

STATE OF NEW YORK
COUNTY OF WESTCHESTER

RE: PIN 8110.13

BEFORE THE BOARD OF COUNTY LEGISLATORS,
a public hearing was held on Monday, December 6,
2010, commencing 7:43 p.m., in the Board of
Legislators' Chambers, Room 800, Michaelian Office
Building, 148 Martine Avenue, White Plains, New York
10601.

MEETING CONDUCTED BY:

R. SCOTT DONNELLY, P.E.
Director of Design Coordination
Department of Public Works

KEVIN ROSEMAN
Engineer-Traffic
Department of Public Works

TAMI ALTSCHILLER, ESQ.
Senior Assistant County Attorney
Department of Law

DOUGLASS REPORTING
50 Main Street
White Plains, NEW YORK 10606

1 (General information and
2 audience-conduct admonishments were given.)

3 (General statements of information
4 and special introductions were given.)

5 (HEARING COMMENCES.)

6 MR. DONNELLY: Good evening.

7 My name is Scott Donnelly, of the
8 Westchester County Department of Public Works.

9 This is Kevin Roseman, of public
10 works; and Tami Altschiller from the county
11 attorney's office.

12 I would like to formally open this
13 public hearing for PIN 8110.13, Bronx River
14 Parkway Bridge at Crane Road, located in the
15 village of Scarsdale, Westchester County,
16 New York.

17 The purpose of this public hearing is
18 to meet the legal requirements of Article 2 of
19 the Eminent Domain Procedure Law.

20 A Notice of Public Hearing was
21 published in the south, central, and northern
22 editions of "The Journal News" for
23 five consecutive days, beginning November 20,
24 2010.

25 A copy of the Notice of Public

1 Hearing was sent to the assessment record
2 billing owners potentially impacted by the
3 proposed public project.

4 The public notice reads as follows:

5 "PLEASE TAKE NOTICE, that in
6 accordance with New York Eminent Domain
7 Procedure Law, Section 202, notice is hereby
8 given of a public hearing regarding the
9 proposed public project (PIN 8110.13) to
10 reconstruct the Bronx River Parkway at
11 Crane Road within the village of Scarsdale,
12 Westchester County, New York, will be held in
13 the Board of Legislators' Chambers, Room 800,
14 Michaelian Office Building, 148 Martine Avenue,
15 White Plains, New York 10601, on the 6th day of
16 December 2010, at 7:30 p.m. The purpose of
17 this hearing is to outline the project's
18 purpose, proposed location, and alternate
19 locations, if any, and to present other
20 pertinent information, including maps and
21 property descriptions of the properties to be
22 acquired and adjacent parcels. Persons may
23 appear in person or by agent, and will be given
24 the opportunity to present oral or written
25 statements, and to submit other documents or

1 information concerning the proposed project."

2 As stated in the Notice, there are
3 several purposes of tonight's hearing:

4 1. Provide information on the
5 proposed project;

6 2. Explain and describe the public
7 use, benefits, and purpose of the proposed
8 project;

9 3. Describe the location or
10 geographic parameters of the proposed project,
11 and explain the reasons for the selection of
12 the location;

13 4. Discuss the general effect of the
14 proposed project on the environment and on the
15 residents of Scarsdale and Greenburgh;

16 5. Identify the property interests
17 the county will need to acquire in order to
18 accomplish this project; and

19 6. Accept and consider public
20 comments on the proposed project.

21 The oral statements made during
22 tonight's session are being recorded by a
23 stenographer. Additionally, various documents
24 have been premarked as exhibits and will be
25 incorporated into the record of this hearing.

1 Following tonight's session, members
2 of the public are invited to submit written
3 comments, or other documents, related to the
4 proposed project, which will become part of the
5 record of this hearing. These written comments
6 and documents should be addressed to:

7 Kevin Roseman, Westchester County Department of
8 Public Works, 148 Martine Avenue, White Plains,
9 New York 10601.

10 As soon as possible after tonight's
11 session, copies of the transcript of this
12 hearing will be made available to the public
13 for examination, without cost, during normal
14 business hours, at the Westchester County
15 Department of Public Works, 148 Martine Avenue,
16 Room 518, White Plains, New York 10601, and at
17 the Office of the County Clerk, Division of
18 Land Records, 110 Dr. Martin King Luther Jr.
19 Boulevard, White Plains, New York 10601.

20 Any person who would like to examine
21 these records should contact Kevin Roseman at
22 area code 914, 995-4084.

23 Within 90 days after the record of
24 this hearing is complete, the entire record
25 will be delivered to the Westchester County

1 Board of Legislators. The Board will then
2 issue its Determination and Findings concerning
3 this proposed project. A brief synopsis of the
4 Board's Determination and Findings will be
5 published in appropriate newspapers and mailed
6 to the owners of record.

7 There are several exhibits that have
8 been premarked and are being entered into the
9 hearing record this evening. The Notice of
10 tonight's public hearing was published in the
11 south, central, and northern editions of
12 "The Journal News," which have been premarked
13 as Exhibit 1.

14 The Affidavits of Publication will be
15 added as Exhibit 2 upon receipt from
16 "The Journal News."

17 In addition to publishing the Notice
18 of this hearing in the newspaper, the county
19 mailed notices to each of the assessment record
20 building owners. The letter Notices, copies of
21 certified mailing and return-receipt documents,
22 and affidavit of mailing, have been premarked
23 as Exhibit 3.

24 Also available tonight for
25 publication inspection is a copy of the

1 Design Report. It includes many of the
2 technical details related to the project,
3 including the scope and evolution;
4 alternatives, environmental, historical, and
5 social matters that were considered. The
6 Design Report has been premarked as Exhibit 4.

7 A PowerPoint presentation containing
8 technical information on the project has been
9 prepared for tonight's public hearing. Copies
10 of this presentation have been, collectively,
11 premarked as Exhibit 5.

12 The right-of-way acquisition maps
13 prepared for this project are, collectively,
14 premarked as Exhibit 6; and a large summary
15 acquisition map is premarked as Exhibit 7.

16 In addition, all written public
17 comment submissions will be entered into the
18 hearing record as Exhibit 8, collectively.

19 At this time, I would request that
20 all premarked exhibits be admitted into the
21 record of these proceedings.

22 (Exhibits 1 through 8, premarked, as
23 previously identified, were admitted into
24 the record.)

25 MR. DONNELLY: The preferred design

1 alternative for the project involves the
2 acquisition of private property. The county is
3 required to follow a specific process to
4 acquire the property rights necessary for the
5 construction of the project. The technical
6 portion of the hearing will include an
7 explanation of the property acquisition
8 process.

9 At the conclusion of the technical
10 presentation, we will open the floor for public
11 comments. As you entered the auditorium this
12 evening, there was a sign-in sheet. On the
13 sign-in sheet, we asked that you indicate
14 whether or not you wish to provide oral
15 comments this evening. The county will also
16 accept written comments and documents related
17 to this project.

18 MR. ROSEMAN: Thank you.

19 The following is a presentation of
20 the design portions of this project and the
21 environmental aspects, culminating with the
22 identification of the parcels to be acquired.

23 First, the existing conditions.

24 (PowerPoint presentation begins.)

25 MR. ROSEMAN: The Crane Road Bridge

1 is really made up of two separate structures
2 that carry the Bronx River Parkway at the
3 Scarsdale-Greenburgh border:

4 One is over the Bronx River, and the
5 other is over the railroad.

6 The bridge over the river has a
7 unique umbrella, or mushroom, design, and is a
8 major contributing element to the listing of
9 the Bronx River Reservation on the
10 National Register of Historic Places.

11 The bridge over the railroad is a
12 more conventional, yet outmoded girder design.

13 Both bridges are in poor condition,
14 and have required extensive repairs in recent
15 years to keep up.

16 Next are the alternatives considered
17 in the environmental review, as conducted.

18 First alternative considered, which
19 is a requirement of the environmental process,
20 as a baseline condition, was the "no build," or
21 "do nothing," alternative.

22 Alternate A was a bridge
23 rehabilitation, which had required a temporary
24 bridge to handle traffic during construction.

25 Alternate B called for a bridge

1 replacement with a wider and straighter
2 structure on the existing alignment. This too
3 would have required a temporary bridge.

4 Alternate C calls for a bridge
5 replacement with a wider and straighter
6 structure on a new alignment to the south and
7 east. The existing structure would remain in
8 place during construction, so a temporary
9 structure is not involved.

10 As shown, a number of environmental
11 issues were considered under, both, SEQRA, the
12 "State Environmental Quality Review Act," where
13 the project was classified as a Type I action;
14 and under NEPA, the "National Environmental
15 Policy Act," where the project was classified
16 as a Type II Categorical Exclusion.

17 Initial environmental work began in
18 early 2007, and four public informational
19 meetings were held between October 2007 and
20 April of 2009.

21 The County Board of Legislators
22 issued a negative declaration under SEQRA, in
23 January of 2009. And the Federal Highway
24 Administration concurred with the NEPA
25 designation in March 2010, granting an approval

1 for final design to commence.

2 Next, the preferred alternative.

3 Alternate C, a new structure, built
4 slightly to the south and east, was selected as
5 the preferred alternative.

6 This structure will have four 11-foot
7 lanes, 2 1/2-foot left shoulders, and 4-foot
8 right shoulders, and gentler curves on the
9 road.

10 It would also contain a pedestrian
11 walkway to the Bronx River Pathway, which can
12 also access the northern end of the southbound
13 train platform past the Scarsdale station.

14 The third alternative eliminates
15 deficiencies of the existing bridge both
16 structurally, and for traffic safety, while
17 keeping the roadway open during the large
18 majority of the construction.

19 The construction is estimated at
20 30 months, costing about \$45 million, with
21 federal funds providing about 80 percent of the
22 costs.

23 Showing, here, is a rendering of the
24 new structure as it's viewed from the south,
25 along the Bronx River Pathway.

1 Next is a rendering of the structure,
2 as viewed from above.

3 Currently, we are completing final
4 design, and will look to advertise the project
5 in the summer of 2011, after completion of the
6 land acquisition by June. Construction should
7 commence in late 2011, or early 2012, and be
8 finished by 2014.

9 The land acquisition process is the
10 major focus of tonight's hearing, and I will
11 now identify the nine parcels to be acquired by
12 the county for this project.

13 The parcels are owned by, either, the
14 village of Scarsdale; or Midtown Trackage
15 Ventures, LLC, a holding company that owns much
16 of the land which Metro North utilizes, under
17 the lease which expires in the year of 2274, to
18 run train service.

19 Parcels 1-A, 1-B, and 4, shown here
20 in red, will be acquired from the village of
21 Scarsdale.

22 Parcel Number 2, also shown in red,
23 will be acquired through a permanent easement
24 from the village of Scarsdale.

25 Parcels Numbers 5-A, 5-B, and 6 will

1 be acquired from Midtown Trackage Ventures.

2 Parcel Number 7, in light blue, will
3 be a temporary easement acquired from
4 Midtown Trackage Ventures; while Parcel
5 Number 8 will be a temporary easement acquired
6 from the village of Scarsdale.

7 Thank you.

8 Tami?

9 MS. ALTSCHILLER: Essentially, there
10 are four steps in the right-of-way acquisition
11 process:

12 An initial meeting with each property
13 owner, the real property appraisal,
14 establishing just compensation, and negotiating
15 a settlement, and transferring title to the
16 county. The county's primary goal through this
17 process is to negotiate a fair settlement with
18 each property owner.

19 The first step in the process was a
20 preliminary meeting with our property rights
21 specialist. The property rights specialist met
22 with record owners, and provided information
23 about the acquisition process and proposed
24 impact to the property. The county also
25 inspected the property, and gathered

1 preliminary information.

2 The next step in the process is the
3 property appraisal. The appraisal is used to
4 determine the fair market value for the
5 property rights to be acquired. The appraiser
6 first researches and analyzes the real estate
7 market in the surrounding area. Comparable
8 sales data and other market information are
9 also reviewed. Next, the appraiser inspects
10 each property in order to gather site-specific
11 information. Note, that owners are given the
12 opportunity to accompany the appraiser during
13 each site visit. Finally, the appraiser
14 prepares a report, documenting his or her
15 findings, and states the fair market value of
16 the property rights to be acquired.

17 Just compensation is the price the
18 county must pay to acquire the property. The
19 county will establish an amount it believes to
20 be just compensation. This amount will not be
21 less than the highest approved fair market
22 value for the property. As stated previously,
23 the fair market value is determined during the
24 appraisal phase. The county will try to offer
25 an amount that reflects the price a willing

1 buyer and a willing seller would agree to in
2 the open market.

3 To avoid any possible confusion, a
4 written offer will be prepared for each
5 property. The offer will include a statement
6 of the just-compensation amount, the basis for
7 the just-compensation amount, and a description
8 of the property and the interest to be
9 acquired. Each property owner will be
10 contacted to schedule a convenient time to
11 meet. At this meeting, the county will
12 deliver, and review, the written offer.

13 Please note, that the county works
14 under what is called a "one offer" system. The
15 county is required by law to offer the full
16 amount of the highest approved appraisal. So,
17 unless there are compelling reasons to raise
18 the offer, we will stand by the "one offer"
19 amount.

20 Once the offer is accepted, we will
21 prepare the necessary papers and schedule a
22 closing. The closing is similar to a typical
23 real estate transaction. The county
24 understands that the right-of-way process may
25 be new to some of you, and we would like to

1 assure you that we will try our best to make it
2 as easy as possible. The county will make
3 every effort to acquire the property by
4 negotiations.

5 Written comments, questions, and
6 documents will be accepted by the county until
7 the close of business on Monday, December 20,
8 2010. Please submit your written comments to
9 Kevin Roseman. These written statements will
10 be incorporated into the hearing record.

11 This concludes the technical portion
12 of the public hearing.

13 In a few minutes, the clerk of the
14 Board will open the floor for public comment,
15 if any.

16 Please note, that while we are not
17 able to respond to any statements or questions
18 at this time, all statements and comments will
19 be reviewed, and will be considered in the
20 preparation of the Determination and Findings.

21 Thank you.

22 THE CLERK: The first public hearing
23 is from the Committees on Legislation and
24 Public Works, Parks, Labor, and Transportation,
25 pursuant to Eminent Domain Procedure Law,

1 Section 201, as it relates to proposed capital
2 project, P-0018; Bronx River Parkway at
3 Crane Road over Bronx River, and railroad
4 bridge replacement.

5 Again, each speaker shall be limited
6 to three minutes.

7 I have one card. The speaker is
8 Steven Pappalardo.

9 MR. PAPPALARDO: Thank you.

10 Mr. Chairman, honorable Board
11 members: The village of Scarsdale; I'm
12 Steven Pappalardo, deputy village manager in
13 the village.

14 We've been working closely with the
15 county for a number of years, like, to
16 coordinate the Crane Road Bridge project. So,
17 what's happening here tonight is no surprise to
18 us.

19 And we're also quite aware of the
20 fee-simple acquisitions, permanent and
21 temporary easements, that Tami just discussed,
22 and Kevin mentioned in his presentation,
23 relative to the village of Scarsdale's
24 property.

25 It is the village's intent to, you

1 know, work with the county; continue to work
2 closely with the county, through negotiating,
3 and review the appraisals during the
4 right-of-way acquisition process when the
5 appraisals for each one of these properties is
6 complete, and we have an opportunity to review,
7 and discuss.

8 The maintenance and protection of
9 traffic is also, you know, an issue for the
10 village, relative to the Crane Road Bridge
11 project, which is the purpose of this meeting
12 tonight. It's something that we will continue
13 to work, again, closely with the county to
14 coordinate.

15 The village is currently replacing
16 the Popham Road bridge over the Metro North
17 railroad tracks, which is in close proximity to
18 the main east-west corridor of Scarsdale, which
19 is in close proximity to the Crane Road Bridge
20 project. And there is going to be some
21 overlap, it looks like, despite what I said;
22 was to try and coordinate where the Popham Road
23 Bridge project will be concluded, and the
24 Crane Road Bridge project will commence.

25 It looks likes there is going to be

1 some overlap, for a number of months. Probably
2 in the spring of 2012, based on the county's
3 schedule. And then, we're moving along, quite
4 nicely, in this federal grant process, which
5 isn't easy to navigate.

6 So, we're going to need to continue
7 to work with the county, to make sure that the
8 impacts on the Scarsdale residents and, of
9 course, country residents, that are using both,
10 you know, Scarsdale thoroughfares and the
11 county parkway, the inconveniences, are
12 mitigated as best as we can, because we all
13 know that the traffic is a major issue on,
14 both, going through downtown Scarsdale and,
15 also, of course, the Bronx River Parkway.

16 So, I just wanted say a few words, to
17 give the county Board certain comfort, that the
18 village and county have been working very
19 closely.

20 Kevin Roseman has been great, and
21 always keeps us knowledgeable and informed on
22 what's going on with the project. And we will
23 continue to do soon. And, hopefully, move
24 forward, and help each other to complete both
25 of these very important bridge projects.

1 Thank you for the opportunity to
2 speak.

3 THE CLERK: Mr. Chairman, I have no
4 other cards.

5 THE CHAIRMAN: Thank you, ma'am.
6 Mr. Harkham?

7 MR. HARKHAM: Thank you, Mr. Chair.
8 I move that this public hearing be
9 closed.

10 THE CHAIRMAN: Thank you very much.
11 (PROCEEDINGS CONCLUDED: 8:03 p.m.)

12

13 * * *

14

15 THIS IS TO CERTIFY THAT THE ABOVE TRANSCRIPT
16 IS A TRUE AND ACCURATE TRANSCRIPTION OF MY
17 STENOGRAPHIC NOTES OF THE WITHIN PROCEEDING.

18

19

20 Eric M. Sanders

21 ERIC M. SANDERS
22 Senior Court Reporter

23

24

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