



**Department of
Environmental
Protection**

**Emily Lloyd
Commissioner**

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(718) DEP-HELP

January 31, 2007

Mr. Brian Doherty, Project Manager
New York State Department of Transportation
Region 8
4 Burnett Boulevard
Poughkeepsie, New York 12603

**Re: PIN 8130.64, Route 22, I-684 to C.R. 65
Town of Southeast, Putnam County, New York
DEP Log No. 1999-BB-0790-SQ.1**

Dear Mr. Doherty:

A representative from the New York City Department of Environmental Protection (DEP) attended the New York State Department of Transportation's (NYSDOT) public informational hearing on January 17, 2000. This letter is submitted in response to NYSDOT's request for written comments by February 2, 2007.

The project site is located within the phosphorous-restricted Bog Brook and East Branch Reservoir drainage basins of New York City's Water Supply System. As you are aware, the New York City Water Supply system is an unfiltered, surface water resource that provides high quality drinking water to almost half the population of New York State – over eight million consumers in New York City and nearly one million consumers in Westchester and Putnam Counties.

The proposed action involves widening of approximately three miles of Route 22 from Interstate 684 to a point north of County Road 65 in the Town of Southeast, Putnam County, New York. In September 2000, DEP received a Draft Environmental Impact Statement (DEIS) prepared for the proposed action, in addition to several supporting technical reports. The 2000 DEIS presented three project alternatives: 1) a no build alternative, 2) Alternative 3C, which includes the construction of two additional lanes adjacent to the existing two lane road and a landscaped median with signalized intersections, and 3) Alternative 3D, which would widen the existing two lane road to four lanes and include a continuous two-way left turn lane between Milltown Road and Route 312.

In December 2000 DEP submitted written comments based on its review of the Draft Environmental Impact Statement (DEIS) and supporting technical reports. Given that DEP has not received any additional information with regard to the proposed action or mitigation measures, the Department would like to reiterate its concerns outlined in the December

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2000 letter. Moreover, DEP respectfully submits the following additional comments for your consideration:

1. DEP fully recognizes the need to alleviate traffic, safety, air quality, and other quality of life issues currently affecting residents in the project area. The Department looks forward to working with NYSDOT and the affected communities to develop a solution that addresses these concerns while preserving the area's water resources.

Moreover, DEP agrees that there is a need for a comprehensive regional planning effort as suggested by several public officials and residents at the January 17th meeting. As identified in the DEIS, a Route 22 project could have significant capacity to negatively impact traffic, safety and air quality if it is not done in concert with the goals and initiatives of other regional and local officials. NYSDOT's completion of a regional planning effort along the entire Route 22 corridor would be an invaluable first step in: 1) ensuring that any traffic, safety, or air quality benefits that might be realized from the project would not be temporary, 2) mitigating the identified secondary impacts, and 3) facilitating the determination of Route 22 as primarily a transportation corridor or primarily a commercial corridor. This effort could be accomplished through stakeholder development of a Route 22 Plan that identifies the land use, environmental and transportation conditions, and long-term goals for the area. A Route 22 plan such as this was one of the primary recommendations found in the *Final Route 22 Regional Issues Assessment* prepared by the Consensus Building Institute, at the request of the Eastern Putnam Dutchess Planning Alliance, in May 2003.

2. At the informational meeting, NYSDOT presented demographic, traffic, and other changes that have occurred since the issuance of the DEIS in 2000. In addition to the new information presented at that meeting, NYSDOT should note that the New York State Department of Environmental Conservation (NYSDEC) has recently completed a re-mapping of State-regulated wetlands in Putnam County. Based on preliminary review of the proposed action with respect to the revised State wetland maps, it appears that several of the Areas outlined in the DEIS are now within or adjacent to State-regulated wetlands. Specifically, Area #7 is now within/adjacent to wetland BR-32. Areas #8, 9, 10, 13, 14, 15, and possibly 16 are now within or adjacent to wetland BR-40. Moreover, DEP has since designated Bog Brook Reservoir as phosphorus restricted denoting that phosphorous levels in the reservoir do not comply with State guidance values, and should be reduced.

Given the new information presented at the informational meeting, the revision of State wetland maps, the change in status of the Bog Brook Reservoir, and the significant time that has elapsed since preparation of the DEIS, DEP urges the NYSDOT to issue supplemental materials in order to update the analyses presented in the 2000 DEIS, particularly as it relates to wetland/wetland buffer impacts, wetland mitigation, and impacts from additional phosphorous loading in the Bog Brook Reservoir Basin. DEP would also urge NYSDOT to allow involved and interested parties an opportunity to evaluate and comment on any supplemental analyses.

3. Both build alternatives require preparation of a Stormwater Pollution Prevention Plan (SPPP) in accordance with the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and its Sources* (Watershed Rules and Regulations). DEP notes that while NYSDOT is not specifically governed by the Watershed Rules and Regulations, State agencies are required to comply with their substantive provisions pursuant to Executive Order 51, signed by Governor Pataki on May 20, 1997. Furthermore, in 1997, DEP and NYSDOT executed a Memorandum of Understanding (MOU) that clarifies the stormwater management requirements for NYSDOT projects in the New York City drinking water supply watershed.

In accordance with the MOU, stormwater pollution prevention plans prepared by NYSDOT must include measures to capture and treat the first one-half inch of runoff from all areas where imperviousness has increased from pre-project conditions. However, given the phosphorus restricted status of Bog Brook and East Branch Reservoirs and the scale of the proposal, DEP strongly recommends that all stormwater management measures be designed, to the extent possible, to capture and treat runoff from the 2-year/24-hour storm event from all disturbed areas.

4. At the informational meeting, NYSDOT indicated that a consultant had been retained to assist with development of a stormwater management plan. DEP looks forward to reviewing any changes to the proposed stormwater management plan that may result. In addition, DEP suggests that a joint agency site inspection be performed to confirm drainage area boundaries and design points and to assess the potential outfall locations included in the project drainage analyses. In order to make arrangements for a site visit, please contact Mr. Matt Giannetta at (914) 742-2028.
5. Future project plans should address impacts to existing stormwater and sanitary infrastructure within the necessary right-of-way and must clarify the status of affected properties previously identified as hazardous waste generators or possible petroleum impacted sites.
6. Since several parcels of New York City owned land may be affected by the proposal, the DEP Division of Watershed Lands must be consulted to secure necessary permits/approvals. To the extent that the project would require acquisition of City-owned lands, particularly sensitive reservoir or riparian buffers, it should be clearly demonstrated that there are no feasible alternatives for such acquisition or use.
7. The DEIS states that the Route 22 area's past rapid population growth was in response to "increased transportation opportunities for commuting" and that the project would "result in higher density of development." As a result of the identified secondary socioeconomic and environmental impacts of the project, it is recommended that NYSDOT develop appropriate mitigative measures in order to ensure that the project accrues long-term community, water quality, and land use benefits.

Thank you for the opportunity to provide comments. DEP looks forward to working with the NYSDOT as the project progresses. Please contact me at (914) 742-2071 if you have any questions or care to discuss the matter further.

Sincerely,

A handwritten signature in cursive script that reads "Marilyn Shanahan".

Marilyn Shanahan, Chief
SEQRA Coordination Section

xc: Honorable Gregory Ball, NYS Assemblyman, 99th District
Robert J. Bondi, Putnam County Executive
John J. Dunford, Supervisor, Town of Southeast
Michael Griffin, Supervisor, Town of Patterson
John Degan, Mayor, Village of Brewster ;
David Warne, DEP



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
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ROBERT A. DENNISON III, P.E.
REGIONAL DIRECTOR

THOMAS J. MADISON, JR.
COMMISSIONER

December 8, 2006

Honorable John Dunford
Supervisor, Town of Southeast
Town Hall, 1 Main Street
Brewster, NY 10509

RE: PIN 8130.64, ROUTE 22, I-684 TO C.R. 65
TOWN OF SOUTHEAST
PUTNAM COUNTY

Dear Mr. Dunford:

I am writing to invite you and other interested elected officials in the Route 22 corridor area to a meeting on December 20, 2006 at 10:00 AM in the classroom at NYSDOT Page Office Building in LaGrange, directions are attached.

The purpose of this meeting will be to solicit your input on the project as we re-start our effort so we can be better prepared for the public meeting to be held on January 17, 2007. A letter with the details about that meeting has already been mailed to you.

I look forward to seeing you here on December 20th to discuss this project in this important transportation corridor. Please notify this office of your intention to attend this meeting.

Very truly yours,

A handwritten signature in black ink, appearing to be 'R.A. Dennison III', written over a horizontal line.

ROBERT A. DENNISON III, P.E.
Regional Director



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION EIGHT
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POUGHKEEPSIE, NEW YORK 12603
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ROBERT A. DENNISON III, P.E.
REGIONAL DIRECTOR

THOMAS J. MADISON, JR.
COMMISSIONER

December 6, 2006

Honorable John Dunford
Supervisor
Town Hall, 1 Main Street
Brewster, NY 10509

**RE: PIN 8130.64, ROUTE 22, I-684 TO C.R. 65
TOWN OF SOUTHEAST
PUTNAM COUNTY**

Dear Mr. Dunford:

It has been 6 years since we held a public hearing on the Draft Environmental Impact Study for capacity improvements on New York State Route 22 in the Town of Southeast in Putnam County. The public hearing testimony and subsequent correspondence we received made it clear to us that the project was highly controversial and no reasonable alternative which would address the competing and conflicting interests was apparent.

As we all know, congestion in the corridor continues to be a problem, resulting in degradation of air quality, delays to people using the facility and traffic diversion onto local roads.

We will be holding a public meeting to determine the next steps for this project on January 17, 2007 at 7:00 PM at the Henry H. Wells Middle School on Route 312 in Southeast. We want to learn about changes to the area's demographics and public's interest in the project. We are also interested in learning the position of public agencies and advocacy groups. We will use this information to develop a strategy for future project activities.

Please send your comments to Brian Doherty, Project Manager, at the address listed above.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert A. Dennison III".

ROBERT A. DENNISON III, P.E.
Regional Director

Town of Southeast

Brewster, New York 10509

Tel. (845) 279-4313

Fax (845) 279-2453



Supervisor
JOHN J. DUNFORD

Deputy Supervisor
PAUL P. JOHNSON

Town Clerk
RUTH A. MAZZEI

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RICHARD B. HONECK
PAT BONANNO
LORRAINE M. MITTS

Town Counsel
STEPHENS & CHARBONNEAU

July 12, 2005

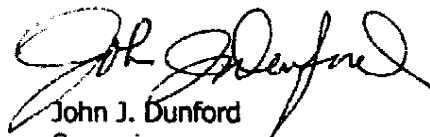
Mr. Robert A. Dennison, PE
Regional Director
NYS Dept. of Transportation
4 Burnett Boulevard
Poughkeepsie, NY 12603

RE: Town of Southeast - Route 22

This letter is a follow up to our last meeting regarding improvements to Route 22 in Southeast. Attached, please find the two documents, which you requested. A memo from the Town Planner regarding the zoning amendments the Town has enacted in recent years as well as information regarding any variances granted to property owners on Route 22, North of Route 684. Please note, the Zoning Board of Appeals has approved 1 variance in all of 2003 and 2004.

Please do not hesitate to call with any questions. Thank you.

Sincerely,


John J. Dunford
Supervisor

/mr
cc: Town Board
Town Clerk
Town Planner
Assemblyman Stephens
Senator Leibell



Environmental and Planning Consultants

440 Park Avenue South
New York, NY 10016
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Memorandum

To: Hon. John Duntford, Supervisor
From: Graham Trelstad, Director of Planning
Siobhan O'Kane, Planner
Subject: Town of Southeast Zoning Amendments
Date: June 28, 2005

This memorandum summarizes the planning and zoning actions undertaken by the Town of Southeast in recent years.

Town Planning

The Town has engaged in the following policy and planning efforts:

Comprehensive Plan

The Town Board adopted an updated comprehensive plan on June 20, 2002. The plan updated the Town's previous comprehensive plan specifically with respect to watershed protection and the protection of the Town's rural character.

Croton Plan

The Town completed its portion of the Croton Plan in April 2002. That document was prepared in accordance with the scope of work developed by Putnam County and the New York City Department of Environmental Protection (NYCDEP) as part of the Memorandum of Agreement entered into between NYCDEP and watershed communities. The Croton Plan identifies possible infrastructure improvements (stormwater and wastewater) that could enhance water quality protection efforts within the portion of the NYCDEP watershed in Southeast. Putnam County is currently compiling a County-wide Croton Plan from the individual municipal Croton Plans.

Transportation Improvement District

The Town is currently preparing an update to the Transportation Improvement District (TID) studies for the northwest portion of town surrounding the interchange of I-84 and NY Route 312. This document analyzes potential build-out of commercial and residential properties and proposes a number of potential transportation improvements to handle projected traffic volumes.

Town-wide Zoning

The Town has undergone several rounds of zoning and subdivision changes in 2003 and 2004 to implement the Comprehensive Plan. Specifically, the Town has down-zoned many areas to

reduce potential development intensity in both residential and commercial areas. Along the Route 22 corridor, the Town is currently seeking to guide future development in a manner that is appropriate with environmental conditions and traffic capacity.

Town-wide Zoning: Residential

The R-160 Zoning District was recently formed as a single-family residential district with a minimum lot size of 160,000 square feet (approximately four acres). In addition, a new district was formed in the residential area around Lake Tonetta. The Lake Tonetta Watershed (LTW) district is a residential district that permits less intense residential uses in this environmentally sensitive area by reducing the allowable density in the designated area by increasing the minimum lot area to 10 acres.

The areas rezoned to R-160 zoning comprise approximately 7,413 acres. The new R-160 Zoning District would reduce the number of potential new residential units in these areas from approximately 5,400 dwelling units to 2,018 dwelling units. This reduction in dwelling units is intended to protect the rural community character and the remaining open lands while providing additional protection of surface water quality in the New York City reservoirs. In addition, this level of development is more consistent with existing housing patterns and reflects recent site design and engineering experience in which lots zoned for a higher density are often built at a much lower overall density once site constraints have been addressed.

A new Rural Commercial (RC) Zoning District was created that changed the zoning designation of several Office Park zoning districts including two areas on Route 22. The new RC Zoning District reduces permitted development capacity from a Floor Area Ratio of 0.25 to 0.15 and requires greater buffer areas to protect the community character.

The Town Board made several smaller amendments to the Subdivision Regulations to clarify that loop roads within subdivisions are preferred over longer cul-de-sacs and clarifying that cul-de-sacs over 1,000 feet may be allowed only where environmental considerations preclude installation of a loop road. Other changes allow the Town to establish drainage districts to fund continued maintenance and operation of stormwater management basins in residential subdivisions. This important element provides greater protection of water quality over the long-term and is an element of the Town's compliance with Phase II stormwater regulations implemented by the US EPA under the Clean Water Act.

In addition, the Town implemented revisions to the Town's "Resource Protection Plan" provisions that calculate the number of permitted residential lots within a subdivision and instituted ridge-line and stonewall protection measures to preserve the scenic character of the Town.

Town-wide Zoning: Commercial

Commercial Zoning amendments have included changes to existing bulk and dimensional standards, uses and the creation of several new commercial zones to replace older "Economic Development" districts with "Gateway Commercial Districts." The table below summarizes these changes. Specifically, many areas now require a higher percentage of open space and a decrease in building coverage and height. In addition, three new zones were created for areas where less intense development is appropriate, such as gateways and environmentally sensitive areas. The Rural Commercial Zoning District, which replaced several areas previously zoned Office Park (OP-1 and OP-2), encourages a more reasonable level of development with a permitted building coverage of 15 percent. Recent projects have shown that a more intense commercial development is not possible on lands where environmental constraints limit total coverage. The permitted uses are also more compatible with community character and would produce less traffic than the existing office or retail uses. They are also more consistent with the community's rural character, especially at these important gateway locations.

The Gateway Commercial districts are new zoning districts intended to reduce the overall permitted development coverage (compared to the ED-1, ED-2, and HC-1 zoning districts which they replace). The proposed building and lot coverages are also more consistent with the existing built pattern, and thus more consistent with the established community character. Permitted building coverage standards in the proposed GC-1 and GC-2 districts of 15 percent are reduced from the 30 percent permitted in the ED-1 and ED-2 districts. Three such gateways and entrance corridors were rezoned from ED1 and ED2-Route 22 from the south, Route 6 from Carmel, and Route 6 from Connecticut. The rezoning is intended to allow for development consistent with existing conditions and to further enhance the Town's image, improve the experience of entering the Town, and protect the Town's water resources through less intense development.

OLD ZONING						NEW ZONING				
Zone	Bldg. Coverage	FAR	Open Space	Height		Bldg. Coverage	FAR	Open Space	Height	
				Stories	Feet				Stories	Feet
OP-1	25 %	0.25	35%	4	50	25 %	0.25	45%	3	45
OP-2	25 %	0.25	35%	4	50	25 %	0.25	45%	3	45
OP-3	25 %	0.25	35%	4	50	25 %	0.25	45%	3	45
HC-1	25%	0.30	25%	3	40	15%	0.30	55%	2	35
HC-2	25%	0.30	25%	3	40	15%	0.30	55%	2	35
ED-1 and ED-2	30%	0.4	35%	3	50	15%	0.3	55%	2	35
NB-1	30%	0.4	20%	3	35	15%	0.4	55%	2	30
NB-2	20%	0.4	20%	3	35	15%	0.4	55%	2	30
GC-1						15%	0.4	55%	2	30
GC-2						15%	0.4	55%	2	30
RC						15%	0.15	55%	3	35

Route 22

The Town of Southeast, as reflected in the Comprehensive Plan, seeks to achieve better site and building design along Route 22. The Town is currently considering use of an overlay district to guide future development in a manner appropriate with environmental and traffic conditions. The overlay district would create access management guidelines to manage traffic flow in and out of commercial properties, create design guidelines for future commercial development, and adjust future development to levels compatible with traffic capacity and environmental sustainability.

Increased Environmental Protection and Phase II Compliance

The Town Board adopted a significant revision to its existing wetlands protection law by decreasing the minimum size of wetlands covered under the Town's regulations from five (5) acres to no minimum size. The revised law also indicates where isolated wetlands that may have hydrologic connections to larger wetlands are regulated. The revised law includes upgraded protection for wetland buffer areas (also known as wetland controlled areas) and streams by increasing the width of the protected area from 100 feet to a variable buffer based on slope and hydrologic soil classification.

As part of the Town's compliance with the Municipal Separate Storm Sewer System (MS4) provisions of the Phase II stormwater regulations the Town obtained a New York State Department of State grant to prepare a stormwater inventory. The Town also submitted the required Notice of Intent to NYSDEC for coverage under the Phase II General Permit (GP-02-02). The Town will be implementing its Stormwater Management Program over the next several years. The Town has already made several infrastructure improvements to its drainage system to correct problem areas.

2003 ZONING BOARD OF APPEALS

RESIDENTIAL VARIANCES

FENCE	4
AREA	4
SHED	6
PORCH/DECKS	10
DWELLING	8
GARAGE	2

COMMERCIAL VARIANCES

OUTSIDE STORAGE	1
CELLTOWER	1

2004 ZONING BOARD OF APPEALS

RESIDENTIAL VARIANCES

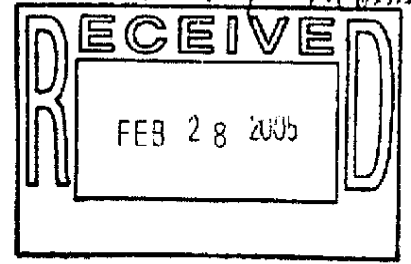
FENCE	1
AREA	5
SHED	1
PORCH/DECKS	5
DWELLING	11
GARAGE	4
POOL	2
DRIVEWAY	1

COMMERCIAL VARIANCES

SIGN	1
OUTSIDE STORAGE	11
DECK	1



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
4 BURNETT BOULEVARD
POUGHKEEPSIE, N.Y. 12603



ROBERT A. DENNISON III, P.E.
REGIONAL DIRECTOR

JOSEPH H. BOARDMAN
COMMISSIONER

February 25, 2005

Honorable John J. Dunford
Supervisor
Town of Southeast
1 Main Street
Brewster, NY 10509

RE: ROUTE 22, TOWN OF SOUTHEAST

Dear Mr. Dunford:

I am writing in response to your February 3, 2005 letter to Regional Director Robert Dennison regarding Route 22 in the Town of Southeast.

At this time there is nothing new to report regarding the progress of the project. We are essentially at the same point we were last year at this time when we met with you.

Given the limited project activity over the last few years, it is unlikely construction would begin within the next four years. I will contact you when things start moving again to schedule a time to bring the Town Board up to date.

Please contact me at 845-431-5870 if you have any questions regarding this information.

Very truly yours,

Brian J. Doherty, P.E.
Project Manager

Town of Southeast

Brewster, New York 10509

Tel. (845) 279-4313

Fax (845) 278-2453

Supervisor

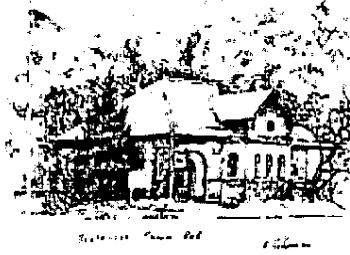
JOHN J. DUNFORD

Deputy Supervisor

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RUTH A. MAZZEI



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RICHARD B. HONECK

PAT BONANNO

LORRAINE M. MITTS

Town Counsel

STEPHENS & CHARBONNEAU

February 3, 2005

Robert A. Dennison III, PE
Regional Director
State of New York
Department of Transportation
4 Burnett Boulevard
Poughkeepsie, New York 12603

Dear Mr. Dennison,

The Town Board has asked me to follow up with the Department of Transportation regarding the status of the Route 22 widening project in the Town of Southeast. As you know, the traffic on Route 22, particularly the segment running from the Route 684 interchange to the Town of Patterson border, is quite dire. We would appreciate if you could send someone from your department familiar with the widening project that could come to one of our worksessions to give the Town Board an update on this important project. Work Sessions are typically held on Thursdays evenings from 7:30 PM – 10:00 PM.

If you have any questions or concerns, please do not hesitate to contact me at (845) 279-4313.

Sincerely yours,

John J. Dunford
Supervisor

Cc: Town Board
Town Clerk

The letter that follows was sent on NYS Assembly letterhead from the Honorable Willis H. Stephens to Governor George Pataki on Feb. 4, 2004. Although from Mr. Stephens office, the letter is signed by a number of officials in Southeast and in the Route 22 corridor.

Honorable George E. Pataki
Governor of the State of New York
Executive Chamber
Capitol Building, 2nd Floor
Albany, NY 12224

February 4, 2004

Dear Governor Pataki:

On January 23, 2004 a meeting was convened among DOT regional officials, William Harding, Executive Director Watershed Protection and Partnership Council, Southeast Supervisor John Dunford, Brewster Mayor John Cesar, Patterson Supervisor Michael Griffin, Pawling Supervisor Edward Hauser and Pawling Mayor Rob Liffland. The purpose of this meeting was to assist DOT in moving forward with a decades-old proposal to improve a three mile section of Rt. 22 in the Town of Southeast. For years, this stretch of Rt. 22 has been plagued by traffic congestion and unsafe conditions.

It has been three years since DOT issued a Draft Environmental Impact Statement ("DEIS") on this project and invited public comment thereon. Since the close of the public comment period, DOT has been addressing a host of environmental issues related to this project. Due to this portion of Rt. 22's proximity to the East Branch Reservoir, DOT has been extra sensitive in engineering improvements which would dramatically improve the water quality of this essential water body. As you know, the East Branch of the Croton Reservoir system, a part of the water system that supplies water to 9 million NYC residents, has been declared a phosphorous impaired water body.

DOT officials reported that, in the three years since the DEIS was issued, they have hired a renowned and widely accepted stormwater expert to assist in engineering significant improvements to the water quality of the impaired water body while, at the same time, addressing the serious capacity needs of this corridor.

Despite this, DOT is unwilling to issue a FEIS on this project due to concerns expressed by the Watershed Inspector General and others that improving this section of Rt. 22 will induce further growth in the region and cause further damage to the Croton System. We were advised by the DOT officials that the Inspector General would not "sign off" on this project until he is allowed the opportunity to forge a land use plan for this region that he feels will ensure the integrity of this water source.

The municipal officials are concerned about the Inspector General's proposal. All the municipalities involved have demonstrated their commitment to protecting water quality and addressing growth. The municipal officials in this region have worked diligently and undertaken a number a steps to address these important issues, developed "Croton Plans" under the Watershed Memorandum, updated Comprehensive Plans; updated zoning codes with specific provisions aimed at the protection of water quality and other natural resources; conducted regional aquifer studies; conducted at RT. 22 Corridor Management Plan in Dutchess County; and formed the Eastern Putnam Dutchess Planning Alliance ("EPDPA"), an intermunicipal land use planning advisory group. This intermunicipal agency includes the Town of Dover, which is outside the NYC watershed, but contains significant portions of north flow of the Great Swamp. Our region's s commitment to cooperative efforts goes beyond protecting drinking water and includes all our shared resources. The formation of the EPDPA was entered into by the region's municipalities entirely on a voluntary basis.

Given all that has been done, we submit that Municipal officials are understandably reluctant to accept a mandated land use plan designed by the inspector General, or anyone else outside of the particular governmental unit. Such an action would be a significant departure from traditional Home Rule and, we believe, nothing in the Watershed MOA or any law or regulation authorizes the Inspector General to engage in this pursuit.

Just as the MOA embraced the concept of environmental protection partnered with economic viability, so do the involved municipalities and EPDPA. We view the Great Swamp as our environmental life line and Route 22 as our economic life line. They are equally important. Municipal officials have undertaken the responsibility of addressing both on a regional basis. Route 22 is our shared resource.

The undersigned agree that the proposed improvement of the 3 mile section is vital to their economic viability and the safety of our constituents. Continued delays in the approval process will have devastating environmental, its well us economic, effects on this region. Currently, there is no stormwater treatment in the three mile portion of Rt. 22 which directly abuts the East Branch Reservoir. Completion of this project, with state-of-the-art stormwater treatment facilities, will significantly improve this impaired waterbody. Completion of this project will enhance our ability to attract quality business development, which is vital to this region.

There are a myriad of public safety and quality of life issues that will be present until the project is completed. We are advised that school children routinely arrive a 35 minutes late due to traffic; commuters need 45 minutes extra to travel a 3 mile section of road, which also results in poor air quality in this region; traffic accidents and fatalities are increasing; and our emergency services and secondary anti tertiary roads are overwhelmed with the effects of increased traffic. Commuters trying to avoid the Rt. 22 gridlock are using side roads through residential areas as far north as Dutchess County.

The NYS Police, who maintain a barracks along this stretch of roadway, are looking to move their substation because they can not respond to emergencies in a timely fashion due to traffic congestion. In fact, one of the several fatalities that occurred along this stretch happened when a motorist exited the Trooper barracks and attempted to cross the traffic lane. This project. which is designed to address all these issues, is essentially at a standstill.

DOT officials informed us that the start date for the project has been moved, yet again, from 2005 to 2007. It was unclear, from our meeting, who or what is causing this delay. But, it was intimated that the DOT technical staff are reluctant to complete the Final Environmental Impact Statement ("FEIS") without some direction from the administration that their efforts will not be negated at the eleventh hour because of misplaced concerns that environmentalist concerns have not been adequately addressed. In an effort to move the process along, Assemblyman Stephens' office is providing to DOT, for their distribution to the Inspector General or whomever else they choose, copies of all six municipalities' Comprehensive Plans, Zoning Codes and other information that demonstrates their efforts to address growth, protect the environment and provide for the economic viability of this region.

Given the compelling circumstances in which we find ourselves, we ask you to assist in our efforts and compel DOT to issue the FEIS for this project without further delay.

Sincerely,

Willis H. Stephens, Jr. NYS Assembly 99th District

Edward P. Hauser	Supervisor, Town of Pawling
John Dunford	Supervisor, Town of Southeast
Michael Griffin	Supervisor, Town of Patterson
Robert Liffland	Mayor, Village of Pawling
John Cesar	Mayor, Village of Brewster
Jill Way	Supervisor, Town of Dover

**cc: Senator Vincent Leibell
William Harding, Executive Director Watershed Protection Partnership Council
Honorable Robert Bondi, Putnam County Executive
Honorable William Steinhaus, Dutchess County Executive
Robert Dennison III, P.E., Regional Director NYS DOT Region**

January 27, 2004

Robert A. Dennison III, PE
Regional Director
State of New York
Department of Transportation
4 Burnett Boulevard
Poughkeepsie, New York 12603

Dear Mr. Dennison,

The Town Board has asked me to follow up with the Department of Transportation regarding the status of the Route 22 widening project in the Town of Southeast. As you know, the traffic on Route 22, particularly the segment running from the Route 684 interchange to the Town of Patterson border, is quite dire. We would appreciate if you could send someone from your department familiar with the widening project that could come to one of our worksessions to give the Town Board an update on this important project. Work Sessions are typically held on Thursdays evenings from 7:30 PM – 10:00 PM.

If you have any questions or concerns, please do not hesitate to contact me at (845) 279-4313.

Sincerely yours,

John J. Dunford
Supervisor – Town of Southeast

Cc: Town Board

November 8, 2002

Mr. Robert G. Smisko, Jr., PE
Project Engineer
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, NY 12603

**Re: Route 22 Design Report/DEIS
PIN 8130.64**

Dear Mr. Smisko:

Thank you for your continued work on this critical regional infrastructure improvement. As you are aware, with traffic along this regional artery becoming increasingly unbearable all during the day and the lack of storm water treatment, the Route 22 corridor is becoming one of the biggest quality of life issues facing our Town. We would also like to underline the fact that yet another local resident was killed on this road this past September. This project, in addition to being considered a traffic flow and water quality improvement project, should also be considered a safety improvement project.

The Town Board has reviewed your letter dated July 9, 2002 regarding the proposed Route 22 improvements from I-684 to Doansburg Road. The Town's planning consultant, Allee King Rosen & Fleming, Inc. has also reviewed the letter and has assisted us in preparing this response to the issues raised in the letter.

Old Milltown Road

With respect to the proposed improvements at Route 22 and Old Milltown Road, the Town Board feels that an additional alternative should be evaluated to eliminate the traffic that currently uses Old Milltown Road in the morning and evening rush hours: eliminate the proposed jug-handle allowing northbound left-turn movements onto Sodom Road, create a right-turn only condition at the eastbound approach to Sodom Road at Route 22 (with an acceleration lane), and create a right-turn only condition at the westbound approach to Old Milltown Road and Route 22 (with an acceleration lane). The Town Board feels that this configuration would achieve the goal of eliminating cut-through traffic on Old Milltown Road, which is largely a dirt road, without requiring the raised concrete medians at the northern end of Old Milltown Road, which the Town Board feels are contrary to the Town's rural character. Keeping this scenic road dirt to the extent possible is an important objective of our community. The Town Board understands

that this alternative would not provide for through traffic between Sodom Road and Old Milltown Road but now feel that the small volumes using this movement do not necessitate the improvements considered in your July 9 letter. To the extent that the Department of Transportation (the "DOT") has any traffic counts, we would appreciate the opportunity to validate our traffic flow assumptions.

In addition, the Town Board reiterates its previous opposition to the new parking lot on the east side of Route 22 at this location. The Town Board is concerned that an isolated parking lot would lead to illegal dumping activity and would not be properly maintained. The Town Board feels that this area could be better utilized as an undisturbed area or for additional storm water management for the Route 22 improvements.

Betterments

The Town indicated in its January 4, 2001 letter that it would be interested in integrating storm water drainage improvements for private properties along Route 22 into the drainage improvements associated with the proposed widening. The Town's portion of the Croton Plan indicates that a drainage district could be considered along Route 22, much as is done for residential development. Such a drainage district would provide a funding mechanism for common improvements such as a storm water collection and treatment system. The New York City Department of Environmental Protection East-of-Hudson Water Quality fund is a potential source of funding for storm water improvements along Route 22. With the removal of both the proposed park-and-ride lot and fisherman's parking lot at Sodom Road (as well as the closing of Sodom Road to Route 22 traffic) there may be additional room to provide larger water quality and flow attenuation basins to treat storm water flow from both the Route 22 widening and private properties along Route 22. In addition, storm water basins could potentially be provided on private properties along Route 22 in a manner that adds to the overall aesthetic of this rural commercial corridor. While allocation of the East-of-Hudson Water Quality fund has not been established, the Town is confident that NYCDEP would agree that the benefits to water quality from creating a storm water management district along Route 22 would be considerable.

The Town would like to have utility lines (electricity, telephone) relocated underground along this portion of Route 22. The Town will make inquiries to County and State legislators to see if funding could be obtained for burying overhead utility lines.

Brewster Woods Septic

The Town Board feels that connection of the Brewster Woods septic system to the Clocktower Commons wastewater treatment plant is an acceptable form of mitigation for the disturbance to the Brewster Woods septic expansion area. The Town has already communicated with the Brewster Woods residential community and the owner of the Clocktower Commons treatment plant. The Town Board would be happy to continue to facilitate any additional discussions that are necessary to accomplish this connection. The Town Board does not feel that the Town would be responsible for the operations and

maintenance costs associated with this connection. That matter should be negotiated between the DOT, Brewster Woods, and the owner of the wastewater treatment plant.

Park-and-Ride Lots

The Town Board appreciates the design change that removes the proposed park-and-ride lots from the project.

Diehl House Alignment Shift Options

The Town Board is pleased that an alignment change at the location of the Diehl House could eliminate the impact to the stone wall at this location without resulting in any additional significant impacts on the east side of the road. Any further reduction of the encroachment on this historic site would be appreciated.

Sidewalks and Lighting

The Town Board reconfirms its desire to have sidewalks on both the east and west side of Route 22 from Milltown Road to Route 312 and on the east side of Route 22 from Route 312 to Doansburg Road. Appropriate lighting, in context with the area's town center character, and pavement treatment (e.g., stamped concrete) would be provided along the length of the new sidewalks.

Proposed Developments

For information regarding the current status of any proposed private development within the Route 22 corridor, please contact the Town's Planning Department at 845-279-7736.

As part of the implementation of our newly adopted Comprehensive Plan the Town is considering adoption of design guidelines for commercial development along Route 22 between Milltown Road and Route 312. Included in the proposed guidelines is minimizing the number of curb-cuts along Route 22. We would like to ask the DOT to keep this in mind when considering applications for future curb-cuts along Route 22.

The Town Board would also like to reiterate its preference for design elements indicated in the Design Report including the fieldstone facing on the proposed divider median on the southern portion of the project (I-684 to Milltown Road). The Town is eager to see work on this project proceed and looks forward to continuing our cooperation with the New York State Department of Transportation on this project.

Please feel free to contact me if you should have any questions on this letter.

Sincerely,

Lois C. Zutell
Supervisor

Mr. Robert G. Smisko, Jr., PE

November 8, 2002

cc: Hon. Vincent Leibell
Hon. Willis H. Stephens, Jr.
Hon. Robert Bondi
Putnam County Legislature

Town of Southeast

File

Brewster, New York 10509

Tel. (845) 279-4313

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Supervisor

LOIS C. ZUTELL

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JOHN J. DUNFORD

Town Clerk

RUTH A. MAZZEI



Councilmen

PAUL P. JOHNSON

JOHN J. DUNFORD

RICHARD B. HONECK

PAT BONANNO

Town Counsel

Stephens & Charbonneau

January 4, 2001

Mr. P.C. Crocker, PE
Regional Design Engineer
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, NY 12603

Re: Route 22 Design Report/DEIS

Dear Mr. Crocker:

The Town Board has reviewed the September 2000 Design Report/Draft Environmental Impact Statement (DR/DEIS) for the proposed Route 22 widening from I-684 to Doansburg Road. The Town's planning consultant, Allee King Rosen & Fleming, Inc. have also reviewed the document and has assisted us in our review. The Town Board expresses its appreciation to NYSDOT for including the Town's concerns with respect to the design of the roadway and looks forward to working with NYSDOT in implementing improvements to this important transportation corridor.

While the Town supports proposed Alternative 3D, we have several concerns about specific design elements. Our concerns are described below.

We appreciate NYSDOT's attention to our concerns and note particularly that our letter of March 31, 1998 is referenced in the DR/DEIS. That letter, addressed to Ms. Jennifer Clark and Mr. Gregory Bentley of NYSDOT expressed the Town Board's recommendations regarding the earlier discussions about the proposed widening and included five main points:

- 1) the project should provide for safe opportunities for traffic to make turns into and out of businesses, residences, and places of worship on either side of the road;
- 2) the project should provide a Park-and-Ride facility at Sodom Road;
- 3) the project should provide attractive landscaping, lighting, and median treatments;
- 4) the project should provide sidewalks along the middle segment where the Town desires a "Main Street" appearance; and
- 5) the project should provide a "flush left hand turn turning lane" (also known as a Two Way Left Turn Lane, or TWLTL) along the full length of the middle and northern road segments.

The DR/DEIS addresses each of these concerns to our satisfaction. However, in light of public comment at the public hearing held by NYSDOT on December 12, 2000, we feel that the proposed park-and-ride facility would create additional impervious surface area and traffic on Old Milltown Road and Sodom Road that could not be supported at this location. The Town Board would like to suggest that this facility be eliminated from the project.

Segment 1

The Town Board agrees that the proposed median would provide the safest solution to problems within Segment 1 of the project area. The design of the median is critical to ensuring compatibility with the Town's rural character. We support the proposed design for the median, which would have a designed surface to resemble a rock "fieldstone" wall.

We are concerned that the proposed widening may adversely affect historic Diehl House. Specifically, widening at this location may result in loss of the old stone walls currently on this property and loss of existing trees that screen this property from the roadway. We strongly recommend that additional landscaping should be included in the design of the roadway as well as a landscaped berm and replacement of the stone wall.

Segments 2 and 3

We felt it would be useful to reiterate the Town Board's desires with respect to the middle and northern road segments between Milltown Road and Doansburg Road. Alternative 3D would provide a TWLTL along the middle and northern segments consistent with the Town Board's stated desire, while Alternative 3C would provide a 6.8 meter (22 feet) landscaped median, which is contrary to the Town Board's stated desire. Despite the observed lack of pedestrian and bicycle activity along Route 22 (see pages IV-9 to IV-10), the Town considers Route 22 between Milltown Road and Route 312 as a town center or "Main Street." Dividing Route 22 with a wide median as proposed in Alternative 3C would create more of a through-highway aesthetic than the TWLTL proposed in Alternative 3D. Sidewalks on both sides of Route 22 between Milltown Road and Route 312, as well as appropriately-scaled and designed lighting and benches, would match the "town center" or "Main Street" aesthetic desired by the Town.

The DR/DEIS indicates that the wider median conforms to the 1992 Master Plan, which notes that improvements to Route 22 should include a 20- to 25-foot landscaped median. However, it should be noted that the Town is currently undergoing a revision to the Master Plan; the revised Master Plan will reflect the Town Board's current position, as stated in the DR/DEIS, that "Town of Southeast officials currently prefer the alternative without the landscaped median (Alternative 3D)" (page IV-9).

The Town encourages NYSDOT to work with utility companies to bury overhead utilities between Milltown Road and Doansburg Road using existing underground utility conduits or new conduits laid during excavation for the Route 22 improvements. If utilities must be relocated during the construction, it would make sense to bury them to enhance the "Main Street" aesthetic along this section of Route 22. Please provide the Town with an estimate of the costs of burial of such utilities before any final design decision is made.

Old Milltown Road/Sodom Road Intersection

The Town Board feels that the proposed design of this intersection is unacceptable.

Ideally, Old Milltown Road and Sodom Road would be used solely for local traffic. An overpass over Route 22 would ensure that these roads are not used for peak period commuting. We understand that an overpass might not be physically or fiscally feasible, but feel strongly that a designated scenic road should not be relied upon to relieve congestion on a State road. If additional traffic were to begin using Old Milltown Road as a result of the Route 22 improvements, the Town Board may be forced to close the road to prevent accelerated deterioration of this unpaved scenic road.

The Town Board encourages NYSDOT to consider alternative designs for this intersection that would:

- allow safe turning movements between Route 22 and Sodom Road;
- allow local traffic to flow between Old Milltown Road and Sodom Road; and
- allow southbound traffic to make a U-turn to travel northbound on Route 22.

The "Conditions and Needs" analysis in the DR/DEIS addresses increased traffic volumes and turning movements at the unsignalized Old Milltown Road/Sodom Road intersection (page II-10). The dramatic increase in turning movements onto Old Milltown Road or Sodom Road between

1994 and 1999 were attributed to congestion at the Milltown Road signalized intersection. These increases are of particular concern with respect to northbound (PM peak period) motorists turning right onto Old Milltown Road to bypass the Milltown Road intersection.

The DR/DEIS should indicate that Old Milltown Road has been designated a scenic road by the Town of Southeast. Old Milltown Road is currently unpaved for much of its length and it is generally narrow and twisting. The road borders the East Branch Reservoir for almost its entire length and a narrow New York City-owned causeway spans two portions of the reservoir toward the northern end of the road. These conditions suggest that additional traffic on this road would not be supportable from a safety or an environmental perspective.

In addition, once the intersection becomes signalized under the current proposed project, southbound motorists are likely to make use of Old Milltown Road in the AM peak period to bypass long queues at Milltown Road (even with proposed intersection improvements at that location), although this increase is not reflected in the turning movement counts for 2020 that are contained in Appendix C.

The exit ramp, as currently proposed to be configured, would encourage motorists to use Old Milltown Road in both the AM and PM peak periods. It is the Town Board's opinion that motorists should be encouraged, or directed, to use the Milltown Road intersection through design changes to the proposed intersection improvements at Old Milltown Road/Sodom Road. Specifically, NYSDOT should alter the proposed ramp at Old Milltown Road to prohibit vehicles from turning right onto Old Milltown Road. This ramp could be a modified "jug-handle" channelized to redirect vehicles back toward the intersection to allow access to Sodom Road. At Old Milltown Road's northern terminus at Milltown Road, signs should be posted prohibiting left turns onto Old Milltown Road between the hours of 7 AM and 9 AM.

Possible alternative solutions to resolving the cut-through traffic on Old Milltown Road could include:

- make Old Milltown Road a right-turn only onto Route 22 by channelizing the westbound approach to that intersection; and
- close Old Milltown Road at Route 22.

We would appreciate the opportunity to meet with you to discuss the design of this intersection more fully.

Brewster Woods Condominium

The Town Board has received significant public comment from residents of the Brewster Woods Condominium regarding proposed widening into their property and the potential effects on their septic system. In addition, concerns regarding access for school buses have been voiced. An adjoining property owner has indicated his willingness to discuss connecting the Brewster Woods Condominiums to an existing wastewater treatment plant. This connection would mitigate adverse impacts to the condominiums septic system and could then provide additional room for provision of a safe school-bus stop in front of the Brewster Woods Condominiums. The Town Board encourages NYSDOT to evaluate these elements in the design of the project.

Environmental Initiatives

Park-and-Ride

As indicated previously, the Town of Southeast is no longer in favor of the proposed park-and-ride facility at Sodom Road.

Parking Areas

Gravel parking areas adjacent to the East Branch Reservoir and Bog Brook Unique Area are listed as possible enhancements to the project. The DR/DEIS indicates that New York State Department of Environmental Conservation suggested these two parking areas, but does not indicate either the purpose of the parking areas or how they would be accessed. Of specific interest is the parking area at the East Branch Reservoir; no access is indicated on Figure 2-4 of

the DR/DEIS, nor is it aligned with the proposed exit ramp. The Town of Southeast is not in favor of the proposed gravel parking areas and if built, the Town will not maintain them.

Stormwater Management

The Town believes that NYSDOT should provide appropriate stormwater management improvements for the project. Page II-21 indicates that additional stormwater management capacity is being considered in the design of stormwater mitigation measures for the project. The Town of Southeast is currently undertaking studies of potential stormwater improvements as part of the Croton Watershed Plan. The Route 22 corridor has been identified as an area requiring improvements to stormwater treatment to prevent degradation of water quality in the New York City reservoirs. The Town would be interested in including stormwater drainage from private properties lining the Route 22 corridor within the design for drainage improvements associated with the proposed widening.

In closing, the Town Board of Southeast strongly supports Alternative 3D for the proposed Route 22 widening project but requests that NYSDOT evaluate each of the concerns addressed in this letter. The Town looks forward to continuing cooperation with NYSDOT during the final design phase of the project.

Sincerely,



Lois C. Zutell
Supervisor

Cc: Honorable Vincent Leibell
Honorable Willis H. Stephens, Jr.
Honorable Robert Bondi
Honorable Robert Pozzi

January 6, 2000

Honorable George Pataki
Governor, State of New York
Executive Chamber
State Capital
Albany, New York 12247

Dear Governor Pataki,

Attached for your information is a memo that the Town Board of the Town of Southeast had directed to your office in October 1999 pertaining to the Route 22-expansion program. We have not heard from any state agency at this time and would greatly appreciate an acknowledgement of receipt of our October correspondence. The plight of commuters and residents in this region gets worse every day and we would appreciate any assistance that your administration could provide in this matter.

Have a happy and healthy New Year

Sincerely yours,

The Town Board of the Town of Southeast

Lois Zutell - Supervisor
Paul Johnson - Councilman
John Dunford - Councilman
Richard Honeck - Councilman
Pat Bonanno – Councilman

October 14, 1999

Honorable George Pataki
Governor, State of New York
Executive Chamber
State Capital
Albany, New York 12247

Dear Governor Pataki,

After years of cooperation between the New York State Department of Transportation (DOT), local officials, residents and business owners, the Route 22 expansion program has again been delayed. As you know, the counties of Putnam, Dutchess and Westchester, as well as the communities in western Connecticut, continue to grow and border highways, like Route 22, are major tributaries of regional traffic flow. Route 22, a two-lane highway, bisects a significant portion of our Town. Every day at rush hour and every Sunday afternoon, this road is overloaded with cars, trucks and tractor-trailers. It is truly a major highway which desperately needs improvements, especially from the Route 684 Interchange to County Road 65 (Doansburg Road).

This delay will have the following effects on our community:

- ***Continued commercial development will be curtailed. Companies are reluctant to locate near a commercial corridor that will cause delays in prompt arrivals of employees at the start of the business day, or cause a loss of customers, who are unwilling to face heavy traffic delays. Presently, Putnam County is losing enormous sales taxes to Danbury, Connecticut because of the comparative ease for residents to shop there due to the proximity of Route I-84 and the Danbury Mall.***
- ***Storm water runoff into the watershed will continue to be unabated. The***

construction of storm water infrastructure would improve the water quality in the reservoirs that border Route 22.

- ***The road has been the site of many serious accidents in recent years, including fatalities. We believe that the proposed improvements will greatly improve the safety along this critical transportation corridor.***

In conclusion, this project has been in the works by the DOT for over 20 years now. The fact that this project has been on the drawing boards for so long is indicative of the fact that this is a major corridor for commerce in this section of New York State. Any assistance in getting this project a higher level of prioritization would be appreciated by us and all of the residents in this region of New York. The Town Board requests to have a meeting with you at a mutually convenient time to emphasize the importance of the matter.

Best regards,

The Town Board of the Town of Southeast

Lois Zutell - Supervisor
Paul Johnson - Councilman
John Dunford - Councilman
Richard Honeck - Councilman
Betty Brosius – Councilwoman

CC: Honorable Vincent Liebell
Honorable Wills H. Stephens, Jr.
Honorable Robert Bondi
Honorable Anthony Hay
NYS Department of Transportation
Brewster Chamber of Commerce
Edward Arace, NYS Department of Economic Development