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NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF ENVIRONMENTAL PLANNING & ASSESSMENT
EXTENDED WATERSHED LAND ACQUISITION
PROGRAM
JOINT LEGISLATIVE PUBLIC HEARINGS
2012 Public Water Supply Permit Application
and
Draft Environmental Impact Statement

TRANSCRIPT OF PROCEEDINGS

HUNTER, NEW YORK

July 13, 2010

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A P P E A R A N C E S:

WILLIAM J. CLARKE

Regional Permit Administrator

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(The Public Hearing commenced at 6:10 p.m.)

MR. CLARKE: Please take a seat. We'll get started. Good evening. My name is William Clarke. I'm the Regional Permit Administrator for the New York State Department of Environmental Conservatoin and with me this evening is Esther Siskind, the Assistant Commissioner for the New York City Department of Environmental Protection and Dave Tobias, also with the New York City Department of Environmental Protection.

Tonight we're conducting joint hearings. The second of three hearings in the watershed area and the purpose of this is to take public comment on the application by New York City to continue the Watershed Land Acquisition Program, and also for the city to make a decision on whether to continue the program as well.

The application, water supply application, is before the department. New York City is serving as the lead agency for the environmental impact statement, a draft of which is out for public review as part of

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this process.

Tonight we're dividing the proceeding into two parts. The first part is going to be more of a public information part for the New York City Department, describe what's in the EIS and some of its analysis that it has come up with, and then, secondly, we're going to go into taking public comment. Once we get into a public comment, you should be aware that we've also extended the comment period to September 15th. So if you leave here feeling that you wish to submit additional comments, you will have the opportunity to do so.

So, without much further delay, we'll get started. This kind of sets the stage, if you will, for what we're doing in terms of a hearing. The next slide shows the different steps and the process, and this process is started back in January. Right now we're at the July 12th and 14th with the joint legislative public hearings. I want to emphasize that no final decision has been made by either New York State D.E.C. or New York City D.E.P. That can't come until after

1 all public comments have been fully
2 considered and a final environmental impact
3 statement has been issued, and at that point,
4 the respective agencies make decisions,
5 including findings.

6 So without further delay, I'll turn the
7 mic. over to Esther Siskind, New York City
8 D.E.P.

9 MS. SISKIND: Actually, we're going to
10 start with Dave Tobias giving an overview of
11 the program.

12 MR. TOBIAS: I'm going to try to do this
13 without the mic. and people hearing me
14 without that. Great.

15 So just to get a little context to where
16 we are today, back in 1989 the U.S. released
17 its surface water treatment rule at the
18 Federal level, which most cities needed to
19 comply with. The city first applied for its
20 initial watershed -- I'm sorry, water supply
21 permit in 1993. We then went through a
22 number of years negotiating with many
23 stakeholders, principally the coalition of
24 watershed towns, and both east and west of
25 the Hudson, of course, for comprehensive

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water supply permit of which the land acquisition program was a key element, but certainly not the only element.

In 1997, after several years of negotiations, we were able to execute the watershed agreement as, and we were issued by the Environmental Protection Agency a filtration avoidance determination and ten year water supply permit from the State D.E.C.

In 2002 we had a renewal of the filtration avoidance determination, and again, the program having started in 1997, we began soliciting land and purchasing land at that point.

By 2003 we had met our goal of soliciting 355,000 acres. None of the documents that enabled the land acquisition program, per se, required us to acquire single acres, but rather, in particular, the filtration avoidance determination required us to go through a series of steps that would, theoretically, lead to acquisition of land and easements.

In 2007 we had a 10 year FAD issue that

1 will of course will run through 2017. At the
2 same time, we had a five year water supply
3 permit renewed, which ends in 2012, and so
4 here we are in 2010 having just applied in
5 January for our -- I guess it's December, for
6 the -- submitted our water supply permit as
7 of January, I'm sorry, 2010, and so we are
8 working through the process of review by both
9 the city and the State of our water supply
10 application.

11 I want to talk just a little about the
12 program, the basic program elements.
13 Hopefully all of you know at least a bit
14 about this, but we're able to purchase both
15 fee simple, that is, land outright, as well
16 as conservation easements. We only purchase
17 from willing sellers and we're not compelled
18 to buy anything. We certainly have a
19 selection process and properties maybe to
20 pursue or not as they fall in through that
21 selection process. We must offer fair market
22 value based on appraisals, that we
23 commissions from outside independent
24 appraisal firms that we have under contract
25 to do this work for us, and we are not

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appraisers. We hire these appraisers to do this work and we expect them to give us their best shot at fair market value and give the landowner best shot at valuations.

The first issue that we need to address in looking at properties as to whether or not we want to pursue them is are they eligible. So we look at natural features criteria, that is to say:

Do properties contain one of five natural features, either stream buffers, 300 foot buffers to streams, and water courses, wetlands, flood planes, 1,000 foot buffers to reservoirs, or slopes over 15 percent. If properties contain one or more of those elements, those features, then we could pursue them.

They also need to meet the number of size minimums based on where they are within the watershed with respect to priority areas. We'll talk about this in just a moment, and then finally, properties need to be outside of designated, or I should say, towns, municipalities, have the ability to designate areas as of 1997, and then to either opt in

1 or opt out completely on those areas from the
2 land acquisition program. That is to exclude
3 us or not in fee simple. We can buy
4 conservation easements in those areas subject
5 to the rest of the criteria that need to be
6 met, but that may change under this new water
7 supply permit as we will talk about in just a
8 moment.

9 We then must go through a local
10 consultation process on every real property
11 interest that we're acquiring, whether it's
12 fee simple or conservation easements. We
13 submit a package to the town right after we
14 signed the purchase contracts and the towns
15 get to look over these proposed acquisitions
16 during the purchase contract for our
17 adherence to requirements, principally the
18 MOA requirements, as a heads up for possible
19 subdivisions, which happens sometimes, but not
20 always, and then perhaps most importantly or
21 as importantly, to local towns, as to what
22 our recommendations are for public access.

23 Property taxes: The city pays property
24 taxes as assessed on all of its real property
25 interests acquired, and then that actually

1 includes lands we acquired previous to the
2 MOA, principally around the reservoirs and
3 facilities, but we certainly are also are
4 required to pay taxes on the real property
5 interests that we have acquired since 1997.

6 We have also agreed to, and this is
7 formalized, to not grieve any of our property
8 tax bills for 20 years, subject to local
9 assessor requirements. So that is to say
10 local towns adhere to certain requirements,
11 we have no rights to grieve for 20 years on
12 each property, not through 2017, but 20 years
13 from the acquisition of each property. And
14 we'll touch on that again in just a moment.

15 Recreational use is certainly an
16 important issue. We have opened roughly
17 two-thirds of our involved properties in
18 buying fee simple to public access. We don't
19 have rights to conservation easements to
20 public access. Those properties are still
21 essentially owned by landowners who sold us
22 easements and public access is controlled by
23 them. And finally we also have a proactive
24 land use management program through which
25 we're constantly looking at how to manage our

1 natural resources on the properties that we
2 own and acquire. Again, not conservation
3 easements, but we're looking to -- and we
4 have expanded since 1997, on a number of
5 fronts, are opportunities to let bids, for
6 example, to manage timber resources and to
7 allow farmers where they have an interest to
8 come onto city property and take, A, maple
9 syrups, and certain other properties as,
10 again, looking at water quality, as of course
11 the first threshold issue.

12 Okay. There are a number of potential
13 program changes that we have that are
14 negotiated with the coalition and other
15 stakeholders, including environmental groups.
16 Of course, the State and the EPA as well. We
17 have agreed tentatively to a process which
18 would allow for expansion of the designated
19 areas in towns that have selected to do that,
20 and we have those expanded hamlet areas and
21 negotiated by and large across the board.
22 Again, with those towns who wanted to pursue
23 that. If this program change is incorporated
24 into the water supply permit, then the city
25 would not be allowed to acquire either land

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or easements, nor would the Watershed Act Council, and I'm sorry, I haven't mentioned that yet, which runs a farm eastern program using the city funds. None of those acquisitions would be able to happen if in these new and existing hamlet areas the municipalities elected to exclude the land acquisition program.

I've already mentioned easements. Natural features criteria. There were no established or exact thresholds in our current program, but we have agreed with -- a coalition for its town's proposal to establish a minimum threshold of 7 percent of the property contained any water features or 50 percent of a property containing slopes over 15 percent, if you can follow that. So that a property must contain one or the other of those thresholds, and then we can pursue them.

Finally, we're looking at a Riparian buffer program, which would be a new arena for us, and that would be run through a local land trust. We have the possibility of working with land trusts on a more expanded

1 basis, and we've yet to really define exactly
2 how that would work, and we also have a
3 potential forest easement program that would
4 be run as a sister program with the farm
5 easement program, already being run by the
6 water agricultural council, and I'll just
7 mention here one other potential change to
8 the program, which is that the city might
9 extend its -- from 20 years to 30 years --
10 its established time frame for not grieving
11 properties, again subject to assessor's
12 adherence to certain requirements.

13 So all of these we think are important
14 gifts, if you will, to communities around the
15 west of Hudson watershed and we expect that
16 these hopefully will reduce conflicts and
17 allow us to continue this land acquisition
18 program in a robust way.

19 Just to remind people what the priority
20 areas look like, if you can see these, and we
21 have maps on our website as well, but in any
22 case, we originally moved essentially from
23 east to west across this map soliciting lands
24 roughly west of Hudson about three hundred
25 and forty odd thousand acres to begin with,

1 and you can see in green is principally land
2 already owned by the State within, mostly
3 within the blue line, and other areas in
4 bright red and purple are what we call high
5 priority areas one and two, and areas in tan
6 and orange, mostly the western and northern
7 parts of the watershed, are priority areas
8 three and four.

9 East of the Hudson, I won't spend much
10 time on, but in white is the Croton system
11 and in the bright red and purple, again, high
12 priority areas. So here we are in terms of
13 our -- where we stood a year ago, which is
14 when we really started to dive into the
15 numbers and analyze where we've come from and
16 where we expect to be in 10 or 15 years from
17 now. So we established July 2009 as the set
18 point for analyzing all of this data, and
19 that's why we're showing you this data as
20 opposed to current.

21 So you can see the various numbers of
22 acres solicited and acquired in the various
23 basins. So we've solicited about 475,000
24 acres to date and we don't expect that number
25 to go up much. Again, either west or east of

1 Hudson, this is just capped down on the
2 bottom in total. West of Hudson solicited
3 460,000 acres and acquired about 72,000
4 acres. 80,000 acres, if you consider east of
5 Hudson as well.

6 This is a graph that's showing the
7 difference that we've been able to make
8 across basins. So the bright green bar, part
9 gray -- the bright green part of the bar at
10 the bottom is where we stood as of 1997. So
11 in Kensico you can see, for example, where 32
12 percent of that basin, not including the
13 reservoir, had been protected and we were
14 able to add a small amount, 3 percent, and
15 another 5 percent were protected by other
16 interests such as the State and county parks,
17 for example.

18 And if you move across the graph,
19 basically you're moving east to west in the
20 watershed, the opposite, but so you'll see
21 that in west branch we've made -- it's really
22 the biggest difference there, 32 percent of
23 that basin in particular has been protected
24 by our program, and as you move across, you
25 see that we're basically in the five to ten,

1 12 percent in the case of Rondout, but
2 roughly five to 10 percent across the board
3 in terms of the difference that we've been
4 able to make regarding protected lands in
5 each basin. And so what you see here, for
6 example, in Cannonsville, the western part,
7 is the watershed, we started at 5 percent of
8 the basin protected. We were able to add 9
9 percent and another 3 percent had been
10 protected by others. So 16 percent of the
11 Cannonsville, as we capture it here, is
12 effectively protected landscape. The rest of
13 it is privately owned. So we do not envision
14 huge amounts -- these bars changing by huge
15 amounts over the next 10 or 15 years, and
16 there will continue to be a significant
17 amount of land in private hands.

18 Just in terms of the big picture, so
19 where we've been, 1997 through 2009, we
20 followed the MOA solicitation schedule, which
21 was fairly detailed about the acreage we were
22 to have solicited and various priority areas.
23 We moved pretty much from high to low
24 priorities and from east to west in the
25 watershed, and then we had a watershed-wide

1 program to date.

2 For the next 10 to 12 years we envision
3 shifting away from -- we envision basically
4 looking at landscape in its protected status,
5 and essentially working more in landscapes
6 and basins that have less protected acreage.
7 We will be focusing west of Hudson and not
8 working much nearly as much east of Hudson.
9 We will be resoliciting rather than
10 solociting new lands.

11 We have solicited virtually all of the
12 land we expect to contact in the future
13 already. That is, I think the end of mine --
14 is there one more slide?

15 MR. SCHWAB: No.

16 MR. TOBIAS: So I will turn this over to
17 Esther. Thank you very much. We'll be here
18 for questions after.

19 MS. SISKIND: Hello, so tonight I'm
20 going to give a summary overview of the draft
21 of the Environmental Impact Statement and
22 focus on these four areas for quality
23 socioeconomic conditions, community
24 character, and the alternative analysis, and
25 for those that haven't read the draft, DEIS,

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and would like to read it, you can either download it at that website or we have a few CDs in the back. You can pick one up on your way out.

So starting with water quality land acquisition, it is well-documented through numerous studies as an important water quality protection measure. DEIS includes many citations that -- three of them are listed here. The National Research Council established by the Federal government says that purchasing private land is one of the most important non-structural tools used to protect a watershed. A land acquisition program is potentially one of the most successful strategies for source water protection.

So there have been many studies to practice. Not only is a good water quality protection measure for reasons of protecting the natural environment, the way our program has been designed is that, through the hamlet designation areas, we avoid purchasing lands in hamlet areas where growth typically occurs and focusing and development where typically

1 occurs is considered to be a smart growth
2 measure, which protects water quality because
3 it produces sprawl-type development in
4 natural areas.

5 We looked at a number of socioeconomic
6 impacts. The impacts and the amount of
7 developable land. Impacts on land prices,
8 housing prices and affordability. Impacts on
9 land intensive industries, such as
10 agriculture, forestry, and mining, and the
11 impacts on local government revenues.

12 We conducted a number of interviews.
13 Appleseed, our economic consultants, spoke
14 with many economic development officials --
15 thank you for participating if you are one of
16 them. We spoke with business organizations
17 and community housing organizations as well.

18 And we've reviewed a full range of town
19 plans, village plans, county plans. For
20 those of you who can't read the fine print
21 here, there's tables also included in the
22 EIS.

23 We -- for the analysis where we
24 projected the impacts of the land acquisition
25 program on the amount of developable land, we

1 undertook a five step analysis, which started
2 off by estimating how much developable land
3 there is now in each of the affected towns.
4 We projected how much of that developable
5 land would be needed for future housing
6 growth. We projected how much of that land
7 we would be purchasing, and then how much
8 would remain after accounting for both
9 housing growth and land acquisition.

10 Next slide. So to estimate the
11 developable land, we looked at uses where
12 development typically occurs -- vacant land
13 obviously looked at, and we also included
14 city and residential greater than 15 acres,
15 and we also included agricultural land for
16 certain towns where our impact analysis
17 showed that we would show higher impacts by
18 including that land.

19 And then we took out what's considered
20 to be undevelopable land, land within a
21 hundred feet of watercourses, or 300 feet of
22 reservoirs. Because our watershed
23 regulations constrain to impervious surfaces
24 in those areas.

25 We also excluded D.E.C. and Federal

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wetlands areas with slopes greater than 15 percent, floodplains, and low infiltrating soils.

Then, as I stated, we projected how much land we'd be acquiring under the new permit. Essentially, Dave Tobias presented the first two columns of numbers there in terms of what we purchased over the last 12 years. We then projected what we would be acquiring over the next 12 years, and for purposes of the EIS, we did a very conservative or high end projection where we assume that we'd be purchasing more land over the next 12 years than we did over the past 12 years, and that is what's called an EIS worst case scenario. The city does not expect to achieve these high levels, but it was done for purposes of the EIS.

So these are the conclusions of the analysis. On average, the 34 towns would have about 84 percent of their developable land remaining at the end of 2022, and also all 34 towns would have at least two-thirds or 65 percent of their developable land remaining.

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We then did -- looked at the most impacted towns and we then did a more detailed town level assessment. This slide shows the towns that were selected for that town level assessment. We made sure that we had good geographical coverage to dealing with the counties that were most -- would be most affected, Greene and Delaware.

So the town level assessments, there were two sort of categories of conclusions where we would have high land acquisition. So for certain towns where we would have high levels of land acquisition, those are towns that have slow growth and then there would be sort of a minimal potential for conflict between our program and those more rural towns. And, then, we also looked at towns where we project high levels of land acquisition, but towns where there is a high rate of growth, and in those towns, there's a stronger potential for conflict. However, because our program is going to include expanded hamlet areas, that will help avoid potential conflicts because that's typically where the growth happens in these towns.

1 We looked at the impacts of our program
2 on land and housing prices. The way we did
3 this analysis is show that those two figures,
4 we divided the watershed area into regions,
5 and then we looked at areas outside the
6 watershed with similar types of socioeconomic
7 and development features, and what we found
8 is that essentially the land acquisition
9 program was occurring at a time when housing
10 and land prices were rising rapidly, and that
11 you saw those trends both inside the
12 watershed and outside the watershed.

13 So the land acquisition program did not
14 appear, based on the historical statistical
15 analysis that we did, to have influenced
16 those prices to any great extent, but is more
17 -- more strongly correlated with the rising
18 prices of the second home market, depending
19 on where there was a stronger second home
20 market that's where the rising prices tended
21 to occur. And then also as I mentioned
22 talked to affordable housing advocates and
23 because what we found is that the affordable
24 housing tends to occur in and around hamlet
25 areas that the hamlet designations will help

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protect growth growth in the affordable housing market.

We looked at, as I mentioned in a number of land intensive industries, agricultural, mining, and forestry. As you know, agricultural has been declining over the past few decades in the watershed. The program helps to some degree to preserve farmland through the watershed agricultural easement program, and in addition, where we have purchased farmland in fee, we've made a certain number of acres almost half available for certain types of equitable choices.

Mining and forestry, we have purchased a handful of previous mines, none of which are currently active or active at the time of purchase. D.E.P. policy allows mining to some degree on conservation easements subject to restrictions.

On forestry, almost all the land we acquire is forested. D.E.P. has opened up lands to forestry and expects to continue to do so. But it has not constrained due to the supply of forested land. We did not find significant constraint on forestry.

1 We looked at community character as I
2 noted earlier. We reviewed many different
3 town and village and county plans. There is
4 some recurring themes as you go through those
5 documents, revitalizing hamlet and village
6 centers. We talked about the program
7 essentially staying away from those areas,
8 preserving rural character and the high
9 quality natural environment, which the
10 program supports and preserving agriculture
11 as well.

12 Many of the town plans noted the need
13 for greater opportunity for outdoor
14 recreation. We've opened up almost
15 two-thirds of the lands that we've purchased
16 to public recreational use and we plan to
17 continue to do so for the new lands we
18 acquire, and many of the town plans talk
19 about economic development and the need for
20 affordable housing, which I discussed
21 previously.

22 We did look at east of the Hudson, not a
23 focus of the EIS. We were planning to
24 purchase roughly another 1500 acres there as
25 compared to our previous program where we

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purchased over 8,000 acres. There will be about four towns affected, but the amount of developable land will represent only about 4 percent of those communities.

Lastly, the alternatives analysis, we looked at the no action alternative, which is a requirement of all EISs. Because the land acquisition program is a key element of our filtration avoidance determination, it is our belief that if we were to eliminate that program, we would jeopardize our filtration avoidance determination.

We looked at a lesser impact alternative, which showed that obviously purchasing fewer amounts of land would result in fewer impacts. We looked at a greater impact alternative, that I'll describe in a minute, and also an alternative with no hamlet expansions.

The greater impact alternative assumes that we would get a five year renewal of our permit. So that we would be purchasing land through the year 2027, and we assumed an increase of 10 percent in acquisitions. We believe that it's highly unlikely, given the

1 very conservative analysis that we did for
2 the proposed program, this would essentially
3 would result in higher levels of impact. 80
4 percent of the developable land would be
5 remaining as opposed to 84 percent, and at
6 minimum every town would have 60 percent of
7 their land remaining as opposed to 65
8 percent; and obviously this could increase
9 the potential conflict between the need for
10 growth and programs.

11 We looked at an alternative with no
12 hamlet expansions, and we looked at this
13 alternative because the hamlet expansions are
14 currently under negotiation. Those
15 negotiations have not been concluded. D.E.P.
16 fully supports the hamlet expansions and we
17 expect that they will be in the final
18 agreement, but because the negotiations have
19 not been concluded, we looked at what the
20 impacts would be absent those expansions.
21 Eliminating the hamlet expansions would be
22 that D.E.P. could purchase land in those
23 hamlet areas and that could lead to conflicts
24 with the type of development that tends to
25 occur in the areas of -- commercial

1 businesses, affordable housing, and higher
2 density housing, and it would also
3 potentially result in some of that
4 development happening in more outlying areas
5 creating more risks for water quality.

6 So with that, the EIS schedule that Bill
7 ran through, everybody, just as a reminder,
8 we are accepting comments through September
9 15th, and we hope to hear from you tonight,
10 and through your comments that you send us.

11 MR. CLARKE: Thank you. We'd like to
12 proceed now to take public comment. Do want
13 to indicate that staff will be available
14 following the hearing. If you have any
15 questions, feel free to come down.

16 Tonight's hearing is being conducted
17 pursuant to State Law, Uniform Procedures
18 Act, and New York State Environmental Quality
19 Review Act, and also the City Environmental
20 Quality Review Act as well.

21 It's important that everyone please show
22 the utmost courtesy for all speakers. We're
23 are here to hear you to listen to your public
24 comment and everyone will be heard that
25 wishes to make a statement this evening.

1 Basically, we're going -- we have a
2 couple folks that signed up in advance at the
3 door. That's okay if you have a comment, we
4 will take you after we take them, and we ask
5 that you come down here, just state your name
6 for the record and give your statement. If
7 you have any written statements, you're free
8 to hand them in if you want to and just
9 simply summarize them.

10 So the first person that has signed up
11 is Walt Grote.

12 MR. GROTE: Yes, my name is Walt Grote
13 from Wyndham. I am a resident there
14 full-time. Our concern: My wife, we live
15 there year around, and our big concern is
16 accessibility that is being given to the
17 properties that the D.E.P. is buying.

18 The particular property that I'm
19 concerned about with right now is 5447, which
20 is, I guess, being -- going into contract at
21 this moment. That piece of property is
22 approximately 50 plus acres. It has never
23 been opened to the public. It is a very
24 steep piece of property. It's -- very top of
25 this piece of property becomes plateau

1 region. This plateau region unfortunately
2 ends up in our backyard. Therefore, if you
3 allow public access to this property, anyone
4 that eventually gets to the top of what is
5 called Bum Mountain, (phonetic) will, for
6 whatever purpose they're up there for,
7 whether it is to hike, to hunt, to trap, to
8 -- well, there's no fishing, there's no
9 water, but they eventually will end up in our
10 property.

11 Now, we've talked to the -- our town
12 planning board. We've talked to our town
13 board, and they all seem to feel that this
14 should be open to public access. And, our
15 feeling is that it would prove detrimental to
16 us, specifically to us and our neighbors.

17 By the way, most of our neighbors are
18 weekenders, and it would basically open our
19 property to public access and to hunting,
20 fishing, trapping, whatever you allow. And
21 that is our biggest concern. We've talked
22 to, I guess, John Stavey and Paul Lens,
23 (phonetic) Michael Fleishmann, and I get the
24 sense from them that the D.E.P. just wants to
25 be a very good neighbor. And we were looking

1 forward to having D.E.P. as neighbors until
2 we found out that these white signs that you
3 have pretty much posted around our area,
4 which is Mill Street in Wyndham, which
5 precludes any access, that these signs will
6 eventually be replaced by your blue signs
7 which allow public access, and that is our
8 utmost concern.

9 I'm not sure whether you can give me any
10 advice as to what or who to talk to get this
11 signage left white as it is now or as it is
12 going to be, but my understanding is that our
13 town board has recommended that you open it
14 up to public access. So do you have any
15 suggestions? I'd be willing to, you know,
16 listen to them and act on them if I think it
17 could do any good.

18 MR. CLARKE: Does that conclude your
19 statement?

20 MR. GROTE: Yes.

21 MR. CLARKE: Thank you. Again, just to
22 reiterate, you're free to come down after the
23 hearing's over and ask questions. Second
24 person who signed up is Anna Grote.

25 MS. GROTE: I don't have really too much

1 to say. I'm bad with my speaking, so please
2 forgive me.

3 MR. CLARKE: Statement, please.

4 MS. GROTE: Anna Grote, and I live on
5 Mill Street. We moved there in 1992. We
6 bought the property, and we specifically
7 bought the property because we had nice
8 privacy, and we had covenants on the property
9 that, of course, we paid extra money in
10 Wyndham to have that property that there was
11 no hunting, no fishing, nothing, even we
12 can't do it as a property owner. So now I
13 think we feel very violated now, and I say
14 it, like my husband said, I don't really
15 think it's D.E.P.'s fault because I don't
16 have a problem with D.E.P. being there. I
17 understand there is a need for water and
18 that's fine. I would prefer the property be
19 closed. Okay. We've had in the past --
20 we've had ATV's up there, constantly, and
21 it's not easy to catch an ATV by foot, trust
22 me, and you know, to catch these people and
23 say what are you doing here, there are signs,
24 but the average person does not realize
25 there's no ATV activity on D.E.P. land.

1 Now, when this is opened to hunting,
2 being that it's so steep, you're going to
3 have ATVs up there all the time because these
4 guys are not going to carry a deer up or down
5 and who is going to police this? I mean, I
6 would like to think that you can, but I don't
7 think there's enough people available. I
8 know when we had the D.E.C. there with
9 problems, that also limited policing.
10 There's not enough people to go around and I
11 think if people -- if like the white signs,
12 everybody believes that, okay, this property
13 is closed, we have our privacy, we have our
14 peace and quiet, nobody's bothering, comes to
15 these meetings because they believe in the
16 signs, they just don't understand that
17 there's like one sign that's changed that
18 says now there's an access sign. I mean, how
19 many people see that one sign out of 50? And
20 I -- I don't know, I feel very violated by it
21 and I hope there's something you guys can do
22 about it because, I'm sorry, the town doesn't
23 seem to be doing anything and it's just --
24 I'm sorry. Sorry.

25 MR. CLARKE: Thank you for your

1 statement. Anyone else wishes to make a
2 statement this evening? Yes, sir, please.

3 MR. MCCRARY: My Michael McCrary,
4 councilman, Town of Jewitt, resident up there
5 for about 15 years. Both people within the
6 Town of Jewitt and neighboring towns are a
7 little concerned as to what control the
8 D.E.C./D.E.P. have over forestry practices on
9 both conservation easements, and in the
10 future on D.E.P. land. Some of these
11 practices are destructive to roads,
12 destructive to the environment. We have
13 noticed lands that have conservation people's
14 easements, that many small trees are being
15 taken out. There seems to be no indication
16 of reforestration. So my comments would only
17 be that what protection will the towns have
18 against overuse and what procedures do we put
19 in place for making complaints?

20 MR. CLARKE: Thank you. Anyone else who
21 wishes to make a statement this evening?
22 Yes?

23 MS. GRAEF: Form of a question.

24 MR. CLARKE: You can make a statement.
25 If you have questions, you can come down at

1 the end of the proceeding and talk to the
2 staff. If you want to put your question on
3 the record, it will be responded to as part
4 of the a final EIS. So it's your choice.

5 MS. GRAEF: My name Apracilla Graef,
6 G-R-A-E-F. (phonetic) I have heard, and I'm
7 not sure of when Mayor Kotch -- well, when
8 Kotch was mayor of New York City and needed
9 funds, that New York City owned land east of
10 Hudson was sold. My question is: Is there
11 anything that you would be doing to preclude
12 the resale of property that you've purchased
13 through your land acquisition project? And I
14 would hope that there would be some way for
15 to you exclude resales.

16 MR. CLARKE: I thank you. Anyone else
17 wishes to give a statement this evening?.
18 Going once, okay. There being no further
19 statements, we're going to conclude tonight's
20 legislative hearing. I do indicate that
21 everyone's comments will be carefully
22 considered before any final decisions are
23 made. The commentary remains open until
24 September 15th. We appreciate everyone's
25 courtesy here at this legislative hearing and

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have a good evening.

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(The Public Hearing concluded at 6:56
p.m.)

C E R T I F I C A T I O N

I, Patricia L. DeGiorgio, a Certified,
Registered Professional Reporter and Notary
Public in and for the State of New York, do
hereby certify:

THAT the parties whose comments are
hereinbefore set forth, were stenographically
recorded by me; and

THAT the within transcript is a true and
accurate record of the comments given by said
parties; and

THAT I am not related, either by blood
or marriage, to any of the parties to this
public hearing; and

THAT I AM in no way interested in the

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outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 20th day of July, 2010.

PATRICIA L. DEGIORGIO, RPR
Certified Shorthand Reporter