

CITY OF NEWBURGH

LWRP/WATERFRONT DEVELOPMENT  
SCOPING SESSIONS

DATE: OCTOBER 11TH, 2007

LOCATION: DELANO-HITCH ACTIVITY  
CENTER

401 Washington Street  
Newburgh, New York

TIME: 7:15 P.M.

PRESENTERS/SPEAKERS:

ROBERT McKENNA-Director of Planning &  
Development

SARAH K. YACKEL, AICP - BFJ PLANNING

JOHN SACCARDI & DAVID B. SMITH, AICP -  
SACCARDI & SCHIFF, INC.

HELEN MAUCH - ZARIN & STEINMETZ

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1 WELCOME/INTRODUCTIONS

2

3 MR. McKENNA: If everyone would  
4 be seated, we'll get started.

5 Good evening. My name is Bob  
6 McKenna and I am Director of Planning and  
7 Development for the City of Newburgh and I  
8 want to thank you all for coming tonight,  
9 especially on a night that is as inclement as  
10 this one is.

11 I want to just start the evening  
12 by giving you a little bit of background,  
13 discussion of the purpose of why we are here  
14 and talk about the format and ground rules.

15 Hopefully, there is a lot of  
16 information that is at the back table that if  
17 you haven't already picked up you will pick  
18 up at some time during the evening.

19 Just to go over it quickly. The  
20 agenda, we're going to talk a little bit  
21 first, about actually what is scoping and  
22 this is really one of the earliest stages in  
23 what is a fairly long and extensive  
24 environmental impact process, environmental  
25 investigation process.

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2 So, we'll talk a little bit about  
3 what scoping is and then we'll -- we're  
4 really doing a, what we call a, joint scoping  
5 session tonight. So we have two parts. The  
6 two topics that we are discussing are  
7 separate but related.

8 The first part of the evening is  
9 going to focus on the City's revisions and  
10 proposed amendments to it's Local Waterfront  
11 Revitalization Plan. We'll have a  
12 presentation on that and then we'll take  
13 comments from the audience on the LWRP  
14 scoping. If you haven't already got a copy  
15 that draft scoping document, again, it is one  
16 of the documents that is on the table as you  
17 come in.

18 And the LWRP is certainly a more  
19 general discussion of what the future is for  
20 the City's waterfront. From the general  
21 we'll go to the more specific.

22 There will be a presentation on  
23 the Leyland Waterfront Development Project  
24 and, again, with the same format that will  
25 have a short Powerpoint presentation about

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2 the project and what is intended to be in the  
3 scoping document and then people can make  
4 comments on what they think should or  
5 shouldn't be in there.

6 As far as the ground rules go,  
7 there will plenty of opportunity for people  
8 to comment. We are having the procedures  
9 tonight transcribed so when you want to  
10 speak, if you raise your hand, we'll call on  
11 you individually. We have a portable mic.  
12 We'll pass the mic to you and give you the  
13 opportunity to speak.

14 I would ask you to be as brief as  
15 you can because there may be comments coming  
16 from a lot of different people and we want to  
17 give everybody a chance to speak. When it  
18 does come your turn to speak, if you would  
19 both say and spell your name so that the  
20 stenographer can get it properly.

21 We will, once we have the  
22 transcripts back from this evenings  
23 proceedings, will have that on the City's  
24 website. So, it will be available to you  
25 also.

1 WELCOME/INTRODUCTIONS

2 The first thing that we want to  
3 talk about is what exactly is scoping?  
4 Again, hopefully you picked up a brief  
5 one-page description about what this is and  
6 as I said earlier, this is really one of the  
7 earliest steps in the SEQRA process.

8 The draft scoping documents  
9 basically outline everything that is going to  
10 be studied in the environmental impact  
11 statements that we prepared for each of these  
12 projects.

13 In the case of the LWRP, because  
14 it is a more general policy document, what  
15 will be prepared is a generic environmental  
16 impact statement.

17 In the case of the Leyland  
18 Project, it's going to be a much more  
19 extensive and exhaustive document that will  
20 analyze the potential adverse environmental  
21 issues associated with the project.

22 The purpose tonight is to give  
23 you the opportunity to comment upon on what  
24 you think should be in the EIS. The scoping  
25 document in some ways is an elaborate table

1 WELCOME/INTRODUCTIONS  
2 of contents for that environmental impact  
3 statement. It's going to say everything that  
4 should be in there and that should be  
5 studied.

6 We're not really going to be  
7 talking about the specifics of the project  
8 this evening. We're talking about what we  
9 think we should study for the environmental  
10 impacts. It's not a dialogue. There is not  
11 going to be back and forth between the  
12 presenters and the audience.

13 We are recording the information  
14 so that if there is something that is not  
15 already included in the scoping documents, we  
16 can add that in.

17 Before we begin, I just want to  
18 recognize a few of the people that are here:  
19 From the City, we have Jean McGrane, the City  
20 Manager and Mayor Nicholas Valentine is also  
21 in the audience. I know we have a couple of  
22 members of our Local Waterfront Advisory  
23 Committee: Gail Fulton is over on this side  
24 and Mary McTamanev on the other.

25 And I would like to recognize the

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2 people who are doing the presenting tonight;  
3 Sarah Yackel who is with the City's  
4 Consultant Planner for the Local Waterfront  
5 Revitalization Plan. She is with BFJ  
6 Planning as is Susan Provodi (PH), her  
7 associate and presenting the Leyland Project  
8 is Leyland's consultants from Saccardi &  
9 Schiff, John Saccardi and David Smith.

10 And I'm also going to recognize  
11 Helen Mauch who just came in who is with  
12 Zarin Steinmetz who is the City's attorney's  
13 on the project. I'm going to keep going  
14 because I said most of what Helen was going  
15 to say anyway.

16 But, I think we certainly want  
17 you to be conscious of, remind you, at  
18 different times during the meeting, really  
19 what we are trying to accomplish with the  
20 scoping. It's not --this is not the  
21 opportunity -- there will be opportunities to  
22 talk about other aspects of the project.  
23 Right now, we are focusing on what should be  
24 included in our environmental studies.

25 At this point, I am going to turn

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2 it over to Sarah who is going to make the  
3 Powerpoint presentation on the LWRP.

4 One other comment I did want to  
5 make is that if there is anybody here -- we  
6 have many of the documents that have been  
7 translated into Spanish, if there is anybody  
8 here who needs any help in Spanish  
9 translation, Jasmine Miranda, who is at the  
10 door and if Jasmine can raise her hand, will  
11 be sitting over on this side of the room  
12 (Indicating) to provide assistance. We know  
13 that some of the language may be somewhat  
14 technical, so if people need help with  
15 translation for Spanish, she will be  
16 available to help them.

17 MS. YACKEL: Thank you, Bob.

18 Good evening, everybody. As Bob  
19 said, I am Sarah Yackel with BFJ Planning.  
20 We are the City's Planning Consultants on the  
21 Local Waterfront Revitalization Program and  
22 the reason we are here tonight is to look at  
23 and get your input on the scope of the  
24 Environmental Impact Statement that we are  
25 preparing on the Local Waterfront

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2 Revitalization Program.

3 But, before we get to that I  
4 think it is probably important to just give  
5 you a little bit of background and  
6 information on what, exactly, is a Local  
7 Waterfront Revitalization Program and how we  
8 are proceeding with this.

9 The LWRP, as we are calling it,  
10 is a locally prepared land and water use plan  
11 for a community's natural, public, working or  
12 developed waterfront.

13 An LWRP provides an  
14 organizational structure, looks at the laws  
15 in place in the municipality and it includes  
16 a list of projects as well as ongoing  
17 partnerships that will be necessary in order  
18 to implement the document.

19 The LWRP is being prepared, as in  
20 all municipalities in New York State, in  
21 conjunction with the New York State  
22 Department of State, Division of Coastal  
23 Resources.

24 A municipality develops a vision  
25 for it's waterfront and then refines the

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2 State waterfront policies. The State has 44  
3 specific waterfront polices and then we look  
4 at these polices and see which ones actually  
5 apply to Newburgh and then update them and  
6 reflect the policies to represent local  
7 condition and circumstances.

8 And again, an LWRP coordinates  
9 State and Federal actions needed to help a  
10 community achieve it's vision.

11 We had a public workshop about a  
12 month ago where we took comments. We had a  
13 bigger presentation, a more in-depth  
14 presentation, on the plan and that was one of  
15 the first steps in getting feedback into the  
16 vision for the community.

17 So, what is the LWRP area, the  
18 area that the plan is actually addressing.  
19 It's actually broken into three areas:

20 There is Area A, which is in the  
21 southwest portion of the LWRP area and it  
22 includes -- it's the southern land use area  
23 overlooking Quassaick Creek;

24 And then there is Area B which is  
25 the Inland area west of the railroad tracks

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2 and Martin Luther King Boulevard.

3 And then the third area, Area C  
4 is really -- is the waterfront area and this  
5 includes the waterfront area east of the  
6 railroad and along the Hudson River and I'll  
7 talk a bit more about the waterfront area in  
8 a minute.

9 The key players in the LWRP  
10 process, first and foremost, is the City of  
11 Newburgh as this will be the City's plan.  
12 The City of Newburgh City Council is the Lead  
13 Agency for this action, for this project, and  
14 the Lead Agency is the agency that is  
15 responsible for actually approving the  
16 project and in that case, this would be a  
17 Lead Agency.

18 And there is an expanded Lead  
19 Agency for the project that includes members  
20 of the Local Waterfront Advisory Committee,  
21 the Planning Board, and the ZBA. And they  
22 are not voting members, but they are there to  
23 listen and advise and make recommendations to  
24 the Lead Agency.

25 Another key player is the Local

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2 Waterfront Advisory Committee. The Chair of  
3 that committee is Denise Ribble and as Bob  
4 mentioned, we have Gail and Mary here who are  
5 also on the committee and we have been  
6 meeting with them throughout the summer to  
7 get some initial feedback on the draft  
8 chapters of the plan.

9 Another key player of course is  
10 the residents and I'm glad to see a number of  
11 residents here this evening as well as the  
12 existing business community, the Leyland  
13 Alliance who is a key player in this area as  
14 part of the waterfront development plan that  
15 you are going to hear about following this  
16 first scoping session and finally, not listed  
17 and another important player is the  
18 Department of State because ultimately they  
19 also need to approve this document.

20 So, why is Newburgh updating it's  
21 LWRP? Newburgh adopted it's LWRP in 2001 but  
22 as we all know, a lot has changed in Newburgh  
23 since 2001 and this plan is being updated and  
24 amended to reflect the changes that have  
25 happened in the waterfront and the LWRP area

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2 since 2001.

3 And one big change is the  
4 Newburgh Waterfront Redevelopment Project  
5 which is Leyland's Project, which we will  
6 hear about later this evening and so that is  
7 a really big component of this new plan is  
8 trying to incorporate that so that document  
9 reflects the changes that are happening.

10 And another key project is the  
11 Orange Community College expansion into the  
12 Key Bank building and that is another big  
13 project in the area.

14 You see before you the schedule  
15 and I actually have copies of this in a  
16 larger format because it is practically  
17 impossible to read up there (Indicating), so  
18 you might want to just take this with you and  
19 take a moment to look at it and this schedule  
20 actually includes both the LWRP project, the  
21 Harbor Management Plan, which I am going to  
22 talk about in a moment which is a component  
23 of the LWRP as well as the Leyland Alliance  
24 Project.

25 As you can see, on the bottom two

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2 here (Indicating), there are these two blue  
3 dots which is actually where we are tonight.  
4 This is the scoping session and a separate  
5 set of public meetings on the project and so  
6 this bottom part here (Indicating) is the  
7 SEQRA process, the State Environmental  
8 Quality Review process which is more or less  
9 what we are kicking off this evening.

10 So, as you can see, the LWRP --  
11 we are aiming to have a draft of the document  
12 as well as the draft Environmental Impact  
13 Statement by December which would then be  
14 accepted for review by the City Council and  
15 then will be available for additional public  
16 review and there will be public hearings  
17 following that, probably in January.

18 If you are following along in the  
19 handouts, there is another slide that isn't  
20 up here but which is just the contents of the  
21 LWRP. I didn't want to go into it, but I  
22 thought it might be useful for you as you are  
23 reviewing this later.

24 So, what are the objectives of  
25 the LWRP? The main objectives are sort of an

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2 overriding principle that we're approaching  
3 the LWRP amendments with, sort of setting a  
4 framework for our thinking and revisions;  
5 . Open space preservation;  
6 increased public access to the waterfront; is  
7 a real key objective of the plan.  
8 . Links among the waterfront area,  
9 the Broadway corridor, east end historic  
10 district and Washington Headquarters is  
11 another key objective.  
12 . Inter-modal and multi-modal  
13 transportation links to the waterfront  
14 including potential transit links between  
15 Stewart Airport and the waterfront and  
16 ultimately the Ferry, something else that we  
17 are considering and looking at.  
18 . Identification of planning issues  
19 and needs. Again, what are the needs of the  
20 area? What kind of planning issues are there  
21 in terms of, you know, are there ground field  
22 sites, other opportunities for development,  
23 things like that.  
24 . The facilitation of waterfront  
25 redevelopment activities. Again, the Leyland

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2 Alliance plan is a key objective.

3 . Encouragement of water-dependent  
4 and water-enhanced uses.

5 . And finally, the last key  
6 objective that we are looking at is the  
7 development of a Harbor Management Plan.

8 The Harbor Management Plan is  
9 being development in conjunction with the  
10 amendment to the LWRP. The City currently  
11 doesn't have a Harbor Management Plan but is  
12 in the process of drafting one.

13 A Harbor Management Plan is a  
14 plan to address the problems of conflict,  
15 congestion and competition for space in the  
16 use of harbors, surface waters and underwater  
17 lands of the State to the distance of 1,500  
18 feet and that is how it is officially defined  
19 by the State.

20 So, why is a Harbor Management  
21 Plan important? Well, the plan will  
22 strengthen the City's ability to set and  
23 advance its own vision for the future of it's  
24 waterfront and navigable waters on the  
25 Hudson, in coordination with State and

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2 Federal agencies.

3 So, the Harbor Management Plan is  
4 really sort of where the land and the water  
5 meet and it addresses some of the land site  
6 issues as well as the water in terms of; boat  
7 traffic, docks, bulk heads, other water --  
8 sort of in-water improvement.

9 The benefits of a Harbor  
10 Management Plan includes the City's authority  
11 over in-water and waterfront activities  
12 relevant to State and Federal agencies.

13 It requires State and Federal  
14 actions to be consistent with the plan which  
15 is key. It gives Newburgh more control.

16 It establishes a continuing form  
17 to address public concerns over waterfront  
18 activities.

19 It increases coordination among  
20 agencies and stake-holders.

21 It provides a basis for capitol  
22 and other projects.

23 It complements land-use planing  
24 and zoning that is going on throughout the  
25 City as part of the LWRP Master Plan

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2 Amendments or the Master Plan that is being  
3 drafted currently.

4 How does the LWRP relate to the  
5 Harbor Management Plan? The Harbor  
6 Management Plan is a stand-alone document.  
7 It will be able to be read as a stand-alone  
8 document but it is ultimately included as an  
9 appendix to the LWRP. So, it is essentially  
10 one document; two plans, one document. A  
11 two-fer as they say.

12 So, the next steps in the  
13 process.

14 The first bullet point is what we  
15 are here for tonight, which is the joint  
16 scoping sessions for the LWRP and the Leyland  
17 Alliance Plan.

18 The first portion of this  
19 evening, as Bob said, is limited to just the  
20 scope for the Environmental document for the  
21 LWRP and then later we will be addressing the  
22 Leyland Project.

23 Comments -- we will be taking all  
24 the verbal comments tonight and we'll have  
25 transcripts. We'll be going over them

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2 afterwards and making adjustments to the  
3 scope as necessary but we are also taking  
4 written comments and they will be accepted at  
5 the City on October 23rd.

6 So, if there is something you  
7 think of later or, you know, as you are going  
8 through the document in more detail later and  
9 something comes up, don't hesitate to send a  
10 letter in and that will be included in the  
11 record.

12 And these next steps will more or  
13 less correspond to the schedule I just talked  
14 about.

15 Again, we are looking to submit a  
16 preliminary draft Environmental document by  
17 December and the draft plans will be  
18 hopefully available by then as well.

19 Then we will be proceeding -- and  
20 hopefully an end date of around April which  
21 is well in advance of the Leyland project  
22 which is sort of -- we are neck and neck  
23 right now but we will be finishing long  
24 before just given the differences in the  
25 types of projects which is what I want to

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2 talk about next.

3 So, as Bob briefly mentioned in  
4 his introduction, the LWRP is really a policy  
5 plan. It's not a project-specific project,  
6 so to say. You know, it's not going to  
7 result in any shovels in the ground, building  
8 anything. It's really setting a policy  
9 framework for addressing future development  
10 and activities within the LWRP area.

11 So, we are preparing what is  
12 called a Generic Environmental Impact  
13 Statement which is different than the type of  
14 document that Leyland's preparing. It's a  
15 similar process but different scope.

16 A Generic EIS is used to assess  
17 the impacts of an entire program or plan  
18 having wide applications. The adoption of  
19 the LWRP is a legislative action but is  
20 generic in nature and does not result in  
21 physical changes in the environment.

22 A Generic EIS will address the  
23 LWRP areawide impacts potentially resulting  
24 from the amendments and not localized type  
25 specific impacts.

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2 The key difference between the  
3 generic EIS and a regular EIS is that  
4 specific future development projects within  
5 the LWRP area will be analyzed in separate  
6 site-specific environmental impact  
7 statements.

8 So, there is a last chapter in a  
9 generic EIS that sets the stage for what type  
10 of analysis will follow and in this case, the  
11 Leyland project would be in that chapter  
12 saying: A site-specific EIS will be prepared  
13 for this project looking at these things and  
14 sort of laying out a process for how that  
15 will move forward and it will include that as  
16 well as other projects we may identify on the  
17 project.

18 So, the last slide here, and this  
19 is sort of setting a framework for comments,  
20 we're hoping to receive. This is the table  
21 of contents of the Draft Generic  
22 Environmental Impact Statement that we are  
23 proposing. It is pretty basic.

24 . It includes an executive summary.  
25 . Project description.

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2 . And then chapter three, and this  
3 is the required outline that the State  
4 requires in their State Environmental Quality  
5 Review Act, chapter three looks at  
6 environmental settings, significant impacts  
7 and mitigation measures and there is a list  
8 of specific topics that we will be analyzing.  
9 The analysis in this document will be largely  
10 based on the information actually contained  
11 in the LWRP. The LWRP contains a lot  
12 existing conditions information in terms of:

13 . What are the land uses.

14 . What are the Zoning.

15 So, we'll be taking both that set  
16 of existing conditions and looking at how the  
17 amendments we're making will result in  
18 changes to the existing conditions.

19 Chapter four, which is: Other  
20 Environmental Impacts and these are a set of  
21 required sections and they look at:

22 . Unavoidable adverse  
23 environmental impacts;

24 . Growth-Inducing, Cumulative  
25 and also;

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2 . Energy use and conservation.

3 The fifth chapter is Analysis of  
4 Alternatives and in this case we have really  
5 only identified one alternative which is a:

6 . No-action, meaning we do not  
7 vote. We leave the LWRP the way it is and do  
8 not proceed.

9 And then finally the last chapter  
10 which I just discussed is:

11 . Future Actions. This is  
12 where we would lay out specific projects that  
13 may come -- that may result from the LWRP.

14 And I think we are ready to start  
15 comments. Again, we'll be taking comments  
16 and we'll pass the microphone around and if  
17 you would just state your name and spell it  
18 for the court reporter.

19 UNIDENTIFIED MEMBER OF PUBLIC:  
20 Section 5 choice, No-Action Alternative. Is  
21 it possible for people to introduce comments  
22 and to accept comments recommending that you  
23 scope some other alternatives, like changes?

24 MR. MCKENNA: We're accepting  
25 all comments, sure. Would you identify

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2 yourself for the stenographer?

3 MR. DEBAR: My name is Don DeBar,  
4 It Flows Both Ways Coalition, Ossining, New  
5 York.

6 MR. MCKENNA: So, at this time,  
7 we're just looking for comments on the Draft  
8 Scoping Document for the LWRP. If you have a  
9 comment, raise your hand and --

10 UNIDENTIFIED MEMBER OF PUBLIC:  
11 Is there a time frame on people's comments?

12 MR. MCKENNA: There is no time  
13 frame, though, we suggest that people take as  
14 little time as possible as -- time as  
15 possible -- because we have a number of  
16 people.

17 MR. DEBAR: How long are you  
18 taking comments on this until?

19 MR. MCKENNA: Until October 23rd.

20 MR. DEBAR: Okay, thank you.  
21 That's all. I have some written comments  
22 too.

23 First, I would like to recommend  
24 that you scope, under number five, some  
25 additional alternatives to the No-action

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2 Alternative. There are a variety of plans  
3 that you can have for the waterfront that  
4 exists between the existing plan LWRP and the  
5 proposed alternatives that seem likely  
6 designed to facilitate the Leyland Project.

7 There may be other things that  
8 could be done with the waterfront and they  
9 should be at least looked at I think. I  
10 would like to suggest that that be looked at  
11 and some other alternatives proposed and  
12 scoped.

13 The impact upon the community and  
14 site environments of changes in the LWRP,  
15 from the existing to one that would enable  
16 the proposal that I assume is the subject of  
17 Development Agreement. That hasn't been  
18 released yet but I assume that these are  
19 harmonious with, you know, what's anticipated  
20 to happen.

21 The impacts on the community and  
22 site-environment such as impacts on the  
23 schools, impacts on traffic, impacts on  
24 municipal finances, based on possibilities  
25 for selling the property, as against whatever

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2 the sales price is that hasn't yet been  
3 disclosed; impacts on the tax base.

4 You are looking at a heavy  
5 concentration of residential uses here which  
6 does not expand the tax base. Generally, it  
7 raises the tax base as opposed to  
8 concentration of commercial. Those things  
9 should be scoped.

10 A listing of whatever other  
11 impacts would take place in the scoping or  
12 that are identified in the scoping for the  
13 waterfront project, should also be at least  
14 referenced here and probably reviewed here  
15 since that would enable that.

16 So, I think the idea of doing a  
17 generic one here, I understand the concept,  
18 but you know it's clear that if this is  
19 adopted, the State signs off on this at the  
20 end, after the City finds that it is  
21 consistent with the City policies and the  
22 State finds it is consistent with the State  
23 policies, things will happen that can't  
24 happen without making these changes. And  
25 they should be looked at for the impacts on

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2 the community.

3 There should be, also as part of  
4 that, complete disclosure of the City's  
5 financial costs to enable the project, if  
6 there is going to be any participation in  
7 clean up or any tax abatements or any other  
8 things.

9 MS. YACKEL: The policy --

10 DON DEBAR: With respect to the  
11 policy as it stands right now, I assume, I  
12 haven't seen the Development Agreement, but I  
13 assume that that project cannot be  
14 facilitated or permitted unless this policy  
15 is changed, unless the LWRP is changed. Is  
16 that a true statement?

17 MS. YACKEL: That's not a true  
18 statement actually. The way the LWRP is  
19 today the Leyland project can proceed.

20 MR. DEBAR: It could?

21 MS. YACKEL: Yes, it could. The  
22 changes we are making are not carte-blanche,  
23 giving them freedom to do whatever they want  
24 and actually as the plan is now, they could  
25 proceed. That wouldn't prohibit them. There

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2 is nothing that prohibits that --

3 MR. DEBAR: Okay, so just for the  
4 purpose of clarity. I mean we are scoping  
5 something and the next scoping -- the next  
6 segment of this is going to be scoping  
7 something that really hasn't been released to  
8 the public and that will rest either on the  
9 existing LWRP or on the changes to the LWRP  
10 or on some combination thereof. Is it  
11 possible, you know, it is nice to look at all  
12 the pictures and charts, is it possible to  
13 get an idea of what the vectors are between  
14 those two, so that people can start to focus  
15 on what is going to be the real world impacts  
16 of making the changes that are proposed or  
17 not making them?

18 MR. MCKENNA: Anyone else with  
19 comments for the LWRP? Yes, say and spell  
20 your name, please.

21 MEMBER OF PUBLIC: Kippy Boyle,  
22 K-I-P-P-Y B-O-Y-L-E.

23 I'm not going to ask anything as  
24 technical as all that, but under the LWRP  
25 Objectives, the very first one is: Open

1 OVERVIEW OF LWRP SCOPING DOCUMENT

2 Space Preservation, Increased Public Access  
3 to the Waterfront. Could you tell us -- I'm  
4 looking at the colored map here, could you  
5 tell us precisely how many linear feet of  
6 waterfront the defined area is and how much  
7 of that is currently owned by the City of  
8 Newburgh that could be public access and how  
9 much is public access?

10 MR. MCKENNA: And I'm just going  
11 to say before Helen starts, it's really not  
12 going to be dialogue back and forth, but if  
13 -- what I can say is that there is an issue  
14 that we can make sure now is included in the  
15 existing conditions for the policy document;  
16 all right.

17 Any other comments?

18 MEMBER OF PUBLIC: Yes.

19 MR. MCKENNA: Could you say and  
20 spell your name, please.

21 Denise Ribble, D-E-N-I-S-E  
22 R-I-B-B-L-E, Newburgh, New York.

23 I guess I would like to re-raise  
24 or just have in the comment section, one of  
25 the concerns that was raised at a previous

1 OVERVIEW OF LWRP SCOPING DOCUMENT

2 meeting which involved the aspect of public  
3 versus private and in particular sale versus  
4 lease and in the LWRP amendments that are not  
5 specified and in the effort to continue to  
6 maintain open space; and also, address some  
7 of the fiduciary responsibilities. I would  
8 like to have that addressed clearly.

9 MR. McKENNA: Any other comments  
10 about this first half of the scoping?

11 ( NO AUDIBLE RESPONSE. )

12 MR. McKENNA: All right, if none  
13 then we are going to close this portion.  
14 We're going to -- we have to just change  
15 computers here for a moment so one's  
16 compatible. Again, I would encourage you to  
17 make sure you have gotten all the written  
18 materials. Many of these materials are also  
19 on the City's website, but these will give  
20 you -- the handouts will give you a chance to  
21 look over both of the scoping documents for  
22 these, which I think will help clarify some  
23 of the issues as well.

24 I would also take this  
25 opportunity to remind you that this is one of

1 OVERVIEW-LEYLAND WATERFRONT DEVELOPMENT

2 two sessions that we are having. The session  
3 Saturday morning which will be an exact  
4 duplication of what we are doing today. If  
5 you -- certainly you are welcome to come back  
6 if you have come up with some ideas after  
7 tonight that were not mentioned tonight, but  
8 also we would encourage you to -- if you have  
9 anybody else that you know that you think may  
10 have an interest in either one of these  
11 projects, to attend the Saturday session  
12 which is at 9:30 at City Hall in the Council  
13 Chambers if they weren't able to attend  
14 tonight.

15 MR. MCKENNA: For the second part  
16 of this evening's presentation, I would like  
17 to introduce David Smith who is with the  
18 planning firm of Saccardi & Schiff and David  
19 will take us through a brief Powerpoint  
20 presentation on the scoping document for the  
21 Leyland Waterfront Development Project.

22 MR. SMITH: Thank you, Bob. For  
23 the record, David Smith, Principal with the  
24 firm of Saccardi & Schiff, White Plains, New  
25 York.

## 1 OVERVIEW-LEYLAND WATERFRONT DEVELOPMENT

2 Also here on behalf of Leyland, I  
3 just wanted to recognize Lou Marquet and  
4 Howard Kaufmann who are principals with the  
5 firm, Larry Wolinsky, who is the attorney  
6 representing Leyland Alliance with Jacobowitz  
7 & Gubitz.

8 I think it is important to start  
9 with describing what is the action. Sarah  
10 went through a description of the LWRP, how  
11 it is more of a policy document.

12 Here we are talking about a much  
13 more specific plan and program that needs to  
14 be evaluated under the State Environmental  
15 Quality Review Act.

16 The proposed action is a  
17 public/private partnership to redevelop  
18 approximately 37 acres in the general  
19 vicinity of Newburgh's waterfront.

20 As a results of a process that,  
21 an extensive process that, the City undertook  
22 initiated with the City selecting Leyland  
23 Alliance to begin a process of looking at the  
24 waterfront and it included a very extensive  
25 Charrette program that involved hundreds of

## 1 OVERVIEW-LEYLAND WATERFRONT DEVELOPMENT

2 citizens of the City of New York working with  
3 one of the more renowned planning firms and  
4 architectural firms in the United States,  
5 Andres Du Duany Plater-Zybert.

6 The result of that process,  
7 Andres Du Duany Plater-Zybert blended the  
8 ideas, the thoughts, the comments that came  
9 in over this one-weeks Charrette process in  
10 to a recommended concept plan.

11 It's a wonderful plan and  
12 essentially the area that we're considering  
13 as part of the proposed action extends from  
14 Nicoll Street in the North, Liberty Street  
15 (here) west, Quassaick Creek, the south and  
16 the Hudson River on the east and I mentioned  
17 there's approximately 37 acres. Those  
18 parcels are identified here (Indicating) in  
19 the yellow as part of the map.

20 The reason that we have a  
21 boundary line, essentially extending this way  
22 (Indicating), there is a proposed zoning  
23 amendment that is coordinated and tied to the  
24 proposed action and I'll get to that in a  
25 minute, but essentially, that is the reason

1 OVERVIEW-LEYLAND WATERFRONT DEVELOPMENT

2 that we have this EIS study area boundary  
3 that is conterminous with the proposed zoning  
4 boundary.

5 I think it is important that, as  
6 we begin to consider the plan, it's very  
7 important to understand that it was prepared  
8 within a week. It was prepared with lots of  
9 great ideas, but it hasn't been put to the  
10 test and that is part of what the  
11 environmental review process is all about.

12 It's evaluating what's being  
13 proposed and I'll quickly go through what is  
14 being proposed as part of this action.

15 . Residential Density, 1,170 units  
16 in a variety of forms; townhomes,  
17 brownhouses, brownstones, multi-families, 10  
18 to 12 story buildings. There's two of those  
19 and I'll show those on the plan in a minute,  
20 and residential units over retail.

21 Of that figures, 10% would be  
22 workforce housing. So, out of the 1,170  
23 units, 10% of that would be workforce housing  
24 which is a -- it is not market rate, but it  
25 is tied to -- an income related to -- more

1 OVERVIEW-LEYLAND WATERFRONT DEVELOPMENT

2 closely to the City.

3 There's 140,000 square feet of  
4 retail, 100,000 square feet of office, 150  
5 room hotel conference center, four and a half  
6 acres of public open space and 2,180 parking  
7 spaces.

8 Again, to orient you, Hudson  
9 River here (Indicating), and very briefly, we  
10 have Martin Luther King Boulevard running  
11 along through here (Indicating) and you have  
12 some of the townhouse projects at the north  
13 end. You have live/work, so you a higher  
14 density here (I(ndicating)). You have got  
15 those two towers that I had -- that came out  
16 of the plan, here and here (Indicating) in  
17 blue and here is Broadway (Indicating) as it  
18 comes down.

19 One of the design concepts for  
20 Broadway is to create a boulevard in the  
21 middle.

22 Then we get to the waterfront  
23 area and at the south end of the waterfront,  
24 you have a residential component and you have  
25 the hotel component and the office

1 OVERVIEW-LEYLAND WATERFRONT DEVELOPMENT

2 components. There is retail (Indicating).  
3 Again it's retail with residential up above  
4 and there are several parking structures.

5 Here, (Indicating) we have got  
6 open space and then waterfront and public  
7 open space along the waterfront.

8 Again, it's a very brief review  
9 of what the proposed action is within --  
10 that's being scooped as part of this DEIS.

11 The design principals that were  
12 used as part of -- to develop this plan, are  
13 built upon the strong urban assets of the  
14 City of Newburgh, the mixed uses, the  
15 walkability, and the creation of a strong  
16 sense of place.

17 Now, in order to put this type of  
18 a plan into effect, we have to have -- we  
19 have to amend the zoning and that calls for  
20 the creation of a new urbanist overlay  
21 district and I'll review for you where that  
22 proposed area is.

23 This (Indicating) would be --  
24 this is the suggested zoning boundary for the  
25 new urbanist overlay district.

1 OVERVIEW-LEYLAND WATERFRONT DEVELOPMENT

2 The proposed zoning includes a  
3 design code which regulates density, bulk,  
4 length of buildings, parking, architecture,  
5 landscaping and other design standards.

6 Now, that we have defined the  
7 action, we are going to go into SEQRA. I  
8 think that Bob had mentioned that essentially  
9 the scoping session that you are here tonight  
10 for, what we are doing is we're creating, if  
11 you haven't seen it, this is the scoping  
12 outline for this particular action. It's  
13 probably a 25-page document or so.

14 It goes into quite a bit of  
15 detail about the types of information that  
16 needs to be included in the Draft  
17 Environmental Impact Statement and at the end  
18 of the day I brought along a DEIS that our  
19 office prepared for the City of Peekskill.  
20 And this is what one looks like when it is  
21 finally prepared. It's full of graphics and  
22 all sorts of analyses that helps describe for  
23 the Lead Agency what the proposed project is  
24 and what the impacts are.

25 So, DEIS details all the impacts

## 1 OVERVIEW-LEYLAND WATERFRONT DEVELOPMENT

2 of the project, of the action; what are the  
3 adverse impacts, what are the positive  
4 impacts. We know that there is going to be  
5 adverse impacts with respect to things like  
6 construction and traffic but there are also  
7 positive benefits and we need to identify  
8 those; job creation, taxes, creation of open  
9 space that's available to the public.

10 It identifies when you have an  
11 impact, how do you mitigate that impact and  
12 there are a whole series of opportunities for  
13 mitigation.

14 We provide alternatives to a  
15 proposed plan and somebody had raised an  
16 issues about having alternatives. We have  
17 alternatives included in the scope. We have  
18 included those; a No-build Alternative, what  
19 happens if the project doesn't move forward.  
20 We have an alternative that looks at  
21 development under existing zoning.

22 We don't have this new urbanist  
23 overlay district. We have alternative uses  
24 and what's outlined right now in the scoping  
25 outline just a residential component to the

## 1 OVERVIEW-LEYLAND WATERFRONT DEVELOPMENT

2 west of the Conrail tracks and just a  
3 non-residential portion to the east.

4 Then we have a series of designs  
5 alternatives. We have design alternatives  
6 that were previously discussed as part of the  
7 Charrette process that the City went through.  
8 Alternative configurations and there is one  
9 particular site called a Consolidated Iron  
10 site which is at the south end of the  
11 proposed study area.

12 We have no parking structures  
13 along the waterfront. There was a suggestion  
14 early on based on input from the City to  
15 include an alternative that looked at a park  
16 on top of one of the parking structures.

17 And then there was an alternative  
18 that does not contemplate utilizing private  
19 property. I think it is important that as we  
20 move through the process that everybody  
21 understands that there is this public/private  
22 partnership between the City and Leyland  
23 Alliance and in order to create this plan, to  
24 put this plan into effect Leyland needs to  
25 acquire land from the City. It would need to

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2 acquire land from private property owners or  
3 in -- as a last resort, the City would need  
4 to institute eminent domain and we were  
5 required, as part of the initial drafting of  
6 the scope, to outline what that process would  
7 be, if -- if eminent domain were used.

8 And again, this plan is a result  
9 of an intensive process by the City  
10 Government, by the Citizens of the City of  
11 Newburgh and by Leyland Alliance and I just  
12 want to make it very clear that in order for  
13 that plan to -- this plan to move forward,  
14 and we have been asked, Leyland Alliance has  
15 been asked, to move and study this plan, I  
16 wanted to make sure that issue was out there  
17 and up front.

18 I did the alternatives -- here,  
19 just so that everybody understands, there are  
20 a whole series of DEIS chapters that have to  
21 be analyzed. We have identified land use and  
22 zoning, what is the existing land use, what  
23 is the existing zoning. What would it be  
24 like once the project is completed if it  
25 moves forward as it is; looking at geology,

1 OVERVIEW-LEYLAND WATERFRONT DEVELOPMENT

2 topography and soil, what's under the ground;  
3 econology.

4 We understand that there are  
5 certain sensitive areas in the Hudson that  
6 need to be evaluated very closely. We'll  
7 work with DEC.

8 Traffic, transportation, and  
9 parking.

10 We have identified a series of  
11 what we think are nine critical intersections  
12 that need to be evaluated as part of this  
13 proposed action.

14 I know that the map may be a  
15 little bit hard to see. I think we have  
16 included a copy, but essentially we have  
17 identified what we think are the nine  
18 critical intersections.

19 And as part of a SEQRA review you  
20 need to evaluate what are the existing  
21 conditions now, the levels of service and the  
22 levels of service range from the A to F.

23 And then once you have the  
24 proposed project up and running; well, how  
25 much traffic is that going to throw onto the

1 OVERVIEW-LEYLAND WATERFRONT DEVELOPMENT

2 road system and what are the impacts. If  
3 there are impacts, how do you mitigate those  
4 impacts.

5 So, we think we have identified  
6 the key critical intersections that need to  
7 be evaluated.

8 Related to traffic, air quality.  
9 If there are any failing intersections we  
10 need to evaluate what the air quality  
11 conditions are.

12 Noise. We understand that there  
13 is a train line that runs right through the  
14 site, and we have to evaluate what the impact  
15 of that condition is on any proposed  
16 development.

17 Visual Resources. Obviously,  
18 your City code has visual resources as a  
19 component. The LWRP is evaluating visual  
20 resources. We have identified four  
21 particular locations that we think are  
22 critical locations to evaluate the visual  
23 impacts.

24 We are going to include visual  
25 simulations for those four areas. We have a

## 1 OVERVIEW-LEYLAND WATERFRONT DEVELOPMENT

2 whole series of cross sections to evaluate,  
3 topographically, what the development would  
4 look like and how it would fit into the  
5 topography going from east to west.

6 Okay. Socio-economic issues.  
7 You have an existing population here. What  
8 kind of population can you expect from the  
9 new development; number of people, number of  
10 school kids and how that relates to another  
11 section, community services and fiscal  
12 impacts.

13 Obviously, you have a proposed  
14 project that is going to impact fire, police,  
15 ambulance, schools, recreation. We need to  
16 have an evaluation and prepare an analysis of  
17 what the cost is going to be to the City and  
18 then also on the flip side, we need to  
19 evaluate what the taxes are that are going to  
20 be generated as a result of the project and  
21 then compare the two and see if there is a  
22 true impact as a result of the additional  
23 population to the City.

24 Utilities and Infrastructure.  
25 Obviously, this is a very old section of the

## 1 OVERVIEW-LEYLAND WATERFRONT DEVELOPMENT

2 City. The utilities and infrastructure need  
3 to be evaluated very carefully. Do they need  
4 to be upgraded. There are issues with the  
5 combined sewer overflow and the DEC is very  
6 concerned about that and all that will be  
7 evaluated and it is included in the draft  
8 scoping outline.

9 And lastly, we have got  
10 Construction Impacts which are temporary in  
11 nature but given the size and the scope of  
12 the project, are very important to evaluate  
13 and the impacts on the local community.

14 So, we have gone through I think  
15 a very brief review of the topics that are  
16 included in the scoping outline, the proposed  
17 scoping outline.

18 The next steps for us, again we  
19 have got another session on Saturday morning  
20 at 9:30 and then there is a whole series of  
21 the process, the SEQRA process, that we are  
22 going to have to and the City, along with the  
23 City, get into before any decision is made,  
24 one way or the other about whether this  
25 project moves forward or any other aspects

1                   SEQRA PROCESS

2                   related to the proposed action.

3                   If John Saccardi could just come  
4                   up and just briefly go through the SEQRA  
5                   process.

6                   JOHN SACCARDI: John Saccardi,  
7                   Principal, Saccardi & Schiff.

8                   This is the last slide we want to  
9                   show you and it is really just to put the  
10                  process that we are talking about now in  
11                  context and we have laid out this slide to  
12                  show nine steps in the SEQRA process.

13                  The jargon that we talk about,  
14                  SEQRA is the State Environmental Law, of  
15                  course.

16                  And we are really at Step Two.  
17                  As Bob pointed out earlier, we are in the  
18                  beginning of the process for the site  
19                  specific EIS for the Leyland project.

20                  Step One already occurred and  
21                  that is the City Council taking on the role  
22                  of Lead Agency and there is a process unto  
23                  itself for them to do that.

24                  Now, that we are scoping, at the  
25                  end of the scoping process, two scoping

1                   SEQRA PROCESS

2                   sessions and the comment period, which runs  
3                   until October 23rd, the City Council will  
4                   adopt the scope that is the result of  
5                   tonight, Saturday and the additional comment  
6                   period and that would be the first real  
7                   document in the SEQRA process and we're only  
8                   at Step Two.

9                                 After Step Two, we go away and  
10                   prepare that Draft Environmental Impact  
11                   Statement. That is Step Three. That's the  
12                   DEIS preparation, but we still want to have  
13                   community input so the column below the boxes  
14                   shows where community meetings, public  
15                   hearings and public meetings would occur in  
16                   each of the nine steps that I described.

17                                 Once we prepare that Draft  
18                   Environmental Impact Statement in it's  
19                   preliminary form, it has to be accepted by  
20                   the Lead Agency.

21                                 And how do they take that --  
22                   that's the second document, of course, that's  
23                   the big book that Dave described -- how do  
24                   they judge whether it is acceptable or not.  
25                   They compare it against the scope to make

1                   SEQRA PROCESS

2                   sure that every item in the scope is  
3                   addressed in that Draft Environmental Impact  
4                   Statement.

5                   Once they accept the document  
6                   then that document becomes a document for  
7                   public review. There's public hearings. The  
8                   document is put on the website. The document  
9                   is available in the Library and other places  
10                  all over the City. We'll make multiple  
11                  copies. It is sent to every agency that has  
12                  a role in this process; DEC, DOT, all the  
13                  State agencies, the County and so forth.

14                  So, the Fifth Step is the public  
15                  review process. There will be public  
16                  hearings. There will be lots of  
17                  opportunities for community input again.

18                  Then we take and we go to the  
19                  next portion of the process and Item Six is  
20                  really the Final Environmental Impact  
21                  Statement.

22                  The Final Environmental Impact  
23                  Statement takes every comment that is made on  
24                  the draft and responds to it. Sometimes the  
25                  plan is changed. Sometimes an alternative is

1                   SEQRA PROCESS

2                   elevated to the proposed action status. And  
3                   that Final Environmental Impact Statement  
4                   goes through the same kind of review. It's  
5                   accepted buy the Lead Agency and made  
6                   available for public comment.

7                                 And then, finally, after that end  
8                   of the process, we prepare an Environmental  
9                   Findings Statement which summarizes this  
10                  whole thing. It summarizes two basic  
11                  elements; the process that we went through  
12                  and also the substance of the EIS.

13                                That Findings Statement would  
14                  then be adopted by the Lead Agency and then  
15                  the project could be approved including  
16                  zoning and all the various components.

17                                So, what's important is that where  
18                  we are on Step Two, is really trying to come  
19                  to grips with a table of contents. But, that  
20                  table of contents is very important because  
21                  that sets the stage for the Draft  
22                  Environmental Impact Statement which sets the  
23                  stage for the Final Environmental Impact  
24                  Statement and then in turn for the Findings  
25                  Statement.

1                   SEQRA PROCESS

2                   So, what we are doing tonight and  
3 we'll be doing again on Saturday, is really  
4 defining what those issues are that you call  
5 for us to study in depth in the Draft  
6 Environmental Impact Statement, so we can get  
7 into the real analysis of this important  
8 project. Thank you.

9                   MR. MCKENNA: Thanks, John.

10                  Before we start to take comments  
11 on this portion of the program, I just want  
12 to call your attention on this board here,  
13 has again, all the different chapters and  
14 issues that have to be studied. As you can  
15 imagine, besides their planning firms, the  
16 Developer has to bring in a variety of  
17 consultants and experts to deal with all  
18 these issues; hydrologists, civil engineers,  
19 traffic consultants, etc.

20                  On the other side, the City has  
21 it's own similar team of consultants and  
22 experts which consult with the City and the  
23 Developers and check and verify the  
24 information that they are providing to us.

25                  Under our Development Agreement,

1                   SEQRA PROCESS

2                   the Developer puts money into an escrow  
3                   account to pay for the City's experts to work  
4                   with us to forward our interest in the  
5                   development of the project.

6                   So, I just wanted to make clear  
7                   that there are a lot of issues to be studied.  
8                   There's going to be a lot of people involved,  
9                   many more than what you see here today and it  
10                  is going to be a long process. As Sarah said  
11                  earlier, the LWRP will move relatively  
12                  quickly, and be hopefully approved early next  
13                  year.

14                  At that point, the EIS, the Draft  
15                  EIS, for the Leyland Development Project  
16                  because it is so extensive and has to address  
17                  so many issues, will still be compiling  
18                  information and hopefully it will be ready  
19                  for a first look next spring.

20                  So, we are going to follow the  
21                  same format. If you have comments that you  
22                  would like to make about the draft scoping  
23                  document for the Leyland Waterfront  
24                  Development Project, please raise your hand  
25                  and I'll bring you the mic and say and spell

1                   SEQRA PROCESS

2                   your name so that the stenographer can get  
3                   the proper information down.

4                   ALFRED DELBELLO: Thank you, very  
5                   much. My name is Alfred DelBello from the  
6                   law firm of DelBello Donnellan Weingarten  
7                   Wise & Wiederkehr and we represent Memorare  
8                   Realty Holding Corp.

9                   And I have some very specific  
10                  comments with regard to the scope itself but  
11                  before that I would like to introduce Ed  
12                  Arace, a consultant to Memorare Realty  
13                  Holding Corp, who has some comments with  
14                  regard to the site which is in question which  
15                  we will be addressing and it's ownership.

16                  EDWARD L. ARACE: I am here to  
17                  put a human face on this. The owner of the  
18                  property who is here with us and we are  
19                  talking about, the Waterfront Property that  
20                  is privately owned, that is about a 10 acre  
21                  piece of the total 37 acres and about half of  
22                  what is on the waterfront.

23                  Ralph was born and raised in  
24                  Newburgh. He is a life-long resident of this  
25                  area and he was a pioneer in the development



1                               SEQRA PROCESS

2                               The City of Newburgh Ferry  
3 terminal and a 250 parking lot is also  
4 located on the site.

5                               All the businesses on Ralph's  
6 property are water dependent and provide  
7 public access to the river.

8                               Everything Ralph has done with  
9 his property has been consistent with the  
10 City's current LWRP and also with the  
11 proposed LWRP.

12                              Since Ralph cleaned up the  
13 property over 20 years ago, local residents  
14 have enjoyed access to the property. Many  
15 locals use the site for fishing. Others  
16 drive down, park, enjoy the view and eat  
17 their lunch.

18                              When the City wanted to stage its  
19 waterfront festival, Ralph provided his  
20 property free of charge.

21                              He also provides the City of  
22 Newburgh Fire Department a free slip at his  
23 marina for the rescue boat.

24                              During the boating season, boat  
25 trailers overflow from the City's popular

1                   SEQRA PROCESS

2                   boat launch and are allowed to park free of  
3                   charge on the property and the list goes on  
4                   and on.

5                                 Ralph is a well-known and  
6                   respected businessman whose loyalty to the  
7                   City of Newburgh is beyond question. A  
8                   person locals know and they also can go to  
9                   for support.

10                                We ask that if -- Ralph asks,  
11                   that if the land under the existing business  
12                   to be acquired by eminent domain that a study  
13                   be performed to determine the survivability  
14                   of those businesses that are dependent on  
15                   being located on the river and therefore,  
16                   very difficult to locate -- relocate.

17                                When considering the socio  
18                   -economic conditions in the study are, we  
19                   would like the applicant to look very closely  
20                   at the issue of affordability for local  
21                   residents. An example would be; the  
22                   comparison between the current marina's dock  
23                   fees and those envisioned by the applicant.

24                                We would also like to see the  
25                   same done for the restaurant.

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2                   Under the reasonable alternatives  
3                   instead of just looking at one alternative  
4                   that does not contemplate utilization of  
5                   privately owned property, why not also  
6                   consider what would happen if the private  
7                   property owner was allowed to develop his or  
8                   her property consistent with the City's  
9                   vision.

10                  In our client's case, this would  
11                  reward the risk taken that came in the early  
12                  when no one else would invest in the City and  
13                  after 20 years of paying taxes, creating  
14                  jobs, providing public access and being a  
15                  generous businessman he also would be allowed  
16                  to participate in this very exciting project.

17                  MR. DELBELLO: Thank you. I  
18                  thought it was important to understand the  
19                  property and the individual and the  
20                  corporation that's involved and you'll  
21                  understand my remarks a little better. I  
22                  want to make it very clear that Mr. Risio has  
23                  no intent to frustrate or delay in anyway  
24                  this project. He firmly believes in the City  
25                  of Newburgh and believes in its

1                   SEQRA PROCESS

2                   revitalization and would like to play a part  
3                   in it and help it along.

4                   So, I prepared a letter that I  
5                   will file, but I want to read it into the  
6                   record. It is addressed to Mayor Nicholas  
7                   Valentine and Members o the City Council.  
8                   The first paragraph describes the site which  
9                   you have already heard and then it goes on to  
10                  say:

11                  The draft scoping document for the  
12                  DEIS indicates that the Property is proposed  
13                  by the City to be transferred to and  
14                  redeveloped by Leyland Alliance LLC,  
15                  ("Leyland"), the City's designated Developer,  
16                  as part of the Waterfront Redevelopment  
17                  Project. We find this troubling, because  
18                  neither the City nor Leyland owns or controls  
19                  the Property, and Memorare has not reached  
20                  any agreement with any person with respect to  
21                  the proposed project. Thus, we can only  
22                  presume that it is the intent of the City to  
23                  acquire the Property (and perhaps other  
24                  parcels in the ("DEIS Study Area") through  
25                  the exercise of eminent domain. Curiously,

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2                   the fact the City intends to obtain control  
3                   of the Property through the exercise of  
4                   eminent domain is not identified in the draft  
5                   scope as an issue to be studied in the DEIS.

6                   On behalf of Memorare we are writing  
7                   to respectfully inform the City that our  
8                   client will vigorously contest any proposed  
9                   condemnation of the Property. The draft  
10                  scoping document for the DEIS states that the  
11                  benefits of the Waterfront Redevelopment  
12                  Project include, among other things,  
13                  "continued revitalization of the City's  
14                  Waterfront and surrounding environs" and  
15                  "inclusion of diversified open space  
16                  throughout the project, including enhanced  
17                  access to the Hudson River." Our client has  
18                  asked us to convey to the City Council that  
19                  it is the company's firm intent to develop  
20                  the Property in a manner and with uses that  
21                  will advance the same goals and will result  
22                  in the same benefits to the City as the  
23                  Waterfront Redevelopment Project, thus  
24                  obviating any public purpose for the City's  
25                  acquisition of the Property through

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2                   condemnation. In fact, it is Memorare's  
3                   intent to make the Property vastly more  
4                   economically productive than would the uses  
5                   the City currently contemplates for the  
6                   Property.

7                                 Because the Property will be  
8                   privately redeveloped by its owner for uses  
9                   consistent with the Waterfront Redevelopment  
10                  Project (including uses identified in the  
11                  proposed LWRP amendments that are intended to  
12                  facilitate the Waterfront Redevelopment  
13                  Project), and because that private  
14                  redevelopment will result in the same  
15                  benefits and achieve that same objectives as  
16                  the Waterfront Redevelopment Project, private  
17                  redevelopment of the Property is a reasonable  
18                  alternative that must be studied and  
19                  evaluated as part of the DEIS. In addition,  
20                  because the exercise of the power of eminent  
21                  domain is indisputably an action necessary  
22                  for the accomplishment of the "proposed  
23                  action", it is now incumbent on the City to  
24                  identify and study the potential impacts of  
25                  that course of conduct.

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2                                   Thank you for your consideration.

3                                   MR. MCKENNA:  Anyone else?

4                                   TIMOTHY HAYES-EL:  My name is  
5 Timothy Hayes.

6                                   List the complete costs to the  
7 City and other municipal or governmental or  
8 quasi-public energies, including all soft  
9 costs, legal fees, surveys, advertising  
10 costs, appraisals, etc., purchase price,  
11 remediation, fill, cleanup, site work,  
12 maintenance and service and anticipated  
13 liabilities, provide copies of all documents  
14 from which the data is drawn.  Include all  
15 and every cost of acquisition figures  
16 requested therein.  If there is to be a tax  
17 abatement or payment in lieu of tax agreement  
18 provide complete data showing this estimated  
19 taxes that would operate if the project as  
20 approved proposed were in place today.  Fully  
21 access and tax without exemption or the  
22 benefit of a pilot agreement.  Also using the  
23 last ten years as one model, project the  
24 average tax revenue due from the project per  
25 annum to each of the said tax under set

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2                   conditions. Project average revenues to  
3                   applicant for each of the years of a pilot  
4                   agreement or other abatement devices if to be  
5                   applied including rental income and other  
6                   revenues to application which are  
7                   anticipated.

8                   MR. McKENNA: Thank you. Anyone  
9                   else? Any other comments on -- items to be  
10                  included in the scoping?

11                  CHARLENE DECH: It Flows Both  
12                  Ways. Ossining.

13                  There is definitely a need for  
14                  housing to serve the existing residents of  
15                  Newburgh. Could you please provide estimates  
16                  of the relative percentages of existing  
17                  residents who would qualify by income as  
18                  tenants of any affordable units which may now  
19                  or later be contemplated.

20                  Could you please provide  
21                  estimates of the relative percentages of  
22                  existing residents who would qualify by  
23                  income as tenants of the remaining units.

24                  Also, please provide estimates of  
25                  the number of present residents who are in

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2                   need of and qualify for a unit under the  
3                   affordable designations set forth.

4                   Does the Developer intend to make  
5                   these units available solely to existing  
6                   residents and/or businesses? If so, how does  
7                   the Developer intend to make the units  
8                   available to residents and/or businesses?

9                   What enforcement mechanisms will  
10                  be employed to ensure that this occurs?

11                  Could you please provide complete  
12                  demographic information for the target market  
13                  anticipated tenants for each of the two  
14                  components of the proposed construction and  
15                  by that I mean the affordable component and  
16                  the remaining component of this project. And  
17                  I would like you to include; age, income,  
18                  marital status, education, profession and  
19                  race.

20                  If you could consider and discuss  
21                  one mitigation item because -- possibly the  
22                  construction at no cost to the City of public  
23                  waterfront pool open to all City residents  
24                  and visitors and regarding all of the above  
25                  proposed mitigation. Thank you.

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2                   MR. MCKENNA: Thank you. Anyone  
3 else?

4                   MARIE GAGLIARDI: I come from  
5 Ossining, New York. I really wasn't really  
6 going to say anything tonight. I just came  
7 as a spectator but we in Ossining have gone  
8 through the SEQRA process where hundreds of  
9 residents came out and spoke against what was  
10 happening on our waterfront and were ignored  
11 and the process now is at the point where the  
12 Developer is starting to put a project that  
13 the residents really don't want and if you  
14 speak to the people on the street, they feel  
15 that the Village Board stuffed this project  
16 down their throats.

17                   That being said, my question or  
18 my recommendations are that I think that a  
19 study should be done of the residents of the  
20 City of Newburgh as to what they want done  
21 with their waterfront and also that surveys  
22 should be made public and people -- there  
23 should be input and I don't know if any of  
24 that input was done as of yet.

25                   And also a referendum. We wanted

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2                   a referendum on the public lands so that the  
3                   people could decide for themselves what they  
4                   wanted done, whether they wanted it developed  
5                   commercially or for high-end housing and we  
6                   never got the referendum.

7                   So, my other suggestion is that  
8                   the City of Newburgh have a referendum where  
9                   all the residents participating as to whether  
10                  they want this kind of a project or if they  
11                  want the waterfront used exclusively for  
12                  water-related activities and boating  
13                  activities and restaurants and commercial  
14                  properties. Thank you.

15                  MR. MCKENNA: Anyone else, any  
16                  other comments?

17                  MARYANN PROKOSCH: Newburgh.

18                  I'm not quite sure where -- what  
19                  I'm asking goes and that's why I'm asking it.  
20                  As far as additional development of the  
21                  actual waterfront; marinas, commercial  
22                  docking spaces, or whether that actually --  
23                  and I don't know that it belongs in Leyland's  
24                  part or it belongs in the LWRP, but I think  
25                  that we -- that it is something that really

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2                   needs to be looked and we have quite a few  
3                   marinas down there.

4                   I don't know that we need any  
5                   more, but we do need public commercial  
6                   docking areas, and I just want to make sure  
7                   that that is somewhere either in the LWRP or  
8                   Leyland's DEIS impact chapter.

9                   MR. MCKENNA: Thank you. Yes.

10                  DON DEBAR: Still Don DeBar with  
11                  It Flows Both Ways Coalition.

12                  First, what should be studied  
13                  very closely is the likely impact of  
14                  introducing 1100 mid to high-end housing  
15                  units into a community that has  
16                  approximately, 8,000 right now that carries  
17                  the economic demographics that Newburgh  
18                  carries. We have a large segment of low  
19                  income and working, you know, basically low  
20                  to mid people who are struggling now.

21                  The impact on rents will happen  
22                  in the context of no rent stabilization  
23                  statute, the current State Emergency Tenants  
24                  Protection Act, section 14 does not include  
25                  Orange County as a opt-in and consequently at

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2                   the moment, whatever the market -- whatever  
3                   happens to market as a consequence of this  
4                   project is going to happen to the project's  
5                   along the ridge overlooking the waterfront in  
6                   particular that were built in the early to  
7                   mid '70's. There's 122, 124 units just in  
8                   the one project, that looks like a prime  
9                   redevelopment site.

10                                 What is going to happen to those  
11                   tenants should be studied and scoped very  
12                   closely. The impacts on the housing market  
13                   in general, within the project area and the  
14                   immediate areas surrounding it, should be  
15                   looked at very closely.

16                                 One action by the City to seek  
17                   municipal home rule legislation to include  
18                   the City of Newburgh within the regime of the  
19                   ETPA should be looked at as a mitigation  
20                   device and I will be submitting written  
21                   comments. Thank you.

22                                 MR. MCKENNA: Thank you. Are  
23                   there any others?

24                                 KIPPY BOYLE: Kippy Boyle,  
25                   Newburgh.

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2                   I'm looking at this and it still  
3                   has not been adequately clarified even though  
4                   the citizens have asked for it for a long,  
5                   long time and about those Riparian Rights of  
6                   the City that extend into the water from the  
7                   streets and it has never been clear whether  
8                   the City sold its rights to those current  
9                   owners or whether they just went ahead and  
10                  built marinas over them. I don't know what  
11                  happened, but I talking primarily that the  
12                  street that comes down next to Yellow Bird, I  
13                  don't know what street that is. I guess  
14                  there's three streets.

15                  Anyway, I think we really need to  
16                  know, you know, you did say that this project  
17                  extends almost a half mile, 1,500 hundred  
18                  feet out into the Hudson? That's where -- I  
19                  don't know where the lien is for the -- where  
20                  the Army Corps of Engineers begins or  
21                  something.

22                  There is a lot of water involved  
23                  here, a lot of waterfront involved that we  
24                  want -- I want to know what's happening under  
25                  the water as well as just what is happening

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2                   on the land and that needs to be specifically  
3                   stated so that we can all see where we stand  
4                   on that.

5                                 And also, this drawing that  
6                   shows, I think, 3 -- 4 acres of the public  
7                   place which I guess is now Unico (PH) Park or  
8                   something? I can't really tell from that. I  
9                   would like to know -- I guess I need to know  
10                  that question again: What the percentage is  
11                  of publicly owned land to the whole project.  
12                  Thank you.

13                                 MR. MCKENNA: Thank you.

14                                 DENISE RIBBLE: Denise Ribble,  
15                  Newburgh, New York.

16                                 Since the proposed project talks  
17                  about a new urbanist overlay district, I  
18                  would also like to be considered in that  
19                  width maybe or alternatively inclusionary  
20                  zoning, a different concept that I think  
21                  potentially could work with but also  
22                  addresses some of the issues that are being  
23                  raised about affordability and housing,  
24                  access of citizens already living here to be  
25                  able to be included in the residential and

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2                   commercial development that is going to be  
3                   happening. Thank you.

4                   MR. McKENNA: Anyone else?

5                   JEAN McGRANE: Jean McGrane, City  
6                   of Newburgh.

7                   I would just like to ask that if  
8                   there are any issues that are raised in the  
9                   second presentation I think especially the  
10                  question Kippy asked are the Riparian Rights  
11                  that if that has any relevance or impact on  
12                  the LWRP that those also -- that any issues  
13                  that are both for the Leyland Project and  
14                  LWRP be addressed in both because some are  
15                  more generic and cut across the entire  
16                  waterfront.

17                  MR. McKENNA: Thank you.

18                  LILY HOWARD: Lily Howard,  
19                  Newburgh.

20                  I would like to hope that what  
21                  happens next will be handled differently than  
22                  what has happened before.

23                  As to this date, the citizens  
24                  have not been able to see the agreement. My  
25                  question is: How much of the land -- is that

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2                   land going to be sold or is the land going to  
3                   be leased? If it is going to be sold, what  
4                   is the monetary aspect of it?

5                                 We have not heard anything yet as  
6                   to what the tax payers of this City will  
7                   ultimately be held to have to deal with and I  
8                   think it is very important that that is  
9                   brought forward. We have been consistently  
10                  asking that same question for quite some  
11                  time.

12                                Mayor Valentine when he was asked  
13                  to over the air, he said he would look into  
14                  it and hopefully see that it would be put on  
15                  a government website. So far, that has not  
16                  occurred as of yet.

17                                I think it is very unfair to the  
18                  citizens of the City to not know what they  
19                  ultimately are going to have to deal with  
20                  monetarily. Thank you.

21                                MR. MCKENNA: Anybody else?

22                                DON DEBAR: Don DeBar. The  
23                  Newburgh Waterfront Redevelopment Project is  
24                  what is being scoped according to the  
25                  handouts, according to the discussion and the

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2                   presentations.

3                   The only place that that exists  
4                   right now is in the Development Agreement,  
5                   that is the Newburgh Waterfront Redevelopment  
6                   Project. So, that is what is being scoped  
7                   and that hasn't been released yet. So, I  
8                   would like to ask that the process stop and  
9                   not commence until the Development Agreement  
10                  is released.

11                  The alternative that the period  
12                  totalling under SEQRA for the closing of  
13                  comments and the adoption of the final scope  
14                  be stayed and the document released, people  
15                  have an opportunity to review it and then  
16                  comment. Those are my comments.

17                  MR. McKENNA: Just to -- well,  
18                  are there any more comments before we --

19                  ( No audible response. )

20                  MR. McKENNA: I would suggest  
21                  that on the City's website, there are a  
22                  number of documents both that relate to the  
23                  whole process going back to the original  
24                  Charrette, the transcript of the final  
25                  presentation.

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2                                   There also is in there a  
3                                   narrative that was presented to the City and  
4                                   to the public by Michael Zarin, the City's  
5                                   counsel for this project which is an overview  
6                                   of the Development Agreement. It has all the  
7                                   aspects in there. That is on the City's  
8                                   website. That has been updated to include he  
9                                   purchase price of the property. So, that is  
10                                   on there.

11                                   If people -- there is a lot of  
12                                   information on the City's website. If you  
13                                   look under Planning and Development. When  
14                                   you are at Planning and Development, there's  
15                                   two sections; one just says: Waterfront  
16                                   Development and there is some information  
17                                   under there, particularly about the Charrette  
18                                   and about the Waterfront Development  
19                                   Agreement and then there is also another  
20                                   section under LWRP and Leyland Development  
21                                   which has the information that's been  
22                                   presented tonight about the scoping documents  
23                                   and any updates including the draft section  
24                                   of the LWRP. As they are included -- as they  
25                                   are completed, will be available to you and I

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2                   said the transcripts from the procedures  
3                   tonight.

4                                 Just a reminder, as far as the  
5                   next steps go, we will be having another  
6                   session which I said a number of times,  
7                   Saturday morning. That one is at a different  
8                   location. It's at City Hall at 9:30. You  
9                   can continue to submit written comments  
10                  through October 23rd and as was mentioned by,  
11                  I think, several of our speakers tonight, the  
12                  comments that come from these various  
13                  sessions will then make up the final scoping  
14                  document which will be the outline for the  
15                  City and the Developer draft other specific  
16                  environmental impact statements.

17                                 So, I would like to wrap-up just  
18                  by thanking you again for coming tonight and  
19                  I'm sure we will see you again during the  
20                  various other steps of the process that are  
21                  upcoming.

22  
23                                 ( WHEREUPON, the Scoping  
24                  Session was concluded at 9:00 p.m.)  
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C E R T I F I C A T I O N

I, Constance M. Walker, a Short  
hand Reporter and Notary Public within and  
for the State of New York, do hereby certify  
that I recorded stenographically the  
proceedings herein at the time and place  
noted in the heading hereof, and that the  
foregoing is an accurate and complete  
transcript of same, to the best of my  
knowledge and belief.

\_\_\_\_\_

Constance M. Walker

Dated: October 17th, 2007