

## II. INTRODUCTION AND METHODOLOGY

In December of 2002, the Eastern Putnam Dutchess Planning Alliance, after receiving approval from its municipal members, asked the non-profit Consensus Building Institute (CBI) to conduct an impartial assessment of the issues surrounding the proposed expansion of a three mile section of New York State Highway Route 22. This Assessment is based on confidential, voluntary interviews with forty-three (43) individuals. Individual stakeholders also submitted letters and CBI held two public listening sessions.

In the interviews, CBI staff asked stakeholders questions about:

- their current perspective regarding Route 22 corridor issues
- their priority concerns among the various issues; and,
- the challenges and alternatives they see they see regarding how future dialogue regarding Route 22 could be improved.

The attached interview protocol was used by CBI staff as a general guide for conducting the interviews (Attachment B). Please note that the interviewers were asked to follow the general structure of the protocol, but to follow the interests and comments of the interviewee.

Please note, that assessment team's role is to provide accurate, impartial analysis of the situation in order to assist stakeholders in determining whether a consensus building effort might meet their interests and have a reasonable chance of success. We are not an advocate for any particular outcome or interest and are bound under our professional ethics to conduct our work in a fair, deliberate, and non-partisan fashion. The Issues Assessment team is bound by the Association for Conflict Resolution (ACR) Code of Ethics: "The neutral must maintain impartiality toward all parties, maintain

freedom from favoritism or bias either by word or by action, and commit to serve all parties as opposed to a single party.”

Please also note that the Assessment is not a legal document, technical report, nor an exhaustive study of all those individuals and organizations with a stake in the future of Route 22. The assessment is limited by the information gathered in the interviews we conducted and our interpretation of that information. While it is not feasible to speak to every person with a stake in the Route 22 issues, we believe this assessment accurately reflects most if not all of the range of views held by stakeholders concerned about the present and future of Route 22 and the region.

CBI is a non-profit organization specializing in public policy mediation and process-based solutions to public sector problems. The assessment team consisted of CBI Project Manager and Senior Associate, Merrick Hoben; Vice-President, Patrick Field; Senior Consultant, Sean Nolan; and Graduate Associate Peter Wortsman.

## **METHODOLOGY**

This Assessment is based on confidential, voluntary interviews with forty-three (43) individuals. Individual stakeholders also submitted letters and CBI held two public listening sessions. To initiate that list, the Eastern Putnam Dutchess Planning Alliance (EPDPA) contacted approximately fifty (50) individuals and organizations from a spectrum of interests asking them if they would participate in an interview. In interviews with CBI, these participants identified additional people who were subsequently contacted. In order to maximize the number of views heard, CBI also held two, 2-hour, public interview sessions on January 28, 2003, at the Southeast Lakeview Manor. Each was attended by some 75 stakeholders, including local and regional government agencies, special interest groups, and residents of Putnam and Dutchess counties.

We spent approximately 45 minutes to 1.5 hours talking with each of the interviewees in one-on-one interviews and explained that their answers would be confidential and that particular statements would not be attributed to individuals or organizations. We took extensive notes on each, and summarized the interviews for our internal use. We also reviewed various documents provided to us by the EPDPA, DOT and individual interviewees.<sup>1</sup> Comments were then compiled by stakeholder group categories and analyzed by the CBI team. To verify accuracy, CBI submitted sections of the draft Assessment findings to interviewees on March 15, 2003. Interviewees were given time to correct and to improve reflection of their perspectives within the document. CBI then sought to incorporate stakeholder comments and deliver a full draft of the Assessment to all stakeholders on April 1, 2003.

The majority of interviews and the two public listening sessions were conducted from January 27 through February 7, 2003, with subsequent interviews taking place in recent weeks. Most of the interviewees were municipal officials of Putnam and Dutchess Counties, residents, regional governmental agency representatives, organizations and advocacy group leaders, and business and development stakeholders concerned with the future of Route 22. Nearly all interviews were conducted in and around the Route 22 corridor region. Due to scheduling constraints, some interviews were conducted by telephone.

---

<sup>1</sup>This documents included, but were not limited to:

- *Design Report / Draft Environmental Impact Statement - Rte 22 I-683 to C.R. 65 , Town of Southeast, Putnam County PIN 8130.64.102.* Sept. 2000. United States Department of Transportation, Federal Highway Administration.
- *PDCTC Route 22 Corridor Study: Corridor Management Plan*, prepared by Howard / Stein-Hudson Associates, Inc. C&S Engineers, July 2002.
- *The Great Swamp -- A Watershed Conservation Strategy.* The Nature Conservancy, 1999.

We have organized the interviewees in the following broad stakeholder categories. Attachment B is a list of all interviewees, affiliations, and their stakeholder categories. We recognize that this categorization is limited. Many stakeholders have multiple affiliations and concerns. However, in order to categorize views in readable form and protect confidentiality, we developed the following listing.

**Stakeholder Groups and Number of Representatives**

<b>STAKEHOLDER GROUPS</b>	<b># INTERVIEWED</b>
Putnam County Municipal Representatives and Residents Town of Southeast (7) Village of Brewster (3) Town of Patterson (3)	13
Dutchess County Municipal Representatives and Residents Town of Pawling (3) Village of Pawling (3) Town of Dover (3)	9
Citizen Orgzs and Special Interest Groups	10
Regional Govt Agencies and Officials	11
Business and Development Interests	4
Two Open Public Sessions	75
<b>TOTAL</b>	<b>122</b>

**ORGANIZATION OF THE REPORT**

This Regional Issues Assessment document consists of four sections.

Section I: Executive Summary – providing abbreviated findings and recommendations.

Section II: Introduction and Methodology - describing the assessment process.

Section III: Description of the Situation – providing brief background information.

Section IV: Interview Findings – summarizing the views of key stakeholder groups.

Section V: Analysis and Recommendations – synthesizing our findings and offering full recommendations and suggested next steps for addressing the Route 22 issues.

A number of supplemental attachment support the above sections:

Attachment A: List of interviewees  
Attachment B: Interview protocol  
Attachment C: Sample agenda  
Attachment D: Sample process design  
Attachment E: Sample groundrules



### III. DESCRIPTION OF THE SITUATION

This report is concerned with the twenty-eight miles of Route 22 (also known as State Highway 5203) that runs from the Village of Brewster in the south to the Town of Dover in the north. US Interstate 684 connects to Route 22 in the Town of Southeast. While this connection point has historically been a transition area with intensive traffic patterns, public frustration with the traffic flow and safety has intensified in recent years. Multiple proposals to expand the road at different scales have been made over the past decade, but none have been agreed to nor built. While there is much debate over the cause of this delay, the major reasons cited include the proposed expansion's impact on regional water quality, natural resources, economic and transportation sustainability concerns, and some confusion over the primary purpose of the route as a transportation corridor or as a business center.

The decision about whether or not to widen Route 22 may seem initially to some like a simple exercise in which design and engineering solutions could be applied to mitigate adverse economic, environmental, and aesthetic impacts. However, further investigation reveals a more complex picture of diverse and divergent interests, tension between local and regional concerns, multiple government jurisdictions, and differences among the Route 22 communities in economic development, planning, and vision of place. Any proposed re-design, for example, must take into account the competing needs of commuters using Route 22 as a through-way, consumers using it as a commercial corridor, and truckers using it as a north-south arterial. In addition, since the road runs through critical environmental areas -- NYC drinking watershed and the Great Swamp -- any expansion plan must take into account and mitigate or avoid all together the environmental impacts. These impacts must be mitigated in accordance with regulatory requirements, including: EPA's phosphorous loading restrictions;

TMDL restrictions; Phase II storm water regulations; the New York Watershed Agreement; DEP's Croton Planning Process; and protection of the Great Swamp.

In addition to the complex array of issues at stake, there are several agencies and municipalities, in addition to DOT, which have land use authority in the Route 22 region. Following is a summary of those entities and their authority:

**At the local level**, the Towns and Villages have broad authority over the land use decisions within their borders. However, this authority is limited to the land within the municipal borders and is conditioned by the state legislature to advance statewide interests. **County Governments'** role in the land use process is also important, but is mostly limited to an advisory capacity. Depending on the county, some projects must be reviewed by the planning department. **The Department of Transportation's** authority regarding transportation improvement projects is broad, but is shaped by comprehensive planning consistency requirements, environmental review procedures, and agency permitting requirements. **The New York State Department of Environmental Conservation (DEC)** has permitting authority in a variety of areas including, but not limited to: wetlands larger than 12.4 acres, lands over sole-source aquifers, and lands adjacent to scenic rivers. **The New York City Department of Environmental Protection (DEP)** has land use authority over lands that are located within the watershed of its drinking water supply. Since only half of the Great Swamp drains to the south, into the drinking water, DEP is only a decision-making entity in half of the EPDPA region. (I.e. jurisdiction ends in the middle of the Town of Pawling). **The NYS Attorney General – Watershed Inspector General**, appointed by the Governor and the State Attorney General, works on many fronts – from introducing legislation, recommending regulatory changes, working with state agencies, and enforcement and monitoring – to protect the NYC drinking water supply. Finally, **The**

**Watershed Partnership and Protection Committee**, part of the New York State Department of State, has no land use authority but plays a facilitative role among the various watershed residents, agencies and entities helping to administer the specifics of the watershed agreement.

In sum, the competing uses, number of stakeholders, geography, natural resources, and jurisdictional web, form a complex landscape that has complicated attempts to resolve many issues – including the proposed expansion of a section of Route 22.



## IV. FINDINGS

This section summarizes the opinions, concerns, and interests of interviewees without attribution by name or organization. The findings are divided into five major stakeholder categories that encompass the range of views heard during interviews. In some cases, interviewee comments pertained to more than one stakeholder category. These groups, in no order of priority, are:

- Putnam County Elected Officials and Residents
- Dutchess County Elected Officials and Residents
- Regional and State Government Agencies and Representatives
- Non-Government Organizations
- Business and Development Stakeholders

This section has been written in order to help increase understanding among interviewees of the various concerns of stakeholder groups surrounding Route 22, and potential opportunities for resolution. Each stakeholder group section begins with an overview that summarizes the views we heard from each group. Following are sub-headings that highlight the key issues and concerns for each stakeholder group, their suggested alternatives and opportunities, and the challenges they identified to resolving those issues. Interviewees within each stakeholder category have had the opportunity to review and comment on their section of findings.

**PUTNAM COUNTY GOVERNMENT, ELECTED OFFICIAL AND RESIDENTS  
[Southeast, Brewster Village, Patterson]**

*Overview*

The elected officials and residents of Putnam county municipalities do not see the problems of Route 22 and their resolution uniformly. Yet, there is concurrence that the problems of traffic, economic and environmental impact, safety, and quality of life are critically important issues that must be dealt with efficiently and effectively.

The situation is the result of a two factors in the view of Putnam stakeholders. First, traffic is severely congested at certain points of the day throughout the north-south corridor. Interviewees agree that quantity of vehicles exceeds capacity, and many see an immediate need for addressing this traffic. Second, some Putnam interviewees feel that the land use system has not adequately responded to the impacts they are now facing, even with the Southeast moratorium on commercial development

How to resolve the Route 22 dilemma is viewed differently. Many believe strongly that the traffic and environmental degradation can largely be addressed through good transportation engineering and innovative environmental technologies. Others believe that traffic and economic solutions cannot be considered separately from a region-wide effort to improve planning and zoning schemes. Still others prioritize safety and believe nothing should impede immediate traffic alleviation in the short term. Though these perspectives vary, there is agreement that the issues are complex and urgent, and must be addressed soon.

**KEY ISSUES AND PROBLEMS**

*Traffic*

One of the primary concerns among Putnam stakeholders is the amount of traffic within the Route 22 corridor. Congestion, driving delays, and related safety concerns are

experienced regularly throughout the corridor. The situation is particularly poor in the 3-mile stretch between Mill Plain Rd. and Doansburg Rd. The traffic problem, aggravated by daily commuter use, reaches its peak during rush hour and the weekends when trucking and second home travelers also use the throughway. Some stakeholders report that trips can take 2 to 3 times their normal length if timed poorly. Many have begun to take alternative back-roads to avoid the congestion. There is not agreement on whether the traffic is primarily caused by commuters and truckers or shoppers attracted by businesses along Route 22.

### *Safety*

Putnam stakeholders also raised safety concerns as a result of the traffic along Route 22. Primary among them is the increasing use of side rural roads as alternatives routes during high volume hours on Route 22. Many residents complain that more cars and commercial trucks are not just using residential roads to avoid congestion, but also driving faster to cover greater distances in the same amount of time. Areas of specific concern include:

- The 164 -- Route 22 intersection
- Farm to Market Road
- The Mount Ebo -- Route 22 intersection
- Sodom Road
- Brewster Hill Rd.
- Old Milltown Rd.
- Minor Rd, (West of 22)
- Joe's Hill Rd.
- Federal Hill Rd.

In addition, pedestrians using the Southeast business district report that increased traffic has made it more difficult to cross Route 22. As one stakeholder described the situation, "Every time I cross [Route] 22 to get lunch, I take my life in my hands."

### *Delays – Emergency Response / School Schedules*

Putnam law enforcement, firemen, and ambulance services concur that congestion has resulted in delays in response times to accidents. They also note an increase in accidents overall due to more and more cars on Route 22 operating under difficult conditions. Other officials stated that Putnam school schedules have been severely affected by congestion – both on Route 22 and the increasingly busy side roads that cause class start time delays, and inability to maintain parent/student schedules. The situation has gotten so difficult that the Southeast school district is considering alternative start times next year due to traffic congestion and school buses difficulty in meeting school schedules.

### *Business and Economic Impact*

The future of Route 22 also raises significant questions for the local economy and business development. Under the current conditions, many Putnam stakeholders point out that traffic deters them from patronizing regular shops and stores, such as the business strip along Route 22 in Southeast and Patterson. The lack of left-hand turn lanes was mentioned as a significant impediment to customer convenience and safety. These factors are already having impacts on small businesses in the 3-mile sector. Some residents fear that expansion will further accelerate the strip development perceived as undesirable and unsustainable.

Communities such as Brewster Village and Patterson continue to be concerned about Route 22's power to draw business away from their existing commercial areas. In the view of one stakeholder, "22 has taken business out of [the small village centers], concentrating it on the strip, and making the region look more like Yonkers, and less like what originally attracted us to the area."

The local governments emphasized that they are dependent on these businesses for tax ratables that bolster their local budgets to pay for services demanded by residential property owners. While most officials believe strongly that commercial/business and some residential development is best from a local taxation point of view, many also feel that development without limits threatens the rural character of the region that they appreciate. How to balance the competing local economic/tax interests with quality of life concerns was a common concern among these interviewees. Indeed, there is disagreement among these interviewees over what type of development is appropriate the Route 22 corridor, the rest of Putnam County, and the region.

### *Appropriate Land Use*

With regard to land use, there is strong division in Putnam about the type of development that is appropriate along the Route 22 corridor. Some interviewees view Route 22 expansion as an inevitable necessity in order to support commercial and residential growth. Others believe there is little land left that is suitable for the type of development the region has undergone in recent years and future development must be sensitive to new economic, environmental, and infrastructure realities. There is seemingly little public congruence about how much and what type of development is right for Putnam County and its municipalities as whole.

### *Environmental Degradation*

There is a wide range of opinion on the environmental impact of Route 22. Many local government officials believe that environmental concerns (e.g. water quality protection and Great Swamp preservation), while not unimportant, should be secondary to economic and safety concerns. Others believe the region's unique natural resources must be given greater protection under the current system. Still others believe that the current traffic problem itself is a major environmental pollution source. Some

stakeholders pointed out that abating the exhaust and oil run-off from cars idling on the corridor each day would do much toward resolving current environmental impacts.

Other Putnam stakeholders see environmental and economic issues as inextricably linked. As one stakeholder describes, “[you] can’t simultaneously resolve a traffic and environment problems and develop a shopping district in the area without stirring things up. The fact is, the region faces a dilemma. We want economic development, we want smooth traffic flows, and we want environmental conservation and water quality protection. The problem is, you can’t easily have these all at once.”

## **ALTERNATIVES AND OPPORTUNITIES**

While most interviewees lacked sufficient information about the possibilities for resolving the Route 22 issues, a number of immediate and inexpensive ideas were mentioned.

### *Light timing, turning lanes, and speed limits*

For the immediate traffic problems and safety concerns, many suggested that the Route 22 lights be timed better, speed limits lowered, and left hand turn only lanes (restricted during rush hour) be put in along the business strip of Southeast to enhance customer access. Others noted that fewer lights, combined with overpasses at intersections could help alleviate traffic enough to avoid build out. Putnam interviewees believe these changes can go a long way toward abating the day-to-day travel and school delays they are currently experiencing. One interviewee stated: “It’s not a traffic problem. It’s a traffic light problem.” Agency officials state that these changes will not significantly lessen the traffic flow at peak hours, that they have already tried some of these low cost solutions, and they may exacerbate traffic, not alleviate it, in some cases.

### *More effective information sharing*

Regarding information sharing, many felt the internet could be better used by both DOT, other agencies and local government to inform Putnam stakeholders of the status of the project and build confidence that the right decisions were being made regarding Route 22. More public information sharing and exhibits in public areas were also suggested.

### *Pedestrian friendly development*

To help maintain rural character, interviewees emphasized the importance of making the corridor more pedestrian friendly via bike paths, pedestrian walkways, shade trees, and cross walks that would help restore some of the small town character that the region has lost. Others suggested that medians along the business strip might help control traffic. Some business representatives believe these medians would be highly costly and obstruct access to businesses.

### *Alternative transportation*

Many stakeholders believe that the traffic issues must ultimately be approached on a broad scale. One idea is to consider how improved Metro North train service could help curtail traffic. Others mentioned that the old rail tracks running through the Great Swamp or Route 312 could be redeveloped to provide alternative transportation.

## **CHALLENGES**

### *Lack of Information*

Nearly all Putnam stakeholders feel that they do not have sufficient information about DOT's current plans, nor clear understanding about why the Route 22 decision has been delayed for so long. There is also general concern that the financial resources DOT put aside years ago for the work may no longer exist. Some stated that lack of

feedback from DOT regarding comments made on the EIS has decreased their trust in the agency.

***Multiple Municipal Jurisdictions, Lack of Leadership, and Limited Resources***

Whether and how to coordinate Route 22 solutions among the wide range of interested players is seen as a complex challenge. While there is no legal obligation to coordinate, Route 22 and its developmental impacts extend across municipal borders. Many officials note that, along with their day-to-day local responsibilities, there is too little time to work with other municipalities, particularly in election years. Moreover, despite the formation of the EPDPA as a unifying regional body, it is unclear to some whether it can provide the leadership and has the authority necessary to advance a workable solution.

***Stakeholder Involvement and Lack of Experience with Collaboration***

While some Putnam county residents feel they should have the final say regarding what is done on Route 22 – given they bear immediate traffic burdens -- others feel that nothing will be accomplished without broader involvement of interested stakeholders in the larger region. Whether and how to involve which parties, and at what level, is not clear.

Finally, some Putnam County representatives feel that environmental groups that label them as “pro-development” have stereotyped them unfairly in the Route 22 debate. They view perceived inflexibility on the part of environmental groups in past dialogues having prevented constructive conversation. In sum, many in Putnam are wary of entering collaborative discussions in which there seems to be little constructive communication to build on. Furthermore, with their interest in moving forward with traffic solutions, they are concerned about the length of time it would take to organize and run a consensus building process.

## DUTCHESS COUNTY GOVERNMENT, ELECTED OFFICIAL AND RESIDENTS

[Town of Pawling, Village of Pawling, Town of Dover]

### *Overview*

Dutchess County officials and residents share many of the same concerns about Route 22 with their sister communities to the south: traffic congestion, commuter delays, loss of rural community, and environmental degradation. Yet there is a key difference. Many in Dutchess are concerned that, by expanding Route 22, the problems in that corridor will be transplanted further north. A repeated phrase among interviewees was, “if they build [22], *they* will come.”

Dutchess interviewees’ concerns are driven by a number of factors. First, Route 22 is increasingly used as method of traveling through Southeast to access work. The corridor ‘funnel’ is causing more and more traffic delays at peak hours – particularly in Southeast. If the 3-mile expansion goes forward, many worry that the ‘bottleneck’ will come farther north in a matter of years. Second, residential homeowners worry that development may destroy the very things they came to Dutchess County for -- cheaper housing and the rural town lifestyle. Whatever changes are in store, most are convinced that their quality of life would be negatively affected by Route 22 development.

There also is a wide range of opinions about the link between Route 22 expansion and regional planning. While some resist the idea of expanding Route 22, others believe regional growth is inevitable and can be managed well with proactive planning. Municipal officials emphasize that they have much to offer in terms of guidance, studies and knowledge, based on the successful experience of Pawling and Dover enacting land use regulations designed to protect the environment and allow for appropriate economic growth. As one Dutchess official described” growth is like

getting older, there is not much you can do stop it, but with some thought, you can do it gracefully.”

Finally, some Dutchess interviewees view the Route 22 debate as an opportunity to look at regional development patterns and come up with more protective zoning. They believe that an inter-municipal vision would help bridge the tension about whether and how to move forward on Route 22 issues.

## **KEY ISSUES AND PROBLEMS**

### ***Traffic and delays***

Dutchess county interviewees are mainly concerned that the traffic problems in the 3-mile section of Southeast will be brought northward if Route 22 is expanded. The feeling of “build it and they will come” was prominent in many interviews. These fears are inspired by incremental residential and commercial growth in the south that has resulted in higher taxes, increased traffic, strip development along Route 22, and a loss of open space.

Like Putnam County, Dutchess commuters complain of delays due to traffic. Some interviewees report that it currently takes 20 minute to an hour to go the 3 miles in Southeast, depending on the time of day. The town of Dover, for example, has had to change its town meeting times because representatives can no longer complete their work day and return to Dover in time.

### ***Rural landscape and development impact***

Many interviewees stated that preservation of the rural landscape was of prime importance, and one of the main reasons they had moved to the area. Road expansion in the 3-mile section or above is thought by some to eventually have detrimental effect on the quality of the landscape and community character.

### *Natural resource impact*

Many in Dutchess were concerned with the impact on the future of Route 22 on the Great Swamp and surrounding reservoirs. Issues raised included Route 22 storm water management, protection of the Great Swamp, quality of local aquifers, and sewage management. Some were confident that technical solutions are available, while others felt that protection of these resources are non-negotiable. A few stated concern that if the Great Swamp is further degraded by additional road expansions, the resource will lose both its ecological value and its value to regional groups seeking to protect it.

### *Land Use*

Dutchess county interviewees questioned whether a commercial/residential strip and four-lane highway (Route 22) in the same area of Southeast were compatible land uses. Some stakeholders mention that the deterioration of Brewster Village -- once a thriving business center--is a warning sign. Poor planning, in the view of some, "killed" the Brewster local economy causing it to become a "poster child" for what they want to avoid in their own communities.

### *Project scale*

Given the interrelated nature of the region, some stakeholders in Dutchess sense that the proposed Route 22 expansion may not be sufficient in scale. The problem must be addressed more widely and broadly. While some think the central issue is water quality; others think that the traffic issue and a vision of regional quality of life should be the common threads that link the municipalities.

## **ALTERNATIVES AND OPPORTUNITIES**

### *Share Information on Regional Planning*

Interviewees stated across the board that much could be learned from the past planning efforts between the Town and Village of Pawling, the Harlem Valley Partnership Route 22 Corridor Management Plan, Poughkeepsie-Dutchess County Regional Corridor Plan, and Dover's efforts to protect their sole-source aquifer. However, while many studies are available, little information has been effectively shared among the six municipalities.

Some interviewees felt it could be helpful to carry out similar studies with the Putnam municipalities and share information via facilitated dialogue in a way that would be responsive to stakeholder concerns. Many stakeholders felt that a regional dialogue held promise as a collaborative thinking and decision-making tool. Others mentioned the importance of having a paid staff and volunteer support to coordinate any effort. The need to maintain consistency in planning throughout Dutchess and Putnam county was also emphasized, and that EPDPA could play an 'ombudsman-like' role in developing a forum for info sharing, joint-fact finding and discussion of alternatives.

### *Route 22 Traffic Reduction*

Though stakeholders had limited information about what is feasible and appropriate in the corridor, a number of options were brought up in terms of alleviating the traffic problems.

- Developing an express lane along Route 22 from the northern communities to the south that could bypass local traffic.
- Limiting Route 22 exits and turn offs to maintain traffic flow.
- Eliminating the Southeast strip development and redevelop commercial uses in more centralized areas.

- Establishing a moratorium on Route 22 expansion beyond the 3-mile section in Southeast.

## **CHALLENGES AND OPPORTUNITIES**

### ***Communication with government agencies***

While Dutchess' experience with collaborative planning sets a precedent for improved communication, interviewees noted that DOT and DEP have not always been consistent in informing municipalities about their plans. Dutchess county officials appreciate when their input is sought, but feel they are rarely asked for it. Instead of holding frequent information gathering sessions before making a decision, the agencies more often hold meetings to announce their decision and get feedback. As one individual noted "DOT and DEP could do more to build effective relationships with local communities."

### ***Inter-municipal cooperation and leadership***

Similar to Putnam, Dutchess municipal officials and residents recognize that they must work within the 'home rule' system for controlling land use. Some interviewees noted that while home rule permits regional coordination, there is little in the way of incentives to encourage planning beyond municipal borders. They noted that this is due to the tendency of local governments to compete with adjacent communities for the tax ratables that will support the services their communities demand.

### ***Working with environmental interest groups***

While many interviewees recognize that environmental protection is a priority, they are frustrated by environmental groups that do not engage them directly and constructively in problem-solving. As one stakeholder noted, "[they] don't put their needs forward clearly, so often we don't know how to work with them."



## REGIONAL AND STATE GOVERNMENT AGENCIES AND REPRESENTATIVES

[New York Department of Transportation (DOT), New York Department of Environmental Protection (DEP), the Department of Conservation (DEC), the Watershed Inspector General (WIG), Dutchess County Planning Department, Putnam County Planning Department, and the Watershed Protection and Partnership Council (WPPC).]

### *Overview*

Collectively regional and state government agencies with a stake in the future of Route 22 have a significant role in the decision making process. Among their primary interests are: public safety and effective transportation, land use impacts on water resources, habitat protection in the Route 22 corridor, and regional economic development.

While each agency is charged to protect a specific resource(s) (and sometimes there is overlap) each has different methods of exercising its authority. For example, DEP and DEC must issue permits for specific actions; the Watershed Inspector General's office can challenge any decision in response to DOT that the office thinks will damage the watershed; and the counties provide an important advisory and planning function.

In terms of environmental protection, Route 22 and the proposed expansion present several interesting challenges for these agencies. First, the road does not currently have any storm water treatment devices. Second, construction on the road could conceivably have a negative impact on the water supply reservoirs if not managed properly. Third, expansion of the road is a concern to water quality since it would increase impervious surfaces and potentially take buffer land adjacent to the reservoirs.

## KEY ISSUES AND PROBLEMS

### *Storm Water Treatment*

Deleted: ¶  
¶

Currently the three-mile Route 22 stretch proposed for expansion does not have storm water treatment systems. Since the road is very close to two reservoirs and classified trout streams, agencies state that storm water treatment must be addressed soon. Without such systems, untreated runoff and hazardous chemicals from road accidents could flow directly into the reservoir. On the other hand, some noted, while the proposed expansion would increase impervious surfaces and lead to an increase in the volume of storm water, it would also install treatment systems that could mitigate existing adverse impacts. Some also stated the importance of mitigating adverse impacts during construction.

### *Wetlands*

According to the agencies, wetlands play an important role in protecting water quality and providing habitat for flora and fauna. Road expansion would necessarily destroy some regional wetlands and, in turn, decrease the natural capacity of the system to remove harmful substances from runoff.

### *TMDLs*

Agency interviewees stated that all waterways in NYS have designated Total Maximum Daily Loads (TMDLs). TMDLs seek to regulate the volume and type of discharged effluent. Due to the high level of importance of the surrounding land and wetlands to New York City's water supply the relatively new TMDL limits are already restrictive. There is particular concern that the proposed project will cause the waterway to exceed designated TMDLs. Some agency representative noted that the effect of increased discharges in this basin due to road expansion would severely curtail future discharges from other sources that are permitted into this basin since TMDLs seek to establish a total, maximum load that should not be exceeded to achieve environmental and water quality goals.

### ***Phosphorous Restrictions***

Agencies noted that the watershed adjacent to Route 22 is in a zone where federal, state, and county entities are working to reduce phosphorous runoff. Excess phosphorous contributes to eutrophication of water bodies (where increased nutrient loads to water bodies increase the blooms of algae which in turn can dramatically decrease the diversity and health of these water bodies) The likely increase in impervious surface area a result of 22's expansion would run counter to this effort.

### ***Biological Oxygen Demand (BOD)***

Another concern raised was that an increase in impervious surfaces can cause increased BOD by adding organic matter to the water. Contributing BOD to a designated trout stream should be closely monitored to ensure no adverse impact on the fish and the watercourses.

### ***Land use planning for the region***

Many agency stakeholders believe that this expansion will have a "growth-inducing" effect in the region, and that the expansion will cause the traffic congestion problems to move farther north. While these agencies note that they have limited direct authority to regulate land use decisions in the region, they expressed the need for more coordination between land use and transportation decision-makers. Some representatives suggested that work must be done to understand the impact that this project would have on future development in the corridor and what measures (if any) can be taken to limit the adverse environmental impacts.

### ***Process***

Several interviewees indicated the need for DOT to communicate more effectively with the interested agencies and parties. Reluctance was also noted by some to embark on a completely new process that did not take into account the studies that DOT and others

have completed up to this point. Some expressed a potential willingness to consider a process similar to that used in the Route 120 (in Westchester to reach an agreement on sufficient stormwater mitigation measures). However, some agencies do not want to “reinvent the wheel” through a completely new process and are very interested in seeing the SEQRA process completed soon.

### *Traffic safety & improving mobility*

DOT is very concerned with the safety and mobility issues presented by this 3-mile segment and would like to design a project that meets the traffic needs as well as the environmental concerns. To address safety and mobility, DOT noted that they have experimented with light timing, but found that doing so caused traffic to build up to unacceptable levels on adjacent access roads. DOT studies indicate that Connecticut commuters contribute significantly to traffic volume (over 60%). Particularly congested areas are Route 312, Doansburg Road, and development around I-84 and Brewster.

### *Regulatory Complication*

Due to the fact that so many agencies are commenting on this project, government representatives find the Route 22 issues difficult to manage. The commenting agencies also expressed a strong interest in better understanding how DOT intends to address their strong concerns about the current proposed alternatives. The agencies also noted that the completion of the SEQRA process is only the beginning of permitting for the construction of the proposed expansion. According to DOT documents, more than 10 federal and state actions are required before an expansion plan can be approved and implemented.

## **PROPOSED ALTERNATIVES**

While the actions these agencies take can only be responsive to a design submitted by DOT, several alternatives were identified for consideration. Some suggested that DOT provide better storm water protection measures, take measures to reduce wetland loss, and reduce the impact on adjacent water bodies. Other interviewees suggested that the proposed expansion be linked with growth management efforts in the north. Others suggested the use of retrofits to address existing problems. The commenting agencies noted that they have very serious concerns about the current two alternatives put forth in the draft EIS.

## **CHALLENGES**

While interviewees agreed that technical solutions to protect water quality would not necessarily be difficult to implement, they also concurred that the major challenge of Route 22 is dealing with the detrimental effects of the increased growth on the natural environment, transportation infrastructure, and economic sustainability. To this end, some agency stakeholders encourage the municipalities to promote more compact land use patterns that create town centers, reduce traffic demands, and protect water quality. Since the region will continue to develop, they also emphasized that any expansion should be accompanied by a plan that addresses the potential need and pressure for increased northern expansion. It was also noted that the home rule system complicates regional planning because towns compete for development.

## NON-GOVERNMENT ORGANIZATIONS

### *Overview*

Natural resource, water quality, quality of life, land use, and open space organizations share several common concerns: the environmental impacts of Route 22 expansion, construction and operations, and potential long-term impact on regional development. The Route 22 traffic issue was also noted, but the problem is not considered of equal severity or importance across organizations.

Among these stakeholders, we heard in most interviews an outright rejection of the improvements proposed to-date for the expansion of the 3-mile section of Route 22. The reasons for this rejection are explained further below. However, we also heard potential support, or at least acceptance, of the concept of addressing Route 22 traffic and safety issues. We did hear that a new alternative, if properly scoped and designed, with an emphasis on low impact approaches—with all measures taken to ensure water quality protection, and linked to broader regional planning issues—might be acceptable. We also heard strong interest in a more transparent, inclusive process for arriving at an alternative for the Route 22 improvements. Many Non-Governmental Organizations (NGOs) requested a consensus-based, formal process for resolving issues on the proposed expansion of Route 22. Some expressed strong concern about using consensus-based processes to resolving these issues, expressing concerns about fairness, inclusion of all relevant stakeholders, and the potential lack of heart-felt interest from all stakeholders in truly protecting natural resources and water quality.

## KEY ISSUES AND PROBLEMS

### *Environmental Degradation*

There is a wide range of concerns among organizations regarding environmental degradation in the Route 22 area. While some stakeholders are mostly concerned about protection of open space, others are focused on transportation impacts on water

quality. Still others are concerned about the impact of inappropriately designed and planned development on the Great Swamp specifically, and generally, on the degradation of overall ecosystem health and integrity.

In regard to water quality, concerns include: destruction of wetlands due to road expansion; destruction of wetland buffers and the vital functions they serve; impacts of construction; increased phosphorus and other pollutant loading, increased velocity and concentration of pollutant run-off, among other impacts, due to the increase in impervious surfaces; infringement on DEP owned and controlled buffer land surrounding the reservoirs; and, impacts of road salt. Some noted that the reservoirs are already considered phosphorus restricted or phosphorus impaired, thus additional loading would only make matters worse. These stakeholders noted that the current configuration of roads around the various reservoirs already contributes to substantial water quality degradation.

Some stakeholders expressed the importance of the Great Swamp not only to water quality but also because of its unique and extensive ecosystem. These stakeholders expressed concern that road expansion farther north along Route 22 could lead to further habitat fragment, and ultimately, destroy the Great Swamp as a contiguous and unique regional natural resource. Some noted that the importance of the Great Swamp from Southeast to Dover Furnace cannot be stressed enough and cited the millions of dollars of grants awarded by the State of New York and through the North American Wetlands Conservation Act to better understand and conserve this resource.

Some NGOs also noted that there are several other ongoing regulatory actions. These include the development of Phase II local Storm Water Permits<sup>2</sup> and Total Maximum

---

<sup>2</sup> The U.S. Environmental Protection Agency's Phase II Storm Water regulations seek to address storm water discharges from small municipal separate storm sewer systems - those

Daily Load (TMDL)<sup>3</sup> implementation for the reservoirs. Others also noted the 2002 designation of the East-of-Hudson water bodies by Governor Pataki and the U.S. Army Corps of Engineers as “Critical Resource Waters.” Stakeholders do not believe these additional regulatory actions will directly address the adverse impacts of the current proposed alternatives for expanding Route 22.

### ***Regional Land Use***

Many stakeholders stated that Route 22 is only part of a larger problem caused by a lack of cohesive and coordinated regional planning. These stakeholders note the historic lack of cooperation among the various towns, the power of home rule, and various barriers that prevent communities from coordinating. Primary among these are development competition for tax rates and differing local cultures and priorities. Some worry that the Route 22 expansion is only part of a segmented plan to develop Route 22 farther north as a four-lane road – leading to additional environmental degradation and destruction of the Great Swamp from inappropriately designed and planned development along Route 22.

Some noted that Route 22 is not entirely inappropriate for development. Rather, only those parts with critical ecological significance -- such as the Great Swamp and the NYC watershed -- should be prioritized. Others stated that their major concern about the proposed expansion is both the design of the road expansion and the future pattern of development in the whole corridor. These stakeholders would like to see the

serving less than 100,000 persons – and construction sites that disturb one to five acres. For more information, go to: [http:// cfpub1.epa.gov/npdes/stormwater/ swphase2.cfm](http://cfpub1.epa.gov/npdes/stormwater/swphase2.cfm).

<sup>3</sup>A TMDL or Total Maximum Daily Load is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. The Clean Water Act, section 303, establishes the water quality standards and TMDL program. For more information, go to: <http://www.epa.gov/owow/tmdl/intro.html>.

expansion linked with a regional effort to allow for appropriate economic development that respects the range of needs in these communities: such as preservation of community character, protection of water quality, and preservation of the Great Swamp. These stakeholders emphasized that they do not oppose development in the region, just development that is not economically and environmentally sustainable. They noted that planning tools -- such as cluster zoning, transportation centers, designated buffer zones along the Great Swamp to allow for protected areas and areas of development, purchase of development rights, and transferable development rights - could be used to satisfy multiple interests.

### *Traffic*

Non-governmental groups we interviewed generally stated that the traffic along Route 22 has been caused by: (1) short-sighted land planning that has focused strip-style, auto-dependent development without attention to the infrastructure capacity along Route 22; (2) the presence of I-684 as a source of commercial truck and van traffic traveling to and from the northern communities; and, in addition, (3) individual commuters from Connecticut and northern Putnam and Dutchess Counties. Some believe there is a significant traffic problem that should be mitigated in some way, while others state that the traffic, when compared to Westchester County, is not excessive.

## **PROPOSED ALTERNATIVES**

### *Dissatisfaction with Current Alternatives*

Most stakeholders in this category do not support the alternatives as currently proposed in the Draft EIS. Some stated that DOT had not done enough to explore low impact, creative alternatives such as traffic signals and other means that might avoid expansion and the adverse environmental impacts that will come with it. Some stated

that the problem that the alternatives are trying to address is either unclear or outdated since original planning studies were done years ago. Some said the proposed expansion would not solve the traffic congestion because the choke point is at Doansburg Road. Many noted that there needs to be more information: a publication and analysis of existing data and a fact-finding effort that could document and illuminate the problems, their magnitude and significance, and how alternative strategies might address the problems identified. Some expressed concern about one additional alternative suggested – a by-pass road between Milltown Road and Doansburg Road – that would “only lead to more traffic” and traffic ties ups at the by-pass intersections with Route 22.

### *Suggestions for Improvement*

Additional ideas for new alternatives included the following.

#### Process Suggestions

- Identify the impacts of this 3-mile expansion on the Route 22 corridor further north before expanding.
- Link the Master Plans and Zoning Regulations of each municipality in the corridor to the allowance of expansion.
- Involve Connecticut DOT in further discussions due to their significant traffic contribution.

#### Alternatives

- Reduce car traffic through further improvements to mass transportation options.
- Clean up exits and entrances and consolidate driveways.
- Encourage commuters to use the Metro North station possibly by using buses to transport commuters to the railroad station from distant park and ride areas.
- Form a Southeast Transportation Improvement District allowing the town without DOT to raise funds to combine driveways, move parking, and enact other local remedies.

- Build stacked Park and Ride facilities to lessen impervious surfaces and their impacts.
- As in Pawling’s section of Route 22, use a middle lane for left-hand turning coupled with right hand turning lanes.
- Synchronize the lights along Route 22 through sensors, fiber optic networks, and/or other technologies.

#### Mitigations

- Preserve as many natural areas as possible through limiting to the greatest extent possible paving and storm water retention ponds.
- Ensure zero storm water discharge.
- Allow for no untreated discharge into a water body.
- Allow for no net increase in impervious services.

### **CHALLENGES AND OPPORTUNITIES**

The NGOs interviewed mentioned a host of challenges that should be addressed prior to moving forward on the Route 22 issue.

#### *DOT Communication*

Some stakeholders expressed concern that they have not heard back from DOT and are concerned that no further mitigations or changes have been made to the alternatives in the draft EIS. Most interviewees asked for more information and transparency from DOT on their intended plans.

#### *SEQRA Process*

Some also stated that the SEQRA process is weak and does not encourage dialogue and the development of more acceptable alternatives. Others noted that the SEQRA process does not allow a regional view and segments larger-scale perspectives into evaluations of smaller, limited, “piece meal” projects.

### *Route 120 Process and Traditional Highway Project Processes*

Several organizations commended the DOT for the process they used in reviewing and ultimately mitigating the preferred alternative for the Route 120/Kenisco Expansion. These stakeholders noted that the process was transparent, inclusive, and ultimately resulted in a low impact, technically innovative project. Some are concerned, however, that DOT has not learned from that process both in terms of how to engage stakeholders and how to transfer the technologies explored in the Route 120 process to the Route 22 proposed expansion. These stakeholders are concerned that DOT's "modus operandi" is to consider only those alternatives that include major engineering and road building, or, as some said, "the build it bigger approach," and to ignore the broader impacts of their "narrowly considered" projects. In addition, there was concern that any decision-making process should be inclusive of all the interested parties including those who drink the water from the reservoirs.

## **SMALL BUSINESS AND DEVELOPMENT STAKEHOLDERS**

### *Overview*

Business and development stakeholders throughout the Route 22 corridor concur that the current traffic situation is negatively affecting commercial and development opportunities in the region. Nearly all interviewees share concern for loss of business, inconvenience and personal cost. Northern business interviewees stressed the need for traffic relief, while southern community stakeholders are primarily concerned with avoiding day-to-day business disruption both currently and during potential Route 22 expansion.

Overall, there is a high degree of uncertainty and lack of knowledge about DOT's proposed plans. Interviewees suggested that a larger community vision is needed to resolve the dilemma between traffic congestion, impact on businesses, and appropriate future development in the region.

## **KEY ISSUES AND CONCERNS**

### *Loss of business and economic impact*

A primary concern heard from the southern business community [i.e. Southeast, Patterson, and Brewster] is the loss of retail business opportunity depending on how Route 22 is or is not widened. Under the current situation, a number of small business owners in the 3-mile section believe they are already losing business because patrons choose to shop elsewhere to avoid traffic congestion. Some stakeholders are concerned that Route 22 strip development has "killed" Brewster's commercial center and that an expansion would contribute to its demise. There is also concern about broader impact of regional employment loss if local businesses fail.

Other stakeholders believe that expansion may improve the current traffic situation, but that increased traffic speed will discourage patrons from "stopping and shopping",

and will instead pass straight through – particularly in the 3-mile section of Southeast. Still others are concerned that any DOT plan that does not maximize the cross flow of traffic will severely affect business operations. As one interviewee describes, [the Southeast section of Route 22] is currently “more like a pit stop than a small town.”

Northern residential and commercial developers also share concern that increasing traffic impedes customers from patronizing stores north of Patterson. A related issue for the northern interests is that decreasing congestion will improve commuting time for resident and speed product shipments via trucks.

### *Cost and Inconvenience*

Some interviewees throughout the corridor stressed that road expansion may require them to relocate their business, and possibly lose road-front access. Some are also worried that inequitable compensation for property loss would have significant long-term business financial impact. Stakeholders noted that any future construction process on Route 22 will also likely take significant time, and will further discourage customer patronage.

### *Safety*

Interviewees also emphasized concern for public safety. In particular, the lack of left turn access lanes into businesses is seen as a severe impediment for motorists, pedestrians, and emergency service.

## **PROPOSED ALTERNATIVES AND OPPORTUNITIES**

Most business interviewees have a high degree of frustration with the situation given little progress on a decision over the past decade. Of the DOT concepts, some noted strong objection to DOT’s proposed median to separate Route 22 lanes because of the limited access it would impose on business within the 3-mile section in Southeast.

## CHALLENGES

### *Communication*

Many business stakeholders noted that they do not feel adequately informed about DOT's plan for Route 22. Others noted that there was insufficient explanation from local political leaders about why the situation has not been resolved given the years of debate. Some noted that they do not have a clear sense of the full range of alternatives considered and why some were eliminated and others not.

### *Appropriate development*

Some interviewees also noted the importance of resolving disagreement about what type and quantity of development is appropriate for the region. Some stressed the lack of ecologically appropriate sites for development. Others believe development has not reached its limits and that the primary limitation on growth is traffic congestion that impedes convenient access to potential northern development. Still others noted that municipal leaders should take a more active role in shaping a clear vision about the levels of development they desire in their communities. Some noted that the current uncertainty and impasse makes it very difficult to plan and make sensible business decisions.

## V. ANALYSIS RECOMMENDATIONS

In our best professional judgment, we do believe that there are opportunities for a potential range of efforts that can be helpful and would seek to:

- Help resolve differences regarding the 3-mile proposed expansion of Route 22 efficiently.
- Increase coordination of land use and transportation planning along the Route 22 corridor through the two counties and six local towns and villages.
- Increase communication and improve understanding among numerous organizations, governments, and citizens regarding a host of land use, transportation, economic development, and environmental issues.

In our experience, we also believe that some or all of these recommendations can help to save time and money as compared to the alternatives. Such alternatives might include the status quo, litigation, or exercising individual influence on decision makers. While all would prefer a “decision” quickly from DOT on the 3-mile expansion that meets all concerns and truly accounts for broader land use and environmental impacts, we doubt that such an immediate and certain outcome is likely given the current views expressed. Thus, we encourage stakeholders to compare these recommendations to what they believe are their other, practical routes of action rather than what might be their ideal.

We do recognize, given the decade or longer it has taken to consider the expansion of Route 22, that many individuals we interviewed are skeptical about consensus building and more “process” without clear outcomes. Many stakeholders are concerned about how long it will take, how much it will cost, and if yet another additional “process” will lead them any closer to their goals of addressing

environmental, traffic, public safety, land use, and quality of life issues. In offering our recommendations, we have tried to keep these concerns in mind and to offer a “menu” of process choices.

Our recommendations are below based on the problems shared with us and ideas offered in interviews. In many cases, these are ideas and recommendations offered to us by interviewees. Thus, we cannot take credit for many of these ideas, but do take full responsibility of any errors, omissions, or unworkable suggestions in this assessment.

Please note that these recommendations are focused on “process,” not “substance.” We are not transportation engineers, land planners, nor technical experts. Our expertise is in analyzing, recommending, and facilitating public processes that seek to develop concrete solutions to commonly shared problems through fair, inclusive, balanced, and effective processes. Please also note that we do recommend facilitation or mediation in some cases. We have used rates that are typical for work on state and local issues, though rates will vary depending on the firm or individual used. Please note that should agencies, organizations, and stakeholders decide to proceed with one or more recommendations, they retain the full rights to select and retain consultants, be that professional mediators or land use planners.

**PROBLEM #1:** The Route 22 proposed expansion has been mired in controversy that has resulted in delay and impasse, leaving important environmental, traffic, public safety, and quality of life issues unaddressed.

**RECOMMENDATION #1a: A Public Participation Process for NYDOT to Share and Obtain Feedback on the Improved EIS Alternatives.** Over the last year, DOT has obtained extensive feedback on the build alternatives proposed in the EIS as part of the

SEQR process. However, DOT has not had the opportunity to share with the interested public how the agency will address the concerns and issues raised by citizens, organizations, municipalities, and agencies. DOT has reviewed the comments extensively, carried out further engineering review, and is currently refining the Route 22 alternatives given the technical mitigation innovations developed in the Route 120 process. Given our interviews and review of written comments, we believe that the two build alternatives in the September 2000 draft EIS will not receive approval from state and city agencies as currently configured. Though we know many commuters, businesses, and officials are anxious to have DOT issue an alternative and “get on with it,” we are convinced that the alternatives as they currently stand would be challenged by state and city agencies and many non-government organizations. Thus, a hurried “decision” by DOT may further delay the process of decision-making and action.

At this time, given the limited scope of this assessment, we are not clear as to whether DOT’s current mitigations and new changes to its proposed alternatives are sufficient to address the needs and concerns of many stakeholders. Thus, as one recommendation, we suggest that DOT engage in an active, intensive, short-term public participation process to share their thinking with numerous “publics.” The participation process would not include forming a structured, representative advisory, consensus building, or other kind of committee or group. Rather, the process’s **GOALS** would include (1) DOT sharing its current thinking with stakeholders, (2) obtaining further public feedback, (3) increasing dialogue, and (4) helping DOT to make a more informed decision as part of the SEQRA process. DOT would lead this public participation effort with input from local municipalities, organizations, and state agencies. DOT might work with such groups as EPDPA to organize specific events.

What would this public participation effort look like? First, we recommend that DOT develop a public participation action plan and share that with all stakeholders. The

public should have an opportunity to shape not only what input they give, but how they give it. Second, we recommend that DOT use a **RANGE OF TOOLS** to reach out to and receive further input from the public. These tools should include the following. (1) **One-on-one meetings** with diverse stakeholders to share ideas and options. We recommend, at the least, meetings with DEC, DEP, the Watershed Inspector General, the Town of Southeast, EPDPA and its Board, and key local and regional environmental groups. (2) **Poster board sessions**, advertised and open to the public, where any interested individual can talk with DOT staff one-on-one, review various maps, data, and other information, and engage in informal dialogue with DOT. (3) **Fact sheets**. Since it has been some time since the September 2000 draft EIS was released, and over a decade since the expansion was proposed, most stakeholders have a difficult time remembering why the project was initiated, what its current goals are, what are the major outlines of the current EIS alternatives, what mitigations and improvements DOT is considering since public input was received, and when a decision will be made and by whom. We recommend that DOT produce one or more short, easily readable fact sheets answering these questions. (4) Facilitated, **public dialogue sessions** to be held after the individual meetings and in at least a few different locations and times to encourage participation. DOT, with the help of a facilitator, would invite diverse stakeholder representatives to participate in an open, public, round-table discussion of key issues and ideas. The facilitator would work with DOT and its stakeholders to develop focused, concrete agendas, effective ground rules, and to manage the meeting to ensure maximum productive dialogue and minimal grandstanding, argument, and position taking. We would also recommend that a meeting summary of each dialogue be produced. Though much of the discussion in these dialogues would be limited to the invitees, the public would be encouraged to attend and observe, and there would be ample time for public comment as well. In **ATTACHMENTS C and D**, we include a sample annotated agenda and process design used for a dialogue regarding

phosphorus standard setting in the Everglades to provide an idea of what such a session might entail.

We do not recommend organizing additional conventional public hearings or meetings at this time. The public has already given extensive feedback. Standard meetings that repeat concerns and problems already expressed will frustrate most participants and likely focus all on further concern and worry rather than on possible solutions and how they might be further improved to meet most stakeholders' interests. We cannot easily estimate the cost and time of the first three recommendations that might be undertaken by DOT. We estimate that the facilitation assistance for #4 would be in the order of \$10,000 to \$12,000. Generally, we recommend that DOT engage in these efforts as soon as possible, with most or all underway by June 2003.

**RECOMMENDATION #1b: A Structured, Focused, and Outcome-Oriented**

**Consensus Building Process Addressing the 3-mile Section of Route 22.** At this time, we do not believe we can accurately determine whether or not a citizen participation process as described in 1A will be sufficient to address major stakeholder concerns and adequately assist DOT in making a decision that is likely to be acceptable and implementable. Thus, a full-blown, structured, consensus building process (as described in this recommendation) may not be necessary at this time. However, barring recommendation #1A, we do think that a formal structured process holds some promise.

DOT is currently utilizing a consensus based process in Westchester County at Rt. 120 to address stormwater mitigation. Many stakeholders from diverse groups complimented this Route 120 consensus building process for producing an agreement that addresses transportation needs while protecting the environment. Those who participated in that process stated that they achieved better understanding, a greater

range of options, and more constructive, problem-solving discussion. Many non-governmental organizations and some government agencies expressed an interest and willingness to engage in such a process regarding the Route 22 proposed expansion. Up to now, for the Route 22 proposed expansion, there has been no means to engage in a problem-solving conversation leading to a preferred alternative that is likely to be acceptable to more, rather than less, stakeholders. Typical public meetings and hearings often achieve only information sharing, position taking, and expressed, but rarely resolved, and conflicting views.

However, others, expressed strong concern that a formalized consensus building process would result in higher costs, further delay and would not provide any greater chance that “agreement” could be reached. Some mentioned that the time and effort involved in the Route 120 process presents a significant obstacle in this decision-making process. Formalized consensus building processes do take intensive time investment by participants, agency resources, and funding for mediation, should such assistance be sought.

Thus, we do recommend a **CONSENSUS-BASED APPROACH, IF DOT**, in consultation with key stakeholders (other state and city agencies, the Town of Southeast and Village of Brewster, and environmental groups), determines that: (1) the recommendations in #1a above are not likely to be sufficient to help parties reach agreement; (2) such a process can be convened quickly (1 to 2 months); (3) existing information and data is sufficient, or almost sufficient, to inform decision-making; (4) funding is available; and, (5) an agreement can be produced within 8 to 10 months. The **GOAL** of the process would be to develop jointly an alternative for addressing traffic, public safety, and environmental issues on the 3-mile stretch of Route 22 that is acceptable to stakeholders and is likely to be permitted and implemented. This process would be different than the 120 process because the consensus group would

convene and work prior to the approval of a preferred alternative in an EIS precisely in order to develop jointly that preferred alternative. The process would likely require the assistance of a mediator with experience in helping diverse groups reach agreement on contentious public issues. The process would include: (1) **convening** a fair, balanced, and inclusive group of representatives of key stakeholders, but preferably no more than 15 to ensure an effective and focused working group; (2) establishing clear and effective **goals and objectives** for the effort; (3) instituting clear, effective **ground rules** and a decision rule by which the group will make decisions; (4) **linking** this process to formal, existing decision-making processes (i.e., the SEQRA process); (5) **reviewing** existing alternatives, data, maps, and information; (6) **generating new ideas** and possibilities; (7) developing a set of tailored “decision” criteria to **prioritize and weigh** the possibilities; and, (8) **reaching agreement** on a preferred alternative.

Assuming stakeholders contribute their time and free meeting space is available, we estimated the cost and time of such an effort at approximately \$50,000 and 8 to 10 months. In **ATTACHMENT E**, we include a sample set of ground rules for a consensus process regarding Superfund Cleanup to provide an idea of what such a process might entail.

**PROBLEM #2:** Given traditional land use planning and the importance of home rule to local communities, municipalities in the region do not have extensive practice at jointly addressing land use and environmental issues that extend beyond their borders. This more fragmented approach to planning can lead to unintended economic, life style, and environmental consequences. Overcoming the barriers to inter-municipal coordination will help the multiple jurisdictions to identify and enact innovative land use solutions that meet each municipality’s needs for growth and conservation.

## **RECOMMENDATION #2: Putnam and Dutchess County Land and Environment**

**Summit.** This assessment process provided us with the opportunity to obtain a snapshot view of a host of interconnected issues across the region. These include mitigating traffic on Route 22 while protecting an important portion of New York City's water supply, improving traffic flow without inducing unintended additional land use burdens that threaten quality of life, existing water supplies and the Great Swamp, and protecting environmental resources such as buffer zones, water, and the Great Swamp without hindering economic growth. We think that a one to two-day **SUMMIT** would serve several purposes. It would: (1) provide all interested citizens throughout the area a similar "birds eye" view of the interconnected issues facing the region; (2) improve communication, understanding, and networking among diverse individuals, organizations, and levels, of government; (3) increase the understanding of the complexity and interconnections of the issues facing the region; and, (4) education about land use techniques and tools that can help balance the need for economic development and environmental protection.

The summit would include a series of plenary panels and presentations, breakout presentations and discussion groups, and a record of the proceedings. For example, the NY DOT might speak to technical mitigations they have developed through the Route 120 dialogue. Organizations who advocate for the Great Swamp might present on the natural resources and values that this area provides to and for the area. The six municipalities might participate in a group discussion to share their current land use strategies and longer term land use goals, how they intend to meet those goals, and potential ways the multiple governments might improve regional coordination. Similar forums have been conducted on regional transportation planning and the urban ring in Boston and on "Unanswered Questions" regarding the cleanup of a very large Superfund site affecting the groundwater of 70,000 year - round residents of Upper

Cape Cod, Massachusetts. This short-term event might also serve as a kick-off for a longer term, mid-corridor planning effort described in recommendation #3 below.

We recommend that EPDPA has a unique multi-jurisdictional role to help initiate and implement this recommendation. We would recommend that EPDPA seek out co-sponsors, including a diverse group of local universities, organizations, and governments. Our estimated cost for a 1 to 2 day event (dependent on numbers attending, marketing, cost of space, facilitation, if desired) is from \$10,000 to \$15,000 with planning time of 3 to 4 months prior to the event.

**PROBLEM #3:** Given the proposed expansion of Route 22, there will be increasing traffic and development pressure on the reaches of Route 22 that extend north of the three mile section. This pressure will endanger the resource of the Great Swamp, further potentially degrade water quality, and possibly cause traffic congestion that will impair the quality of life and the character of the more rural communities north of Southeast. There is currently no means to review and coordinate transportation, land use, and environmental planning across multiple jurisdictions.

**RECOMMENDATION #3: Putnam and Dutchess County mid-Corridor Route 22**

**Plan.** Given the success of the transportation planning effort sponsored by the Harlem Valley Partnership in conjunction with Dutchess County, we recommend that stakeholders consider a similar one to two-year planning effort. (Visit <http://www.dutchessny.gov/pdctc.htm> for the report on the Route 22 Corridor Management Plan). This **PLANNING EFFORT** would seek to accomplish the **GOALS** of (1) coordinating and improving an understanding of existing transportation, land use, and environmental conditions, future goals and plans from diverse municipalities, organizations, citizens, and two counties, and, (2) developing joint actions that can ensure that the planning recommendations are actually implemented. This effort

would be coordinated by regional entity, or partnership of entities, and would need to retain the services of a professional planning team. We recommend that EPDPA coordinate with the two counties, the involved municipalities, the Department of Transportation, and the regional Metropolitan Planning Organizations (MPOs) to initiate this study. We strongly recommend that a professional planning firm with extensive citizen participation skills and experience be hired to ensure that the plan is developed transparently, inclusively, and fairly. This kind of open planning process will ensure all issues, ideas, and concerns are captured, all have an opportunity to participate, and that the recommendations developed have a much better chance of being accepted and implemented.

In our interviews, some stakeholders noted that the northern Route 22 planning effort was successful, but limited. These interviewees noted that the plan did not intend nor achieve commitments from the municipalities to enact or revise local zoning to implement the concepts agreed upon. Thus, it may be in the interest of participants, to consider a similar process with the addition that the participating municipalities will commit to looking at implementation measures (with zoning only being one of several potential actions). This could help ensure that the work is not merely a “planning exercise” resulting in a document that sits on a shelf, but a planning process that results in meaningful, concrete actions. This process could include convening a representative body of stakeholders to steer the process, meeting on a monthly basis to oversee plan development, public input, idea generation, and most importantly, ultimately, to negotiate the recommendations and their means of implementation. Thus, a facilitator might be of assistance to the planning process, along with the professional planning firm.

Our estimate of costs for an effort similar to the northern corridor study would be in the range of \$125,000 for a period of 1 to 2 years. If this more traditional planning effort

were accompanied by a facilitated consensus building process, the additional cost would be approximately \$40,000 to \$60,000.

#### **NEXT STEPS**

To further explore the above-recommended options, CBI is available to discuss them with stakeholders via email or phone. If appropriate and useful, CBI could also summarize the assessment in a public convening session in order to receive additional feedback on the proposed recommendations.