

**State Environmental Quality Review Act ("SEQRA")
STATEMENT OF FINDINGS
Village of Kiryas Joel Board of Trustees
for
507-Acre Annexation, and 164-Acre Annexation,
Town of Monroe to Village of Kiryas Joel**

Adopted: 9/6/15

I. Introduction

This document is intended to serve as the SEQRA Findings Statement by the Board of Trustees of the Village of Kiryas Joel (Village) as lead agency for the SEQRA review of two petitions for annexation of approximately 507 acres and 164 acres of land, respectively, from the Town of Monroe (Town) to the Village (the Project). It was prepared in compliance with Article 8 of the Environmental Conservation Law and its implementing regulations in 6 NYCRR Part 617. This Findings Statement includes a description of the proposed action, a summary of SEQRA procedural compliance, an identification of potentially significant adverse and beneficial environmental impacts anticipated as a result of the action, and a reasoned elaboration of how the Village, as lead agency and an affected local government, will minimize or avoid these potential adverse effects to the greatest extent practicable, in light of social, economic, and other essential considerations.

This Findings Statement is being presented by the Village to provide a record to explain and support the Village's decision-making on the proposed annexation petitions. It presents the Village's consideration of the relevant environmental factors presented in the Final Generic Environmental Impact Statement (FGEIS), 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 annexation petitions.¹

It is a fundamental precept that SEQRA does not intend for environmental factors to be the sole consideration in the agency's decision-making. Rather, the purpose of SEQRA is to ensure that the environmental impacts associated with a government action are fully considered and weighed and balanced with social, economic and other considerations so that a suitable balance of social, economic and environmental factors may be incorporated in the planning and decision-making processes of local agencies. The Village believes that it has accomplished this charge in issuing this Findings Statement.

As noted in the FGEIS, the Village and Town were presented with two annexation petitions, one for +/- 507 acres, and a second for +/- 164 acres which are included wholly within the 507 acres. For purposes of this SEQRA review, the Village has treated the primary action as the 507-acre

¹ For purposes of this Findings Statement, the FGEIS refers to and consists of the Draft GEIS (DGEIS); the substantive comments received and the lead agency's responses to substantive comments.

annexation and considered the 164-acre annexation as an alternative. As such, the Village intends for its Findings Statement to apply to the full 507-acre annexation inclusive of the 164-acres and also to the separate 164-acre alternative.

In reaching these Findings, the Village has concluded that the environmental effects of the annexation petitions themselves are comparatively no greater or lesser as between the 507-acre annexation and the 164-acre annexation. As established by the FGEIS, local population growth in and around the Village will occur at consistent levels with or without either annexation. Both alternatives will require further supplemental review once zoning and project specific development plans materialize. The 164-acre alternative is smaller in size and would eliminate certain isolated parcels surrounded on three sides by the existing Village boundary and the Village/Town of Woodbury on the fourth. It would also accomplish the objectives of the subset of petitioners to create a unified community with the Village and to expand the desired available services in the Village to the annexation territory. However, the 507-acre alternative, which incorporates the 164 acres, will accomplish the same, while at the same time being consistent with the objectives and capabilities of all of the annexation petitioners as project sponsors. Therefore, while the 164-acre annexation is a viable alternative, the Village Board finds that the 507-acre annexation is the preferred alternative.

SEQRA was designed to foster a careful review by all interested agencies and the public of any potentially significant environmental impacts at the earliest possible time, when examination of such impacts may have the most meaning. Notably, here, the preliminary action that has triggered the need for this review is the petitions filed with the Town and Village by the owners of privately owned parcels within the proposed annexation territories to have these properties annexed to the Village. The respective petitioners have not proposed any specific development plan or project for the annexation lands under review. Yet, the Village and Town are still required to make the initial fundamental decision on annexation even without such information. In the event the annexation petitions are ultimately approved and jurisdiction transferred to the Village, it is expected that at some time in the future, municipal planning and zoning actions affecting these lands will be undertaken by the Village. Moreover, it is also expected that specific plans for development of these lands by their respective owners will be presented for review by the appropriate Village board.

The SEQRA regulations and the NYSDEC “SEQR Handbook” encourage the use of a Generic Environmental Impact Statement (GEIS) where, as here, large areas of land are proposed for annexation but no specific development proposal has been presented. The use of a GEIS is also appropriate where, as here, the proposed future actions that may flow from annexation are large in both space and time, with so many uncertainties about specific projects and impacts, that a conventional EIS would have been impractical. Accordingly, the Village determined early on that the best and most transparent approach to address this circumstance was through the use of a GEIS. SEQRA expressly provides for the initial preparation of a GEIS, with later or supplemental statements addressing those potentially significant effects which were not adequately considered in the earlier statement.² While conceptual development scenarios can be and were evaluated, SEQRA case law directs that agencies apply a rule of reason in the consideration of potential

² 6 NYCRR 617.10(c), (d).

impacts and that speculation about potential impacts be avoided.³ The level of detailed analysis that can reasonably be undertaken in the absence of an actual development proposal is different than when an agency receives a detailed project plan for subdivision or site plan approval. Many of the comments received on the FGEIS failed to recognize this fact. In this case, where there were no specific development proposals for the annexation lands, the Village appropriately avoided speculating about future impacts associated with some yet to be proposed development and evaluated the potential impacts on a conceptual level. Under these circumstances, future SEQRA reviews will be required for both future Village planning decisions and review of specific development proposals when presented to the Village, should either annexation be approved.

Specifically, as presented in section 617.10(d), future SEQRA compliance when a final GEIS has been filed includes an amended findings statement if the subsequent proposed action was adequately addressed in the GEIS but was not addressed or not adequately addressed in the findings statement. Alternatively, a negative declaration will be prepared if a subsequent action was not addressed or adequately addressed in the GEIS and the subsequent action will not result in any significant environmental impacts. Finally, a supplement to the GEIS will be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the GEIS and the subsequent action may have one or more significant adverse environmental impacts.

Section 617.10(d) also provides a scenario where no further SEQRA compliance would be required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS or its findings statement. However, here, because details of future projects and impacts are indeed unknown, the FGEIS did not suggest conditions or thresholds which would eliminate the need for further environmental review. The analysis provided in the FGEIS is conceptual in nature and is not a substitute for site specific review. The FGEIS and this Findings Statement, therefore, will not displace the requirement for further SEQRA compliance of proposed subsequent actions as noted above. Contrary to certain comments provided on the FGEIS, such an openly acknowledged practice is entirely consistent with SEQRA and the purpose of a generic EIS and does not constitute impermissible segmentation.

The FGEIS acknowledges several comments that called for the preparation of a supplemental EIS prior to the completion of these Findings. As lead agency, the Village may require a supplemental EIS in the following circumstances: (1) project changes which may result in one or more significant adverse environmental impacts not addressed in the original EIS; (2) discovery of new information, not previously available, concerning significant adverse impacts; (3) a change in circumstances related to the project which may result in a significant adverse environmental impact(s); or (4) site-specific or project-specific analysis of potential significant adverse environmental impact(s) needed for actions following a generic EIS. The Village has considered the need for preparing a supplemental EIS and has determined that, at this time, none of the four circumstances described above apply to this action. As noted above, the Village acknowledges that supplemental review pursuant to SEQRA will be required for both future Village planning decisions and review of specific development proposals when presented to the Village.

³ *Jackson v NYSUDC*, 67 N.Y. 2d 400 (1986).

Indeed, in considering the appropriate level of environmental review applicable to an annexation proposal that lacks a specific project plan or a rezoning proposal that changes the use for which the property may be utilized, courts in New York, including the Court of Appeals, have ruled that such review will necessarily be limited to the annexation itself and its effects, and have further instructed that the appropriate time to consider specific impacts from future development is when such is proposed.⁴

Specifically, in *City of Watervliet*, New York's highest court considered the applicability and extent of SEQRA review required for a proposed 43-acre annexation petition that was filed without a specific project plan being officially submitted or a rezoning proposal to change the use for which the property may be utilized. The Court ruled that the proposed 43-acre annexation was an "unlisted" action requiring SEQRA review. The Court also ruled that the extent of environmental assessment for annexations is dependent on the specific development plans associated with the transfer of territory. Because there was no development or rezoning plan officially submitted with the annexation petition, the Court ruled that the environmental assessment will "necessarily be limited to the annexation itself and its effects." The Court went on to compare the situation where an annexation is premised on a "formal project plan" which would require a more extensive review addressing the specific use of the property and its related environmental effects. The Court relied, in part, on the earlier Appellate Division ruling in *Cross Westchester Dev. Corp.* In that case, the Second Department considered a 23-acre annexation petition that also contained no specific project or proposal for development. The Court affirmed that the annexation was an "unlisted" action and ruled that the town board could not require a DEIS "based on a speculative possibility of use of the property." The Court went further to conclude that in the event the annexation petitioners seek to develop the property after annexation, it would be the responsibility of the receiving municipality to require further, more extensive, SEQRA review.

The annexation petitions before the Village and Town here differ from the cases considered by these two courts only in that they seek annexation of 507 and 164 acres. Since the annexation petitions are in excess of 100 acres, the SEQRA regulations classify such actions as "Type I" actions.⁵ Type I actions are identified as "those actions that are more likely to require the preparation of an EIS than Unlisted Actions."⁶ Based on the Type I action classification, the Village Board, as lead agency, determined to complete a generic EIS. Yet, just as in the two noted cases, the annexation petitions were filed without specific project plans being officially submitted or rezoning proposals to change the use for which the properties may be utilized. Therefore, as affirmed by the controlling courts, the extent of the SEQRA assessment is necessarily limited to the annexation itself. Contrary to many comments received on the DGEIS, SEQRA does not authorize or require the Village to complete a speculative assessment of future development that might be proposed for the parcels in the annexation territory. Such limitation further necessarily applies to demands for longer time horizons, site specific natural resource assessments, and the imposition of future mitigation measures for projects or plans not yet submitted, among others. Nevertheless, the FGEIS, including the significant agency and public input, has served the valuable

⁴ *City Council of Watervliet v. Town Board of the Town of Colonie*, 3 NY3d 508 (2004); *City of Middletown v. Town Board of Town of Wallkill*, 54 AD3d 333 (2d Dept. 2008); *Cross Westchester Development Corp. v. Town Board of the Town of Greenburgh*, 141 AD 2d 796 (2d Dept. 1988).

⁵ 6 NYCRR 617.4(b)(4).

⁶ 6 NYCRR 617.4(a).

purpose of informing and instructing future decision-makers of the potential effects of future development and the necessity and extent of further assessment once future zoning actions and site specific development projects are officially submitted.

On or about August 21, 2015, Orange County released what was represented to be a “draft” report by its retained consultant CGR. The report was purported to be an analysis of the impacts of annexation of land from the Town to the Village. The draft report was issued well after the close of the public comment period for the DGEIS and several days after the issuance of the FGEIS. The day before the report was released, on August 20, 2015, the County Commissioner of Planning, David Church, and Director of Operations, Harry Porr, presented a pre-release briefing of the report along with an 8-page summary to Village officials and their consultants. As part of the introduction to the briefing, Mr. Church made it expressly clear that this report was not intended to be a parallel SEQRA review to that being completed by the Village, or a report anticipated to be released as a pre-requisite to the Town and Village annexation decision, but rather a tool for future County planning, with the expectation that the annexation would be approved. The Village was an active participant in the data gathering for the report, having made Village officials and others available for meetings with CGR.

Based on the review of the report summary, it became immediately apparent to the Village and its consultants that a number of the report’s supporting facts and the conclusions drawn therefrom were misstated or lacking complete information, not likely due to any intentional effort on the part of CGR or the County, but more due to time constraints and the lack of available information. The Village presented a number of these items to the County and its consultant at the briefing and again via letter on August 21, 2015. All at the briefing seemed to agree that certain identified shortcomings in the CGR report were in need of correction and that the report would benefit from additional comment and supplementation.

The Village is now in receipt of the full draft report and is committed to providing further comment to the County and CGR. As a document intended for future planning, the Village is also committed to remain cognizant of the data and other information compiled for the report as part of the future zoning and planning for the Village and annexation territory. The report was also considered in the preparation of this Findings Statement. However, contrary to comments received from others, the Village does not consider this report to contain any substantive newly discovered information or any other change to the circumstance of the proposed annexation actions that warrants a supplemental GEIS at this time.

Finally, the Village received additional comment letters and memoranda in the intervening time period between the release of the FGEIS and this Findings Statement. The submissions noted below were duly considered by the Village in completion of this Findings Statement.

- August 21, 2015, Memo from Orange County Department of Planning to the Village;
- August 21, 2015, Letter from Village of Monroe to Tim Miller;
- August 31, 2015, Memo from JMC to Supervisor Doles and Michael Donnelly;
- August 21, 2015, Letter from Town of Woodbury to Mayor Wieder and Tim Miller;
- August 24, 2015, Letter from Village of South Blooming Grove to Tim Miller;
- August 24, 2015, Letter from Village of Woodbury to Tim Miller.

II. Proposed Action

The Annexation Petitions

The proposed “Action” is the annexation of approximately 507 acres of land, comprised of 177 tax lots, from the Town of Monroe to the Village of Kiryas Joel pursuant to New York State General Municipal Law Article 17 (the “Annexation Law”). An annexation petition was filed with the Town and Village on December 23, 2013, by the owners of privately owned parcels comprising a majority of the annexation territory (the “Petitioners”). The 507-acre annexation territory is located in the Town of Monroe, adjacent to the existing Village of Kiryas Joel boundary, generally situated at the eastern, northern and western sides of the Village. The identified purpose of the Annexation Petition is to enable community members who live in the annexation territory to share the unique municipal services and cultural facilities that exist in the Village of Kiryas Joel, including central water and sewer services, schools, public safety, fire, and emergency medical protection services, among many others.

A second annexation petition was filed with the Town and Village on August 20, 2014 by many of the same Petitioners. The second petition seeks annexation of approximately 164 acres of land, comprised of 71 tax lots, from the Town to the Village. All of the 164-acre annexation territory is encompassed within the 507-acre territory. The Village has considered this second annexation petition as an alternative for purposes of this SEQRA review.

The decision of whether to approve or deny the annexation petitions rests within the exclusive jurisdiction of the Town of Monroe Town Board and Village of Kiryas Joel Board of Trustees as the two “affected local governments” pursuant to the Annexation Law and the New York State Constitution.⁷ Likewise, the Town and Village are the only SEQRA “involved agencies.” The decisions on annexation can only be made subsequent to issuance of a Statement of Findings pursuant to SEQRA by each local government.

Public Need

The Village of Kiryas Joel was incorporated as a Village in 1977, and expanded by annexation in 1983. In establishing the Village, the future residents sought to establish a community with a character that was tolerant and welcoming, and one that would provide for adequate services and amenities to accommodate their common cultural practices. The Village presently consists of approximately 700 acres of land. The resident population of Kiryas Joel consists predominantly of Orthodox Satmar Jews.

The unique local demographic realities discussed in the FGEIS support the petitioned expansion of the existing Kiryas Joel community jurisdictional boundaries, and have in fact manifested themselves already through an increase in community members seeking to take up residency in communities bordering Kiryas Joel such as the towns of Monroe and Woodbury. The population

⁷NYS Constitution Article IX, Local Governments.

growth projected in the FGEIS reflects the inevitable growth in the number of families due to the cultural norms of the community, with or without annexation of additional land.

Higher density housing and redevelopment of certain underdeveloped lands will be necessary to accommodate the inevitable growth. At the projected rate, some 3,825 new families are expected to reside in the local community by 2025. Demographic and growth analyses have shown that internal population growth within Kiryas Joel has not been restricted by the lack of services such as sewer and water, or by available housing.

There is unity of purpose in favor of the annexation within the affected and adjacent local community, and public facilities and services are available to meet the demand of this unified community. Owners of the properties proposed for annexation seek to avail themselves of the benefits of numerous municipal and other community services that are provided or are otherwise available to Kiryas Joel residents.

The Village is the only municipal entity in the region with a record of consistently seeking to expand access to public sewer and water infrastructure and other services to its residents. Indeed, it has made arrangements to provide some of these services to areas within the annexation territory. Additional desired services include: public and private schools, public safety and fire protection services, improvement in the ISO fire rating that results in savings in insurance premiums, full-time paid EMS, places of worship and mikvahs, daily sanitation pickup, day care, head start services, pedestrian friendly communities with a sidewalk system and streetlights, Village parks, public transportation, municipal water supply for fire protection (hydrants), affordable housing and health care services with specialty care to accommodate larger families. These public services are available in Kiryas Joel and are provided in a culturally-friendly manner as all Village staff is bilingual to appropriately interact with the predominantly Yiddish speaking population. Few of these services are currently provided by the Town of Monroe to the proposed annexation territory.

Ultimately, annexation will provide the residents of the annexation territory with broader public services, more balanced land use, affordable housing and higher levels of public health and safety consistent with opportunities already available within the Village.

III. SEQRA Procedural Compliance

The Village Board has fully and completely complied with the procedural requirements of SEQRA. As noted, the “action” that triggered the SEQRA review process was the filing of the 507-acre Annexation Petition with the Town and Village on December 23, 2013. On December 30, 2013, the Village commenced the coordinated SEQRA review process by notifying the Town of the Village’s intent to serve as the SEQRA “lead agency” for the review. In January 2014, the Village Board retained Tim Miller Associates, Inc., an environmental and planning consultant, to assist the Village in anticipation of its lead agency role by commencing the planning for preparation of a Generic Environmental Impact Statement (“GEIS”). The Town and others contested the Village’s lead agency role before NYSDEC, pursuant to section 617.6(b)(5) of the SEQRA regulations.

While the lead agency dispute was pending, on August 20, 2014, the second 164-acre Annexation Petition was filed with the Town and Village. On August 21, 2014, the Village Board noticed its intent to the Town to serve as the lead agency for coordinated SEQRA review of the 164-acre Annexation Petition. On August 25, 2014, the Town of Monroe Town Board duly approved a resolution consenting to the Village Board serving as lead agency for the coordinated review of the 164-acre Annexation Petition.

On September 5, 2014, the Village Board adopted a resolution which: (i) established the Village Board as Lead Agency for the coordinated SEQRA review of the proposed 164-acre Annexation Petition; (ii) issued a SEQRA Positive Declaration requiring the preparation of a Draft GEIS for the proposed 164-acre Annexation Petition; (iii) directed the circulation of a draft Scoping Outline and scheduling of a public scoping session on September 22, 2014; and (iv) established September 30, 2014 as the closing date of the public comment period on the draft Scoping Outline. A voluntary scoping session was held on September 22, 2014 and public comments were received on the draft Scoping Outline until September 30, 2014. On November 14, 2014, the Village Board approved and distributed the final Scoping Outline on the Draft GEIS for the proposed 164-acre Annexation Petition.

On January 28, 2015, the NYSDEC Commissioner designated the Village Board as SEQRA lead agency for the coordinated review of the 507-acre Annexation Petition. On February 6, 2015, the Village Board adopted a Resolution which: (i) established the Village Board as lead agency for the coordinated SEQRA review of the proposed 507-acre Annexation Petition; (ii) issued a SEQRA Positive Declaration requiring the preparation of a Draft GEIS for the proposed 507-acre Annexation Petition; (iii) directed the circulation of a draft Scoping Outline and scheduling of a public scoping session on March 3, 2015; and (iv) established March 10, 2015 as the closing date of the public comment period on the draft Scoping Outline for the 507-acre Annexation Petition. The scoping session was held on March 3, 2015 and public comments were received on the draft Scoping Outline until March 10, 2015. On March 20, 2015, the Village Board approved the final Scoping Outline for the Draft GEIS for the proposed 507-acre Annexation Petition.

Based on the two Scoping Outlines, the Village Board and its consultants prepared a Draft GEIS (“DGEIS”), which considered the 507-acre Annexation Petition as the primary action and the 164-acre Annexation Petition as an alternative. On May 1, 2015, the Village Board adopted a resolution which determined that the DGEIS for the proposed 507-acre Annexation and 164-acre Annexation was complete and adequate for public review, and scheduled a public hearing on the DGEIS for June 10, 2015. The public hearing was held on June 10, 2015 and public comments on the DGEIS were accepted until June 22, 2015.

On August 10, 2015, the Village Board adopted a resolution which determined that the Final GEIS (“FGEIS”) for the proposed 507-acre Annexation and 164-acre Annexation was complete and adequate for public review. Since the release and distribution of the FGEIS, the Village has received additional comments on the FGEIS which were given due consideration as it prepared this Findings Statement.

While SEQRA does not mandate the use of scoping and public hearings on an EIS, the Village voluntarily implemented both in an effort to present an inclusive and transparent process. In

addition to issuing a draft scope for public comment, the Village conducted two separate public scoping sessions to receive oral comment and provided an extended written comment period thereafter. Likewise, the Village hosted a nearly five hour public hearing on the DGEIS and provided an extended period beyond SEQRA's minimum timeframes for additional written comments. In addition, the Village voluntarily established a dedicated website, kj-seqra.com, where it posted all relevant SEQRA proceeding documents.

IV. Potential Significant Beneficial and Adverse Impacts

Chapter 3 of the FGEIS describes in detail the existing environmental setting of the Village and annexation territories involved in this action. The "study area" of the FGEIS analyses generally encompassed Kiryas Joel and the proposed 507-acre annexation territory. These descriptions are devoted to: land use and zoning; demographics and fiscal conditions; community services; traffic and transportation; water and sewer; natural resources and cultural resources. The following sections of this Findings Statement identify the considerations that have been weighted and the reasoning behind a decision to approve the annexation petitions.

Steady, internal population growth within the Village is well-documented. This steady growth has remained unusually consistent through the Village's recent history despite the presence or lack of common influences including available developable land and municipal infrastructure such as public water and sewage treatment capacity. The FGEIS projects this growth to continue with or without the proposed annexations. Consistent with guidance provided in the SEQRA Handbook, the FGEIS provides a conceptual analysis of potential environmental effects of two hypothetical scenarios for this growth, with and without the annexation actions, under differing zoning designations representing those currently in the Town and in the Village. These hypothetical scenarios frame the basis for general projections over the next decade concerning future development activity that has yet to be proposed. A ten year time horizon for such planning analysis is common practice. The Village takes note in the FGEIS of this standard practice implemented in a number of planning reports prepared by Orange County and other neighboring communities, and extrapolating over a longer time period, especially in the context of this annexation proposal without any attendant development plans, becomes overly and unnecessarily speculative.

Given the nature of the annexation petitions, presented without zoning or site specific development plans, the identification of specific traditional mitigation measures in the FGEIS was impractical, if not impossible. As a result, the FGEIS contains a preliminary scope of the environmental issues which would need to be addressed on a site- or project-specific basis in any supplemental review undertaken after the original FGEIS as zoning and project plans materialize. This includes a number of the environmental planning and mitigation measures that would likely be implemented in the future to minimize the potential for significant environmental impacts as a result of future development proposals. These measures, as well as measures identified in the public review process, are summarized under the respective sections below.

The primary objective of the FGEIS was to assess the potential environmental effects of the full 507-acre annexation. As a subset that is fully encompassed by the 507-acres, the 164-acre annexation was considered as an alternative. A comparative analysis, therefore, of the

environmental effects of the 164-acre annexation was presented in Chapter 6.2 of the FGEIS. This analysis concluded that based on the underlying presumption of consistent local population growth with or without annexation, environmental effects of the 164-acre annexation would be consistent with the 507-acre annexation with only incremental and other small or nominal differences.

A. Land Use and Zoning

Comparative Development Analysis

The FGEIS acknowledges that consistent steady growth of the local area population is expected, with or without the annexation approval. Assessment of the two development scenarios used in the FGEIS to project potential impacts from the annexation -- the Without Annexation and With Annexation hypotheticals -- reveals that potential impacts of annexation relate not to population growth, but to the difference in population distribution, one to the other, based on the underlying premise of steady continued population growth. A projected 3,825 new families/households will be added to the community by the year 2025. This growth represents approximately 19,663 persons added to an existing estimated 2014 population of 22,634 persons, or, on average, 5.6 percent growth in population per year.

Residential development will take place to accommodate the growing population of the existing Orthodox Jewish community in and around Kiryas Joel. Of the total projected new population of 19,663 persons (by 2025), approximately 7,356 persons would need 1,431 new dwelling units and the FGEIS analysis adds these in the annexation territory based on the maximum development densities permitted by Town of Monroe zoning. Development in the annexation territory, however, would not accommodate all of the projected growth. New development would continue in and around Kiryas Joel to accommodate the remainder of the growing population. Approximately 2,394 dwelling units would be needed to accommodate the remainder of the projected population (12,307) and the FGEIS analysis adds these within the Village. The development projections for the annexation territory assume connections to central sewer and water for multifamily buildings and occupation consistent with the average size of families existing in the Village.

With annexation, the expanded Village could be developed to accommodate approximately 3,825 dwelling units (3,825 families, or approximately 19,633 persons) at an average density of approximately 6.6 units per acre (over the expanded Village).

The projections anticipate that the level of growth of other community land uses will be commensurate with the anticipated residential growth. In Kiryas Joel, the extent of commercial enterprise and institutional activities, including retail, schools and community-specific social services and facilities, is directly linked to the needs of the unique population that it serves.

Compatibility with Surrounding Land Use Patterns

The annexation would conform to the underlying precepts of the Priority Growth Area encompassing the study area that is identified in Orange County's Comprehensive Plan. The comparative theoretical maximum residential development density on the annexation land will

change from approximately 5.0 to 6.7 du/ac without annexation to approximately 12 to 20 du/ac with annexation, compared to 0.1 to 3.5 du/ac in the adjoining municipalities. These relationships are not unlike what already exists, or is possible under existing zoning, around the boundaries of the Village as it exists now. Ultimately the overall density of development on the land encompassing the Village and the annexation territory ($\pm 1,207$ acres), with or without annexation, will be the same.

Annexation and District Lines

The annexation action would result in simultaneous changes to certain district lines (for example, property tax jurisdiction) and not for other districts (school district, fire service area, sewer service area, legislative/voting district). While the FGEIS concludes that the service and financial impacts of annexation on the existing school and fire districts could be absorbed, it also concludes that it would be advantageous for the school district and fire service area boundaries to be adjusted subsequent to the annexation to better provide these services to the annexation territory and eliminate identified concerns expressed by these districts.

With regard to zoning districts, the annexation action would remove approximately 176 acres of land from the Town of Monroe UR-M district, wherein multi-family residences are permitted. This area represents approximately 53 percent of the total area of UR-M district lands now in the Town and, as discussed in the FGEIS, the Town of Monroe, under home rule law, has authority to increase the lands zoned UR-M land elsewhere within its boundaries. Nonetheless, it is likely that with annexation, the Village will establish zoning districts for the annexation territory to accommodate more affordable multi-family housing than under the Town zoning.

Mitigation Measures – Land Use and Zoning

Mitigation of the effects of annexation on land use in the local area would typically be by implementation of zoning density and use regulations that would address growth anticipated to occur. The FGEIS suggests that new zoning may be used to create transition areas between different density uses.

The Village intends to establish a master plan committee to study the opportunities and constraints of the 507 acres as it relates to Village efforts to accommodate its existing and future residents and to make specific recommendations for future land use decisions.

Future zoning decision-makers are advised to consider a number of Smart Growth elements as have been enumerated 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, preserve critical environmental areas, directing development towards existing communities, providing transportation choices. All of these elements foster improved accessibility, affordability, reduced traffic, consolidated infrastructure, and environmental protection as an alternative to traditional suburban sprawl.

B. Demographics

Annexation will better accommodate the steady, consistent population growth that is taking place in the local community. The FGEIS assessed population growth in order to better understand the implications of annexation. However, it is apparent that growth is not the result of annexation. The act of annexation will not stimulate population growth, but instead will provide a framework to provide housing for the population growth that is anticipated based upon population changes observed over the past 35+ years.

The ten-year population projection used for the FGEIS is rationally based upon the actual number of female students currently enrolled in the Village's parochial schools. These girls reflect the establishment of new families as history and culture demonstrate that they customarily marry and remain in the Village. The average family size of 5.9 persons per family recorded by the 2012 US Census American Community Survey (ACS) was used to estimate the future family size.

The 2014 population of the Village of Kiryas Joel is estimated to be 22,634 persons. The FGEIS projects the population growth in the study area (the existing Village and the annexation territory) for each year between 2015 and 2025, when the population is estimated to reach 42,297. This represents an average growth rate of approximately 5.6 percent annually over the next ten years. This projection is comparable to the 2009 demographic forecast made for the Village's Aqueduct Connection EIS. Based on the prevalence of large family sizes, the median age in the Village is 13.2. There are cultural and medical factors, including the generation of Jews lost in the Holocaust, that contribute to the relatively low numbers of senior citizens in this community.

The population projection used in the FGEIS took into account three key factors: anticipated births, deaths and in-migration/out-migration activity. As specifically addressed in the AKRF Growth Study for the Village of Kiryas Joel (2009), and as substantiated in the current FGEIS analysis, growth has remained steady and consistent in the Village whether or not there was land or other utilities available and in-migration/out-migration is minimal.

The FGEIS tabulated the changes in population distribution to the study area (projecting the number of units, population, and dwelling units per acre or density) with and without annexation of both 507- or 164-acre territories, by the year 2025.

The FGEIS noted that some of the population projected for the study area could also locate in other areas proximate to Kiryas Joel rather than within the existing Village or the annexation territory, including elsewhere in Monroe, Woodbury and South Blooming Grove. However, for the purpose of this analysis, a maximum impact scenario is presented that locates all population within the study area limits (the existing Village and annexation territory).

In light of the analysis completed in the FGEIS, the Village Board finds that annexation of either the 507- or 164-acre territories will not have a significant bearing or impact on the existing or future rate of growth, but rather will respond to the growth trend that has been taking place and confirmed by other projections very similar to the FGEIS -- most notably by the Orange County Planning Department whose growth projection was even higher than the FGEIS.

C. Fiscal

The FGEIS projected and tabulated future taxes to affected jurisdictions after development but without annexation; future taxes after development with annexation; and municipal costs to service the projected development both with and without annexation. The FGEIS also projected and tabulated future taxes to the two affected school districts, the Monroe-Woodbury Central School District (MWCSD) and the Kiryas Joel Union Free School District (KJUFSD), after development, with and without annexation; district costs to service the projected development with and without annexation; and future tax scenarios both while retaining the existing school district boundary and with the school district boundary adjusted to remain coterminous with the post-annexation Village boundary.

The FGEIS acknowledges that the analyses of population and demographic impacts project circumstances that are likely to occur to accommodate growth, and distributes it within the annexation territory and the existing Village (and further acknowledges that growth could also occur in the surrounding region). However, since the proposed SEQRA action is specific to the annexation territory, the FGEIS provides a summary of the projected impacts related to only this area. Any additional analysis of areas beyond the study area limits (the existing Village and annexation territory) is impractical and overly speculative. (The summary that follows represents full projected growth in 2025.)

Summary of Fiscal Impacts from Annexation Lands

Tax Revenue Town of Monroe

Without Annexation, gross annual tax revenues to the Town of Monroe from the annexation territory, minus the combined Townwide and Town outside the Village municipal costs, are projected to result in a net tax benefit of \$468,200.

With Annexation, gross tax revenues to the Town of Monroe from the annexation territory, minus the combined Townwide and Town outside the Village municipal costs, are projected to result in a net tax benefit of \$438,316. It is noted that the Kiryas Joel residents do not use all the Town services that the calculation represents and thus, the Town's net benefit is understated.

Tax Revenue Village of Kiryas Joel

Without Annexation, there will be no increase in tax revenue or municipal costs to the Village of Kiryas Joel from the annexation territory.

With Annexation, based upon the increase in assessed valuation, gross tax revenues to the Village of Kiryas Joel from the annexation territory, minus the Village's municipal operating costs, are projected to result in a net tax benefit of \$2,379,758. These funds will be used to fund capital project costs (such as sewers, sidewalks, fire trucks, fire substation, and parks) that are not funded by grants or other sources to accommodate the growth in an expanded Village.

Monroe-Woodbury and Kiryas Joel School Districts

As described in the FGEIS, alteration of the district boundary between the MWCSO and the KJUFSD would not occur automatically upon annexation, but will require separate administrative actions requiring agreement from both school districts' Boards of Education.

Without annexation, it is highly unlikely that the Boards would initiate a district boundary change due to fiscal, political and practical considerations.

With Annexation, and with a coterminous KJUFSD school district boundary, revenues to the KJUFSD are projected to result in a net benefit of \$1,876,582. The FGEIS also shows the fiscal impact of removing the annexation territory from the MWCSO and the costs for special education services which would no longer need to be paid by the MWCSO if these properties are removed from its tax jurisdiction. The cost savings to MWCSO are more than the loss in tax revenue, which will result in net benefit to the MWCSO of approximately \$350,000 annually.

With Annexation, but with no change to the school district boundary, revenues to the MWCSO are projected to result in a net benefit of \$10,385,769, based on an expected increase in development of the annexation territory in combination with the fact that the majority of the growing student population in the annexation territory likely would not be attending the MWCSO schools.

Under the latter scenario, a portion of the MWCSO would include the annexed territory within the new Village boundaries, and as thoroughly discussed in the FGEIS, the annexation properties would likely be occupied by Orthodox Jewish families whose children would typically attend private schools. This would include approximately 3,825 new families who would have voting rights on school district matters. The FGEIS noted that the School Board for the MWCSO will need to carefully weigh the relative merits of having a large portion of District families whose children do not attend the public schools against the potential for additional revenue when considering whether to accept the KJUFSD offer to adjust the Districts' boundaries consistent with the annexation territory.

DGEIS Table 3.2-17 provided a summary of the demographic and fiscal analysis specific to the annexation lands, and is repeated below.

DGEIS Table 3.2-17		
Fiscal & Demographic Analysis - Annexation Lands Only, Post Development		
Area of Concern	<i>Without Annexation</i>	<i>With Annexation</i>
Development	Full Buildout to 2025	Full Buildout to 2025
<i>Residential Units</i>		
Residential Units in Annexation Territory	1,431	3,825
<i>Community Resources</i>		
Total Population Increase 19,663 persons	7,356	19,663
Total School-age Children ¹ 8,160 students	3,052	8,160
<i>Town of Monroe</i>		
Tax Revenue - Post Development	\$1,395,056	\$1,559,107
Municipal Costs: Without Annexation 7,356 population x \$57pp Townwide Cost = \$419,292 7,356 population x \$69pp TOV Cost = <u>\$507,564</u> TOTAL \$926,856 With Annexation 19,663 population x \$57pp Townwide Cost = \$1,120,791	\$926,856	\$1,120,791
Net Revenue (Cost) to the Town of Monroe after covering expenses.	\$468,200	\$438,316
<i>Village of Kiryas Joel</i>		
Tax Revenue	\$0	\$3,756,168
Municipal Costs: Without Annexation \$0.00 With Annexation 19,663 population x \$70pp Village Cost = \$1,376,410	\$0	\$1,376,410
Net Revenue (Cost) to the Village of Kiryas Joel after covering expenses.	\$0	\$2,379,758
<i>School Districts</i>		
Net Benefit to the M-W School District after covering expenses	\$1,721,592*	\$350,243**
Net Benefit to the KJ School District after covering expenses	\$0*	\$1,876,582**
Notes: All numbers are approximate. ¹ Most school aged children would attend the local parochial schools. * With no change to the School District Boundary. ** With School District boundary change to be coterminous with revised annexation boundary. Source: Tim Miller Associates, Inc., 2015.		

D. Community Services and Facilities

The annexation was proposed to accommodate current and future residents on these properties who desire a unified community with those in the Village, including the unique community character and existing services such as central water and sewer services, public and private schools, public safety and fire protection services, full-time paid EMS, places of worship and mikvahs, daily sanitation pick-up, day care and head start services, a pedestrian friendly community with access to sidewalks and streetlights, use of Village parks and public transportation, municipal water supply for fire protection (hydrants), and affordable housing and health care services with specialty care to accommodate larger families and new mothers, among others. The residents of Kiryas Joel use the Yiddish language in their daily communication. For some of the local population, Yiddish is the only language they can speak or read. One of the many benefits of living within the Village is the availability of community services provided by Yiddish speaking individuals.

With annexation, the increasing population in the study area will create a demand for additional community services. As has historically occurred, community service providers are expected to respond to the growing population by adding staff, facilities and/or equipment and associated infrastructure. Tax revenues from increasing assessed valuation of land in the annexation territory, as this area is developed, will help to support and offset the costs of the anticipated increases in such services and facilities to accommodate the expanded services need.

Unique Benefits of Village Services

As distinguished from the Town, the Village has planned and constructed public water and sewer infrastructure. As part of a long-term planning effort, the Village has completed construction on nearly half of a 13-mile pipeline to connect to the NYC Catskill Aqueduct to ensure a sustainable source water supply to accommodate the potable water needs of current and future Village residents.

The Village is part of the OCSD#1 and has built its own wastewater treatment plant that serves the Village needs. The Village has established an extensive wastewater collection network to facilitate treatment at either the Kiryas Joel plant or the Harriman wastewater treatment plant thus ensuring adequate sewage treatment for its future residents.

Consistent with NYSDEC regulations, as an MS4 community, the Village has established an extensive stormwater management system including ponds, catch basins, underground pipes, a catch basin cleaning protocol and a MS4 enforcement program.

The Village has constructed a pedestrian infrastructure of six foot wide illuminated sidewalks on both sides of eleven miles of Village streets. Sidewalks are regularly maintained, snow-plowed and kept free of obstructions year round by the Village Public Works Department. The Village Transportation Department operates buses and maintains bus stop shelters throughout the Village. Transit service within the Village is provided six days a week. Park and Ride facilities benefit commuters with a combined capacity to park approximately 200 vehicles. Municipal sanitation services are provided by the Village with five pick-ups per week to all homes.

The Village operates a large playground off of Larkin Drive for its residents, known as the Kinder Park, and has a senior dining program for its residents.

The Village has made provisions to avail its residents to the necessary infrastructure and enhance its community services to provide for the unique needs of the community. Annexation will serve the public need by incorporating available properties into the Village to allow the community to grow in a coordinated and systematic manner.

Public Safety, Emergency and Health Services

Public Safety Services

Annexation will provide increased public safety protection to the annexation territory through the Village Public Safety Department, local service that is not presently available to this area since the Town does not have a police department. With annexation, public safety staffing needs in the Village would increase by about 30 officers. The additional tax revenue generated by the parcels annexed would help to offset the increased demand for service in the Village. New York State Police would continue to provide supplementary police services to the expanded Village upon annexation; this increase in services would be funded out of the State's tax revenues.

Fire Protection

Properties in the territory are located within the Monroe Joint Fire District ("MJFD"), which boundaries would be unaffected by the annexation. The district boundaries can be shifted as provided in Town Law § 182 which permits the resident taxpayers of the territory to petition the Town Board to change the district's boundaries. Thus, with annexation there would be no immediate effect on fire protection service that is provided by the Monroe Fire Department ("MFD").

Over time, increased development within the annexation territory could increase the demands on the MFD; however, the cost of increased demand would appear to be offset by the increased revenue as a result of an increased tax base. Alternatively, in the event the fire district boundary is adjusted such that the MFD no longer services the annexation territory, fire protection would be provided by the Village of Kiryas Joel Fire Department ("KJFD"). The KJFD would need to expand its capabilities to meet increased needs of the expanded Village. Information provided by the KJFD indicates that it is fully capable of meeting these expanded service needs. Among the added benefits from shifting service to the KJFD is the provision of Yiddish-speaking dispatchers and firefighters, a service likely to be valued by Yiddish-speaking residents of the annexation territory.

The Village of Kiryas Joel Fire Protection District ("KJFPD") has a state-of-the-art fire and EMS facility and, with annexation, the Village anticipates construction of additional facilities. To meet the expanded need for fire protection services should the fire district line be relocated, it is anticipated that an additional emergency services sub-station to dispatch Fire, EMS, and Public

Safety trucks and equipment would be built in the Village, and the KJFPD would purchase a second ladder truck.

In addition, all new multifamily buildings in the Village will be built according to the New York State Fire Prevention and Building Code which mandates full sprinkler systems for multifamily housing.

With annexation and a change in the fire district boundary, the resulting increase in municipal tax revenues to the KJFPD will support the increased need for fire protection services. There is no record of any abuse or imbalance of use by the Village of the mutual aid program. The Village is committed to an expansion of its paid and volunteer fire staffing commensurate with population growth to reduce the need for mutual aid from surrounding communities.

Ambulance & Health Services

With annexation, future development could lead to a potential increase in demand for EMS services. Demand could increase by up to 718 calls annually, on average.

The projected population increase associated with growth in the annexation territory has the potential to increase the need for beds in hospitals serving the area by approximately 79 beds. The recently constructed Orange Regional Medical Center has capacity to accommodate this growth.

With annexation, the anticipated population growth in and around the Village of Kiryas Joel over time will increase the demand for the various emergency services. Provision of emergency services personnel who speak Yiddish and who are culturally sensitive the needs of the Orthodox community is one of the distinct advantages of the available healthcare at the Ezras Choilim Health Center and by the Kiryas Joel Ambulance service. These services are anticipated to evolve to accommodate the anticipated growth and demand. The increased property tax revenues which are generated will help to offset the increased need for services.

Road Maintenance

The Village of Kiryas Joel contracts with the Town of Monroe for public road maintenance. Upon annexation, the public town roads in the annexation territory will become Village roads and will be subject to a renegotiation of the service agreement for highway maintenance between the Town and the Village at a rate commensurate with the number of miles of road to be transferred. Accordingly, there would be no change in the level of service provided to the annexation territory as a result of annexation.

Library Facilities

Residents of the annexation territory, who are predominantly Yiddish speaking and do not utilize the services of the Ramapo Catskill Library System but have access to private libraries in the Village, would continue to be served by the private libraries and would be entitled to any public library services provided by the Village in the future.

Orange County Social Services

There will be no difference in the cost or availability of County services as a result of annexation. The cost of services administered by the County is not based on whether a home is located in the Town or the Village since all of the properties are within Orange County. There will be no change to the social services provided by the County due to annexation and no increase or decrease in its costs as a result of annexation.

The FGEIS considered the difference in assessed valuation of the annexation territory properties that could potentially occur after annexation due to the differences in the types of units and density currently permitted in the Village. The variation in assessed valuation results in a projected increase in County property tax revenue from approximately \$4,155,887 to \$4,604,690 after annexation. Of the County Department of Social Services Budget which totals \$240,240,005, only \$114,374,464 is raised through taxation. Of this amount 30 percent or \$34,312,339 is raised through property taxes. The remaining 70 percent are raised through sales tax revenues, which are not expected to be directly affected by annexation.

The population of Kiryas Joel represents approximately 5.4 percent of the overall Orange County population per the 2010 US Census. Due to modest family incomes and large family sizes, the Village of Kiryas Joel has a high percentage of households that are eligible for Medicaid and other forms of social service assistance programs. An unofficial report from the Department of Social Services indicates that, in 2010, 109,390 incidences of Social Services were provided throughout the County. Of that amount, 21,068 incidences were in the Village of Kiryas Joel and similar amounts were recorded in the cities of Middletown and Newburgh. These numbers, however, do not reflect the types of services received by individual recipients or the relative cost of those services.

Various programs are funded in varying amounts by the County and also by reimbursement to the County from New York State and federal funds. The residents of Kiryas Joel do not typically utilize many available County services such as the Orange County Community College, Orange County Court system and jail facilities, Orange County Sheriff, the County's Valley View Nursing Home, drug prevention and rehabilitation programs, or Orange County Senior Housing. As a result, it would appear that any higher proportionate reliance on Medicaid and the Supplemental Nutrition Assistance Program (SNAP) is offset by the lower proportionate use of other programs so as not to reflect a disproportional reliance on County social services or depletion of Orange County tax resources. This situation is not expected to be affected by annexation.

Schools

The current boundary between the MWCS D and the KJUFSD is coterminous with the municipal boundary of the Village of Kiryas Joel. All of the annexation territory is located within the MWCS D.

The majority of students who reside in the Village of Kiryas Joel attend private parochial schools and it is expected that with annexation a significant majority of students in the annexation territory would likewise attend the Village parochial schools rather than attend the MWCS D public schools.

The school aged population in the study area (Village and annexation territory) is projected to increase by approximately 8,160 students over the next ten years. The private schools that serve the Kiryas Joel community have already initiated plans to accommodate the anticipated growth.

The Village of Kiryas Joel and the KJUFSD have the same boundaries, as established in 1989. Any change to the school district boundary would require action on the part of the Boards of Education of both the MWCSO and the KJUFSD. As stated in the May 6, 2014, letter from the KJUFSD Superintendent, "if and when the municipal annexation is approved, the Kiryas Joel Board of Education is prepared to work with the M-W Board to alter our school district boundaries accordingly, consistent with Section 1507 of NY State Education Law." By Resolution dated May 13, 2014, the Board of Education of the KJUFSD formalized its consent to the alteration of district boundaries to be coterminous with the municipal boundaries of the Village of Kiryas Joel after annexation.

A change in the school district boundaries would determine to which district the school tax revenue generated by the annexation territory would be paid and which district would be obligated to pay the cost of services for the special education population and the non-public school student costs associated with the annexation territory.

Mitigation Measures – Community Services and Facilities

Community services are expected to respond to the growing population, as has historically occurred, by adding staff, facilities and/or equipment and associated infrastructure. Tax revenues from the increasing assessed valuation of land in the study area will help to support the anticipated increases in demand for additional community services including public safety staffing, increased fire protection and emergency medical services, road maintenance, and sewer and water services.

With annexation, the increasing population within the Village will create a demand for additional community services. Tax revenues from the increasing assessed valuation of developed properties will help to support increases in services provided through tax jurisdictions including emergency response manpower, equipment and facilities.

The growing population should provide an ample resource to provide additional volunteers for fire prevention and ambulance services.

The district boundary line between the MJFD and the KJFPD will not change as a result of annexation until such time as an action is initiated by the resident population. Development of the annexation properties will not occur instantly, but will occur over a period of time. The Village Board finds it is appropriate, following annexation, for the annexation territory to ultimately be incorporated into the KJFPD. The Village is committed to an increase in volunteer and paid staff to compensate for cultural limitations such that the KJFPD would reduce its reliance on mutual aid. As the annexation properties are developed over time, the MJFD should adjust its budget to accommodate the decrease in annual tax revenue from the annexation properties, currently estimated to range from \$16,175 (164 acres) to \$46,216 (507 acres). This tax reduction will be accompanied by a reduction in the need for fire protection services to the annexation territory.

At the time site-specific development applications are submitted, mitigation measures will need to be identified that are appropriate for individual projects. With regard to fire protection, the respective fire departments will have opportunity to review site plan and subdivision applications for fire code compliance and adequate accessibility for fire emergency vehicles. Mitigation measures, in the form of adequate turning radii for equipment, hydrant placement, sprinkler systems for multifamily family buildings, and booster pumps where necessary to provide adequate water pressure for firefighting, will be required for development in the annexation territory.

The Village Board finds that there will be no significant impact to the provision of services to the annexation territory upon annexation. To the extent that impacts are perceived for the administration of services within the existing fire and school districts as they exist, changes to these district boundaries could avoid or minimize such impacts.

Mitigation Measures - Schools

Certain identified impacts to the governance and administration of the MWCSO could be mitigated by the mutual consent of the KJUFSD and the MWCSO to adjust the district boundaries to be coterminous with the municipal boundaries of the Village of Kiryas Joel. Such action is supported in the Kiryas Joel Board of Education Resolution dated May 13, 2014. Relocation of the boundary line would alleviate the potential imbalance caused when a large percentage of the taxpayers do not utilize the public school. This adjustment would be made possible by virtue of the annexation and a joint decision by the two school boards to keep the boundary of the KJUFSD coterminous with the new Village boundary line.

Based on comments expressed by others during the public review about the potential future governance of the MWCSO in the event of annexation that is not accompanied by a like adjustment to the district boundaries with the KJUFSD, the Village Board finds that a greater overall regional benefit would result from annexation with a coterminous KJUFSD boundary.

E. Traffic and Transportation

Geographically, the FGEIS study area falls within the areas studied by both the *Southeastern Orange County Traffic and Land Use Study* and the *Orange County Transportation Council's Long Range Transportation Plan (2011-2040)*, all of which accounted for area growth, however the County studies projected higher growth rates than was projected in the FGEIS.

Orange County has been progressing the Larkin Drive West project which would connect CR 105 to Forest Avenue and NYS Route 208. The particular benefit of this improvement is that it would shift some local traffic from Bakertown Road to the less travelled Forest Avenue.

Religious custom followed by a majority of Village residents prohibits driving from sundown Friday to sundown Saturday. It is thereby expected that growth in the annexation territory will contribute little to peak Saturday traffic volumes, which are significantly high for the nearby NYS Route 32/NYS Route 17 commercial corridor.

The distribution of new trips generated by future anticipated development in the annexation territory was projected in the FGEIS to shift toward the west of the existing Village.

Trip generation at the end of the ten year study period was summarized in the FGEIS. Overall, compared to the without annexation scenario, annexation is anticipated to result in 18 to 25 percent fewer peak hour trips into and out of Kiryas Joel including the annexation territory due to the expanded use of transportation services that are more readily available and utilized in the Village. The traffic analysis showed that with annexation, less traffic growth is anticipated outside the Village of Kiryas Joel as Village transportation services such as sidewalks and bus routes are extended into the annexation territory. Buses, taxis, and car services also can operate more efficiently in high density areas.

Traffic impacts are not expected as a direct result of the annexation action itself but rather will potentially evolve over time as new construction and occupancy takes place. No traffic mitigation measures have been identified specifically for the annexation action. Project specific traffic-related changes and mitigation measures are expected to be considered by applicable agencies as individual projects undergo site plan and subdivision review. These could include things like intersection controls and/or improvements to increase capacity or improve traffic safety, such as turning lanes, traffic signals or roundabouts.

Noise and Air Quality Related to Traffic

Annexation will not in and of itself change ambient noise conditions. However as the population grows and there is greater development activity, ambient noise levels in and around the annexation territory will likely increase modestly. Noise generated by future construction in the annexation territory would be short-term in nature.

Regardless of annexation, traffic related to the projected area growth could double in some locations and is projected to result in a 3 decibel (dBA) increase in ambient noise from traffic. Such increase would occur at a slow rate over a decade of growth. This level of noise increase will not be perceptible. The FGEIS identified locations where increased traffic generation is anticipated.

Potential air quality impacts related to annexation are primarily associated with traffic resulting from future development. Air quality impacts related to heating and cooling of buildings would be nominal, absent any major stationary air emission sources.

Orange County has been in non-attainment of the USEPA standards for PM_{2.5} (Particulate Matter diameter less than 2.5 microns). However, the County Long Range plan projects PM_{2.5} and NO_x (nitrogen oxide) budgets will be met through its study period ending 2040. Annexation is anticipated to contribute less future traffic when compared to the without annexation scenario.

Mitigation Measures - Traffic and Transportation

Significant adverse traffic impacts are not expected as a direct result of the annexation action. Therefore, it is not practical to identify mitigation measures for the annexation action at this time.

In fact the traffic analysis shows that a reduction in traffic growth outside the study area is anticipated as standard Village transportation services such as sidewalks are extended into the annexation area. Examples of particular traffic-related mitigation that should be considered as future development projects materialize are presented below.

The *Southeastern Orange County Traffic and Land Use Study* (the “Study”) identified a series of transportation improvements, some of which have already been implemented and others are funded within the Transportation Improvement Program to be implemented in the short term. The Village Center Scenario envisioned years ago in the regional Study embraces the concepts of Smart Growth and Active Design.

In addition to identified transportation projects discussed in the Study, the following may also be considered in the planning and implementation of future development projects as mitigation measures.

- The FGEIS cites a threshold for a proposed project to conduct a traffic capacity study when it is projected to generate 100 trips in a peak hour, as recommended in the NYSDEC online SEQRA workbook.
- Traffic mitigation measures will need to be considered in supplemental SEQRA reviews as projects are proposed, including consideration for monitoring traffic at key locations to determine the need for further transportation studies where applicable for site specific developments.
- The *Executive Summary* for the Study identified: 1) the Larkin Drive Extension (NYS Route 208 to CR 105); 2) the NYS Route 32 loop ramp to NYS Route 17; and 3) improvements for additional capacity on Route 17, as three of over a dozen High Feasibility Projects. Planning for these three projects is progressing although none has been built. Particularly relevant to the growth around Kiryas Joel, the extension of Larkin Drive on the south side of the Village, if implemented, would spread out the traffic generated in the Village.
- Mid Level Feasibility Projects listed in the Study included a CR 105 interchange and a Collector-Distributor Road from I-87 and CR 105 along Nininger Road north of NYS Route 17.
- A new interchange to CR 105 would be potentially feasible if future area growth warrants an additional Route 17 interchange near Kiryas Joel (between Route 17 Exits 130 and 131). At some point outside the study period, a future CR 105 interchange might be constructed to relieve pressure on the nearby NYS 208 and NYS Route 32 interchanges (Route 17 Exits 129 and 131).
- Road network improvements in the local area should consider implementing roundabouts wherever feasible, thereby increasing the efficiency of moving traffic. Traffic calming measures were considered a High Feasibility Project in the Study.

- The existing sidewalk network of the Village should be extended to new development in accordance with the Village Code. Major developments should have an internal sidewalk network connecting to the external sidewalks.
- Bus routing is expected to be periodically reviewed by service providers as future development takes place to accommodate new populations. Private transportation services can be expected to adapt more quickly than the public transportation services. Expanded Transit Service is considered a High Feasibility Project in the Study.
- Development in the Village of Kiryas Joel should include neighborhood retail uses as recommended as part of the Village Center vision in the Study.

Noise and Air Quality Mitigation Measures

No noise mitigation measures for traffic-generated noise are warranted for the annexation action. Currently over fifty percent of trips to and from work are by transit, carpooling or walking. This transportation characteristic is unique to this community and will lessen the potential for noise from traffic. Additionally, the future Larkin Drive Extension project, if implemented, will remove traffic from other routes thereby shifting traffic noise to the corridor that parallels the Quickway.

No air quality improvement measures are warranted for the annexation action.

F. Community Water Services

Population growth and estimated future water demand indicates a 2025 study area population of 42,297 and an estimated daily water demand of 2.79 million gallons per day (mgd). Future water demand for the Village is estimated using an established water use rate of 66.0 gallons per day, per-capita. The water use rate is based upon reported water usage in the Village.

The proposed annexation is not dependent upon having sufficient water supply in place to service future residents in the annexation territory. Rather, any new residential development in the expanded Village will require sufficient water supply to support that development. Village approval of any individual residential project cannot proceed without an adequate water supply.

The annexation territory is not within the Village's current water service area. However, at present the Village is providing public water supply service to portions of this territory as outside users. This has required the establishment of a separate Town water district and agreement for the provision of this service. With annexation, the annexation properties would have right of access to the Village water system and it is assumed that all development in the annexed territory would obtain water from the Village system.

The Village plans to connect to the New York City Catskill Aqueduct water system in 2017, which has the capacity to provide water to the Village beyond the study period for the FGEIS, as its population grows. The NYCDEP Bureau of Water Supply has confirmed the Village's right to take a water supply from the City's water system and final engineering plans for the connection to the NYC Aqueduct are now being finalized by the Village and City engineering staff.

The NYCDEP requires that the Village maintain 100 percent back-up for the volume of its water taking from the Aqueduct. The Village has secured the rights to groundwater wells with tested water capacity that exceeds the projected Village water demand well into the future after its connection to the Aqueduct.

Mitigation Measures – Water Supply

All of the Village's water supply sources are subject to regulatory control of the New York State Department of Environmental Conservation (NYSDEC) and Department of Health (NYSDOH). The NYSDEC water supply permits regulating the Village's existing water supply contain standard provisions including: established limits for water taking from individual wells, water conservation measures and mandatory enforceable conditions to mitigate impacts to other existing nearby supply wells. In addition, each NYSDEC Water Supply Permit was subject to review pursuant to SEQRA. Any new source of groundwater for the Village from wells will likewise be subject to review and approval by NYSDEC and NYSDOH. In addition to SEQRA review, permit review includes technical assessment of the sustainable pumping rate of wells and their potential impact to neighboring wells and nearby surface water features. Water supply permits are subject to conditions to ensure public and environmental health and safety.

For example, the draft consolidated water supply permit WSA No. 11609 includes water conservation conditions including the following:

- 1) A requirement for the maintenance of meters on all water supply sources and all customer service connections,
- 2) A requirement for meter calibration on a periodic basis,
- 3) The maintenance of records for water production and consumption, and an annual audit to determine unaccounted for water,
- 4) The implementation of a leak detection and repair program for the entire distribution system in a systematic fashion. At a minimum this program must cover the entire water system on a three-year cycle,
- 5) The maintenance of all records of production and consumption, water audits, leak detection and repair for a ten year period.

The above water conservation, reporting and maintenance provisions are intended to result in optimizing and minimizing water usage in the Village.

Connection to the Catskill Aqueduct will also mitigate potential water supply source impacts. Engineering plans for this connection are subject to review and approval by the NYCDEP. The water supply agreement between NYCDEP and the Village requires a City-approved water conservation plan as well as state of the art metering and other technologies to prevent waste and contamination of the water source. In addition, the use of Aqueduct water is strictly limited to the territorial boundaries of the Village, unless otherwise approved by NYCDEP, and the allowance volumes are likewise strictly limited by a formula in the NY City Administrative Code based on U.S. Census population figures and per capita usage in NYC.

The NYCDEP water supply agreement will also require the Village to demonstrate the ability to sustain Aqueduct connection shutdowns and to maintain 100 percent groundwater backup water supply sources. While the Village will be required to maintain its existing and new groundwater well supply sources to serve this backup capacity, it is expected that the connection to the Aqueduct will relieve pressure on the local groundwater resource when such sources are not being used.

G. Community Sewer Services

Most of the annexation properties are within the Orange County Sewer District #1 (OCSD#1) and have right of access to municipal sewers. Therefore, it is expected that future development in the annexation territory would connect to that system. The boundary of the OCSD#1 would not automatically change with the annexation action, thus the remaining 12 parcels located outside the District boundary would require individual approvals by the District to facilitate connections to the County system.

The demand for wastewater treatment as a result of annexation will be no different than under the no action alternative. Therefore, any corresponding potential impacts to community sewer services are likewise not expected to be any more significant.

The quality of the wastewater treatment plant effluent is not affected by the level of population growth or its location. Rather, it is dependent upon the proper operation and maintenance of the facility as it was designed and permitted. Therefore, there are no direct impacts expected to the receiving water body (Ramapo River) as a result of the proposed annexation action.

Estimates of Future Wastewater Flows

Wastewater demand in Kiryas Joel is estimated using the per-capita daily water usage estimate of 66.0 gallons per day per person. Population growth in the study area (the Village and annexation territories) is projected to add 19,663 persons in 3,825 units by the year 2025 (with or without annexation). Using the per-capita daily water usage, future development in the expanded Village will generate 1,297,758 gallons per day (gpd) (1.30 million gallons per day, mgd) of additional wastewater treatment demand for the OCSD#1 over the next decade.

Approximately 77 percent of the 507- acre annexation territory is located in OCSD#1. The remaining land is still served by OCSD#1 under the Moodna municipalities' agreement. Currently, wastewater from the Village is treated at either the Kiryas Joel Waste Water Treatment Plant (KJ WWTP) or at the Harriman WWTP in the Village of Harriman, both operated by OCSD#1.

Village property owners support the District through taxes and user fees and have supported the Sewer District since the Village was formed in 1977. As the population of the entire District grows, including in the Village of Kiryas Joel, the District is obligated to expand its capacity to accommodate new users in the communities it serves.

An Orange County Department of Environmental Facilities Report (January, 2010) concludes that there will be sufficient capacity for the service area until at least 2015 based on its obligation to increase capacity pursuant to the 2010 Expansion Agreement between Orange County and the

Sewer District. As of June 2015, the plant was reportedly operating at approximately 70% capacity. Therefore, the current flow rates confirm that there is available capacity beyond 2015. In fact, the recently released CGR report (August 2015) projected that adequate capacity exists at the Harriman WWTP through 2027.

The 2010 agreement between Orange County and the OCSD#1 provides for a process that will result in the expanded treatment capacity for the Harriman WWTP when treatment demand reaches 85% of the total design capacity. The legally binding agreement provides a schedule and milestones for the planning (including full SEQRA review), design, funding and legislative approval of the expanded facilities. The County has retained an engineering firm to develop plans for a 3 mgd capacity expansion over the next year.

Such an expansion would further accommodate the additional demand from growth in OCSD#1, including that in the annexation territory, well into the future.

All improvements and resulting discharges will need to be approved, regulated and enforced by NYSDEC, ensuring the maintenance of water quality and minimization or mitigation of any potential impacts associated with District growth.

Water in the Ramapo River Basin

Natural growth in the OCSD#1, including the Village and annexation territories, will result in increased wastewater treatment demand. Commentors to the DGEIS expressed concern regarding potential impacts to the Ramapo River Basin from increased effluent flow from the Harriman WWTP. Annexation will not result in adverse impacts to the Ramapo River, since future wastewater treatment demand will be similar, with and without annexation.

The FGEIS describes that as early as the mid-1970's, there was concern about the undesirable reduction in the Ramapo River streamflow from groundwater pumping in the watershed, given downstream water rights in the basin. A study of the New Jersey portion of the Ramapo River Basin completed by the US Geological Survey evaluated the balancing of groundwater withdrawal from stratified glacial drift connected to the Ramapo River and streamflow. The report indicated that "losses from the Ramapo River could be minimized by returning treated sewage effluent directly to the river..."

Currently, treated effluent from the Harriman WWTP is largely composed of groundwater drawn from the Ramapo River Basin watershed as well as groundwater from the Moodna Creek watershed. Effluent from the Kiryas Joel WWTP is currently composed of groundwater from the Ramapo River Basin. Following the Village's connection to the Catskill Aqueduct, surface water from the Ashoken Reservoir watershed will be transferred to the Ramapo River watershed, via treatment and discharge from the Village Plant and the Harriman WWTP. The water resources of the Ramapo River watershed will be augmented by the inter-basin transfer of water from the Catskill Aqueduct which will increase flow volume without a corresponding groundwater withdrawal from the Ramapo basin. Rockland County legislators have supported the connection to the Catskill Aqueduct for the positive impacts of the interbasin transfer of water into the Ramapo watershed.

Mitigation Measures - Wastewater

Wastewater generation is closely tied to water usage in a community system. The Village and the OCSD #1 are required to monitor and report both daily and monthly wastewater treatment volumes at their respective wastewater treatment plants. These requirements are conditions of the NYSDEC SPDES permit for the treatment plants. Given the technical limits on treatment capacity at the Kiryas Joel WWTP as well as the Harriman WWTP, the Village has an imperative to minimize its generation of wastewater. The water conservation practices listed above under Mitigation Measures – Water Supply, also serve to reduce wastewater generation and potential impacts to the environment.

The Village is committed to the proper maintenance of the Village of Kiryas Joel WWTP. The Village has recently implemented facility upgrades of the WWTP that have improved operation of the plant and effluent water quality. These improvements include: Rotating Biological Contactor (RCB) improvements in 2010, trunk sewer, lift station and headworks screening improvements in 2014, and filter backwash storage and handling improvements in 2014. In addition, the private operator of the poultry plant in the Village has reduced its water use by approximately one-third (2011 to 2012).

Annexation would more easily enable the expansion of public sewer infrastructure to serve future and existing development in the annexation territory. Connection to the OCSD#1 public sewer system would eliminate potential impacts associated with individual septic systems.

As indicated above, the OCSD#1 has recently retained an engineering firm to study the expansion of the Harriman WWTP to add up to 3.0 mgd. Planned upgrades for the Harriman WWTP will utilize the latest treatment technologies, including potentially a membrane bioreactor treatment system. New treatment technology could allow the WWTP to meet more stringent future permit effluent standards, thereby improving the water quality of its discharge to the Ramapo River. All expansions and resulting discharges will be approved, regulated and enforced by NYSDEC, ensuring the maintenance of water quality and minimization or mitigation of any potential impacts.

H. Natural Resources

The topography of the annexation territory is reflective of the topography of the Village and is consistent with that typically found throughout Orange County. There are no Unique Geological Features mapped in the study area (the Village and annexation territory) by the NYSDEC's Environmental Resource Mapper. The soils in the study area are very common in Orange County and have no unusual characteristics that significantly affect their use in modern construction. Some of these soils are capable of being prime agricultural land, although the existing land use pattern of the study area reveals only one parcel on Bakertown Road that remains undeveloped and used for agriculture.

The FGEIS identified the northwestern half of the study area as an area within which there could be potential habitat for a NYS Protected animal, the Allegheny Woodrat (*Neotoma magister*),

which was last documented in 1949 about a mile from the annexation territory. The FGEIS also identified a significant natural community called the Pitch pine-oak-heath rocky summit which is located approximately 0.2 miles from the closest annexation parcel. Additionally, there may be woodland trees in the study area that could provide habitat to the Indiana Bat or Northern Long-eared Bat during certain times of the year, necessitating seasonal limitations on the clearing of trees. Incidences of potential Timber Rattlesnake (*Crotalus horridus*) habitat have also been reported in the region, though not within the annexation territory.

The New York Natural Heritage Program (NYNHP) identified the following species of concern and habitats in or near the study area:

- *Indiana Bat (Hibernaculum)* *Myotis sodalis* *Endangered Animal*
- *Northern Long-eared Bat* *Myotis septentrionalis* *Threatened Animal*
- *Glaucous Sedge* *Carex glaucoidea* *Threatened Plant*
- *Green Rock-cress* *Boechera missouriensis* *Threatened Plant*
- *Pitch Pine-Oak-Heath Rocky Summit Community*

The NYNHP information further indicates that “Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.”

There are no State or locally regulated wetland areas mapped in the annexation territory. There are, however, a number of small federally-mapped wetlands scattered about the annexation territory. Federal regulations would apply to federally-designated wetlands, affording protection to these resources. Any future development that may impact a State or Federal wetland would require review under the applicable State or Federal laws.

All of the watercourses in the study area are Class C water quality and none of the water bodies or watercourses are listed as impaired in New York State’s current List of Impaired/TMDL Waters.

Annexation itself will not cause impacts to natural resources in the proposed annexation territory. The FGEIS indicated that future development within the annexation territory, however, could disturb the natural environment and warrants close attention by future decision-makers when site specific development projects are submitted. The FGEIS instructs future decision-makers, including the Village Board, Planning Board and Zoning Board of Appeals, to consider the open space needs of future residents in the annexation territory and to be carefully cognizant of important environmental assets of the annexation territory including the County’s Gonzaga Park and the land around it.

Water Resources and Stormwater

The annexation territory is generally split between two drainage basins. The drainage divide runs north-south slightly west of the existing Village boundary, effectively resulting in drainage from the western-most annexation properties flowing to the Moodna Creek basin. The remaining part of the annexation territory is situated within the Ramapo River drainage basin. These lands, including the entire Village, drain to the southeast through NYSDEC wetland MO-11 in the

southeastern portion of the Village, and then south eventually to the Ramapo River. A network of surface channels and watercourses that are tributary to the Ramapo River flows through Kiryas Joel. Coronet Lake is the largest waterbody and the only named waterbody in the annexation territory. Groundwater resources mapping shows sizable areas of sand and gravel aquifers in and around Kiryas Joel but none in the annexation territory.

The Kiryas Joel Village Code includes provisions for stormwater treatment in Chapter 125 as is required under State law – including provisions to control runoff, flooding and erosion -- intended to provide protection of all hydrologically connected surface waters potentially affected by development. The Village Code also includes provisions for flood damage prevention in Chapter 77. As an MS4, the Village is responsible for managing the water quality of discharges from the municipal stormwater system in accordance with the State General Permit. These regulations, intended to protect natural resources from adverse effects of development, would apply to all new development within the annexation territory.

Mitigation Measures - Natural Resources

The proposed annexation itself does not involve any physical disturbance of the ground and thus, will not directly impact natural resources (including geology, soils, topography, wildlife and habitats, wetlands and water resources). However, there is the potential for impacts related to future development of the annexation territory. Therefore, future decision-makers are instructed to be cognizant of the impacts to such resources for further supplemental review under SEQRA and other regulations. This could include site-specific natural resource assessments, such as wetlands delineations, archeological assessments, and wildlife surveys. This could also lead to the requirement for site-specific avoidance and mitigation measures including things like wetland creation or enhancement, species protection measures like seasonal limitations on tree removal, use of snake fences, stormwater controls, park land creation or fees, or other construction mitigation measures.

Any site specific action will need to comply with the applicable federal, State and local requirements created for the protection of natural resources. Individual site plan or subdivision plan reviews will need to address the various mitigation measures that would be appropriate at each site to protect its natural resources. Specific measures may include:

- As part of any site-specific project review, a wildlife inventory as well as the implementation of species protection measures will need to be considered. Mitigation for impacts to wildlife would include measures for impact minimization or avoidance. Identified species of concern would require species-specific measures. Impacts to protected wildlife species would necessitate reviews by the jurisdictional agencies.
- Potential presence of the Indiana Bat (*Myotis sodalis*) and Northern Long-eared Bat (*Myotis septentrionalis*) should be determined and if present, tree removal should be limited to certain months of the year (between October 1 and March 31) to avoid potential impacts to bats.
- Potential presence of the timber rattlesnake (*Crotalus horridus*) and appropriate protection measures should be considered during review of future development plans.

- Anecdotally, there was mention of dwarf wedge mussel (*Alasmidonta heterodon*) in the area. Considering the level of development in and around Kiryas Joel, it is unlikely that any dwarf wedge mussels are living in the drainage basin, and none have been historically identified by the NYSDEC.
- A stormwater management plan (stormwater pollution prevention plan or SWPPP) will be required for every site-specific plan to incorporate structures and methods designed to satisfy the requirements of the NYSDEC *Stormwater Management Design Manual* with regard to sizing and performance criteria for site-specific stormwater management practices that properly treat stormwater runoff.
- Mitigation for impacts during construction to geology, soils and topography (including steep slopes) would include application of measures that are specified in detail in the State's erosion control standards including planning and site management measures for impact minimization or avoidance, design and implementation of vegetative, biotechnical and structural controls, and design of an erosion and sediment control plan in accordance with the State's *Standards and Specification for Erosion and Sediment Control*.
- Mitigation for impacts to habitats, including wetlands, would also include measures for impact minimization or avoidance. Every development application should include a determination of the presence or absence of designated wetlands on the site. Impacts to wetlands would necessitate reviews by the jurisdictional agencies.
- Site-specific investigations may include site inspections for specific natural resources and site surveys.
- There is presence of rock outcrops and shallow soils in the study area and site development in some locations may require rock removal. The incidence of such areas and need for specific rock removal techniques would need to be determined on a site by site basis based on site specific development plans.
- Mitigation for impacts to water resources would include design and implementation of measures that reduce impervious surfaces, capture and treat runoff from developed areas, and manage runoff to levels equal to or less than the existing conditions of water quality and runoff quantity, in strict accordance with the State's *Design Manual*.

I. Cultural Resources

Annexation in and of itself would not directly impact visual or historic/cultural resources. Potential impacts to such resources could occur as a result of future development of the annexation territory and warrants close attention by future decision-makers when site specific development projects are proposed.

The Highlands Trail/Long Path traverses the ridge of Schunnemunk Mountain north of the annexation territory and through Gonzaga Park. Some future development in the annexation territory could be visible through the trees from a portion of the trail within the Park during the winter months. The extent of this change would not significantly change the character of the trail experience. The trail also traverses a portion of Seven Springs Road in the annexation territory. As Seven Springs Road is a public road, the annexation will not remove or hinder public access to the

Highlands Trail/Long Path. Potential future development on Seven Springs Road and the concomitant modest increase in traffic on the local roads could affect the character of this portion of the trail over time from a rural to a more developed landscape.

Annexation will not remove any land from Gonzaga Park, nor will it hinder the existing access point to the park or trails, user parking at Seven Springs Road, or use of Gonzaga Park. The Village recognizes that hikers using the public trails are likely to be dressed in recreational gear different from conservative “street attire” and has no intention to prohibit or otherwise affect such continued public uses.

Mitigation Measures – Cultural Resources

Any future site-specific development will need to comply with the applicable State and local requirements created for the protection of existing resources. Individual site plan or subdivision reviews will need to investigate the extent of project visibility from nearby roads and publicly-accessible locations, as well as investigate the potential for the presence of archaeological resources in accordance with State and federal guidelines. Consideration of the NYSDEC guidance policy for Assessing and Mitigating Visual Impacts is recommended.

The proposed annexation itself does not involve any physical disturbance of the ground and thus, will not directly impact cultural resources (including visual, historical and archaeological resources). However, there is the potential for impacts related to future development of the annexation territory. Therefore, future decision-makers are instructed to be cognizant of the impacts to such resources for further supplemental review under SEQRA and other regulations. This could include site-specific archeological assessments and visual surveys. This could also lead to the requirement for site-specific avoidance and mitigation measures such as avoidance of sensitive resources, provision of access to public lands, replanting visual buffers, establishing green spaces bordering development, and constructing attractive building designs that are appropriate at each site to create a livable community.

Specific mitigation measures may include:

- park land fees and setting aside land for recreation
- buffering of views from public roadways outside the Village, such as: Route 6/17, CR 44 (Mountain Road), CR 105, Acres Road and Bakertown Road.

As future development occurs within the annexation territory, the Village should periodically evaluate the adequacy and accessibility of recreation resources that are available to and desired by its residents. Additionally, the Town and County also should periodically evaluate the adequacy and accessibility of recreation resources that are available to the public.

J. Thresholds for Future Environmental Reviews

Future SEQRA Actions in the Study Area

According to Section 617.10(c) of SEQRA, "Generic EIS's and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance. This may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS."

All future development in the study area will need to comply with the applicable provisions of the Village Code, including zoning. Additionally, all development must comply with all other applicable Federal, State and County laws related to construction, including but not limited to the State Fire Prevention and Building Code, natural resource protection regulations, stormwater management requirements, and approvals of sewer and water connections.

Future SEQRA reviews will likewise be required for both future Village planning decisions and review of specific development proposals when presented to the Village. Specifically, as presented in SEQRA section 617.10(d), future SEQRA compliance when a final GEIS has been filed includes an amended findings statement if the subsequent proposed action was adequately addressed in the GEIS but was not addressed or not adequately addressed in the findings statement. Alternatively, a negative declaration would be prepared if a subsequent action was not addressed or adequately addressed in the GEIS and the subsequent action will not result in any significant environmental impacts. Finally, a supplement to the GEIS would be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the GEIS and the subsequent action may have one or more significant adverse environmental impacts.

Section 617.10(d) also provides a scenario where no further SEQRA compliance would be required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS or its findings statement. However, here, because details of future projects and impacts are indeed unknown, the FGEIS did not suggest conditions or thresholds which would eliminate the need for further environmental review. The analysis provided in the FGEIS is conceptual in nature and is not a substitute for site specific review. The FGEIS and this Findings Statement, therefore, will not displace the requirement for further SEQRA compliance of proposed subsequent actions as noted above.

K. Growth-Inducing and Cumulative Impacts

Annexation in and of itself is not likely to induce growth in the annexation territory. Steady, internal population growth within the Village is well-documented. This steady growth has remained unusually consistent through the Village's recent history despite the presence or lack of common influences including available developable land and municipal infrastructure such as public water and sewage treatment capacity. The FGEIS projects this growth to continue with or without the proposed annexations. While the annexation action is not projected to induce new growth, the annexation territory will serve to accommodate a portion of the expected growth of the local population and therefore it will likely influence the distribution of the anticipated growth.

Notwithstanding the lack of any zoning or development proposals, through the use of hypothetical development projections, the FGEIS identifies the amount of growth and development that could be accommodated in the annexation territory.

With annexation, future development on the annexation lands is anticipated to occur in land use patterns and at densities similar to those in the Village in the vicinity of the annexation territory. A direct effect of annexation, therefore, is that it will facilitate a higher development density on the annexation territory than would be permissible under the Town of Monroe zoning, thereby potentially accommodating an increase in population in this area. Accommodating anticipated growth within the annexation territory will, however, be expected to reduce demand for such development in other areas outside the Village.

Annexation therefore is more influential on the pattern of growth -- how and where it will be accommodated -- and is more protective of the overall regional environment by reducing pressure for suburban sprawl that would likely otherwise occur from the growing population. Any growth inducing aspects of future development of the annexation territory will be localized near where the future development occurs. It is anticipated that new community facilities will be located within the new neighborhoods that are developed.

The provision of expanded public services, such as the Village water supply system and the County sewer system, has already been part of the planning to accommodate future growth in the local area even before the annexation action was presented.

Overall quality of life and community character in local area

In considering the FGEIS, the Village Board was cognizant that SEQRA defines "environment" to include, in addition to physical conditions of the environment, existing patterns of population concentration, distribution or growth, and existing community or neighborhood character. The lifestyle and character of the Orthodox Jewish community is different in some respects than the typical lifestyle and character of surrounding communities. And it is expected that the measures of "quality of life" and "community character" are different for each community.

The annexation petitioners already associate themselves with the existing Kiryas Joel community. Improvement of quality of life and community character, consistent with that in the Village, has been presented as a primary purpose of the Petitioners' request for annexation, which would enable them to become part of a more unified community with the Village. Though future development of the annexation territory may change the existing rural character of some of this territory, annexation will provide for a more logical expansion of the existing community character of the Village. It is acknowledged that, while no lands will be taken by the Village as a result of annexation, there may be impacts to existing residents in the vicinity of the annexation territory who are accustomed to a different community character. However, mindful of this eventuality, the Village further acknowledges that this is a necessary consequence of the growth of the Village and one that was not unexpected as this area has long been identified by the County as a priority growth area. As future zoning and development proposals materialize, future decision-makers are instructed to be considerate of existing neighborhoods when integrating with such future development.

L. Effects on Energy Resources

Future development plans that may materialize after annexation will likely have an effect on the use and conservation of energy resources. Both short-term and long-term energy consumption effects are associated with any development. The majority of the energy utilized in the annexation territory would come from fossil fuel consumption.

Greenhouse gas (GHG) emissions as affects climate change

Development on the annexation territory has the potential to generate greenhouse gas (GHG) emissions from the use of stationary and non-stationary GHG emission sources. Such emissions may potentially have an adverse effect on global climate change.

When site specific development proposals materialize, future decision-makers will need to consider building design and operational measures, efficiency or mitigation of on-site GHG sources, site selection and design measures, and well as transportation measures as part of the site design and development approval process.

The 507-acre annexation may result in higher development density within the annexation territory than if the land is not annexed and remains in the Town of Monroe. Higher density development typically results in a more economical use of the land, which encourages energy savings in comparison to large lot, single family homes that are more typical of the surrounding region.

V. Alternatives Considered

SEQRA requires a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor (the annexation petitioners). The Village Board evaluated the following alternatives:

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

These alternatives are described and evaluated qualitatively in the FGEIS. The potential effects of the 164-acre Annexation Petition of August 2014 are discussed and evaluated in detail in the FGEIS.

No Action Alternative

The No Action alternative assumes that no annexation would be approved. Under this alternative, the local population in and around the Village of Kiryas Joel will continue to grow at the projected rate and development in and around the Village would occur in order to accommodate it. For purposes of the FGEIS analysis, the No Action alternative projects that the annexation territory can be expected to accommodate a portion of the growing population with new residences and associated community service uses to the extent allowed by Town zoning and that the remainder

of the projected growth would be accommodated within the Village of Kiryas Joel. However, the No Action alternative would not make the desired public and community services within the Village readily available to the Annexation Petitioners and would therefore be inconsistent with the objectives of the project sponsors. The No Action alternative would also enable the preservation of an artificial political barrier separating an otherwise unified community.

Land Use and Zoning

The annexation territory could yield up to an estimated 1,431 new dwelling units, or 2.8 units per acre, under existing conditions (No Action / no annexation) and existing Town of Monroe zoning regulations. The Village of Kiryas Joel could yield up to an estimated 2,394 new dwelling units, or an overall density of 9.3 units per acre, under existing conditions (No Action / no annexation) and existing Village zoning regulations. Under No Action, any development proposal in the annexation territory would be subject to the Town planning and zoning reviews.

Demographics and Fiscal

Net fiscal benefits to various jurisdictions are tabulated in the table below.

DGEIS Table 6-1 Revenue & Cost Summary: Without Annexation No Action Alternative			
Jurisdiction	Projected Tax Revenue	Projected Costs	Net Benefit
Town of Monroe	\$2,403,651	(\$1,628,355)	\$775,296
Village of Kiryas Joel	\$2,251,316	(\$861,490)	\$1,389,826
Monroe-Woodbury Central School District	\$9,228,992	(\$8,774,200)	\$484,792
Kiryas Joel Union Free School District	\$10,239,900	(\$9,590,600)	\$649,300
Source: DGEIS Tables 3.2-12 & 3.2-14. Table reflects No Action / no annexation, no change in district boundaries, full projected growth and development in the study area.			

Community Services and Facilities

There would be no reduction in demand on community services and facilities under the No Action / no annexation alternative compared to the annexation action, since continued growth is anticipated. Demand would continue to increase for such things as sidewalks, streetlights, public safety services, parkland and the numerous other services desired by the community that are now available to Village residents.

New development would generate an increase in property tax revenues (as indicated above) and there would be increased market demand for neighborhood or other commercial activities

demanded by residential uses. Differences in projected tax revenues to the Town and Village are listed below (see Table 6-9).

No Action would require the same increases in police staffing (11 personnel) in the annexation territory and public safety officers in the Village (18 personnel) as the proposed action.

No Action would require the same increases in Monroe Fire District staffing (12 personnel) in the annexation territory and Kiryas Joel Fire District staffing in the Village (20 personnel) as the proposed action.

No Action would require the same increases in EMS demand (269 calls) in the annexation territory and in the Village (449 calls) as the proposed action. No Action would have the potential to increase the need for beds in hospitals serving the area by approximately 79 beds, same as the proposed action.

Like the proposed action, the tax revenues generated to the respective municipalities would offset some cost of the increased need for these services that are funded by property taxes.

With regard to other public services, the Village would continue to contract with the Town for public road maintenance under the No Action / no annexation alternative. If new subdivision roads are developed and dedicated to the Town, the Town of Monroe would be required to maintain them.

There will be no expected difference in the cost or availability of County social services without annexation. The cost of services administered by the County will not be impacted based on whether a home is located in the Town or the Village since the property remains in Orange County.

Traffic and Transportation

Modest changes in traffic distribution on the primary roads in and out of Kiryas Joel would be anticipated as the population grows as projected with the No Action / no annexation alternative (also called "No Build" in the traffic analysis). No annexation regional traffic would increase on the various roads beyond the study area due to background growth in other locations, with negligible effect on the study area roadways. Traffic generation is projected to be higher in the no annexation scenario as compared to annexation due to decreased use of transportation services that would otherwise be available to densely developed areas.

Community Water and Sewer Services

There would be no difference in demand for water and sewer services and facilities under the No Action / no annexation alternative since continued growth is anticipated. Annexation property owners would obtain water either from individual groundwater wells or from the Village of Kiryas Joel municipal system via agreements with the Village as out of Village users. However, there is no obligation for the Village to provide water to out of village users, and such usage if allowed would be more costly. In addition, once the Village connects to the Catskill Aqueduct, provision

of City water to areas outside of the Village would require necessary approval of the City and be charged at a higher rate than for in Village users.

All property owners in the study area have right of access to the Orange County Sewer District #1 facilities. However, sewer service would also be more accessible within the Village than if outside due to the existence of sewer infrastructure. Additionally, properties within the Moodna group would not have the guarantee or priority of capacity that comes with being in the Village if the OCSD#1 would expand to include such areas.

Natural Resources

Under the No Action / no annexation alternative, development associated with the anticipated study area growth would occur in accordance with the applicable municipal zoning regulations. The anticipated growth would involve physical disturbance of the land and would affect natural resources (including geology, soils, topography, wildlife and associated habitats, wetlands and water resources). Regulatory protective measures would affect such development.

Cultural Resources

Under the No Action / no annexation alternative, development activities associated with the anticipated study area growth would still occur and physical disturbance affecting cultural resources may likewise occur. Future development will likely change the character of the local landscape. Regulatory protective measures would affect such development.

Annexation of Smaller Land Area (164-Acre Territory)

The 164-Acre Annexation Petition (August 2014) involves a smaller area of land located entirely within the 507-acre territory. Under the 164-acre annexation alternative, residential and mixed use development would be expected to occur on the 164 acres of land in a pattern and at densities that are comparable to recent development in the Village of Kiryas Joel in the vicinity of the annexation territory.

“Study area” under this alternative is defined as Kiryas Joel and the 164-acre annexation territory.

Under the 164-acre annexation alternative, future use of the annexation territory can be expected to accommodate a portion of the growing local population with new residences and associated community service uses to the extent allowed by the Village zoning. The surrounding areas including the remaining lands from the 507-acre annexation alternative and available lands in the Village of Kiryas Joel would accommodate the remainder, according to the applicable zoning. This alternative would alter the development densities in the study area to a small extent from that anticipated for the 507-acre annexation. It is expected that a smaller area of land annexed would result in similarly incremental effects on the various areas of concern identified for the 507-acre annexation. However, the 164-acre alternative would not make the desired public and community services within the Village readily available to all of the Annexation Petitioners in the 507-acre annexation territory. The 164-acre alternative would therefore be inconsistent with the objectives

of the project sponsors of the 507-acre action who have indicated their intent and desire to become an integral part of the Kiryas Joel community through annexation.

Land Use and Zoning

Under the 164-acre alternative, all developable land would be built on by applying the Village's zoning. The FGEIS calculated that this would yield up to an estimated 1,952 new dwelling units. An estimated 1,873 units would also be built in the existing Village area. (Table ALT E- 1 in DGEIS Appendix E provides a tabulation of this development scenario.) The development would most likely be multifamily buildings and neighborhood commercial and community service facilities to serve the new population.

The 164-acre annexation properties are located within the OCSD#1 and have right of access to municipal sewers and would therefore connect to the County system. With annexation, the 164-acre territory would also have right of access to the Village water system.

Overall, the differences between the proposed 507-acre annexation and the 164-acre alternative, in terms of land use, relate to the change in distribution of the population on the land. Both alternatives would conform to the underlying precepts of the Priority Growth Area encompassing the study area that is identified in the County's Comprehensive Plan. Both alternatives would provide land uses similar to existing nearby uses and, in accordance with existing zoning, would place residential development close to local commerce centers and transit opportunities, would address environmental constraints of the land, and would utilize centralized water and sewer services.

Demographics and Fiscal

Town and Village

Like the 507-acre proposal, there would be an estimated 19,663-person increase to the population and an estimated 3,825 unit increase in housing in and around the study area by 2025 with the 164-acre annexation alternative. Of the total number of units, 1,952 are projected to be built in the annexation territory.

There would be a net tax benefit to both the Town and the Village with this alternative, outlined in the table below. (As discussed in the FGEIS, the Kiryas Joel community does not utilize the full extent of Town services, while the calculation is based on the full costs, thus the net tax benefit to the Town could be even greater.) The net benefits would result in modifications to tax rates, which would occur as necessary to balance the municipal budgets rather than produce a windfall to municipal coffers.

The tax analysis is based exclusively upon residential development, however, as the annexed lands are developed they will stimulate commercial growth to support the population. This commercial growth will increase the tax ratables in the Village, further improving the tax revenues necessary to cover Village services.

DGEIS Table 6-2					
Revenue & Cost Summary: With Annexation					
164-Acre Annexation Alternative					
Jurisdiction	Projected Taxes	Residents	Per capita cost	Projected Costs	Net Benefit
Town of Monroe	\$1,593,147	19,663	\$57 Townwide	(\$1,120,791)	\$472,356
Village of Kiryas Joel	\$3,652,725	19,663	\$70 Village	(\$1,376,410)	\$2,276,315
Source: Tim Miller Associates, Inc., 2015.					

School Aged Population

The number of students attending the parochial schools in the entire region is estimated to increase by approximately 8,160 students between 2015 and 2025. The overwhelming majority of the new students would be expected to attend the private schools of Kiryas Joel which serve the unique needs of the community. The parochial schools and to a lesser extent the Kiryas Joel public school will need to expand to accommodate the growing school aged population in the study area. Due to the anticipated cultural demographic of the new population, annexation is not expected to result in a significant number of new students attending the schools of the Monroe-Woodbury Central School District (MWCS D).

Schools and Existing School District Boundary

In the event there is no change in the school district boundary under this alternative, the current school tax revenue received from the 164-acre annexation parcels would accrue to the MWCS D. The MWCS D would also be responsible for providing non-public school services and for paying special education tuition fees to the KJUFSD.

The table below shows the revenues and costs to be generated by the 164-acre annexation territory, with no change in the school district boundary, to the respective school districts after development.

DGEIS Table 6-3A					
Future Public School Taxes With Annexation - Post Development					
Assumes No Change to the School District Boundary Line					
164-Acre Annexation Alternative					
Taxing Authority	Assessed Value	Tax Rate*	Projected Taxes	Projected Cost	Net Benefit
Monroe-Woodbury Central School District	\$115,892,020	\$132.27	\$15,328,460	(\$8,899,000)	\$6,429,460
Kiryas Joel Union Free School District	\$107,926,943	\$74.23	\$8,011,417	(\$6,056,100)	\$1,955,317
* 2015 Tax Rate per \$1,000 of Assessed Valuation.					
Source: Tim Miller Associates, Inc., 2015.					
Revenues and costs are based on the projected assessments discussed in DGEIS section 3.2.					

Schools and Revised School District Boundary

In the event there is a change in the school district boundary under this alternative, the current school tax revenue received from the 164-acre annexation parcels would no longer accrue to the MWCS D. The MWCS D would also no longer be responsible for providing non-public school services or pay the special education tuition fees to the KJUFSD.

The table below shows the revenues and costs to be generated by the 164-acre annexation territory to the respective district after development.

DGEIS Table 6-3B					
Future Public School Taxes With Annexation - Post Development					
Assumes the School District Boundary Line is Changed to new Municipal Boundary Line					
164-Acre Annexation Alternative					
Taxing Authority	Assessed Value	Tax Rate*	Projected Taxes	Projected Cost	Net Benefit
Monroe-Woodbury Central School District	(\$3,412,900)**	\$132.27	(\$451,407)**	\$474,000***	\$22,593
Kiryas Joel Union Free School District	\$223,818,963	\$74.23	\$16,614,082	(\$12,092,000)	\$4,522,082
* 2015 Tax Rate per \$1,000 of Assessed Valuation. ** Represents a removal of property from assessment roles and a reduction in tax revenues. *** Represents the current cost of special education services and transportation which would need to be posted against the MWSD Tax Revenue (assumes 6 Special Education students at \$79,000 = \$474,000 savings.) Source: Tim Miller Associates, Inc., 2015. Revenues and costs are based on the projected assessments discussed in DGEIS section 3.2.					

Community Services and Facilities

Under the 164-alternative, there would be increased demand placed on community services and facilities to service the anticipated growth. The tax revenues generated to the respective municipalities will help to offset the increased need for services funded by property taxes.

This alternative would require increases in personnel at public safety agencies similar to the proposed action, estimated at 30 personnel.

This alternative would require increases in personnel at fire protection agencies similar to the proposed action, estimated at 33 personnel. Annexation does not automatically alter the defined service areas for fire protection. The Kiryas Joel Fire Department does not currently serve any of the annexation territory which would continue to be served by the Monroe Fire Department for primary fire protection until such time as the district boundaries are changed.

This alternative would result in increases in calls for service from EMS personnel between Monroe Volunteer Ambulance and Kiryas Joel EMS to the same extent as the proposed 507-acre action, estimated at 718 calls. This alternative would have the potential to increase the need for beds in hospitals serving the area by approximately 79 beds, same as the proposed action.

With regard to other public services, the Village would continue to contract with the Town of Monroe for public road maintenance so there would be no expected change in the levels of service.

Utilization of Orange County Social Services

There would be no difference in the cost or availability of County social services under the 164-acre alternative. The cost of services administered by the County will not be impacted based on whether a home is located in the Town or the Village since the property remains in Orange County.

Traffic and Transportation

Changes in traffic conditions would result from development projects after the annexation action. The traffic will occur from the natural growth of the population in the study area. Future transportation operations were examined for the No Build Condition (development in the study area without the annexation) and Build Condition (development in the study area with the annexation) thus:

"No Build" traffic is without annexation and with anticipated growth

"Build" traffic is with annexation and with anticipated growth

The future conditions (No Build and Build) analyzed traffic operations in order to make a direct comparison of the traffic associated specifically with the 164-acre annexation alternative. The No Build Condition is the future baseline upon which change in traffic is compared. The Build Condition represents traffic that would result from development of the properties after being annexed.

Alternative No Build Baseline

The Alternative No-Build Condition established a future baseline condition projected from existing counts, from which the future Build Condition can be compared. This is ascertained from predictable factors anticipated up to the build year: (1) improvements in the local road network that are planned or underway; (2) traffic from general population growth in the area; and (3) traffic from identified major development projects in the vicinity. The FGEIS provided descriptions of these factors.

The difference between the No Build Condition for the proposed 507-acre annexation and the 164-acre alternative No Build Condition is that the alternative evaluated a smaller area.

Given the Kiryas Joel community's travel habits (such as heavy use of transit, and walking) the study area dwelling units generate the equivalent of half the external Village vehicular traffic compared to the total generation of a typical dwelling unit represented in trip generation data published by the Institute of Transportation Engineers (ITE). Trip generation is modified by the modal split. The FGEIS provided the modal split of the Village based on Census information (2006-2012 ACS). A future modal split assigned to the annexation territory was based on the Village of Kiryas Joel due to its similar development style. However, sidewalks and other transportation facilities and services available in the Village may not be provided in the no build condition, therefore a slight increase in trips is expected if the annexation does not occur. Hence,

a five percent shift to increase vehicular traffic was projected from the annexation area over the rate found in the Village of Kiryas Joel.

As with the proposed 507-acre annexation, ancillary development such as commercial and community facilities development is anticipated in support of growing residential needs.

ITE trip generation data was used for this analysis and modified based on existing traffic counts and other factors. The total anticipated trips in the No Build condition generated for the weekday AM peak and PM peak hours are 884 and 874 trips, respectively.

Future Traffic with Annexation

Under the 164-acre alternative, 3,825 units are projected to be constructed with 1,952 in the 164-acre territory and 1,873 in the Village of Kiryas Joel, which is sufficient to support a similar level of journey to work modal split and a similar level of business development to what now exists in the Village of Kiryas Joel.

The total anticipated trips in the Build condition generated for the weekday AM peak and PM peak hours are 873 and 858 trips, respectively.

Overall, the 164-acre annexation is anticipated to result in a reduction of one to two percent in peak hour trips into and out of Kiryas Joel when compared to future development under the No Action alternative. With the future growth and development projected for the study area, the distribution described in the DGEIS shows that the 507-acre annexation spreads the traffic growth out to more routes than the 164-acre annexation scenario.

The mitigation measures described for the proposed 507-acre annexation also apply under the 164-acre alternative.

Overall, modest changes in traffic distribution on the primary roads in and out of Kiryas Joel would be anticipated as the population grows as projected for the 164-acre annexation alternative. Regional traffic would increase on the various roads beyond the study area due to background growth in other locations, with negligible effect on the study area roadways, comparable to the 507-acre annexation.

Community Water and Sewer Services

Future Water Demand with 164-Acre Annexation

The primary benefit of annexation as it relates to water supply is the ability of landowners to connect to the Village of Kiryas Joel public water system under a more straightforward, consolidated review of utility connections. Water taking for new development in the Village will be limited by the existing NYSDEC Water Supply Permits and the Aqueduct allocation.

Like the 507-acre annexation, future water demand for the Village under the 164-acre alternative was estimated using the 66.0 gallon per day, per capita water usage times the projected population.

In general, the 164-acre alternative will not result in a water demand substantially different than that resulting from the proposed 507-acre annexation.

The same regulatory requirements for water use would apply to this alternative as for the proposed 507-acre action.

Future Wastewater Demand with 164-Acre Annexation

Overall population growth will be the same under both the 164-acre and 507-acre annexation alternatives, but the density of that development will differ by location. Therefore, the overall demand for wastewater treatment under either scenario will be generally the same and therefore, the potential impacts are expected to be generally the same for both scenarios. All land in the 164-acre territory is located in Orange County Sewer District #1 (OCSD#1).

The same regulatory requirements for wastewater use would apply to this alternative as for the proposed 507-acre action.

Natural Resources

The 164-acre annexation alternative in and of itself would not involve any physical disturbance of the ground and thus, would not directly impact natural resources (including geology, soils, topography, wildlife and associated habitats, wetlands and water resources). However, potential future development activities in the 164-acre territory will occur under this annexation scenario and could result in impacts to natural resources. It is expected that conventional methods of construction would be employed along with commonly utilized resource protections to minimize potential impacts to the natural resources. The same considerations to avoid or minimize impacts to natural resources need to be made by decision-makers for the 164-acre annexation as identified for the proposed 507-acre annexation.

Ground Water Withdrawals

The water supply expansion program underway by the Village which includes a connection to the New York City Catskill Aqueduct will reduce use and reliance on groundwater resources, independent of an annexation action. There will be the same reduction in ground water withdrawals under the 507-acre annexation and the 164-acre alternative.

Surface Water Discharges

Under the 164-acre annexation alternative, there would be no change in the volume or composition of the wastewater discharge from either the Harriman or Kiryas Joel WWTPs. Both plants will be relied on to treat the wastewater from the annexation territory in accordance with their permit requirements to avoid any cumulative effects on the water resources of the Ramapo River.

Cultural Resources

The 164-acre annexation alternative itself would not involve direct physical disturbance of the ground and thus, would not impact cultural resources. Physical disturbance of the ground from future development activity will result which could potentially impact any existing visual and historic/cultural resources. Future development could also change the character of the local landscape from rural to a denser residential character.

Under the 164-acre alternative, there would be no change in character to portion of Seven Springs Road where the Highlands Trail/Long Path hiking trail passes because this area does not fall within the 164-acre annexation territory.

There are no designated significant visual resources nor are there identified historical/cultural resources in the 164-acre annexation territory that would be affected by future development. There are no existing views from local parks that would be affected. Area growth will likely increase use of the local recreational facilities.

A summary matrix of the estimated, quantifiable impacts associated with each alternative compared with the proposed 507-acre annexation action taken from the FGEIS is provided below.

**DGEIS Table 1-5
Alternative Comparisons
By Year 2025⁶**

Area of Concern for the Study Area	<i>No Action Alternative</i>³	<i>Proposed 507-Acre Annexation</i>³	<i>164-Acre Annexation Alternative</i>⁴
Development Potential	Buildout to 2025	Buildout to 2025	Buildout to 2025
<i>Residential Units</i>			
New Residential Units in Annexation Territory	1,431	3,825	1,952
New Residential Units in existing Kiryas Joel	2,394	0	1,873
Total Unit Increase by Year 2025	3,825	3,825	3,825
<i>Community Resources</i>			
Population Increase	19,663	19,663	19,663
School-age Children Increase ¹	8,160	8,160	8,160
Net Traffic generation (AM peak hour trips with modal split)	1056	870 (18% less than No Action)	873 (17% less than No Action)
Net Traffic generation (PM peak hour trips with modal split)	1137	854 (25% less than No Action)	858 (25% less than No Action)
Projected new Water Demand (Average daily flow, mgd)	1.30	1.30	1.30
Projected new Sewage Flow (Average daily flow, mgd)	1.30	1.30	1.30
Net Revenue (Cost) to the Town of Monroe after covering expenses.	\$775,296	\$438,316	\$472,356
Net Revenue (Cost) to the Village of KJ after covering expenses.	\$1,389,826	\$2,379,758	\$2,276,315
Net Revenue Increase (Cost) to the M-W School District after covering expenses ²	\$484,792	\$50,243 ⁵	\$22,593 ⁵
Net Revenue Increase (Cost) to the KJ School District after covering expenses ²	\$649,300	\$1,720,782	\$1,250,282

Notes: All numbers are approximate.
¹ Most school aged children would attend the local parochial schools.
² With KJ School District boundary coterminous with the KJ municipal boundary.
³ Study Area = Village of KJ plus 507-Acre Territory.
⁴ Study Area = Village of KJ plus 164-Acre Territory.
⁵ Net cost represents removal of properties from the assessment roll and the resulting reduction in tax revenues.
⁶ Fiscal estimates based on 2015 information.
Source: Tim Miller Associates, Inc., 2015.

VI. Conclusions

In issuing this SEQRA Findings Statement, the Village of Kiryas Joel Board of Trustees has carefully examined and given due consideration to the Draft Generic Environmental Impact Statement for the 507-Acre Annexation (April 29, 2015); the Final Generic Environmental Impact Statement for the 507-Acre Annexation (August 12, 2015); and public and agency comments on those documents.

The Board is also guided in its determination of Findings by the controlling decisions of the Court of Appeals and Appellate Division (2d Department) related to annexations that do not include officially submitted development plans or zoning proposals that changes the use for which the property may be utilized.

After careful and thorough consideration, the Village Board finds that the proposed annexation of 507 acres of land to 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 zoning and 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 action, the Board finds that the 507-acre annexation action is the alternative that avoids or minimizes adverse environmental impacts to the maximum extent practicable.

The Board also finds that the environmental effects of the 164-acre annexation alternative itself are comparatively no greater or lesser than the 507-acre annexation. As established by the FGEIS, local population growth in and around the Village will occur with or without either annexation. Both alternatives will require further supplemental review once zoning and project specific development plans materialize. The 164-acre alternative is smaller in size and would accomplish the objectives of the subset of petitioners to create a unified community with the Village and to expand the desired available services in the Village to the 164-acre annexation territory. However, the 507-acre alternative will accomplish the same, while at the same time being consistent with the objectives and capabilities of all of the annexation petitioners as project sponsors. Therefore, while the Board finds that the 507-acre annexation is the preferred alternative, the 164-acre annexation is also a viable alternative, with no significantly different environmental effects, and the Village Board finds that when weighed against the social and economic considerations related to the annexation action, is an alternative that also avoids or minimizes adverse environmental impacts to the maximum extent practicable.

Additional specific conclusions that support these findings include:

- Together with the Town Board of Monroe, the Village Board of Trustees is vested by the NYS Constitution with exclusive jurisdiction to consider and make the determination that the annexation of the proposed territory is in the over-all public interest.
- The proposed annexations will afford residents of the annexation territory those public and community services and other amenities not currently or readily available to them outside of the Village.

- Changes in the existing and projected patterns of local population growth in and around Kiryas Joel are not expected to result from the proposed annexations and would remain the same as under the No Action alternative.
- The majority of potential adverse environmental impacts identified in the FGEIS are related to future development of the proposed annexation territory and will appropriately be considered, avoided and mitigated through supplemental SEQRA review and other government actions as such future development projects are presented.
- The existing physical and social characteristics of the annexation territory reflect a unity of purpose and facilities with the Village to constitute a community.
- Concentration of the inherent local population growth within the priority growth area of an expanded Village supports Smart Growth principles and is an appropriate balance to suburban sprawl that exists elsewhere in the region.
- The proposed annexation will enable increased low to moderate income housing that is needed but not readily available in the region.

Therefore, in consideration of the above, the Board of Trustees of the Village of Kiryas Joel, as the Lead Agency in this matter, 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 GEIS and in public and agency comments on the 507-Acre Annexation and 164- Acre Annexation alternative.
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 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, both the 507-acre annexation and the 164-acre annexation avoid or minimize adverse environmental impacts to the maximum extent practicable, 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. While the proposed actions, in fact, avoid or minimize adverse environmental impacts, nevertheless, the imperative necessity to meet the current and anticipated basic needs of local area residents to have access to community services that would otherwise be less available, or unavailable, is of such critical importance that the Board of Trustees would

be grossly negligent in its duty as elected representatives of the people if it did not take responsible action, by means of the proposed annexation, to meet such needs.

7. Therefore, the Village Board of Trustees does hereby legislatively determine that the approval of the proposed 507-acre annexation and/or the 164-acre annexation alternative by the Village of Kiryas Joel 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 507-Acre Annexation Petition and/or the 164-Acre Annexation Petition.

On a vote of 4 ayes, 0 nays, 1 abs., the foregoing Findings Statement is adopted.

Date: 9/6/15

