

# **PUBLIC HEARING TRANSCRIPT**



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DESIGN REPORT/ENVIRONMENTAL ASSESSMENT  
OF PUBLIC HEARING FOR  
NIAGARA GORGE CORRIDOR: ROBERT MOSES  
PARKWAY REMOVAL PROJECT

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Public Hearing Minutes taken  
pursuant to Notice, held at the CONFERENCE &  
EVENT CENTER, NIAGARA FALLS, 101 Old Falls  
Street, Niagara Falls, New York 14303, taken on  
AUGUST 25, 2016, commencing at 7:05 p.m. Before  
SARA E. BEITER, Notary Public.

## INDEX TO EXHIBITS

EXHIBIT	PAGE
1 & 2 - Two copies of newspaper ads	3
3 - The Niagara Gorge Corridor Design Report/Environmental Assessment Book, Volume 1	3
4 - The Niagara Gorge Corridor Design Report/Environmental Assessment Book, Volume 2	3
5 - The Niagara Gorge Corridor Design Report/Environmental Assessment Book, Volume 3	4
6 - The Niagara Gorge Corridor Design Report/Environmental Assessment Book, Volume 4	4
7 - The Niagara Gorge Corridor Design Report/Environmental Assessment Book, Volume 5	4

## 1 APPEARANCES:

2 PAUL J. TRONOLONE, AICP,  
3 222 First Street,  
4 7th Floor,  
5 Niagara Falls, New York 14303,  
6 Appearing for Empire State Development.

7 THOMAS DONOHUE,  
8 40 LaRiviere Drive,  
9 Suite 350,  
10 Buffalo, New York 14202,  
11 Appearing for Parsons.

12 ANTHONY DISPENZA and MARK THOMAS,  
13 50 Wolf Road,  
14 Albany, New York 12232,  
15 Appearing for New York State, Department of  
16 Transportation.

17 SARA E. BEITER, Court Reporter,  
18 ACR of WNY,  
19 170 Franklin Street,  
20 Suite 102,  
21 Buffalo, New York 14202.

22

23 (Whereupon, two copies of newspaper ads  
24 were then received and marked as Exhibits 1 &  
25 2 for identification.)

26 (Whereupon, the Niagara Gorge Corridor  
27 Design Report/Environmental Assessment,  
28 Volume 1 book was then received and marked as  
29 Exhibit 3 for identification.)

30 (Whereupon, the Niagara Gorge Corridor  
31 Design Report/Environmental Assessment,

1 Volume 2 was then received and marked as  
2 Exhibit 4 for identification.)

3 (Whereupon, the Niagara Gorge Corridor  
4 Design Report/Environmental Assessment,  
5 Volume 3 was then received and marked as  
6 Exhibit 5 for identification.)

7 (Whereupon, the Niagara Gorge Corridor  
8 Design Report/Environmental Assessment,  
9 Volume 4 was then received and marked as  
10 Exhibit 6 for identification.)

11 (Whereupon, the Niagara Gorge Corridor  
12 Design Report/Environmental Assessment,  
13 Volume 5 was then received and marked as  
14 Exhibit 7 for identification.)

15

16 PAUL TRONOLONE: Good evening, everyone. My name  
17 is Paul Tronolone and I'd like to call the  
18 formal presentation of the design hearing to  
19 order. I'm from USA Niagara Development  
20 Corporation. The time is now 6:03 and I'd  
21 like to officially call the (inaudible)  
22 portion of the public design hearing to  
23 order. Now, on behalf of the New York State

1 Office of Parks Recreation and Historic  
2 Preservation or state parks, as we refer in  
3 short, as well as the many other agencies,  
4 which I'll go over in a minute, I'll be  
5 presiding over tonight's hearing to receive  
6 comments on the design report and  
7 environmental assessment, or DR/EA, for the  
8 Robert Moses Parkway Removal Project.

9 I'll be assisted tonight in the  
10 technical presentation by Tom Donohue, the  
11 project manager with the Parsons  
12 Transportation Group. The project engineer  
13 (inaudible) as well, Anthony Dispenza, from  
14 the New York Department of Transportation.  
15 But at this point, I'd like to invite Mark  
16 Thomas, State Parks Western District  
17 Director, to the podium to welcome you and  
18 make some opening remarks.

19 MARK THOMAS: Good evening. Thank you for being  
20 here this evening. And I'd like to -- on  
21 behalf of our governor, Andrew Cuomo, and our  
22 park's commissioner, Rosa, we thank you for  
23 coming out this evening to be a part of this

1 next stage in the development of a large  
2 expansive parkway and in the removal of a  
3 major section of what's been known as the  
4 Robert Moses Parkway, newly named as the  
5 Niagara Scenic Parkway. And also, very  
6 importantly, the complete rebuild of  
7 Whirlpool Street in the City of Niagara  
8 Falls, which as you'll see this evening will  
9 be the dual purpose in serving as not only  
10 the road where people access this passing  
11 through, but the community will have access  
12 from the side streets and connect to  
13 Whirlpool Street and to the Gorge, bringing  
14 open access for the residents of Niagara  
15 Falls to their waterfront once again.

16 We're very excited about the program as  
17 you're going to see it this evening. We look  
18 forward to your comments as we advance this  
19 work into the next stage, which is called  
20 final design, as the gentlemen will be  
21 walking you through as we get deeper in this  
22 evening. This next stage is where we will  
23 wrap up all of the intensive design work.



1           And your input this evening will feed into  
2           that process. We thank you once again for  
3           being here and we look forward to your  
4           presentation but also your participation this  
5           evening. Thank you.

6       PAUL TRONOLONE: Thank you, Mark. This is the  
7           agenda for tonight's hearing. After this  
8           introduction, I'll go over some of the  
9           purposes and some background on the project,  
10          including what we've been working on since  
11          our last public hearing back in September of  
12          2015. We'll then go over briefly over  
13          project alternatives or the components of  
14          both build alternative and the no-build  
15          alternative. I'll go over both of those,  
16          what we mean by that as we go through the  
17          project. And then I'll provide an overview  
18          of the effects of the build alternative. And  
19          then I'll be turning the presentation over to  
20          Anthony Dispenza from DOT to talk about some  
21          of the requirements of the Eminent Domain  
22          Procedure Law.

23                 Anthony will be providing an overview of

1 DOT procedures to secure any temporary or  
2 permanent easements or right-of-way that's  
3 necessary for the project. Although, for  
4 this particular project, we have no major  
5 residential or commercial takings or  
6 displacements as a result of the project.  
7 Nevertheless, even for things like easements  
8 for construction, we have to go through this  
9 process. So, Anthony will be going through  
10 that. Finally, we'll go over the project  
11 schedule and then open the floor to your  
12 comments.

13 So with that, let's get started for the  
14 hearing purpose. The purpose of tonight's  
15 hearing is to provide an overview of the  
16 assessments conducted in the Design Report  
17 Environmental Assessment, or DR/EA, and to  
18 receive your comments on the projected  
19 social, economic and environment impacts of  
20 the project. I'd like to point out, this is  
21 the last public meeting before we actually  
22 make a decision on the project, before we get  
23 what's called, design approval, to actually

1 do the project. However, it's likely that  
2 we'll be conducting various neighborhood and  
3 community sessions during final design and  
4 actually during construction to talk about  
5 things like construction staging. Tonight's  
6 the final public hearing for actually getting  
7 comments before we make a decision with the  
8 project.

9 And I'd like to make a point that this  
10 is a formal public hearing. We actually have  
11 a court stenographer that's recording all the  
12 proceedings and it's for you to make  
13 comments. But we will not be opening up the  
14 floor for a question-and-answer session.  
15 However, the gentlemen out in the  
16 hallway -- the ladies and gentlemen out in  
17 the hallway will be available throughout the  
18 session tonight to answer any questions you  
19 might have. And if you then have to make a  
20 comment for the record, you can come in and  
21 make a comment for the record or put it in  
22 writing and submit it.

23 Just to go over, there are several

1 agencies involved in the process.

2 Because -- to begin, because this is a  
3 project on the portion of the National  
4 Highway System which the parkway is on, we  
5 have to go through a federal process  
6 (inaudible) is being conducted in conjunction  
7 with the Federal Highway Administration. And  
8 which the FHWA is actually the lead federal  
9 agency on the project and they will be the  
10 agency that ultimately authorizes design  
11 approval.

12 At the state and local level, a number  
13 of agencies have entered into what's called  
14 the Memorandum of Agreement, back in 2006, to  
15 jointly fund and undertake the project  
16 including State Parks, the Department of  
17 Transportation, the City of Niagara Falls,  
18 the USA Niagara and the New York Power  
19 Authority. Why so many agencies? Well,  
20 State Parks actually owns the parkway. And  
21 they would be the state agency -- the lead  
22 state agency that would actually issue design  
23 approval.

1           The Department of Transportation  
2 maintains the parkway on behalf of State  
3 Parks under agreement with State Parks. The  
4 entire project area is within the City of  
5 Niagara Falls. Thus, we've been working very  
6 closely with the City. And my own agency,  
7 USA Niagara -- which is a subsidy of Empire  
8 State Development -- has helped in securing  
9 funding and planning various aspects of the  
10 project and providing some technical  
11 oversight.

12           And last, but certainly not least, the  
13 New York Power Authority built the parkway in  
14 1961 and owns the majority of the land on  
15 which the parkway sits, and actually owns all  
16 the open space within the Gorge and along the  
17 Gorge rim -- or most of it. And the parkway  
18 is actually funding this process in the  
19 (inaudible) share of the actual  
20 implementation, the final design and the  
21 construction of the project. And we thank  
22 them sincerely for that.

23           As I said, this process and the entire

1 DR/EA process has been implemented with a  
2 number of federal and state laws and  
3 regulations. The biggest ones are -- at the  
4 federal level, are the National Environment  
5 Policy Act, which requires federal agencies  
6 to take a hard look at the social, economic  
7 and environmental impacts of their actions.  
8 At the state level, there's a similar law  
9 called the New York State Environmental  
10 Quality Review Act, or SEQR, which requires  
11 state agencies to do the same thing.  
12 Agencies like State Park.

13 Also, we're implementing a project in  
14 accordance with -- which calls Section 4(f),  
15 the Department of Transportation after merely  
16 Section 4(f), which prohibits the temporary  
17 or permanent use of lands and parks, wildlife  
18 preserves or historic resources of  
19 transportation projects, unless there are no  
20 reasonable or feasible alternatives. In a  
21 similar way, we have to follow Section 106 of  
22 the National Historic Preservation Act, which  
23 requires us to consider the effects of our

1 actions on properties that are on or eligible  
2 of the National Register.

3 And there's a host of other federal and  
4 state laws that require you to -- at least to  
5 assess document and receive public comment on  
6 the potential effects of proposed projects,  
7 like coastal zone resources and threatened  
8 endangered species. And even the State's  
9 (inaudible) Eminent Domain Procedure Law.  
10 But the important thing about this entire  
11 list is that this single process and this  
12 single DR/EA document allows you to make a  
13 comment that addresses all of those laws.

14 There's -- typically, you would have  
15 separate public meetings and public hearings  
16 for all of them. This is a single  
17 (inaudible) process, a single document that  
18 covers all of those -- those items. Just for  
19 the record, the document has been on file  
20 since July 24th at a variety of local  
21 locations for your review, including Niagara  
22 Falls State Park, DeVeaux Woods State Park,  
23 the local library and the City Clerk's

1 Office. It's also available online. And all  
2 of these -- all of the information on these  
3 two slides, if you want to download the  
4 document or go and see it, it is included in  
5 your brochures tonight.

6 Just for a few other housekeeping items,  
7 if you haven't done so already, please sign  
8 the sign-in sheet. It's our official record  
9 of the public hearing and it allows us to  
10 inform you of subsequent notices of any  
11 future activities associated with the  
12 project.

13 Finally, just for the record, I'd like  
14 the court stenographer to mark a couple of  
15 items for the public record. First, a copy  
16 of the public notices that appeared in the  
17 Niagara Gazette on July 24th and August 7th.  
18 And this notice was also distributed to  
19 involved interested agencies, sent to two  
20 hundred fifty persons on the mailing  
21 list -- on the e-mail list, and sent by  
22 regular mail to over eleven hundred persons.  
23 And secondly, I'd like to mark the full copy



1 of the Design Report Environmental Assessment  
2 prepared by Parsons, dated July 2016, all  
3 five volumes. Is that all done?

4 THE COURT STENOGRAPHER: Yes.

5 PAUL TRONOLONE: Just going through for a little  
6 background, exactly what is a Design Report  
7 Environmental Assessment? Well, this is  
8 what's referred to as the design approval  
9 document. It's a document upon which the  
10 decision makers look for -- federal and state  
11 level use to determine whether or not to do  
12 the project. It covers two things. First,  
13 it provides enough detail and design to make  
14 broad decisions in terms of the alignment of  
15 the road or how wide it is, whether it  
16 includes lighting or sidewalks, things like  
17 that, as well as general overall contents  
18 regarding landscaping and every other gateway  
19 features of the streetscaping. And it also  
20 evaluates whether it required any land to be  
21 acquired in order to implement the project.

22 Secondly the DR/EA, in accordance with  
23 the federal and state laws, has to evaluate

1 all social and economic and environmental  
2 impacts of the project alternatives. In this  
3 case, after going through a great deal of  
4 studies, we only have two alternatives. One  
5 that's called the build alternative, and  
6 that's the project that's actually depicted  
7 out in the hallway tonight that's been  
8 presented back in late September. And the  
9 other is called the no-build alternative.  
10 That's essentially leaving things in place  
11 exactly as they are now, but I'll go over  
12 this in a moment.

13 Just to remind everyone about the  
14 project corridor, it starts at Main Street in  
15 downtown Niagara Falls and goes roughly two  
16 miles to Findlay Drive. The Robert Moses  
17 Parkway or the Niagara Scenic Parkway,  
18 right-of-way goes along that corridor. Right  
19 next to it is Whirlpool Street, which runs  
20 into a portion of Third Street, which  
21 immediately abuts it. And as we all know,  
22 back in 2001, half of the parkway was  
23 actually converted to a large multi-use trail

1 just basically using the Essex Southbound  
2 Highway, what is called the Robert Moses  
3 Parkway Trail. So that's basically the  
4 situation we have right now.

5 Some project history. Back in 2013, we  
6 undertook a public scope -- what's called a  
7 public scoping process, which evaluated six  
8 alternatives for this corridor between  
9 Downtown Niagara Falls all the way to  
10 Lewiston. And out of all those six  
11 alternatives, the three alternatives that  
12 came out of that process dealt with the Main  
13 Street to Findlay Drive section exactly the  
14 same.

15 So, we concurred -- we conferred with  
16 the Federal Government -- with the Federal  
17 Highway Administration on whether we can  
18 break this piece off since everybody agreed  
19 on this piece, whereas there was some  
20 disagreement on where we should go north of  
21 Findlay Drive. If we all agree on this  
22 piece, we can advance that to preliminary and  
23 final engineering and actually get it done.

1 And the Federal Government made us document  
2 whether it had -- it met three criteria.  
3 Whether it has a logical (inaudible) or  
4 rational end points for a transportation  
5 improvement and for review of potential  
6 environmental impacts. So, whether it had  
7 what's called, independent utility. Meaning,  
8 if we never did anything north of Findlay  
9 Drive, would this still be a feasible  
10 transportation project that met the project  
11 objectives.

12 And the fact that the -- if you do the  
13 project, it cannot restrict anything that  
14 happens north of Findlay Drive for subsequent  
15 phases of the project. You have to have the  
16 full range of possible alternatives, have to  
17 be reasonable north of Findlay Drive if you  
18 do this. And the Federal Government  
19 concurred with our process. We did actually,  
20 along white paper, explained the significance  
21 included in the DR/EA.

22 Just to go over some of the project  
23 goals, we're looking to improve access to

1 transportation. Not just for vehicles along  
2 the Gorge, but for all modes of  
3 transportation, both along the Gorge and to  
4 and from the Gorge from adjoining  
5 neighborhoods. We're also looking to improve  
6 the certain ecology of the Gorge and the  
7 setting of the Gorge rim by right-sizing  
8 transportation access and essentially  
9 removing as much pavement as possible.

10 So, by doing so, we're hoping that we  
11 can contribute to economic vitality and  
12 revitalization. Basically, by perceiving the  
13 Falls, the Niagara Gorge and the City as a  
14 single place, rather than three separate  
15 places separated by highways. Thus, we want  
16 to minimize impacts to, but we're actually  
17 improving the setting of adjacent  
18 neighborhoods along the Gorge. All of this  
19 is intended to advance the objectives of the  
20 Niagara (inaudible), which looks to create a  
21 green corridor for Lake Ontario to Lake Erie  
22 along the Niagara River.

23 So what have we been doing since our

1 last public meeting back in September? Well,  
2 we're refining the build alternative based  
3 upon the comments you gave us. We conducted  
4 numerous environmental studies. And the big  
5 thing we encountered -- we had to go through  
6 what's the Section 106 Historic Resources  
7 process. Because at the beginning of this  
8 process, we thought that most of this  
9 corridor is significantly disturbed and we  
10 wouldn't have to do archeological surveys in  
11 the field, that we could actually document  
12 the service.

13 But when we actually got out and  
14 actually did the work, we found that we had  
15 to do subsequent infield shovel tests. And  
16 quite frankly, we were doing that in the fall  
17 of last year and we lost the season. Once  
18 the ground freezes, you can't do  
19 archeological surveys. So we had to wait  
20 until March of this year to do those surveys,  
21 then meet with consultant parties, which are  
22 community groups and the local tribal groups,  
23 and then document that entire 106 process.

1 And that allowed us to finish up that 4(f)  
2 assessment to assess the impacts historic  
3 resources and the use of parks -- park land  
4 as part of the project. Then we wrapped that  
5 up into a five-volume DR/EA that has  
6 been -- had to go through several internal  
7 reviews with the Federal Government and was  
8 released in July of this year.

9 Let's talk a little bit about  
10 alternatives. As I said, the baseline is the  
11 no-build alternative. This means doing  
12 nothing. It's basically the baseline about  
13 what the build alternative for the actual  
14 project that we're proposing is compared in  
15 terms of impacts. For the build alternative,  
16 it basically includes these three basic  
17 components. Removing all expressway features  
18 of the parkway, rebuilding Whirlpool Street  
19 and a portion of Third Street, natural  
20 restoring any reclaimed lands from the  
21 removal of the parkway's highway components  
22 and incorporating a trail system along the  
23 Niagara Gorge linking to the neighborhoods.

1           Now, over the course of the last year  
2           and a half, you've been coming to public  
3           hearings and you've looked at various design  
4           options, what I'll call them, concepts, were  
5           basically focused on the south end and the  
6           north end of the project. And we basically  
7           presented the -- our conclusions on that  
8           build alternative last September, but I just  
9           wanted to sort of recap them quickly.

10           At the south end of the project, we  
11           looked at a variety of alternatives. We came  
12           up with an alignment of the portion of the  
13           existing on-ramps of the parkway, scaling  
14           them down and creating a landscape driveway  
15           to the Discovery Center. And then actually  
16           having a portion of Walnut Street  
17           extend -- which currently dead-ends at the  
18           parkway -- extend all the way to the  
19           Discovery Center to link this whole area to  
20           the city grid and create that visual  
21           connection to -- between the Niagara Aquarium  
22           and the Gorge Discovery Center.

23           On the north end of the project,



1 basically the issues involve whether or not  
2 we had Findlay Drive go into this new  
3 Whirlpool Street or to have Whirlpool Street  
4 terminated at Findlay Drive and continue.

5 And after a variety of neighborhood sessions  
6 and things, we came with a conclusion that a  
7 stop sign on Findlay Drive intersecting into  
8 the Whirlpool Street work the best.

9 Basically, from an environmental perspective  
10 and a traffic perspective, either alternative  
11 worked. However, as we looked in detail at  
12 some of the long-term traffic analysis, this  
13 alternative sort of prevents some of the peak  
14 hour queuing in the traffic in front of some  
15 of the houses. And it was more amenable to  
16 the community.

17 So, the public comments on the build  
18 alternative that we incorporated, as I said,  
19 that traffic stop sign on Findlay Drive. We  
20 also got comments that the roadway should be  
21 designed to allow for all future public  
22 transit systems. And all the features of the  
23 design can accommodate buses and trolley

1 movements. The final design was also set to  
2 incorporate green infrastructure. And  
3 because we're removing so much highway  
4 infrastructure and so much pavement, we're  
5 going to be able to include various features  
6 to prevent storm water from entering the  
7 City's combined sewage treatment system and  
8 be able to naturally deal with it on site.

9 So, let's go over that build alternative  
10 very quickly because this is on display out  
11 in the hallway. But if you look, north is to  
12 your right on this drawing and Canada is  
13 actually at the top of the drawing. This is  
14 the area around the Rainbow Bridge at the  
15 southern end of the project, which is  
16 basically dealing with the last highway  
17 remnant of the parkway that actually passed  
18 under the Rainbow Bridge. But we'd open that  
19 up and make it into a service drive for the  
20 Bridge Commission. But they use it this way  
21 right now. But this would involve some of  
22 the jersey barriers and things like that.  
23 And you see that landscape entry drive into

1 the Discovery Center and an extension of  
2 Walnut Street connecting in and around the  
3 aquarium.

4 We also have -- what we have to deal  
5 with is there's an existing entry drive to  
6 the city's sewage pumping system right down  
7 this slope here that we have to accommodate  
8 through a new drive and easement that would  
9 pass through the aquarium property. But I'll  
10 go over this in a second, because it  
11 basically carries you down the slope into the  
12 existing Sewage Treatment Plant.

13 Now, the parkway currently runs right  
14 here. And you can see that it's replaced  
15 with a series of trails, landscaping  
16 (inaudible). And then Third Street and  
17 Whirlpool Street would be reconstructed.  
18 There would be a series of overlooks designed  
19 along the entire way of the gateway, features  
20 leading into that trail system. Each of the  
21 streets along Whirlpool Street would have  
22 connections to that trail network and the  
23 Gorge would carry through.

1           Coming up to the Whirlpool Bridge Plaza,  
2 we would have to work around that. We have  
3 plenty of room to do that. We're leaving  
4 open the possibility of a possible future  
5 overlook on the existing abandoned railroad  
6 bridge. This is not a part of the project,  
7 however we wanted to include it as a  
8 consideration that would require an agreement  
9 between the City of Niagara Falls, Ontario  
10 and the City of Niagara Falls, New York. But  
11 we are carrying it forward so that we can  
12 show it.

13           And then, activity at the end of the  
14 process -- or the end of the corridor at the  
15 northern end around Findlay Drive. And then  
16 you can see how it feeds back into the  
17 existing Niagara Scenic Parkway and the  
18 existing Robert Moses Parkway Trail system.  
19 Easier when you see it from an aerial-shot  
20 distance. This is an existing shot looking  
21 south from Orchard Parkway. This is the  
22 Parkway, right here. This is Whirlpool  
23 Street. You can see it existing and you can

1 get a sense of what we're talking about in  
2 terms of removing that expressway feature and  
3 adding that trail network and revegetating  
4 the area and then reconstructing Whirlpool  
5 Street. Looking the other direction from  
6 Orchard Parkway toward the overpass under the  
7 Whirlpool Bridge, you can see the existing  
8 condition of this. This is the Parkway,  
9 right here. And Robert Moses Parkway Trail.  
10 This is Whirlpool Street. Get a sense of  
11 what that would look like if that was removed  
12 and revegetated.

13 The build alternative cost estimate.  
14 Right now, we're carrying a cost estimate for  
15 construction only of thirty-five million  
16 dollars. But actually, when you talk about  
17 the full budget and you add in things like  
18 (inaudible) documents, construction  
19 (inaudible), oversight, we're currently  
20 carrying a full construction and oversight  
21 budget of forty-two million -- of up to  
22 forty-two million. And as Mark said earlier,  
23 the governor was here in March and announced

1 the availability of that funding. So we can  
2 move forward with this project.

3 Now, I'd like to turn the meeting over  
4 to Tom Donohue to talk a little bit and show  
5 you a simulation of the traffic projections  
6 that were done. And keeping in mind that  
7 under federal regulations that we have to do  
8 these traffic projections for the estimated  
9 time of completion plus twenty years. So in  
10 this case, the estimated time of completion  
11 plus twenty years is around the year 2040.  
12 So, keep that in mind when he's talking about  
13 the traffic impacts.

14 THOMAS DONOHUE: Thanks, Paul. Give Paul a  
15 little break here. There's a lot of stuff  
16 that the DR/EA -- which is regarding traffic.  
17 And I don't want to go over every single  
18 detail with the local service at  
19 intersections and all this other stuff. What  
20 I think is really important and I've heard  
21 from previous meetings is, what the heck is  
22 going to happen to Whirlpool Street. So, I  
23 want to just focus a little bit on Whirlpool

1 Street.

2 What I did here is, I put together a  
3 little graph that shows the last thirty years  
4 of traffic. And these are what's called,  
5 Average Annual Daily Traffic Volumes. It's  
6 basically the amount of traffic going both  
7 directions on a given day, on an average day.  
8 So, back in the early 90's, it really peaked  
9 to almost three thousand vehicles per day.  
10 And it's actually on a steady decline down to  
11 2015 where it's -- excuse me. Where it's  
12 about two thousand vehicles. But where does  
13 it go from here? Does it continue on a  
14 downward spiral and just go to zero? I  
15 really doubt it. It doesn't make any sense.  
16 Would it continue out for the next twenty  
17 years at just a flat, steady -- without any  
18 changes at all? Probably not either.

19 So, we had some discussion with the  
20 local -- or with the Metropolitan Planning  
21 Organization for the Erie and Niagara  
22 Counties. Basically, the Greater Buffalo and  
23 Niagara Regional Transportation Counsel. And

1 they're really in charge of future planning  
2 for the area. Their original model projects  
3 out what the future changes in population,  
4 employment and economic activity in the area  
5 is. So, they didn't think it would shoot  
6 flat either. After talking with them and  
7 looking at their model, they project that  
8 this area in Niagara Falls really should see  
9 about a half of percent per year in growth.

10 So, we're going to use that half of  
11 percent per year growth as an estimate to  
12 project traffic out. Now, when we started  
13 this project, it really was back in around  
14 2010 when we started looking at the traffic  
15 volumes. And we noticed that it's declined  
16 2010. But to be safe, to really kind of be  
17 conservative on looking at our estimates for  
18 impacts, we kept with the higher volumes back  
19 in 2010 and projected a growth of a half of  
20 percent per year based on those earlier  
21 volumes. And then it gives us a number  
22 that's almost twice what we have today, even  
23 though it's just a half percent per year.



1           Now, what's going to happen -- that's  
2           just the future if Whirlpool stays the same.  
3           Once we take a look at the volume of traffic  
4           that's on the parkway, also grown at a half  
5           percent per year and that traffic -- at least  
6           the portion of it -- and we're estimating  
7           that about seventy percent of that traffic  
8           will go into Whirlpool Street, we end up with  
9           a number that's about sixty-seven hundred  
10          vehicles per day on the average going up and  
11          down Whirlpool Street.

12           So, what does that look like? Well,  
13          it's basically half of what it used to be  
14          back in the day -- in the early 90's. And it  
15          really equals traffic that was there just  
16          back in the late 90's. And to give you  
17          another perspective, if you think of like  
18          Pine Avenue going through Little Italy, Pine  
19          Avenue currently today has about twice the  
20          traffic of this sixty-seven hundred vehicles.  
21          They have about twelve thousand vehicles  
22          today going down Pine Avenue. And even just  
23          eight years ago, it was three times this

1 number all on a two-lane road with parking on  
2 both sides and a lot of driveways going onto  
3 it. So we really don't feel that there's  
4 going to be any issue with traffic on  
5 Whirlpool Street as we currently have at the  
6 time and with this future trend.

7 The other thing I want to show -- and we  
8 do have this simulation out in the  
9 hallway -- is using this twenty-forty  
10 traffic, what does it really look like  
11 visually as you drive over it? And I also  
12 wanted to make a point that since 2010, we  
13 actually looked at all the -- we looked at  
14 the summer traffic. Especially the holiday  
15 summer traffic. During the holidays, during  
16 the summer. And they really do compare to  
17 the traffic we have for the typical a.m. and  
18 p.m. peak for commuter traffic in the morning  
19 and the evening on Whirlpool Street and on  
20 the parkway. The only difference, really,  
21 between a normal work day and a holiday is,  
22 the peak is kind of shifted more toward the  
23 middle of the day and it's a little bit

1 longer, but the volumes are not any higher  
2 than they are during a typical day.

3 So, what does this look like? If I can  
4 get this going, I don't know if you've seen  
5 outside or out in the hallway, but this is  
6 kind of going to take you down from an aerial  
7 view. And we'll start at the south end down  
8 near Main Street where we're going to take  
9 off. This is kind of showing or representing  
10 a morning peak hour, peak traffic, with Third  
11 Street being new developed and this is, here,  
12 Main Street. And we show some of the larger  
13 vehicles, buses at the time (inaudible). And  
14 I just want to give you a sense of the  
15 density of traffic on Whirlpool Street.

16 We're running through this pretty quick,  
17 but it's not like you're not going to be able  
18 to get out of a side street or out of a  
19 driveway. There's certainly some gaps, even  
20 in a rush hour. And you noticed we just kind  
21 of shaded in -- the old Robert Moses Parkway  
22 is gone. And we just kind of highlighted the  
23 traffic on Whirlpool Street.

1           Once again, this is the morning peak.  
2           And we have this area here where we're pretty  
3           much taking out that large overpass where the  
4           parkway is, going underneath the Whirlpool  
5           Bridge, passing by the Custom's House and  
6           coming up at Findlay -- officially Findlay  
7           Drive (inaudible). But we have a stop sign  
8           on Findlay. And you see in the morning, we  
9           have more traffic generally coming from the  
10          north and south, towards the City. People  
11          from the northtowns come in. Same thing on  
12          Lewiston Road or Main Street. More traffic  
13          heading south. But again, no real major  
14          congestion. And this is out 2040.

15                 I think this just runs a little bit  
16                 longer and it kind of stops. Yeah. So, I  
17                 just want to kind of give you a flavor and  
18                 give you a comparison of what's happening  
19                 with traffic. Thanks. I'll turn it back  
20                 over to Paul.

21   PAUL TRONOLONE: Thanks, Tom. Just in terms  
22                 of -- you know, just to summarize in terms of  
23                 levels of service, we had no major

1 deterioration of any levels of service or  
2 intersection operations throughout the entire  
3 project area. Just to touch-up on the  
4 effects of the build alternative, considering  
5 that this isn't like your typical project,  
6 we're actually removing a highway and then  
7 the traffic works when we remove that  
8 highway. We actually have a lot of  
9 improvement. It's not your typical --  
10 usually, we're putting in a new right-of-way  
11 or putting in a new expressway and talking  
12 about the impact that expressway would have.  
13 This sort of works in reverse of this DR.

14 So, the build alternative wouldn't  
15 affect many neighborhoods, it would actually  
16 reconnect city neighbors to the Gorge rim.  
17 Thus, it would have no-adverse impact to land  
18 use or demographics. It would actually  
19 result in improvements to community cohesion.  
20 As I said earlier, there's no displacement or  
21 relocation of homes or residences or  
22 businesses. The Federal Government requires  
23 us to evaluate possible disproportionate

1 impacts to minority populations or low income  
2 populations.

3 And in fact, when we did that analysis  
4 for this project, we actually showed  
5 improvements where we had minority and low  
6 income populations. Along the quarter, we  
7 actually improved the setting for those  
8 populations. So, we have no what are called  
9 environmental justice impacts. And then,  
10 there were no significant impacts -- we had  
11 no major schools or houses of worship along  
12 the corridor or community facilities that  
13 would be affected by the project.

14 But mostly, from a social perspective,  
15 the project is fully consistent and actually  
16 one of the literal big moves of the City's  
17 comprehensive plan. And it's actually listed  
18 there as this project. So, we're actually  
19 implementing one of the City of Niagara  
20 Falls' comprehensive plan goals from its 2009  
21 plan.

22 From the standpoint of economic effects,  
23 it would result in a direct influx of

1 thirty-five million in construction  
2 expenditures. When you roll that through  
3 various multiplier programs that are used as  
4 part of federal transportation project, it's  
5 a result of four hundred thirty jobs during  
6 construction. That's not just jobs working  
7 on the project. That's both direct jobs  
8 working on the project and the multiplier  
9 effects induced appointment of that  
10 expenditure in the local economy.

11 Also, in terms of those economic  
12 effects, in the longer term, as I said, it's  
13 consistent with both the City and the State's  
14 economic development objectives of Niagara  
15 Falls. Many of the projects that we are  
16 advancing in Niagara Falls at the Empire  
17 State and the USA Niagara level, involves  
18 trying to reconnect the City to it's greatest  
19 resource, its water. And this does that.  
20 And it also facilitates not because -- not  
21 only is it one of the big moves, it  
22 facilitates another big move in the City's  
23 comprehensive plan by facilitating and the

1 definition and realization of the City's  
2 concept for a cultural district.

3 And it's shown under this slide  
4 basically (inaudible) the area between Main  
5 Street, Third Street and the Niagara Gorge in  
6 that cultural district, in and around where  
7 the aquarium is and the Gorge Discovery  
8 Center is, where the City was talking about  
9 that. Just to show you, this is  
10 looking -- actually looking south towards  
11 downtown. If we look at those boundaries  
12 over the lake of the cultural district, that  
13 goes right up to the Gorge rim. And you can  
14 see, we have a highway quarter running right  
15 through the center of it.

16 But what would happen is -- you know,  
17 you have those types of facilities there now.  
18 We have the Schoellkopf Power Station ruin  
19 that have been recently opened up and  
20 creating an access point. An interpretation  
21 of the old Schoellkopf Power Plant, the Gorge  
22 Discovery Center, the aquarium -- the  
23 DiFranco Park, which is actually not being



1 used as a park right now, but has a lot of  
2 potential when you start looking at it in the  
3 context of removing that parkway and  
4 restoring those visual and physical  
5 connections. Whether it just is a matter of  
6 relating those uses amongst one another or  
7 actually looking at the possibility of  
8 possible new facilities in the future, either  
9 DiFranco Park or on private lands or even  
10 looking at some of the areas on the aquarium  
11 property that they've been considering for  
12 years for expansion or enhancement.

13 But -- and we also actually look at the space  
14 right between there, there's a great pallet  
15 for the potential for future outdoor  
16 recreational program and other types of  
17 historic interpretation and programming.

18 So, we think this project really facilitates  
19 in the advancement and future of that  
20 cultural district mindset.

21 Also, in terms of economic effects, the  
22 project is consistent with other cities and  
23 states. We certainly plan economic public

1 projects including the Public Safety Project,  
2 the new -- the City's new train and mobile  
3 station and Underground Railroad Interpretive  
4 Center that's soon to open. And actually,  
5 right along the project quarter underneath  
6 one of the overpasses for the parkway, that  
7 would be freed up to the sky. And we think  
8 that's a major improvement of the setting of  
9 that property. Even in terms of business  
10 districts; the Third Street business district  
11 and North Main Street business district.

12 We're not actually displacing any businesses,  
13 but we have the potential to redefine these  
14 districts as actual waterfront neighborhoods  
15 because we'll be able to walk right down to  
16 the Gorge and actually get down to the water.

17 And actually, Tom mentioned the Greater  
18 Buffalo/Niagara Regional Transportation  
19 Counsel that's recently done what they call  
20 their One Region Forward Plan. And it's a  
21 regional sustainability plan, it was called.  
22 And they did, as part of that plan, a what-if  
23 scenario along Main Street. What if we

1 removed the parkway? What could happen along  
2 Main Street? And they identified thirty  
3 discrete future redevelopment projects or  
4 reuse projects and notable reductions in the  
5 use of fossil fuel by increasing walkability  
6 and various other -- removal of other various  
7 other negative environmental effects.

8 In terms of those environmental effects,  
9 in terms of direct effects, we're removing  
10 twelve acres of pavement and we're creating  
11 roughly seven acres of new, open space. Why  
12 the difference? Because we're putting trails  
13 in some places and replacing the highway  
14 lanes with some trails. But those would  
15 probably be (inaudible) pavement tails.

16 But the more important thing is that, by  
17 opening up that space, you're actually  
18 linking together the other open spaces by  
19 creating -- and creating about a hundred and  
20 forty unbroken ribbon of green along the  
21 Gorge rim. And then, more importantly, opens  
22 that so it's directly into the Gorge for four  
23 hundred acres into the Gorge. So, it's

1 really just to create a massive green space  
2 along those two miles of the Gorge core.

3           What does that mean for improvements to  
4 environmental effects? Well, you don't have  
5 as much storm water runoff off of paved  
6 surfaces, you're going to have an improvement  
7 in water quality. And as I said earlier, we  
8 have opportunities for implementation of  
9 green infrastructure with all these green  
10 areas. It will allow for improvements to  
11 terrestrial ecology by eliminating a lot of  
12 habitat fragmentation. Used to be breaking  
13 up habitats where wildlife moves from place  
14 to place. It allows for the enhancement of  
15 diversity in the Gorge and the long-term  
16 enhancement of what is already designated as  
17 an important -- or a globally significant  
18 important bird area along the Niagara Gorge.

19           The project has been evaluated for it's  
20 consistency with the State's coastal policy  
21 and already approved by the Department of  
22 State to be consistent with those policies.  
23 And there's been no impacts -- there are no

1 wetlands along the quarter, no flood planes,  
2 no sole source -- there's obviously no  
3 farmlands that have been -- along the  
4 corridor that would be affected.

5 In terms of those traffic impacts, that  
6 we don't have a lot of traffic impacts. In  
7 terms of air quality, we have no significant  
8 impacts because we don't have a major  
9 increase in traffic. No carbon monoxide hot  
10 spots and no exceedances(sic) of any National  
11 Ambient Air Quality Standards. In terms of  
12 energy, we will use a significant amount of  
13 energy during the construction phase,  
14 especially during the demolition phase for  
15 the removal of the highway. But in the long  
16 term, there will be no significant change to  
17 the use of energy along the Gorge. Meaning  
18 that by removing the expressway, we're not  
19 creating long trips for cars having to  
20 redistribute their trips to get to where they  
21 want to go, and in doing so, using energy.  
22 There's really not a lot of cases of that.

23 In terms of noise, we did a full noise

1 assessment that included sixteen infield  
2 measurement rotations using the federally  
3 approved TNM, Noise Prediction Model. And it  
4 also added onto that 25-model receptor  
5 location. They picked those receptor  
6 locations based upon sensitive land uses.  
7 Whether they can park or residential land  
8 uses, where the threshold of the noise impact  
9 would be during that peak hour. In 2040, if  
10 we were to go over sixty-seven A-weighted  
11 decibels, they could have to consider some  
12 noise abatement. And for commercial, that's  
13 allowed to go up to seventy-two A-weighted  
14 decibels. And these are exterior  
15 measurements.

16 Well, using that projected twenty-year  
17 peak hour traffic noise, we did have some  
18 sound injuries along the quarter. Most were  
19 projected to go up by one decibel or less.  
20 But the largest increases that we saw were  
21 around Third Street. Near Main Street, we  
22 had a couple locations that went up by four  
23 decibels. But we're still under that

1 threshold to have to consider noise  
2 assessment in terms of significant impact.

3 In terms of that Section 4(f) of the  
4 Department of Transportation Act  
5 Assessment -- just recapping -- it involves  
6 the use of park land, wildlife refugees or  
7 historic resources. The build alternative  
8 would only involve what's called, deminimus,  
9 or small-level use of outdoor recreation.  
10 Basically, because we would eliminate the  
11 southbound expressway lanes during the  
12 demolition phase of the project that would  
13 eliminate the Robert Moses Parkway Trail.  
14 Well, that's a recreational use that we would  
15 eliminate during the construction period.  
16 And the Federal Government considers that a  
17 use under 4(f). And it's only a temporary  
18 use, and we'd significantly improve it after  
19 the fact. So, it's allowed to go through.

20 We also involve some of the -- during  
21 the construction phase, some effects and use  
22 of DiFranco Park during that construction  
23 because we'll be eliminating some of the

1 pavement and outdated facilities as part of  
2 the construction phase. Also considered,  
3 working in a park, as a temporary use, is  
4 allowed to go forward. In terms of historic  
5 resources, naturally, we went through that  
6 entire archeological assessment. We came  
7 back with a no-adverse effect determination  
8 for historic resources. Thus, under 4(f),  
9 that's considered no use, so there's no  
10 impact there.

11 Just to go over that historic resources  
12 process, it involves a host of agencies  
13 including State Parks, the State Historic  
14 Preservation Officer, the various federally  
15 recognized tribes in the area, including the  
16 Seneca Nation and Tuscarora Nation and also  
17 other community groups and black groups for  
18 various historic districts in the area, which  
19 are designated as consulting parties that we  
20 brought in.

21 Now, as I said earlier, we conducted  
22 both a phase 1A document search and a phase  
23 1B archeological field survey for the



1 project. That's when we went out and did  
2 those shovel tests. And we also did a full  
3 structure assessment along that core. In  
4 consultaion with those consulting parties, we  
5 evaluated effects of those resources by the  
6 project in terms of historic structures. We  
7 had no effect of National Register eligible  
8 bridges that are along -- the existing -- the  
9 two railroad bridges along the corridor and  
10 the Whirlpool Bridge -- or I'm sorry, the  
11 Whirlpool Bridge is actually both railroad  
12 and cars.

13 We had no effects to historic districts  
14 and no-adverse effects to either the National  
15 Register eligible aquarium site. The  
16 aquarium in Niagara is considered eligible  
17 for the National Register, and the U.S.  
18 Customs House. And actually, it provided  
19 improvements to its context by removing the  
20 highway. In terms of archeological  
21 resources, after we do those shovel tests  
22 along the corridor, we actually did not  
23 encounter any National Register eligible

1 resources. Thus, we had no impacts for them.

2 This was all written up in a -- what's  
3 called a Section 106 finding of the  
4 no-adverse effect. And that was circulated  
5 to all the consulting parties in the tribes.  
6 And it's already received concurrence from  
7 the State Historic Preservation Office and  
8 then it will be finalized as part of the  
9 final Environmental Assessment and Design  
10 Reform.

11 In terms of hazardous materials, there's  
12 a lot of them along the corridor, not unlike  
13 what we've encountered on a lot of projects  
14 in the area. We did a full assessment of  
15 past spills, location of tanks, various  
16 multiple sites along the corridor that have  
17 been dumped with things like  
18 asbestos-contained materials. There's  
19 basically utilities underground and some kind  
20 of pipe wrapping and other  
21 asbestos-containing materials. Bridge  
22 features often contain it. Lead-based paint  
23 and other things like that. We've done

1 preliminary studies of radio-active materials  
2 along the corridor because we encountered  
3 these as part of the Lewiston Road project a  
4 couple years ago. So, we want to make sure  
5 that we have all our ducks in a row in terms  
6 of knowing where those issues are and knowing  
7 how we can have the protocol to place  
8 allowances in our project budget to deal with  
9 it when we encounter it.

10 In terms of threatened and endangered  
11 species, we had one in the area, the northern  
12 long-eared bat. It's listed in both state  
13 and federal levels as threatened. It's  
14 basically up and down the east coast and into  
15 Canada in terms of its range. Basically,  
16 what we have to do in terms of this is to  
17 prevent any tree cutting during its pup  
18 season or its birthing season, which is  
19 between June 1st and July 4th. We do have a  
20 major removal of trees that we can time the  
21 tree removal as part of the project to limit  
22 any impacts as part of the build alternative.

23 Now, I've said a lot that we don't have

1 a lot of impacts. We don't have a lot of  
2 impacts in the long-term, but we're -- I'm  
3 not going to lie. This is a major  
4 construction project. It goes from eighteen  
5 to twenty-four months. There will be  
6 construction effects. We will have periodic  
7 and short-term traffic disruption. You'll  
8 have short-term inconveniences of access  
9 during the trail rim along the corridor.  
10 You'll have to deal from time to time with  
11 construction noise, like any major  
12 construction project and disruptions of  
13 business districts and the potential for  
14 workers on the sight to be exposed to  
15 hazardous materials while they're working.

16 How do you deal with that? Well, we  
17 have working protocol to deal with a lot of  
18 things. But the biggest thing that we try  
19 and do is continually report to you on what's  
20 going on. Having knowledge of what's going  
21 on eliminates a lot of the confusion of, why  
22 is my road closed, and things like that. So,  
23 through the course of the project, we're

1 going to try and keep communicating with you.  
2 For the south project, we do e-mail blasts.  
3 Any time a road is going to be closed for a  
4 morning or things like that, we continue to  
5 keep that. And we also use what are called,  
6 best practices, in terms of soil erosion and  
7 sedimentation control, road wetting, so you  
8 don't have a lot of dust impacts during the  
9 construction area. And limiting the hours of  
10 construction to deal with noise impacts and  
11 that. And then, as I said earlier, having  
12 those standard protocols for workers of what  
13 to do when they encounter hazardous materials  
14 along the project.

15 So, at this point, I'm going to turn it  
16 over to Anthony Dispenza to talk a little bit  
17 about the right-of-way. But I want to just  
18 talk real quick about some of those issues  
19 that we know about, thus far, in terms of  
20 easements. And really, in terms of  
21 right-of-way, the biggest issues that we have  
22 to deal with are between agencies to other  
23 agencies. But we know a few easements that

1 we have to deal with in terms of that service  
2 driveway for the Niagara Falls Bridge  
3 Commission would require an easement between  
4 the Bridge Commission and DOT to actually  
5 build it. If you move a little bit further  
6 along the site, you know, the aquarium, I  
7 talked earlier about that access driveway  
8 down to the City Sewage Treatment Plant. In  
9 order to open up that visual access, we are  
10 proposing to take an easement to provide  
11 access to the aquarium's rear employee  
12 parking lot to Third Street, but also to  
13 provide access for maintenance and city  
14 service vehicles down into that pumping  
15 station. But for the most part, it would  
16 require two easements, one from NIPA to the  
17 City of Niagara Falls and the Water Board,  
18 and one between the City of Niagara Falls  
19 Water Board and the Aquarium of Niagara.

20 Those are what we know about now.  
21 Sometimes, other easements come up as we're  
22 doing final design, especially construction  
23 period easements that we might have. So, I'm

1 going to turn it over to Anthony now and talk  
2 a little bit about those issues.

3 ANTHONY DISPENZA: Thank you, Paul. Good  
4 afternoon. My name is Anthony Dispenza. I'm  
5 a real estate specialist for the New York  
6 State Department of Transportation and the  
7 Office of Right of Way. If a build  
8 alternative is selected, our design engineers  
9 will establish the amount of right-of-way  
10 required to accommodate the project design.  
11 Title searches will be conducted by the  
12 department and individual appropriation maps  
13 will be drawn for each property that will be  
14 affected. It is at this point that the  
15 Office of Right of Way becomes involved as it  
16 is our responsibility to acquire the land  
17 necessary for the highway project.

18 A real estate specialist will contact  
19 each property owner affected by the project  
20 to schedule an appointment to meet  
21 one-on-one. The meeting will be at the  
22 owner's convenience and is usually at the  
23 acquisition site. Real estate specialist

1 will provide you with preliminary information  
2 regarding the proposed acquisition and  
3 verified ownership and/or occupancy of the  
4 property.

5 Real estate specialist will do the  
6 following. Deliver a copy of the acquisition  
7 map, explain the project and the effect it  
8 will have on your property, provide a  
9 preliminary timetable of information  
10 regarding the acquisition process. The  
11 Department of Transportation will order an  
12 appraisal for each effected property. This  
13 analysis is prepared by the inner state  
14 appraisers or the consultant appraisers that  
15 have specialized training and expertise.

16 Any information you can provide is  
17 welcomed and you are encouraged to accompany  
18 the appraiser during this inspection. The  
19 appraiser reports are supported by recent  
20 vacant and/or improved sales. Property  
21 owners will be paid for all land improvement  
22 and building improvement within the acquired  
23 area. A thorough analysis of the remaining



1 property will also be conducted. Any adverse  
2 effect on the value of the remaining property  
3 will be considered.

4 When the appraisal is completed, it  
5 undergoes a multi-layer review process before  
6 it is finally approved. The work under one  
7 office system upon the full approved  
8 appraisal amount is offered. Included in the  
9 offer package will be a written statement  
10 detailing the offer. The real estate  
11 specialist assigned to your claim will  
12 explain the agreements and payment process in  
13 greater detail.

14 You are entitled to receive the State's  
15 full-offered compensation, even you if you  
16 disagree with the amount. Any property owner  
17 who disagrees with the offer may attempt to  
18 negotiate the settlement by providing the  
19 appropriate documentation to substantiate a  
20 request for an increase. Failing that, as  
21 the property owner, may (inaudible) to file a  
22 claim against the State in the Court of  
23 Claims.

1           Shortly after the offer is made, the  
2 Department of Transportation will legally  
3 acquire the property by filing a map and  
4 Notice of Appropriation in the office of the  
5 County Clerk. The real estate specialist  
6 assigned to your claim will assist you in  
7 receiving your compensation, which will be  
8 paid after an agreement is signed and  
9 satisfactory completion of closing papers are  
10 prepared by the New York State Department of  
11 Law.

12           The design alternative being considered  
13 will not necessitate any residential or  
14 commercial relocations. Should any  
15 relocations become necessary, the Department  
16 will provide relocation services in  
17 accordance with Title 2 of the Uniform  
18 Relocation Assistance and Real Property  
19 Acquisition Policies Act of 1970, as amended,  
20 commonly referred to as, The Uniform Act.

21           In conclusion, I'd like to say that we  
22 realize this is not the typical buyer-seller  
23 relationship. (Inaudible) to acquire private

1 property for public use, you are entitled to  
2 just compensation. The goal of the Office of  
3 Right of Way is to make sure that this  
4 process proceeds as smoothly as possible for  
5 all concerned. Thank you for your time and  
6 attention.

7 PAUL TRONOLONE: Thank you, Anthony. Now, let's  
8 just go over next steps in the project  
9 schedule. The end of the public comment  
10 period for the DR/EA is September 9, 2016.  
11 After that, we have to issue final DR/EA  
12 which would respond to any comments you  
13 submit tonight and up to and including the  
14 end of the public comment period. We're  
15 hoping to have that done by November. And  
16 then, we'll hopefully have a finding of no  
17 significant impact issue if we have no major  
18 issues by December of this year. And we  
19 spend the better part of 2017 in final design  
20 and prepare (inaudible) documents with,  
21 hopefully, issuing a request for bid in  
22 January of 2018 so we can get started on  
23 construction in that coming spring.

1           I want to close with just a few  
2           visualizations, the ground-level  
3           visualizations to give you a sense of what  
4           we're talking about. I showed you aerials  
5           before. Just to end a little bit with  
6           something fun, this is that entrance looking  
7           into the Gorge Discovery Center, that  
8           on-ramp. We talked about reducing some of  
9           the scale, adding a gateway feature maybe to  
10          create that landscape of driveway into the  
11          Gorge Discovery Center. This is an area  
12          looking south on Cedar Street, along  
13          Whirlpool Street or Third Street existing.  
14          And then you can see the area, right here,  
15          would be opening up to the Gorge on your  
16          right. If you'd look -- this is looking  
17          south, once again, along the Whirlpool  
18          Street. This line of trees is where the  
19          existing parkway is and the Gorge is behind  
20          that. You can see that reconstructed with a  
21          narrower Whirlpool Street or wider verge  
22          along those residential properties and full  
23          access out to the Gorge edge.

1           This is the biggest one. This is that  
2           overpass at Ontario Street near the new train  
3           station. You see that. That is a major  
4           visual feature in the landscape.  
5           And -- decided to freeze up on me. Hang on  
6           one second. And that's -- that's a  
7           major -- opening up the sky. This is a major  
8           of trail heading down into the Gorge. This  
9           is -- we're looking maybe for some  
10          interpretation in conjunction with the  
11          Underground Railroad Center right across the  
12          street. And finally, this is looking down  
13          the existing parkway around Findlay Drive.  
14          The edge of the Gorge would be right  
15          over here beyond those trees. And you can  
16          see changing that into green space and trail  
17          (inaudible) give you a sense of that.

18                 With that, I'm going to end my  
19          presentation. I'm going to stop talking and  
20          we're going to start hearing from you. This  
21          is the public comment period. And I'm going  
22          to ask the guy videotaping the proceedings to  
23          move down, because he wants to videotape you

1 for our federal partners. He's going to need  
2 a moment to do that.

3 While he's doing that, I'm going to go  
4 over how to submit public comments. Either  
5 you can do it verbally tonight -- we have  
6 the microphone set up here. I'll be calling  
7 people up. I'll remind you, once again, it's  
8 not a question-and-answer session. However,  
9 people are still out in the lobby if you do  
10 have questions about some of the things that  
11 I talked about tonight and want a little bit  
12 more clarification before you make your  
13 comment, that's fine. If you don't feel  
14 comfortable standing up at the microphone  
15 making a comment, we do have a comment table  
16 where you can write out a comment, submit it  
17 in the box tonight. Or you can take it home  
18 and think about it, review some of the  
19 documents online and submit it via e-mail or  
20 regular mail.

21 I'm going to leave this slide up, but  
22 it's also -- all this information is in the  
23 brochure tonight. If you want to remind

1 everyone that the comments are due by  
2 September 9th, 2016. And when you came in  
3 tonight, you were given a -- if you wanted to  
4 make a comment for the record, you were given  
5 a speaker request card. I've got some of  
6 those early that I have a list of. If you  
7 want -- at some point, if you decide during  
8 the comment period, I want to make a comment  
9 now, if you could fill out a speaker request  
10 card, just so the stenographer has the  
11 correct spelling of your name.

12 So, I had some people sign up before the  
13 public meeting and I'm going to call them up  
14 to the podium. I'm going to remind everyone  
15 that, as we said in the public announcement,  
16 there's a five-minute limit on your comments.  
17 So with that, I'm going to invite Helen Kress  
18 of the Niagara Heritage Partnership up to the  
19 podium. Floor is yours.

20 HELEN KRESS: There are over twelve thousand  
21 years of natural history in and along the  
22 Niagara Gorge. And the Gorge is a latecomer  
23 according to the planet's geological clock.

1           Unfortunately, the current proposal is about  
2           vehicles and social history.  It's not about  
3           the ecological uniqueness of Niagara Falls  
4           that brings tourists here.  So why did these  
5           design plans focus on social and cultural  
6           rather than environmental industries and  
7           futures?

8                     Pulled from astrophysicist, Carl Sagan,  
9           in 1994 -- said it better than I can.  He  
10          described how if aliens were to approach  
11          earth from outer space -- so think of an  
12          aerial view -- they might think that the  
13          dominant life forms here are vehicles.  About  
14          zooming in closer to earth, the aliens would,  
15          quote, see -- quote, this is Carl Sagan's  
16          quote -- see the dominant life form on the  
17          planet, the streets of the cities and the  
18          roadways of the countryside are evidently  
19          built for their benefit.  Then the aliens  
20          would discover tiny parasites that  
21          occasionally enter and exit the dominant  
22          organism.  The tiny parasites play some  
23          deeper role, but this is puzzling.  But the



1 dominant organism, whoever they are, have  
2 gone to so much trouble to rework the surface  
3 of the earth are simultaneously destroying  
4 the o-zone layer and the forests, eroding  
5 their topsoil and perform massive  
6 uncontrolling (inaudible) on the planet,  
7 unquote.

8 So obviously, in that story from Carl  
9 Sagan, humans are the tiny parasites that  
10 occasionally enter and exit the dominant  
11 organisms, vehicles. And this designed  
12 proposal is about vehicles and transportation  
13 more than anything else. For instance, the  
14 first place in the proposal where wildlife  
15 habitat is discussed is chapter four.  
16 Chapters one, two and three are about  
17 transportation. I did a crude  
18 measurement -- and I apologize to Carl  
19 Sagan's legacy. A crude measurement of part  
20 of the proposal with a ruler, the appendix  
21 "F", entitled, ecological information is one  
22 eighth of an inch thick, while the appendix  
23 of cultural and social resources is one and

1 five eighths inches thick. Why is there  
2 thirteen times more information devoted to  
3 social rather than environmental history and  
4 futures?

5 With the growth in -- of companies such  
6 as Solar City, for example, in Western New  
7 York, we seem to be moving towards a green  
8 economy, a little economy, low-carbon  
9 economy, maybe even a nature-rich economy.  
10 And that's good. And as we do this, tourists  
11 will recognize more and more and not be  
12 fooled by a green washing, meaning the  
13 appearance of being eco-friendly. Our  
14 tourism industry should incentivise(sic)  
15 ecological restoration and environmental care  
16 so that tourism customers spend more time  
17 outside of their vehicles experiencing the  
18 restored native habitats of the Gorge.  
19 That's tourism that walks, listens, observes,  
20 photographs, studies the natural world around  
21 it. And they come here to see that in  
22 Niagara Falls.

23 Tourists who stayed for days or weeks at

1 a time, not just the minutes it takes to  
2 drive by, even on a park road, drive away  
3 from twelve thousand years of natural  
4 history. So, based on these remarks, I do  
5 not believe this parkway removal project  
6 recognizes the value of Niagara's natural  
7 environment in a meaningful way. I would  
8 like to see much more attention devoted to  
9 the ecological distinctiveness of the Niagara  
10 River Gorge and Gorge rim and to future  
11 sources of tourism that would enrich that  
12 ecosystem. Perfect time.

13 PAUL TRONOLONE: Thank you for your comment. I'd  
14 like to call to the microphone, Lisa  
15 Vitello.

16 LISA VITELLO: This community has waited nineteen  
17 years for this project. We now have a  
18 historic opportunity to show the world what  
19 is on the other side of the rainbow,  
20 so-to-speak. So, I urge the decision makers  
21 to listen carefully to the comments and  
22 requests made by this community and its  
23 leaders. We have one shot here to get this

1 right. We shouldn't cut corners. We  
2 shouldn't look for the cheapest or easiest  
3 route here. Bricks, mortar, asphalt should  
4 be kept at a minimum. Again, we shouldn't  
5 look for the easiest way to get this done or  
6 the least expensive.

7 This community hosts a number of  
8 entities that have made hundreds of millions  
9 of dollars off of our resources and our land  
10 and will continue to do so. Those entities  
11 now have the opportunity to give back to this  
12 community the beauty and grandeur that we  
13 lost a long time ago. So, please, let's move  
14 carefully and thoughtfully, keeping in mind  
15 the revered space that we are hoping to  
16 showcase.

17 Once again, listen carefully to the  
18 suggestions made by the people who know best,  
19 which are the people of this community and  
20 their elected leaders. I'd like to thank all  
21 of the people who worked on this project.  
22 All of the organizations, state and  
23 otherwise, their staff. Let's just not mess

1 up the end game. Thank you.

2 PAUL TRONOLONE: Thank you, Lisa. I'd like to  
3 call to the microphone, Carl Bernhardt.

4 CARL BERNHARDT: Good evening. My main concerns  
5 with this having finally seen the full plates  
6 outside in the lobby -- it's a beautiful  
7 pictorial representation of the vision in  
8 what wants to be done. However, our first  
9 speaker, Helen, I really do -- it's nice to  
10 have heard her first. Because I think it's  
11 important that we do approach this from a  
12 natural perspective. That we instead of  
13 making a manicured lawn that looks like  
14 Canada's Niagara Falls, that we make ours  
15 unique that wants to bring people in for our  
16 uniqueness, not to just be another big  
17 tourist entity that they've already developed  
18 over there. Let's make it unique.

19 I walk that path regularly for exercise.  
20 I see the tour buses come in. I see the  
21 Japanese, the Koreans, the Italians. You  
22 name it, I can name the countries of people  
23 coming in looking at the natural wonders of

1 the Gorge. They want to see the birds. They  
2 want to see the animals. They want to see  
3 the plants too. They don't want just another  
4 manicured lawn with a few trees in it. So,  
5 we should make a unique to Niagara Falls for  
6 those people. Because that word of mouth  
7 would get back to their countries and bring  
8 those tourists in. And that's what we're  
9 looking for. We want outside money coming  
10 in, not just inside money being spread  
11 around. That will help Niagara Falls build.

12 Okay. Now, as far as the transportation  
13 goes, I will comment on that. Because  
14 looking at all the entry and access ways, the  
15 difficulty I see with all those access ways  
16 being at grade is that now you have the  
17 potential for children and people coming  
18 across regularly, which will require signals.  
19 It will slow traffic down on Whirlpool Street  
20 once it's rerouted. We already have Main  
21 Street, which is all lights. Do we have the  
22 capacity to deal with that? Are we saying  
23 that the population in this area is going to

1 remain static? Or will it grow eventually  
2 with what we're doing? So we also have to  
3 prep for the future and not just today. So,  
4 we have that.

5 The Rainbow Bridge is clogged. That  
6 area is clogged with traffic. Holidays,  
7 weekends, all summer long. What bottleneck  
8 is that going for create there when we start  
9 shutting these ways down? And we have the  
10 easy access to help our neighbors in  
11 Youngstown also get people up to Old Fort  
12 Niagara and our historical hallmarks up there  
13 at this point. So, how much of this do you  
14 really want to shut down and direct through  
15 residential neighborhoods increasing traffic  
16 and increasing risks associated with that?  
17 Particularly, if we have more children in  
18 these areas.

19 Again, to end my summary, I think a  
20 natural look that promotes our uniqueness and  
21 our natural background with the Gorge is the  
22 best approach. And then, the transportation  
23 side, we need to, again, be looking at safety

1 for children, for school buses and to promote  
2 adequate traffic flow into the City. Thank  
3 you.

4 PAUL TRONOLONE: Thank you. I'd like to call Jim  
5 Hufnagel to the microphone.

6 JIM HUFNAGEL: Four storms, seven years ago, our  
7 forefathers began the process of removing the  
8 parkway. Wrong speech. Sorry. Yesterday, I  
9 was driving into the City of Niagara Falls on  
10 the Moses Parkway north of Lewiston. I came  
11 up behind a large RV. It was big.  
12 Literally, a house on wheels. I followed it  
13 over the Power Project where for some reason  
14 it slowed down to twenty miles per hour. And  
15 the thought crossed my mind, what if that  
16 huge camper bus was packed (inaudible) with  
17 dynamite? What if there was a terrorist at  
18 the wheel and what if it was detonated on the  
19 Moses Parkway in the middle of the Power  
20 Project just a couple of hundred feet away  
21 from me?

22 Some would recognize such as threat. In  
23 this day and age, you have to take off your



1 footwear in the airport then get a full body  
2 scan before you can board a plane. We're  
3 spending billions on border security,  
4 including cameras to scrutinize every inch of  
5 border from here to Youngstown, twenty-four  
6 hours a day. And an outfit called Isis has  
7 motivated (inaudible) tax from Paris to  
8 Brussels to San Bernardino. Meanwhile, our  
9 Albany leaders bury their heads in the sand  
10 when it comes to the Robert Moses Parkway  
11 affording twenty-four hour a day, seven days  
12 a week, unrestricted vehicular access to one  
13 of the largest hydropower generated plants in  
14 the world located right here.

15 Think about this. In 1993, a bomb  
16 hidden in a van exploded underneath the World  
17 Trade Center in New York City killing several  
18 people and injuring hundreds more. In 1994,  
19 (inaudible) airplane crashed onto the south  
20 line of the (inaudible) of the White House  
21 killing the pilot. The plane came to rest at  
22 the base of the building. So, this is what  
23 we have. Terrorist targeting the World Trade

1 Center in '93 and a disturbed individual  
2 flying a plane into the White House in '94.  
3 A few years after the 9/11 catastrophe,  
4 Secretary of State, Condoleeza Rice, stated  
5 in a radio interview that -- and I quote, I  
6 don't think that anybody could have predicted  
7 that these people would take an airplane and  
8 slam it into the World Trade Center.

9 Then, of course, there was the famous  
10 quote, Bin Ladin determined to strike in U.S.  
11 memo that arrived on the president's desk  
12 thirty-six days before the 9/11 attacks.  
13 This is how we expect our government to  
14 address potential threats, which is to say,  
15 with gross incompetency. And now we  
16 potentially have deja vu all over again.

17 Well, (inaudible) supposedly, quote,  
18 hardened the Niagara Power Project. Any  
19 terrorist can pack a semi-truck with enough  
20 plastic explosives to blow the Power Project  
21 to kingdom come thanks to direct access on  
22 the Robert Moses Parkway. Or even some in  
23 unbalanced individual. Seem farfetched? In

1 1995, domestic terrorists loaded a truck with  
2 fertilizer bombs and exploded it, destroying  
3 a federal building in Oklahoma City. You may  
4 recall the name of the perpetrator. His name  
5 was Tim McVeigh. Tim McVeigh grew up in  
6 Pendleton. That's two towns over. About  
7 twelve miles from the Power Project. Had he  
8 chosen the Power Project for his attack, we  
9 probably wouldn't be here tonight.

10 Must anyone dismiss these comments as  
11 hysteria, allow me to point out that in the  
12 days after 9/11, the State Department of  
13 Transportation blocked the parkway off as it  
14 enters the Power Project at Devil's Hole  
15 State Park with large dump trucks. The  
16 Buffalo News and Niagara Gazette both  
17 featured this issue in news articles at the  
18 time. The Gazette had a front-page headline  
19 revealing that NIPA carelessly released  
20 detailed schematics of the Power Project as  
21 part of its fifty year relicensing.

22 The Niagara Power Project is readily  
23 examinable on Google Earth. And besides the

1 probability of a bomb being transported on  
2 the Parkway and detonated, blowing the Power  
3 Project to smithereens, imagine some radical  
4 element discharging gasoline in the length of  
5 the facility along the Parkway and then  
6 setting it to light. You'd be able to see  
7 that from outer space. The possibility for  
8 terrorist attacks on the Niagara Power  
9 Project via the Robert Moses Parkway are  
10 endless.

11 Over the years, concerned citizens have  
12 repeatedly brought this situation, via  
13 e-mails, letters and newspaper articles, to  
14 the attention of elected officials, such as  
15 Hilary Clinton when she was New York's  
16 Senator, and subsequently to the attention of  
17 governor, Andrew Cuomo. And they have done  
18 nothing. They have decided to, for political  
19 reasons, put us at risk by leaving the  
20 Parkway intact as it traverses the Power  
21 Project. Heaven forbid that there would ever  
22 be need for them to answer to that. Shutting  
23 down and removing the parkway all the way to

1 the city line is the only rational way to  
2 mitigate risk.

3 PAUL TRONOLONE: Thank you, Mr. Hufnagel. I'd  
4 like to call Douglas Funke from the Citizens  
5 from Regional Transit Corporation.

6 DOUGLAS FUNKE: When I was a teenager, when they  
7 took my grandmother's house, on Whirlpool  
8 Street, and put a Thruway through the  
9 beautiful Niagara Falls Park, I couldn't  
10 understand why we did it then and I'm so glad  
11 that we are now undoing that huge mistake.  
12 Again, my name is Doug from -- I'm the  
13 president of Citizens Regional Transit.

14 A couple of quick comments here. I did  
15 have written comments last time and my  
16 comments are very similar to those today. If  
17 you look at the objectives of this project,  
18 include access, bike, pedestrian and  
19 vehicular -- which I would include transit  
20 vehicles as well as personal  
21 vehicles -- conserve the ecology, minimize  
22 impact to neighborhoods, support the green  
23 plan. All of those scream for public

1 transportation.

2 We are thrilled to see that we now have  
3 a trolley that takes tourists from Niagara  
4 Falls up to Fort Niagara and back. My wife  
5 and I rode it a couple weekends ago and loved  
6 it. Great step in the right direction.  
7 Those things run every half an hour. I give  
8 Mayor Dyster a lot of credit for helping to  
9 make that happen. We need to continue to  
10 make sure public transportation is an  
11 important part of this project moving  
12 forward.

13 And I just want to mention that we have  
14 actually partnered with the Partnership for  
15 the Public Good. So, my comments today  
16 reflect both my organization, Citizens  
17 Regional Transit, as well as the Partnership  
18 for the Public Good, which is a conservancy  
19 of over a hundred committal-based  
20 organizations. We want to see better public  
21 transportation along the greenway.  
22 Ultimately, we would like to see green  
23 transportation. We'd like to see those

1 trolleys become electronic to highlight the  
2 benefits of the hydropower that we have here  
3 in Buffalo to demonstrate the value of that  
4 power.

5 So, we're very happy with what's  
6 happening. We want to keep public  
7 transportation in mind as we move forward.  
8 Thank you.

9 PAUL TRONOLONE: That is the end of the list I  
10 have of people who signed up thus far. Is  
11 there anyone in the audience that would like  
12 to make a further comment for the public  
13 record? Sir, can I ask you to say your name,  
14 spell it for the stenographer?

15 CARL SKOMPINSKI: Yes. And I'll write out a  
16 sheet.

17 PAUL TRONOLONE: Thank you.

18 CARL SKOMPINKSI: My name is Carl Skompinski.  
19 Couple things. Regarding transportation, I'm  
20 hoping that they have some sort of bump-outs  
21 for traveling where you can safely get on and  
22 get off. Regarding one of the other  
23 items -- regarding the cultural district, I

1 think this is a great opportunity to start  
2 looking at maybe a branding of the suspension  
3 bridge village area. And the third thing is,  
4 I hope you post all of your documents online.  
5 You didn't do that for the south Robert  
6 Moses. Some of those documents, especially  
7 the appendix's, were not online. If you can  
8 get them online, that'd be great. Thank  
9 you.

10 PAUL TRONOLONE: We'll make sure they're all  
11 there. Would anyone else like to make a  
12 comment for the public record? Once. Twice.  
13 Three. Hearing is done. It is currently  
14 7:17. I'm going to adjourn the public  
15 meeting. You're welcome to coffee and  
16 cookies or to see the presentation, but I'd  
17 like to keep the hearing open for -- what did  
18 we say -- until eight o'clock just in case we  
19 have any latecomers. We'll reconvene if  
20 anybody wants to make a comment for the  
21 public record, but at present, we're going to  
22 adjourn the public meeting until we have  
23 another comment. Thank you.



1           It is now eight o'clock and there are no  
2 more comments forthcoming. I declare this  
3 hearing adjourned. Thank you and have a good  
4 night.

5  
6           (Whereupon, the public hearing then  
7 concluded.)

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9                           \*           \*           \*           \*

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1 STATE OF NEW YORK)

2 SS:

3 COUNTY OF ERIE)

4

5 I, SARA E. BEITER, a Notary Public in  
6 and for the State of New York, County of Erie, DO  
7 HEREBY CERTIFY that the minutes of the PUBLIC  
8 HEARING were taken down by me in a verbatim  
9 manner by means of Machine Shorthand, on AUGUST  
10 25, 2016. That the minutes were then reduced in  
11 writing under my direction. That the minutes  
12 were taken to be used in the above-entitled  
13 action.

14

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16

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SARA E. BEITER,  
Notary Public.

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< Dates >

AUGUST 25,  
2016 1:16,  
80:9  
August 7th  
14:17  
July 2016  
15:2  
July 24th  
13:20,  
14:17  
July 4th  
49:19  
June 1st  
49:19  
September 9,  
2016 57:10  
September  
9th, 2016  
61:2  
'93 72:1  
'94. 72:2

< 1 >

1 2:6, 2:10,  
3:28, 3:32  
101 1:14  
102 3:24  
106 12:21,  
20:6,  
20:23, 48:3  
12232 3:17  
14202 3:12  
14202. 3:25  
14303 1:15,  
3:6  
170 3:23  
1961 11:14  
1970 56:19  
1993 71:15  
1994 62:9,  
71:18  
1995 73:1  
1A 46:22  
1B 46:23

< 2 >

2 2:6, 2:14,  
3:29, 4:1,  
56:17  
2001 16:22  
2006 10:14  
2009 36:20  
2010 30:14,  
30:19,  
32:12  
2010. 30:16  
2013 17:5  
2015 29:11  
2015. 7:12  
2017 57:19  
2018 57:22  
2040 44:9  
2040. 28:11,  
34:14  
222 3:4  
25-model 44:4

< 3 >

3 2:6, 2:8,  
2:12, 2:18,  
3:33, 4:5  
350 3:11

< 4 >

4 2:12, 2:16,  
2:20, 2:22,  
2:24, 4:2,  
4:9  
4(f 12:14,  
12:16,  
21:1, 45:3,  
45:17, 46:8  
40 3:10

< 5 >

5 2:16, 2:26,

4:6, 4:13  
50 3:16

< 6 >

6 2:20, 4:10  
6:03 4:20

< 7 >

7 2:24, 4:14  
7:05 1:16  
7:17. 78:14  
7th 3:5

< 9 >

9/11 72:3,  
72:12,  
73:12  
90 29:8,  
31:14,  
31:16

< A >

A-weighted  
44:10,  
44:13  
a.m. 32:17  
abandoned  
26:5  
abatement  
44:12  
able 24:5,  
24:8,  
33:17,  
40:15, 74:6  
above-entitle  
d 80:12  
abuts 16:21  
access 6:10,  
6:11, 6:14,  
18:23,  
19:8,  
38:20,

50:8, 52:7,  
52:9,  
52:11,  
52:13,  
58:23,  
68:14,  
68:15,  
69:10,  
71:12,  
72:21,  
75:18  
accommodate  
23:23,  
25:7, 53:10  
accompany  
54:17  
accordance  
12:14,  
15:22,  
56:17  
according  
61:23  
acquire  
53:16,  
56:3, 56:23  
acquired  
15:21,  
54:22  
Acquisition  
53:23,  
54:2, 54:6,  
54:10,  
56:19  
ACR 3:22  
acres 41:10,  
41:11,  
41:23  
across 59:11,  
68:18  
Act 12:5,  
12:10,  
12:22,  
45:4,  
56:19,  
56:20  
action 80:13

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**actions** 12:7,  
13:1  
**activities**  
14:11  
**activity**  
26:13, 30:4  
**actual** 11:19,  
21:13,  
40:14  
**add** 27:17  
**added** 44:4  
**adding** 27:3,  
58:9  
**address** 72:14  
**addresses**  
13:13  
**adequate** 70:2  
**adjacent**  
19:17  
**adjoining**  
19:4  
**adjourn**  
78:14,  
78:22  
**adjourned**  
79:3  
**Administratio**  
**n** 10:7,  
17:17  
**ads** 2:6, 3:27  
**advance** 6:18,  
17:22,  
19:19  
**advancement**  
39:19  
**advancing**  
37:16  
**adverse** 55:1  
**aerial** 33:6,  
62:12  
**aerial-shot**  
26:19  
**aerials** 58:4  
**affect** 35:15  
**affected**  
36:13,

43:4,  
53:14,  
53:19  
**affording**  
71:11  
**afternoon**  
53:4  
**age** 70:23  
**Agencies** 5:3,  
10:1,  
10:13,  
10:19,  
12:5,  
12:11,  
12:12,  
14:19,  
46:12,  
51:22,  
51:23  
**agency** 10:9,  
10:10,  
10:21,  
10:22, 11:6  
**agenda** 7:7  
**ago** 31:23,  
49:4,  
66:13,  
70:6, 76:5  
**agree** 17:21  
**agreed** 17:18  
**Agreement**  
10:14,  
11:3, 26:8,  
56:8  
**agreements**  
55:12  
**AICP** 3:3  
**Air** 43:7,  
43:11  
**airplane**  
71:19, 72:7  
**airport** 71:1  
**Albany** 3:17,  
71:9  
**aliens** 62:10,  
62:14,

62:19  
**alignment**  
15:14,  
22:12  
**allow** 23:21,  
42:10,  
73:11  
**allowances**  
49:8  
**allowed** 21:1,  
44:13,  
45:19, 46:4  
**allows** 13:12,  
14:9, 42:14  
**almost** 29:9,  
30:22  
**already** 14:7,  
42:16,  
42:21,  
48:6,  
67:17,  
68:20  
**alternative**  
7:14, 7:15,  
7:18, 16:5,  
16:9, 20:2,  
21:11,  
21:13,  
21:15,  
22:8,  
23:10,  
23:13,  
23:18,  
24:9,  
27:13,  
35:4,  
35:14,  
45:7,  
49:22,  
53:8, 56:12  
**alternatives**  
7:13,  
12:20,  
16:2, 16:4,  
17:8,  
17:11,

18:16,  
21:10,  
22:11  
**Although** 8:3  
**Ambient** 43:11  
**amenable**  
23:15  
**amended** 56:19  
**amongst** 39:6  
**amount** 29:6,  
43:12,  
53:9, 55:8,  
55:16  
**analysis**  
23:12,  
36:3,  
54:13,  
54:23  
**and/or** 54:3,  
54:20  
**Andrew** 5:21,  
74:17  
**animals** 68:2  
**announced**  
27:23  
**announcement**  
61:15  
**Annual** 29:5  
**answer** 9:18,  
74:22  
**Anthony** 3:15,  
5:13, 7:20,  
7:23, 8:9,  
51:16,  
53:1, 53:4,  
57:7  
**ANTHONY**  
**DISPENZA**  
53:3  
**anybody** 72:6,  
78:20  
**apologize**  
63:18  
**appearance**  
64:13  
**APPEARANCES**

ACR OF WNY  
(716) 362-9838

3:1  
**appeared**  
14:16  
**Appearing**  
3:7, 3:13,  
3:18  
**appendix**  
63:20,  
63:22, 78:7  
**appointment**  
37:9, 53:20  
**appraisal**  
54:12,  
55:4, 55:8  
**appraiser**  
54:18,  
54:19  
**appraisers**  
54:14  
**approach**  
62:10,  
67:11,  
69:22  
**appropriate**  
55:19  
**Appropriation**  
53:12, 56:4  
**approval**  
8:23,  
10:11,  
10:23, 15:8  
**approved**  
42:21,  
44:3, 55:6,  
55:7  
**Aquarium**  
22:21,  
25:3, 25:9,  
38:7,  
38:22,  
39:10,  
47:15,  
47:16,  
52:6,  
52:11,  
52:19

**archeological**  
20:10,  
20:19,  
46:6,  
46:23,  
47:20  
**area** 11:4,  
22:19,  
24:14,  
27:4, 30:2,  
30:4, 30:8,  
34:2, 35:3,  
38:4,  
42:18,  
46:15,  
46:18,  
48:14,  
49:11,  
51:9,  
54:23,  
58:11,  
58:14,  
68:23,  
69:6, 78:3  
**areas** 39:10,  
42:10,  
69:18  
**around** 24:14,  
25:2, 26:2,  
26:15,  
28:11,  
30:13,  
38:6,  
44:21,  
59:13,  
64:20,  
68:11  
**arrived** 72:11  
**articles**  
73:17,  
74:13  
**asbestos-cont**  
**ained** 48:18  
**asbestos-cont**  
**aining**  
48:21

**aspects** 11:9  
**asphalt** 66:3  
**assess** 13:5,  
21:2  
**Assessment**  
1:5, 2:9,  
2:13, 2:17,  
2:21, 2:25,  
3:31, 3:35,  
4:4, 4:8,  
4:12, 5:7,  
8:17, 15:1,  
15:7, 21:2,  
44:1, 45:2,  
45:5, 46:6,  
47:3, 48:9,  
48:14  
**assessments**  
8:16  
**assigned**  
55:11, 56:6  
**assist** 56:6  
**Assistance**  
56:18  
**assisted** 5:9  
**associated**  
14:11,  
69:16  
**astrophysics**  
**t** 62:8  
**attack** 73:8  
**attacks**  
72:12, 74:8  
**attempt** 55:17  
**attention**  
57:6, 65:8,  
74:14,  
74:16  
**audience**  
77:11  
**Authority**  
10:19,  
11:13  
**authorizes**  
10:10  
**availability**

28:1  
**available**  
9:17, 14:1  
**Avenue** 31:18,  
31:19,  
31:22  
**Average** 29:5,  
29:7, 31:10  
**away** 65:2,  
70:20

< B >  
**Back** 7:11,  
10:14,  
16:8,  
16:22,  
17:5, 20:1,  
26:16,  
29:8,  
30:13,  
30:18,  
31:14,  
31:16,  
34:19,  
46:7,  
66:11,  
68:7, 76:4  
**background**  
7:9, 15:6,  
69:21  
**barriers**  
24:22  
**base** 71:22  
**based** 20:2,  
30:20,  
44:6, 65:4  
**baseline**  
21:10,  
21:12  
**basic** 21:16  
**Basically**  
17:1, 17:3,  
19:12,  
21:12,  
21:16,

ACR OF WNY  
(716) 362-9838

22:5, 22:6,  
23:1, 23:9,  
24:16,  
25:11,  
29:6,  
29:22,  
31:13,  
38:4,  
45:10,  
48:19,  
49:14,  
49:15  
**bat** 49:12  
**beautiful**  
67:6, 75:9  
**beauty** 66:12  
**become** 56:15,  
77:1  
**becomes** 53:15  
**began** 70:7  
**begin** 10:2  
**beginning**  
20:7  
**behalf** 4:23,  
5:21, 11:2  
**behind** 58:19,  
70:11  
**BEITER** 1:17,  
3:21, 80:5,  
80:17  
**believe** 65:5  
**benefit** 62:19  
**benefits** 77:2  
**Bernardino**  
71:8  
**BERNHARDT**  
67:3, 67:4  
**besides** 73:23  
**best** 23:8,  
51:6,  
66:18,  
69:22  
**better** 57:19,  
62:9, 76:20  
**beyond** 59:15  
**bid** 57:21

**big** 20:4,  
36:16,  
37:21,  
37:22,  
67:16,  
70:11  
**biggest** 12:3,  
50:18,  
51:21, 59:1  
**bike** 75:18  
**billions** 71:3  
**Bin** 72:10  
**bird** 42:18  
**birds** 68:1  
**birthing**  
49:18  
**bit** 21:9,  
28:4,  
28:23,  
32:23,  
34:15,  
51:16,  
52:5, 53:2,  
58:5, 60:11  
**black** 46:17  
**blasts** 51:2  
**blocked** 73:13  
**blow** 72:20  
**blowing** 74:2  
**Board** 52:17,  
52:19, 71:2  
**body** 71:1  
**bomb** 71:15,  
74:1  
**bombs** 73:2  
**Book** 2:9,  
2:13, 2:17,  
2:21, 2:25,  
3:32  
**border** 71:3,  
71:5  
**bottleneck**  
69:7  
**boundaries**  
38:11  
**box** 60:17

**branding** 78:2  
**break** 17:18,  
28:15  
**breaking**  
42:12  
**Bricks** 66:3  
**Bridge** 24:14,  
24:18,  
24:20,  
26:1, 26:6,  
27:7, 34:5,  
47:10,  
47:11,  
48:21,  
52:2, 52:4,  
69:5, 78:3  
**bridges** 47:8,  
47:9  
**briefly** 7:12  
**bring** 67:15,  
68:7  
**bringing** 6:13  
**brings** 62:4  
**broad** 15:14  
**brochure**  
60:23  
**brochures**  
14:5  
**brought**  
46:20,  
74:12  
**Brussels** 71:8  
**budget** 27:17,  
27:21, 49:8  
**Buffalo** 3:12,  
3:25,  
29:22,  
73:16, 77:3  
**Buffalo/niaga**  
**ra** 40:18  
**build** 7:14,  
7:18, 16:5,  
20:2,  
21:13,  
21:15,  
22:8,

23:17,  
24:9,  
27:13,  
35:4,  
35:14,  
45:7,  
49:22,  
52:5, 53:7,  
68:11  
**building**  
54:22,  
71:22, 73:3  
**built** 11:13,  
62:19  
**bump-outs**  
77:20  
**bury** 71:9  
**bus** 70:16  
**buses** 23:23,  
33:13,  
67:20, 70:1  
**business**  
40:9,  
40:10,  
40:11,  
50:13  
**businesses**  
35:22,  
40:12  
**buyer-seller**  
56:22  
  
< C >  
**call** 4:17,  
4:21, 22:4,  
40:19,  
61:13,  
65:14,  
67:3, 70:4,  
75:4  
**called** 6:19,  
8:23,  
10:13,  
12:9, 16:5,  
16:9, 17:2,

**ACR OF WNY**  
**(716) 362-9838**

17:6, 18:7,  
29:4, 36:8,  
40:21,  
45:8, 48:3,  
51:5, 71:6  
**calling** 60:6  
**calls** 12:14  
**cameras** 71:4  
**camper** 70:16  
**Canada** 24:12,  
49:15,  
67:14  
**capacity**  
68:22  
**carbon** 43:9  
**card** 61:5,  
61:10  
**care** 64:15  
**carefully**  
65:21,  
66:14,  
66:17  
**carelessly**  
73:19  
**Carl** 62:8,  
62:15,  
63:8,  
63:18,  
67:3, 67:4,  
77:15,  
77:18  
**carries** 25:11  
**carry** 25:23  
**carrying**  
26:11,  
27:14,  
27:20  
**cars** 43:19,  
47:12  
**case** 16:3,  
28:10,  
78:18  
**cases** 43:22  
**catastrophe**  
72:3  
**Cedar** 58:12

**Center** 1:14,  
22:15,  
22:19,  
22:22,  
25:1, 38:8,  
38:15,  
38:22,  
40:4, 58:7,  
58:11,  
59:11,  
71:17,  
72:1, 72:8  
**certain** 19:6  
**certainly**  
11:12,  
33:19,  
39:23  
**CERTIFY** 80:7  
**change** 43:16  
**changes**  
29:18, 30:3  
**changing**  
59:16  
**chapter** 63:15  
**Chapters**  
63:16  
**charge** 30:1  
**cheapest** 66:2  
**children**  
68:17,  
69:17, 70:1  
**chosen** 73:8  
**circulated**  
48:4  
**cities** 39:22,  
62:17  
**Citizens**  
74:11,  
75:4,  
75:13,  
76:16  
**City** 6:7,  
10:17,  
11:4, 11:6,  
13:23,  
19:13,

22:20,  
24:7, 25:6,  
26:9,  
26:10,  
34:10,  
35:16,  
36:16,  
36:19,  
37:13,  
37:18,  
37:22,  
38:1, 38:8,  
40:2, 52:8,  
52:13,  
52:17,  
52:18,  
64:6, 70:2,  
70:9,  
71:17,  
73:3, 75:1  
**claim** 55:11,  
55:22, 56:6  
**Claims** 55:23  
**clarification**  
60:12  
**Clerk** 13:23,  
56:5  
**Clinton** 74:15  
**clock** 61:23  
**clogged** 69:5,  
69:6  
**close** 58:1  
**closed** 50:22,  
51:3  
**closely** 11:6  
**closer** 62:14  
**closing** 56:9  
**coast** 49:14  
**coastal** 13:7,  
42:20  
**coffee** 78:15  
**cohesion**  
35:19  
**combined** 24:7  
**comes** 71:10  
**comfortable**

60:14  
**Coming** 5:23,  
22:2, 26:1,  
34:6, 34:9,  
57:23,  
67:23,  
68:9, 68:17  
**commencing**  
1:16  
**comment** 9:20,  
9:21, 13:5,  
13:13,  
57:9,  
57:14,  
59:21,  
60:13,  
60:15,  
60:16,  
61:4, 61:8,  
65:13,  
68:13,  
77:12,  
78:12,  
78:20,  
78:23  
**comments** 5:6,  
6:18, 8:12,  
8:18, 9:7,  
9:13, 20:3,  
23:17,  
23:20,  
57:12,  
60:4, 61:1,  
61:16,  
65:21,  
73:10,  
75:14,  
75:15,  
75:16,  
76:15, 79:2  
**commercial**  
8:5, 44:12,  
56:14  
**Commission**  
24:20,  
52:3, 52:4

**ACR OF WNY**  
**(716) 362-9838**

<b>commissioner</b> 5:22	<b>concept</b> 38:2	<b>conservative</b> 30:17	20:21, 54:14
<b>committal-based</b> 76:19	<b>concepts</b> 22:4	<b>conserve</b> 75:21	<b>consulting</b> 46:19,
<b>commonly</b> 56:20	<b>concerned</b> 57:5, 74:11	<b>consider</b> 12:23,	47:4, 48:5
<b>communicating</b> 51:1	<b>concerns</b> 67:4	44:11, 45:1	<b>contact</b> 53:18
<b>community</b> 6:11, 9:3, 20:22, 23:16, 35:19, 36:12, 46:17, 65:16, 65:22, 66:7, 66:12, 66:19	<b>concluded.</b> 79:7	<b>consideration</b> 26:8	<b>contain</b> 48:22
<b>commuter</b> 32:18	<b>conclusion</b> 23:6, 56:21	<b>considered</b> 46:2, 46:9, 47:16, 55:3, 56:12	<b>contents</b> 15:17
<b>companies</b> 64:5	<b>conclusions</b> 22:7	<b>considering</b> 35:4, 39:11	<b>context</b> 39:3, 47:19
<b>compare</b> 32:16	<b>concurrred</b> 17:15, 18:19	<b>considers</b> 45:16	<b>continually</b> 50:19
<b>compared</b> 21:14	<b>concurrence</b> 48:6	<b>consistency</b> 42:20	<b>continue</b> 23:4, 29:13, 29:16, 51:4, 66:10, 76:9
<b>comparison</b> 34:18	<b>condition</b> 27:8	<b>consistent</b> 36:15, 37:13, 39:22, 42:22	<b>contribute</b> 19:11
<b>compensation</b> 55:15, 56:7, 57:2	<b>Condoleeza</b> 72:4	<b>construction</b> 8:8, 9:4, 9:5, 11:21, 27:15, 27:18, 27:20, 37:1, 37:6, 43:13, 45:15, 45:21, 45:22, 46:2, 50:4, 50:6, 50:11, 50:12, 51:9, 51:10, 52:22, 57:23	<b>control</b> 51:7
<b>complete</b> 6:6	<b>conducted</b> 8:16, 10:6, 20:3, 46:21, 53:11, 55:1	<b>consultaion</b> 47:4	<b>convenience</b> 53:22
<b>completed</b> 55:4	<b>conducting</b> 9:2	<b>consultant</b> 17:8,	<b>converted</b> 16:23
<b>completion</b> 28:9, 28:10, 56:9	<b>CONFERENCE</b> 1:13		<b>cookies</b> 78:16
<b>components</b> 7:13, 21:17, 21:21	<b>conferred</b> 17:15		<b>copies</b> 2:6, 3:27
<b>comprehensive</b> 36:17, 36:20, 37:23	<b>confusion</b> 50:21		<b>copy</b> 14:15, 14:23, 54:6
	<b>congestion</b> 34:14		<b>core</b> 42:2, 47:3
	<b>conjunction</b> 10:6, 59:10		<b>corners</b> 66:1
	<b>connect</b> 6:12		<b>Corporation</b> 4:20, 75:5
	<b>connecting</b> 25:2		<b>correct</b> 61:11
	<b>connection</b> 22:21		<b>Corridor</b> 1:7, 2:8, 2:12, 2:16, 2:20, 2:24, 3:30, 3:34, 4:3, 4:7, 4:11, 16:14, 16:18, 17:8,
	<b>connections</b> 25:22, 39:5		
	<b>conservancy</b> 76:18		



ACR OF WNY  
(716) 362-9838

19:21,  
20:9,  
26:14,  
36:12,  
43:4, 47:9,  
47:22,  
48:12,  
48:16,  
49:2, 50:9  
**cost** 27:13,  
27:14  
**Counsel**  
29:23,  
40:19  
**Counties**  
29:22  
**countries**  
67:22, 68:7  
**countryside**  
62:18  
**County** 56:5,  
80:3, 80:6  
**Couple** 14:14,  
44:22,  
49:4,  
70:20,  
75:14,  
76:5, 77:19  
**course** 22:1,  
50:23, 72:9  
**Court** 3:21,  
9:11,  
14:14,  
15:4, 55:22  
**covers** 13:18,  
15:12  
**crashed** 71:19  
**create** 19:20,  
22:20,  
42:1,  
58:10, 69:8  
**creating**  
22:14,  
38:20,  
41:10,  
41:19,

43:19  
**credit** 76:8  
**criteria** 18:2  
**crossed** 70:15  
**crude** 63:17,  
63:19  
**cultural**  
38:2, 38:6,  
38:12,  
39:20,  
62:5,  
63:23,  
77:23  
**Cuomo** 5:21,  
74:17  
**current** 62:1  
**currently**  
22:17,  
25:13,  
27:19,  
31:19,  
32:5, 78:13  
**Custom** 34:5  
**customers**  
64:16  
**Customs** 47:18  
**cut** 66:1  
**cutting** 49:17  
  
**< D >**  
**Daily** 29:5  
**dated** 15:2  
**day** 29:7,  
29:9,  
31:10,  
31:14,  
32:21,  
32:23,  
33:2,  
70:23,  
71:6, 71:11  
**days** 64:23,  
71:11,  
72:12,  
73:12

**dead-ends**  
22:17  
**deal** 16:3,  
24:8, 25:4,  
49:8,  
50:10,  
50:16,  
50:17,  
51:10,  
51:22,  
52:1, 68:22  
**dealing** 24:16  
**dealt** 17:12  
**December**  
57:18  
**decibel** 44:19  
**decibels**  
44:11,  
44:14,  
44:23  
**decide** 61:7  
**decided** 59:5,  
74:18  
**decision**  
8:22, 9:7,  
15:10,  
65:20  
**decisions**  
15:14  
**declare** 79:2  
**decline** 29:10  
**declined**  
30:15  
**deeper** 6:21,  
62:23  
**definition**  
38:1  
**deja** 72:16  
**Deliver** 54:6  
**deminimus**  
45:8  
**demographics**  
35:18  
**demolition**  
43:14,  
45:12

**demonstrate**  
77:3  
**density** 33:15  
**Department**  
3:18, 5:14,  
10:16,  
11:1,  
12:15,  
42:21,  
45:4, 53:6,  
53:12,  
54:11,  
56:2,  
56:10,  
56:15,  
73:12  
**depicted** 16:6  
**described**  
62:10  
**Design** 1:5,  
2:8, 2:12,  
2:16, 2:20,  
2:24, 3:31,  
3:35, 4:4,  
4:8, 4:12,  
4:18, 4:22,  
5:6, 6:20,  
6:23, 8:16,  
8:23, 9:3,  
10:10,  
10:22,  
11:20,  
15:1, 15:6,  
15:8,  
15:13,  
22:3,  
23:23,  
24:1, 48:9,  
52:22,  
53:8,  
53:10,  
56:12,  
57:19, 62:5  
**designated**  
42:16,  
46:19

ACR OF WNY  
(716) 362-9838

<b>designed</b>	69:14, 72:21	<b>disruption</b>	19:23, 20:16,
23:21,		50:7	21:11,
25:18,	<b>direction</b>	<b>disruptions</b>	43:21,
63:11	27:5, 76:6,	50:12	52:22,
<b>desk</b> 72:11	80:11	<b>distance</b>	60:3, 69:2
<b>destroying</b>	<b>directions</b>	26:20	<b>dollars</b>
63:3, 73:2	29:7	<b>distinctivene</b>	27:16, 66:9
<b>detail</b> 15:13,	<b>directly</b>	<b>ss</b> 65:9	<b>Domain</b> 7:21,
23:11,	41:22	<b>distributed</b>	13:9
28:18,	<b>Director</b> 5:17	14:18	<b>domestic</b> 73:1
55:13	<b>disagree</b>	<b>District</b>	<b>dominant</b>
<b>detailed</b>	55:16	5:16, 38:2,	62:13,
73:20	<b>disagreement</b>	38:6,	62:16,
<b>detailing</b>	17:20	38:12,	62:21,
55:10	<b>disagrees</b>	39:20,	63:1, 63:10
<b>deterioration</b>	55:17	40:10,	<b>done</b> 14:7,
35:1	<b>discharging</b>	40:11,	15:3,
<b>determination</b>	74:4	77:23	17:23,
46:7	<b>discover</b>	<b>districts</b>	28:6,
<b>determine</b>	62:20	40:10,	40:19,
15:11	<b>Discovery</b>	40:14,	48:23,
<b>determined</b>	22:15,	46:18,	57:15,
72:10	22:19,	47:13,	66:5, 67:8,
<b>detonated</b>	22:22,	50:13	74:17,
70:18, 74:2	25:1, 38:7,	<b>disturbed</b>	78:13
<b>Deveaux</b> 13:22	38:22,	20:9, 72:1	<b>Donohue</b> 3:9,
<b>developed</b>	58:7, 58:11	<b>diversity</b>	5:10, 28:4
33:11,	<b>discrete</b> 41:3	42:15	<b>DOT</b> 7:20,
67:17	<b>discussed</b>	<b>document</b>	8:1, 52:4
<b>Development</b>	63:15	13:5,	<b>doubt</b> 29:15
3:7, 4:19,	<b>discussion</b>	13:12,	<b>Doug</b> 75:12
6:1, 11:8,	29:19	13:17,	<b>DOUGLAS</b> 75:4,
37:14	<b>dismiss</b> 73:10	13:19,	75:6
<b>Devil</b> 73:14	<b>Dispensa</b>	14:4, 15:9,	<b>down</b> 22:14,
<b>devoted</b> 64:2,	3:15, 5:13,	18:1,	25:6,
65:8	7:20,	20:11,	25:11,
<b>difference</b>	51:16, 53:4	20:23,	29:10,
32:20,	<b>displacement</b>	46:22	31:11,
41:12	35:20	<b>documentation</b>	31:22,
<b>difficulty</b>	<b>displacements</b>	55:19	33:6, 33:7,
68:15	8:6	<b>documents</b>	40:15,
<b>Difranco</b>	<b>displacing</b>	27:18,	40:16,
38:23,	40:12	57:20,	49:14,
39:9, 45:22	<b>display</b> 24:10	60:19,	52:8,
<b>direct</b> 36:23,	<b>disproportion</b>	78:4, 78:6	52:14,
37:7, 41:9,	<b>ate</b> 35:23	<b>doing</b> 19:10,	

ACR OF WNY  
(716) 362-9838

59:8,  
59:12,  
59:23,  
68:19,  
69:9,  
69:14,  
70:14,  
74:23, 80:8  
**download** 14:3  
**Downtown**  
16:15,  
17:9, 38:11  
**downward**  
29:14  
**DR/EA** 5:7,  
8:17, 12:1,  
13:12,  
15:22,  
18:21,  
21:5,  
28:16,  
57:10,  
57:11  
**drawing**  
24:12,  
24:13  
**drawn** 53:13  
**Drive** 3:10,  
16:16,  
17:13,  
17:21,  
18:9,  
18:14,  
18:17,  
23:2, 23:4,  
23:7,  
23:19,  
24:19,  
24:23,  
25:5, 25:8,  
26:15,  
32:11,  
34:7,  
59:13, 65:2  
**driveway**  
22:14,

33:19,  
52:2, 52:7,  
58:10  
**driveways**  
32:2  
**driving** 70:9  
**dual** 6:9  
**ducks** 49:5  
**due** 61:1  
**dump** 73:15  
**dumped** 48:17  
**During** 9:3,  
9:4, 32:15,  
33:2, 37:5,  
43:13,  
43:14,  
44:9,  
45:11,  
45:15,  
45:20,  
45:22,  
49:17,  
50:9, 51:8,  
54:18, 61:7  
**dust** 51:8  
**dynamite**  
70:17  
**Dyster** 76:8  
  
< E >  
**e-mail** 14:21,  
51:2, 60:19  
**e-mails** 74:13  
**E.** 1:17,  
3:21, 80:5,  
80:17  
**earlier**  
27:22,  
30:20,  
35:20,  
42:7,  
46:21,  
51:11, 52:7  
**early** 29:8,  
31:14, 61:6

**Earth** 62:11,  
62:14,  
63:3, 73:23  
**easement**  
25:8, 52:3,  
52:10  
**easements**  
8:2, 8:7,  
51:20,  
51:23,  
52:16,  
52:21,  
52:23  
**Easier** 26:19  
**easiest** 66:2,  
66:5  
**east** 49:14  
**easy** 69:10  
**eco-friendly**  
64:13  
**ecological**  
62:3,  
63:21,  
64:15, 65:9  
**ecology** 19:6,  
42:11,  
75:21  
**economic**  
8:19, 12:6,  
16:1,  
19:11,  
30:4,  
36:22,  
37:11,  
37:14,  
39:21,  
39:23  
**economy**  
37:10,  
64:8, 64:9  
**ecosystem**  
65:12  
**edge** 58:23,  
59:14  
**effect** 46:7,  
47:7, 48:4,

54:7, 55:2  
**effected**  
54:12  
**effects** 7:18,  
12:23,  
13:6, 35:4,  
36:22,  
37:9,  
37:12,  
39:21,  
41:7, 41:8,  
41:9, 42:4,  
45:21,  
47:5,  
47:13,  
47:14, 50:6  
**eight** 31:23,  
78:18, 79:1  
**eighteen** 50:4  
**eighth** 63:22  
**eighths** 64:1  
**Either** 23:10,  
29:18,  
30:6, 39:8,  
47:14, 60:4  
**elected**  
66:20,  
74:14  
**electronic**  
77:1  
**element** 74:4  
**eleven** 14:22  
**eligible**  
13:1, 47:7,  
47:15,  
47:16,  
47:23  
**eliminate**  
45:10,  
45:13,  
45:15  
**eliminates**  
50:21  
**eliminating**  
42:11  
**elminating**

ACR OF WNY  
(716) 362-9838

45:23  
**Eminent** 7:21,  
13:9  
**Empire** 3:7,  
11:7, 37:16  
**employee**  
52:11  
**employment**  
30:4  
**encounter**  
47:23,  
49:9, 51:13  
**encountered**  
20:5,  
48:13, 49:2  
**encouraged**  
54:17  
**end** 18:4,  
22:5, 22:6,  
22:10,  
22:23,  
24:15,  
26:13,  
26:14,  
26:15,  
31:8, 33:7,  
57:9,  
57:14,  
58:5,  
59:18,  
67:1,  
69:19, 77:9  
**endangered**  
13:8, 49:10  
**endless** 74:10  
**energy** 43:12,  
43:13,  
43:17,  
43:21  
**engineer** 5:12  
**engineering**  
17:23  
**engineers**  
53:8  
**enhancement**  
39:12,

42:14,  
42:16  
**enough** 15:13,  
72:19  
**enrich** 65:11  
**enter** 62:21,  
63:10  
**entered** 10:13  
**entering** 24:6  
**enters** 73:14  
**entire** 11:4,  
11:23,  
13:10,  
20:23,  
25:19,  
35:2, 46:6  
**entities**  
66:8, 66:10  
**entitled**  
55:14,  
57:1, 63:21  
**entity** 67:17  
**entrance** 58:6  
**entry** 24:23,  
25:5, 68:14  
**Environment**  
8:19, 12:4,  
65:7  
**Environmental**  
5:7, 8:17,  
12:7, 12:9,  
15:1, 15:7,  
16:1, 18:6,  
20:4, 23:9,  
36:9, 41:7,  
41:8, 42:4,  
48:9, 62:6,  
64:3, 64:15  
**equals** 31:15  
**Erie** 19:21,  
29:21,  
80:3, 80:6  
**eroding** 63:4  
**erosion** 51:6  
**Especially**  
32:14,

43:14,  
52:22, 78:6  
**essentially**  
16:10, 19:8  
**Essex** 17:1  
**establish**  
53:9  
**estate** 53:5,  
53:18,  
53:23,  
54:5,  
55:10, 56:5  
**estimate**  
27:13,  
27:14,  
30:11  
**estimated**  
28:8, 28:10  
**estimates**  
30:17  
**estimating**  
31:6  
**evaluate**  
15:23,  
35:23  
**evaluated**  
17:7,  
42:19, 47:5  
**evaluates**  
15:20  
**evening** 4:16,  
5:19, 5:20,  
5:23, 6:8,  
6:17, 6:22,  
7:1, 7:5,  
32:19, 67:4  
**EVENT** 1:14  
**eventually**  
69:1  
**everybody**  
17:18  
**everyone**  
4:16,  
16:13,  
61:1, 61:14  
**evidently**

62:18  
**exactly** 15:6,  
16:11,  
17:13  
**examinable**  
73:23  
**example** 64:6  
**exceedances(s**  
**ic** 43:10  
**excited** 6:16  
**excuse** 29:11  
**exercise**  
67:19  
**Exhibit** 2:4,  
3:33, 4:2,  
4:6, 4:10,  
4:14  
**Exhibits** 2:1,  
3:28  
**existing**  
22:13,  
25:5,  
25:12,  
26:5,  
26:17,  
26:18,  
26:20,  
26:23,  
27:7, 47:8,  
58:13,  
58:19,  
59:13  
**exit** 62:21,  
63:10  
**expansion**  
39:12  
**expansive** 6:2  
**expect** 72:13  
**expenditure**  
37:10  
**expenditures**  
37:2  
**expensive**  
66:6  
**experiencing**  
64:17

**ACR OF WNY**  
**(716) 362-9838**

<b>expertise</b>	11:5 ,	15:10 ,	59:12 , 67:5
54:15	13:22 ,	15:23 ,	<b>finding</b> 48:3 ,
<b>explain</b> 54:7 ,	16:15 ,	17:16 ,	57:16
55:12	17:9 ,	18:1 ,	<b>Findlay</b>
<b>explained</b>	19:13 ,	18:18 ,	16:16 ,
18:20	26:9 ,	21:7 , 28:7 ,	17:13 ,
<b>exploded</b>	26:10 ,	35:22 ,	17:21 ,
71:16 , 73:2	30:8 ,	37:4 ,	18:8 ,
<b>explosives</b>	36:20 ,	45:16 ,	18:14 ,
72:20	37:15 ,	49:13 ,	18:17 ,
<b>exposed</b> 50:14	37:16 ,	60:1 , 73:3	23:2 , 23:4 ,
<b>expressway</b>	52:2 ,	<b>federally</b>	23:7 ,
21:17 ,	52:17 ,	44:2 , 46:14	23:19 ,
27:2 ,	52:18 ,	<b>feed</b> 7:1	26:15 ,
35:11 ,	62:3 ,	<b>feeds</b> 26:16	34:6 , 34:8 ,
35:12 ,	64:22 ,	<b>feel</b> 32:3 ,	59:13
43:18 ,	67:14 ,	60:13	<b>fine</b> 60:13
45:11	68:5 ,	<b>feet</b> 70:20	<b>finish</b> 21:1
<b>extend</b> 22:17 ,	68:11 ,	<b>fertilizer</b>	<b>First</b> 3:4 ,
22:18	70:9 , 75:9 ,	73:2	14:15 ,
<b>extension</b>	76:4	<b>few</b> 14:6 ,	15:12 ,
25:1	<b>famous</b> 72:9	51:23 ,	63:14 ,
<b>exterior</b>	<b>far</b> 51:19 ,	58:1 , 68:4 ,	67:8 , 67:10
44:14	68:12 ,	72:3	<b>five</b> 15:3 ,
	77:10	<b>FHWA</b> 10:8	64:1
<b>&lt; F &gt;</b>	<b>farfetched</b>	<b>field</b> 20:11 ,	<b>five-minute</b>
<b>facilitates</b>	72:23	46:23	61:16
37:20 ,	<b>farmlands</b>	<b>fifty</b> 14:20 ,	<b>five-volume</b>
37:22	43:3	73:21	21:5
<b>facilitating</b>	<b>feasible</b>	<b>file</b> 13:19 ,	<b>flat</b> 29:17 ,
37:23	12:20 , 18:9	55:21	30:6
<b>facilities</b>	<b>feature</b> 27:2 ,	<b>filing</b> 56:3	<b>flavor</b> 34:17
36:12 ,	58:9 , 59:4	<b>fill</b> 61:9	<b>flood</b> 43:1
38:17 ,	<b>featured</b>	<b>final</b> 6:20 ,	<b>Floor</b> 3:5 ,
39:8 ,	73:17	9:3 , 9:6 ,	8:11 , 9:14 ,
39:18 , 46:1	<b>features</b>	11:20 ,	61:19
<b>facility</b> 74:5	15:19 ,	17:23 ,	<b>flow</b> 70:2
<b>fact</b> 18:12 ,	21:17 ,	24:1 , 48:9 ,	<b>flying</b> 72:2
36:3 , 45:19	23:22 ,	52:22 ,	<b>focus</b> 28:23 ,
<b>Failing</b> 55:20	24:5 ,	57:11 ,	62:5
<b>fall</b> 20:16	25:19 ,	57:19	<b>focused</b> 22:5
<b>Falls</b> 1:14 ,	48:22	<b>finalized</b>	<b>follow</b> 12:21
1:15 , 3:6 ,	<b>Federal</b> 10:5 ,	48:8	<b>followed</b>
6:8 , 6:15 ,	10:7 , 10:8 ,	<b>Finally</b> 8:10 ,	70:12
10:17 ,	12:2 , 12:4 ,	14:13 ,	<b>following</b>
	12:5 , 13:3 ,	55:6 ,	54:6

ACR OF WNY  
(716) 362-9838

fooled 64:12  
footwear 71:1  
forbid 74:21  
forefathers  
70:7  
forests 63:4  
form 62:16  
formal 4:18,  
9:10  
forms 62:13  
Fort 69:11,  
76:4  
forthcoming  
79:2  
forty 41:20  
forty-two  
27:21,  
27:22  
Forward 6:18,  
7:3, 26:11,  
28:2,  
40:20,  
46:4,  
76:12, 77:7  
fossil 41:5  
found 20:14  
Four 37:5,  
41:22,  
44:22, 70:6  
four. 63:15  
fragmentation  
42:12  
Franklin 3:23  
frankly 20:16  
freed 40:7  
freeze 59:5  
freezes 20:18  
front 23:14  
front-page  
73:18  
fuel 41:5  
full 14:23,  
18:16,  
27:17,  
27:20,  
43:23,

47:2,  
48:14,  
55:7,  
58:22,  
67:5, 71:1  
full-offered  
55:15  
fully 36:15  
fun 58:6  
fund 10:15  
funding 11:9,  
11:18, 28:1  
FUNKE 75:4,  
75:6  
future 14:11,  
23:21,  
26:4, 30:1,  
30:3, 31:2,  
32:6, 39:8,  
39:15,  
39:19,  
41:3,  
65:10, 69:3  
futures 62:7,  
64:4  
  
< G >  
game 67:1  
gaps 33:19  
gasoline 74:4  
gateway  
15:18,  
25:19, 58:9  
gave 20:3  
Gazette  
14:17,  
73:16,  
73:18  
general 15:17  
generally  
34:9  
generated  
71:13  
gentlemen  
6:20, 9:15,

9:16  
geological  
61:23  
getting 9:6  
Give 28:14,  
31:16,  
33:14,  
34:17,  
34:18,  
58:3,  
59:17,  
66:11, 76:7  
given 29:7,  
61:3, 61:4  
gives 30:21  
glad 75:10  
globally  
42:17  
goal 57:2  
goals 18:23,  
36:20  
Google 73:23  
Government  
17:16,  
18:1,  
18:18,  
21:7,  
35:22,  
45:16,  
72:13  
governor  
5:21,  
27:23,  
74:17  
grade 68:16  
grandeur  
66:12  
grandmother  
75:7  
graph 29:3  
Great 16:3,  
39:14,  
76:6, 78:1,  
78:8  
Greater  
29:22,

40:17,  
55:13  
greatest  
37:18  
green 19:21,  
24:2,  
41:20,  
42:1, 42:9,  
59:16,  
64:7,  
64:12,  
75:22,  
76:22  
greenway  
76:21  
grew 73:5  
grid 22:20  
gross 72:15  
ground 20:18  
ground-level  
58:2  
Group 5:12  
groups 20:22,  
46:17  
grow 69:1  
grown 31:4  
growth 30:9,  
30:11,  
30:19, 64:5  
guy 59:22  
  
< H >  
habitat  
42:12,  
63:15  
habitats  
42:13,  
64:18  
half 16:22,  
22:2, 30:9,  
30:10,  
30:19,  
30:23,  
31:4,  
31:13, 76:7

ACR OF WNY  
(716) 362-9838

hall 69:12  
hallway 9:16,  
9:17, 16:7,  
24:11,  
32:9, 33:5  
Hang 59:5  
happen 28:22,  
31:1,  
38:16,  
41:1, 76:9  
happening  
34:18, 77:6  
happens 18:14  
happy 77:5  
hard 12:6  
hardened  
72:18  
hazardous  
48:11,  
50:15,  
51:13  
heading  
34:13, 59:8  
headline  
73:18  
heads 71:9  
heard 28:20,  
67:10  
HEARING 1:6,  
1:12, 4:18,  
4:22, 5:5,  
7:7, 7:11,  
8:14, 8:15,  
9:6, 9:10,  
14:9,  
59:20,  
78:13,  
78:17,  
79:3, 79:6,  
80:8  
hearings  
13:15, 22:3  
Heaven 74:21  
heck 28:21  
held 1:13  
Helen 61:17,

61:20, 67:9  
help 68:11,  
69:10  
helped 11:8  
helping 76:8  
HEREBY 80:7  
Heritage  
61:18  
hidden 71:16  
higher 30:18,  
33:1  
highlight  
77:1  
highlighted  
33:22  
Highway 10:4,  
10:7, 17:2,  
17:17,  
21:21,  
24:3,  
24:16,  
35:6, 35:8,  
38:14,  
41:13,  
43:15,  
47:20,  
53:17  
highways  
19:15  
Hilary 74:15  
Historic 5:1,  
12:18,  
12:22,  
20:6, 21:2,  
39:17,  
45:7, 46:4,  
46:8,  
46:11,  
46:13,  
46:18,  
47:6,  
47:13,  
48:7, 65:18  
historical  
69:12  
history 17:5,

61:21,  
62:2, 64:3,  
65:4  
Hole 73:14  
holiday  
32:14,  
32:21  
Holidays  
32:15, 69:6  
home 60:17  
homes 35:21  
hope 78:4  
hopefully  
57:16,  
57:21  
hoping 19:10,  
57:15,  
66:15,  
77:20  
host 13:3,  
46:12  
hosts 66:7  
hot 43:9  
hour 23:14,  
33:10,  
33:20,  
44:9,  
44:17,  
70:14,  
71:11, 76:7  
hours 51:9,  
71:6  
House 34:5,  
47:18,  
70:12,  
71:20,  
72:2, 75:7  
housekeeping  
14:6  
houses 23:15,  
36:11  
Hufnagel  
70:5, 70:6,  
75:3  
huge 70:16,  
75:11

humans 63:9  
hundred  
14:20,  
14:22,  
31:9,  
31:20,  
37:5,  
41:19,  
41:23,  
70:20,  
76:19  
hundreds  
66:8, 71:18  
hydropower  
71:13, 77:2  
hysteria  
73:11  
< I >  
identificatio  
n. 3:29,  
3:33, 4:2,  
4:6, 4:10,  
4:14  
identified  
41:2  
imagine 74:3  
immediately  
16:21  
impact 35:12,  
35:17,  
44:8, 45:2,  
46:10,  
57:17,  
75:22  
impacts 8:19,  
12:7, 16:2,  
18:6,  
19:16,  
21:2,  
21:15,  
28:13,  
30:18,  
36:1, 36:9,  
36:10,

**ACR OF WNY**  
**(716) 362-9838**

42:23,  
43:5, 43:6,  
43:8, 48:1,  
49:22,  
50:1, 50:2,  
51:8, 51:10  
**implement**  
15:21  
**implementatio**  
**n** 11:20,  
42:8  
**implemented**  
12:1  
**implementing**  
12:13,  
36:19  
**important**  
13:10,  
28:20,  
41:16,  
42:17,  
42:18,  
67:11,  
76:11  
**importantly**  
6:6, 41:21  
**improve**  
18:23,  
19:5, 45:18  
**improved**  
36:7, 54:20  
**improvement**  
18:5, 35:9,  
40:8, 42:6,  
54:21,  
54:22  
**improvements**  
35:19,  
36:5, 42:3,  
42:10,  
47:19  
**improving**  
19:17  
**in.** 34:11,  
46:20,  
67:20, 68:8

**Inaudible**  
4:21, 5:13,  
10:6,  
11:19,  
13:9,  
13:17,  
18:3,  
19:20,  
25:16,  
27:18,  
27:19,  
33:13,  
34:7, 38:4,  
41:15,  
55:21,  
56:23,  
57:20,  
59:17,  
63:6,  
70:16,  
71:7,  
71:19,  
71:20,  
72:17  
**incentivise(s**  
**ic** 64:14  
**inch** 63:22,  
71:4  
**inches** 64:1  
**include** 24:5,  
26:7,  
75:18,  
75:19  
**Included**  
14:4,  
18:21,  
44:1, 55:8  
**includes**  
15:16,  
21:16  
**including**  
7:10,  
10:16,  
13:21,  
40:1,  
46:13,

46:15,  
57:13, 71:4  
**income** 36:1,  
36:6  
**incompetency**  
72:15  
**inconvenience**  
**s** 50:8  
**incorporate**  
24:2  
**incorporated**  
23:18  
**incorporating**  
21:22  
**increase**  
43:9, 55:20  
**increases**  
44:20  
**increasing**  
41:5,  
69:15,  
69:16  
**independent**  
18:7  
**INDEX** 2:1  
**individual**  
53:12,  
72:1, 72:23  
**induced** 37:9  
**industries**  
62:6  
**industry**  
64:14  
**infield**  
20:15, 44:1  
**influx** 36:23  
**inform** 14:10  
**information**  
14:2, 54:1,  
54:9,  
54:16,  
60:22,  
63:21, 64:2  
**infrastructur**  
**e** 24:2,  
24:4, 42:9

**injuries**  
44:18  
**injuring**  
71:18  
**inner** 54:13  
**input** 7:1  
**inside** 68:10  
**inspection**  
54:18  
**instance**  
63:13  
**instead** 67:12  
**intact** 74:20  
**intended**  
19:19  
**intensive**  
6:23  
**interested**  
14:19  
**internal** 21:6  
**interpretatio**  
**n** 38:20,  
39:17,  
59:10  
**Interpretive**  
40:3  
**intersecting**  
23:7  
**intersection**  
35:2  
**intersections**  
28:19  
**interview**  
72:5  
**introduction**  
7:8  
**invite** 5:15,  
61:17  
**involve** 23:1,  
24:21,  
45:8, 45:20  
**involved**  
10:1,  
14:19,  
53:15  
**involves**



ACR OF WNY  
(716) 362-9838

37:17,  
45:5, 46:12  
**Isis** 71:6  
**issue** 10:22,  
32:4,  
57:11,  
57:17,  
73:17  
**issues** 23:1,  
49:6,  
51:18,  
51:21,  
53:2, 57:18  
**issuing** 57:21  
**Italians**  
67:21  
**Italy** 31:18  
**items** 13:18,  
14:6,  
14:15,  
77:23

< J >

**J.** 3:3  
**January** 57:22  
**Japanese**  
67:21  
**jersey** 24:22  
**JIM** 70:4,  
70:6  
**jobs** 37:5,  
37:6, 37:7  
**jointly** 10:15  
**July** 21:8  
**justice** 36:9

< K >

**keep** 28:12,  
51:1, 51:5,  
77:6, 78:17  
**keeping** 28:6,  
66:14  
**kept** 30:18,  
66:4

**killling**  
71:17,  
71:21  
**kind** 30:16,  
32:22,  
33:6, 33:9,  
33:20,  
33:22,  
34:16,  
34:17,  
48:19  
**kingdom** 72:21  
**knowing** 49:6  
**knowledge**  
50:20  
**known** 6:3  
**Koreans** 67:21  
**KRESS** 61:17,  
61:20

< L >

**ladies** 9:16  
**Ladin** 72:10  
**Lake** 19:21,  
38:12  
**land** 11:14,  
15:20,  
21:3,  
35:17,  
44:6, 44:7,  
45:6,  
53:16,  
54:21, 66:9  
**lands** 12:17,  
21:20, 39:9  
**landscape**  
22:14,  
24:23,  
58:10, 59:4  
**landscaping**  
15:18,  
25:15  
**lanes** 41:14,  
45:11  
**large** 6:1,

16:23,  
34:3,  
70:11,  
73:15  
**larger** 33:12  
**largest**  
44:20,  
71:13  
**Lariviere**  
3:10  
**last** 7:11,  
8:21,  
11:12,  
20:1,  
20:17,  
22:1, 22:8,  
24:16,  
29:3, 75:15  
**late** 16:8,  
31:16  
**latecomer**  
61:22  
**latecomers**  
78:19  
**Law** 7:22,  
12:8, 13:9,  
56:11  
**lawn** 67:13,  
68:4  
**laws** 12:2,  
13:4,  
13:13,  
15:23  
**layer** 63:4  
**lead** 10:8,  
10:21  
**leaders**  
65:23,  
66:20, 71:9  
**leading** 25:20  
**least** 11:12,  
13:4, 31:5,  
66:6  
**leave** 60:21  
**leaving**  
16:10,

26:3, 74:19  
**Led-based**  
48:22  
**legacy** 63:19  
**legally** 56:2  
**length** 74:4  
**less** 44:19  
**letters** 74:13  
**level** 10:12,  
12:4, 12:8,  
15:11,  
37:17  
**levels** 34:23,  
35:1, 49:13  
**Lewiston**  
17:10,  
34:12,  
49:3, 70:10  
**library** 13:23  
**lie** 50:3  
**life** 62:13,  
62:16  
**light** 74:6  
**lighting**  
15:16  
**lights** 68:21  
**likely** 9:1  
**limit** 49:21,  
61:16  
**limiting** 51:9  
**line** 58:18,  
71:20, 75:1  
**link** 22:19  
**linking**  
21:23,  
41:18  
**Lisa** 65:14,  
65:16, 67:2  
**list** 13:11,  
14:21,  
61:6, 77:9  
**listed** 36:17,  
49:12  
**listen** 65:21,  
66:17  
**listens** 64:19

ACR OF WNY  
(716) 362-9838

**literal** 36:16  
**Literally**  
70:12  
**Little** 15:5,  
21:9, 28:4,  
28:15,  
28:23,  
29:3,  
31:18,  
32:23,  
34:15,  
51:16,  
52:5, 53:2,  
58:5,  
60:11, 64:8  
**loaded** 73:1  
**lobby** 60:9,  
67:6  
**local** 10:12,  
13:20,  
13:23,  
20:22,  
28:18,  
29:20,  
37:10  
**located** 71:14  
**location**  
44:5, 48:15  
**locations**  
13:21,  
44:6, 44:22  
**logical** 18:3  
**long** 43:15,  
43:19,  
66:13, 69:7  
**long-eared**  
49:12  
**long-term**  
23:12,  
42:15, 50:2  
**longer** 33:1,  
34:16,  
37:12  
**look** 6:17,  
7:3, 12:6,  
15:10,

24:11,  
27:11,  
31:3,  
31:12,  
32:10,  
33:3,  
38:11,  
39:13,  
58:16,  
66:2, 66:5,  
69:20,  
75:17  
**looked** 22:3,  
22:11,  
23:11,  
32:13  
**Looking**  
18:23,  
19:5,  
26:20,  
27:5, 30:7,  
30:14,  
30:17,  
38:10,  
39:2, 39:7,  
39:10,  
58:6,  
58:12,  
58:16,  
59:9,  
59:12,  
67:23,  
68:9,  
68:14,  
69:23, 78:2  
**looks** 19:20,  
67:13  
**lost** 20:17,  
66:13  
**lot** 28:15,  
32:2, 35:8,  
39:1,  
42:11,  
43:6,  
43:22,  
48:12,

48:13,  
49:23,  
50:1,  
50:17,  
50:21,  
51:8,  
52:12, 76:8  
**loved** 76:5  
**low** 36:1,  
36:5  
**low-carbon**  
64:8  
  
< M >  
**Machine** 80:9  
**mail** 14:22,  
60:20  
**mailing** 14:20  
**Main** 16:14,  
17:12,  
33:8,  
33:12,  
34:12,  
38:4,  
40:11,  
40:23,  
41:2,  
44:21,  
67:4, 68:20  
**maintains**  
11:2  
**maintenance**  
52:13  
**major** 6:3,  
8:4, 34:13,  
34:23,  
36:11,  
40:8, 43:8,  
49:20,  
50:3,  
50:11,  
57:17,  
59:3, 59:7  
**majority**  
11:14

**makers** 15:10,  
65:20  
**manager** 5:11  
**manicured**  
67:13, 68:4  
**manner** 80:9  
**map** 54:7,  
56:3  
**maps** 53:12  
**March** 20:20,  
27:23  
**Mark** 3:15,  
5:15, 7:6,  
14:14,  
14:23,  
27:22  
**MARK THOMAS**  
5:19  
**marked** 3:28,  
3:32, 4:1,  
4:5, 4:9,  
4:13  
**marks** 69:12  
**massive** 42:1,  
63:5  
**materials**  
48:11,  
48:18,  
48:21,  
49:1,  
50:15,  
51:13  
**matter** 39:5  
**Mayor** 76:8  
**Mcveigh** 73:5  
**mean** 7:16,  
42:3  
**Meaning** 18:7,  
43:17,  
64:12  
**meaningful**  
65:7  
**means** 21:11,  
80:9  
**Meanwhile**  
71:8

ACR OF WNY  
(716) 362-9838

<b>measurement</b>	66:14,	<b>motivated</b>	47:23
44:2,	70:15, 77:7	71:7	<b>native</b> 64:18
63:18,	<b>mindset</b> 39:20	<b>mouth</b> 68:6	<b>natural</b>
63:19	<b>minimize</b>	<b>move</b> 28:2,	21:19,
<b>measurements</b>	19:16,	37:22,	61:21,
44:15	75:21	52:5,	64:20,
<b>meet</b> 20:21,	<b>minimum</b> 66:4	59:23,	65:3, 65:6,
53:20	<b>minority</b>	66:13, 77:7	67:12,
<b>meeting</b> 8:21,	36:1, 36:5	<b>movements</b>	67:23,
20:1, 28:3,	<b>minute</b> 5:4	24:1	69:20,
53:21,	<b>Minutes</b> 1:12,	<b>moves</b> 36:16,	69:21
61:13,	65:1, 80:7,	37:21,	<b>naturally</b>
78:15,	80:10,	42:13	24:8, 46:5
78:22	80:11	<b>moving</b> 64:7,	<b>nature-rich</b>
<b>meetings</b>	<b>mistake</b> 75:11	76:11	64:9
13:15,	<b>mitigate</b> 75:2	<b>multi-layer</b>	<b>Near</b> 33:8,
28:21	<b>mobile</b> 40:2	55:5	44:21, 59:2
<b>memo</b> 72:11	<b>Model</b> 30:2,	<b>multi-use</b>	<b>necessary</b>
<b>Memorandum</b>	30:7, 44:3	16:23	8:3, 53:17,
10:14	<b>modes</b> 19:2	<b>multiple</b>	56:15
<b>mention</b> 76:13	<b>moment</b> 16:12,	48:16	<b>necessitate</b>
<b>mentioned</b>	60:2	<b>multiplier</b>	56:13
40:17	<b>money</b> 68:9,	37:3, 37:8	<b>need</b> 60:1,
<b>merely</b> 12:15	68:10	< N >	69:23,
<b>mess</b> 66:23	<b>monoxide</b> 43:9	<b>name</b> 4:16,	74:22, 76:9
<b>met</b> 18:2,	<b>months</b> 50:5	53:4,	<b>negative</b> 41:7
18:10	<b>morning</b>	61:11,	<b>negotiate</b>
<b>Metropolitan</b>	32:18,	67:22,	55:18
29:20	33:10,	73:4,	<b>neighborhood</b>
<b>microphone</b>	34:1, 34:8,	75:12,	9:2, 23:5
60:6,	51:4	77:13,	<b>neighborhoods</b>
60:14,	<b>mortar</b> 66:3	77:18	19:5,
65:14,	<b>Moses</b> 1:7,	<b>named</b> 6:4	19:18,
67:3, 70:5	5:8, 6:4,	<b>narrower</b>	21:23,
<b>middle</b> 32:23,	16:16,	58:21	35:15,
70:19	17:2,	<b>Nation</b> 46:16	40:14,
<b>miles</b> 16:16,	26:18,	<b>National</b>	69:15,
42:2,	27:9,	10:3, 12:4,	75:22
70:14, 73:7	33:21,	12:22,	<b>neighbors</b>
<b>million</b>	45:13,	13:2,	35:16,
27:15,	70:10,	43:10,	69:10
27:21,	70:19,	47:7,	<b>network</b>
27:22, 37:1	71:10,	47:14,	25:22, 27:3
<b>millions</b> 66:8	72:22,	47:17,	<b>Nevertheless</b>
<b>mind</b> 28:6,	74:9, 78:6		8:7
28:12,	<b>mostly</b> 36:14		<b>New</b> 1:15,

ACR OF WNY  
(716) 362-9838

3:6, 3:12,  
3:17, 3:18,  
3:25, 4:23,  
5:14,  
10:18,  
11:13,  
12:9, 23:2,  
25:8,  
26:10,  
33:11,  
35:10,  
35:11,  
39:8, 40:2,  
41:11,  
53:5,  
56:10,  
59:2, 64:6,  
71:17,  
74:15,  
80:1, 80:6  
**newly** 6:4  
**News** 73:16,  
73:17  
**newspaper**  
2:6, 3:27,  
74:13  
**next** 6:1,  
6:19, 6:22,  
16:19,  
29:16, 57:8  
**nice** 67:9  
**night** 79:4  
**nineteen**  
65:16  
**NIPA** 52:16,  
73:19  
**no-** 7:14  
**no-adverse**  
35:17,  
46:7,  
47:14, 48:4  
**no-build**  
16:9, 21:11  
**Noise** 43:23,  
44:3, 44:8,  
44:12,

44:17,  
45:1,  
50:11,  
51:10  
**normal** 32:21  
**North** 17:20,  
18:8,  
18:14,  
18:17,  
22:6,  
22:23,  
24:11,  
34:10,  
40:11,  
70:10  
**northern**  
26:15,  
49:11  
**northtowns**  
34:11  
**notable** 41:4  
**Notary** 1:17,  
80:5, 80:18  
**nothing**  
21:12,  
74:18  
**Notice** 1:13,  
14:18, 56:4  
**noticed**  
30:15,  
33:20  
**notices**  
14:10,  
14:16  
**November**  
57:15  
**number** 10:12,  
12:2,  
30:21,  
31:9, 32:1,  
66:7  
**numerous** 20:4  
  
**< O >**  
**o'clock**

78:18, 79:1  
**o-zone** 63:4  
**objectives**  
18:11,  
19:19,  
37:14,  
75:17  
**observes**  
64:19  
**obviously**  
43:2, 63:8  
**occasionally**  
62:21,  
63:10  
**occupancy**  
54:3  
**offer** 55:9,  
55:10,  
55:17, 56:1  
**offered** 55:8  
**Office** 5:1,  
14:1, 48:7,  
53:7,  
53:15,  
55:7, 56:4,  
57:2  
**Officer** 46:14  
**official** 14:8  
**officially**  
4:21, 34:6  
**officials**  
74:14  
**often** 48:22  
**Okay** 68:12  
**Oklahoma** 73:3  
**Old** 1:14,  
33:21,  
38:21,  
69:11  
**on-ramp** 58:8  
**on-ramps**  
22:13  
**Once** 6:15,  
7:2, 20:17,  
31:3, 34:1,  
58:17,

60:7,  
66:17,  
68:20,  
78:12  
**One** 16:4,  
36:16,  
36:19,  
37:21,  
39:6, 40:6,  
40:20,  
44:19,  
49:11,  
52:16,  
52:18,  
55:6, 59:6,  
63:16,  
63:21,  
63:23,  
65:23,  
71:12,  
77:22  
**one-on-one**  
53:21  
**one.** 59:1  
**ones** 12:3  
**online** 14:1,  
60:19,  
78:4, 78:7,  
78:8  
**Ontario**  
19:21,  
26:9, 59:2  
**open** 6:14,  
8:11,  
11:16,  
24:18,  
26:4, 40:4,  
41:11,  
41:18,  
52:9, 78:17  
**opened** 38:19  
**opening** 5:18,  
9:13,  
41:17,  
58:15, 59:7  
**opens** 41:21

ACR OF WNY  
(716) 362-9838

<b>operations</b>	40:6	46:3, 65:2,	34:5
35:2	<b>oversight</b>	73:15, 75:9	<b>past</b> 48:15
<b>opportunities</b>	11:11,	<b>parking</b> 32:1,	<b>path</b> 67:19
42:8	27:19,	52:12	<b>PAUL</b> 3:3,
<b>opportunity</b>	27:20	<b>Parks</b> 5:1,	4:17,
65:18,	<b>overview</b>	5:2, 5:16,	28:14,
66:11, 78:1	7:17, 7:23,	10:16,	34:20,
<b>options</b> 22:4	8:15	10:20,	53:3, 77:17
<b>Orchard</b>	<b>own</b> 11:6	11:3,	<b>PAUL</b>
26:21, 27:6	<b>owner</b> 53:19,	12:17,	<b>TRONOLONE</b>
<b>order</b> 4:19,	53:22,	21:3, 46:13	4:16, 7:6,
4:23,	55:16,	<b>Parsons</b> 3:13,	15:5,
15:21,	55:21	5:11, 15:2	34:21,
52:9, 54:11	<b>owners</b> 54:21	<b>part</b> 5:23,	57:7,
<b>organism</b>	<b>ownership</b>	21:4, 26:6,	65:13,
62:22, 63:1	54:3	37:4,	67:2, 70:4,
<b>organisms</b>	<b>owns</b> 10:20,	40:22,	75:3, 77:9,
63:11	11:14,	46:1, 48:8,	78:10
<b>Organization</b>	11:15	49:3,	<b>paved</b> 42:5
29:21,	< P >	49:21,	<b>pavement</b>
76:16	<b>p.m.</b> 1:16,	49:22,	19:9, 24:4,
<b>organizations</b>	32:18	52:15,	41:10,
66:22,	<b>pack</b> 72:19	57:19,	41:15, 46:1
76:20	<b>package</b> 55:9	63:19,	<b>payment</b> 55:12
<b>original</b> 30:2	<b>packed</b> 70:16	73:21,	<b>peak</b> 23:13,
<b>otherwise</b>	<b>PAGE</b> 2:4	76:11	32:18,
66:23	<b>paid</b> 54:21,	<b>participation</b>	32:22,
<b>outdated</b> 46:1	56:8	7:4	33:10,
<b>outdoor</b>	<b>paint</b> 48:22	<b>particular</b>	34:1, 44:9,
39:15, 45:9	<b>pallet</b> 39:14	8:4	44:17
<b>outer</b> 62:11,	<b>paper</b> 18:20	<b>Particularly</b>	<b>peaked</b> 29:8
74:7	<b>papers</b> 56:9	69:17	<b>pedestrian</b>
<b>outfit</b> 71:6	<b>parasites</b>	<b>parties</b>	75:18
<b>outside</b> 33:5,	62:20,	20:21,	<b>Pendleton</b>
64:17,	62:22, 63:9	46:19,	73:6
67:6, 68:9	<b>Paris</b> 71:7	47:4, 48:5	<b>People</b> 6:10,
<b>over here</b>	<b>Park</b> 5:22,	<b>partnered</b>	34:10,
59:15	12:12,	76:14	60:7, 60:9,
<b>overall</b> 15:17	13:22,	<b>partners</b> 60:1	61:12,
<b>overlook</b> 26:5	21:3,	<b>Partnership</b>	66:18,
<b>overlooks</b>	38:23,	61:18,	66:19,
25:18	39:1, 39:9,	76:14,	66:21,
<b>overpass</b>	44:7, 45:6,	76:17	67:15,
27:6, 34:3,	45:22,	<b>pass</b> 25:9	67:22,
59:2		<b>passed</b> 24:17	68:6,
<b>overpasses</b>		<b>passing</b> 6:10,	68:17,

ACR OF WNY  
(716) 362-9838

69:11,  
71:18,  
72:7, 77:10  
**per** 29:9,  
30:9,  
30:11,  
30:20,  
30:23,  
31:5,  
31:10,  
70:14  
**perceiving**  
19:12  
**percent** 30:9,  
30:11,  
30:20,  
30:23,  
31:5, 31:7  
**Perfect** 65:12  
**perform** 63:5  
**period** 45:15,  
52:23,  
57:10,  
57:14,  
59:21, 61:8  
**periodic** 50:6  
**permanent**  
8:2, 12:17  
**perpetrator**  
73:4  
**personal**  
75:20  
**persons**  
14:20,  
14:22  
**perspective**  
23:9,  
23:10,  
31:17,  
36:14,  
67:12  
**phase** 43:13,  
43:14,  
45:12,  
45:21,  
46:2, 46:22

**phases** 18:15  
**photographs**  
64:20  
**physical** 39:4  
**picked** 44:5  
**pictorial**  
67:7  
**piece** 17:18,  
17:19,  
17:22  
**pilot** 71:21  
**Pine** 31:18,  
31:22  
**pipe** 48:20  
**place** 16:10,  
19:14,  
42:13,  
42:14,  
49:7, 63:14  
**places** 19:15,  
41:13  
**Plan** 36:17,  
36:20,  
36:21,  
37:23,  
39:23,  
40:20,  
40:21,  
40:22,  
75:23  
**plane** 71:2,  
71:21, 72:2  
**planes** 43:1  
**planet** 61:23,  
62:17, 63:6  
**Planning**  
11:9,  
29:20, 30:1  
**plans** 62:5  
**Plant** 25:12,  
38:21, 52:8  
**plants** 68:3,  
71:13  
**plastic** 72:20  
**plates** 67:5  
**play** 62:22

**Plaza** 26:1  
**please** 14:7,  
66:13  
**plenty** 26:3  
**plus** 28:9,  
28:11  
**podium** 5:17,  
61:14,  
61:19  
**point** 5:15,  
8:20, 9:9,  
32:12,  
51:15,  
53:14,  
61:7, 73:11  
**point.** 38:20,  
69:13  
**points** 18:4  
**Policies**  
42:22,  
56:19  
**Policy** 12:5,  
42:20  
**political**  
74:18  
**population**  
30:3, 68:23  
**populations**  
36:1, 36:2,  
36:6, 36:8  
**portion** 4:22,  
10:3,  
16:20,  
21:19,  
22:12,  
22:16, 31:6  
**possibility**  
26:4, 39:7,  
74:7  
**possible**  
18:16,  
19:9, 26:4,  
35:23,  
39:8, 57:4  
**post** 78:4  
**potential**

13:6, 18:5,  
39:2,  
39:15,  
40:13,  
50:13,  
68:17,  
72:14  
**potentially**  
72:16  
**Power** 10:18,  
11:13,  
38:18,  
38:21,  
70:13,  
70:19,  
72:18,  
72:20,  
73:7, 73:8,  
73:14,  
73:20,  
73:22,  
74:2, 74:8,  
74:20, 77:4  
**practices**  
51:6  
**predicted**  
72:6  
**Prediction**  
44:3  
**preliminary**  
17:22,  
49:1, 54:1,  
54:9  
**prep** 69:3  
**prepare** 57:20  
**prepared**  
15:2,  
54:13,  
56:10  
**present** 78:21  
**presentation**  
4:18, 5:10,  
7:4, 7:19,  
59:19,  
78:16  
**presented**

ACR OF WNY  
(716) 362-9838

16:8, 22:7  
**Preservation**  
5:2, 12:22,  
46:14, 48:7  
**preserves**  
12:18  
**president**  
72:11,  
75:13  
**presiding** 5:5  
**pretty** 33:16,  
34:2  
**prevent** 24:6,  
49:17  
**prevents**  
23:13  
**previous**  
28:21  
**private** 39:9,  
56:23  
**probability**  
74:1  
**Probably**  
29:18,  
41:15, 73:9  
**Procedure**  
7:22, 13:9  
**procedures**  
8:1  
**proceedings**  
9:12, 59:22  
**proceeds** 57:4  
**process** 7:2,  
8:9, 10:1,  
10:5,  
11:18,  
11:23,  
12:1,  
13:11,  
13:17,  
17:7,  
17:12,  
18:19,  
20:7, 20:8,  
20:23,  
26:14,

46:12,  
54:10,  
55:5,  
55:12,  
57:4, 70:7  
**program** 6:16,  
39:16  
**programming**  
39:17  
**programs** 37:3  
**prohibits**  
12:16  
**projected**  
8:18,  
30:19,  
44:16,  
44:19  
**projections**  
28:5, 28:8  
**projects**  
12:19,  
13:6, 30:2,  
37:15,  
40:1, 41:3,  
41:4, 48:13  
**promote** 70:1  
**promotes**  
69:20  
**properties**  
13:1, 58:22  
**Property**  
25:9,  
39:11,  
40:9,  
53:13,  
53:19,  
54:4, 54:8,  
54:12,  
54:20,  
55:1, 55:2,  
55:16,  
55:21,  
56:3,  
56:18, 57:1  
**proposal**  
62:1,

63:12,  
63:14,  
63:20  
**proposed**  
13:6, 54:2  
**proposing**  
21:14,  
52:10  
**protocol**  
49:7, 50:17  
**protocols**  
51:12  
**provide** 7:17,  
8:15,  
52:10,  
52:13,  
54:1, 54:8,  
54:16,  
56:16  
**provided**  
47:18  
**provides**  
15:13  
**providing**  
7:23,  
11:10,  
55:18  
**Pulled** 62:8  
**pumping** 25:6,  
52:14  
**pup** 49:17  
**purpose** 6:9,  
8:14  
**purposes** 7:9  
**pursuant** 1:13  
**put** 9:21,  
29:2,  
74:19, 75:8  
**putting**  
35:10,  
35:11,  
41:12  
**puzzling**  
62:23

< Q >  
**Quality**  
12:10,  
42:7, 43:7,  
43:11  
**quarter** 36:6,  
38:14,  
40:5, 43:1,  
44:18  
**question-and-  
answer**  
9:14, 60:8  
**questions**  
9:18, 60:10  
**queuing** 23:14  
**quick** 33:16,  
51:18,  
75:14  
**quickly** 22:9,  
24:10  
**quite** 20:16  
**quote** 62:15,  
62:16,  
72:5,  
72:10,  
72:17

< R >  
**radical** 74:3  
**radio** 72:5  
**radio-active**  
49:1  
**Railroad**  
26:5, 40:3,  
47:9,  
47:11,  
59:11  
**Rainbow**  
24:14,  
24:18,  
65:19, 69:5  
**range** 18:16,  
49:15  
**rather** 19:14,  
62:6, 64:3

ACR OF WNY  
(716) 362-9838

<b>rational</b> 18:4, 75:1	<b>received</b> 3:28, 3:32, 4:1, 4:5, 4:9, 4:13, 48:6	<b>recreational</b> 39:16, 45:14	68:18
<b>readily</b> 73:22	<b>receiving</b> 56:7	<b>redefine</b> 40:13	<b>regulations</b> 12:3, 28:7
<b>Real</b> 34:13, 51:18, 53:5, 53:18, 53:23, 54:5, 55:10, 56:5, 56:18	<b>recent</b> 54:19	<b>redevelopment</b> 41:3	<b>relating</b> 39:6
<b>realization</b> 38:1	<b>recently</b> 38:19, 40:19	<b>redistribute</b> 43:20	<b>relationship</b> 56:23
<b>realize</b> 56:22	<b>receptor</b> 44:4, 44:5	<b>reduced</b> 80:10	<b>released</b> 21:8, 73:19
<b>really</b> 28:20, 29:8, 29:15, 30:1, 30:8, 30:13, 30:16, 31:15, 32:3, 32:10, 32:16, 32:20, 39:18, 42:1, 43:22, 51:20, 67:9, 69:14	<b>reclaimed</b> 21:20	<b>reductions</b> 41:4	<b>relicensing</b> 73:21
<b>rear</b> 52:11	<b>recognize</b> 64:11, 70:22	<b>refer</b> 5:2	<b>Relocation</b> 35:21, 56:16, 56:18
<b>reason</b> 70:13	<b>recognized</b> 46:15	<b>referred</b> 15:8, 56:20	<b>relocations</b> 56:14, 56:15
<b>reasonable</b> 12:20, 18:17	<b>recognizes</b> 65:6	<b>refining</b> 20:2	<b>remain</b> 69:1
<b>reasons</b> 74:19	<b>reconnect</b> 35:16, 37:18	<b>reflect</b> 76:16	<b>remaining</b> 54:23, 55:2
<b>rebuild</b> 6:6	<b>reconstructed</b> 25:17, 58:20	<b>Reform</b> 48:10	<b>remarks</b> 5:18, 65:4
<b>rebuilding</b> 21:18	<b>reconstructin g</b> 27:4	<b>refugees</b> 45:6	<b>remind</b> 16:13, 60:7, 60:23, 61:14
<b>recall</b> 73:4	<b>reconvene</b> 78:19	<b>Regarding</b> 15:18, 28:16, 54:2, 54:10, 77:19, 77:22, 77:23	<b>remnant</b> 24:17
<b>recap</b> 22:9	<b>record</b> 9:20, 9:21, 13:19, 14:8, 14:13, 14:15, 61:4, 77:13, 78:12, 78:21	<b>Region</b> 40:20	<b>Removal</b> 1:8, 5:8, 6:2, 21:21, 41:6, 43:15, 49:20, 49:21, 65:5
<b>recapping</b> 45:5	<b>recording</b> 9:11	<b>Regional</b> 29:23, 40:18, 40:21, 75:5, 75:13, 76:17	<b>remove</b> 35:7
<b>receive</b> 5:5, 8:18, 13:5, 55:14	<b>Recreation</b> 5:1, 45:9	<b>Register</b> 13:2, 47:7, 47:15, 47:17, 47:23	<b>removed</b> 27:11, 41:1
		<b>regular</b> 14:22, 60:20	<b>Removing</b> 19:9, 21:17, 24:3, 27:2, 35:6, 39:3, 41:9, 43:18, 47:19, 70:7, 74:23
		<b>regularly</b> 67:19,	



**ACR OF WNY**  
(716) 362-9838

<b>repeatedly</b> 74:12	35:21	18:5, 55:5, 60:18	71:10, 72:22, 74:9, 78:5
<b>replaced</b> 25:14	<b>residential</b> 8:5, 44:7, 56:13,	<b>reviews</b> 21:7	<b>rode</b> 76:5
<b>replacing</b> 41:13	58:22, 69:15	<b>revitalizatio</b> <b>n</b> 19:12	<b>role</b> 62:23
<b>Report</b> 5:6, 8:16, 15:1, 15:6, 50:19	<b>residents</b> 6:14	<b>rework</b> 63:2	<b>roll</b> 37:2
<b>Report/enviro</b> <b>nmental</b> 1:5, 2:9, 2:13, 2:17, 2:21, 2:25, 3:31, 3:35, 4:4, 4:8, 4:12	<b>resource</b> 37:19	<b>ribbon</b> 41:20	<b>room</b> 26:3
<b>Reporter</b> 3:21	<b>Resources</b> 12:18, 13:7, 20:6, 21:3, 45:7, 46:5, 46:8, 46:11, 47:5, 47:21, 48:1, 63:23, 66:9	<b>Rice</b> 72:4	<b>Rosa</b> 5:22
<b>reports</b> 54:19	<b>respond</b> 57:12	<b>right-of-way</b> 8:2, 16:18, 35:10, 51:17, 51:21, 53:9	<b>rotations</b> 44:2
<b>representatio</b> <b>n</b> 67:7	<b>responsibilit</b> <b>y</b> 53:16	<b>right-sizing</b> 19:7	<b>roughly</b> 16:15, 41:11
<b>representing</b> 33:9	<b>rest</b> 71:21	<b>rim</b> 11:17, 19:7, 35:16, 38:13, 41:21, 50:9, 65:10	<b>route</b> 66:3
<b>request</b> 55:20, 57:21, 61:5, 61:9	<b>restoration</b> 64:15	<b>risk</b> 74:19, 75:2	<b>row</b> 49:5
<b>requests</b> 65:22	<b>restored</b> 64:18	<b>risks</b> 69:16	<b>ruin</b> 38:18
<b>require</b> 13:4, 26:8, 52:3, 52:16, 68:18	<b>restoring</b> 21:20, 39:4	<b>River</b> 19:22, 65:10	<b>ruler</b> 63:20
<b>required</b> 15:20, 53:10	<b>restrict</b> 18:13	<b>Road</b> 3:16, 6:10, 15:15, 32:1, 34:12, 49:3, 50:22, 51:3, 51:7, 65:2	<b>run</b> 76:7
<b>requirements</b> 7:21	<b>result</b> 8:6, 35:19, 36:23, 37:5	<b>roadway</b> 23:20	<b>running</b> 33:16, 38:14
<b>requires</b> 12:5, 12:10, 12:23, 35:22	<b>reuse</b> 41:4	<b>roadways</b> 62:18	<b>runoff</b> 42:5
<b>rerouted</b> 68:20	<b>revealing</b> 73:19	<b>Robert</b> 1:7, 5:8, 6:4, 16:16, 17:2, 26:18, 27:9, 33:21, 45:13,	<b>runs</b> 16:19, 25:13, 34:15
<b>residences</b>	<b>revegetated</b> 27:12		<b>rush</b> 33:20
	<b>revegetating</b> 27:3		<b>RV</b> 70:11
	<b>revered</b> 66:15		< S >
	<b>reverse</b> 35:13		<b>safe</b> 30:16
	<b>Review</b> 12:10, 13:21,		<b>safely</b> 77:21
			<b>Safety</b> 40:1, 69:23
			<b>Sagan</b> 62:8, 62:15, 63:9, 63:19
			<b>sales</b> 54:20
			<b>San</b> 71:8
			<b>sand</b> 71:9
			<b>SARA</b> 1:17, 3:21, 80:5, 80:17
			<b>satisfactory</b> 56:9
			<b>saw</b> 44:20

ACR OF WNY  
(716) 362-9838

saying 68:22  
scale 58:9  
scaling 22:13  
scan 71:2  
scenario  
40:23  
Scenic 6:5,  
16:17,  
26:17  
schedule  
8:11,  
53:20, 57:9  
schematics  
73:20  
Schoellkopf  
38:18,  
38:21  
school 70:1  
schools 36:11  
scope 17:6  
scoping 17:7  
scream 75:23  
scrutinize  
71:4  
search 46:22  
searches  
53:11  
season 20:17,  
49:18  
second 25:10,  
59:6  
Secondly  
14:23,  
15:22  
Secretary  
72:4  
Section 6:3,  
12:14,  
12:16,  
12:21,  
17:13,  
20:6, 45:3,  
48:3  
secure 8:1  
securing 11:8  
security 71:3

sedimentation  
51:7  
Seem 64:7,  
72:23  
seen 33:4,  
67:5  
selected 53:8  
semi-truck  
72:19  
Senator 74:16  
Seneca 46:16  
sense 27:1,  
27:10,  
29:15,  
33:14,  
58:3, 59:17  
sensitive  
44:6  
sent 14:19,  
14:21  
separate  
13:15,  
19:14  
separated  
19:15  
September  
7:11, 16:8,  
20:1, 22:8  
SEQR 12:10  
series 25:15,  
25:18  
service  
20:12,  
24:19,  
28:18,  
34:23,  
35:1, 52:1,  
52:14  
services  
56:16  
serving 6:9  
session 9:14,  
9:18, 60:8  
sessions 9:3,  
23:5  
set 24:1,

60:6  
setting 19:7,  
19:17,  
36:7, 40:8,  
74:6  
settlement  
55:18  
seven 41:11,  
70:6, 71:11  
seventy 31:7  
seventy-two  
44:13  
several 9:23,  
21:6, 71:17  
Sewage 24:7,  
25:6,  
25:12, 52:8  
shaded 33:21  
share 11:19  
sheet 14:8,  
77:16  
shifted 32:22  
shoot 30:5  
short 5:3  
short-term  
50:7, 50:8  
Shorthand  
80:9  
Shortly 56:1  
shot 26:20,  
65:23  
shouldn't  
66:1, 66:2,  
66:4  
shovel 20:15,  
47:2, 47:21  
show 26:12,  
28:4, 32:7,  
33:12,  
38:9, 65:18  
showcase  
66:16  
showed 36:4,  
58:4  
showing 33:9  
shown 38:3

shows 29:3  
shut 69:14  
Shutting  
69:9, 74:22  
side 6:12,  
33:18,  
65:19,  
69:23  
sides 32:2  
sidewalks  
15:16  
sight 50:14  
sign 14:7,  
23:7,  
23:19,  
34:7, 61:12  
sign-in 14:8  
signals 68:18  
signed 56:8,  
77:10  
significance  
18:20  
significant  
36:10,  
42:17,  
43:7,  
43:12,  
43:16,  
45:2, 57:17  
significantly  
20:9, 45:18  
similar 12:8,  
12:21,  
75:16  
simulation  
28:5, 32:8  
simultaneousl  
y 63:3  
sincerely  
11:22  
single 13:11,  
13:12,  
13:16,  
13:17,  
19:14,  
28:17

ACR OF WNY  
(716) 362-9838

**Sir** 77:13  
**site** 24:8,  
47:15,  
52:6, 53:23  
**sites** 48:16  
**sits** 11:15  
**situation**  
17:4, 74:12  
**six** 17:7,  
17:10  
**sixteen** 44:1  
**sixty-seven**  
31:9,  
31:20,  
44:10  
**SKOMPINKSI**  
77:18  
**Skompinski**  
77:15,  
77:18  
**sky** 40:7,  
59:7  
**slam** 72:8  
**slide** 38:3,  
60:21  
**slides** 14:3  
**slope** 25:7,  
25:11  
**slow** 68:19  
**slowed** 70:14  
**small-level**  
45:9  
**smithereens**  
74:3  
**smoothly** 57:4  
**so-to-speak**  
65:20  
**social** 8:19,  
12:6, 16:1,  
36:14,  
62:2, 62:5,  
63:23, 64:3  
**soil** 51:6  
**Solar** 64:6  
**sole** 43:2  
**Sometimes**

52:21  
**soon** 40:4  
**Sorry** 47:10,  
70:8  
**sort** 22:9,  
23:13,  
35:13,  
77:20  
**sound** 44:18  
**source** 43:2  
**sources** 65:11  
**south** 22:5,  
22:10,  
26:21,  
33:7,  
34:10,  
34:13,  
38:10,  
51:2,  
58:12,  
58:17,  
71:19, 78:5  
**Southbound**  
17:1, 45:11  
**southern**  
24:15  
**space** 11:16,  
39:13,  
41:11,  
41:17,  
42:1,  
59:16,  
62:11,  
66:15, 74:7  
**spaces** 41:18  
**speaker** 61:5,  
61:9, 67:9  
**specialist**  
53:5,  
53:18,  
53:23,  
54:5,  
55:11, 56:5  
**specialized**  
54:15  
**species** 13:8,

49:11  
**speech** 70:8  
**spell** 77:14  
**spelling**  
61:11  
**spend** 57:19,  
64:16  
**spending** 71:3  
**spills** 48:15  
**spiral** 29:14  
**spots** 43:10  
**spread** 68:10  
**spring** 57:23  
**SS** 80:2  
**staff** 66:23  
**stage** 6:1,  
6:19, 6:22  
**staging** 9:5  
**standard**  
51:12  
**Standards**  
43:11  
**standing**  
60:14  
**standpoint**  
36:22  
**start** 33:7,  
39:2,  
59:20,  
69:8, 78:1  
**started** 8:13,  
30:12,  
30:14,  
57:22  
**starts** 16:14  
**stated** 72:4  
**statement**  
55:9  
**states** 39:23  
**static** 69:1  
**Station**  
38:18,  
40:3,  
52:15, 59:3  
**stayed** 64:23  
**stays** 31:2

**steady** 29:10,  
29:17  
**STENOGRAPHER**  
9:11,  
14:14,  
15:4,  
61:10,  
77:14  
**step** 76:6  
**steps** 57:8  
**stop** 23:7,  
23:19,  
34:7, 59:19  
**stops** 34:16  
**storm** 24:6,  
42:5  
**storms** 70:6  
**story** 63:8  
**streets** 6:12,  
25:21,  
62:17  
**streetscaping**  
15:19  
**strike** 72:10  
**structure**  
47:3  
**structures**  
47:6  
**studies** 16:4,  
20:4, 49:1,  
64:20  
**stuff** 28:15,  
28:19  
**submit** 9:22,  
57:13,  
60:4,  
60:16,  
60:19  
**subsequent**  
14:10,  
18:14,  
20:15  
**subsequently**  
74:16  
**subsidy** 11:7  
**substantiate**

ACR OF WNY  
(716) 362-9838

55:19  
**suggestions**  
66:18  
**Suite** 3:11,  
3:24  
**summarize**  
34:22  
**summary** 69:19  
**summer** 32:14,  
32:15,  
32:16, 69:7  
**support** 75:22  
**supported**  
54:19  
**supposedly**  
72:17  
**surface** 63:2  
**surfaces** 42:6  
**survey** 46:23  
**surveys**  
20:10,  
20:19,  
20:20  
**suspension**  
78:2  
**sustainability**  
40:21  
**System** 10:4,  
21:22,  
24:7, 25:6,  
25:20,  
26:18, 55:7  
**systems** 23:22  
  
< T >  
**table** 60:15  
**tails** 41:15  
**takings** 8:5  
**talked** 52:7,  
58:8, 60:11  
**tanks** 48:15  
**targeting**  
71:23  
**tax** 71:7  
**technical**

5:10, 11:10  
**teenager** 75:6  
**temporary**  
8:1, 12:16,  
45:17, 46:3  
**term** 37:12,  
43:16  
**terminated**  
23:4  
**terms** 15:14,  
21:15,  
27:2,  
34:21,  
34:22,  
37:11,  
39:21,  
40:9, 41:8,  
41:9, 43:5,  
43:7,  
43:11,  
43:23,  
45:2, 45:3,  
46:4, 47:6,  
47:20,  
48:11,  
49:5,  
49:10,  
49:15,  
49:16,  
51:6,  
51:19,  
51:20, 52:1  
**terrestrial**  
42:11  
**Terrorist**  
70:17,  
71:23,  
72:19, 74:8  
**terrorists**  
73:1  
**tests** 20:15,  
47:2, 47:21  
**Thanks** 28:14,  
34:19,  
34:21,  
72:21

**that'd** 78:8  
**they've**  
39:11,  
67:17  
**thick** 63:22,  
64:1  
**Third** 16:20,  
21:19,  
25:16,  
33:10,  
38:5,  
40:10,  
44:21,  
52:12,  
58:13, 78:3  
**thirteen** 64:2  
**thirty** 29:3,  
37:5, 41:2  
**thirty-five**  
27:15, 37:1  
**thirty-six**  
72:12  
**Thomas** 3:9,  
3:15, 5:16  
**THOMAS**  
**DONOHUE**  
28:14  
**thorough**  
54:23  
**though** 30:23  
**thoughtfully**  
66:14  
**thousand**  
29:9,  
29:12,  
31:21,  
61:20, 65:3  
**threat** 70:22  
**threatened**  
13:7,  
49:10,  
49:13  
**threats** 72:14  
**three** 17:11,  
18:2,  
19:14,

21:16,  
29:9,  
31:23,  
63:16  
**Three.** 78:13  
**threshold**  
44:8, 45:1  
**thrilled** 76:2  
**throughout**  
9:17, 35:2  
**Thruway** 75:8  
**Tim** 73:5  
**timetable**  
54:9  
**tiny** 62:20,  
62:22, 63:9  
**Title** 53:11,  
56:17  
**TNM** 44:3  
**today** 30:22,  
31:19,  
31:22,  
69:3,  
75:16,  
76:15  
**together**  
29:2, 41:18  
**Tom** 5:10,  
28:4,  
34:21,  
40:17  
**Tonight** 5:5,  
5:9, 7:7,  
8:14, 9:5,  
9:18, 14:5,  
16:7,  
57:13,  
60:5,  
60:11,  
60:17,  
60:23,  
61:3, 73:9  
**took** 75:7  
**top** 24:13  
**topsoil** 63:5  
**touch-up** 35:3

**ACR OF WNY**  
**(716) 362-9838**

<b>tour</b> 67:20	34:12,	45:4, 53:6,	34:19,
<b>tourism</b>	34:19,	54:11,	51:15, 53:1
64:14,	35:7, 43:5,	56:2,	<b>turning</b> 7:19
64:16,	43:6, 43:9,	63:12,	<b>Tuscarora</b>
64:19,	44:17,	63:17,	46:16
65:11	50:7,	68:12,	<b>twelve</b> 31:21,
<b>tourist</b> 67:17	68:19,	69:22,	41:10,
<b>Tourists</b>	69:6,	73:13,	61:20,
62:4,	69:15, 70:2	76:1,	65:3, 73:7
64:10,	<b>Trail</b> 16:23,	76:10,	<b>twenty</b> 28:9,
64:23,	17:3,	76:21,	28:11,
68:8, 76:3	21:22,	76:23,	29:16,
<b>toward</b> 27:6,	25:20,	77:7, 77:19	70:14
32:22	25:22,	<b>transported</b>	<b>twenty-forty</b>
<b>towards</b>	26:18,	74:1	32:9
34:10,	27:3, 27:9,	<b>traveling</b>	<b>twenty-four</b>
38:10, 64:7	45:13,	77:21	50:5, 71:5,
<b>towns</b> 73:6	50:9, 59:8,	<b>traverses</b>	71:11
<b>Trade</b> 71:17,	59:16	74:20	<b>twenty-year</b>
71:23, 72:8	<b>trails</b> 25:15,	<b>Treatment</b>	44:16
<b>Traffic</b>	41:12,	24:7,	<b>Twice</b> 30:22,
23:10,	41:14	25:12, 52:8	31:19,
23:12,	<b>train</b> 40:2,	<b>tree</b> 49:17,	78:12
23:14,	59:2	49:21	<b>Two</b> 2:6,
23:19,	<b>training</b>	<b>trees</b> 49:20,	3:27, 14:3,
28:5, 28:8,	54:15	58:18,	14:19,
28:13,	<b>Transit</b>	59:15, 68:4	15:12,
28:16,	23:22,	<b>trend</b> 32:6	16:4,
29:4, 29:5,	75:5,	<b>tribal</b> 20:22	16:15,
29:6,	75:13,	<b>tribes</b> 46:15,	29:12,
30:12,	75:19,	48:5	42:2, 47:9,
30:14,	76:17	<b>trips</b> 43:19,	52:16,
31:3, 31:5,	<b>Transportatio</b>	43:20	63:16, 73:6
31:7,	<b>n</b> 3:19,	<b>trolley</b>	<b>two-lane</b> 32:1
31:15,	5:12, 5:14,	23:23, 76:3	<b>types</b> 38:17,
31:20,	10:17,	<b>trolleys</b> 77:1	39:16
32:4,	11:1,	<b>TRONOLONE</b>	<b>typical</b>
32:10,	12:15,	3:3, 4:17,	32:17,
32:14,	12:19,	77:17	33:2, 35:5,
32:15,	18:4,	<b>trouble</b> 63:2	35:9, 56:22
32:17,	18:10,	<b>truck</b> 73:1	<b>typically</b>
32:18,	19:1, 19:3,	<b>trucks</b> 73:15	13:14
33:10,	19:8,	<b>try</b> 50:18,	
33:15,	29:23,	51:1	
33:23,	37:4,	<b>trying</b> 37:18	< U >
34:9,	40:18,	<b>turn</b> 28:3,	<b>Ultimately</b>

ACR OF WNY  
(716) 362-9838

10:10,  
76:22  
**unbalanced**  
72:23  
**unbroken**  
41:20  
**uncontrolling**  
63:6  
**undergoes**  
55:5  
**Underground**  
40:3,  
48:19,  
59:11  
**underneath**  
34:4, 40:5,  
71:16  
**understand**  
75:10  
**undertake**  
10:15  
**undertook**  
17:6  
**undoing** 75:11  
**Unfortunately**  
62:1  
**Uniform**  
56:17,  
56:20  
**unique** 67:15,  
67:18, 68:5  
**uniqueness**  
62:3,  
67:16,  
69:20  
**unless** 12:19  
**unlike** 48:12  
**unquote** 63:7  
**unrestricted**  
71:12  
**until** 20:20,  
78:18,  
78:22  
**urge** 65:20  
**USA** 4:19,  
10:18,

11:7, 37:17  
**uses** 39:6,  
44:6, 44:8  
**using** 17:1,  
32:9,  
43:21,  
44:2, 44:16  
**utilities**  
48:19  
**utility** 18:7  
  
< V >  
**vacant** 54:20  
**value** 55:2,  
65:6, 77:3  
**van** 71:16  
**variety**  
13:20,  
22:11, 23:5  
**various** 9:2,  
11:9, 22:3,  
24:5, 37:3,  
41:6,  
46:14,  
46:18,  
48:15  
**vehicles**  
19:1, 29:9,  
29:12,  
31:10,  
31:20,  
31:21,  
33:13,  
52:14,  
62:2,  
62:13,  
63:11,  
63:12,  
64:17,  
75:20,  
75:21  
**vehicular**  
71:12,  
75:19  
**verbally** 60:5

**verbatim** 80:8  
**verge** 58:21  
**verified** 54:3  
**via** 60:19,  
74:9, 74:12  
**videotape**  
59:23  
**videotaping**  
59:22  
**view** 33:7,  
62:12  
**village** 78:3  
**vision** 67:7  
**visual** 22:20,  
39:4, 52:9,  
59:4  
**visualization**  
**s** 58:2,  
58:3  
**visually**  
32:11  
**vitality**  
19:11  
**VITELLO**  
65:15,  
65:16  
**Volume** 2:10,  
2:14, 2:18,  
2:22, 2:26,  
3:32, 4:1,  
4:5, 4:9,  
4:13, 31:3  
**Volumes** 15:3,  
29:5,  
30:15,  
30:18,  
30:21, 33:1  
**vu** 72:16  
  
< W >  
**wait** 20:19  
**waited** 65:16  
**walk** 40:15,  
67:19  
**walkability**

41:5  
**walking** 6:21  
**walks** 64:19  
**Walnut** 22:16,  
25:2  
**wanted** 22:9,  
26:7,  
32:12, 61:3  
**wants** 59:23,  
67:8,  
67:15,  
78:20  
**washing** 64:12  
**Water** 24:6,  
37:19,  
40:16,  
42:5, 42:7,  
52:17,  
52:19  
**waterfront**  
6:15, 40:14  
**ways** 68:14,  
68:15, 69:9  
**week** 71:12  
**weekends**  
69:7, 76:5  
**weeks** 64:23  
**welcome** 5:17,  
78:15  
**welcomed**  
54:17  
**Western** 5:16,  
64:6  
**wetlands** 43:1  
**wetting** 51:7  
**what-if** 40:22  
**wheel** 70:18  
**wheels** 70:12  
**whereas** 17:19  
**Whereupon**  
3:27, 3:30,  
3:34, 4:3,  
4:7, 4:11,  
79:6  
**Whether**  
15:11,

**ACR OF WNY**  
**(716) 362-9838**

15:15,  
15:20,  
17:17,  
18:2, 18:3,  
18:6, 23:1,  
39:5, 44:7  
**Whirlpool**  
6:7, 6:13,  
16:19,  
21:18,  
23:3, 23:8,  
25:17,  
25:21,  
26:1,  
26:22,  
27:4, 27:7,  
27:10,  
28:22,  
28:23,  
31:2, 31:8,  
31:11,  
32:5,  
32:19,  
33:15,  
33:23,  
34:4,  
47:10,  
47:11,  
58:13,  
58:17,  
58:21,  
68:19, 75:7  
**White** 18:20,  
71:20, 72:2  
**whoever** 63:1  
**whole** 22:19  
**wide** 15:15  
**wider** 58:21  
**wife** 76:4  
**wildlife**  
12:17,  
42:13,  
45:6, 63:14  
**within** 11:4,  
11:16,  
54:22

**without** 29:17  
**WNY** 3:22  
**Wolf** 3:16  
**wonders** 67:23  
**Woods** 13:22  
**word** 68:6  
**work** 6:19,  
6:23,  
20:14,  
23:8, 26:2,  
32:21, 55:6  
**worked** 23:11,  
66:21  
**workers**  
50:14,  
51:12  
**working** 7:10,  
11:5, 37:6,  
37:8, 46:3,  
50:15,  
50:17  
**works** 35:7,  
35:13  
**World** 64:20,  
65:18,  
71:14,  
71:16,  
71:23, 72:8  
**worship** 36:11  
**wrap** 6:23  
**wrapped** 21:4  
**wrapping**  
48:20  
**write** 60:16,  
77:15  
**writing** 9:22,  
80:11  
**written** 48:2,  
55:9, 75:15  
  
**< Y >**  
**year** 20:17,  
20:20,  
21:8, 22:1,  
28:11,

30:9,  
30:11,  
30:20,  
30:23,  
31:5,  
57:18,  
73:21  
**years** 28:9,  
28:11,  
29:3,  
29:17,  
31:23,  
39:12,  
49:4,  
61:21,  
65:3,  
65:17,  
70:6, 72:3,  
74:11  
**Yesterday**  
70:8  
**York** 1:15,  
3:6, 3:12,  
3:17, 3:18,  
3:25, 4:23,  
5:14,  
10:18,  
11:13,  
12:9,  
26:10,  
53:5,  
56:10,  
64:7,  
71:17,  
74:15,  
80:1, 80:6  
**you to** 13:4  
**Youngstown**  
69:11, 71:5  
  
**< Z >**  
**zero** 29:14  
**zone** 13:7  
**zooming** 62:14

