

## **LWRP Task Force Comment**

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## **Introduction**

The LWRP Task Force is an ad hoc group of eight citizens invested in the Hudson waterfront. Most of us are residents of the City of Hudson with an intimate knowledge of the waterfront from a variety of perspectives. As contributors to the process of public participation, we aim to shape a waterfront plan reflective of the highest aspirations of the greater Hudson community.

The Task Force is a direct outgrowth of a series of three public information sessions initiated by Friends of Hudson. The first session took place on January 17, 2010, three days prior to the January 20 public hearing before the Hudson Common Council. The second February 6 session led to the establishment of the Task Force the following week. At the final session on March 6, the Task Force made a formal presentation to citizens and public officials at Space 360, Hudson. This LWRP Task Force comment represents a refinement and elaboration of that presentation.

We identify what we believe to be the strengths of the plan as well as those aspects in need of revision. The Proposed Zoning, for example, represents a considerable forward step over the Existing Zoning and we are calling for its early adoption.

Where the draft LWRP and DGEIS is problematic or incomplete, we have attempted to be both technical and conceptual diagnosticians.

We believe a more gainful approach to our waterfront begins from a vantage on the Hudson River, rather than from a point on land.

A river-perspective instantly provides the relation between the parts that are painfully absent in the current draft documents. We present a more comprehensive approach, which is appropriate to the specific features and circumstances of Hudson's waterfront and deep water port.

The state provides a guiding framework, the Harbor Management Plan (HMP), which was designed to comprehend the relations between the parts for municipal waterfront planning. These planning guidelines are the most comprehensive tools available, and can even provide the ultimate organizing principle of an LWRP.

"The secretary shall find the program incorporates ... to an extent commensurate with the particular circumstances of that local government ... the establishment of a comprehensive harbor management plan and means for its implementation."  
(NYS Executive Law Sec 915, Subsec. 5i)

We appreciate this opportunity to provide these comments and remain committed to serving in whatever capacity we can to bring this LWRP process to a satisfactory conclusion.

## **HARBOR MANAGEMENT PLAN (HMP)**

Harbor management planning enables local government to address a wide range of uses in harbor and nearshore areas.

The HMP encompasses the Harbor Management Area (HMA). The HMA includes all surface waters and underwater lands lying within the City, and all surface waters and underwater lands within 1500 feet of Hudson's shore, as well as terrestrial infrastructures such as road access and parking facilities.

A management approach to Hudson's harbor and other waters would serve Hudson at a unique moment in its history, with waterfront revitalization efforts coinciding with new uses - both water-dependent and not - at the deep water port.

The standard land zoning proposals that are included in the draft LWRP effectively address Hudson's unique riverfront heritage, planned recreational areas, and outlying wetlands with recreational-conservation zones (RC). Alongside these zones, industrial corridors have been preserved. The deep water port will be continued as a zone for industrial, water-dependent uses (except manufacturing).

From a harbor perspective, the predictable increase in both use and intensity of port activities and in nearshore waters will result in unmediated competition for space. Conflicts will arise between commercial and recreational uses, and between those uses and a proper stewardship of our natural resources. We are no strangers to the harbor's safety and endangerment issues, nor would news of an unanticipated hazard or accident in our unregulated harbor surprise us.

In cases like Hudson harbor, which also boasts a federal navigation channel within its Harbor Management Area, a comprehensive HMP is not only indispensable, it is nearly a requirement.

“[T]he secretary shall find that the program incorporates ... to an extent commensurate with the particular circumstances of that local government ... the establishment of a comprehensive harbor management plan and the means for its implementation.”

(New York State Executive Law Article 42, Waterfront Revitalization of Coastal Areas and Inland Waterways, Section 915, Subsec.5i)

Such a plan, with its accompanying HMP Map of water uses, presents the only comprehensive zoning-based tool meant to anticipate all water-related uses, eventualities, and husbanding of natural resources. Following the HMP state guidelines, incorporation of all of the HMP-required components automatically anticipates a full spectrum of potential conflicts, challenges and uses of Hudson's harbor.

The Harbor Management Plan Map is itself a legislative document that becomes law, as with any changes in the City's zoning. These two components of land and water zones

must be compatible and consistent, both with the policies of the State and with each other. Consistency in practice is determined by correct applications in their respective zones, but in its way the HMP might be more comprehensive as a guide, considering the varied and simultaneous uses of water's dynamic medium.

The first step in preparing an HMP is preparing an "inventory," including such things as commercial, industrial, and recreational water-dependent uses; water quality and use standards; wetlands and significant habitats; existing infrastructure, and roadways supporting the harbor area.

One of the most challenging features of Hudson's core riverfront is our limited access to it. Of the two road accesses that support the harbor area - neither of which the city owns - the Broad Street railroad grade crossing presents a nexus of conflicts and issues that underlie each of the following chapters. Indeed, the DGEIS projects that the CSXT-owned Broad Street 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 originating from the Holcim mine" (3.1-23).

The confluence of rail, commercial, emergency, pedestrian and recreational uses at the CSXT-owned crossing seems overwhelming, yet what other choice does the City have? These transportation issues are complex, and many activities and actions will be dependent on careful, comprehensive planning.

Yet the unlimited use of the crossing for all of the above activities portends an unregulated bottleneck. This calls for something outside of the scope of straightforward zoning. For LWRP purposes, only a comprehensive HMP contains the planning authorization to anticipate and regulate such uses into the future.

Our LWRP and DGEIS planners have deferred these difficult design decisions (and their potential impacts) for a future generation to work out. Deferments of this type are surely justified in a site-specific EIS, or as a generalized eventuality in an LWRP.

However, the Broad Street crossing - the "major entry point for the proposed new waterfront facilities [and] the key access for the truck traffic originating from the Holcim mine" - is integral to the success of Hudson's entire Local Waterfront Revitalization Program.

The state HMP guidelines call for "a summary of issues of local and regional importance that should be addressed" in an HMP. The state provides examples of issues, some of which apply to Hudson's Harbor Management Area, such as: "limits on public access to or use of the harbor area"; "degraded or threatened natural areas, such as wetlands" [South Bay], "or significant coastal fish and wildlife habitats" [the Stockport Flats complex]; "adverse impacts on scenic quality and visual access to the harbor;" "intertidal areas that are used or zoned for ... inappropriate uses" [as with the current zoning].

Other "issues" might include the periodic flooding of route 9G; a shared South Bay and

South Bay watershed with the town of Greenport; and possible upgrades to the wetland classifications at either side of the city.

Some of the "opportunities" suggested by the state include "wetland restoration projects;"and "public access projects." As mentioned in the LWRP and the DGEIS, the potential of utilizing the South Bay to manage the City's storm water runoff should be studied as part of the state-mandated, long term Control Plan for Hudson's Combined Sewer Overflow.

But before Hudson can ever entertain such opportunities, the precursor for determining and weighing every other factor in the LWRP depends on the completion of a narrative of the South Bay wetlands. This has never been done, nor has the state completed its delineation of the South Bay. The tidal South Bay wetlands are apparently not even "tidal."

When these descriptions and hydrology studies are complete, only then may the other considerations in the LWRP - the recreational and community activities, the economic and the socioeconomic concerns - be weighed and evaluated as elements in a comprehensive plan.

The promise of the Hudson waterfront revitalization will only become a reality with a consensus of the Public. The primary reason for the addition of the HMP to Article 42 was to authorize by law the right of a municipality to regulate the uses and activities of its own Harbor. The guidelines of the state are not only helpful for reaching this consensus, they are funded by the state for the purpose of encouraging municipalities to take advantage.

The two draft documents before the state, Hudson's LWRP and DGEIS, have left out the phrase "Harbor Management Plan."

In the current Draft LWRP, Hudson's "harbor management area" is referred to on p. 36, as is the need to "manage harbor traffic."

In an October 28, 2005 letter to the Chair of the LWRP committee, DOS Coastal Resources Specialist Nancy Welsh asked about the phrase "harbor management area" she found in an early draft of our LWRP (February 2004). "There is no description of this area and no accompanying map."

Today, there are no further details in the draft LWRP about a plan or of reviewing marine ordinances, only a pledge to appoint a "Harbor Master."

We trust that these fundamental flaws and serious omissions will not escape the notice of the Department of State.

[Notes]

In 2004, the tour boat "Spirit of Hudson" sunk to the bottom of the river, settling at 38 feet. From the Register Star:

a. [May 4, 2004]: "Hudson police, the U.S. Coast Guard and a representative from the state Department of Environmental Conservation were on the scene. The DEC representative oversaw the use of "containment booms" to soak up the roughly 10 gallons of diesel fuel that spilled when the ship submerged."

b. [May 15, 2004] "Early statements by both the U.S. Coast Guard and the boat's owners indicated the dock was being pegged as the primary cause of the boat's sinking. That, along with a 'perfect storm' of mitigating conditions - including unusually high winds and tide - are being blamed for the accident, rather than any structural problems with the boat."

Circa 2005-2006, while loading a barge at the Holcim dock, the receiving vessel partially capsized due to improper loading activities [newspaper citation not located].

## WETLANDS

The South Bay is a coastal fresh marsh within the Hudson River estuary, recognized as an integral part of the North Atlantic coastal environment.

The existing marsh is the result of a combination of natural succession and anthropogenic influences associated with 19<sup>th</sup> century railroad construction and modification of the South Bay and its confluence with the Hudson River. The tidal South Bay has yet to be recognized as a tidal freshwater wetland.

A railroad right-of-way bisects the South Bay into two regions, the East and West Basins, combining approximately 70-80 acres of wetlands (Creative Habitat Corp. 2007). The diversity of current emergent marsh vegetation is low due in part to a monotypic plant community dominated by *Phragmites australis* (see map 1 in appendix).

Although the NYS DEC has designated the South Bay as a Class I wetlands, apparently it has not been delineated or comprehensively assessed in ways that allow for its preservation and protection (Coastal Policy 44), or clarify its potential benefits. The degree to which wetlands supply these benefits depends in part upon their distribution and location (Environmental Conservation Law 24-1301).

In addition to protecting the wetland itself, NYS DEC also protects an adjacent area, or buffer, of 100 feet around the wetland margin. The LWRP proposes to use the railroad right of way as a truck route to deliver aggregate to the deep water port, while the DGEIS concludes that "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" (DGEIS 3.3).

Fundamental to the wetlands assessment process are detailed narratives of the natural resources and the specific features of South Bay. These include seasonal variations in hydrology, alkalinity or acidity, ground water levels, soils, fish and wildlife habitat use and natural and man-made barriers. These narratives are used to assess the functional quality of the wetland and make recommendations for resource protection (c.f., CMP 7; Environmental Conservation Law 24-1301).

Hydrology studies of the South Bay are not included in the DGEIS despite recommendations by state agencies, local private interests and local public officials.

With no empirical basis, the GDEIS includes a proposal to change the existing conditions of South Bay by removing a man-made barrier to improve tidal flow and to restore natural fish and wildlife habitat.

However, South Bay freshwater habitats should first be assessed for their fisheries potential. These habitats would provide nurseries for American shad, as well as all the diadromous fish species of the Hudson River estuary (Steve Nack, Columbia County Soil and Conservation District).

If it were determined that removing existing water barriers between the East and West Basins of the South Bay would be beneficial, at that point a consistency determination would be made by the proper authority (CMP 7, 9 and 44)

Regulations mandated by the Magnuson-Stevens Reauthorization Act require NOAA Fisheries to consult on projects in LWRPs that federal agencies fund or authorize to ensure that development actions will not adversely affect essential fish habitat.

According to Section 5.2.4 of the DGEIS, “potential impacts to the South Bay are described in Section 5.2.3.”

However, no potential impacts are described in Section 5.2.3. Instead, this section appears to serve as the sole narrative of the South Bay wetlands. This narrative contains arbitrary elements from an incomplete biological survey of a narrow transect of the South Bay (see Hudsonia study, 2008).

Interestingly, Hudson is listed as one of New York State’s urbanized areas that include a wetlands:

“Because of their rarity, their distinctiveness from urban surroundings, and their proximity to large numbers of people, wetlands in urbanized areas can provide unusually important natural, recreational, educational, scientific, open space, and aesthetic benefits.” [see ECL part 664.3 (e)]

## TRANSPORTATION

The City of Hudson owns neither of the two existing entry points into its Core Riverfront District: the Broad Street CSX-owned crossing and the CSX-owned Ferry Street Bridge.

Hudson's deep water port is owned by Holcim, Inc., one of the world's leading suppliers of cement and aggregate. The port includes a Cargill salt facility, a former cement plant shipping facility and a Coast Guard buoy storage area.

All truck traffic to the port is limited to the Broad Street grade-level crossing, and in recent years trucking activity has increased markedly. Under a new and unspecified arrangement, Holcim's lessee, O&G Industries, Inc., has expanded the port activities to include an aggregate transfer facility (aggregate is trucked in and shipped out via water). Additionally, in 2009 a salt distribution hub was established (salt is trucked in and trucked out again to undisclosed locations). O&G claims these expanded uses as a vested right.

By establishing a truck route to the port that by-passes the city, the LWRP proposes a new and private route, known as the "Proposed Action," that will bisect the South Bay Class I wetland.

In its role as a mitigation analyst, the November 2009 DGEIS presented an exhaustive list of nine possible alternatives to the Proposed Action "causeway road."

However, from February 13, 2009, upon receipt of a letter from the Principal Engineer of CSXT, Carl A. Roe, the City became aware that none of the proposed alternatives were feasible. CSXT would not grant permission for a new, CSXT-owned crossing.

"CSXT cannot accept nor can it support any proposal under which vehicular and rail traffic might be co-mingled within the same operating right of way" (Carl A. Roe, February 13, 2009).

As of February 2009, there were no longer any workable alternatives to the Proposed Action (short of a conveyor system). However, throughout 2009 one of the now-impossible alternatives called "3A" remained the preferred alternative for the drafters of the DGEIS:

"this DGEIS recommends that an alternatives analysis for O&G's future site-specific analysis of the South Bay Causeway Truck Route be limited to Alternative 3A" (p. 5-4-1).

Yet the DGEIS presents no alternative to the Proposed Action which was not disqualified in Carl Roe's February 2009 letter.

(CSXT's objections to any alternatives utilizing CSX property have not been updated in the body of the DGEIS; the CSX letter is merely appended. Additionally, the "No

Action" alternative presented in the DGEIS is stricken as an option by the concurrent proposal of Policy number X, in the LWRP. The DGEIS should address this seeming contradiction.)

Only two southern routes to the Hudson waterfront satisfy the objections of CSXT:

1. the Proposed Action;
2. alternative "3D", the proposed "South Bay Public Road," or the "Haddad proposal" (heretofore omitted).

The alternative South Bay Public Road proposal appears nowhere in the LWRP-DGEIS, despite the fact that it is the sole alternative to the Proposed Action that does not require CSXT permission. Nor is it an alternative acknowledged by the City, despite a year of continuous public debate concerning its omission (see Public Consensus topic below).

The proposed South Bay Public Road passes south of the L&B building - as does the included alternative 3B - but does not propose crossing a CSXT property. This alternative would cross the railroad tracks at the City-owned crossing, which the Proposed Action itself must use.

Finally, the omission of the only actual alternative to the Proposed Action leaves the Proposed Action with no alternative.

If the question arises in what sense this is still a "Generic" EIS, we are reminded that a truck route to the port away from the City streets is not only a central design feature of the LWRP, it is the proposed policy.

"[H]eavy truck use of Columbia Street and other City streets presents an unacceptable threat to public health, safety and welfare" (LWRP Policy 1Aa.);

"Expansion of the shipping operations using the existing method and route to transport aggregate through the City would also be inconsistent with the goals of this policy. *An alternative truck route or method of transport must be devised* for the continued or expansion of aggregate shipping at the port facility" (LWRP Policy 2).

A mitigation judgment is merely premature when known alternatives are excluded. But a situation that never had any actual alternatives to begin with, and that is also required by the master plan, demands immediate and specific mitigation. The LWRP's singular Proposed Action must be mitigated in full by its Draft Generic EIS.

In this light, the Action also undermines other claims in the DGEIS where "no mitigation is required." Where a dismissal of mitigation was determined by the generic reasoning concerning a potential, project-specific, future development, each instance where a claim was made that "no mitigation was required" must now be reexamined. The specificity of the single necessary Action may spread to other, typically project-specific concerns.

"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" (DGEIS, pp. 1-5, 1-6).

"As a result, a positive impact on geology, topography and soils is anticipated, and no mitigation measures are required" (DGEIS, p. 3.2-7).

"The adoption of the LWRP and associated Zoning amendments will not result in any significant area-wide impacts to surface waters and hydrology within the LWRP area. ... If future projects are deemed to have potentially significant adverse impacts on surface waters or hydrology, these impacts will be evaluated during the individual approvals processes" (DGEIS, p. 3.4-5).

According to New York Environmental Conservation Law, a proposed action would be permitted to divide a Class I wetland if it can be demonstrated that is "the only practicable alternative that could accomplish the applicant's objectives and have no practicable alternative on a site that is not a freshwater wetland or adjacent area" (NYS 663.5).

This DGEIS presents a Proposed Action in which no practicable alternatives were considered at all.

This DGEIS should not become an FGEIS.

## **BROAD STREET CROSSING**

Owning no point of access into the core riverfront district, the City of Hudson's ability to manage or regulate public or commercial access may grow increasingly awkward.

The DGEIS arbitrarily identifies the CSXT-owned Ferry Street bridge as "the principle access route to the riverfront" (3.5-2). Nevertheless, the DGEIS also projects that the CSXT-owned Broad Street 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 originating from the Holcim mine" (3.1-23).

Left to the fate of unplanned traffic developments, the Broad Street crossing will only increase as a bottleneck. In addition to all heavy transportation and safety equipment which must use the grade-level CSXT-owned crossing at Broad Street, recently O&G Industries created a new use of the port as a truck-to-truck salt-storage and transfer depot. (In a January, 2008 incident, a salt-hauling semi-truck was struck by an AMTRAK passenger train at approximately 2 A.M.)

Future management challenges require more analysis. For instance, the DGEIS merely states that "improvements would need to be negotiated with CSXT," without clearly stating that CSXT owns the crossing (3.1-23). If the City ever hopes to widen the crossing, it must obtain the permission of a CSXT which may have tired of endless maintenance and repairs to the site.

Because increased traffic will impact the CSXT-owned crossing itself, a proper LWRP must address all of CSXT's concerns.

The following is a list of conflicts which CSXT has identified. Although each was addressed specifically to the proposed "alternative" routes from 9G and the south of the City, ultimately they express CSXT's concerns across or along any of their corridors:

- "Increased likelihood of serious or even fatal consequences to those involved in an incident."
- "Control of access when one mode was already occupying the right of way."
- "Impact to intersecting vehicular traffic due to truck traffic queues awaiting access."
- "Ingress and egress of truck traffic from the right of way and the associated safety concerns to other motorists."
- "Increased traffic congestion at the vehicular ingress and egress points."
- "Stopped or slow moving trains or trucks."
- "Liability and indemnification resolution."
- "Impact to rail roadbed and/or roadway due to other party's use and operations and resolution of disputes."
- "Night time operations and interference with rail and vehicular use caused by headlights of other mode."

(See DGEIS appendix C for the February 13, 2009 letter to Mayor Richard Scalera from CSXT Principle Engineer Carl A. Roe.)

## **ZONING**

The Proposed Zoning Amendments would rezone much of the land within the LWRP area, and would provide for a mix of activities. There are four core areas:

The Core Riverfront area includes a deep water port. Continuation of existing industrial and shipping activities in this area must be compatible with state and federal goals and

policies for managing coastal resources (Coastal Management Policies 2, 41). The zoning proposal supports these activities.

The Northern Waterfront area includes a riverfront section, the City wastewater treatment plant, a former landfill and North Bay, a designated Class I wetlands. (CMP 1,2,7,8,9,18,21,24,30,33,37, 39,44.) The zoning proposal supports these activities.

The Southern Waterfront area includes a national historic landmark, a correctional facility, and the South Bay, a designated Class I wetlands. (CMP 1,2,7,8,9,18, 21, 23, 24,30,33,37,44.) The zoning proposal supports these activities.

The Upland Mixed Use area includes many city businesses and residences. The zoning proposal supports these activities.

Two of the four core areas of proposed zoning include tributaries with Class I wetlands which were formerly river inlets and estuaries open to the Hudson River. Improving water circulation to these areas may help restore natural habitats for fish and wildlife, activities which are supported by state and federal goals and policies for managing coastal resources.

These zoning changes are a positive step forward for the community, and do not require mitigation. Their passage should be considered separately and beforehand by the Common Council.

## **PLANS AND PROJECTS**

One of the fundamental problems with the DGEIS and the Hudson LWRP is the conflation of two types of “proposed actions” – the long term, broad based nature of the LWRP and the specific, limited and short term nature of the Holcim/O&G truck route project – without distinction from one another in the same two documents.

The Hudson Local Waterfront Revitalization Plan (LWRP) will be implemented in the form of land use regulations which will direct future development in ways which are anticipated to improve the value of the land – in the broadest sense of the term – over the course of many years. The Plan includes expressed *intentions* to create or allow specific projects in the targeted zone which are in harmony with the Plan and which may be more specifically developed as projects as plans are elaborated and resources become available.

Any specific projects which may be proposed will be evaluated by the appropriate regulatory authorities, (including the City of Hudson’s Planning Commission, the Zoning Board of Appeals, the Historic Preservation Commission and the Hudson Harbor Master as well as whichever NYState and federal authorities as may be required) for consistency with the regulations *then in force*. The proposed changes in land use included in the LWRP deserve a thorough review of potential effects on the environment within and

around the coastal zone considered by the Plan. To the extent the Plan's effects will be expressed as land use regulation changes (such as zoning) rather than specific projects, it is appropriate that the LWRP be associated with a Draft *Generic* Environmental Impact Statement (DGEIS) suggested by the broad geographic scope and long term nature of the plan.

The "Holcim/O&G Truck Road Development Project" (HTR) is an example of a specific project which will be proposed and will necessarily be evaluated by the [above-mentioned] authorities. As the project includes a new road to be constructed through or around a (Class One) wetland, it is likely to have sufficient environmental impact to trigger a Draft Environmental Impact Statement (DEIS), which would detail the *specific* effects of the road on the wetland, the plants and animals resident there and any potential need for amelioration or remediation of harm done to the local environment.

The inclusion of a specific project (HTR) in the LWRP and DGEIS is inappropriate and incongruous with the manner in which the SEQRA process is done. The HTR project should be removed from consideration as a sub-set of the Plan and considered on its merits, leaving the LWRP process to proceed to its logical conclusion without the confusion caused by the Plan vs. Project dissonance.

## **PUBLIC CONSENSUS**

The draft LWRP and DGEIS were published in November of 2009. Both documents were created after a preliminary draft in the spring of 2007, and a third draft in December 2008.

In all, there were a total of six public workshops beginning with the first official "workshop" in August 2006. All public "workshops" were completed by January 2007.

A survey questionnaire had been created soon after a Waterfront Committee was established in January 2006, though it did not include fact-finding or inventory details. The results of this survey were presented at the August 2006 workshop, when BFJ Planning presented the current state of the LWRP.

- Comments from the first workshop:

**"Road access should be provided from L&B site,"** p. 187 (Draft LWRP, December 2008)

**"Provide additional access to the waterfront,"** p. 188 (DLWRP, December 2008)

- At the second workshop of January 4, 2007, BFJ Planning first presented the St. Lawrence Cement (SLC) conveyor belt proposal. At that time there was no mention of a truck route through South Bay.

From the conveyor belt comments:

***"Impact on South Bay will be significant and needs analysis,"*** and

***"South Bay habitat restoration needs to happen"*** p. 192 (DLWRP, December 2008)

- At the third workshop, January 9, 2007:

***"A route around LB Furniture from Route 9 should be explored"*** p. 195 (DLWRP December 2008)

- The fourth workshop was held with 7th and 8th grade school children.

- At the fifth workshop, January 18, 2007:

***"The access road near L&B industries would be a great road for truck traffic, cars from 9G and boats going to the waterfront"*** p. 201

***"If the road is only for SLC's trucks it's not enough of a public benefit"***

***"A goal should be developing an alternative route for all traffic (not for SLC trucks only),"*** p. 203 (DLWRP, December 2008)

- The final Public Workshop in January 2007 was dedicated to Zoning.

According to participants and recorded comments, workshops generally concluded with a consensus that a truck route option should be considered through the L&B site, and that the route should be made publicly available, not strictly for trucks.

No Public Workshops were conducted after January 30, 2007.

There was a public comment period in the spring of 2007, but the comments were not made public.

No Public Workshops were conducted in 2008, and none in 2009.

On March 26, 2007, SLC presented its own truck route proposal which would establish a private road across the old, South Bay, railroad right-of-way.

In December 2008, the next draft of the LWRP reported that "the City supports plans proposed by Holcim (US) and its tenant to reroute heavy truck traffic from the Holcim mine in Greenport, New York to the deep water port via the South Bay causeway." (p. 18 DLWRP, December 2008)

The December 2008 draft LWRP must be seen as having *reversed the previous public consensus* on the truck route.

In the final draft of the LWRP (November 2009), we learn that the City of Hudson still supports the Proposed Action of the private truck route through the South Bay, despite the now-widespread calls for a public access route through L&B.

A February 2009 letter from the CSXT Principal Engineer to the Mayor of Hudson eliminated all of the alternatives to the Proposed Action that were being studied by the BFJ Planners. Still, the drafters continued their studies of these "alternatives" through the L&B property.

Whereas the DGEIS of November 2009 provides no practicable alternative for the Proposed Action through a Class I wetland, the "Haddad public road proposal" which runs south of the L&B building and straight on to Front Street is the only option that has no need of a new CSXT railroad crossing.

[Note]:

In October 2005, DOS Coastal Resources Specialist Nancy Welsh informed Hudson's Superintendent of Public Works, Charles Butterworth (then-Chair of the LWRP committee), that Hudson's Draft LWRP of February 2004 should have demonstrated "appropriate community outreach in the form of public information and feedback meetings ... to address issues raised. We cannot accept the Draft LWRP for 60-day review prior to completion of this outreach."]

## ALDERMAN STATEMENTS

1.

"As Third Ward Alderman at the time the City of Hudson's LWRP Committee was created (Resolution No. 3, January 9, 2006) to the present, I have no knowledge of any sub-committees being created."

Ellen Thurston  
Third Ward Alderman March 14, 2005

2.

I was part of the Waterfront Advisory Steering Committee that produced the current draft LWRP, from the time it was created in January 2006 until the time it was disbanded in January 2008. Although the process started out actively soliciting community input, it soon deteriorated into a very exclusionary exercise—especially when it came to the industrial presence on the waterfront: Holcim and its lessee, O&G. No citizen task forces were created to take on particular issues on the waterfront, and at a certain point—less than a year into the process—the leadership of the committee ceased listening to the community and started trying to convince them to feel good about a seriously flawed and compromised version of their vision for the waterfront. From January 2008 until the beginning of this public comment period, the draft LWRP has been completely out of the public eye while more changes—to accommodate Holcim and O&G—were made to the document.

Carole Osterink  
Former First Ward Alderman (2005-2009)

3.

Dear Sarah, Geeta and Don, and all members of the Common Council,

Of course, you know I have quite a few issues with the draft of the LWRP. I am most upset that, although the Common Council is lead agency on the LWRP, none of our comments were allowed to be accepted before the draft was presented for vote by the Council. In fact, Cheryl Roberts told me and the Council that nothing could be changed. I had asked that the position of Harbor Master be added to the LWRP and was told that would not be allowed. I also asked that the section allowing a cell tower and a junk commercial vehicle lot in the waterfront area be removed, but was told that could not be changed.

Certainly, the addition of "Haddad's Route" which was discussed at length during Common Council meetings, which would allow for a road other than the one proposed through the wetlands on the old railroad bed, should have been included, but, again, I was told that would be impossible.

I am very pleased about the inclusion of the Washington Hose being utilized as a "gateway" to the waterfront, and congratulate the Common Council on their foresight in voting not to sell the building to Charlie Davies, or anyone else for that matter. I also am very pleased that the Bronson House and the area surrounding it have been zoned for a public park.

As a 1st Ward resident, I urge that the draft LWRP be revised to ensure that Hudson benefits from a greener, more sustainable waterfront. Re-industrialization of the South Bay and impairment of the public's enjoyment of the river by heavy industry is not consistent with the wishes of the people. Dusty, noisy and even hazardous activities cannot coexist with parks, recreation, and appropriate commercial development. Thank you for your consideration.

Sincerely,  
Carrie Haddad March 2010