

INVOLVED AGENCY FINDINGS STATEMENT
State Environmental Quality Review Act
TOWN BOARD OF THE TOWN OF MONROE
507.4-Acre Annexation and 163.8-Acre Annexation
Town of Monroe to Village of Kiryas Joel

Pursuant to Article 8 of the New York Environmental Conservation Law - the State Environmental Quality Review Act (SEQRA), and its implementing regulations at 6 N.Y.C.R.R. Part 617, the Town of Monroe Town Board, as an Involved Agency, makes the following findings:

- Name of Action:** 507.4-Acre Annexation and 163.8-Acre Annexation
Town of Monroe to Village of Kiryas Joel
- Description of Action:** Petitions under authority of General Municipal Law Section 703 seeking annexation of certain lands within the unincorporated portion of the Town of Monroe into the Village of Kiryas Joel.
- Location:** Town of Monroe and Village of Kiryas Joel, Orange County, New York.
- Lead Agency:** Village of Kiryas Joel Village Board
51 Forest Road, Suite 340
P.O. Box 566
Monroe, New York 10949
Contact: Abraham Wieder, Mayor
- SEQRA Classification:** Type I
- Date Final EIS Filed:** August 26, 2015
- Date Findings Adopted:** September 8, 2015

These involved agency findings are issued by the Town Board of the Town of Monroe after having reviewed the lead agency findings issued by the Village Board of the Village of Kiryas Joel.

The EIS fails to adequately separate the impacts of the 507.4-acre annexation from the 103.8-acre annexation. Most of the land involved in the 103.8-acre annexation is enclosed as fingers within the village. This is not the case with the 507.4-acre territory.

The town board fully supports the EIS insofar as it addresses the 103.8-acre annexation. However, it finds the EIS inadequate as to the 507.4-acre annexation. Being unable to assess and analyze the environmental impacts of the larger annexation the town board finds that the edge of the 163.8-acre annexation territory is the appropriate location to end village high-density, pedestrian-friendly development and allow a transition to the more rural, low-density development that has long been the hallmark of the Town of Monroe.

In this regard, the town board finds specifically as follows:

A. A Supplemental GEIS Is Required

The Kiryas Joel Annexation GEIS is based entirely on a 10 year projection of population growth of residents within the existing Village of Kiryas Joel, which is comprised of approximately 700 acres per the GEIS. The 10 year analysis included in the GEIS considers only a portion of the potential future impacts. Accordingly, a supplemental GEIS needs to be prepared to properly address the buildout potential of the entire 1,207 acres and provide the public with an opportunity to comment on the anticipated impacts associated with the proposed annexation and resulting/anticipated increase in density and population of the 507 acres of existing Town lands as well as the 164 acre alternative annexation. In order to properly evaluate the full environmental impacts associated with the proposed annexation. A timeframe for when such buildouts would occur beyond 2025 should be included. If several alternative buildout scenarios are contemplated as reasonable for the Proposed Action and the noted Alternatives, all of these buildout scenarios should be evaluated.

B. Land Use and Zoning

- B1. What is the impact on the property values of the properties adjoining the proposed annexation area, particularly for the properties that will be surrounded on three sides by the annexation lands?
- B2. Referencing our overall comment regarding the necessity of the completion of a buildout analysis, the results of such an analysis must be evaluated for its related impacts to land use and zoning.

C. Demographics and Fiscal

- C.1
pg. 3.2-2 Table 3.2-1 does not indicate which are recorded and which are projected populations. This should be so noted on the Table.
- C.2
pg. 3.2-4 The Kiryas Joel population projections should be updated using the latest available American Community Survey (ACS) data for determining the Village's average family size.
- C.3
pg. 3.2-4 What is the geographic extent of the National Center for Health statistics used to project the number of annual deaths in Kiryas Joel? A broad geographical data set may not accurately reflect the unique characteristics of the Kiryas Joel population, such as less vehicular driving by the residents, etc. Would birth and death statistics from the Village provide more pertinent data?
- C.4
pg. 3.2-5 The GEIS states that the projected 2014 population of the Village was compared to the number of marriage licenses issued in the Village between 2010 and 2013 and was also compared to the number of new building permits issued between 2010 and 2013 and "found to be reasonable". The specific numbers of marriage licenses and new building permits issued for the noted time period need to be included in the GEIS so that the conclusion may be supported.
- C.5
pg. 3.2-16 The discussion of Table 3.2-11 Future Increased Revenues by Jurisdiction With Annexation—Post Development is misleading because the discussion compares tax revenues versus Pre-Development taxes and does not provide a comparison with Table 3.2-10 Future Increased Revenues by Jurisdiction Without Annexation—Post Development. This is a more valid comparison

because the Post Development scenario in Table 3.2-10 will occur in any case with no action. Thus, the difference in future taxes generated for With versus Without Annexation Post-Development for Orange County is \$448,803, for combined Monroe Townwide and Monroe Highway Townwide is \$164,014, and for the Village is \$1,504,852. A discussion is needed of the comparison of post development tax revenues generated with and without the annexation.

C.6

pg. 3.2-17 In Table 3.2-11, explain the basis for using 1,952 projected units on the annexation land and 1,873 units projected for growth within Kiryas Joel as a basis for deriving the \$195,718,122 total assessed value of the improvements for the future increased tax revenues by jurisdiction calculations. The Appendix E Table E-1 With Annexation Scenario "B"—Growth in the 507-Acre Annexation Territory states that the projected number of dwelling units in the Annexation Land is 3,825 with zero projected net dwelling units needed in Kiryas Joel.

C.7

pg. 3.2-19 The GEIS Municipal Cost—Without Annexation section discusses the tax revenues as presented in Table 3.2-10. The rightmost column of Table 3.2-10 presents these tax revenues as "Future Tax Increase". Thus, this column is mislabeled because it does not represent the "Future Tax Increase" but rather the "Future Tax Revenue", and thus is misleading. This column description as well as a similar column heading in Table 3.2-11 must be changed accordingly. The discussion of the Tables on pages 3.2-15 through 3.2-17 must also be revised to reflect the correct description as Future Tax Revenue.

C.8

pgs. 3.2-20

and 3.2-21 It is not noted that a comparison of the net tax benefit to the Town of Monroe as depicted on Table 3.2-12 and Table 3.2-13 shows a net reduction of the "Net Benefit" tax revenue of \$336,980 with the annexation compared to without the annexation. Thus, although as discussed in the GEIS the Town's tax revenue under either scenario more than covers the cost of providing Town services, the net Town tax surplus is smaller by \$336,980 under the annexation scenario.

C.9

pg. 3.2-26 The GEIS states that it is unlikely, without annexation taking place, there would be any motivation to revise the current Kiryas Joel School District (KJSD) boundary lines into the Town of Monroe. The DEIS then goes on to state at the bottom of the same page that the school tax rate in Kiryas

Joel is lower than the school tax rate for the Monroe-Woodbury School District (MWSD). This would be an approximately 44% savings on the school tax rate per \$1,000 of assessed value as described in the GEIS. That would seem to be a potentially significant motivation for revising the KJSD boundaries even without the annexation, especially since the vast majority of the students in the annexation lands attend parochial school.

- C.11 Referencing our overall comment regarding the necessity of the completion of a buildout analysis, the results of such an analysis must be evaluated for its related demographic and fiscal impacts.

D. Community Services and Facilities

- D.1 What is the impact on the adjoining properties to the proposed annexation area on municipal services such as street snow plowing, trash collection, etc., particularly for the properties that will be surrounded on three sides by the annexation lands? Which municipality will provide these services? How will that be arranged?

- D.2. Referencing our overall comment regarding the necessity of the completion of a buildout analysis, the results of such an analysis must be evaluated for its related impacts to community services and facilities.

D.3

- pg. 3.3-15 The GEIS does not address the fiscal impacts associated with mutual aid requests to the Monroe Fire Department (MFD) should the Kiryas Joel Fire Protection District be expanded to include the annexation territories. The annexation territories would no longer pay taxes to the MFD, and thus the impact of these tax reductions on the MFD, which will respond to mutual aid calls in the annexed territories post-development when the building densities and sizes are larger, should be analyzed.

E. Traffic and Transportation

E.1

- pg 3.4-1 The entire Traffic and Transportation section needs to be revised to reflect conditions associated with the buildout of the annexed territories beyond year 2025 as well as continued development within Kiryas Joel as previously described in this memorandum. Tables E-1 and Alt E-1 show additional development in the areas proposed for annexation as compared to the populations in the annexation areas without the 507 acre annexation or 164 acre alternate annexation.

E.2

pg 3.4-4 Key intersections are described on page 3.4-4 (CR 64 was inadvertently labeled as CR 44 in the GEIS). Quantitative intersection capacity analyses should be computed for the four intersections described in the GEIS, as well as for the triangular intersections of Route 208 and Route 17M. The analyses should be provided for peak weekday AM and PM hours based on existing traffic volumes as well as future volumes without and with the annexation and buildout of the annexed territories. A Saturday peak hour analysis is not required since Kiryas Joel related Saturday traffic volumes are significantly lower than on other days. We concur that trip generation rates per unit for Kiryas Joel is lower than rates in other municipalities since many people walk rather than drive, the women do not drive and many people use public transportation, carpool and limit certain trips to internal trips within Kiryas Joel. However, the potential buildout including the annexed area and continued growth within the existing 700 acre Kiryas Joel should be compared to the less intensive potential buildout of the Town lands without the annexation. Recommended improvements to the analyzed intersections should be described and analyzed.

E.3

pg 1-2 The GEIS discusses the obligation for future consideration of SEQRA on particular projects that may be proposed. Have traffic studies been performed for Planning Board review of developments recently constructed within Kiryas Joel?

F. Community Water and Sewer Services

F.1

pg. 3.5-1 When will the NYSDEC draft consolidated water supply permit (WSA No. 11,069) be approved as final? What is the impact of this timing?

F.2

pgs. 3.5-3
and 3.5-6

The Mountainville well field, according to the WSA No. 11,609 in Appendix G.1, states that the Mountainville Well No. 1 is the largest well in the Village system, thus in order to meet redundancy requirements its contribution cannot be counted towards total well system capacity of 1,928,800 gpd, per Special Condition 1B of the permit. (This Condition notes that the Village is authorized to take up to 2.54 million gallons per day (mgd) only until March 31, 2015, and this period of time is past.) The GEIS statement that the addition of the Mountainville well field would enable the Village to meet its maximum daily demand and serve as an interim supply while the remainder of the pipeline connection to the

Aqueduct is constructed is therefore not accurate because it cannot be counted towards permitted total system capacity. As such, what is the impact of this on the Village's water supply until the Aqueduct connection is completed?

F.3

pgs. 3.5-5 A copy of the intermunicipal agreement with the Town of New Windsor to share the Town's existing connection to the Catskill Aqueduct, which is discussed in the GEIS, should be provided as an appendix.

F.4

The analysis which the Village submitted to the State Environmental Facilities Corporation (EFC) in connection with the bonding of the Aqueduct Connection project, relies on demographic growth projections through the year 2045, with 8,550 new residential connections and 1,500 new commercial connections. The EFC-related projection thus exceeds the year 2025 population analyzed in the GEIS. This further supports our contention that the GEIS timeframe ending at the year 2025 is not adequate for analyzing the proposed impacts of the annexation resulting from the buildout of the annexation properties.

F.5

pg. 3.5-6 Explain the rights the Village has to the Mountainville well field, and any contested ownership of groundwater resources claimed by any nearby municipalities. How will that impact the use of the well field by Kiryas Joel and the annexed territory in the future?

F.6

pg. 3.5-6 Specific details should be provided regarding the status of the permitting required for the Village's proposed connection to the Catskill Aqueduct. Filing dates, current review status, and expected date of final permit approvals should be provided.

F.7

pg. 3.5-6 In addition, specific details should be provided regarding the status of the construction schedule of Phase 1 and Phase 2 of the Village's proposed connection to the Catskill Aqueduct. The GEIS states that according to the project engineer (whose firm is not identified) the construction of Phase 1 is nearing completion and is scheduled to be completed in 2015, with Phase 2 to be completed in 2017. This response does not provide sufficient detail. A monthly schedule of work to be completed on the Aqueduct construction including current construction status needs to be provided.

F.8

pg. 3.5-6 Footnote 9, etc. All footnoted correspondence that is not part of a previous public record needs to be included in the GEIS appendices.

F.9

pg. 3.5-6 The statement that the Mountainville well will serve as an interim primary supply for the Village while the remainder of the Aqueduct pipeline is constructed is not accurate. What is the impact of this on the Village's water supply until the Aqueduct connection is completed?

F.10

pg. 3.5-8 The current status of the Woodbury Heights Estate Water Company's March 2014 application to the NYSDEC for a water supply permit should be provided. When is the approval expected? What impact does this timing have on the Village?

F.11

pg. 3.5-9 Further details should be provided on the volume of water allowed to be taken from the Catskill Aqueduct both with and without the proposed annexation based on the date that the connection is anticipated to be completed. Describe this permitting process and the timing involved.

F.12

pg. 3.5-9 It should be clarified if the 100 percent back-up for the volume of water taken from the Aqueduct as specified by the New York City administrative code is required to be calculated with the largest supply well out of service. If so, how does this impact the Village's water supply calculations?

F.13

pg. 3.5-10 Table 3.5-1 should be modified with additional columns that show the type of permitting required and permitting status for each of the various well fields, the timeframe permitting is anticipated to take (if applicable), as well as the anticipated permitted water to be taken from each well field.

F.14 Figure

3.5-1 This figure should be modified to include a legend, to depict the extent of the Catskill Aqueduct connection pipeline currently installed, the pipeline yet to be installed, and monthly dates of the anticipated installation next to those sections of the pipeline remaining to be installed. The figure should also depict the proposed annexation area. Explain the meaning of "Pipeline Route A" depicted on the figure.

F.15 Figure

3.5-20 The statement that “It has been reported that the Villages of South Blooming Grove and Woodbury are successors to the rights and obligations of the Towns of Blooming Grove and Woodbury, with respect to the inter-municipal agreements”. What is the source of the reporting?

F.16 What is the impact on the Village of Kiryas Joel (either with or without the annexation) should an upgrade to the County’s wastewater treatment plant not be completed prior to reaching maximum capacity for the existing plant, and a moratorium on new sanitary connections is enacted?

F.17 Referencing our overall comment regarding the necessity of the completion of a buildout analysis, the results of such an analysis must be evaluated for its related impacts to community water and sewer services. JMC Buildout Scenario “1” of Table JMC-1 of this memo shows a buildout population of 81,361 with the buildout of the 507 acre annexation and existing Village of Kiryas Joel. Using the 66.0 gallons per person average daily water usage rate as described in Section 3.5.5 page 3.5-30 of the GEIS, yields a total average daily water usage and sanitary flow of 5,369,826 gallons per day, which is approximately 90% of the existing Harriman Wastewater Treatment Plant capacity of 6.0 million gallons per day (mgd). Under JMC Buildout Scenario “2” of Table JMC-1, the 164 acre annexation alternative yields a buildout population of 35,007, which in turn yields a 2,310,462 gallons per day average daily water usage and sanitary flow. The potential 3.0 mgd upgrade to the sanitary wastewater treatment capacity of the Orange County Sewer District #1 is not sufficient to accommodate these buildout populations in addition to continued population growth in other areas of the Sewer District. Clearly, there are significant water and sanitary buildout impacts and these must be analyzed in a supplemental GEIS.

G. Natural Resources

G.1

pg. 3.6-4 Under Section 3.6.2 of the GEIS, the statement is made that under the growth scenario described in the project description (without and with annexation), disturbance of the land would result from construction activities to much the same degree. This statement is not supported by a comparison of the existing Town of Monroe zoning regulations

which limits unit density and has various bulk regulations in place which limit the extent of site disturbance activities. A comparison with the denser development permitted under KJ zoning should be provided to determine if the degree of land disturbance following annexation would change versus the no annexation scenario.

H. Cultural Resources

H.1

Pg. 3.7-4 The GEIS notes that because Seven Springs Road is a public road, the annexation will not remove or hinder public access to the roadway as it currently provides for users of the Highlands Trail and Long Path, significant regional hiking trailways. However, people using those trails might be impacted should the Village post signs (as it currently does at other entrances to the Village) asking visitors to dress in a modest way, specifically by “wearing long skirts or pants; covered necklines; sleeves past the elbow; [and to]...maintain gender separation in all public areas.” Impacts to users of the trails should be addressed.

IV. CERTIFICATION OF FINDINGS

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions and specific findings relied upon to meet the requirements of 6 N.Y.C.R.R. Part 617, this Statement of Findings certifies that:

- The requirements of 6 N.Y.C.R.R. Part 617 have been met as to the 163.8-acre annexation petition but have not been as to the 507.4-acre annexation;
- Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the 163.8-acre annexation is approved as one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
- Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.
- Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the 507.4-acre annexation cannot be approved as one which minimizes or avoids adverse environmental effects to the maximum extent practicable;; and

Dated: September 8, 2015

Town of Monroe Town Board
Monroe Town Hall
Town of Monroe Town Board
101 Mine Road
Monroe, NY 10950


By: Harley Dolé, Town Supervisor