

APPENDIX G

Public Involvement



NOTICE OF  
PUBLIC INFORMATIONAL MEETING AND NOTICE OF AVAILABILITY  
OF DRAFT DESIGN REPORT  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
SURPLUS PROPERTY CASE 08-111-4043

In accordance with the provisions of Title 23, U.S. Code, Section 128 and Title 40, Code of Federal Regulations, Parts 1500 to 1508; a public informational meeting will be held in the Quality Inn, 90 Rte 17K, Newburgh NY on May 28, 2009 at 7:30 PM on the proposed surplus property case. W.B. Interchange Associate (WBIA), the Developer of the Newburgh Marketplace Shopping Center, has requested the following land transfers for the construction of an access road to the approved shopping center from Rte 52 in the Town of Newburgh, Orange County: The conveyance by New York State Department of Transportation (NYSDOT) of a permanent easement of approximately 4.62 acres for construction, use and maintenance for an access road and sanitary sewer, and the conveyance by NYSDOT to WBIA for a fee title to approximately 1.48 acres of land for the construction of a permanent stormwater management facility. The property requested is along Interstate I-84 between Exits 6 and 7 along the north side of the highway. This property was originally purchased in the late 1960's under the Federal Highway Beautification Act of 1965. The Highway beautification Act generally provided for the acquisition of property adjacent to highways with the stated purpose to enhance and preserve the natural scenic beauty along the Federal Interstate Highways. Pursuant to Section 16 of the Transportation Law and as per NYSDOT Official Order #1647, the Commissioner of Transportation created a Property Executive Review Group (PERG) to review the possible disposition of property owned by NYSDOT and to make a final decision on the disposition of property. PERG has reviewed the proposed action and determined that the property is surplus to the state's transportation needs and the disposal will be in accordance with applicable laws, rules, regulations and procedures.

A Draft Design Report for the surplus property case has been developed for the Department after coordination with Federal, State and local agencies.

Department Representatives will be on hand one hour prior to the start of the meeting to discuss the project and answer any questions.

A Draft Design Report has been prepared which assesses the project's effect on the quality of the human environment. Copies are available for review and copying during business hours at the offices of NYSDOT, 4 Burnett Boulevard, Poughkeepsie NY 12603; FHWA Division Administrator, Leo O'Brien Federal Building, Clinton Avenue and North Pearl Street, Albany, New York 12207; Town Clerk, Newburgh Town Hall, 1496 Rte 300, Newburgh NY 12550; Newburgh free Library, 124 Grand Street, Newburgh NY 12550

Maps, drawings and other pertinent information developed for the State and written views received as a result of the coordination with Federal, State and local agencies will be available for public inspection and copying at the Office of the Regional Director, New York State Department of Transportation, 4 Burnett Boulevard, Poughkeepsie NY 12603.

All interested persons will be given the opportunity to express their views concerning the economic and social effects of the proposal, their impact on the environment and their

consistency with the goals and objectives of such planning as has been promulgated by the community. The proceedings will be recorded. Persons may file written statements and other exhibits in place of or in addition to oral statements made at the public information meeting. Written statements submitted at the meeting, or mailed and received before June 8, 2009 at the Regional Director's Office, will be made part of the record.

Please advise this office if a sign language interpreter, assistive listening system or any other accommodation will be required to facilitate your participation in this public informational meeting. Our contact person is William J. Gorton, whose phone number is 845-431-5848.

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STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION

DAVID A. PATERSON, Governor · Stanley Gee, Acting Commissioner

# NEWS

**FOR RELEASE: IMMEDIATE**  
Monday, May 11, 2009

**CONTACT:** Allison Ackerman  
845-431-7922

**PUBLIC INFORMATIONAL MEETING TO BE HELD MAY 28**  
**NYSDOT Announces Public Meeting and Availability of Environmental Review Document**  
**for the Surplus of Property along Interstate 84 between Exit 7 and 8, Orange County**

The New York State Department of Transportation (NYSDOT) will host a public information meeting to discuss the proposed surplus of property along Interstate 84 between Exit 7 and 8 in the Town of Newburgh, Orange County. The purpose of the meeting is to obtain comments on the proposed surplus property proposal from individuals, groups, officials and government agencies.

The public informational meeting will be held on **Thursday, May 28, 2009 from 7:30 p.m. to 9:00 p.m. at the Quality Inn, located at 90 Route 17K, Newburgh.** The inn is accessible to people with disabilities.

At the public meeting, maps, drawings, and other pertinent information will be available for public inspection. The public will have the opportunity to express their views concerning the proposal, both written and oral. Department staff will be on hand one hour prior to the start of the meeting to discuss the project and answer any questions.

The property being considered for surplus is along the north side of Interstate 84 between Exits 7 and 8. This property was originally purchased in the late 1960s under the Federal Highway Beautification Act of 1965. The Highway Beautification Act generally provided for the acquisition of property adjacent to highways with the stated purpose to enhance and preserve the natural scenic beauty along the Federal Interstate Highway. W.B. Interchange Associate (WBIA), the developer of the Newburgh Marketplace Shopping Center, has requested the land transfer for the construction of an access road from Route 52 to the approved shopping center.

In addition to the public information meeting, NYSDOT announced the release of the

(more)

Design Report for the proposed surplus property. The Design Report documents the proposal's potential environmental impacts and associated effects on the quality of the human environment. The report is available for review at the Newburgh Town Hall located at 1496 Route 300, Newburgh; the Newburgh Free Library located at 124 Grand Street, Newburgh; and the New York State Department of Transportation office building located at 4 Burnett Boulevard, Poughkeepsie.

For further information please contact NYSDOT Regional Design Engineer William Gorton at (845) 431-5848 or write to the New York State Department of Transportation, 4 Burnett Boulevard, Poughkeepsie, New York 12603. Written comments on the project must be received by June 8, 2009 to be made part of the record.

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State of New York  
Department of Transportation  
4 Burnett Boulevard  
Poughkeepsie, NY 12603  
www.nysdot.gov

Joan Dupont, P.E.  
Regional Director

Astrid C. Glynn  
Commissioner

April 27, 2009

ADDRESSEE

Re: SURPLUS PROPERTY CASE 08-111-4043  
PROPOSED ACCESS ROAD OVER STATE LAND  
TOWN OF NEWBURGH  
ORANGE COUNTY

Dear \_\_\_\_\_:

We are transmitting for your review one copy of the Draft Design Report, dated March, 2009. This report has been prepared in accordance with the National Environmental Policy Act (NEPA) and the New York State Environmental Quality Review Act (SEQR).

The report presents a study of proposed alternate designs and the Department's evaluation of the social, economic and environmental effects upon the human environment for a surplus property case. W.B. Interchange Associate (WBIA), the Developer of the Newburgh Marketplace Shopping Center, has requested the following land transfers for the construction of an access road to the approved shopping center from Rte 52 in the Town of Newburgh Orange County: The conveyance by New York State Department of Transportation (NYSDOT) of a permanent easement of approximately 4.62 acres for construction, use and maintenance for an access road and sanitary sewer, and the conveyance by NYSDOT to WBIA for a fee title to approximately 1.48 acres of land for the construction of a permanent stormwater management facility. The property requested is along Interstate I-84 between Exits 6 and 7 along the north side of the highway. This property was originally purchased in the late 1960's under the Federal Highway Beautification Act of 1965. The Highway Beautification Act generally provided for the acquisition of property adjacent to highways with the stated purpose to enhance and preserve the natural scenic beauty along the Federal Interstate Highways. Pursuant to Section 16 of the Transportation Law and as per NYSDOT Official Order #1647, the Commissioner of Transportation created a Property Executive Review Group (PERG) to review the possible disposition of property owned by NYSDOT and to make a final decision on the disposition of property. PERG has reviewed the proposed action and determined that the property is surplus to the state's transportation needs and the disposal will be in accordance with applicable laws, rules, regulations and procedures.

We solicit your comments on the proposed surplus property case. Your comments should be as specific as possible and should address either the merits of the proposed case or the adequacy of the report or both. Please forward your comments to us by June 8, 2009.

A public information meeting will be held at 7:30 P.M. on May 28, 2009 at the Quality Inn, 90 Rte 17K, Newburgh NY.

All pertinent comments, including those received at the public information meeting, will be evaluated before a final decision is made.

Sincerely,

WILLIAM J. GORTON, P.E.  
Regional Design Engineer



**Draft Design Report Distribution List**

Environmental Protection Agency, Region II  
Strategic Planning and Multi-Media Protection Branch  
290 Broadway 25th Floor  
New York, NY 10007-1866

Chief, Regulatory Branch New York District  
U.S. Army Engineers  
26 Federal Plaza  
New York, NY 10278

NYS Department of Environmental Conservation  
Regional Offices  
21 South Putt Corners Road  
New Paltz, NY 12561

NYS Office of Parks, Recreation & Historic Preservation  
Empire State Plaza  
Agency Building 1  
Albany, NY 12238

New York State Police Building 22  
State Campus  
Attn: Traffic Services  
Albany, NY 12226

Empire State Development  
30 South Pearl Street  
Albany, NY 12245

Scenic Hudson  
One Civic Center Plaza, Suite 200  
Poughkeepsie, NY 12601

Open Space Institute  
1350 Broadway, Suite 201  
New York, NY 10940

Orange County Land Trust  
PO Box 2442  
Middletown, NY 10940

Hudson River Valley Greenway Capitol Building  
Capitol Station, Room 254  
Albany, NY 12224

Wayne C. Booth  
Town of Newburgh Supervisor  
1496 Route 300  
Newburgh, NY 12550

Field Supervisor Division of Ecological Services  
Fish & Wildlife Service  
U.S. Department of Interior  
3817 Luker Road  
Cortlandt, NY 13045



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IN RE:

NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
SURPLUS PROPERTY CASE 08-111-4043

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DATED: May 28, 2009  
Newburgh, New York  
7:30 p.m. - 8:15 p.m.

Patrick M. DeGiorgio, Reporter

PUBLIC MEETING

MINUTES

MARY T. BABIARZ COURT REPORTING SERVICE, INC.  
(845) 471-2511



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APPEARANCES:

FREDERICK P. WELLS: Tim Miller Associates, Inc.  
10 North Street  
Cold Spring, New York 10516

JOAN DuPONT, P.E.  
WILLIAM J. GORTON, P.E.  
New York State Department of Transportation  
Region 8  
4 Burnett Boulevard  
Poughkeepsie, New York 12603



1  
2 MS. DUPONT:

3 My name is Joan Dupont. I am the  
4 Regional Director for the New York State  
5 Department of Transportation, Hudson Valley.  
6 Tonight we are conducting a public  
7 informational meeting in consideration of a  
8 request of the sale of state owned property  
9 and permanent easements over state land along  
10 Interstate 84 in the Town of Newburgh. The  
11 land is intended to be used to provide a  
12 storm water quality basin, sanitary sewer  
13 line connections and an additional access  
14 road for the Marketplace, proposed commercial  
15 retail development in the town. The  
16 applicant is WB Interchange Associates.

17 The intent of this informational  
18 meeting is to afford an opportunity for  
19 public information and analysis for proposal.  
20 All persons will be given an opportunity to  
21 express their opinions of the proposal as  
22 well as the social, economic and  
23 environmental effects of the proposal in the  
24 community. This is kind of informal stuff.  
25 You can make oral statements here, you can

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2 submit written statements or you can file  
3 other submissions in any other combination  
4 you desire. We are asking that written  
5 statements be submitted at this meeting or  
6 mailed to my office and received by June 8th.  
7 The mailing address for the submission of  
8 written comments is on the comment sheet  
9 which most of you have. There are certainly  
10 extra copies available at the attendance  
11 table. All replies received along with  
12 comments made at this meeting will be  
13 considered in the evaluation of the request.  
14 Our stenographer will record all statements  
15 and prepare the official meeting transcript.  
16 Copies of the Draft Design Report prepared  
17 for this proposal were distributed to  
18 federal, state and local agencies,  
19 municipalities and advisory groups. A list  
20 of the recipients and replies are available.

21 The Design Report, which is actually  
22 that big binder up there, describes the needs  
23 and objectives of the proposal and evaluating  
24 the engineering, social and economic  
25 environmental effects of the proposal. The



1  
2 design reports and technical appendices which  
3 document these studies are available for  
4 review tonight at the report table and  
5 hereafter at our Regional Office in  
6 Poughkeepsie. A copy of this report is also  
7 available for review at the Newburgh Town  
8 Clerk's Office and Newburgh Free Library.

9           With me here tonight are Bill Gorton,  
10 Regional Design Engineer for D.O.T., Alan  
11 Silverman, Regional Real Estate Officer for  
12 D.O.T., and Suzanne Charles, Department  
13 Attorney. Also with us are the applicant's  
14 representatives, Robert Wilder, WB  
15 Interchange Associates, John Bainlardi, WB  
16 Interchange Associates, Mike Weingarten,  
17 Delbello Donnellan Weingarten Wise &  
18 Wiederkehr, and Frederick Wells of Tim Miller  
19 Associates who is the applicant's  
20 environmental consultant. We will all remain  
21 available after the meeting's conclusion to  
22 answer specific questions.

23           In evaluating the proposed  
24 improvements, full consideration is being  
25 given to social, economic and environmental

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effects. Every attempt has been made to limit the project's impacts and to make it as attractive as possible.

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Please note that if you have a written statement, it's not necessary to present it orally or in its entirety, since it becomes an official part of the record when it's handed to us. Statements which are not available for submission this evening may be forwarded to our Regional Office in Poughkeepsie. Statements received by June 8th, 2009 will also be made part of the record. Full consideration will be given to all comments, written or oral.

Bill, what point do you make the presentation in this?

MR. GORTON:

Whenever you want.

MS. DUPONT:

Bill Gorton, our Design Engineer, has a power point presentation that walks you through the summary of the Design Report. Maybe it's best to do that and then do the questions.

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MR. GORTON:

What we have here is just an overview of the Design Report, some of the major figures, some tables and summaries of the alternatives and differential impacts to some of the features. The first thing we just want to go through is basically a surplus property request process that we go through in the Department of Transportation. We do have certain extra lands around the State of New York and if they are big enough there is a process for it to be sold or transferred in ownership. You can't really read it too well because it's hard to get it on one slide, but it starts with property identification which sometimes comes from our staff and sometimes comes from private property owners. Then we research acquisition history. We do a comprehensive group analysis in the department to determine if there's a future transportation need for the property or not. Our regional management reviews all the internal concerns and makes a determination whether they can deem it surplus or not. It

1  
2 goes through a property markets analysis  
3 evaluation to determine appraised value for  
4 any potential sale. Then we have a Main  
5 Office Property Executive Review Group. We  
6 call it PERG. That's a main office that  
7 takes a regional package, they look at them  
8 all statewide and meet once a month and they  
9 make a determination more final. Ours is  
10 just a recommendation at that point. For  
11 certain parcels, federal highways have to  
12 have a review and concurrence, for this one  
13 being on an interstate highway, they would  
14 have to do that. If it's deemed to move  
15 forward there's a contract review by the  
16 State Comptroller and at the end the  
17 transaction is complete and the property is  
18 transferred. We are basically at the  
19 Property Executive Review Group, review and  
20 determination. They have given a  
21 determination to move forward with the  
22 analysis of the impacts for this particular  
23 piece of property.

24 The location where we are is in  
25 Newburgh. Outlined in here I-84, down here

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Route 300, Route 52, large piece of property here, that's the location of the approved mall. We are not here to really talk about the mall approval, that's approved by the town. The action in front of the state is a piece of property transferred for one of the access roads and that's our focus. The approved development site plan and the area in question is down in here where the access road comes in. There is a little better graphic of that. This is a graphic of the different property boundaries. This is a little confusing and I'll try to walk through it slow. I-84 our standard D.O.T. right of way. Outlined in red is an 8 and a half acre parcel acquired in 1971/'72 under the Highway Beautification Act as a scenic resource. The proposed action is to create an easement through this property for an access road and in consideration for that, aside from the financial terms would be the granting of a conservation easement on the remaining property to the north side of it and the conservation easement between the proposed

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2 building and the roadway on the northwest  
3 side of the property. We have an 8 and a  
4 half acre parcel. The permanent easement  
5 would be 4.26 acres. There is a request for  
6 about 1.4 acre acquisition and fee for a  
7 storm water management facility and then the  
8 conservation easements are 2.8 acres and 6.48  
9 acres.

10 MS. DUPONT:

11 The difference in fee is actually  
12 transferring the property whereas an easement  
13 we maintain the underlying ownership and  
14 transfer the use.

15 MR. GORTON:

16 Just a little bit on existing  
17 conditions. The existing conditions of the  
18 piece of property that the D.O.T. has right  
19 now is 8 and a half acres, was acquired again  
20 in 1971 and 1972. It was part of the Highway  
21 Beautification Act and it's still undeveloped  
22 as it was at the time except for a sewer  
23 easement, town sewer easement that comes  
24 through under I-84 that connects up into the  
25 neighborhoods to the north. There are a few

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isolated informal trails on the property, but I don't believe they are authorized by us.

The Highway Beautification Act, this was established in 1965 under Lyndon B. Johnson's presidency. Its primary purpose was they were developed in the interstate system. There was a proliferation of billboards and junkyards along the highways so the primary purpose of the Highway Beautification Act is the control of outdoor advertising and screening of outdoor junkyards to make the experience of the interstate highway a little more pleasant than it was intended to be. A secondary purpose of it which allowed for the acquisition of rights to preserve the natural and scenic beauty along the Interstate Highway System, that was an element that this property was bought in. It was bought in '71/'72 and the attribute was dense woods noted on the acquisition map and that continues today.

The proposal, we have two alternatives that have been proposed. One is the access

1 road that is purely on the property owned by  
2 WBIA and the other is an access road on the  
3 D.O.T. property which is the final -- in the  
4 final EIS from the Town of Newburgh. The  
5 access road alternative A, it's hard to see,  
6 we tried to have the grading here, but it  
7 moves the road farther away from the  
8 established neighborhoods and that was a  
9 desire of the community during the review  
10 process for the development. This one kind  
11 of shows it a little more. The road would  
12 hug closer to I-84 to the middle of the  
13 easement, connect into the mall off the side,  
14 storm water management facilities would be on  
15 the north side of the roadway, Quassaick  
16 Creek cuts through the middle and wetland  
17 mitigation sites up through the top. Both  
18 sites hook into the same spot on both ends.  
19 They both start here, they both end there and  
20 they just take a different route to get  
21 there. The alternative B, which has no  
22 impact to the state property, would swing  
23 around underneath the mall with a large  
24 retaining wall to keep it in the footprint,  
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2 come over the creek and come through the  
3 woods and in closer proximity to the  
4 backyards of the houses. This is just a plan  
5 view. Again, it would be the storm water  
6 management facilities that would still be on  
7 the property owned by the applicants and some  
8 wetland mitigation. All the same conditions  
9 exist in either alternative.

10 Just going through some different  
11 impact comparisons for alternative A.  
12 There's a grading impact of 11 and a half  
13 acres and wetland impact of 0.8 acres. The  
14 wetlands are basically along the same  
15 corridor where there is a large corridor and  
16 small bridge installed and grading impacts  
17 are to basically cut into the side here and  
18 grade to fill over the Quassaick Creek.  
19 Alternative B, the grading impacts are 6.8  
20 acres. The wetland impacts are at 0.3 acres.  
21 There's a few more wetland systems in here  
22 filled in by this alternative and the grading  
23 impacts are reduced by the introduction of a  
24 large retaining wall to reduce the -- to get  
25 it into the side hill there. Some of the

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issues we had compared was traffic noise and air quality. They were part of the review parameters in the EIS. So we had the comparison done from three receptor points along here. And a comparison, the road on noise receptor 3 is the closest one. No build, which is the existing condition has about 57 decibels. The road on the D.O.T. parcel to the right is 58 with an increase of 1 and the road in blue on the WBIA lands would be 62, an increase of 5 decibels. All the readings of the decibel change from existing to proposed or one alternative to the other are below the standard D.O.T. thresholds that warrant any kind of noise mitigation. Our threshold is 66 decibels or change in 6 decibels that warrant FHNWT rules for traffic noise at the same time. Air quality, these are not so straightforward, but we do have comparisons between the two, a bunch of different parameters in particles per million. Under all cases the ones obviously that are farther away are slightly less than the ones closer and they are all

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2 considerably under any kind of air quality  
3 threshold for either one of them from the  
4 EPA. Comparison of alternatives with some of  
5 the others, we have the disturbance of 4.72  
6 acres greater than alternative A on the  
7 D.O.T. Permanent land disturbance is  
8 essentially the same under both. Just more  
9 temporary disturbance with the one. Steep  
10 slope disturbance is higher on the D.O.T.  
11 property because the other one uses retaining  
12 walls as opposed to steep slopes. Earth  
13 work, there's approximately 50,000 cubic  
14 yards greater with the alternative A on the  
15 D.O.T. property. Wetland disturbance is  
16 about a quarter acre less on the D.O.T.  
17 lands. New impervious surface is less on the  
18 D.O.T. lands. Floodplain displacement is  
19 slightly less on the D.O.T. lands. Traffic  
20 projection is the same. The people come and  
21 go with a little bit of difference in traffic  
22 use, that's estimated about 600 to 700 cars  
23 and hour. The noise is 3 or 4 decibels less  
24 on alternative A, and elevation change which  
25 is a visual parameter is slightly eight feet

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2 greater under the alternative D.O.T. lands  
3 from the other ones based on the adjoining  
4 differential. This looked really good on my  
5 screen, you can actually read it, it doesn't  
6 come out so good here, but this is side by  
7 side here. That I can leave up for you. I  
8 understand it's pretty difficult to read this  
9 now.

10 MS. DUPONT:

11 The grade difference, where is that?  
12 Point that out.

13 MR. GORTON:

14 The grade difference is at the creek.  
15 It's a grade level from the creek to the road  
16 surface level and it's about 32 feet in this  
17 one, the creek is lower and the road is a  
18 little higher and over here it would be 24  
19 feet. The way the ground is, the existing  
20 ground is higher over here than it is here,  
21 so the whole roadway profile is a little bit  
22 higher on that side.

23 MR. WELLS:

24 We are open to questions now?  
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MR. GORTON:

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Yes.

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MS. DUPONT:

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I don't see any point to limit it to  
only statements.

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MS. DODERER:

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Could you explain to me what you were  
talking about before, the fee title?

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MS. DUPONT:

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In this case, the majority of it,  
D.O.T. would maintain ownership, but the WBIA  
would be granted an easement to allow the  
road. In the case of storm water retention,  
as a rule -- it's a policy, we don't grant  
easements to treat other people's storm water  
on our property, so we are actually talking  
about this piece being actually transferred.

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MS. DODERER:

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In other words, not the entire piece?

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MS. DUPONT:

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No. It would be this piece of land  
that would be needed for storm water  
retention. We normally do not allow that on  
our property. We would actually transfer

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that. The rest of it would be an easement where D.O.T. would be allowed ownership which is a permanent easement so they have a right to traverse it.

MS. DODERER:

They don't own it, the state still maintains ownership?

MS. DUPONT:

Yes.

MR. WELLS:

When you speak, identify yourself the first time.

MS. DODERER:

Eleanor Doderer, Wintergreen Avenue in Newburgh.

MR. GEBHARDS:

John Gebhards, resident of the Town of Newburgh. The two conservation easement parcels would be held in fee by the developer and who would hold the conservation easement on that, D.O.T.?

MR. GORTON:

We have been talking about that ourselves, who would be the best person. We

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haven't defined that specifically, who would be the best oversight agency for that.

MR. GEBHARDS:

D.O.T. does hold conservation easements on properties or not?

MS. DUPONT:

Rarely.

MR. GORTON:

Rarely. We would look for somebody else to take on that, but if there wasn't then we would do it.

MR. GEBHARDS:

I don't know whether they would be interested, but there is an Orange County Land Trust that could be discussed, but I don't know if they would be interested in that.

MS. DUPONT:

We have identified a number of options, could be municipality, could be not for profit, but we haven't made that decision. In other words, this isn't contingent on someone else taking it if no one else takes it, we would be willing.

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MS. DODERER:

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Would that be taking care of the storm water basin, is that what you are referring to?

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MS. DUPONT:

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This is not storm water basins?

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MR. GORTON:

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No. The storm water basins would be in fee ownership to the development team. They would have full maintenance rights and responsibilities.

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MS. DUPONT:

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The conservation is this and this (indicating).

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MR. GORTON:

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Would be basically no future development. I believe that's it. There would be no future development in those areas, they would stay in their natural state and state that after the construction was completed.

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MS. DUPONT:

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It's a way of compensating for the loss of -- for building on this parcel. It's one

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way of mitigating the loss of that open land.

MS. DODERER:

What happens like to the storm water basin when the property -- suppose the property changes hands or something. What happens?

MR. GORTON:

It goes with that property. It will be integrated into their site plan. Whatever happens to the rest of the property that would go with it. There's no revert clause or anything for it to come back or anything like that.

MR. GEBHARDS:

The alternative on D.O.T. land presumably would make the road much more visible from Interstate 84, I'm believing. In that sense it would defeat the Beautification Act aspect of the original acquisition of the property.

MR. GORTON:

That's a good point.

MR. GEBHARDS:

Is that correct?

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MR. GORTON:

Correct. If there wasn't that condition on the property, we probably wouldn't be here having this discussion tonight.

MS. DUPONT:

We are balancing impacts, or weighing. We are not actually making the decision. That's part of why we are asking for public statements, an opinion on, it's of varying importance.

MS. DODERER:

How long approximately is that retaining wall on the B plan?

MR. GORTON:

How long and high? Fred?

MR. WELLS:

I don't recall the length. It was up to 74 feet at the highest point. I'm guessing 250 feet long, possibly longer.

MR. GORTON:

Pretty much following the building itself.

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MR. WELLS:

Up to the corner.

MR. GORTON:

Right up where it starts to make the  
turn around here.

MS. DODERER:

74 feet at the highest point?

MR. WELLS:

Yes.

MS. DUPONT:

That's quite a high area. You don't  
see it now really because of the vegetation,  
but with some of that vegetation gone it will  
be more visible.

MR. GEBHARDS:

There is a group called the Quassaick  
Creek & Estuary Preserve who have been  
working for a number of years on trying to  
establish the linear trail which begins at  
the Hudson River up along -- in some aspects  
along the Quassaick Creek. It's set out in  
three phases. Phase 1 would go from the  
Hudson River to 9W. Phase 2 would go from 9W  
up along by Snake Mountain and on up

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2 through -- I'm not certain, I don't think  
3 there's an exact layout of that trail, and  
4 then a phase 3 which is strictly -- hopefully  
5 sometime phase 3 would go on up to Algonquin  
6 Park in making a foot trail for that entire  
7 distance. Is there any consideration in this  
8 arrangement in either one of them of how a  
9 foot trail along the creek could be  
10 accommodated?

11 MR. GORTON:

12 Well, I don't believe there would be a  
13 huge differential with either alternative  
14 because they are both creating pretty much  
15 the same type of structure over the creek.  
16 If it couldn't fit in it, there's a lower  
17 water trail underneath, then it would have to  
18 go around it and you can get up and around  
19 either one of them. I think your bigger  
20 problem is going across I-84. This wouldn't  
21 be much of an option.

22 MS. DUPONT:

23 The engineer knows -- (interrupted)

24 MR. GEBHARDS:

25 We understand they are private owners

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of most of that property which those agreements and arrangements have to be made in order to be able to do that. Once you get up to Algonquin Park then you have a stretch of public land there.

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MR. GORTON:

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To cross I-84 with a trail system, the logical thing is go down Brookside Drive, across 52 and back up. There's a grade crossing at 84 right there. Unless people are aggressive enough to walk in the culverts underneath, that's not the most comfortable things sometimes.

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MR. GEBHARDS:

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The overpass for Route 52 would be the most logical crossing spot.

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MR. WELLS:

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I want to correct something. The scaling off the map here, the wall -- this is an alternate B, the wall would be 900 feet down and it varies from ten feet to a little over 70 feet.

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MS. DUPONT:

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You are welcome to come up and look.

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We don't have that many of us today. If you want to come look at the information, if you want us to go back through some slides. We have committed to be here until 9:00, so we will be here until 9:00.







JOHN GEBHARDS

Keeping Our Planet Green

7059

June 4, 2009

Regional Director  
NYS DOT  
4 Burnett Boulevard  
Poughkeepsie, NY 12603-2594

REG. DIR.		PERSONL.	
AST. TO RD		PLANNING	
ADMIN.		REAL EST.	
REC'D DOT		JUN 05 2009	
		REG 8	
CONST.		GEO. TECH. MAT	
DESIGN		TRAFFIC	
EQPT. MGR.		HVY. MAINT.	

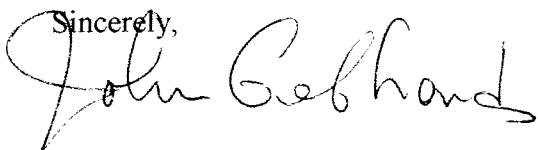
Re: Surplus Property Case 08-111-4043

Dear Sir:

I reside with in a few hundred yards of the subject DOT property in the Town of Newburgh, NY. I strongly feel that the State of New York should not convey a 4.62 acre permanent easement to W.B. Interchange Associates (WBIA), the developer of the Newburgh Marketplace, to be used for an access road and sanitary sewer. This is counter to the original intent of the NYSDOT's acquisition of this property, namely, to enhance and preserve the natural scenic beauty along the Federal Interstate Highways.

This property truly meets the original intent of the state's acquisition by providing a scenic wooded buffer between the Interstate 84 and local commercial areas. Once this land is ceded to WBIA and the access road is built this stretch of Interstate will become just one more highway through suburban USA.

I realize that there may be some small advantage to local residents, such as me, but I prefer that this property remain in its natural state and that the tens of thousands of motorist who drive I-84 continue to be able to enjoy this natural setting rather than that of one more access road.

Sincerely,  
  
John Gebhards



HARRY J. CORBITT  
SUPERINTENDENT



MAJOR EDWARD RASO  
TROOP COMMANDER

STATE OF NEW YORK  
NEW YORK STATE POLICE  
TROOP "F" HEADQUARTERS  
55 CRYSTAL RUN ROAD  
MIDDLETOWN, NY 10941  
(845) 344-5300

June 10, 2009

Mr. William J. Gorton, P.E.  
Regional Design Engineer  
New York State  
Department of Transportation  
4 Burnett Blvd.  
Poughkeepsie, NY 12603

Subject: Surplus Property Case 08-111-4043  
Proposed Access Road Over State Land  
Town of Newburgh, Orange County

Dear Mr. Gorton:

Reference is made to your correspondence dated April 27, 2009 regarding the above subject.

After a review of the material and information provided by your office, we have determined that the proposed access road over state land will have little to no impact on our patrol or operational objectives.

If I can be of any further assistance regarding this matter, please don't hesitate to contact me.

Sincerely,

Edward Raso  
Major  
Troop Commander

