November 10, 2017

Ms. Lisa Kenneally, Chairperson
City of Hudson Zoning Board of Appeals
520 Warren Street
Hudson, New York 12534

Re: Core-Riverfront (C-R) Zoning District Boundary Determination

File: 1204.005.001

Dear Chairperson Kenneally and Members of the Zoning Board of Appeals:

Barton & Loguidice, D.P.C. (B&L) is pleased to offer assistance to the Zoning Board of Appeals (ZBA) in your determination of the boundaries of the City’s Core-Riverfront Zoning District. As outlined in our agreement with the City, we have reviewed the following documents for information pertaining to said district’s boundaries:

- Code of the City of Hudson, Chapter 325: Zoning [https://ecode360.com/5082256];
- City of Hudson Local Waterfront Revitalization Program (“LWRP”) dated November 30, 2011 as prepared by BFJ Planning and Cheryl A. Roberts, Esq.;
- City of Hudson Local Waterfront Revitalization Program, Draft Generic Environmental Impact Statement (“DGEIS”) dated November 12, 2009 as prepared by BFJ Planning;
- City of Hudson Local Waterfront Revitalization Program, Final Generic Environmental Impact Statement (“FGEIS”) dated May 16, 2011 as prepared by BFJ Planning; and
- City of Hudson Local Waterfront Revitalization Program, State Environmental Quality Review Act Findings Statement (“FS”) as adopted by the City Council on October 27, 2011.

It is our understanding that the ZBA has been asked to issue a formal determination regarding the boundaries and extent of the Core-Riverfront (C-R) Zoning District as it passes through the Recreational Conservation (R-C) and the Industrial (I-1) Districts within the South Bay area. An excerpt from the official zoning map, last updated in 2011, illustrating the area in question is included below (Fig. 1).

Further, it is our understanding that the ZBA’s determination has been requested in regard to the proposed Colarusso Quarry-to-Dock Haul Road. The haul road is proposed to pass over the existing South Bay causeway and terminate at the parcel’s Front Street property frontage (i.e. the “flag staff” portion of the property shown in Figure 1). Haul road truck traffic would then pass over Front and Broad Streets before entering the Hudson River dock owned by Colarusso.
Figure 1: Excerpt from the City of Hudson Official Zoning Map (2011). Parcel outlined in red is identified as Tax ID 109.15-1-1, n/f of Colarusso Ventures, LLC per Columbia County Real Property Tax Service Agency’s Image Mate Online service (Zoning Map with Annotation by B&L).

Figure 2 is a rough approximation of the proposed haul road alignment based upon the most recently submitted site plans for the project. A prescriptive assessment of the Zoning Map would appear to indicate that the proposed haul road would pass through the C-R, R-C, and I-1 districts along its course from South Third Street (NYS Route 9G) to the property’s frontage on Front Street. The extension of the C-R district through the South Bay is illustrated to connect directly to the railroad tracks southwest of Front Street and not extend to Front Street itself.

Figure 2: A rough approximation of the proposed Colarusso Quarry-to-Dock Haul Road is shown in blue. The haul road is proposed to terminate at the property’s Front Street property frontage (Zoning Map with Annotation by B&L).
In order to make a determination on the boundaries of the C-R district as it passes through the South Bay area, it is important for the ZBA to consider the intent of the changes made to the zoning map as part of the City’s local waterfront revitalization program conducted between 2006 and 2011. The program resulted in the adoption of the City of Hudson Local Waterfront Revitalization Program (“LWRP”) and adoption of zoning changes to implement the LWRP. A Draft Generic Environmental Impact Statement (“DGEIS”) and Final Generic Environmental Impact Statement (“FGEIS”) were prepared pursuant to SEQRA.

At the time of preparation of the LWRP, the South Bay causeway and Hudson River dock were owned by Holcim (US) Inc. All the core documents (i.e. LWRP, DGEIS, FGEIS) considered and discussed these properties and how their current and future use aligned with the vision of the LWRP.

One specific proposal discussed was a route for truck traffic generated by O&G Industries, a lessee of Holcim, to be diverted from City streets including 3rd Avenue, Columbia Street, and Front Street. The DGEIS analyzed several possible alternative truck routes but identified a route over the South Bay causeway and turning north to an unpaved section of South Front Street as a preferred alternative (DGEIS, 2-21-2-22). Figure 2-9 of the DGEIS illustrates this route which largely follows the route now proposed by Colarusso (Fig. 3). We note that while the DGEIS identified the above route as “preferred,” the proposed zoning map included in the DGEIS zoned the entire South Bay parcel, inclusive of the causeway, as Recreational Conservation (R-C) (See DGEIS Figure 2-7).

![Figure 3: The DGEIS identified the route shown here as the “preferred” route to divert truck traffic from Hudson’s downtown. Note that the route appears to follow the causeway and the “flag staff” portion of the property to Front Street (DGEIS Figure 2-9).](image-url)
Following issuance of the draft LWRP and DGEIS for review, numerous comments were received on the document, many of which pertained to the proposed truck route through the South Bay. The final LWRP and FGEIS was revised to include a “two phased approach to removing truck traffic associated with the O&G mining operations and the port from the City’s residential and commercial neighborhoods.” Phase 1 of the approach included re-routing truck traffic over the South Bay causeway. Phase 2 envisioned a new public road from 9G, along the LB Furniture Building, and connecting to Front Street near the Basilica property (Fig. 4) (FGEIS, 2-4-2-5).

![Figure 4](image)

**Figure 4:** The second of two phases envisioned in the FGEIS would reroute truck traffic around the LB Furniture building and abandon use of the South Bay causeway for truck traffic (FGEIS Figure 2-2).

Additionally, the final LWRP included a revision to the proposed zoning map which included the South Bay causeway within the Core Riverfront (C-R) district. Regarding this change, the FGEIS states:

> The proposed zoning map has been amended to include the South Bay Causeway (not the South Bay) within an extension of the Core Riverfront (C-R) District rather than within the Recreational Conservation (R-C) District as proposed in the draft LWRP. This change gives the City the ability to control, through the conditional use permit process, proposed improvements to and changes associated with transportation uses along the South Bay Causeway. (FGEIS, 2-2)

The proposed zoning map included in the final LWRP and FGEIS is included below as Figure 5. You will note that the extension of the C-R zone along the South Bay causeway follows the route illustrated on the official zoning map (Fig. 1 & 2).
Figure 5: Proposed zoning of the South Bay area following revisions to the final LWRP and FGEIS. The districts illustrated here are nearly identical to the official Zoning Map shown in Figures 1 and 2 of this letter (LWRP Figure 27, FGEIS Figure 2-1).

In addition to the zoning discussion above, the final LWRP includes the South Bay truck route as a proposed project, albeit envisioned as a short-term solution with the long-term goal being the LB Furniture route. Figure 26 of the LWRP illustrates the South Bay route over the causeway to Front Street as well as the LB Furniture alternative. This figure, along with other pertinent excerpts from the final LWRP, DGEIS, and FGEIS are enclosed with this letter to aid in your determination.

After review of the documents listed above, it appears that the intent of the LWRP and associated zoning amendments was to include the then-proposed South Bay truck route along the causeway and to the Front Street property frontage within the Core Riverfront (C-R) zoning district. The discussion, considerations, and figures within these documents reasonably convey this intent. As shown on the official zoning map of the City of Hudson, the illustration of the C-R district terminating at the railroad tracks as opposed to the Front Street property frontage would appear to be in error.

If you have any questions, please feel free to contact our office.

Very truly yours,

BARTON & LOGUIDICE, D.P.C.

Donald H. Fletcher, P.E.
Vice President

RBW/

Enclosures

cc: Mitchell Khosrova, Esq. via email (with enclosures)
CITY OF HUDSON LOCAL WATERFRONT REVITALIZATION PROGRAM

City of Hudson
Columbia County, New York

DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

November 12, 2009
Specific future development projects within the LWRP will be subject to site-specific review under SEQR during their individual approvals processes and may necessitate preparation of a supplemental Environmental Impact Statement.

The DGEIS incorporates a more detailed analysis of potential environmental impacts from a proposal by O&G Industries, Inc. (O&G) to construct a truck route from its mining operations located in Greenport, New York to Hudson’s deep water port, which is currently owned by Holcim U.S., Inc. (Holcim), through the South Bay causeway (South Bay Causeway Truck Route). The LWRP identifies the South Bay Causeway Truck Route as the preferred truck route through the City for O&G’s materials, as opposed to the current truck route which traverses through some of the City’s most crowded and disadvantaged neighborhoods. A discussion of the potential impacts of the proposed O&G South Bay Causeway Truck Route is set forth in Chapter 5.0 of this DGEIS. In addition, an analysis of five alternatives to the South Bay Causeway Truck Route is also provided in Chapter 5.0. This SEQR review is intended to provide an initial review of potential site specific impacts of the South Bay Causeway Truck Route and its alternatives, but will not result in any approvals related to the South Bay Causeway Truck Route or alternatives. Construction of any new truck route will be subject to O&G obtaining all necessary permits and approvals, including compliance with SEQR, which will likely require the preparation of a supplemental EIS.

The goal of the Proposed Action is to reconnect the Hudson River and the adjacent waterfront to the rest of the City. This goal will be achieved by: restoring transportation and pedestrian links; reconnecting hydrology; encouraging compatible residential, commercial and industrial uses within the LWRP area; restoring and maintaining the City’s historic connection to the river for shipping; restoring and maintaining viewsheds to and from the waterfront and the river; and, improving existing and ensuring additional public access to the river and the entire waterfront for water dependant uses and enhanced recreational and other purposes wherever possible.

The City’s LWRP is intended to guide and support, through zoning changes and other implementing legislation (i.e. Charter amendments), development within the LWRP area which supports and continues the regional shift away from water dependant industrial uses to a mix of compatible, higher economically valued mixed uses. These uses include commercial, residential, tourism, retail, shipping and office uses, water-dependent and enhanced recreational uses, and the preservation of open space. The City therefore proposes to rezone much of the land within the LWRP area from industrial use to zoning designations that provide for a mix of activities. The LWRP also includes policy language to ensure that any shipping or transportation activities within the LWRP area are compatible with the City’s overall long term planning objectives.
It is intended that the LWRP will accomplish one of the primary objectives of the Hudson Vision Plan (HVP) for the City’s waterfront, “[to] open the waterfront for boaters and the public and make it the center of civic activity. This will create a positive impetus for the entire downtown and, in the longer run, create new markets for retail uses.” (HVP at 15).

1.3 Alternatives

The alternative to the Proposed Action analyzed in this DGEIS is the No Action Alternative (see DGEIS Chapter 4.0). The No Alternative assumes that the LWRP and associated Zoning amendments would not be adopted.

In addition, six site specific alternatives are presented which provide various alternative routes, other than the proposed South Bay Causeway Truck Route, for the transportation of aggregate associated with the O&G Industries, Inc. mining operations; these alternatives are discussed in DGEIS Chapter 5.0. Three of the six site specific alternatives have several sub-alternatives that either follow the same route from the mine to the waterfront but rely on alternative modes of transport (i.e. conveyor belt or rail) or that follow the same general route but vary slightly in the exact location of the transit route. The alternatives analyzed herein include the following:

A. Alternatives to Adoption of the LWRP and Zoning Amendments
   
   1. No Action Alternative

B. O&G Site Specific Transportation Alternatives:

   1. No Action Alternative

   2. South Bay Causeway Alternatives
      Alternative 2A: Conveyor Belt Alternative
      Alternative 2B: Rail Alternative

   3. LB Furniture Route Alternatives
      Alternative 3A: Private Interior Road System to 9G North of LB Furniture Products Building
      Alternative 3B: Private Interior Road System to 9G and Purchase of LB Furniture Products Property (demolition of existing LB building)
      Alternative 3C: Private Interior Road System to 9G South of LB Furniture Products Building

   4. CSX Route Alternatives
      Alternative 4A: Scenic Hudson’s Correctional Facility Alternative
1.0 Executive Summary

Alternative 4B: Scenic Hudson’s Union Street Alternative

5. Long Path Alternative

6. Discontinuation of O&G Operations

1.4 Significant Impacts and Mitigation Measures

Adoption of the Proposed Action is more protective of the City’s environment and coastal resources than the City’s current regulatory scheme and will therefore not result in any significant adverse environmental impacts that cannot be mitigated. Instead, the Proposed Action will:

- result in adoption of a land use plan and policies that will support mixed land use development, protect open space and natural coastal resources, and restore and increase public access to and enjoyment of the City’s waterfront;
- significantly improve the environment by reducing the potential for industrialization and degradation of the waterfront environment now possible under the City’s current zoning scheme;
- provide a coordinated administrative process and the standards by which specific actions proposed to be undertaken in the waterfront area by private, local, state or federal entities will be evaluated; and
- result in a policy to establish an alternative route for dump trucks delivering mined materials to the Holcim deep water port. These trucks are currently traversing through the most densely populated and disadvantaged residential communities in the City. This policy seeks to minimize adverse impacts to the community character and protect the public health, safety, and welfare of residents (See LWRP Policy 1B).
- supports the voluntary transfer of private property on the river front and within the South Bay to public ownership.

The DGEIS identifies potentially significant adverse environmental impacts associated with the LWRP’s preferred O&G South Bay Causeway Truck Route and makes preliminary recommendations as to possible mitigation measures. Since O&G has not yet submitted site-specific plans to the City for review, it is not possible to determine with certainty the full extent of potential future impacts and the appropriateness of possible mitigation measures. However, the analysis contained herein makes recommendations for possible mitigation measures that should be considered during future site-specific review of this project. The evaluation of alternatives to the proposed South Bay Causeway Truck Route contained in Chapter 5.0 has narrowed the feasibility of the various alternatives to one alternative: Alternative 3A: Private Interior Road System to 9G North of LB Furniture Products Building. Prior to taking any action to approve the South Bay Causeway Truck
Route, a supplemental EIS is required to compare the Proposed Action with Alternative 3A in a site specific SEQR evaluation.

Similarly, impacts of specific actions recommended by or permitted under the LWRP, whether beneficial or adverse, will be evaluated as part of the site-specific environmental review of each particular action.

Because the adoption of the LWRP is expected to have a beneficial impact on the LWRP area as a whole, area-wide mitigation measures are not necessary. Site specific analysis of the South Bay Causeway Truck Route and its alternatives, as well as future projects within the LWRP area may require site specific analysis as noted in Chapter 7.0: Future Actions. Site specific mitigation measures will be developed as appropriate during future site specific SEQR review.

1.5. Involved and Interested Agencies

Involved Agencies

Common Council (Lead Agency)
City Hall, 520 Warren Street,
Hudson, New York 12534.
Contact: John Cody, President

New York State Department of State
Office of Coastal, Local Government and Community Sustainability
99 Washington Avenue
Albany, NY 12231

Interested Agencies

Town of Greenport
600 Town Hall Drive
Hudson, New York 12534
Contact: Town Clerk

New York State Department of Environmental Conservation
Region 3 Office
21 South Putt Corners Road
New Paltz, NY 12561
Contact: Margaret Duke
2.0 PROJECT DESCRIPTION

The City of Hudson proposes to adopt a Local Waterfront Revitalization Program (LWRP) and associated amendments to the City Code and Charter, including amendments to the Zoning Code and Official Zoning Map and the adoption of Local Consistency Review Laws (See LWRP Appendix C and Appendix D). These actions constitute the “Proposed Action.”

2.1 Site Location and Environmental Setting

Site Location

The City of Hudson is located on the east side of the Hudson River in Columbia County, approximately 120 miles north of New York City and 45 miles south of Albany. The City is surrounded by the Town of Greenport to the north, east and south, while the Hudson River provides over 1.5-miles of shoreline to the west (see Figure 2-1: Regional Location). Important regional highways that serve the City include the New York State Thruway located in Green County on the west side of the Hudson River and Taconic State Parkway located approximately 9 miles to the east. Routes 23, 23B and 9 link the City to these major highways. The City is also accessible by Amtrak train via the recently refurbished and historic railroad station located in close proximity to the City’s waterfront.

The LWRP area boundary includes the entire State Coastal Area boundary mapped in the City of Hudson, as well as two waterbodies located east of the boundary – Underhill Pond and Oakdale Beach (see Figure 2-2: LWRP Area). The boundary of the Coastal Area includes all land features within the City that may have a “direct and significant impact” on coastal waters and encompass uses and areas with one or more of the following characteristics:

- uses that have direct contact with, depend on or make use of coastal waters;
- natural features that are affected by or have an effect on coastal waters;
- areas with direct functional, cultural or historical relationships with the waterfront; and
- areas with direct aesthetic relationship with the waterfront in that they are visible from the coastal waters or contain direct viewpoints or viewsheds of the coastal waters.
prepared, detailed land use plan that sets forth design, location and environmental standards for all development along the municipality’s waterfront. It also describes capital projects and other actions necessary to further state and municipal policies for the coastal area.

City of Hudson LWRP Project Purpose

It is the City’s primary goal through the adoption of the LWRP, its enabling legislation and associated Zoning Code and Map amendments, to reconnect the Hudson River and the waterfront land to the City. The City’s LWRP is intended to guide and support, through zoning changes and other agreements, development within the waterfront boundary area which supports and continues the regional shift away from water dependent industrial uses to a mix of compatible, higher economically valued mixed uses that include commercial, residential, tourism, retail, shipping and office uses, water dependant and enhanced recreational uses and the preservation of open space. Therefore, the City intends to rezone much of the land within the waterfront boundary area from industrial use to zoning which provides for a mix of commercial, residential, conservation, industrial and shipping activities (allowed by conditional use permit), to ensure that any shipping or transportation activities occurring within the new Core Riverfront Zone are compatible with the overall long term planning objective.

Over the past seven years a number of planning initiatives have been undertaken which provide policies, guidelines and specific recommendations for action in the City’s waterfront area. These form the basis for a number of the policies and plan implementation processes outlined in the LWRP.

The Hudson Vision Plan (HVP), completed in 1996, established goals and policies for the City’s core areas, which include the waterfront area, and developed a strategy, master plan and action plan to achieve this vision.

The LWRP incorporates the overall community goal articulated in the HVP:

“Enhance the City’s quality of life as a place to live, work, and recreate through revitalization of Hudson’s Core – Warren Street, Fourth Street and the waterfront. Conserve historical and natural resources along the Hudson River waterfront and strengthen the link to Warren Street and the core of Hudson. Encourage compatible forms of economic development, including commercial development and tourism, while maintaining the overall historic character.”

The HVP also includes general land use recommendations for the waterfront including improving waterfront access for boaters and pedestrians, and encouraging retail uses to increase the number of visitors to the waterfront such as a waterfront restaurant, a
2.0 Project Description

river for shipping via the remaining deep water port; restoring and maintaining viewsheds; and improving public access to the river and the waterfront for water dependant and enhanced recreational and other purposes where possible. The specific policies in the LWRP are detailed and interpreted in Section III “Coastal Policy Standards”. Section IV outlines the “Proposed Land and Water Uses and Proposed Projects”.

LWRP Section IV.A presents a proposed land use plan for the LWRP Area (see Figure 2-6 below). The proposed land use plan is not intended to describe a detailed distribution of uses on a parcel by parcel basis. Rather, the plan provides a generalized layout of future land uses intended for the LWRP area. It provides a framework for the revised zoning regulations contained in the LWRP. The generalized land use plan, illustrated and described in detail in the LWRP, incorporates seven broad land use categories:

- Conservation
- Parks and Recreation
- Community and Institutional
- Industrial
- Commercial and Mixed Use
- Residential
- Transportation

The projects identified in LWRP Section IV.B provide additional opportunities for public access, as well as enhancements to existing City facilities on or near the waterfront to ensure long-term public access and stability of the waterfront. Some of these projects are minor actions and would not result in any significant environmental impacts, while others will require the preparation of supplemental site specific Environmental Impact Statements. Section 3.1: Land Use and Zoning of this DGEIS provides a detailed summary of the proposed land use plan and proposed water uses and projects.

2. Zoning Amendments

It is the intent of the Common Council of the City of Hudson to amend the Hudson Zoning Code and Official Zoning Map to enable redevelopment of the waterfront based upon a mixed use revitalization plan in accordance with the City’s LWRP. As set forth in Appendix C of the LWRP, “Proposed Zoning Amendments to Code and Charter”, the City intends to change the current zoning scheme to better protect the health, safety and welfare of City residents by increasing open space and recreational opportunities. The zoning will still provide for the continuation of industrial activities within limited areas in the Northern and Southern Waterfront Areas and shipping activities at the deep water dock which are compatible with the overall goals and policies of the LWRP. The proposed zoning continues to support existing and encourage new commercial uses and provides opportunities for mixed use residential and commercial development within the waterfront.
Causeway is not within C-R zone.
Specifically, within the Core Riverfront Area the City will replace the I-1 District with a new Core Riverfront District (C-R). The C-R District will allow for a full range of recreational activities and limited commercial, residential and transportation uses. No industrial uses including processing or manufacturing will be allowed within this new zone. Transportation uses will be subject to a conditional use permit and site plan approval, from the City Planning Commission and a LWRP consistency determination to ensure that all activities will be compatible with other land uses within the zone and waterfront boundary area.

In the Northern Waterfront Area, the City intends to rezone much of the North Bay from industrial to a Recreational Conservation District (R-C) while maintaining corridors of industrial zoning on parcels where there has been long standing industrial activity. The conservation zoning will support creation of the North Bay Recreation Area. The planned zone changes would retain the current R-1 zoning and most of the R-4 zoning, except where it has been replaced by the Core Riverfront District or the newly created Institutional/Residential Conservation District (I-R-C) which encompasses the two large institutional uses in this area; the High School complex and the FASNY Firemen’s Home. A small transitional zone including the former X-Tyal building will be created by rezoning this area to Residential Special Commercial District (R-S-C).

Much of the riverfront land in the Southern Waterfront, including the entire South Bay, is owned by Holcim (US) Inc., a private multinational corporation. Through the LWRP, and in cooperation with Holcim, the City intends to fundamentally change the land use pattern of the Southern Waterfront Area. Now zoned Industrial, the City intends to rezone the South Bay to R-C to protect the sensitive nature of the natural resources and enable the bay to be used for possible storm and flood water control as well as for open space and recreational opportunities. Through a private/public partnership with Holcim, the City hopes to gain title to approximately 7 acres of riverfront property to be used for open space and recreation and will work with the company to regulate the modernization and operation of its port facility to ensure continued use of the facility as an active port, but in a manner which does not interfere or overwhelm surrounding public land and water uses and is protective of the public’s health, safety and welfare.

In addition to changing zoning and ownership of some of Holcim’s lands in the Southern Waterfront Area, the LWRP maintains a corridor of industrial use in the Southern Waterfront, rezones a transitional area from I-1 to R-S-C and changes the zoning for the Hudson Correctional Facility from R-1 to a I-R-C District.

The waterfront’s Upland Mixed Use Area encompasses a portion of the City’s historic downtown commercial and residential area which has been undergoing major urban revitalization since the 1980s. The City also proposes to rezone a portion of this area along Front Street to R-S-C to provide a better transition from the upland residential and
commercial uses to the waterfront area. See Appendix C of the LWRP for the text of the proposed Zoning Amendments.

3. City Charter Amendments

It is the intent of the Common Council of the City of Hudson to amend the City Charter to implement the LWRP by providing for the appointment of a LWRP Consistency Review Board and a Harbor Master (See LWRP Appendix D).

The purpose of the Charter amendments is to provide for the appointment of a LWRP Consistency Review Board and Harbor Master by the Mayor to enable the Mayor to fully implement the applicable provisions of the City of Hudson LWRP. Adoption of the City’s LWRP will likely result in increased use of the Hudson River and the City’s riverfront by water borne vessels, thereby necessitating appointment of a Harbor Master to protect the public’s health, safety and welfare and to ensure implementation the LWRP.

2.4 Proposed O&G South Bay Causeway Truck Route

The City, generally through the Comprehensive Plan (see Comprehensive Plan pages V and 25) and more specifically in the LWRP, has called for eliminating dump truck traffic utilizing the state-designated truck route (via 3rd Avenue and Columbia Street) as well as trucks utilizing City streets to access the waterfront (via Columbia and Front Streets) as imperative to the health, safety and welfare of residents and businesses living and operating along this truck route. Truck traffic is generated by O&G Industries as it transports aggregate produced at the Holcim U.S., Inc. quarry, located in Greenport, New York, on its way to Hudson’s deep water port; the dump trucks utilize a portion of the state designated truck route as they move trucks through the City via Columbia Street and continuing west on Columbia Street to Front Street. The City supports re-routing O&G’s dump truck traffic over the South Bay causeway with appropriate mitigation measures to avoid any adverse impacts to the South Bay habitat to the maximum extent practicable (see LWRP page 60) as an alternative to the existing truck route. This DGEIS provides a more site specific analysis of this proposed truck route, however, the analysis provided herein is not intended to replace a future detailed site specific SEQR review. A detailed review was not possible or appropriate at this stage of the environmental review because O&G Industries has not yet submitted a permit application or design specifications for this route.

A preliminary analysis of proposed impacts and potential mitigation measures associated with the O&G South Bay Causeway Truck Route are addressed in Chapter 5.0 of this DGEIS. In addition, Chapter 5.0 also contains an analysis of six alternatives to the South
Proposed South Bay Causeway Truck Route

The proposed South Bay Causeway Truck Route (see Figure 2-9: Proposed Truck Route) would consist almost entirely of privately-owned gravel roads located east of and through the South Bay causeway, formerly used as railroad beds by the former St. Lawrence Cement Plant. The land containing the former railroad beds, including the South Bay causeway, is currently owned by Holcim (US), the successor in interest of St. Lawrence Cement Company. Beginning at the Holcim quarry on the east of Route 9, the proposed route would run southwest toward the entrance to Hudson Logistics, cross Route 9 and run west behind the existing cement plant buildings to the railroad grade, where it then runs north. This section of existing gravel roadway has a gradient of 3 to 4 percent.

The path would then cross over Route 9G at the bottom of the hill through the South Bay Causeway and turn north on an unpaved section of South Front Street. The trucks would then turn left across the tracks onto Broad Street and to the deep water port. This route is approximately a 3.13 mile one-way trip.

Construction and utilization of the proposed South Bay Causeway Truck Route is subject to O&G obtaining all necessary permits and approvals, including compliance with SEQR, which will likely require the preparation of a supplemental EIS. In addition to City approval, O&G may need to obtain the following permits:

- New York State Department of Transportation (NYSDOT) – curb cut for the new entrance onto Route 9 from the quarry.
- New York State Department of Environmental Conservation (NYSDEC)
  - Fresh water wetlands permit
  - 401 Water Quality Certification
  (Both permits would be needed for work within 100 feet of DEC regulated wetlands and also for any work requiring a federal wetland permit)
- United States Army Corps of Engineers (USACOE) – Permits may be needed for cleaning of swales that currently have wetland vegetation growing in them.
5.0 O&G SOUTH BAY CAUSEWAY TRUCK ROUTE

An analysis of proposed impacts and potential mitigation measures associated with the O&G South Bay Causeway Truck Route are addressed in this Chapter. The existing conditions information described in each of the technical sections contained in Chapter 3.0 are relied upon as the basis for determining potential impacts. Where appropriate, the existing conditions information from Chapter 3.0 is supplemented with project specific information relevant to the O&G existing and proposed truck route. In addition, this chapter also contains an analysis of six alternatives to the South Bay Causeway Truck Route. The SEQRA review contained herein is intended to provide an initial review of potential site specific impacts related to the South Bay Causeway Truck Route, but will not result in any project approvals. Construction of the proposed route is subject to O&G obtaining all necessary permits and approvals, including compliance with SEQR, which will likely require the preparation of a supplemental EIS.

5.1 Project Description

The City, generally through the Comprehensive Plan (see Comprehensive Plan pages V and 25) and more specifically in the LWRP, has established eliminating dump truck traffic utilizing the state-designated truck route (via 3rd Street and Columbia Street) as well as those trucks that utilize City streets to access the waterfront (via lower Columbia and Front Streets) as imperative to the health, safety and welfare of residents and businesses living and operating along these truck routes. Truck traffic is generated by O&G Industries as it transports aggregate produced at the Holcim U.S., Inc. quarry, located in Greenport, New York, on its way to Hudson’s deep water port; the dump trucks utilize a portion of the state designated truck route as they move trucks through the City via Columbia Street and continuing west on Columbia Street to Front Street and south to the waterfront.

Existing Truck Route

The existing O&G truck route from the Holcim quarry to the deep water port (see Figure 5-1: Existing Truck Route) starts at Newman Road in the Town of Greenport. From there, trucks head north on Newman Road and northwest on NYS Route 23B to Green Street. From Green Street, the truck route proceeds northwest down Columbia Street to Front Street. After the train station, trucks make a right hand turn across the railroad tracks to Broad Street. Broad Street leads to the waterfront property owned by Holcim. This route is approximately a 5.1 mile round trip (2.55-miles one-way).
The truck route passes through several residential blocks in the center of the City of Hudson. As outlined in the LWRP and City Comprehensive Plan, the route has a number of negative impacts on the residents and business operators in the area, primarily health and safety, noise and vibration, air pollution and dust. The truck traffic is also negatively impacting buried sewer mains along Green, Columbia, and Front Streets (Robert Perry, Superintendent of the City of Hudson Public Works Department, July 10, 2009). The benefits to O&G for the continued use of this existing truck route include, shortest existing path to the dock, no permit requirements, and no "direct costs" for the continued use of the public road system.

**Proposed South Bay Causeway Truck Route**

The proposed South Bay Causeway Truck Route (see Figure 5-2: Proposed Truck Route) would consist almost entirely of privately-owned un-paved roads located east of and through the South Bay causeway, formerly used as railroad beds by the former St. Lawrence Cement Plant. The land containing the former railroad beds, including the South Bay causeway, is currently owned by Holcim (US), the successor in interest of St. Lawrence Cement Company. Beginning at the Holcim quarry on the east of Route 9, the proposed route would run southwest toward the entrance to Hudson Logistics, cross Route 9 and run west behind the existing cement plant buildings to the railroad grade, where it then runs north. This section of existing roadway has a gradient of 3 to 4 percent. The path would then cross over Route 9G at the bottom of the hill through the South Bay causeway and turn north on an unpaved section of South Front Street. The trucks would then turn left across the tracks onto Broad Street to the deep water port. This route is approximately a 6.26 mile round trip (3.13 mile one-way trip). The cost of constructing the South Bay Causeway Truck Route is estimated at approximately $360,000.

Construction and utilization of the proposed South Bay Causeway Truck Route is subject to O&G obtaining all necessary permits and approvals, including compliance with SEQR, which will likely require the preparation of a supplemental EIS. In addition to City approval, O&G may need to obtain the following permits:

- New York State Department of Transportation (NYSDOT) – curb cut for the new entrance onto Route 9 from the quarry.
- New York State Department of Environmental Conservation (NYSDEC)
  - Fresh water wetlands permit
  - 401 Water Quality Certification
    (Both permits would be needed for work within 100 feet of DEC regulated wetlands and also for any work requiring a federal wetland permit)
- United States Army Corps of Engineers (USACOE) – Permits may be needed for cleaning of swales that currently have wetland vegetation growing in them.

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1 An analysis of Truck Traffic Alternatives, dated May 2008, prepared by Patrick J. Prendergast, P.E. on behalf of O&G Industries estimates the cost of this alternative at $360,000.
5.2.5 Traffic and Transportation

O&G Industries has a long-term lease agreement with Holcim to mine aggregate from Holcim’s quarry located in the Town of Greenport and to transport the aggregate to Holcim’s dock in Hudson. The dock is a deep water facility that has been used by industry for the past 100 years for the transportation of steel, stone, cement, and/or salt. O&G makes use of the dock to transport aggregate to their markets in New York and along the coast of Connecticut. To get the aggregate to the dock in the City of Hudson, O&G relies on trucking. A combination of 10- and 18-wheeled dump trucks move the aggregate from the quarry to the dock. The trucks use the state designated truck route for part of their route but also traverse City streets. The route starts at the Holcim quarries off of Newman Road in the Town of Greenport. The trucks then proceed northwest on state Route 23B, down Green Street, to Columbia Street. Columbia Street leads through residential neighborhoods to Front Street. From Front Street, the trucks cross the railroad tracks onto Broad Street and into Holcim’s deep water port property.

The existing truck route is approximately a 2.55 mile one-way trip (5.1 mile roundtrip) and has a travel time of approximately 9.4 minutes one-way, with an average travel speed of 16.3 miles per hour. The existing O&G truck route is illustrated in Figure 5-1. The relatively long travel time, as compared to the relatively short distance of the route, is a result of stop and go conditions along Columbia and Green Streets. O&G currently makes approximately 80 roundtrips per day (Monday through Friday) or approximately 400 round trips per week during the barge shipping season. Eighty daily truck trips results in approximately 408.5 vehicle miles travelled (VMT) per day and based on the length of the route and travel speed, results in approximately 25.1 vehicle hours travelled (VMT) per day. (Appendix A: O&G Truck Route Alternatives Traffic Analysis).

Dump truck traffic associated with aggregate shipments via Columbia and Green Streets and the existing O&G truck route to the waterfront has resulted in serious and significant adverse impacts to the communities along the truck route. As discussed in detail in Section II.B.(8) of the LWRP, adverse impacts from this truck traffic include increased noise and vibration from trucks experienced by residents and vibration of structures in close proximity to the truck route; safety concerns related to trucks traveling through residential districts; potential adverse human health and environmental impacts from diesel fuel emissions; and damage to City streets and infrastructure.

The LWRP supports plans proposed by Holcim (US) and its tenant, O&G, to reroute heavy truck traffic from the Holcim mine in Greenport, to the deep water port via the South Bay causeway. Use of the causeway will eliminate dump truck traffic through the City’s most disadvantaged and densely populated neighborhoods thereby providing significant health, safety and environmental benefits to these communities. Upgrades and use of the causeway will be subject to all applicable local, state and federal laws.
In conformance with the policies set forth in the LWRP and described above, O&G is proposing to re-route the existing dump truck traffic originating at the Holcim quarry from the existing O&G truck route to an alternate route utilizing the South Bay causeway (see Figure 5-2: Proposed O&G South Bay Causeway Route). The South Bay causeway route would consist almost entirely of gravel roads, formerly used as railroad beds for the original cement plant. Beginning at the quarry on the east side of Route 9, the route would run southwest toward the entrance to Hudson Logistics, cross Route 9 and run west behind the existing cement plant buildings to the railroad grade, where it then runs north. This section of existing gravel roadway has a gradient of 3 to 4 percent.

The path would then cross over Route 9G at the bottom of the hill through the South Bay causeway and turn north on an unpaved section of South Front Street. The trucks would then turn left across the tracks onto Broad Street and into the deep water port property. This route is approximately a 3.13 mile one-way trip (6.26 round trip) and would remove all of the existing O&G truck traffic from the residential and commercial streets of downtown Hudson.

As presented in Table 5-1 below, this route would take approximately 8.5 minutes to traverse one-way which is approximately one-minute faster than the existing truck route. In addition, this route would result in approximately 500.2 vehicle miles travelled (based on 80 round trips/day), which is approximately 92 more vehicle miles travelled (VMT) per day than the existing route; however, because this route does not utilize City streets, but rather the existing roadway through the O&G property west of and through the South Bay causeway, it results in fewer vehicle hours travelled as compared to the existing condition ([VHT] 22.2 VHT verses 25.1 VHT).

<table>
<thead>
<tr>
<th>Alternative Transportation Routes</th>
<th>Length (mile)</th>
<th>Length (foot)</th>
<th>Route Segments</th>
<th>Time (min)</th>
<th>Average Speed (mph)</th>
<th>VMT (80trucks daily)</th>
<th>VHT (80truck s daily)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing O&amp;G Route</td>
<td>2.55</td>
<td>13,479</td>
<td>1,070 1,252 11,157 --</td>
<td>9.4</td>
<td>16.3</td>
<td>408.5</td>
<td>25.1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>20 16 16 --</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Bay Causeway Route</td>
<td>3.13</td>
<td>16,506</td>
<td>5,264 8,162 3,080 --</td>
<td>8.5</td>
<td>22.2</td>
<td>500.2</td>
<td>22.5</td>
</tr>
</tbody>
</table>

BFJ Planning March 2009
In addition, as illustrated by Table 5-3, the existing truck route is the shortest route from the quarry to the port but it is also the route that takes the greatest time to traverse due to stop and go conditions (except Alternative 5: Long Path Alternative – see below). This results in more idling time as trucks wait at stop lights resulting in significant air quality\(^3\) impacts. The truck route passes through several residential blocks in the center of the City of Hudson exposing large numbers of City residents to health risks. As outlined in the LWRP and this DGEIS, the route has a number of negative impacts on the residents and business operators in the area, primarily health and safety (air quality and traffic safety), noise, and dust. The truck traffic is also impacting buried sewer mains along Green, Columbia, and Green Streets. The substrate of Columbia and Green Streets is not designed for truck travel by dump trucks or other heavy trucks. As a result, the stone caps that cover the buried sewer channels have failed resulting in multiple sink holes and emergency repairs (Robert Perry, Superintendent of the City of Hudson Public Works Department, July 10, 2009).

The benefits to O&G for the continued use of its existing route include: shortest existing path to the dock; no permit requirements; and, no “direct costs” for the continued use of the public road system.

2. **South Bay Causeway Alternatives**

The following two alternatives follow the same route as the Proposed Action – the South Bay Causeway route; however Alternative 2A proposes to transport the aggregate via conveyor belt through the South Bay Causeway and Alternative 2B proposes to transport the aggregate via rail through the South Bay Causeway. The Alternatives 2A and 2B are shown on Figure 5-7: South Bay Causeway Alternatives.

\(^3\) The United States Environmental Protection Agency has identified 21 chemicals in truck exhaust that are known or suspected to cause cancer or other serious health effects. These include chemicals such as benzene, formaldehyde, acetaldehyde and 1, 3 butadiene. Emissions from trucks also contain other pollutants that have been linked to respiratory diseases and other serious health effects. These pollutants include: particulate matter – both black soot that is visible and tiny, invisible particles a fraction of the width of a human hair that can lodge deep in human lungs; nitrogen oxides; and carbon monoxide. [http://www.oag.state.ny.us/bureaus/environmental/pdfs/idling_trucks_buses.pdf](http://www.oag.state.ny.us/bureaus/environmental/pdfs/idling_trucks_buses.pdf)
2.0 CHANGES TO THE PROPOSED ACTION

This chapter summarizes major changes to the draft LWRP and the associated amendments to the City Code, Charter and Official Map (see Appendix C and D of the revised LWRP) in response to substantive public comments received at the January 20, 2010 public hearing and during the approximately 90-day public review period for the draft LWRP and DGEIS. These changes were reviewed with the City’s Legal Counsel, Mayor, and City Common Council during a Common Council work session on July 12, 2010, and are intended to further refine the proposed action while maintaining the primary goal of the LWRP, which is to reconnect the Hudson River and waterfront land to the City and to develop a mixed use waterfront area. The revisions reinforce the intent of the LWRP to guide and support, through zoning changes and other agreements, development within the waterfront boundary area which supports and continues the regional shift away from water dependent industrial uses to a mix of compatible, higher economically valued mixed uses that include commercial, residential, tourism, retail, shipping and office uses, water dependant and enhanced recreational uses and the preservation of open space.

Changes to the LWRP and its enabling legislation, proposed in response to DGEIS comments, are summarized below. Minor and/or editorial revisions to the LWRP and its enabling legislation that have no bearing on the environmental review process have not been summarized. These, and all other revisions discussed below, are included in the redline version of the revised LWRP, which is incorporated herein by reference. The revised LWRP is available for review on the City of Hudson website (http://cityofhudson.org/content/Generic/View/3). Further, specific revisions or clarifications to the DGEIS, requested during the DGEIS public review period, are addressed in Chapter 3.0: Response to Comments of this FGEIS.

2.1 Changes to the Proposed Action

In response to substantive comments received on the DGEIS and draft LWRP, the following changes have been made to the draft LWRP; these changes are indicated in the revised LWRP in redline/strikeout and are summarized below.

- **Proposed Zoning Map:** The Proposed Zoning Map (LWRP Figure 27) has been revised to no longer include the property located south of Tanner’s Lane and north of the CSX railroad tracks, known as the Von Ritter property, in the area proposed to be rezoned from Industrial (I-1) to Residential Special Commercial (R-S-C). This property will retain its current industrial zoning designation. This change represents a minor modification to the Proposed Zoning Map and a continuation of the status quo for this property.
In addition, the parcel containing the Amtrak Station was inadvertently proposed to be rezoned to R-S-C from its current I-1 industrial zoning designation. The Amtrak Station should have remained in the I-1 District which allows transportation services as of right.

Finally, the proposed zoning map has been amended to include the South Bay Causeway (not the South Bay) within an extension of the Core Riverfront (C-R) District rather than within the Recreational Conservation (R-C) District as proposed in the draft LWRP. This change gives the City the ability to control, through the conditional use permit process, proposed improvements to and changes associated with transportation uses along the South Bay Causeway. The CR zoning provisions have also been modified to include additional special conditions related to the operation of the port; access routes to the port; multiple dwellings, hotels and motels; eating and drinking establishments; and marinas.

The revised Proposed Zoning Map, illustrating these revisions is included as Figure 2-1 below. LWRP Figure 27 has been updated accordingly.

- Harbor Master and Harbor Management Plan: The LWRP has been revised to give the Mayor the option to appoint a Harbor Master, if deemed necessary. See revised LWRP pages 38-39. The introduction to the LWRP, at pages 5-6, has also been revised to include an explanation of the Harbor Management Plan which is contained within the text of the LWRP. The LWRP also states that the City will pursue authority under Executive Law, Article 42, Section 920 to regulate the water adjacent to the City at such time in the future as it becomes necessary to control the waterside of the City’s waterfront.

- Zoning Law: The local law implementing the zoning changes for the LWRP has been amended as follows: 1) the term “processing” has been defined; 2) the conditional use provisions related to the regulation of the existing commercial dock in the Core Riverfront zone has been changed to clarify that the Planning Commission has the authority to regulate use of the causeway as the means of ingress and egress used to transport materials or goods as part of the commercial dock operations at the deep water port; 3) conditional use standards have been added for commercial dock operations, roads providing access to commercial dock operations; eating and drinking establishments, multiple dwellings, hotels and motels; and marinas; 4) the CR District has been amended to clarify that site plan approval is required for all uses in the CR District; and 5) salt stockpiling has been specifically disallowed in the CR District.
2.0 Changes to the Proposed Action

- **State Pollution Discharge and Elimination System (SPDES) Clarifications:** Changes requested by the Department of Environmental Conservation, Division of Water by letter dated March 26, 2010 have been incorporated into the LWRP. DEC staff further clarified their position on edits to the LWRP related to SPDES clarifications with City Counsel via phone conversations. These additional clarifications by DEC staff were also incorporated into the revised LWRP and GEIS.

- **Salt Pile Facility:** The City no longer supports salt stockpiling activities in the Core Riverfront District. As a result of the issuance of a Cease and Desist Order and Notice of Violation on September 21, 2010, Cargill, Inc., the current operator of the salt storage facility has entered into a settlement agreement which ends salt stockpiling operations by the May of 2012. The LWRP and zoning law has been amended to state that the City no longer supports salt stockpiling in its Core Riverfront District.

- **Policy 10:** Policy 10 has been clarified in response to comments made by Save the South Bay.

- **South Bay Causeway Truck Route:** The DGEIS contained a more detailed analysis of a proposal by O&G Industries, Inc. (O&G) to construct a truck route from its mining operations located in Greenport, New York to Hudson’s port, which is currently owned by Holcim, U.S., Inc. (Holcim), through the South Bay Causeway (South Bay Causeway Truck Route). The draft LWRP identified the South Bay Causeway Truck Route as the preferred truck route for transport of O&G’s aggregate to the port, as opposed to the current truck route which traverses through some of the City's most crowded and disadvantaged neighborhoods (see draft LWRP pages 59, 121, and 132). The draft LWRP (page 59; page 121) stated that “[t]he City supports current plans to re-route the mining traffic through the South Bay with appropriate mitigation measures to avoid any adverse impacts to the South Bay habitat to the maximum extent practicable.” A discussion of the potential impacts of the proposed South Bay Causeway Truck Route as well as a discussion of six possible alternatives was contained in the DGEIS Chapter 5.0. Based on the analysis of alternatives contained in DGEIS Chapter 5.0, the DGEIS narrowed the feasibility of the various alternatives to one alternative: Alternative 3A: Private Interior Road System to 9G North of LB Furniture Products Building.

After careful review of the proposed South Bay Causeway Truck Route, its alternatives, and in response to comments received on the draft LWRP and DGEIS, the final LWRP has been revised to include a two phased approach to removing truck traffic associated with the O&G mining operations and the port from the City’s residential and commercial neighborhoods. In the short term, Phase I
2.0 Changes to the Proposed Action

Involves development of O&G’s proposal to re-route their truck traffic over the South Bay Causeway. Once established this route could also be used for public access to the waterfront and for other commercial vehicles destined for the port.

Trucks destined for the port would thereafter, no longer be permitted to use Columbia Street below Third Street to access Front Street and the port.

Phase II, a longer term goal and more permanent solution to the truck and public access issues associated with use of the deep port and public access to the waterfront, involves the development of a version of the DGEIS Alternative 3: LB Furniture Alternatives (Alternatives 3A – north of LB and Alternative 3B – south of LB). The LWRP included an option for this new public road to the north of the LB Furniture Building, and the DGEIS included two possible options for the road around the LB Furniture Building. In addition, several public comments suggested a route to the south of the LB building. The ultimate location of a road utilizing the LB and perhaps Basilica properties may depend upon whether the City can obtain title to the LB parcel or some portion or easement thereof, or can successfully negotiate with the property owners for placement of the road. For purposes of this FGEIS this revised alternative is called the LB Furniture Public Road Alternative.

Under the LB Furniture Public Road Alternative, the City would pursue acquisition of a 50 foot public right-of-way to the north or south of the existing LB Furniture building for a future paved public roadway with a width of approximately 26 to 30 feet. This roadway would be a City-owned and operated public road that would provide access from Route 9G to the waterfront for both the public and O&G. Upon acquisition of the right-of-way and construction of the proposed public road, the City would work with O&G to ensure the discontinuation of the South Bay Causeway Truck Route for use by commercial traffic. This two-phased option is supportive of the City’s goals to re-route truck traffic off of City streets as well as provide additional public access to the waterfront.

Further, the alignment of the proposed LB Furniture Public Road has been revised to provide access to Front Street directly from the LB Furniture property rather than through the Basilica Industria property and across the CSX tracks located to the east of Front Street (see Figure 2-2). Access to Front Street via the Basilica property and across the CSX tracks at a new at grade crossing was never contemplated in the LWRP and was erroneously described and reviewed in the DGEIS.
The specific details of the location of the proposed future public road will be determined through negotiations with the affected landowners, unless the City is able to purchase this parcel or an easement over this parcel. If this future public roadway is located to the north of the existing LB Furniture Building, the City would need to acquire easements from both the owners (or future owners) of LB Furniture Products and Basilica Industria and a wetlands delineation of the NYSDEC’s wetland “check zone” located to the east of the LB Furniture Building (see DGEIS page 5-29 and Figure 2-3 below) would need to be performed and if wetlands are identified and will be impacted by construction of the roadway, appropriate DEC permits will need to be obtained and mitigation will need to be developed and provided. If however, the right-of-way is located to the south of the existing building, only an easement from LB would be required (see Figure 2-3) and no potential wetlands would be impacted. Locating a roadway to the south of the existing LB Furniture loading docks would interfere with the building’s existing loading docks.

In addition, LWRP Figure 26: Proposed Transportation & Infrastructure Projects, and associated text, has been revised to reflect the two-phased approach as well as the new alignment of the proposed LB Furniture Public Road. The revised Figure 26 is included below as FGEIS Figure 2-4.
Legend
1  Possible South Bay Connector
2  Broad Street Crossing Improvements
3  Front Street Streetscape
4  LB Furniture Public Road Alternative
   with North and South Options
5  Pedestrian Overpass to Franklin Park
6  Ferry/Cruise Service
7  Potential Pedestrian Trestle Overpass

Figure 2-4: Proposed Transportation & Infrastructure Projects
CITY OF HUDSON
Local Waterfront Revitalization Program

Prepared on behalf of:
City of Hudson

Prepared by:

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New York, NY 10003

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P.O. Box 244
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The City does not support cement manufacturing in or within close proximity to its municipal boundaries. Cement manufacturing or production activities within the waterfront boundary would not be consistent with the LWRP.

Dump truck traffic associated with aggregate shipments via portions of the State designated truck route and other City streets to the waterfront has resulted in serious and significant adverse impacts to the communities along this truck route. As discussed in more detail in Section II B.8, adverse impacts from this truck traffic include increased noise and vibration from trucks experienced by residents and vibration of structures in close proximity to the truck route; safety concerns related to trucks traveling through residential districts; potential adverse human health and environmental impacts from diesel fuel emissions; and damage to City streets and infrastructure. As a temporary measure, the City supports plans proposed by Holcim (US) and its tenant to reroute dump truck traffic from the Holcim mine in Greenport, New York to the port via the South Bay causeway. Use of the causeway will eliminate dump truck traffic through the City’s most disadvantaged and densely populated neighborhoods thereby providing significant health, safety and environmental benefits to these communities. Upgrades to and use of the causeway will be subject to all applicable local, state and federal laws.

The City views use of the causeway by commercial vehicles as a temporary measure to immediately eliminate truck traffic traversing through residential neighborhoods. As suggested in the Comprehensive Plan, the City supports a two phased approach to rectifying the adverse impacts associated with commercial vehicular traffic destined for the port. The first phase involves the development of a temporary alternative truck route using the causeway. In conjunction with this temporary use, the public would also gain a permanent public easement to use the causeway for access to the waterfront and a conservation easement to allow implementation of measures to restore the South Bay as discussed in section A(3) of this Section. The second phase of this transportation strategy involves the development of a new public access route from Route 9G to the port and waterfront using portions of property currently known as the LB and or the Basilica properties. Once the first phase of this plan is established, aggregate trucks would be prohibited from using Columbia Street to reach the port facility.

Upon adoption of the LWRP and its enabling legislation, the City will subject any change of use or modernization of the port facility to a conditional use permit, site plan approval, LWRP Consistency Review and compliance with all other applicable provisions of Federal, State and local law. Manufacturing or processing of raw materials or any other goods or products at the port facility will be prohibited as incompatible with adjacent recreational and commercial land uses within the relatively small area surrounding the port.

The only other potential water dependent shipping use currently possible at the waterfront relates to a 60 year right of way granted to the Lockwood Brothers, Inc., successors in interest to the Lockwood Properties, Inc., and its successors in interest to cross the former Lockwood parcel, now part of the Henry Hudson Riverfront Park, and to use the slip located on the parcel for the “business of rigging and heavy hauling for the purpose of transportation and the loading and unloading of marine vessels” (see Figure 8). The right of way terminates in 2062 and to date has not been exercised. Future planning efforts to improve the Henry Hudson Riverfront Park must take into account the existence of the Lockwood easement.
Large areas of mapped wetlands in the South Bay and tidal wetlands and marshes in the North Bay are included within the I-1 zone. In theory, this zoning would allow development of these environmentally sensitive lands for the uses listed above. Such development would conflict with existing City policy documents such as the Hudson Vision Plan and Comprehensive Plan (see Section II.C. Recent Planning Activity for a full discussion) as well as the LWRP.

Principal permitted uses in the G-C District include all uses allowed in the C-C, subject to the bulk regulations of the General Commercial District, funeral homes and automobile and boat sales and service establishments, including motor vehicle service stations provided that no open lot for used car or boat sales shall be permitted except accessory to a franchised new car or boat sales establishment, and any use permitted in an R-1, R-2, R-2H, R-3 or R-4 district.

Principal permitted uses in the C-C District include retail stores and banks; personal services stores; professional, governmental or business offices; schools, churches, libraries, museums and art galleries; theaters, assembly halls, bowling alleys and eating and drinking places; hotels (including rooming and boarding houses), motels and clubs; service establishments furnishing services other than a person nature, but excluding gasoline filling stations and motor vehicle storage, repair or service establishments; outlets and pickup stations for laundries and dry cleaning establishments, excluding commercial laundry, self-service automatic laundry and dry cleaning establishments; newspaper printing and job printing; assembling, converting, finishing, cleaning, or any other processing of products within a fully enclosed building where goods so processed are to be sold at retail exclusively on the premises provided the space used does not exceed 3,000 square feet and not more than 5 people are engaged in such production or processing; public and private parking lots and parking garages; bus stations; and any use permitted in an R-1, R-2, R-2H, R-3 or R-4 District.

Principal permitted uses in the R-1, R-2, R2H, R-3 and R-4 zones include: one-family dwellings; municipal buildings; public and private schools; places of worship; two-family dwellings; multiple dwellings; attached or row dwellings; and multifamily dwellings owned and operated by a municipal or non-profit housing authority providing housing for low-income families pursuant to any federal or state law.

In the Southern and Northern Waterfront Areas, the North and South Bays will be rezoned for conservation and recreation, except for the causeway which will be rezoned as Core Riverfront District. The Conservation/Recreation District will not permit industrial uses within the district due to the sensitive nature of the natural resources and the desire to use the bay for possible storm water and flood water management areas as well as for open space, educational and recreational opportunities (see Figure 27).

The Conservation/Recreation District authorizes parks, recreational uses such as boating, hiking, biking, swimming, and fishing including, but not limited to, construction of related trails, boardwalks, marinas and boat launches, subject to all applicable provisions of federal, state and local law, including local site plan approval; flood water and storm water management fixtures and controls; educational and research programs and attendant monitoring fixtures and structures including but not limited to construction of a visitor's center subject to all applicable provisions of federal, state and local law, including local site plan approval; and entertainment venues.

The change in zoning of the South Bay is subject to vested rights, if any, to transport materials over the South Bay causeway. Any expansion or change in use from the existing vested rights, if any, to use the causeway which occurs must be consistent with the LWRP and its enabling.
Portions of the North and South Bay Areas and Front Street will also be rezoned to Residential Special Commercial (R-S-C) to provide a transitional area between the conservation, recreational districts and the industrial zoning districts. The LWRP supports the continuation of some industrial use within these areas (see Figure 27).

A new Core Riverfront District (CR) would replace industrial zoning in the core portion of the riverfront. This zone, extending west from the railroad tracks to the river, north to the Fugary Boat club area, and south to the City’s boundary with Greenport, and including the South Bay Causeway, authorizes the following water-dependent and enhanced activities: marinas, public docks and boat launches, restaurants, parks, and recreational uses such as fishing, swimming, hiking and biking. Additional uses are permitted by conditional use permit only, such as the operation of existing commercial dock operations; limited residential uses and hotels; annual or private membership clubs and telecommunications towers; public and private marinas; and shipping activities, including the storage of raw materials at the dock (see Figure 27). All uses within this zone will require site plan approval and LWRP consistency review to ensure that the intended use is compatible with the surrounding land uses. No industrial processing or manufacturing is permitted in this zone.

The City intends to rezone a third of the land within the waterfront boundary encompassing large institutional uses from an R-1 zone to a newly created Institutional/Residential Conservation zone [I/R-C Zone (see Figure 27)]. The new I/R-C zone, covering the Fireman’s Home, the High School and the Correctional Facility, permits institutional and a mix of residential development, including certain related uses, but subjects large residential developments involving the subdivision of 3 parcels or lots to conservation development which mandate the protection of designated open space, to be determined on a parcel specific basis.

Finally, the City will create a new Riverfront Gateway (R-G) District to replace a portion of the current R-4 district (see Figure 27). The R-G district is intended to encourage development of a mixed use area which will draw the public from the Upland Mixed Use Area to the riverfront. The R-G district is also intended to maintain a diverse housing stock within the central waterfront boundary area through the inclusion of a mandatory 20% set aside of low and moderate income housing units involving the development or redevelopment of 10 or more housing units or a building with more than 10 housing units on a single parcel.

3. GEOLOGY (see Figure 11: Geology)

   a. Topography

The Hudson coastal area is located entirely within the Hudson Valley lowland, the northernmost section of the Appalachian Valley and Ridge province. The Hudson Valley lowland is characterized by level to rolling plateau and upland separated from the river trench by steep escarpments. The river trench is essentially level. The base of the escarpment, in the vicinity of North and South Bays is approximately 1/3 to 2/3 of a mile from the water’s edge, and the top of the escarpment is roughly one mile inland. Between the bays, however, the plateau draws closer to the river, forming a 50 to 75 foot high bluff at the river’s edge at Promenade Hill Park.
Columbia Streets and trucks accessing the waterfront via Warren and Front Streets as a problem. Specifically, the Comprehensive Plan found that these truck routes were “forcing trucks to pass through residential neighborhoods and are significantly deteriorating the quality, in some cases historic integrity of these homes. Further, trucks are required to make turns on urban streets that were not engineered to meet their turning radius needs.” (HCP at v). Consequently, the Comprehensive Plan called for a truck study to develop a strategy “that takes truck traffic away from Hudson’s neighborhoods and commercial core area while providing a more efficient circulation pattern for trucks.” (HCP at v).

The City supports rerouting as much non-local commercial truck traffic as possible to avoid the residential areas of the City. Recently announced plans by Holcim and O&G Industries to re-route truck traffic from the mine off City streets and through the South Bay causeway will eliminate the adverse environmental impacts associated with this traffic on the residents who live and work along the State and City truck route. The City supports current plans to re-route, as a temporary measure, the mining traffic off of Columbia Street and through the South Bay with appropriate mitigation measures to avoid any adverse impacts to the South Bay habitat to the maximum extent practicable. In addition, the City supports efforts to improve water circulation if such measures would improve habitat in the South Bay through alteration of the causeway.

In the long term, however, the City supports rerouting commercial traffic destined for the waterfront onto a new access road and views use of the causeway by commercial vehicles as a temporary measure to immediately eliminate truck traffic traversing through residential neighborhoods. As suggested in the Comprehensive Plan, the City supports a two phased approach to rectifying the adverse impacts associated with commercial vehicular traffic destined for the port. The first phase involves the development of a temporary alternative truck route using the causeway. In conjunction with this temporary use, the public would also gain a permanent public easement to use the causeway for access to the waterfront. The second phase of this transportation strategy would involve the development of a new public access route from Route 9G to the port and waterfront most likely using portions of the LB and possibly the Basilica properties. Allowing public access to the waterfront via the causeway during the weekends and holidays when mining trucks will not use the causeway, will also improve public access to the waterfront, especially to the proposed South Bay Riverfront Park and proposed relocated State Boat Launch, thereby also alleviating traffic from recreational boaters over the Ferry Street rail road crossing. A new public access road in the vicinity of LB would also greatly improve public access to the waterfront.

b. Rail Service

There is both passenger and freight activity on the railroad in Hudson. Amtrak runs twelve passenger trains daily to Albany and New York City from Hudson, with more limited service on the weekends, as part of its high speed statewide-intercity service. The Hudson station is amongst the 50 busiest Amtrak stations in the nation. Much of the usage is increasingly by commuters to and from New York City. The 45 space Amtrak station parking lot is often filled to capacity on weekdays. Overflow parking is accommodated in a City owned 302 space parking area located on the east side of Front Street. This larger lot is often filled to capacity with excess vehicles spilling over onto South Front Street and onto adjacent private property. A noticeable number of vehicles in the lot bare Massachusetts license plates.
Legend
1. Possible South Bay Connector
2. Broad Street Crossing Improvements
3. Front Street Streetscape
4. LB Furniture Public Road Alternative with North and South Options
5. Pedestrian Overpass to Franklin Park
6. Ferry/Cruise Service
7. Potential Pedestrian Trestle Overpass
8. Proposed Public Access via Easement to South Bay Riverside Park

Figure 26: Proposed Transportation & Infrastructure Projects

Hudson Local Waterfront Revitalization Program
Hudson, New York
b. South Bay

The South Bay also represents an important natural resource although the wetland areas are traversed by Route 9G and by an East-West causeway (formerly a rail line to the riverfront and commonly referred to as the “causeway” or “South Bay causeway”). The proposed zoning for this area supports a land use plan designed to protect, conserve and restore the South Bay to the greatest extent possible, by rezoning this area from Industrial to Recreation/Conservation. The causeway itself will be part of the C-R District subject to vested rights, if any, Holcim may have to the use of the causeway for transportation. The land use plan will conserve the vast majority of the South Bay for conservation, ecological and educational purposes and could support the LWRP’s vision to utilize the South Bay for possible storm water retention, habitat protection, open space, recreational uses and education purposes through establishment of a nature center.

In the absence of a feasible alternative which has fewer significant adverse environmental impacts, the LWRP and land use plan also contemplates and supports use of the South Bay causeway as part of a two phased strategy for the transport of heavy or dump truck traffic to the port during the weekdays and for public use and access to the waterfront on weekends and holidays. Use of the South Bay causeway for truck transport represents the only feasible and reasonable short term alternative available at this time to heavy truck traffic destined for the port which currently traverses through the most disadvantaged and densely populated neighborhoods of the City. The City’s support for the causeway for vehicular traffic reflects a policy decision to protect the health, safety and welfare of the business owners and residents, many of whom are low and moderate income families and individuals, who are now disproportionately burdened with the significant adverse environmental impacts of the heavy or dump truck traffic. Upon completion of any upgrades necessary to use the causeway for transport and issuance of all necessary approvals, the use of Columbia Street below Third Street by trucks transporting aggregate or other goods and materials to the waterfront would be prohibited. The land use plan’s support of this policy decision does not eliminate or insulate development of the causeway from the requirements of environmental review pursuant to the State Environmental Quality Review Act, and it is anticipated that land conservation or wetlands restoration measures will be necessary to mitigate possible adverse impacts to the South Bay from using the causeway for a truck route in order to meet the conservation goals of the LWRP. In the longer term, the LWRP supports development of a permanent route in the vicinity of the current LB property for truck and public vehicular traffic destined to the waterfront. Development of this route could enable more intensive restoration efforts in the South Bay.

Any activity in the South bay subject to a permitting requirement would be subject to a “habitat impairment test” as per Policy 7B, should the DOS designate the South Bay as a Significant Coastal Fish and Wildlife Habitat.

2. PARKS AND RECREATION USES

The most notable public park and recreational uses within the LWRP area include the Henry Hudson Riverfront Park, Promenade Hill, Charles Williams Park, Oakdale Beach and the adjacent Underhill Pond area, and the recreation field located on the south side of Union Street. Future open space proposals focus on 1) the expansion of the Henry Hudson Riverfront Park to include playground and potentially a soccer field or playing field area which would incorporate the former Lockwood and Conrail/CSX parcels directly south of the existing Henry Hudson Riverfront Park, and the expansion of the waterfront dock (see Figure 22); 2) creation of a Warren Street Plaza with playground area, connected to a refurbished Promenade Hill Park
sites.

Some of these parcels are likely to require contamination clean-up programs prior to any redevelopment. As an example, a remedial investigation carried out in January 2007 on the Foster Refrigeration property concluded that re-use of the site would involve over $900,000 in contamination clean-up costs. It is likely that clean-up costs can be reduced by retaining industrial uses on this property.

b. Re-use of Washington Hose Firehouse

The Washington Hose Firehouse will we restored and used as office space for the Columbia County Chamber of Commerce and the City’s Development Agency.

c. Dunn Lumber Building

This City owned building has the potential to help draw people to the waterfront and development of the space should be carefully planned (see Figure 6). Possible uses include development as a restaurant, cafe, ice-cream stand, or movie house or any mixture of these or similar uses. The City through a DOS LWRP Environmental Protection Fund grant, will be preparing a feasibility analysis for the potential reuse of this structure.

d. Dock and Front Streets Redevelopment Area

This area includes parcels on both sides of Front Street and the historically important “Old Dock” site near the south limits of North Bay (see Figure 24). Preliminary proposals for these sites include redevelopment as mixed commercial uses, including a possible hotel. Renovation of at least one of the two brick warehouses is also under consideration. Relocation of the City’s garage and salt storage to a shared facility with the County on City owned property in Greenport, New York will allow for commercial, office or compatible light industrial uses at this location.

4. TRANSPORTATION AND INFRASTRUCTURE

Figure 26 illustrates a number of improvements that are designed to address transportation and infrastructure issues that impact the waterfront.

a. South Bay Connector Routes

In the absence of a feasible alternative which has fewer significant adverse environmental impacts, the LWRP and land use plan contemplate and support use of the South Bay causeway as part of a two phased strategy for the transport of heavy or dump truck traffic to the port during the weekdays, and for public use and access to the waterfront on weekends and holidays. Use of the South Bay causeway for truck transport represents the only feasible and reasonable short term alternative available at this time to heavy truck traffic destined for the port which currently traverses through the most disadvantaged and densely populated neighborhoods of the City. The City’s support for the causeway for vehicular traffic reflects a policy decision to protect the health, safety and welfare of the business owners and residents who live and work along the route currently used by trucks destined for the port. Many of these people are low and moderate income individuals or members of families who are now disproportionately burdened with the significant adverse environmental impacts of the heavy or dump truck traffic. The City has also identified the increased truck traffic as a threat to aging
sewer mains underneath Columbia Street. The substrate of Columbia and Green Streets is not designed for truck travel buy dump trucks or other heavy trucks. As a result, the stone caps that cover the buried sewer channels have failed resulting in multiple sink holes and emergency repairs.

The City’s support of this project does not eliminate or insulate development of the causeway from the requirements of environmental review pursuant to the State Environmental Quality Review Act, and it is anticipated that land conservation or wetlands restoration measures will be necessary to mitigate possible adverse impacts to the South Bay from using the causeway for a truck route in order to meet the conservation goals of the LWRP. Upon completion of any upgrades necessary to use the causeway for aggregate transport and issuance of all necessary approvals, the use of Columbia Street below Third Street by trucks transporting aggregate or other goods to the port will be prohibited.

The second phases of this transportation strategy would involve the development of a new public access route from Route 9G to the port and waterfront most likely using portions of the LB and possibly the Basilica properties. Development of this route could enable more intensive restoration efforts in the South Bay, as the City would seek a commitment from Holcim and its tenants to cease using the causeway for port access.

b. Broad Street Crossing

Roadway, signage and streetscape improvements are required at Broad Street where the road crosses the rail line. Improvements would need to be negotiated with CSX. The road crossing will be the major entry point for the proposed new waterfront facilities, as well as functioning as the key access for the truck traffic generated by Holcim.

c. Franklin Park Promenade Hill Pedestrian Overpass

A new pedestrian overpass over the rail road tracks should be developed to connect Promenade Hill Park and the Warren Street Plaza Area to a refurbished Franklin Park and the Henry Hudson Riverfront Park (see Figure 23).

d. Front Street Streetscape

Both the Vision Plan and the Comprehensive Plan underlined the importance of improving the pedestrian amenities along Front Street, given its role as a key connection between Warren Street and the riverfront. Streetscape improvements will include additional tree planting and improved sidewalks and street furniture for both sides of Front Street extending from Dock Street in the north to the Board Street crossing at the south. In the longer term, sidewalk and landscape improvements should be constructed along the proposed southern extension of Front Street, linking up to a possible future pedestrian trail on the causeway across South Bay (see Figure 23).

e. Ferry/Cruise Boat Operations

Relocation of the Hudson Power Boat Association facilities provides an opportunity for boat cruise and ferry services to operate from the Ferry Street area. The City supports re-instating the earlier function of this site which was used as a slip for the Hudson-Athens ferry service until it was closed in the 1940s (see Figure 22). Restoration of the Athens/Hudson Ferry Service will should support tourism and commercial uses in Hudson and Athens. Service to Middle Ground
October 27, 2011

A Special Meeting of the Common Council was held on Thursday, October 27, 2011 at 6:00 P.M. at City Hall, 520 Warren Street, with President Donald Moore presiding.

Upon roll call there were present: President Moore, Aldermen Cheddie, Donahue, Goetz, Miah, Pertilla, Ramsey, Sterling, Stewart, Thurston and Wagoner.
Absent: None.

The clerk announced there was a quorum present for the meeting as required by Section C12-13 of the City Charter.

On motion of Alderman Sterling, seconded by Alderman Miah, the following Call of the Meeting was ordered received and placed on file:

October 19, 2011

Tracy S. Delaney
City Clerk
City Hall
Hudson, NY

Dear City Clerk:

As provided by Section C12-4 of the City Charter, I hereby call a Special Meeting of the Common Council to be held on Thursday, October 27, 2011 at 6:00 PM at City Hall, 520 Warren Street, Hudson. The meeting will be held to consider the Findings Statement of the Final Generic Impact Statement.

Very truly yours
Donald A. Moore
President, Common Council

cc: Mayor
Legal Advisor Roberts
Legal Advisor Connor
Register Star

Carried.
President Moore stated if commercial and recreational shipping became complex in the port, the City would require a harbormaster.

On motion of Alderman Miah, seconded by Alderman Ramsey, the following resolution was adopted by the following vote:

RESOLUTION NO. 1, October 27, 2011
Adopting the Findings Statement for the
City of Hudson
Local Waterfront Revitalization Program and Implementing Laws

WHEREAS, by Common Council Resolution dated September 26, 2011, the City of Hudson Common Council, as Lead Agency for adoption of the City’s Local Waterfront Revitalization Program (LWRP), including the LWRP’s implementing laws: (1) deemed complete the September 2011 Final Generic Environmental Impact Statement (FGEIS), which incorporated by reference the Draft GEIS dated November 2009 and included amendments to the proposed FGEIS dated May 2011 which were considered by the Lead Agency at the duly noticed Special Meeting of the Common Council held on September 26, 2011; (2) filed a Notice of Completion on September 27, 2011; and (3) caused the Notice of Completion and FGEIS to be properly circulated, including publication in the Environmental Notice Bulletin on October 5, 2011; and

WHEREAS, upon consideration of the attached Findings Statement and the materials referenced therein.

NOW, THEREFORE BE IT RESOLVED, that:

The Common Council hereby adopts the attached Findings Statement which concludes the environmental review process pursuant to the State Environmental Quality Review Act; and

The Common Council hereby directs the City Clerk and Attorney to comply with all notice requirements of the State Environmental Quality and Review Act.

PROPOSED (10/19/11)
CITY OF HUDSON
LOCAL WATERFRONT REVITALIZATION PROGRAM
STATE ENVIRONMENTAL QUALITY REVIEW ACT
FINDINGS STATEMENT
Adopted __________, 2011
City Charter Amendments

It is the intent of the Common Council of the City of Hudson to amend the City Charter to implement the LWRP by providing for the appointment of a LWRP Consistency Review Board and a Harbor Master (See LWRP Appendix D). The purpose of the Charter amendments is to provide for the appointment of a LWRP Consistency Review Board and Harbor Master by the Mayor to enable the Mayor to fully implement the applicable provisions of the City of Hudson LWRP.

Location: City of Hudson, Columbia County, New York

Agency Jurisdiction: Preparation and adoption of the LWRP and implementing laws is authorized by the Municipal Home Rule Law (Chapter 36-a of the Consolidated Laws of the State of New York); the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Chapter 18 of the Consolidated Laws of the State of New York, Article 42 of the Executive Law); the General City Law, (Chapter 21 of the Consolidated Laws of the State of New York, Article 3, §§20, 27-a, 32 and 37 and Article 5-A, §81-D); the General Municipal Law (Chapter 24 of the Consolidated Laws of the State of New York, Article 12-A, §247); and the Environmental Conservation Law (Chapter 42-B of the Consolidated Laws of the State of New York, Article 49, §49-0301).

Date Final EIS Filed: September 27, 2011

Facts and Conclusions in the GEIS Relied Upon to Support the Decision and Statement of Findings:

WHEREAS, the City of Hudson entered into a voluntary, cooperative agreement with the New York State Department of State for the preparation of a Local Waterfront Revitalization Program pursuant to the provisions of the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways and the U.S. Coastal Zone Management Act, for land and waters within the coastal area of the City of Hudson; and

WHEREAS, the LWRP, including its implementing laws (hereinafter, “the proposed action”), was prepared for the New York State Department of State and the City of Hudson with funds provided under Title 11 of the Environmental Protection Fund; and
WHEREAS, by Common Council Resolution dated September 26, 2011, the Lead Agency: (1) deemed complete the September 2011 FGEIS, which incorporated by reference the DGEIS dated November 2009 and included amendments to the proposed final FGEIS dated May 2011 which were considered by the Lead Agency at the duly noticed Special Meeting of the Common Council held on September 26, 2011; (2) filed a Notice of Completion on September 27, 2011; and (3) caused the Notice of Completion and FGEIS to be properly circulated, including publication in the ENB on October 5, 2011; and

WHEREAS, the FGEIS made the following conclusions with respect to possible adverse impacts from the LWRP:

1. Land Use and Zoning (FGEIS, September 26, 2011 and Nov 2009 DGEIS 3.1). All of the LWRP recommendations pertaining to land use and zoning are designed to preserve and enhance the natural and manmade waterfront environment in Hudson through a pattern of development based on the most appropriate use of the coastal area. Adoption of the LWRP and associated zoning and Charter amendments are anticipated to result in a beneficial impact; therefore no area-wide mitigation is required. (Nov. 2009 DGEIS, 3.1.44). While the DGEIS found that there may be some adverse environmental impacts associated with use of the causeway for a truck route, which will be discussed below in more detail, (see, items 5 and 11 of this clause), the DGEIS found that “Eliminating dump truck traffic destined for the deep water port and traversing Columbia and Front Streets is imperative for the health, safety and welfare of the residents and businesses on this truck route.” (Nov 2009 DFEIS at 3.1-21).

Gaining title to the 7 acres of riverfront land located south of the port, as anticipated in the LWRP, along with execution of an access easement over the port property will provide the public with use of riverfront lands. A public easement over the South Bay will also provide the public with access as well as the ability to restore the South Bay. (LWRP, Section II.B(1)(a)-(d)). These land transactions will be accomplished through execution of a conservation easement and deed transfer between the City and the land owner prior to approval of the LWRP by the New York State Department of State or Federal government.

Among the zoning amendments designed to preserve and enhance the natural and manmade environment are the conservation and incentive zoning provisions, (see, proposed zoning at §325-28 and §325-17.4(F)A)), and the creation of the Core Riverfront District, (proposed zoning at §325.17.1); Recreational Conservation District (proposed zoning at §325.17.3 [sic 2]; Institutional Residential Conservation District (proposed zoning at §325.17.4 [sic 3]); and Gateway Riverfront District (proposed zoning at §325.17.4).
the LWRP coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources. Policy 9 recognizes the need for expanding recreational use of fish and wildlife resources in coastal areas. To this end, any efforts to increase recreational use of these resources will be made in a manner that ensures the protection of fish and wildlife resources in coastal areas and that takes into consideration other activities dependent on these resources. Policy 44 recognizes the need to preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas. While there are no tidal wetlands currently designated in accordance with the State Tidal Wetlands Act within the LWRP area, there are freshwater wetlands so defined in the New York State Freshwater Wetlands Act and the New York Protection of Waters Act. Freshwater wetlands within the LWRP area include North Bay (HN-2) and South Bay (HS-2).

As set forth item 2 of this clause, the build out analysis of the proposed zoning demonstrates that it will be more protective of the City’s natural resources than the existing zoning. The adoption of the LWRP and associated zoning amendments will not result in any significant adverse area-wide impacts to natural resources within the LWRP area. (Nov 2009 DGEIS at 3.3-10).

4. Surface Water and Hydrology (Nov 2009 DGEIS 3.4). The LWRP and proposed zoning amendments will have a beneficial impact on the surface water and hydrology. The LWRP expands the LWRP waterfront boundary to encompass Oakdale and Underhill ponds; contains policies specifically drafted to protect surface water and hydrology, including Policies 30, 40, and 44; and supports projects specifically intended to protect or enhance water quality such as the South Bay Restoration and Wetlands Protection project. (see, LWRP, Sections III and IV). As demonstrated by the build out analysis discussed in item 1 of this clause, the zoning amendments will result in a less intensive land use scheme than under the existing zoning code. The adoption of the LWRP and associated zoning amendments will not result in any significant adverse area-wide impacts to the surface waters and hydrology within the LWRP area. (Nov 2009 DGEIS 3.4-5).

5. Traffic and Transportation (Nov 2009 GEIS 3.5 and Chapter 5; see also, Sept 2011 FGEIS at Chapter 2). The LWRP includes policies and actions designed to revitalize and rehabilitate deteriorated waterfront areas for commercial, industrial, cultural, recreational and other compatible uses (see, LWRP Policies 1 and 1A-1D) and seeks to implement these policies through adoption of amendments to the Zoning Code and Map. The LWRP also includes public access policies (Policy 19 and 20) aimed at improving and enhancing public access to the waterfront via enhanced pedestrian and bicycle connections. In addition, LWRP Section IV.4 - Transportation and Infrastructure, includes a number of transportation projects designed to address transportation issues that currently affect the waterfront. These projects include: the Broad Street
crossing, pedestrian overpass to Franklin Park, Front Street streetscape improvements, and Ferry/Cruise boat operations.

The DGEIS found that the transportation projects and policies set forth in the proposed action will generally improve the transportation and parking issues identified in the GEIS and the zoning changes will prevent the exacerbation of many of these general, existing traffic and parking issues, as the zone change will result in a less dense build out scenario than currently possible. Therefore no area-wide traffic or parking mitigation measures will be required as a result of the adoption of proposed action.

However, the DGEIS and FGEIS identified potential adverse environmental impacts that may need to be addressed in the future through a Supplemental EIS (SEIS) should certain events or actions occur related to the port or use of the South Bay causeway as an alternative truck access route. The LWRP supports improving access to and encouraging the regulated use of the City’s port for the transportation of raw materials and goods and the rerouting of commercial truck traffic currently traversing through residential areas of the waterfront boundary area, including the most disadvantaged neighborhoods in the City. (LWRP Policy 1A). While gaining control over the port operations through zoning changes that 1) prohibit manufacturing, processing or other industrial uses at the port; and 2) allow for imposition of a conditional use permit, is more protective of the environment than the existing zoning scheme, designation of the causeway as a preferred alternative truck route generated many adverse comments in response to the DGEIS and Draft LWRP.

The FGEIS acknowledges that potential adverse environmental impacts may result from use of the causeway as a permanent alternative truck route while also acknowledging that use of an alternative truck route to the port, including the South Bay causeway, would eliminate the adverse Environmental Justice impacts associated with continued use by trucks destined for the port of portions of Columbia Street below 3rd Street and Front Street, streets encompassing the most disadvantaged neighborhoods of the City. (See, Nov 2009 DEIS, Sections 5.2.8 and 5.2.9 for discussion of Environmental Justice.) To address these concerns the LWRP no longer designates the South Bay Causeway as the “preferred” alternative route but instead envisions a two-phased approach to addressing this transportation problem as recommended in the City’s Comprehensive Plan (City of Hudson Comprehensive Plan, 2002, at page 25), which views use of the causeway as a temporary alternative truck route. The FGEIS recommends preparation of a SEIS if O&G undertakes actions necessary to use the causeway for a temporary alternative route should those actions trigger the conditional use provisions of the proposed zoning. The GEIS evaluated all reasonable and feasible alternatives to an alternative truck route and determined that the only possible alternative to the causeway
route to be advanced in a SEIS is a new route around the current LB property. (Nov 2009 DGEIS, Chapter 5).

To further address the adverse comments received on the DGEIS related to use of the causeway and port, the zoning provisions related to the causeway in the zoning as proposed in the 2008 LWRP were also strengthened to include detailed provisions on the kinds of activity that will trigger imposition of a conditional use permit as well as specific conditions that must be included or addressed as part of a conditional use permit application. (See, September 26, 2011, FGEIS, Chapter 2). Specifically, zoning on the causeway was changed from a Recreation Conservation (RC) designation to a Core Riverfront (CR) designation. This change in zoning is more protective of the South Bay especially when evaluated in conjunction with the additional conditional use provisions just discussed. As originally proposed, the causeway was included in the RC District with the intent that use of the causeway for a “transportation service” would become a nonconforming use. Because of the concern that the City would not have sufficient or timely regulatory control over the causeway by turning a “transportation service” use on the causeway into a “nonconforming use” without the possibility of control through a conditional use permit, the causeway zoning was changed to the CR zone which provides for a significant measure of control through a conditional use permit upon undertaking events or actions detailed in the proposed law. (See, proposed Section 325-17.1(D), and September 26, 2011 FEIS, Chapter 2).

O&G recently paved the causeway with “Item No. 4” to enable the causeway to be used to re-route some of the truck traffic from the mine off City streets and through the South Bay. This activity has been found by the DEC to be maintenance and repair work and not in violation of O&G’s effective DEC and Army Corps of Engineers permits. (September 2011 FGEIS, Appendix I). Until such time as the proposed zoning is enacted and the property owner or lessee undertakes additional actions or measures which trigger a conditional use permit, the City has very limited jurisdiction to regulate the use of the causeway. Enactment of the LWRP and proposed zoning would benefit the health, safety and welfare of the City’s residents.

6. Utilities and Services (Nov 2009 DGEIS 3.6). Based upon the build out analysis in the November DGEIS and as discussed in item 1 of this clause, the DGEIS determined that the City has adequate water and waste water treatment capacity to accommodate the anticipated development and projects authorized or proposed in the LWRP and zoning law. (Nov 2009 DGEIS at 3.6-4). Where an extension of sewer mains or water mains are necessary to accommodate future development in the waterfront boundary area, extensions will be addressed as part of a site specific project review and will be required prior to approval of any new development not currently serviced by public water and sewer. (Id.). Additionally, consideration of the City’s obligations pursuant to the Long Term Control Plan portion of its State Pollution Elimination
Mixed use land use development authorized and supported by the LWRP and zoning amendments, including the rezoning of a significant portion of the waterfront boundary area from an Industrial District to a mix of residential, commercial, recreational, conservation, open space, and shipping uses will also reduce and limit noise and air impacts in the waterfront boundary. (Nov 2009 DGEIS at 3.8-6).

While no significant adverse area-wide impacts are anticipated and no area-wide mitigation measures are required, future projects within the LWRP area such as modernization of or changes to the port, and future industrial uses and commercial uses within the waterfront, have the potential to result in significant adverse impacts to air quality and noise levels particularly in relation to adjacent recreational activities. Appropriate mitigation measures may include limitation on days or hours of operations at the port or related to other industrial uses. (Nov 2009 DGEIS at 3.8-7). Adherence to the City’s existing noise ordinance and limitations on noxious uses as set forth in the existing code is presumed.

9. Socioeconomics (Nov 2009 DGEIS 3.9). The LWRP projects, Policies and zoning will have a positive impact on socioeconomic conditions in the City. Rezoning the waterfront to mixed use; encouraging better access to the riverfront; supporting waterfront development through specific and coordinated projects and funding; supporting efforts to re-route truck traffic out of the City’s residential and business districts; and including inclusionary and incentive zoning techniques will benefit all of the City’s residents and the local economy. A positive impact on socioeconomic conditions is anticipated, and no mitigation measures are proposed. (Nov 2009 DGEIS 3.9-6).

10. Alternatives Analysis (Nov 2009 DGEIS 4.0-4.1). The no action alternative will result in greater adverse environmental impacts than adoption of the proposed action. Among the adverse impacts that would or could occur under a no action scenario include: maintenance of an industrial zoned waterfront will leave the City’s waterfront boundary area subject to virtually unrestricted development; no land or easement transfers; public access would not increase and might decrease over time; prior investments made to upgrade and improve the waterfront would be threatened; the proposed conservation, open space and recreational projects and zoning would not go into effect; and the City would be less likely to receive state grants.

11. O&G South Bay Causeway Truck Route (Nov 2009 5.0-5.3 and 7.0). O&G uses a truck route between the mine and the port which traverses through the most disadvantaged neighborhoods in Hudson. (See, Nov 2009, DGESI 5-20 for documentation of Environmental Justice concerns). This route traverses...
through the areas in the City which have the lowest per capita income, are the
most ethnically diverse, have the highest density of people, and the highest
percentage of renters. (Id.).

The adverse environmental impacts associated with the truck route are
disproportionately borne by people living in these areas. (Id.) Rerouting the
trucks away from these wards will provide significant health, safety and
environmental benefits to these communities and would serve to rectify the
inequity of disproportionately exposing the residents of low income, minority
neighborhoods located in Wards 2 and 4 to toxic air emissions, noise,
vibration impacts, and pedestrian and traffic safety impacts associated with
the existing truck route. (Nov 2009 DGEIS at 5-21).

Recently, O&G has also begun to use the South Bay causeway as a truck route
for some of the truck traffic destined for the port in advance of adoption of the
proposed action. The DEC determined that preparation of the causeway for
use as an alternative route did not violate the terms of the Freshwater
Wetlands permit issued to O&G in October 2009. (See, FGEIS Adopted
September 26, 2011). Pursuant to current zoning, O&G can use the causeway
for transportation service as a permitted, as of right use. After enactment of
the LWRP and proposed zoning, should O&G undertake additional actions
necessary to continue use of the causeway for truck transport, that use could
be subject to a conditional use permit and a SEIS if the provisions in the
proposed zoning regarding conditional use permits are implicated. (See,
proposed zoning Section 325-17.1(D)).

Rerouting this truck traffic from the down town area will have significant
socioeconomic benefits. No adverse socioeconomic impacts will result from
using the causeway as the alternative truck route, but as set forth in detail in
item 5 of this clause, there is the potential that its use could result in adverse
impacts to natural resources. Accordingly, if permits are needed for use of the
causeway as an alternative truck route, the DGEIS states that preparation of a
SEIS maybe be required, including an examination of an alternative route
utilizing the so-called LB property, and preparation of: (1) Biological surveys;
(2) hydrology, drainage and water quality studies; and (3) analysis of air
quality/dust impacts on the biodiversity of the South Bay arising from trucks
utilizing the existing causeway. (Nov 2009 DGEIS at 7-1 – 7.2). The resulting
conditional use permit could incorporate any mitigation measures deemed
necessary.

12. Future Actions (Nov 2009 DGEIS 7.0). All major actions undertaken in the
waterfront boundary area in the future will be required to comply with
SEQRA and obtain a coastal consistency determination. In addition, as set
forth in item 11 of this clause, a SEIS may be required where permits are
necessary for use of the causeway.
13. Other Environmental Impacts (Nov 2006 DGEIS 6.0-6.4). No significant unavoidable area-wide adverse impacts are anticipated by adoption of the proposed action and adverse environmental impacts from use of the causeway will be studied pursuant to the SEQRA. (Nov 2009 DGEIS 6.1). Similarly, the proposed action will not cause a loss of area-wide coastal resources, though some irreversible and irretrievable commitment of resources will likely occur such as the resources required to develop, construct and operate various components of future projects, the commitment of land for future projects, and the potential loss of use of the causeway for some recreational purposes. (Id.).

The growth induced by adoption of the proposed action would be desirable and not beyond the City’s existing services capacity. To the extent that the proposed action succeeds in attracting appropriate development in the waterfront and other areas of the City envisioned in the policies and actions, the resultant growth would be better channeled to benefit the orderly development of the coastal area than in the absence of the plan. (Nov 2009 DGEIS at 6-2).

The use of energy is also likely to be positively affected by adoption of the proposed action and implementation of the LWRP and associated zoning amendments. (Nov 2009 DGEIS at 6-3).

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF HUDSON AS THE LEAD AGENCY FINDS, that the City of Hudson Local Waterfront Revitalization Program, including its proposed zoning and Charter amendments and consistency law, would have predominantly beneficial impacts on the natural and man-made environment and the social and economic conditions in the City of Hudson; and

FURTHER FINDS, according to the New York State Department of Environmental Conservation, (DEC), “Environmental justice is defined as the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. Environmental justice efforts focus on improving the environment in communities, specifically minority and low-income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities.” www.dec.ny.gov/public/333.html; and

FURTHER FINDS, that the current route through the City used by O&G to transport mined material via truck to the port from the Holcim mine unfairly burdens low and minority communities in the City of Hudson with adverse environmental impacts from this truck traffic including, increased noise and vibration from trucks experienced by residents and vibration of structures in close proximity to the truck route; safety concerns
related to trucks traveling through residential districts; potential adverse human health impacts from diesel fuel emissions; and damage to City streets and infrastructure; and

**FURTHER FINDS**, that use of the South Bay Causeway for the transport of mined material to the port is already occurring, subject to and not in violation of permits obtained from the New York State Department of Environmental Conservation and the Army Corps of Engineers and that such use avoids some and has the potential to eliminate all of the current environmental justice issues associated with the current route used by trucks destined for the port; and

**FURTHER FINDS**, in accordance with the DEC’s policy which demands environmental justice for all communities and calls for improving the environment in communities, specifically minority and low-income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities, the Lead Agency supports O&G’s activity (in conformance with existing permits issued by the New York State Department of Environmental Conservation and US Army Corps of Engineers) to re-route the mining traffic through the South Bay or an alternative route as developed in the FGEIS (see, Sept 2011 FGEIS Chapter 2 and Appendix I); and

**FURTHER FINDS**, that upon enactment of the proposed zoning, such use of the causeway may become subject to the conditional use zoning provisions of the proposed zoning amendments (see, proposed zoning amendments §325.17.1D), and may be subject to preparation of a Supplemental EIS, (see, Nov 2009 DGEIS, Chapter 7) which will assist the Planning Commission in determining whether the action can be approved and if so whether and to what extent mitigation measures and conditions are necessary to address any potential adverse environmental impacts; and

**FURTHER FINDS**, that gaining title to approximately 7 acres of riverfront land south of the port; obtaining a public access easement over the port property to gain access to these 7 acres; and obtaining a conservation easement on lands in the South Bay will greatly benefit the public and will have no significant adverse environmental impacts; and

**FURTHER FINDS**, reasonable and feasible mitigation measures such as the imposition of permit requirements including landscape screening, hours of operation, and limitations on truck idling, in conjunction with enforcement of the City’s existing applicable code provisions, will address the kinds of potential project or site specific adverse environmental impacts to visual, cultural or natural resources, or from noise described in the FGEIS generally and that a SEIS may be necessary as discussed above to more fully evaluate the potential impacts from future projects related to or use of the port or causeway or future commercial or industrial land uses; and