

DRAFT SCOPING OUTLINE
FOR
PROPOSED 507-ACRE ANNEXATION to VILLAGE OF KIRYAS JOEL
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT
VILLAGE OF KIRYAS JOEL & TOWN OF MONROE
ORANGE COUNTY, NEW YORK

February 6, 2015

Date Adopted: _____

Lead Agency and Contact Person:

Village of Kiryas Joel Board of Trustees
51 Forest Road, Monroe, New York 10950
Contact: Mr. Gedalye Szegedin, Village Administrator
(845) 783-8300

Petitioner:

Monroe KJ Consulting LLC
P. O. Box 51, Monroe, New York 10949
Contact: Steven Barshov, Esq.
c/o Sive, Paget & Riesel, PC
460 Park Avenue, 10th Floor, New York, N.Y. 10022
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Involved Agency:

Town of Monroe Town Board
Town Hall
11 Stage Road, Monroe, New York 10950
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(845) 783-1900 Ext 227

**DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT
for the Proposed 507-Acre Annexation to the Village of Kiryas Joel**

GENERAL GUIDELINES

The Draft Generic Environmental Impact Statement (DGEIS) will cover all items in this Scoping document. Each impact issue will be presented as it relates to existing conditions, future conditions without the annexation and future conditions with the annexation as presently planned, and mitigation measures available to minimize the identified impacts.

Narrative discussions will be accompanied by appropriate tables, charts, graphs, and figures whenever possible. If a particular subject can be most effectively described in graphic format or separate report, the narrative discussion may merely summarize and highlight the information presented graphically or in the report. All plans and maps showing the site of the action will include the adjacent properties.

Information will be presented in a manner which can be readily understood by the public. Efforts will be made to avoid the use of technical jargon in the narrative text; technical subject matter should be placed in a technical appendix.

The DGEIS will address only those potential significant adverse environmental impacts that can be reasonably anticipated and/or have been identified in the scoping process associated with the proposed action.

Discussions of mitigation measures will indicate which measures could be incorporated into future site specific project plans. Mitigation will include consideration of avoidance and minimization of impacts.

The document and any appendices or technical reports will be written in the third person (i.e., the terms "we" and "our" should not be used). Any assumptions incorporated into assessments of impact will be clearly identified. In such cases, the reasonable "worst case" scenario analysis may also be identified and discussed.

CONTENTS of the DGEIS

COVER SHEET

- A. State it is a draft generic statement.
- B. Title/name of the action.
- C. Location (county and municipality) of the action.
- D. Name and address of the lead agency; name and telephone number of the person to contact at the lead agency for information.
- E. Date of acceptance of the document.

- F. Date of public hearing
- G. Deadline date by which comments are due.
- H. List names of individuals or organizations that prepared any portion of the statement.

SUMMARIES

- A. Table of Contents.
- B. Brief description of the Proposed Action.
- C. Outline significant beneficial and adverse impacts.
- D. Issues of controversy.
- E. Proposed mitigation measures.
- F. Adverse impacts that cannot be avoided.
- G. Alternatives considered.
- H. Irreversible and irretrievable commitment of resources.
- I. Growth inducing aspects.
- J. Use and conservation of resources.
- K. Approvals necessary to implement the action.

I. DESCRIPTION OF THE PROPOSED ACTION

Information will include the following:

A. PROJECT DESCRIPTION

The proposed action involves the review and determination under the Municipal Annexation Law, Article 17 of the General Municipal Law, of the petition of December 23, 2013, by the private property owners to annex approximately 507 acres of territory comprised of 177 tax lots from the Town to the Village.¹ 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 have petitioned for annexation to the Village. The annexation is proposed so that petitioners' properties will be within the Village and provided with Village services, including central water and sewer services, public schools, public safety and fire protection services, full-time paid EMS, daily sanitation pick-up, day care and head start services, pedestrian friendly communities with access to sidewalks and public transportation, use of Village parks, streetlights, municipal water supply for fire protection (hydrants), and affordable housing and health care services with specialty care to accommodate larger families, among other services.

¹ The December 2013 Annexation Petition indicates an area of approximately 510 acres proposed for annexation. Subsequent calculation of the area has refined that number to approximately 507 acres.

The determination by the Town and Village is whether the petition for annexation complies with the provisions of Article 17 of the General Municipal Law (the “Municipal Annexation Law”), and “whether, on the basis of considerations including but not limited to those relating to the effects upon (a) the territory proposed to be annexed, (b) the local government to which the territory is proposed to be annexed, (c) the remaining area of the local government in which the territory is situated and (d) any school district, fire district or other district corporation, public benefit corporation, fire protection district, fire alarm district or town or county improvement district, situated wholly or partly in such territory, it is in the over-all public interest to approve such proposed annexation.”

A separate Annexation Petition was filed by some of the same property owners in August 20, 2014 proposing a smaller annexation to the Village (approximately 164 acres), all lands which are proposed to be annexed in this current action. To assure a full and complete environmental review, the potential environmental impacts of the August 2014 Annexation Petition will be identified and assessed in the Alternatives chapter.

The current Annexation Petition was filed with the Village and Town of Monroe on or about December 23, 2013. On or about December 30, 2013, the Village issued a notice to the Town of the Village’s intent to serve as the lead agency of a coordinated SEQRA review in accordance with SEQRA section 617.6(b)(3). The Town objected to the Village’s lead agency role and pursuant to section 617.6(b)(5)(i) of the SEQRA regulations, several requests were filed with the Commissioner of the New York State Department of Environmental Conservation (“NYSDEC”) to designate a lead agency for the SEQRA review of the December 2013 petition. Designation of the Board of Trustees of the Village of Kiryas Joel as the lead agency was made by the NYSDEC Commissioner on January 28, 2015. As it had intended for the December 2013 Annexation Petition, on February 6, 2015, the Village issued a positive declaration, determining to prepare a Generic Environmental Impact Statement (“GEIS”). A GEIS is the appropriate vehicle to assess this Annexation action since no specific development project has been identified or applied for. The GEIS will assess the potential impacts from both the December 2013 Annexation Petition and the August 2014 Annexation Petition undertaking the same quantitative analyses for both, thereby addressing concerns raised in comments on the draft scoping document for the August 2014 Annexation Petition that anything other than such an analysis could yield an impermissibly segmented SEQRA review.

1. Background

The Village of Kiryas Joel was incorporated as a village in 1977, and expanded through annexation in the 1980s. The Village presently consists of approximately 700 acres of land located north of New York State Route 17 within the Town of Monroe.

The Village since its inception has been almost entirely comprised of members of the Satmar Hasidic Jewish community. For purposes of preparing the DGEIS, the demographic characteristics of the Village are significant in order to accurately project its future population growth with and without the proposed action. A cultural norm of the Satmar Hasidic community is that practically all women marry and raise their families in the community where they have been raised. Men choosing to marry Kiryas Joel women are either living in the community already or move into the community when married. The DGEIS will analyze recent rates of in-migration and out-migration and apply them in the growth projection.

The Village's demographic characteristics were last comprehensively analyzed in the 2009 demographic study that is part of the Amended FEIS developed for the Village in support of its NYC Aqueduct connection and pipeline project.² The 2009 study projected an average annual population growth rate in the Village of approximately 4.52 percent. The DGEIS will update this projection using a methodology based on the number of new families that are created by the recently graduated females from the Kiryas Joel schools.

B. PROJECT PURPOSE, NEED AND BENEFITS

1. Background and history of the Village of Kiryas Joel and annexation lands, historic growth and anticipated trends.
2. Needs and benefits to private annexation petitioners for services provided by Village of Kiryas Joel, Town of Monroe, County of Orange and school districts.
3. Degree of consistency of the proposed annexation with local and regional plans for accommodating need for services by the future population.
4. Economic benefits of the action as relates to infrastructure and other services.

C. APPROVALS NEEDED

The approvals required for the Annexation action are Annexation Approval Resolutions by both the Town Board of the Town of Monroe and Board of Trustees of the Village of Kiryas Joel pursuant to the Municipal Annexation Law, Article 17 of the General Municipal Law.

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. Accordingly, the only approvals required for the proposed action are the approvals set forth in the General Municipal Law and described above.

² AKRF, Inc., "Growth Study for Village of Kiryas Joel Amended FEIS for the Proposed Connection to the New York City Catskill Aqueduct", January 2009. [Appendix B of VKJ Oct. 2013]

- a. List of Involved Agencies with jurisdiction by law to fund, approve or directly undertake the action:
 - Town Board, Town of Monroe
 - Board of Trustees, Village of Kiryas Joel
- b. List of Interested Agencies that lack jurisdiction to fund, approve or directly undertake an action but wish to participate in the SEQRA review process. A listing of agencies that have requested to participate to date is appended hereto.

II. ENVIRONMENTAL SETTING, ANTICIPATED IMPACTS AND PROPOSED MITIGATION MEASURES

A. LAND USE AND ZONING

1. Existing Conditions

- a. This section will describe the existing land uses and residential densities of the Village of Kiryas Joel and the Town of Monroe as well as any adjacent lands.
- b. The existing zoning of the Village of Kiryas Joel and Town of Monroe will be presented.
- c. Local and Orange County land use plans, zoning codes and other local land use laws applicable to Kiryas Joel and the Town of Monroe will be summarized.
- d. Relevant provisions from the Orange County Comprehensive Plan (including its 2010 amendments) and other identified regional land use plans and reports will be summarized.

2. Potential Impacts - Without and With Annexation

- a. Evaluate and discuss reasonable development scenarios based upon historic development patterns in the Village and Town.
- b. Potential development activities and densities as relates to the applicable zoning codes, and timeframes, will be evaluated and discussed.
- c. Relationship between annexation territory and adjoining land uses will be discussed, including consideration of land use impacts on adjacent parcels within the towns of Monroe and Woodbury.
- d. Consistency with County or other regional land use plans and municipal comprehensive plans will be reviewed and evaluated.
- e. Impacts associated with adjacent parcels remaining in the Town of Monroe.
- f. Effect of removing approximately 184 acres of UR-M zoned land from the Town of Monroe.

- g. Effect on pre-existing undeveloped land use approvals issued by the Town (if any) in the annexation territory as well as any other identified zoning conflicts created by annexation.

3. Mitigation Measures

B. DEMOGRAPHICS AND FISCAL RESOURCES

1. Existing Conditions - Demographic and Fiscal

In this section, the following topics will be presented:

- a. Existing population and housing types in Kiryas Joel and the annexation lands in Monroe
- b. Existing household size
- c. Existing and projected population growth
- d. Existing tax revenue sources, other revenue sources, and budgets for Town of Monroe, Village of Kiryas Joel, Monroe-Woodbury School District, Kiryas Joel School District and Orange County
- e. Sources of funding for municipal services

2. Potential Impacts - Demographic and Fiscal - Without and With Annexation

The following topics will be reviewed in both scenarios as relates to the Town of Monroe and Village of Kiryas Joel:

- a. Projected population using services
- b. Projected increase/decrease in tax revenues
- c. Projected increase/decrease in school populations and school tax revenues for Kiryas Joel and Monroe-Woodbury school districts
- d. Future assessed property values of annexation lands, including relative affordability
- e. Fiscal implications of annexation on the Orange County Sewer District #1 and Monroe Joint Fire District

3. Mitigation Measures

C. COMMUNITY SERVICES AND FACILITIES

1. Existing Conditions

Staffing, equipment and service levels for Kiryas Joel and the annexation lands in Monroe will be presented based on available information and interviews with service providers in the following areas:

- a. Police Services
- b. Fire Protection of the Monroe and Kiryas Joel fire departments and Emergency Medical (Ambulance) Services
 - 1) Description of the capabilities and limitations
 - 2) Number of responses
 - 3) Equipment
 - 4) Number of firefighters, volunteer or paid status, work shifts, qualifications and training, SCBA qualified firefighters
 - 5) Mutual aid
- c. Health Care Services
- d. Schools in Kiryas Joel and Monroe
- e. Water - discussed in section E
- f. Sewer - discussed in section E
- g. Electric Services
- h. Other Services available to residents of Kiryas Joel and Monroe (including sanitation, public works, recreation, postal services, library)
- i. Road infrastructure and maintenance

2. Potential Impacts - Without and With Annexation

- a. Demands on each service listed above and its facilities based on projected population growth, location and timing
- b. Anticipated costs of services versus future tax revenues in Village and Town
- c. Analyze impacts to County facilities, infrastructure and services, including:
 - 1) Social services, including transit systems
 - 2) Emergency services
 - 3) OC Sewer District #1 - discussed in section E
 - 4) County Routes 44 and 105 - discussed in section D
- d. Effect on Kiryas Joel and Monroe-Woodbury school districts without and with the same change in school district boundaries.
- e. Changes in responsibility for road infrastructure (maintenance and repair).

3. Mitigation Measures

D. TRAFFIC AND TRANSPORTATION

1. Existing Conditions

- a. Describe the roadway network serving Kiryas Joel and the annexation parcels.
- b. Describe public and private transportation services and existing sidewalk network.
- c. Describe the size and capacity (i.e., number of lanes) of the following key locations:
 - Northeast of Forest Avenue/Schunnemuck Road Bridge over Route 17
 - Bakertown Road north of CR 105
 - Acres Road west of CR 105
 - CR 44 (Seven Springs Mountain Road) east of Seven Springs Road
- d. Document existing weekday a.m. and p.m. peak hour traffic on the four link locations with actual counts.
- e. Discuss Saturday traffic.
- f. Document existing transportation network including bus routes, park & ride lots.
- g. Discuss projects in the project area that NYSDOT has identified relative to areas of existing congestion or safety issues under the NYS Transportation Improvement Program.

2. Potential Impacts - Without and With Annexation

- a. Identify trip generation and distribution of future development activities based on density of both development scenarios.
- b. Identify other major development activities in the vicinity which will affect the roadway network including currently approved projects that are pending development that will add traffic to the network.
- c. Identify overall traffic growth rates for the area.
- d. Compare project's relative effect on traffic volumes in areas of existing or potential congestion.
- e. Qualitative analyses for existing conditions, future conditions without the action and future conditions with the action, including impacts to County Routes 44 and 105.
- f. Conceptual discussion of long term traffic growth.
- g. Noise and air quality related to traffic.

3. Mitigation Measures

- a. Discuss availability of transportation services, extension of sidewalk network, or other transportation management tools to accommodate annexation area.

E. COMMUNITY WATER AND SEWER

1. Existing Conditions

- a. Discuss environmental setting, watersheds, and general groundwater conditions.
- b. Discuss existing water supply capacity and infrastructure in Kiryas Joel and in the annexation territory. Discuss plans for future capacity and infrastructure including status of the connection to NYC water supply. Map of annexation parcels that currently have public water infrastructure and which municipality if any is providing said service.
- c. Status of the Village's and Town's ability to provide water service for any future development.
- d. Discuss limitations to establishing private wells in annexation area.
- e. Discuss sewer service capacity and infrastructure for the municipal plant in Kiryas Joel and the Harriman Plant and anticipated expansions or infrastructure improvements. Map of annexation parcels that currently have sewer infrastructure and which municipality if any is providing said service.
- f. Proximate location of Village infrastructure for water and sewer transmission in vicinity of annexation lands.
- g. Status of the Village's, Town's or County's ability to provide sewer service for any future development. Data will be sought from Orange County Sewer District #1.
- h. Discuss limitations to establishing private septic in annexation lands.

2. Potential Impacts - Without and With Annexation

- a. Demand for water, impact on existing systems, and ability of facilities and groundwater aquifer to accommodate same with or without annexation.
- b. Demand for sewer, impact on existing systems, and ability of facilities to accommodate same with or without annexation.
- c. Impact on Orange County Sewer District #1, including estimates on volumes of additional sewage that will enter the District's wastewater system over time.
- d. Potential effect on the Ramapo River.
- e. Responsibilities to provide water and sewer services.

3. Mitigation Measures

- a. Provision of public water and sewer to annexation lands.

F. NATURAL RESOURCES

1. Existing Conditions

- a. Discuss existing characteristics of Kiryas Joel and annexation lands as they apply to any unusual or constraining condition relative to development in the following areas. General identification of natural resources (e.g. regulated wetlands) will be based on existing maps and records. The GEIS will not include property-specific wetlands delineations or flora and fauna studies which will remain the obligation of future development proposals.

- Geology, soils, topography
- Unique or unusual habitats, Designated Significant Natural Communities and protected species
- Town, State and Federal regulated wetlands, protected streams and other surface water bodies
- Stormwater management

2. Potential Impacts - Without and With Annexation

- a. Estimate future development disturbance and potential implications for natural resources in annexation lands.
- b. Impacts to water resources, habitats, and land resources with land development including impervious surfaces and management of stormwater.
- c. Cumulative impacts to natural resources.

3. Mitigation Measures

- a. Avoidance; mitigation; timing.

G. CULTURAL RESOURCES

1. Existing Conditions

- a. General description of the visual and scenic resources of the study area
- b. General description of historic/cultural resources

2. Potential Impacts - Without and With Annexation

- a. Impact on viewsheds and designated scenic resources of the study area
- b. Impact on community character
- c. Impact on existing local recreational resources, including the Highlands Trail/Long Path and Gonzaga Park.

3. Mitigation Measures

III. THRESHOLDS FOR FUTURE ENVIRONMENTAL REVIEWS

This section will set forth specific conditions or criteria under which future site-specific actions in the annexation territory may be undertaken or approved, including requirements for any subsequent SEQRA compliance.

In accordance with 617.10(d), when a final generic EIS has been filed under this part:

- (1) No further SEQR compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the generic EIS or its findings statement;
- (2) An amended findings statement must be prepared if the subsequent proposed action was adequately addressed in the generic EIS but was not addressed or was not adequately addressed in the findings statement for the generic EIS;
- (3) A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action will not result in any significant environmental impacts;
- (4) A supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts.

IV. ADVERSE ENVIRONMENTAL IMPACTS WHICH CANNOT BE AVOIDED IF THE PROJECT IS IMPLEMENTED

List those potential adverse environmental effects identified in Section II that can be expected to occur regardless of the mitigation measures considered.

V. ALTERNATIVES

This section will describe and evaluate a range of reasonable alternatives to the proposed annexation action that are feasible, considering the objectives and capabilities of the project sponsor (Annexation Petitioners). Discussion of each alternative will be at a level sufficient to permit a comparative assessment of the alternative in relation to the proposed action.

1. No Action (No Annexation).
2. Annexation of smaller land area in the Town of Monroe identified in the pending August 2014 164-Acre Annexation Petition.

VI. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Identify those natural and human resources that will be consumed, converted or otherwise made unavailable for future use.

VII. GROWTH INDUCING ASPECTS AND CUMULATIVE IMPACTS

1. Growth inducing impacts of the proposed action.
2. Cumulative environmental impacts related to the development of the annexed lands as well as an expanded annexation will be identified and assessed.

VIII. EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

1. Discuss potential use and conservation of energy related to the action.
2. Discuss greenhouse gas (GHG) emissions as affect climate change.

APPENDICES

- A. List underlying studies, reports and information considered and relied on in preparing the document.
- B. List all federal, state, regional or local agencies, contacted in preparing the document.
- C. Technical exhibits including technical computations and analyses.
- D. Relevant correspondence regarding the proposed action.
- E. SEQRA documentation.

INVOLVED AGENCIES:

Village of Kiryas Joel Board of Trustees

Town of Monroe Town Board

INTERESTED AGENCIES that lack jurisdiction to fund, approve or directly undertake the action but which have notified the Lead Agency of their wish to participate in the SEQRA review process:

Kiryas Joel Union Free School District

Monroe-Woodbury Central School District

Monroe Conservation Commission

New York State Department of Environmental Conservation - Albany

New York State Department of Environmental Conservation - Region 3

Orange County - County Executive

Orange County Department of Planning

Village of Harriman

Village of Monroe

Village of Woodbury

Village of South Blooming Grove

Town of Woodbury

Monroe Joint Fire District Board of Joint Fire Commissioners