

Testimony of a Public Hearing of the Town of Union Planning Board held at the Town Office Building, 3111 East Main Street, Endwell, NY, Tuesday, July 9, 2019, at 7:20 p.m.

PRESENT:

Members present: L. Miller  
L. Cicciarelli  
S. McLain  
T. Crowley  
S. Forster  
M. Jaros  
D. Kudgus  
S. Yalamanchili

Others present: Marina Lane  
Sarah Zubalsky-Peer  
Rick Materese  
Rose Pope  
John Bernardo  
Rick Woidt  
Chris Stastny  
Anthony Grassi  
Deborah Grassi  
Robert Craig  
Bill Didas  
Marie Didas  
Paul Darpino  
John Jones  
Mary Macek  
Jeff Ayres  
Teresa Ayres  
Robert Potochniak

MS. MILLER: We will open the Public Hearing for a Special Permit for Floodplain Development at 4301 and 4311 Watson Boulevard and I will read the public hearing notice.

The Town of Union Planning Board will conduct a public hearing relative to an application by the Town of Union for a floodplain development Special Permit at 4311 and 4301 Watson Blvd., Johnson City, NY 13790 (Tax Map #126.04-1-10.111 and #142.02-1-19). The project is to modify and extend an existing flood levee for an increased level of flood protection to the Fairmont Park subdivision.

The public hearing will take place on Tuesday, July 9, 2019, at 7:00 PM in the Town Board meeting room on the second floor of the Town of Union Office Building located at 3111

East Main Street, Endwell, New York. The application is available for review in the Planning Department.

Individuals with special needs requiring accommodations may contact the Planning Department at 786-2926 at least 24 hours prior to the scheduled public hearing.  
Sara Zubalsky-Peer, Secretary

MS. MILLER: If you have questions or comments, we just ask that you address them to the Planning Board, and you state your name and address for the record before your question. Mr. Woidt, do you have more that you want to say?

MR. WOIDT: I can go into the history of the Fairmont Park flooding when the levee was designed and built, and the purpose of the project, but I don't know if that will be helpful. Then I can address any questions.

MR. MATERESE: It would be helpful for me.

MS. LANE: Rick, it would also be helpful for me because a key point for the Planning Board is to have you show that this project will not raise the base flood elevation at a certain point. So if you can explain that, that is the most critical part of the project.

MR. WOIDT: I'll summarize the Fairmont Park history. This levee system, the area we are talking about, this is the railroad in here, this is Route 17, and the Barton Levee is here and Fairmont Park is here. Going back in time, 1990, this thing was designed and built in the early nineties. I did a study for the town back in 2005 after the April 2005 flood. If you recall that, there is a low point on Watson Boulevard near the tennis courts that never got completed, in front of the old IBM Country Club. It spilled over there filling up the parking lot, not a lot of damage, but some damage. I did a study and looked at the whole overall levee system. The first priority was to fix that, which the Town of Union went out to Griffiths Engineering who did the designs to construct a stop log structure to prevent water from coming in. That's a plus. The next weakest point was Barton Avenue. So, I don't know in 2006 if the levee topped over to Barton Avenue, probably a little bit; in 2011 it poured over. So it was pretty obvious that that's the next section and the cheapest one to fix. You are basically adding compacted dirt and raising it up a little bit. There are not many impacts as you found, so this closes off that weakness. Does that certify and accredit the levee so that we can get taken out of the flood insurance? No, because there are other sections along the railroad, the western levee, and the existing pump station, and that all has to go through an accreditation process. However, what I will say is that

if 2011 happened again, the same flood, it would not overtop either one of these two sections and you should be protected. I think that this western levee did not overtop and you had some available protection. The hat's the good news.

The next question is if we protect this little area so it can't fill up, what does that do to the rest of the floodplain elevations. Hydraulically, this is Susquehanna River in the foreground; all the effective flow that has power and velocity runs along the Susquehanna River. And then Route 17 basically drives that effective flow around here (pointing), all this big area around here is backwater from the Susquehanna River and that's what they call non-effective flow. So we are taking a little tiny portion of that floodplain and protecting it. So the hydraulic model. FEMA kind of ignores that; it is not an affected area, and the FEMA modelling will not change the elevation at all. You can use more sophisticated modeling. I have been doing this a long time, and I am guessing that maybe you would get a one hundredth of a foot increase on the outside, probably not, and most of it would be on the undeveloped golf course. So it's kind of a win-win project.

MS. MILLER: Does anyone have any questions? Can you state your name and address for the record.

MR. GRASSI: Anthony and Sue Grassi, 13 Barton Avenue. First, I want to thank the town for pursuing this; it has been a long time coming, so it's a good thing, I think. I am the fourth house up on Barton coming from Watson, and I have two questions. Where the berm is existing, where the parking lot meets the golf course, as you head north, what I anticipate is that you are probably going to add height to that berm. And as you head north up Barton, is it going to be raised also?

MR. WOIDT: It's going to be a level top; it's going to be all 841 feet.

MR. GRASSI: I am trying to figure out as I look from my front porch how high that is going to be. Is it going to be three or four feet over the existing levee?

MR. WOIDT: It's kind of hard to see that existing levee. I don't really see it. It's not like the kind of levee that you see in Vestal.

MS. LANE: We looked at the contours today together, and I measured roughly 600 feet on the Broome County GIS map. It appeared that right where the levee ends is where the existing contour is 841 feet.

MR. WOIDT: Correct, it ties into the existing contour. It is gradually going uphill until you [the levee] have no height. The maximum height is at the

southern end. It will be three to four feet higher than the existing levee. I've seen the western levee, and that is ten or twelve feet above sea level and it is not going to be like that. It will be much lower as it goes up hill. It will be maybe three to five high, and it's going to be a very gradual slope.

MR. GRASSI: I think our house is at 839 or 840 maybe, so would I be correct in assuming that the difference between the elevation at 839, when you bring it up to 841, will be two feet?

MR. WOIDT: Yes, two feet.

MR. GRASSI: My last question is that you mentioned a tee drain?

MR. WOIDT: It was a toe drain. Imagine you get a flood, you get ten feet of water on the golf course over here. To eventually get accreditation, we went three feet above the hundred year, the 500 year, and we based that not on the effective mapping which is from the eighties, but we based it on the preliminary 2009 flood maps which are higher, so that is the best available data to base this on. For your information, FEMA is tossing those 2009 flood maps out and starting all over again. Anyway, we used the best available data. So if you have a flood out here, the waters will stay a couple of days and generally a little bit of seepage will come through the embankment. On the protected side, there will some granular material and a perforated underdrain that would capture any seepage from migrating further. It would be collected into a drain system, or a pump station eventually.

MR. GRASSI: Okay. It looks like it is something that is not very visible.

MR. STASTNY: No, it is underground so you won't even see it.

MR. GRASSI: And when is this project going to start?

MR. WOIDT: You would have to check with Mr. Caforio. I think that he probably wants to bid it this year.

MS. ZUBALSKY-PEER: We are actually going to bid it through the Planning Department and we are hoping to bid it this summer. We are just waiting for some legal issues to be resolved before we bid it.

MR. WOIDT: It's not a real complex project like the concrete floodwalls. It's not like in Binghamton where you have miles of concrete walls. This is bringing in earthwork and packing and seeding, so it's an easy project to construct. I have to commend the Town of Union for

moving forward with these projects on their own, because most municipalities don't have the resources to do it. For a moderate cost it will provide benefits. If you get a storm like 2011 that's three feet higher than that, it will probably be brimming on this side and will overtop everywhere else, but this will not be a replica of 2011 overtop.

MR. GRASSI: What's your confidence in that?

MR. WOITD: I'm pretty confident, but I will note that they are going to throw out the 2009 maps. They are ten years old, and they're going to re-fly for new mapping; they're going to update the hydraulics to get new flow, so of course you will get another statistical model. I anticipate when the new maps eventually get done, the base flood elevation will be higher than 2009. I think we were pretty conservative and tried to think about climate change.

MR. GRASSI: The maps of the 2011 flood were pretty accurate. We got no surface water and the map shows the water touching our addition, which it did, but we got four feet of water coming up through the basement. Okay, thank you very much. If it's going to be bid this summer, will you be contracting that this summer?

MS. ZUBALSKY-PEER: Yes.

MR. GRASSI: Well, thank you very much.

MR. DIDAS: William Didas and we own property at 4410, 4416 and 4402 Watson Boulevard. We are unfortunately the original community of Watson Boulevard. Our buildings are over 105 years old, but unfortunately, we are stuck in between these levees. We are kind of like the sacrificial lamb. And I take exception that it won't impact the community because it is impacting us. In 2006 and 2011, we had the same level of water, but after the water got to a certain point it spread out into Fairmont Park. But with this new addition, it will definitely impact us worse. The restaurant, instead of a flooded basement will probably flood to the first floor. The Holiday House will probably get water into the second floor. The brown house will probably get water up to the second floor, and the brick house would get water up to five or six feet. We had an experience where the Town of Union put a floodwall across Watson Boulevard first, and our water dropped four feet. So this project will definitely have a negative impact on us. I understand that Fairmont Park has 19 properties, but this will affect our six properties. The Town has to do something for us. Our rents are going down, our flood insurance is skyrocketing, and our taxes are going up. This spring we were

assessed with a 73 percent increase in taxes. We aggrieved it and got it reduced down to 35 percent, but the Town has to do something for us. We are the original community; we have been there for years. I don't know how long Fairmont Park has been over there and I understand that you have to protect them. The other point I would make is that the western levee by the entrance to Traditions was breached in 2011. The railroad tracks were breached in 2011. This may help some houses in Fairmont Park but it will devastate us.

MR. WOIDT: I am highly confident that it is not going to raise the water outside the protection system. You are from the restaurant?

MR. DIDAS: Yes, it's the Pour House and it used to be the Blind Tiger Pub. The Holiday House has been there 59 years and the building is over a hundred years old.

MR. WOIDT: Are you in the current effective floodplain?

MR. DIDAS: Yes.

MR. WOIDT: So you are aware that you have to pay for flood insurance.

MRS. DIDAS: And it keeps going up outrageously every year.

MR. WOIDT: I am highly confident that it is not going to raise the water, if anything no more than one-hundredth of a foot increase.

MRS. DIDAS: You don't think that is going to affect us?

MR. WOIDT: No. I've been doing this a long time.

MRS. DIDAS: I would like to see it in writing.

MR. JAROS: Can you explain why it wouldn't affect them?

MR. WOIDT: Basically, the Susquehanna River is 4,100 square miles, and in 2011 once that hit a high stage this whole area flooded, even Westover was flooded; everything breached that peak elevation. So we're taking a little piece of that flooded area, a little bathtub out of this big bathtub, and so the overall volume here compared to what is being protected in Fairmont Park is pretty small; there will be a minimal impact, if any. I think that the Town of Union tried to put a temporary block in there in 2006.

MR. DIDAS: Well in 2006, they put a berm up. Somebody brought in dirt and blocked Watson Boulevard, and that breached, and then our water dropped three or four feet.

MR. WOIDT: Probably what happened is that it was rising, that was way too low and that breached, and it did provide some relief and it went down, but eventually it went back up.

MR. DIDAS: Actually, we drained before Valley Plaza.

MR. WOIDT: Where were you in 2011? Everybody flooded in 2011.

MR. DIDAS: We were at the exact same height in 2006 and 2011, which led me to believe with the breach in Watson Boulevard and the blockage there, the river just got to a certain point and then spread out.

MR. WOIDT: I think in 2011 the breach was a little bit higher than in 2006.

MR. DIDAS: Not for us. I don't know why, but it wasn't.

MR. WOIDT: Were you there physically at the property?

MR. DIDAS: Yes.

MR. WOIDT: How did it get there?

MRS. DIDAS: Across the dike.

MR. DIDAS: And so the other part is that by doing this you are concentrating the floodwater, the Susquehanna backflow, into our properties. Though you are not addressing the western side of Fairmont Park which breached.

MR. WOIDT: You mean the levee failed.

MR. DIDAS: The water went over the levee and water went over the railroad tracks.

MR. WOIDT: So I think it went over the western levee, but I think it went over more by Barton Avenue.

MS. MACEK: My name is Mary Macek and I live at 23 Birch Street, Fairmont Park. What is the difference in height between the proposed construction and the western levee?

MR. WOIDT: I think the levee by Barton Avenue has some lower spots.

MS. MACEK: Do you know the height of the western levee?

MR. WOIDT: I think it is 838 feet. So this new levee is about three feet higher.

MS. MACEK: Than the western side.

MR. WOIDT: Because the new predictive floodplain maps were a foot higher and you have to have freeboard over that. And then planning for climate change so that is why we had the additional three feet.

MR. DIDAS: So the new levee will go in front of the old Heritage?

MR. STASTNY: No, it runs parallel to Barton Avenue.

MR. WOIDT: It runs by the by the old driving range and the IBM Country Club. It's east of Barton Avenue. The old Heritage is on the western side.

MR. DIDAS: Where's Watson?

MS. LANE: I have an aerial photograph and you can see where the parking lot is.

MR. WOIDT: Barton Avenue is here, the old IBM parking lot is there, and this area shows Traditions.

MR. DIDAS: I'm just curious; here's Barton Ave. Will the new levee come to about here?

MR. WOIDT: No, there is a high point here and it ties into that high point. So it is not coming up here.

MR. DIDAS: The new concrete barrier is higher than the existing levee.

MR. WOIDT: That's because we don't want it to run over the top. So if you are going to make incremental improvements to protect Fairmont Park, you don't want it put it back the way it is; you don't want it to go over the top. You want to protect it from future floods so that's why the new closure in front of the building is higher, and the new levee is higher. Eventually when you get funding, you look at the railroad, you look at the western levee and see what you can do there for future projects. But the weakest point in 2005 was over top.

MR. DIDAS: This area here was elevated to the height of this berm.

MR. WOIDT: That's probably what is causing your problems.

MR. DIDAS: It wasn't there before. So you are saying that with this plan it won't happen.

MR. WOIDT: I would have to look at it.

MS. LANE: If you could refrain from asking more questions because we have other people here who would like to ask questions. And I understand that you are very concerned, I don't mean to stop you like that. And if I could just have that map back when you are done; there is no rush.

MR. DIDAS: Thank-you.

MR. JONES: John Jones, at 23 Beech Street. Now if you are talking about potentially putting in a pump station at this end...

MR. WOIDT: Probably not.

MR. JONES: Well, on the western side I believe they have two pumps and one was running the whole time last time in 2011. But are they going to do something about upgrading them or getting them both running? Some of the water came over the wall but a lot of it came up through the sewer system through the street drains.

MR. WOIDT: That's interior storm water frequently and that's what the pump stations are there for, so I am sure, it is not part of this project. But eventually if you want to certify the levee, it is something that has to be looked at. Usually they have redundant pumps so there are two pumps and the second pump kicks in to get capacity. That is how Lourdes Hospital is, and that is a project that Griffiths and I collaborated on, so those work pretty well. But an upgrade of the pumps is not part of this project.

MR. CICCARELLI: Are we looking at that?

MS. LANE: Are we looking at what?

MS. MILLER: Putting in a pump station.

MS. ZUBALSKY-PEER: There will be future project but it is not something that is part of this scope. It will all depend on future funding, when we get it, then we can look into upgrading those pump stations.

MR. JONES: That would be a huge help in saving houses in Fairmont Park is having both pumps running. I know that in 2011, there was a

homeowner down there running them himself. There was only one pump running and he was up night and day.

MS. MACEK: He was out there himself, and when the pump shut down he would go out there again.

MR. WOIDT: Even if we make them a little higher, it's still going to come over. The interior pump stations keep the water out from the outside. But there is still rain so that interior side will still have seepage. The pumps have to work properly so the water doesn't back up. That happened in 2006 with continuous rain and seepage.

MS. LANE: Before we go on, I would just remind everybody that we transcribe these word for word. So if you could try not to interrupt each other, so that we can actually pick up your words, that would be helpful.

MR. POTOCHNIAK: I am Rob Potochniak. I am trying to get an understanding where the water is coming from that you are trying to keep out of Fairmont Park.

MR. WOIDT: It's the Susquehanna River.

MR. POTOCHNIAK: Well I know that, but how is it getting up into there?

MR. WOIDT: It's backing up through every opening under Route 17, probably the railroad underpass, under the railroad, through every open path. This is going to come up until it finds those openings to fill this protected side. But typically it doesn't back up that far, but in 2005 it got back up there. In 2006 it did the same thing. It is coming from the backwaters of the Susquehanna River.

MR. POTOCHNIAK: I am trying to visualize where those openings are. The only place that sticks out in my mind is the creek on the eastern side.

MR. WOIDT: That creek comes through the golf course and the IBM Country Club and there is drainage that gets down to the Susquehanna. It could back up there through the underpass and all kinds of places. Water will find an opening.

MS. MILLER: Sir, what was your address?

MR. POTOCHNIAK: Byford Boulevard, Endwell.

MR. CROWLEY: I have a question. Who is going to own the wall?

MS. ZUBALSKY-PEER: The Town will.

MR. CROWLEY: The Town is going to own it. Then who is going to be in charge of inspecting it periodically?

MS. MILLER: The Town.

MR. CROWLEY: Do we have qualified people to inspect it?

MS. ZUBALSKY-PEER: If we don't have them on staff at the time, then we generally partner with the DEC.

MR. CICCARELLI: Okay. How often will it be inspected?

MS. ZUBALSKY-PEER: I would have to check with Public Works.

MR. WOIDT: Some municipalities do it themselves. This is a pretty uncomplicated structure.

MR. CROWLEY: They have to look for woodchuck holes.

MR. WOIDT: Absolutely.

MR. CROWLEY: But that's why it has to be inspected.

MR. WOIDT: And it has to be mowed and maintained, and no woody growth on it. So I know DEC, they have a levee system through Broome County, and they inspect it every year, and of course they maintain it. If there is a flap gate, they check the flap gate to make sure it is not clogged.

MR. CROWLEY: When you put his much money into a project, you want to be sure it is maintained.

MR. WOIDT: It has to be maintained or it is not going to work.

MS. MILLER: Any other questions?

MR. DARPINO: Paul Darpino, 4301 Watson Boulevard, the old IBM building. Is this floodwall going to affect these gentlemen also, just like us?

MR. WOIDT: No. You are on the unprotected side. They are on the protected side.

MR. DARPINO: So if we get a bottle of water and you are filling it, that means on the back side, so there is no chance that it will come back to us with that elevation that we have?

MR. WOIDT: I am saying that you are protecting a very minimal area from flooding compared to this vast expanse. I don't know how much water was on that golf course, I think about ten or twelve feet, compared to hundreds and hundreds of acres. So you are taking out a little section, so it will be a very minimal impact outside the area. I would be willing to come up to your place and take a look and walk through it with you on my dime.

MR. DARPINO: Is there a phase three to get it done completely right?

MR. WOIDT: I don't know that answer, but I think to get the whole thing closed off and certified, you would have to address the railroad, which sounds like it was brimming and leaking through there; I think the western levee did overtop a little bit. So there are still things to be done. But this would preclude something like 2006 from happening; in 2006 the flood didn't overtop the railroad. In 2011, I think Johnson Highway flooded and I don't know if that was back up or it came through the railroad.

MR. GRASSI: Can I ask one more question? I'm thinking about the restaurant here. That volume of water that is sitting on the east side of the berm, if it is not going into Fairmont Park, it has to go somewhere else. Are you saying it's going to seek the lower level, where the restaurant is, or where is it going to go?

MR. WOIDT: Everything is going to stay at the same elevation on the outside of the wall during the high stage. Then it is going to spread out. Imagine that you have a bathtub that is brimming and you take a little straw or a big straw and put it there, and then imagine the amount of water that would go over it.

MR. GRASSI: So you are saying that there is a big land area that's already flooded, and this small portion that the wall is stopping, it has enough room to spread out enough where there is not going to see an appreciable impact, right, because the area is so large?

MR. WOIDT: Right.

MR. GRASSI: Okay, thank you.

MR. DARPINO: So we have phase one and phase two. So we are under the 100-year floodplain right now, so we are going to go to the 500-year?

MR. WOIDT: Well to get a levee certified, meaning that you need to meet the requirements for the 100-year flood plus three feet on top of that, or a 500-year flood, whichever is greater.

MR. DARPINO: Okay. So paper-wise, is it going to be under 500-year flood protection? Do you know what I am trying to say?

MR. WOITD: We took the 500-year flood; actually in this section of the Susquehanna the 100-year flood plus three feet and the 500-year flood elevations are almost identical. So the 500-year is the same elevation and we are adding another foot on top of that.

MR. DARPINO: Do we get the certification for the 500-year flood zone?

MR. WOITD: Eventually, or with this project?

MR. DARPINO: With this project.

MR. WOITD: No. This section will be certifiable, and this one will be too. But there will be other sections that are three feet lower and overtop, so they can't be accredited by FEMA. So it's two steps forward, we attack and fix the weakest points that water gets in. But it's not going to fix the overall solution which you need to eventually get certified. You will eventually get certified when we get money and this whole thing is constructed, then the properties that are on the protected side will be in another flood insurance zone. It will be zone X, your insurance premiums will go way down, and you won't even need flood insurance. That would be the ultimate goal. That could be a significant cost because instead of this wide-open space on the golf course, you have the railroad to contend with. It's going to help.

MR. DARPINO: These people, like they said, they are original, so they can't get anything positive? They can't sleep at night.

MR. WOITD: Well, unfortunately they are in a flood zone, and you're at risk in a flood zone. There are other solutions like elevating your properties and FEMA has programs for that.

MR. DARPINO: In your experience, we should be better off by 10 or 20, 30 or 40 percent.

MR. WOITD: Who is going to be better off?

MR. DARPINO: The area by the main street, will everything be like it was before?

MR. WOITD: It's going to help the protected side on the west side of the levee. On the east side, the unprotected area, you will get marked improvement. So if you get a flood like 2006, and probably even 2011 because that was higher, I don't think it's going to go over the

top. If you have a flood like 2011, it might sneak around the western levee again. Again, the water is attacking the lowest points first.

MS. MILLER: Does anyone else have any other questions?

MR. DIDAS: Where did the volume of water come from in the 2011 flood?

MR. WOITD: It came from the Susquehanna River.

MR. DIDAS: Did it come from east to west from the Susquehanna River?

MR. WOITD: It probably got over the top of the western levee first, overtopped the Barton Levee second, then probably around the western berm because that used to be a higher. This Barton Avenue levee is constructed higher in consideration of that, to see if we can add some additional protection to these folks.

MS. ZUBALSKY-PEER: So, if I could just jump in just to explain why this project was not done before. This was an identified project when we received a federal grant in 2011 when the Town of Union was declared a federal disaster area. At that time, the town received a direct federal allocation from a CBDG block grant Disaster Recovery money for ten million dollars; so that is where the funding is coming from. So now we are coming to the end for projects that we are able to fund through that grant, and this is one of the last projects that was identified for that grant money. So we are trying to do as many as we can, and we are almost done with it and this is the last phase that we currently have under design. I don't know in the future if we will get any future funding, but if we do, if we could put in a new pump station. So it's good that you identified that so that we know about it moving forward. But that's why this project is funded through federal money, and it's not something that the town has come along this year and decided to build. The project was identified much earlier on, after the 2011 flood.

MS. MILLER: Thank-you. Any other questions or comments.

MR. MATERESE: I just have one comment to answer her question earlier. The Town will bid this out by the end of August, and if the rain gods behave, it can be done by the end of September. However, because of the work that is being done, even if the rain gods misbehave, this project can continue into November because they are just putting dirt in there; it's not like they are doing anything else. We are hoping to have this whole project done by the end of November.

MS. MILLER: Thank you. Any other questions, comments? If not, we will close the Public Hearing.

Public Hearing concluded: 8:43 p.m.

I, CAROL M. KRAWCZYK, do hereby certify that the foregoing transcript of a Public Hearing of the Town of Union Planning Board is a true, accurate, and complete transcript of my stenographic notes/tape taken at the above time and place.

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CAROL M. KRAWCZYK