RESOLUTION NO. 200 OF 2017

RESOLUTION OF THE ORANGE COUNTY LEGISLATURE REGARDING ENVIRONMENTAL QUALITY REVIEW WITH RESPECT TO N.Y.S. TOWN LAW ARTICLE FIVE PETITION FOR THE DIVISION OF THE TOWN OF MONROE TO CREATE THE NEW TOWN OF PALM TREE (OR OTHER SUITABLE NAME IDENTIFIED BY THE ORANGE COUNTY LEGISLATURE) AND THE TOWN OF MONROE, CLASSIFYING THE ACTION AS UNLISTED, AND DETERMINING THAT THE ACTION COULD HAVE A SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT, PURSUANT TO NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”) AND ORANGE COUNTY CHARTER SECTION 2.02 (q).

WHEREAS, on September 12, 2016, a Petition pursuant to Article Five of the New York State Town Law for the Division of the Town of Monroe to create a new town and the Town of Monroe was filed with the Clerk of Orange County Legislature (“Petition”); and

WHEREAS, in accordance with New York State Environmental Quality Review Act (“SEQRA”), and Orange County Charter Section 2.02 (q) the Legislature requested and the Petitioners’ agent submitted part 1 of a Full Environmental Assessment Form (EAF) by letter dated May 15, 2017 from the law firm Whiteman Osterman & Hanna, LLP which stated: “(I)t is the Petitioners’ position that the County Legislature’s determination on the Article 5 Petition, allowing the proposition to go to the electorate for a vote on town formation, is not an action subject to review under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, by Resolution No. 123 of 2017, this Legislature preliminary typed the Action as an “Unlisted Action” under SEQRA and requested the Orange County Commissioner of Planning to review Part 1 of the Full EAF and to prepare Part II and a draft Part III of said form for its review and consideration; and

WHEREAS, on July 10, 2017, Petitioners’ Agent amended said Petition (“Amended Petition”) by replacing Exhibits “A” (Metes and Bounds Description) and “B” (Map), which reduced the acreage of the new town from 382 +/- acres and the village of Kiryas Joel (as it existed at the time of the filing of the Petition on September 12, 2016) to 56+-/- acres and the Village of Kiryas Joel as it existed on July 10, 2017 (includes additional 164 acres of lands annexed). The amendment also seeks to change the name of the new town to the Town of Palm Tree; and

WHEREAS, the Planning Commissioner, David E. Church submitted and presented his comments and revisions to draft EAF Parts I, II and III for the Amended Petition; and

WHEREAS, the Commissioner of Planning identified in the FULL EAF, several areas of "moderate to large impacts that may occur" as an anticipated result of resource development of the newly created Town of Palm Tree including: surface water, groundwater, consistency with community plans and community character, notably water and sewer infrastructure. The EAF included a narrative for each category including a buildout analysis to assess growth and development patterns based on U.S. Census Bureau Population Estimates Program and the 2011-2015 American
Community Survey 5-Year Estimates. The narrative also stated that further environmental review under SEQRA will be required if a new Town is created and subsequent actions subject to SEQRA review — including adoption of a comprehensive plan, zoning and land use codes, are established for the new town; and

WHEREAS, the FULL EAF also identified important open space and recreational lands that need to be protected. They include Orange County’s Gonzaga Park and the Long Path/Highlands Trail (“Long Trail”). The Long Trail is an important regional asset connecting the George Washington Bridge to the Catskill and Adirondack Forest Preserves. This recreational trail currently traverses Gonzaga park and follows portions of Seven Springs Road before heading through Orange & Rockland company lands to join the County owned Heritage Trail Rail.

WHEREAS, the Legislature received public comments on the FULL EAF at a duly noticed public hearing on Tuesday, August 15, 2017 at 6:30 p.m. at the Central Valley Elementary School Auditorium, 45 Route 32, Central Valley, New York, 10917 and continuing thereafter, on Wednesday, August 16, 2017 at 6:30 p.m. at the Bais Rachel Paradise Hall, 5 Israel Zupnick Dr., Monroe, New York, 10950, at which time all parties interested in the matter were heard and objections, written comments and documents were presented.

NOW, THEREFORE, it is hereby

RESOLVED, that we, the Orange County Legislature:

1. Accept the FULL EAF along with the Findings Statement, as prepared by the Commissioner of Planning.

2. Deem said FULL EAF as a study and investigation prepared pursuant to Orange County Charter Section 2.02 (q);

3. Confirm that the “Action” reviewed under SEQRA refers to “Petition under Town Law Article Five to divide the Town of Monroe to create the Town of Palm Tree (or other suitable name identified by the Orange County Legislature) and Town of Monroe, filed by qualified electors of the Town of Monroe with the Clerk of the Orange County Legislature on September 12, 2016 and amended on July 10, 2017, is an UNLISTED Action;

4. Determine, in accordance with the Findings Parts 1, 2, and 3 of the Environmental Assessment Form (“EAF”), that the Petition is an Action that could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated by the following required conditions:

   i. Action by the County strictly limited to the Petition; as such, potential Impacts identified in the Full EAF Part 2 must be addressed as in note iii below;

   ii. The Long Trail is a regional recreation and open space asset which must be preserved. This Legislature urges the proposed new town to work with the New York-New Jersey Trail Conference and local municipalities who share a common boundary to establish buffering greenway corridors and/or a new right-of-way to preserve connections;

   iii. SEQRA documentation for subject Action cannot be relied upon for subsequent adoption and comprehensive plan and zoning amendments or
related extensions or expansions of water, sewer or other services, or for specific land development should proposed new Town be approved.

5. All documents will be filed and published in accordance with 6 NYCRR 617.12.e.

DATED: September 7, 2017

ADOPTED BY THE FOLLOWING VOTE:
Ayes 13; Noes 8
(Noes: Turnbull, Berkman, DiSalvo, Eachus, Hines, Kulisek, Paduch, Sullivan)

STATE OF NEW YORK
COUNTY OF ORANGE

THIS IS TO CERTIFY THAT I, JEAN M. RAMPEN, Clerk of the County Legislature of said County of Orange, have compared the foregoing copy of resolution with the original resolution now on file in my office and which was passed by the County Legislature of said County of Orange on the 7th day of September, 2017 and that the same is a correct and true transcript of such original resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of said County Legislature this 8th day of September, 2017.

Jean M. Rampen
Clerk of the County Legislature of the County of Orange