

RESOLUTION NO. 2017016

RE: ACCEPTING THE DETERMINATION AND FINDINGS RELATING TO THE PROPOSED PUBLIC PROJECT TO REHABILITATE NORTH AVENUE (CR 72) A CUMULATIVE DISTANCE OF APPROXIMATELY 1100 FEET, INCLUSIVE OF APPROXIMATELY 550 FEET OF REALIGNMENT OF NORTH AVENUE (CR 72) AT THE INTERSECTION OF HURLEY ROAD, WITHIN THE TOWN OF PLEASANT VALLEY, DUTCHESS COUNTY, NEW YORK

Legislators PULVER, BORCHERT, BOLNER, and SAGLIANO offer the following and move its adoption:

WHEREAS, North Avenue is a north-eastern/south-western collector roadway that provides both local access to adjacent residential and commercial properties as well as commuter access to highways of higher classification such as NYS Route 44 and NYS Route 115; and

WHEREAS, North Avenue (CR 72) is owned by the County of Dutchess and is maintained by the Dutchess County Department of Public Works; and

WHEREAS, the realignment of the roadway is needed to insure the continued service of the roadway as a link in the greater mobility and transportation system of the area and to improve a traffic safety condition along North Avenue (CR 72); and

WHEREAS, the need for this project was identified by the Dutchess County Department of Public Works based on the deteriorated pavement condition, identified safety conditions, non-standard geometry, and poor drainage performance; and

WHEREAS, an examination of the aforementioned section of North Avenue (CR 72) identified non-standard features that do not meet current geometric design criteria in terms of travel lane and shoulder widths, travel lane and shoulder cross sections, horizontal and vertical curvature, horizontal clearance, stopping sight distance, and grades; and

WHEREAS, the examination of the aforementioned section of North Avenue (CR 72) also identified several non-conforming features that exist within the project limits including side slopes, advance signing and delineation, intersection turning radii; and

WHEREAS, an inspection of the drainage systems along the aforementioned section of North Avenue (CR 72) has revealed the existing drainage system is exhibiting deterioration and will become functionally obsolete without required routine repair and maintenance; and

WHEREAS, the condition of the drainage system is contributing to localized flooding on private property and creating safety issues during inclement weather; and

WHEREAS, the presence of non-standard and non-conforming features and the degraded drainage system along North Avenue provide a basis of concern for safety along the corridor; and

WHEREAS, the Dutchess County Department of Public Works caused to be performed a vehicular traffic accident analysis in the area of the aforementioned 1100 foot section of North Avenue (CR 72) for several different time periods over the course of the project, to document the accident history throughout the project corridor and to identify any accident patterns or clusters; and

WHEREAS, said studies identified the following: between 1990 and 2004, 42 vehicular accidents were reported and revealed a combined accident rate that nearly meets the statewide average for a two-lane, undivided collector roadway with no access control; and

WHEREAS, said studies identified the following: between 2002 and 2004, 9 vehicular accidents were reported and revealed a combined accident rate that more than doubles the statewide average for a two-lane, undivided collector roadway with no access control; and

WHEREAS, said studies identified the following: between 2011 and 2016, 13 vehicular accidents were reported and revealed a combined accident rate that nearly triples the statewide average for a two-lane, undivided collector roadway with no access control; and

WHEREAS, the Dutchess County Department of Public Works has concluded that safety deficiencies and the continued deterioration of the corridor infrastructure provides a basis for the consideration of improvements along the aforementioned section of North Avenue (CR 72); and

WHEREAS, the Dutchess County Department of Public Works established project objectives to analyze the feasible alternatives and guide the design process; and

WHEREAS, the project objectives include the improvement of existing geometric alignments through the application of appropriate design standards to provide acceptable sight distances and improved pavement conditions, using a cost effective treatment to reconstruct a portion of North Avenue (CR 72) and its intersection with Hurley Road, correction of existing and emerging operational problems and safety related deficiencies and improvement of drainage facilities to ensure positive runoff; and

WHEREAS, the Dutchess County Department of Public Works implemented a program to incorporate public involvement which included public information meetings held on March 19, 2009 and October 24, 2016; and

WHEREAS, notices of the public information meetings were published, mailed and generally distributed throughout the proposed project area, at which time the data was presented, project objectives were discussed and the public was allowed to address important project issues; and

WHEREAS, following consideration of public input, the Dutchess County Department of Public Works and its consultant incorporated mitigation measures into the project design to address stated concerns where warranted; and

WHEREAS, the Dutchess County Department of Public Works and its consultant prepared and periodically revised a project design to accomplish the improvement of the aforementioned section of North Avenue (CR 72) in the Town of Pleasant Valley, Dutchess County, New York, which design included the development and consideration of various preliminary alternatives; and

WHEREAS, based on the analysis of data gathered by the Dutchess County Department of Public Works and its consultants and comments received through the public involvement program, Alternative C – Realignment of a portion of North Avenue (CR 72) westerly, immediately adjacent to the existing North Avenue was deemed to be the preferred alternative for Final Design Approval; and

WHEREAS, Alternative C includes: providing a new two-course, high friction asphalt wearing surface with cross-slope improvements; 11 foot travel lanes and 4 foot shoulders throughout; upgraded drainage facilities; horizontal and vertical realignments; improved clear zone and side slope treatments, improvement of the North Avenue (CR 72)/Hurley Road intersection by eliminating an unconventional intersection geometry, raising the roadway profile of the North Avenue (CR 72)/Hurley Road intersection, forming a conventional T intersection, improving sight distance in all directions and removal of the northbound right slip lane, converting the resulting open pavement area to green space; and

WHEREAS, the North Avenue Project is classified as an unlisted action under the SEQRA; and

WHEREAS, the County of Dutchess acting as lead SEQRA agency, has completed all appropriate SEQRA processing in accordance with applicable laws, rules and regulations, and has otherwise considered the general effect of the proposed project on the environment; and

WHEREAS, the County of Dutchess has considered the general effect of the proposed project on the residents of the locality in which the proposed project is to be undertaken; and

WHEREAS, representatives of the County of Dutchess have met with residents who may be affected by the proposed public project and have made every effort to minimize the impact that the proposed public project will have on adjacent properties; and

WHEREAS, the proposed Alternative C would require the County of Dutchess to acquire easements and/or fee interests from approximately 5 properties along North Avenue (CR 72) within the proposed project area; and

WHEREAS, in accordance with Article 2 of the Eminent Domain Procedure Law, the oral presentation and comment phase of the public hearing was held on October 24, 2016, beginning at 7:11 p.m. at the Pleasant Valley Town Hall located at 1554 Main Street, Pleasant Valley, New York, for the purpose of informing the public and to review the public use to be

served and public benefit to be obtained by the aforementioned proposed public project, and to consider all other matters appropriate to that project; and

WHEREAS, during the course of the aforementioned oral presentation phase of the public hearing, all matters required by the Eminent Domain Procedure Law and appropriate to such public hearing were identified and explained to persons then in attendance, and such persons in attendance were given an opportunity to, and did, speak and comment on the proposed public project and examined documents presented; and

WHEREAS, at the conclusion of the oral presentation phase of the aforementioned public hearing, the hearing was adjourned to the close of business on October 31, 2016; and

WHEREAS, the minutes of such public hearing were transcribed and made available, together with the exhibits and other documents, if any, which were identified or made available during the oral presentation phase thereof, for inspection and examination by the public at the offices of the Dutchess County Department of Public Works and the Dutchess County Clerk; and

WHEREAS, additional written public comments regarding the proposed public project were accepted until the close of business on October 31, 2016, and said comments were incorporated into the record of the aforementioned Eminent Domain Procedure Law Public Hearing; now therefore, be it

RESOLVED, the following constitutes the determination and findings of this Body with respect to the proposed rehabilitation of an approximately 1100 foot section of North Avenue (CR 72), inclusive of approximately 550 feet of realignment of North Avenue (CR 72) at the intersection of Hurley Road in the Town of Pleasant Valley, Dutchess County, New York:

1. The public use, benefit or purpose to be served by the proposed public project is the rehabilitation of an approximately 1100 foot section of North Avenue (CR 72), inclusive of approximately 550 feet of realignment of North Avenue (CR 72) at the intersection of Hurley Road in the Town of Pleasant Valley, Dutchess County, and will include: providing a new pavement wearing surface with consistent 11 ft. travel lanes in each direction, providing a consistent 4 ft. wide full-depth shoulders on both sides of North Avenue, improving non-standard geometric features with horizontal and vertical realignment, particularly at the intersection of North Avenue (CR 72) and Hurley Road, improving sight distance in all directions at the North Avenue (CR 72) and Hurley Road intersection, providing a consistent, improved clear zone by removing, relocating or protecting obstructions within a minimum of 4 ft. from the edge of the travel lane, adding guide rail as needed, installation of a fill retaining wall to support the newly realigned North Avenue to the west of the existing alignment of North Avenue (CR 72), reconfiguration of a private driveway to meet the newly aligned North Avenue (CR 72), installing new or enhanced closed/open drainage facilities where required including a stormwater treatment area to ensure compliance with NYSDEC Phase II Requirements for SPDES, providing cross sectional improvements such as restoration of uniform roadway crown in tangent sections and super elevation

improvements on all curves, as required, replacing existing traffic control signs and the installation of advanced warning signs in accordance with the 2009 Edition of the FHWA's *MUTCD for Streets and Highways, latest ed. and the NYS Supplement to the MUTCD, latest ed.*

2. The proposed public project objectives include the improvement of existing geometric alignments, using a cost effective treatment to reconstruct a portion of North Avenue (CR 72) and Hurley Road, correction of existing and emerging operational problems and safety related deficiencies and improvement of drainage facilities to ensure positive runoff. More specifically, the benefits to be obtained and purposes to be served by the proposed public project are as follows:
 - a. Improvement of Existing Geometric Alignments: The proposed public project will improve vehicular safety through the application of appropriate design standards to provide acceptable sight distances and improved pavement conditions.
 - b. Using a Cost Effective Treatment to Reconstruct a Portion of North Avenue (CR 72) and Hurley Road: The alternative selected (Alternative C) has been determined to provide the most benefit versus the estimated cost of the project. The remaining alternatives were dismissed due to reasons such as higher costs and environmental impact.
 - c. Correction of Existing and Emerging Operational Problems and Safety Related deficiencies: The project will improve upon deficiencies such as non-standard shoulder widths, stopping sight distance, horizontal sight distance, pavement cross slope, pavement surface conditions and drainage conditions.
 - d. Improvement of Drainage Facilities to Ensure Positive Runoff: The project will replace an antiquated, non-functional, combination open/closed drainage system with newly established swales, new drainage structures, piping and a stormwater treatment area that will satisfy NYSDEC's Phase II Requirements for SPDES.
3. The proposed public project is located in the Town of Pleasant Valley and impacts a cumulative distance of approximately 1100 feet of North Avenue (CR 72), inclusive of approximately 550 feet of realignment of North Avenue at the intersection of Hurley Road.
4. The following different alternatives were considered:
 - a. The No-Build "Null" Alternative: This alternative would simply retain existing conditions and not address the accident, safety, and mobility problems that exist at the CR 72/Hurley Road intersection. Routine maintenance efforts would continue.

- b. Alternative A: This alternative would relocate approximately 1640 feet of North Avenue (CR 72) westerly of its existing alignment, on the west side of the existing residence adjacent to North Avenue (CR 72) opposite the Hurley Road intersection. This alignment would place the roadway closer to mapped wetlands and require extensive right-of-way acquisition.
- c. Alternative B: This alternative would relocate approximately 1510 feet of North Avenue (CR 72) westerly of its existing alignment. The alignment would place the roadway closer to the mapped wetlands; however, it would necessitate the removal of the existing home and relocation of the residents of 543 North Avenue.
- d. Alternative C: This alternative would rehabilitate approximately 1100 feet of North Avenue (CR 72), inclusive of approximate 550 feet of realignment of North Avenue (CR 72) westerly and immediately adjacent to the existing roadway alignment. The alignment minimizes property acquisition and does not require the acquisition of any residences. This alternative also raises the grade of the Hurley Road intersection to match the re-aligned and re-profiled North Avenue, forming a conventional T-intersection with improved sight distance. This alternative is the most effective to address project needs, concerns and budget.

5. The reasons for selecting Alternative C include:

- a. The Null Alternative would result in continued roadway deterioration and retention of non-standard and non-conforming conditions, increased safety concerns and would not fulfill any project objectives.
- b. Alternative A satisfies the project objectives. However, it has been rejected largely due to cost constraints, large private right-of-way impacts and impacts to delineated wetlands at the project extremities. This alternative meets the project objectives, but is not a cost effective solution. In addition, this alternate would necessitate the acquisition of private property for approximately 1375 feet of the North Avenue (CR 72) relocation and approximately 100 feet of Hurley Road reconstruction. This alternative was considered but rejected as it meets the project objectives; however, it is not a cost effective solution and has wetland impacts.
- c. Alternative B also satisfies the project objectives, but is also not a cost effective solution. This alternate would necessitate the acquisition of private property for 1180 feet of the North Avenue (CR 72) relocation and 30 feet of Hurley Road reconstruction. In addition, this alternate would require the acquisition and demolition of a private 2 family residence necessitating relocation. This alternative also impacts the delineated wetlands on the north and south ends of the proposed alignment. This alternative was considered and rejected as it meets the project objectives; however, it is not a cost effective solution and has wetland impacts.

- d. Alternative C was selected because it satisfies all project objectives and is considered to be a feasible alternative. This alternative meets the project objectives, minimizes right-of-way impacts, avoids wetland impacts and falls within the project programmed budget. The benefits to be derived from this alternative are more fully set forth herein paragraph 2 above.
6. The County of Dutchess prepared a Short Environmental Assessment Form in accordance with the State Environmental Quality Review Act (SEQRA). The County of Dutchess, acting as SEQRA lead agency, has determined that the proposed project will not have a significant adverse impact on the environment.
7. It is hereby concluded that the proposed public project will have, among other things, the following effects upon the residents of the locality:
 - a. The proposed public project will have a beneficial impact on the residents of the area of the proposed public project. The proposed public project will improve overall public safety by removing existing non-standard horizontal and vertical curves and non-standard sight distance, thereby reducing the potential vehicular accidents. Also, the new signing, pavement markings and other improvements will provide a safer environment for the traveling public.
 - b. The proposed public project will not have any long-term impacts on residents or businesses, nor will it require any relocations.
 - c. The proposed public project will require de-minimus property acquisitions, but will not affect land uses, change travel patterns or have any permanent effect on local planning.
 - d. This proposed project will not have a substantial negative impact on the aesthetics of the area. Rather, various elements of the project aim to enhance the appearance of the area.
8. The proposed project was reviewed by the Office of Parks, Recreation and Historic Preservation (OPRHP) with regard to its effect on historical and cultural resources. The State Historic Preservation Office (SHPO) has determined that the proposed project will have no effect on resources on, or eligible for inclusion on, the state or national registers of historic places. This Body adopts such determination.
9. The Dutchess County Department of Public Works is hereby authorized and directed to prepare a brief synopsis of the foregoing determination and findings, such synopsis to include those factors set forth in Eminent Domain Procedure Law §204(B), and, further, such synopsis to state that copies of the

determination and findings will be forwarded upon written request without cost.

10. The Dutchess County Department of Public Works is further hereby authorized and directed to publish the aforementioned synopsis of the foregoing resolution in at least two (2) successive issues of an official newspaper designated by the County of Dutchess and in at least two successive issues of a newspaper of general circulation in Dutchess County.
11. The Dutchess County Department of Public Works is further hereby authorized and directed to serve, by personal service or certified mail, return receipt requested, a notice of the aforementioned brief synopsis upon each assessment record billing owner (as that term is defined in Eminent Domain Procedure Law §103(B-1) or his or her attorney of record whose property may be acquired, such notice to:
 - a. include the information required by Eminent Domain Procedure Law §204(B)(2); and
 - b. state that copies of the determination and findings will be forwarded upon written request without cost; and
 - c. state that pursuant to Eminent Domain Procedure Law §207, such individual shall have thirty (30) days from the completion of the publication of the aforementioned brief synopsis in the newspapers as aforesaid, to seek judicial review of the County of Dutchess' determination and findings relating to the proposed public project; and
 - d. inform such individual that, under Eminent Domain Procedure Law §§207 and 208, the exclusive venue for judicial review of the County of Dutchess' determination and findings relating to the proposed public project is the appellate division of the supreme court in the judicial department where any part of the property to be condemned is located.

CA-019-17
CAB/kvh/R-0966
1/5/17
Fiscal Impact attached

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS *(To be completed by requesting department)*

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds *(check one)*: Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

REALIGNMENT OF COUNTY ROUTE 72 (NORTH AVENUE) AT INTERSECTION OF HURLEY ROAD
TOWN OF PLEASANT VALLEY, DUTCHESS COUNTY, NY

This Fiscal Impact Statement is related to the Resolution Request to authorize the Dutchess County Legislature to adopt the attached resolution which accepts the Eminent Domain Procedure Law (EDPL) Determination and Findings.

Prepared by: Robert H. Balkind, P.E., Commissioner of Public Works  Prepared On: 12/30/2016