

Appendix K

Common Council Hearing Record from GEIS/LWRP Public Hearing dated January 20, 2010

January 20, 2010

A Public Hearing on the Draft Local Waterfront Revitalization Program and Draft Generic Environmental Impact Statement was held by the Common Council on Wednesday, January 20, 2010 at 7:00 PM, at the J.L. Edwards School, 360 State Street with President Donald Moore presiding.

Council members present: President Moore, Aldermen Cheddie, Donahue, Miah, Pertilla, Ramsey, Sterling, Stewart, Thurston and Wagoner.

President Moore read the following statement:

“Welcome and thank you for taking the time and showing your concern for the City of Hudson in attending and participating in this joint Public Hearing on the City of Hudson’s Local Waterfront Revitalization Program (LWRP) and the accompanying Draft Generic Environmental Impact Statement (DGEIS). We are here specifically to take comments on either or both documents. There is a sign-up sheet in the back but I hope those of you that wish to speak have taken a moment to see Kim in the back who has the sheet, who will bring it up to me as soon as I am finished. And we can take a look and see how many people we have.

“Following this review period of the DGEIS and a Final Environmental Impact Statement addressing all comments relevant to the DGEIS made tonight and received in writing during the public comment period will be responded to by the Planners, by our Counsel.

“A few observations for the record: Preparation of the DGEIS was authorized by Common Council Resolution Number 5, on December 16, 2008. Notice of this hearing appeared in the Department of Environmental Conservation Environmental Notice Bulletin on December 23, 2009. Public Notice was also published in the Register Star Newspaper on December 29th and 30th, 2009.

“While these public notices indicate that written comments will be accepted on the LWRP and DGEIS until February 3, 2010. Based on information we’ve received in the last few days from the Department of State, their 60 day comment period the start of that has been extended, their comments need to be included in the review that’s presented to the Council, so we’ve decided that our comment period will extend formally until March 15th, 2010. What that means is that if you have, after this public hearing, any written comments or anyone you know has any

written comments they wish to submit, they may do so, in writing to us prior to that date, March 15th, 2010.

“Our purpose here tonight is to listen to your comments. We will limit our own participation as the Common Council and the Planners and our Counsel Cheryl Roberts to parts of clarification as you go forward with your comments. Because we are dealing with two documents, the LWRP and the DGEIS or both, if you would identify, if it’s possible, which you are talking to when you make your comments, that would be very helpful.

“Finally, in the interest of fairness, I would like to say that we will try to, I need to take a look at the list and see who is here, we are going to limit the amount of time, although I am going to try not to limit it too much based on the number of people who wish to speak. This is a list of people, again I want to make sure everybody understands, this is not an attendance list, it’s a list of people who wish to make comments. Under the circumstances, if it’s eleven (11) people, we’ll start according to the order on the list and keep it to seven (7) minutes. If that proves too little, we can go over a little but I would really to, in fairness to everyone, to make sure everyone is heard. Again, if seven (7) minutes is too little, then we’ll try to extend it.”

President Moore requested the Council Members and Legal Advisor to identify themselves.

President Moore questioned if those in attendance required any clarifications on his statement.

Carole Osterink of 209 Allen Street, questioned if the written comments should be addressed to the Council.

President Moore said “right” and he stated the comments should be sent to City Hall.

Elsa Levisieur (122 Union Street): To quote Friends of Hudson, we must avoid making decisions that create problems for those that come after us. And I am addressing both documents on the transportation issue. Hudson has a huge and complicated transportation problem which at present adversely impacts its’ infrastructure and the lives of its citizens. If the option preferred by the city in the

DGEIS is adopted, it will also be adverse effects on the wetlands and that would also be acting against state requirements. So I find it imperative that a plan of this importance to the future, with all that entails, should include a proper transportation study addressing trucking to the deep water port and also to include issues of public access to the South Bay area. Therefore, the plans, both documents must not and should not be approved without a proper in-depth transportation study which in turn will also require hydrology study in the proposed routes and a long term impact on the wetlands if a causeway is to be used across them. The hydrology would also be necessary in terms of developments because the water table is really very high so that needs to be studied. Then in addition, on the subject of public access to the waterfront, it would be beneficial if the Power Boat Association should be moved to the extreme end of the parking lot rather than sit right in the middle of it, which is shown in the DGEIS plans. In this position, this will take away much of the docking area from public access and it serves maybe 29 people and it's hogging a whole lot of dock access. That's all I have to say.

President Moore requested the Planners from BFJ Planning to introduce themselves. Those in attendance: Paul Buckhurst, Sarah Yackel and Frank Fish.

Also in attendance: Mayor Richard Scalera, 2nd Ward Supervisor Edward Cross, III and City Treasurer Eileen Halloran.

Richard Gurian (Hudson Power Boat Association): There's a theme that is consistent within this report that is alarming. One of them is, clearly states in the core district declining population, declining tax base. That there are unutilized parks, Henry Hudson Park named for one. Yet we're looking to expand that and put tax burdens upon further down the road by hiring people like harbormasters who are going to be paid by the fees that these main marinas are going to create. I would suggest you do a feasibility study and check with the City of Kingston as to how feasible it really is. You'll find it's not a financially feasible thing. There are a couple of concerns that I have, that this is shooting very high and we have to shoot very high but you don't want to shoot yourself in the foot at the same time. Most of this is based on receiving grants, both federal and state. Once you get the grants, you still have to feed these things and they are very expensive to feed. You must obtain land that is in private hands right now in order to do this. Now I realize that there is a law of eminent domain that lets you do that, that's what I did for a living for 30 years. However I think we need to be sensitive that there are 200 plus members of the Hudson Power Boat, not 29 that benefit. We talk about

moving the Hudson Power Boat Association if feasible, why not do the feasibility study first. You talk about all these feasibilities, feasibilities, doing this; we have a whole plan that could fall apart because there's no grants because feasibilities that show it's not effective or not cost effective. And the other repercussion is, there have been people that have been members of the Hudson Boat Club for over 50 years, that have built it up. When nobody wanted to be near the river because it was unsightly, shall we say and odorous. And those people have worked hard to make the place nicer. And in the report it says something about abuse of the ferry slip because they fenced it in and planted and put a fountain in there, it was overgrown with weeds before that. I think we need to consider those things.

Carole Osterink (209 Allen Street): My comments address both documents and I want to speak in favor of something that some of us are calling Hudson's own public option, also known as alternative 3B refined or finessed if you will. Everyone who has witnessed the gravel trucks barreling through our streets agrees that getting these trucks off, out of our residential neighborhoods is an urgent priority. That's a no brainer. But there is a way to do this that will be of greater benefit to the city and promoting as the LWRP does a private road through the South Bay to be used only by Holcim and their tenant O&G. I leave it to others to explain why our road for heavy trucks through a wetland is a bad idea. I want to talk only about why a properly constructed and screened public road going south of the LB building and north of the South Bay is a far better idea. For all of the years that I've lived here, people have talking about access to the river. I have heard endless stories of people, visitors coming to Hudson and not knowing where to find the river. Many people who live in Columbia County don't know how to get to our waterfront. Last summer when I helped Ellen Thurston with the website for the Quadricentennial we shared the challenge of writing directions to get people to Henry Hudson Riverfront Park. We need a public road that will be a gateway to the waterfront so that kayakers and boaters, heading to the boat launch and the Power Boat Club don't have to make their way through the narrow residential streets of Hudson. And visitors coming to events at Henry Hudson Riverfront Park, or going farther along Front Street to the visitor information center at Washington Hose that was proposed by Peter Markou last night at the Common Council meeting, or eventually going farther to the beginning of Hudson's connecting trail to the Greenport/Stockport trail network, can find their way easily. The route for this public road being proposed, that is option 3B finessed, does not require buying the L&B Building and demolishing part of it. The route circumvents the building and it also avoids the wetland. Yes, it will cost more than the proposed private road through the South Bay, but when there is a worthy plan; one that benefits the community in multiple ways, money can be found to realize it

and it is not unreasonable to expect Holcim and O&G to help us achieve this. I recall the Register Star reporting that someone, I think it may have been Linda Mussmann, said that Holcim would let us use their road through the South Bay to ease congestion after big events at the waterfront. But we don't just need an alternative way out; we need a better way in. We need a proper and welcoming way in so that people can find and enjoy our waterfront. Our LWRP should support the alternative that adds a positive instead of just removing a negative. As a community, we should settle for nothing less.

Leo Bower (317 Lincoln Blvd): I am here on behalf of the people of, they call it Shanty Town, we call it the Fugary Boat Club. They told us we could address you today and ask how we could be able to stay there because we've been there for so many years. It's been documented almost a 100 years that people been there, people before us, our grandparents and parents and so on. We would like to continue to stay there and we would like to know how we'd be able to stay there without them tearing them down because we've been there for so long. It's been fishing, hunting for all the years I know, since I was a little kid. My father was there, my children and now my grandchildren, so we've all been there forever. That's why I'm here today to ask that, it would be like tearing down the General Worth all over again because it's such a historical thing in that sense because we've been there so many years.

Patrick Doyle (110 S. Front Street): I am going to address both the documents and it gives me a relief that we have until March 15th, so I can relax a little bit. So I'm going to start off with one of my favorite things, which is not contentious and that's the rail head inlet railroad trestle bridge. Which I don't know if anyone even knows where it is. But here's a picture of it, there's actually a 30 foot railroad trestle bridge that is right as you go across Broad Street, where the st. Lawrence inlet is, where you go into the docks there, right as you make that left, there is a green sign behind that sign is actually where the CSO outflow is and it also is where this bridge is. Now on both the GEIS and the LWRP document there is absolutely no mention of this historical structure, none. It is there, you just have to look and in fact, we did look there a couple of years ago. I think there were about 20 people came through and we gave a little tour, this was with Linda. And the fact is, it is not mentioned here. I would love for it not only to be mentioned, but I think it's worth while to save it and although it looks a little bit rag-tagged the fact is, is that the structure underneath it is 24 inch square beams that are in perfect condition. There's only a few of the railroad trestles that are actually kind of rotten, they can be replaced. And I would be willing to donate enough railroad rails to go across it, because I have it on my property. We could

restore this bridge and it could be part of the park. There's also, across the street a crane that the CSX Railroad has on their property, everybody's probably seen it before, it actually still works by the way. Though I don't suggest you go over there and crank it, but I have. And this crane would be a perfect place to put, right beside the railroad trestle bridge, we have a restored rail, we could get a flatbed car and have a railroad museum outside. We have this; it doesn't cost us any money. Railroad aficionados will come help lay the rail, let me tell you. I've already talked to many of them. The equipment is already there. It would not cost this city a dime. So this is one of the suggestions that I have. Another suggestion, which Carole, I think said quite clearly, is that there is an option and what's interesting about the GEIS is that the options for the road that goes into the waterfront, all the options have now been eliminated except for the O&G option because CSX has said in 23 different ways you can't do it. You can't do the other options. So this option is actually, a little bit of an amended option, which you have discussed that we could do a nuance is very simple; it's not an option that we have to agree on. It's just an option to put in the document, which is the purpose of the document, not to ok this, but rather have it as an option. If you did an O&G road, that's whatever, but this should be an option, it's the only other option that is valid because all the other options are moot in this document. It's a recent thing, I understand so let's put it in. There's a couple of things that have happened over the course of years, the South Bay Coalition submitted a document to the State called an Envisioning Alternatives for South Bay Habitat Restoration and Community Based Development. It's a wonderful document and I'm going to update it because there's some out dated things and I'm going to submit it for the counsel to see. It's quite an extensive document, and it's very respectful to South Bay, and there's a 3 phase kind of study that's indicated in it. It's not opposed to the O&G road, what it does show though, is that we have a wetland that's worth looking at. How many people have hunted down there over the years? You talk about history; people have hunted down there for hundreds of years. Why not look at it at a bigger sense and in that sense, I totally agree with the GEIS that we should do a hydrology study which is at the very last page. Actually O&G recommends that we do a hydrology study in their comments in 2007. It would be wonderful if we actually did that. So, what I'm suggesting is that, on page 7-1 where it says biological surveys including a wetland delineation should be actually executed. We should actually delineate what these wetlands are. And the fact is the so called causeway is very questionable about, that is not a wetland. It is, it's in the middle. By the way, I'm a local local, I own the Basilica Industria. When I put in my water, after my water broke, we dug down five (5) feet and there was water. We had to do it during the high tide and the low tide in order to see if we could get

down to it, and we couldn't. We had to work underwater. If you think that the causeway is any different than my place, then I say there's question about that. We should definitely do a wetland delineation and I think it's very important for all of us to do that before we consider any kind of road through the wetland. Enough of that. The biggest and most important issue for me though, is the idea of a harbor management plan which is really still not covered in the LWRP. It's definitely not covered in the GEIS and the fact is, is that the State constantly puts out information about harbor management planning and it's very, very extensive. And I want to suggest, that you actually look at these, I'm going to include it in my comments, but this is what it says quote, local governments can have the authority to regulate all uses and structures for a broad set of purposes to address the conflicts that are specific to your harbor and achieve the mix of harbor uses that are appropriate. Harbor management planning enables local government to address a wide range of uses in harbor and near shore areas. And more specifically it states that based on your analysis of harbor conditions, planning for your harbor should lead to the preparation of harbor management chart, a water area map that indicates how the harbor will function and be used. This is similar to a zoning map and needs to be supported by a local law. Now how do you do that? This is a very complex situation. You're talking about open water areas, marina and anchorage areas, marinas periodic ongoing special use zones, buffer areas, harbor and pier head lines, it goes on and on and on. You cannot do that without a task force and in fact, we've never had a task force in this LWRP process. Never. It's time to do one, please. Please, let's establish a task force to create a harbor management plan, its complex and it needs to be law and supported by law. Thank you.

President Moore questioned Mr. Doyle if he would be submitting additional comments.

Mr. Doyle said "extensive".

Peter Jung (512 Warren Street): The principle reason that I'm not anxious to see a road plunked down through the middle of South Bay is this. I happen to be familiar with the lady who runs the New York State Estuary Management Plan; they're based out of New Paltz, part of DEC. She's looked at that bay a couple of times and has said that should that bay ever become available, should it fall in the hands of the city or the state or some other entity, that there would be funding available to do a serious dredging project and open up that bay. Not to its original 1820's glory when there were hundreds of sailing sloops, but to the point that body of water could be something much more appealing, much more useful and a bigger community resource than just a mud puddle. So that is a possibility, so what I

would encourage is that the LWRP folks and perhaps the consultants could have that conversation with the estuary management people and determine to what extent that idea would be feasible. That bay does not get enough water circulation, the water is not oxygenated enough, it's basically a fed swap. But if it were significantly opened up, it could flow, we'd have a lot more open water including more open water on the east side of 9G as it goes through the low lands. So that's, I think something really worth exploring. Secondly, I was at the Quadricentennial, in June or July and I was so moved by the fact that, that felt to me like the point of time that Hudson fell in love with its waterfront. It seemed like people were getting it, it's like hey this is a place where we can go, it's not just an industrial zone anymore. It's a community resource. I was really struck by the fact that what we need to do more than anything else is simply use the waterfront and get people invested in the idea that they own it, that it's a community and public resource and we just need to do things to promote that. The Quadathlon was a good example of that, very successful. I know the Mayor has had discussions with the people who manage the Half Moon, the recreated Henry Hudson sloop. I don't know where that is at the moment, I don't know where that stands but docking that Half Moon and perhaps establishing a small maritime museum on the waterfront would be an incredibly attractive thing to do. It would bring people, it would bring more school kids down to the waterfront, it would bring tourism. That sloop, when it was on our waterfront for what, about a week or so, was a major attraction people really loved it. So I would encourage the Mayor, if that conversation was still alive and the Council, to pursue that and just simply draw people to the waterfront. Thanks.

Christopher Reed (59 Main Street, Philmont): My name is Christopher Reed. I am Board President of Friends of Hudson. Our organization's interest in the Hudson waterfront goes back more than ten years. For much of that time, our efforts took the form of organized citizen opposition to proposals which, had they been implemented, would have severely compromised community health and Hudson's economic revitalization. Our view has always been that healthy communities place a high value on diversity, appropriate scale, and reducing, if not eliminating, toxic pollution. Our interest in the Local Waterfront Revitalization process grows directly out of those campaigns. The latest phase to complete a viable LWRP began in 2006. Well before the beginning of this cycle, Friends of Hudson was an advocate for a waterfront that realizes its fullest potential. In 2002, for example we were founding members of the South Bay Coalition, which was established to promote a long range plan of action to restore this important ecosystem. Believing that many of the controversies of the Hudson waterfront are fundamentally problems of design, Friends of Hudson identified several world class planners and designers skilled in working directly with communities to come

up with ingenious, attractive solutions to specific challenges. Given the right opportunity, such expertise remains potentially available to the City to turn liabilities into assets. In May of 2007, a Friends of Hudson task force provided detailed comments on an earlier draft of the LWRP. We are gratified to see that some of our suggestions were incorporated into the present draft as well as the Draft Generic Environmental Impact Statement. Even though we have not been shy about pointing out where we thought the LWRP process, and the draft plan itself, was flawed, I want to use this opportunity to acknowledge the members of Waterfront Steering Committee under Linda Mussmann and their consultants Cheryl Roberts and BFJ Associates for their hard work and dedication. There are definite gains in this latest cycle of the LWRP that should be emphasized. One is the expanded definition of the waterfront study area to include large areas of open space further inland. This broader focus and the call for greater integration of the waterfront into the City is significant not only recreationally and scenically but also because it more accurately reflects a functioning watershed that is larger than what we usually think of as such. Another aspect is the latest zoning map which replaces a predominantly industrial overlay with more diversified recommended uses. Such variegated zoning, especially if wisely implemented, can produce a more dynamic urban setting, both economically and socially, than a monoculture. If this public hearing offers a chance for citizens to further improve the Waterfront Plan, then in that spirit, I want to devote my remaining time to the South Bay and the trucking alternatives presented in the DGEIS. We share the consensus that the current routing of aggregate trucks through Hudson neighborhoods must be replaced by a better plan. The DGEIS and draft LWRP would have benefited incalculably had there been a professionally facilitated design session or series of sessions to which all stakeholders had the opportunity to come up with the best design solution. Then we would have been subject to the discipline of balancing two perspectives of the South Bay, one having to do with truck transportation, a matter of land and hard surfaces, the other with hydrology, the movement of water. We have repeated old patterns by devoting so much attention to the South Bay as delivery system for Becraft Mountain limestone at the expense of the South Bay as a wetland ecosystem, valuable not only for its scenic and recreational potential, but for its contribution to managing the overburden of runoff to the City's combined sewage system. There is little doubt in my mind that had there been such a community-based design exercise, as other cities have done, the preferred truck route now on the table would connect Bay Road, otherwise known as 9G and South 3rd Street to South Front Street along the south side of L&B. Among this option's advantages are: it does the least damage to the South Bay by circumventing it; it keep open more opportunities for the future improvement of the South Bay; it provides public access and that is not limited to O&G trucks; it

uses existing grade crossings and land already owned by the City; it is an already paved route with which many City residents are familiar the road can be upgraded and expanded with fewer disruptions to the existing wetland and would have less need for mitigation than the proposed “causeway” option. Planning 101 considers the best solutions first and obstacles to implementation second. It often happens that a concept, if well considered, creates its own momentum for realization. In the case of the DGEIS, I suspect that the options were prioritized on the reverse basis, based on what the authors deemed most immediately doable rather than what is the best long-term solution. That said, the DGEIS does contain in several places promising language about the role the South Bay can play in helping manage storm water. There is also mention of the need for more hydrological analysis to know what’s actually going on in this Class I wetland and to identify future opportunities for restoration and blue belt design. I will end by pointing out that peak precipitation events affecting Hudson’s water management infrastructure are increasing in frequency and intensity due to changing weather patterns. Case in point is a low spot on Bay Road near the entrance to Mount Merino Road, not far from the proposed causeway, that is subject to more frequent flooding such as occurred in April 2007 and perhaps as recently as last July. These weather changes are being recognized by other Northeast municipalities, especially those with combined treatment systems such as the New York and Pennsylvania cities, and new wetland strategies are being created. A hydrological study of the South Bay is the obvious next step for us. Without one, the DGEIS cannot say, as it does now, that the proposed truck route through the middle of the South Bay does not have impacts which require mitigation. Thank you.

Hilary Hillman (745 Union Street): First I want to thank the Common Council and everyone who’s worked on this, it’s been a lot of work and I know there’s still parts of the process that is still to come. But it’s really a fabulous body of work, congratulations. A couple of things that I wanted to mention have actually already been mentioned, and I will be writing comments with details about things I’d like to see addressed or more stressed in the document. But I think the most important thing which seems to be the consensus from comments tonight is the road. And I absolutely agree with what’s been said before me and said more eloquently than I can say. That I would really, I think it’s very important to see another option in the plan and that would be to have a road going by the south end of L&B and not just the option of the O&G road. I also would like to reiterate that it was fabulous this summer, having the Half Moon on the waterfront and the kinds of crowds and people we had there. It was wonderful and I hope that this city will continue to pursue the relationship with the Half Moon and investigate the

possibility and the feasibilities that being a strong economic development tool for the city. Thank you very much I'll submit other comments in writing.

Mark Wildonger (Planner, Scenic Hudson): Good evening. My name is Mark Wildonger. I am planner for Scenic Hudson, a 47 year old non profit environmental organization and separately incorporated land trust dedicated to protecting the scenic, natural, historic, agricultural and recreational treasures of the Hudson River and its valley. We applaud the efforts of the City and its residents for continuing the important task of completing a LWRP. This has been in the works for many years, and Scenic Hudson is pleased that the process is moving forward. Most importantly, the LWRP will express the City's vision that will guide how its waterfront areas can be utilized and achieve the complementary goals of recreational access, economic revitalization, ecological restoration and public health. And the LWRP also will become a valuable document for the City to use to help secure funding for waterfront amenities. The draft LWRP contains multiple strategies intended to bring new vitality to the waterfront; we support many of them and we will comment on them in more detail separately. But tonight we would like to limit our remarks to South Bay. South Bay is an outstanding natural resource and has the potential to become a recreational, educational and economic resource for Hudson and the whole Hudson River Valley. And it is the City's key defining gateway feature as one enters the City from the south. Policy 7B of the New York State Coastal Policies in the LWRP affirms the importance of this asset by recommending that the City should Protect, Preserve and Restore the Locally significant South Bay so as to maintain its viability has habitat. In 2008, Scenic Hudson commissioned the scientific research organization, Hudsonia to conduct an ecological study to inventory the species and habitats in a portion of the South Bay including the path in the proposed route. The study found in South Bay, several state listed rare plants and animals other species of conservation concern and habitant that can support other rare species. Though the report was not a comprehensive study of all of South Bay, it provides baseline information suggesting this proposed route has great viable diversity. Scenic Hudson recommends the city adopt the report's recommendations for further study and include the report as an appendix to the LWRP. Scenic Hudson strongly supports the City's ultimate goal of getting the huge cement trucks off neighborhood streets because this will strongly improve daily life in the community. Through this open process and by listening to the residents, we believe that a new route can be identified that avoids residential neighborhoods without disrupting South Bay's ecology. Scenic Hudson thinks that the City would agree that a healthy South Bay can contribute to the city's economic revitalization. While the LWRP acknowledges the importance of South Bay, it still identifies this area as the

preferred spot for an intense transportation corridor that would accommodate about 80 roundtrips per day or one truck every 3 minutes. However, such a proposed intense transportation corridor is an incompatible use due to the sensitive nature of the natural resources and the desire to use the Bay for possible recreational and educational opportunities. Inexplicably, the LWRP suggests that trucks be routed along the causeway, but it recommends follow-up ecological studies be conducted only after the route has been constructed. At this point, with the causeway already subject to heavy industrial use, it would be too late to evaluate the impacts on South Bay and select either another alternative strategy altogether or implement measures that would adequately mitigate these impacts and further restore the Bay's ecology. As an alternative, Scenic Hudson recommends that such studies should be the basis of the GEIS and should help inform the selection of an appropriate transportation corridor. Due to the magnitude of the decision to reroute trucks, it is only appropriate that a hard look be conducted to consider all alternatives, including the preferred route. However the DGEIS provides no such analysis. Scenic Hudson recommends that a more robust analysis be conducted to ensure all alternatives, including the preferred route, have been evaluated among the same criteria. We are particularly concerned that all of the costs of utilizing the causeway, including the cost to mitigate environmental impacts to the bay and restore the bay's ecology, have not been taken into consideration, while the costs of other alternatives may have been overstated. Scenic Hudson supports the recommendation in the DGEIS that once a preferred route has been identified, construction of any new truck route will be subject to obtaining permits and approvals, including compliance with SEQRA which will likely require the preparation of a Supplemental EIS. In summary, the City, residents and stakeholders have laid a strong foundation for an LWRP. Scenic Hudson supports many of the recommendations contained in the LWRP that will contribute to the City's ability to utilize its waterfront as a catalyst for economic revitalization and environmental restoration. The draft identifies South Bay as an asset to the community and proposes recommendations that seek to protect it. However; some of these recommendations are inconsistent with the proposed transportation route that would bisect the Bay. We urge the City to take necessary steps to learn more about the natural resources at South Bay, like conducting a site visit with experts and request a harder look at the proposed route and alternatives. We are not seeking to delay or derail progress. However, the community deserves to create a solution to heavy truck traffic that protects their neighborhood and also helps restore South Bay for public enjoyment. Scenic Hudson suggests that in the interim, while the various alternatives are considered, the City should recommend a temporary truck route following the long route identified in the DGEIS in order

to immediately protect the health safety and welfare of the public. Thank you for providing us the opportunity to comment on the LWRP and DGEIS.

Michael Finkle (22 8th Street): I am representing Henrich VonRitter; he has property down on Tanner's Lane. Mr. VonRitter is in total objection to his property being rezoned from industrial to residential special commercial. He's in litigation in the Supreme Court State of New York at this time against the City. Because the City, there's a bunch of houses on the south side of the city that dump their sewers into the storm drains. The storm drains pass through Mr. VonRitter's property and when L&B was put in, it plugged up the pipes and the sewage comes up into his property. So he sued the City and it is in litigation now. The situation is that he, the court has informed the city they need to purchase his property and that hasn't been done. And at this time, he doesn't want it rezoned, that if it is rezoned before the solution to the purchase of this property by the city, then he plans to get an injunction to prevent this zoning issue from going forth. I noticed that the McGuire Building, it says in here in your plan, the McGuire Building is going to be kept industrial because it has access to the railroad spurs. Well Mr. VonRitter's property also has access to railroad spur. The City was ordered to clean up the storm drains, they did not do it. And the court ordered the city to buy his property. He's going to get an injunction to prevent the rezoning of his property if it continues to go through. That's all I have to say.

President Moore questioned if those in attendance had any additional comments.

Ms. Leviser: It's in regard to the comment I made on the LWRP that I sent in, which was not acted on and I'd just like to bring it up again. This is a city which is full of artist of all kinds. Many cities have an arts overlay in their planning and they have a 10% for art ordinance. In which case any developer needs to put 10% toward any artist working with him to, in their development. But I think, for Hudson, it's really important and critical that in all the planning the artists input is included. So I would like to see that added to the LWRP.

Mr. Doyle: This is in regard to the hydrology. As everyone knows, we live in Hudson which has an escarpment. The escarpment allows for the water to go down to the south and down to the north. A lot of cities would be very envious of this situation because for us, gravity really works quite well to solve a lot of our CSO issues. One of the things that I've been looking at, since I've owned the Basilica Industria, is that the blue corridor that exists on the east side of L&B and Third, or the Bay Road as Chris calls it, it looks like a forest there. That forest

actually is a perfect corridor in which to convey storm sewer into the South Bay. And I know that Hank VonRitter has had problems with his property mainly because the gravity has actually taken that water down into his property. So the other thing that happens is that all the water from Allen Street or almost Warren Street, all of that goes down onto the south side and it has to be pumped back over the escarpment into the wastewater treatment. So therefore, there's this plan to redo the South Bay, the South Front Street pump station and to be able to take care of hopefully all of the CSO issue. But what's interesting about the opportunities we have in relationship to South Bay, as it's indicated in the Draft Environmental Impact Statement, the Generic and also the LWRP is that there is an opportunity to work with the storm sewer into that body of water. The thing is that we have to be able to study how that can happen. And if we clawed or permanently prevented the South Bay from having an end flow, like for instances, put a private truck road across it, then we maybe prevented from a solution in the future for all of our citizens to reduce our operations of having to separate the CSO and having to pump it all the way across to the other side. We could actually utilize the gravity that exists and actually have it go into the South Bay. How that's done? That's for something in the future, but if we prevent it from happening, then the future will not happen. Thank you.

President Moore thanked those present for attending the Public Hearing and he said "there are many people here that have been with you at the beginning of the process and we're now approaching if not the end, then close to the end".

There being no further comments, President Moore declared the public hearing closed at 7:53 PM.

City Clerk