

**DETERMINATION AND FINDINGS
PURSUANT TO SECTION 204 OF EMINENT DOMAIN PROCEDURE LAW (EDPL)
TOWN OF UNION, PROJECT SPONSOR,
FAIRMONT PARK LEVEE REPAIR A/K/A BARTON AVENUE
(FAIRMONT PARK) LEVEE EXTENSION
TOWN OF UNION, BROOME COUNTY, NEW YORK**

A public hearing was held on September 4, 2019 at the Town of Union Board Room, Endwell, New York in accordance with the provisions of Article 2 of New York State Eminent Domain Procedure Law (EDPL) in connection with the proposed implementation of the Fairmont Park Levee Repair a/k/a Barton Avenue (Fairmont Park) Levee Extension Project (the “Project”). The record of hearing remained open until September 18, 2019. No comments were received after the hearing.

On October 2, 2019, The Town of Union made the following Determination and Findings with respect to the proposed Project and Proposed Easement Acquisitions for the proposed Project.

Project Description

The proposed Project will modify and extend an existing earthen levee located along Barton Avenue in the Town of Union, NY to provide to the residents of the Fairmont Park neighborhood the public benefit of increased flood protection. The proposed modification will raise the existing levee component to an elevation of 841 ft. to match the existing floodwall and road closure system, thus providing increased public safety through increased flood protection.

Preferred Alternative

The Town determined this was the only practicable alternative to address the areas of settlement and to raise the height of the existing earthen levee, extending it to complete the flood protection system.

Public Benefits of the Project

The public benefits obtained by the proposed Project are the extension of the existing earthen level located along Barton Avenue in the Town of Union to provide residents of Fairmont Park and surrounding areas increased flood protection, protection against repeated flooding, protection of roadways and properties; provide associated flood resiliency benefits, mitigate risk and minimize impacts on public safety and floodplain values and raise existing levee to same elevation of existing floodwall and closure system.

Effects of the Project on the Environment

State Environmental Quality Review Act (SEQRA) and the National Environmental Protection Act (NEPA) review showed the Project would have no or small impacts on the environment.

Permanent Easements

The proposed Project is located along Barton Avenue and requires permanent easements on portions of privately-owned properties located at 4301 and 4311 Watson Boulevard in the Town of Union, NY. The project requires 1.5 acres of the property at 4311 Watson Boulevard and a second easement of 0.27 acres at 4301 Watson Boulevard. Because of these requirements, the location of the existing levee, and the stated goal of addressed public safety concerns related to deficiencies in the existing system, this project cannot be located anywhere other than the proposed location.

Additional Relevant Project Considerations

Implementation of the proposed Project is estimated to start in the Fall of 2019 and be completed by the end of Summer 2020. The proposed Project will have little to no impact on the public.

Additional Information and Contacts

These determination and findings have been made in consideration of statements submitted by the public both during and after the public hearing held for this project. All documents provided at the September 4, 2019 public hearing, and the complete Determination and Findings are available for review at the Town of Union Clerk's Office, 3111 E. Main Street, Endwell, NY 13760

Those property owners who may wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts, and objections raised at the hearing (§ 202 (C) (2) of Article 2, EDPL).

Each individual assessment record billing owner ("property owner") or his or her attorney of record whose property may be acquired shall note that, under § 207 (A), a petition to seek judicial review of the Town Board's determination and findings must be filed within 30 days after the Town Board's completion of its publication of its determination and findings. Further, the exclusive venue for judicial review of the Town Board's determination and findings is the appellate division of the supreme court in the judicial department where any part of the property to be condemned is located (§207 (B), § 208).

Further information on this proposed Project is available upon request during normal working hours.

Direct inquiries to:

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