



The Preservation Collective, Inc.

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September 30, 2014

Tim Miller
Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516
Sent via email: tmiller@timmillerassociates.com

Dear Mr. Miller:

This letter is being submitted for the public scoping session by the deadline of Sept 30 for the proposed annexation of 164 acres from the Town of Monroe to the Village of Kiryas Joel.

First, let us clarify that we are a non-profit organization in Orange County concerned about the negative environmental impacts of new development and advocate for the protection of the scenic, historic and cultural landscapes in the area. We favor the decision to conduct a scoping phase since it gives the public an opportunity to participate in the environmental review of proposed actions. They can offer information about community character and important local resources to be impacted, which need to be avoided if not adequately mitigated.

We learned that the public has already raised issues regarding this SEQR (State Environmental Quality Review) process being illegal including segmentation since the original larger petition is still pending. If this review is to continue, then we have some questions and recommendations specific to the scope we would like to have on record.

We briefly reviewed the preliminary draft scope dated September 5, 2014 and request the following be considered:

It is our understanding that development can happen on the parcels with or without annexation. How much development could occur given the zoning and resources (e.g. water & sewer available) in each municipality? Additionally, what are the differences in codes between municipalities governing that development, (e.g. Town of Monroe has Conservation Commission, regulations for wetlands and buffers for lots abutting lakes and streams) which afford protection for the environment?

Under General Guidelines it states that “each impact issue will be presented in a separate subsection as it relates to existing conditions, future conditions without the project and future conditions with the project as presently planned.” How will all the tax lots be analyzed for development scenarios between the existing zoning and regulations in the Town compared to being annexed into the Village? Does “presently planned” include the worst case scenario for each tax lot? Will the parcels be grouped together by location or assessed separately to discuss the environmental setting and impacts?

In reviewing other scope documents, there are some standard studies to be conducted that are not in the draft whether the planned development is conceptual or not; therefore, we have included and elaborated on a few that relate to this proposal below:

- The scope in many places only says mitigation. SEQR requires that impacts be first avoided, and then minimized if they cannot be avoided (617.11(d)(5)). This requirement should be described everywhere that mitigation is discussed.
- Any assumptions incorporated into assessments of impact should be clearly identified.
- The worst case scenario analysis should also be identified and discussed.
- When identifying zoning and describing existing land uses applicable to the project site; include adjoining properties and those within a ½ mile vicinity of the project sites.
- Discuss the compatibility of the proposed project with the character of the adjoining area. (e.g. some parcels are surrounded by the Village of Kiryas Joel while others border Village of Woodbury, shared water resources and/or land used for agriculture).
- Discuss potential impacts on adjacent land uses.
- Identify the public need for the proposed action, including consideration of consistency with adopted policies and/or plans as set forth within local and regional community land use, planning and development documents (e.g. Town of Monroe Comprehensive Plan, Orange County Open Space Plan, and Moodna Creek Watershed Management Plan)
- In the description of the public benefits of the action, this should include the Village of Kiryas Joel, the Town of Monroe and Orange County.
- Regarding Community Services, the demand on recreation was not included but the Scope should discuss the impacts of the planned action. It is our understanding that the provisions in the Village of Kiryas Joel place a greater interest in community rooms than parkland combined with residential development plans due to dense population. However, in the Town of Monroe, the subdivision of land code requires either the dedication of parkland or fees in lieu of land.
 - Describe the existing and future recreational facilities planned or funds set aside with or without annexation?
- Regarding the Traffic Study, we are concerned that there appears to be several roadways that could be hazardous to the residents of the Village in their present condition in the area of the annex proposal (i.e. highly trafficked intersections with crosswalks at blinking lights, limited signage and narrow shoulders for unexpected taxi stops). We feel this section would benefit from being more specific as to what will be studied as follows:
 - Data will be collected and analyzed when public and private school students are traveling to and from school. Typically, traffic is assessed at the peak hours, which are the morning and evening rush hours that may not overlap with the schools hours.
 - Include study of key intersections (e.g. Rt 105 and Larkin Drive to account for traffic to Village school/park outside municipal boundary?).
 - ATR's placed for one continuous week to verify the peak hour periods.

Traffic continued:

- Existing streets will be inventoried to determine street widths, shoulder conditions, designated bus/taxi stops, location of existing sidewalks, speed limits, prevailing speeds, number of travel lanes, sight distance measurements at intersections with restrictive conditions, traffic control devices, signage, and markings.
 - Location of proposed access points and impact to the nearest intersection.
 - A description of all maintenance and repair responsibilities of the current and future users.
 - Description of impact of construction traffic and traffic flow.
 - Discussion access to public transportation and extension to sidewalk network; with and without annexation.
 - Under proposed mitigation, include intersection and roadway improvements.
- Regarding Community Water and Sewer.
 - Will this section discuss the ability for the parcels in question to be developed and gain access to Kiryas Joel services via outside user agreements without annexation?
 - What are the impacts to area watersheds from drawing water from proposed back up wells for NYC aqueduct as well as sewage disposal into Harriman Plant?
- Regarding Natural & Cultural Resources, these impacts need separate sections and more specifics on the studies to be conducted to adequately support the analyses and conclusions reported in the draft EIS.
 - Soils, Geology, Topography – need to include analysis of highly erodible soils and slopes. Will there be blasting and extensive rock removal anticipated?
 - For mitigation, avoid steep slopes.
 - Surface and Groundwater Resources
 - Map bodies of surface water, the existing stream corridor and all on-site wetlands (not only “regulated” as stated in draft).
 - For each portion of the wetland identified, indicate function and wetland upland areas function.
 - Describe any proposed disturbance to water resources, buffers and floodplains and analysis of effects on functions (e.g. Coronet Lake).
 - Analysis of stormwater impacts from the estimated development scenarios. Discuss increased runoff from impervious surfaces and identify potential water quality impacts from stormwater discharge
 - For mitigation, implementation of Best Management Practices based on NYSDEC and town standards. Adopt new regulations requiring preservation of riparian zones.

- Flora and Fauna
 - Contact the NYSDEC and Federal Fish and Wildlife Service to identify and evaluate the possible presence of unique, rare and/or endangered, threatened or proposed for listing as either protected species, or species of special concern.
 - When field assessments are necessary, they shall be conducted by a qualified professional.
 - For mitigation, include preservation of natural areas, avoid habitat fragmentation, and provide buffers.
- Historic Resources
 - Contact the New York State Office of Parks, Recreation and Historic Preservation to determine the potential impact on historic and archaeological resources as well as contact the Town and County Historian for input and proposed mitigation.
- Noise and Air Resources were not listed in the draft scope; are we to assume they were omitted to be addressed when individual development applications are filed? If all parcels are being assessed for development impacts together in the annexation petition, but then later apply for development separately, how would the cumulative impacts be assessed? Wouldn't you need to evaluate the potential construction-related impacts to noise levels and air resources and identify appropriate mitigations to reduce it, including the noise to be generated by site clearing, truck traffic, jack-hammering, any proposed pumping station, blasting, stone or wood chipping and the potential post-development noise from environmental impacts to the surrounding neighborhood?
- Aesthetic Resources were not listed in the draft scope but The Village of Kiryas Joel is visible from the National Appalachian Hiking Trail and other local trails, therefore, the impact on the public enjoyment and appreciation of these resources should be discussed and mitigated.
 - Describe through the use of narrative text, aerial photographs, plans, sections, visual sight lines, including a viewshed map showing important viewing points within the Town from which this site can be viewed using the NYS DEC Program Policy, Assessing and Mitigating Visual Impacts.
 - Visual and Lighting Views of the site from adjacent residential neighborhoods should be discussed.
 - Discuss the change in visual character resulting from implementation of the proposed action as viewed from the surrounding area, including locations identified as scenic resources.
 - Contact the NY/NJ Trail Conference for input on impact and mitigation.
 - Other mitigation could include development avoidance of steep slopes, ridgelines and adopt new regulations to establish criteria for colors, landscaping, lighting, building location and height that is visible from scenic roadways and resources (e.g. Appalachian Trail).

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- **Growth Inducing Aspects.** A description and analysis of potential growth-inducing aspects of the planned action should provide how the proposed action might affect community character of the adjoining municipalities (e.g. Town of Monroe and Village of Woodbury) among others environmental factors for consideration.

The EIS should examine whether additional growth will be induced by extending (or expanding) water and sewer service to the area if it does not already have these utilities or if capacity will be expanded.

According to SEQR, the final written scope should include the extent and quality of information needed for the preparer to adequately address each impact, including an identification of relevant existing information, and required new information, including the required methodology(ies) for obtaining new information...and an initial identification of mitigation measures. (§617.8 (f))

We think the process would benefit from additional interested agencies participating. Was the draft scope sent to the NYSDEC, Orange County Planning, MW School District, Village of Woodbury and any others parties who expressed interest to be Lead Agency on the original larger petition? We also believe that site visits by all parties with their respective Planning Board members assists in the review process given their experience in SEQR.

It is expected that this annexation will impact the Village of Kiryas Joel, the Town of Monroe and also nearby municipalities. In adopting SEQR, it was the Legislature's intention that all agencies conduct their affairs with an awareness that they are stewards of the air, water, land, and living resources, and that they have an obligation to protect the environment for the use and enjoyment of this and all future generations (§617.1 (b))

We advocate for public involvement in planning and development of their communities and scoping should assist that decision making process. We hope that all public comments received will prove useful to insure the health, welfare and safety of all residents.

Respectfully,

Tracy Schuh
President
TPC, Inc.

Cc: Village of Kiryas Joel Board of Trustees
Monroe KJ Consulting LLC
Town of Monroe Town Board
Orange County Planning Department