

CITY OF NEWBURGH

LWRP/WATERFRONT DEVELOPMENT
SCOPING SESSIONS

DATE: OCTOBER 13TH, 2007

LOCATION: NEWBURGH CITY HALL

83 BROADWAY
Third Floor -- Council Chambers

NEWBURGH, NEW YORK

TIME: 9:30 A.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

REPORTED BY: CONSTANCE MASON WALKER

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1 WELCOME/INTRODUCTIONS

2

3 MR. McKENNA: Good morning. My
4 name is Bob McKenna and I am the Director of
5 Planning and Development for the City of
6 Newburgh.

7 First of all, I want to thank you
8 for coming this morning and participating in
9 what is one of the earlier but very important
10 steps in the SEQRA process for two projects.

11 One is the policy project which
12 is the revision to our Local Waterfront and
13 Revitalization Program and the second is the
14 more site specific program for the Newburgh
15 Waterfront Redevelopment Project.

16 Hopefully, everybody has signed
17 in. We would like to ask all of the people
18 who attend these sessions to do so and also
19 there is a package there if you haven't
20 already gotten it of rather extensive
21 information on both the Local Waterfront
22 Revitalization Program and the Newburgh
23 Waterfront Redevelopment Project.

24 As part of that package there is
25 an agenda for this morning. The program is

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2 going to be broken up into two parts. We are
3 starting with the LWRP which really is the
4 more general of the issues dealing with the
5 waterfront and then we are going to be more
6 site specific with the Leyland Project.

7 We'll have a brief presentation
8 on each of the projects and following that a
9 period of comments on the scoping documents.

10 We would ask that when you do
11 come up and speak, there is no time limit,
12 but we ask that you make your comments as
13 brief as possible so that all the people who
14 do want to speak have a fair opportunity.
15 Because the proceedings this morning are
16 being produced as a transcript, we would ask
17 that when you come up you not only say but
18 spell both your names for the stenographer so
19 that we can keep an accurate record.

20 If there is anybody here who
21 needs assistance with any of the information
22 because they are Spanish speaking there is a
23 packet of the Powerpoint presentation in
24 Spanish and Liz, our Community Development
25 Director, is in the back and she will be over

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2 in one of the corners in the audience here so
3 that she can help you with any of translation
4 of some of the information on the projects.

5 As I said, this is one of the
6 earliest steps of what is a very extensive
7 and exhaustive SEQRA process for these two
8 projects.

9 One of the documents that you
10 have is an outline of the whole schedule for
11 these. Right now the LWRP and the Leyland
12 Development are running parallel. As you
13 will see because the LWRC is more a policy
14 document it does not have the same degree
15 specificity of the information required for
16 the Leyland Project. The LWRP will move a
17 little bit faster from this point whereas we
18 will be going to a much more exhaustive
19 investigation process for the Local
20 Waterfront Leyland Project.

21 I think it is important for the
22 proceedings to really have an idea of what
23 scoping is and we are going to start with a
24 description of that from the City's counsel
25 for that project, Michael Zarin of Zarin &

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2 Steinmetz and I will introduce Michael now.

3 MICHAEL ZARIN: Thank you, Bob.

4 Good morning everybody. I'll try to be brief

5 which is not my nature. I'm paid by the

6 word.

7 Today is the continuation of what

8 started with the Charrette which many have

9 participated in from which came up with a

10 general consensus concept plan and then we

11 entered into a Development Agreement between

12 the City and Leyland Alliance, selected

13 partner in this project, more specifically

14 the Waterfront Project and many of you have,

15 I believe, in your packets a pretty detailed

16 summary about the Development Agreement,

17 multi-page.

18 And I think it's probably, we

19 talked about it earlier, it is probably more

20 user friendly than the actual agreement in

21 extracting many of the details of the

22 agreement in giving you an understanding of

23 that document.

24 And then today is really the

25 official scoping and the official

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2 is a critical process and is important and
3 will probably last anywhere between six
4 months to a year and it's going to require
5 your participation and that is an important
6 part of today's first step in that.

7 Today we received at the City a
8 draft scoping both from the Leyland Project
9 and for the LWRP, separate projects, related
10 but separate.

11 Now, we'll be getting input from
12 you and from various governmental agencies on
13 topics and subjects that we study and then we
14 will refine that document and then the City
15 Council and Lead Agency will be required to
16 vote and approve that document and that's
17 when the Applicant steps in -- Leyland, who
18 will begin preparing a final impact
19 statements and in the case of the LWRP, the
20 City's consultants, BFJ Planning, will start
21 preparing the Generic EIS on that and then we
22 will come up with a Draft Environmental
23 Impact Statement which you will all have an
24 opportunity to see and we will have another
25 series of public hearings.

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2 Just so everybody understands,
3 the City has it's own consultant team in
4 place both for the Leyland Waterfront Project
5 -- BFJ are the City's team. We have our own
6 experts both in-house and out-house that we
7 have hired to review both the scoping and we
8 have our own engineers and we have our own
9 planners. We have our own hydrologists. We
10 have our own hazard waste and traffic
11 consultants that are paid for out of an
12 escrow fund that the Applicant pays for
13 under the SEQRA law.

14 We control the escrow funds. We
15 control who we hire, who the City hires as
16 our experts and that we control the work
17 product. The Applicant will be required to
18 fund that pursuant to State law.

19 So, while we welcome it is
20 important, but as I say we have our own
21 experts who will also review this material.

22 Just so you understand the
23 concept of a Lead Agency, and then I'll sit
24 down, a Lead Agency is the agency at the end
25 of the day that is in charge of the City to

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2 conduct a SEQRA review. The Lead Agency in
3 this case is made up of the City Council but
4 what the City did which was pretty
5 farsighted, is that the City appointed or
6 invited two members of the Planning Board one
7 from the waterfront Advisory and one from the
8 ZBA, nominated members of those to sit with
9 the City Council as part of the Lead Agency
10 to provide their expertise to the Lead Agency
11 for the City Council in these areas as well
12 make sure that this really is truly a
13 coordinated process and that is -- I think is
14 going to improve and enhance the quality of
15 work that the Lead Agency does on behalf of
16 the City.

17 So, at this point, obviously
18 rather than answer any questions at this
19 point, I would like to talk to the people
20 after the session and I will turn it over to
21 Frank Fish, who will start with, as Bob
22 McKenna said, the portion today dealing with
23 the LWRP, the Local Waterfront Revitalization
24 Program. They have a separate scoping and we
25 will accept your comments afterwards on that

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2 and then we will go to the Leyland Alliance.

3 BOB McKENNA: Thank you. Before
4 Frank begins his part of the presentation, I
5 did fail at the beginning of the meeting to
6 introduce member of our Lead Agency and City
7 representatives. Mayor Valentine, is sitting
8 in the back and along with the City Manager,
9 Jean McGrane, Regina Angelo, City Council is
10 also here and Mary McTamane, who is a member
11 of our Waterfront Advisory Committee.

12 So, now if we can turn to the
13 overview of the LWRP process and the scoping
14 documents for the revisions to that document.

15 FRANK FISH: Thanks Bob. Good
16 morning. We had a series of meetings with
17 the Waterfront Advisory Committee and I just
18 wanted to point out here that the way the
19 agenda is done is for myself to talk a little
20 bit about the plan -- the whole project, the
21 whole plan. And then the document that
22 outlines the EIS is really an outline of
23 what's called the Generic EIS, an area wide
24 EIS, and that is for the work that we're
25 doing on behalf of the City.

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2 When Dave Smith gets up here he
3 then is going to talk on behalf of the
4 Applicant, about their specific EIS is a
5 smaller part although a very, very
6 significant part, probably the most
7 significant Application that the City faces
8 and so at any rate I will talk about the
9 areawide LWRP and then Dave Smith will talk
10 about specifically their project, the Leyland
11 Project.

12 You'll see on the slide -- I just
13 want to make sure, you got copies of this --
14 this is the overall timeframe that the City
15 is on and we're on. The LWRP is part of this
16 that we are doing on behalf of the City is
17 also mandated by the Department of State.

18 So, our contract is with the City
19 and the City has got a master contract with
20 the Department of State on the LWRP and that
21 is where some of the funding is coming from
22 and then finally, you probably picked this
23 up, and so the slides I will go over now and
24 I'll go over some of them fairly briefly
25 because I want to get to the part that we

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2 here for today, scoping.

3 So, I encourage you that if you
4 want a copy of this, there are copies out
5 there and that's what we are going to talk
6 about now.

7 So, at any rate, what is the
8 LWRP: The Local Waterfront Revitalization
9 Program? It's both a plan and a program.
10 The City controls the preparation but in
11 doing that organization structural we have
12 got to follow the Department of State's
13 requirements on what goes into it and
14 basically there are about five major chapters
15 that we are going to go through, and about
16 three of them -- we are not supposed to
17 finish the final one until after a public
18 information session which we had last month
19 and then until we go through this Generic
20 EIS.

21 So, the LWRP also is going to
22 coordinate State and Federal actions. It is
23 an important document that we and that every
24 State agency, the agencies are committed to
25 follow that document and if they don't they

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2 have to evaluate and say why they are not
3 going to do that.

4 The area, and by the way these
5 are also outlined on the handouts, but the
6 area of the LWRP I think most of you know it
7 basically includes more than just the
8 waterfront itself. So, if you go back to the
9 chart that includes the creek and all the way
10 down it includes the whole general area in
11 addition to the LWRP (Indicating), part of
12 that we are also doing a Harbor Management
13 Plan as part of the LWRP.

14 And then you can see it is broken
15 up into these three areas, Area A on the
16 bottom here (Indicating) -- that creek area
17 and B is the inland area, part of the State
18 and local Inland area and then there is the
19 actual waterfront area, Area C, itself.

20 The key players as Michael Zarin
21 mentioned who the Lead Agency is here it is,
22 (Indicating), the City Council and then they
23 have direct jurisdiction over the approvals
24 process and then for us, however, have been
25 working -- you can see the members here

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2 (Indicating) with the local Waterfront
3 Advisory Committee and then we had one public
4 workshop already when the draft of this was
5 completed and the Generic EIS which we want
6 to scope today is completed we will have
7 another public information meeting on the
8 LWRP.

9 Why is Newburgh updating it's
10 LWRP? Changes have happened since 2001,
11 sicne the last LWRP and of course the biggest
12 one, sort of -- I don't want to call it the
13 elephant in the room but there is a very,
14 very big proposal which you all know as the
15 Leyland Proposal and that is what the
16 designer Charrette was all about.

17 But, in addition to that there
18 are some other things that are happening, for
19 instance the Orange County Community College
20 expansion plan.

21 Schedule. I knew this was going
22 to be difficult to read so you all got copies
23 -- you have copies of the schedules and I'm
24 just going to point out that these sort of
25 red dots here (Indicating) are the public

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2 information meetings that tracks all the
3 SEQRA process, the State Environmental
4 Quality Review process. No action can be
5 taken, no official action can be taken, on
6 the LWRP until the SEQRA process is complete.

7 So, that is why we are trying to
8 have the scoping today and our timeframe is
9 as again Mike mentioned is our's is a little
10 quicker than the Leyland site specific
11 project.

12 We hope to have the DEIS finished
13 by the end of the year, by December, and then
14 that will allow us in January to have a
15 second set of public information meetings and
16 to produce the draft to the Department of
17 State in March.

18 So, we're aiming to be finished
19 with the overall project in early spring.

20 The objectives of the LWRP --
21 there's several of them and I'm not going to
22 go over all of them, but obviously open space
23 and the links to the waterfront and access to
24 the waterfront are very important.

25 And a part of this is that is the

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2 Harbor Management Plan and reviewing that and
3 we are going to also coordinate that with
4 Beacon across the river and get their input
5 on that.

6 Obviously in terms of the Leyland
7 Project, what they do site specifically on
8 their parcels out here (Indicating) will be
9 important and needs to meet the objectives of
10 the LWRP.

11 That land summarizes that the
12 real focus of the LWRP is water dependent and
13 water enhanced uses along the waterfront
14 itself.

15 Harbor Management Plan, as part
16 of that, is really -- it goes out into the
17 river, into the channels of the river and is
18 important to the LWRP and be incorporated
19 into -- will be both free standing down into
20 the Harbor Management Plan as well --

21 The benefits of the Harbor
22 Management Plan. The coordination with the
23 Federal and State agencies is very important
24 here because once the document is adopted you
25 have to comply with it and we also have to

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2 comply with certain Federal regulation, State
3 regulations on the channels to the river in
4 terms of interstate commerce, because it will
5 become, it is important to Newburgh to become
6 part of that LWRP.

7 So, here is our next steps
8 really today. We are having as part of this
9 scoping, as you know, on the 11th and then
10 today is the second set of scoping sessions.
11 Once this set is completed and there is a
12 record of the scoping you have until, as you
13 can see, until the 23rd for comments.

14 One of the benefits for the City,
15 again the areawide study of the LWRP, is that
16 you have this done by the end of the year and
17 then and then there will be public hearings
18 in January and February and then the
19 submission as I mentioned earlier to the
20 State because the State has to review this in
21 March.

22 So, we hope that this early
23 spring area we will be finished. Now, I kind
24 of view this as to where we are going with
25 that and that is a very big center there

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2 (Indicating) -- that is the single
3 application by the Leyland Group but the
4 overall LWRP is the first step and that has
5 the Generic or shorter, if you will, EIS, and
6 will be areawide in nature and not site
7 specific.

8 Mike covered scoping and my
9 knowledge of the scope is it is an outline of
10 a term paper. I wrote some term papers in
11 high school and college also, so scoping is
12 the outline of what goes into the Generic EIS
13 for us and then for -- and then site
14 specific.

15 Here is the scope for the
16 areawide, very similar to the scoping for the
17 site specific because we follow the same
18 general outline, New York State outlines.

19 There is a particular item after
20 you get through all the potential
21 environmental impacts, in Section III and
22 then sort of impacts that the State requires
23 that you cover.

24 When you get to the end of the
25 Generic, a different section for the site

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2 specific, you want to know the future actions
3 that have to be taken and the big one we need
4 to probably identify in the Generic for the
5 whole waterfront is that this site specific
6 action. Leyland will need a site specific
7 Environmental Impact Statement and will
8 identify that in this EIS and they, of
9 course, will then will follow up with that
10 site specific document.

11 I think then Dave, are next and I
12 will turn it over to you after Bob.

13 MR. McKENNA: Thank you, Frank.
14 So, because we are working in a two-part
15 program here at this point what we want to do
16 is to get any of your comments on the LWRP
17 scoping. You have seen the definition
18 description of what scoping is and I think
19 Frank presented it pretty accurately.

20 So, what we are looking for is
21 comments of the items, the issues that you
22 think are not what should be in the scoping
23 document, should be studied under the scoping
24 or the environmental impact statement or that
25 should not be.

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2 So, what we would like to do is
3 if you raise your hand I'll bring the mic to
4 you and identify your name including the
5 spelling of your name for the stenographer
6 and we will just deal at this point with the
7 comments regarding the Local Waterfront
8 Revitalization Program and then we will move
9 onto the Leyland project.

10 If there is anyone that would
11 like to speak up, just raise your hands.

12 MIKE CURRY: My name is Mike
13 Curry and I have a couple of comments.

14 One is: Newburgh being one
15 organization of the City as opposed to other
16 organizations or whatever, we have the rights
17 to make laws in our harbor and to collect
18 fines or fees or tickets and police it
19 ourselves.

20 So number one: I want to know
21 everyone who is involved in the process to be
22 aware of that and certainly -- I don't know
23 that it is actually part of the harbor
24 management planning yet, but the rights to
25 write our laws and to plan it, to police it

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2 ourselves especially being I thought to be
3 attracting thousands and maybe many of them
4 coming that should be an important part.

5 Another thing that I do not see
6 at least in this specific, is emergency
7 planning and one thing and probably the
8 Council and certainly our Waterfront Advisory
9 Committee mentioned this in the past --
10 Section C, Waterfront almost in it's entirety
11 is delineated by the railroad tracks and as
12 such we have commonly many times a day multi
13 mile long trains carrying unspecified,
14 unknown, to at least us, contents and I don't
15 know how unique the City of Newburgh is with
16 it's topography and etc., but I am concerned
17 as the -- that these events of a derailment
18 or a train fire or other train basic
19 emergency that we could have many people
20 without a means of egress from an emergency.
21 So I certainly would like to makes sure that
22 becomes part of the plan. Thank you.

23 MR. MCKENNA: Anyone else who
24 would like to make a comment?

25 DON DeBAR: I am Don DeBar with

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2 It Flows Both Ways Coalition, Ossining.

3 Just a suggestion. You have ten
4 days, as I understand it, for written
5 comments. The hand-out material on the
6 Internet are not really user friendly to
7 explain to people what the effect is between
8 the two, the existing LWRP and the proposed
9 changes. And I would just like to suggest
10 that the City isn't stingy with the residents
11 or special council can make or retain a
12 couple of hours just to layout a chart of the
13 existing LWRP and the proposed changes and
14 like a summary of what the reasons or the
15 expected impacts are and try to get it out
16 early next week or extend the comment period
17 from the ten days.

18 MR. MCKENNA: Thank you. Any
19 other comments regarding this portion of the
20 scoping?

21 (No audible response.)

22 MR. MCKENNA: If there are none,
23 then we will move to the second half of this
24 presentation and that's really the same
25 format. We'll have a brief presentation on

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2 the Leyland Project and what's going to be
3 included in the scoping for that site
4 specific project and also take your comments
5 on that scoping document.

6 So, let me introduce Dave Smith
7 who is with the firm of Saccardi & Schiff who
8 is the Planning Consultants for Leyland
9 Alliance on their Newburgh Project.

10 DAVE SMITH: Thank you, Bob. I
11 am a Principal with the firm of Saccardi &
12 Schiff, White Plains, New York.

13 As Mike and Frank have discussed,
14 this process revolves around and relates to
15 the State Environmental Quality Review Act.
16 That's SEQRA. It's not secret. I have been
17 to a couple public hearings and some people
18 wanted to know why we were running around
19 having secret meetings and secret documents
20 and that's not the case. It's a different
21 process. It's been very open and there are
22 no secrets here in the Newburgh community.

23 The two principals from Leyland
24 Alliance, Lou Marquet and Howard Kaufmann are
25 here tonight -- today to listen too and

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2 participate in as part of the scoping
3 process.

4 The project is a public
5 partnership between the City of Newburgh and
6 Leyland Alliance and it relates to the
7 development of approximately 37 acres down
8 generally into the vicinity of the Newburgh
9 waterfront and the outline part, the parcel
10 that was questioned, here you can see and
11 just to orient you, is the Hudson River here
12 (Indicating) facing, of course, north and the
13 Quassaick Creek here (Indicating), south and
14 the inland area here (Indicating).

15 Part of what we need to evaluate
16 or establish is what is the proposed action?
17 What would be evaluated under the SEQRA
18 process and Frank Fish has gone through a
19 very general policy oriented discussion with
20 respect to the LWRP.

21 Here we are talking about a much
22 more specific program. It is a proposed
23 plan, concept plan, that was prepared after
24 extensive public involvement process and I
25 think that it is very important to understand

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2 that the City of Newburgh went through a
3 process of trying to establish and develop
4 what they felt comfortable with in
5 redeveloping the waterfront.

6 After they selected a Developer
7 they went through a very public process this
8 past February working with Andres Duany from
9 Duany Plater-Zyberk, DPZ. and my
10 understanding is that process involved
11 hundreds of people, the citizens of City of
12 Newburgh, in coming up with that plan.

13 It is very important to
14 understand this wasn't a proposal that
15 Leyland came into Newburgh and said: This is
16 what we want to do. Quite the opposite. The
17 City took a very pro-active approach and
18 said: Here is what we think we want to do
19 down at the waterfront and now Leyland is
20 charged with evaluating that under the State
21 Environmental Quality Review Act
22 Environmental Review Process.

23 Now, it's a wonderful plan and it
24 is great in concept but it has to be put to
25 the test. That is what this process is for.

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2 I think Frank mentioned the scoping outline,
3 the scoping process and related it to a term
4 paper. I can't stand term papers. I never
5 did.

6 I like to think of it as a table
7 of contents report. Essentially having gone
8 through this whole process what you are going
9 to end up with is a book something like this.
10 (Indicating) This is a document, DEIS, that
11 we prepared on behalf of the City of
12 Peekskill for a similar redevelopment in that
13 city and it is full of analyses, graphics and
14 charts.

15 Now, I think that it is important
16 to understand that the plan was prepared in a
17 week. It blended the ideas the concepts not
18 only the City of Newburgh, the citizens, but
19 also Leyland Alliance and as I mentioned, it
20 has to be tested, it has to be gone through
21 and evaluate: Will this plan change?

22 I have been doing this for about
23 20 years, and Frank has been doing it for a
24 lot longer and so has Michael and I think
25 probably all three of us probably can attest

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2 to the fact that probably a plan like this
3 always changes before there is a final vote
4 on the proposed plan.

5 Now, in order to put this plan
6 into effect, Leyland Alliance needs to
7 acquire property from the City or they need
8 to acquire property from private ownership or
9 in the case of last resort, the City may have
10 to use eminent domain.

11 And I think it is very important
12 for the public to understand that this concept
13 plan in order for it to move forward, as it
14 is currently proposed, needs those three
15 things, they need to have.

16 Now, let me just briefly go
17 through and just highlight the proposed plan.
18 It includes 1,170 residential units, provided
19 in the forms of Townhomes, brownstones,
20 multi-family. There are two proposed 10-12
21 story towers and as part of that 1,170 units,
22 10% has been devoted to workforce housing
23 which means that it is not market housing,
24 it's tied to a different standard and
25 typically it is tied to local workforce

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2 employment figures or salary figures.

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

8 In addition, Leyland has agreed
9 to participate in a community benefit program
10 which would include local hiring of employees
11 and purchasing from local vendors. It's a
12 very important component to continue to work
13 with the City as this project moves forward.

14 The plan as you are familiar
15 with, DPZ, is built upon the principals of a
16 new urbanism and identity is a major asset
17 you have in an urban community and you are
18 trying to infill with urban projects. You
19 have a strong mixed use and a strong sense of
20 place.

21 Now, in order to put the concept
22 plan into place we need to amend the zoning
23 code. In other words, the zoning will not
24 allow for this type of development to occur.

25 So, there has been an application

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2 to the City Council for a new urbanist
3 overlay district and the new urbanist overlay
4 district contemplates regulating density,
5 bulk, the length of buildings, parking and
6 architecture and landscaping.

7 There is a design code that is
8 incorporated as part of the zoning overlay.

9 Now, the zoning overlay that is
10 being proposed as part of the application
11 goes beyond just the parcels that are being
12 considered by Leyland. Essentially the areas
13 outlined in here (Indicating) is the zoning
14 proposed zoning overlay district. So, that
15 is part of the overall SEQRA evaluations.

16 Now, what is a Draft
17 Environmental Impact Statement? The document
18 I believe Frank went to, it identifies
19 impacts. We know that going through this
20 list of programs for units, density,
21 residential square footage, commercial,
22 hotels. All of those things create impacts;
23 traffic, population, both adverse and
24 positive.

25 There will be positive with the

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2 creation of jobs, with the creation of new
3 taxes, all need to be evaluated.

4 Project Alternatives to the
5 proposed plan. There are several
6 alternatives that we have identified. And
7 then it creates a forum for public
8 participation are part of a review and I
9 think the last items talks about the next
10 steps that we go through.

11 The EIS Impact Chapters. There
12 are 12 or 13 different chapters. These are
13 the guts of the DEIS document and we talk
14 about Land use and zoning, geology and
15 topography and a chapter on transportation.

16 We have identified nine critical
17 intersections. These are part of the scoping
18 outline where this particular project as it
19 generates traffic and the traffic goes out
20 into the balance of the City, what happens to
21 those intersections as this project comes on
22 line? What are the impacts? If there are
23 impacts, how do they get mitigated?

24 There are noise impacts. We know
25 that we have a gentleman here who just

1 OVERVIEW OF LEYLAND PROJECT-DAVE SMITH

2 mentioned the t rain coming through. They
3 generate a little noise.

4 We have identified several
5 critical areas where we think need to
6 evaluate the noise and then how does the
7 impact on the balance of the development?

8 We have also identified several
9 critical, for this project, view corridors
10 and we're going to do evaluations on --
11 computer simulations, cross sections and
12 elevations to evaluate the visual impact of
13 the project in the balance of the City.

14 Just to finish up, very quickly
15 there are some of the other components;
16 socio-economic, fiscal, utilities and
17 infrastructure. That is a very important
18 component for New York State DEC. As the
19 stormwater generated there are issues that
20 combine, so Leyland has been working very
21 closely with the DEC to, again, to address
22 and identify how those issues can be
23 mitigated.

24 Okay, the Alternatives. The
25 No-build Alternative. What happens if this

1 OVERVIEW OF LEYLAND PROJECT-DAVE SMITH

2 particular project doesn't go through and
3 nothing gets built?

4 We have Development Under
5 Existing Zoning. We are proposing zoning to
6 make the project happen, but if you have the
7 zoning what would happen under the existing,
8 the City's existing zoning?

9 Alternative Uses of the Site.
10 One of the alternatives is that we just have
11 residential on the west side and we have just
12 non-residential on the east.

13 Then we have Design Alternatives.
14 We have several -- pick up some of the
15 previously discussed alternatives that were
16 in the Charrette program that we talked about
17 earlier in February. Alternative
18 configurations to Consolidated Iron site
19 which is the parcel that is looking to the
20 south of the waterfront.

21 No parking structures along the
22 waterfront.

23 Somebody has suggested an
24 alternative that looks at that of having a
25 park on top of one of the parking structures.

1 OVERVIEW OF LEYLAND PROJECT-DAVE SMITH

2 Then another alternative that
3 looks at -- does not contemplate the
4 utilization of the privately owned property.

5 So, we have gone through the
6 table of contents of the Environmental Impact
7 Statement.

8 What are the next steps after we
9 leave this room today?

10 The City Council will take the
11 transcript that is being prepared and we'll
12 take the written comments and go back and
13 look at the scoping outline, the draft
14 scoping outline, that has been prepared and
15 modify it and eventually they will accept the
16 scoping outline at which point we then on
17 behalf of Leyland Alliance will go and
18 prepare the Environmental Impact Statement,
19 Draft Environmental Impact Statement.

20 There is a time line there of
21 several months where we prepare the document
22 and Leyland felt it was very important that
23 as we are away from the City that there would
24 still be community meetings and that will
25 help address and identify some of the issues

1 OVERVIEW OF LEYLAND PROJECT-DAVE SMITH

2 that have come up working on alternatives,
3 some of the community input will continue as
4 we move through the process.

5 Now, we prepare the Draft
6 Environmental Impact Statement. We submit it
7 to the City. The City then goes back and
8 they look at the scoping outline that was
9 accepted. Have we addressed every issue
10 that's been identified in the scoping outline
11 and have they addressed it in enough detail
12 to allow the public to sufficiently comment
13 on the proposed action?

14 Once the DEIS is accepted as
15 complete, it is then circulated to the public
16 and it's made available and put online and
17 the public hearings will be held.

18 Again, an opportunity for the
19 public to comment on the impacts, the
20 mitigation, the alternatives that are
21 contained in the DEIS.

22 All those comments that come out
23 of the public hearings and the written
24 comments are prepared on behalf of DEIS are
25 submitted to the Lead Agency and all of the

1 OVERVIEW OF LEYLAND PROJECT-DAVE SMITH

2 substantiative comments need to be responded
3 to. That's the -- all of that is contained
4 in the subsequent document called the Final
5 Environmental Impact Statement.

6 The FEIS is prepared by the
7 Applicant. We submit it again to the City.
8 The City is going to review it on behalf of
9 their consultants and all the other advisors
10 and once they find that the FEIS is
11 acceptable and that it responded to all of
12 the comments in sufficient detail, that
13 document is accepted and is circulated.
14 There is a minimum of 10 days comment period
15 on the FEIS. That is before any decision can
16 be made on the proposed action.

17 The last step in the process is
18 the findings, adopting the findings and that
19 is where the Lead Agency goes through and
20 they evaluate have they followed all the
21 steps under the SEQRA process? Have they
22 evaluated all the impacts? Have all the
23 impacts been mitigated to the maximum extent
24 practicable.

25 And then at that point the Lead

1 OVERVIEW OF LEYLAND PROJECT-DAVE SMITH

2 Agency approves the LWRP and then they make
3 their approvals under the State Environmental
4 Impact and that's when the opportunity to
5 approve or disapprove the project proposed
6 action.

7 So, that provides a review of the
8 process and the project and I will turn it
9 back over to Bob for the comments on scoping.
10 thank you.

11 MR. McKENNA: Thank you, Dave.
12 So, we are at the point where if you have
13 comments about any of the scoping issues for
14 the Waterfront Development Project, the
15 Leyland Alliance Project, we will follow the
16 same format. Please raise your hand. I will
17 bring the mic to you. State and spell your
18 name for the stenographer and try to make
19 your comments as brief as possible to give
20 everybody a chance to --

21 MARY McTAMANEY: Mary McTamaneY,
22 North Montgomery Street.

23 When I look at some of the
24 overlays of impact, I see noise and I see
25 three N's on the map. Those are three

1
2 gathering spaces that are sensitive. I
3 suggest that we look for several more that we
4 know are sensitive. We live here. The
5 Library isn't listed, for example. And the
6 neighborhoods where the train tracks curve,
7 where there is a particularly loud noise
8 should be impacted too.

9 So, I suggest adding more N's to
10 that map.

11 MR. McKENNA: Thank you. Anyone
12 else?

13 MR. RAMOS: My only concern is to
14 the gentleman who is making the record, and I
15 asked you twice and can you tell us what that
16 process will involve if it doesn't come to
17 that point.

18 MR. McKENNA: Dave? We are not
19 discussing the issues. That issue will be
20 addressed in the scoping document --

21 DAVE SMITH: Just so you know, we
22 have a specific section in the project
23 description that goes through that process.
24 It describes the whole process, what anybody
25 would have to go through.

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JEAN McGRANE: I think if anybody has a particular question and you want, there will be discussion afterwards. You can make a written comment but that can be discussed in detail after the meeting.

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MR. McKENNA: Any other comments?

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MR. CURRY: At least one of the good things about this process, if the City goes forward, I think that it is good that it is Citywide and that the plan for the Waterfront Revitalization document is going forward at the same time as something that is real hard built environment going on together. They often can't pull it off that way. They plan it and then when they try to build it they did something else and it doesn't come out that way.

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So, that I think is very good that they are coming together at the same time. It's a wonderful thing and a good way for the planning process too and build environment does come together.

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We spoke about zoning or spoke about it and let me -- and in an effort to

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make this Citywide to include lots of things

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we have at least two other zoning issues

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aside from the waterfront that are being or

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at least been spoken about being addressed in

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the narrow and recent past.

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And that's where we are also

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discussing throughout the City there is an

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R-1 zone being -- or several R-1 zones being

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converted into several R-2 zones.

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We have another beautiful lake

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and it's lake front shores are, I believe,

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currently zoned as light industrial and I

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think as far the zoning process goes, I think

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it is best that the three of them go on --

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that that entire zoning process be also

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included in this process.

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So, that we don't in the future

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wind up looking back and saying: Why weren't

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these included? They are actually one

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greater Citywide process.

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That being one comment and the

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other is that there are at least some of us

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who are not phased by the 70-page document

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and you know, the entire document should be

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2 made available for those who might involved
3 themselves. Thank you.

4 MR. McKENNA: Thank you. Any
5 other comments?

6 JOE HOEKEMA: Hello, my name is
7 Joe Hoekema.

8 I think just as disclosure I
9 should say that I am a contractor with the
10 City. I developed the City's website.
11 That's in a non-official capacity.

12 I would just like to make one
13 comment. That is regarding the placement of
14 information in the context of the City as a
15 whole. I understand some have expressed
16 their concern about the amount of affordable
17 housing to be included in this development.

18 I would suggest that the plans
19 make reference to the other parts of the City
20 and do some research as to the distribution
21 of different levels of housing that exist in
22 the City as a whole and how that compares to
23 other cities of comparable size.

24 So, the end result is that a
25 balance of all levels of housing in the City

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be a blend.

MR. MCKENNA: Any other comments.

YANIYAH PEARSON: My name is
Yaniyah Pearson. I live at 204 Montgomery
Street.

I hope that the scoping under the
guise of fiscal impact would include a
discussion on the lease versus sale aspects
of this development contract and that it
would also have a discussion in terms of
housing for the public.

Those kinds of conversations are
for example; the sale price of the land and
all that has to be discussed and also the
City versus the public/private partnership as
it relates to the cost of the infrastructure,
who shares that cost and I would like to see
that.

MR. MCKENNA: Thank you. Any
other comments?

DON DeBAR: Still Don DeBar from
it Flows Both Ways Coalition, Ossining.

A couple of questions.

First, just for reference, the

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new urbanism that is represented in this

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process maybe for some context is also being

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used else where by Andres Duany most

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particularly as a device for gentrification,

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to capitalize (Inaudible.) Maybe some

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discussion of that can be -- you know, what's

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going on in Newburgh, and what might be

9

relevant for the DEIS scoping.

10

I would also like to recommend

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that the Developer Agreement, the 70 pages be

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released. The seven page abstract of

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represents the four pages with the remainder

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being a calendar of events to come.

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Only within the last day was the

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purchase price of the land released and that

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purchase price was just shy of four million

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for 38 acres that will allow 1,170 units.

19

For reference, that represents

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less than \$3,500 per unit land cost. I have

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never heard of that in 35 years in the Title

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Insurance business anywhere.

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so, you might want to consider

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what the economic impact of that is on the

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City to sell the land that cheaply.

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On the other side is what would be, perhaps, an acquisition by the City for eminent domain and how that would be treated other than saying that it would be rather unusual, is not spelled out in the draft of the Development Agreement, the characterization of it.

Also, there is no reference as to whether or not there will be a tax abatement or if one is contemplated. I looked thoroughly through the tax two or three weeks ago and a condominium development -- residential development is an actual net loss in tax bases and condominium development actually comes in about 40% of that in terms of revenue.

So, that's going to be the engine driving the economic revitalization of Newburgh. You have to study that very closely and that's before tax abatement and with the tax abatement you would looking at taxes, the City and the schools.

And finally, I would like to recommend strongly that the individual

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2 sections of the EIS being proposed be
3 studied, the impacts of this project,
4 potential impacts of this project, on the
5 Verick (PH) Homes and tenants there which is
6 pretty close and adjacent to that site and
7 any other subsidized housing within the
8 immediate area or approximately three or four
9 blocks out and consideration of the two
10 models that (Inaudible) -- one is where you
11 make the community more prosperous by kicking
12 the people that are here out and bringing in
13 people with more wealth and the other where
14 you help the people who are here remain.

15 That's all I have.

16 MR. MCKENNA: Any other comments?

17 JENNY LOEB: Jenny Loeb. I just
18 have a question, kind of really a general
19 question. People are being told to direct
20 specific questions about specific areas after
21 the meeting. At what public hearing will the
22 public be able to ask questions about
23 specific properties?

24 MR. MCKENNA: I will just refer
25 you to the map. All of the properties are on

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there. We can identify those which may be private --

JEAN McGRANE: Jean McGrane, City manager. Ask your questions here clearly. I think if there is something that you want to ask, you can ask it. It's just that if you need and want to have a specific discussion on a specific property you can do so afterwards. So, your questions here should be regarding this project --

(Comments from unidentified audience members)

JEAN McGRANE: If you have a question, raise it. If there is something you want a written response -- and you want to have a discussion afterwards. Ask your specific questions you have about the project now --

DAVE SMITH: Just to follow up -- concept plan these are the properties we targeted, the only private properties as far as for potential acquisition are right there (Indicating.)

MR. McKENNA: And to the right.

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That whole piece.

UNIDENTIFIED SPEAKER: Is there a specific address for that? Do we know where it is?

MR. MCKENNA: That's the area now. The marina -- and American Dock --

DAVE SMITH: 2 Washington.

MR. MCKENNA: Any other comments.

ERICA POWERS: I am Erica Powers and I am speaking as a lawyer and also as a City Planning Professional.

This is one of the most comprehensive plans that we have seen not just in Newburgh but a number of the other communities and I would like to challenge the misconception and misperception about the new urbanism that has just been raised.

New urbanism really is a child of Jenny Jacobs (PH) who believed in liveable streets and who believed that if you have a community where, as where I live and practice law, people look out their windows, they can keep an eye on he neighborhood and if you have a community where people walk to get and

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2 buy groceries -- at lunch time they are part
3 of fabric of the neighborhood.

4

5 I would then suggest that the
6 work Duany Plater-Zyberk has done over the
7 period years is to bring that concept of
8 walkability to new or being renewed
9 situation.

9

10 I think it is grossly unfair to
11 argue that the New Orleans's rebuilding where
12 in fact in order for architects to donate
13 their time to design, replace small housing
14 for the people who were blotted out is a
15 legal gentrification. This is a serious
16 misrepresentation and I think that it is very
17 important not to down this plan, not to beat
18 it to death by seeking to expand and more and
19 more and more areas that should be considered
20 -- the City zone and should be considered.

20

21 I understand the concern Mr.
22 Curry and I understand that there is a
23 revolution, a rise in expectation, that
24 Leyland has brought here and in the
25 excitement everyone wants everything to be
perfect right now but the reality is that we

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need rateables.

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We need a combination of ownership and rentables and we need ownership and condominiums rather to make it possible for people to have a psychological investment in their properties. We also need grantorship. Rentors have nothing and those who believe that rentors don't add to the stability of the community have come up against my sharp tongue on occasion.

But, I think we need to go with this, try not to poke holes in it, try to find aspects of the scoping that need to be flushed out but not put such a burden on the developer of more and more and more that the process goes away. And I think I have said enough.

MR. MCKENNA: Thank you. Any other comments?

JERRY MELDONADO: My name is Jerry Meldonado.

I live on Montgomery Street and I also the Co-chair of the Heritage Corridor Development Initiative which is a task force

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2 for the Newburgh Preservation Association and
3 public/private partnership seeking the
4 revitalization of the City's corridor
5 Historic District.

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7 I think one of the most exciting
8 things about the initiative is the linkage
9 between the waterfront and historic district
10 and I just want to say it is one of the
11 things we are quite excited about it.

12

13 One of the exciting things is the
14 potential kind of things that this project
15 has is the generating opportunities that this
16 project has for again the historic district
17 and one of the things we would like possibly
18 would like to see as part of study is some
19 exploration of the water/river impact of
20 waterfront development, and that is how the
21 jobs -- service and tourism would add to the
22 overall employment and the economic
23 potential. That's one of the things I think
24 we would like to see as part of the potential
25 site.

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MR. MCKENNA: Any other comments?

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DOROTHY HILL: My name is Dorothy

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Hill.

I am very excited and I am for this project and I really excited about the amount of community involvement as well as community discourse but at this point as I am sitting here I get worried about the tax impact upon middle class families here.

The tax burden if anybody noticed, my school taxes went up 17%. We came from Rockland County and I have seen many middle class families forced out because they couldn't pay the taxes on their properties. They were being overvalued and while it is a great plan, I think -- my taxes might go down and everybody chuckled and they continued to go up.

We have affordable housing but you are going to lose the middle class who is already here to the upper middle class coming in. I don't think our issues are separate. It's not us or them. We are all going to need to relocate pretty quick if we don't look at the economic impact for those people who re here and if you look at what they call

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median income, the middle class jobs, you are

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not going to be able to make \$50,000 or

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\$70,000 and live in Newburgh and pay \$15,000

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in taxes.

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So, I am hoping that

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consideration will be given for that as well.

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MR. McKENNA: Anyone else?

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DON DeBAR: The issue was brought

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up about the speed of the scoping and the

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speed of the scoping is really on track and

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should continue from this point to not be

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allowed to go any faster.

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Therefore, the idea that

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individuals or groups are trying to damage

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the project for the purpose of stalling this

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process would be -- a lot of people would not

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have an opportunity to view what this process

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will look like in the future.

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MR. McKENNA: Anyone else?

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MARK CARNES: My name is Mark

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Carnes. Newburgh.

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The gentleman from Ossining made

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some good points. This project has the

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potential of substantial impact on this

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community and maybe we should look carefully at what we had before and what portends in the future.

If we look at the impacts just on that chart because we have a feel of crabgrass; traffic. As it stands now we can scamper to Baumville at almost 45 miles an hour.

Air quality and noise. The quality is fine. It's silent.

Visual resources. We have an unblocked view of Beacon. Leyland will change that. 1,170 units.

We also have a City with no tax revenues to speak of. This means that over the past four years we had a City government that did not serve the community and it's people very well.

This project has the potential of providing revenue to make Newburgh City Government do what many of us have dreamed for forty or fifty years for them to do. It can have an impact on this community.

I look at before and I look at a

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changed future and I am ready to go to the future.

I'd like to applaud Leyland, Duany, but I can scarcely believe I am saying that.

I would also like to applaud the officials of the City of Newburgh and in particular it's elected representative for doing something special, for doing something that is not only credible ro8uted to economic reality but visionary in scope and I thank them.

MR. MCKENNA: Anyone else have a comment?

ANTHONY TAKHAHI: My name is Anthony Takhahi.

Just as someone who lives here and some of the things I heard, really really quick, we talked about tax payers and the City is really sort of a dumb bell shape in terms of profile, tax payers and income distribution, some middle class people who ware essentially paying the full tax burden and you've also got people who have gotten

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out of jail and you are essentially that tax burden using public resources and that's reality in the City of Newburgh right now.

The nice thing about the project is it does address that non-normal curve that the City has.

The one thing that I think that came out real quickly in the Charrette was that Newburgh does not have any industry or potential way to generate those \$50,000 or \$70,000 a year kind of jobs.

It just is not here outside of those professions you are not going to have a car on every corner. The industry for Newburgh is New York City.

This project, I think, one of the critical things that it is meant to do is to strengthen the ties from Newburgh to New York City and I would really like to see the environmental impact or whatever address what it is doing to help those people commute to New York City to jobs or businesses -- because that is what is going to generate jobs in the local community, not a car plant

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or something else of that nature.

MR. MCKENNA: Anyone else like to comment?

DON DeBAR: I would just like to clarify my comments from before with respect to Duany and new urbanism.

First, I should have referred to the new urbanism of Duany registered trademark after differentiated it from Jane Jacobs' original concept.

Second, I would like to ask if there is some way to put mixed media format into the EIS because I have videotape of several public sessions with the public in New Orleans in the Ninth Ward and elsewhere with Mr. Duany and would involve him in the activity around New Orleans since the flood that would show what is going on down there as part of the record.

MR. MCKENNA; Anyone else?

JENNY LOEB: Jenny Loeb.

In regard to the public sessions I thin it is good. They seem to be more frequent and I think that a project of this

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2 scope and size might warrant extra levels of
3 getting out into the public about these
4 sessions, maybe you know in a format people
5 who do not really check the Newburgh website
6 because obviously the people that come to
7 these public hearing sessions are not
8 representative of the population of Newburgh
9 and I am wondering if maybe there might be
10 slightly more resources both people power and
11 money wise spent on getting the information
12 for these out into the neighborhoods, maybe
13 to the point of putting signs up, for people
14 who might not have the Internet.

15 MR. MCKENNA: thank you. Any
16 other comments?

17 MARY MCTAMANEY: I am Mary
18 McTamaney.

19 I think that like the -- there is
20 a glossary either now or planned for the EIS
21 for the Leyland Project as well and I think
22 in that glossary we need to define some terms
23 because terms like gentrification are the
24 elephant in the room, anything is, and I
25 think we need to understand what everybody

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believes by some of the fears in terms of
3 what represents their fears and if you could
4 define them clearly and have them endorsed as
5 the plan goes forward I think we could speak
6 more clearly --

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I am not gentry and the people
that I am meeting moving into my city and
buying homes are not gentry. There are very
few people out there who say they are gentry
in the City of Newburgh. And I don't expect
that I am going to meet a lot of them even
after you redevelop housing and business in
the waterfront. I think that what we will
get are people who want to work from their
space in Newburgh and I think that the
glossary and the definition of gentry will go
a long way to defusing this fear that we
have.

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MR. MCKENNA: Okay. Any more
comments?

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YANIYAH PEARSON: At the risk of
adding I just wanted to say that just last
week there was some discussions about one
percent for the arts.

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So, in relation to community benefits, that discussion has not been a part of this discussion but will need to be as part of the process and the other is somehow what is outlined in terms of community benefits it says: Hiring local employees and purchasing from local vendors and now I suggest that we add 100% for the arts and I guess probably that the other community benefits that would more organic for this project -- looking at a more organic environment and the one thing that I still would like to stress and I have been stressing this all along is taking and hiring local employees not setting it aside in some community benefits document but basically looking at who is qualified to do that work and really committed to a first source hiring so that people who are qualified for any jobs that --

I mean hopefully we are talking about particularly long term not just the construction jobs that come and go but really establishing this development, first of all

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hiring, looking at Newburgh first and my concern is that we what we have set aside in a benefits program that is may not receive the priority that it deserves.

MR. MCKENNA: Thank you. Any other comments?

KIPPY BOYLE: My name is Kippy Boyle and at the last City Council meeting a resolution was passed to increase -- well, it was about tax abatements for first time home buyers of newly constructed houses and if I am correct that refers to -- if I am referring to that resolution correctly, that would be, I think, it was described as a 50% tax abatement that would gradually decrease over a ten year period and that a purchase price for a first time home buyer could be as high as \$400,000.00 and in reviewing the fiscal i8mpact to the City, I think that it is now important to what those 1,170 units, condos, homes, how many might potentially might be first time homeowners that will qualify for that tax abatement and how would that affect the rest of us who are middle

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income tax payers.

It seems like the burden of that tax would then fall on us and I'm not quite sure, but certainly seems like it needs to be studied.

MR. McKENNA: Anyone else wish to comment?

MR. CURRY: I just want to -- similar to Ms. Boyle's comments, and in reference to my comments about zoning earlier, I just want to make it clear here, it is not the purview of a waterfront developer of 38 acres of the waterfront to worry about zoning in the far west end of the City. Nor was that comment meant to burden that developer with it, but my comment is in reference to as the City moves on with it's -- with it's regular course of business that we don't want to have things slipped under a or slipped into a closing door as this process goes forward.

MR. McKENNA: Any other comments?

DOROTHY HILL: Again, Dorothy

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Hill.

In regard to the last question about tax abatement a reminder that we all need to be involved. I didn't know that and I am appalled because after 25 years of paying taxes, giving reduced taxes for incentives for a \$400,000.00 waterfront property home, you've got four hundred grand for house you better be able to pay the taxes and I'm not paying them for you and again it goes back historically as to not valuing what we have.

We don't have to beg people to come here. They have to beg us. We've got the goods and I don't know the details of this but I will research it but for any new construction that is done on the waterfront property the idea that they need tax abatements to get people come here really misses the point. We've got the goods. They should be paying us. I want them paying more taxes and I really think that you need to research this was quote: Slipped in, well, you all should be paying more attention.

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Thank you.

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MR. MCKENNA: Just --

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MR. ZARIN: Just -- it is not

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just the waterfront, it is Citywide. It is

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not just new construction, but is also for

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the rehabilitation of existing buildings that

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are either in -- with work done 90 days

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before or after the purchase of the property

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and the existing provision, sunsets -- excuse

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me -- it is also phased out over five years

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not -- it's phased out over five years and

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the exemptioning, the regulation, the sunsets

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in 2010 which is the same --

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This is City adopting the current

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abatement exemption and the sunsets at the

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same time as the state regulation sunset

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which is 2010 and it is ambitious and would

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like to have this project I would think that

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most of the units are going to be sold after

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2010 where the City will have the opportunity

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and the State renewed that for the City --

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the State is 2010.

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MARGE BELON: I just wanted to

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comment in terms of the benefit, in terms of

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having jobs and work for qualified

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individuals and also want to add that it

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would be really fantastic if you had some

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kind of a training program to go along with

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that for building in our community.

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I don't know if that could be

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done through the union in encouraging them to

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apply for an apprenticeship program. I don't

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know how that would happen, but definitely

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tracking of the people that we have here, the

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need is so great so let's think about it,

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okay?

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MR. MCKENNA: Thank you. Anyone

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else?

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YANIYAH PEARSON: Yaniyah

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Pearson. This project, there is more in

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terms of training that should go into the

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community benefits program. I'm saying that

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we should have something separate that's more

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integral to the development and not into the

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community benefits package that has to do

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with first to have qualified Newburgers.

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Thank you.

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MR. MCKENNA: Anyone else?

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(No audible response.)

MR. McKENNA: First, I would like to thank everybody for coming and for what I think has been a lot of helpful comments both today and Thursday night and as I have said a couple of times already people can still submit written comments to our office which is the Office of Planning and Development at City Hall up until October 23rd.

At the time that we have the transcripts from the two scoping sessions they will be put on our website and I think there are -- there is a lot of information both historical and current and we try to keep it up as much as possible on the City's website. Most of it is under the Department of Planning and development, there is a section on the LWRP and there is a section on the Waterfront Development and I guess people had a difficult time manoeuvring all the way through and we took the actual copy of the presentation, the narrative summary of the Development Agreement itself and that's right ton the home page of the City makes it easier

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for people to find and the amended
description it is basically the same
presentation that Michael Zarin made to the
City Council, to the public before the
Council voted on the Development Agreement.

So, we thank you very much for
your participation and input and we hope you
keep abreast and we'll try to keep you
abreast of the remaining steps of the
process.

(WHEREUPON, the Scoping
Session was concluded at 10:45 a.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 23rd, 2007