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Sierra Club-Atlantic Chapter

1 message

Lawgloco <lawgloco@gmail.com>

Tue, Mar 10, 2015 at 3:02 PM

To: jwekerle2 <jwekerle2@gmail.com>

Sierra Club-Atlantic Chapter
Sterling Forest-Highlands Committee
PO Box 287
Walden, New York, 12586
March 10, 2015

Mayor Abraham Wieder
Village of Kiryas Joel
Box 566
Monroe, NY 10949

✓ c/o Tim Miller
Tim Miller Associates Inc.
10 North St.
Cold Spring, NY 10516

Re: Scoping Comments for SEQRA Generic Environmental Impact Statement (GEIS): Proposal to annex 507 acres from the Town of Monroe to the Village of Kiryas Joel, dated February 6, 2015.

Dear Mayor Wieder:

The Sierra Club is a national, state and local grassroots membership organization committed to the protection of the natural and human environment which we share.

The 700 acre Village of Kiryas Joel has stated that the current Village boundry does not provide sufficient land for desired Village population growth. The proposed 507 acre annexation parcel from the Town of Monroe is to satisfy the near-term housing needs of additional Village residents.

The KJ annexation/development project is NOT a limited project of only "local" concern. This would be one of the largest development proposals in the history of Orange County. This is a regional issue that impacts on all other development applications and on all natural resources in the Ramapo River, Moodna Creek and Woodbury Creek watersheds and throughout the 2004 Federal-designated Highlands conservation region.

The annexation/development proposal has the potential for a massive adverse impact on the entire region. Neither the Village nor the Town has the resources to address the issues beyond their respective borders. The NYS DEC, as was the case in the Sterling Forest Corporation development proposal, should have assume SEQRA lead agency status based on water supply and sewage discharge permits in addition to all other regional environmental, social and economic consequences that the GEIS process calls for.

In a narrowly constructed sense, the annexation petition merely seeks to shift political jurisdiction of 507

acres from the Town of Monroe to the Village of Kiryas Joel. However, such a shift would result in an automatic de facto rezoning of the rural/agricultural/suburban land use in place in the Town of Monroe, to the ultra-high density development governed by the Village master plan and zoning regulations. The 507 acres would be transformed instantly from an area containing 45 acres of rural residences with paved roads and 462 open space acres of forests, lakes, wetlands and farmland, to 507 acres of dense, urban housing to serve a population estimated to approach 20,000 additional people. Such a zoning change requires its own specific EIS. Further, the existing, stringent Monroe Town wetlands protection ordinance would also be nullified. It must also be noted that over 78% of the targeted property has steep slopes that have a grade greater than 10%, which makes any construction problematic and environmentally damaging.

The GEIS must not separate the annexation's legal jurisdiction aspect from the functional build-out consequences that would be achieved by the proposed change in political jurisdiction. Any such separation would represent a grievous segmentation prohibited by SEQRA.

As referenced by DEC Commissioner Martens in his January 28, 2015, designation of a Lead Agency, "The determination of public interest pursuant to General Municipal Law...which a municipality must make prior to granting or denying an annexation petition, is a discretionary approval subject to SEQR....annexations are often the first step toward the development of real property and may involve a change in municipal services or land use regulations. A principal goal of SEQRA is 'to incorporate environmental considerations into the decision making process at the earliest opportunity.'" (City of Watervliet vs Town of Colonie.) while no specific Village development plan can be submitted prior to the annexation decision, the annexation GEIS IS the "earliest opportunity" to consider the cumulative impacts of the desired, tandem annexation/build-out consequences.

The proposed KJ annexation build-out project by itself – but especially in conjunction with the myriad collateral projects proposed for the towns of Goshen, Chester, Blooming Grove, Monroe, Tuxedo, and Woodbury, and the villages and school districts situated therein – will require major new supporting highway, water supply, and sewage treatment infrastructure that currently does not exist. The public expense for that infrastructure will be paid by all Orange County residents. The annexation consequences and growth-inducing imperatives will have significant adverse environmental, social and economic impacts on the air and water quality, and on the character of local communities throughout Orange and Rockland Countys and on the adjacent New York – New Jersey Highlands Region. The following issues should be included in the final Scope document to be addressed in the annexation GEIS.

The Petitioner/Applicant for annexation listed on the February 6, 2015, "Draft Scoping Outline" is the "Monroe KJ Consulting LLC," not the 116 property owners in whose name 177 tax lots are registered and who filed the original annexation petition on December 23, 2013. Have those 177 tax lots been sold? The names of the individuals who currently own the properties to be annexed, and the names of the individuals who are principals of the current applicant, Monroe KJ Consulting LLC, and any other individuals having controlling interest in this action must be made public in this GEIS. Please note that said identification of individual LLC principals is required by the Monroe Town Planning Board regarding all official applications that come before the Board.

The GEIS must include a full cost -benefit analysis of the annexation/development potential including a full listing of all public incentives and subsidies available to the applicant, such as corporate income tax forgiveness, federal stimulus accelerated and bonus depreciation allowances, below-market rate interest and guaranteed financing, sales and property tax waivers/exemptions/reductions, grants and other benefits provided by any entity such as the Federal government, the Empire State Development Corporation, and other local development agencies (IDAs).

The economic and property tax loss to the town of Monroe and to the Monroe-Woodbury school district,

and new responsibilities assigned to each must be documented.

The GEIS must explain and justify the need to build this project at all in a location that has inadequate water supply and sewage treatment capacity.

The GEIS must determine the total cost to provide the project with water and the sources of that water, the total cost of sewage treatment service including the manner of disposal and the downstream impacts on the Ramapo River, the Moodna Creek, and the Woodbury Creek. Further, the effect of the new sewage on the capacity of the county-owned Harriman STP and on the municipalities which must share limited allocation capacity must be documented. The GEIS must calculate the costs to expand existing STP capacity and identify who actually will be paying for those costs.

Will the housing development from this annexation be accesable to all Orange County residents, or serve to attract new residents currently living in the NY-NJ Metro region who will commute to distant jobs? Will the housing effectively be restricted to congregants of the Satmar Hasidic religious community?

The draft Scope states that land uses within the Village and Town are to be evaluated. That territorial restriction is inadequate. The annexation site has insufficient water and STP capacity and must be served by distant regional resources. In order to accommodate the annexation buildout, the County has the option to restrict the sewage volume allotments of current municipal STP partners or to expand the size and capacity of the Harriman STP and also to initiate new water supply services. In all circumstances, the increased volume of sewage and resulting effluent discharge into the Ramapo River will affect all current Orange County municipal users of the Harriman STP, all area development projects which have a claim on STP capacity, and all downstream residents in the Town of Tuxedo, Rockland County, and Bergen County, NJ, and the North Jersey water district who rely on the Ramapo River as a drinking water supply source.

The water, sewage, and roads required by this annexation and collateral projects will set in motion a chain of infrastructure expansion beyond the requirements of the annexation build out by itself. The GEIS must evaluate the growth – inducing consequence that this project will promote in a radius of at least 15 miles from the Village itself.

Further, the GEIS must evaluate the cumulative impacts and the synergy of all major development projects in the region which have a claim on the same road-water-STP infrastructure such as BT Holdings in the Town of Chester, the Camp LaGuardia property in Chester and Blooming Grove, and the Related Company's Tuxedo Farms development in the Town of Tuxedo.

The GEIS must separately evaluate the competing water-sewage needs of the existing municipalities such as the towns of Woodbury, Tuxedo, Monroe, Chester, and Blooming Grove, together with the obligations of Orange County to satisfy those needs which are in conflict with the annexation results.

The current KJ master plan, zoning, and the existing Village development pattern, including all variances and exceptions to zoning, must be analyzed to provide an indication of the anticipated population and service needs that will occupy the 507 acre target property.

The GEIS must include a copy of the existing KJ master plan, a copy of the existing KJ zoning regulations, subdivision regulations and a detailed mapping of property lots, the actual buildings constructed on those lots, and the dwellings contained in each of those buildings.

Further, the US Census and current population of the 700 acre KJ Village must be enumerated to gauge the equivalent population that can be projected to occupy the 507 acre annexation property. The GEIS is required to evaluate the growth inducement impacts of any development proposal, not only within the

targeted annexation property, but also within the proximate region.

The range of alternatives must be discussed in the GEIS from the no-build alternative to a full buildout alternative, including a range of development in between. Two of those intermediary scenarios should include the September 2014 annexation proposal of 164 acres and then the third annexation proposal of 300 acres of Monroe town lands. In addition to the full buildout scenario, the GEIS must address the potential development of adjacent properties such as the Lake Ann Country Club, the ACE Farm property, and other properties owned by KJ interests subject to separate annexation efforts yet to come. The actual development of the existing 700 acre Village serves as a template for the full buildout of the 507 acre parcel.

Contrary to the DEC rationalization granting lead agency status to KJ which claims that high density development is "environmentally sustainable and conserves open space," there will be no open space when the historic buildout is accomplished. Guaranteed open space provisions must be detailed in the GEIS.

The Village currently states that it has reached its limits of providing water and sewage services to its existing population. The GEIS must detail where central water and sewage services will be created to meet the needs of new residents destined to populate the 507 acre annexation property.

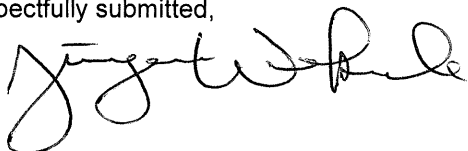
As a municipality with a central water supply system, KJ is eligible to purchase water from the New York City aqueduct system. The GEIS must detail the impact that such large withdrawals would have on the NYC DEP Catskill-Delaware reservoir resources. The GEIS must detail the contract requirements to obtain New York City water including emergency conservation measures and back-up, reserve supply from local reservoir and/or well sources. The contested ownership of ground water resources claimed by the towns of Woodbury and Cornwall must be evaluated as well. Control of that water would impact the ability of KJ to provide a required backup supply. Further, the manner of transporting DEP water from the aqueduct tap in the Town of New Windsor to KJ must be detailed, including the manner of payment for the pipeline construction.

Another affected water supply source is Walton Lake, which serves as a reservoir for the Village of Chester but which is located in the Town of Monroe. The GEIS must evaluate the use of Walton Lake as a backup supply source for the New York City aqueduct water needed to serve the annexation development.

KJ has no excess sewer capacity to service new development. In fact, KJ has exceeded its allotment regarding the current sewage disposal agreements and arrangements with surrounding municipalities utilizing the Orange County owned and operated Harriman STP. KJ violations, including excess salt discharge, pose a serious threat to the Ramapo River and all downstream users in southern Orange County, Rockland County and New Jersey. The GEIS must detail the current sewage disposal problems in addition to the burden/capacity needed to accommodate the full buildout potential from said annexation. Further, the GEIS must detail the cumulative impacts of all development proposals in southern Orange County that depend on the same shared clean water supply and sewage treatment facility, above and beyond KJ's current needs and the additional needs driven by the proposed annexation.

The GEIS must evaluate the current records of both the Village and the Town regarding compliance with all existing US EPA and NY State DEC rules, regulations and permit requirements. All relevant audits should be included.

Respectfully submitted,



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