

CONGER  
5177 Route 82  
Salt Point, NY 12578

November 7, 2021

Town of Washington  
Attn: Board Members

Subject: Traffic & Water Assessment Review RT 82

Dear Board Members,

I have several pressing questions and concerns for the Town of Washington regarding the proposed mining operation on Route 82 before the various committees who are proceeding with alarming speed and approvals for the project.

Without having studied, nor having ample knowledge of the rules and regulations of NYS traffic laws, nor having deep pockets to hire professionals who would serve my best interests, I sought out the judgement and advice of the authorities themselves within New York State.

I spoked directly with NYS DEC Land Mine & Minerals and the NYS DOT, specifically the Highway Design division. They provided me with the guidelines that are to be adhered to for a commercial driveway on a major highway concerning site distances and have both stated that neither agency have been approached for approval of applications or even the most basic inquiries from the Town of Washington regarding this major proposed project.

Points I would like to ask for clarification on before any further approval are based on the information stated on the Negative Declaration and The Technical Memorandum (hereafter "GPI") written by Michael Wieszchowski. This report was commissioned by the applicant and subsequently accepted for final judgment without question by the town's board for traffic and water impact assessments. My questions are further predicated upon the conversations I had with New York state officials.

Issue One:

GPI states that there will be "NO ADVERSE CHANGE IN TRAFFICE AND NOISE LEVELS" based on traffic study submitted. This appears to be factually inaccurate. GPI report states under Existing Conditions "there is a reasonably high number of trucks currently." They cited information from 2019 to use for their data. They also estimated approximately 30 trucks a day would travel the haul route (by which they mean the route in and out of the proposed project driveway. (2-trips each way = 60).

Their TRAFFICE ASSESSMENT states “in lieu of other locally preferred threshold, it is suggested that a transportation impact study be conducted whenever a proposed development will generate 100 or more added (new) trips during the adjacent roadway’s peak hour or the developments peak hours.” The publication reference says that 100 vehicles can change the level of service or appreciably increase the volume to capacity ration of an intersection approach.”

**NYS DOT explained to me that the above is correct – HOWEVER – a TRUCK pulling onto the highway is equivalent to 3-5 vehicles.** Their numbers are a misrepresentation of the reality of how the regulation functions. **Therefore, based on their own data, 30 exiting trips on a heavy hauler with gravels at 80,000 pounds x 3-5 would INCREASE THE VOLUME 90-150 VEHICLES.** NYS DOT also said this would be classified as a ‘Small Major Driveway’ based on the volume of traffic this will now cause. **This WOULD NECESSITATE A TRAFFIC ASSESSMENT for approval.**

Issue two:

GPI refers to the entrance site as an “existing driveway.”

**NYS DOT said that NO entrances on a major highway (such as Route 82) are considered “existing” after 5 years and certainly not after 20 for a commercial use. THIS WOULD IN FACT ALSO NEED A TRAFFIC ASSESSMENT.** Refer to section 5.5.6.6 “Reestablishment of approach to private lands.”

Issue three:

GPI stated, “there is over 650 feet of available sight distance in either direction for vehicles exiting the site which exceeds both the 495 feet stopping sight distance and the 610 feet recommended intersection site distance for a 55-mph roadway”.

Speaking with the Highway design team member, I read him their findings. He provided me with what NYS DOT Highway Design Manual 2015 Section 5C-3 which is still applicable and details what is required for commercial site distance on a highway. (Copy is attached).

**To summarize the attached - 1000’ is the REQUIRED SITE DISTANCE FOR HEAVY HAULERS EXITING on a 55-mph road. Which would require 2000’ in total. GPI has stated ONLY 650’ is available. THIS IN FACT WOULD NEED A TRAFFIC ASSESSMENT.**

Issue four:

**There have been (3) serious accidents within the last two months on Route 82 heading south, on the curve just prior to the proposed entrance site.** Telephone poles have been taken down, along with residential property fences damaged multiple times. If you have any questions about these repeat accidents, you can reach out to the homeowner whose property has been severely damaged thrice in as many years. She can be reached at ChloelField@gmail.com. People have been hurt. **A vehicle (or truck) traveling at 55 mph in this direction has the potential to make stopping for a turning truck into this proposed site a road hazard. A crash Analysis should be recommended and would fall under the NYS Guidelines of a TRAFFIC ASSESSMENT. This issue has not even been addressed.**

Issue five:

The Negative Declaration states, "For purposes of additional review, the Planning Board retained the Chazen companies to review the traffic impact assessment prepared by Greenman-Pederson, Inc. dated July 20, 2021. A review letter was received from The Chazen companies dated September 24, 2021 and is part of the record. The letter noted that the methodologies and analysis procedures for the evaluation of impact to NY Route 82 were consistent with STANDARD TRAFFIC engineering guidance."

**This is a commercial operation with disposal of mined property over an 8–10-year period – it is far from STANDARD TRAFFIC evaluation impact.**

Issue six:

**NYS DOT has stated as of Thursday, November 4, 2021, the Town of Washington has not asked for or submitted applications for review from their department.**

**This is an unacceptable flouting of precedent that demands answers.**

Issue seven:

**I reached out to NYS DEC, in the many different departments a project of this scope would touch on, and they too are unaware of any requests from the Town of Washington or anyone working on this project for the owner. A "seeker application" has not been filed and will need to be prior to any approvals for mine excavation.**

**Again, why hasn't this been done by the town if they insist on approving permits at such an irresponsible rate?**

Issue eight:

NYS DOT made it a point many times in our conversation that our property water level is 15 feet below grade, he said this should be a cause of concern and addressed with DEC. As a resident directly involved with the outcome on this project, I would hope full impact studies would be addressed before issuing approvals and/or passing onto the next board for their review. The current cursory statement from the town of Washington that "the Town Board finds there will be no adverse change in ground or surface water quality or quantity" is pathetically insufficient. **Who on the board is qualified to make that declaration?**

Furthermore, in 1998 Town of Washington v. Dutchess Quarry & Supply, 250 A.D. 2d 759 shuttered the then existing gravel mining operation at the Appellate level of the New York Supreme Court. The intent to mine or a build a 20-acre pond that will require millions of tons of gravel removed over an 8–10-year project is the exact same as operating quarry. Why now, 23 years later, does it believe it is the right thing to do on the same piece of property where the court previously found that a commercial extraction business could not operate?

To my eye, the only significant change is who now owns the property and how much he stands to financially benefit from the sale or disposal of said gravel along with the potential tax relief he stands to reap once the project is completed by signing the pond over to land conservancy without any regard for the residents this will impact over the next 8-10 years. This

“conservation effort” is a thinly veiled scheme being forcibly pushed past a biased town board who are shirking their responsibilities in an act of cronyism. The impact it will have on the local environment, roadways, and residents is hardly negligible and if they insist on seeing this proposal through, I insist it is done by the books. I will be following up repeatedly and seeking further counsel in this matter.

Thank you for your attention and I look forward to a thorough and timely response.

Lisa & Charles Conger