

VILLAGE OF NEWARK VALLEY

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TRUSTEES

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November 9, 2016

Mr. Brian Doak, Project Manager
NYSDOT
Regional Design Office
44 Hawley Street
Binghamton, New York 13901

RE: NYSDOT PIN 980630
 Federal Aid Signal Requirements Project, Newark Valley Site

Dear Mr. Doak:

As we have previously discussed, the New York State Department of Transportation (NYSDOT) is proposing to replace the traffic signal and pedestrian signal hardware at the intersection of State Route 38 with Rock Street and Water Street. The purpose of this project is to address the deteriorating condition of the signal and provide ADA-compliant pedestrian accommodations at this intersection.

Project Description

The placement of new mast-arm signal poles will affect the northwest corner of the Village Green, an area that contains a decorative clock, brick work, landscaping, and a memorial rock. A new mast-arm signal pole will also affect a butterfly garden on Village property on the southwest corner of the intersection.

Impacts to the Village Green and Butterfly Garden

At both locations, the anticipated effect is the temporary disturbance of approximately 100 square feet in order to install a mast arm signal pole, which will permanently occupy a space of approximately 2 feet in diameter. In addition, adjacent sidewalk will be adjusted in order to transition the ADA curb ramps. Due to the geometry of the intersection, the placement of the signals cannot be avoided. The Department has indicated they will restore any disturbed areas to their previous condition. Temporary easements on the properties will be in place to ensure that the Department is able to restore any disturbed areas.

This project will require a FEE of approximately 64 square feet and permanent easement of 54 square feet from the northwest corner of the Village Green, and a FEE acquisition of 61 square feet from the Village's property where the butterfly garden is located. These acquisitions are

being made for the purpose of maintaining the new signals, and will not inhibit continued use of the property.

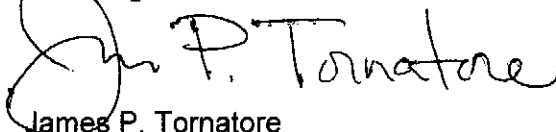
As a recreation facility owned by the Village of Newark Valley, the Village Green is afforded special protections under Section 4(f) of the Department of Transportation Act (recodified in 49 USC 303 and 23 USC 138). Under the provisions of Section 4(f), if a proposed project will adversely affect the park or recreation facility, the transportation agency must conduct an evaluation to demonstrate that there is no prudent and feasible alternative to the use of the 4(f) property. Because this evaluation can be expensive and lengthy, an exemption is provided in cases where the official with jurisdiction over the park or recreation area concurs, in a determination, that the impacts are not adverse. This concurrence enables FHWA to make a *de minimis* (minimal impact) finding, which satisfies the requirements of Section 4(f) and precludes the need for a Section 4(f) Evaluation.

Concurrence with the No Adverse Effects Determination

NYS DOT has found that the project will not adversely affect the activities, features, or attributes that make the Village Green eligible for Section 4(f) protection.

As the official with jurisdiction over the Village Green and butterfly garden, I concur in a determination that the proposed transportation project, as described in this letter and shown on the accompanying attachment, would not adversely affect the activities, features, and attributes that qualify the Village Green and butterfly garden for protection under Section 4(f). I have also been informed that, based on my concurrence, the FHWA intends to make a *de minimis* finding regarding impacts to the Village Green and butterfly garden, thus satisfying the requirements of Section 4(f).

Best Regards,

A handwritten signature in black ink, reading "James P. Tornatore". The signature is written in a cursive, flowing style. The first letter "J" is large and loops around the first part of the name. The "P" is also large and loops around the "T". The "Tornatore" part is written in a more standard cursive script.

James P. Tornatore
Mayor Village of Newark Valley