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County Reply: Non-Mandatory Review of Local Planning Action

Local Referring Board: *Village of Kiryas Joel*
Applicant: *Village of Kiryas Joel*
Project Name: *Annexation of land into Village of Kiryas Joel*
Proposed Action: *Final Generic Environmental Impact Statement for 507+/- & 165+/- acre annexation proposals*

Referral ID #: *KJV01-15*
Tax Map #: *Numerous*
Local File #: *N/A*

Comments:

The Orange County Department of Planning is in receipt of the Final Generic Environmental Impact Statement (DGEIS) for the 507+/- and 165+/- acre land annexation proposals from the Town of Monroe to the Village of Kiryas Joel issued August 14, 2015. We have reviewed the FGEIS as an Interested Agency under the State Environmental Quality Review Act (SEQRA) and provided written comments as follows:

The County of Orange (OC) again restates its view that we are far more than an Interested Agency. The preferred annexation Action includes parkland owned and operated by the County, and both annexation proposals include road rights-of-way owned and maintained by the County. Additionally, the County administers, manages, or provides a significant range of programs and services that would be impacted by foreseeable future growth and development with or without annexation. As such, it is essential that the FGEIS address these impacts and reasonable alternatives that would avoid (or allow mitigation of) such impacts.

Consistent with our earlier comments, these County comments were prepared based on interviews with a range of interested parties and research conducted by a team of the County's senior staff from key agencies. The County was assisted by a professional consultation team led by the Center for Governmental Research (CGR) and the Chazen Companies. While the proposed action alone to annex 507 acres (or alternatively 164 acres) has been represented as a procedural action involving simple adjustments of municipal boundary lines, this proposed action has clear subsequent and related actions that cannot be segmented from the annexation proposal. This includes highly predictable development resulting from the proposed action that has the potential to result in significant adverse environmental impacts to any annexation lands, to the municipalities neighboring these territories, and to infrastructure owned and maintained by the County, in particular the Harriman Wastewater Treatment Plant and County roads.

Again, we find that there are gross deficiencies in the FGEIS concerning environmental, fiscal, and social impact analyses of each annexation alternative. These deficiencies are reiterated below and continue to render the FGEIS inadequate with regard to identifying potential impacts, mitigating or avoiding such impacts and taking a "hard look" as required under SEQRA regulations.

The three part SEQRA "hard look" test requires a lead agency to:

- 1) Identify relevant areas of environmental concern,
- 2) Thoroughly analyze those areas to determine if the action may have a significant adverse impact, and
- 3) Support its determination with reasoned elaboration.

Overall, it is this Department's view that the designated SEQRA Lead Agency, the Village of Kiryas Joel Board of Trustees, has failed to substantively identify and document, quantitatively with logical rationale and reasoned elaboration, the full, relevant areas of environmental concern, or thoroughly analyzed the areas of environmental concern identified through scoping or support determinations made in the FGEIS. As such, we recommend that the FGEIS be supplemented prior to the contemplated approval of any annexation alternative based on the comments provided below.

This Department has four (4) primary comments that we must emphasize. First, as noted above and elaborated in the following comments, we disagree that the environmental assessment can be viewed in a limited way as a simple municipal boundary change – and as such more detailed analysis of inevitable, predictable and subsequent rezonings, land development, and land disturbance activities can be deferred to another review at another time. There is a nexus between the annexation proposed, subsequent rezonings, and expected land development both immediately and beyond 10 years.

Second, we continue to recommend that the analysis for the action go out beyond just 10 years. There are numerous examples, including the Village of Kiryas Joel's own SEQRA documentation for the proposed water supply pipeline and related actions including new source waters north of the Village, where analysis necessarily and rationally exceeds a very constrained 10 year horizon. Other examples include the long-range transportation plans which all project population, housing and employment out a minimum of 20 years. The Orange County Transportation Council's and New York Metropolitan Transportation Council's long-range transportation plans project population to the year 2040, 25 years in the future. Additionally, the OC Sewage Treatment Study (1991) by consultants Hazen and Sawyer projected OC's population out to the year 2020, 30 years in the future.

Beyond 10 years is particularly important in addressing essential capital infrastructure investments, notably water supply and sewage treatment, and will require the assessment, and likely design and construction with significant financing well beyond 10 years' obligations. In the cases of both water supply and sewer, it is known that available infrastructure will exceed readily predictable demand, not such from the Village but also related to regional activities within adjoining and nearby communities who are also, rightly, looking to ensure services for current and future populations. The conditions of demand exceeding service availability cannot be restricted to an artificial limit on analysis set to 10 years.

Additionally, by the DGEIS and FGEIS direct statements as well as significant related public record, it has been represented that growth in and around Kiryas Joel, with or without annexation, is inevitable and predictable. If we accept this premise, then such analysis beyond the inadequate 10 year horizon would then be relatively easy to complete and valuable as key trend analysis against environmental impacts and service demands.

Third, water supply remains a primary concern as an environmental impact; this topic remains inadequately addressed given the lack of analysis of the "inevitable" growth predicted within 10 years and beyond. We already know today that the Village of Kiryas Joel is close to being in a state of water supply emergency. We also know that the regional approach of "*first come, first served*" in sourcing new water supply or expanding

current water supplies can dangerously ignore the likely, and equally important, needs of other communities potentially impacted by growth in and around Kiryas Joel and Monroe. And it is a fact that there are water quality issues in the watershed of which Kiryas Joel is a part, notably concerning chlorides in both the upper Ramapo River watershed and in subregional groundwater. A thorough safe yield analysis of water supply coupled with examination of mitigating measures to ensure adequate and safe supply of potable water for all users in this region - keyed to predictable growth - is needed and should be a supplemental aspect of this SEQRA documentation before action is taken on any annexation proposal.

Fourth, this Department continues to view the SEQRA documentation on alternatives as inadequate. We suggest that there are a fuller range of alternatives without annexation as well as with annexation that can address smart growth or managed growth scenarios that will ensure regional environmental quality. One such scenario is the foundation of the Priority Growth Concept anchoring the adopted County Comprehensive Plan. Additionally, we have previously defined in a variety of policy documents, including the 2005 Southeastern Orange Traffic and Land Use Study, a set of development scenarios for the sub-region that includes Monroe and Kiryas Joel. This Study was finalized with active participation of both the Village of Kiryas Joel and the Town of Monroe, along with contiguous municipalities. These alternative scenarios include: (1) Existing Zoning Full Build Out, (2) Village Center / Transit-focus, (3) Reduced Density, and (4) Infrastructure-Based. Each of these is more fully described and examined in the above Study available both online and in paper format from the County Planning Department. These scenarios can and should be readily adapted into supplemental examination of a fuller set of reasonable alternatives prior to further action on annexation.

I. General Comments

1. The FGEIS does not adequately examine the adverse impacts of growth on the territory proposed for annexation. The document repeatedly relies on a series of statements/assertions that defer analysis and environmental impact assessment and mitigation to an unspecified future date. There are numerous instances in the document which indicate "*the proposed annexation would not involve any physical disturbance of the ground and thus...*" no impacts are anticipated to occur. There will be an increase in land consumed and developed under each annexation proposal. As such, the failure to analyze predictable outcomes from expected and likely land use and development with current annexation proposals, and deferring such analysis to subsequent actions undefined in the FGEIS (presumably rezoning and site specific permit actions), indicates that the environment impact analysis is being deferred to an undefined and uncertain time in the future, constituting segmentation under SEQRA..

For example, the document does not examine how potentially adverse impacts to natural resources (e.g. soils, wildlife, habitat, and wetlands) in the proposed annexation territory will be avoided, minimized, or mitigated. There is no estimate of the disturbance of various resources and no assessment of cumulative impacts as a result of directing growth to this area.

2. The FGEIS assumes population growth within the combined study area (Village and Annexation territory) to be constant under either scenario (annexation or no annexation). It does not estimate the additional growth potential (growth inducing impacts) attributable to either proposed annexation action. If annexation were to occur, the current development potential within the Village's historical boundary still remains. Failing to account for this growth potential within the Village (under annexation) underestimates the long-term potential for growth, and ignores the potential adverse impacts on resources, in particular the demand for potable water and wastewater treatment infrastructure capacity owned and operated by OC. Were the population within the Village to increase as the FGEIS posits without annexation and additional density was permitted within the annexed properties, the total population could be higher than estimated, resulting in significant impacts to the natural environment as well as sewer, water and transportation infrastructure.

The FGEIS provides a discussion of three alternatives – the 507+/- , the less 165+/- acre annexation proposal or No Action. This Department believes there are other reasonable alternatives that can be defined and analyzed that would provide important guidance in determining potential adverse impacts and identifying actions to avoid or mitigate such impacts. For instance, alternatives should be defined according to alternative annexation arrangements, no annexation but development options with rezoning within one or more adjoining municipalities, and/or no annexation and development consistent current zoning and land use regulations. Additionally, an alternative should be analyzed that keys the pace, scale and pattern of growth, development and land uses to available infrastructure (a managed, smart growth scenario) – with zoning as exists now in the adjoining Towns versus with zoning similar to that currently in the Village. Our concern is that adverse effects to areas including potable water, sewer treatment capacity, transportation, and transit facilities have gone largely unexamined.

Population Projection Timeframe: The DGEIS projects the population of the Village out to 2025. The County feels that this is insufficient to account for the long-term impacts of the proposed annexations on infrastructure and service demands. The more appropriate planning horizon would to the year 2040, given that the capacity of the current village plus the annexed properties is likely to become a limiting factor on organic, internal growth at some point within the more extended 25 year period. Long Term Impacts of High Natural Population Increase: The Village of Kiryas Joel at the time of the 2010 Census had one of the lowest median ages of any municipality in the United States; with a median age of 13.2, it was hailed as “the Youngest Village in America.” Per the 2009-2013 American Community Survey 5-Year Estimates, the median age of the Village has dropped precipitously to 11.9. In practical terms, this means that the birth rate within the Village has expanded nearly to its greatest possible extent, and is likely to reach its peak in the next ten years. Once the birth rate has peaked, given the current population trends of the Village, it is unlikely to decrease substantially for some time, resulting in a five-year or ten-year age cohort that will contribute to the aging of the Village, and also to an explosive population increase in approximately 20-28 years. This trend can only be fully examined by projecting the population forward to at least 2040 and incorporating a cohort-aging model.

II. Project Purpose, Need and Benefits

1. The Action is narrowly defined as the annexation of 507 or 165+/- acres from the Town to the Village. The FGEIS states *“The purported purpose of 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 Kiryas Joel, including central water and sewer services, schools, public safety and fire protection services, among many others.”* (p2-1).

Many, if not all, of these services are currently available from the County, Town and or Village (through contractual means) with no justification as to why the annexation is necessary to provide these services.

2. The FGEIS further indicates that population growth of the community *“is inevitable, with or without the annexation territory, given the religious, cultural and social norms”* of the community and estimates that the population will nearly double in ten years growing by 19,663 new residents for a total population of the study area of 42,297. The overarching assumption is that this growth will occur regardless of whether annexation occurs or not, and *“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, nor by available housing, as is typically the case in other communities.”*

The FGEIS indicates *“The Village is the only entity capable of providing sufficient public sewer and water infrastructure and services to the annexation territory.”*

These statements are in conflict with one another and there are several examples of lands within the Town being provided with water and sewer services (including Forest Edge & Vintage Vista).

- 3 The FGEIS projects population growth and the impacts on services and the environment only through the year 2025, noting that significant population or building growth is likely to occur through this period. This is a relatively short planning horizon for this action. The more appropriate planning horizon would be to the year 2040, given that the capacity of the current village plus the annexed properties is likely to become a limiting factor on organic, internal growth at some point within the more extended 25 year period.

III. Land Use and Zoning

1. The FGEIS indicates that the Village has “comprehensive zoning regulations” adopted in 2007 that serve as the Village’s comprehensive plan. The regulatory or policy status of this document is not well understood. Furthermore, The Village of Kiryas Joel also apparently adopted a Comprehensive Plan in 1999. Unfortunately, there is no record of such adoption. There is also no record that this 1999 adopted plan was sent to the Orange County Department of Planning for review as a mandatory referral under NYS Article 12B, Section 239, paragraphs l and m of the General Municipal Law. There is also no record that the Kiryas Joel Village Board of Trustees, Planning or Zoning Boards have referred any mandatory land use and zoning action to OC Planning under this law. This exemplifies Kiryas Joel’s consistent and blatant violations of NYS land use, environmental and public notification laws.
2. The methodology for calculating the development potential of the annexation territory with and without annexation is not described in the DGEIS or FGEIS. The reader is referred to a spreadsheet in Appendix E. The methodology notes that any assumptions should be described. The development potential of the lands in the annexation territory may be restricted by site characteristics including topography, slopes, soils/bedrock, wetlands, and other environmental features. It is not clear which of these resources will be impacted or to what extent. (See also Natural Resources). It is not clear that the development potential without annexation can be achieved given that the lands may require the use of on-site well and septic.
3. There is no discussion of non-residential land uses that may occur under the annexation scenario. The Villages PUD provision permits all forms of uses. The Town’s current zoning does not permit commercial uses. How will non-residential land uses impact the health, safety, and general welfare of adjacent properties? A draft supplemental environmental impact statement to the FGEIS (DSGEIS) should be written and include an analysis of the resultant traffic, demand for water and sewer services, and any resultant impact on community services.
4. The assumption that water service is not available to lands in the annexation territory (under the no Annexation alternative) is not supported by the record. The most recent Forest Edge and Vintage Village projects are served by central water and sewer.
5. A draft supplementary environmental impact statement to the FGEIS (DSGEIS) should be written and address the annexation proposal’s inconsistency with Town of Monroe’s Comprehensive Plan. The annexation territory is comprised of lands currently zoned by the Town of Monroe as Rural Residential (RR-1 and RR-3) as well as smaller areas zoned as Urban Residential Multi Family (URM) units. The Town of Monroe Comprehensive Plan references these zoning areas, and while it acknowledges some of the Rural Residential Areas that may be located in close proximity to the Village, these lands are not identified for increases in development density. The Town of Monroe recommends the use of clustering, limiting tree clearing, avoidance of siting development on ridges, and use low impact development techniques due to development constraints and sensitive characteristics of the lands. Annexation will permit the Village to rezone the lands to PUD and permit development densities inconsistent with the Town’s vision and public interest.
6. Under Mitigation, the FGEIS indicates that the Village of Kiryas Joel will establish a master plan committee to make recommendations on land use issues as means of mitigating impacts of annexation. This section continues to describe various “Smart Growth” initiatives that may (or may not) be considered. The master

plan committee, if formed, is reminded that its proposals are required to be referred to the County Planning Department under Section 239- l and m of the General Municipal Law. The Village of Kiryas Joel is again reminded that it has a history of non-compliance with such referrals.

IV. Demographic and Fiscal

1. **Data Sourcing:** The FGEIS cites data from a number of different sources and years, making a direct comparison of data impossible. A draft supplemental environmental impact statement to the FGEIS (DSGEIS) should be written utilizing consistent data sources in order to form sound conclusions. For example, the FGEIS draws upon several different versions of the ACS 5-year estimates to characterize modal split, vehicle ownership, journey-to-work data, and many other socio-economic variables for the resident population of Kiryas Joel and the annexation areas; thus, allowing the Lead Agency to pick and choose the data that presents the ‘best picture.’ For example, Table 3.4-11 relies upon the 2006-2010 ACS Estimates in standing that 24% of workers in Kiryas Joel utilize public transportation in their journey to work; however, when the most recent 2009-2013 5-Year Estimates are referenced, the percent of workers utilizing public transportation is only 18%. All variables relating to population data in the (DSGEIS) should reference the same inter-censal dataset to present a consistent method of analysis; in this case, the most recent data available from the Census Bureau is the 2009-2013 ACS 5-Year Estimates.
2. **Population Projection Timeframe:** The FGEIS continues to only project Kiryas Joel’s population out to the year 2025. Such a limited timeframe is insufficient, arbitrary and capricious and fails to address the long-term impacts of the proposed annexations on infrastructure and service demands. Given the population density of the Village of Kiryas Joel presently, a ten year build out presents a grossly inadequate picture of the actual impacts of both proposed annexation alternatives. We continue to advise the Village to project the population of the Village according to all three scenarios—without annexation, with the 164-acre annexation, and with the 507-acre annexation—out to 2040 in a supplementary environmental impact statement to the FGEIS. This will be consistent with projection timeframes contained within previous development proposals, and with projection timeframes developed by outside agencies such as the New York State Department of Transportation and the New York Metropolitan Transportation Council. That population growth through 2040 should then be utilized to determine the impact on the Harriman Wastewater Treatment Plant. If this is not satisfactorily addressed, and the true, long-term projections and impact on sewer not analyzed and mitigated under SEQRA, it is conceivable that his office would recommend disapproval of future rezoning petitions as they would be inconsistent with County development policies as espoused in the OC Comprehensive Plan could do anything but recommend against either annexation were this office given the ability to make legally binding comments.
3. The FGEIS asserts that the population will grow at the same rate regardless of whether the annexation occurs or not. A draft supplemental environmental impact statement (DSGEIS) to the FGEIS should be written and address the validity of this forecast in several respects.
 - a. Without annexation, it is assumed that the unit density within the Village will rise from approximately 6 housing units per acre to 9 housing units per acre. A DSGEIS should address whether such a rapid buildout is realistic given the existing residential density in the Village.
 - b. It is not sufficient to simply assert that such a rapid buildout within the Village will unquestionably occur if annexation is denied. What alternatives—including building new housing on lands in close proximity to the Village (but outside the Town of Monroe)—exist, and what would be the implications of such development? These alternatives are not addressed in the FGEIS. The County requests that a supplemental report be prepared, including discussion of these alternatives.

- c. In the event that annexation occurs, will the density within the Village increase regardless? If so, this would enable population growth even greater than that forecast in the FGEIS.
4. If the annexation is denied, physical constraints may force the community to accommodate new families in nontraditional ways, perhaps involving the relocation of established families to other locations to make room for new family formation within the Village proper. A DSGEIS should thoroughly address the impact of the increased population growth that would result from the annexation's denial.

V. Community Services and Facilities

1. Based on the assumption that the population will remain constant with or without annexation, the FGEIS fails to enumerate any impacts on community service costs; however, this assertion is based on very strong assumptions about the ability of the community to increase density within the Village. In order to be complete, the DGEIS should address the implications for community services with increasing the population.
2. Administrative costs for the full range of county-funded and county-administered public services would be influenced by a significant increase in population, regardless of where in Orange County the increase is generated. This may require an expansion of county offices and/or other facilities.
3. OC Parkland & Highlands Trail: The County notes that the Petition for Annexation referred to as the proposed 507 acres Annexation includes the following parcel owned by the County of Orange and operated as parkland - Town of Monroe SBL: 1-1-5, 7.0 acres. The inclusion of County Parkland within the petition for annexation of territory remains a matter of concern and has the potential to cause several impacts that would *not* be in the public interest. While the Petition was filed at the conclusion of the last Administration, no public notice has been located stating that a County-owned parcel, specifically SBL 1-1-5, was being included within and as part of the petition for annexation of territory. This 7-acre parcel constitutes a portion of a County park facility known as Gonzaga Park, and also accommodates the routes of the Highlands Trail and Long Path – two regionally-significant hiking trails. Any future impacts to the park as a result of annexation into the Village of Kiryas Joel must be evaluated within the context of the anticipated scale and intensity of development that will likely occur at neighboring properties, as well as an increase of patronage from nearby Village residents and additional needs for particular amenities or services. Preservation of the aforementioned hiking trails must also be ensured in the future, as such trails are characterized by undeveloped, natural landscapes and dramatic scenic views of Orange County; as such, any new development on the annexation territory will have the potential to negatively impact the natural qualities of these regionally-significant hiking trails.

VI. Police and Public Safety Services

1. A DSGEIS should better articulate the capacity of the 45 public safety officers employed by the Village.
2. The Orange County Civil Service Office lists only the title of 'Watchguard' for the department of Public Safety in Kiryas Joel but lists only five employees in that job classification. This substantial discrepancy should be addressed by creating a job description for Public Safety Officer with accurate qualifications and properly listing the professionals that work in this job title.
3. The Urban Land Institute methodology used in the FGEIS for estimating staffing needs for police and public safety is based on ratios developed twenty years ago. The applicant should have developed a staffing model by estimating the needs based on the specific portfolio of services needed in the community, the anticipated demand for those services based on historical trends, and the community environment.

4. The FGEIS does not consider the increase in calls in the neighboring communities that would be generated from the increased traffic volume on local roads and increased residents and visitors to the neighboring communities. This volume of calls would place additional stress on neighboring law enforcement agencies.
5. The FGEIS should clarify the existing presence of law enforcement in the Town of Monroe. As presently written, it overstates the availability of both the NYS Troopers and the Orange County Sheriff's Department. NYS Police Troop F is the primary responder to the town and several neighboring communities with between 1 and 3 units available to patrol and respond. The County Sheriffs do not maintain a presence in the community and respond to requests only when NYS Police Troopers are not available.

VII. Fire Protection

1. The FGEIS does not state whether or not the Village or residents of the annexed area would seek to reduce the boundaries of the Monroe Joint Fire District after annexation. If the boundaries of the district are reduced, the Monroe Joint Fire District will see a reduction in tax revenue with no presumed change in demand for services. A DSGEIS should address how that negative impact should be addressed and how the Village will offset the lost revenue.
2. Most of the proposed area of annexation does not have municipal water and fire hydrants. The proposed structures, even with sprinklers, have the potential for large fires from the substantial use of combustible materials in their construction. A DSGEIS must address the adequacy of water supply for fire suppression including hydrant locations, water pressure, and flow rates. In areas where municipal water is not present, resources for water such as draft points and cisterns should be considered as part of the application.
3. Kiryas Joel Fire Department relies on mutual aid from neighboring departments to extinguish fires where self-contained breathing apparatus (SCBAs) are needed. As indicated in the Orange County Mutual Aid plan: *"Under generally accepted standards (ISO Municipal Grading Schedule), a fire department is expected to have appropriately trained manpower and equipment to handle two emergencies of moderate proportion. In essence a fire department would be expected to be able to at least fill a first alarm assignment and still have available resources to provide a minimal level of protection to its jurisdiction."* Expanded territory and population will inevitably lead to additional requests for mutual aid to provide essential fire protection services that the Village should be able to provide on its own. A DSGEIS should present a mitigation plan to prevent this unreasonable burden on neighboring departments unless a mitigation plan with sufficient trained firefighters on duty is enacted.
4. The FGEIS asserts that the KJFD has 8 paid fire fighters that are SCBA rated interior firefighters. Available information shows that there are five part time employees with the civil service title firefighter and one full time fire chief with the civil service title of laborer. Interviews with local fire officials outside of Kiryas Joel and from the KJ administrator indicate that the KJFD only uses paid firefighters on approximately 75 days of the year. This substantial discrepancy in the FGEIS dramatically overstates the current manpower capability of the department and should be corrected.
5. The proposed staffing impact described in the FGEIS appears to be based on the ratio of full time fire fighters to residents. This method is inappropriate for a community served by fully volunteer firefighters (Monroe Fire District) or a combination of part time firefighters and volunteers (Kiryas Joel.) The FGEIS staffing estimates must first address if the annexed area will be served by Kiryas Joel through diminishment of the existing fire district. If it will become responsible for the area, it should address how the department will meet industry standards for staffing and operations (such as NFPA 1720: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations and Special Operations to the Public by Volunteer Fire Departments) without reliance on mutual aid for basic fire department operations. If the area will remain in the Monroe Joint Fire District, a DSGEIS should consider if the

increased call volume will necessitate the addition of paid staff at the Monroe Fire Department to handle the increase in calls.

VIII. Ambulance and Health Services

1. A DSGEIS should clearly state the boundaries of the Ambulance Operating Certificate of Kiryas Joel Volunteer EMS (KJEMS), how annexation will affect those boundaries, and whether services to any person could be affected.
2. The impact numbers for increased calls in the Village and neighboring areas in the FGEIS are based on twenty-year-old ratios. A DSGEIS should create more accurate projections of future demand for service for both KJEMS and Monroe Volunteer Ambulance based on existing calls for EMS service in the community and population growth.
3. If the area is not annexed into the Village, a DSGEIS should identify how residents in that area will access EMS services and if the Monroe Volunteer Ambulance will need to adjust its staffing model to handle the increased call volume.
4. In the FGEIS, the estimated need for additional hospital beds are based on ratios developed more than twenty years ago. A DSGEIS should ascertain the impact of an increase in the share of population on Medicaid on the fiscal health of local healthcare facilities.

IX. Health

1. The FGEIS fails to address the existing conditions and potential impacts of the annexation on early intervention evaluations and services provided to children from birth to age 5, many of whom reside within the Village of Kiryas Joel. County program costs for early intervention include, but are not limited to: evaluation, transportation, respite, and related services.
2. The FGEIS fails to address the county's programmatic costs associated with monitoring and issuing permits for children's camps; food service establishments; school food services at non-public schools; and swimming pools. As noted above, commercial expansion associated with population growth is not adequately addressed in the DGEIS.
3. Public health issue impacts – both existing and future –in the FGEIS are inadequate. There is a direct correlation between population density and infectious disease prevention and transmission (e.g. mumps). The increase in population forecast in the FGEIS will have the effect of increasing population density overall. Increases in direct costs associated with planning and monitoring immunization programs need to be addressed.

X. Social Services

1. The FGEIS asserts that there will be no impact of annexation on social service costs based upon two assumptions. First, that the net population increase will be negligible as the annexation only affects the location of population growth, not the net increase. As noted above, however, the assertion that total population growth will be identical with or without annexation is not well supported. Acknowledging that the annexation option enables more rapid and greater population growth, a DSGEIS should address the potential implications of increased service demand. These impacts will be even greater if a more realistic planning horizon (e.g. through 2040) is adopted in the DSGEIS.

Second, the FGEIS notes that the largest components of social service costs—particularly Medicaid and Supplemental Nutrition Assistance (SNAP), are funded by state and federal taxpayers or, as in the case of Temporary Assistance to Needy Families and many other county services are not used by residents of the Village of Kiryas Joel. Although the fact that program costs are currently funded by state and federal

taxpayers does not mean that there are no impacts on county taxpayers, as Orange County administers these programs. This funding assumption is used in the FGEIS to avoid the obligation to forecast future social service costs, including administrative and indirect expenses.

XI. Traffic & Transportation

1. **Traffic Study Methodology:** The traffic study in the FGEIS is deficient and inherently flawed given that reductions in vehicle trips are estimated from the American Community Survey and by utilizing traffic counts. The appropriate calculation would be fashioned by conducting a comprehensive origin and destination survey to calculate vehicular trips by dwelling unit type in Kiryas Joel. Traffic counts into and out of Kiryas Joel were compiled for OC Road 44, Forest Rd., Bakerstown Rd. and Acres Rd. and used to reduce all vehicle trips generated by the 4100+ households in Kiryas Joel (referred to as mode split in the FGEIS) by 18% and 25% for the AM and PM peak hours, respectively. However, traffic from significant thoroughfares at the cordon line into and out of Kiryas Joel (Seven Springs Rd, CR 44 (North), Bakerstown Rd. (North)) were not counted or included in the total trips made by Kiryas Joel inhabitants. The use of Saturday traffic conditions in Kiryas Joel to estimate through traffic are unacceptable. As a result of these numerous flaws in the traffic analysis, trip reduction (mode split) is overestimated in the DGEIS.

Origin & Destination Survey: There is no question that vehicle trip characteristics made by Kiryas Joel families are unique. Women do not drive for religious and cultural reasons. Household vehicle ownership is low. A large number of people rely on mass transit services to commute to work. The numbers of taxi and car service trips are also much greater than other communities. These travel characteristics are so unique that a comprehensive origin and destination study is needed to obtain statistically significant trip generation rates and to accurately estimate through and pass-by traffic, as well as estimate overall traffic and air quality impacts of the proposed FGEIS annexation alternatives.

2. **Traffic Study Components:** Several key components that characterize a comprehensive traffic impact study, including a safety/accident analysis, an intersection level of service (LOS) evaluation, and a narrative of the anticipated traffic impacts and any changes in LOS for existing roadways within and surrounding the Village, are missing from the traffic analysis. Changes in the distribution of traffic on area roads due to annexation have also not been analyzed to any extent in the FGEIS.

Overall, the Traffic portion of the FGEIS does not adequately address traffic concerns associated with the annexation actions. The FGEIS only examines the number of trips generated and does not address the impacts of those trips to specific intersections and roadways. There is also no review of safety and or accidents. An operational analysis is the traditional standard when evaluating potential traffic impacts of an action. These should be incorporated within a DSGEIS.

3. **Truck Traffic:** The FGEIS indicates that "...commercial development is anticipated to grow in step with the growing residential needs, generally comprised of the existing balance of truck and vehicle traffic along with a similar proportion of internal trips with commercial destinations." The growth and impact of commercial truck traffic due to annexation will affect roads within and surrounding Kiryas Joel. The impact of increased truck traffic to area roads and air quality has not been analyzed to any extent in the FGEIS. This analysis should be incorporated within a DSGEIS.
4. **Annexation Alternatives Traffic Impact:** The DGEIS asserts that annexation produces fewer new trips than growth without annexation produces, and therefore the annexation action is not responsible for any mitigation since the mitigation would have been required anyway. One of the basic premises of the traffic discussion that fewer trips are generated under the annexation action than under no annexation is not substantiated. There is also no sound statistical or mathematical rationale in the FGEIS for reductions in vehicular trips and assumed traffic impact between the no-build, 507 and 165 acre annexation alternatives. The use of travel and trip-making characteristics from the Village of Harriman ACS and applying them to the

507+/- and 165+/- acre annexation alternative areas is unjustifiable given that the 507 and 165 acre alternative areas do not share any common characteristics to any degree with the Village of Harriman.

5. Mass Transit Utilization: The community relies on mass transit to address transportation needs and is one of the primary underlying assumptions for reducing vehicle trips in the traffic analysis. However, there is no discussion on how mass transit services will be provided to the annexed property area and how mass transit will reduce trips and assumed traffic impact quantitatively. A near doubling of the population will place significant demands on the transit system. Transit routes will vary depending on the annexation alternative selected, along with local street geometry, thereby affecting roadway capacity and levels-of-service. These concerns should be addressed in a DSGEIS.
6. The traffic analysis relies, in part, on the construction of transportation improvements conceptualized in the Southeast Orange County Traffic and Land Use Study to address any impacts of increased traffic. There is no discussion in the FGEIS on how the annexation/no annexation alternatives may impact the demand and/or timing of planned improvements. There is no discussion about the timing of the growth, the distribution of this traffic based on the timing, or what impact this will have on the system if particular improvements are not in place.
7. There is no discussion of how construction related traffic will impact the highway network. As a result of the planned action (and the alternative), a greater volume of construction activity will occur in the annexation territory. The distribution of this traffic will vary and should be explored and discussion should occur about traffic impacts during mass gatherings as well. Although the Lead Agency states that construction activity has been accounted for in future traffic volumes, no details are provided regarding this analysis. A complete traffic study should be included in the DSGEIS, including discussion of construction related traffic.
8. In the Mitigation Measures section of the FGEIS it states that "As the traffic impacts are not expected as a direct result of annexation action, mitigation measures are not required for the annexation action." In addition the FGEIS notes that "Traffic impacts are not expected as a direct result of the annexation action but rather will evolve over time as growth takes place." This assertion amounts to segmenting the action from a readily foreseeable impact.
9. The FGEIS also contends that no traffic impact mitigation is required as a direct result of the annexation based on the fact that annexation will produce fewer trips than would normal development. If traffic generation is a result of annexation and introduces new trips to the study area, then mitigation from the impact of these trips must be considered based on the results of a quantitative analyses of the impact of the trips generated by annexation. The annexation action is a specific project and as such should be considered as generating new traffic and being responsible for associate mitigation.
10. The FGEIS compares 2014 counts conducted around the Village of Kiryas Joel to "Kiryas Joel External" trips based on an "External Percentage". This "External percentage" is "computed based on Saturday traffic being pass through traffic as a percentage of Sunday traffic for the day ending 5 p.m." The rationale behind this method should be explained in more detail, and quantitative details should be provided showing how the external percentages were arrived at in a DSGEIS.
11. The FGEIS and Appendix F present several tables showing trip rates for two land uses – 220 Apartments and 330 Condos. These rates are different for the same land uses in the various tables. The rational for these discrepancies should be explained or the errors corrected in a DSGEIS.
12. Modal splits are discussed in the FGEIS and then are applied to trip generations to arrive at adjusted (lower) trips. Where did these percentages come from? The quantitative method of arriving at the percentages should be provided in a DSGEIS.

XII. Community Water and Sewer Services

1. There is a plan under development to connect the existing Kiryas Joel water distribution system to the Catskill Aqueduct. In the meantime, the Village continues to develop groundwater sources in order to meet demands within the system. Plans, however, have not been submitted and finalized for either the connection to the aqueduct, or to continue to develop groundwater sources until such time as that connection is made.

This does not necessarily mean that the Village will be unable to meet system demands (regardless of annexation), but proper planning is necessary to show how the Village will meet those demands as growth and system usage continues to increase. There is an assumption that adequate supply exists from both groundwater and aqueduct sources, but little mention is given to how this will be implemented or how it will be scheduled to keep pace with demands.

Annexation is anticipated to accelerate the rate of development and demand for utilities. There is no correlation of when new dwelling units will be brought on line and how this will correlate with the associated demand and available capacity of systems. This analysis should be provided in a DGEIS.

2. There is no plan to expand capacities at the Kiryas Joel Sewer Plant (KJSP). Currently, overflows from the pump station are routed to the Orange County collection system for treatment at the Harriman plant (i.e., with the exception of flows from the poultry processing plant, flows to the KJSP are limited by pumping rates). While there is currently existing capacity at the Harriman plant, a facility study has been commissioned by the County to identify means of increasing treatment capacity within the Sewer District in order to meet projected future flows throughout the District.

The cost of any potential expansions at Harriman will be shouldered by the entirety of the sewer district, even though growth rates, and thus treatment capacity allocation, are anticipated to be substantially greater within Kiryas Joel than other areas of the District. This is not inconsistent with the Orange County Sewer Use Law, nor is it in conflict with general sewer district practices. However, the statement that *"...annexation will not result in negative fiscal impacts to OCSD#1"* in the FGEIS is not fully examined or substantiated.

With respect to wastewater, growth in the annexation area will result in increased capital costs throughout the District. While these costs may be mitigated by the addition of new users to share the burden, no discussion of this aspect is included in the FGEIS. A DSGEIS should provide an analysis of the capital costs that are attributable to growth within Kiryas Joel/Annexation territory and how these capital costs will be assessed to the users.

Water Supply

1. The FGEIS seems to suggest that because population growth is constant under either scenario (annexation or no annexation) the water and wastewater service requirements are also equivalent. However, without annexation, a portion of anticipated growth would occur in surrounding Towns typically serviced with conventional on site wells and septic systems. Therefore the 'no annexation' scenario precludes the need for a share of the centralized water and wastewater infrastructure currently planned. A DSGEIS should examine the benefits and/or liabilities associated with relieving expansion pressure on centralized W/WW services by the use of distributed W/WW services under the 'no annexation' scenario.
2. The FGEIS indicates that centralized water available to the Village will include use of the Mountainville test wellfield which remains under permitting review. Use of this well field has not yet been approved and would constitute an inter-basin water transfer, importing water to Kiryas Joel from the nearby Woodbury Creek watershed. This uncertainty and the impacts of the inter-basin transfer should be addressed in a DSGEIS.

3. A 2011 Mountainville Well pumping test report by the applicant's consultant (LBG) describes a 425 gpm pumping test at this site, and includes calculations suggesting that 1,212 gallons per minute might be supported by this location. On August 12, 2010, the Chazen Companies recorded a flow of just 2.14 cfs (960 gpm) in the Woodbury Creek (August 2010 field report by Chazen for OCWA) during a period when reference watersheds with available performance statistics indicated lower flows would be expected approximately 10% of the time. Thus Woodbury Creek flows of approximately 960 gpm or less currently occur over more than one full month per year. Interbasin transfers remove water that ultimately leave watersheds by streams, so a continuous 425 gpm pumping rate would remove half or more of the flow of the Woodbury Creek for more than one month per year, and fully dry the streambed for more than one month per year if a pumping rate of 1,212 gpm is used.

The FGEIS does not confirm the volume of water needed from the Mountainville test well site. The analysis also does not discuss stream or biological impacts of such gallon-for-gallon flow reductions in Woodbury Creek under either the demand rate under the 'annexation' scenario or the likely lower demand rate under the 'no annexation' scenario when a share of the proposed growth might be supported by individual wells.

The Woodbury Creek is a Class C(TS) stream indicating it has the capacity to support trout species and serve as spawning habitat; the Creek also hosts other native aquatic species, and is abutted by substantial riparian wetlands. Benthic macro-invertebrate sampling overseen by OCWA has occurred on the Woodbury Creek four times, in the years of 2005, 2006, 2010 and 2012, documenting slow declines in ecological habitat condition, with the latest known (2013) report identifying Slightly Impaired water quality. Depleted stream flow would presumably pose additional stress on this creek, requiring analysis in a DSGEIS.

The August 12, 2010 Chazen gauging data also indicate that the Woodbury Creek provides fully half of the flow of the Moodna Creek below their point of confluence. An interbasin removal of 425 gpm from the Mountainview wellfield would therefore reduce the lowest month flows of the Moodna creek by 27% or more, with greater flow depletion if up to 1,121 gpm are removed from the Moodna Creek. The existing conditions and impacts of such flow depletion on the Moodna Creek below its confluence with Woodbury Creek require evaluation in a DSGEIS.

4. Inter-basin Water Transfer: The FGEIS readily states that withdrawal of 612,000 gallons per day (GPD) from the Mountainville well will occur for at least one if not two years because of KJ population growth and annexation. This will occur until approval and a connection to the NYC Aqueduct is made. NYSDOH requires that redundancy exist with the most productive well out of service. With the projected growth of Kiryas Joel, as reported by Tim Miller, in all likelihood the Mountainville and/or the Star Mountain Well Fields will be in service even if the Village is eventually connected to the NYC Aqueduct. This constitutes a planned exportation of water from the Woodbury Creek and Moodna water basins to the Ramapo water basin. The water withdrawal and transfer will impact the ability of municipalities in the Woodbury Creek and Moodna basins from developing residentially and commercially; thereby impacting their community viability. This impact needs to be analyzed in a DSGEIS.

XIII. Natural Resources

1. There is no comprehensive assessment of the suitability of the annexation territory to accommodate the projected growth similar to current development densities in the Village of Kiryas Joel. For example, the topographical map provided does not quantify/characterize that portion of the annexation territory where slopes may exceed 15% or 25% making development of the areas problematic.

Similarly, the document lacks sufficient detail/illustration of the soil types of the annexation territory. It does not provide a breakdown of the target area by soil type, making it difficult to make an assessment of the land areas suitability for development. The document does note that "*The SCS identifies potential*

limitations for these soils related to excavations and development of roads and buildings due to their physical and chemical characteristics”..

The assumption is that the annexation territory has the capacity (by virtue of zoning) to accommodate growth under the current zoning scheme. There is no justification provided, however, as to how a higher density is achieved under new zoning and a higher development density alternative proposed by the Village of Kiryas Joel. This is a critical issue and a land use plan should be developed to demonstrate the carrying capacity of the annexation lands to accommodate this growth. A comprehensive assessment should be developed to understand the impacts and substantiate the planned annexation in a DSGEIS.

2. **Stormwater Impact:** The annexation territory will be developed at a higher density under the annexation proposal. Provision of stormwater management measures can become problematic at higher densities especially on sites with development constraints such as those of the annexation territory. The stormwater impact/mitigation possibilities should be discussed in relation to the annexation proposals in a DSGEIS.
3. **Wetland Impacts:** The FGEIS states that there are no wetlands within the annexation territory. This is not the case; the wetlands map in the FGEIS notes five areas designated as wetlands by the National Wetlands Inventory. Additionally, the annexation territory may contain numerous locally-regulated wetlands and/or areas of hydric soils smaller than 12.4 acres, which would need to be delineated in order to accurately assess and evaluate the potential for adverse impacts to wetland areas. There are also wetlands within the existing boundary of the Village, designated both by the National Wetlands Inventory (NWI) and the New York State Department of Environmental Conservation (NYSDEC). Development of the annexation territory can put additional strain on all wetlands. A DSGEIS should analyze the impacts discussed both within the annexation territory and the Town of Monroe consistent with the Town of Monroe Local Law entitled “Local Freshwater Wetlands Local Law of the Town of Monroe in Chapter 56 of that Town’s Code. The clearing of vegetated areas and the creation of impervious surfaces can lead to increased volumes of stormwater runoff draining into wetland areas; stormwater runoff in developed areas typically contains sediment and pollutants such as road salt and vehicle fluids, which can significantly impact the health and ecology of a wetland.

In addition to concerns of site-specific wetland identification and the overall threats and generalized impacts to wetlands that will parallel development of the annexation territory, it remains critical to evaluate the magnitude and potential extent of these impacts given the locally-significant framework of wetland protection in the Town of Monroe. In 1990, the Town of Monroe adopted Chapter §56 of the Town Code (entitled “Local Freshwater Wetlands Local Law of the Town of Monroe”) which stated the legislative intent of the Town Board to preserve and protect wetlands, and established a set of criteria and procedures through which the Town Board, Town Engineer/Building Inspector, and Planning Board could proactively enforce the protection of wetlands. To this day, this chapter represents one of the most comprehensive, robust pieces of local legislation that pertains specifically to wetland protection; §56-1 states the following as the Legislative findings and applicability of the chapter:

“A. The Town Board of the Town of Monroe finds that the preservation and protection of wetlands is a matter of concern to the town. This chapter acknowledges that wetland areas constitute an important physical, economic, social, aesthetic and recreational asset to existing and future residents of the town. Wetlands are part of an ecosystem that, if not protected, can cause or aggravate flooding, erosion and diminution of surface water and groundwater resources and may pose a threat to the health, safety and welfare of the people of Monroe and the surrounding region.

B. Current New York State Department of Environmental Conservation (NYSDEC) law regulates activities in and adjacent to wetlands 12.4 acres and greater. Wetlands less than 12.4 acres are considered local wetlands and shall be subject to the procedures and conditions set forth herein."

Given the conveyed importance and comprehensive regulation of wetlands throughout Chapter §56 of the Town Code of the Town of Monroe, the annexation of 500+ acres of Town territory into the Village of Kiryas Joel would effectively reduce the extent of wetland areas that are regulated by the Town. The annexation of territory would thus serve to enable degradation of wetlands within and surrounding the annexation territory, and would also subsequently impact the surface water resources and drainage basins that are hydrologically connected to those wetlands. A DSGEIS should address and mitigate these impacts.

4. Impacts to the Ramapo River: This continues to go unaddressed in the FGEIS. The Village wastewater system, which will be serving the bulk, if not all, of the development occurring in the proposed annexation territory, drains into an unnamed tributary of the Ramapo River. The unnamed tributary has been shown to have high levels of salinity, a degradation of the water quality that can be traced directly to point and nonpoint source pollution occurring within the current Village boundary. Additional development in the annexation territory would further degrade water quality in the unnamed tributary and farther downstream in the Ramapo River watershed.

There is also scientific data that indicates that chicken have a high degree on antibiotic resistant E. coli. Given the increase in population attributable to annexation and the fact that the Kiryas Joel chicken processing plant indirectly discharges treated effluent by way of its sewage treatment plant into the Ramapo River, this potential health and environmental hazard should be thoroughly analyzed in a DSGEIS.

5. According to the OCDPW Environmental Facilities Division, which is the administrator of OC sewer District No. 1 and operates the publicly owned waterwater treatment plant in Harriman, NY, the Village of Kiryas Joel Water Department is a significant industrial user of the Harriman STP since it discharges greater than 25,000 gpd of non-domestic wastewater and introduces pollutants into the system from its water treatment backwash water. In particular, the Village of Kiryas Joel Water Department has failed to comply with the Pretreatment Standards and Requirements by signing an industrial pretreatment discharge permit, authorizing OCSD#1 to monitor its water treatment plant discharge and submit periodic compliance reports to OCSD#1. The Village of Kiryas Joel Water Department has failed to comply with the Orange County Sewer District No. 1 -Harriman STP USEPA approved Industrial Pretreatment Program as required by Federal Regulation 40 CFR Part 403 and the Orange County Sewer Use Law of 2008. As such, the OC Environmental Facilities Division has requested that a condition to the Mountainville Pump Station permit be instituted requiring the Kiryas Joel Water Department to comply with US EPA Pretreatment Program regulations. This environmental impact to the Ramapo River a sole source aquifer system should be thoroughly analyzed and mitigated in a draft supplemental generic environmental impact statement to the FGEIS.

XIV. Cultural Resources

The document suggests that the proposed annexation territory is visible from the Highlands Trail/Long Path located less than ½ mile north of the site. There is no estimate of the anticipated land clearing and loss of vegetation associated with annexation. There is no documentation of the potential visibility (i.e., photographs, zone of visibility analysis) provided to substantiate this claim or to understand the potential impacts.

XV. Thresholds for Future Environmental Reviews

The Village of Kiryas Joel has consistently failed to abide by land use, zoning and environmental laws (SEQRA) as documented in past court cases and regulatory sanctions issued by the NYSDEC. There is no record that the 1999 adopted Kiryas Joel Comprehensive Plan was ever sent to the Orange County Department of Planning for review as mandated under NYS Article 12B, Section 239, paragraphs l, m and n of the General Municipal Law. In fact, there is no record that the Kiryas Joel Village Board or the Kiryas Joel Planning or Zoning Boards have ever referred a mandatory land use or zoning action to OC Planning for review under this law.

XVI. Alternatives

According to SEQRA, "agencies shall use all practicable means to realize the policies and goals set forth in this article, and shall act and choose alternatives which, consistent with social, economic and other essential considerations, to the maximum extent practicable, minimize or avoid adverse environmental effects, including effects revealed in the environmental impact statement process." It is clear that the FGEIS makes no attempt to determine and analyze viable alternatives that would minimize or avoid significant impacts to the environment, water, wastewater and transportation systems. While State Law may not expressly require a comprehensive land use plan be drafted before a vote on annexation is taken, the same would undoubtedly present the truest impact of the annexation. A clear land use plan done in advance of the annexation vote would be in the overall public interest and the County recommends the same be completed in a DSGEIS.

If annexation does not occur, those who may move into the annexed territory may choose to live in the adjoining or nearby municipalities where current Kiryas Joel community members own land and/or reside such as Chester, Woodbury or South Blooming Grove. This alternative may assist in mitigating impacts on water, wastewater and the transportation system. This alternative was not analyzed to any extent in the DSGEIS and should be included.

XVII. Growth-Inducing Aspects and Cumulative Impacts

1. The FGEIS does not adequately address induced growth and cumulative impacts. The position of the proposal is that growth will occur regardless of annexation and the impacts of growth are somehow not linked to annexation. The FGEIS acknowledges that annexation will increase development density within the annexation territory similar to the Village's density and development patterns. In many instances the FGEIS defers the evaluation of the impacts of readily foreseeable resultant actions (i.e., rezoning, extension of utilities) to sometime in the future and suggest that impacts be evaluated on a case by case basis as they happen. This is contrary to sound planning practices and constitutes segmentation of the proposed actions under SEQRA..
2. The Town of Monroe zoning is largely restrictive of multi-family development at higher densities. Under the annexation alternative, the property will be rezoned on a case by case basis utilizing the Villages zoning scheme which allows all uses without density restrictions under its Planned Unit development (PUD) provision. Rezoning of the annexation territory is a readily foreseeable consequence of the action; the document notes this in several locations indicating that higher densities will be permitted. A generic EIS is the appropriate tool to analyze a series or sequence of actions having common or cumulative impacts on a particular resource. This analysis should be provided in a DSGEIS for the proposed annexation alternatives.
3. The growth rate of the Village is likely to accelerate as a result of annexation. Once annexed, lands will be rezoned according to PUD, allowing high density development and thus making development of the properties more lucrative to individual land owners. The FGEIS should include a discussion of how this

growth may be managed so as to avoid exceeding the available carrying capacity of various utilities and facilities that are necessary to accommodate this growth.

For instance, the FGEIS asserts there will be no traffic impacts; there are a number of publicly sponsored transportation improvement projects which the applicant relies on being in place in order to make this assertion. Similarly, the project sponsors rely on the connection to the City's aqueduct for water and expansion of the County's Harriman WWTP for sewer treatment capacity. The timing of these improvements is not clearly defined with respect to the growth anticipated under either scenario (annexation versus no annexation). Absent of these improvements, there are a number of adverse impacts that are not fully identified and explored.

Additionally, we provide the following new comments prepared by the County Department of Public Works relevant to this FGEIS and significant potential environment impacts to water resources and water supply and sewage treatment infrastructure.

1. In 2015 the DEC has included a new "draft" limit in the Harriman STP SPDES permit for TDS (Total Dissolved Solids) of 500 mg/l (daily max.) and Chlorides of 250 mg/l (monthly average - summer) and 300 mg/L (monthly average - winter).
2. The draft limits for TDS and chlorides were established by the DEC using Water Quality Based Effluent Limits (WQBLs) for discharge to the Ramapo River; they were not established using Technology Based Effluent Limits (TBELs) since the Harriman STP does not have technology installed to remove TDS and Chlorides; which results in 100% pass-through for these parameters. Therefore, this results in loadings to the receiving stream in excess of the water quality standards.
3. The DEC is aware that the receiving water of the Ramapo River for the Harriman STP is impaired by TDS and has elevated levels of Chlorides. The levels are to the point that the State has set draft limits for an end of pipe discharge from the Harriman STP using the state water quality standards. See comment #1 above for the draft limits.
4. To bring the water quality of the Ramapo Drainage basin into compliance with the CWA and state requirements a Total Maximum Daily Loading (TMDL) analysis for TDS and Chlorides would need to be performed. This is the responsibility of the DEC to perform and if the DEC does not perform the study then the responsibility rests with the EPA. The intent of the study is to identify sources of TDS and Chlorides that are causing the water body to be impaired including point and non-point sources from wastewater treatment plants, backwash water discharge to lagoons for drinking water, urban runoff of stormwater (MS4), water sources, stream tributaries, industrial discharges (such as KJ Poultry) etc. The TMDL would then provide guidance to best manage the basin by identifying and removing pollutants at the source, set Wasteload Allocations (WLA's) for point sources (i.e., STP's) to establish discharge limits, require installation of technologies to remove TDS and Chlorides before an end of pipe discharge (eg., installation of Reverse Osmosis by industrial users and drinking water plants), best managing or eliminating the use of road salt, etc. Without this TMDL analysis, its premature for the DEC to determine that there is capacity for these or other water quality parameters.
5. KJ Poultry is a significant contributor to the TDS and Chloride issue for the Ramapo River. Currently, approx. 5 - 8 tons per day is discharged to the V-KJ STP during a typical day of production with 100% passing through the V-KJ STP to an unnamed tributary of the Ramapo River located approx. 2 miles upstream of Harriman

STP's outfall pipe. The V-KJ STP also does not possess the capacity or technology to treat TDS or Chlorides. KJ Poultry is one of four (4) remaining large kosher poultry processing plants in North America and its assumed with the projected growth that expansion at this facility could occur. (aside: per meeting with KJ Poultry, V-KJ, OCSD#1 and OC Reps. in Nov. 2011 both the Village officials and KJ Poultry reps stated that they intended to double their production from 40,000 birds per day. Both have back off on this claim as environmental concerns were being addressed at the time by the County and EPA which resulted in a new pretreatment system to remove BOD, TSS and FOG and via settlement agreement with the County and a subsequent Order by the EPA in 2014 to address numerous other environmental issues including industrial wastewater discharge and stormwater discharge. It is not rumored that KJ Poultry is constructing a second flow on the existing facility to double their capacity from 40K to 80K birds per day anticipated to go online in 12-18 months - KJ Poultry has denied this and said that they are constructing new chillers only at this time.)

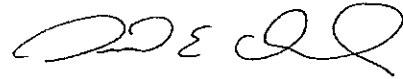
6. The proposed annexation would result in significant additional urban growth resulting in more impervious area and stormwater runoff going directly to surface waters which would further impair the water quality of the Ramapo River. The FGEIS indicates that whether or not the annexation occurs, the population growth will occur. The difference whether the annexation occurs or not is solely a density development issue. Should the annexation occur, higher density is inevitable as the zoning in the Village permits this density while the Town of Monroe zoning does not. These potential impacts on the water quality of the Ramapo drainage basin needs to be quantified and reviewed for associated impacts and mitigation.

7. There is currently an application for KJ Poultry to remove its discharge from the V-KJ STP and to re-direct it to the Harriman STP - this application is under review and is pending the results of a Headworks Analysis for the Harriman STP and draft SPDES permit discharge limits and administrative requirements. The EIS should include any planned expansion of KJ Poultry over the next 5 - 10 years plus to address the potential impacts an expanded kosher meat packing plant would pose on the water quality of the Ramapo River and how it would mitigate any of its negative impacts. The Harriman STP does not have the technology to treat TDS and Chlorides which results in 100 % pass through. The Orange County Sewer District No. 1 also has an USEPA approved industrial pretreatment program which requires the facility to meet the program requirements.

8. It is irresponsible for the FGEIS to assume that, as a simple matter, all wastewater treatment issues would be resolved by OCSD#1; especially given that TDS and Chlorides is a Ramapo drainage basin issue that needs to be addressed/mitigated on multiple fronts by both public and private entities. It is also irresponsible for the writer to include a statement that suggest the State sees no adverse impacts on the Ramapo River from growth impacts - in light of the draft SPDES limits currently proposed by the DEC for the Harriman STP for TDS and Chlorides as well as an anticipated TDS SPDES discharge limit of 500 mg/L for the V-KJ STP. On multiple fronts addressing both point and non-point sources thru a DEC completed TMDL analysis will be expected to determine the impacts associated with these water quality standard limits.

Overall, the above documented impacts are substantial, potentially adverse and insufficiently addressed in the existing DGEIS and FGEIS documents. We advise the Village to conduct further evaluation of the points raised in this letter and to issue a Supplemental Generic Environmental Impact Statement, as we do not believe the issues have been sufficiently addressed in a Final Generic Environmental Impact Statement based on current documentation by the Lead Agency.

Date: August 21, 2015



David Church, AICP
Commissioner of Planning

