



Site Planning	Environmental Studies
Civil Engineering	Entitlements
Landscape Architecture	Construction Services
Land Surveying	3D Visualization
Transportation Engineering	Laser Scanning

MEMORANDUM

DATE: August 31, 2015

TO: Supervisor Harley Doles III and Members of the Town Board
Michael H. Donnelly, Esq., Dickover, Donnelly & Donovan, LLP

FROM: Mr. Richard J. Pearson, PE, PTOE, JMC
Mr. Robert B. Peake, AICP, JMC

RE: JMC Project 15095
Kiryas Joel Annexation
Town of Monroe & Village of Kiryas Joel, NY

SUBJECT: **Comments on Kiryas Joel Annexation Final Generic Environmental Impact Statement (FGEIS)**

As requested by the Town of Monroe, we have reviewed the Final Generic Environmental Impact Statement (FGEIS) for the 507.4 (507) acre annexation of a portion of the Town of Monroe to the Village of Kiryas Joel, which was accepted by the Village of Kiryas Joel Board of Trustees on August 12, 2015.

JMC provided a review of the Draft Generic Environmental Impact Statement (DGEIS) to the Town of Monroe in a memorandum dated June 18, 2015. Based upon our review of the FGEIS relative to our comments, we offer the following comments on the FGEIS responses to our June 18, 2015 memorandum.

I. **JMC DGEIS Comment (FGEIS Comment 2-26):**

The Kiryas Joel Annexation DGEIS is based entirely on a 10 year projection of population growth of residents within the existing Village of Kiryas Joel, which is comprised of approximately 700 acres per the DGEIS. The 10 year analysis included in the DGEIS considers only a portion of the potential future impacts. Accordingly, a supplemental DGEIS needs to be prepared to properly address the buildout potential of the entire 1,207 acres and provide the public with an opportunity to comment on the anticipated impacts associated with the proposed annexation and resulting/anticipated increase in density and population of the 507 acres of existing Town lands as well as the 164 acre alternative annexation. In order to properly evaluate the full environmental impacts associated with the proposed annexation. A timeframe for when such buildouts would occur beyond 2025 should be included. If several alternative buildout scenarios are contemplated as reasonable for the Proposed Action and the noted Alternatives, all of these buildout scenarios should be evaluated.

Tables JMC-1 through JMC-4 compare the 10 year Hasidic population growth analyzed in the DGEIS to anticipated buildout Hasidic population growth projected by JMC under various alternatives. The tables demonstrate that the ultimate population growths beyond year 2025 (which are associated with environmental impacts) are substantially greater than the 10 year growth analyzed in the DGEIS.

FGEIS Summary Section Response:

Regarding the ten year time horizon utilized in the DGEIS, a ten year time frame is a commonly used duration for planning studies. Orange County's own projections for population growth in the County go out ten years as do most municipal comprehensive plans. For example the County's AFEIS for the Harriman Wastewater Treatment Plant (WWTP), completed in 2010 was based on a population growth and build out analysis through 2025. The 2010 update to the Orange County Comprehensive Plan also contained population projections and housing forecasts out to 2020. While the 2011 Woodbury Comprehensive Plan DGEIS did not contain any specific forecasts, the plan itself is a vision of the Village in 2020. Additionally, the Orange County Final Water Master Plan, published in October 2010, included five and ten year planning horizons. There is greater statistical accuracy with a projection that extends over ten years versus a twenty-five year or more projection. There are a significant number of unknown factors that can alter the results of a projection over a twenty-five year or more time frame.

FGEIS Response 2-26:

The SEQRA action being assessed in the DGEIS is the annexation petition filed by a group of private property owners in the Town. The DGEIS assesses the reasonable level of impacts that such an annexation of land to the Village could entail. As a component of that analysis, the DGEIS projects the naturally expected growth of Village population over a ten year horizon to consider the level of impact in accommodating such growth in the proposed expanded Village including the annexation territory. It was never intended to be a SEQRA analysis of the full build-out of the Village and annexation territory under an unreasonable worst case development density scenario. SEQRA suggests that a Generic EIS only present and analyze hypothetical scenarios that could and are likely to occur. The DGEIS does just that in a rational and reasonable way.

As clearly stated in the DGEIS, the annexation action will not cause the projected population growth; rather such growth will occur with or without annexation. Therefore, while the implications of that population growth requires good planning, population growth itself but is not an impact of annexation requiring the encyclopedic level of analysis suggested by the comment.

As noted elsewhere, the annexation petition was not accompanied by a development project or plan for the annexation territory. Any such development plan for all or a part of the annexation territory will be subject to all federal, State and local laws, including SEQRA and the Village zoning code. See also responses to Comments 2-2 and 2-23.

FGEIS Response 2-2:

Comments noted. The annexation is not a growth inducing action as the DGEIS establishes that the projected growth of the Kiryas Joel population will occur with or without annexation. It is therefore erroneous to suggest that the annexation action will have environmental impacts associated with growth. It will not. The DGEIS addressed the differences between where growth will likely occur - vis a vis annexation versus no annexation.

See Responses 2-1 and 2-23 regarding the growth projection time frame.

FGEIS Response 2-23:

Growth of the local population will inevitably continue in perpetuity, however the 10-year projection is a reliably accurate and predictable indicator to draw conclusions about the effects of such growth.

The Orange County Comprehensive Plan, last updated in 2010, makes no projections beyond a ten year horizon. The Village of Woodbury Comprehensive Plan uses a ten year time frame, as does the Tuxedo 2011 Comprehensive Plan update. The DGEIS also uses this standard planning time frame.

However, as an agency responsible for local and regional planning matters, and with the substantial historic data provided in the DGEIS, the County Planning Department is capable of making its own projections of growth beyond 2025. It is a very simple calculation and bears consideration by all interested agencies, especially Orange County.

The Village of Kiryas Joel is well aware that its growth projections are limited to ten years' time using actual, available population data and a limited amount of assumptions about the near term future. While not specifically discussed within the context of annexation, the Village is continually planning and implementing improvements in services and infrastructure to address its future needs and expectations. Limiting factors on growth, whether they turn out to be utility services, land capability, or some other factor in two, ten, twenty-five years, or beyond any particular "planning horizon", will continually require the Village and the County to seek out measures and practices to adequately serve their respective populations.

JMC Response:

The FGEIS did not specifically address the following related comments contained on pages 2 and 3 of our 6/18/2015 memorandum:

The attached pages from the New York State Department of Environmental Conservation (NYSDEC) include the cover page of the SEQR Handbook, 3rd Edition, dated 2010 as well as Chapter 7: SEQR and Local Government Development Decision. In Chapter 7, Section D 1. Are Municipal Annexations Subject to SEQR, the NYSDEC publication states "Municipal decisions on annexation are similar in their consequences to rezoning decisions; both decisions have the potential to change land use patterns and require a hard look at the consequences of the whole action."

A buildout analysis is a standard method for evaluating zoning densities in growth potential and comparing proposed/anticipated zoning densities to existing zoning densities. For example, as described in the attached American Planning Association's March 2006 article "Zoning Practice" "Buildout Analysis", "The basic purpose of buildout analysis is to...evaluate potential impacts and...possible alternatives," and is part of good planning practice. For the subject Kiryas Joel annexation DGEIS, buildout analyses need to be conducted in order to evaluate longer-term (greater than 10 year) impacts from

the associated population growth to critical infrastructure, including but not limited to water and sanitary sewer demands and evaluating capacities to accommodate such demands.

Table JMC-1 includes the 10 year Hasidic population growth of 19,663 persons considered in the DGEIS without and with the 507 acre annexation as well as without and with the alternative 164 acre annexation, which are identified as Scenarios “A” through “D” in the DGEIS. Table JMC-1 also includes three JMC buildout scenarios based on the 507 acre annexation and the 164 acre annexation, as well as the buildout based on existing zoning of the three territories.

JMC buildout conditions were evaluated by JMC cumulatively in JMC Buildout Scenario “1” for the existing 700 acres of Kiryas Joel as well as the 507 total proposed annexation acres, which are comprised of 347 acres of low density (RR-1.0 AC and RR-3 AC) zoning within the Town and 164 acres of multi-family (UR-M) zoning within the Town. JMC Buildout Scenario “1” shows an increase in the Hasidic population within the 1,207 acres of approximately 81,361 persons.

JMC Buildout Scenario “2” is based on the 164 acre alternative annexation. The Hasidic population would be expected to grow by approximately 35,007 persons within the 1,207 acres under this alternative.

JMC Buildout Scenario “3” is based on the Hasidic population potential increase without either annexation. An increase of 22,377 persons could be accommodated based on the projections included in the DGEIS.

Table JMC-2 compares the JMC projected increase in Hasidic populations within the annexation areas with and without the 507 and 164 acre annexations. A net increase of approximately 58,984 persons are projected with the 507 acre annexation, compared to a net increase of approximately 12,630 persons with the 164 acre annexation. The substantial increase in additional dwelling units and persons in the 507 acre annexation is related to the substantial increase in permitted proposed density with annexation as compared to existing Town regulations within the 343 lower density acres.

Table JMC-3 shows the minimum anticipated Hasidic population growth based on projections included in the DGEIS. The table considers 20 dwelling units per developable acre as included in the DGEIS for the annexed territories. The table shows a buildout Hasidic population growth of approximately 59,237 persons with the 507 acres annexation and approximately 29,252 persons with the alternative 164 acre annexation. The table shows the additional future increased population not analyzed in the DGEIS based on the 507 acre annexation, the 164 acre alternative annexation and without annexation.

Table JMC-4 is similar to Table JMC-3, yet projects a development density of 30 dwelling units per developable acre for the annexed territories, consistent with Tables JMC-1 and JMC-2. We believe a higher rate of 30 units per acre should be used than the rate of 20 units per acre based on our review of recent development within Kiryas Joel. Developments with rates of 38.1, 35.7 and 33 units per acre characterize current trends. The Village does not have a regulated maximum number of units per acre and the development is limited on a practical basis by the buildings not having elevators. The rate of 30 units per acre accounts for mixed residential development types and commercial uses. The current Village construction activity includes redevelopment, resulting in higher density buildings. A 10 unit development was recently razed and a 30 unit development is being constructed on the same property. Table JMC-4 shows an increase with the 507 acre annexation of approximately 61,698 additional future increased Hasidic population which was not analyzed in the DGEIS. A supplemental DGEIS is required to analyze the additional population.

The FGEIS responses do not provide the requested buildout analysis of the population increase that could be reasonably expected with the full development of the 164 and 343 acre annexation areas. We continue to believe that the proposed annexations cannot be properly evaluated by the Monroe Town Board and others without a buildout analysis reflecting the use of the entire acreages of the two annexation territories and the potential populations living within the annexed properties as a result of the increased development densities anticipated. The requested buildout analysis of the future population resulting from the annexation(s) relate to the fundamental impact issues of water supply and sewage treatment capacities, schools, traffic, etc.

The FGEIS response 2-2 included the following:

The annexation is not a growth inducing action as the DGEIS establishes that the projected growth of the Kiryas Joel population will occur with or without annexation. It is therefore erroneous to suggest that the annexation action will have environmental impacts associated with growth. It will not. The DGEIS addressed the differences between where growth will likely occur - vis a vis annexation versus no annexation.

The FGEIS response does not recognize that existing Town land would be developed at higher densities than currently permitted. Table ALT E-1 in the DGEIS considered the annexation land associated with the 164 acres annexation to be developed at a density of 20 dwelling units per developable acre, which is substantially higher than the 5.51 dwelling units per acre analyzed in Table ALT E-1. The density increase of 20 units per developable acre is even greater for the 343 acres annexation territory in the Town of Monroe compared to the lower existing single family zoning density currently permitted in the one acre and three acre rural residential zones.

The FGEIS Response 2-26 included the following:

It was never intended to be a SEQRA analysis of the full build-out of the Village and annexation territory under an unreasonable worst case development density scenario. SEQRA suggests that a Generic EIS only present and analyze hypothetical scenarios that could and are likely to occur.

We concur with the portion of the response that indicates “SEQRA suggests that a Generic EIS only present and analyze hypothetical scenarios that could and are likely to occur.” However, we disagree with the portion of the response that suggests a full build-out “under an unreasonable worst case development density scenario.” The DGEIS considered development of the annexed property at a density of 20 dwelling units per developable acre, yet only considered the development of portions of the annexed territories to the minimum amount of development associated with a projected population increase to 2025 of 19,663. Table JMC-3 in our 6/18/2015 memorandum, which is based on the 20 dwelling units per acre projections in the DGEIS, provides buildout scenarios that indicate additional future increased Hasidic populations not analyzed in the DGEIS (in addition to the 19,663) of 2,714 without annexation, 9,589 with the 164 acres annexation and 39,574 with the 507 acre annexation. As indicated in our comment above, the substantial increase in additional dwelling units and persons in the 507 acre annexation, as compared to the 164 acre annexation, is related to the increase in permitted density with the 507 acre annexations as compared to existing Town regulations within the 343 lower density acres. The buildout populations could be much higher, as described in our comment above relative to Table JMC-4, if a density of 30 dwelling units per acre are considered, which reflect recent development trends in the existing Village of Kiryas Joel.

2. **JMC DGEIS Comment:**

What is the impact on the property values of the properties adjoining the proposed annexation area, particularly for the properties that will be surrounded on three sides by the annexation lands?

FGEIS Response 3.2.11-26:

The impact could be positive or negative depending upon the circumstances, as is always the case in real estate transactions. For somebody who does not wish to live in close proximity to the Village border, the property may have minimal appeal. However for somebody who wished to live in proximity to the Village, the property could command a premium.

JMC Response:

This is not a meaningful response. A real estate professional with experience in the local area should be consulted on this issue. A real estate professional experienced in the local real estate market would be able to bring local experience and knowledge to bear, and be able to specifically respond to the "circumstances" noted in the response, to determine the impact on property values of the properties adjoining the proposed annexation area.

3. **JMC DGEIS Comment:**

The DGEIS states that it is unlikely, without annexation taking place, there would be any motivation to revise the current Kiryas Joel School District (KJSD) boundary lines into the Town of Monroe. The DEIS then goes on to state at the bottom of the same page that the school tax rate in Kiryas Joel is lower than the school tax rate for the Monroe-Woodbury School District (MWSD). This would be an approximately 44% savings on the school tax rate per \$1,000 of assessed value as described in the DGEIS. That would seem to be a potentially significant motivation for revising the KJSD boundaries even without the annexation, especially since the vast majority of the students in the annexation lands attend parochial school.

FGEIS Response 3.2.11-31

While it is true that homeowners in the annexation area would pay reduced school taxes if they resided in the KJSD boundaries, the cost to provide services to the annexation area would be higher than the generated tax revenue. This is due to the lower tax rate (per thousand of assessed value) charged by the KJSD compared to the MWSD. Lower taxes are a "motivation" for homeowners but not for school districts that rely on tax revenue to pay for the programs and services that they provide. Nevertheless, the KJSD Board of Education has approved a boundary change of their District if the annexation would be approved (included in Appendix I). Neither school district has proposed a boundary change in the event that annexation is not approved.

JMC Response:

The KJSD Board of Education has already conditionally approved a boundary change for their District, as noted in the above response. So whether or not the KJSD is "motivated" to extend the school district boundaries because the additional tax revenue would or would not pay for the programs and services that they provide is a moot point, because the KJSD has already indicated their willingness to extend the school district boundary. Whether or not those properties within the new KJSD boundaries are annexed or not into the Village of Kiryas Joel, these could be two separate and independent decisions. School district and municipal boundaries within NY State are often not the same.

4. **JMC DGEIS Comment:**

What is the impact on the adjoining properties to the proposed annexation area on municipal services such as street snow plowing, trash collection, etc., particularly for the properties that will be surrounded on three sides by the annexation lands? Which municipality will provide these services? How will that be arranged?

FGEIS Response 3.3.8-42:

The properties adjoining the annexation territory will be no more or less isolated from the Town of Monroe after annexation, than they are under current conditions. These parcels would still remain part of the Town of Monroe and entitled to all public Town and County services as they are today and would be in the future without annexation. There is no indication that the Town would or could treat these parcels any differently. Under existing conditions, primary access to this area is via County Route 44, through the Village of Kiryas Joel, and that would not change as a result of annexation.

In any event, snow plowing and maintenance of the Town and Village roads is conducted by the Town of Monroe Highway Department. This maintenance is paid for through a combination of Town highway tax revenue and a negotiated agreement between the Town and the Village for the roads located within the Village. Trash collection and other municipal services will be provided by the appropriate municipality.

JMC Response:

The issue arises in the areas of the proposed annexation where one property along a block is not part of the annexation petition, while its neighbor to either side is within the proposed annexation area. The same may be said for the petitioners' expressed hopes that once annexed, the Village will install wide sidewalks and better street lighting.

5. **JMC DGEIS Comment:**

The entire Traffic and Transportation section needs to be revised to reflect conditions associated with the buildout of the annexed territories beyond year 2025 as well as continued development within Kiryas Joel as previously described in this memorandum. Tables E-1 and Alt E-1 show additional development in the areas proposed for annexation as compared to the populations in the annexation areas without the 507 acre annexation or 164 acre alternate annexation.

FGEIS Response 3.4-36:

A ten year planning horizon is common for generic conceptualized studies of this nature. Moreover, the annexation, which is the action subject to SEQRA, is not a traffic generating event.

The 2025 horizon places projected DGEIS growth in line with the projected growth to the horizon year of 2020 as detailed in the Southeastern Orange County Traffic and Land Use Study; see DGEIS Table 3.4-10.

JMC Response:

The DGEIS acknowledges that the annexed property would be developed at a higher density with the annexations than permitted with the existing Town zoning and utilized a density of 20 dwelling units per acre of developable land, yet only considered the development of portions of the overall annexed properties. In our opinion, the comment is not sufficiently addressed.

6A. **JMC DGEIS Comment:**

Key intersections are described on page 3.4-4 (CR 64 was inadvertently labeled as CR44 in the DGEIS).

FGEIS Response 3.4-37A

Both CR 44 and CR 64 are discussed on page 3.4-4. On Page 3.4- 3 and 3.4-4, CR 64 is described as Dunderberg Road connecting from NYS Route 32 to CR 105. The entire length of CR 64 is now named Nininger Road, the western part being formerly Dunderberg Road. There is no inaccuracy in the labelling of CR 44.

JMC Response:

The comment is not significant.

6B. **JMC DGEIS Comment:**

Quantitative intersection capacity analyses should be computed for the four intersections described in the DGEIS, as well as for the triangular intersections of Route 208 and Route 17M. The analyses should be provided for peak weekday AM and PM hours based on existing traffic volumes as well as future volumes without and with the annexation and buildout of the annexed territories.

FGEIS Response 3.4-37B:

See responses 3.4-1C and 3.4-22.

FGEIS Response 3.4-1C:

Material on accident analysis/safety and level of service within the Village of Kiryas Joel can be found in the New York State Department of Transportation Final Design Report PIN 8759.65 and 8780.20 Kiryas Joel Roadway and Pedestrian Improvements (July 2013). Such information applicable to areas outside the Village can be found in the Southeast Orange County Traffic and Land Use Plan.

Project specific traffic impact studies as required by the New York State Department of Transportation along State routes are not required here as annexation is not the source of growth and traffic is not an impact of annexation. Site specific traffic impact studies may be required for major developments as part of the SEQRA review of future individual projects or as part of the State Highway Permit process.

When individual projects come before the municipalities they may require a Traffic Impact Study as part of a subsequent SEQRA analysis.

The NYS DEC SEQR workbook threshold for a traffic capacity study is noted on DGEIS page 3.4-28. High Accident Locations (HALS) are computed for the State system however there are no State highways in the Village of Kiryas Joel or the annexation lands.

FGEIS Response 3.4-22:

Again, traffic growth is associated with the natural population growth taking place in the community. Annexation will not cause traffic, but rather a likely redistribution of traffic. A review of DGEIS Figures 3.4-9 through 3.4-12 reveals the differences in the key roads connecting the Village to the regional network, between the annexation and no annexation alternative.

The Village will monitor traffic levels at key locations as its population grows and may require traffic studies with applicable level of service evaluations to be done at the time of site specific development applications. See also response 3.4-1C.

JMC Response:

As far as we are aware, the Village has never required the preparation of a traffic study at the time of site specific development applications. Accordingly, it is reasonable to be skeptical of whether site specific analyses will be conducted in the future. In our opinion, the comment is not sufficiently addressed.

6C. **JMC DGEIS Comment:**

A Saturday peak hour analysis is not required since Kiryas Joel related Saturday traffic volumes are significantly lower than on other days. We concur that trip generation rates per unit for Kiryas Joel is lower than rates in other municipalities since many people walk rather than drive, the women do not drive and many people use public transportation, carpool and limit certain trips to internal trips within Kiryas Joel.

FGEIS Response 3.4-37C:

Comment noted.

JMC Response:

No exception taken.

6D. **JMC DGEIS Comment:**

However, the potential buildout including the annexed area and continued growth within the existing 700 acre Kiryas Joel should be compared to the less intensive potential buildout of the Town lands without the annexation. Recommended improvements to the analyzed intersections should be described and analyzed.

FGEIS Response 3.4-37D:

Comment noted. See responses 3.4-1C and 3.4-22.

JMC Response:

As discussed earlier, in our opinion, the comment is not sufficiently addressed.

6E. **JMC DGEIS Comment:**

The DGEIS discusses the obligation for future consideration of SEQRA on particular projects that may be proposed. Have traffic studies been performed for Planning Board review of developments recently constructed within Kiryas Joel?

FGEIS Response 3.4-37E:

No recent traffic studies have been done in association with the relatively small projects that have occurred in the past few years. A large area design traffic impact study was recently completed (New York State Department of Transportation "P.I.N. 8759.65 and 8780.20 Kiryas Joel Roadway and Pedestrian Improvements" Project Report, July 2013).

The Larkin Drive West project is in the Town of Monroe just on the other side of NYS Route 17 from the Village of Kiryas Joel. Orange County has initiated the SEQR review of the project; see FGEIS Appendix C.

JMC Response:

The response does not mention any specific traffic study completed for specific developments within the Village.

7 **JMC DGEIS Comment:**

The analysis which the Village submitted to the State Environmental Facilities Corporation (EFC) in connection with the bonding of the Aqueduct Connection project, relies on demographic growth projections through the year 2045, with 8,550 new residential connections and 1,500 new commercial connections. The EFC-related projection thus exceeds the year 2025 population analyzed in the DGEIS. This further supports our contention that the DGEIS timeframe ending at the year 2025 is not adequate for analyzing the proposed impacts of the annexation resulting from the buildout of the annexation properties.

FGEIS Response 3.2.10-38:

See Response 3.2.10-1 and Response 3.2.10-33. The rate of growth identified in the EFC submission indicates 250 to 300 new connections per year. This is consistent with the number of new housing starts indicated by the population analysis in the DGEIS.

FGEIS Response 3.2.10-1:

As indicated throughout the DGEIS, annexation will not be a growth inducing action. It is intended to better accommodate the inevitable growth that is taking place in the local community. The DGEIS addressed growth, in large part, to assist reviewers in understanding what the implications are if annexation does or does not occur - but not because growth is a result of the annexation.

A ten year time frame is a commonly used duration for planning studies. The County's own projections for population growth in Orange County go out ten years as do most municipal comprehensive plans. For example the County's AFEIS for the Harriman Wastewater Treatment Plant (WWTP), completed in 2010 was based on a population growth and build out analysis through 2025. The 2010 update to the Orange County Comprehensive Plan also contained population projections and housing forecasts out only to 2020. While the 2011 Woodbury Comprehensive Plan DGEIS did not contain any specific forecasts, the plan itself is a vision of the Village in 2020. Additionally the Orange County Final Water Master Plan, published in October 2010 only included five and ten year planning horizons. There is greater statistical accuracy with a projection that extends over ten years versus a twenty-five year projection. There are a significant number of unknown factors that can alter the results of a projection over a 25 year time frame.

In order to properly plan for services, Orange County projected the population of KJ at around 55,000 by the year 2020 in their ten year growth projections done in 2010 with no assumption of annexation. They did not do a 20 year projection.

The County projection can be accessed at:

http://www.orangecountygov.com/filestorage/124/1362/3210/Summary_Guide_to_Population_Projections_8-13-10.pdf

It is certainly an easy exercise to take the growth factors set forth in the DGEIS for the Kiryas Joel community and extend them out for another ten or twenty years. However, to do so in the DGEIS could be unnecessarily misleading, since population projections can be influenced by a variety of factors. A 10 year planning horizon is typically used since that is about the maximum amount of time it can be assumed that other variables remain relatively constant. County comprehensive planning is a better vehicle for long term studies and there have been infrastructure studies that have attempted to do just that. Those studies are in the public record and the County is well aware of those projections. See response to comment 2-1.

FGEIS Response 3.2.10-33:

Comment noted. The Village believes that past growth and other factors used in projections are rational and reasonable. The analysis establishes a fairly consistent annual rate of growth of approximately 6 percent. Utilization of a percent growth factor accounts for the exponential growth as the population increases assuming all other variables remain the same. As noted in Response 3.2-1, a 10 year horizon is typically used since that is about the maximum amount of time it can be assumed that other variables remain relatively constant.

As specifically addressed in the AKRF Growth Study for the Village of Kiryas Joel (2009), and as substantiated in the DGEIS analysis, growth has remained steady and consistent in the Village whether or not there was land or other utilities available and in migration is minimal. There is no available information that would indicate that large influxes of new residents are going to move to Kiryas Joel from elsewhere solely because of the annexation.

FGEIS Response 2.1:

The DGEIS did not address the maximum carrying capacity of the annexation lands because the lands have not yet been annexed and considered under the Village zoning code. Future zoning for the annexation territory will be subject to supplemental review under SEQRA. Without a zoning decision, those metrics can only be roughly estimated based on historic trends and population growth projections.

It is not unreasonable to assume long term use of the annexation lands will mimic the densities in the area of the existing village. The time frame for that development, however, cannot be known. Moreover, the future landowners will be paying taxes to all service providers which would be expected to offset the increased use of services. The County has done its own projections of growth for all municipalities in the County, including Kiryas Joel. At the time of the 2010 Census, the County projected a population for the Village of some 55,000 persons by 2020.

See http://www.orangecountygov.com/filestorage/124/1362/3210/Summary_Guide_to_Population_Projections_8-13-10.pdf

The following is excerpted from the above noted "Orange County's Summary Guide to Population Projections".

"Population Projections:

County Planning, using the data provided by the Census Bureau and other sources, produced four different population projections for Orange County, made available in the attached spreadsheet. The first method, shown on the attached spreadsheet shaded in yellow and projecting forward the average annual growth rate since the 2000 Census, is described above. Using that method, the population of Orange County in 2020 is projected to be 438,977 people. The second method, shaded in green, is similar to the first method, except that the projected growth rate is determined by projecting forward the rate at which the County grew between July 1, 2008 and July 1, 2009. Using this method, the population of Orange County in 2020 is projected to be 430,564 people. The third method, shaded in gray, was developed by the New York Metropolitan Transportation Council and is based on historic rates of residential building permit activity in the County and the population associated with new residences; the NYMTC model was developed in 2005 and does not include population projections for the Villages of South Blooming Grove or Woodbury, as both villages were incorporated in 2006. Using the NYMTC method, the population of Orange County in 2020 is projected to be 431,168 people. The fourth method, shaded in blue, is similar to the first two in that it uses historic population data primarily provided by the Census Bureau to determine the average annual growth rate in Orange County from 1894 to the present and projects that annual growth rate forward to 2020; this model was developed in 2002, at which time it was determined that insufficient data existed to determine a long-term growth rate for the Village of Kiryas Joel, and the Villages of South Blooming Grove and Woodbury had not yet been incorporated. Using the fourth method, the population of Orange County in 2020 is projected to be 439,213 people.

Given the range of possibilities and the fact that all four methods produced population projections within a 2.5% margin of error, County Planning evaluated the four methods and chose the second, the 2008-2009 growth rate, as being the most appropriate. This assumption is based on the 2008-09 growth rate being the most current data available and reflective of current economic and demographic conditions, the growth rate being in keeping with trends predicted by NYMTC, the growth rate for the Village of Kiryas Joel being consistent with its growth since 1990, and growth being predicted to occur in the places where we know growth is occurring based on building permit data and applications received during the GML 239 project review process.

Based on this data, the population of Orange County is predicted to be 400,009 people in 2013, 421,603 people in 2018, and 430,564 people in 2020."

It is noted that the County's growth projections go out 10 years – a common time frame for such exercises and consistent with the time horizon utilized in the DGEIS. The growth of the County and the provision of services is the primary role of County government. The County has been aware of the likely growth of the Kiryas Joel Village population for many years as noted above. Given this and the fact that these projections have been publicly available for more than five years, and will occur with or without annexation, the statement that annexation is the condition that will strain resources and is contrary to the public interest is not supported by the record.

The Village expects to continue to provide a high level of services to its residents and given the County's knowledge of the projected growth, there is no reason to believe that the County will not carry out the proper planning to provide services to its citizenry.

JMC Response:

The FGEIS responses do not provide the requested buildout analysis of the population increase that could be reasonably expected with the full development of the 164 and 343 acre annexation areas. We continue to believe that the proposed annexations cannot be properly evaluated by the Monroe Town Board and others without a buildout analysis reflecting the use of the entire acreages of the two annexation territories and the potential populations resulting from the increased development densities anticipated. The requested buildout analysis of the future population resulting from the annexation(s) relate to the fundamental impact issues of water supply and sewage treatment capacities, schools, traffic, etc.

For example, in FGEIS Response 3.5.7-3, the Applicant notes that the NYCDEP requires that all water taken from the aqueduct has back-up capacity from groundwater sources, and the Village has secured the rights to approximately 2,419,200 gpd of additional potential water supply capacity to bring these new water sources on-line as the Village demand increases. A longer timeframe buildout analysis is necessary to assess the long-term ability of the Village to obtain additional backup water sources to the aqueduct, up to a full-buildout scenario.

See our discussion regarding FGEIS responses to the first JMC DGEIS comment in this memorandum.

8. JMC DGEIS Comment:

Referencing our overall comment regarding the necessity of the completion of a buildout analysis, the results of such an analysis must be evaluated for its related impacts to community water and sewer services. JMC Buildout Scenario "1" of Table JMC-1 of this memo shows a buildout population of 81,361 with the buildout of the 507 acre annexation and existing Village of Kiryas Joel. Using the 66.0 gallons per person average daily water usage rate as described in Section 3.5.5 page 3.5-30 of the DGEIS, yields a total average daily water usage and sanitary flow of 5,369,826 gallons per day, which is approximately 90% of the existing Harriman Wastewater Treatment Plant capacity of 6.0 million gallons per day (mgd). Under JMC Buildout Scenario "2" of Table JMC-1, the 164 acre annexation alternative yields a buildout population of 35,007, which in turn yields a 2,310,462 gallons per day average daily water usage and sanitary flow. The potential 3.0 mgd upgrade to the sanitary wastewater treatment capacity of the Orange County Sewer District #1 is not sufficient to accommodate these buildout populations in addition to continued population growth in other areas of the Sewer District. Clearly, there are significant water and sanitary buildout impacts and these must be analyzed in a supplemental DGEIS.

FGEIS Response 3.5.8-46:

The DGEIS provides a reasonable, detailed analysis of potential build-out of the annexation lands, with and without annexation. The analysis is based upon verifiable population and development growth rates in the Village, including census data and school records. The JMC build-out scenarios are

unsubstantiated and project much higher population than is supported by historical Village growth. Further analysis of water of water use or sewage treatment demand is unwarranted.

JMC Response:

Our office provided two buildout scenarios, both of which we believe are reasonable and substantiated. As described earlier in this memorandum, Table ALT E-1 in the DGEIS considered the annexation land associated with the 164 acres annexation to be developed at a density of 20 dwelling units per acre, which is substantially higher than the 5.51 dwelling units per acre analyzed in Table ALT E-1. The density increase of 20 units per developable acre is even greater for the 343 acres annexation territory in the Town of Monroe compared to the lower existing single family zoning density currently permitted. The DGEIS considers development of the annexed property at a density of 20 dwelling units per developable acre, yet only considers the development of portions of the annexed territories. The DGEIS analyzed a population increase to 2025 of 19,663. Table JMC-3 in our 6/18/2015 memorandum, which is based on the 20 dwelling units per acre projections in the DGEIS, provides buildout scenarios that indicate additional future increased Hasidic populations not analyzed in the DGEIS of 2,714 without annexation, 9,589 with the 164 acres annexation and 39,574 with the 507 acre annexation. As indicated in our comment above, the substantial increase in additional dwelling units and persons in the 507 acre annexation is related to the increase in permitted density with the annexations as compared to existing Town regulations within the 343 lower density acres. The buildout populations could be much higher, as described in our comment above relative to Table JMC-4, if a density of 30 dwelling units per acre are considered, which reflect recent development trends in the existing Village of Kiryas Joel.

The FGEIS response does not address the additional water supply and sanitary sewer treatment demands and capacities associated with the buildout of the annexed territories.