

To: Tim Miller Associates, Inc.
10 North Street
Cold Spring, New York 10516
845-265-4400
tim@timillerassociates.com

From: Laura and Brandon Rainoff
28 Fawn Hill Road
Tuxedo, New York 10987
914-262-4296
laurarainoff@gmail.com

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Re: Comments on Draft Scoping Outline for Proposed 507-Acre Annexation to Village of Kiryas Joel

General comments on the Draft DGEIS Scoping Outline:

It was entirely unsafe to insist on holding the public scoping session on the evening of March 3, 2015. The roads across Orange County were ice-covered, as described by the Monroe Highway Department at the scoping session. It was done specifically by Kiryas Joel officials to discourage public participation – especially since they know that busy citizens are unlikely to have the time to draft and submit written comments.

The notion that the annexation petition is brought by individual Satmar Hasidic homeowners with properties outside the Village of Kiryas Joel is false. The annexation petition(s) are driven by Kiryas Joel political leaders and property developers intending to build high-density housing in the 507 acres to fund the loan for the Kiryas Joel water pipeline. This fact should be reflected in the scoping document as the intended outcome of the petition(s). Leaving this fact out leads to false and inadequate DGEIS review.

Specific comments on the Draft DGEIS Scoping Outline:

I.A. The very description of the project shows the illegitimate nature of the annexation petition(s). The homeowners who purchased properties outside the Village of Kiryas Joel knew that their properties were zoned for 1-family residences; had wells and septic systems; had no public sidewalks or street lights; were served by the Town of Monroe emergency services; and would pay Monroe Woodbury Central School District taxes even if they decided to send their children to private school. If the property they purchased did not serve their needs, they should not have purchased it. Annexation is not an appropriate response to private citizens' discontent with their own property purchases.

Allowing the annexation(s) would be comparable to allowing our family to annex the properties of our neighbors so that our adult children may live next door to us, as our family might desire. It is illegitimate and illegal, as it would serve only our family and hugely harm our neighbors.

The scoping document must address why annexation is an appropriate solution to individual property owners' discontent with their own property purchases.

I.A.1. The draft scoping outline states that "The Village since its inception has been almost entirely comprised of members of the Satmar Hasidic Jewish community."

If the existence of the Village Kiryas Joel is to solely benefit one religious group (as is the case), the very existence of a religious municipal government violates the constitutional requirement of separation of church and state.

The scoping document must explicitly address the constitutional church-state separation issues raised by the annexation petition(s)

The "cultural norm" of Satmar Hasidic women to raise their families in the community where they were raised is a lifestyle choice. It is neither a legal right nor a constitutionally-protected religious practice. It is not a legitimate justification for land annexation, especially at huge cost and detriment to all surrounding citizens.

The scoping document must explicitly lay out legal justification for its claims that belonging to a specific religious group and having specific lifestyle choices in any way legally supports the annexation petition(s).

I.C. The draft DGEIS Scoping Outline states: "No development proposals, rezoning, subdivision, or site plans have been proposed by any of the property owners proposing annexation since the filing of the December 2013 Annexation Petition."

This statement is undermined by the public statements of property owners at the scoping session public comments on March 13, 2015. The property owners specifically named their plans to build high-density housing on the land proposed to be annexed, and defended this high-density housing as "sustainable."

The scoping document assumption is false and will lead to a completely inadequate review of the annexation petition(s). The scoping document must analyze the annexation petitions assuming maximum high-density housing build-out on the land proposed to be annexed, as that intention is publicly stated and acknowledged by the petitioning property owners.

II.B.2.a. and b. It is well documented that the federal, state and county expenditures made for social services to the Village of Kiryas Joel residents far exceeds expenditures made for social services provided to all other residents of Orange county. These costs will explode if the annexation is granted, and will impoverish the rest of Orange county and its towns and villages.

II.B.2.c. and II.C.2.d. The Draft DGEIS Scoping Outline lists “Potential Impacts” on: “Projected increase/decrease in school population and school tax revenues for Kiryas Joel and Monroe-Woodbury school districts.”

This statement is false and misleading. There is no need to consider “potential impacts” on the Kiryas Joel and Monroe-Woodbury school districts. The actual impacts on the two school districts are best illustrated by examining the Hasidic community’s takeover the East Ramapo Central School District board of education. The circumstances there are strikingly similar to those in the Monroe Woodbury Central School District.

The formerly excellent East Ramapo Central School District has been financially eviscerated by the Hasidic members of the board of education in order to benefit the private religious Hasidic schools that the Hasidic children attend. So few courses are offered at the East Ramapo High School that public school students cannot in four years obtain the credits necessary to obtain a standard New York Regents diploma.

For a more complete summary of the East Ramapo School District situation, see: <http://www.thisamericanlife.org/radio-archives/episode/534/a-not-so-simple-majority>.

The scoping document must explicitly consider what has happened in East Ramapo – by name – and include legally binding obligations that will prevent such from happening to the Monroe Woodbury Central School District.

Equally fallacious is the argument that the school taxes paid by residents of Kiryas Joel pay for services they do not use. While they may send their children to private schools, significant monies are spent by the Monroe Woodbury Central School District on special education and transportation services provided to private-school students in Kiryas Joel; and these costs will increase enormously if the annexation is granted.

II.B.2.d. and II.C.2.d. The Draft DGEIS Scoping Outline lists “Potential Impact” on: “Future assessed property values of annexation lands, including relative affordability.”

This statement is false, misleading and incomplete. There is no need to consider “potential impacts” on property values in the annexation lands. The actual impacts on property values are illustrated by the dramatic declines in property values of properties located within the East Ramapo Central School District, a harbinger of what will occur in the Monroe Woodbury Central School District.

Furthermore, this assumption is incomplete. It ignores the decline in property values that will occur to properties located in the towns of Monroe, Harriman, Woodbury, Tuxedo, Chester and Blooming Grove outside of the annexation lands and within the Monroe Woodbury Central School District. For these property owners, any proposed annexation inflicts devastating harm, as a major value of the properties are their inclusion in the Monroe Woodbury Central School District. With the evisceration of the school district will come the devastating loss of property values.

The scoping document must explicitly address the devastating property value declines that will occur to all properties within the Monroe Woodbury Central School District.

II.E.2.d. The Draft DGEIS Scoping Outline lists: “Potential effect on the Ramapo River.”

This statement is incomplete and misleading. The Ramapo River is documented to be at capacity for sewage load. No anticipated expansion of Kiryas Joel or Harriman sewage treatment plants is possible without devastatingly negative impacts on the Ramapo River.

The scoping document must explicitly address the documentation of the sewage carrying capacity of the Ramapo River.

II.F.1., 2., 3. The Draft DGEIS Scoping Outline lists considerations of “Natural Resources,” including: Existing Conditions, Potential Impacts, and Mitigation Measures.

The items outlined in this section are woefully incomplete. Despite the Village of Kiryas Joel’s secrecy and disregard of the Freedom of Information Law, many examples of its violations of environmental law and regulation have been made public, including: dumping raw sewage into the Ramapo River, dumping poultry processing waste into the Ramapo River, defying legal requirements to submit development plans to the Orange County Planning Department, and building an illegal 26-inch water pipeline when New York state only permitted an 18-inch pipeline. All known violations had and will have huge negative impacts on the natural resources of all citizens and properties surrounding the Village of Kiryas Joel.

Given the public record of its legal and regulatory violations, the scoping document must search out and explicitly list all known environmental legal and regulatory violations and justify why the Village of Kiryas Joel could possibly be trusted to analyze potential negative impacts to natural resources or trusted to undertake any mitigation measures.

V. The Draft DGEIS Scoping Outline lists as an Alternative: “Annexation of smaller land area in the Town of Monroe identified in the pending August 2014 164-acre Annexation Petition.”

The separate annexation petition for 164 acres is an illegal segmentation of the original 507-acre petition pursuant to New York General Municipal Law.

The scoping document must explicitly address the segmentation issues raised by the 164-acre petition, not simply treat it as a legitimate “alternative.” It is not a legitimate alternative.