



The Preservation Collective, Inc.

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June 22, 2015

Tim Miller
Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

Sent via email: tmiller@timmillerassociates.com

Re: Town of Monroe/Village of Kiryas Joel
Annexation Petition(s) / DGEIS Public Hearing Comments

Dear Mr. Miller:

As with our comments on the Draft Scope Document(s), we hope the information in this letter proves useful for the GEIS on the annexation petitions. As you know, our non-profit organization works to help protect scenic, historic and cultural resources that are important to a community as well as raise awareness of environmental impacts of new development. Over the years, our organization has contributed to the review process of many new development projects brought to our attention as well as involved in comprehensive planning in Orange County.

We attended the public hearing on June 10 to gather information. Many of the comments and written submissions to date cover the same concerns that we have, in particular the need for additional studies to analyze the impacts and mitigation measures associated with any high density, commercial, and or mixed use development planned for the land that would annexed. There are many environmental concerns including impacts on water and sewer resources already questioned by other commenters. We also want to know more details on how the planned developments will impact the area's natural and cultural resources compared to those that would occur without annexation, as well as the compatibility of annexation-related development with surrounding municipalities' efforts to preserve their rural character and resources.

It has been argued that high density housing uses less of some resources; however it may use more of others. In the question of the overall benefit, green space needs to be preserved. Otherwise, with unlimited growth, in the end, you use up all the land and many of the benefits prove illusory.

SEQR gives local boards' independent authority to impose conditions on project approvals to mitigate negative impacts on open spaces and their associated environmental features. Open space helps control storm water runoff, preserves surface water quality and stream flows, and aids in the infiltration of surface water to replenish aquifers just to name a few benefits.

When lands are converted to other uses, the natural benefits provided by open space often must be replaced through the construction of water treatment facilities and infrastructure to control storm water, all paid for through local tax revenue. A series of studies have found the preservation of open space to be a more economical way to address storm water requirements.

Open space shouldn't be an afterthought. That is what international planning expert Randall Arendt, author of *Designing Open Space Subdivisions*, believes. A New York Times article described his philosophy as "a good development...starts with what you don't develop." According to him, "you identify the open space first". The DGEIS did not do so and this should be addressed.

The DGEIS states (3.1.4) "It is anticipated that the Village of Kiryas Joel will establish a master plan committee to study the opportunities and constraints of the 507 acres as it relates to Village goals for its existing and future residents, and make specific recommendations for future land use decisions." Shouldn't an updated plan by the Village of Kiryas Joel already be completed so that the DGEIS can study the anticipated impacts of the annexation and the "Smart Growth" elements to be adopted?

How will the FGEIS set the thresholds required by SEQR regulation 6 NYCRR 617.10[c]? What if the goals and recommendations of the Village master plan are different than those that are stated in the GEIS? Will a Supplemental GEIS be done, as required by SEQR 6 NYCRR 617.10(d)(4)? These questions should be addressed.

In regards to open space and parkland, when reviewing comments on the Scope Document and DGEIS, we did not see where the question about parkland fees was addressed. The Town of Monroe's parkland fees and the estimated total fees that would be due the Town based on a build-out analysis, which would be given up if land is annexed into the Village, should have been addressed. We estimate a \$3,000 per unit fee x 1,431 potential dwelling units (as per DGEIS) = \$4,293,000.00 in potential parkland fees to the Town without annexation. Please note these parkland funds could be used to improve existing parkland in the Town, which can be utilized by those living in the proposed annexation area, and/or used to preserve additional open space in the area of the nearby County park and hiking trails. With annexation, these environmental benefits will be lost.

The DGEIS states (3.1.4) that "Land use compatibility has occurred in the Village and the Town of Monroe, generally, through adherence to commonly accepted planning principles, zoning codes, building codes and environmental rules and regulations. Such rules and policies are expected to continue with or without the annexation action." Can you be more specific and list those principles, codes, rules and regulations that are "commonly accepted" and those that are not? And what about compatibility with the bordering municipalities' land use regulations?

When thinking about the question whether the annexation is in the overall public interest, we question how each municipality would approve the anticipated development in taking a hard look at the environmental impacts as required and what comparisons in their review of the level of impacts and mitigation would be. There should be a comparison between the two municipalities' plans, policies, procedures and standards of development review included in the zoning data summary (Table 3-1-1). For example, what is the comparison of regulations by zoning district between Town of Monroe and Village of Kiryas Joel on limiting development of steep slopes and around waterbodies; lakes/streams and what is the difference in building setbacks?

In addition, the Town of Monroe has utilized the Town Law (Section 278(3)(a)) for clustered layouts for projects which may not achieve greater development density than would be permitted for a conventional subdivision in the zoning district but do so in a fashion that “encourage[s] flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open lands.” This authority is also included in Town Code A65-2. This could be used to preserve the important greenway with hiking trail linkages. What zoning provisions does the Village of Kiryas Joel have currently, or would it adopt, to accomplish the same goal?

How does the Village of Kiryas Joel foster public involvement in the land use review process? Is information of meetings (agenda & minutes) available on its website? Does it issue public hearing notices for site plan review to property owners within 300 feet of the proposed action like the Town of Monroe does?

The DGEIS (3.1-16) states that it “assumes that the new development in the study area would accommodate the current mix of uses including open space on the few lots that are currently vacant or under-developed.” How did you come to this assumption? Can this statement be clarified and more specific: which “few lots” will include open space, how much open space will be persevered and will it be contiguous open space within the study area and adjacent property, e.g. County parkland? Is there any factual basis for this claim?

As for County parkland, what is the reasoning for a portion of it being included in the annexation?

As you know, when a municipality reviews development, it needs to ensure that it does not negatively affect surrounding properties and that the community develops in an orderly and cost-effective fashion. “Smart Growth” principles also include drawing boundaries of growth areas and conservation areas. Is there any such distinction of conservation areas if high density, urban development is planned to continue in the annexed area with no maximum density? What happens if the Village of Kiryas Joel meets the “level of ultimate development” as quoted in the Comprehensive Plan (dated Dec. 1999 page 19)?; will there be an effort to annex additional lands to develop them in the same way as what is being proposed now?

In regards to cultural resources section (3.7), is there a map and photos in the DGEIS to illustrate and support its determinations? When looking at the big picture of Orange County, opportunities in connecting conservation corridors may present themselves following the paths of the hiking trails. The County Open Space Plan recognizes the important network of recreation corridors, including the Shawangunk Ridge Trail, Long Path and Highland Trail as well as the Appalachian Trail.

High density development in mountain areas of the Village of Kiryas Joel is already seen from the famous Appalachian National Scenic Trail (see attached photo *). This is as an example of missed opportunities in past Planning Board review processes to mitigate impacts of development in higher elevations. Had they utilized the NYS DEC Program Policy know as “Assessing and Mitigating Visual Impacts” perhaps they could have reconsidered the location of high density development and extensive clearing by implementing mitigations measures to reduce visual impacts e.g. earth tone colors and tree preservation in this viewshed. If the annexation is approved, how will the Village of Kiryas Joel do this in the future?

* 2007 photo. Expanded tree clearing has occurred in area since photo in order to accommodate other development plans.

More specifically, under the DEC Program Policy (pages 3-4), the Appalachian Trail is an “aesthetic resource of statewide significance”, and if the proposed annexation will have visual impacts on it, these impacts were not specifically assessed or mitigated in the DGEIS.

The DGEIS references the Orange County Comprehensive Plan and states that it (the County Plan) depicts the Village of Kiryas Joel as being in the center of a sizable urban area or “Priority Growth Area”. The designation does not necessarily mean that the development planned if the land is annexed is appropriate for urban development on all of that land, as implied in the DGEIS (3.1-12). Consideration for steep slopes, wetlands and the location of resources like the Long Path and County parkland should be taken into consideration. We feel the following excerpt from that County Plan should be included in its entirety in the final GEIS (3.1-9):

Orange County Plan 2010, page 32 - “It is important to note that the Growth Areas were created at a broad-scale and represent generalized areas of the County where growth should reasonably be focused; therefore, not all land within the proposed Areas are developable or necessarily appropriate for development. Any development project should seek to preserve important natural and cultural resources, regardless of location.” [emphasis added]

The plans of the neighboring municipalities, as described in the DGEIS (3.1), emphasize protecting their natural environment. Does the DGEIS recognize that the impacts associated with the development of the lands in the proposed annexation will not end at the municipal boundary? If the land is annexed, what are the requirements in the Village of Kiryas Joel code to avoid habitat fragmentation, protect shared water resources, preserve prominent hiking trails, preserve tree lines and avoid visual impacts to surrounding areas?

The DGEIS states (3.1-18) that “Ultimately the overall development density of the land encompassing the Village and the annexation properties, with or without annexation, will be the same order of magnitude.” How did you come to this determination if the “theoretical maximum residential development density on the annexation land” will change from approximately 5 to 8.7 du/ac without annexation (and .1 to 3.5 du/ac in the adjoining municipalities) to at least double that, approximately 12 to 20 du/ac if annexation occurs and the Village has no regulated maximum density? As mitigation, will the Village implement a maximum density where areas abut low density zones and determine areas appropriate for either residential or commercial development based on surrounding uses?

We do not believe enough supporting analysis was provided that concurs with the DGEIS statements that (3.7.3) “under either development scenario described in the Project Description (without or with annexation), disturbance of the land would result from development activities to much the same degree regardless of the action.” and (3.6.3) “General areas of review related to the natural resources of any particular site in either municipal code include similar reviews and approvals”.

Briefly reviewing the Town of Monroe code, there appears to be more specific and more preventive regulations to guide its Planning Board in the approval process, including guidance from a Conservation Commission. In addition, the Town of Monroe has a regularly updated website with meeting agendas and minutes plus its site plan regulations improve public participation in the review process by encouraging participation by those living in the close proximity of the study area, due to their personal knowledge to communicate issues affecting a proposed action.

We believe it is in the overall public interest to foster public involvement in planning and development of communities as well as municipalities having established regulations that are environmentally conscious and ability to have applied properly in the approval process.

Thank you for your consideration.

Regards,



Tracy Schuh
President
TPC, Inc.

Cc: Town of Monroe Town Board
Orange County Planning Department
NYS DEC Commissioner and Regional Director Region 3

Reference: SEQR 617: <http://www.dec.ny.gov/regs/4490.html>
Attachment: Appalachian Trail viewshed – copy of photo from 2007

