in that agreement and the present petition is an outgrowth of that compromise.

To me, and I believe to the Town Board, the compromise is almost as distasteful as the dispute it settled. The Satmar Hasidim has

taken advantage of an obviously archaic State statute to slip away from the Town's enforcement program without the Town having the slightest possibility of commenting on the inappropriate reasons for formation of the new village. Were the village proposed prior to the accusations or after they were adjudicated, it would be a different matter, but to utilize the self incorporation procedure during the pendency of a vigorously litigated issue in which the Town has accused the Satmar community of serious and flagrant violations of its Zoning Law, is almost sinister and surely an abuse of the right of self incorporation. I do not believe that the authors of the 106 year old Village Law ever dreamed it would be used for this purpose.

Be that as it may, I am left with the hollow provisions of the Village Law which allow me only to review the procedural niceties of the petition itself. Those niceties are politely set forth in Section 2-206 of the Village Law.

At the public hearing objections were raised as to the validity of the corporate signatures. The essence of the objection is that there is no certificate of authenticity evidencing the signators authority to sign and affix the corporate seal. It is true, there is none. It is also true that for the corporation "Monfield Homes, Inc.", owner of the bulk of the land within the territory, the signature itself is virtually illegible and it is not identified by a typewritten or printed name under the signature itself. This is strange in that all the individual signators are so identified. Yet

it is noted that the corporate seal for each corporation is affixed. That in and of itself is a presumption that the signator had authority of the Board of Directors to sign and affix the seal (Section 107 Business Corporation Law). Furthermore, the legislature did not require a certificate of authenticity when specifically setting down how the petition was to be executed (Section 2-202 Village Law). Any such certificate would be surplussage and would evidence proof more than is called for. Cf. Skidmore College v. Cline, 58 Misc. 2d 582, 296 N.Y.S.2d 582 (Sup. Ct., Broome Co., 1969). There was no proof put forth at the hearing to rebutt the presumption of Section 107 Business Corporation Law and the dictates of the statute were carried out. I reject this objection.

The balance of the objections put forth at the hearing and outlined in the written objections of Lillian Roberts submitted at that hearing go to the questionable public interest of that proposal. While the boundaries of the new village may be distorted and the property rights of the objectant somewhat endangered, I am foreclosed from entertaining or ruling on such objections, cf. Rose v. Barraud, 61 Misc. 2d 377, 305 N.Y.S.2d 721, aff'd. 36 A.D.2d 1025, 322 N.Y.S.2d 1000. As much as I would like to deal with the public interest question of this proposal and how I feel that it will endanger an otherwise rural residential neighborhood of Monroe, by law, I cannot. I therefore must reject these objections also.


Although not in writing, there were objections put forth at the hearing relating to the failure of the map submitted with the petition to show the Monwood Lake or pond and the corresponding property rights

of the objectants to that Lake or pond. There is no requirement for a boundary map, no less the showing of ponds or other topographical features. A boundary map is optional (Section 2-202 1.C (1) Village Law), if the petition is supported by a metes and bound description. Aside from the fact that it is not in writing, I must reject this objection also. I find the petition to otherwise conform with the requirements of Section 2-202 of the Village Law.

Accordingly, I will approve the petition as I must within the limits of the law I am given to work with. With this approval I hope that a new era of well being will spring up between the Satmar community and the rest of Monroe and that the Satmar will realize that in order to survive at all in Monroe or elsewhere they must begin to adopt to some of the ways of life of the people in whose midst they have chosen to reside. For the Satmars to believe that they are above or separate from the rules and regulations that Monroe has chosen to live by or try to impose their mores upon the community of Monroe, or to hide behind the self-imposed shade of secrecy or cry out religious persecution when there is none, will only lead to more confrontations as bitter as the one this decision purports to resolve. I hope that will not be the case.

The petition is approved and the Town Clerk is hereby directed to begin the procedures for an election within the subject territory, in the manner proscribed by law.

Dated: December 10, 1976  
Monroe, New York



---

WILLIAM C. ROGERS  
SUPERVISOR, TOWN OF MONROE