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Attention: Tim Miller Associates, Inc.
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**RE: Comments on Scoping Document for the Annexation of 507 Acres
into the Village of Kiryas Joel**

As a preface to my comments, I would like to acknowledge appreciation that a public scoping session, which is optional under SEQRA, was held for this application. As a former Woodbury official, I have always favored public scoping sessions as a way to enumerate as many issues as possible at the start of a SEQRA action, encourage public participation and perhaps expose questions or information that may not have been previously known or considered.

Unfortunately, this positive step was undercut by the decision to hold the hearing during a snow/sleet storm which posed dangerous night time driving conditions and, undoubtedly, led to greatly reduced participation. I was one of likely many others who did not dare venture out that night on treacherous roads. While Village officials were likely concerned that the hearing not carry over into Purim which began the next evening, it would have been more respectful to the public to have left the hearing open and carry it over to a date after religious observances were concluded. This would not have caused much delay and its consultants could have begun work on the comments heard at Tuesday's hearing. Only accepting comments until March 10th presents a tight time frame for comments to be mailed in and received on time since safe travel was affected the next day as well as the following day by another storm. There was no mention in the newspapers or on the Tim Miller Associates or the Kiryas Joel websites about being able to e-mail comments. I found out about the e-mail via a phone call, but those less familiar with the process might have believed that comments could only be submitted by regular mail. I personally would have had to hand deliver my comments to Cold Spring if I had not followed up about an e-mail address since I do not get mail delivery or pick up at my residence. Given the magnitude of this application, rescheduling or extending the public hearing so people could safely participate would have accommodated the public in a more responsive manner.

Below are specific comments on the proposed scoping document:

- 1) Land Use: The Scoping Document should require that a copy of the current Comprehensive Plan as well as zoning tables for the Village of Kiryas Joel be included in the list of materials for the Environmental review in order to provide an overview of the current development within the existing Village.

Needed because: This would provide information of permitted uses, setback requirements, permitted heights of buildings, designation of zones/areas for commercial, residential and community structures and uses. To my knowledge, that information has not been available to the public, even when FOILed. The size of this annexation proposal, enlarging the land area of the Village by 74%, necessitates inclusion of the Village's current Comprehensive (or Master) Plan into the Environmental Review so as to give an idea of potential land use decisions for the proposed annexed lands compared to its current zoning. With today's computer models it should be possible to create 2 visual scenarios of what full build out of the 507 acres would look like under its current zoning and what it would look like under the usual Village density zoning. Since the Village carefully tracks its young people and knows how many marriages will happen each year so as to plan the number of housing units it will need, it should be able to give a yearly build out over the next 10-15 years from the current school enrollment. This would establish time frames for build outs and assist with assessing the many other impacts listed below. This, along with a method to calculate growth rates suggested below, will help to create a reasonable estimate of what will happen to the annexed land.

- 2) Historic Growth Trends: Since its inception in 1977, the Village of Kiryas Joel has expanded via previous, although smaller annexations (as referenced in the Scoping document, pp. 4-5), to presently encompass approximately 700 acres. Since historic records exist for the growth rate of the Village as its land area increased in the past and a pattern of the type of development that occurred is also historically present, this should give some indication of the type of land use/development that could be anticipated for this proposed annexation. This historical information is needed, given that the size of this annexation proposal greatly exceeds the total of all previous annexations.
- 3) Disputed Growth Rates: Over the years, inconsistent numbers have been used to project growth rates. In its FEIS document for the connection to the NYC Aqueduct, the Village argued that its growth rate was less than 5% per year. According to 2010 census figures, as reported in a Times Herald-Record article, dated 3/25/11, it was about 5.4 % from 2000 to 2010. The Larabee reference, in the scoping document, to a 2009 study using a 4.5 % growth rate is clearly outdated and underestimates actual growth by almost 1% which is significant over the projected 18-20 year growth rate used in that document.
Suggest using a growth range rather than one absolute number: Since growth in many areas of the county and country was slowed by the Great Recession, with the housing market being hit particularly hard, it would be better to use a growth range instead a specific number. For example, a growth rate of 5% to 7% seems reasonable as a way to take into consideration variables such as the economy and the availability of land and water/sewer. All calculations relating to growth and increased needs for services should be done at a 5% and a 7% yearly growth rate for comparison of impacts.
(The document should also take note of the fact that even at the reported 5.4% rate, the Village of Kiryas Joel was still the fastest growing community in Orange County and one of the fastest in the entire State, so a dual analysis using the 2 rates noted above at least gives a growth range).

- 4) Growth Figures must be consistently applied throughout the entire document: This was not done in the aqueduct connection SEQRA documents. The FEIS prepared by Kiryas Joel for that application stated that it would use a yearly growth rate of 5.9% to calculate water usage. However, the document actually used a lower figure of 5%, which over an 18-20 year projection significantly understated population growth and water/sewer usage related to that growth.

The Amended FEIS understated population growth by an even larger percentage. In checking the figures presented, the yearly projections used less than a 5% growth rate throughout most of the Table. Only one year used a 5.04% growth rate with 6 years using 4.5% to 4.9% and 11 years using percentages below 4.5% (one year was as low as 4.22%). Over a span of 18-20 years, these reduced growth rates seriously understated population and the resultant water and sewer needs.

- 5) Induced Growth: Looking again at the SEQRA documents for the aqueduct connection, the Village of Kiryas Joel did not address the potential for induced growth that additional water supplies would cause, although it is a required impact under SEQRA. Instead it dismissed this issue by saying that its religious practices and culture required women to marry young, remain in the Village with their husbands and have large families regardless of resources to support this growth. This was one of the issues of incompleteness when Orange County took the Village to court. The Court agreed that parts of the environmental impact study were inadequate and inaccurate in a number of ways including growth assessment, and impacts on wetlands, archeological resources and possible alternatives. This was one of 4 areas in which the environmental impact study was inadequate or inaccurate.

The issue of induced growth and its impact on limited sewage capacity was not completed due to a change in legislative leadership after the election, which resulted in the County "settling" the suit and guaranteeing additional sewage expansion when the Harriman Plant reached 75% capacity. (More about this later). Induced growth must be adequately and accurately addressed in this document since enlarging the land area of the village by 74% will surely induce growth. After all, one of the main forces behind this annexation is to bring more land into the Village where the zoning, which advocates high density housing, can be controlled by the Village. Further justification for a thorough analysis for induced growth is the fact that densities within Kiryas Joel are higher than in any other community, including its three cities, in Orange County (According to estimates over 11,000 persons per square mile in Kiryas Joel compared to less than 500 people per square mile in the rest of the County) . The same 5% to 7% growth rate should be applied here as well.

- 6) Additional Sewage Capacity Issue must be addressed in annexation environmental review: Although as referenced above, the County agreed to sewage capacity expansion when the Harriman Plant reached 75% capacity, there are no studies or documents to back up how this will occur or even if it can occur. Relying on a promise that has no studies to prove it can or will happen does not meet the SEQRA requirement for mitigating impacts. Clearly, based

on past history, this annexation application is not intended to bring largely undeveloped land into the Village and leave it as open space or develop it as low density housing. Therefore, how sewage needs will be accommodated must be addressed with this application. Either the Village of Kiryas Joel must get the County to make good on its promise to expand the plant and do the required studies to show if and how it can be done or the Village will need to undertake those studies itself. Otherwise, the guarantee of sewage capacity in nothing but “smoke and mirrors” and not an actual concrete, realistic or implementable plan that supports any kind of mitigation for the greatly increased sewage needs that annexation of this magnitude will bring.

Further reasons why the issue of additional sewage capacity must be addressed in this document can be found in problems with the existing plant which has repeatedly been cited for violations. For example, in March 2012, the DEC put the County on notice that between January 2010 to December 2011, the Harriman Plant had exceeded its SPEDES Permit effluent limits for a total of 67 times. While the Village of Kiryas Joel is not responsible for the operation of the Plant, it also clearly cannot rely upon the County’s nebulous promise of being able to treat future effluent when it is not adequately handling its current flow. This raises the question of whether the plant is already at or beyond the 75% capacity limit and if an expansion should have occurred some time ago.

Even if the plant can be expanded (and nobody in the public knows if it can or by how much), there is no analysis of how this could occur, no time table and no cost analysis. Additionally, since a number of communities share this plant, not all the new capacity would be guaranteed to go to one community, i.e. the Village of Kiryas Joel. How much of any expanded capacity would go to the Village is unknown.

How the sewage needs of a Village, looking to expand its land area by 74%, are going to be handled has to be addressed in this application. Passing it off to the County which has no concrete plan at this time is not an acceptable answer. If the Village of Kiryas Joel has plans to expand its own plant or send sewage elsewhere, all of this needs to be presented in detail with time frames, cost analysis and concrete plans as part of this annexation review.

- 7) Fiscal or Economic Impact: This is also a required impact under SEQRA. Part of this analysis needs to look at both taxes generated from the Village of Kiryas Joel as well as the cost of services provided to the Village that come from public revenues. Specifically, the cost of Social Services to the County need to be examined at their current level and projected outward for at least the next 10-15 years with anticipated population growth of 5% and 7%.. While there is some validity to the argument that Village residents do not generally incur costs to the taxpayer for jail and police services, an actual analysis of all social service costs for the Village, including food stamps, heating assistance, Medicare and Medicaid including reimbursements or subsidies for taxi or private car transportation, housing allowance subsidies and subsidies for bus operations need to be included in the Scoping document examination. Figures for various categories need to be broken down and verified with the County. As one landowner in the annexed area stated at the hearing: “.she wanted Kiryas

Joel's services and the ability to build apartments on her property where her children could live." Clearly, a big push behind this annexation is to build much higher density housing than currently exists on the lands in this annexation application and mainly for the insular community that Kiryas Joel represents. The long term and heavy dependence of Kiryas Joel upon social service benefits is not characteristic of most other communities and so it must be thoroughly examined at its current levels and projected out over the next 15 to 20 years at the growth rates suggested above.

- 8) Gonzaga Park: The inclusion of a piece of Gonzaga Park, which straddles the borders of Monroe, Blooming Grove and Woodbury, should be examined in the review process. Since this is County parkland where no development can take place, it seems more appropriate that this parcel be excluded from the annexation petition and the lines simply adjusted to reflect this change.

History as why this should be addressed the SEQRA review: Including any piece of the Park within the annexation application raises concerns based on past history. In 2006, the Village wanted to build 34 foot high water tanks within the Park in order to increase water pressure in one area of their community. The County parkland was inviting because it provided the required elevation. Building the tanks inside the Village would require higher tanks which would be more expensive and use buildable land inside the Village for a utility that would remove it from being used for housing or other structures. I attended those meetings and was very disturbed by the Village's attitude that it was no big deal to allow the visual impact of these tanks for the benefit of one community in a County park that was to be preserved as open space for everyone. After this request was turned down, the Village purchased land just outside the Park, in Woodbury, for the tanks, but then installed them without applying to or even alerting Woodbury of its intent. These actions have raised community concerns about process and respect for other communities as well as for public lands.

- 9) Roads: Road infrastructure and use needs to be part of the scoping document. Existing roadways within the proposed annexation area need to be listed and evaluated for use for a likely dense population that may carry bus traffic and walkers. The document should list what types of improvements need to be made as well as costs and to whom these costs are allocated. Also the issue of public use of these roads, which may belong to other government entities such as the County or Town, which may be used by non-Kiryas Joel residents, needs to be addressed.

History to support inclusion of this issue into the SEQRA Process: In the past, there have been difficulties over use of public roads by non-Kiryas Joel residents, including putting up barricades on a County road without permission. While it is acknowledged that there was a safety issue for walking residents, again the way in which the matter was handled (acting first and getting permission later) raised concerns about how the Village interacts with its neighbors. Newspapers have reported accounts of people getting lost or driving on public

roads within the Village during times of religious observances and feeling unwelcome and even intimidated. I have not experienced this personally but even if one person has, this needs to be addressed as the Village proposes to annex over 500 acres which includes existing roadways.

- 10) Increased water needs for household use and fire protection: Related to the issue of increased sewage needs that annexation will bring, so too will there be increased need for water for the above uses. While the Village has been pursuing approval for connection to the NYC aqueduct for increased supplies, approval has not yet occurred. In addition, the aqueduct connection is supposed to be a supplementary, not a primary, water supply. Therefore, proof of adequate supplies is required before connection so that the Village can safely and consistently supply alternate water when the aqueduct is closed for repairs which are being scheduled and will last for months. The Village has had difficulties meeting this requirement which must be addressed in this annexation application since the Village does not have adequate and predictable supplies for its existing Village. It needs to lay out in detail how and from where it will obtain the required back up supply for the additional development that will occur with this proposed annexation. Simply saying that water from the aqueduct will satisfy the increased water demands in these 507 acres is not adequate.

In the early SEQRA documents for the aqueduct connection, it appeared that back up water supplies that should have been deducted for fire protection needs were calculated as being available for household use, thus creating the impression of larger back up supplies than actually existed. Water reserved for firefighting needs should not be counted as available for residential use.

- 11) Visual Impacts: There can be no argument that the development style of Kiryas Joel is in sharp and jarring contrast to communities and the immediate areas outside of the Village. Although called a village, it is a city model. A June 8, 2008 Times Herald Record article quotes Village Clerk Mr. Szegedin in referring to changes in architectural features in the Village as : “.Now they are more modern-style buildings, more city-style than rural-style”.

As the fastest growing community in the State and with a density higher than any other city in this County, the Scoping document needs to address the visual impacts in the following areas: clear cutting of land for the construction of 3-5 story attached buildings with no buffers, open space and few, if any trees; multi-family homes built on ridge lines that are visible from great distances outside the Village; multi-family homes built on top of massive stone retaining walls. The document should address how to buffer this development style from neighbors on single family large lots as well as from roadways and homeowners who live further away but are impacted by the intense development style. The document should address any plans for parklands or open spaces either within the existing Village or in the annexed lands that could provide some buffer to those living outside the Village who prefer to maintain the existing more rural or even suburban appearance. How will non-Kiryas Joel

related homeowners who are being included in this annexation be provided with buffers or visual protections to their properties? What alternatives to big fences and stone walls surrounding them are being considered? Or is there to be no consideration and these non-resident homeowners whose homes were built under entirely different zoning standards to be surrounded by high rise buildings?

- 12) Sprawl: The document needs to address the issue of sprawl that this annexation will create if the established historical development pattern of the Village is followed. While it is true that Village residents heavily use public transportation rather than family operated motor vehicles and that this is acknowledged as one characteristic of Smart Growth, most other aspects of this annexation are totally contrary to Smart Growth. Smart Growth is described as a development style where dense housing and the commercial sector are concentrated in the center of a community. Here housing is multi-family, whether rented or owned, and there are sufficient numbers to support public transportation and sidewalks. As development moves out from this center, densities and services decrease until you get to outlying areas which have the least densities and services. It need not be single family homes on large lots, but could include cluster developments that have lesser densities and provide for houses to be on smaller lots so that surrounding or sensitive areas can be left natural. This provides relief and open space from the more intense development in the village or town center.

A supporter who spoke at Tuesday's hearing and lives in the proposed annexation area, perfectly described sprawl not Smart Growth: "She said she supported it {annexation} because she currently has no sidewalks where she lives and the roads are dangerous." She went on to say that she also wants water and sewer services. (From Photo News of March 6-12, 1015) People who purchase a home in an area without these services should not do so expecting that all these services will be extended to them. Doing so means infinite service extensions which can only be supported by increased density to pay for the costs. So rather than following the Smart Growth model described above, the dense village development style of Kiryas Joel continues an endlessly expanding village center of high density without open spaces or varied housing designs on lands that now contains the reduced densities away from the community center that is consistent with Smart Growth. The issue of this type of sprawl, not Smart Growth, needs to be addressed in the document as part of its impacts on all of the above services and visual impacts listed above.

- 13) Alternatives must be fully addressed: One of the findings by the court regarding the aqueduct environmental review was the lack of various alternatives. This document needs to avoid that problem and fully and adequately address all alternatives, not just the ones it supports or favors.
- 14) Mitigations: On a similar note, mitigations to all impacts must be fully addressed and must cover a range of options, again even those not favored by the applicant.

15) Transparency and Availability of documents for public review: Unfortunately, the Village of Kiryas Joel has a long standing reputation of not responding to FOIL requests, not making official meetings open to the public or not submitting the required County 239 reviews or the paperwork of SEQRA reviews for all the buildings, commercial or residential, that exist in the Village, available to the public as the law requires. The beginning of the SEQRA process for annexation has gotten off to a rocky start by opening and closing the only public meeting for the very important Scoping Document on a stormy night with such poor road condition that area schools had delayed openings or closed the next day. It is hoped that this is not an indication of the way the rest of this SEQRA review will be conducted.

16) Use of language and organization of DEIS that is understandable to the public: I would like to agree with statements in the proposed Scoping Document that language should not be so technical that the general public cannot understand it. While statistical information and analysis data is essential to the SEQRA review, the results can be shown in charts and written in language that is clear and understandable.

Regarding the overall organization of the DEIS, I would like to support the suggestion in the Scoping Document that the DEIS also be logical and easy to follow. Many people, including myself, found the organization of the SEQRA review for the NYC aqueduct connection to be confusing and not easy to follow at times. Having read many SEQRA reviews, there is no need for them to be confusing. Generally following the topic arrangement presented in the SEQRA manual/outline makes it easier to read rather than jumping around in a disconnected manner. Appendices should be similarly organized in a readable fashion. Every company has their method of organizing SEQRA documents ---I am simply agreeing with the statements in the Scoping Document that the materials be presented and organized in such a way that citizens can locate and read them without being frustrated by having to flip all around the place for the information.

17) Fees for annexed land water connections: From the newspaper articles, there is a reference to this issue having been raised at the scoping hearing. Since I was not in attendance to know the direction of the discussion, I will raise this matter in my comments, which may or may not repeat what was stated at the hearing.

My concerns are two-fold: the first involving the objectivity of the annexation review by the Village of Kiryas Joel, which has a vested financial need for approving this annexation, and the second involving the proper way to address this issue in the SEQRA review.

a) Objectivity: The press has covered the issue that landowners whose lands are part of the annexation application must sign agreements to cover the costs associated with this application as well as the costs to obtain water from the Village. While on the surface, it would be a reasonable expectation that those seeking the Village's services would be required to pay for the extension of service lines as well as expansion of the desired

services facilities in order to compensate the Village for the added expenses, there are other factors to consider here which go beyond the surface costs of these extensions.

- (1) The cost in the draft agreement is \$25,000 to \$30,000 per unit, depending on unit size. If the usual high density housing is built, this equals significant sums of money per acre, above what might be reasonably expected. (At 15 units/area, the payment for bringing water to a property is \$375,000 to \$450,000 per acre. At 20 units/acre, the payment is \$500,000 to \$600,000 per acre)
 - (2) News reports have indicated that the Village is experiencing difficulties in raising/borrowing the funds needed to pay for the costly aqueduct pipeline. This fact coupled with the huge revenue that annexation would bring in raises questions about how impartial the decision making can be. To put it in practical terms, the infrastructure costs of the existing Village appear to desperately need the revenue that annexation will provide. In exchange for this charge, landowners of the proposed lands to be annexed will anticipate huge financial gains due to the significant increase in the number of units per acre that Village zoning would allow. So what is happening is that annexation is essential to fund the infrastructure needs of the existing community while future annexations will be needed to fund the needs of these 507 acres thus creating a continuously self-perpetuating incentive as well as absolute need to annex and sprawl.
 - (3) There is such a strong financial incentive on the part of those seeking annexation (having purchased lands at prices reflecting lower density returns to rezoning for much higher densities for huge profits) and the Village officials who need a new and large revenue stream to support the debt of and need for massive expansion of services for the existing Village that annexation is a necessity. These powerful financial incentives from all parties supporting annexation need to be considered as to whether a truly fair and impartial decision can be made by the lead agency. While there is great gain for Kiryas Joel related interests, this has to be weighed against any benefit at all to the municipality and the residents from whom the land is to be annexed.
- (b) Process: This above issue must be addressed in the SEQRA review since it deals with the sustainability of a such a rapidly growing community as well as incentivizing the continual need to annex more and more land in order to support the ever expanding costs of services from the previous annexation.

These comments are respectfully submitted to be part of the official record on the proposed Scoping Document for the action of the annexation of 507 acres into the Village of Kiryas Joel per the decision made at the public hearing of March 3rd to extend the comment period to March 10th.

Sincerely,

Sheila A. Conroy