

State Environmental Quality Review Act
STATEMENT OF FINDINGS
Related to the establishment of zoning to a 164-acre territory
By the Village of Kiryas Joel Board of Trustees

Adopted: September 14, 2018

I. Introduction

This document presents the State Environmental Quality Review Act (SEQRA) Findings Statement adopted by the Board of Trustees of the Village of Kiryas Joel (Village) as SEQRA Lead Agency for the proposed Comprehensive Plan and Zoning Law amendments adopted to address the 164-acre territory recently annexed to the Village from the Town of Monroe (the “Action”). This Findings Statement is prepared in compliance with SEQRA, Article 8 of the Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617.

This Findings Statement presents the Village’s consideration of the relevant environmental factors presented in the Final Supplemental Generic Environmental Impact Statement (FSGEIS) for the Action, and balances and weighs essential considerations, including economic and social factors, such as the needs for and benefits of the annexation, in reaching its decision to approve the Comprehensive Plan and Zoning Amendments.¹

This Findings Statement follows the previous Statement of Findings adopted by the Village on September 6, 2015 regarding two petitions for annexation of approximately 507 acres and 164 acres of land from the Town of Monroe (Town) to the Village. SEQRA expressly provides for the initial preparation of a Generic Environmental Impact Statement (GEIS), with later or supplemental statements addressing those potentially significant effects which were not able to be sufficiently considered in the earlier statement.² The previous Findings Statement instructed that future SEQRA reviews should be completed for both future Village planning decisions and review of specific development proposals when presented to the Village, should either annexation be approved.

II. Proposed Action

This Action follows the annexation of approximately 164 acres of land from the Town of Monroe to the Village of Kiryas Joel pursuant to New York State General Municipal Law Article 17 (the “Annexation Law”).

A Draft Supplemental Generic Environmental Impact Statement (DSGEIS) was prepared for consideration by the Village in adopting zoning for approximately 164 acres of land, consisting of some 72 privately owned parcels that were annexed from the Town of Monroe to the Village (the

¹ For purposes of this Findings Statement, “FSGEIS” refers to and consists of the Draft Supplemental GEIS (DSGEIS); the substantive comments received and the Lead Agency’s responses to substantive comments.

² 6 NYCRR 617.10(c), (d).

“Annexation Territory”) in October 2016. The Action also includes adoption of the Comprehensive Plan 2018.

The Village Board is the only involved agency for this Action and therefore also serves as SEQRA Lead Agency. The Annexation Territory encompasses eight areas generally along the northeastern boundaries of the Village. The proposed Action does not involve any particular development project. Therefore, the DSGEIS evaluates a generic development scenario over the next ten years which is reasonable for the Annexation Territory, for purposes of evaluation of the potential adverse environmental impacts of the Action.

A comprehensive plan and zoning law amendments are subject to SEQRA under Article 8 of the Environmental Conservation Law and its implementing regulations (6 NYCRR Part 617). A GEIS is commonly used to analyze environmental impacts of planning and zoning changes. To meet SEQRA’s content requirements, the Comprehensive Plan itself is incorporated into the GEIS. This format enables the Village, as SEQRA Lead Agency, and all interested agencies and persons to review one comprehensive document that outlines a plan for the future and the potential environmental implications of the plan.

Pursuant to SEQRA, a GEIS is necessarily more general than a site- or project-specific EIS and presents and analyzes in general terms hypothetical scenarios that could occur and are likely to occur. The review procedures under SEQRA for a GEIS are the same as for a site-specific EIS.

The DSGEIS incorporates the relevant topics deemed necessary to analyze the potentially significant adverse impacts of the Action pursuant to the guidance set forth in SEQRA. It is being characterized as a supplemental GEIS as it follows the GEIS prepared for the annexation of the Annexation Territory. All previous SEQRA documents are incorporated by reference and remain available at the Village and online at www.kj-seqra.com.

III. Procedural Compliance

The Village has fully complied with the procedural requirements of SEQRA. Being the only approval agency for the instant Action, the Village Board established itself as SEQRA Lead Agency and caused a DSGEIS to be prepared by its consultants.

Based on the draft Comprehensive Plan and Zoning Amendments, the Village Board and its consultants prepared a DSGEIS, which considered the planning and zoning of the Annexation Territory. On July 6, 2018, the Village adopted a resolution which determined that the DSGEIS was complete and adequate for public review and noticed a public hearing on the DSGEIS. The public hearing was conducted on July 25, 2018 and written public comments on the DSGEIS were accepted until August 7, 2018.

On August 24, 2018, the Village adopted a resolution which determined that the Final Supplemental GEIS (“FSGEIS”) for the proposed Action was complete and adequate for public review. Since the release and distribution of the FSGEIS, the Village received no additional comments on the Draft or Final SGEIS.

The Village expanded its dedicated website, www.kj-seqra.com, to post all SEQRA proceeding documents relevant to the Action.

IV. Potential Significant Beneficial and Adverse Impacts

The FSGEIS, inclusive of the DSGEIS and public comment record, identified and assessed the potential adverse environmental impacts related to land use and development that may occur through implementation of the Comprehensive Plan and proposed Zoning Amendments. The FSGEIS serves the valuable purpose of informing and instructing future decision-makers of the potential effects of future development and the necessity and extent of further assessment once site specific development projects are officially submitted.

Impact on Land Use

The existing development pattern in the Village includes a range of residential, commercial, industrial and public service uses. The Village anticipates future development in the Annexation Territory will occur on both undeveloped and under-developed land in a manner consistent with the Village. It is anticipated that development will consist of higher density multi-family residential projects. Such development may also include small scale home occupations as permitted in the Zoning Code.

The Comprehensive Plan informs how new development and redevelopment is desired to occur through expansion of predominantly residential uses while minimizing potentially significant adverse impacts to existing uses and accounting for suitable protection of natural resources. Comprehensive Plan recommendations also address certain conflicts in uses as well as improvements to the walkability and appearance of Village streets.

The envisioned development scenario would provide land uses similar to existing nearby uses, consistent with existing zoning. Anticipated development should place residential development proximate to local commerce centers and transit opportunities, should address environmental constraints of the land, and utilize centralized water and sewer services.

Based on historical development trends in Kiryas Joel, the development potential of the Annexation Territory was analyzed on a lot by lot basis. Factoring in development constraints and allowing for the infrastructure necessary to support development, and reviewing conceptual plans developed for several properties, it is projected that the Annexation Territory could support approximately 3,024 new multifamily residential units. This results in an average development density of approximately 28 units per acre, which is consistent with recent projects constructed and/or approved in the Village.

Potential adverse effects of development would typically be managed by the implementation of zoning regulations that address the growth anticipated to occur. Land use compatibility has historically occurred in the Village through adherence to commonly accepted planning principals, zoning and building codes, and environmental rules and regulations.

Future land use should incorporate several Smart Growth elements as identified in the Regional Sustainability Plan and elsewhere: mixing land uses in a community setting, compact building design, walkable neighborhoods, creating a distinctive community with a strong sense of place, preserving critical environmental areas, directing development towards existing communities, and providing transportation choices. All these elements can foster improved accessibility, affordability, reduced traffic, consolidated infrastructure, and environmental protection as an alternative to traditional suburban sprawl.

Impact on Environment

The proposed Action does not involve any physical disturbance of the ground and thus, would not directly impact natural resources (including geology, soils, topography, wildlife and habitats, wetlands and water resources). Potential adverse impacts associated with eventual development of the land, however, must be identified and assessed during site-specific SEQRA reviews of individual projects as they are proposed. Specific known natural resource concerns related to development impacts in the Annexation Territory are listed below by area. Key resources are identified graphically in Plan Figure 4-5: Environmental Sensitivity. Site specific investigations to confirm the actual impacts of a project will be required.

DSGEIS Table 6.2-1: Potential Natural Resources Subject to Impact from Development								
Natural Resource*	Area I	Area II	Area III	Area IV	Area V	Area VI	Area VII	Area VIII
Steep slopes (>20%)	N	N	Y	Y	N	Y	Y	N
Significant aquifer	N	N	N	N	N	N	N	N
Agricultural soils	Y	Y	Y	Y	Y	Y	Y	N
Significant natural community	N	N	N	N	N	N	N	N
Protected plant species	Y	Y	Y	Y	Y	Y	Y	Y
Protected animal species	Y	Y	Y	Y	Y	Y	Y	Y
Federal wetlands	N	N	Y	Y	N	Y	N	N
State wetlands & adjacent area	N	N	N	N	N	N	N	N
Watercourse/waterbody	N	N	Y	Y	N	Y	Y	Y
Stormwater runoff	Y	Y	Y	Y	Y	Y	Y	Y
* Resource impacts identified in this table are based on available information in County, State and Federal GIS databases. Y = Site specific investigations will be necessary to identify potential impacts of a particular project development. N = No apparent concern based on existing conditions.								

With regard to soils and subsurface resources, conventional methods of construction shall be employed to minimize potential impacts to natural resources. This would include, among other things, compliance with local and statewide stormwater regulations and use of erosion control

measures. Prime agricultural soils to the extent they are replaced by development would be lost as a result of future construction.

The habitats, wetland pockets and streams that exist in the Annexation Territory are common to the region, and, to the extent they would be affected by development activities, conventional methods of construction shall be employed to minimize potential impacts to these resources to the extent practicable.

The pitch pine-oak-heath rocky summit habitat and location of the NYS Protected Allegheny Woodrat identified in the Comprehensive Plan section exist outside of the Annexation Territory and no impact to these resources would occur. Tree removals limited to April through September would protect potential impacts to Indiana bats or Northern Long-eared bats. Certain species protection measures would also be needed during construction in any area of concern for the Timber Rattlesnake, a New York State Threatened species.

Development would likely result in temporary or permanent removal of vegetation, and will increase the impervious surface coverage thereby increasing the rate and volume of stormwater runoff in the absence of appropriate stormwater controls. Changes to the existing drainage patterns at the site scale will also occur where the land is regraded for development. To offset these changes, any future development will need to include the design and implementation of appropriate stormwater management infrastructure to properly control stormwater runoff and provide water quality treatment in accordance with State standards.

For every site-specific development project that would disturb more than an acre of land, a stormwater management design plan needs to incorporate structures and methods designed to satisfy the requirements of the NYSDEC *Design Manual* with regard to sizing and performance criteria to properly treat stormwater runoff. In accordance with State regulations, an applicant will need to prepare and submit a stormwater pollution protection plan (SWPPP) to the Village with a proposed site plan for review and approval. As Kiryas Joel is an MS4, SWPPPs for development proposals will need to receive review and acceptance by the Village Engineer.

Site specific measures for erosion and sedimentation control must be designed and implemented in accordance with the New York *Standards and Specifications for Erosion and Sediment Control*.

Cumulatively, loss of existing natural resources over portions of the annexation territory as it is developed for human use will result in incremental reductions in habitat potential for the indigenous species. Mitigation for impacts to wildlife and habitats, including wetlands, could include reduction of the disturbance area or avoidance. Identified species of concern would require species-specific measures. State and Federal regulations may apply in certain instances.

Mitigation for impacts to water resources could include reduction of impervious surfaces, and capture and treatment of runoff from developed areas. In order to meet NY State requirements, management of runoff to levels equal to or less than the existing conditions of water quality and runoff quantity will be required.

To ensure the protection of water quality, the Village will continue to invest in its public water and sewer infrastructure to meet the needs of its expanding population.

There are no designated Critical Environmental Areas (CEAs) in or near the Village.

Impact on Historic and Cultural Resources

The Annexation Territory has no property listed on the New York State or National Historic Registers, nor are there any properties being considered for nomination to a historic register.

The properties making up the Annexation Territory were not surveyed for cultural/historic resources for the Comprehensive Plan. Each property as it is proposed for development will need to be appropriately reviewed by the applicant for the possible existence of such resources as part of the site-specific environmental assessment. Should any significant resources be encountered in that review, the development plan for that property will need to provide mitigation that is acceptable under the New York State Historic Preservation Act of 1980 (Section 14.09). If a federal agency is reviewing, funding or undertaking the project, the requirements of Section 106 of the National Historic Preservation Act of 1966 will also need to be followed.

Impact on Community Resources -- Population/Income/Employment/Housing/Recreation

A projection of the prospective housing projects possible in the Annexed Territory based on the proposed zoning yields 3,024 dwelling units.

Implementation of zoning for the Annexation Territory and the anticipated development on the subject lands will induce growth in residential land use, thereby increasing the local housing stock, population, and economic vitality (as represented by incomes and an employee pool). Development will have a positive effect on existing housing demand which is predominantly coming from the growth of families of existing Kiryas Joel residents. Such growth will place a demand on existing educational resources of the community, which relies heavily on private school education, and will create greater demand for recreational facilities to serve the new, young families, in addition to other community services such as health care, police protection and emergency services.

These impacts will need to be addressed with opportunities for varied housing types to serve different family sizes, educational and recreational facilities for the children, as well as ready access to community services and facilities that are important to the specific cultural needs of the residents. The new development will largely be implemented by private residential land developers while the Village may seek to include elements that would provide public benefits and enhance community aesthetics.

Impact on Transportation

County Route (CR) 44, Bakertown Road, Forest Road, and Acres Road will be the primary roads used by new traffic related to the Annexation Territory. These roads provide access toward the

Quickway, the NYS Thruway, Park and Ride lots, and the nearest train station in Harriman. Bakertown Road and Forest Road also provide primary access to the Village center.

Development in the Annexation Territory will result in additional traffic on these roads and at the CR 105 / Bakertown Road intersection. The general distribution of vehicle trips generated to and from the Annexation Territory during commuter peaks would be toward the Village business district and points south (railroad station and Thruway). The bulk of this traffic will travel Forest Road and Bakertown Road, with Acres Road feeding into these two roads. Additional traffic on CR 105, Bakertown Road, and the east end of Acres Road will include pedestrian traffic and these roads are not currently connected to the Village sidewalk system.

It is important to note that implementation of zoning for the Annexation Territory and the anticipated development on these lands is but a contributing factor to the overall growth in vehicular activity on the road network and resulting needs for transportation-related improvements. Past studies of regional traffic activity by the County and the State have identified and prioritized particular improvement needs on the larger roads and ongoing studies will continue to be important for transportation project planning.

The Village, like many suburban communities, has problem areas within its transportation system, such as problem intersections or periods of localized congestion. The CR 105 / Bakertown Road intersection is one specific location that is planned to have capacity improvements in the future (likely a traffic signal). Development and growth both within and outside of the Village can be expected to exacerbate such problem areas and as a result changes in traffic patterns will occur, both periodically in response to localized events and as a general trend over time with increased usage.

Developments anticipated throughout most of the Village are dense enough to support alternative modes of travel, such as transit and ride sharing, in addition to walking, but adequate facilities for these alternative modes need to be expanded throughout the Village. Additional development and redevelopment will need to include the expansion of such facilities through monetary contributions or actual construction by project developers, particularly for sidewalks, crosswalks, bus stop facilities and the like to meet the expected demands on the transportation system and to address potential conflicts between pedestrians and vehicles.

The Comprehensive Plan contains a number of recommendations specific to transportation issues of concern to the residents (regarding road geometry, parking facilities, and pedestrian facilities) that are intended to improve vehicular and pedestrian circulation and reduce negative impacts on transportation systems in the Village.

In its review of new project applications, the Village will utilize a number of available tools to address potential traffic impacts from new development. It may use the trip generation threshold of 100 peak hour trips from a project as established by NYSDEC in its SEQRA guidance to require a capacity analysis that evaluates the potential transportation impacts and mitigation of such impacts. Where existing congestion is problematic, the Village may also apply the 100 trip threshold to more than one project where the projects cumulatively affect the local network and can thus jointly contribute to appropriate mitigation. The Village may also consider establishing a

transportation improvement assessment to be assigned to future project applicants to provide for funding of future road improvement projects.

To evaluate the traffic generated by the continuing development in Kiryas Joel, the Village will consign a Village-wide transportation study. The scope of the study will encompass the following objectives:

- Provide trip generation rates that are characteristic of Kiryas Joel specifically to be used by future traffic studies in Kiryas Joel.
- Provide a traffic capacity analysis of the primary intersections in and around the Village that receive Village-generated traffic to identify existing and projected problem areas, and identify and prioritize possible mitigation measures.
- Establish a formula from which the Village can determine the appropriate pro rata contribution of each future project toward the cost of implementing mitigation measures.

The results of the Village-wide transportation study will identify long term solutions to growth in the community, including the impact of development in the Annexation Territory. The study will be designed to identify specific traffic mitigation measures that can be assigned to project development applications for implementation.

Impact on Utilities

Implementation of zoning for the Annexation Territory and the anticipated development on the subject lands will increase the need for reliable water sources and adequate wastewater treatment capacity for the Village. A conservative estimate projects 3.29 mgd (1.79 existing + 1.50 future) of water supply demand in the Village by 2027, which exceeds the present permitted water supply (2.54 mgd). The Village continues to actively pursue construction Phase 2 of a connection to the Catskill Aqueduct to increase the Village's water supply capacity, and is in the process of completing an updated water conservation plan.

The annexation territory is entirely located within Orange County Sewer District #1 (OCSD#1) and thus developments in this area are entitled to connect to the District's facilities. Orange County and OCSD#1 have entered into a binding, enforceable agreement to expand the capacity in OCSD#1 when District wastewater treatment facilities reach 85 percent of their treatment capacity. A conservative estimate (matching the full projected water use of Kiryas Joel) is 1.50 mgd of additional wastewater treatment demand by 2027. The average flow rate for 2017 reported for the Harriman wastewater plant was about 80 percent of its permitted rate (6.0 mgd), or 4.83 mgd. The reported flow rate for the Kiryas Joel wastewater plant for early 2017 was approximately 65 percent of its permitted rate, or up to 0.627 mgd. Expansion of the County's wastewater treatment capacity to 9.0 mgd, consistent with its obligations to the sewer district, would service the additional demand from the Village of Kiryas Joel including the Annexation Territory well beyond the year 2027.

The Village must continuously monitor and manage its utility resources and infrastructure to secure a stable future for its residents.

Evaluation of Alternatives

The No Action alternative, which would effectively retain the zoning density as it was when the land was in the Town of Monroe, would not achieve the Village's goal to designate zoning for the Annexation Territory that is appropriate to address the continuing growth of the community, consistent with the identified overall public benefit anticipated from the Annexation. To achieve this goal, the Village Board has committed to enacting appropriate zoning regulations for the Annexation Territory.

Growth Inducing Aspects

Implementation of the proposed Zoning Amendments will enable development in the Annexation Territory of a similar residential nature but at a greater density than was possible under the prior Town of Monroe zoning. This effect was evaluated at length in the 2015 DGEIS for Annexation.

V. Thresholds for Future Environmental Reviews

The analyses provided in the FSGEIS are conceptual in nature and are not a substitute for site specific review. The FSGEIS and this Findings Statement, therefore, will not displace the requirement for further SEQRA compliance of future development actions.

VI. Conclusions

In issuing this SEQRA Findings Statement, the Village of Kiryas Joel Board of Trustees acknowledges the due consideration given to the Draft Supplemental Generic Environmental Impact Statement for the 164-Acre Zoning (July 2, 2018); the Final Supplemental Generic Environmental Impact Statement for the 164-Acre Zoning (August 23, 2018); and public and agency comments on those documents.

After careful and thorough consideration, the Village Board finds that the proposed zoning of 164 acres of land in the Village, in and of itself, will not have a significant adverse impact on the environment. The Board further finds that any potential environmental effects from future development of the Annexation Territory can be avoided or minimized to the maximum extent practicable through required supplemental review pursuant to SEQRA when such plans are officially submitted. Accordingly, when weighed against the social and economic considerations related to the Annexation Territory, the Board finds that the Proposed Action avoids or minimizes adverse environmental impacts to the maximum extent practicable.

Therefore, in consideration of the above, the Board of Trustees of the Village of Kiryas Joel, as SEQRA Lead Agency for this Action, issues this Statement of Findings, and certifies under Section 8-0109.8 of the Environmental Conservation Law and 6 NYCRR Section 617.11, that:

1. The Village Board has carefully examined and given due consideration to the relevant environmental impacts, facts, and conclusions disclosed in the Draft and Final Supplemental GEIS.

2. The requirements of Article 8 of the New York State Environmental Conservation Law, and regulations promulgated thereunder at 6 NYCRR Part 617, have been met and fully satisfied.
3. The Village has carefully weighed and balanced the relevant environmental impacts with social, economic, and other essential considerations.
4. The foregoing Statement of Findings set forth the Village's judgment and basis for proceeding with the proposed Action.
5. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the proposed Comprehensive Plan and Zoning Amendments will not have a significant adverse impact on the environment, and adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating, as conditions to the decision, those mitigation measures which were identified as practicable.
6. Therefore, the Village Board of Trustees does hereby legislatively determine that the approval of the Comprehensive Plan and Zoning Amendments is in the overall public interest and that such public interest outweighs any balancing factors which might weigh against undertaking the action.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Kiryas Joel, Orange County, New York, that the Village of Kiryas Joel hereby adopts this SEQRA Statement of Findings; and

BE IT FURTHER RESOLVED, the Board of Trustees of the Village of Kiryas Joel is hereby authorized to proceed with consideration of the proposed Comprehensive Plan and Zoning Amendments.

The foregoing Findings Statement was adopted on September 14, 2018.