

PUBLIC

comments

ON THE DRAFT CITY OF HUDSON
LOCAL WATERFRONT
REVITALIZATION PLAN

SUBMITTED ELECTRONICALLY
MON. 15 MARCH 2010

TO DEPUTY SECRETARY OF STATE
GEORGE STAFFORD

COASTAL RESOURCES STAFF
KEVIN MILLINGTON
BONNIE DEVINE
AND STEVE RIDLER

COMMON COUNCIL PRESIDENT
DONALD MOORE
AND THE HUDSON ALDERMEN



*Two hard copies of these comments have been
provided to the Department of State; additional
copies are available to the above upon request.*

“THE PUBLIC AT LARGE MUST BE AFFORDED the opportunity to discuss and provide feedback on the City’s current assumption that industrial land use along the southern waterfront will be maintained into the future.

The HVP clearly indicates that the community supports an increased focus on recreational, tourism-oriented waterfront redevelopment, and recommends zoning categories that support this type of development. [...]

The zoning categories in the proposed legislation will have to be carefully crafted to ensure that desired land uses for the waterfront can be mutually advanced, and will not hinder one another. The document should be clear about any trade-offs being made, and explain the underlying rationale. Again, all potential uses and implementation techniques must be evaluated against a consensus vision of the waterfront, to see if they are compatible.”

— **DOS COASTAL RESOURCES STAFF**

Letter to the City of Hudson, 28 October 2005



CONTACT

Peter Jung prj@mhccable.com 518.755.4350
Sam Pratt sampratt@mac.com 518.755.6624
609 WARREN STREET, THIRD FLOOR
HUDSON, NEW YORK 12534-2843

MONDAY, 15 MARCH 2010

STEERING COMMITTEE

*Hilary Hillman, Hudson; Peter Jung, Hudson;
Robert Mechling, Hudson; Carole Osterink,
Hudson; Sam Pratt, Taghkanic and Hudson.*

TO ALL RELEVANT OFFICIALS OF THE STATE OF NEW YORK AND CITY OF HUDSON:

The following remarks and documents are respectfully submitted by Save the South Bay for inclusion in the record of public comments on the City of Hudson's draft Local Waterfront Revitalization Plan (herein "DLWRP").

Save the South Bay is an informal association of residents of Hudson and other municipalities in the mid-Hudson Valley. We would like to formally request an opportunity to brief and discuss our observations and concerns with representatives the Department of State and any interested City of Hudson officials and other involved agencies at your earliest convenience.

Thank you for this opportunity to comment on the DLWRP. We look forward to a productive dialogue with all involved agencies.

Sincerely,

SAM PRATT AND PETER JUNG
on behalf of Save the South Bay

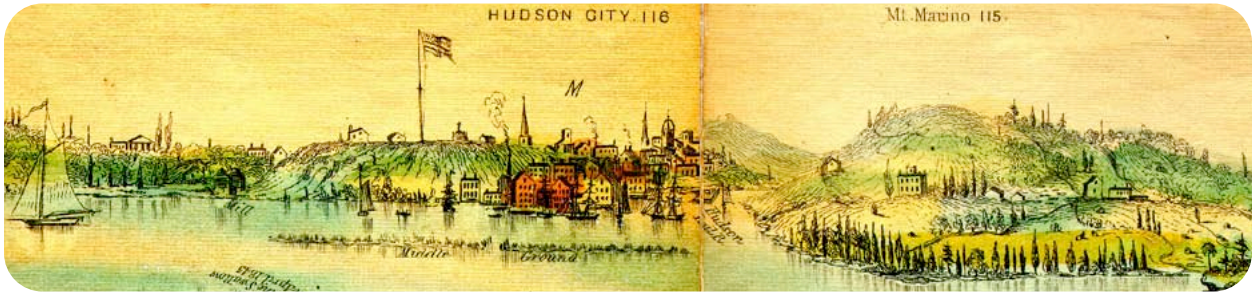
- I. Executive Summary**
- II. Historical Background**
 - A. 1977 Columbia County Planning Study
 - B. 1980s Octane Petroleum Proposal
 - C. 1990s South Bay Restoration Plans
 - D. 1999 Americlean Proposal
 - E. 1998-2005 SLC Greenport Proposal
 - F. Hudson LWRP Chronology
- III. State and City Guidance**
 - A. 2003 Coastal Staff Correspondence
 - B. 2006 WASC Public Meetings
 - C. 2006 Coastal Resources Meeting
 - D. 2005 Coastal Consistency Determination
- IV. Prior Planning Efforts**
 - A. 1995-96 Vision Plan & 2001 Comp Plan
 - B. 2001 Seeing South Bay Exhibit
 - C. 2001 Land Title Issues
 - D. 1998-2005 SLC No-Build Scenarios
- V. Public Input**
 - A. 2000 Comprehensive Plan Survey
 - B. 2006 WASC Survey & Workshops
 - C. 2007-2010 Save the South Bay Input
- VI. Comments of Holcim and O&G**
- VII. Review of GEIS and Coastal Policies**
 - A. GEIS
 - B. Coastal Policies
- VII. Corporate Responsibility**
- IX. Miscellaneous**
- X. Attachments** *(including 2010 Petition)*

SAVE THE SOUTH BAY, AN UNINCORPORATED ASSOCIATION OF RESIDENTS of Hudson and towns nearby in the Hudson Valley region, recommends that the the City's Draft Local Waterfront Revitalization Plan (DLWRP) be revisited and revised in order to:

- **Eliminate** “use conflicts” and the possibility of future controversies over such conflicts, taking into account the wrenching history over the past four decades of local controversies over industrial projects related to the southern portion of the Hudson Waterfront (as set forth in Section II. of these comments); and
- **Conform** with both written and verbal DOS Coastal Resources staff guidance from 2003, 2005, and 2006, along with the prescription for rezoning the Waterfront contained in the Secretary of State's 2005 Coastal Consistency Determination regarding the St. Lawrence Cement Greenport proposal (as set forth in Section III. of these comments); and
- **Reflect** the vision and goals developed via community consensus in the Hudson Vision Plan (HVP) and Hudson Comprehensive Plan (as set forth in Section IV. of these comments); and
- **Resolve** longstanding citizen questions about the ownership of lands formerly underwater along the southern Hudson riverfront (as also set forth in Section IV. of these comments); and
- **Address** concerns regarding the dramatic change of use and levels of operations related to aggregate deliveries and truck traffic to those same riverfront parcels since the Spring of 2005, a change which is causing the DLWRP's authors to present a false choice among flawed alternatives related to truck traffic (as further set forth in Section IV. of these comments); and
- **Correct** glaring omissions in the record of public participation in the City's LWRP process and reopen the process to further public input (as set forth in Section V. of these comments); and
- **Respect** the clear community consensus against industrial incursions into and impairment of greener, more sustainable uses of the southern portion of the Waterfront, so as to provide the highest level of recreational, economic, ecological, social, and cultural benefits to the people of Hudson and the region (as set forth in Section V. of these comments); and
- **Reject** the self-serving and misleading comments of Holcim and O&G submitted to the City regarding the draft Plan earlier this winter (as set forth in Section VI. of these comments); and
- **Incorporate** Save the South Bay's detailed comments on the GEIS and 44 Coastal Policies (as set forth in Section VII. of these comments); and
- **Investigate** the track records of corporate irresponsibility at Holcim and O&G when contemplating the accommodations demanded by those companies within the LWRP (as set forth in Section VIII. of these comments).

The submission which follows includes a number of illustrations in the body of our comments, and extensive attachments at the end.

THE CITY OF HUDSON'S WATERFRONT has been a constant source of debate and controversy over the past four decades. The history of these debates and controversies is both important background to the current DLWRP, and instructive in understanding how to correct its deficiencies.



WILLIAM WADE, FROM WADE & CROOME'S PANORAMA OF THE HUDSON RIVER FROM NEW YORK TO ALBANY (ENGRAVINGS, 1846)

A. 1977 COLUMBIA COUNTY PLANNING USE CONFLICT STUDY

In the late 1970s, Columbia County planners issued a federally-funded report called the “Columbia County Coastal Zone Management Program Second Year Study.” The study’s purpose was to devise “a land and water use management plan that would promote the sound utilization of this area’s unique resources.” The May 1977 report was drafted in the wake of the closing of the Universal Atlas plant, when Hudson and County officials were beginning to cast about for new uses of the properties abandoned by the cement industry.

The report’s introduction stated that “the careful management of the nation’s coastal areas is of major importance to the continued well being of the county, realizing that in the past these areas and their various resources have often been neglected or abused.”

A key purpose of the study was to identify so-called “conflict areas.” It was in this context that its authors devoted some space to discussion of heavy industry in the coastal zone: “Heavy industry consists of activities which generally require the movement of great quantities of raw materials for basic processing,” the report stated. And the County’s planners seemed well acquainted with the risks and downside impacts that come with heavy industrial activity:

“These operations are land extensive, meaning that there is a certain amount of sprawl associated with the operation. [...] Due to the size of these operations, their siting must be carefully evaluated. Adjacent land uses can be easily affected by noise, dust and odors while their visual presence can not be ignored. For these reasons, the siting of such industries is a critical process requiring careful study.”

Based on public input, the 1977 plan developed a two-part system for “the evaluation of uses and the priorities for the various uses.” These were divided into Conservation Objectives and Development Objectives, for example:

- **I-b:** “Distinctive geologic, natural, and scenic areas should be protected and/or enhanced.”
- **I-c:** “Important wildlife populations and their habitats should be protected and/or en-

hanced with special emphasis on rare and endangered species.”

- **I-d:** “Significant historic and cultural resources should be protected and/or enhanced.”
- **I-e:** “Areas providing substantial visual access to the River should be protected to enable maximum visual enjoyment of the River.”
- **I-f:** “Public access points to the shoreline should be protected and maintained to provide optimum recreational opportunities. Additional points should be acquired whenever feasible.”
- **I-g:** “Wetlands, flood plains, and other areas offering developmental restraints should be protected [and] recreational and educational opportunities should be encouraged.”
- **II-a:** “The existing rural character of the coastal zone should be considered when reviewing new development proposals.”
- **II-e:** “Transportation routes should be developed in a manner which enhances the coastal zone experience for travelers.”
- **II-g:** “Regional facilities should be designed and located to provide for minimum interference with existing land use activities and natural resources.”

The study culminated in a “Discussion of Use Conflicts” around the County. The report found that “where conflicts between uses arise, the objectives for coastal zone management should be consulted and allowed to influence the decision process.”

The first conflict discussed was that which gripped Hudson’s South Bay. As of the late ’70s (the report found), some felt “that the Bay has deteriorated beyond the point of reclamation and filling should continue so as to provide as usable foundation for growth in the city.” But “a differing opinion concedes that the Bay has deteriorated, but is still an important link in the river’s fish production with a potential for being an excellent outdoor education center for nearby schools. Continued destruction of the Bay would eliminate its capability for flood control which would result in damage to any development located on the site.”

In the conclusion to its 1977 report (pp. 57-58), Columbia County Planning suggested that:

“[A]n existing use in violation of standards, or a questionable use that is proposed can be compared with the general policies of the area... A comparison can also be made with existing, adjacent uses to assist the decision process. If one proposal calls for the construction of an all night diner and another the construction of a single family home, it may be helpful to note how both proposals will relate to neighboring activities. [...] The siting of such industries is a critical process requiring careful study.”

But planners stopped short of reaching any definitive decision about how to resolve the South Bay use conflict. They recommended “more technical evaluation of its resources and problems,” including “a management plan for the site.”

That evaluation and management plan for the South Bay never materialized—because around the same time, St. Lawrence Cement and its parent Holderbank (now Holcim) acquired the former Atlas properties; and then proceeded to sorely neglect the Bay for the next 30-plus years.

The company tore up and left behind large piles of railroad ties along the old railbed through the Bay. It ignored the frequent dumping of garbage and appliances along and even into wetlands. It left numerous blighting structures to rust and crumble, only later to attempt to use these ruins as bargaining chips for its failed Greenport Project (discussed below). After taking a site tour in 2001, noted wetlands and biota expert Erik Kiviat of Hudsonia reported to the DEC what he believed to be to be illegal fill in the Bay. And in Spring 2004, the company was caught illegally bulldozing a Federally-protected wetland along the railbed through the Bay, a reckless move which became the

subject of enforcement actions by the New York State Department of Environmental Conservation (DEC) and U.S. Army Corps of Engineers... But now we're getting ahead of our chronology.

B. 1980s OCTANE PETROLEUM CONTROVERSY

In the early 1980s, members of Save Hudson's Only Waterfront (SHOW) began to question the wisdom of letting the New Jersey-based Octane Petroleum company build a vast refinery at the River's edge. The Octane proposal would have entailed a refinery; some 22 storage tanks holding up to 25,000 barrels of oil; and the discharge of some 2.6 million gallons of wastewater annually into the Hudson. The project would have sprawled over 9 acres at the Waterfront, including into the river itself, 1.2 acres of which would have been landfilled.

Initially, the members of SHOW were treated shabbily. (*See Attachment II-A, An Oil Refinery in Our Backyard, Hudson Valley Magazine, December 1984.*) SHOW spokesman John Cody told a local newspaper that "the City has been unresponsive to their legitimate concerns." Hudson officials trashed the 300-member organization as "a local vocal group that wants to live in the past."

Hudson Community Development and Planning Agency (HCDPA) chairman Art Koweeck proclaimed that an oil refinery would "save this city" and was "a matter of economic survival for Hudson." Koweeck added that the refinery would "put out less pollution than the local hospital" and told those seeking more access to the river that they should "go out of town." Anyway, Koweeck added, the Hudson is "not a recreational river."

Concerned citizens were subjected to an almost endless stream of public relations attacks and other abuse from then-HCDPA director Edmond Schorno, as well as other City leaders such as Cemetery Commissioner Mark Salomon—who pronounced himself "thoroughly disgusted" with refinery opponents, arguing that they "oppose everything" and nothing would "satisfy" those "not interested in the well-being of our local citizenry." Mayor Michael Yusko (an aspiring singer and actor) riffed on the then-ubiquitous Roloids commercial, exulting that "relief would be spelled O-C-T-A-N-E." Meanwhile, company representatives argued that "this stretch of the river is good for little else but industry."

Refinery opponents countered that amenities such as "a restaurant, park or public boating facility could generate money for the city without the same risks." They noted that Octane's initial promise of 300 jobs dropped to 146 jobs, then to 43, and then down to 32. Nevertheless, New York State development officials promised to loan \$3.6 million to the company for "job creation."

Other agencies cast a colder eye on the Octane proposal. The U.S. Fish and Wildlife Department noted that a false choice was being presented to the citizens, with no justification for "the conclusion that only two alternatives are available." The same Federal agency expressed "concern for the effect of the project on South Bay Wetlands, a sprawling marshy area that would be cut by the facility's access road." The New York State Department of State wrote to Mayor Yusko that the refinery "would have a significant adverse effect upon the neighboring historic district," into which \$12 million in public funding had been invested in the previous 15 years. DOS noted with dismay that the City appeared "ready [...] to give up on the revival." DOS also advised Hudson's Mayor that the (now-endangered) American shad was active nearby, for example using the shoals of Middle Ground Flats "for spawning and nursery grounds."

Finally in the late '80s, SHOW was vindicated as the foolhardy Octane proposal was quietly shelved—though HCDPA officials continued to act as if the project were still a viable option.

C. EARLY '90s RESTORATION STUDY

In the early 1990s, the Corps of Engineers explore the possibility of an ambitious restoration of the South Bay. But the study ended abruptly after SLC officials refused to cooperate—reportedly due to concerns over what contamination might be found once such a project got underway.

Indeed, the so-called “Lockwood Property” acquired by the City, falling between what is now the City’s Waterfront Park and the SLC dock became the subject of a April 1, 2000 DEC Inactive Hazardous Waste Disposal Report. The report found that “the initial six feet of sediment in the adjacent embayment area was saturated with contaminants,” including benzene, which was found in both soil samples and groundwater; and that “contaminants are moving into the Hudson River.” Despite various remediation projects which have occurred in the area, it can be assumed that contamination remains in the riverbed and adjacent properties, including the current Holcim dock.

Yet the hope for a South Bay restoration has survived, despite the many obstacles in its path. A June 18, 2001 letter from Vance Barr of Coastal Resources to SLC noted that “South Bay was a candidate site for habitat restoration being conducted by the NYS DEC Hudson River National Estuarine Research Reserve in cooperation with the Corps of Engineers, and others,” and urged the company to cooperate.

D. AMERICLEAN CONTROVERSY

In the late '90s, a group of 40 local residents exposed yet another foolhardy Waterfront proposal—this time, for a hazardous waste processing plant at the site of the old glue factory sitting on landfill in the remains of the former South Bay. Hudson Mayor Richard Scalera and the Columbia-Hudson Partnership applied for \$600,000 Canal Corridor grant to assist Americlean, a Canadian-based startup, in trucking all of the dry cleaning (perchloroethylene) waste from the Northeast to the Hudson waterfront. There, it would be “neutralized” with a patent-pending process the company would not disclose. Nor, as it turned out, would the company identify the location of a pilot plant where they claimed that this miracle technology had been tested.

Initially, the Americlean project was presented as a benign manufacturing project. Citizens were told that the company was in the business of producing polybags and coat hangers for the dry cleaning industry. It was only through independent research that the true nature of the proposal (perc disposal) was brought to light. After citizens shamed Mayor Scalera into bringing a representative of the company to town for what turned into a disastrous public hearing, and the highly carcinogenic qualities of “perc” became publicly known, the City and County backed out of the project.

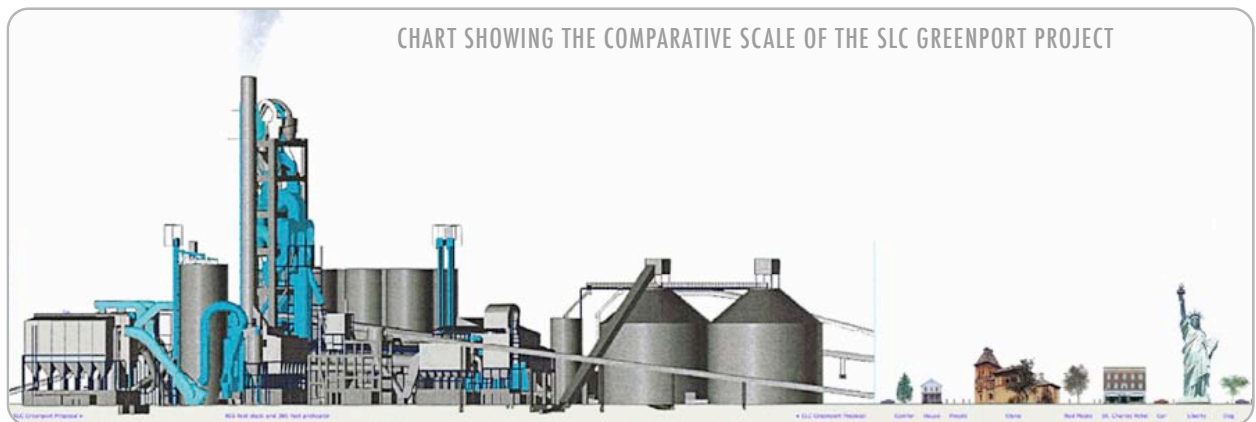
The group which had brought the reality of the Americlean project to public attention became known as Friends of Hudson.

E. ST. LAWRENCE CEMENT CONTROVERSY

Then, between September 1998 and April 2005, residents of Hudson and allies all over the Valley—along with downwind neighbors from Connecticut to Maine—mobilized to challenge the massive, coal-burning, \$300 million-dollar St. Lawrence Cement Greenport Project.

Dubbed “a new industrial city,” the vast, sprawling complex would have featured a skyscraper-sized 40-story tower and a dozen other structures between 10 and 20 stories tall atop Becraft Mountain, within a mile of the hospital, cemetery and thickly-settled neighborhoods.

From that 406-foot stack would have belched a pollution-laden plume extending as long as six miles, roughly the distance from Greenport to Philmont in a direct line. The plant would have been fueled 500 million pounds of coal annually, needed to pulverize limestone blasted from a 1,200-acre quarry nearly as large as the entire City of Hudson. “Alternative” fuels such as garbage, tires and hazardous waste could have been added to the kiln’s cauldron.



This behemoth would have been connected to the Hudson waterfront by two miles of conveyor belts, through wetlands and across three major City entrances. At the waterfront, 700-foot-long HudsonMax barges would have constantly offloaded coal, slag, and gypsum, while unloading two million tons of finished cement each year. Their wakes, fumes and noise would have endangered smaller craft on the river, and chased away residents trying to enjoy the adjacent public park. Meanwhile, back in Greenport, as many as 265 daily truck trips would have serviced the main facility. By SLC’s own admission, the plant sought permits to emit up to 20 million pounds of pollutants per year, including greenhouse gases such as nitrogen and sulfur dioxides, heavy metals and volatile organic compounds: arsenic, benzene, cadmium, chromium, lead, mercury and more. The medical staff of Columbia Memorial Hospital independently concluded that emissions of fine particulate matter (PM 10 and PM 2.5) would result in more asthma among local kids, more premature heart attacks among older residents, and higher incidences of cancer among the general population.

Worse still, SLC and its Swiss-owned parent company Holderbank—now called Holcim—had an appalling track record of fines for pollution and price-fixing violations. Whatever promises the company was making, citizens discovered that the company it had broken similar promises to other communities around the globe. (Worse, the company had used slave labor in Europe during World War II, and actively profited in South Africa during Apartheid.)

Nevertheless, the SLC proposal was widely considered to be a “done deal,” with the company having extensively lobbied the Pataki administration, Columbia County leaders, and Hudson politicians well before citizens became aware of the proposal.

Yet as in previous controversies, the supposed minority eventually became a majority, and the people prevailed. Friends of Hudson was eventually joined by more than three dozen other local, regional, statewide and national groups in opposing the project; and the 40-member group grew to over 4,000 paid members. More than 14,000 comments were submitted to the Department of

State's Division of Coastal Resources, with 87% of those comments opposed to the SLC project. In April 2005 (as will be discussed in greater detail in the remainder of these comments), Secretary of State Randy Daniels issued a negative Coastal Consistency Determination, finding that the project violated New York's 44 Coastal Policies.

The pattern in each controversy was nearly identical. At first, the press only reported the company line—with local, County and State officials dutifully toeing that line. Jobs, jobs, jobs was the mantra, plus some token assurances that all environmental rules and standards would be “met or exceeded.” The few who dared ask even basic questions were immediately branded as a “strident” and “vocal” minority. Those who only wanted their politicians and regulators to do a little due diligence were labeled CAVE People (Citizens Against Virtually Everything) with BANANA (Build Absolutely Nothing Anywhere Near Anyone) and NIMBY (Not In My Backyard) attitudes.

But over time, citizens were shown to have both mastered the smaller facts and seen the bigger picture that politicians had either overlooked or dismissed. The Hudson waterfront dodged all three bullets—Octane, Americlean, and SLC—preserving the possibility of a future revival.

F. HUDSON LWRP CHRONOLOGY

THE INITIAL INTEREST IN DEVELOPING a Local Waterfront Revitalization Plan for Hudson arose out of the Octane proposal. SHOW's leadership became aware of the Federal Coastal Zone Management Act of 1972, which had been approved by NOAA as a delegated New York State program a decade later in 1982.

Though City officials showed little or no interest in the program while Octane was still under serious consideration, SHOW's John Cody was able to begin work on a draft plan in 1987. However, despite the creation of a Hudson Waterfront Committee, the plan languished through most of the 1990s. A consultant brought in late sometime in the mid-90s, Dan Shuster, did produce several DLWRPs, but these failed to rise to a level deemed adequate by Coastal Resources staff to authorize release of the plan for public comment.

Several new waterfront chairs came and went (Craig Thorn III, Charlie Butterworth, Patrick Doyle) without significant progress being made on the document and Shuster was finally relieved of his desultory duties in the new century as feedback from Coastal Resources staff on his drafts remained negative. Though citizens periodically became energized to help finish and enact a plan, the overall public impression during this nearly 20-year period was that City officials preferred not to devote serious attention to the topic, even though the enactment of an LWRP could greatly augment the City eligibility for new Federal and State grant opportunities.

Nevertheless, the City made some limited—if painfully slow—progress on its waterfront during these two decades. Tanks from the former Best Oil storage facility were removed, and partial remediation of contamination from various sites (ranging from petroleum to creosole) at the waterfront was undertaken. The City also obtained, notably during the 2000-2001 administration of Mayor Kenneth Cranna, funding for some rudimentary waterfront amenities, including sod, a public bathroom, a bandshell/gazebo, and shoreline improvements.

On April 19th, 2005, in the course of rejecting the SLC Greenport Project, the Secretary's Coastal Consistency Determination set forth a clear set of instructions for creating a new Waterfront Zone. Rejection the company's assertions that heavy industrial activity could peacefully and coexist with public recreational activities, and recognizing the greater economic potential of less intrusive and

more compatible commercial uses, the Secretary's outline for rezoning the Waterfront included explicitly prohibitions against industrial and manufacturing activity (*see Section II, below*). The Secretary stated that this Zone should be established "immediately."

Later in 2005, Mayoral candidate Richard Tracy campaigned on a promise to finally enact an LWRP. Upon his inauguration in January 2006, Tracy disbanded the existing Waterfront Committee under the mayor's control, and the Hudson Common Council established a new Waterfront Advisory Steering Committee, or WASC. (*Note: Several current members of the Save the South Bay steering committee, including Sam Pratt, were founding members of the WASC.*) Among the initial tasks of this new committee was to meet with Coastal Resources staff; investigate the status of various waterfront-related grant programs; to select a planning consultant to help organize and draft the LWRP; and to host several public meetings to introduce the Hudson community to the key tenets of Waterfront plan development. Those two public meetings included presentations by DOS staffer Bonnie Devine, legal advisor Cheryl Roberts, and members of the WASC; citizens also participated in brainstorming workshops, and were invited to fill out surveys and submit written comments on their hopes for the Hudson Waterfront.

Privately, WASC members had extensive discussions about how best to deal with the continued presence of St. Lawrence Cement (now rebranded as Holcim US) at the waterfront—especially in light of the strong public consensus that the community would prefer not to have heavy industrial uses impair recreational, ecological and appropriate commercial activity. Numerous options were entertained, from a public-private partnership to acquire the cement company's holdings to the use of eminent domain.

However, in early 2007 the optimistic and productive direction of this rejuvenated process was thrown suddenly off-course when then-WASC chair Linda Mussmann announced that she had been meeting privately with representatives of Holcim, and had worked with planners BFJ to organize a DLWRP largely around the company's needs, demands and bargaining positions. As will be discussed in the following comments, this led to the submission of over 1,000 comments in protest of the direction the City was headed with its LWRP.

No recognition of that outpouring of concern and protest is noted in the current LWRP narrative.

THE CITY'S CURRENT DLWRP FAILS TO ADEQUATELY REFLECT the clear and prescient guidance that State officials have provided to it over recent years. In several crucial areas, the current draft blatantly takes a position starkly opposed to the State's instructions.

A. 2003 COASTAL STAFF CORRESPONDENCE

Twice during 2003, DOS Coastal Resources Specialist Nancy Welsh sent two letters to the City in 2003 in response to an earlier revision of the DLWRP. A January 31st, 2003 letter from Ms. Welsh was addressed to then-City LWRP consultant Dan Shuster, and was carbon-copied to then-Hudson Waterfront Committee chair and Superintendent of Public Works Charlie Butterworth, along with DOS staffers Stephen Ridler and Paula Marshman. (*Copies of both letters are included in this submission as Attachments III-A and III-B.*)

Both of the Welsh letters included repeated and unequivocal statements regarding industrial activity in the South Bay:

"It is not appropriate to encourage the expansion of industrial development into the wetlands of South Bay." (P. 2)

"Again, the wetlands of South Bay are not appropriate for industrial or other development." (P. 3)

Then, on August 1st of the same year, Ms. Welsh directed a virtually identical letter directly to Mr. Butterworth, again making the clear and firm statement that:

"It is not appropriate to encourage the expansion of industrial development into the wetlands of South Bay. These wetlands are protected by the laws of the United States and the State of New York." (P. 2)

The emphatic clarity and repetition of these statements demonstrate that these were not accidental or offhandedly-issued instructions. One is hard-pressed to imagine what convoluted logic or myopic vision would be necessary to misinterpret such firm and unambiguous instructions from DOS. And yet the City's current draft endorses the establishment of a new, heavy industrial haul road for some 250 truck trips per day through those South Bay wetlands. The Welsh letters voice firm admonitions not to pursue such courses of action. If such pointed staff instructions can be not just ignored, but directly contradicted, by a municipality, one would have to wonder whether such guidance carries any weight at all.

Moreover, even if the introduction of a haul road (or some other industrial activity, such as a conveyor) could be shown to have other public or social advantages, the nature and designation of this wetland area still would preclude it due to the existing Federal and State designations. The hard fact is that this option must be struck from consideration. If the City insists on seeking to accommodate discordant and hazardous truck traffic to the waterfront whose primary and highest purpose is public access to the river, it must seek other alternative methods besides the former railbed or "causeway."

We also note that more than one member of what is now the Save the South Bay was present along

with Ms. Welsh at a January 25th, 2006 meeting held at the Department of State with Hudson elected officials and WASC members to map out the LWRP process. At no time during that meeting were attendees notified by Ms. Welsh or other DOS staff that anything had changed in its stance regarding the industrialization of the wetlands of South Bay.

The entire portion of the South Bay where the former railbed—euphemistically referred to in the DLWRP as a “causeway”—is situated in a Class I Federally-designated wetland; and the railbed itself is a part of that wetland. This fact is reflected in the monetary fine and remediation order issued by DEC in Summer 2004, when SLC (now Holcim) and O&G were found to have illegally bulldozed the railbed area.

On another topic of current contention, the Welsh letters specifically note that the DLWRP at that time was “missing a Harbor Management Plan.” A subsequent section, we will address Holcim and O&G’s resistance to the inclusion of such a Plan in the LWRP.

Welsh likewise urges the City to “consider designating South Bay as a locally significant habitat using a Policy 7A [...]”; as with the matter immediately above, this same guidance has been strongly resisted by Holcim and O&G in their comments to the City on the current draft. In addition, the Welsh letters admonish Mr. Shuster that parts of his draft were

“written as if it were a document designed to guide the development of an LWRP in the future. To the contrary, this document is the LWRP, and therefore must not propose examining potential policies and recommendations, but must make explicit policy statements and recommendations.”

This same syndrome can be said to afflict many parts of the current LWRP, for example in its treatment of alternative means of handling truck traffic to and from the Waterfront. The current draft tentatively endorses a certain option, while simultaneously noting that option requires further study. This is a topic we will return to in later comments.

B. 2006 WASC ORGANIZATIONAL MEETINGS

On March 7th, 2006, Coastal Specialists Bonnie Devine and Nancy Welsh attended and made a presentation at a public, organizational meeting of the newly-formed Waterfront Advisory Steering Committee (WASC). The current DLWRP arises directly from the process set in motion by this group.

The meeting was held in the cafeteria of John L. Edwards Elementary School in Hudson, and was attended by approximately 100 residents. It included a video presentation by Coastal staffers, who then took questions from the audience. (Save the South Bay co-organizer Sam Pratt was a founding member of the WASC, and took notes on that meeting for the Committee.) Oddly, no specifics of this meeting are included in the otherwise detailed narrative of public workshops and information sessions catalogued in the DLWRP.

A pressing question for both the Committee and the general public was how the LWRP should address privately-owned or occupied waterfront parcels. The question-and-answer portion of the event presentation included this exchange:

AUDIENCE: “How much of Hudson’s waterfront is developable? Look at the park right now. Beacon and Kingston are quite large. When I go down to the park, it seems small [...]”

BONNIE DEVINE: “It’s a local decision of what the boundaries are. The waterfront bound-

aries extend into the downtown area, and make the linkage to the downtown.

NANCY WELSH: “Even the parcels not publicly-owned are still the City’s waterfront, and you do have local tools to shape what happens on any and all parcels.”

This meeting generated a high level of public excitement about the prospect of participating in the Waterfront planning process, so the Committee organized a prompt follow-up meeting two weeks later, on March 20th, 2006. Then-WASC legal advisor and current City Attorney Cheryl Roberts, who is a principle author of the present DLWRP, attended and made a detailed presentation about the State’s 44 Coastal Policies. (Mr. Pratt again took extensive notes on the proceedings; like the previous meeting, no details of this event are included in the LWRP’s narrative of public participation.) During that presentation, Ms. Roberts picked up the previous meeting’s topic regarding how much of the waterfront could be addressed in the plan. At that time, she stated that:

“It should not be assumed that SLC will continue to be owner of property. Across the board, don’t assume anyone will remain owners of a given parcel.”

Taken together with Ms. Welsh’s statements, it would appear the authors of the DLWRP now under consideration have forgotten this clear and important advice. The DLWRP proceeds from the exact opposite assumption—that Holcim WILL “continue to be the owner” of Waterfront property, and that the City does NOT have “local tools to shape what happens” on those parcels.

Instead, a great deal of the South Bay portion of the DLWRP has been constructed around assumptions that Holcim, not the City or the public, is the principle and indispensable stakeholder in this process. The narrow and short-term business concerns of Holcim (and their subcontractor O&G) drive both the overall scope and the finer details of how the southern portion of Hudson’s waterfront will look for generations to come.

C. 2006 COASTAL RESOURCES MEETING

On January 25th, 2006, prior to the two meetings described above, members of the WASC and several Hudson elected officials attended a meeting held at the Division of Coastal Resources. In attendance were Steve Ridler, Nancy Welsh, and Bonnie Devine. Sam Pratt’s notes of that meeting show that the following discussions occurred, among other more technical discussion of existing Waterfront grant programs, *etc.*:

- (1) In addition to the City and DOS, the LWRP will require review by “any Federal/State agency that is likely to comment,” including “DOT, Fish & Wildlife, OGS, DEC, Ag & Markets, Empire State Development,” among others;*
- (2) It was further noted that the Waterfront falls in an Empire Zone, and that Columbia County would likely comment to the extent the LWRP relates to County comprehensive planning;*
- (3) The question of land title issues in the South Bay was raised as an important topic for exploration and coordination with OGS, and that the Hudson Development Corporation (HDC) may have conducted some analysis of the matter;*
- (4) A precept was established that “planning should precede zoning,” especially given that “the previous [draft] plan was driven by what SLC wants to see, not what the public wants to see”;*
- (5) The issue of needing enforceable noise ordinances, which the Hudson Aldermen had struggled with in the past, was raised by then-Council President Robert O’Brien;*

As in our comments at A. and B. above, Save the South Bay feels that much of this discussion appears to have gotten lost in the process of drafting the current LWRP. To the public's knowledge, little or no consultation has occurred with most (if any) of the agencies listed in (1) and (2). In particular any reaction of the U.S. Fish and Wildlife Service to the proposal to put a heavy haul road through the protected wetlands of South Bay would seem important to secure before proceeding further with that controversial idea.

We likewise see no evidence that OGS or HDC have been consulted on land title issues, which are discussed in greater depth elsewhere in these comments.

Moreover, Save the South Bay notes that like previously-rejected drafts of the LWRP, this current narrative continues to be driven largely by the agenda of SLC (now Holcim and O&G) far less than by public input. Again, this topic will be discussed more extensively elsewhere in these comments.

Lastly, it does not appear that the new zoning proposed in the DLWRP includes performance or other standards for noise, one of the primary impacts from industrial activity at the Waterfront which has the strong potential to impair neighboring uses. The establishment of such standards is a key priority of the Hudson Comprehensive Plan, again discussed in more depth elsewhere in these comments. We wish to establish here, however, that these topics were all raised with and/or by DOS staff and City officials at the outset of the current round of planning.

D. 2005 SLC COASTAL CONSISTENCY DETERMINATION

On April 19th, 2005, as noted in the narrative at I., above, then Secretary of State Randy Daniels issued extensive findings regarding the City of Hudson waterfront as part of the State's negative Coastal Consistency Determination for the St. Lawrence Cement Greenport project. That decision was the culmination of nearly seven years of public debate, agency review, and a vast outpouring of both heartfelt and highly technical public input comprising over 14,000 comments, 87% of them opposed to the project.

As you know, the New York State Secretary of State oversees and organizes the activities of the the Division of Coastal Resources, the agency responsible for final review and approval of this plan. However, the current DLWRP disregards the clear, unambiguous, and urgent instructions of the Secretary of State, whose office called almost exactly five years ago for the City to "immediately" rezone of the Waterfront. *(The City and NYS DOS Division of Coastal Resources are both aware of and in possession of this determination, but a copy of the ruling is included in these comments for the record as Attachment III-C.)*

That 2005 determination is arguably the highest-level, most definitive, and most legally-relevant document that any State agency or official has set forth regarding planning for the future of the Hudson Waterfront. The Secretary's instructions for rezoning the Waterfront included the firm recommendation that a new waterfront zone be created right away for the benefit of City and County residents. Adopting language directly from pp. 85-88 of the Hudson Vision Plan, pp. 10-11 of the Daniels decision outlined the exact manner in which that rezoning should take place with a unusual degree of specificity:

- **Permitted uses:** recreation/open space, parking, residential (2nd story and above), retail, galleries, studios, office, restaurants, museums, outdoor markets, outdoor performances, street vending, marine stores, marine fuel, boat storage.

- **Conditional uses:** electronic transmission towers, public utility uses, transportation centers, railroad, ferry terminals.
- **Accessory uses:** signs, outdoor cafes.
- **Prohibited uses:** manufacturing, assembling, storing and processing products or facilities, outdoor storage of lumber, construction and building materials, contractor's equipment, trucks, vans, buses, retail or wholesale of vehicles or boats [...]

The Secretary of State also specifically recommended that Waterfront lands currently occupied by the SLC (Holcim) should be secured by the City for the benefit of the people of the region, not for the industrial uses contemplated within the current DLWRP. Again specifically relying upon the Vision Plan as his model, Secretary Daniels continued to note that:

“The land now owned by SLC has good development potential for a variety of public and private uses. The City should try to secure an option on the land or should have a letter of understanding expressing its interest.”

And again, on p. 11, the Secretary stated that:

“Acquisition and redevelopment of the SLC property, as recommended by the Vision Plan, could conceivably continue the City’s ongoing waterfront transformation.”

And:

*“Based on this review of Hudson’s past planning and implementation activities, **it is clear the City’s waterfront has been and will continue to be transformed from a private industrial waterfront to a public waterfront for boating, tourism, commercial and other compatible uses.** These uses are in direct competition with SLC’s proposed industrial riverfront facilities. Given the extreme limitation on space along the Hudson waterfront, this is not a suitable location for the proposed SLC industrial facilities and uses.”*

Many citizens of Hudson and the surrounding area breathed a deep sigh of relief upon reading this ruling. Not only had a top-ranking State official foreclosed the threat posed by the Greenport Project. More than that, the State had also set forth an explicit set of guidelines for the City which, once enacted, would go a long way toward ensuring not only that such a wrenching controversy would not occur again over the Waterfront, but also that the people could finally move forward on the greener, more sustainable vision for that Waterfront which had been repeatedly sought in past controversies and planning exercises, from the Octane Petroleum fight to the Vision Plan.

In particular, the Secretary’s instructions regarding “prohibited uses” instructions gave what now (dismayingly) appears to be a false sense of comfort to those taking his ruling at face value. Those instructions have been not merely disregarded by this DLWRP, but flagrantly contradicted within it. “Manufacturing, assembling, storing and processing products or facilities” and “outdoor storage” of “construction and building materials” are not merely contemplated in the plan; such activities are overtly accommodated and indeed have become the focal point of negotiation in the South Bay discussion. The entire vision for the southern portion of the Waterfront (which could be far broader and ambitious if blighting industry were phased out there) has devolved toward a limited discussion of what can be accomplished while sustaining and even bolstering Holcim’s narrow interests.



This turn of events is particularly troubling considering that the logic of the April 2005 Coastal Consistency Determination was based squarely in the Secretary's finding that heavy industrial activity could *not* coexist with the other permitted, conditional and accessory uses he outlined. The Secretary went even a step further as the ruling found that by eliminating such blighting uses, more compatible and appropriate recreational, social, ecological and commercial uses and resources would flourish—and ultimately provide both more environmental and more economic benefits to the people of Hudson and the region.

It is important to note in this context that the impacts from the Holcim and O&G activities accommodated and even expanded by the current draft plan are quite similar to those rejected by Secretary Daniels in the 2005 determination. Holcim/O&G discuss shipping some 500,000 tons of aggregate annually via the Waterfront, to be stored in open, uncontained stockpiles immediately adjacent to a public park. The company has discussed with the Town of Greenport Planning Board and City of Hudson Planning Commission needing to put as many as 250 truck trips daily through the wetlands of South Bay to the River. It has been further implied by Holcim and O&G that at some point they might prefer to replace the proposed heavy haul road with a conveyor belt, another component of the Greenport project explicitly rejected by Daniels. Each of these heavy industrial activities falls under the category of “prohibited uses” inventoried in the 2005 ruling, and carries with it severe impacts that impair public access to and enjoyment of the river. Whether attempting to picnic in the neighboring public park while being subjected to dust from stockpiles or diesel exhaust from trucks and barges; or to walk along paths toward “Sandy Beach” with trucks whizzing past every 3-5 minutes; or to launch “muscle craft” (kayaks and canoes) or Sunfish with the wake

of a massive barge swamping your boat—each of these experiences is rendered far less safe and enjoyable by neighboring industrial uses.

And as will be explored in more depth elsewhere in these comments, none of this intrusive and noxious gravel activity existed at the time of the 2005 determination. No such expansion was stipulated or projected in any of the company's diverse analyses for multiple permitting agencies of either its "existing conditions" or "no-build scenario." Moreover, the dramatic expansion of traffic, pollution, noise, dust and navigation impacts from aggregate deliveries via the Waterfront (impacts which together form the basis of the company's current negotiating position vis-à-vis the DLWRP) occurred without any new Federal, State or local permitting reviews in just the past few years since the Daniels decision was handed down.

By all appearances, a large point of that sudden expansion of activity was to gin up the baseline of "existing" impacts so as to pressure the City and State to make special long-term accommodations for Holcim which it had failed to secure within the Greenport permitting process: most glaringly, expansion of its dock by 400 feet, and a heavy transport route for hundreds of thousands of tons of material quarried from Becraft Mountain.

Save the South Bay would also highlight in this context some examples of how DOS found in 2005 that such heavy industrial activity would violate various Coastal Policies. The Secretary wrote, regarding Policy 4, that SLC activity, including a conveyor, would detract from and adversely affect existing traditional and/or desired anticipated uses.

The ruling further noted that:

"The City of Hudson has been experiencing a resurgence in local investment that has helped the City in its evolving waterfront revitalization and has lead to a dramatic expansion in the development of retail uses, restaurants, arts, and recreational opportunities. This investment has spurred new jobs, has resulted in the adaptive rehabilitation of historical structures, and is fueling mixed retail and recreational uses of the waterfront. City efforts on the waterfront include recreational boating activities immediately adjacent to the proposed SLC dock and conveyor, as well as many active and passive recreational uses associated with the City parks, as identified in the 1996 Hudson Vision Plan. The proposed SLC waterfront facilities and activities would adversely affect the desired anticipated uses as expressed in the adopted comprehensive plan and the Hudson Vision Plan, they would directly conflict and compete with those uses that are in place and that are being promoted and expanded."

The ruling continued to flesh out how such heavy industrial activity would adversely affect the existing economic base of the community:

"The local economy in Columbia County has been growing steadily, with nearly a 5 percent rise in private sector jobs between 1998 and 2002. This economic growth has been fueled by real estate, retail and wholesale trade and business support services. The City of Hudson in particular has enjoyed a boom in its residential and commercial real estate market which could be threatened through the introduction of increased industrial activities affecting the quality of life. The proposed expansion and change in industrial activities on the river directly competes with the previously mentioned plans for recreational and commercial activities immediately adjacent to the proposed dock and conveyor and the current revitalization in Hudson. It could also jeopardize the possibility of tapping into the Hudson River's multi-million dollar recreational boating industry which, as noted by Hudson City Alderman Colum Riley (Riley, letter, 3/18/05) could provide much needed revenue for the City. The increased SLC industrial activities would impact the recent economic growth felt as their downtown has revitalized and may adversely affect the existing economic

base. It may also lead to diminished marketability of the planned uses, and adversely impact the tax revenues anticipated from those uses.”

DOS also found that such activity would detract from views of the water and smaller harbor area, particularly where the visual quality of the area is an important component of the area's appeal and identity:

“The presence and operation of the Hudson Max vessels, 82 feet tall pump house, a 75 feet tall conveyor-reversing structure, 56 feet tall trough conveyor system, 82 feet tall pneumatic loading system, stock piled raw materials, lighting would detract from views of the water and smaller harbor area both in the City of Hudson, and from the Village of Athens. The Village of Athens, also a small harbor area rich in maritime history, identifies ‘enjoying the view’ as one of the most important recreational activities of its residents, in its LWRP. The visual quality of this region of the Hudson River is a very important component of the area's appeal and identity, and would be negatively impacted by the introduction of the proposed riverfront industrial activities. The proposed plant, and its increased industrial use at the waterfront, would not promote activities that would make the small harbor areas of Hudson and Athens appealing to residents and tourists. The project would not enhance planned redevelopment activities, and would detract from views of the water, in an area where the visual quality of the waterfront is an important component of the area's appeal and identity. Therefore, the proposed project is inconsistent with this policy.”

The encouragement provided to Holcim in the DLWRP for expanding its dock 400 feet to the south (augmented by repetitious cheerleading for a “deep water port”) would enable the introduction of those very same HudsonMax vessels rejected by the Secretary at this same site in 2005 as incompatible with Coastal Policy and neighboring uses.

DOS likewise found that the project would violate Policy 25—intended to Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance but which contribute to the overall scenic beauty of the coastal area:

*“The proposed cement manufacturing facility, its large plume, **and the riverfront industrial facilities and activities** [emphasis added] would also be visible from and would impact scenic resources of the Hudson River which are not within a designated SASS. In particular, the proposed plant's plume, the proposed significantly expanded riverfront industrial facilities and activities would be visible from both the City of Hudson's waterfront and the Village of Athens waterfront across the River. The Athens LWRP states “enjoying the view” as the most popular recreation activity identified in a survey of its citizens. In a discussion of its scenic resources, this document states: “The River can be seen from throughout the Village at the end of most of the streets. The Hudson-Athens Lighthouse, the Rip Van Winkle Bridge, Mount Merino and the lights of Hudson, wildlife in the marshes, and the myriad types of river traffic and trains on the eastern shore provide an active and varied scene.” In recent public comment on the Greenport project, the Deputy Mayor states “the Village of Athens has concluded that the visual impact of the proposed dockside facilities, plumes and conveyor would be inconsistent with the LWRP and the Village's development objectives and priorities under coastal policies. The proposed SLC project is inconsistent in terms of scale and incompatible with the landscape..... The SLC project does not enhance the overall scenic quality of the coastal area.”*

In summary: Rather than following the Secretary's clear dicta to enable a more far-reaching and positive Waterfront plan—one which would protect beneficial permitted uses at risk of impairment by heavy industrial activity—those shepherding the LWRP process appear to have given top priority to Holcim and O&G in making arrangements that would ensure the virtually permanent presence of blighting industrial activity at the Waterfront. The DLWRP needs to be revised so as to be consistent the Secretary of State's decision and dicta, both in letter and in spirit.

E. 2005 COASTAL STAFF CORRESPONDENCE

A little more than months after the issuance of the Secretary of State's ruling on SLC, Department of State Coastal Resources staff issued its most detailed review of the City's DLWRP. The 2005 Welsh letter was sent to then-Waterfront chair and Superintendent of Public Works Charles Butterworth and copied to over thirty City elected and appointed City officials, reflecting the importance of the guidance it contained. We attach this entire 20-page document to these comments (as Attachment III-D) since it speaks so directly about how to correct the continuing problems in 2010 with the DLWRP.

►► We cannot stress strongly enough the extent to which that this Staff guidance from Nancy Welsh needs be carefully reviewed alongside the current draft. It is the only document we know of which specifically addresses both the Hudson lwrp and the firm instructions for rezoning the Waterfront contained in the Secretary's Coastal Consistency Determination. This letter proves beyond any doubt that DOS staff interpreted the Daniels decision as having a direct and crucial relationship to the lwrp. Both the planning and drafting principles espoused in the letter by DOS and the specific guidance still pertain to the current draft, with many of the contradictions, omissions and flaws identified in Welsh's letter persisting in the document now under review. ◄◄

Indeed, this letter on the 2004 version of the DLWRP so closely parallels Save the South Bay's comments on the current one that we hardly know where to begin. Below, we cite just a few of the many statements throughout this document which we consider of utmost importance to apply to the current DLWRP, especially as they pertain to compatibility issues and the need to respect community consensus:

Under “**Purpose of the Local Waterfront Revitalization Program**,” Coastal staff wrote that an LWRP properly should be “based on a community vision and consensus regarding the future of its waterfront, and refines State waterfront policies to reflect local conditions and circumstances.” As discussed throughout these comments, the draft at hand fails to rely upon those precepts, having ignored or dismissed clear, widespread repeatedly-submitted public input calling for a different overall direction and approach to longstanding South Bay use conflicts.

Under “**Public Participation**,” Coastal staff wrote in 2005 that “There has not been sufficient community participation in the LWRP development process since the earlier drafts of Hudson's LWRP were resurrected and revised. [...] The LWRP does not adequately incorporate or address these efforts, and does not reflect a community consensus and unified vision.” As of 2010, an outpouring of community input has been submitted to the City and State regarding this plan. But instead of the planners having failed to receive sufficient input, as was the case five years ago, they have chosen to disregard the community's participation. This is almost more intolerable than the previous condition. Staff also states that the City will be “required to undertake a series of public information and feedback sessions”; such sessions have indeed taken place, but as discussed in depth in the Public Input portion of the comments, (Section V.) such input has fallen on largely deaf ears.

Under “**Needed Revisions**,” Coastal Staff turns its eyes upon St. Lawrence Cement (now Holcim). These comments are particularly noteworthy in that unlike previous guidance, when the fate of the Greenport Project was still unknown, they postdate the Daniels decision. As of October 2005, staff is mindful “of recent decisions by the Common Council and the Department of State and SLC's decision not to go forward with its proposed project,” creating a need to reconsider and recalibrate the LWRP's core assumptions. They write that

“The LWRP should discuss potential uses of this area based on an analysis of appropriate activities for this site, given the directions established by the Hudson Vision Plan and the City's Comprehensive Plan. It should not be assumed that SLC will continue to be the owner of the property. The LWRP needs to reflect current conditions and future goals, and not be tied to a specific owner. The City must reorient its analysis [...] and identify/analyze any desirable, potential uses and how they relate to the City's vision for its waterfront and to its community revitalization plans. The analysis needs to articulate those uses and activities that are consistent with this vision and plans, and that might take advantage of and are appropriate for the characteristics and infrastructure present or possible. The analysis should subsequently be developed into standards for determining whether potential uses and activities are consistent with this vision and appropriate for the site, and thus consistent with the LWRP. It will be these standards, as expressed in the policy explanations, that will be used to examine any and all proposals for development in Hudson's waterfront area.”

We could not agree more with this guidance, and are only amazed at the extent to which the current DLWRP has failed to incorporate it.

Under “Harbor Management Planning” staff notes that “there are a variety of potential uses that may compete for space in the City's Hudson River waters—ranging from recreational kayakers to power boat operators to large party boats and ferries to barges transporting materials. There needs to be some additional analysis of how these water uses will be managed, and standards must be developed to determine what uses are and are not appropriate in the different zones. All potential uses must be evaluated against the community's vision for the future of the waterfront.” This represents a telling rebuttal (five years ahead of time) to Holcim and O&G's resistance to enacting a HMP and appointing a harbormaster.

Under “Community Visioning and Compatibility of Uses,” staff writes that “There is inadequate analysis of the compatibility of proposed land uses along the waterfront. [... T]here is no analysis of potentially incompatible attributes of these different land uses, and no explanation for how such factors might be successfully managed in close proximity.” Once again, this problem has not been addressed in the current DLWRP, except with broad-brush, unsupported claims that industrial activity can coexist happily with public uses. Staff proceeds to refer, precisely as did Secretary Daniels, explicitly to the Hudson Vision Plan as a model “comprehensive, community-driven process” which resulted in a “waterfront concept plan” that can serve as a model for the Hudson LWRP:

“The HVP clearly outlines the suite of acceptable uses and activities envisioned for the revitalization area:

‘Permitted uses should include: recreation/open space, parking, residential (second story and above), retail, galleries, studios, office, restaurants, museums, outdoor markets, outdoor performances, street vending, marine stores, marine fuel and boat storage. Conditional uses could include: electronic transmission towers, public utility uses, transportation centers, railroad, ferry terminals. Accessory Uses should include: signs, outdoor cafes. Prohibited Uses should include: manufacturing, assembling, storing and processing products or facilities, outdoor storage of lumber, construction and building materials, contractor's equipment, trucks, vans, buses, retail or wholesale of vehicles or boats. Building heights should be limited to 45 feet from ground elevation to ridge or parapet line.’ (HVP, pp. 85-88) [...]

The waterfront concept plan, developed for the HVP and included in the LWRP, revolves around creation of a passive waterfront park, recreational boating facilities, and mixed-use redevelopment of upland parcels, including proposed enterprises such as restaurants, gal-

leries, retail shops, museums, offices and residential space. [...] The Vision Plan also indicates that the community would like to extend this waterfront revitalization across the southern waterfront, stating that the SLC land ‘has good development potential for a variety of public and private uses. The City should try to secure an option on the land or should have a letter of understanding expressing its interest.’ (HVP, p. 89) [...] Acquisition and redevelopment of the SLC property, as recommended by the Vision Plan, could conceivably continue the City’s ongoing waterfront transformation.”

Coastal staff admits the possibility that in theory, “appropriately-scaled industrial, recreational and commercial land uses” might be successfully managed in close proximity,” but sounds a dubious note in cautioning that “advance planning and the development of standards would be critical in accomplishing this.” No such plans and standards are advanced by the DLWRP. Like the 2004 draft, the current LWRP “includes no compatibility analysis or discussion of management strategies for these potentially incompatible use areas.”

Staff was likewise concerned about the degree to which the 2005 draft was out of step with the community’s vision, and this problem persists in 2010:

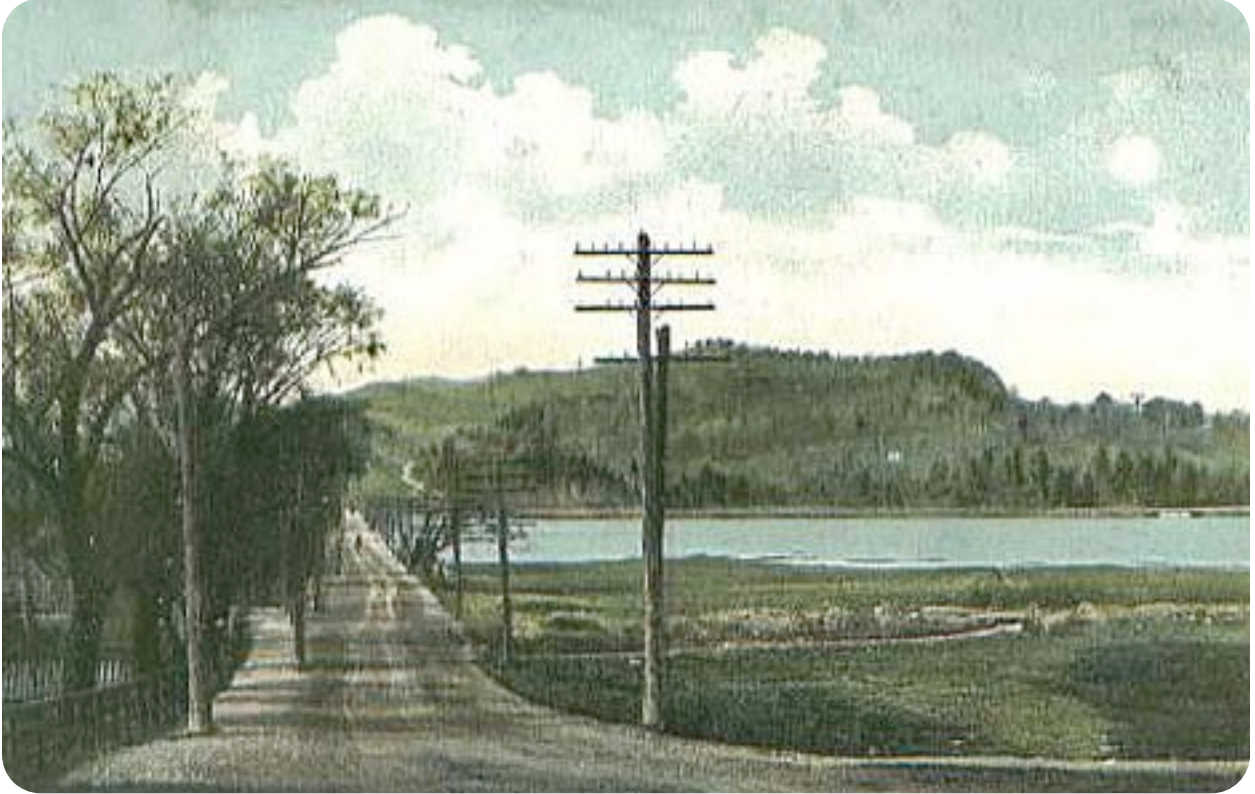
“[T]he LWRP lacks documentation of the kind of community consensus and analysis that support the HVP, which provides detailed recommendations for Hudson’s northern waterfront, and recommends pursuing acquisition of the SLC parcel for an expansion of the proposed recreational and commercial amenities. Similar clarity should be developed through a community-based visioning and planning process regarding the future of the southern waterfront, including the SLC property, and in light of recent decisions from the Common Council, Department of State, and SLC. Such a process is essential to justify whatever land uses the municipality ultimately proposes in the LWRP. The public at large must be afforded the opportunity to discuss and provide feedback on the City’s current assumption that industrial land use along the southern waterfront will be maintained into the future. The HVP clearly indicates that the community supports an increased focus on recreational, tourism-oriented waterfront redevelopment, and recommends zoning categories that support this type of development (see HVP pp. 85-88).”

Staff closes this portion of its comments in noting again the need to establish “standards in the policy section. [...] The zoning categories in the proposed legislation will have to be carefully crafted to ensure that desired land uses for the waterfront can be mutually advanced, and will not hinder one another. The document should be clear about any trade-offs being made, and explain the underlying rationale. Again, all potential uses and implementation techniques must be evaluated against a consensus vision of the waterfront, to see if they are compatible.” This guidance, too, remains highly relevant to the current draft.

Policy Protections for Identified Resources Currently, the policies are not sufficiently linked with the identified resources in the inventory (and vice versa). For example, there is a list of historic structures presented in the inventory (pp. 24-27), but these are not included in the explanation provided under the historic resources policy (Policy 23, Ch.3 p.26), nor is any information provided about current and potential protections in place for these resources. This is similarly true for the inventory of scenic resources, and for the habitats/fish and wildlife resources, among others. Resources that are identified in the inventory are assumed to be important to the City to some degree. What needs to be added and clarified is an explanation of how important they are, and how they are being (or might be) protected (local laws, zoning, etc.). In addition, all identified important resources should be referenced (i.e., listed out completely) in the related policy section, with the related explanations.

We do not intend here to recapitulate the entirety of this 2005 staff letter, though sorely tempted to do so. Throughout those 20 pages of guidance from the State, we find point after point closely

tracking those of our group and the hundreds and hundreds of citizens who have written letters, signed cards and petitions, participated in workshops, filled out surveys, and in countless other ways sought to impress upon the City that the community consensus for the southern portion of the Waterfront. To spare the readers of these comments a nearly-verbatim reproduction of Ms. Welsh's essential text, we will simply reiterate the need for this document to be closely read by today's planners and staff so that the current draft can finally come to reflect its sound and trenchant advice.



COLORIZED POSTCARD OF SOUTH BAY, EARLY 20TH CENTURY

IN THIS SECTION, we review four five plans and studies—the Hudson Vision Plan, Hudson Comprehensive Plan, Don Christensen’s *Saving South Bay* exhibition, Christensen and Friends of Hudson’s land title research, and the “no-build scenarios” described in the record of the SLC Greenport Project’s permitting applications—which each have critical relevance to the LWRP process.

A. HUDSON VISION PLAN & COMPREHENSIVE PLAN

In 1995-1996, the Hudson Vision Plan brought hundreds of citizens together with planners from Cavendish Partners to develop consensus around the dreams, needs and challenges of the City of Hudson. Sponsored by the Hudson Opera House, the Cavendish process proved wildly popular, generating a flood of ideas and suggestions from local residents, many of whom still reminisce about the hopeful and unifying atmosphere created by the Vision Plan sessions.

However, the Vision Plan was considered a threat by some established Hudson leaders, and the effort was disbanded after Mayor Richard Scalera launched a series of personal, political attacks on then-Vision Plan chair Judith Meyer. Nevertheless, the results of the Vision Plan were published, and as seen in discussion elsewhere in these comments, some ten years later many of its precepts formed the basis for the Secretary of State’s stunning 2005 ruling on the SLC Greenport Project.

Perhaps the best window onto the Vision Plan is through the City’s Comp Plan, which used the mid-’90s effort as a jumping-off point. At the turn of this century, the City of Hudson developed and passed a new Comprehensive Plan. Even though drafted and enacted at a time (2001) when Hudson was riven by the bitter and prolonged controversy over the Greenport Proposal, and even though the planners at Saratoga Associates came under fire for their dual role as consultants to SLC, citizens steering the Comp Plan process managed to ensure that the document scrupulously avoided any mention whatsoever of the name St. Lawrence Cement. The Steering Committee (of which Sam Pratt was a member) voted to strike any discussion or accommodation of company’s demands, needs, and expectations, though Saratoga managed to insert a few such remarks into the plan’s appendices. Instead, the Comp Plan appropriately stuck to questions of long-term visioning based in community input.

Unfortunately, the same cannot be said of the current DLWRP, which is full with specific references to (and accommodation of) the demands, needs and expectations of SLC’s parent company, Holcim, and its subcontractor O&G. This approach runs contrary to longstanding Coastal Resources practice, and to everything that community participants were told at the outset of this round of LWRP development in 2006.

The City’s Comp Plan contains numerous statements which ought to help guide the development of the LWRP. For example, p. 49 recommends that the City adopt an LWRP to complement and strengthen its Comprehensive Plan:

“The LWRP also represents an ideal opportunity to rebuild the relationship between the waterfront and the remainder of Hudson. It is a powerful tool to implement the core recommendations of the 1995 Hudson Vision Plan.”

Unfortunately, the embedding of heavy industrial activity at the Waterfront that is contemplated

in the DLWRP bears little or no relationship to the “remainder of Hudson,” which since the enactment of the Comp Plan in 2001 has continued to develop in a direction antithetical to the presence of blighting, intrusive heavy industrial activity. Taken together, both the Comp Plan and the Vision Plan militate against the extraordinary accommodations and provisions made for Holcim (and by extension O&G). Moreover, a reading of the Vision Plan shows that such activity was not among the community’s goals. See, for example, the well-known Cavendish rendering from the Vision Plan of a built-out Waterfront without any such industrial uses present.

The Vision Plan is likewise touted as a key model for future Waterfront activity on p. 24 of the Comp Plan, which highlights the specific goal of connecting Warren Street with the Waterfront: “The waterfront was studied extensively in the 1996 Hudson Vision Plan sponsored by the Hudson Opera House and improvements have been recommended to enhance connections to Warren Street. These improvements should continue to be developed as Hudson’s waterfront evolves.” The permanent establishment and even encouragement of new heavy industrial activity which is contemplated in the DLWRP has no connection whatsoever with Warren Street, and would only serve to deter the strengthening of the main street-waterfront connection promoted in the City Comp Plan.

Pages 16-17 of the Comp Plan state that Plan Goal 1 is to

“PROTECT THE TRADITIONAL CHARACTER OF HUDSON’S DOWNTOWN & NEIGHBORHOODS: Design policies should encourage mixed-use development (i.e. ground level commercial/retail and residential development on upper floors) in high activity areas like Warren Street, Front Street, and the waterfront, and strongly discourage the use of variances. [...] To promote these objectives, the City should develop design policies (including policies for the waterfront) that encourage future development to incorporate these principles.”

In referring to “mixed use,” the planners plainly meant mixed residential and commercial uses, not industrial ones.

Page 21 articulates the goal of “draw[ing] visitors to Front Street and further along to the waterfront, enhancing a necessary connection between Warren Street and the waterfront,” an idea which was echoed in public comments by Bonnie Devine in the WASC’s March 2006 public organizational meeting.

Pages 51-52 of the Comp Plan recommend the creation of an “Urban Waterfront District,” one which strikingly omits any mention or support for the inclusion of industrial activity at the Waterfront:

“In its present status, both the north and south segments of Hudson’s waterfront are zoned I-1, while the central portion is zoned R-4. For all intents and purposes, the 1996 Hudson Vision Plan outlined recommendations for Hudson’s waterfront that are consistent with the goals and objectives of this comprehensive plan. However, the existing zoning districts are not consistent with these preferred future land use patterns. In an effort to promote a mixed-use waterfront environment, the City should create a new zoning district to be called the Urban Waterfront District (UWD). The general limits of the district should be the area west of the railroad tracks, north perpendicular to Warren Street and south perpendicular to Broad Street. Permitted uses should be a variety of water-dependent and water-enhanced activities such as marinas, public boat launches, restaurants, parks and residential uses. Design standards, similar to those recommended for downtown, should also be developed and incorporated for this district.”

Secretary of State Daniels relied upon this language in his April 2005 Coastal Consistency Deter-

mination for the St. Lawrence Cement project. It presumes that the City's preferred and most desirable "water-dependent" uses are those related to public access to and enjoyment of the Hudson River: "marinas, boat launches, restaurants," *et al.*

In the same section, the Comp Plan also explicitly acknowledges that blighting activities have harmed the City's two important bays. In supporting a Conservation Overlay District, the Comp Plan states that:

"Hudson's North and South Bay's are unique environmental resource areas which provide flood control, water quality, recreational, aesthetic and open space benefits to the City. [...]ong-standing activities have been permitted in the South Bay area that has significantly undermined this valuable community and environmental resource. Protection and sound management of these natural resources will ensure continuation of their associated benefits and natural values. In response, to provide for the proper use of these valuable resources to the City and its inhabitants, a conservation overlay district should be established for Hudson's North and South Bay areas. The intent of the additional control of uses imposed in by this overlay district should be an attempt to achieve compatibility between environmental quality and future development."

While the current DLWRP pays some lip service to these Comp Plan goals, it simultaneously and incongruously promotes the introduction of heavy truck traffic through the wetlands of South Bay, essentially guaranteeing the long-term presence of massive barge activity at the Waterfront. This is part of a pattern in the current draft of making compromises which may temporarily relieve its authors of the need to address difficult choices, but which in the long run will guarantee future use conflicts and community controversies.

The very next section of the Comp Plan (p. 52) addresses the need for the City to enact "Performance Standards" tied to its zoning as a tool for resolving "difficult balancing process[es]."

"The proposed design standards will address the physical design of future commercial and industrial land uses. But the less tangible elements, like noise, dust and vibrations, are not limited in the existing ordinance. Consequently, many residences and businesses alike are experiencing some negative impacts from nearby industrial operations. In an effort to reduce these negative impacts, the City should develop performance standards. Performance standards are zoning regulations that permit uses based on a particular set of operation standards rather than on a particular type of use. Performance standards can provide specific criteria limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts, and visual impact of a proposed use. Generally, this set of criteria allows potential developers to understand how their proposed operation may fit into Hudson and, further, provides the City with clearly documented standards by which future projects can be evaluated."

Unfortunately, the DLWRP and GEIS do nothing to achieve this clearly-stated goal of the City's Comprehensive Plan. The phrase "performance standards" appears nowhere in either document, reflecting the general intent of its authors to protect the interests of Holcim and O&G rather than to craft a vision for the Waterfront that is consistent with longstanding City goals and more recent public input. Were they to address the topic, many of the industrial activities accommodated by the plan would likely be ruled out as generating excessive "noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, waste, traffic impacts, and visual impacts." Rather than supporting standards that would protect residents, workers, businesses and visitors from these impacts, the drafts instead (astonishingly) accommodate the very activities which would generate such impacts, while placing no restrictions whatsoever on the manner in which they are to be conducted.

The appendices to the Comp Plan note that “The general theme of the Hudson Vision Plan is to provide connections among ‘core areas.’” (p. B-51). But Holcim’s industrial activity at the Waterfront does not connect with the rest of the City; indeed, the DLWRP indirectly acknowledges this incompatibility through its attempts to require screening of stockpiles and other activity at the dock. If heavy industrial use were truly compatible with neighboring uses, and were an enhancement to views of the River, it would not need to be separated in this manner.

Appendix p. B-53 once again notes that “Access to the waterfront is inadequate” and that “The Hudson Vision Plan has made specific recommendations to create links between the downtown and the waterfront. The pedestrian network throughout the majority of the City of [sic] well connected. However, as noted above, clear pedestrian connections to the waterfront are necessary.”

The nature of activity on Warren Street—which is dominated by local shopping, services and dining—has no relation whatsoever with the loading of gravel and other industrial activity. To suggest any linkage between the two would be an absurdity. Yet the avowed goals of the Vision Plan and Comprehensive Plan were to create such linkages. No meaningful dialogue between the urbane, human-scaled experience of Warren Street and the discordant, hazardous activities carried on by Holcim and O&G (which must be screened and fenced off from the public) can plausibly be argued without emptying terms such as “linkage” and “connection” of all meaning.

Appendix C of the Comp Plan summarizes community surveys which the City undertook in the Summer of 2000 in an effort to gather public input on that plan. The body of the Comp Plan repeatedly refers to and relies upon the results of this survey. As with more recent community surveys, the results of the waterfront portion of the questionnaire starkly demonstrate that Hudson residents at the turn of the Century did not welcome industrial activity at the Waterfront. These results can be found on p. 4 of the Appendix C, survey item #7 (*the full table is included as Attachment IV-A to these comments*).

The planners asked Hudson residents to “indicate whether the following uses would be good for Hudson's waterfront.” By far the least popular option was “Heavy Industry,” with 70.0% stating that such use is “a bad way to use the waterfront,” and only 8.8% rating it “one of the best ways to use the waterfront.” By contrast, the most popular option was “Parks/Recreation/Open Space,” with 76.3% rating this as “One of the best ways to use the waterfront,” and only 2.5% rating them one of the worst.

These results closely mirror those contained in more than 400 surveys gathered by the Hudson Common Council’s Waterfront Advisory Steering Committee (WASC) in 2006, results discussed elsewhere in these comments. The consistency of these results over time is particularly noteworthy, and calls into question why the authors of this DLWRP have chosen to go to such lengths to accommodate publicly unpopular options. Curiously, while the DLWRP takes some pains to detail public input received, that survey is only cursorily mentioned, with no actual inventory of the specific results provided.

Overall, we urge that the DLWRP hew more closely to the thoughtful and enduring language of the Vision and Comprehensive plans, particularly as they pertain to the configuration of the southern portion of the Waterfront.

B. SAVE THE SOUTH BAY EXHIBITION

In 2000-2001, Hudson resident Don Christensen embarked on a remarkable exploration of a question he had every time he looked out the back window of his house on Willard Place: How did Hudson's famous South Bay—once an open body of water full of schooners that was depicted repeatedly by the Hudson River School painters—become a degraded swamp and landfilled industrial wasteland?

Christensen came to Hudson in the 1980s without any intention of getting involved in local affairs. Now the threat of SLC turned this casual question into a matter of fight-or-flight urgency. Going through old deeds at the Columbia County Real Property Department, dusty files at the County Historical Society, spinning through acres of microfilm in area libraries, checking the archives of historic sites and museums, and quizzing astonished bureaucrats at agencies like the New York State



C. 1893 POSTCARD FOUND BY DON CHRISTENSEN IN THE ATTIC OF HIS WILLARD PLACE HOUSE, SHOWING THE SOUTH BAY STARTING TO DEGRADE FROM THE CUMULATIVE IMPACT OF THE RAILROAD, THE IRON WORKS, AND JONES' TRESTDLE

Office of General Services, Bureau of Land Management, Division of Lands Underwater, Don unearthed the true history of the Bay. His research raised serious questions about the SLC's title to illegally-filled acres along the river, and resulted in a major exhibit at the Hudson Opera House, *Seeing South Bay*. The more than 100 images and documents in *Seeing South Bay* included old maps, deeds, newspaper articles, photographs, 19th Century artwork, and numerous other historical resources are archived online at the following URL, which is case-sensitive:

<http://www.warrenstreet.com/SouthBAY>

Images from the exhibit are interspersed throughout these comments. The exhibit included this March 2001 statement from the National Trust for Historic Preservation:

"With a mix of scenery and history unmatched anywhere else in the country, the Hudson Valley is one of America's greatest treasures. South Bay, with Mt. Merino rising overhead, represents a significant part of that heritage. The history of this landscape vista should compel each of us to ask: What have we lost and what could we lose further?"

and cultural knowledge) was to remind residents of the area that the South Bay was not always degraded—and that it does not have to remain so. Christensen’s project established the largely-ignored South Bay as a centerpiece of Hudson’s history and legacy, and created a public desire to see as much of it restored as possible—to reverse some 150 years of neglect. It made people realize that the City had more hidden assets and broader horizons than its leaders sometimes want them to believe.

Among the many small and large revelations of the exhibit was Christensen’s exposure of how industrialist Fred Jones, one of the earlier quarriers of Becraft Mountain, manoevered Hudson officials in the late 19th Century into allowing him to put a railroad trestle through South Bay, a body of water and view which was considered practically sacred by many residents.

Jones understood that if he simply proposed the trestle outright, he would be turned down. So instead he announced that he was going to put a railroad along one of Hudson’s residential streets to move vast quantities of stone to the Waterfront.

As Jones correctly calculated, this announcement set off a firestorm of indignation and protest. After the initial hue and cry, Jones came back with a repentant attitude and a stated willingness to compromise: He’d settle instead for a railroad trestle through the Bay. Those who feared trains rolling past their doorsteps fell for his ploy, and agreed to his fake bargain.

The parallels with the present-day actions of Holcim are all too clear. Holcim, with the connivance of O&G, have steadily introduced excruciating levels of truck traffic into dense residential neighborhoods of Hudson. Now, as part of the LWRP, they are “agreeing” to relieve the City of this noxious and hazardous traffic by accepting instead a heavy haul road through the South Bay—along the exact same causeway which was built up from sediment and fill surround Jones’ trestle. Will Hudson fall for this gambit all over again?

C. LAND TITLE ISSUES

In 2001, in the course of his South Bay research, Christensen also unearthed significant land title problems at the Waterfront, working with Friends of Hudson and also former OGS attorney Robert Maclean. Maclean was for several decades the attorney for the very agency which oversees such matters, and privately was able to verify with staff that Christensen’s claims had merit. *(A copy of a Friends of Hudson news release summarizing Christensen’s findings is included as Attachment IV-B and a schematic map, Attachment IV-D, created by Friends of Hudson in consultation with Mr. Christensen in 2001, which shows the contested areas in great detail; a detail of that map appears above.)*

Commenting on behalf of Friends of Hudson in July 2001 as part of the group’s application for full party status in the DEC review of the Greenport project, attorney Jeffrey S. Baker (who since has performed legal work for some City agencies) addressed the topic as follows. Due to the importance of this matter, we reproduce below a large portion of Baker’s brief:

X. LAND OWNERSHIP ON THE HUDSON WATERFRONT

As part of its application, SLIC proposes a significant expansion of its existing dock facilities in Hudson, primarily for the purpose of being able to simultaneously handle out-going barges receiving cement and in-coming HudsonMax vessels delivering coal and other inputs. SLIC has applied to the DEC and the Army Corps of Engineers for a permit to dredge up

to 80,000 cubic yards of river bottom and to fill up 51,907 square feet for construction of its dock facilities.²² Associated with the requested dock expansion, SLC has applied to the New York State Office of General Services for a Grant for Lands Underwater. Very serious issues have arisen with respect to SLC's right to request such a grant including questions about whether it even has valid title to the land it currently occupies.

Public records indicate that SLC does not likely hold title to substantial land areas along the edge of the Hudson River where the company proposes to locate its dock operations. Because of probably unauthorized fill-in of the Hudson River by SLC and/or its predecessor companies beyond boundaries defined by State authority, the locale of the proposed dock occupies a large area of land that in all probability is held in title by the People of the State of New York. In addition, the area of the waterfront that was filled in by proper authority of the State was permitted under the express condition of maintenance in perpetuity of a sizeable dock for use by the public. SLC and its immediate predecessor company failed to comply with this condition, thereby raising the prospect of a return of these lands to the People of the State of New York. The land ownership of the waterfront area would directly affect the nature of any dock operation proposed by SLC if not raising a legal question about the actual right of the company to occupy any part of the area.

The entire area of the current lands along the Hudson River now occupied by SLC's dock is landfill in the bed of the Hudson River. The issue of title ownership concerns approximately 1,400 feet along the River's edge that comprises SLC's primary area for its current and proposed active dock use. Authority for a precisely defined fill-in of this area of the Hudson River, along with conditions for the fill-in, was granted by State Legislative Act, Chapter 195, Laws of 1855, and was reconfirmed and slightly revised in a subsequent State Legislative Act, Chapter 167, Laws of 1861. These two Legislative Acts redefined the size and conditions of a previous "Grant of Land Underwater" issue by the State Land Commissioner through Letter Patent to John L. Graham dated December 12, 1836. There is no other apparent State authorization that provides any other definition of this area of the Hudson River permitted to be filled in or any other definition of conditions accompanying any fill-in. The Legislative Acts provide: (a) precise measurements of the area of the Hudson River allowed to be filled in for use of commerce (b) the condition for the filling of the River that states "hereby required forever hereafter to keep open the slip or space now opened by them to the south of their furnace of a width of at least sixty feet, and extending back from the channel of said river at least two hundred and fifty feet, for the use of the public." The restrictions defined by these acts for permitted landfill and the maintenance of the required public dock were honored for generations. Additional, and apparently unauthorized, landfill running most of the entire length of these 1400 feet of the Hudson River as well as the closing of the public dock was carried out by SLC and/or its immediate predecessor company at some time after approximately 1915.

An in-depth research project by Friends of Hudson member Don Christensen and subsequent confirmation by Robert Maclean, Esq., former counsel to OGS have revealed the problems with SLC's existing title. That research was further confirmed by the rejection by OGS of the draft survey supplied by SLC with its application for the grant of state lands, where OGS determined that the proffered survey lacked sufficient detail and supporting information to demonstrate SLC title to the existing lands and the proper delineation of the requested grant.

In the absence of a valid survey the precise extent of the possible unauthorized fill-in of the area cannot be determined. A rough approximation of the unauthorized landfill suggests an area upwards of seven acres and possibly more. All of the area of unauthorized landfill

would be lands held in title by the People of the State of New York. Without proper title, SLC's proposed design and use of the waterfront as outlined in the EIS cannot be considered.

The evidence of unauthorized fill by SLC and its predecessors in such a substantial area raises significant questions about the nature of the fill material and the real possibility that it was filled with industrial waste causing contamination to the lands of the People of the State of New York and the Hudson River. While the Joint Permit Application to DEC and the Army Corps of Engineer contains sediment samples in the river, there are no soil samples taken of the existing dock area itself and the area that was illegally filled.

In addition to the illegal and potentially dangerous fill, SLC and its predecessor's violation of the specific conditions of the Legislative grant constitute a gross violation of the public trust. SLC was required to maintain a 60 foot wide public dock area in perpetuity. That requirement constituted an early Legislative recognition that public access to the waterfront, not just by spectators but as an active waterfront was essential to the orderly development and beneficial use by all members of the community. By failing to comply with that condition, title to all lands held by SLC associated with that condition is subject to challenge and revocation. There is well established legal precedent for revoking grants of lands underwater where the grantee has failed to comply with the conditions of the grant.

Non-compliance with the condition is not simply an academic exercise, but raises significant questions with respect to SLC's offered mitigation of a pedestrian walkway around its property so that people can view the river. Regardless of how attractive SLC attempts to make such an access area, it is an inadequate substitute for the lack of public landing that it was supposed to have maintained in the first place. Before SLC seeks to mitigate the impacts of what it intends to do, it must first restore the condition it was obligated to provide as a condition of the original grant.

Coupled with SLC's violation of its existing grant, are grave concerns regarding the requested expansion of the dock area. The Hudson River Estuary Management Action Plan issued by DEC in 1996 and the 9 NYCRR Part 2, priority use of the Hudson River is to be given to the public by use of lands still owned by the People of the State of New York and thus should preclude an extension of the grant to SLC. This is particularly relevant with the City of Hudson's plans to redevelop the waterfront and increase public access to the river.

However, apparently due to the intense controversy surrounding the Greenport Project in 2001-2002, neither the DEC nor the Office of General Services' Bureau of Lands Underwater was eager to investigate the land title issue. In addition to SLC being a political "hot potato," private feedback from persons connected with OGS indicated that the State was loathe to open the whole "lands underwater" can of worms, since there is the potential of many supposedly private property owners along the river being similarly situated atop unpermitted fill into the River, lands which could be reclaimed by the State.

As such, this key issue was tabled by the Pataki administration during the period when no state agency wanted to be first to make a move on the controversial SLC project. It was reported back to Friends of Hudson that OGS staff at one point were instructed to try to disprove Christensen's research, but found that they could not. A single, inconclusive memo was issued which partially disputed one small portion of his research, but all the other aspects of the claim were left unaddressed.

Maclean is now retired in Loudonville, but would likely be willing to address this matter again; this same suggestion was made to the WASC and Ms. Roberts several times in 2006-2007, to no

effect. Nor to our knowledge has the City or DLWRP authors undertaken other independent efforts to ascertain the true extent of Holcim's land holdings in the South Bay area, though it is rumored that the quasi-public Hudson Development Corporation (HDC) undertook some investigation of these matters in 2005-2006. And naturally, Holcim has had no interest in pursuing this itself, and has strenuously denied that it lacks clear title to these former lands underwater.

But if the State and/or City were to ascertain that the disputed riverfront acres belonged to them, rather than to Holcim, the entire complexion of the DLWRP would change. All of the compromises and accommodations of the company's demands would be transformed into a major new public opportunity. Save the South Bay thus recommends with the utmost urgency that this matter be fully investigated prior to the enactment of any LWRP for Hudson.

D. SLC NO-BUILD SCENARIOS

Between 1998 and 2005, St. Lawrence Cement (now Holcim) was required to file numerous permitting applications with local, County, State and Federal agencies as part of its failed plans to move its cement manufacturing business mostly from the west to the east side of the Hudson River.

The record contained in those applications is directly relevant to the current DLWRP in many respects—not least in assessing the nature of the aggregate deliveries, stockpiles, and related truck/barge traffic to the Waterfront. Those impacts have become a principal driver of most of the decisions, considerations and compromises contained in the plan now before the City and State as it pertains to the South Bay area.

Sometime during the summer or fall of 2005, after the defeat of its Greenport proposal, Holcim and its subcontractors began trucking large quantities of gravel to the Waterfront through the City, loading it onto barges, and shipping it out. But nowhere in the thousands of pages of submissions to local, County, State and Federal agencies did St. Lawrence Cement establish this as either an existing activity, or a likely consequence of denying the Greenport project its approvals.

The absence of such statements in their voluminous applications provides ample grounds to question whether the use of Hudson waterfront parcels for incessant gravel deliveries and transport is an as-of-right use. Holcim and O&G have vociferously and repeatedly asserted that position in recent comments on the DLWRP filed this year with the City. The current levels of activity, which rose dramatically after the issuance of the 2005 Daniels decision, have generated concern and outrage among downtown residents; yet these have never been reviewed by the City, State or Federal agencies or subject to any enforcement action, even though this activity shot up from virtually no truck trips (except for a handful of salt deliveries and pickups in winter) to dozens of daily truck trips.

Strategically, for the purposes of securing permits for the Greenport project, the company would have had every reason to establish any existing traffic to the Waterfront, and also to threaten to send hundreds of trucks weekly to the waterfront if it didn't get its new plant approved. And yet SLC did not do so. Why? For the simple reason that this daily activity was not planned and did not begin until mid-2005. It was not a grandfathered use, since the property had been inactive for so long, and it was not a permitted use (despite being in an industrial zone), since the major new traffic, noise, water quality, wetlands, barge activity and other impacts from the trucking activity had never been brought before any agencies. At the time of the drastic introduction of a new activity and new level of operations in 2005, the matter should have been brought to the City of Hudson Planning Commission and any other relevant agencies for review.

Instead, Holcim just went ahead and created a destructive new nuisance — one with significant quality of life, habitat and other environmental impacts — without seeking proper permission, safeguards and mitigations. Privately in conversations with members of the WASC, legal advisor Cheryl Roberts agreed that SLC most likely did not have the legal right to proceed in this manner; but in the absence of either local political will or committed citizens groups to mount a challenge, a potentially illegal activity proceeded unchallenged. And so we now have an unnecessary debate about how to deal with a problematic activity which shouldn't have to be tolerated at all. Either the Hudson Code Enforcement agency or DEC regulators could halt this activity tomorrow.

Holcim should not be allowed to claim that this extensive new trucking and shipping activity to and from the Waterfront is a pre-existing or otherwise grandfathered use, since such claims are directly contradicted by evidence contained in their own filings with State and Federal regulators regarding the Greenport Project. As part of that project, SLC filed applications with DEC, DOS and the Army Corps, among others which detailed in great depth the company's trucking activities and likely traffic impacts. These included both inventories of "existing conditions" and projections of so-called "no-build scenarios"—i.e., what would happen if the Greenport project did not go forward.

Strikingly, nowhere in these extensive applications required by permitting agencies did SLC mention either any existing levels for delivery and shipment of gravel via the waterfront, or the possibility that such activity would commence in the "no-build" scenario. According to the company's own documents, this activity was not occurring before the project was turned down in 2005; and the company did not *foresee* it occurring in the future, if it did not secure permits for the Greenport project.

Yet that activity did begin in earnest during the Summer of 2005 with no apparent notice to any agency. Holcim has never publicly presented evidence of any specific permits for such a dramatic change in operations, relying instead on claims that the zone's industrial classification generally allows the activity without any further review.

However, drastic increases in activities or operations of this kind do require review and permits at minimum under SEQRA whenever they incur new environmental impacts. The Holcim waterfront site was essentially inactive and moribund for nearly 30 years since it was acquired in 1976-1977, again with only a handful of annual deliveries of road salt for convenience of City and County road crews. But starting in 2005, and steadily increasing to nearly intolerable levels up to the present, the company not only began daily deliveries and stockpiling of gravel to barges at the Waterfront, but also vastly increased its salt operations. (One downtown resident, having been assured by Mayor Scalera that salt deliveries were only for nearby municipalities, reported to Save the South Bay that he was awoken before dawn by a truck coming through the 1st Ward. After the trucker picked up salt at the Waterfront, he followed the truck all the way out of Columbia County to the Massachusetts turnpike.)

As such, a major change in the use of the site has taken place, without any agencies or code enforcement officers taking action to determine the level of change in activity and whether review is warranted. The new Holcim trucking and barging activity which only began in 2005 has resulted in significant local traffic and shoreline impacts. This should have triggered a review by the City and other agencies, but none has occurred. In private conversation with Sam Pratt in early 2007, City attorney Cheryl Roberts acknowledged that the City could exercise its rights to subject such activity to review, and even to order that it cease and desist; but Ms. Roberts stated that course would not be pursued to due to a lack of "political will" to take proactive measures to spare City residents these new and unwelcome impacts. Yet the unpermitted incursion of this activity is now presented as a major driving factor behind the DLWRP's cursory endorsement of the "causeway" option.

It thus seems especially cynical for the authors of the DLWRP, Mayor Scalera, and Holcim/O&G to cite well-intended and important State and Federal environmental justice (EJ) considerations in addressing trucking impacts which were within officials' power to curb and possibly even to stop altogether. Their concern seems not to be truly with protecting the well-being of affected downtown residents, but in using this ginned-up traffic as a bargaining chip—some residents describe it as blackmail—to obtain a new route through South Bay that the State had previously rejected.

ENDNOTE: There is a 19th-century precedent for such manipulation of Hudson officials to secure rights that the public had previously rejected. That precedent was discussed in a previous section of these comments concerning the 2001 exhibition at the Hudson Opera House, *Seeing South Bay*.



LATE 19TH CENTURY PAINTING OF THE SOUTH BAY, SHORTLY AFTER THE INTRODUCTION OF THE 'WATER-LEVEL' RAILROAD LINE

THE CURRENT DRAFT LOCAL WATERFRONT REVITALIZATION PLAN FOR HUDSON is unresponsive and at times even contradictory to the outpouring of public input the City has received over the past 15 years about the future of the Waterfront. We consider this to be probably the greatest shortcoming and missed opportunity of the DLWRP.

Beginning with the 1995-1996 Vision Plan, continuing with the 2000 Comp Plan, on to rounds of input received in 2006, 2007 and just recently as part of the LWRP process, citizens have routinely, specifically, forcefully and sincerely made their desire for a greener, more sustainable waterfront known to City officials and planners. The people have made it plain that public access, recreational opportunities, habitat restoration, environmental quality, and appropriate commercial development are their priorities.

The public has recognized that reshaping the Waterfront in those positive directions will confer tremendous economic, ecological and social benefits upon the City and region. Developing a sound Waterfront plan will complement the City's main street activity, spreading the rejuvenation of Hudson to a broader segment of the community, and making Hudson a regional, Statewide and even national destination. At the same time, the public has firmly rejected the discordant blight and incompatible industrial activities contemplated in this DLWRP as a hazard, nuisance and threat to residents' more forward-looking goals.

Unfortunately, these clear and optimistic public sentiments have been largely ignored, dismissed, and in some cases even erased from the current DLWRP, as follows.

A. 2000 COMPREHENSIVE PLAN SURVEYS

As noted in the previous section of these comments, the Hudson Comprehensive Plan's steering committee circulated in the Summer of 2000 an extensive community survey. The final Comp Plan relied extensively on the results of this survey, and the Secretary of State in turn relied heavily on language from the Comp Plan in drafting the April 2005 Coastal Consistency Determination regarding St. Lawrence Cement.

A portion of those surveys dealt explicitly with the community's goals for the Waterfront, with the results published on p. 4 of the Appendix C of the Comp Plan. Asked to "indicate whether the following uses would be good for Hudson's waterfront," the least popular option was "Heavy Industry," with 70.0% stating that such use is "a bad way to use the waterfront," and only 8.8% rating it "one of the best ways to use the waterfront."

Meanwhile, the most popular option was "Parks/Recreation/Open Space," with 76.3% rating this as "One of the best ways to use the waterfront," and only 2.5% rating them one of the worst. These results were consistent with the outcome of the Hudson Vision Plan's community outreach, and have been repeated with striking consistency in subsequent surveys, workshops, and public input provided by Hudson residents, as discussed in the following portions of this section.

We note that the DLWRP does not make any reference to the Comp Plan's waterfront surveys.

B. 2006 WASC SURVEYS & WORKSHOPS

Starting in March 2006, the Hudson Common Council’s Waterfront Advisory Steering Committee (WASC) began circulating a Waterfront Participation Survey among residents of Hudson. *(A blank copy of the Participation Survey is included in these comments as Attachment V-A.)*

The survey questions were developed by the Committee as a whole, and the form was designed by then-member Sam Pratt (now of Save the South Bay). Respondents were also encouraged to include more detailed written comments along with answering multiple-choice questions. A File-maker database was created for entering and analyzing the data collected. In addition to passing out copies of the survey to those attending public meetings, the WASC made copies available at City Hall and made special outreach to the Hudson community, such as students in the local schools, and members of the Hudson Power Boat Association. Residents of neighboring towns were also welcome to answer the survey, given that the Waterfront was considered a potential regional resource. But the bulk of responses were from Hudson residents.

According to the DLWRP’s appendices, some 390 surveys were collected. The results of the survey were consistent with the 2000 Comprehensive Plan Survey discussed above. The highest-rated activities were “Protected Habitats,” “Open Space,” and “Outdoor Performances.” The lowest-rated activities were “Heavy Manufacturing,” “Lumber Yard,” and “Trucking.” The remaining results in between flowed on a relatively even continuum between ecological, recreational, and appropriate commercial options at the top, and light and heavy industrial options at the bottom.

We call these results to the attention of the City and State for three main reasons:

- (1) Local Waterfront Revitalization Plans are supposed to arise from public input and consensus.
- (2) These results directly contradict the decision of the authors of the DLWRP to base much of the Waterfront plan around an accommodation of heavy manufacturing and trucking, two of the three lowest-rated public priorities—and priorities with a strong likelihood of impairing the public’s interest in its three top priorities.
- (3) Though the DLWRP makes mention of the *existence* of 390 community surveys, and describes that effort among the “key activities” used to “ensure that the current interests and concerns of all Hudson’s residents, city and county officials and interested organizations are reflected” in the draft, the full results themselves are never disclosed or discussed in the DLWRP. The DLWRP very briefly mention is made that “open space and parks and restoration of habitats and conservation featured at the top of the list,” and that the plan is consistent with these goals, without any acknowledgement that the plan is inconsistent with the remainder of the results.

In short, a “key” aspect of the public input gathered to form this plan has been almost entirely erased from the record. Save the South Bay can’t help but think that this omission is due to the fact that the full 2006 survey results did not support the authors’ contentions of City “support” for unpopular aspects of the plan. We therefore urge that the full results of the surveys be included in the record, addressed in the LWRP narrative, and used to bring the plan more in line with the community consensus.

Just as glaringly and inexplicably, the DLWRP erases the results of the initial meetings and workshops held by the WASC in the first half of 2006. The plan narrative makes no mention of public meetings, each attended by some 100 persons, held on March 7th and March 20th, 2006 in the auditorium of John L. Edwards Elementary School. There is no disputing that these public events oc-

curred; they were variously attended by attorney Cheryl Roberts, several DOS staffers, elected officials, and large numbers of residents, as well as reported in the local press.

Sam Pratt, then a member of the WASC, retained his notes of these meetings and notes that in addition to the matters covered in previous sections of these comments, the following occurred at the March 7th, 2006 meeting:

- i. Bonnie Devine stated that “an LWRP is a comprehensively-prepared plan for a community’s waterfront area, based on public participation.”
- ii. Nancy Welsh stated that the meeting’s “good turnout shows good commitment.”
- iii. Residents asked numerous questions and offered many suggestions during the Q & A. For example, resident Amanda Henry suggested that SLC (Holcim) remove the unsightly tower which has been rusting there for several decades. Resident Richard Cohen suggested that the City and State use eminent domain to secure the cement company property. Numerous other ideas and questions were brought forward, but are not recorded in the DLWRP.

Notes of the March 20th, 2006 meeting include the following:

- i. Presentations were made by attorney Cheryl Roberts, then-Alderwoman Carole Osterink, Joe Kenneally of the Hudson-Athens Lighthouse Society, WASC chair Linda Mussmann, and WASC member Sam Pratt.
- ii. After the presentations were made, citizens broke up into alphabetically-random brainstorming workshops of 6-10 people each, with each group choosing a spokesperson to report back on its discussions as follows. (NOTE: These are shorthand records, which have not been cleaned up for the sake of authenticity.)
 - **Group #1** (*Carole Osterink*): Want to see the return of transportation on the river, boats from Albany to NYC. Criticism of too much parking on the shoreline, both in reality and in Vision Plan. Boat Club building used to be the ferry terminal. Preserved and restored as such? Fishing: Has a possibility of generating some income, bass tournaments, more attention to fishing. Vision Plan may have reflected 10 years ago, but a lot of people weren’t here then, need to reflect that. Surveys should be translated. Lake and Pond should be within the boundary.
 - **Group #2** (*Rudy Huston*): Zone maybe should include all of Hudson. Access for fire engines down to the Waterfront. Get fire department more involved. Coordinate with Greenport on accessibility issues to South and North. Hilary Hillman: Would have more possibilities as far as moving boat clubs, ferries, recreation areas. Might result in more funding opportunities.
 - **Group #3** (*Sam Pratt*): Access, moving over the tracks, trying to connect Promenade Hill to the water, stairs/steps; improve tidal flow into the South Bay; include North Bay; get a zoning map to look at; clam shack; expand the mixed use zoning; restoration of the habitat, Woods Hole of Hudson; Bard College field station. Grid of streets, with lots for sale? Allow mixed residential/commercial development, controlled; boat rest stop, amenities, gas; restaurant tied into train station; trees; raise 3rd Street into a causeway, more public transportation to the Waterfront.
 - **Group #4** (*Ellen Thurston*): Farmer’s market, more access, bridge over Water Street; more walking areas; Power Boat Club is foreboding because it’s not a public building, moving it might be a good thing; Where will the hotel be? Stairs from Promenade hill —disagreement. Who owns the Terrace Apartments? Promenade Park: can it be enlarged? Safety of bridge; Who owns all the property on the Waterfront? Eco-tourism in South Bay. New Waterfront Conservation Area.
 - **Group #5** (*Patrick Doyle*): Restore the history of the waterfront, restore the old docks and pedestrian bridge at the head of the embayment; get grants for combined sewer overflow, 75% of the city is blending

sewage and stormwater; hook up estuary with Stockport Creek; want to see an overlay of the zones with industrial vs. conservation. Take part of the South Bay, and create a waste system, biological waste system, so that all the overflow, that it become an engine of cleaning. But needs an ebb-and-flow study. Take out east-west railroad bed. Change the South Bay zoning via conservation overlay. Go the Estuary route, make ecotourism and scenic beauty top priority. Causeway to increase waterflow, culverts; habitat plan; institute of higher learning to replace the prison, start now to try to attract the kind of people necessary. Trail system, continuing through the waterfront. Furgary Boat—cultural community, welcome them, create more sanitary situation.

- **Group #6 (Alan Hamilton):** More conceptual conversation, about the feel of it... One of the words that came up was “organic.” Idea that this thing could grow from the inside, instead of “build it and they will come.” Need to engage the entire community. One specific idea. Create nominally-priced, seasonal rental kiosks, where just about anybody could afford to have a seasonal business (food, art, crafts). Bring in people who might not have a large amount of capital. Farmer’s market. Let people do their own thing, get more varied look and feel, as opposed to a “designed” feel.

Again, these meetings were held in March 2006, and another follow-up meeting was scheduled for April 2006. Nevertheless, the plan narrative states that the DLWRP “kick-off meeting” was held on August 31st, 2006, nearly six months after the process actually begun. We wonder why this historical revisionism has occurred, and it makes us all the more skeptical about the manner in which public input has been subjugated to the interests of two corporate interests throughout much of this plan.

C. 2007-2010 SAVE THE SOUTH BAY INPUT

As of May 18th, 2007, more than 1,000 signatures were submitted in various formats to the City and State by residents of Hudson and the surrounding area who were concerned with the direction of the DLWRP released that April.

Yet on p. 162 of the DLWRP, the authors of this plan acknowledge only that “dozens of public comments” and “some additional survey results” were “received in May 2007.” We don’t know how 1,000 people became dozens, and in any case the DLWRP does not summarize or analyze the comments received. As with the disregarded 2006 surveys and meetings inventoried above, we again have difficulty understanding this erasure of a massive outpouring of public input on a plan supposed to be driven by precisely that input. As with the 390 surveys gathered in 2006, there is little in the revisions since that date which reflects that feedback from the public. While the current draft has more details filled in, its overall intent and fundamental goals remain unchanged from the time when those 1,000-plus comments were received.

Those May 2007 comments which have been erased from the record included copies of various petitions, letters and postcards gathered by Save the South Bay in an effort to secure a more positive and ambitious plan for the Waterfront area (where State and Federal agencies have invested millions to jumpstart improvements of public access, infrastructure, and recreational opportunities). These included over 200 online petitioners, many of whom included written comments with their electronic signatures (*a copy of that petition is included in this submission as Attachment V-B*).

The 2007 public outcry against the direction of the LWRP the arose from the announcement by then-WASC chair Linda Mussmann of a highly unpopular outline for a plan which, like the current draft, sought to accommodate industrial activity in the midst of walking, biking, picnicking and boating areas. The main petition submitted stated that:

The proposed Waterfront plan does not reflect the clearly-expressed wishes of the people. We call upon the City and State to (a) allow more time for public input, and (b) develop a more forward- looking plan which showcases the full possibilities of this magnificent re-

source—focusing on public recreation, access to the river, open space, habitat restoration and appropriate commercial development—unimpaired by heavy industrial activity and blight.

The petitions gathered also included a vast array of personal testimonials, pleas, and suggestions to the City and State. These, too, have been erased from the record and largely disregarded within the process. In yet another set of petitions and cards, signatories endorsed the following request:

I support the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I oppose further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

All legal means should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

Hudson resident and longtime business owner Jennifer Arenskjold, who helped to gather signatures, stated in a Save the South Bay news release (*a copy of which is included as Attachment V-C*) that “This ought to be the City of Hudson's big chance to reclaim its waterfront and make the ‘Port of Hudson’ the most inviting place on the river.”

At that time, Save the South Bay noted (per above) that nearly 400 surveys collected by the WASC showed that the public's top Waterfront uses were open space, recreational opportunities, access to the river, habitat restoration, and appropriate commercial development; while industrial uses such as the trucking and storage of construction materials ranked lowest. Residents urged that “all legal means” be explored to eliminate the longstanding “use conflict” at the Waterfront between heavy industry and greener, more sustainable uses. Yet WASC chair Linda Mussmann privately decided in Summer 2006 to accommodate heavy industrial activity at this site, legitimating highly disruptive and discordant uses at the Waterfront. It was noted that despite a verbal promise by Mussmann to have the Waterfront plan include an alternative vision for what would be possible if Holcim were no longer present in the South Bay, no such alternative was brought forth by the LWRP planners.

This round of public input also cited problems such as:

- The potential impairment by Hudson of the Athens LWRP;
- The WASC's lack of attention to land title problems for SLC operations along the river;
- Holcim's history of poor stewardship of the South Bay and “abysmal” environmental track record and the scurrilous tactics used in promoting its Greenport project;
- The Secretary of State's April 2005 package of recommendations for creating a new “Waterfront Zone” in the South Bay area which emphasized greener, more sustainable activities providing greater economic benefits to the community than heavy industry; and
- The lack of oversight of Holcim's dramatically-increased Waterfront trucking and gravel operations.

Yet three years later, most if not all of these concerns remain in the DLWRP, despite the massive amount of negative feedback from the public, necessitating their re-assertion in more recent public comments such as these. At that time, Save the South Bay spokesman Sam Pratt stated that

“Waterfront plans are supposed to be based upon a vision that serves the public’s long-term goals, not upon a defeatist attitude to short-term obstacles. Instead, the Committee’s pessimistic plan has been driven by political miscalculations, nervous lawyers, and clumsy compromises which serve no one.”

For many who have waited years or decades for a serious-minded and visionary Waterfront plan, participation in these comment periods has begun to feel like the movie Groundhog Day. That is not, however, a rationale for enacting a bad plan, just to end the cycle. It’s a reminder that if Hudson were to get its LWRP “right,” Hudson would be spared future controversies because sound planning and zoning would rule out destructive proposals such as Octane, Americlean, or SLC before they left the drawing board. And the people would have the access, recreational, social, ecological and other benefits they have craved for so long.

Now in 2010, Save the South Bay has collected another 650-plus signatures on an online petition, again accompanied by hundreds of heartfelt and detailed comments expressing concern about the direction of the DLWRP. The current petition (*which is included as Attachment X-A*), includes this statement endorsed by the signatories:

The current draft Waterfront plan for Hudson reflects neither the public input received, nor the 2005 instructions from the Secretary of State for rezoning this magnificent public resource. We call upon the City of Hudson and State of New York to:

(1) extend the public comment period; **(2) revise** the plan in a more forward-looking direction to unlock the full recreational, habitat, and commercial potential of this regional treasure; and **(3) remove** any possibility of further impairment of these resources by heavy industrial activity, nuisances and blight.

The wetlands of South Bay should not be further industrialized; and the public's access to the Hudson River should not be compromised by harsh, incompatible neighboring activities. Future generations will thank those citizens and officials who ensure that this plan is one based in long-term benefits for the many, not in the narrow, short-term concerns of a single corporation.

In addition to these petitions and attached statements, Save the South Bay has engaged hundreds of other citizens in encouraging them to send cards, notes, emails and letters to the State about the current DLWRP—comments intended to be shared with City officials as part of their record as well. Other residents are contacting their Aldermen and Hudson Common Council President directly either by phone, email or personal contact. We are not meanwhile not aware that any countervailing input has been received in any similar (or even fractional) quantity by the City and State in support of the further industrialization of the Waterfront.

Having fought off oil refineries and toxic waste proposals for the Waterfront; having participated in the Vision and Comp Plan processes; having secured a stunning ruling from the Secretary of State in 2005 to “stop the plant” which included firm guidance for rezoning the Waterfront; having participated in good faith in WASC meetings, workshops and surveys; having signed countless petitions, postcards, and written letters and emails to the State and City about multiple drafts of the LWRP, the residents of Hudson and surrounding towns are growing increasingly cynical about the role of public input in this process. Save the South Bay calls on the City and State to now restore

the public's faith to that process by putting public participation back at the center of this process.

Recent comments jointly submitted to the City of Hudson by Holcim and its trucking subcontractor O&G go a long way toward exposing their true intentions at the Waterfront.

For example, the companies assert in these comments that their industrial activities must take “precedence over all other contemplated mixed uses, such that recreational uses must ‘work around’” them.

Holcim and O&G resist any provisions which would prevent them from carrying on heavy industrial activity during nights or weekends. The lack of such provisions would make weekend events and festivals at the Waterfront nearly impossible, due to noise, dust, traffic and pollution from trucking, loading and barge activity; and could make getting a good night’s rest in the 1st and 3rd Wards of Hudson something of a challenge.

In comments on new zoning provisions, the company makes explicit their long-term goal of putting a conveyor belt through South Bay—an idea explicitly ruled out by the Secretary of State in 2005.

They likewise won’t agree to any restrictions on the “height, size or numbers” of gravel, salt or other stockpiles on their property. Nor do they wish to be subject to any site plan reviews based on its use of the waterfront, preferring to be constrained only by “market conditions.” (This attitude would essentially mean there would be no public restraints whatsoever on nuisances; aggrieved neighbors would have to pray for a recession to get relief.)

The theme of heavy industry taking precedence over public uses runs throughout the companies’ own documents. They assert that their operations should be permitted to “dominate” the port area. They denigrate low-impact development (such as riverfront restaurants) as merely “water-enhanced,” while characterizing their own activities as “water-dependent,” even though gravel, cement, etc. are often shipped by truck rather than barges.

This theme is coupled with another: the complete resistance to public oversight. Holcim and O&G say they won’t be subject to any “City-imposed operational restrictions” of their activities. They want to require the City to “remain silent” in any regulatory reviews of their “existing” gravel operations (which started in the Summer of 2005 without the City taking any enforcement action), and warns that they will “strenuously object to and oppose any requirement that they obtain zoning permits to authorize the current operations subsequent to the adoption of the LWRP and zoning.”

Similarly, they “categorically reject” and strongly resist any attempt by the City to take control of the port, and do not want the City either devising a harbor management plan or appointing a harbor master. (Imagine trying to launch a kayak or sailboat next to a massive barge, with no one to supervise when and where such vessels enter or exit the waterfront.)

In discussing the establishment of new park areas, the companies threaten that “any public recreational use/access would not be possible without our cooperation.” (In fact, were the City and State to apply some of the many tools they have for easing or ejecting Holcim off the Waterfront, the willingness to cooperate would flow in the other direction.) They furthermore oppose the imposition of a 100-foot easement along the railroad tracks, which is entirely necessary to make passage of pedestrians, bikes and vehicles possible to the southern reaches of the Waterfront.

These two companies' joint mindset is perhaps best summarized by their comment on Coastal Policy #19, in which they assert that "the business interests of Holcim and O&G must continue to be met" and "balanced" with the public and City's desires—a statement which tacitly admits there is a very real conflict between those interests. The recognition of that conflict was the precise basis of the SLC decision in 2005, one which appears to have been erased from the memory of the DLWRP's authors.

FOR THE MOST PART, THE OBJECTIONS OF SAVE THE SOUTH BAY to the DLWRP and associated GEIS are big-picture concerns. Fundamentally, we believe the LWRP process veered off-track starting in late 2006 and early 2007. We believe that correcting the cascading errors which resulted from that initial derailment will require hopping several steps back along the line. Much as we are eager to see Hudson's 23-year LWRP Odyssey ease into port, we believe that arriving at a safe and welcome destination is far more important than simply finding some harbor—even a hostile one—in which to anchor the plan.

From the moment that the shapers of these documents concluded (whether out of defeatism, exhaustion, shortsightedness, simple negligence or outright corruption) that they had to work around the narrow self-interest of a single property owner, the goal of community consensus had to be abandoned in favor of a compromised and conflicted accommodation. At that point, all the well-meaning rhetoric about the principles of Waterfront planning, all the hard-won victories over the past four decades, and all the heartfelt and imaginative public input became subjugated to the demands of a single foreign-owned corporation, Holcim.

As such, we are somewhat reluctant to attempt a line-by-line analysis of the current LWRP and the GEIS, because nearly every line related to the South Bay would require rebuttal. What we primarily suggest is that the State and City re-envision the entire document in terms of the public input, staff guidance, past precedents and historical concerns which undermine or contradict nearly every pica of the fine print of these documents. Once that has occurred, we would expect to then offer that fine-grained level of commentary. We simply don't believe the LWRP is ready for such line-by-line refinement, because its fundamental vision and assumptions are so out of sync with the community consensus. (To do so would be like asking a group of vegans to judge a barbecued rib contest, or a tribe of cannibals to discuss their favorite brand of tofu: in theory either could be done, but the concept is fundamentally flawed.)

We likewise have little doubt that any reasonably-adept attorney can find some way to make even an approach as flawed as the current DLWRP technically conform to a bloodless and abstract interpretation of the 44 policies. The point of Waterfront planning, however, is not narrowly threading the needle of compliance, but the development of true community consensus and a vision which will serve the City and State long after those involved today are forgotten.

Nevertheless, and with the foregoing caveats, we will add here some limited comments on the LWRP policy and GEIS narratives as they stand, taking the latter first. We apologize if many of these are repetitious, but that need for repetition arises from the overarching and underlying fundamental flaws of the City's DLWRP. Many of our comments on these policies are already set forth elsewhere in this submission, but we have endeavored to reference those again as much as possible.

NOTE: Both the DLWRP and GEIS documents provided in PDF format by the City were locked (secured) by their authors, which technically prevents the copying-and-pasting of relevant text from either document. This has made line-by-line commentary extremely cumbersome, unless one re-types each entire document, and does not appear to serve any useful purpose except to deter public participation. In the future, we suggest that unlocked copies be provided.

A. REVIEW OF THE GEIS

SAVE THE SOUTH BAY TAKES PARTICULAR EXCEPTION to the so-called “alternatives analysis” of truck routes contained in Chapter 5 of the Generic Environmental Impact Statement (GEIS) accompanying the DLWRP. The entire alternatives exercise is based upon a flawed premise. It is incomplete. And it is transparently perfunctory.

In reviewing this portion of the GEIS—a study which was underwritten by O&G itself—one has the distinct impression of a foregone conclusion in search of convenient arguments, rather than of any objective search for evidence to inform an objective, rational analysis. The Plan reviews at some length but in precious little depth various options for accommodating gravel and other truck traffic from Becraft Mountain to the Waterfront. It gives short shrift to alternatives other than the “causeway” (former railbed) route, despite the authors’ admission that the impacts of this option have not been fully and adequately studied yet. It advocates the selection of the causeway route, even though the impacts of this choice would require further investigation, while summarily dismissing more plausible alternatives on flimsy pretexts.

This alternatives analysis is based upon a fatally-flawed and ginned-up premise: Namely, the assumption that the DLWRP must contemplate heavy truck traffic to the Waterfront at all. **The City should instead be exploring and exercising its many options for the removal of truck traffic from both the South Bay and downtown Hudson neighborhoods** currently suffering the effects of unwanted and unpermitted truck traffic. A phony dilemma is being presented, one which pits environmental justice for downtown residents against environmental quality for the habitats of South Bay. This is something like the urban planner’s version of *Sophie’s Choice*.

(We also note that no performance standards, emergency planning, or other conditions related to this causeway route are attached to the “preferred” causeway option. The absence of limits on frequency, duration, weight and other common-sense requirements, compounded by the absence of traffic studies to determine the need for signage, stop lights, etc. all highlight how the DLWRP’s advocacy for this incompletely-studied option was a foregone conclusion based in politics and influence, not hard analysis.)

It is a stark measure of the failure of the LWRP process to date that citizens are being forced to choose between two unacceptable and avoidable options. The City has other tools and options to provide the community with both relief from truck traffic, and protection of important habitats. Plan developers, consultants and certain Hudson politicians have likewise sought to inflame and confuse public sentiment by suggesting that recently-introduced O&G truck traffic plaguing downtown neighborhoods can only be eliminated by allowing those trucks to pass through the wetlands of South Bay instead. As noted in our other comments regarding the history of the Jones railroad through the Bay (in which Hudson officials were manipulated into accepting something intolerable by the proposal of something even worse) this is a shameless bait-and-switch tactic.

However, as City officials have been repeatedly advised in public and private, Hudson would appear to have ample power to spare residents this noxious traffic without negatively impacting the South Bay. Again, as noted above (in Section II.), representatives of DOS specifically advised the WASC at the outset of this process that

“Even the parcels not publicly-owned are still the City’s waterfront, and you do have local tools to shape what happens on any and all parcels.”

Instead of taking up those “local tools,” the DLWRP offers residents with an intolerable choice between the health of the Bay and the health of residents. Instead, the City should be protecting both. Such traffic should be prevented through both the City streets and the South Bay. We therefore bridle at the necessity of commenting at all on the relative merits of the “alternatives” to the causeway, since a no-truck alternative is not included. As such, we recommend that the State and City instruct its LWRP authors to revisit the topic from scratch.

If forced at gunpoint to choose among alternatives, a pass-through via either side of the former L&B factory would probably be deemed the least offensive. In 2004, when emergency routes for Niagara Mohawk vehicles performing remediation of the Lockwood property were the subject of heated local debate, the management of L&B under pressure from the Mayor claimed that such a route was impossible. However, with L&B bankrupt, it conceivably may be more possible now to find such a route through that property. Of the options presented for Waterfront truck traffic, this is probably the least offensive, relatively speaking, though still extremely problematic. Given that the L&B property has been the beneficiary of hundreds of thousands of dollars in grant aid; since the City has various landholdings in the area to help facilitate such a route; and since (as far as is known) these do not lie in the Federal wetland area proscribed by the NYS DOS, in theory the owners of the L&B parcels ought to be accommodating of this option.

However, given the above-referenced options for eliminating such activity entirely, an L&B option ought to be considered only as a last resort.

Other points about the GEIS not covered elsewhere in these comments, or just worth reinforcing:

- **Section 2.0** purports to review the Hudson Vision Plan and Comprehensive Plan’s goals and consistency with the current documents. However, it nowhere reconciles any of the statements cited in our comments above from the Vision or Comp Plan which run directly counter to the notion of further industrializing the South Bay and impairing neighboring uses at the Waterfront with heavy, blighting industrial uses. As such, the analysis seems perfunctory, merely cherry-picking the blander and more generic elements of those plans to provide an appearance of support for the LWRP.

In addition, this cursory review of the Comp Plan nowhere mentions its firm recommendation of the adoption of “performance standards” for various land uses and activities in various zones as a crucial tool for establishing appropriate types and levels of use.

- **Page 2-20** states that much of the riverfront land in the southern portion of the Waterfront is owned by Holcim. Per our earlier comments, Save the South Bay disputes whether Holcim holds clear title to some 7-12 acres along the River and sees no evidence of investigation of these publicly-raised questions about land ownership throughout the study area.

We likewise do not believe it is realistic to assume (and certainly it has not been demonstrated in either the public process or texts of the LWRP and GEIS) that the heavy industrial activities contemplated by Holcim can be conducted “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.” How, for example, is someone launching a canoe, kayak or sailboat to deal with the entrance or exit of a massive barge immediately next to a boat launch, especially in the absence of schedules and oversight of port activity? How are pedestrians going to enjoy walking south to Sandy Beach and “East Jesus” with some 250 trucks whizzing past during the day? How are public concerts and other events going to be held at a park with gravel being loaded and other materials being unloaded immediately next door, or large diesel engines idling upwind? These are precisely the sort of incompatible uses identified in the Secretary of State’s 2005 Coastal

Consistency Determination, which recommended that such industrial uses be prohibited in a Waterfront Zone.

- **Page 2-21** states that “the City supports” routing O&G’s dump truck traffic over the causeway in South Bay. The basis for this claim is not explained. Who is “the City”? The Common Council has merely authorized the release of this draft; it has not as a body endorsed the causeway option, and many or most of the Alderman did not interpret authorizing that release as an endorsement of all aspects of the LWRP. Indeed, the vote to release the LWRP was not presented by the City attorney in that manner, but rather as the start of the next phase of public input. Moreover, there have been no surveys, petitions, or other significant public input received by the City supporting this option. It thus appears that the authors of the GEIS are inserting an unsupported opinion into their supposedly neutral review of the environmental impacts of the current draft.

This section (2.4) also admits that a detailed review of the environmental impacts of the causeway option was not possible, which begs the question of why resources are being devoted at this stage to analyzing options and alternatives. This admitted lack of specificity, especially as they regard impacts to Federally-protected wetlands, makes a mockery of the notion of analysis and environmental review.

- **Figure 2-8** purports to show the existing “truck route” used by O&G haulers, but does not accurately represent the actual routes taken by such vehicles. This is a symptom of the lack of specific, meaningful study of the topic at hand, as even cursory interviews of residents would have resulted in a different chart showing multiple routes.
- **Section 3.0** broadly and briefly asserts that “In all areas of adoption, analysis and implementation of the proposed LWRP is generally expected to have a positive effect on the environment.” No supporting arguments, rationale or other evidence for this sweeping statement are provided in this section, nor adequately justified in the following sections discussing specific elements and impacts of the plan.
- **Figure 3.1-5** indicates proposed locations for a “Beach Area,” “Public Marina and Mooring Area,” and “Relocated State Boat Launch” south of the Holcim dock, which the company seeks to extend by another 400 feet to accommodate larger vessels. Anyone familiar with these areas, either through walking along the existing railroad tracks or via navigation of the river, knows that it is not feasible to have successful activities of this sort at this location so long as Holcim continues its current operations, much less if the company expands them. There is neither enough room for pedestrian and vehicle access to walk or drive to the activities without encountering harsh impacts and hazards from heavy industrial activity; nor would it be safe to launch most watercraft in close proximity to large vessels (some of the ocean-going) utilized by Holcim. These locations only become suitable if heavy industrial activity were to cease at the dock.
- **p. 3.1-13** explicitly mentions Holcim’s intention to extend its dock by 400 feet. This would accommodate far larger vessels than those already docking at Hudson, incurring even more noxious and potentially hazardous impacts to recreational and appropriate commercial activity at the Waterfront. The April 2005 ruling of the Secretary of State denied prior attempts by this company’s subsidiary to expand and “modernize” its port, which appears to be a euphemism for expanding industrial activity previously rejected by the State.
- **Section 3.1** generally treats recreational and commercial uses as if they can coexist successfully with neighboring industrial uses. We note that in a public hearing conducted by the WASC in 2007, consultant Paul Buckhurst admitted that heavy vehicle traffic coming off the causeway

along the railroad tracks to turn and enter the Holcim dock area would make commercial activity impossible on those parcels adjoining the western portion of this truck route. When he then proceeded to show pedestrian paths following along the same truck route, Mr. Buckhurst could not explain how pedestrian, recreational activity could coexist where commercial activity could not. Overall, we find that though this proposal includes professional-looking maps and innocuous-sounding descriptions of such proposals, being familiar with the terrain exposes most or all of these options as likely to prove impractical and even hazardous in the real world.

- **Page 3.1-30** refers several times to the possible existence of “vested rights, if any” of existing landowners (i.e. Holcim) in the southern Waterfront area. It is difficult to imagine that planning could advance to this stage without a legal determination being made whether such vested rights do in fact pertain, and what the consequences for the LWRP would be if they do. The presence of this repeated phrase, “if any,” suggests that the analysis and proposals related to this area have been developed prematurely, in the absence of a full understanding of the ramifications of certain zoning choices. Either the LWRP proceeds from an assumption of such rights existing, or it doesn’t, and key decisions can’t be made without that crucial matter being assessed. **Page 3.3-10** repeats this language, and again begs the question of what vested rights, “if any,” may be asserted that would foil the apparent intent of the plan.
- **Page 3.1.3** refers (as do other portions of the LWRP and GEIS) to prohibitions against “manufacturing and processing” of various materials, goods and products. The term “processing” ought to be clearly defined somewhere in these documents, as it is likely that some potential owners or lessors of Waterfront parcels would seek to stretch the definition of this term as far as the Code Enforcement Officer will allow. For example, we would contend that the transportation, offloading, stockpiling, and loading of materials such as aggregate fits that definition: a material or product is being repeatedly moved, handled and stored for delivery from one site, vehicle, and/or vessel to another.
- **Page 3.2-8** describes some existing contamination issues at the Waterfront, specifically the Lockwood property. We would note that elsewhere in these comments we have noted official correspondence indicating that contamination from some Waterfront parcels was found to have migrated into the river from State-listed contaminated sites adjoining the River, as well as other expert opinions about landfill and dumping in the South Bay area. Any expansion into and/or dredging along the riverfront needs to take into account the likelihood of the presence of such obstacles to altering existing conditions.
- **Page 3.3-10** initially appears to provide some general reassurance that industrial activity in the R-C zone could become subject to review once the LWRP is adopted. However, we frankly do not have full confidence in the current local code enforcement and planning review mechanisms of the City of Hudson to ensure that the face value of these statements will be honored. The likelihood is that a burden to enforce any such LWRP consistency review would fall on citizens, who would in many cases be forced to file expensive and complex litigation (e.g. Article 78s) to uphold these provisions. We thus believe that the ongoing role of the State in ensuring such consistency and compliance be made explicit, specified in detail and where possible strengthened for the benefit of the public.
- **Page 3.4-3** addresses floodplains and flood protection. We note for the record that the “flats” of Route 9G between the entrance to Mount Merino Road proceeding north for several hundred yards are periodically prone to flooding. This would appear to be precisely the point at which the Greenport portion of Holcim’s proposed two-lane roadway from Becraft Mountain would cross 9G and join with the South Bay causeway. This crossing can be rendered hazardous and potentially unusable several times per year, but we see no provisions to ensure safety or sus-

pend deliveries to the Waterfront if this occurs. We tend to suspect that deliveries would resume through the downtown streets under such conditions.

- **Page 3.5-2** makes reference to the State-designated truck route through Hudson (which is distinct from the routes currently taken by O&G for local deliveries). Save the South Bay supports the removal of this State route from Hudson, and the re-routing of such through traffic entirely around the City via existing highways. It is surprising that such a recommendation is not included in the LWRP, given the purported concern with environmental justice issues related to the trucking activity of O&G. **Page 3.5-3** seems to wittingly or unwittingly confuse and conflate the State truck route with the local O&G route(s).

The narrative of existing trucking activity also needs to be reconciled with (and revised in light of) our comments elsewhere in this document regarding the “no-build scenarios” represented by SLC in the course of its Greenport Project permitting reviews. The GEIS assumes this activity as a longstanding and unchallengeable use, an assumption we dispute.

- **Section 3.7** mentions specifically-designated historic structures within the City, but omits mention of the City’s various historic districts. Save the South Bay steering committee member Robert Mechling recently created a detailed map of these districts, as the Hudson Preservation Commission appeared to lack such a document. (*This is included in our submission as Attachment VII-A.*)
- **Section 4.0** addresses the “no action alternative” to enacting this LWRP. Save the South Bay does not argue for no action; we suggest that additional time for public comment, dialogue with City and State officials, followed by substantial revisitation and revision of the LWRP is in order, particularly in regards to the South Bay and southern portions of the riverfront.
- Regarding **Section 5.0**, please refer to our other comments throughout this submission regarding trucking activity at the Waterfront, the incursion of new industrial activity into the wetlands of South Bay, *et al.*

B. REVIEW OF COMPLIANCE WITH 44 COASTAL POLICIES

SAVE THE SOUTH BAY’S COMMENTS on specific Coastal Policies follow below, subject to the caveats stated earlier in this section of our comments:

- **Compliance with Policy 1** (*revitalization of deteriorated waterfront areas*) refers to inclusion at the Waterfront of “limited industrial uses,” including “continued industrial or shipping operations,” and noting that “[w]hile small scale shipping and recreational boating activities can be compatible on the waterfront, shipping activity at the deep water port should not dominate the port or surrounding waterfront areas.” However, the plan does not provide specific, tangible and enforceable mitigation measures, performance standards or other guidelines for determining what is meant by “limited,” or what would constitute “domination” of the port and surrounding Waterfront areas. We note that the draft plan narrative and GEIS indicate mounting levels of aggregate deliveries between 2005 and the present, rising from essentially none to some 200,000 tons per year; and that in comments to the City on the DLWRP, Holcim and O&G indicate an interest in raising this number as high as 500,000 tons per year. But no firm limits, or even triggers for determining when a change in use would rise to the level of requiring a new review, are included which would address such dramatic changes in use, activity and operations.

The implementation of such standards are explicitly called for in the City's existing Comprehensive Plan on p. 52, as referenced elsewhere in these comments, and include this language:

"[L]ess tangible elements, like noise, dust and vibrations, are not limited in the existing ordinance. Consequently, many residences and businesses alike are experiencing some negative impacts from nearby industrial operations. In an effort to reduce these negative impacts, the City should develop performance standards. Performance standards are zoning regulations that permit uses based on a particular set of operation standards rather than on a particular type of use. Performance standards can provide specific criteria limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts, and visual impact of a proposed use. Generally, this set of criteria allows potential developers to understand how their proposed operation may fit into Hudson and, further, provides the City with clearly documented standards by which future projects can be evaluated."

The document needs to contain such standards in order to clarify the language related to this policy. Otherwise, that language is empty of meaning as it cannot be meaningfully interpreted or enforced.

We also reiterate in this context our comments elsewhere in this submission that we do not believe the existing truck traffic to the Waterfront is a permitted use, as it did not exist and was not projected to exist prior to the demise of the SLC Greenport Project. and should be immediately halted and subjected to a SEQR and Planning Commission Review.

- **Compliance with Policy 2** (*facilitate siting of water dependent uses and facilities on or adjacent to Coastal waters*), like many other portions of the LWRP revolves around the definition of "water-dependent uses," but this term is never defined or and no standards are set by which that term can be interpreted by either regulators or the public. As the comments of Holcim and O&G to the City make clear, these corporate interests wish to define down the term to privilege their heavy industrial activities over uses which have been clearly established by the State (e.g. in the Secretary's April 2005 Coastal Consistency Determination) and City as priority uses for the public—for example, public access to the river for recreational activities such as boating and fishing, parks, marinas, waterfront dining and shopping, marine supply, etc. This definition needs to be set forth explicitly to protect and support the water-dependent nature of these non-industrial uses.

The discussion of this Policy also makes the assertion that "stone aggregate stock piling and shipping use [...] contributes to the tax base of the City." This assertion should be struck from the plan. For we find no evidence within the plan demonstrating the level of tax contributions to the City related to this activity, which largely involves wholesale transactions exempt from sales tax, made by companies based outside of Hudson. Moreover, the properties occupied by Holcim and its predecessors within the City limits historically have been had extremely low tax assessments relative to their acreage and structures; Hudson homeowners and main street businesses currently contribute far more to the City's tax base (both per capita and overall) than these aggregate-related operations. Furthermore, the plan offers no comparative analysis of what tax benefits would accrue to the City if the parcels occupied by Holcim were converted to other uses. Therefore the assertion of this as a justification for the activities under Policy 2 is arbitrary, unfounded, and gratuitous.

In this same context, we highlight again the statement of the Secretary of State in April 2005, with emphases added:

“[County] economic growth has been fueled by real estate, retail and wholesale trade and business support services. The City of Hudson in particular has enjoyed a boom in its residential and commercial real estate market which could be threatened through the introduction of increased industrial activities affecting the quality of life. The proposed expansion and change in industrial activities on the river directly competes with the previously mentioned plans for recreational and commercial activities immediately adjacent to the proposed dock and conveyor and the current revitalization in Hudson. It could also jeopardize the possibility of tapping into the Hudson River’s multi-million dollar recreational boating industry which, as noted by Hudson City Alderman Colum Riley (Riley, letter, 3/18/05) could provide much needed revenue for the City. The increased SLC industrial activities would impact the recent economic growth felt as their downtown has revitalized and may adversely affect the existing economic base. It may also lead to diminished marketability of the planned uses, and adversely impact the tax revenues anticipated from those uses.”

We also reassert in this context the comments on Policy 1 and elsewhere in this submission regarding the failure to properly define terms (e.g. do “manufacturing processes” and “processing” encompass the moving, handling, rearranging, cleaning, stockpiling, loading, or unloading of materials?); the false assumption that heavy truck traffic must be accommodated either in the South Bay or the downtown; and the failure of the draft plan’s alternatives analysis. We likewise dispute the notion that adoption of the policy will have no effect on public health impacts such as those from air pollution, as the draft plan contemplates measures likely to increase truck traffic to the waterfront, and make it possible for much larger and more frequent barge activity generating diesel and other emissions, as well as likely increases in fugitive dust and other pollutants related to materials handling. We also note the general lack of attention to other impacts related to this use, such as runoff and stormwater management in areas where increasing quantities of aggregate and other materials are stored.

- **Compliance with Policy 4** (*small harbor area*), as with many other policies in the DLWRP, sets up use conflicts and controversies by failing to explicitly define terms or defining criteria so broadly as to provide no useful guidance for future land use decisions. For example, Policy 4 states that priority shall be given to “those traditional and/or desired uses” which are deemed “dependent on or enhanced by a location adjacent to the water.” The first half of this construction—“traditional and/or desired uses”—encompasses virtually any activity one can image. How far back can one go in claiming an activity is “traditional”? If the activity has not occurred for 20, 30, or 100 years, does this criteria still apply? How are competing “traditional” uses assessed and addressed; and what happens if a “traditional” use conflicts with a “desired” one? Furthermore, as in comments on Policy 2, by what measures and standards will regulators and other officials determine what is water-dependent and water-related? All of the language in this section needs to be cleaned up and clarified to have any useful effect.

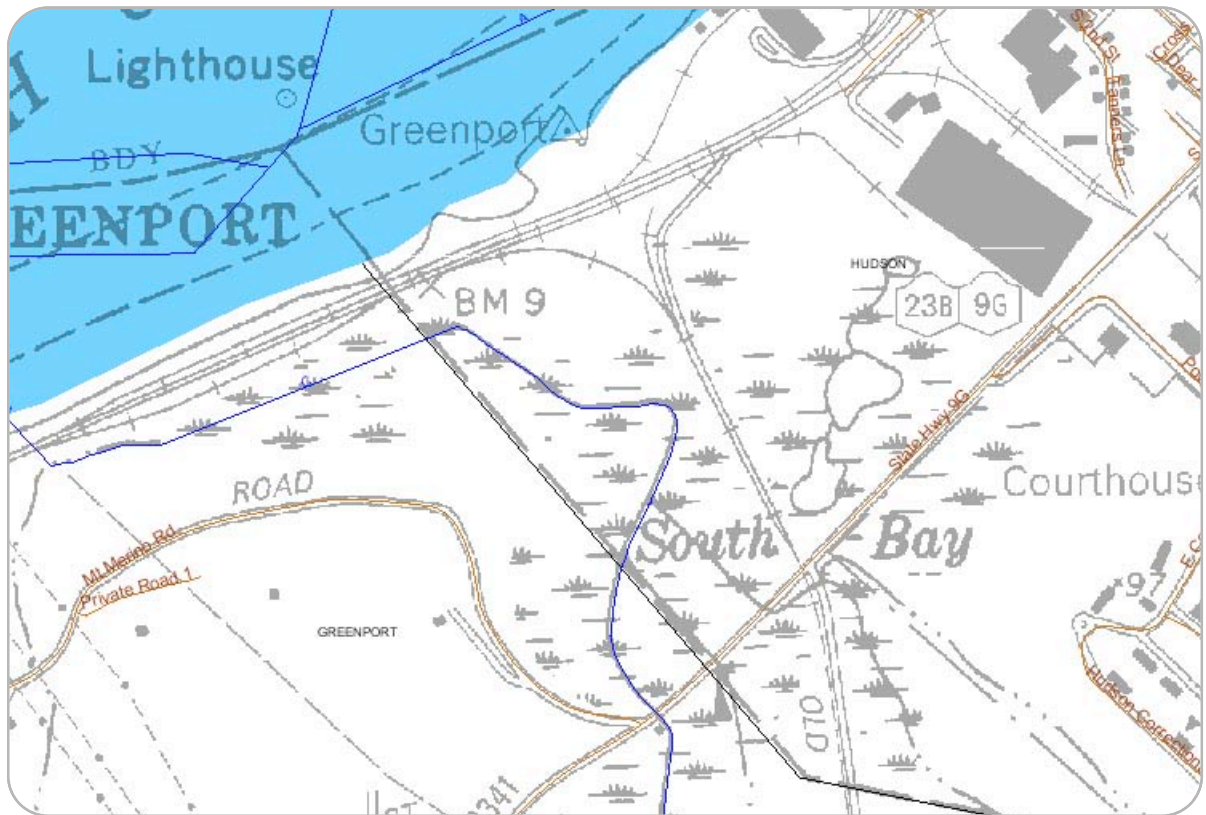
Save the South Bay also disputes the notion that existing or contemplated heavy industrial activity at the Waterfront fails to “enhance or support the continued revitalization of the City’s business core along Warren Street and the City’s existing community character,” and this position is well-supported in public input (surveys, letters, petitions, postcards, workshops, et al.) received by the State and City on the DLWRP. The authors of this plan have ignored and in some cases even erased that community consensus in order to accommodate a narrow corporate interest.

- **Compliance with Policy 5** (*concentration of development*) deals with sewer and stormwater overflow issues that have plagued Hudson for many years, and we certainly support the urgent need to address those issues to the extent they can be within this plan.

- **Compliance with Policy 7** (*protection of coastal fish and wildlife habitats*) “calls for protecting, preserving and restoring the locally significant South Bay so as to maintain its viability as habitat.” This area should be formally designated as such and protected by the City to complement existing State and Federal designations.

We strenuously object to the plan’s suggestion that a “transportation corridor” through the South Bay can be an “acceptable use.” In 2004, Holcim and O&G were caught by citizens bulldozing the wetlands of South Bay to convert the former, abandoned railbed into a haul road. Enforcement actions were necessary by the DEC and Army Corps, and fines and reclamation were ordered. If such a corridor were acceptable, no such enforcement would have been necessary.

Importantly, we also note that the former railbed itself is clearly a part of these designated wetlands, though this plan repeatedly treats it as a separate, exempt path omitted from those designated area. This assumption is patently incorrect and irresponsible. All language about modifications to this route resulting in “encroachment into” or “displacement of” abutting soils, biota, fails to recognize the route itself as part of these wetlands or distorts the nature of these designations and protections, and as such must be struck from the document and rewritten to reflect that the bed itself is part of the wetlands designation. In the same manner, the planners’ map of Natural Features (Figure 3.2-2 of the GEIS) incorrectly depicts the 260-acre designated wetland HS-2 and must be corrected. Below is the NYS DEC’s map, obtained via the State-operated website <http://www.dec.ny.gov/ismaps/ERM/viewer.htm>, showing that the wetlands are continuous across the former railbed area, not interrupted by that “causeway” as improperly depicted in the GEIS:



Furthermore, we once again note that this plan arbitrarily and capriciously arrives at conclusion about the acceptability of the “causeway” option while simultaneously acknowledging that

the option has not yet been subject to adequate study and analysis. This glaring contradiction highlights the political favoritism and rush to judgment that characterizes this aspect of the plan, a recommendation which drives and alters many other elements of the DLWRP.

For example, section 5.2.4 of the GEIS confesses the need for drainage studies to assess the potential impacts of the “causeway” option. It further admits that activities related to that option have “the potential to impact the sensitive habitat in the area.” Such considerations and risks are the precise reason that government regulates and protects wetlands; yet the DLWRP jumps ahead to the conclusion that this option is preferable under Policy 7 and others, without the benefit of either environmental assessments or even any specific plans for the option; the same section of the GEIS further notes that O&G has “not yet submitted site-specific plans to the City for review.” It likewise discloses the possibility of “encroachment into or displacement of any of the identified wetlands,” without having any studies or other data in place to assess that possibility. The plan likewise makes no attempt to address the erosion, pollution, emergency preparedness, and other impacts from hundreds of daily truck trips in this wetland area by 10- and 18-wheel trucks.

The City and State simply cannot responsibly enact an LWRP, which would have massive force of law and resulting consequences once instituted, based upon information which it openly acknowledges as speculative and incomplete. This is indeed a textbook case of the “arbitrary and capricious” language which is the basis of Article 78 actions.

- **Compliance with Policy 8** (*hazardous wastes and other pollutants affecting fish and wildlife resources*) should be strengthened to definitively prohibit any use of the waterfront to import or export hazardous waste, along with municipal wastes, tires, and other materials used as fuel or disposed of in some industrial facilities.
- **Compliance with Policy 9** (*recreational use of fish and wildlife resources*) seeks to “expand and improve” various “recreational fishing opportunities” at the Waterfront. We do not believe that this goal is enhanced (and likely will be impaired) by the continued or expanded use of the South Bay by massive barges. The plan’s support for extending the Holcim dock by 400 feet, which would likely accommodate Hudson Max barges denied that opportunity in the Secretary’s April 2005 Coastal Consistency Determination, would only worsen an existing problem. Pollution from diesel and other engines, along with wakes and other boating hazards, are an impediment to recreational fishing.
- **Compliance with Policy 10** (*commercial fishing*) misrepresents the status of commercial fishing and the American Shad. Temporary bans on shad fishing have been implemented in recent years (e.g. 2008 and 2009). And as noted by DEC Commissioner Pete Grannis in a Times-Union article dated January 14th, 2010, the State has “the proposed closing of the Hudson River to shad fishing.” (See: <http://www.timesunion.com/AspStories/story.asp?storyID=888757>) We also reiterate our comments related to recreational fishing, above, in relation to commercial fishing: Holcim’s activities at the Hudson Waterfront do not enhance, and are likely to impair, such activity.
- **Compliance with Policies 11 and 14** (*siting of structures to minimize damage from flooding and erosion, Coastal activities causing erosion [sic] and flooding*) needs to address construction of any roads and vehicle crossings. Numerous portions of the Waterfront area are not only within the 100-year floodplain, but also flood on a regular basis. See, for example, our comments on the GEIS regarding flooding along the “flats” of 9G.

- **Compliance with Policies 12, 13 and 14** (*natural erosion protection features, construction of erosion protection features, coastal activities causing erosion [sic] and flooding*) is harmed and potentially defeated by the plan's support for the "causeway" option for truck traffic through the freshwater wetlands of HS-2 in the South Bay. We once again note that the support for that option has been arbitrarily and capriciously advanced even as planners of the DLWRP acknowledge that impacts of that endorsed action (such as those to natural erosion protection) have not been adequately studied.
- **Compliance with Policy 19** (*access to public water-related recreation facilities and resources*) claims that a "primary planning goal is the provision of better access to and creation of additional public recreational and open space along the Hudson riverfront." We reiterate here our comments throughout this submission that heavy industrial activity at the Waterfront impairs, compromises, and in some cases will make impossible the achievement of this policy goal.
- **Compliance with Policy 20** (*access to publicly owned lands adjacent to the water's edge*), as has been noted in greater detail elsewhere in these comments, fails to address and incorporate longstanding citizen complaints and research indicating that 7-12 acres of the lands currently occupied by Holcim immediately abutting the River are likely illegally-filled lands formerly underwater. In addition, a law requiring the occupiers of this property to provide a public dock at the restricted location presently being used for heavy industrial activity in the middle of these parcels, has been disregarded. We believe those acres are the property of the State, and thus must be utilized for public access and public benefits, not private profit. The DLWRP and DEIS instead assume that these are private property. A thorough study needs to be conducted to resolve this matter; if demonstrated to be correct, the entire planning process needs to re-start, as this document will need to be revised extensively to reflect that new public opportunity.
- **Compliance with Policy 21** (*water-related recreation*), as noted elsewhere in these comments, supports the development of "a pedestrian and bicycle trail network to enhance public access to and throughout the waterfront area." We certainly supports that goal. However, the existing plan to route pedestrians, cyclists, fishermen, and others seeking to traverse the Waterfront by foot is severely impaired by the heavy truck traffic and other industrial activity proposed near and in many cases immediately adjacent to such trails and paths. These activities are not compatible, presenting both quality-of-life problems (*e.g.* noise, dust, visual blight) and safety hazards (traffic, pollution, heavy equipment, *etc.*).
- **Compliance with Policy 22** (*provision of water-related recreation within development adjacent to the shore*) has the same flaw as the discussion of Policy 22, only in terms of water-related activities. As has been stated elsewhere in these comments, anyone who has kayaked or canoed or sailed the Hudson knows the extreme (in some cases life-threatening) hazard posed by large vessels to those operating "muscle craft" as well as smaller motorized boats. The presence of enormous barges immediately next to launches and marinas harms the goals of this policy. We note again this passage from the April 2005 Coastal Consistency Determination issued by the Secretary of State:

"Based on this review of Hudson's past planning and implementation activities, it is clear the City's waterfront has been and will continue to be transformed from a private industrial waterfront to a public waterfront for boating, tourism, commercial and other compatible uses. These uses are in direct competition with SLC's proposed industrial riverfront facilities. Given the extreme limitation on space along the Hudson waterfront, this is not a suitable location for the proposed SLC industrial facilities and uses."

The industrial activities contemplated within the current DLWRP, including the loading of hundreds of thousands of tons of aggregate per year and the provision for extension of the Holcim dock by 400 feet, bring the likely impacts of the DLWRP activities closely in line with the Waterfront activities rejected by the Secretary in relation to the Greenport Project.

- **Compliance with Policy 23** (*historic resources*) incompletely lists historic resources in the Waterfront area. As already noted, we have included in this submission a map created by Save the South Bay steering committee members Robert Mechling and Carole Osterink after learning that the City of Hudson's Historic Preservation Commission did not have such a map in its possession. The DLWRP should be revised to reflect this crucial information.
- **Compliance with Policy 24** (*scenic resources of State significance, overall scenic quality*) notes that while "there are no scenic resources of statewide significance within the City of Hudson, the Columbia/Green [sic]North and Catskill/Olana Scenic Areas of Statewide Significance are located to the north and south of the City, respectively." The omission of Hudson from these two close-by SASS areas has often been noted over the course of a number of recent controversies as nonsensical, given that area wedged between the two comprises visual, cultural, historic and other resources identical, equivalent or in some cases superior in value to those of the Columbia/Greene and Catskill/Olana SASSes. Many have the impression that this omission was originally due to pressure from industrial interests, rather than from any lack of importance of Hudson's resources. We thus urge that the DOS and other agencies revise New York's designations Scenic Areas of Statewide Significance to include Hudson in the Catskill/Olana SASS, and for this goal to be included in the Hudson LWRP.
- **Compliance with Policies 25** (*overall scenic quality*) is severely compromised by the DLWRP's support for industrial activities discordant enough to require screening from the public to diminish unsightly views and the other scenic qualities of the Waterfront. Such screening is essential to reduce the visual impacts of stockpiles and other industrial activity; but it also diminishes or even eliminates prime views of the Hudson River and Catskills. This is an irreconcilable problem—the answer to which is to limit or eliminate entirely those industrial uses requiring such screening. Rather than address this glaring inconsistency, the plan's discussion of Policy 25 simply inventories important views. This is not an adequate response.
- **Compliance with Policies 30, 31, and 34** (*discharge of pollutants into coastal waters, Water quality classification, Discharge of vessel wastes*) should take into account that support elsewhere in the DLWRP and GEIS for increased trucking, stockpiling and barge activity is likely to result in increases in pollutant discharges (whether permitted or accidental). This is contrary to the public interest and other stated objectives of the Coastal Program, and such the City should revise the plan in a direction which minimizes or eliminates such discharges.
- **Compliance with Policy 36** (*shipment and storage of petroleum and other hazardous wastes*) like that with Policy 8 ought to be strengthened to definitively prohibit any use of the waterfront to import or export hazardous waste, along with municipal wastes, tires, and other materials used as fuel or disposed of in some industrial facilities. The narrative should refer to all industrial uses, not just "light industrial" uses.
- **Compliance with Policy 38** (*surface water and groundwater protection*) is harmed by the plan's advocacy for increased trucking, stockpiling and barge activity. Inadequate attention has been paid throughout the DLWRP and GEIS to stormwater runoff, discharge, spills, and other pollution impacts to the Waterfront.

- **Compliance with Policy 39** (*solid waste transport, treatment and disposal*) should be addressed in the same manner as we have described waste issues related to Policies 8 and 36. In addition, the phrase “long-term” requires definition; otherwise, the meaning of the phrase will be subject to distortion, misinterpretation and/or political influence. Similarly, the term “recycling” needs to be better-defined. We note, for example, that the cement industry likes to refer to the use of hazardous wastes, tires, garbage, et al. as “alternative fuels” and “recycling,” though most consider these absurd and inappropriate euphemisms for dangerous incineration practices.

We also strongly suggest that the restrictions placed on “railroad uses” ought to also apply to any trucking activity to the Waterfront, as the transport of such wastes through the City poses the same or even greater risks as rail transport.

- **Compliance with Policy 40** (*effluent discharge by major energy and industrial facilities*) prohibits “untreated effluent from industrial facilities into coastal waters is not permitted within the City of Hudson.” We certainly support that, and urge that similarly firm prohibitions be incorporated into other aspects of the DLWRP to protect coastal waters, wetlands, et al.
- **Compliance with Policy 41** (*compliance with air quality standards*) ought to be strengthened with local performance standards, in addition to State and Federal limits, to provide protection against the degradation of air quality in the coastal area. This goal is also thwarted to some extent by the rest of the plan’s advocacy for increased industrial activity in Waterfront areas, and that contradiction needs to be reconciled within this and other policies.
- **Compliance with Policy 44** (*Coastal wetlands*) is severely compromised by the plans negligent, arbitrary and capricious support for a heavy haul road through HS-2, a designated and protected wetland. Again, the DLWRP and GEIS endorse this potential risk to those wetlands, even though the planners acknowledge that the likely impacts of taking that course of action have not been adequately studied, and no site plan applications have been brought before the City to date. We also note that when the DLWRP states that “[t]he maintenance and upgrading of existing roads and rail lines should not significantly degrade wetlands,” the abandoned, defunct former railbed through the South Bay (originally built as an elevated causeway) is not a road. It has never been designated by the City as a road, and has not been used for that purpose, except during a unique and brief emergency situation when Niagara Mohawk urgently was allowed on a special, short-term basis to remove contaminated remediation spoils from the Waterfront. Likewise, that proposed route has not been used as a railroad track for at least 30-35 years, and has been sorely neglected during that time.



SLC/HOLCIM ILLEGALLY BULLDOZING THE SOUTH BAY WETLANDS, SPRING 2004

DURING THE NEARLY SEVEN-YEAR controversy over the St. Lawrence Cement “Greenport Proposal,” the track record of SLC and its parent company Holderbank (now Holcim) was a significant factor which led many residents to come to distrust and ultimately reject the company’s claims. We continue to believe that the history of accidents, investigations, lawsuits, settlements, fines, penalties, and other matters related to corporate management are important considerations when assessing a project or crafting a plan such as the one under consideration here.

Without making a Federal case of the matter, we wish to remind the State and City that St. Lawrence Cement (now Holcim US) and its parent company Holderbank (now Holcim Ltd.) have a long and frankly atrocious record of environmental violations and anti-competitive behavior in the U.S., Europe, and around the rest of the globe. During the SLC controversy, opponents carefully and extensively documented fines and enforcement within the region at the Catskill plant; caught the company and a subcontractor illegally bulldozing the wetlands of South Bay (*see Army Corps enforcement order, Attachment VIII-A*), an action for which they were punished by DEC and the Army Corps; and showed that this pattern extended to Holcim’s global operations as well. Indeed, it was difficult to find a Holcim facility which had not had severe problems with worker accidents and even deaths, egregious pollution violations, anti-trust activity, and the like. It was even shown that during World War II, the company benefitted from the use of slave labor in Nazi-controlled countries, and likewise profited handsomely from its operations within South Africa under the Apartheid regime.

We also note that O&G has its own problems with managing its operations, some of them extremely recently. In February, a massive explosion at the Kleen Energy plant under construction in Middletown, Connecticut, killed five workers and injured more than 30 others. O&G was the principle contractor on the project, and is being sued for negligence by those injured and the families of the deceased. The State is also investigation possible criminal charges against the company. O&G was also at the center of the pay-to-play scandal which forced the resignation of Connecticut governor John Rowland, who went to jail for corruption. The company was found to be doing free personal projects for Rowland (e.g. work on his home) while also receiving major State construction contracts.

We believe that such background checks are useful yardsticks for evaluating companies, projects, and partners. The past is usually prologue; a bad actor yesterday is likely to be a bad actor tomorrow. It is entirely possible that these companies have put their history of noncompliance behind them. But when a municipality is looking to trust a company to build a causeway and run hundreds

of trucks through a sensitive wetland, or avoid pedestrians and cyclists in getting those trucks into your port facility, or to ship hundreds of thousands of tons of material on massive barges next to small boat launches, or to respect other safety rules or operation limitations on potentially discordant and even dangerous activities, we believe a hard look at issues of corporate responsibility are not merely appropriate, but essential.

ADDITIONAL RECOMMENDATIONS, OBSERVATIONS AND REMARKS not made elsewhere in this submission follow below.

A. At the outset of this drafting process, members of the WASC and public were made to understand that an LWRP is first and foremost a visioning document, arising out of public input. As Bonnie Devine noted in a March 2006 public organizational meeting (*see above*), planning is supposed to come first—zoning after. In explaining the purpose of Waterfront plans to the public, the Department of State’s website notes that:

“In partnership with the Division of Coastal Resources, a municipality develops community develops consensus regarding the future of its waterfront and refines State waterfront policies to reflect local conditions and circumstances.”

Based on our understanding of how other communities (such as Athens and Croton) have developed their own LWRPs, it is our impression that the Hudson DLWRP is unusually filled with references to specific property owners, businesses, and interests. A brief glance at a random section of the DLWRP includes references to:

- *Stageworks, a theater space near the train station;*
- *Kaz, a now-defunct manufacturer in Greenport with properties near Stageworks;*
- *Time & Space Ltd., another theater group (led by former WASC chair Linda Mussmann);*
- *Basilica Industria, an occasional performance and event space (owned by former Waterfront Chair Patrick Doyle);*
- *Dinosaw and HAVE, Inc., light manufacturers in Hudson’s former Simpsonville neighborhood*
- *Mid-Hudson Media, a branch of a Greene County cable operator;*
- *The Griffin Warehouse, an empty but stabilized building which is on the market as a possible mixed-use housing and office complex;*
- *And of course, Holcim and O&G Industries.*

While we understand the importance to discuss the Waterfront with as many “stakeholders” as possible, we find the frequent citation of specific business and organization names in the DLWRP to be both functionally problematic (in that some of these entities will not exist when future generations read the plan for guidance) and also contrary to the fundamental spirit of the planning process. The citation of such names seems to betray an authorial need to build a case or even a defense for the LWRP, rather than expressing the principles of the LWRP—and allowing conclusions and results to flow from there.

Planning and zoning are supposed to represent neutral principles, arrived at through that community consensus referred to in the Coastal Resources website. Whenever elements of the plan are tailored to specific but impermanent entities, ones which are named specifically as justifying those elements, it leaves the impression that the plan has been devised to suit those transitory entities’

requests or demands, rather than setting forth neutral ideals that the community has agreed upon.

We therefore recommend striking such proper names from the DLWRP wherever possible, and re-considering any plan elements which were derived from such parochial, short-term interests rather than community consensus.

B. We have already highlighted the need for development of clear, enforceable performance standards to ensure that permitted and conditional uses are reliably and consistently carried on in a sustainable, compatible manner, as is supported by the City of Hudson's Comprehensive Plan. Noise, fugitive dust, air pollution, lighting, time restrictions, and other standards are all essential to ensuring that projected, approved uses are not abused and that citizens and officials alike can take action to safeguard local quality of life.

In this same context, we would further suggest that the LWRP include specific limits and prohibitions analogous to the bulk regulations assigned to zoning classifications be assigned to waterfront activities, particularly as they relate to traffic and shipping. For example, for the safety of residents, visitors and habitats alike, the City should specify that no Waterfront dock facilities will be used for the import or export of hazardous and toxic wastes. Likewise, restrictions on heavy industrial activity adjacent to parks, boat launches, and similar public amenities ought to be limited to daylight, weekday hours. Bulk shipments or offloading of materials with the potential for generating fugitive dust, pollution and other nuisances (e.g. coal, slag, gypsum, etc.) ought to be banned entirely or severely limited in terms of daily, weekly, monthly and yearly allowances. The establishment of such limits would lend credibility, meaning and genuine safeguards to the more general but often toothless language found in the plan regarding "compatibility" and "consistency."

Likewise, such restrictions and prohibitions need to be paired with meaningful enforcement mechanisms and penalties, so as to prevent a powerful and well-funded scofflaw from wearing the City down with legal challenges or treating violations as minor nuisances, as a Maserati driver might shrug at a \$5 parking ticket.

C. Along similar lines, it may be instructive to highlight and do a close reading of the following passage from page 24 of the DLWRP narrative, found in Section II, Inventory and Analysis:

The City supports improving access to and encouraging the regulated use of the City's one remaining deep water port for the transportation of raw materials and goods. Subject to compliance with the LWRP and its enabling legislation the City supports the continued use of the port to ship aggregate, accept and store road salt for use by local public works and transportation departments, and store coast guard buoys. The City supports these uses and future use of the dock facility for the import or export of other goods including agricultural and other products where such use and transport is compatible with adjacent land and water uses, complies with all applicable laws and is either compatible with the current owner's operations, or is subject to control by a governmental agency should the deep water port come under the full control of the City.

The City's support to encourage use of the port for shipments of raw materials, processed and/or finished products should in no way be construed to support a return to cement manufacturing in or within close proximity to the City of Hudson. Cement manufacturing or production activities within the waterfront boundary would not be consistent with the LWRP.

These two paragraphs in many ways exemplify the elaborate (bordering on schizophrenic) accommodations and compromises made within the DLWRP. In the passage above, it is as if the authors of the plan are wrestling with two entirely contrary impulses, and failing to pin down either one.

On the one hand, the narrative claims that “the City” (*who? The Mayor? The Common Council? The general public?*) is supporting and even encouraging the use of the Waterfront “for the transportation of raw materials and goods.” Though aggregate, salt and “agricultural products” are specified as desirable commodities for transport via the Waterfront, no specific performance standards or limitations on the types, quantities, times, or other conditions governing such use are offered.

Instead, a generalized statement that such activity should be “compatible with adjacent land and water uses,” *etc.* is appended. However, the notion of compatibility is an entirely subjective one, and the City provides no tangible guidelines for the unspecified persons or agencies charged with supervising the LWRP to follow. As part of its application for the Greenport Project, for example, SLC argued that shipment of 2 million tons of cement via the Waterfront was compatible with neighboring parks; after nearly seven years of debate and wrenching, expensive, divisive controversy, the Secretary of State disagreed. One trusts it is not the intention of the authors of the DLWRP to subject the residents of Hudson to million-dollar regulatory battles on a regular basis; yet that would sooner or later be the outcome of this highly-generalized and subjective language.

The next paragraph is even more perplexing. While “encouraging use of the port for shipments of raw materials, processed and/or finished products,” the authors backhandedly state that this position “should in no way be construed to support a return to cement manufacturing in or within close proximity to Hudson. Cement manufacturing or production activities within the waterfront boundary would not be consistent with the LWRP.” While heartening on its face, the first sentence requires a more affirmative structure: “The City does not support a return to cement manufacturing in or within close proximity to Hudson” would be more consistent with the prior paragraph, less convoluted in its construction, and less likely to be misinterpreted or twisted if future controversies do arise. The second sentence likewise introduces an ambiguity which a corporate lawyer would drive a truck through. Would, for example, the shipment of 2 million tons of cement via the waterfront constitute a “production activity,” or would a cement manufacturer describe that as just more transportation of raw materials—an activity supported by “the City” in the previous paragraph. We encourage these statements to be tightened up, and preferably more in the direction of the April 2005 Coastal Consistency Determination.

We would further suggest that such language be extended to cover, generically, other major industrial projects of a similar nature as “a return to cement manufacturing.” There is little point in solely singling out the cement industry; it is the scope, scale and nature of the projects that is potentially devastating to the Waterfront, not the specific industry; and one can never anticipate what the next foolhardy proposal might be. As noted in Section II. of these comments, the City of Hudson has improbably endured in each of the previous three decades at least one intense controversy over a large industrial proposal. In another generation it might seem hard for anyone to believe that Hudson leaders actually welcome an oil refinery, a hazardous waste “recycling” plant, or a cement facility to town, and that thousands of ordinary citizens had to drop everything they were doing to prevent such calamities from befalling the City.

What protections, for example, would the LWRP offer in the event that Hudson and Greenport leaders were to invite New York City to use the quarries of Becraft Mountain as a giant landfill for municipal waste? It would, after all, be a lucrative use of those pits once they are voided of gravel and limestone. The “deepwater port” and extended dock would be ideal for garbage barges coming up from Manhattan, and a road or conveyor through the South Bay would further enable the transport of City waste up to Becraft. No doubt the current planners would not support such a scenario; the question is, what is in the DLWRP that would actually prevent a well-funded applicant from moving such a plan forward?

- II-A. Hudson Valley Magazine article, *An Oil Refinery in Our Backyard* (Dec. 1984)
- III-A. Letter of Coastal Resource Specialist Nancy Welsh to LWRP consultant Dan Shuster (Jan. 31st, 2003)
- III-B. Letter of Coastal Resource Specialist Nancy Welsh to Waterfront chair Charles Butterworth (Aug. 1st, 2003)
- III-C. Coastal Consistency Determination of Secretary of State Daniels (Apr. 19, 2005)
- III-D. Letter of Coastal Resource Specialist Welsh to Waterfront chair Butterworth (Oct. 28th, 2005)
- IV-A. Hudson Comprehensive Plan Community Survey, Waterfront results (Jul. 2000)
- IV-B. Friends of Hudson news release, *SLC does not hold title to dock land* (Jul. 5th, 2001)
- IV-C. Friends of Hudson map, *Land Title Problems: Hudson Waterfront and South Bay* (Jul. 2001)
- V-A. Waterfront Advisory Steering Committee, *Waterfront Participation Survey* (Mar. 2006)
- V-C. Save the South Bay e-petition, including 200-plus signatories (Mar. 17th, 2005)
- V-B. Save the South Bay news release, *Over 1,000 Signatures Submitted...* (May 21st, 2007)
- VII-A. Hudson Historic Districts map, Robert Mechling and Carole Osterink (Feb.-Mar. 2010)
- VIII-A. Letter from Chief of U.S. Army Corps Harbor Supervision and Compliance Mallery to St. Lawrence Cement attorney Thomas West (Jun. 23rd, 2004)
- X-A. Save the South Bay e-petition, including 650-plus signatories (Mar. 15th, 2010)

AN OIL REFINERY IN OUR BACKYARD

There May Soon Be One in Hudson, on the River

Promenade Hill is a great rock of a mountain propped on the eastern shore of the Hudson River in a decaying city named for the river upon which it sits. The hill, the oldest waterfront park in the country, reigns over a historic area of colored clapboard and shuttered brick buildings that has recently undergone what bureaucrats call "revitalization."

From behind the graceful iron fence of this cliffside park, one can see an island offshore known as Middleground Flats, a gracious old lighthouse to the south and, on a bank below the rock, a marina, a set of railroad tracks and, growing somewhat incongruously from a tangle of weeds, a cluster of fading white oil tanks.

It is on the site of the oil tanks that Hudson's city fathers have a different kind of revitalization in mind, one that would greatly enhance this city's sagging tax base, create jobs and make use of industrially zoned waterfront property that has been dormant for years. While the plan has made some see dollar signs and prosperity, it has raised the ire of a considerable number of people in this city of 8,000 over the issues of air and water pollution, economic viability

and, moreover, the right of the public to have access to the river, a right traditionally denied because of railroad rights-of-way, private holdings and industry.

Indeed, waterfront access is being raised as an issue along much of the 330-mile Hudson, where industry has always taken priority and developing the waterfront for tourism and residential purposes is only a recent afterthought.

The proposal raises another, equally relevant, serious question. Would potentially polluting industry be better off elsewhere than on the shores of a river already seriously scarred by the handiwork of man, a river that despite this devastation is showing signs of renewed life and vigor?

At issue is a proposal to build an oil refinery that would process 5,000 barrels daily of "slop" oil into gasoline, kerosene and oil for home heating and industry. The oil is called slop because it would include such things as the waste from the bottom of oil tankers and tanks, as well as partially refined and virgin crude.

To be built at the site of a former oil storage facility, the project is the undertaking of a union of private and public interests. The city of Hudson hopes to use almost \$6 million in state and federal money, along with \$6.5 million in private financing, to build the facility, which would then be run by

Octane Petroleum Corporation of New York. The company would pay the city fees of \$7.7 million over 20 years, beginning at \$35,000 for the first year of operation and escalating to \$720,000 in the last.

Those fees are what excite Hudson officials most. Said Mayor Michael Yusko in unveiling the city's 1985 budget, a bare-bones budget which nonetheless raised taxes 12 percent: "Relief would be spelled O-C-T-A-N-E." The project would double the city's \$15.29 million tax base, pitifully low because more than 60 percent of Hudson's 1,312 acres are tax exempt.

"As far as we are concerned," said Art Koweek, chairman of the Hudson Community Development Office which is spearheading the project, "this is a matter of economic survival for Hudson."

"It has to be done to save this city."

But while the project may be an economic shot in the arm, opponents say it may also be an environmental shot in the heart. The project would put 22 storage tanks up to 25,000 barrels in size, plus a refining unit, on nine acres of waterfront property, within 100 feet of an active freight and passenger rail line and several hundred feet from homes.

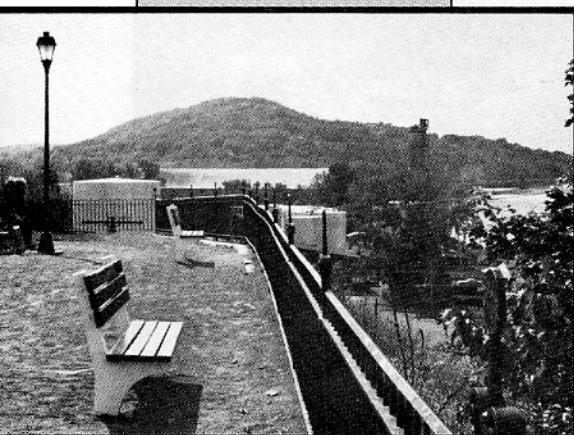
"I don't know of any refinery where there's that concentration of gas and oil that close to housing," says John Cody, president of Save Hudson's Only Water-

Mary Beth Pfeiffer is a staff writer for the "Poughkeepsie Journal." Robert Miraldi teaches journalism at SUNY New Paltz.



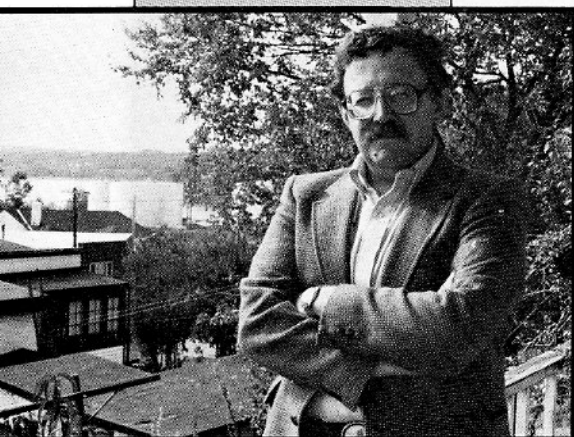
Hudson's historic district from Promenade Hill.

PHOTO • M.B. PFEIFFER



Promenade Hill, the nation's oldest waterfront park, with the existing tanks in the background.

PHOTO • M.B. PFEIFFER



John Cody, president of a group fighting the refinery, on his back porch. He lives a block from the site. (Tanks can be seen in the background.)

front, an anti-refinery group with 200 dues-paying members who have collected 1,500 signatures against the project. In the event of a fire in the refining unit—located only 80 feet from storage tanks—nearby residents would be threatened, and in the event of a spill, the river would be badly polluted, he says.

In addition to the risk of spill, explosion and fire, a 1½-mile access road would have to be paved through a wetlands area and more than an acre of river habitat would have to be filled. The plant would turn out more than 40 tons of air pollution yearly, and, as anyone who has driven the New Jersey Turnpike in and around the refineries of Elizabeth can attest, there is a potential for highly unpleasant odors. The plant would also produce 50,000 gallons of waste water weekly, a potential strain on the city's already hard-pressed sewage treatment plant.

The environmental impact statement on the project readily dismisses those objections, even going so far as to say the wetland isn't really a wetland, something state officials dispute. Said Kowek, "Air pollution? It's not an issue. It will put out less pollution than the local hospital."

Cody's charges and Kowek's responses are typical of the bitter feuding between those for the refinery and those against. Cody and his group say the city has been unresponsive to their legitimate concerns, some of them backed by governmental agencies; the city says the organization is "a local vocal group" that wants to live in the past.

When city and company officials were approached for this article, they were initially hesitant to discuss the issue.

John Gambro, Octane president, declined comment saying the company was "trying to organize our approach to the press." He referred questions to an associate who did not return phone calls.

The Community Development office, meanwhile, said Kowek was the only person who could answer questions and he was out of town. (He was reached the same day at a store in Hudson.)

While the battle has all the markings of a classic environment-versus-industry struggle, there is another aspect to it that opponents say is equally important: Should river development favor industry or the public?

"It would seem," said Carol Sondheimer, environmental director of Scenic Hudson, "that there are other opportunities that would make better use of that site. This would continue to cut off access to the general public whereas other uses would not."

A restaurant, park or public boating facility could generate money for the city without the same risks, opponents argue, especially in light of waterfront

revivals going on in neighboring cities such as Saugerties and Kingston. They point out, too, that this land is Hudson's last remaining open waterfront.

"It's not the right place nor a good place for an oil refinery," said Sarah L. Johnson, environmental director of Clearwater, which like Scenic Hudson advocates river cleanup and protection efforts. The combination of excellent road and rail accessibility and a breathtaking river view makes Hudson ideal for recreational potential, opponents feel.

But, counters Kowek, "It's an industrial area. Let them go out of town to get access to the river. How much access is there now? There haven't been 50 people down there."

Besides, he adds, "It's not a recreational river. It's to move raw materials. We don't want to hurt it, just to use it."

Indeed, the developers seem convinced that this stretch of river is good for little else but industry. In a two-volume, four-inch-thick environmental impact statement, the idea of public use is dismissed in a paragraph. The city explored the possibility of a marine-restaurant-park complex in 1977, it says, but "no potential developers expressed interest." Opponents say the plan was not widely marketed, and the U.S. Fish and Wildlife service agrees alternative uses have not been fully explored.

"The conclusion that only two alternatives are available (no action and funding the project as proposed) has not been justified," the agency said in a letter to city officials. The wildlife service was one of two government agencies critical of the project for failing to thoroughly explore all possible consequences. The service called the environmental impact statement "seriously deficient" and has threatened to block a needed permit if a supplement is not prepared.

Among other things, the service objected to the report's assertion that filling two old barge slips to create 1.2 acres of land would have minimal impact on a "low quality" fishery. Sufficient research was not done to document that, the service said. It also expressed concern for the effect of the project on South Bay Wetlands, a sprawling marshy area that would be cut by the facility's access road and whose drainage would be changed by installation of a culvert.

The New York Department of State was equally perturbed by some aspects of the project and is effectively holding up a \$3.5 million grant from the U.S. Department of Housing and Urban Development. The Department of State acts as HUD's agent for such endeavors, assuring they are sound before financing.

The Department of State expressed

particular concern for the effect of the refinery on fish in the Hudson. A heavy concentration of American shad, the most important commercial fishery in the Hudson, uses the area around Middle Ground Flats near the refinery for spawning and nursery grounds. Oil spilled into the river "could create an immediate and disastrous impact on this commercial fishery resource," the agency told Mayor Yusko, noting that information on the effects and likelihood of a spill was missing from the impact statement and was a "major concern."

Kowek concedes that the oil spill issue has to be more fully addressed, and he believes, as does the state Department of Environmental Conservation, that safeguards can be developed to insure that a spill would not occur. The environmental agency must grant 11 permits before the refinery can begin operation. An official said most of the environmental agency's concerns can probably be mitigated; the most serious issues seem to lie with the wildlife service and State Department.

Among the State Department's other concerns, it said in the letter to Yusko, was that the project "would have a significant adverse effect upon the neighboring historic district" into which \$12 million has been poured in public funds over the past 15 years. Although the city won two awards since

1976 for historic preservation, it seems ready—in the face of a potentially more profitable venture—to give up on the revival. The area, the impact study notes, has shown some signs of "weakness" despite the rehabilitation effort.

The State Department said further that, contrary to the report, the project "would not enhance the scenery because the increased concentration of oil tanks would further block views to the river for at least 20 to 30 years."

The city must work out an amiable agreement to mitigate the potential problems raised by the State Department. If it does not, it is likely the project will go nowhere. Whether some of those issues can indeed be mitigated short of scrapping the refinery is a big question.

The environmental study's enthusiasm for dismissing potential problems of the type raised by the wildlife service and State Department has opponents crying foul. It has convinced them further of the intent by sponsors to, in Cody's word, "cannonball" the refinery through the community and the reviewing government agencies.

Notes Cody, when the proposal was first introduced in May 1983 it came with a promise of 300 jobs in a city with a high unemployment rate. Five months later, the total had been scaled down to 146, and now it is 43, only 32 of which will be at the Hudson site.

"In an area like this that's so job poor, it's pretty obvious they were trying to get support for it right away," he said. The jobs issue also must be called into question, he says, when the New York State Job Development Authority is being counted on to provide a loan of \$3.6 million—\$51,000 for each position. The authority will usually go no higher than \$10,000 a job for subsidized projects, he says.

There are also questions of the project's economic feasibility, questions raised not only by Cody but by local newspaper editorials. For one, the project lost a commitment from Albany Savings Bank for \$5.2 million in financing. For another, Cody's group maintains that 80 refineries, many of them small, shut down in 1981 and 1982 because of declining demand. Octane has disputed this, saying the shutdowns were caused by a cutoff of government subsidies.

Kowek says new private financing has been obtained but he will not say from where. And there are other such questions to be answered. How will such a project affect towns and recreation areas further south? What about those towns that get their drinking water from the Hudson? This refinery isn't just going to affect the city of Hudson, but our entire region. □



SPEAKING OF COLLECTIBLES (Saturday 9–10 AM)

Author Stephen Hughes offers his expertise and advice. Phone in appraisals on collectibles from coins to memorabilia.

LIVE SPORTS BROADCASTS TABLESIDE CONCERT (Mon.—Fri. 7–8 PM)

Classical music for your dining and listening pleasure.

HARMONY HALL (Sunday 8–10 PM)

Classical music and local concerts. Hosted by Herb Moore.

STARDATE (7:15 AM & 8:15 PM daily)

Astronomy information presented by the University of Texas Observatory.

ARTS CALENDAR (11:15 AM and 5:15 PM)

QUALITY PROGRAMMING
FOR THE QUALITY MARKET
914-878-3307

It's the IBM® personal computer at ComputerLand® now.

Come on in. We want to show you the IBM® Personal Computer. It's one of the most popular computers on the market, and with good reason. This computer offers virtually everything you need for your business or your home. With it you'll have access to a complete software library. Come in and see it.



Just a few of the IBM's key features are:

- A powerful 16-bit microprocessor
- 64K memory, expandable to 640K
- 83-Key detachable keyboard
- Diagnostic self-tester

COMPUTERLAND OF NEWBURGH
Lakeside Plaza, Route 32
NEWBURGH, N.Y.
(914) 562-4444

COMPUTERLAND OF DUTCHESS COUNTY
Nine Mall, Rte. 9
Wappingers Falls, N.Y.
(914) 297-1144

COMPUTERLAND OF MT. KISCO
153 Main Street
MT. KISCO, N.Y.
(914) 666-0100

COMPUTERLAND OF BREWSTER
250 E. Main St., Rts. 6 & 22
BREWSTER, N.Y.
(914) 279-2447

ComputerLand®

There's only one Number One.™

© 1984 ComputerLand Corporation. ® ComputerLand is a registered service mark of ComputerLand Corporation. ® IBM is a registered trademark of International Business Machines Corporation.



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATANKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

January 31, 2003

Mr. Dan Shuster
Shuster Associates
3578 Atwood Road
Stone Ridge, NY 12484

Dear Mr. Shuster:

Thank you for providing a copy of the Draft Local Waterfront Revitalization Program (Sections I-V), City of Hudson, October 2002 ("LWRP"). Division of Coastal Resources staff have reviewed the LWRP and have the following comments:

General

- ▶ The document provided does not contain Sections VI-IX. These sections should be completed and forwarded for review. See attached materials for guidance.
- ▶ There are typographical and grammatical errors dispersed extensively throughout the text that should be corrected. Similarly, the systems used for numbering and indenting sections and subsections should be re-examined. Finally, map number references in the text should be verified.
- ▶ The LWRP is missing a Harbor Management Plan. This plan may be integrated into the text of the LWRP. Examples of language and locations to include provisions of a Harbor Management Plan in an LWRP are attached.
- ▶ The LWRP does not adequately incorporate the planning and recommendations achieved through the Hudson Vision Plan and City of Hudson Comprehensive Plan. Discussion of these efforts should be expanded and improved. Related waterfront schematics should be included.
- ▶ There are no maps in the LWRP. Maps from the November 1989 version, if used, will require updating and should be revised to improve information display and legibility. Similarly, photographs from the 1989 version, if used, should be updated to reflect current conditions.

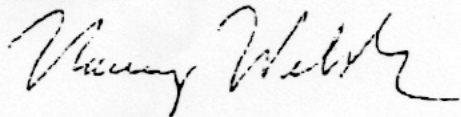
Specific

- ▶ Page 14, Section II.B.4.a. - This description of the New York State Significant Coastal Fish and Wildlife Habitats program is inaccurate and outdated. A Division of Coastal Resources fact sheet on this program is attached.
- ▶ Page 16, Section II.B.4.a.(2)? - The City should consider designating South Bay as a locally significant habitat using a Policy 7A in Section III.
- ▶ Page 18, Section II.B.4.b. - The following listed scientific names are incorrect: *Typha angustifolia*; *Pontederia cordata*; *Sagittaria latifolia*; *Lythrum salicaria*. The following are the correct spellings: *Typha angustifolia*; *Pontederia cordata*; *Sagittaria latifolia*; *Lythrum salicaria*. By convention, scientific names in text are always underlined or italicized. Arrow arum is two words. The scientific name for common reed (singular) is *Phragmites australis* (*P. communis* is no longer used).
- ▶ Page 20, Section II.B.5.d. - The "Sewage" section should incorporate the results of the 1997 EPF-funded Combined Sewer Overflow/Water and Sewer Needs studies, as appropriate.
- ④ ▶ Pages 29-31, Section II.D. - This section is written as if it were a document designed to guide the development of an LWRP in the future. To the contrary, this document is the LWRP, and therefore must not propose examining potential policies and recommendations, but must make explicit policy statements and recommendations. For example, page 30, Section II.D.1., the questions articulated under points a., b., and c. should be answered, not posed, by this LWRP. Also, page 31, Section II.D.3., "Several other opportunities exist..., if desired". The LWRP is the place to state what is and is not desired for the waterfront.
- ④ ▶ Page 34, Section III, Policy 1 - It is not appropriate to encourage the expansion of industrial development into the wetlands of South Bay. These wetlands are protected by the laws of the United States and the State of New York. In addition, the assertion that South Bay "does not appear to be of the same quality or importance as North Bay" should be revised. South Bay may be more degraded than North Bay, but these wetlands do not lack importance and could be alternatively viewed as a potential restoration opportunity.
- ④ ▶ Page 36, Section III, Policy 1B - Future use of the St. Lawrence Cement Company property is a critical issue for the City of Hudson. To best serve the City's interests, explicit analysis of proposed uses, use conflicts, and recommendations for this and adjacent properties should be included here and in other sections of the document where this property is discussed. The LWRP provides an opportunity for the City to clearly articulate its desires for the waterfront, evaluate the impact of potential conflicting uses and develop standards to avoid or mitigate these conflicts, and set priority actions needed to implement the vision.
- ▶ Page 39, Section III, Policy 4 - This policy is applicable, and is one location where language integrating a Harbor Management Plan into the LWRP may be developed.

- ⓧ
- ▶ Page 40, Section III, Policy 5 - The bulleted items are a repetition of items one through five above them.
 - ▶ Page 70, Section IV.A.2. - Although zoned for industrial uses, it is not clear based on the City's planning and visioning exercises that an expansion of industrial uses of the waterfront is desired. Again, the wetlands of South Bay are not appropriate for industrial or other development.

Please feel free to contact me at 518-474-6013 if you have any questions about the Division's comments. I look forward to working with you to finalize the LWRP, assisting the City of Hudson in achieving further improvements on its vibrant, urban waterfront.

Sincerely,



Nancy Welsh
Coastal Resource Specialist

cc: Charles Butterworth, City of Hudson
Stephen Ridler, NYSDOS
Paula Marshman, NYSDOS

Attachments



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

August 1, 2003

Mr. Charlie Butterworth
Superintendent
Department of Public Works
City of Hudson
520 Warren Street
Hudson, NY 12534

Dear Mr. Butterworth:

The Department has reviewed the April, 2003 revised Draft Local Waterfront Revitalization Program (LWRP) for the City of Hudson. We notice several comments on the October, 2002 Draft LWRP provided in our January 31, 2003 letter do not appear to have been addressed. The Department cannot conduct a full review of the LWRP until these comments are reflected in the document and/or we have received an explanation of their omission.

The following items were described in our January 31, 2003 letter, and have not yet been adequately handled or addressed. Page numbers have been revised to reflect the April, 2003 version.

General

- ▶ Section numbering and indenting is not consistent throughout the document and should be re-examined. The map number references provided in the text are not always accurate and should be verified.
- ▶ The planning and recommendations found in the Hudson Vision Plan and City of Hudson Comprehensive Plan are not adequately discussed. In addition, the waterfront schematics and maps developed under these efforts should be included.
- ▶ The maps from the 1989 Draft LWRP are not acceptable. The maps are not adequate in terms of legibility and information display and should be revised.

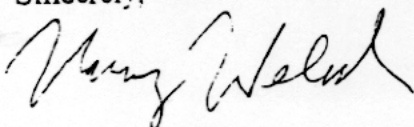
Specific

- ▶ The City should consider designating South Bay as a locally significant habitat using a Policy 7A in Section III.
- ▶ Chapter 2, p. 19 - The following listed scientific names are still incorrect: *Typha augustifolia*; *Pondederia cordata*; *Sagittaria atifolia*. The following are the correct spellings: *Typha angustifolia*; *Pontederia cordata*; *Sagittaria latifolia*.
- ▶ Chapter 2, p. 21 - The "Sewage" section should incorporate the results of the 1997 EPF-funded Combined Sewer Overflow/Water and Sewer Needs studies, as appropriate.
- ▶ Chapter 3, p. 1 - It is not appropriate to encourage the expansion of industrial development into the wetlands of South Bay. These wetlands are protected by the laws of the United States and the State of New York. The document continues to assert that South Bay is not important in terms of its natural resource value. This is not accurate or appropriate and should be revised. South Bay may be more degraded than North Bay, but these wetlands do not lack importance and could be alternatively viewed as a potential restoration opportunity.
- ▶ Chapter 3, p. 3 and elsewhere - Future use of the St. Lawrence Cement Company property is a critical issue for the City of Hudson. Still lacking in the document is an explicit analysis of proposed uses, use conflicts, and recommendations for this and adjacent properties should be included here and in other sections of the document where this property is discussed. The LWRP provides an opportunity for the City to clearly articulate its desires for the waterfront, evaluate the impact of potential conflicting uses and develop standards to avoid or mitigate these conflicts, and set priority actions needed to implement the vision.
- ▶ Chapter 4, p.1 and elsewhere - There are discrepancies in proposed zoning and the stated goals of the LWRP. Although zoned for industrial uses, it is not clear based on the City's planning and visioning exercises that an expansion of industrial uses on the waterfront is desired.

Please feel free to contact me at 518-474-6013 if you have any questions about the Division's comments. Again, I remind you that the Department will conduct a substantive review of the Draft LWRP once the above items are completed or explained, and may request additional revisions at that time.

I look forward to working with you to finalize the LWRP, and advancing the City of Hudson's waterfront revitalization efforts.

Sincerely,



Nancy Welsh
Coastal Resource Specialist



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

April 19, 2005

Mr. David Loomes
Director, Greenport Project
St. Lawrence Cement Company, LLC
4303 Route 9
Hudson, New York 12534

Re: F-2004-0863
Army Corps of Engineers/New York District Permit
Application #2000-00943-YN
St. Lawrence Cement Company, LLC - Greenport Project -
Hudson River
Town of Greenport/City of Hudson, Columbia County and Town
of Catskill, Greene County
DEC #4-1040-000011

Objection to Consistency Certification

Dear Mr. Loomes:

The Department of State has completed its evaluation of your Federal Consistency Assessment Form and certification that the above proposed activity complies with, and will be conducted in a manner consistent with, New York State's approved Coastal Management Program. Pursuant to 15 CFR 930.63, and based upon the project information submitted, the Department of State objects to your consistency certification. This objection rests with the unique nature of the proposal. It does not stand for the proposition that the affects caused by a different siting, configuration and design of a manufacturing facility with a lesser visual impact and a riverfront shipping facility with a reduced level of activity and located so as not to compete and conflict with adjacent uses, would result in a similar finding.

Subject of the Review:

Pursuant to Sections 9 and 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, St. Lawrence Cement (SLC) has requested authorization from the U.S. Army Corps of Engineers to: (1) construct and operate elements of a new cement manufacturing facility in its presently active mine in Greenport; (2) to expand existing docking structures and construct a new dock in the City of Hudson; and (3) to construct a 2.5 mile long tube conveyor for transporting material between the dock in Hudson with the manufacturing facility in Greenport.

The SLC facility includes a 1,222-acre mine and 547 acres of land contiguous to the mine in the Town of Greenport and a 14-acre riverfront industrial area in the City of Hudson. The new cement manufacturing plant would be constructed within SLC's existing mine in the Town of Greenport. Construction of the proposed 2 million metric ton per year (mt) cement manufacturing facility would involve drainage of water currently occupying a portion of the mine site where the manufacturing facility would be located. The project would

include a preheater tower (337 feet in height), and attached main stack (363 feet in height); eight blending silos (20 feet in diameter by 174 feet tall and 207 feet to the top of the bucket elevator); 2 clinker silos (140 feet in diameter by 189 feet tall); and 8 cement silos (66 feet in diameter by 171 feet tall, with 228 feet to the top of the bucket elevator).

The 2.5 mile-long tube conveyor between the Greenport facility and riverfront industrial facilities in Hudson would travel primarily at grade, and would be completely enclosed. The cross section of the enclosure traveling at grade would be approximately 4 feet wide by 10 feet tall. At road crossings, the conveyor would rise to 28 feet above grade; at the CSX rail tracks it would rise to 45 feet above grade and these enclosures would have a cross section of 8 feet wide by 10 feet tall.

To accommodate deep-draft HudsonMax vessels, the proposed project would involve dredging approximately 62,000 cubic yards of material from the nearshore area of the Hudson River near the dock. The area to be dredged would be 5.71 acres in extent, including 5.45 acres of subtidal habitat and 0.26 acres of intertidal habitat. Stone revetment would be placed along the newly dredged slope, filling approximately 1180 linear feet over 1.09 acres of Hudson River intertidal and subtidal area. Steel sheet piling would be driven waterward approximately 420 feet of existing bulkhead on the northern portion of the property. To the south of the bulkheading, an open-pile, T-shaped dock for barge breasting and mooring would be constructed and a portion of industrial fill would be removed and relocated eastward. In this area, submerged stone rip-rap would be placed along the contours of approximately 900 feet of shoreline, filling approximately 0.06 acres of Hudson River intertidal zone.

Proposed in-water work includes the construction of 2 dolphins to be used in the berthing of HudsonMax vessels. Each dolphin would be connected to the shoreline by a 4 foot wide fixed steel grate gangway. A breasting barge (250 feet long by 63 feet wide) would also be moored at the bulkhead to hold the HudsonMax vessels away from the dock, in water deeper than water adjacent to the bulkhead. A new 260 feet long steel grate dock parallel to the shore is proposed to be constructed approximately 500 feet south of the existing SLC dock, for berthing of cement barges. The dock would be approximately 15 feet wide, supported by 4 dolphins, and connected to the shore in the center via a fixed steel grate gangway (20 feet wide by approximately 50 feet long). The cement barges that would use this dock are approximately 400 feet long and 72 feet wide, and weigh approximately 12,000 tons.

Existing structures on SLC's dock property include a stock house, a large concrete storage building (315-feet, by 115-feet, by 65-feet high), and an inactive 147-foot tall silo and barge-loading tower on the northern portion of the property. Proposed on-shore structures at the riverfront industrial facility include an 82 foot tall pump house, a 75 foot tall conveyor-reversing structure, a dock conveyor and a raw material stockpile area. The dock conveyor system would be used in the transfer of raw materials at the dock. The system would run approximately parallel to the riverbank, rising at a 10-degree angle to a height of 56 feet above ground to a transfer point within the 75 foot tall conveyor reversing structure, where material would be fed into the tube conveyor for transport to the Greenport manufacturing facility. This dock conveyor would be approximately 3 ½ feet wide. Loading of finished cement onto a barge would be performed using a pneumatic loading system. This system would connect the 82 foot tall pump house to a cement barge. Additionally, a public walkway leading to a landscaped area on the southern end of the dock facility would be created along the landside boundary of the riverfront industrial facility, adjacent to the CSX railroad tracks.

Activities at the riverfront industrial facility in Hudson would include the loading and unloading of cement products and raw materials. HudsonMax vessels would dock 16 to 22 times per year, operating 24 hours per day for up to 3 days each time, or 48 to 66 days annually. The largest class of ship capable of navigating this portion of the Hudson River, HudsonMax vessels are up to approximately 754 feet long, 80 feet wide, and have a 32 foot draft. Large cement barges would also transport finished material from the dock up to 4 times per week. The raw materials that would be unloaded at the riverfront industrial facility include coal/petroleum coke, gypsum, or granulated blast furnace slag (GBFS). Since raw materials can be unloaded from the HudsonMax vessels faster than they can be transported via the conveyor, material would stockpiled at the Hudson facility. A containment

area would be constructed to house stockpiles of raw materials (54 to 60 feet high) for time periods ranging from 10 to 100 hours, estimated by SLC to be used up to 56 days a year. Post manufacturing at the Greenport facility, the finished cement product would be transported to the Hudson facilities via the tube conveyor and loaded onto barges for shipment.

SLC currently operates a cement kiln in Catskill, approximately 13 miles south of Hudson on the west side of the Hudson River in Greene County. As part of the proposed project, the existing cement manufacturing operations at the SLC facility in Catskill would cease. SLC would retain ownership of and continue to rely upon the Catskill site for materials handling and other logistical support for the Greenport facility. Continued activities at the Catskill site would include some grinding, packaging, storage, and shipping, as well as cement kiln dust (CKD) landfilling, to the extent that CKD generated at the Greenport facility would not be beneficially reused or recycled. SLC would dismantle or otherwise remove several structures in Catskill made obsolete by the cessation of certain existing cement manufacturing operations, including diminution of a plume resulting from the cessation of manufacturing at Catskill, removal of six 100 foot tall cement loading silos currently located on a jetty in the Hudson River, and removal of an 82 foot tall kiln stack located upland. Twenty-two silos (100 feet tall) and a stack (200 feet tall) would be demolished at the former Atlas site in the Town of Greenport, and a silo (147 feet tall) and barge loader would be removed from the SLC dock in Hudson.

In addition to the fixed components to be constructed as part of the Greenport facility, activities at the proposed plant would also generate noise and plumes of visible vapor and particulate matter. These plumes would be visible for many miles from areas in and beyond the coastal area. Particulate matter, not readily visible from surrounding areas, would travel greater distances.

The proposed cement manufacturing facility would employ 155 individuals. There are currently 144 employees at the Catskill facility, and 10 at the Greenport facility. The proposal would result in a shift of labor, with 25 employees remaining in Catskill, and 130 at the Greenport facilities. Construction of the Greenport manufacturing facility and the Hudson riverfront facilities would employ 1500 people over 2 years.

Factors Relevant to the Review

In accordance with the federal and State consistency provisions of the federal Coastal Zone Management Act (CZMA) and Article 42 of the State Executive Law, respectively, certain federal and State agency actions and activities requiring agency authorizations are required to be consistent with the enforceable policies of New York's federally approved Coastal Management Program (CMP) and Local Waterfront Revitalization Programs (LWRP). The proposed activities, requiring authorization from the U.S. Army Corps of Engineers, are subject to the consistency provisions of the CZMA.

A federal consistency certification and supporting information for this proposed activity was submitted on October 22, 2004, and the Department's review began on October 23, 2004. In conducting this consistency review, DOS considered all supporting information submitted by the applicant relative to the October submission, including relevant information submitted prior to that date. DOS participated in site visits, balloon flight demonstrations, and a demonstration by the applicant's consultant of the software used in visual simulations submitted by the applicant. DOS issued a public notice for the proposed activity in accordance with 15 CFR Part 930.61, and over 13,000 comments were received and considered. Comments were received from interested citizens, organizations, businesses, community groups, professionals, union representatives, elected officials in New York State and neighboring states. Testimony from the Department of Environmental Conservation (DEC) issues conferences, rulings by DEC's Administration Law Judges (ALJ), and decisions made during the DEC issues conferences were also considered.

The CZMA authorizes a coastal state to review activities requiring federal agency authorizations for their consistency with the enforceable policies of the state's approved CMP wherever those activities are or would be located and their affect on resources or uses of the coastal area. (16 USC § 1456). Therefore, the geographic scope of the DOS review depends upon the nature of activities and their effects on coastal resources and uses.

In determining whether activities requiring federal agency authorizations affect the coastal area, the term "affect" is construed broadly. The term includes "direct effects which are caused by that activity and occur at the same time and place as the activity, and indirect (cumulative and secondary) effects which result from the activity and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects are effects resulting from the incremental impact...when added to other past, present, and reasonably foreseeable actions, regardless of what person(s) undertakes(s) such actions". (see 15 CFR 930.11(g); Conference Report, Congressional Record, September 26, 1990, H. 8076)

A state can review for consistency an activity requiring federal agency authorization located in one portion of the coastal area, for its effects on another portion of the coastal area. The potential affects from the SLC, as will be discussed, reach beyond the project site. Accordingly, the DOS review of the SLC project relies upon a region-wide approach because of the proposed project's potential far-ranging effects.

Regional Factors and Patterns of Development

From a regional perspective, most communities along the Hudson River are reconnecting with the river through a mix of residential, commercial and recreational development that maximizes public access to the river. Tourism is the leading industry in the Valley, employing one of every ten workers and generating approximately two billion dollars a year. The Valley is a recreational resource for the 8 million people who live in and near the region (Hudson River Valley Special Resource Study Report. National Park Service. 1996.). DOS has been working with 35 riverfront communities in preparation and implementation of Local Waterfront Revitalization Programs (LWRP). In the past decade, the DOS has awarded 116 Environmental Protection Fund (EPF) grants totaling over \$25 million to waterfront communities in the Hudson Valley. The majority of this funding has been focused on revitalizing urban industrial waterfronts. Waterfront revitalization provides the catalyst for these riverfront communities to enhance their economic vitality, revitalize downtown areas, and provide public recreation opportunities on the waterfront. Through the Hudson River Valley Greenway and the Hudson River Valley National Heritage Area, waterfront communities are also planning for and implementing plans to create a recreational corridor for residents and visitors to explore.

The Hudson River region is recognized as a vital and changing area. Here, one large project located in two municipalities, such as SLC's project, may have significant regional effects. Because of this, the geographic scope of DOS's consistency review of this project includes not only the City of Hudson waterfront, but coastal resources and uses in the Village of Athens across the Hudson River from part of the project site, and other locations in the coastal area, such as the Olana Historic Site and certain designated Scenic Areas of Statewide Significance in the Hudson Valley. The riverfront industrial area is visible from the Hudson River, portions of the City of Hudson, and portions of the shoreline areas within the Village of Athens. Considerations such as scenic views and vistas, absence of pollution-based haze or other pollution, or water resources may be components, where appropriate, of the character of the coastal area of a community. The Athens LWRP was approved and incorporated into the CMP in accordance with Article 42 of the Executive Law and the CZMA and the potential effects of SLC's proposal on the policies and purposes of the Village's LWRP were considered by DOS. Effects on those resources and their characteristics and uses of those resources and the coastal area may be considered.

In recent decades there has been a shift in many urban waterfronts from water-dependent industrial uses, to a mix of compatible, higher economically valued mixed uses that include commercial, residential, tourism, retail, office and water-dependent recreational uses. Such a shift has been occurring in the Hudson River region. Historically, the urban centers along the Hudson River began as transshipment points for agricultural products to reach market. In the late 18th and the 19th centuries, the river became the focus for intensive industrial activity – from whaling to brickworks to iron manufacturing. Industries lined the waterfront in the cities and villages of the Hudson Valley. In the mid-19th century, railroad lines were extended into the Valley. While the lines hugged the riverbank for long stretches, the tracks were located away from the shoreline in areas where substantial industrial uses occupied waterfront acreage.

By the mid-20th century, industrial activity along the river, especially in urban centers, was in decline. The result was outdated industrial structures, brownfields, as well as derelict land fronting a severely polluted river. As New York State invested millions to clean the Hudson River, communities began to rediscover their waterfronts. Since the 1980's, urban centers along the Hudson have experienced a dramatic shift, moving from industrial uses and brownfields to mixed use redevelopment, recreation, cultural activities, and, increasingly, high-tech businesses. This shift in land use coincides with a shift in the Valley's economic engine from industrial uses to tourism, office, high-tech and retail activities. These new uses have generated spin-off businesses and a wide range of stable and growing employment and revenues, including significant public revenues that include property, sales, business and other taxes.

In developed waterfront areas on the Hudson River, land for new economic activity is at a premium. The most significant acreage available is underused industrial land between the river and the railroad tracks. Redevelopment of large parcels between the river and the railroad tracks for non-industrial uses is now occurring in nearly every major urban area in the Hudson Valley and is being supported by millions of dollars in federal and state grant funds and private investment. Throughout the Hudson Valley, these projects are transforming industrial sites into retail commercial uses, restaurants, parks, marinas and other tourist destinations, giving a needed boost to the local economy. Waterfront revitalization is providing the catalyst for these riverfront communities to enhance their economic vitality, increase tax revenues, add jobs, revitalize downtowns, and provide public recreation opportunities to the waterfront. This is particularly the case in Hudson River areas such as Yonkers, Irvington, Poughkeepsie, Sleepy Hollow, Tarrytown, Peekskill, Newburgh, Kingston, and Hudson. This Hudson Valley trend – converting riverfront industrial land to higher economically valued multiple mixed uses – started in the City of Hudson more than 2 decades ago. Since then, governments and the private sector have moved forward by denying approval for an oil refinery on the site of what is now the waterfront park, removing oil tanks and discontinuing other industrial uses, and creating a vision for a recreational and mixed use waterfront.

Applicable Policies and Policy Analysis

NYS CMP Policy #1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.

This policy provides guidance for the restoration, revitalization, and redevelopment of deteriorated and underutilized waterfronts for certain compatible uses. The explanation of Policy 1 includes standards for determining whether uses are compatible and appropriate in deteriorated and underutilized waterfront areas. The explanation of policy also includes guidelines that must be followed when determining whether or not a federal or State action proposed for a specific urban waterfront area is suitable. The action should: (a) give priority to uses which are dependent on a location adjacent to the water; (b) enhance existing and anticipated uses; (c) serve as a catalyst to private investment in the area; (d) improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration; (e) lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use; (f) have the potential to improve the existing economic base of the community and, at a minimum, not jeopardize this base; (g) improve adjacent and upland views of the water, and, at a minimum, not affect these views in an insensitive manner; and, (h) have the potential to improve the potential for multiple uses of the site.

The explanation for this policy also states that revitalization of underutilized waterfront areas is one of the most effective means of energizing economic growth and that waterfront redevelopment is one of the most effective means of rejuvenating and stabilizing residential and commercial districts adjacent to the redevelopment area. The SLC waterfront comprises 14 acres and is currently the site of limited industrial activity. The SLC dock receives 2 to 3 HudsonMax bulk cargo ships each year. Other bulk cargo ships that come into SLC's dock to deliver materials are generally smaller. Coast Guard icebreakers and buoy tenders tie up at the SLC docking facility, which is also used seasonally for storage of navigational buoys. The Coast Guard has advised DOS that they consider the SLC dock a "critical" buoy staging area, the only one currently available to them north of Bayonne, New Jersey. According to SLC, the dock is also used by 6-10 pleasure craft during the summer, and

by tug-directed barges, which are typically 60 feet wide and 300 feet long. The present use of the dock area for small scale shipping and recreational boating certainly comports with the nature of this small harbor area.

The SLC proposal represents a dramatic expansion in industrial activity at the SLC dock in Hudson. The proposed riverfront industrial facility, immediately adjacent to the City's waterfront parks, would serve as the shipping center for one of the largest cement manufacturing facilities in the nation, producing 2 million metric tons per year. Under the proposal, HudsonMax vessel activity would increase to 16-22 stops per year at the docking facility, a 433 - 1000% increase in the presence of a HudsonMax vessel at the Hudson waterfront, and include mooring for up to 3 days at a time. Unloading and loading operations, including the transport and stockpiling of road salt, gypsum, and GBFS, would occur on a 24-hour basis. Cement barges of twelve-thousand metric ton capacity, which are about 400 feet long and 72 feet wide, would be used to transport finished material up to 4 times per week. Loading of these vessels takes up to 14 hours. In addition to the increased activity of HudsonMax vessels, tugs and barges, and associated loading and unloading operations, the proposed project would also entail the construction and operation of an enclosed conveyor system connecting the riverfront industrial activity to the Greenport facility. The product transfer and storage associated with the proposed SLC riverfront industrial facility would transform the existing dock into a major shipping terminal. Rather than revitalize the waterfront, at its proposed scale, this shipping complex will dominate this and surrounding waterfront areas for the 50 to 60 year useful life of the industrial complex.

Policy 1 guidelines and conclusions:

(A) Priority should be given to uses which are dependent on a location adjacent to the water:

An extensive discussion of water dependent uses appears in Policy 2.

(B) Actions proposed should enhance existing and anticipated uses:

Waterfront revitalization depends upon location, circumstances and proposed use. A large-scale heavy industrial facility is not appropriate in all waterfront locations but requires the right setting. In the state's urban areas, particularly major ports, the introduction of large new industries and expansion of waterborne transportation of cargo can serve as a source of economic rejuvenation. Not all areas however benefit from the introduction of heavy industry.

At one time in the City of Hudson, cement manufacturing was a significant local industry. Beginning in the late 19th century, with improvement and expansion in railroads, waterborne movement of cargo and people declined. The economy of Hudson worsened and the slower economy served to preserve much of Hudson's history and architectural heritage. A recent newspaper article described the city's economic revitalization: "City administrations maintained the historic integrity of Hudson while upgrading the infrastructure . . . They kept our main street intact," [Mayor] Scalera said" (Times-Union, 1/09/2005). Beginning in the 1960's, the City's development trend moved toward non-industrial uses. Significant effort has been made by the private sector, state agencies, the City of Hudson, and the Village of Athens to attract a broad base of users to waterfront parks, retail areas, and recreational facilities, such as marinas and boat launches.

Along with other State agencies, DOS has been involved with the City of Hudson for more than 20 years in the redevelopment of its waterfront. In 1984, DOS objected to the consistency certification for the proposed expansion of an existing oil storage terminal facility on the City of Hudson waterfront. The proposed oil facility relied heavily on waterborne transportation and it was the Department's position that the increased industrialization of the City of Hudson's waterfront represented an incompatible use (DOS consistency decision letter, July 6, 1984). Today, using, in part, State financial assistance, that the largest former oil facility in the City, has been transformed into Hudson's newly completed waterfront park, while plans are being advanced to add adjacent mixed-use development on the river to anchor the west end of the Warren Street revitalization. A \$10 million cleanup of another riverfront brownfield is being completed, which will enable the City of Hudson public waterfront to expand until immediately adjacent to the proposed significantly expanded SLC riverfront industrial uses.

The 1996 Hudson Vision Plan and 2002 Comprehensive Plan are the most recent completed planning documents guiding development efforts in the City. As noted in the City's adopted 2002 Comprehensive Plan, the Vision Plan is the guide for waterfront development projects. (See Hudson Comprehensive Plan (HCP) Executive Summary pp. xii - xiii). Many of the recommendations contained within the plans have been implemented. One project that is largely completed is the development of the new waterfront park on the site of the former Hudson Petroleum parcel, complete with landscaping, walkways, docking facilities and a gazebo. The State is also considering relocation of the public boat launch from the Hudson waterfront's northern edge to a site at its southern edge, just north of, and directly adjacent to, the proposed SLC riverfront industrial facility. The Hudson Power Boat Association will relocate to the current State Boat Launch site, with proposed redevelopment of the current Hudson Power Boat Association parcel to include a new restaurant, mixed use retail/office, river café and a new ferry terminal office. Other uses proposed for the Hudson Power Boat Association site include docks, shoreline improvements and open space for use by visitors and residents. Improvements for nearby Promenade Hill, located on the waterfront just to the north of the waterfront park, include the construction of a new visitor amenities building, the incorporation of new landscaping, and development of a promenade walk to connect with the waterfront. The Vision Plan also recommends the development of a bicycle lane along Front Street to strengthen the link between Hudson's downtown, its waterfront and the regional network of transportation paths.

The magnitude of industrial activity proposed at the SLC dock would compete with the revitalization of the City's waterfront and surrounding area. Over the past 20 years, the City has experienced a resurgence in private investment with individual owners and proprietors funding building restoration projects and establishing new businesses. This investment has led to development of antique shops, galleries, gift shops, home furnishing stores, sporting goods stores, clothing boutiques, restaurants, cafes, bars, a concert hall and cabaret theater all on Warren Street, Hudson's main street. This investment has created new jobs in the City and resulted in the adaptive rehabilitation of many of Hudson's historic buildings. The economic revitalization is expanding outward from Warren Street, continuing along several streets, including Allen, Union, Columbia, and State Streets anchored at the west end by plans for waterfront mixed use immediately adjacent to the proposed SLC riverfront industrial facility. These redevelopment projects on the river would function as the riverfront anchor of the Warren Street revitalization.

SLC's proposed riverfront industrial facility also does not comport with the City's *1996 Hudson Vision Plan* and the *2002 City of Hudson Comprehensive Plan* (see discussion under Policy #2).

The introduction of SLC's proposed large riverfront industrial uses in close juxtaposition will not enhance, but instead would detract from, these existing and anticipated uses.

(C) The action should serve as a catalyst to private investment in the area;

As previously mentioned, the City of Hudson is enjoying a significant revitalization of its waterfront and community. It relies on a diversified economy in which tourism, commercial, retail, recreation and second home purchases play a large role. Hudson relies on the area's high quality of life, contributed to by the visual appeal of the area, its historic fabric and texture, its pastoral setting, and attractions such as its waterfront park and Olana as the basis for continued economic growth.

The SLC facility will not advance or serve as a catalyst for the type of private investment and the kind of commercial development that has been unfolding in Hudson in the past twenty years, and as envisioned in the Hudson Vision Plan significantly expanded riverfront industrial activity, contrasts with the continued economic growth in the City and region based, in part, on a revitalized mixed-use waterfront development or other more compatible light industrial options. It can be anticipated that the proposed increase in scale and intensity of industrial operations at the Hudson dock will not encourage future retail and tourism-focused investment, and may diminish future private investment for these types of activities in the City or adjacent areas.

(D) The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration

As part of its project, SLC has proposed several significant site improvements and mitigation measures. At the dock facility, SLC plans to remove a dock tank and barge loader. At the Catskill facility, SLC proposes to remove six bunker silos on the jetty in the Hudson River. SLC proposes to close the Catskill kiln, and remove portions of the plant, and silos on its jetty in the river. Elimination of the plume resulting from the plant closure and removal of several substantial structures would result in a major visual improvement in the Hudson Valley, particularly since it is in the primary southern viewshed from Olana. All of these actions will improve the conditions at its waterfront property.

(E) Action should lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use:

The proposed project represents a tremendous increase in the scale of local and regional cement manufacturing operations. The new plant, if built, would be the largest in the State and one of the largest in the nation. According to the DEIS, "construction of the 2 million metric ton per year Greenport cement plant and a net increase in production of 1.4 million mty would decrease the country's dependence on imported cement by 7 percent." Dock activities and vessel operations would generate potentially significant dust and noise impacts on a relatively continuous basis. This would occur through constant transit of ships to transport 80% of the cement plant's product to market, utilization of heavy equipment on the dock to load and unload materials, the pneumatic loading system, and storage dockside of large quantities of raw materials. There would be significant noise, fumes and dust associated with these activities which would likely impair recreational use on the adjoining waterfront park, neighboring areas and on the Hudson River.

The increased industrial activity on the waterfront described above would be out of scale and character with the surrounding pedestrian-oriented parks, small-scale historic architecture and the City's Historic District, recreational boating activities, commercial retail, and tourism-oriented uses on the City's waterfront, as envisioned in its Vision Plan, and other planning documents. The Village of Athens has also determined the proposed project would have similar negative impacts on the character of their waterfront development (Village of Athens, letter, 3/16/05). Despite the fact that the proposed riverfront industrial structures would have historic industrial facades, the overall scale and intensity of use would not be compatible with the character of the area.

(F) Proposed actions should have the potential to improve the existing economic base of the community and, at a minimum, not jeopardize this base:

The City of Hudson is experiencing an economic upturn, with nearly a 5 percent rise in private sector jobs between 1998 and 2002. The economic engine driving revitalization in the City of Hudson and elsewhere in the region is commercial, retail, tourism, residential real estate and business support services. The resurgence in local investment has led to a dramatic expansion in the development of retail uses, restaurants, arts, and recreational opportunities. This investment has spurred new jobs, has resulted in the adaptive rehabilitation of historical structures, and is fueling mixed retail and recreational uses of the waterfront. The proposed increase in scale and intensity of industrial operations at the Hudson riverfront would not encourage future retail and tourism-focused investment, and may jeopardize the base of the current revitalization effort. The City of Hudson's waterfront capacity for siting and implementation of the public recreational and access uses, as well as the ability of the waterfront to host mixed commercial uses is hindered, not improved, by the nature, intensity, and scale of SLC's proposed riverfront industrial facility.

The proposed riverfront industrial facility would be situated across the Hudson River from the Village of Athens' historic waterfront district, which is listed in the National Register of Historic Places and includes more than 270 historic structures, and would present a significant level of intense industrial activity in an area where an emphasis is placed on recreational, tourist-related, and waterfront-related retail commercial activity. With financial assistance from DOS, the Village is presently completing a \$1.2 million restoration project to refurbish its historic ferry slip and Riverfront Park, resulting in increased waterfront park area and development of new dockage, walks and promenades. The Deputy Mayor of the Village of Athens submitted a letter strongly opposing the proposed project.

(G) Actions should improve adjacent and upland views of the water, and, at a minimum, not affect these views in an insensitive manner:

The Hudson River viewshed in this area is important. The Hudson Valley was the setting for the Hudson River School of artists and the geographic center of the American Romantic Movement, a cultural movement that took place during the first half of the 19th Century. The region is also a significant resource for tourism and recreation. Portions of the landscape are included within Scenic Areas of State-Wide Significance (SASS) as designated by the New York State Coastal Management Program (CMP) – the Catskill-Olana SASS and the Columbia-Greene North SASS, as fully discussed in Policies 23, 24 and 25.

As part of its project, SLC proposes to refurbish and expand the existing dock facility on the Hudson River. The SLC project incorporates an access area from which the public can observe the working waterfront. The dock area impacts depend upon ship traffic, loading, unloading, and stockpiling activities at the docks. Although current use of the dock area involves some stockpiling of materials, the proposed project will significantly increase the level and intensity of material handling operations at the site, with accompanying noise, dust and light impacts.

The current outstanding scenic views of the water from adjacent and surrounding areas, however, will be profoundly changed. Views of the water from the City park, which adjoins the SLC site, will be marred by a steady parade of large ships and barges maneuvering in and out of the docking area. Diesel emissions and plumes from ship and barges while in transit and when engaged in loading operations can be expected to have an adverse effect on views of the water from the park. Across the river, views of the water from the Village of Athens will change. The Village has expressed strong concerns about the negative visual impact the project would have on the Athens Riverfront Park and the Hudson-Athens lighthouse, and the Village's plans to refurbish its historic ferry slip and Riverfront Park.

The impact on visual quality will be to impair, not to improve adjacent and upland views of the water.

(H) The action should have the potential to improve the potential for multiple uses of the site.

SLC's project is a cement plant operation occupying more than 1000 acres with almost no provision for creating multiple uses at the site. The current use of the dock for Coast Guard operations and recreational boats may not be available at that location. No other commercial uses consistent with the economic development trend occurring in the City of Hudson are planned for the site. As noted, SLC has offered to construct a public pathway along the waterfront. The City of Hudson's waterfront capacity for siting multiple uses may not be improved by the proposed riverfront industrial facility.

In conclusion, the proposed increase in industrial activity at this location, as described above, does not enhance existing and anticipated uses, lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use, serve as a catalyst to private investment in the area, or improve adjacent and upland views of the water. For these reasons, the proposed activity is inconsistent with this policy.

NYS CMP Policy #2: Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

This policy provides guidance for facilitating appropriate siting of compatible water dependent uses. SLC states the proposed cement manufacturing facility in Greenport is a water dependent use. This position, however, is not consistent with Executive Law Section 911(7), which provides:

"Water dependent use" means an activity which can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

Key to this definition is that the activity can only operate if conducted on, in, over or adjacent to a water body. Activities which can be carried on elsewhere are not water dependent. Also, the definition provides that as an “integral” part of the activity, the use must involve water.

The cement manufacturing facility proposed does not use river water, and it is not nor need not be located on, in, or over the water. It is, therefore, not water dependent. The proposed method of transportation of certain raw materials and some of the product, however, is water dependent.

The NYSCMP makes it clear that water dependent uses are not intended to be facilitated in all locations. Not only do the guidelines for this policy make this clear, but in a section of the CMP, describing "changes the program will make," it is clear governments must do this only in existing major ports, "Within existing major ports, State agencies and local governments with approved local waterfront revitalization programs must site land uses and development which are essential to or in support of waterborne transportation of cargo and people." (I-6)

Further, the NYSCMP states cement is one of a limited group of water-related, not water-dependent industries that benefit from water transportation, and "cost savings for water shipment are directly responsible for the location of those industries [particularly gypsum and gravel, not cement] along the Hudson." (NYSCMP II-29)

The proposed, new significantly large shipping facility in Hudson, is water dependent. NYSCMP Policy #1 states water dependent uses "must be given priority in any redevelopment effort. (Refer to Policy 2 for the means to effectuate this priority)".

The applicable Policy 2 guidelines, state, when choosing a site for a water dependent use, the potential for competition for the space must be considered, as well as its compatibility with adjacent uses.

The City of Hudson's limited waterfront space includes public parks, a public boat launch that will be relocated to the parcel immediately adjacent to the proposed SLC riverfront industrial facilities, boat association dockage, and other recreational opportunities discussed in Policy 1.

Current zoning along Hudson's waterfront is industrial (I1) and residential (R4), covering both the SLC property and riverfront park space. The Comprehensive Plan states: "For all intents and purposes, the 1996 Hudson Vision Plan outlined recommendations for Hudson's waterfront that are consistent with the goals and objectives of this comprehensive plan. However, the existing zoning districts are not consistent with these preferred future land use patterns." (2002 Hudson Comprehensive Plan, p. 52)

The 1996 Hudson Vision Plan lays out the preferred future land use patterns for the waterfront. The plan states: "The area defined as the 'waterfront', for purposes of this study, extends from South Bay to North Bay - south to north...." (Hudson Vision Plan, p. 88). This area includes all of the SLC riverfront property.

The Vision Plan articulates the intent of the City in revising the existing zoning along the waterfront to include a mixed-use district:

The waterfront is currently zoned for industrial use....The current zoning is far too broad and does not recognize the value of the waterfront as a historical, cultural, commercial and recreational resource for the City. The zoning classification also does not encourage the highest and best use of the land and thus reduces potential tax revenues to the City.

It is recommended a new "Waterfront Zone" be created that addresses the goals of the Vision Plan and the specifics of the Master Plan. The zone should be created immediately. To minimize conflict existing property uses could be grandfathered, but if they change ownership, the new owners would be subject to the new provisions. Permitted uses should include: recreation/open space, parking, residential (second story and above), retail, galleries, studios, office, restaurants, museums, outdoor markets, outdoor performances, street vending, marine stores, marine fuel and boat storage. Conditional uses could include: electronic transmission towers,

public utility uses, transportation centers, railroad, ferry terminals. Accessory Uses should include: signs, outdoor cafes. Prohibited Uses should include: manufacturing, assembling, storing and processing products or facilities, outdoor storage of lumber, construction and building materials, contractor's equipment, trucks, vans, buses, retail or wholesale of vehicles or boats. Building heights should be limited to 45 feet from ground elevation to ridge or parapet line. (Hudson Vision Plan, pp. 85-88)

Further, the Vision Plan states that the land now owned by SLC, "has good development potential for a variety of public and private uses. The City should try to secure an option on the land or should have a letter of understanding expressing its interest." (Hudson Vision Plan, p. 89)

Indeed, Hudson has steadily pursued this waterfront vision, beginning with a waterfront development plan for the Best Oil tank farm site in 1995. In 1997, the City of Hudson acquired and remediated the tank farm, subsequently developing the site into a waterfront park with a lawn, gazebo and comfort stations. Moving steadily southward, in 2003 the City acquired the former Lockwood parcel, directly south of the former Best Oil site, which will be used to expand the park once site remediation has been completed. The most recent acquisition, the former CSX parcel, closed in late 2004. This parcel, directly south of the former Lockwood parcel and adjacent to the SLC property at its northern boundary, is the proposed location for the upgraded and expanded State boat launch facility that is described in the Vision Plan. Acquisition and redevelopment of the SLC property, as recommended by the Vision Plan, could conceivably continue the City's ongoing waterfront transformation.

The uses expressed in the Vision Plan are also reiterated in the City's only adopted planning document, the 2002 Comprehensive Plan. This plan states that in changing portions of the industrial zoning to a new zoning district to promote a mixed use waterfront environment, "permitted uses should be a variety of water-dependent and water-enhanced activities such as marinas, public boat launches, restaurants, parks and residential uses. Design standards, similar to those recommended for downtown, should also be developed and incorporated for this district." (Hudson Comprehensive Plan, pp xiii - xiv)

The Comprehensive Plan identifies the new zoning as the Urban Waterfront District, and states that "the general limits of the district should be the area west of the railroad tracks, north perpendicular to Warren Street and south perpendicular to Broad Street." In 2002, Broad Street represented the southern extent of the publicly owned waterfront. Since that time, as described above, the City of Hudson has acquired both the former Lockwood and CSX properties south of this artificial boundary, moving steadily southward along the waterfront. From these activities it is clear that additional phases of waterfront redevelopment would target the City's southern waterfront, including the SLC property, according to the Hudson Vision Plan's recommendations for this area.

Based on this review of Hudson's past planning and implementation activities, it is clear the City's waterfront has been and will continue to be transformed from a private industrial waterfront to a public waterfront for boating, tourism, commercial and other compatible uses. These uses are in direct competition with SLC's proposed industrial riverfront facilities. Given the extreme limitation on space along the Hudson waterfront, this is not a suitable location for the proposed SLC industrial facilities and uses.

Policy 2 guidelines and conclusions:

(1) Competition for space: Competition for space, or the potential for it, should be indicated before any given site is promoted for water-dependent uses. The intent is to match water-dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise..... The choice of a site should be made with some meaningful impact on the real estate market anticipated:

The proposed project would not reduce any conflicts between competing uses. Instead, it would result in greater conflict between two water dependent uses by substantially increasing industrial activity in the City of Hudson's existing public waterfront space which provides water dependent recreational access to the Hudson River. Currently, the SLC dock is used for 2-3 shipments per year of granulated blast furnace slag and gypsum that are

stockpiled on site and then trucked to Catskill for use in the cement manufacturing process. The Catskill cement manufacturing plant produces 600,000 metric tons per year (mt/y) of cement. The proposed Greenport facility would be one of the largest cement plants in the United States, and would produce 2 million mt/y, a 230% increase in production activity. This would result in significant increases in the level of operations at the SLC dock in Hudson. Shipments via HudsonMax vessels would increase between 433% and 1000% with the proposed expansion of the riverfront industrial facility. Additionally, the proposal includes the construction of a new T-shaped dock which would serve as the berthing area for 12,000 ton cement barges visiting up to 4 times per week. Loading and unloading operations would occur on a 24-hour basis as would the operation of the proposed conveyor connecting the dock in Hudson to the plant in Greenport. Overall, the proposed activities would result in a significant increase in the scale and scope of material handling activities, and would substantially increase the level of operations at the Hudson dock.

The physical presence and operation of the Hudson Max and other vessels, and the 24-hour continuous loading and unloading operations at the dock adjacent to the City parks, would directly conflict with the use of the parks and the River, as described above. Further, the City of Hudson has experienced an increase in selling prices of both downtown buildings and single family homes in recent years. The value of Warren Street properties increased over 400% from 1993 to 2004. This is not only due to rising market conditions, but reflects the significant public and private investment in deteriorated downtown property and existing and planned recreational and commercial waterfront amenities. Introducing significantly increased industrial activities at the waterfront would adversely impact this real estate market and would also be contrary to this guideline.

(2) Compatibility with adjacent uses and the protection of other coastal resources: Water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic.

The proposed new significantly large shipping facility is adjacent to an existing and expanding public waterfront space in an area being revitalized into the previously described mix of compatible, higher economically valued mixed uses that include commercial, residential, tourism, retail, office and water dependent recreational uses. This economic rejuvenation is occurring not only in Hudson, but in waterfront communities throughout the Valley. The massive size of the operation renders it out of scale in relation to its surroundings. The level of increase in heavy marine traffic, and the duration of that traffic in a narrow reach of the navigable Hudson River is a significant change in scale and scope of operation. The proposed significantly increased level of industrial activity would not be compatible with adjacent uses, nor would it enhance the surrounding community. The presence of the heavy industrial activity, typified on the waterfront by the 24 hour operation of HudsonMax vessels, would also pose direct conflicts between that proposed use and the anticipated ferry service (described in the Athens LWRP) between the Village of Athens and the City of Hudson.

According to the DEIS, among the principal noise sources from the facility are those which would originate from the operation at the dock area and of the conveyor system. DEIS at 15.1. As noted, the dock facility will operate twenty-four hours a day, the noise levels are not expected to decrease on Saturdays or Sundays, days when greater public activity along the waterfront can be expected. With respect to noise at the dock area, SLC represented at the DEC Issues Conference that it would design and construct its facilities at the dock area to comply with the City of Hudson's noise code and certain unspecified best management practices as part of a DEC permit.

DOS has reviewed substantial evidence concerning potential noise impacts at the riverfront industrial facility. SLC has indicated that it expects an increase in the sound level of 5 to 10 decibels (dBA) and deemed that satisfactory for daytime operations. (DEC Issues Conference). While those noise levels may be appropriate in an industrial area, there are residential and recreational areas in proximity to the dock facility, including those across the river in Athens. DEC's Noise Policy states that noise levels for receptors in non-industrial settings should not exceed an increase of 6 dBA. (DEC Noise Policy, Feb. 2001 at p. 14). The current dockside setting is one of waterborne recreation and limited commercial uses and not heavy industrial uses. SLC has not shown that its dockside noise would not exceed an increase of the 6 dBA level. Based on the evidence before DOS, the noise levels identified by SLC would in many instances exceed DEC's Noise guidelines for non-industrial settings. It is

additionally noted that the DEC Commissioner has found noise to be of sufficient concern and not adequately attenuated by SLC's proposed mitigation measures as to require that the issue of noise be submitted to adjudication. (DEC Commissioner's First Interim Decision, December 6, 2002)

Additionally, the loading and unloading of cement products and raw materials would create fugitive dust emissions that could also be incompatible with the surrounding community.

Given the existence of the water dependent riverfront park adjacent to the proposed large riverfront industrial facilities, the impending relocation of the State boat launch to a site immediately adjacent to the St. Lawrence Cement dock, the conflict between the proposed SLC industrial expansion on the river and the existing and future water-dependent and water-related uses, and the potential impact on the anticipated real estate market for compatible, higher economically valued non-industrial mixed uses, it is clear the project would result in unacceptable impacts to the existing and anticipated future Hudson waterfront. The proposed large riverfront industrial facilities would be inconsistent with this policy.

NYC CMP Policy #4: Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

Policy 4 recognizes that traditional activities occurring in and around smaller harbors contribute to a community's economic strength and attractiveness. According to the policy, state efforts should center on promoting such desirable activities as recreational and commercial fishing, ferry services, marinas, historic preservation, cultural pursuits, and other compatible activities which have made smaller harbor areas appealing as tourist destinations. "Particular consideration will be given to the visual appeal and social benefits of smaller harbors which, in turn, can make significant contributions to the State's tourism industry."

The City of Hudson enjoys a unique maritime heritage and relationship to the water. Beginning with its founding in the late 18th century by displaced New Englanders, Hudson prospered as it developed its shipbuilding, whaling and sealing, sailmaking, blacksmithing and cooperage industries. The City was reputedly the home of one of the largest whaling and shipping fleets on the Atlantic coast until the mid-1800's, by which time political and technological change had steered the City onto a new course.

The explanation for Policy 4 provides guidelines that shall be used in determining consistency. The following is a discussion of the applicable guidelines:

(1) The action will enhance or not detract from or adversely affect existing traditional and/or desired anticipated uses:

The City of Hudson has been experiencing a resurgence in local investment that has helped the City in its evolving waterfront revitalization and has lead to a dramatic expansion in the development of retail uses, restaurants, arts, and recreational opportunities. This investment has spurred new jobs, has resulted in the adaptive rehabilitation of historical structures, and is fueling mixed retail and recreational uses of the waterfront. City efforts on the waterfront include recreational boating activities immediately adjacent to the proposed SLC dock and conveyor, as well as many active and passive recreational uses associated with the City parks, as identified in the 1996 Hudson Vision Plan. The proposed SLC waterfront facilities and activities would adversely affect the desired anticipated uses as expressed in the adopted comprehensive plan and the Hudson Vision Plan, they would directly conflict and compete with those uses that are in place and that are being promoted and expanded.

(2) The action shall not be out of character with, nor lead to development, which would be out of character with, existing development in terms of the area's scale, intensity of use, and architectural style:

The proposed project conflicts with the community character of the City of Hudson, which has evolved significantly in recent years, away from industry toward mixed commercial and residential uses with an emphasis on riverfront recreation. This is a desired trend and is reinforced in local planning documents such as the 1996

Hudson Vision Plan and the adopted 2002 *City of Hudson Comprehensive Plan*. The City's revitalized core, centered on Warren Street, and anchored on the west by the City's waterfront park, borders the proposed SLC riverfront industrial facility, which would serve as the shipping center for one of the largest cement manufacturing facilities in the nation. The dock is currently used 2-3 times per year by HudsonMax sized vessels for shipments of raw materials. The proposed project, however, would result in periods of 24-hour per day industrial operations up to 66 days per year. The intensity of the industrial operations, the size and scale of the structures and stockpiles proposed on the dock, and the size and scale of the vessels and their operation, would frequent the dock would be out of character with the area's existing development in terms of scale, intensity of use, and architectural style.

(3) The action will not adversely affect the existing economic base of the community:

The local economy in Columbia County has been growing steadily, with nearly a 5 percent rise in private sector jobs between 1998 and 2002. This economic growth has been fueled by real estate, retail and wholesale trade and business support services. The City of Hudson in particular has enjoyed a boom in its residential and commercial real estate market which could be threatened through the introduction of increased industrial activities affecting the quality of life. The proposed expansion and change in industrial activities on the river directly competes with the previously mentioned plans for recreational and commercial activities immediately adjacent to the proposed dock and conveyor and the current revitalization in Hudson. It could also jeopardize the possibility of tapping into the Hudson River's multi-million dollar recreational boating industry which, as noted by Hudson City Alderman Colum Riley (Riley, letter, 3/18/05) could provide much needed revenue for the City. The increased SLC industrial activities would impact the recent economic growth felt as their downtown has revitalized and may adversely affect the existing economic base. It may also lead to diminished marketability of the planned uses, and adversely impact the tax revenues anticipated from those uses.

Further, the relocation of SLC operation from Catskill to Greenport would have a negative impact on Catskill. Direct job loss would be 119 jobs and about 257 secondary service jobs.

The proposal will adversely affect the existing economic base of Hudson and Catskill.

(4) The action will not detract from views of the water and smaller harbor area, particularly where the visual quality of the area is an important component of the area's appeal and identity:

The presence and operation of the Hudson Max vessels, 82 feet tall pump house, a 75 feet tall conveyor-reversing structure, 56 feet tall trough conveyor system, 82 feet tall pneumatic loading system, stock piled raw materials, lighting would detract from views of the water and smaller harbor area both in the City of Hudson, and from the Village of Athens. The Village of Athens, also a small harbor area rich in maritime history, identifies "enjoying the view" as one of the most important recreational activities of its residents, in its LWRP. The visual quality of this region of the Hudson River is a very important component of the area's appeal and identity, and would be negatively impacted by the introduction of the proposed riverfront industrial activities.

The proposed plant, and its increased industrial use at the waterfront, would not promote activities that would make the small harbor areas of Hudson and Athens appealing to residents and tourists. The project would not enhance planned redevelopment activities, and would detract from views of the water, in an area where the visual quality of the waterfront is an important component of the area's appeal and identity. Therefore, the proposed project is inconsistent with this policy.

NYS CMP Policy #18: To safeguard the vital economic, social and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.

The purpose of this policy is to ensure that proposed major actions do not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the safeguards which the State has established to protect those waters and resources. Proposed actions must take into account the social, cultural, economic and

environmental interests of the State and their citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation, and recreation.

As previously discussed, in the last 20 years, communities in the Hudson Valley have been moving away from waterfront industry, toward a more diversified economy with higher valued economic uses. Increasingly, Hudson River communities such as Hudson and Athens rely upon the area's high quality of life, contributed to by the visual appeal of the area, its historic fabric and texture, its pastoral setting, and attractions such as Olana as the basis for continued economic growth. This community character would be jeopardized by the proposed plant and riverfront industrial facility.

The proposed project could negatively impact Catskill and would diminish the current revitalization trend in Hudson. The change in direct employment regionally is only one position. Catskill would lose 119 jobs directly, and potentially lose 257 secondary service jobs in the area as a result. The new Greenport facility would directly employ 155 individuals after construction. There are currently 144 employees at the Catskill facility and 10 at the Greenport facility. The proposal would result in a shift of labor, with 25 employees remaining in Catskill, and 130 at the Greenport site. The total estimated gain in property taxes is \$563,964 for the Hudson/Greenport area. This includes the total change in taxes in the Town of Greenport, Greenport Fire District, Greenport Lighting District, Greenport Water District, the City of Hudson, Hudson School District and Columbia County. However, SLC stated in the DEIS that there would be no change in the existing property tax assessment or tax revenues generated by the project at the Catskill facility. Therefore, SLC claims the current annual tax levy of about \$275,000 to county town and school districts would be the same.

Given that the economic engine driving the revitalization in Hudson and elsewhere in the region currently is commercial retail, real estate, tourism and business support services, it can be anticipated that the proposed increase in scale and intensity of industrial operations at the Hudson dock will not encourage future retail and tourism-focused investment, and may diminish future private investment for these types of activities in the City and adjacent areas. The City of Hudson's waterfront capacity for siting and implementation of public recreational and access uses and ability of the waterfront to host multiple uses is hindered, not improved, by the proposed riverfront industrial facility.

The proposed plant, and its resultant shift in jobs, tax base, and increased industrial use at the waterfront, would adversely impact the social, cultural, and environmental interests of the region's citizens. The project will not enhance planned redevelopment activities and may adversely affect the economic activity generated by current redevelopment efforts.

Given the foregoing, the proposed activities are inconsistent with this policy.

NYS CMP Policy #19: Protect, Maintain, and Increase the Level and Types of Access to Public Water-related Recreation Resources and Facilities.

One of the purposes of this policy is to guide the protection, maintenance, and enhancement of the level and types of access to public water-related recreation resources and facilities, particularly in urban coastal areas. The explanation for this policy identifies the following guidance to be used in determining the consistency of a proposed action with this policy:

The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated... An elimination of the possibility of increasing public access in the future includes... construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.

As described earlier, both the City of Hudson and the Village of Athens have made substantial efforts in recent years to promote and develop their respective waterfronts in an effort to attract a broad base of users, particularly recreational users, to the waterfront. Related to this redevelopment, a number of capital improvement projects and development plans for the waterfront have been funded through a variety of public finance vehicles. The NYS Office of Parks, Recreation and Historic Preservation operates a publicly accessible boat launch in the City of Hudson and is planning to relocate the facility from its present location to a site, reclaimed and rehabilitated with public funds, immediately adjacent to the north of the SLC dock in the City of Hudson. DOS is currently funding the feasibility study for the new launch location under Title 11 of the Environmental Protection Fund.

The significant increase in the presence and operation of HudsonMax vessels and other craft associated with the proposed increase in industrial activities immediately adjacent to the public waterfront would likely interfere with, and thereby reduce, public use and vessel access of the Hudson River and of the City of Hudson's waterfront recreational opportunities. Even with the proposed "warning" agreements in which SLC employees would advise park users of the anticipated movement of HudsonMax vessels, the public's ability to access the River and use of navigable waters by recreational boaters. Additionally, the 24-hour loading and unloading of cement products and raw materials would create noise, fumes, and fugitive dust emissions that would also impact the public enjoyment of the neighboring parks. The construction of the proposed private facility and its associated uses would reduce existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities, and would physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.

As a component of the proposed project, SLC proposes to develop a "semi-naturalized public park and promenade" between the landside boundary of the riverfront industrial facility and the CSX railroad. While improving public access on a private site is encouraged, the quality of the experience of using the footpath through a heavy industrial area, as proposed, is not comparable to the recreational access from the City's adjacent waterfront park to the River, and use of the River, which would be diminished by the physical presence of the HudsonMax vessels and other industrial activities at the site such as 24-hour loading and unloading operations. The public access park proposed by the applicant is not in itself compatible with the increased industrial activities proposed at the same site, and those increased industrial activities and presence of massive ships would not be compatible with the adjoining uses of the City parklands.

Despite the trail access proposed by SLC, the increased industrial activities would negatively impact the existing access from the parks, and future access-related development opportunities would be reduced, the proposed activity is inconsistent with this policy.

NYS CMP Policies 23, 24 and 25 address protection of historic sites and visual quality

NYS CMP Policy #23: Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the state, its communities, or the nation.

The explanation of Policy 23 states that:

The structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation comprise the following resources:

- (a) A resource, which is in a federal or State park established, among other reasons, to protect and preserve the resource.*
- (b) A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places.*
- (c) A resource on or nominated to be on the State Nature and Historic Preserve Trust.*

The explanation goes on to say "all practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities or the Nation shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a

significant adverse change to such significant structures, districts, areas or sites." A significant adverse change includes, but is not limited to, "3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archaeological resource."

NYS CMP Policy #24: Prevent Impairment of Scenic Resources of Statewide Significance.

Scenic Areas of Statewide Significance (SASS) were designated in accordance with Article 42 of the NYS Executive Law, 19 NYCRR Part 603, and the NYS CMP. These areas were designated in order to implement Policy 24 of the CMP. Prior to that designation, DOS performed an extensive assessment of the State's most scenic coastal areas in the Hudson Valley. The resulting SASS report identified a number of coastal landscapes, that through their unique composition of scenic, geologic, historic, and cultural components, merit special protection through SASS designations. The guidelines to Policy 24 state: "When considering a proposed action...first determine whether the action could affect a scenic area of statewide significance. This determination would involve: (a) a review of the coastal area maps to ascertain if it shows an identified scenic resource which could be affected...and (b) a review of the type of activities proposed to determine if they would be likely to impair the scenic beauty of the identified resource." Further, the explanation for Policy #24 states "impairment [of a SASS] will include: (I) the irreversible modification of geologic forms; the destruction or removal of vegetation; the modification, destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and, (ii) with the addition of structures which, because of siting or scale, will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource."

NYS CMP Policy #25: Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance but which contribute to the overall scenic beauty of the coastal area.

The explanation of policy states when considering a proposed action, "the action will be undertaken so as to protect, restore or enhance the overall scenic quality of the coastal area. Activities which would impair or further degrade scenic quality are the same as those cited under the previous policy [NYCMP Policy 24]."

Policy Guidelines and Conclusions

Based on the guidelines above, it is clear that the SLC proposal including the riverfront industrial facility and portions of the Greenport manufacturing facility and its associated plume, visible about 39% of daylight hours would affect historic resources and visual quality of the area.

The proposed riverfront industrial facilities would be located on the City of Hudson's waterfront, located within close proximity to Parade Hill, the City of Hudson's Historic District, and the historic rail station, among other historic resources that are listed or eligible to be listed on the National Register of Historic Places. The proposed project would also be situated across the Hudson River from the Village of Athens. The Village's coastal area includes the Athens Lower Village Historic District; the Brick Row Historic District; and four individual historic structures including the Hudson-Athens Lighthouse. Each is listed on the National Register of Historic Places. The proposal would present a significant increase in the level of intense industrial activity. As stated above, "Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archaeological resource."

Consideration must be given to the proposal's affect on scenic areas of statewide significance (SASS) and other areas which contribute to the overall scenic beauty of the coastal area. The Catskill-Olana SASS would be affected by the proposal. The Catskill-Olana SASS, unique in that it inspired the first indigenous American

painting movement, consists of a portion of the Hudson River and its shorelands, an area approximately 5½ miles long and 3 miles wide. The significance of this SASS is its unusual landscape variety and unity of major landscape components among striking contrasts. With a central unity established by the Hudson River and the topography of the two shorelands, the diverse landforms present in the SASS include flood plains and steep ravines that rise 250 feet above the Catskill and Katterskill Creeks; Rogers Island and Ramshorn Marsh; forested bluffs along the Hudson River and the Roeliff Jansen Kill; plateaus and rolling farmland south of Catskill Village and the promontory of the Olana summit. The water elements in the SASS are equally diverse, including the Hudson River and its coves, channels, and inlets; the Catskill and Katterskill Creeks; small streams that meander through marshes along the Hudson River; and tidal flats that lie adjacent to the Catskill Creek and the Roeliff Jansen Kill at their junctions with the Hudson River.

The Olana subunit of the SASS encompasses approximately one square mile and consists entirely of the Olana State Historic Site. Olana is a renowned and beautiful Hudson River estate built by Frederic Church, a well-known painter of the Hudson River School.

The Olana subunit was included in the Catskill-Olana SASS not only for its own beauty but also for the beauty of its surrounding views, which Church often included in his paintings. The Olana subunit is unique. The Olana property is a designed landscape of extraordinary importance that recognizes its connection to the landscape beyond its borders. Olana's viewsheds are some of the most dramatic and famous in the Hudson River Valley. The estate grounds and the views from the estate were represented in several of Church's paintings, and they are highly recognized by the public for their scenic, historic, and artistic values. The site is considered one of the finest designed landscapes and a masterpiece of American landscape design. Olana's landscape is recognized as one of national significance (Landscape Restoration Plan, Olana State Historic Site). The incorporation of the superlative views of the Hudson Valley in the design of both the mansion and the grounds establishes an intrinsic connection between the property and the land outside its borders.

There are plans to restore sections of the Olana Historic Site to its original character. The Olana Landscape Recreation Plan includes as a fundamental goal recommendations to clear brushy and woody vegetation from much of Olana's historic "North Meadow", which has reverted to second growth woodland condition over the past several decades. Implementation of the restoration plan would significantly open up views northward, and thus increase the visibility of portions of the Greenport plant and plume from Cosy Cottage and other viewpoints within the SASS (Landscape Restoration Plan, Olana State Historic Site).

Previous consistency decisions are often useful to inform subsequent decisions. In 2000, DOS objected to the consistency certification submitted by Athens Generating Plant due, in large part, to the visual impacts of the proposed plant's plume upon scenic and historic resources. In that instance, the DOS objection was based in large part on a visible plume projected to exist for approximately 114 hours annually (Athens Generating Project, Federal Consistency Statement, February 2000). SLC reports that the cement manufacturing facility in Geenport would generate a visible plume approximately 1540 daylight hours annually. Even under "fair to clear weather conditions," SLC estimates that a plume would be visible 811 hours per year, close to 600% more frequent than the plume predicted by Athens Generation to which DOS objected.

The primary views recognized in the Catskill-Olana SASS document are toward the south. There are a significant number of discordant features in this view, of which the SLC Catskill facility is only one. These structures are discordant because of their scale, color, or materials in that they generally introduce an incompatible metallic or industrial element into the predominantly natural landscape. The SASS report states that "the addition of similar structures in the viewshed or within the SASS boundaries would impair the scenic quality of the SASS."

If the proposed project were constructed as planned, the existing Catskill facility, a discordant feature recognized in the SASS report, would cease operations, and therefore its plume would no longer be visible. The bunker silos associated with this facility would also be removed. The overall result would be a reduction of total discordant features within the southern viewshed of Olana.

While the SASS document emphasizes the importance of the south and west views, the north/northeast viewshed, which contains the existing Atlas silos as the major discordant feature and where the manufacturing facility would be located, is also noted as important. Removal of the Atlas silos as planned would eliminate a significant discordant feature. However, the resulting viewshed would be impaired by the portion of the proposed Greenport plant visible above Becraft Ridge and the plant's associated plume. The average annual plume estimated by SLC will be 1106 feet long x 588 feet high and is estimated by SLC to be visible about 39% of daylight hours.

Whereas Atlas currently represents close to 100% of the discordant features in this view, and would be removed, the visible portion of the proposed plant with the plume visible about 39% of daylight hours, as depicted in the simulation for viewpoint #142, would result in a greater increase in discordant features, compared to what is present with the Atlas structures. Through a significant positive visual improvement, the removal of the Atlas silos does not depend upon completion of this project. The silos are not in use and can be removed at any time with no consequence to the applicant other than disposal.

The proposed cement manufacturing facility, its large plume, and the riverfront industrial facilities and activities would also be visible from and would impact scenic resources of the Hudson River which are not within a designated SASS. In particular, the proposed plant's plume, the proposed significantly expanded riverfront industrial facilities and activities would be visible from both the City of Hudson's waterfront and the Village of Athens waterfront across the River.

The Athens LWRP states "enjoying the view" as the most popular recreation activity identified in a survey of its citizens. In a discussion of its scenic resources, this document states: "The River can be seen from throughout the Village at the end of most of the streets. The Hudson-Athens Lighthouse, the Rip Van Winkle Bridge, Mount Merino and the lights of Hudson, wildlife in the marshes, and the myriad types of river traffic and trains on the eastern shore provide an active and varied scene." In recent public comment on the Greenport project, the Deputy Mayor states "the Village of Athens has concluded that the visual impact of the proposed dockside facilities, plumes and conveyor would be inconsistent with the LWRP and the Village's development objectives and priorities under coastal policies. The proposed SLC project is inconsistent in terms of scale and incompatible with the landscape..... The SLC project does not enhance the overall scenic quality of the coastal area."

Additionally, the *Initial Rulings of the Administrative Law Judges on Party Status and Issues* (p. 102) communicates the Village of Athens' "concerns regarding negative visual impacts to the Athens Riverfront Park and the Hudson-Athens lighthouse due to the visibility of the conveyor system, plumes and structures from the main plant. The Village is currently undergoing a \$1.2 million restoration project to refurbish its historic ferry slip and Riverfront Park. This will increase the waterfront park area and include the development of dockage, walks and promenades. The 24 hour use of the dock in Hudson for the project, and the lighting that will be required for nighttime activities, are seen as potential eyesores." Athens Pet., IC Ex. 43, pp.1-5. SLC has indicated that it is not possible to provide a lighting plan prior to project approval (February 2005 SLC submission).

The current proposal by SLC, while improving the southern viewshed of the SASS, would significantly impair the northern viewshed, by a portion of the plant being visible above Becraft Ridge and the associated plume being visible about 39% of daylight hours.

The SASS report clearly states that "the addition of similar structures [incompatible metallic or industrial elements] in the viewshed or within SASS boundaries would impair the scenic quality of the [Olana] SASS."

Further, the impairment definition in the explanation of Policy 24 clearly states that "the scenic beauty of an identified resource" would be impaired by "the addition of structures which because of siting or scale will reduce the identified views...or diminish the scenic quality of an identified resource."

The proposal is inconsistent with Policies 23, 24 and 25, for the following reasons:

- the significantly increased scale of activity and visual impact of the proposed, significantly expanded riverfront industrial facilities, including Hudson Max vessels and their frequency would not be

compatible with the special character of Hudson and Athens historic resources, and would present a significant adverse change to the scale, proportions, compositions and enjoyment of nearby historic resources, and would not protect, restore or enhance the scenic riverfront resources.

- the siting of the Greenport plant causes a portion of it to be visible above Becraft Ridge affecting the Olana historic site, and the scale of the associated plume visible about 39% of daylight hours would be incompatible with the objective of preserving the quality and integrity of the Olana historic resources and SASS.

Conclusion

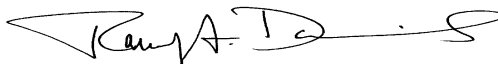
Based on the foregoing, the proposed activities are inconsistent with New York's federally approved Coastal Management Program's enforceable policies 1, 2, 4, 18, 19, 23, 24, and 25, and with the enforceable policies of the New York Coastal Management Program as they are expressed in the policies and purposes of the State and federally approved Local Waterfront Revitalization Program of the Village of Athens. This conclusion rests with the unique nature of the proposal. It does not stand for the proposition that the affects caused by a different siting of a manufacturing facility with a lesser visual impact and a riverfront shipping facility with a reduced level of activity and located so as not to compete and conflict with adjacent uses, would result in a similar finding.

Pursuant to 15 CFR Part 930, Subpart H, and within 30 days from receipt of this letter, you may request that the U.S. Secretary of Commerce override this objection. In order to grant an override request, the Secretary must find that the activity is consistent with the objectives or purposes of the Coastal Zone Management Act, or is necessary in the interest of national security. A copy of the request and supporting information must be sent to the New York Department of State, which administers the New York Coastal Management Program, and to the federal permitting or licensing agency. The Secretary may collect fees from you for administering and processing your request.

Given that the appeal process can be a lengthy one, if you would like to continue discussions with this office while pursuing an appeal, please call Mr. George R. Stafford at (518) 474-6000, or you may wish to have your counsel contact Mr. William Sharp of the Department of State's Counsel's Office, at (518) 474-6740.

The U.S. Department of Commerce and the New York District of the U.S. Army Corps of Engineers are being notified of this decision by copy of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy A. Daniels", with a stylized flourish at the end.

Randy A. Daniels

c: NOAA OCRM - John King
USACOE/NY - Richard Tomer, Christine Delorier
NYS DEC IV - William Clarke, Michael Higgins
NYS OPRHP - Jayne McLaughlin, Robert Kuhn
LLG&M - Robert Alessi

October 28, 2005

Mr. Charles E. Butterworth
Superintendent, Department of Public Works
City of Hudson
520 Warren Street
Hudson, NY 12534

Dear Mr. Butterworth:

The Division has reviewed the February 2004 Draft Local Waterfront Revitalization Program (LWRP) for the City of Hudson; please find enclosed our comments on this draft document. These comments incorporate all revisions to the February 2004 draft that are required to make the document acceptable for 60-day review of the Draft LWRP, subject to legal approval by Department counsel.

It is imperative that all attached comments are addressed to our satisfaction, therefore we suggest that you and your consultant team discuss any proposed revisions with us prior to producing another version of the LWRP.

As we have already discussed, please note that the City must still conduct appropriate community outreach, in the form of public information and feedback meetings, to solicit input from interested stakeholders and address issues raised. We cannot accept the Draft LWRP for 60-day review prior to completion of this outreach. Additional revisions to the Draft LWRP may be required to address comments generated during the public information meetings.

Please feel free to contact me at 518-474-6013 if you have questions. From now on, you will be working with Bonnie Devine, Hudson River Unit supervisor, to finalize the City's LWRP. Bonnie may be reached at 518-473-0353.

Sincerely,

Nancy Welsh
Coastal Resources Specialist
Division of Coastal Resources

cc: Dan Shuster, Shuster Associates
Mayor Richard E. Scalera, City of Hudson
Michael Vertetis, Common Council President
Gail M. Grandinetti, Supervisor, 1st Ward
Robert F. O'Brien, Alderman, 1st Ward
Colum Riley, Alderman, 1st Ward
Edward C. Cross III, Supervisor, 2nd Ward
Quintin E. Cross, Alderman, 2nd Ward
Lyle J. Shook, Jr. , Alderman, 2nd Ward
Daniel J. Grandinetti, Supervisor, 3rd Ward
Kathy K. Harter, Alderman, 3rd Ward
Lisa M. Kenneally, Alderman, 3rd Ward
Staley B. Keith, Supervisor, 4th Ward
Nora M. Hancock-Snead, Alderman, 4th Ward
William C. Hughes, Jr., Alderman, 4th Ward
M. Kathleen Nabozny, Supervisor, 5th Ward
Robert J. Donahue, Sr., Alderman, 5th Ward
Richard P. Goetz, Alderman, 5th Ward
Peter Markou, Co-Chairman, Waterfront Advisory Committee
Tom Cappadona, Waterfront Advisory Committee
John Cody, Waterfront Advisory Committee
William Ebel, Waterfront Advisory Committee
Bruce Finn, Waterfront Advisory Committee
Jim Galvin, Waterfront Advisory Committee
Donald LaValley, Waterfront Advisory Committee
Assemblyman Patrick Manning, Waterfront Advisory Committee
Carmine Pierro, Waterfront Advisory Committee
Peter Schram, Waterfront Advisory Committee
Sarah Sterling, Waterfront Advisory Committee
Craig Thorn III, Waterfront Advisory Committee
Kevin Colwell, Legal Counsel

Attachments

Comments from the Department of State, Division of Coastal Resources on the February 2004 Draft City of Hudson Local Waterfront Revitalization Program (LWRP)

Purpose of the Local Waterfront Revitalization Program

The February 2004 draft of the City of Hudson Local Waterfront Revitalization Program (LWRP) does not adequately accomplish the intended purposes of a LWRP. A LWRP is a locally prepared, land and water use plan and strategy for a community's waterfront through which critical issues are addressed. It is based on a community vision and consensus regarding the future of its waterfront, and refines State waterfront policies to reflect local conditions and circumstances. A fact sheet describing the benefits of a LWRP is attached. These comments are intended to assist the City in achieving its goals and producing such a program.

Clarification of State Policies

LWRP policies are intended to clarify local circumstances and community needs. Substantial refinement of the State policies – in particular with regard to the identification of locally important scenic resources, habitats, public access opportunities, and revitalization/redevelopment opportunities – is possible, and provides a municipality with a critical opportunity to direct the actions of State and federal regulators and other decision makers. The existing draft LWRP does not adequately address local conditions and community objectives in the policy statements. Again, these comments are intended to assist the City in achieving its goals.

Public Participation

There has not been sufficient community participation in the LWRP development process since the earlier drafts of Hudson's LWRP were resurrected and revised. A number of important developments and activities have been proposed or accomplished in Hudson in recent years, and substantial public and private investments have been made in planning and implementing downtown and waterfront revitalization. The LWRP does not adequately incorporate or address these efforts, and does not reflect a community consensus and unified vision. In addition to addressing the comments that follow, in order to achieve a LWRP that is acceptable to the Department of State for 60-day review, the City of Hudson will be required to undertake a series of public information and feedback sessions and adequately address and incorporate the issues and concerns raised by the public.

LWRP Formatting

There is a standard format that must be used for all LWRPs, *e.g.*, LWRPs are divided into sections (rather than "chapters"), and there are standard section titles that should be used. The City and its consultant should work with the Department to appropriately reformat the document.

Needed Revisions: Themes

In general, the document needs additional detail and specificity in most sections, especially with regard

to analyzing appropriate land and water uses and how the policies will protect identified resources. Also, the land use and zoning sections need to be better described and justified.

St. Lawrence Cement

With regard to the treatment of the St. Lawrence Cement (SLC) waterfront property, in light of recent decisions by the Common Council and the Department of State and SLC's decision not to go forward with its proposed project, the assumptions made in the LWRP about the redevelopment of this property as proposed by SLC do not reflect current conditions. In particular, the policy explanations are problematic in that they were tailored to fit SLC's previous specific proposal. The LWRP should discuss potential uses of this area based on an analysis of appropriate activities for this site, given the directions established by the Hudson Vision Plan and the City's Comprehensive Plan. It should not be assumed that SLC will continue to be the owner of the property. The LWRP needs to reflect current conditions and future goals, and not be tied to a specific owner. The City must reorient its analysis, remove the assumption that the SLC plans will occur as described, and identify/analyze any desirable, potential uses and how they relate to the City's vision for its waterfront and to its community revitalization plans. The analysis needs to articulate those uses and activities that are consistent with this vision and plans, and that might take advantage of and are appropriate for the characteristics and infrastructure present or possible. The analysis should subsequently be developed into standards for determining whether potential uses and activities are consistent with this vision and appropriate for the site, and thus consistent with the LWRP. It will be these standards, as expressed in the policy explanations, that will be used to examine any and all proposals for development in Hudson's waterfront area.

Harbor Management Planning

The Harbor Management Plan (HMP) information that has been included throughout the document is not yet complete. A significant omission is a required "water use map" that demarcates different zones and types of use. A map similar to Map 10, Proposed Land Uses, that delineates water use areas is along the lines of what is required. Specific issues are, for example, at Ch.2 p.9 the LWRP refers to the "harbor management area of the City" but there is no description of this area and no accompanying map. Also, the "Harbor Management Plan" section in Ch.5 p. 5 references proposed water uses, sites and projects but the information does not appear to be anywhere in the document. There are a variety of potential uses that may compete for space in the City's Hudson River waters - ranging from recreational kayakers to power boat operators to large party boats and ferries to barges transporting materials. There needs to be some additional analysis of how these water uses will be managed, and standards must be developed to determine what uses are and are not appropriate in the different zones. All potential uses must be evaluated against the community's vision for the future of the waterfront.

Community Visioning and Compatibility of Uses

There is inadequate analysis of the compatibility of proposed land uses along the waterfront. The LWRP currently proposes a series of quite different land use areas ranging from conservation districts to heavy industrial areas, but there is no analysis of potentially incompatible attributes of these different land uses, and no explanation for how such factors might be successfully managed in close proximity.

A comprehensive, community-driven process resulted in the Hudson Vision Plan (HVP), including a waterfront concept plan. The HVP clearly outlines the suite of acceptable uses and activities envisioned for the revitalization area:

"Permitted uses should include: recreation/open space, parking, residential (second story and above), retail, galleries, studios, office, restaurants, museums, outdoor markets, outdoor performances, street vending, marine stores, marine fuel and boat storage. Conditional uses could include: electronic transmission towers, public utility uses, transportation centers, railroad, ferry terminals. Accessory Uses should include: signs, outdoor cafes. Prohibited Uses should include: manufacturing, assembling, storing and processing products or facilities, outdoor storage of lumber, construction and building materials, contractor's equipment, trucks, vans, buses, retail or wholesale of vehicles or boats. Building heights should be limited to 45 feet from ground elevation to ridge or parapet line." (HVP, pp. 85-88)

This information is partially presented in the LWRP. The waterfront concept plan, developed for the HVP and included in the LWRP, revolves around creation of a passive waterfront park, recreational boating facilities, and mixed-use redevelopment of upland parcels, including proposed enterprises such as restaurants, galleries, retail shops, museums, offices and residential space. These uses are proposed for the waterfront areas north of and adjacent to the parcel currently owned by SLC, which the LWRP assumes will be redeveloped as previously proposed by SLC. This assumption is now moot.

The Vision Plan also indicates that the community would like to extend this waterfront revitalization across the southern waterfront, stating that the SLC land "has good development potential for a variety of public and private uses. The City should try to secure an option on the land or should have a letter of understanding expressing its interest." (HVP, p. 89)

Indeed, Hudson has steadily pursued this waterfront vision, beginning (with financial assistance from the Division of Coastal Resources) with a waterfront development plan for the Best Oil tank farm site in 1995. In 1997, the City of Hudson acquired and remediated the tank farm, subsequently developing the site into a waterfront park with a lawn, gazebo and comfort stations. Moving steadily southward, in 2003 the City acquired the former Lockwood parcel, directly south of the former Best Oil site, which will be used to expand the park once site remediation has been completed. The most recent acquisition, the former CSX parcel, closed in late 2004. This parcel, directly south of the former Lockwood parcel and adjacent to the SLC property at its northern boundary, is the proposed location for the upgraded and expanded State boat launch facility that is described in the Vision Plan. Acquisition and redevelopment of the SLC property, as recommended by the Vision Plan, could conceivably continue the City's ongoing waterfront transformation.

It may be possible for appropriately-scaled industrial, recreational and commercial land uses to be successfully managed in close proximity; advance planning and the development of standards would be critical in accomplishing this. However, the LWRP includes no compatibility analysis or discussion of management strategies for these potentially incompatible use areas.

There is no clear statement made in the LWRP about the municipality's desire to maintain and advance industrial development in the southern waterfront, despite substantially maintaining this land use where it currently exists. Further, the LWRP lacks documentation of the kind of community consensus and analysis that support the HVP, which provides detailed recommendations for Hudson's northern waterfront, and recommends pursuing acquisition of the SLC parcel for an expansion of the proposed recreational and commercial amenities. Similar clarity should be developed through a community-based visioning and planning process regarding the future of the southern waterfront, including the SLC property, and in light of recent decisions from the Common Council, Department of State, and SLC. Such a process is essential to justify whatever land uses the municipality ultimately proposes in the LWRP. The public at large must be afforded the opportunity to discuss and provide feedback on the

City's current assumption that industrial land use along the southern waterfront will be maintained into the future. The HVP clearly indicates that the community supports an increased focus on recreational, tourism-oriented waterfront redevelopment, and recommends zoning categories that support this type of development (see HVP pp. 85-88).

Again, all of the land use information should be linked to standards in the policy section (such as in Policy 1 and subpolicies, among others). The zoning categories in the proposed legislation will have to be carefully crafted to ensure that desired land uses for the waterfront can be mutually advanced, and will not hinder one another. The document should be clear about any trade-offs being made, and explain the underlying rationale. Again, all potential uses and implementation techniques must be evaluated against a consensus vision of the waterfront, to see if they are compatible.

Policy Protections for Identified Resources

Currently, the policies are not sufficiently linked with the identified resources in the inventory (and vice versa). For example, there is a list of historic structures presented in the inventory (pp. 24-27), but these are not included in the explanation provided under the historic resources policy (Policy 23, Ch.3 p.26), nor is any information provided about current and potential protections in place for these resources. This is similarly true for the inventory of scenic resources, and for the habitats/fish and wildlife resources, among others. Resources that are identified in the inventory are assumed to be important to the City to some degree. What needs to be added and clarified is an explanation of how important they are, and how they are being (or might be) protected (local laws, zoning, etc.). In addition, all identified important resources should be referenced (*i.e.*, listed out completely) in the related policy section, with the related explanations.

Land Uses and Zoning

In the land use section, the City should articulate more specifically what it wants to see with regard to each identified land use type. This section should also explain the basis for any zoning changes that are being proposed or will result - in other words, how the proposed zoning advances the desired land uses or proposed projects.

There are inconsistencies in the use descriptions and boundaries of the land use districts and the zoning districts presented in the maps and described in the text. See for example Map 13 "Proposed Zoning" as compared to Map 10 "Proposed Land Uses". Map 10 (Ch. 4 p. 9) depicts "Urban Waterfront Development" extending south onto the parcel currently owned by SLC to a point approximately level with the abandoned rail spur. The entire area of identified wetlands in South Bay is demarcated for "Conservation". A fairly small polygon extending from approximately Cross Street south to the junction of Power Avenue with Route 9G (the northern boundary of the "Conservation" district) is identified as "Light Industrial". This depiction of land use areas is not, however, reflected in the Map 13 Proposed Zoning (Ch. 5 p.9). The proposed zoning boundaries include an "Urban Waterfront (UW)" area that extends south to approximately the property line of the parcel currently owned by SLC. South of this area, the "Industrial (I1)" area includes the area along the waterfront from the approximate property line cited above south to approximately the abandoned rail spur, and all the areas east to the perimeter roads around the Hudson Correctional Facility, including a substantial portion of the wetlands in South Bay. The "Waterfront Conservation District (WCD)" encompasses the remaining area south of the abandoned rail spur, mostly west of 9G/23B.

It is not clear either from the maps or from the text why the lines are drawn where they are. For instance, why is the WCD in South Bay drawn as it is, when there is a substantial additional area of wetlands depicted that remains in the adjacent I1 area? In the explanation of the Waterfront Conservation Districts, Ch.4 pg. 3, there is no rationale presented for why the boundaries are drawn this way. What is the WCD in this area intended to protect, and if it is the wetlands and related resources, then why are portions of these omitted from the WCD area? Similarly, the "Urban Waterfront (UW)" zoning appears to be intended to implement the desired "Urban Waterfront Development" land uses, thus these boundaries need to be reexamined.

There are several options for dealing with WCD land use/zoning inconsistency and implementing what appear to be the City's desired uses and protections. For example, the WCD boundary could be redrawn to surround the South Bay wetlands, consistent with the treatment in the North Bay WCD. Alternatively, the wetlands and other South Bay resources could be protected through some type of "overlay" created with standards that provide for specific protections.

Needed Revisions: By Chapter

CHAPTER 2

Ch. 2, Pg. 9

The "harbor management area" is referenced in the first, fourth and fifth paragraphs on this page but there is no map or description of this area provided in the document.

Ch. 2, Pg. 13

Please note that State-designated Significant Coastal Fish and Wildlife Habitats are uniquely different than, and have different decision-making standards relating to them than other types of "habitats". To distinguish State-designated Significant Coastal Fish and Wildlife Habitats from other significant habitats, the header "a. Significant Habitats" should be changed to read "a. Significant Coastal Fish and Wildlife Habitats".

The third sentence in the first paragraph on this page and the first and second paragraphs continuing on page 14 should be deleted and replaced with:

"To implement this policy Significant Coastal Fish and Wildlife Habitats are characterized, ranked, mapped and designated in accordance with Article 42 of the State Executive Law and implementing regulations in 19 NYCRR Part 602."

Since North Bay is part of a State designated Significant Coastal Fish and Wildlife Habitat, it would be appropriate to have a Subpolicy 7A under Policy 7 in the document, referring specifically to the North Bay Significant Coastal Fish and Wildlife Habitat. If South Bay is a locally important or significant habitat it would also be appropriate to add a Subpolicy 7B referring to that "locally significant habitat", as opposed to a State designated "Significant Coastal Fish and Wildlife Habitat" (Also see related comments regarding Policy 7 and Ch. 3 Pg. 12). Please see the enclosed attachment for a memorandum on and example of the accepted format for treating Policy 7 and Policy 7 subpolicies.

Ch. 2 Pg. 17, last paragraph

The "...possible contamination risk to the Hudson River...by camps on Middle Ground Flats" is an issue that should be moved from this page to a discussion in the water quality sections of the document, and in the summary of issues that need to be addressed in Section D at the end of the Chapter 2 Inventory and Analysis. While the camps are not within the municipal limits of the City and its waterfront area, the problems resulting from them affect the City's waterfront. It would be appropriate to include information describing the problems caused by these unauthorized "camp" dwellings and other related, unauthorized uses and activities in the area. In addition, identification of what might be done to resolve these problems and what entities might undertake those activities would be appropriate as an addition to Chapter 4 - Proposed Land and Water Uses and Proposed Projects. If State or federal agency actions are needed to help resolve the problems, those agencies and what needs to be done to resolve the problems should be included in Section B of Chapter 6.

Ch 2 pg. 19

The description of wetlands should be revised to reflect that DEC has completed the identification and mapping for freshwater wetlands > 12.4 acres. If there are implications elsewhere in the document (maps, policies) because this work has been completed be sure to make those changes.

Ch. 2 Pg 25, last sentence in the full paragraph on this page

Given recent proposals for industrial activities and significantly important changes in demographics and uses in the City's waterfront and adjacent areas, and the desire that, as the LWRP states, "care must be taken to choose industries which will not have a negative impact on tourism, commercial growth and future residential rehabilitation", it would be appropriate to move this sentence, as a standard, to the Chapter 3 Policies 1, 2 or 5, and cross-reference them in those policy explanations.

Ch. 2 Pgs 24 through 27 relating to Cultural and Archaeological Resources

Given the identified and important Hudson Historic District, National Register of Historic Places, and archaeological resources in the area to be covered by the LWRP, does the City protect these resources by regulation? If these resources are protected through City regulations, or if they are not and City regulation of those resources is appropriate, a description of those regulations should be included in the Chapter 5 summary of existing or proposed City legislation or regulation that would be used in whole or in part to protect those resources. At a minimum, the identified cultural and archaeological resources should be listed as part of Policy 23 for consistency protection.

Ch. 2 Pg 30, section 9. Scenic Resources

If the views identified in the first paragraph, such as the "...principal vistas of the river and its surroundings is from Promenade Hill and the new waterfront park..." also identified on Map No. 4 are of value and should be protected, that view and standards to protect it should be included in Policy 25. The means for City implementation of those standards should be referenced in Chapter 5, indicating whether those standards are included in the City's existing zoning or other special purpose legislation, or would be included in the City's zoning or other special purpose legislation. If important views and standards to protect them are included in Policy 25, the views would receive protection through LWRP consistency benefit.

Ch. 2 Pg 31 section C.1. Hudson Vision Plan

The HVP contains important community goals and vision statements (e.g., HVP pg. 2) as well as an extensive inventory of the waterfront and zoning and project recommendations (HVP pp. 80-96). For example, the overarching "Community Goal" articulated by the HVP – described as "the most significant concept underlying the development of the City's Community Vision Plan" (HVP p. 2) – should be included in the LWRP:

"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." (HVP, p. 2)

As stated in the contract work program for the City's Environmental Protection Fund grant award, which includes funding to complete the LWRP, the "draft LWRP...requires updating to include the Hudson Vision Plan and other recent changes." (Task 10, Completion of Local Waterfront Revitalization Program) Thus, the community-based planning conducted for the HVP should provide the basis for the revised and updated LWRP. Some of the HVP information has been incorporated in LWRP Section IV.B.I. (Ch. 4 pg. 3), but there is also much information and a variety of recommendations that are not included. Given the quality of analysis and the degree of community participation supporting the HVP, the LWRP must more fully integrate the substance of this document, including zoning recommendations, identified planning and study needs, and recommendations related to South Bay, southern gateway improvements, and greenway links between the southern and northern waterfronts.

Ch. 2 Pg 31 section C.2. Proposed Comprehensive Plan

It is the Division's understanding that the Comprehensive Plan was adopted in April 2002. Please clarify the meaning of "proposed", or correct this. Similar to the comments on the HVP above, the Comprehensive Plan (Comp. Plan) contains recommendations intended to advance the waterfront vision expressed in the HVP, as well as other community revitalization goals and objectives. This includes information related to the proposed Urban Waterfront District and Conservation Overlay Districts for Hudson's North and South Bays (Comp. Plan pp. xiii-xiv; pp. 51-52). At a minimum, the four broad goals of the Comp. Plan, which are referenced in this paragraph, should be listed here.

Ch. 2 Pg 33, first full paragraph

In describing the SLC parcel, this section reads: "This entire area, which represents the largest single property in private ownership in the coastal area, is zoned for industrial use (I-1). The I-1 District permits a wide variety of industrial, wholesale and commercial uses. It does not permit public or commercial recreation uses, especially those which require a waterfront location, or residential uses which might be enhanced by such a site." This statement leads directly to questions about the compatibility of this zoning designation, as proposed, with the City's waterfront vision and goals. Indeed, the Hudson Vision Plan is clear about waterfront goals:

"The waterfront is currently zoned for industrial use....The current zoning is far too broad and does not recognize the value of the waterfront as a historical, cultural, commercial and recreational resource for the City. The zoning classification also does not encourage the highest

and best use of the land and thus reduces potential tax revenues to the City.

It is recommended a new "Waterfront Zone" be created that addresses the goals of the Vision Plan and the specifics of the Master Plan. The zone should be created immediately. To minimize conflict existing property uses could be grand fathered, but if they change ownership, the new owners would be subject to the new provisions. Permitted uses should include: recreation/open space, parking, residential (second story and above), retail, galleries, studios, office, restaurants, museums, outdoor markets, outdoor performances, street vending, marine stores, marine fuel and boat storage. Conditional uses could include: electronic transmission towers, public utility uses, transportation centers, railroad, ferry terminals. Accessory Uses should include: signs, outdoor cafes. Prohibited Uses should include: manufacturing, assembling, storing and processing products or facilities, outdoor storage of lumber, construction and building materials, contractor's equipment, trucks, vans, buses, retail or wholesale of vehicles or boats. Building heights should be limited to 45 feet from ground elevation to ridge or parapet line." (Hudson Vision Plan, pp. 85-88)

The related schematic concept plan depicts a waterfront park, recreational boating facilities, and mixed-use redevelopment of upland parcels, including restaurants, galleries, retail shops, museums, offices and residential space.

The LWRP must identify and provide for the following information: What uses, activities and infrastructure are needed to foster this vision of the waterfront? What uses/activities preclude this vision from being realized? What zoning category(ies) at what location(s) is(are) required to foster the uses, activities and infrastructure that implement the vision? What zoning will hinder them? What are the benefits and drawbacks that are being balanced? If the benefits are sufficient, how will the drawbacks be managed/minimized?

A similar analysis must be made with regard to water uses/activities, which may include recreational kayaks, power boats, charter and party boat trips, ferries, barges, the Coast Guard, and other uses. There needs to be some analysis of which of these different water uses make sense, given the characteristics of the Hudson waterfront and the articulated community goals. Can they all be managed in a way that fosters these goals? If so, how? If not, what changes must be made to existing conditions, or to laws and regulations, or through other mechanisms, in order to prevent conflict?

Ch. 2 Pg 33, first full paragraph, last sentence

"St. Lawrence Cement has proposed a major upgrade of its docking facilities and a new conveyor as part of a proposed manufacturing facility in the Town of Greenport (see following Dock Area Plan)." The Dock Area Plan must be removed from the LWRP (see comment below "Ch. 2 page between pg 33 and pg 34 Overall Dock Area Plan") and this reference to it revised. Further, all references to the SLC proposal will require revision in light of recent decisions by the Common Council, Department of State, and SLC.

Ch. 2 Pg 33, item "a."

Given recent decisions, the reference to "the St. Lawrence proposal" should be revised and reworded to indicate that appropriate land and water uses and performance standards are needed to guide the redevelopment and use of the waterfront area currently owned and used by the St. Lawrence Cement Company. Since the area has the necessary landside infrastructure and depths of water for a wide range of water-dependent uses, it would be appropriate to indicate that land and water use and performance

standards for the area should ensure that appropriate water-dependent and water enhanced uses along the river occur.

Ch. 2 page between pg 33 and pg 34 Overall Dock Area Plan

For the reasons discussed above under Needed Revisions: Themes: St. Lawrence Cement, this figure should be removed. All potential uses and activities of the dock area and southern waterfront parcels must be evaluated against the waterfront's characteristics, infrastructure and community vision, and standards must be based on these factors and not crafted for a specific proposal.

Ch. 2 page 35 section D.4. North Bay Industrial Development

Additional discussion of these potential uses is required. Given the statement here that it "is important that such development be accommodated without adverse impact on the sensitive environmental features of this area", it would be appropriate to move this sentence, as a standard, to the Chapter 3 Policies 1, 2 or 5, and to cross-reference those policy explanations. The paragraph closes by stating "the delineation of suitable areas and appropriate standards for development, in advance, will avoid potential problems in the future." This statement is accurate and the LWRP is the appropriate forum for such advance planning and standards development.

CHAPTER 3

Ch 3 Pg 1, first paragraph

It would be appropriate to add a brief second paragraph indicating that actions and activities are required to be consistent with the policies in this section of the LWRP.

Ch 3 Pg 1, Policy 1

Policy 1 applies to the restoration, revitalization, and redevelopment of formerly developed deteriorated and underutilized waterfront areas, rather than important "vacant" open space areas such as wetlands that are also flood hazard areas. The Explanation of Policy for Policy 1 should be rewritten so that it identifies specific areas that should be restored, revitalized, and redeveloped for compatible commercial, industrial, cultural, recreational and other uses. The explanation of policy should indicate what types of uses are appropriate in the areas to be restored, revitalized, and redeveloped, and should link and cross-reference any discussion of water-dependent uses and standards in Policy 2, as well as discussion of public access uses in Policies 19 and 20.

Paragraph two in this Explanation of Policy states: "Although much of the land in South Bay between the railroad and South Third Street (Routes 9G-23B) is designated as a Class I wetland with some value as a wildlife habitat, some of it does not appear to be of the same quality or importance as North Bay." Please clarify this statement in relation to the assessment made in the City of Hudson Comp. Plan:

"Hudson's North and South Bay's are unique environmental resource areas which provide flood control, water quality, recreational, aesthetic and open space benefits to the City. While the North Bay is generally protected from future development because of its designation as a Significant Coastal Fish and Wildlife Habitat by the Department of State, the South Bay has not experienced the same level of attention. Consequently, long-standing activities have been permitted in the South Bay area that has significantly

undermined this valuable community and environmental resource. Protection and sound management of these natural resources will ensure continuation of their associated benefits and natural values. In response, to provide for the proper use of these valuable resources to the City and its inhabitants, a conservation overlay district should be established for Hudson's North and South Bay areas. The intent of the additional control of uses imposed in by this overlay district should be an attempt to achieve compatibility between environmental quality and future development." (Comp. Plan, pg. 52)

Please note Policy 1 is intended to clarify compatible uses appropriate as part of restoration, revitalization and redevelopment plans in the City's deteriorated and underutilized waterfront areas. This is an opportunity to note those particular local features, resources or conditions - identified in the Inventory section - that the municipality wants to receive special consideration or protection when undertaking revitalization or redevelopment activities in the waterfront area, as well as to consider whether industrial development remains appropriate. There is substantial opportunity to clarify the Explanation of Policy for the State's Coastal Policy 1 to identify specific local conditions and resources.

Ch 3 Pgs 2 through 4, Policies 1A and 1B

Water-dependent uses in formerly developed deteriorated and underutilized areas, included in these subpolicies should be linked to and cross-referenced with Policy 2, so that the Policy 2 explanation clearly indicates what water-dependent uses and facilities are to be facilitated and where they are to be sited.

The wording of the Subpolicy 1B statement is not appropriate, given that the "waterfront improvements associated with the St. Lawrence Cement Company Property" will not occur as proposed. Something more appropriate could be: "Development of the waterfront property currently owned and used by the St. Lawrence Cement Company shall be conducted in a manner that advances the Hudson Waterfront Concept Plan."

The Explanation of Policy for Policy 1B should include relevant summary elements from the Waterfront Concept Plan as standards that would implement this policy. This is important because not all agencies will have readily available copies of the Waterfront Concept Plan, and will not have information available that the agency will be required to use in its agency planning, regulatory, funding, or other decision-making (for example, an individual working for the U.S. Army Corps of Engineers in New York City or Boston, or an individual working for the Federal Highway Administration in Washington, D.C.).

The sixth sentence in the first paragraph of the Explanation of Policy should be qualified. While the bulkheaded shoreline, relatively deep water in the adjacent Hudson River, and upland area and facilities owned by the cement company provide excellent opportunities for a range of industrial or other commercial water-dependent uses, not all industrial or commercial water-dependent uses of the area would be appropriate, especially if those uses would conflict with other important uses, or if infrastructure is inadequate, or may not be provided in the future.

Please note that since the SLC proposal has been withdrawn, the specifics of many of these policy standards (items 1-7 on pp. 3-4) are not appropriate and/or relevant. This section should be revised to provide standards that reflect the range of potential uses for this parcel.

As discussed previously, the LWRP, through the policies and policy explanations, must describe standards for evaluating any proposed use of the parcel currently owned by SLC, now or in the future.

These standards will enable a determination on whether a proposed use is compatible with the City's articulated vision for the waterfront. An acceptable LWRP must clearly indicate that there are a range of uses and activities that are appropriate for the characteristics and infrastructure present or possible on the waterfront, and standards must be included in the LWRP both to clarify the boundaries of this range and to enable decisions to be made as to which uses/activities within this range are consistent with the community's vision for its waterfront. The policy explanations must provide explicit information to allow for effective decision-making when evaluating any specific proposal for a use that falls within this range.

Ch. 3 Pg 4, item 2.

It is not clear, based on the planning conducted to date, that developing this access road as described in item 2 has been determined to be an immediate priority. Discussion of this potential access road is perhaps better included in the Inventory section and preliminarily evaluated in relation to the waterfront concept plan and other factors. Earlier planning efforts seem to call for additional study to determine the best options. The City of Hudson Comp. Plan articulates the following goal: "Improve Traffic Flow Through And Around the City." The recommendations discuss key gateways, including:

"Gateway from south via Route 9G/23B. This gateway should continue with a primary orientation toward auto-traffic, but a more prominent welcoming to the City of Hudson should be established....Further, the visual character of this gateway is unique given its proximity to the South Bay. Consequently, special treatment should be taken to protect the views of the existing scenery." (Comp. Plan pg. 23)

The Plan also recommends an independent truck study and notes the abandoned rail spur:

"Detailed truck studies involve a significant amount of data collection and analysis such as truck origin/destination patterns, the type (class) of truck, including length and weight, traffic counts, projecting potential growth patterns, and detailed engineering studies to determine the most appropriate solutions....Strategies to this urgent need can include various levels of investment as well as a combination of solutions. For instance, in the short-term...[t]rucks that need access to the waterfront (consistent with existing environmental regulations) could utilize a now closed off access road." (Comp. Plan pg. 25)

If the cited information has already been compiled, and final recommendations have been formulated on redevelopment of the spur as a vehicle access road, this information should be included in the LWRP to support the proposed project and outline project phasing.

Ch. 3 Pg 4, item 5.

Again, and in light of recent City, State, and SLC decisions, the proposed SLC plans will not be advanced. There is not sufficient documentation that the community supports maintaining or expanding industrial land uses on the southern waterfront. If this site were to be maintained as an industrial use relying on waterborne materials transport, then potential conflicts between in-water uses can be reasonably foreseen in the vicinity of the existing cement company docking facilities. Those potential conflicts include: need for space and need for an adequate safety buffer for large vessels docked at the bulkhead, and for the existing federal navigation channel in the Hudson River; conflicts between commercial vessel traffic and recreational boating in the area; and conflicts between other in-water water-dependent uses that might be developed in the area in the future. A HMP, which is a required element of a LWRP and is not adequately included in this document, would be needed to better articulate the means of avoiding such conflicts.

Please see the discussion above under Needed Revisions: Themes: Harbor Management Planning. There are a variety of potential uses that may compete for space in the City's Hudson River waters - ranging from recreational kayakers to power boat operators to large party boats and ferries to barges transporting materials. The LWRP needs to include additional analysis of how these water uses will be managed, as well as standards to determine what uses are and are not appropriate in different zones (or not appropriate at all). All potential uses must be evaluated against the community vision for the future of the waterfront.

Ch. 3 Pg 6 and 7, Explanation of Policy and guidelines 1 through 5

As written, the guidelines starting on page 6 and continuing on page 7 are very general, and do not reflect the available opportunities for marinas, boat launches, and other water-dependent uses in Hudson. It would be appropriate to drop the words "guidelines should" from the second sentence in the paragraph preceding "guideline" 1 on page 6, replacing them with "shall". Information should be added after items 1 through 5 that identifies specific areas where water-dependent uses and facilities such as marinas, boat launches, and other water-dependent uses are appropriate, based on the preceding "guidelines". With changes such as these, the "guidelines" would become standards for the siting of certain water-dependent uses.

The last sentence in "guideline" 4 on page 7 relates to scenic resources. Given certain habitats are identified as important ones in the Inventory and Analysis, it would be appropriate to include a similar standard for the protection of the applicable State designated Significant Coastal Fish and Wildlife Habitat and the locally important South Bay habitat (see also comment on Ch. 2 Pg 12).

Ch. 3 Pg 8, last paragraph before Policy 5

This paragraph references a HMP and refers to Policy 2, but a HMP is not clearly included in Policy 2 and the information has not yet been adequately integrated into the LWRP. A HMP should include, at a minimum, a map or chart identifying specific areas designated for water-dependent uses such as navigation channels, fairways, anchorages or mooring areas if applicable, or other areas reserved for certain uses so that conflicts between vessels or other uses are avoided. For example, if a boat ramp is planned along the shoreline, a navigation accessway should be designated to and from the ramp and areas farther offshore. The federal navigation channel should also be shown on a map or chart, with a safety buffer between the channel and other areas. The channel and buffer area should be described as areas wherein anchored or moored vessels or structures will not be located or otherwise interfere with the designated water uses. The map or chart should also show where speed limits and other vessel operating restrictions are, or are planned to be, in effect. For example, the State five (5) mile per hour speed limit within two hundred feet (200') of the shore and structures such as docks should be represented by a line approximately 200' from the shoreline and any structures in the area, on the HMP map or chart. If marinas or other in-water uses will be provided for the in-water areas set aside for those uses should, corresponding with the upland zoning providing for those uses, should also be shown on the HMP map or chart. See Section 922 of Article 42 of the State Executive Law, implementing regulations in 19 NYCRR Part 603, or the Department of State's Guidelines for the Preparation of Harbor Management Plans (see http://www.nyswaterfronts.com/waterfront_working_harbormgmt.asp) for the required elements of a HMP. The Guidelines include information indicating the content required in a HMP and the authorities and means of implementing a HMP.

Ch. 3 Pp. 9-10 Policy 5

As noted above, the LWRP policies are an opportunity to clarify local circumstances and community needs. The Policy 5 information included in the LWRP, as written, seems to state that every parcel within the City of Hudson is appropriate for development because the "City of Hudson is the only urban concentration on the waterfront in all of Columbia County. It is an area where infrastructure and public services are generally adequate to support future land uses and development...." (LWRP pg. 10) The LWRP Policy 5 should articulate more specifically which areas within the coastal boundary are and are not appropriate for development (and what types of development) based on an assessment of the infrastructure present, as well as their relationship to identified resources and community goals. Again, the LWRP is an important opportunity for a municipality to provide information that will direct the actions of State and federal regulators and other decision makers in making permitting and other decisions.

Ch. 3 Pg. 11, first paragraph in Policy 6 Explanation of Policy

All agencies of the City of Hudson, State of New York, and the federal government are required to undertake their activities in a manner consistent with an approved LWRP. The explanation in this draft of the LWRP has been changed by deleting a reference to State agencies from the State Policy. To reflect what is required when the LWRP is adopted and approved, all of the words in "...local agencies participating in the Local Waterfront Revitalization Program..." should be deleted except the word "agencies".

Ch. 3 Pp. 11-13 Policy 7

We are enclosing a memorandum on how to incorporate State-designated Significant Coastal Fish and Wildlife Habitats and locally important habitats into an LWRP. This memo includes examples for the accepted format for treating Policy 7 and any Policy 7 subpolicies. In Hudson's case, since North Bay is part of a State designated Significant Coastal Fish and Wildlife Habitat (part of Stockport Creek and Flats SCFWH), it would be appropriate to have a Subpolicy 7A under Policy 7 in the document, referring specifically to the North Bay Significant Coastal Fish and Wildlife Habitat. If South Bay is to be designated as a locally important or significant habitat it would then be appropriate to add a Subpolicy 7B referring to that "locally significant habitat", as opposed to a State designated "Significant Coastal Fish and Wildlife Habitat" (Also see related comments on Ch. 2 Pg. 13).

Ch. 3 Pg 12, Policy 7, last sentence in first full paragraph

Delete the word "possible" in this sentence. The effects and impacts identified in the habitat documentation and impact assessment for the area is based on understandings of the effects of activities on the habitat and important elements of it. This information is to be used to help predetermine the effects of activities on the designated habitat and their consistency with the policy to protect, preserve, and where practical restore the habitat for its viability as a habitat.

Ch. 3 Pg. 15, Policy 10 Explanation of Policy

The Explanation of Policy states that the policy is not applicable and "No commercial fishing takes place in the Hudson coastal waters and support facilities are absent." That is incorrect. There are commercial fisheries in the Hudson River, including the areas around Hudson. While facilities supporting commercial fisheries might not exist in the City of Hudson, the City's commercial waterfront infrastructure could support those fisheries. The Explanation of Policy should be rewritten to reflect

those circumstances, and either use the existing State Explanation of Policy for State Coastal Policy #10, or amend it to reflect commercial fishery needs in the City and areas where facilities are necessary or appropriate, or the reasons why commercial fishery facilities are not or would not be appropriate in the City.

Ch. 3 Pg 16, Policy 11 Explanation of Policy

The Explanation of Policy should include a summary of the City's flood hazard standards. For example, if the City's flood hazard standards, derived from FEMA standards or derived entirely from City authorities, are included in the City's zoning or other special purpose, and those standards prohibit or otherwise limit new residential or other development in certain flood zones, those standards should be summarized in the Explanation of Policy. If the City's flood hazard standards include structural design standards in flood zones those standards should be included. For example, if new residences are prohibited in FEMA Flood Hazard V-zones or A-zones, that standard should be included in the Explanation of Policy. Likewise, if new residences are required to be elevated above base flood elevation and designed so that electrical, domestic water supply, or domestic sewage facilities are flood-proofed, those standards should be included.

Ch. 3. Pg 16, Policy 12 Explanation of Policy

While natural protective features such as beaches, dunes, barrier islands or bluffs are not found in the City of Hudson, there are extensive freshwater wetlands which have high flood absorption capabilities and which reduce erosion and sedimentation into the Hudson and are also natural protective features. It would be appropriate to include the State Explanation of Policy, amending it to delete references to natural protective features that are not present in Hudson, replacing those references with references to wetlands such as those in North and South Bay areas that are shown on the maps, and discussed in the Inventory and Analysis.

Ch. 3 Pg 17 Policy 13A and Policy 14

Delete the first sentence in the second paragraph under Policy 13A. It is not necessary because requirements for those permits or related forms of federal and State agency authorization are required by existing statute and regulation. The last sentence in this paragraph is also unnecessary, since all actions or activities are required to be consistent with all of the applicable policies of an approved LWRP.

The references and narratives to non-point sources in the last two paragraphs in the Policy 14 Explanation of Policy should be deleted from this policy explanation and moved to Policies 33 and perhaps 35.

Ch. 3 Pg 18, Policy 15 Explanation of Policy

The first two sentences in the second paragraph are not policy standards or explanation of policy. This type of information belongs in the Chapter 2 Inventory and Analysis.

The third sentence in the second paragraph should include the qualifying word "significantly", so that it reads "...will not significantly impact habitat and wetland areas", unless the intent is to prevent any and all impacts to habitats and wetlands.

The last sentence is unnecessary and should be deleted since all activities and actions subject to consistency with the LWRP are required to be consistent with all applicable policies of the LWRP.

Ch. 3 Pgs. 21 through 23, Policies 19 through 20

Neither the Explanation of Policy for Policy 19 and its subpolicies nor the Explanation of Policy for Policy 20 address private uses of publicly owned lands in North Bay. There may be significant opportunities to provide for public access to and uses of the North Bay area that should be addressed in these policies, and identified in Chapter 4.

Ch. 3 Pg 25, Policy 21 and subpolicies

The first full sentence at the top of the page in the last sentence in the Policy 21 Explanation of Policy refers to "additional incentives" in zoning regulations "if possible". If zoning incentives are appropriate, those incentives should be included in the Explanation of Policy so that all agencies and the public know what those incentives are and can use them in decision-making. Those incentives should also be included in the Chapter 5 identification of zoning techniques for implementing the policies and purposes of the LWRP.

It would also be appropriate to generally identify in this explanation of policy where recreational water-dependent uses are or would be appropriate over the long term. For example, it appears there may be opportunities for water-dependent and water-enhanced passive and active uses associated with publicly owned lands in North Bay by increasing access to those resources currently occupied or used by private interests. Identification of these water-dependent/water-enhanced recreational use areas is also necessary as an element of the HMP.

The words "Implement Plan" in Policy 21A should be deleted so the Policy states what is desired, which is to move the launch. Please note that the feasibility of this planned move is currently being explored, using funding from a Department of State Environmental Protection Fund grant award.

The words "Undertake efforts to" in Policy 21B should also be deleted so that the policy statement clearly states what is desired, which is the development of a boat launch and related recreational facilities. With regard to the issue of the private interests occupying City-owned property, sensible planning for this waterfront area as a whole should be conducted as part of the LWRP. Early implementation of projects that "work around" these private interests may preclude a more comprehensive approach later on. Some thought should be given to which, if any, of these "workarounds" make sense over both the short and the long term, and this discussion should be included in the LWRP.

Ch. 3 pp. 26-27, Policy 23

In the first full paragraph on pg. 27, the LWRP notes the Warren Street historic district and other sites. As stated above under Needed Revisions: Themes: Policy Protections for Identified Resources, the list of historic structures presented in the inventory (pp. 24-27) should be included here in the Policy 23 explanation of policy. At a minimum, listing the identified resources in the Policy section provides consistency protection for these resources. Resources that are identified in the inventory are assumed to be important to the City to some degree, but without additional information it is not clear how important they are to the City's goals. Some information about how these resources relate to or advance the City's

vision would be helpful to guide decision makers using the LWRP for permits, approvals, or other planning. Other information to be added includes information on current and potential protections for these resources, like local laws, zoning, etc. Means for City implementation of historic resources standards should then be referenced in Chapter 5, indicating whether those standards are included in the City's existing zoning or other special purpose legislation, or would be included in the City's zoning or other special purpose legislation.

Ch. 3 p. 28, Policy 24

Although the LWRP correctly notes that the City of Hudson lies outside the boundaries of the designated Scenic Areas of Statewide Significance (SASS) to the north and south, the City is still required to articulate scenic resources standards that protect existing SASS. Information on potential impacts to the scenic resources of the two adjacent SASS should be included in the LWRP, and standards developed to ensure that the integrity of these designations is protected. At a minimum, the Explanation of Policy information for State Coastal Policy 24 should be included in the City's LWRP. To prevent impairment of the SASS to the north and south, local standards may be needed to guide massing, orientation, clustering and height of structures. In addition, local standards related to maintaining the integrity of land forms, for example Mount Merino, may also be applicable.

Ch. 3 pp. 29-30, Policy 25

Again, the LWRP provides an opportunity to refine the State policy statements to reflect local conditions, and give clear guidance to decision makers about locally important resources and goals. In the Inventory, a number of scenic resources are identified. As stated above, if these views and resources, such as the "...principal vistas of the river and its surroundings from Promenade Hill and the new waterfront park..." also identified on Map No. 4 are of value and should be protected, then those views and the standards to protect them should be included in Policy 25. The means for City implementation of those standards should then be referenced in Chapter 5, indicating whether those standards are included in the City's existing zoning or other special purpose legislation, or would be included in the City's zoning or other special purpose legislation. If important views and standards to protect them are included in Policy 25, the views and standards to protect them would receive protection through LWRP consistency benefit.

Ch. 3 p. 30, Policy 25

Last sentence in the Policy 25 explanation of policy: What is the design manual that is referred to? Who is preparing it? Has it been completed? If so, what are the standards?

Ch. 3 Pg 33, Policy 34

The Explanation of Policy for Policy 34 should be rewritten, indicating that the Hudson River from the federal dam in Troy south to Manhattan is a State designated vessel waste no-discharge zone in accordance with Section 33-e of the State Navigation Law, and that the discharge of both treated and untreated sanitary wastes from vessels is prohibited in these parts of the Hudson River. It would also be appropriate to indicate that new marinas in Hudson for recreational vessels, or any new commercial shipping facilities in Hudson, are required to include the appropriate type of vessel waste pumpout or dump station facilities. Chapter 6.B should include federal Clean Vessel Act funding from the U.S. Department of the Interior's Fish and Wildlife Service as a source of funding for the purchase and construction of such facilities if they are provided for use by the public.

Ch. 3 Pg. 34 Policy 35

Delete the second paragraph in the Explanation of Policy for Policy 35, for the same reason similar material in other policy explanations should be deleted.

In the last sentence of the last paragraph on this page delete the words "permanently disturb" and replace them with "significantly impair or destroy ...".

Ch. 3 Pgs. 35 and 36 Policy 37

Consideration should be given to adding another standard indicating that post-development runoff must be managed so that the post-development quality of stormwater runoff from the developed site is not less than the pre-development quality of runoff.

Ch.3 p.38 Policy 41

The last paragraph here provides the basis for a subpolicy.

Ch. 3 Pg. 39 Policy 44

Reword the second sentence in the Policy 44 Explanation of Policy so it reads "No tidal wetlands are currently designated in accordance with the State Tidal Wetlands Act north of the Tappan Zee Bridge in the Hudson River."

Ch. 3 Pg. 40 Policy 44

The last sentence is not clear and should be reworded. It appears it should consist of two separate sentences, with a period after the word "carefully", starting a new sentence with the capitalized word "Mitigating", and adding the word "are" after "actions" and before "required".

CHAPTER 4

A HMP map must be included in this section, visually depicting the water use element(s) of the land and water use plan included in the LWRP. See HMP comments on Chapter 5 and Chapter 3.

Assuming documentation were to be provided that these land use types are desired by the community at large, and advance the City's goals and objectives, the City should articulate more specifically what uses, activities and characteristics are associated with each identified land use type. For example, the City states that areas adjacent to North and South Bay "are appropriate for new modern industry" (Ch 4. P.1). What does this mean? One person's "new modern industry" might be another person's "ugly industrial plant" - make sure it is clear what is (and is not) included in the category.

This section should also explain the basis for any zoning changes that are being proposed or will result. Generally, zoning changes will be proposed in order to advance the projects discussed in this section. There are zoning categories that are depicted later on the Proposed Zoning map (Ch.5 Map 13) that are not discussed prior to Chapter 5. These changes and why they are proposed should be included in this Chapter.

Ch.4 pp. 3-7 Proposed projects

The HVP articulates important community goals and vision statements (*e.g.*, HVP pg. 2) and includes an inventory of waterfront zoning and project recommendations (HVP pp. 80-96). Some of this information has been incorporated in LWRP Section IV.B.I., but there is also much information and a variety of recommendations that are not included. Given the quality of analysis and the degree of community participation supporting the HVP, the LWRP should more fully integrate the substance of this document.

Similar to comments on the HVP above, the Comp. Plan also provides recommendations and goals based on the HVP and with implications for the Hudson waterfront - including information on the Urban Waterfront District and Conservation Overlay Districts for Hudson's North and South Bays (Comp. Plan pp. xiii-xiv; pp. 51-52). The LWRP includes a partial reproduction of a conceptual development plan out of the Comp. Plan, but no further discussion is included.

It would be appropriate to cross-reference or include projects and activities from both the HVP and the Comp. Plan that relate to or have implications for the waterfront vision. Also, information on the City's current zoning regulations and how they relate to the Vision and/or Comp. Plans and other planning goals should be included when discussing proposed implementation projects as in this section. Do the City's zoning regulations currently implement the Vision Plan? What are the revisions that will be required, and why, in order to implement the Plan?

Ch. 4 p 8 Map 10

See discussion above under Needed Revisions: Themes: Land Use and Zoning. There are discrepancies in the proposed land uses here in Chapter 4, and the implementing zoning presented in Chapter 5. See for example Map 13 "Proposed Zoning" as compared to Map 10 "Proposed Land Uses". The Map 10 (Ch. 4 p. 8) proposed land uses depicts "Urban Waterfront Development" extending south onto the parcel currently owned by SLC to a point approximately level with the abandoned rail spur. The entire area of identified wetlands in South Bay is demarcated for "Conservation". A fairly small polygon extending from approximately Cross Street south to the junction of Power Avenue with Route 9G (the northern boundary of the "Conservation" district) is identified as "Light Industrial". This depiction of land use areas is not, however, similarly reflected in the Map 13 Proposed Zoning (Ch. 5 p.9). The proposed zoning boundaries include an "Urban Waterfront (UW)" area that extends south to approximately the property line of the parcel currently owned by SLC. South of this area, the "Industrial (I1)" area includes the area along the waterfront from the approximate property line cited above south to approximately the abandoned rail spur, and all the areas east to the perimeter roads around the Hudson Correctional Facility, including a substantial portion of the wetlands in South Bay. The "Waterfront Conservation District (WCD)" encompasses the remaining area south of the abandoned rail spur, mostly west of 9G/23B.

It not clear either from the maps or from the text why the lines were drawn where they are. For instance, why is the WCD in South Bay drawn as it is, when there is a substantial additional area of wetlands depicted that remains in the adjacent I1 area? The text explanation of the Waterfront Conservation Districts is provided at Ch.4 pg. 3 - the description does not jibe with the depicted "Conservation" area and does not provide a justification or explanation of what the "conservation" area in South Bay is targeting. In other words, what is the WCD in this area intended to protect, and if it is the wetlands and related resources, then why are portions of these omitted from the WCD area? Similarly, the "Urban Waterfront (UW)" zoning appears to be intended to implement the desired "Urban Waterfront

Development" land uses, thus these boundaries need to be reexamined.

CHAPTER 5

General Comment

Chapter 5, ordinarily referenced as "Section V" in an LWRP, does not include the standard section of an LWRP entitled "Procedures for the Review of Federal and State Actions for Consistency with the LWRP". That procedural information should be included. Attached are examples of those procedures.

Ch. 5 Pg. 3

In the first full paragraph description of the "Application" of zoning amendments, before item (2), include Significant Coastal Fish and Wildlife Habitat Policy 7.

Ch. 5 Pg. 5, Harbor Management Plan

A HMP is not yet completely integrated into the LWRP as needed. Chapter 5 of the LWRP should identify techniques that will be used by the City of Hudson to implement an HMP, using for example the City's existing authorities pursuant to Section 46-a of the State Navigation Law. See also comments on Ch. 3 Pg 8 regarding this matter. Also, see DOS's HMP guidelines: http://www.nyswaterfronts.com/waterfront_working_harbormgmt.asp.

Ch. 5 pp 8-9 Maps 12 and 13

See discussion above under Needed Revisions: Themes: Land Use and Zoning, and elsewhere. There appear to be inconsistencies with the boundaries of the land use districts and the boundaries of the zoning districts that are presented in the maps and described in the text. See for example Map 13 "Proposed Zoning" as compared to Map 10 "Proposed Land Uses". It is not clear either from the maps or from the text why the lines were drawn where they are. For instance, why is the WCD in South Bay drawn as it is, given the substantial additional area of wetlands remaining in the adjacent I1 area? There is no rationale presented for why the boundaries are drawn this way, given that the intended land use for this area was earlier described as "conservation". In other words, what is the WCD in this area intended to protect, and if it is the wetlands and related resources, then why are portions of these omitted from the WCD area?

There are some zoning changes depicted on Map 13 that have not been discussed prior to this chapter. For example, the "RSC" category appears suddenly on this map but there has been no previous discussion of what this change is designed to accomplish. In other words, what is the unmet need in the existing zoning that requires this change? This change is mentioned briefly earlier in Chapter 5 (pg. 3, item 5), but was not discussed in relation to anything in the Inventory or the Proposed Projects.

As stated earlier, there are several options for dealing with WCD land use/zoning inconsistency and implementing what appear to be the City's desired uses and protections. For example, the WCD boundary could be redrawn to surround the South Bay wetlands, consistent with the treatment in the North Bay WCD. Alternatively, the wetlands and other South Bay resources could be protected through some type of "overlay" created with standards that provide for specific protections.

As stated above, there are also recommendations in the City of Hudson Comp. Plan and HVP on needed

rezoning measures that have not been fully integrated in the LWRP. It is critical that the City complete, or document, the visioning and planning that support the LWRP's land use and zoning recommendations. Given recent decisions made by the City Common Council, the Department of State, and SLC, a thorough analysis of the range of uses and activities appropriate for and desired on the waterfront must be conducted, out of which zoning recommendations subsequently may be made.

Exhibit V-A, Proposed Consistency Law

In the first paragraph of the Legislative Findings and anywhere else the term is used, change the word "Plan" in and when referring to the term "Local Waterfront Revitalization Plan" to "Program". A LWRP is a program that includes a land and water use plan, and can include other plans.

Item 3 in the Legislative Findings refers to SEQRA regulations. Many activities in the City will escape SEQRA review processes, especially the SEQRA Type II actions of agencies. It might be appropriate to delete the first sentence in this item. If the first sentence is desired, it may also be appropriate to include a list of certain SEQRA Type II actions that are required to be consistent with the policies and purposes of the LWRP. If only those actions that are classified as Type I and Unlisted actions pursuant to SEQRA are subject to consistency with the LWRP, and all SEQRA Type II actions are exempt from consistency with the LWRP, many City and State agency actions will not be required to be consistent with the LWRP. It may be appropriate to establish a commonly accepted zoning threshold for consistency review.

Regarding the definition of "Actions" on page iii, see the preceding comment regarding SEQRA Type II actions. The second sentence of the definition of "Action" might be changed so that this local law makes it clear that certain other specific actions are subject to consistency with the LWRP, even though they are Type II actions pursuant to SEQRA.

Also, the Coastal Assessment Form (CAF) should be drafted, if this has not yet been done.

6. Overall, how would you measure **your neighborhood** as a place to live?

- 13.8% 1. Excellent
38.8% 2. Good
27.5% 3. Fair
13.8% 4. Poor

WATERFRONT

7. Given the limited area for development, Hudson must be very careful when deciding what should happen on the waterfront. Please indicate whether the following uses would be good for Hudson's waterfront:

	One of the best ways to use the waterfront (1)	A fairly good way to use the waterfront (2)	A bad way to use the waterfront (3)
Parks/Recreation/Open Space	<u>76.3%</u>	<u>16.3%</u>	<u>2.5%</u>
Marina	<u>46.3%</u>	<u>40.0%</u>	<u>10.0%</u>
Shipping/Distribution	<u>16.3%</u>	<u>36.3%</u>	<u>38.8%</u>
Light Manufacturing	<u>11.3%</u>	<u>23.8%</u>	<u>57.5%</u>
Heavy Industry	<u>8.8%</u>	<u>13.8%</u>	<u>70.0%</u>
Waterfront Environmental Research Center	<u>21.3%</u>	<u>45.0%</u>	<u>25.0%</u>
Retail/Commercial	<u>21.3%</u>	<u>26.2%</u>	<u>42.5%</u>
Subsidized Housing	<u>13.8%</u>	<u>13.8%</u>	<u>62.5%</u>
Market Rate Housing	<u>7.5%</u>	<u>23.8%</u>	<u>60.0%</u>
Professional Office	<u>6.3%</u>	<u>18.8%</u>	<u>67.5%</u>
Hotel/Motel	<u>26.2%</u>	<u>37.5%</u>	<u>32.5%</u>
Restaurant	<u>48.8%</u>	<u>31.3%</u>	<u>17.5%</u>
Other: _____	<u>7.5%</u>	<u>1.3%</u>	<u>3.8%</u>

NEWS RELEASE • THURSDAY, JULY 5, 2001

SLC does not hold title to dock land ***Cement company landlocked at waterfront***

HUDSON—Public records indicate that St. Lawrence Cement does not likely hold title to substantial land areas along the edge of the Hudson River, where it has proposed a major dock operation.

A year-long research project by Hudson resident Don Christensen unearthed evidence that lands claimed by SLC include unauthorized fill-in of the Hudson River, beyond boundaries defined by State authority. The proposed dock occupies a large area of land in the South Bay that is believed to be held by the People of the State of New York.

Christensen, a financial writer, curated the exhibition “Seeing South Bay” at the Hudson Opera House this past Spring. His research has been verified by Robert Maclean, Esq., former counsel at the Office of General Services (OGS) which has regulatory oversight of grants of lands underwater. Maclean and Christensen joined Friends of Hudson director Sam Pratt and attorney Jeffrey Baker in briefing members of the press this afternoon at the St. Charles Hotel.

In addition, the area of the waterfront that was filled in by proper authority of the State was permitted under the express condition of maintenance forever of a sizable dock for use by the public. SLC and its immediate predecessor company did not fulfill this condition of the grant, thereby raising the prospect of a return of these lands to the People of the State of New York.

The land ownership of the waterfront area would directly affect the nature of any dock operation proposed by SLC, and raises a legal question about the actual right of the company to occupy any part of the area. The company has hoped to use the dock to ship 80% of the outgoing product of their proposed coal-fired cement plant in Greenport, as well as most of the plant’s incoming supplies.

Extensive research indicates that at least 7 acres of land as well as publicly-owned waters block St. Lawrence Cement from direct access to the river, which they wish to landfill in front of the disputed property. SLC has thus far ignored any land ownership issues, applying to OGS only for an easement on a one-acre sliver of open water. The company has asserted in filings with OGS and the Army Corps of Engineers that there are no title issues related to the South Bay property.

However, statements by SLC on maps and filings with government agencies reference documents discovered independently by Christensen, which reveal numerous title prob-

lems including violation of State grant boundaries and mitigation promises, as well as numerous acquisitions of land by quitclaims.

In a filing with Administrative Law Judge Helene Goldberger on Monday, Friends of Hudson called for an independent survey of the lands in dispute, and resolution of all title issues before the SLC DEIS can be considered. When a reporter asked, “could this scuttle the project entirely,” attorney Baker responded simply, “Yes.”

Any waterfront land under public ownership would become subject to the State’s Hudson River Estuary Management Action Plan, which makes public access to the River its top priority. “This land should be annexed to the City of Hudson’s waterfront park, or made available for the proposed Hudson River institute,” said Friends board member Peter Jung.

“For nearly two years now, we’ve heard the argument that SLC owns the land, and therefore should be allowed to do as they please,” said Friends director Sam Pratt. “As it turns out, they don’t own the land—and personally, I think they should vacate the waterfront immediately.”

The two-hour presentation also raised issues of possible contamination in the disputed areas, and revealed the existence of a mid-90s Army Corps plan to do a full restoration of the South Bay—which was rejected by St. Lawrence Cement.

Baker’s July 2nd brief raises the possible revocation of all of SLC’s land grants in the South Bay area: “The long period of non-compliance by SLC and/or its predecessor companies in regard to the Legislative condition of maintaining a public dock in perpetuity suggests a severe alienation against the public trust in regard to tidal and navigable waters and the rights of the People of the State of New York. Title for all lands associated with the condition of the maintenance of the public dock now enjoyed by SLC is challengeable, with established legal precedent for revoking grants of land underwater for non-compliance with conditions.”

Despite SLC’s occupation of the dock area for nearly 25 years, Maclean explained that there is “no such thing as adverse possession” of sovereign (state-owned) lands. In other words, SLC cannot claim grandfathered ownership by default, and is in effect squatting on State property. “This is a major test case for the State,” said Maclean, who was staff legal counsel for OGS for 15 years.

The presentation included numerous current and historical maps, as well as copies of legislative acts and also a citation from the 1965 draft Comprehensive Plan for the City of Hudson, which noted that “throughout the South Bay area, both west and east of the New York Central tracks, land ownership records are unclear... Ownership of all these lands needs clarification.”

“Quite simply, they don’t own the land, and by not maintaining the public dock, SLC is breaking the law,” said Christensen.

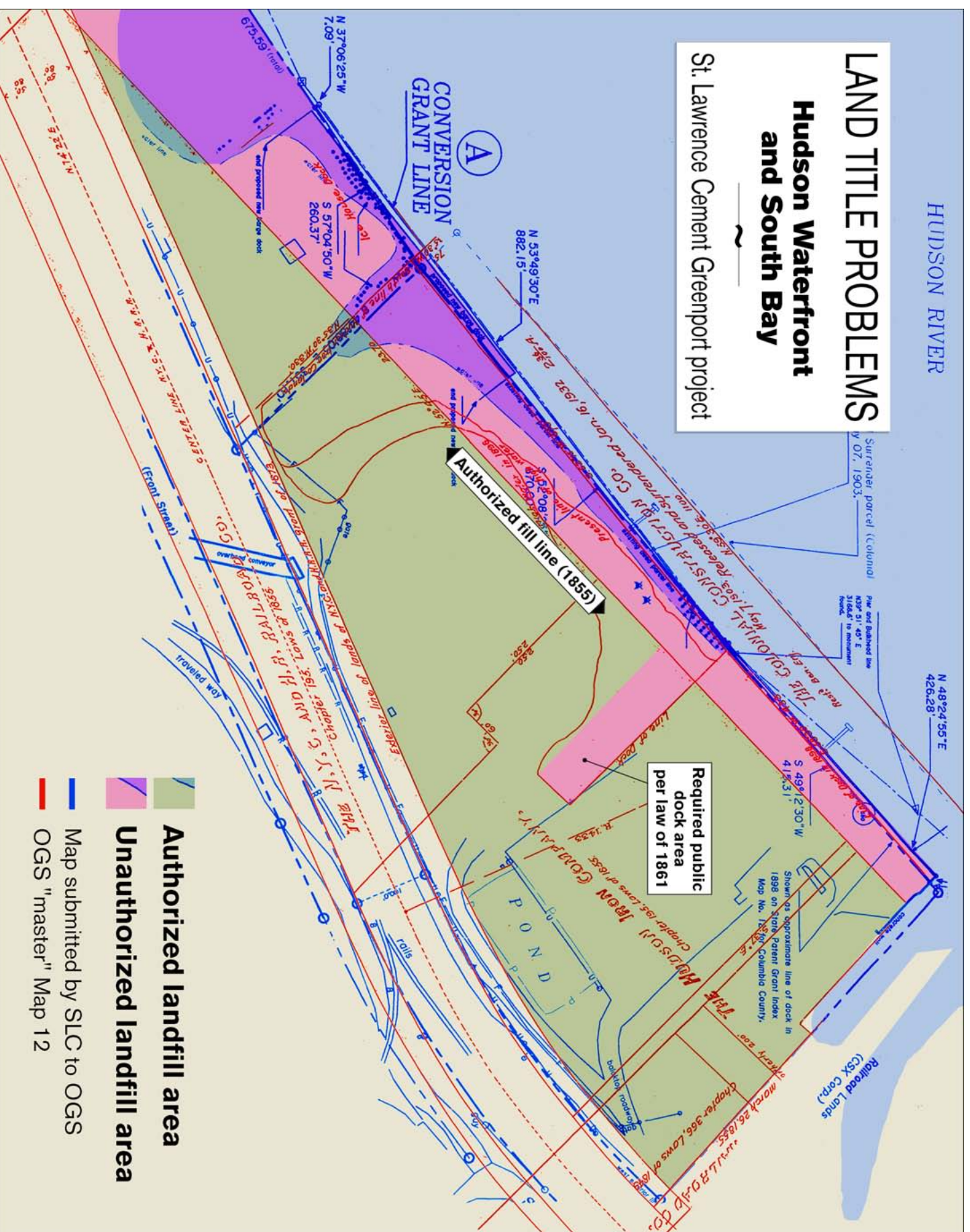
#

FOR MORE INFORMATION, CONTACT FRIENDS OF HUDSON AT (518) 822-0334

LAND TITLE PROBLEMS

Hudson Waterfront and South Bay

St. Lawrence Cement Greenport project



Waterfront

Advisory Steering Committee
OF THE HUDSON COMMON COUNCIL

Participation Survey It's Your Waterfront!

Your Name

Address

City ST ZIP

Phone

Email OR Fax

Your Ward CIRCLE ONE

1st 5th

2nd Don't know

3rd Work in town

4th Live elsewhere

QUESTION #1 • Please rate the importance of these possible waterfront activities on a scale of **1 (low)** to **5 (high)** by circling a number for each item:

◀ LOW ——— HIGH ▶						◀ LOW ——— HIGH ▶					
Amtrak parking	1	2	3	4	5	Marine fuel	1	2	3	4	5
Bait/tackle shop	1	2	3	4	5	Marine stores	1	2	3	4	5
Barbecue pits	1	2	3	4	5	Mooring/dock areas	1	2	3	4	5
Bars	1	2	3	4	5	Movie theater	1	2	3	4	5
Bicycle rental	1	2	3	4	5	Museums	1	2	3	4	5
Boat club(s)	1	2	3	4	5	Office spaces	1	2	3	4	5
Boat launch	1	2	3	4	5	Open space	1	2	3	4	5
Boat storage	1	2	3	4	5	Outdoor cafes	1	2	3	4	5
Boat/kayak rentals	1	2	3	4	5	Outdoor performances	1	2	3	4	5
Brewery	1	2	3	4	5	Outdoor sport facilities	1	2	3	4	5
Building supply	1	2	3	4	5	Parking	1	2	3	4	5
Bus terminal	1	2	3	4	5	Picnic areas	1	2	3	4	5
Car rental	1	2	3	4	5	Playgrounds	1	2	3	4	5
Concert space	1	2	3	4	5	Processing facilities	1	2	3	4	5
Dance hall/clubs	1	2	3	4	5	Protected habitats	1	2	3	4	5
Dog walking area	1	2	3	4	5	Public art	1	2	3	4	5
Educational facilities	1	2	3	4	5	Public utilities	1	2	3	4	5
Entertainment/events	1	2	3	4	5	Railroad yard	1	2	3	4	5
Event/banquet hall	1	2	3	4	5	Restaurants/cafes	1	2	3	4	5
Farmers market	1	2	3	4	5	Retail stores/shopping	1	2	3	4	5
Ferry terminal/services	1	2	3	4	5	Skateboard park	1	2	3	4	5
Fishing	1	2	3	4	5	Storage facilities	1	2	3	4	5
Grocery shopping	1	2	3	4	5	Street vending	1	2	3	4	5
Heavy manufacturing	1	2	3	4	5	Studios	1	2	3	4	5
Hotels	1	2	3	4	5	Swimming	1	2	3	4	5
Housing/residential	1	2	3	4	5	Taxi Services	1	2	3	4	5
Indoor sports facilities	1	2	3	4	5	Transmission towers	1	2	3	4	5
Light manufacturing	1	2	3	4	5	Trucking	1	2	3	4	5
Lumber yard	1	2	3	4	5						

QUESTION #2 • At future meetings, what topics would you like to discuss in smaller groups? (CHECK THREE ITEMS)

- ☐ Recreation and Sporting Activities
- ☐ Habitat Restoration and Conservation
- ☐ Open Space and Parks
- ☐ Commercial Development
- ☐ Industrial Development
- ☐ Events and Tourism
- ☐ Design and Historic Preservation
- ☐ Infrastructure Needs
- ☐ Other (USE OTHER SIDE)

I would be available to serve on a Community Advisory Group

☐ YES ☐ NO

► **SUBMIT YOUR SURVEY TO: WATERFRONT CHAIR CITY HALL, 520 WARREN STREET, HUDSON NY 12534**



FOR IMMEDIATE RELEASE © 21 MAY 2007

OVER 1,000 SIGNATURES SUBMITTED AS CITIZENS SEEK A BETTER WATERFRONT PLAN FOR HUDSON

HUDSON, N.Y. — More than 1,000 signatures were submitted on Friday, May 18TH by citizens concerned with the direction of the City of Hudson's Local Waterfront Revitalization Plan (LWRP).

Public comments include copies of various petitions and postcards gathered by Save the South Bay, a coalition of residents in Hudson and nearby towns seeking a more positive and ambitious plan for this formerly-industrialized area, where local, State and Federal agencies have already invested millions to jumpstart improvements of public access, infrastructure, and recreational opportunities along the River.

The most recent petition, gathered after the Common Council's Waterfront Advisory Steering Committee (WASC) introduced an unpopular draft plan which would accommodate potentially unpermitted heavy industrial activity in the midst of walking, biking, picnicking and boating areas, states that:

The proposed Waterfront plan does not reflect the clearly-expressed wishes of the people. We call upon the City and State to (a) allow more time for public input, and (b) develop a more forward- looking plan which showcases the full possibilities of this magnificent resource — focusing on public recreation, access to the river, open space, habitat restoration and appropriate commercial development — unimpaired by heavy industrial activity and blight.

In in earlier set of petitions and cards, signatories endorsed the following request:

I support the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling. I oppose further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities. All legal means should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

"This ought to be the City of Hudson's big chance to reclaim its waterfront and make the 'Port of Hudson' the most inviting place on the river," said Hudson resident and longtime business owner Jennifer Arenskjold, who helped to gather signatures.

COMMITTEE THWARTS PROCESS BY DISREGARDING PUBLIC INPUT

Of particular concern to citizens is the WASC's apparent disregard for substantial public input gathered in surveys, meetings and comments since the Committee was organized in early 2006.

CONTINUED ►

A cover letter submitted to the WASC by Save the South Bay notes the following facts (aired publicly in hearings or in documents obtained via Freedom of Information Law requests to the City and State) which directly contradict the approach recommended by the WASC in its draft plan:

- *Nearly 400 surveys collected by the Committee showed that the public's top Waterfront uses were open space, recreational opportunities, access to the river, habitat restoration, and appropriate commercial development*
- *Ranked lowest on the survey were industrial uses, including transportation and storage of construction materials, trucking activity, et al.*
- *Signatories urged that "all legal means" be explored to eliminate the longstanding "use conflict" at the Waterfront between heavy industry and greener, more sustainable uses*

"Yet the WASC privately decided in Summer 2006 to accommodate heavy industrial activity at this site, legitimating highly disruptive and discordant uses at the Waterfront," the letter continues, "It has refused to even develop a concept of what the Waterfront could look like, absent such blight."

Other problems raised by the coalition include, among others:

- *Harm to the Athens LWRP; waterfront plans are not supposed to conflict with one another*
- *The Committee's lack of interest in land title problems for SLC operations along the river*
- *St. Lawrence Cement's history of poor stewardship of the South Bay, "abysmal" environmental track record, and scurrilous tactics used in promoting its Greenport project*
- *The Secretary of State's April 2005 ruling on that project, which set forth a package of recommendations for creating a new "Waterfront Zone" in the South Bay area which emphasized greener, more sustainable activities which would provide greater economic benefits to the community than heavy industry*
- *SLC's apparent lack of permits for massive trucking and gravel operations at the waterfront, which began after the Secretary's decision, and were not projected in its applications*

Coalition organizer Sam Pratt, a former member of the WASC, noted in a recent op-ed piece that the Committee's direction also ignored the initial instructions of the State's coastal resources specialists and the early advice of its own attorney, Cheryl Roberts:

- *Its attorney [said that] "It should not be assumed that SLC will continue to be owner of property. Across the board, don't assume anyone will remain owners of a given parcel."*
- *Department of State staff reminded the committee and public that "even the parcels not publicly-owned are still the city's waterfront, and you do have local tools to shape what happens on any and all parcels."*

"Waterfront plans are supposed to be based upon a vision that serves the public's long-term goals, not upon a defeatist attitude to short-term obstacles," Pratt said on Friday. "Instead, the Committee's pessimistic plan has been driven by political miscalculations, nervous lawyers, and clumsy compromises which serve no one."

E-PETITIONS SHOW DEPTH OF PUBLIC CONCERN

Comments included with online signatures gathered by Save the South bay give a flavor of the hopes of citizens not only in Hudson, but also in the wider region, for which the Waterfront could serve as a major economic and recreational focal point. Some representative samples follow on the next page; more can be found at [HTTP://WWW.IPETITIONS/PETITION/BAY](http://www.ipetitions/petition/bay)

- *1st Ward resident Michael Watts*: “Industrial use and development of the Hudson River Waterfront is a 20th Century concept, and does not fit into a progressive, environmental, ecological 21st Century future for Hudson and the surrounding area.”
- *1st Ward resident Carrie Haddad*: “I do not want SLC trucking aggregate to the Hudson River to be loaded onto ships.”
- *1st Ward resident Peter Barton*: “The history of abuse, blight, pollution and neglect which has characterized St. Lawrence Cement’s stewardship of their Hudson Waterfront properties should be indication enough that their disregard for the City of Hudson and the Hudson River.”
- *1st Ward resident Elsa Levisur*: “The time has come for pollution reduction and ecological restoration.”
- *2nd Ward resident Sam Semchenko*: “Please do not allow all of the work that went into protecting the waterfront to be negated.”
- *3rd Ward resident Leo Carlin*: “Having any industrial activity [at this site] totally counters park, recreational, and cultural goals.”
- *Richard Krasilovsky, Livingston*: “This is getting ridiculous! The waterfront belongs to the people.”
- *Cyndy Hall of Concerned Women of Claverack*: “[We] believed this issue had finally been settled by the ruling of Randy Daniels in 2005.”
- *Columbia County Democratic chair Ken Dow*: “A long-contested and divisive issue was put to rest. Let’s keep it there. Future plans should conform to the law and the spirit of the 2005 ruling.”
- *Planner Norman Mintz, Claverack*: The waterfront will only get busier over the coming years. Industrial development does not fit in now, and will be especially out of place in the future.
- *Sandra Fischer, Spencertown*: “The Hudson hosts many environmentally sensitive areas for wildlife and aquatic ecosystems. They should be protected!”
- *William Zifchek, Mount Merino*: “South Bay was among the landscape sites most painted by the Hudson River School of artists. It should not be further degraded.”
- *Hudson native Anthony Winig*: “I would like to see St Lawrence Cement sell for a nominal sum.”
- *Ludia Booth, Chatham*: “Please. Don’t screw this up.”

ASSISTANCE SOUGHT FROM STATE ◉ COASTAL DIVISION CAN REJECT CITY’S PLAN

In comments sent simultaneously on behalf of Save the South Bay to George Stafford, director of the New York State Department of State’s Division of Coastal Resources, which must also approve any LWRP passed by the Common Council, Pratt wrote:

We have been appreciative of the care and responsiveness that your agency has demonstrated in the past. Due to the lack of responsiveness from the WASC, the assistance of the State is now urgently needed to ensure that Hudson and the region get an LWRP which reflects the public’s wishes, safeguards the best interests of New York State, and provides the most economic and environmental benefits possible to all citizens.

As far back as 2003, State Coastal staff wrote two letters to then-Waterfront chair Charles Butterworth stating that further industrial expansion in the South Bay is not appropriate.

“St. Lawrence’s two waterfront parcels have been assessed at less than \$1.25 million, 25% less than the St. Charles Hotel,” Pratt added. “Even if the company held out for two or three times that amount, the cost to the City, State and nonprofit organizations would be swiftly offset by new tax revenues from appropriate development, plus all the perks of a healthy, accessible waterfront. SLC’s recent annual report shows that the company’s board has debated selling this property—at least until it was emboldened to hold on by the Committee’s naive approach to negotiations. After all this company has put our region through, people deserve better than this waterlogged plan.”

#

FOR COPIES OF LETTERS REFERENCED ABOVE, CALL (518) 632-4302 OR EMAIL SAMPRATT@MAC.COM

Save Hudson's South Bay

petition text

signatures

tell others

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Frank Aultman	375 Middle Rd, Hudson NY 12534	
• David Byrd	220 Union St, Hudson NY 12534	
• Sam Pratt	1824 Cty Rte 27, Craryville NY 12521	Let's make sure we never have to go through another cement plant controversy again and get the Waterfront that everyone has been awaiting for so many years.
• Claire Oravec	1824 Cty Rte 27, Craryville NY 12521	
• Carole Osterink	209 Allen St, Hudson NY 12534	Now is not the time to compromise our vision for the waterfront.
• Jennifer Arenskjold	1 Rossman Ave, Hudson NY 12534	My feeling is there should be no heavy industry on Hudson's waterfront. This is the 21st century and we don't want to go back to the 19th or 20th. The waterfront should be active and people friendly.
• Kristin Flood	407 Mt. Merino Rd, Hudson NY 12534	
• Kathryn Gamble	230 Joslen Blvd, Hudson NY 12534	
• Vincent Mulford	417 Warren St, Hudson NY 12534	No heavy industrial use should be allowed in our wetlands which have suffered enough abuse.
• Dick Donovan	206 Mill St, Hudson NY 12534	
• Moyra Mulholland Botta	223 Old Rte 82, Hudson NY 12534	

Save Hudson's South Bay

[petition text](#)

[signatures](#)

[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
- Jenny Baldwin - Ruth Moser	21 Rossman Ave, Hudson NY 12534 28 Allen St, Hudson NY 12534	It is imperative to protect Hudson's South Bay waterfront from any industrial development, now and in the future. Heavy industry has been done before to the detriment of the River (Water, Wetlands) and the health and welfare of the people who live and visit Hudson. Prevent incompatible usage for the South Bay. Preserve the Health and Welfare of the River, the citizens & existing businesses that currently produce a good quality of life.
- Margherita Davis - Melinda Slover	184 Orchard Rd, Hudson NY 12534 259 Warren St, Hudson NY 12534	I have lived in Hudson since 2001. I have a business on on Warren Street. It is a wonderfully historic town and now it is time for its waterfront to take front and center and be developed. The development, recreational opportunities, habitat restoration and appropriate commercial development. It is imperative for this to happen.
- Rosaria Sinisi - Angella M. Pace	518 Union St, Hudson NY 12534 6 Willard Place, Hudson NY 12534	Not in our beautiful backyard!

Save Hudson's South Bay

[petition text](#)[signatures](#)[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Jeff Monkash	310 Miller Rd, Hudson NY 12534	I wholeheartedly support the above petition and vigorously oppose the exploitation of and damage to the waterfront that would definitely occur if any large industrial concern would gain rights to this.
• Patrick Kelly	45 Allen St, Hudson NY 12534	
• Hilary Hillman	745 Union St, Hudson NY 2534	Thank you DOS for the work and the writing of the 2005 decision. Please help us uphold it.
• Nancy Westbrook	20 Union St, Hudson NY 12534	It is a continuing battle to preserve our natural resources against the money people. These international corporations have bought up our country. Profits are their only motive.
• Alexandra Semchenko	116 Warren St, Hudson NY 12534	Please do not allow all of the work that went into protecting the waterfront to be negated. I support the creation of a Hudson Waterfront zone and oppose further degradation of the Hudson South Bay.
• Jessica Nayowith	32 Gardner Rd Apt 3, Hudson NY 12534	It's time for the people who love the Hudson to be able to enjoy it fully.

Save Hudson's South Bay

petition text

signatures

tell others

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Karen Smith	310 Union St, Hudson NY 12534	
• Robert Soto	738 Warren St, Hudson NY 12534	
• Christine Friello-Ryan	PO Box 181, Philmont NY 12565	
• Enid Futterman	661 Rte 23, Craryville NY 12521	This is key to the continued revitalization of the city of Hudson as well as the good growth of Columbia County.
• Laurie Fiederlein	115 Gahbauer Road, Hudson NY 12534	
• Nancy Ploeger	748 Oak Hill Road, Claverack NY 12526	
• Mary Mullane	P.O. Box 652, Claverack NY 12513	
• Sue Neale	16 Christman Road, Hudson NY 12534	[Claverack]
• Mary Evans	55 Cross St, Craryville NY 12521	The Hudson River and its environs are a national treasure. It would be a travesty of common sense and the spirit of then-Secretary-of-State Randy Daniels decision which blocked the proposed SLC plant from the Hudson River School of painters to the countless citizens who have communed with nature and connected with its unique treasures along the shoreline.
• Mark W Fingar	44 Pleasant View Dr, Hudson NY 12534	

Save Hudson's South Bay

[petition text](#)[signatures](#)[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Byrne Fone	PO Box 25, Hudson NY 12534	
• Samuel Spivy	53 Albany Ave, Kinderhook NY 12106	
• Fran DeGrazia	117 Warren St, Hudson NY 12534	
• Virginia Martin	POB 855, Claverack NY 12513	South Bay can indeed be a magnificent public resource. Let's ensure then, that it's returned to its former magnificent state, and that the public gets to use it.
• Wendy Wilde	Box 231 Claverack NY 12513	
• Jeffrey E. Bancroft	8 Maple Terrace, Philmont NY 12565	Conservation is more important than bad industry in Columbia County!
• Jay Shulman	POB 602, Claverack NY 12513	
• Teresa Barendsfeld	80 Center St, Chatham NY 12037	
• Dianne O'Neal	85 Buckwheat Rd, Clermont NY 12526	
• Elizabeth Davis	335 Miller Rd, Hudson NY 12534	The Hudson River is too important to be handed over to industry.

Save Hudson's South Bay

petition text

signatures

tell others

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Don Christensen	8 Willard Pl, Hudson NY 12534	South Bay was once one of the New York States jewels of estuary landscape and vibrant water use . It is today one of the most damaged bodies of water in the State.
• Kenneth J. Dow	22 Cty Rte 9, Mellenville NY 12544	A long-contested and divisive issue was put to rest. Let's keep it there. Future plans should conform to the law and the spirit of the 2005 ruling.
• Martin J. Davidson	6109 Rte 9H/23, Claverack NY 12513	Industrial uses of the coastline is no longer ecologically affordable. Too much has been done in the past. We still have a long way to go before the Hudson River and its coastline could be considered it can be demonstrated that any industrial use benefits non regional owners of that industryand would significantly lower the quality of life for Hudson residents and people in a large radius of the River who love and enjoy it.
• Moisha K. Blechman	205 Tompkins Road, Ancram NY 12502	
• Steven Nettles	28 Union St, Hudson NY 12534	Lets focus on tourism.

Save Hudson's South Bay

[petition text](#)[signatures](#)[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Marc Bryan-Brown	279 Middle Rd, Hudson NY 12534	Give our children the chance to enjoy the river!
• Stewart Dutfield	166 Broad St, Catskill NY 12414	
• Barbara Ullman	368 Cty Rte 18, Claverack NY 12513	
• J. Patrick Doyle	73 Greendale Road, Hudson NY 12534	
• Peggy Lampman	PO Box 360, Claverack NY 12513	The biggest problem with SLC rearing their head again is the absence of subcommittee's on the LWRP. The present and past members of this committee have not been open to stakeholders.
• Julia Widdowson	339 N Mabbetsville Rd, Millbrook NY 12545	
• Chris Eigeman	63 Donnely Rd, Craryville NY 12521	
• Deborah Davis	884 West End Ave NY NY 10025	
• Adrienne Bordes	131 South Gold Rd, Elizaville NY 12523	
• Marcy L. Dyslin	PO Box 718, Philmont NY 12565	
• Irma Brownfield	Rte 9G, Staatsburg NY 12580	Should more businesses consume our green lands....we will have nothing natural and sacred to pass on to our children.
• Patricia MacKenzie	323 Miller Rd, Hudson NY 12534	This water front is in danger from the encroachment of a huge cement plant.

Save Hudson's South Bay

[petition text](#)[signatures](#)[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Nicholas Haddad	127 Union St, Hudson NY 12534	
• Alyson Daniels	16 Tagh. Churchtown Rd, Craryville NY 12521	As a full time resident and real estate broker with my office on Warren St in Hudson I feel particularly strongly about thoughtful improvement to the waterfront area. Let's all work to restore t
• Mary Koch	671 Fish & Game Rd, Hudson NY 12534	Please do not destroy the beautiful and historic Hudson waterfront with Industrial buildings and cement plants. Save its beauty for future generations to enjoy. We don't want our city to look like Tr
• Carrie Haddad	622 Warren St, Hudson NY 12534	I do not want SLC trucking aggregate to the Hudson River to be loaded onto ships. I do not want a conveyor belt installed to assist in transporting any material from SLC to the waterfront.
• Charles & Kay Abraham	140 Old Sawmill Rd, Germantown NY 12526	You know the level of concern to the residents of Columbia County about this issue. Please don't let us drift back into the OLD DAYS again.
• Maria Torffield	350 E 52nd St #15H, New York NY 10022	
• Ardal Powell	49 Rte 25, Hudson NY 12534	

Save Hudson's South Bay

petition text

signatures

tell others

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Leonardo Sideri	PO Box 362, Hudson NY 12534	
• Diana Jelinek-Lebar	PO Box 237, Ancram NY 12502	Once destroyed this is unlikely to ever be reclaimed. Please disallow destruction of this valuable resource which should be used for recreation and enjoyment.
• Nicole Vidor	39 Allen St, Hudson NY 12534	I totally support this petition. It is time for SLC to return to Canada and Switzerland and allow Hudson to move forward and develop the waterfront consistent with the Secretary of State's April 2005 ruling.
• Wayne Sirlin	3 Prospect St, Chatham NY 12037	
• Cyndy Hall	Box 545, Claverack NY 12513	Concerned Women of Claverack believed this issue had finally been settled by the ruling of Randy Daniels in 2005. We urge Coastal Resources to support the immediate creation of a Hudson Waterfront Zone.
• Moyra Mulholland Botta	223 Old Rte 82, Hudson NY 12534	The re-introduction of any sort of industry to our historic river will put an end to the revival we have seen... We do not want to see Hudson back at what it was.... crumbling and delapidated!

Save Hudson's South Bay

[petition text](#)[signatures](#)[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• John Scott Smith • Erin Edwards	35 Clover View Drive, Hudson NY 12534 1857 Cty Rte 10, Ancram NY 12502	Remove the possibility of industrialization in the South Bay and return this site to the residents of the Valley for all time.
• Stephen Piazza • Peter Bevacqua • Ben Cohen • David Wicks	9 Jones Ave, Chatham NY 12037 - PO Box 216, Claverack NY 12513 - PO Box 357, Cclaverack NY 12513 1110 River Rd, Schodack Landing NY 12156	As a member of Citizens For Clean Air I also am against the Lafarge Cement Plant Tire Burn.
• Suzanne Rowland • Sandra Fischer	- PO Box 190, Ancram NY 12502 845 Rte 203, Spencertown NY 12165	The Hudson River hosts many environmentally sensitive areas for wildlife and aquatic ecosystems. They should be protected! Air quality is good in Columbia County - please do not allow this.
• Curt Ostermann • James Lawrence	441 Tompkins Rd, Ancram NY 12502 632 Albany Turnpike, Old Chatham NY 12136	I absolutely support the creation of a Hudson Waterfront Zone for the wellbeing and benefit of future generations.
• Gwen Gould	451 East Allen St, Hudson NY 12534	

Save Hudson's South Bay

[petition text](#)[signatures](#)[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Chip Allee • Donna L. Davey • Brenda Shufelt	339 Warren St, Hudson NY 12534 101 Stottville Rd, Hudson NY 12534 - PO Box 77, Mellenville NY 12544	It was made very clear in a recent documentary that the citizens of Columbia County and specifically Hudson NY do not want St Lawrence in their area. It is also clear at this time that the company has engaged in very underhanded means. Do not allow them to fly in the face of the democratic process.
• Sasha Chermayeff • W. Zifchak	882 West Main St, Catskill NY 12414 425 Park Ave, New York NY 10022	South Bay was among the landscape sites most painted by the Hudson River School of artists. It should not be further degraded. Let St Lawrence Cement go ruin their own St Lawrence Riverfront.
• Lenore Packet • Amy Gold	60 Payn Ave, Chatham NY 12037 175 Prospect Hill Rd, Ancramdale NY 12503	Please halt any further degradation of the Hudson South Bay!
• Suzanne Aisenberg • Maximilian Goldfarb	625 Tagh-Churchtown Rd, Craryville NY 12521 338 Warren St, Hudson NY 12534	

Save Hudson's South Bay

[petition text](#)[signatures](#)[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Peter Frank	34-36 S. 5th St, Hudson NY 12534	
• Ellen Clarkson	51 Craryville Rd, Craryville Ny 12521	
• Molly Hamann	38 Moore Rd, Germantown NY 12526	
• Donna Tukul	116 N. 5th St, Hudson NY 12534	
• Chad Kleitsch	98 Miller Rd Apt 103, 12572	
• Caitlin Langstaff	165 Mansion St, Coxsackie NY 12051	
• Alan Liepshutz	PO Box 113, Germantown NY 12526	
• Emily McCully	2092 Rte 9, Chatham NY 12037	
• John Davis	124 Warren St, Hudson NY 12534	
• Ludia Booth	16 Scannell Rd, Chatham NY 12037	
• Giovanni Di Mola	238 Warren St, Hudson NY 12534	
		Now more than ever with the progress that has been made in protecting the Hudson River from degradation we must be vigilant to ensure that that protection continues for our benefit and for that of f those who come after us.
		Please. Don't screw this up. What an opportunity to create a place by the River Hudson that benefits the people. We desperately need a place to re-create ourselves. A waterfront serves this purpose admirably.

Save Hudson's South Bay

petition text

signatures

tell others

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME

ADDRESS

ADDED COMMENTS

• Nina Sklansky	4 Hartwell Ave, Hudson NY 12534	
• Miriam Fox	255 Montgomery St, Hudson NY 12534	
• Carla Sadoff	68 N. 5th St, Hudson NY 12534	
• Kimberly B. Antler	162 Pats Road, Ancramdale NY 12503	
• Terry Lasky	3142 Rte 66, Chatham NY 12037	
• Richard Krasilovsky	PO Box 103, Livingston NY 12541	Please stop what's going on! This is getting ridiculous! The waterfront belongs to the people, not SLC!
• Leo Carlin	4 Rossman Ave, Hudson NY 12534	Lets find a way to insure that the Hudson waterfront is protected from intrusive industrial uses... Why have a park if a major detracton is a gravel moving operation... Noise, air pollution are concerns.
• Martina Arfwidson	324 Joslen Blvd, Hudson NY 12534	
• Alex Johnson	162 Pats Road, Ancramdale NY 12503	
• Kristin Locashio	228 Stevers Crossing Rd, Hudson NY 12534	
• Tom Luciano	14 south 6th St, Hudson NY 12534	

Save Hudson's South Bay

[petition text](#)[signatures](#)[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Perry Cooney	321 Warren St, Hudson NY 12534	As we sit here on vacation in a glorious part of the world we cannot help but demand that we also come back to a glorious part of the world and have SLC move out and not come back.
• Linda McNutt	96 Stickles Rd, Hudson NY 12534	
• Cece Johnson	162 Pats Road, Ancramdale NY 12503	
• Peter Borrell	71 Cranberry St #3, Brooklyn NY 11201	
• Gregory L. Olsen	40 Sabeff Rd, Hillsdale NY 12529	
• Richard Kaplan	PO Box 312, Germantown NY 12526	
• Guy Winig	2766 NY Rte 23, Hillsdale NY 12529	
• Dr. Mary Hack	17 Union St, Hudson NY 12534	
• Nina Fine	112 N. 5th St, Hudson NY 12534	We cannot have a vibrant waterfront with a cement plant in the mix. It will degrade our town's air water and viability as a tourist attraction not to mention putting at risk human and animal health and well-being. If Hudson wants to remain one of the top ten best small towns it needs to revitalize the waterfront in an ecologically sound manner and BAN a cement plant. Thank you.

Save Hudson's South Bay

[petition text](#)[signatures](#)[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Roy Volkmann	258 Warren St, Hudson NY 12534	
• Ellie Antler	162 Pats Road, Ancramdale NY 12503	
• Sarah Lipsky	14 Kinderhook St, Chatham NY 12037	
• Tony Caio	110 N Fifth St, Hudson NY 12534	
• Edward Konow	PO Box 343, Rte 9H #61, Claverack NY 12513	
• Anthony V. Winig	505 Jewett Ave, Bridgeport CT 06606	I am a Hudson NY native -- born there 1951 and living full-time there until 1969. I returned in Nov 2003 until May 2006. That said... I would like to see St Lawrence Cement sell for a nominal sum.
• Barbara Tonne	11 Kinderhook St, Chatham NY 12037	
• Lisa Thomas	405 Rte 385, Catskill NY 12414	
• Mette Urth Kristensen	Copenhagen, Denmark	I'm not a citizen of Hudson. But last spring I had an internship at Hudson Opera House that gave me the possibility of enjoying the splendid nature surrounding Hudson.
• Emily Upham	PO Box 548, Germantown 12526 NY	Thank you, Sam, for continuing to lead us in this fight.
• Fabrice Gallean	220 Warren St, Hudson NY 12534	

Save Hudson's South Bay

[petition text](#)[signatures](#)[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Timothy Dunleavy	316 Warren St, Hudson NY 12534	Let's make New York State proud of its waterfront and set an example for future generations.
• Elsa Levisur	122 Union St, Hudson NY 12534	The trappings of heavy industry no longer are appropriate on the City of Hudson waterfront. The time has come for pollution reduction and ecological restoration.
• Vilma Mare	519 Union St, Hudson NY 12534	My voice is mother's voice also business owner's voice.
• Kim Arenskjold	1 Rossman Ave, Hudson NY 12534	STOP SLC from taking our public land NOW!
• Noah Fischel	306 Warren St, Hudson NY 12534	
• Thomas Grunewald	132 Maiers Rd, Craryville NY 12521	Industrial development is desirable if it is green or low environmental impact, and in carefully planned locations that are away from sensitive environmental zones or recreational or public interest s
• Theresa Bohn	746 Warren St, Hudson NY 12534	
• Wendy Noyes	745 Dugway Road, Chatham NY 12037	
• Oscar K. Anderson	40 East 88th St #11-F, New York NY 10128	
• Sarah Saul	34 Camp Creek Rd, Germantown NY 12526	
• James Godman	746 Warren St, Hudson NY 12534	

Save Hudson's South Bay

[petition text](#)[signatures](#)[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Carola Soltau	P O Box 1087, Hudson NY 12534	The history of abuse, blight, pollution and neglect which has characterized St Lawrence Cement's stewardship of their Hudson Waterfront properties should be indication enough that their disregard for the City of Hudson and the Hudson River.
• Robert Pace	PO Box 341, Chatham NY 12037	
• Peter Barton	241 Warren St, Hudson NY 12534	
• Jim Svetz	742 Warren St, Hudson NY 12534	Isn't Columbia County lucky that its good economic health comes from its extraordinarily beautiful landscape?! And that our wealth comes from preserving that beauty?!
• Kerri Corrigan	673 Rt 66, Hudson NY 12534	
• Josephine Konow	PO Box 343, Rte 9H #61, Claverack NY 12513	
• Kari Rieser	322 Union St, Hudson NY 12534	
• Matthew Osinskie	5 Eastern Pkwy, Germantown NY 12526	
• Janet Kealy	330 Allen St, Hudson NY 12534	
• Diane Whelton	15 Hudson St, Kinderhook NY 12106-0422	
• Deborah Mayer	24 Worth Ave, Hudson NY 12534	

Save Hudson's South Bay

[petition text](#)

[signatures](#)

[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
- James Cummings - Edward Lebar	306 Warren St, Hudson NY 12534 - PO Box 237, Ancram NY 12502	I do not want to see the waterfront in Hudson given over to industry when the need for it to be used for recreational purposes for the people of the city and surroundings is so acute.
- Kristen Vaughn - Ian Nitschke - Daisy Noyes - Peter Meyer - Samuel Spivy - Michael M. Watts	68 Worth Ave Apt. 2, Hudson NY 12534 - PO Box 360, Claverack NY 12513 745 Dugway Rd, Chatham NY 12037 330 Allen St, Hudson NY 12534 53 Albany Ave, Kinderhook NY 12106 130 Union St, Hudson NY 12534	Industrial use and development of the Hudson River Waterfront is a 20th Century concept, and does not fit into a progressive, environmental, ecological 21st Century future for Hudson and the surrounding area.
- Thomas Mabley III - Arthur Levin - Geraldine Adams	342 Allen St, Hudson NY 12534 578 Vedder Mtn Rd, Catskill NY 12414 342 Allen St, Hudson NY 12534	

Save Hudson's South Bay

[petition text](#)[signatures](#)[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME

ADDRESS

ADDED COMMENTS

- Lisa Durfee 36 N 5th St, Hudson NY 12534
- Marcia Mayper PO Box 8, Canaan NY 12029
- Victoria Rosenwald Box 555, Claverack NY 12513
- James Cummings 306 Warren St, Hudson NY 12534
- Mary Hallenbeck 1 Carole Ln, Hudson NY 12534
- Moisha Blechman 205 Tompkins Rd, Ancram NY 12502

There is a much greater economic benefit to the city of Hudson, Columbia County and the state of New York when polluting industry is denied the ability to poison (pollute), and degrade an area with its industrial eyesores. The South Bay should be reserved for the enjoyment of the people and the promotion of its ecological destiny.

- Fred Callander 46 Every Rd, Ghent NY 12075
- Rita [Birmingham] 4317 Rte 23, Hudson NY 12534
- Laurence M. Turk 45 Locust St, Chatham NY 12037
- Christine Callander 46 Every Rd, Ghent NY 12075
- Cecile [Harrison] 55 Wenzels Ln, Hudson NY 12534
- Richard Harrison 55 Wenzels Ln, Hudson NY 12534
- Richard Caro 765-2 Harlemville Rd, Hillsdale NY 12529
- Dr. Mary Hack 17 Union St, Hudson NY 12534

Save Hudson's South Bay

[petition text](#)[signatures](#)[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Thomas Hack	17 Union St, Hudson NY 12534	
• Sue Neale	16 Christman Road, Hudson NY 12534	
• Bennet Cohen	PO Box 357, Claverack NY 12513	
• John Gourlay	P.O. Box 288, Philmont NY 12565	
• Leo Carlin	4 Rossman Ave, Hudson NY 12534	Having any industrial activity totally counters park, recreational, cultural goals. So please no industrial installation.
• Julie Caro	765-2 Harlemville Road, Hillsdale NY 12529	
• Annabel Lee	165 Hudson Ave, Chatham NY 12037	
• Jeffrey Lewis	136 Old Barrington Road, Craryville NY 12521	
• John Scott Smith	35 Clover View Drive, Hudson NY 12534	
• Victor Milin	32 Prospect St, Philmont NY 12565	
• Peggy Anderson	226 Union St, Hudson NY 12534	

Save Hudson's South Bay

[petition text](#)[signatures](#)[tell others](#)

SIGNATURES VERIFIABLE ONLINE AT

www.ipetitions.com/petition/bay

TO THE NYS DEPT. OF STATE AND ALL OTHER RELEVANT AGENCIES:

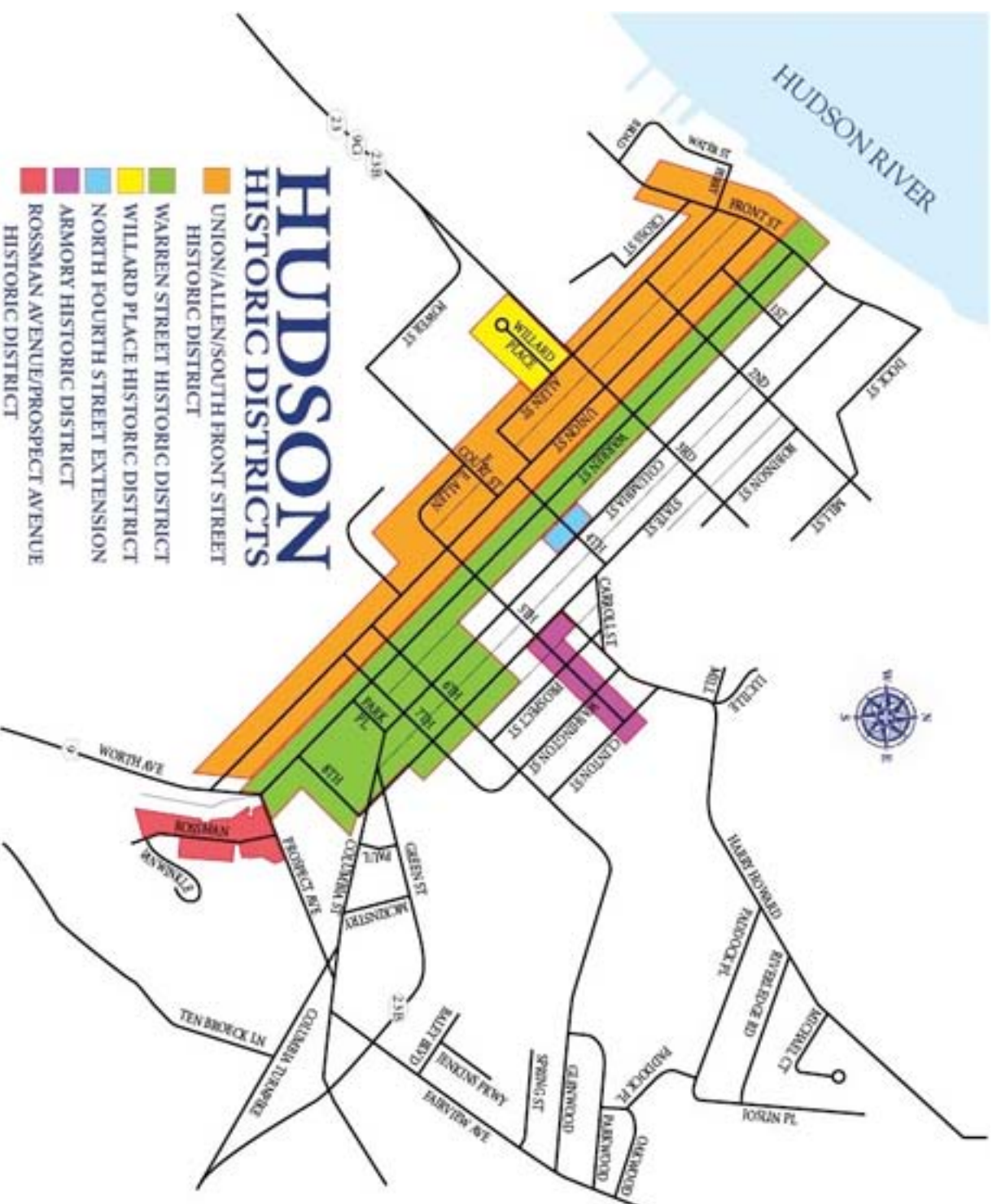
I SUPPORT the creation of a Hudson Waterfront Zone which provides maximum public access to the river, recreational opportunities, habitat restoration and appropriate commercial development consistent with the Secretary of State's April 2005 ruling.

I OPPOSE further degradation of Hudson South Bay. Blighting heavy industrial uses (such as a conveyor belt, overpasses, roads through wetlands, cement and gravel loading, and truck or barge traffic) cannot realistically coexist at this uniquely sensitive site with more economically- and environmentally-beneficial activities.

ALL LEGAL MEANS should be explored by public officials to remove and prevent such incompatible uses from impeding the restoration of this magnificent public resource.

SIGNED,

NAME	ADDRESS	ADDED COMMENTS
• Michael M. Watts	130 Union St, Hudson NY 12534	
• Brenda Shufelt	PO Box 77, Mellenville NY 12544	
• Jim McCabe	101 Stottville Rd, Hudson NY 12534	
• Ariana Coate	385 Punsit Rd, Chatham NY 12037	
• Holly Northrop	831 Union St, Hudson NY 12534	
• Phyllis R. Wirth	394 Old Rte 82, Craryville NY 12521	
• Elizabeth J. Wirth	400 Old Rte 82, Craryville NY 12521	
• Mary Lou Groll	823 Union Street, Hudson NY 12534	
• Mark Heidorn	37 James Street, Hudson NY 12534	
• Theresa Bohn	746 Warren Street, Hudson NY 12534	
• Kathleen Duffy	321 Water Street Road, Hudson NY 12534	
• Norman Mintz	Court Lane, Box 371, Claverack, NY 12513	The waterfront will only get busier over the coming years. Industrial development does not fit in now, and will be especially out of place in the future.
• Robin Weber	165 Route 9H, Hudson NY 12534	
• Anna Cinquemani	209 Warren Street, Hudson NY 12534	
• Jeffrey Mousseau	203 Allen Street, Hudson NY 12534	



INDIVIDUAL DESIGNATIONS

- WASHINGTON HOSE COMPANY
Warren and North Front Streets
- H. W. ROGERS HOSE COMPANY
342 Warren Street
- C. H. EVANS HOOK & LADDER COMPANY
440 Warren Street
- I. W. HOYSRAIDT HOSE & CHEMICAL COMPANY
515 Warren Street
- I. W. EDMONDS HOSE & PHOENIX HOSE COMPANIES
8-10 Park Place
- HUDSON AMTRAK STATION
69 South Front Street
- ROBERT TAYLOR HOUSE
South Second Street and Tanners Lane
- ROBERT JENKINS HOUSE
113 Warren Street
- HUDSON AREA LIBRARY
400 State Street
- JOHN T. HAVILAND HOUSE
34-36 South Fifth Street
- CAVELL HOUSE
69 Prospect Avenue
- CHRIST EPISCOPAL CHURCH
Union and East Court Streets
- FIRST PRESBYTERIAN CHURCH
Fourth and Warren Streets

From:40LH01368

06/23/2004 16:06 #199 P.002/003

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

JUN 23 2004

Regulatory Branch

Subject: Enforcement Case 2004-075 (200400667)
St. Lawrence Cement Property / Access Road off Route 9G
City of Hudson, Columbia County, New York

Mr. Thomas West, Esq.
LeBoeuf, Lamb, Greene, & MacRae, LLP
99 Washington Avenue, Suite 2020
Albany, New York 12210-2820

Dear Mr. West:

On May 11, 2004, representatives of the New York District of the U.S. Army Corps of Engineers conducted an inspection of the above referenced site located on the old Conrail railroad bed on the northwest side of Route 9G in the City of Hudson, Columbia County, New York. During the course of the inspection, it was noted that a general contractor working on a road on the site had placed fill into waters of the United States, including wetlands, without prior authorization from this office. Such impacts are considered in violation of the statutes and regulations within the jurisdiction of this office.

These statutes and regulations include the Clean Water Act (specifically Title 33 of the United States Code, Section 1311, which prohibits unauthorized discharges to waters of the United States, and Section 1344, which sets out the manner in which such discharges of dredged or fill material may be authorized), the Rivers and Harbors Act of 1899 (specifically Title 33 of the United States Code, Section 403, prohibits unauthorized structures in, and unauthorized modifications to the capacity of, the navigable waters of the United States and their adjacent wetlands), and the regulations promulgated pursuant thereto (Title 33 of the Code of Federal Regulations, Sections 320 through 331).

This office is in receipt of a remediation proposal prepared by Lawler, Matusky & Skelly Engineers, LLP (LMS), as described in correspondence and attachments dated June 22, 2004, and submitted on behalf of St. Lawrence Cement, Inc., in order to address the enforcement concerns of this office. The proposal includes restoring the recently filled wetland areas, and remediating and stabilizing adjacent upland areas to prevent siltation and sedimentation into additional waters of the United States. Accordingly, pursuant to Title 33 of the Code of Federal Regulations, Section 326.3 (d)(1), St. Lawrence Cement, LLP, is hereby **Ordered** to carry out the restoration proposal as described in the LMS submittals, and as shown in drawings LE-1 and LE-2, entitled "St. Lawrence Cement Access Road", dated May 24, 2004, prepared by LMS. The work is to be completed within forty-five days from the date of this letter. As proposed, this project is to include an onsite environmental consultant during the restoration activities to ensure that the aquatic resource is restored and established properly. This office is to be kept apprised of progress towards the implementation of the remedial measures, and is to be contacted for a follow-up inspection when restoration is complete.

Compliance with the terms and conditions of your remediation proposal will be construed as adequately addressing any remaining enforcement issues of this office with regard to this case. It is anticipated that the project will proceed in compliance with all other applicable federal, state and local requirements.

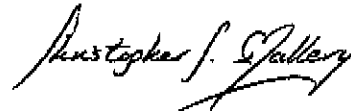
From:40LH01368

06/23/2004 16:06 #199 P.003/003

Subject: Enforcement Case 2004-075 (200400667)
St. Lawrence Cement Property / Access Road off Route 9G
City of Hudson, Columbia County, New York

Your cooperation with the regulatory requirements of this office is appreciated. If any question should arise concerning this matter, please contact Ms. Amy Gitchell, of my staff, at (518) 273-1520.

Sincerely,



Christopher S. Mallery, Ph.D.
Chief, Harbor Supervision
and Compliance Section

c: CENAN-OP-RW
Mr. Charles Butterworth
Mr. John R. Deschaine
Ms. Gina Facca – St. Lawrence Cement
Mr. David Loomes – St. Lawrence Cement
Mr. John Duschang - LMS
Mr. Blaise Constantakes – NYSDEC, Reg. 4
Ms. Nancy Heaslip – NYSDEC, Reg. 4
USEPA
USFWS

• NAME

EMAIL

DATE

COMMENTS

THE UNDERSIGNED HAVE ENDORSED THE FOLLOWING PETITION
CIRCULATED IN FEBRUARY-MARCH 2010 BY SAVE THE SOUTH BAY:

The current draft Waterfront plan for Hudson reflects neither the public input received, nor the 2005 instructions from the Secretary of State for rezoning this magnificent public resource.

We call upon the City of Hudson and State of New York to:

- (1) ***extend*** the public comment period;
- (2) ***revise*** the plan in a more forward-looking direction to unlock the full recreational, habitat, and commercial potential of this regional treasure; and
- (3) ***remove*** any possibility of further impairment of these resources by heavy industrial activity, nuisances and blight.

The wetlands of South Bay should not be further industrialized; and the public's access to the Hudson River should not be compromised by harsh, incompatible neighboring activities.

Future generations will thank those citizens and officials who ensure that this plan is one based in long-term benefits for the many, not in the narrow, short-term concerns of a single corporation. ■

NAME	EMAIL	DATE	COMMENTS
- Abby Lappen - Abby Pratt - Abel Ramirez - Adam Hirsch - Adele Slocum	- amble12544@aol.com - dearab@gmail.com - discabel@aol.com - ah233@bard.edu - adele.slocum@gmail.com	2/19/10 2/24/10 3/14/10 2/25/10 3/12/10	I fully support this petition. I feel certain that most of the residents of Hudson and its environs would want to see the development of the unique resource that is the South Bay in the direction of recreational activities and to prevent at all costs further heavy industry. Think ahead! Give the people time to offer their thoughts! This is a decision that could make or break Hudson's vitality. I've watched its recovery from a rural city that industry left behind to one with a dynamic main street representing millions of dollars of private investment and entrepreneurial energy. A main street that has survived a record setting recession. The current Waterfront plan is a thumb in the eye of those who have worked hard and risked much to bring Hudson back. The vision for Hudson's waterfront should put the interests of it's citizens before those of a corporation who's interest is represented by numbers on a spreadsheet. Please extend the public comment time, revise the plan and remove any industrial development in the Hudson port area. I have a property at 211 Warren Street, Hudson, NY 12534 and feel the proposed development of the waterfront would be a real disaster for the City of the Hudson and an irreversible blight on the aesthetics of the region. It is the latter that have done so much to lead to the recent inflow of new homeowners and tourists to the Hudson city area, with a resultant fillup to the local economy. The Hudson government has made a huge mess out of plans for the Hudson waterfront. The wetlands must be preserved and the plans for restoring the waterfront altered to reflect the real recreational potential of the site. Heavy industrial activity must be curtailed. Please do not ruin the wetlands. Please do no further harm to our environment. And please do not compromise the extraordinary natural beauty of the Hudson and surrounding area.
- Adrienne Bordes - Africa Heiderhoff - Alan Hamilton	- abordes@valstar.net - ahelde2000@yahoo.de - restomanhudson@yahoo.com	2/19/10 3/6/10 2/19/10	
- Alan Papscun - Alana Hauptmann - Alden Mann	- alan@papsun.com - reddot@mhccable.com - atmann4@gmail.com	2/22/10 2/19/10 2/19/10	
- Alex Knapp - Alex Lindsay - Alex Tronstad - Alexander Oliver	- rachel.pomerat4@gmail.com - alex.lindsay@modern-arts.com - alicks37@gmail.com - alexoliver@yahoo.com	3/2/10 3/14/10 2/23/10 3/10/10	
- Alexander Turnquist - Alexandra Anderson	- alex.turnquist@gmail.com - downmainer@aol.com	2/20/10 2/27/10	
- Alfred Tirella - Alicia Taranto - Alyson Daniels - Amanda Jennings - Amy Cox - Amy Gold	- atirella@hvc.tr.com - atarantoc@commongroundinc.org - ad@hudsonvalleystates.com - ohno-its-mandulij@lycos.com - knoboots@yahoo.com - amyrgold@gmail.com	2/24/10 3/4/10 3/14/10 2/23/10 3/2/10 2/19/10	
- Amy Irene Anderson - Andrea Gallo	- amyirenaa@gmail.com - agallo72@hotmail.com	2/23/10 2/23/10	

NAME	EMAIL	DATE	COMMENTS
• Andrea Raisfeld	andrea.arlocations@gmail.com	2/19/10	Protect the waterfront of the Hudson from unsightly, harmful heavy industry and allow people and wildlife to enjoy a more pristine river.
• Andrea Williams	andrea.williams.11@gmail.com	2/25/10	The wetlands at the bottom of Mount Merino are a pleasant part of my journey into town and a key reason for selecting the location of my home. It would not only be a tragedy to see it industrialized but also an utter shame environmentally to lose another part of the river's natural offerings. It's time we revitalize instead of raping the river once again with industry.
• Andrew Beckman	andrew.beckman1761@gmail.com	2/22/10	
• Andrew Coates Wolfe	acoateswolfe@mac.com	2/22/10	
• Andrew Nelson	djmchips@gmail.com	2/19/10	
• Andrew Sedlock	apsedlock@gmail.com	2/24/10	This is a beautiful area, where I take my family often to see some of the untouched beauty of the Hudson valley. Please think twice about destroying that habitat. Why does the government always want to take away what's most important to it's people? Do they not think of the people at all? Save to waterfront and our River, what else does Hudson have?
• Andy King	andy@andying.com	3/14/10	
• Angela Kurzawa	angelakurzawa@mac.com	2/21/10	
• Angela Rolon	arolon@rocketmail.com	3/11/10	
• Angella M Pace	necareer@excite.com	3/10/10	Please preserve the Hudson Waterfront...
• Anika Chowdhury	anikachowdhury@yahoo.com	2/20/10	
• Ann L. Clapper	aclapper@mhccable.com	3/1/10	
• Ann L. McCarthy	amc10028@yahoo.com	2/26/10	The Hudson River and the waterfront we enjoy in the city of Hudson and surrounding areas are national treasures that need to be safeguarded. It is a matter of public trust that any decisions regarding this region be given ample time and sufficient opportunities for public comment before action is taken.
• Annabel Lee	movingvehicle@gmail.com	2/27/10	
• Anne Drennen	hallowanne@aol.com	3/2/10	
• Annik La Farge	anniklafarge@hotmail.com	2/20/10	
• Anthony LaSalvia	lasalviat@yahoo.com	3/12/10	
• Arnold Chadderton	chadsem@aol.com	2/24/10	The Hudson Waterfront has been the victim of commercial abuses for centuries. Now is the time to take the time to create a future that celebrates the river. Don't hurry to the wrong choices. Wait and take the time to make it the right plan.
• Arthur H. McGuire	ahm@blumb.com	2/22/10	
• Asja Voronkova	fakebeing@gmail.com	2/23/10	
• Audrey Koran	awedkoran@aol.com	3/12/10	
• Amanda Trienens	amandabrooke3@hotmail.com	2/19/10	The Waterfront belongs to us all! Must be protected and saved, for us, for future generations, in it's unssullied state.
• Barbara Burge	babsburge@aol.com	2/25/10	
• Barbara Eittinger	byprenett@aol.com	2/19/10	
• Barbara Graham	tellagraham@fairpoint.net	3/2/10	
• Barbara Krauthamer	profbk@gmail.com	3/13/10	
• Barbara Lubell	jirovitz@hvc.it.com	2/20/10	

NAME	EMAIL	DATE	COMMENTS
Barbara Ponkos-Merola	barb.ponkosmerola@gmail.com	2/20/10	The cement company does not owe your children anything, or your grandchildren. And no matter what they say, they will never have their best interest in mind. Remember it takes the whole community to help raise a child. Let us always keep the future generations in our hearts as we make decisions that effect them. Let us not make decisions based on individual gain or power, but the power of our community standing up for what is truly right.
- Barbara Sagal - Benedicta Bertau - Benjamin Feldman - Bernard Shur - Betsy Granikow - Brahm Vaccarella - Brenda Shufelt - Bridget Hallowell - Bridget Maple - Brittany Thibeault - Bruce C. Bergmann - Bruce Hilliger	babwertz@aol.com benedicta4@gmail.com feldman_benjamin@hotmail.com harrietshur@gmail.com bgramkow1@gmail.com cv471@bard.edu b.shufelt@gmail.com bh683@bard.edu srose63@hotmail.com withthibeault@yahoo.com brucebergmann@hotmail.com bhilliger@verizon.net	2/21/10 3/2/10 2/23/10 2/25/10 2/19/10 2/27/10 2/21/10 2/24/10 2/27/10 2/23/10 2/19/10 2/23/10	I support this petition 100%
Belinda Lawrence Breese	blbreese@gmail.com	2/26/10	Its time we recover and keep as much of the Hudson's beauty and wildlife as we can.. not destroy more for profit...
- Bob Elmentdorf - Cannon Hersey - Cari Natfali - Carl Davino	poetapoetus@taconic.net blackagemedia@yahoo.com birthjoy@gmail.com carlofwine@yahoo.com	2/28/10 2/20/10 2/19/10 2/19/10	The City Of Hudson is trying again to allow Industrial use of the waterfront. This was Indeed instructed by The Secretary of State to be rezoned for PUBLC use!
- Carla D. Jenkins - Carla Perez-Gallardo - Carla Sadoff - Carleen Sheehan - Carol Friedman - Carol Fuster - Carol Rosenberg - Carola Soltan - Carole Clark - Carole Osterink - Carolyn Lawrence	carlaghent@gmail.com threeships@gmail.com csadoff@verizon.net csheehan3@earthlink.net carolmazali@yahoo.com cmfuster@yahoo.com carolrosenberg@hotmail.com echavarri@mac.com csc@surferz.net akacass@verizon.net carolynclawrence@hotmail.com	2/28/10 2/23/10 3/3/10 2/26/10 3/10/10 2/20/10 2/21/10 3/10/10 2/20/10 2/19/10 2/23/10	Please do not destroy the wetlands of south bay! Save the Hudson River
- Carolyn Marks Blackwood - Carolyn Webber	marksblackwood@gmail.com cwebber@kwf.org	2/21/10 3/5/10	Let's make this a document of vision not compromise. I fully support the contents of the above petition and a well considered decisions rather that circumventing the work that has been done to date to serve the immediate needs of a few who will benefit financially. How strange—don't people have memory?

NAME	EMAIL	DATE	COMMENTS
- Carrie Haddad - Caryl - Cassandra Cumming - Catherine A. Johanson - Catherine Kazlo - Catherine R. Johanson - Charles D. Forman - Charles Weckler	- carriehaddad@gmail.com - caryl16@hotmail.com - worldcaz@hotmail.com - cathy@mhicable.com - flyingcrone@hotmail.com - cij@mhicable.com - cforman@taconic.net - chadweckler@earthlink.net	3/1/10 3/10/10 2/23/10 2/23/10 2/23/10 3/3/10 3/1/10 3/13/10	The current LWRP does not follow proper protocol for protection of the Phase 1 wetlands of the South Bay.
- Charlotte Fennell - Cherie Miller Schwartz	- cfennell@fairpoint.net - cms@fairpoint.net	3/2/10 2/25/10	The South Bay is a historic resource for the City of Hudson and the people of the Hudson Valley and New York State and should not be destroyed through industrialization.
- Cheryl Jones - Cheryl Lambert - Chloe Zerwick - Choral Eddie - Chris Jones	- fiaba@fairpoint.net - cherylkurt@aol.com - czewick@mhicable.com - seadeddy@mac.com - chef@redbarnfood.com	3/14/10 2/23/10 2/19/10 2/26/10 2/25/10	Succint and masterful petition. I salute you.
- Chris Neumann - Christina Malisoff - Christina McKenna - Christine Heller - Christine Kovalich Eidem	- organiccoffee@verizon.net - ultravioletsparkle@yahoo.com - mckenncr@gmail.com - xlineheller@yahoo.com - ceidem@wlsnail.org	2/27/10 3/14/10 2/27/10 2/24/10 2/23/10	We call upon the City of Hudson and State of New York to: (1) extend the public comment period; (2) revise the plan in a more forward-looking direction to unlock the full recreational, habitat, and commercial potential of this regional treasure; and (3) remove any possibility of further impairment of these resources by heavy industrial activity, nuisances and blight. The wetlands of South Bay should not be further industrialized; and the public's access to the Hudson River should not be compromised by harsh, incompatible neighboring activities. Future generations will thank those citizens and officials who ensure that this plan is one based in long-term benefits for the many, not in the narrow, short-term concerns of a single corporation
- Christopher Chittick - Christopher Eigeman - Chuck Roseberry - Chuck Shattenkirk - Cia Elkin - Claire Behr - Claude Rolo - Claudia McNulty - Colan Anderson	- christopherchittick@yahoo.com - c_eigeman@yahoo.com - chuckcentral24@yahoo.com - chucko859@aim.com - cialucia@aol.com - lenbehr@verizon.net - claudef.rolo@gmail.com - claudiamcnulty@me.com - colan50@hotmail.com	2/23/10 2/20/10 2/28/10 2/28/10 3/2/10 3/13/10 2/20/10 2/20/10 2/26/10	I grew up in Hudson and currently live in another rivertown revitalizing its waterfront. This natural treasure should be used and celebrated and embraced by the people and handed down to their children. Especially in the city that shares the same name.

NAME	EMAIL	DATE	COMMENTS
Constance Mondel	jcmond@taconic.net	2/23/10	It is most important to make the best use of the natural assets in a community, aesthetically and environmentally. Please attend to the public demand for the best use of the waterfront according to their suggestions and the instructions of the secretary of State
Cora Hales	corahales@kosaco.net	2/19/10	The riverfront has the most valuable potential in Hudson. It makes no sense in the long term to industrialize it.
- Cornelia McGiver - Craig Cunningham	cmgb@valstar.net dexterra@aol.com	2/20/10 3/1/10	Clearly the most obvious decision is to save the Hudson Waterfront. It is so apparent what town has thrived up and down the Hudson and which one's fail...and that success is directly linked to that town's access and availability to the waterfront. DO NOT allow Hudson to become the depressed slum that it once was! Now is the time to put differences aside and realize the obvious. The only way to save Hudson is to save the Waterfront! Period...that's it...nothing more...nothing less!
- Curt Ostermann - Cyndy Hall - Cynthia Richardson - Cynthia Lathrop	geo1@nyu.edu hall123@aol.com cynthiabob@fairpoint.net cynthia.lathrop@carriehaddadgallery.com	2/19/10 2/20/10 3/1/10	3/5/10 Please save our waterfront for the people of Hudson to enjoy for generations....and to protect the fragile ecosystem of the glorious Hudson River. Thanks!
- Cynthia Martin - Cynthia Richards	cynbar59@aol.com c.richards@atlanticphilanthropies.org	3/1/10	3/14/10 Over 150 years ago, when open spaces were abundant in America and its Western half was a frontier, artists recognized the unique beauty of the Hudson River Valley as it overlooks the Catskills. Hence Thomas Cole and Frederic Church chose this spot, out of myriad places available to them, to live. Please do not destroy this beauty with the industrial blight that would be permitted under the current waterfront plan.
- Cyrene Puccio - Cyrina King - D.C.C. Foley - Dale Gelfand - Dan Coffman - Dan Turk - Daniel Mackay - Daniel Renehan	cyrene.puccio@gmail.com cyrina.king@gmail.com dcfoley@ur-design.us degefland@earthlink.net bulldog915@aol.com dturkny@hotmail.com dmackay@preservens.org drenehan@gmail.com	3/11/10 2/24/10 2/20/10 2/28/10 2/20/10 3/14/10 2/19/10 2/20/10	Most of all, Please save the wetlands for the future of wildlife. Regards, DT
- Dashiell Farewell - David Davenport	df247@bard.edu dfdavenport@gmail.com	3/2/10 3/2/10	I live within a few hundred yards of the footprint of the South Bay in Hudson, NY. The current draft of the Waterfront plan is not the result of the process we were told was in place. The public comment period must be extended to allow for a more robust discussion of all options. Also the plan should include some means for full access to the waterfront and the South Bay in particular by all of Hudson residents. Finally, this precious resource must be protected from the encroachment of heavy industry because it is, quite simply, irreplaceable.

NAME	EMAIL	DATE	COMMENTS
David Garrill	dgarrill@gmail.com	2/19/10	There is simply no way that recreation and commercial redevelopment can harmoniously co-exist with ramped-up industrial activity on the Hudson waterfront. The people of Hudson and Columbia County should be the beneficiaries of the LWRP, not a corporate entity only interested in its bottom line. The present state of the SLC/Holcim facility speaks volumes about the firm's regard for our town, and its built environment. They must not be allowed to have a hand in drafting the course our community charts for the future.
• David Iorio	davidiorio@mac.com	2/19/10	As a resident of Catskill, I'm deeply concerned about degradation of the river and riverfront, most notably wetlands. Please do not reverse the progress that has been made in the last 15 years in preservation of the riverfront. Thank you.
• David Rubel	aginpress@aol.com	2/22/10	
• David Spierer	dspie@aol.com	2/24/10	
• Deb Samuels	debsamuels@yahoo.com	2/20/10	More recreational use of the Hudson River should be calculated in to ANY plans made!
• Deborah Barber	doubledeckerfarm@yahoo.com	3/14/10	I live in Ghent, but, obviously, what happens in Hudson will have considerable impact on my enjoyment and use of the public lands in the wider Columbia County community. Please seriously consider the above issues and the impact that further development will have on already overly stressed environment and landscape.
• Deborah Colgrove	sewing@valstar.net	2/25/10	
• Deborah Davis	deborahdavisfineart@earthlink.net	2/20/10	
• Debra K Gallo	dkgallo@verizon.net	2/22/10	There is nothing on earth more precious than waterfront. Don't blow it!
• Debra M Edwards	debbedwards@hotmail.com	3/10/10	
• Debra Naumovitz	psychopractor@aol.com	2/21/10	
• Dena Moran	oldehudson@aol.com	2/22/10	don't kill birds!
• Denise Predgo	dpredgo@optonline.net	2/21/10	
• Dennis D. Soucy jr.	mustychiffon@gmail.com	2/19/10	
• Dennis Kosovac	dfk9914@yahoo.com	2/26/10	It is urgent that this plan be revised to remove any possibility of heavy industrial activity, nuisances or blight. We do not want the wetlands of South Bay further industrialized.
• Devin Henry	mrdsir@hotmail.com	3/12/10	
• DeWayne A. Powell	dajunk@verizon.net	2/19/10	
• Diana Jelinek	djeli98@erols.com	2/19/10	
• Diane Rodriguez	pathogenfree58@peoplepc.com	2/19/10	
• Dimitri Sevastopulo	dimitrisev@nyc.rr.com	2/27/10	
• Dina Palin	historical@earthlink.net	2/20/10	
• Dominic Nelson	deadpolk@gmail.com	2/21/10	
• Donna L. Davey	daveydl@yahoo.com	2/19/10	
• Doreen Rappaport	rapabook@aol.com	3/13/10	
• Doreen Tignanelli	doreentig@aol.com	2/28/10	
• Doug Wingo	doug@dougwingo.com	3/2/10	

NAME	EMAIL	DATE	COMMENTS
• Douglas Culhane	dculhane@earthlink.net	3/13/10	Hudson's waterfront and South Bay wetlands are one of our region's natural treasures. They should be managed in a way that preserves them while allowing access to the community, not exploited and destroyed. I am one of many members of this community who takes great pride in the amazing river we are fortunate enough to have at our doorstep. Let's treat it with the respect it deserves. Douglas Culhane, Hudson, NY
• Dr. Andrew Appel • dan bleen • dan bleen • daniel schmeder	andrewsappel@mac.com grapes2015@yahoo.com grapes2015@yahoo.com danielschmeder@yahoo.com	3/14/10 3/10/10 3/10/10 3/1/10	We must continue to invest in Hudson in order to attract tourism, the only sustainable economy we can have. This is NOT the way forward for our town. This is a shameful ad tragic development.
• david byrd • david natoili • david seth michaels • dylan fettig • Edward D. Depew III • Edward Fallon • Edward Konow, Jr. • Edward Tiwan • Elizabeth Davis	dave@sollog.com dnatoili73@gmail.com davidseth@davidseth.com df377@bard.edu neddy12345@yahoo.com juggler@faipoint.net konow@mhcable.com etivnan@iild.org.pe daviseli@gmail.com	2/20/10 2/21/10 2/27/10 2/23/10 2/26/10 2/28/10 2/21/10 3/13/10 2/23/10	I agree with the concerns of this petition. (1) extend the public comment period; (2) revise the plan in a more forward-looking direction to unlock the full recreational, habitat, and commercial potential of this regional treasure; and (3) remove any possibility of further impairment of these resources by heavy industrial activity, nuisances and blight. The river and its waterfront requires our protection. These precious waters should be protected from further industrial activity. The South Bay wetlands should not be used to further industrialize the area.
• Elizabeth Davis • Elizabeth Kanaga • Elizabeth Katsivelos • Elizabeth Kelly • Ellen Clarkson • Ellen Liburt • Emily A McCully • Emily Cuk • Emily Morse Gargill • Emma Stamm • Enid Futterman	daviseli@gmail.com bethkanaga@gmail.com e_katsivelos@msn.com elizzie2@gmail.com eclarkson@nyc.rr.com eliburt@verizon.net eamnce@earthlink.net emic22@yahoo.com emilybmorse@hotmail.com es383@bard.edu enidf@aol.com	3/12/10 2/19/10 2/19/10 3/4/10 2/22/10 2/24/10 2/28/10 2/23/10 2/20/10 2/24/10 2/19/10	It would be insane and tragic to further compromise the South Bay when the (alleged) point of the LWRP is to revitalize the waterfront, and, by extension, Hudson. The plan at present does not, in my view, reflect the will of the people of either the City or the County.
• Erika Clark • Erin Edwards • eamon furlong • elaine shimono • elizabeth ewainstock	erika.anncampbell@gmail.com erinedwards@hughes.net eamonmf@gmail.com elaineshimono@msn.com ewainstock@nyc.rr.com	2/23/10 2/21/10 2/21/10 2/25/10 2/28/10	

NAME	EMAIL	DATE	COMMENTS
Fayal Greene	fgpr@aol.com	2/19/10	Responsible citizens should work on reviving, not further destroying, the South Bay and waterfront. This will create an asset for the future of all people in the region, rather than a short-term convenience for local industry.
Fergus O'Brien	nyeskibear@yahoo.com	2/24/10	Hudson NY is no place for industrialization. It's an ungodly act to mess with nature. The prudent choice is to learn from history and protect our American lands just as the likes of John Muir who among others gave up his life to protect our National Parks. Its 2010! Surely we have learned that by now. Take your industrialization where it belongs but don't mess with our land. Do it if only for future generations. What is done cannot be reversed!
Fiona Cook	cook.f.e@googlemail.com	2/23/10	I am very concerned about the development of the South Bay and its environs abutting the Hudson River. This is an important recreational and scenic area. Any man made changes to the area needs to be clearly thought through.
Florence Meyers	vicandco@verizon.net	3/6/10	
Fran DeGrazia	frand919@mhccable.com	2/19/10	No industrial activity or incompatible neighboring activities. It has been years of hard work to bring this historic river back from its polluted state. Don't spoil it.
Frances Heins	fingrahamheins@msn.com	3/14/10	
Frances Soosman	fsoosman@hvc.rr.com	2/23/10	The current draft Waterfront plan for Hudson reflects neither the public input received, nor the 2005 instructions from the Secretary of State for rezoning this magnificent public resource. We call upon the City of Hudson and State of New York to: (1) extend the public comment period; (2) revise the plan in a more forward-looking direction to unlock the full recreational, habitat, and commercial potential of this regional treasure; and (3) remove any possibility of further impairment of these resources by heavy industrial activity, nuisances and blight. The wetlands of South Bay should not be further industrialized; and the public's access to the Hudson River should not be compromised by harsh, incompatible neighboring activities. Future generations will thank those citizens and officials who ensure that this plan is one based in long-term benefits for the many, not in the narrow, short-term concerns of a single corporation.
Francis Hadley	frabkhadley@earthlink.net	2/28/10	Why is it that our elected officials consistently fail to represent the people whom elected them? Why is it that global business and corporations are not satisfied with profits earned honestly. Why is it they feel the need to exploit the public and the assets the public owns? I am a Hudson resident who feels the Lwvp is inadequate as it now stands. We need to save our natural habitat. Leave this type of construction down in the city where it belongs. This is the country, where it is clean, Let's Keep IT THAT WAY !
Frank Aultman	franka@mhccable.com	2/19/10	
Gabe Schattlein	whogabeis@gmail.com	3/14/10	Hudson's waterfront is a precious resource to Hudson residents and the region. It's treatment needs to be environmentally sensitive and maximize its public use potential. stop the industrialization of the hudson river and extend the public comment period for further input for possible ideas to the revise the proposed plan.
Gail Huff	boota669@hotmail.com	2/23/10	
Gail Shafer	miracleofhealth@msn.com	2/21/10	
Gary Schiro	gary@hudsonoperahouse.org	2/22/10	
Gayle Skluzacek	gskluzacek@aol.com	2/23/10	
Gene Bunnell	gbunnell@albany.edu	3/2/10	
George Baker	reddoor42@hotmail.com	2/22/10	
Giampaolo Bianconi	giampaolo.bianconi@gmail.com	3/1/10	
Gianni	gianni@giannioftiz.com	2/28/10	
Gila Alter	alter@valstar.net	2/23/10	
Gina Barry	gby08@lycos.com	2/23/10	

NAME	EMAIL	DATE	COMMENTS
- Gina Walker Fox - Giovanni Sorrentino - Glenda Ruby - Glenn Tunstall	ginawalkerfox@gmail.com bratbearyc@gmail.com glendaruby@mindspring.com tunstallstudio@aol.com	2/25/10 3/2/10 2/25/10 2/19/10	Please allow more review of the proposed plans that will provide a long term access and natural habitat for the Hudson River. great plan...there a plenty of other locations for industrialization
- Gordon Scarritt - Gregory Blum - Gretchen Kelly - Guy Winig	giscarritt@yahoo.com gblumconstruction@getel.net gretchenkellyat@gmail.com landarch@taconic.net	3/8/10 2/20/10 2/22/10 2/20/10	must have current public input and not go behind the public's back or be secretive Additionally, the de-industrialization and ecological restoration of the former south Bay should be a priority
- Gwen Gould - giovanni dimola - gretchen hoffman - Hanna Bail	gwen@jsinc.com giovannidimola@gmail.com gehio51@aol.com thresholdfarm@gmail.com	2/21/10 2/19/10 2/27/10 2/27/10	There's already enough industrialized areas around Hudson and empty places like the old walmart site. Why messing up more beautiful land. Don't people count anymore? Don't we have a right to enjoy nature, the river, without having to step through wasteland? We need to move on and look towards the future, recycling gray fields, rather than bugging up new land. Please keep the Hudson South Bay area and don't industrialize it further. In the long run it will be cheaper, healthier, tidier and a lot more interesting! The South Bay is an invaluable community resource that cannot be abandoned to the whim of special interest developers.
- Hanna Mitchell - Harriet Shur - Henry Haddad - Hilary Hillman	hgmitchell50@gmail.com harrietsbur@gmail.com hh898785@albany.edu hhillman@mhcable.com	2/25/10 2/25/10 3/14/10 2/28/10	Please extend the comment period on the LWRP. As it stands now it is inconsistent with the DEC 2005 ruling about the future of the Hudson waterfront.
- Holly Gardner - Holly Vadnais - Howard Brandston - Howard Lee Cort	gardnerholly@hotmail.com hollywood3@yahoo.com lighthouse@aol.com howard@approachestocoeistence.com	2/21/10 2/23/10 3/13/10 2/28/10	Allowing heavy industry will violate all good waterfront planning principles. The oppoerunity presented to Hudson for economic development and prosperity will be forever lost. The first chairperson of the TVA taught me that important public projects deserve that all options be thoroughly considered before decisions are made. Surely the health, welfare, and future of a key American sub-region deserves this consideration. As a Chicagoan, formerly from Columbia County, I appreciate the chance to voice my opinion.
- Hugh Williams - Hugo Swanson-Lowry - helene potter - herb sculnick	thresholdfarm@gmail.com hugo.swanson.lowry@hotmail.com helenepotter@yahoo.com herbspix@aol.com	2/27/10 2/28/10 2/20/10 3/8/10	take a look at catskill waterfront and learn a lesson.beautiful location with restored buildings,restaurants,park,pier etc. dont let greed take over and ruin hudsons waterfront.restoring the site like catskill did only brings in more tourists to town and a better economy.this greed of putting in industrial sites is ruining our country.every site ive ever seen that has restored not ruined its waterfront has gained by it many times over
Ian Nitschke	ian_nitschke@hotmail.com	2/20/10	

NAME	EMAIL	DATE	COMMENTS
- Ian Solomon - Iona Lutey - Irma Brownfield - Isabel Barton	ian@equallvision.com iona.lutey@gmail.com randb4@optonline.net arcana@verizon.net	2/22/10 2/22/10 3/10/10 2/19/10	My wife and i grew up in the area and live in claverack. we are great fans of the hudson waterfront park, and see enormous tourist and commercial potential in that area. Don't give up the protection of the South Bay water front. Hudson needs to hear the voice of its residents and revise the current Waterfront draft to reflect a more humanistic plan that protects the standard of life of its residents as well as the ecosystems of its habitat. I would like to express my volition to have the City of Hudson extend the public comment period for the Waterfront plan, revise the plan to a full protection of the habitat via recreational and careful commercial use, making sure to remove any possibility of industrial use and access to the Hudson River fur uses that are not ecologically friendly. Do this revitalization the right way. Don't blow the chance. We take all visitors to the waterfront and lamentis look of indifference. Save the South Bay I would like to see the leader of the town of Hudson making there desitions based on the welfare, The Future and the quality of life of the people that elected them. Hopefully in this lifetime.
Isabel Barton	arcana@verizon.net	3/13/10	
- Iven R. Taub - Ilse Melamid - Isaiah J. Malouf - Jackie Thomas	ivenesq@aol.com imelamid@verizon.net xanbax75@gmail.com jmm13@me.com jackietunes@gmail.com	3/10/10 2/20/10 3/14/10 2/24/10 3/14/10	We fully support this effort. The waterfront is a vital resource whose potential needs to be fully realized.
- Jacob Brackman - James A Fairbrother - James Brodsky	jbrackman@mhcable.com james@fairbrother.com jb@sharpthink.com	3/13/10 3/14/10 2/19/10	
- James Brodsky - James Brodsky - James Cosgrove - James Cummings - James Godman - James Oates - Jamey Carney - Jamie Purinton	jb@sharpthink.com jb@sharpthink.com j_cosgrove@excite.com cummingsantiques@yahoo.com keystone@mhcable.com james@hudsonunion.com jnoelcarney@aol.com janiepurinton@fairpoint.net	3/12/10 3/12/10 3/13/10 2/21/10 2/27/10 2/28/10 3/2/10	
- Jamie Trachtenberg - Jamie Trachtenberg - Jane H Meigs	jitspups@verizon.net jitspups@verizon.net jameigs@mlilbrook.org	2/19/10 3/1/10 2/27/10	This plan should in no way compromise the habitat of the wetland; wetland that is irreplaceable and key to the health of the river.
Jane Smith	jsmith@spacesmith.net	3/14/10	Thoughtful, appropriate development should include environmental safeguards and access to the public. Hudson needs a vital and ecologically strong waterfront. As an architect and resident of Hudson I oppose shortsighted steps that impair the waterfront and the wetlands surrounding Hudson. There are numerous examples of integrated waterfront plans that provide strong longterm solutions for all.
- Jared Finkelstein - Jason Swanson - Jay Shulman - Jean Phifer	grandpaboy@gmail.com jjs13@hotmail.com shulmuse@capital.net j-phifer@tphifer.com	3/2/10 2/28/10 2/19/10 3/11/10	Please stop this. Preserve and protect this beautiful shoreline of the Hudson River for all to enjoy. Please preserve the natural beauty of our Hudson waterfront!

NAME	EMAIL	DATE	COMMENTS
• Jean Stoler • Jeanna Figols • Jeanne Cameron • Jeanne Zornada • Jeff Bagnall • Jeff Bancroft • Jeff Monkash MD	ejstudio@aol.com gnuhm@yahoo.com jeannecameron1@earthlink.net jeanne.zornada@att.net sunbeamtigeri@gmail.com brewster129@aol.com jmonk@mhcable.com	3/6/10 2/27/10 2/20/10 2/22/10 2/20/10 2/20/10 2/21/10	The public needs access to the waterfront for recreational use, 'The establishment of the riverfront as a destination, will bring tourists into Hudson . They spend money. The river should be left with the natural habitats intact. Please follow the original plan! I very much support this petition. We must NOT allow "politics" and "special interests" to deceptively intervene, roadblock and confuse the original intent of the 2005 directive(s) from the Secretary of State of NYS which was to provide a SAFE, CLEAN, and NON-BLIGHTED Water access and utilization for the town of Hudson, New York and environs. The wolves remain active clothed in fleecy sheep's clothes. Holcim, and its political and financially supported sycophants remain behind the scenes trying to manipulate and deceive the public. THEY UNDERESTIMATE THE RESOLVE of the vast majority of the people in this area who have said and continue to say NO to the SLC cement plant as well as expansion of its "waterfront operations." and are aware of their tactics! The 2005 statement by the Secretary of State of NYS explicitly stated that the Hudson Waterfront of this town should remain protected from blight and industrial pollution as well as the public having access to a clean and NON TOXIC waterfront . Any distortion of this directive is in direct contradiction to the spirit of its intent which DEFEATED the construction of a SLC cement plant and expansion of its waterfront activities including heavy loading of coal, dredging the waterfront, and construction of any conveyor belt(s), and the massive transport of trucks and other means of transportation for the operation of this proposed plant. As a physician who has treated patients in this area since 1983, I and my colleagues have REPEATEDLY stated our objections to this plant and expansion of its waterfront activities as a THREAT and DETRIMENT to public health based on thousands of pages of submitted evidence during the DEC hearings on this very subject. Respectfully submitted, Jeff I Monkash MD 2A Millo Street, Hudson, New York 12534 I have been watching the waterfront for 29 years and hoping for the full recreational, habitat and commercial potential mentioned above to be realized. As business owner and resident of Hudson I participated in the Vision plan way back when and as a member of Friends of Hudson and participant at the Waterfront hearings I hoped to ensure that our spectacular part of the Hudson would be revitalized. The proposed LWRP does not achieve these goals and I would like to see the true public wishes reflected in it. Please give this your immediate attention!
• Jeff Moore • Jeffrey Mousseau • Jenna Abrams • Jenna G • Jennifer Arenskjold	alemannmoore@gmail.com jeff.mousseau@gmail.com commacomma@comcast.net onbrooadway@hotmail.com lovejoy@mhicable.com	3/14/10 3/1/10 2/23/10 2/24/10 2/19/10	
• Jennifer Berne • Jennifer Burghardt • Jennifer Capala • Jennifer Jennings • Jennifer Johnson • Jenny Baldwin	jberne@fairpoint.net jennifer.burghardt@gmail.com jcapala@hotmail.com jenjennings@lycos.com jenniferjohnson3@earthlink.net hrtjkb@aol.com	3/14/10 2/23/10 2/24/10 2/23/10 2/27/10 2/19/10	

NAME	EMAIL	DATE	COMMENTS
• Jeri Charles • Jesse Brown • Jesse Langille • Jessica Abrams	jeri.charles@gmail.com requien320@yahoo.com jesselangille@hotmail.com greeningreene@live.com	2/25/10 2/23/10 2/23/10 2/27/10	This is terribly important! Please do not sell out this area, it will severely impact the environment and is totally unacceptable. These types of over industrialization domination to critical areas will not be tolerated any longer! Business as usual is DONE. Lets do this right, Im sure there are plenty of places to put a company this size and magnitude- just not in a precious areas such as these incredibly important wetlands.
• Jessica Goehring • Jim McCabe	jessica.goehring@gmail.com mccabe_jim@hotmail.com	2/27/10 2/28/10	As a home owner in Claverack for the last eight years, I have watched in disbelief that this debate has gone as long as it has. The opportunity handed us with the historic defeat of the SLC project five years ago has not been acted upon. Now we have been handed a draft waterfront plan that is beholden to a small minority of commercial interests and that in no way reflects the broadly supported and expressed wishes of the community. We again have the opportunity to turn the waterfront from an industrial pit into a hub of recreational activity that is environmentally and economically sustainable. Let's not blow it.
• Jo Bredwell • Joan Castle • Joan S. Redmond • Jocelyn Craugh Zuckerman • Joe Morgan • Joe Seeman • Joel Levy • John Ashbery	jbredwell@yahoo.com jest@bassoc.us crossred Realty@taconic.net jocelynzuck@gmail.com joe.morgan@earthlink.net joe.seeman@yahoo.com corcoslevy@earthlink.net hukloude@pipeline.com	2/21/10 2/25/10 3/3/10 2/28/10 3/14/10 2/20/10 2/20/10 3/10/10	Please revise the plan to reflect the broader good for the environment and the community.
• John Davis • John Fay • John Friedman • John Gourtlay • John Isaacs • John Markus	art@johndavisgallery.com malxmed@yahoo.com john@jklaw.com gourtlay@mindspring.com isaacs@mhable.com marfarm@aol.com	2/23/10 2/23/10 2/25/10 2/19/10 2/28/10 2/28/10	This blatant attempt to subvert the 2005 directives of the NY Secretary of State (resulting from the St. Lawrence Cement case) and the will of the overwhelming majority of Hudson's residents (expressed during the subsequent planning for the future of the waterfront) cannot be allowed to prevail.
• John Merola	john.merola@gmail.com	2/22/10	The river is still important to the people!
• John Miliad • Johnnie Moore • Jonathan Ososky	jmilad@yahoo.com johnnie@jlm3.com peacockrevolution@gmail.com	3/2/10 3/12/10 3/1/10	It's all about a plan. Without thoughtful planning, our precious river and its waterfront will simply be put out for bid. History has taught us this. We now have the chance to do this right for future generations. I live on the edge of the South Bay. It is much more beautiful than many in Hudson might realize. Before you decide what should be done please go and have a good look. I think you will agree with me, the causeway should not be made bigger, it should be removed. The South Bay needs to be saved and restored for the future of Hudson and the Hudson River!

NAME	EMAIL	DATE	COMMENTS
- Jonathan Talbott - Josef Astenza - Joseph Franklin - Josh Aronson - Joshua Hahn - Joyce Thompson	jonathantalbott@yahoo.com asteinza@gmail.com joeyfrank@gmail.com josharon@aol.com jh383@bard.edu joyce.h.thompson@verizon.net	2/23/10 3/12/10 2/24/10 2/22/10 3/6/10 2/22/10	Long-range planning for the many aspects of the waterfront region—including habitat, recreation and commercial uses by the whole community. Public comment time is critical and must be considered. Please extend and listen carefully to public comment; please look hard at the plan and assure that Hudson and all surrounding communities will be able to enjoy the benefits of this waterfront for many generations.
- Jules Anderson - Justin Drabick - Karen Montone - Karla Kavanaugh - Kate Frank Cohen - Katharine Umsted - Katherine Kanaga - Katherine Montague	julesndrns@yahoo.com jhd518@hotmail.com info@hudsoncitybooks.com karlak@taconic.net kate@katefrankcohen.com tokatsted@yahoo.com kckanaga2@gmail.com montagk@rockefeller.edu	3/13/10 2/23/10 2/27/10 2/28/10 2/25/10 2/27/10 2/26/10 2/20/10	The extension and revision are of the utmost importance to the survival of the City of Hudson, its residents—and its small businesses. Do not expand industrialization on the waterfront. It's a key natural resource for Columbia County. This is such an important resource for all the people in the area that it should not be sacrificed to special interest groups.
- Kathleen E. Duffy - Kathleen Hynes Kadish - Kathleen Thibeault - Kathy Hammer - Kathy Heintz - Kaya Stern-Kaufman - Kaycee Filson - Kaye Cain-Nielsen - Kayla Kosovac - Keir Zemaitis - Keith Mueller - Keith Rodan	kathy@garydimauvo.com khynes1@aol.com kthibeault@gmail.com hammerkw@aol.com kathy5822@gmail.com kayajoyak@gmail.com kf617@bard.edu kaye.cain@gmail.com kiki9914@yahoo.com kiki9914@yahoo.com knzmusic@gmail.com mmuel56708@aol.com keithgvp@aol.com	3/14/10 3/14/10 3/14/10 2/25/10 2/27/10 2/28/10 2/23/10 2/27/10 2/26/10 3/4/10 2/28/10 2/21/10 2/20/10	I am against the plant It's important to protect the scenic and historic value of the Hudson River Waterfront.

There must be no cars or parking anywhere near the waterfront along the Hudson River. This is especially essential for riverfront parks of villages and towns. Aesthetically, a park should respect the location. Non-contextual uses like waterfront park sports fields are out of place. A park should be more than a path with benches along the shoreline. Primarily, riverfront park design should reflect a concern for the environmental health of the river, and the intertidal areas of marine habitation. Concern must be directed to sources of air and water pollution, including industrial uses and recreational power boats that discharge gasoline and diesel fumes and unburned fuel.

NAME	EMAIL	DATE	COMMENTS
• Kelly Nelson • Kenneth J Jacobs • Kerri Taub • Kevin J Novak • Kim Arenskjold • Kim Seeger • Kira Manso Brown • Kirven Blount • Kit Laybourne • Kristal Heinz • Kristen Jones	kikiwis@hotmail.com hcb98@aol.com spoog37@aol.com kevter2@verizon.net info@arenskjold.com kim.seeger@gmail.com kbmb@rocketmail.com kirven.blount@mac.com klaybourne@mac.com kristal57@hotmail.com jonesy9485@gmail.com	2/21/10 2/19/10 3/11/10 2/23/10 2/19/10 2/23/10 2/24/10 2/20/10 2/26/10 2/19/10 2/25/10	Don't destroy the habitat! Please rethink destroying this beautiful wetland area !
• Kristin DiMaio • Kristin Flood • karen smith • kari rieser • kari gabosh • kersin kup • kimberly wendt • L. Akerman • Laetitia Hussain • Langdon Winner • Lara Beatrice • Larissa Wohl • Larry Turk • Laurel Durst • Laurie Friederlein • Laurily Epstein • Lee McEnroe • Lee R. Armstrong	kristindimaio@gmail.com floodgamble@aol.com karenelisa@hotmail.com karikuz777@gmail.com klg@capital.net kiki1ni@yahoo.com bellydance_mama@yahoo.com lynda.akerman@gmail.com mllaetitia@yahoo.com winner@rpi.edu lm9828@bard.edu larissa.c.wohl@gmail.com larryt@meltzemandl.com ladurst622@aol.com ctrackleft@aol.com laurylepstein@gmail.com lmhappraisal@optonline.net leearmstrong@earthlink.net	2/23/10 3/5/10 3/1/10 2/19/10 2/20/10 3/10/10 2/27/10 2/21/10 2/20/10 2/27/10 2/24/10 3/13/10 2/24/10 2/20/10 2/19/10 3/1/10 2/24/10 2/21/10	This waterfront MUST be done right, with emphasis on the people of the Hudson area and its ecology and beauty, that are masked by the industrial mess there now. The Hudson River has been my home and my sanity my entire life, not to mention it is an enormous asset to this area, especially from historical preservation and recreation standpoints. Further industrialization will cause even more pollution and wipe out habitats of indigenous wildlife that we appreciate and peacefully coexist with. The river and the culture of the Hudson Valley are two of the main reasons why people move from urban neighborhoods to this area- it has a unique beauty. Plans to destroy our livelihood have had me tumbling the same question through my head time and time again: is nothing sacred?? thanks for all of your honest efforts to help turn the vision of this world from hands off to hands on! lets fix it! peace! kimberly
We defeated the Saint Lawrence Cement parasites and we will defeat this. Don't let the industrialists take our land. We have precious little of it left and Hudson, NY is no place for this kind of activity. Future generations will thank us. Our land should be protected and under no circumstances can one justify industry and pollution at our expense. Say no to profit and yes to the people and nature.			

• NAME	EMAIL	DATE	COMMENTS
• Lenore Packet • Leo Carlin	Impacket@aol.com unccarlin@yahoo.com	2/19/10 2/19/10	Please, haven't we seen enough damage to the river with the industry already in place! A future waterfront of tranquility, a place to savor the sun rise, the sun set and the changing season. To be able to walk on a path, linger on a grassy patch. With out intrusive industrial elements would be a remarkable legacy to leave. A more livable scenic Hudson would attract new residents and businesses. Added recreational venues should be included; boating, wading pool for kids that becomes an ice rink in winter, skate boarding, basketball, softball—the options are limitless. I thought this Saint died...but it appears its sprung back to life like zombie that no one can kill.....we need to drive a final stake through the heart? of this monster once and for all.
• Leonard Behr • Leonardo Sideri	lenbehr@verizon.net info@keysure.net	3/13/10 2/19/10	Please, Save the little bit that is left of Hudson's great river heritage. The integrity of the river and community is vital to this area and should be integrated into our daily lives with access to the water visually & physically. Save our wetlands!
• Leslie Anders • Lila Pague	lesanders@aol.com smoonwsun@aol.com	2/24/10 2/19/10	
• Lillian Cerrone • Lily Harvitt • Linda Gatter • Linda Gruntwagin • Lindsay Scholl • Linnea Welker • Lisa Durfee • Lisa Ravetto • Lisa Smith • Liz Rice • Loel Barr • Loki • Lora Goldman • Loyta C. Woods • Lucy Nathan • Luigi Morelli • Luis Aleman • Lynn Davis • Lynne Allard • Lyrissa Smith	liliancerrone@gmail.com lharvitt@yahoo.com lgatter@gatterarchitects.com lindagruntwagin@gmail.com dramaturg2@hotmail.com linneawelker@gmail.com fiveanddiamond@gmail.com lisaravetto@yahoo.org lsmith@traditionspanelakline.com bripod2@aol.com loel@loelbarr.com lokinx333@yahoo.com lgl@mhcable.com weewomp@aol.com lulujn@gmail.com lrm58@hotmail.com luisalemannillinery@gmail.com monument999@aol.com lynne@thefoundrysite.com lrysasmith@earthlink.net	2/23/10 3/2/10 2/20/10 2/27/10 2/23/10 2/27/10 2/21/10 2/27/10 3/10/10 2/21/10 2/19/10 3/14/10 3/1/10 3/10/10 2/20/10 2/19/10 3/14/10 2/20/10 2/25/10 2/25/10	Good luck! The Hudson waterfront is an incomparable resource and should be reserved for public use.
• Marc Bryan-Brown • Marc Felberbaum MD • Marc Heller • Marcia Curran	mbb123@aol.com felbymd@yahoo.com marhcl48ppmh@hotmail.com marchland@capital.net	2/20/10 2/25/10 3/13/10 3/2/10	We should not destroy more wetlands and precious ecosystems. These places are irreplaceable and fragile. Please protect wild spaces and wilderness. Industry should go to places that are already compromised and allow wetlands and waterways to recover or stay pristine. The waterfront is Hudson's treasure. Please protect it!

NAME	EMAIL	DATE	COMMENTS
• Marcia Mayer • Marcus Oliver	mmayer@innovative.net moliver333@yahoo.com	2/19/10 3/10/10	Please don't over industrialize and pollute the Hudson. The current plan for the LWRP is dangerously flawed. The Hudson River is an important resource and must be preserved, not developed.
• Margaret Cullen • Margaret Hallisey • Margaret S. Ryon • Margaret Saliske	peggycullen1@yahoo.com margarethallisey@yahoo.com margaryon@yahoo.com margaretsaliske@hotmail.com	2/19/10 3/14/10 2/23/10 2/27/10	Good Cause! Save the wetlands. Traveling by Amtrak through the Hudson Valley it is apparent to me that access to the Hudson River is becoming increasingly restricted due to waterfront development. Access to the Hudson River is a public treasure and should not be owned or restricted by industry or private development. I hope we are able to continue developing our Hudson waterfront in the direction we have been moving with the removal of the oil tanks and creation of the Henry Hudson Park.
• Margaret Swanson-Lowry • Margherita Davis	margaret.swanson.lowry@hotmail.com margheritad@hotmail.com	2/19/10 2/19/10	2/28/10 The South Bay can become the keystone to robust economic growth for the area. Please do not let it be ruined by further industrialization.
• Margot H Curran	margotny@webtv.net	3/1/10	The waterfront is indeed a treasure, not to be spoiled by selfish interests, which deprive our area and its people of the enjoyment and beauty given us. Sincerely, Margot C.
• Maria Crespo • Maria Ferencz • Maria Zicio • Marie Luborsky Marka • Marilyn Bethany • Marilyn Kohn • Marilyn Miller • Marian Schiereck • Marij Zintz	pitman@verizon.net zerehia@aol.com timber@mhccable.com fatima.marka@gmail.com marilynbethany@aol.com kohnm@mskcc.org scattered1@gmail.com marjan125@hotmail.com marij.activism@gmail.com	3/12/10 2/28/10 2/20/10 2/24/10 3/13/10 2/25/10 2/26/10 2/22/10 2/23/10	Please. There are many reasoned arguments to proceed with extreme caution here that more eloquent voices than mine have no doubt already voiced. I would just point out that there is no turning back. Once a habitat has been destroyed, it is very hard to un-destroy it. So don't. Please. Do the right thing.
• Mark Lacy • Mark Slauson • Mark W. Fingar • Marlene Brody	marklacy@hotmail.com m_slauson@hotmail.com mark@fingarininsurance.com mrockybrody@aol.com	3/1/10 2/21/10 2/19/10 2/25/10	The waterfront park in Hudson is a beautiful resource and needs to be protected from industry. Make The Hudson River Valley region a landmark National Park. Preserve forever its remaining beauty for future generations. The struggle with GE to totally clean up their PCBs is ongoing. Let's not destroy more of the river and its waterfront.
• Martin J. Davidson • Martina Arfwidson	damaltd@aol.com martina.arfwidson@me.com	2/25/10 3/3/10	

• NAME	EMAIL	DATE	COMMENTS
• Mary Evans	evanslit@aol.com	2/21/10	The unique and irreplaceable waterfront surrounding Hudson is an asset which must NOT be squandered on some immediate economic benefits to private corporations. If the waterfront is allowed to become a center for the observation of natural splendors, not only will the community benefit overall, the economic impacts will be far more positive if Hudson becomes a tourist center based on the natural beauty of the South Bay and its environs. Jobs will be created, property values will rise all around this new nature center, and far more will benefit. Let South Bay contribute to us all what it can by its mere existence, and let the trucks and traffic of foreign-based corporations not have priority over the “asset” of such enormous beauty as South Bay. Heavy industrial activity has no place on Hudson’s waterfront. I have heard that Hudson wants to make a truck route through this area, All kinds of rumors are being spread around about how people want to use this land. Please let people know who wants to develop this land and for what purposes. Do not cover up a thing. Many of us are too busy to go to meetings. Even if we could it is still hard to get the whole story. I have lived in Hudson almost all my life and I don’t want some nasty corporation taking over parts of the city that are as sacred, as the Hudson Wet lands. Before you do anything, ask Pete Seeger what to do. He knows more than anyone of possible future uses for this territory. many Koch This could be the crowning jewel to all of Colu bia county. The 4 acre riverfront parcel should be a park. The deep water dock should be accessible to the luxury cruise liners stopping, shopping and eating in every river front but Hudson. Our industries have left town—think of hotels and tourism, day trips from the city and passengers docking in Hudson on their way up the Hudson. The waterfront is our future, please listen to the voices of our citizens and stop the industrialization and degradation of our biggest asset!
• Mary Hack • Mary Koch	hackbluewoods@aol.com mary_koch@hotmail.com	2/19/10 2/23/10	
• Mary Mullane	marymullane@msn.com	2/19/10	
• Mary Pat Akers • Mary Schmidt • Mary Vaughn Williams • Maryl Fish Acker • Matthew Bush • Matthew J. McAteer	mpakers@gmail.com mfs712@verizon.net mvw99@aol.com cfshacker@camphillvillage.org matthewgbush@yahoo.com matthewjmcateer@yahoo.com	3/10/10 3/10/10 2/21/10 2/19/10 2/27/10 2/27/10	
• Matthew Miller	email.mattmiller@gmail.com	2/26/10	
• Matthew O'Shea • Maxine Segarnick • Maxwell Sultan • Megan Ryder • Meghan Petras • Melanie Basner • Melanie Mintz • Meinda Slover • Meredith Downs • Meredith Glabman	osheamatt@earthlink.net ms488@bard.edu ms775@bard.edy fourryders@yahoo.com megytron@yahoo.com mab@ix.netcom.com melanienintz@gmail.com melinda@ililandlo.com meredithkiora@gmail.com meredithglabman@yahoo.com	3/10/10 3/1/10 2/23/10 2/22/10 2/27/10 3/14/10 3/6/10 2/22/10 2/20/10 2/25/10	It's 2010. This represent's a real, long-term investment in the future of the city and the region. I have long considered moving to Hudson, NY, and I feel the waterfront should be preserved. Please do not let big industry continue to ruin the environment. This is an opportunity to lead by example, not cave in to the same big business interests that have gotten us where we are. It is time to realize the potential for Hudson's waterfront and renew the relationship between a community and the river for which that community has been named. Save the South Bay and revitalize one of Hudson's greatest open spaces. The LWRP does not reflect the desires of the community.

NAME	EMAIL	DATE	COMMENTS
• Nina Bachinsky Gimmel • Nina Fine	ninabutterbrown@mac.com nina@ninafine.com	3/14/10 2/20/10	including: community recreation, job creation through green building, conference centers and hotels, restaurants, shops and shipping. I beg of everyone involved to give this development time, consideration and community in-put. Please, let us direct our designing to the long term health of the river, the waterfront and our community. Our waterfront has the potential to bring Hudson into the 21st Century in way that could benefit the environment and the business community for decades to come. We are sitting on a gold mine of opportunity and beauty. Most sincerely, Nicole Vidor The waterfront needs to be a place for families NOT industry! I live at South Bay, and also rent out to vacationers, who spend money in Hudson, and enjoy the waterfront there with no industry. To make a decision about the waterfront based on short-term, monetary gains is to jeopardize the entire town of Hudson's future and ability to rise as a true destination. I will lose my vacationers and I would be forced to move out, bringing my revenues with me out of Hudson. People want to enjoy the water- peaceful and green, not polluted and noisy. Please do not make this grave mistake of trying to re-industrialize this area. Let's bring back what nature intended and raise Hudson to a higher level. Thank you, N Fine Help us IMPROVE our waterfront, not damage it! The town of Hudson needs the waterfront developed in a thoughtful and healthy way.
• Nina Fine • Nina Sklansky • Noah Elkin • Nora Adelman • Nora Edison • Norman Mintz	nina@ninafine.com ninsky@mhicable.com ncelkin@gmail.com brphoto@mhicable.com strongtreecoffee@gmail.com normanmintz@gmail.com	3/14/10 2/25/10 2/20/10 2/20/10 2/27/10 2/22/10	The decision by the state to limit industrial development on the Hudson waterfront was made on sound evidence and testimony. Allowing any form of industrial use will open the door for additional steps by corporations to make use of the waterfront for THEIR purposes. I urge that no allowances be made on their behalf. The waterfront must be preserved for community use, now and forever.
• Nancy Ploeger • Neal Hollinger	auntnp@gmail.com gnomeloam@yahoo.com	2/19/10 3/2/10	I often sail the hudson on my sunfish sailboat and would consider it a disaster if any wildlife habitat were destroyed. increased barge traffic would be discouraging.
• Nell Washington • Nicholas Kahn	nellwash@gmail.com nicholas.kahn@gmail.com	2/19/10 2/23/10	I live in hudson, and canoe and kayak the river and really want to see better access on this side and green development here on the waterfront, that returns it to nature and brings in tourists by boat and train. the future of this town is not dirty industry.
• Paige Orloff • Pamela Kline • Patricia Lagno • Patricia Meyers • Patricia Powers • Patrick Dougherty • Patrick Kelly • Patrick Knull • Patrick Terenichin	psoorloff@mac.om pklina@traditionspamelakline.com plagno@hotmail.com plp40@aol.com ppowers@greydun.com pdoughertydesign@gmail.com ptkelly1@verizon.net patrick.knull@marist.edu citypictures@msn.com	2/20/10 3/10/10 3/10/10 2/21/10 3/2/10 3/3/10 2/23/10 3/3/10 2/21/10	KEEP IT GREEN, KEEP IT CLEAN!

NAME	EMAIL	DATE	COMMENTS
• Patti Gibbons	catskillpaper@gmail.com	2/27/10	Though I support the growth of business when necessary, I do not support it at the cost of losing valuable wet lands and compromising the delicate ecosystem of the river and its surrounding rivers, as well as compromising the beauty of the Hudson River Valley.
• Patti Matheney • Paul M Hamann • Paul Ricciardi • Paul S Hamann • Paul Swedenburg • Paula Superti	patti@schrom.com pmhamann@gmail.com pgricciardi@yahoo.com pshamann@gmail.com ps@haveinc.com paula@hvc.rr.com	2/19/10 2/25/10 3/12/10 2/23/10 3/9/10 2/19/10	It is time for common sense to prevail. Hudson's waterfront is presently inhospitable and it really wouldn't take that much effort to make it a beautiful place for all.
• Peggy Anderson	peggy.anderson5@gmail.com	2/22/10	I am currently a full time resident and businessperson in Hudson, NY. The waterfront has been a focus of hope for all residents of Hudson and we have been looking forward to seeing the rebirth of the South Bay, along with a new waterfront development that incorporates a place to watch sunsets, have a meal, walk with friends and work towards the ecological rebirth of the Hudson River. Too often the Hudson River has been the recipient of ecologically damaging industrial businesses. Small businesses are generating growth like Hudson has not seen in generations. We are paying sales tax and property tax and generating growth for the city, county and state. We are providing good jobs for local residents. These small businesses have been started by a most talented group of people, more often than not, using their life's savings. With all of the economic stress that we face, it is unfathomable that we should be threatened with a major international corporation that adds nothing to the future sustainability of the area. We deserve better for our hard work and economic growth potential. The type of use proposed by Holcim and their subcontractors would disallow for the quiet enjoyment of the waterfront for generations to come. This is a city with thousands of people, why would our most valuable resource be compromised by this industrial use? What value can it bring that can possibly compete with the resurgence this small city has experienced during the past decade? This is the question on most of our minds. Please don't allow Holcim and their subsidiaries to use our waterfront for trucking and shipping, thereby threatening the growth, stability, and ecological rebirth that we are now experiencing in our city and river! Thank you for your consideration, Peggy Anderson 226 Union Street Hudson, NY 12534
• Peggy Lampman • Perry Cooney	plampman@mhccable.com catskillseve@mac.com	2/27/10 3/3/10	Same old Hudson, the deer in the headlights, just restore what was lost, industrialism is dead in Hudson, why wait
• Peter Aaron • Peter Aaron • Peter Barton	pa@peteraaron.net paaron64@gmail.com pbarton@verizon.net	2/20/10 2/24/10 3/14/10	State services and legislators have to be brought in to monitor conflict of interest, private investor influence peddling and lobbying interests at the municipal and county levels. This needs independent oversight since this project is clearly open to the worst sorts of back room corruption and slight of hand opportunities. It's not just the vitally important matter of taxpayer abuses alone, it is definitely a matter of keeping honesty and complete disclosure at the forefront of any deals made or negotiated by so-called political leadership.
• Peter Biskind • Peter Borrell • Peter Frank	peb4@mac.com p24a@mindspring.com petercfrank@mac.com	2/28/10 2/19/10 2/19/10	

• NAME	EMAIL	DATE	COMMENTS
• Peter Joshua Hatala • Peter Jung	pjhatala@gmail.com pji@mhcafe.com	2/28/10 2/19/10	From the 2005 ruling by NY Secretary of State: "As previously discussed in the last 20 years communities in the Hudson Valley have been moving away from waterfront industry toward a more diversified economy with higher valued economic uses. Increasingly Hudson River communities such as Hudson and Athens rely upon the area's high quality of life contributed by the visual appeal of the area its historic fabric and texture its pastoral setting and attractions such as Olana as the basis for continued economic growth. This community character would be jeopardized by the proposed plant and riverfront industrial facility."
• Peter Lindstrom • Peter Meyer	ptindstrom@gmail.com pbmeyer@verizon.net	3/14/10 2/19/10	We must protect the public's right to safe and unrestricted access to the waterfront and the environmental and historic integrity of this unique and threatened natural resource.
• Peter Reiss	preiss@verizon.net	3/12/10	Having grown up in the area and living here for most of 66 years, I would earnestly request that the proposals of this petition be given due consideration. Thank you...
• Peter Rosen • Peter T. Reiss • Peter westernmayer • Philip Alvare	peter.rosen@macquarie.com preiss@verizon.net peterwesternmayer@mac.com philipalvare@gmail.com	3/10/10 2/19/10 2/19/10 3/12/10	I've been a resident and taxpayer of Hudson for over 15 years and witnessed the revitalization of the region through coordinated individual efforts to restore and enhance our historic and natural resources. Please revise the plan, remove the possibility of further impairment of the waterfront by heavy industry, and extend the public comment period. Please ensure that we keep moving in the right direction; to enhance, and sustain the natural beauty and resourced that have ensured broad based economic impact from Heritage Tourism. Human scale, please, for the benefit of many; not monster corporations for the benefit of a few. Thank you.
• Philip Heilman • Philip Kesinger • Philip myrick • Phoebe Zerwick	kingstonscipol@gmail.com philip2599@msn.com pmyrick@pps.org pzerwick@triad.rr.com	2/21/10 2/25/10 2/20/10 3/13/10	I grew up in Greenport and my mother still lives there. I love the Hudson River and urge you to protect it and expand access for the general public for fishing, boating, picnicking and other outdoor activities. Rivers nourish our spirits and deserve our protection. Phoebe
• Priscilla Derven • patricia lasky	pderven@me.com tricia@tdasky.com	3/13/10 2/19/10	I am a strong opponent of any plan that doesn't preserve the waterfront as a green zone, for recreational and environmentally safe uses.
• patricia mixa-cohen	monabonz@gmail.com	2/25/10	Growing up in Hudson during the industrial era of the riverfront, I am looking forward to being able to enjoy this natural resource.
• Patricia Tenke Padgett • Peter Sweeny • Petrea Sweeny • Phyllis Teal • Rachel Machtinger • Rachel oconnor • Rainer Judd	patooze@aol.com peter@sweenyarchitects.com petrea.sweeny@gmail.com sailing@nycap.rr.com mach110@aol.com rachel1211@gmail.com rainer.judd@gmail.com	2/28/10 3/1/10 3/1/10 3/8/10 2/23/10 2/23/10 3/14/10	Please do this elsewhere. I am a Hudson resident since 2002 that supports the revitalization of South Bay ecologically and the sustainable enjoyment by humans.

NAME	EMAIL	DATE	COMMENTS
- Ralph Hanes - Ralph Hanes - Ramona Rosenberg - Renee Iacone - Rev. William F. Wendler - Richard Currier - Richard Eagan	- rhanes@taconic.net - rhanes@taconic.net - ramonarosenberg@hotmail.com - riacone@aol.com - wwendler@hotmail.com - rcncc@fairpoint.net - rlehavana@ureach.com	2/19/10 3/14/10 2/21/10 3/14/10 2/22/10 3/13/10 3/1/10	Let's be sure to include all of the recreational, habitat, and commercial potential of this regional treasure in our back yard in draft Waterfront plan for Hudson. There should be no industrial growth on the Hudson River. It is too valuable an asset to the present and future denizens of our beautiful historic area. It is a resource to be shared by all of us. Glad for the opportunity to sign for such a worthy and noble cause for the future... Besides the Hudson Library, the waterfront is one of the most fragile considerations in the future of Hudson and surrounds. I would be a most disappointed resident to see the river project not reach properly considered long term objectives. WE NEED TO BE LONG TERM IN OUR OUTLOOK. WETLANDS ARE THE NURSERIES FOR A HEALTHY RIVER. INDUSTRIAL USE IS INCOMPATIBLE. THE WATERFRONT PLAN AS IT STANDS NOW IS NOT SUFFICIENT TO PROTECT THIS FRAGILE ENVIRONMENT. Lets honor, protect and sustain all our natural resources
- Ripley Hathaway - Rob Johanson - Robert Beard - Robert Francis Whelan	- missripley@earthlink.net - rob@midhudsonmedia.com - roanebeard@yahoo.com - rwhelan@nycap.rr.com	2/26/10 2/19/10 2/19/10 3/8/10	It is my family's wish that the entire waterfront area at and around Hudson remain without heavy industrial activity. No noisy dirt spreading trucks, heavy machinery, or other obnoxious activity to disturb the peaceful, natural surrounding area....a place nice people can enjoy!
- Robert Hoven - Robert J. Macfarlane - Robert Mechling - Robert Richardson - Robert Strauss - Robert Williams - Robin Castillo - Rodney DeJong	- rthoveninc@gmail.com - robertjmacfarlane@gmail.com - rpmtdsgn@mhicable.com - cynthiabob@fairpoint.net - robmstrauss@aol.com - robhw13@gmail.com - robinparos@yahoo.com - rodisluv@mhicable.com	2/24/10 2/19/10 3/13/10 3/1/10 3/1/10 3/12/10 2/19/10 3/1/10	A positive future for Hudson's isn't going to be found in the industries of the past. The amazing beauty of this area is it's greatest resource. We ought to preserve our natural resources and welcome business that supports that sustainable and expandable future.
- Roger mason - Roger Phillips - Ronald wagner - Rosalinda Guerra - Rosaria Sinisi - Roy Felcetto - Rudy Wurlitzer - Russell Hatch - Ruth Adams - Ruth Moser - Ruth Ogden	- painttoger@gmail.com - rphillips@wingedkeel.com - ronwagner@wagnervandam.com - sunnyrosefaurydust@yahoo.com - rosaria.sinisi@verizon.net - royfelcetto@gmail.com - rwurlitzer@aol.com - russell.tutor@gmail.com - ruth_adams79@hotmail.com - ruth.moser@verizon.net - sg016@aol.com	3/2/10 2/20/10 2/22/10 2/26/10 2/20/10 3/13/10 2/19/10 2/19/10 2/21/10 2/19/10 3/8/10	Let us learn from the mistakes in the past and protect this magnificent land.
Please block any future industrial activity to preserve this natural resource.			

NAME	EMAIL	DATE	COMMENTS
• Ryan Osswald • Sally Baker	ryan@mid-hudson.com sallybaker@mhcable.com	2/19/10 2/19/10	The City of Hudson and New York State MUST reflect the 2005 instructions from the Secretary of State for rezoning this waterfront. Failure to a) extend the public comment period b) revise the plan. Ignoring this request would be a total disservice to all those who have participated in the debate, given hours of volunteer time, and lent their expertise willingly to achieve a Hudson waterfront to be proud of. Sally Baker Strongly support this initiative! This is our last, best chance to create a plan for the Hudson Waterfront that will provide ecological, cultural, social, and economic benefits to the residents of Hudson and the surrounding region. The Waterfront should be a jewel in the Valley's crown. It can only do that if the many beneficial uses possible by the river are protected from the damaging, incompatible heavy industrial uses which have blighted it for over 150 years now.
• Sally Helgesen • Sam Pratt	sally@sallyhelgesen.com samuelpratt@mac.com	2/25/10 2/19/10	Please don't destroy our waterfront resources. They can benefit everyone for generations to come.
• Samuel O.J. Spiiv • Sara Millstein • Sarah Kleemann	jockspivy@aol.com s.millstein@verizon.net sally4thny@aim.com	2/21/10 2/21/10 3/11/10	
• Sarah Lipsky • Sarah Morse • Sarah Oliver • Sarah Sweeny • Scott Baldinger • Scott Frankel • Scott Simeral • Scott Stackpole • Serge de Vatedski • Serine Hastings • Shari Kline • Shayne Stephens	doyle@taconic.net sarahmorse@hotmail.com saraholiver100@gmail.com sarah@sweenyarchitects.com scottbaldinger@gmail.com scottfrankel1@aol.com scottlee@taconic.net scottstackpole@hotmail.com sdvatedsk@aol.com shasti0848@aol.com skline@traditionspamelakline.com shayne@shaynestephens.net	2/23/10 2/22/10 3/11/10 3/1/10 2/20/10 2/20/10 3/13/10 2/19/10 3/2/10 2/26/10 3/3/10 3/14/10	
• Sheldon Evans • Sheri Bauer-Mayorga • Sissy Onet • Stanley Molinski • Stephen Bluhm • Stephen Kaufman MD • Stephen MacDonald • Stephen McKay • Steve Becker • Steve Crohn • Steven Katten	sheldonev@aol.com shebamay@fairpoint.net sissyonet@yahoo.com doowop46@verizon.net stephenbluhm@gmail.com skmd@bcn.net stevem@marbletown.com smckay1047@aol.com steve@oneil-co.com stevecrohn@mac.com katten41@yahoo.com	3/14/10 3/13/10 3/14/10 2/19/10 3/14/10 2/28/10 3/13/10 2/21/10 3/14/10 2/19/10 3/14/10	Enough is enough. That river is beginning to heal it's self. Let it alone and allow the public to enjoy it! Access to the river should be used for recreation and not compromised by industry. Please do the right thing.

NAME	EMAIL	DATE	COMMENTS
- Steven Kosovac - Steven Nettles - Stuart Cohen - Stuart Thompson - Sue Neale	- dkosovac@andover.edu - sbnettles@yahoo.com - stuartluther@yahoo.com - st@stpmc.com - csn10583@aol.com	3/12/10 3/8/10 3/12/10 2/19/10 3/12/10	Look at Charleston, SC and how much they make from tourism. It used to be a little town like Hudson, NY. We strongly urge the preservation of the South Bay. We kayak & canoe on the river, often putting in at the Hudson launch and see eagles, egrets, osprey and other wild life which will be displaced by further industrialization in the area. As a long-time Hudson Valley resident who has seen the comeback of the River and revitalization of riverfront communities, I urge you to consider long-term benefits and not simply react to current conditions. Beacon, Poughkeepsie and Kingston all are thinking long-term. Don't let Hudson lose out.
Susan Barbarisi	sbarbarisi@osiny.org	2/23/10	Yes! I do not agree with heavy industrial use. Our water should be protected and used for recreational and natural purposes.
- Susan Holt-Harris - Susan Lesser - Susan Webster - Susan Williams - Suzanne Alexander - Suzanne Murphy	- shsny@gmail.com - subajida@netzero.net - susanlwebster@aol.com - susanwil77@gmail.com - alexander.suzanne@yahoo.com - dmurphydc@msn.com	2/26/10 2/24/10 3/1/10 2/25/10 2/19/10 2/23/10	Yes! As a Columbia County homeowner & frequent paddler on the river, i urge the City of Hudson to do every thing possible to preserve this unique site.
- Suzanne Snider - Sven Huseby - Sylvia Kaminsky - sue neale	- hey.suzannesnider@gmail.com - viking@valstar.net - sy11932@aol.com - suchneale@gmail.com	2/23/10 2/19/10 3/12/10 2/19/10	As a Columbia County homeowner & frequent paddler on the river, i urge the City of Hudson to do every thing possible to preserve this unique site.
- Tara Corin Williams - Tara O'Sullivan - Taylor Harrison - Ted Gramkow	- tcb_williams@yahoo.com - distortedsmile@me.com - taylorharrison@berkeley.edu - ted.gramkow@imoutdoors.com	3/5/10 2/19/10 3/2/10 3/12/10	For the future of Hudson we need to stop this draft of the LWRP and get to work as a city to create a sustainable plan that doesn't erect barriers to smart development ...
- Theresa Bohn - Thomas Corrado - Thomas Froese - Thomas Steinberg - Tim Leggs - Tim Watkins - Timothy Doyle	- tboh310@hotmail.com - tcorrado@middlebury.edu - tomfro@mac.com - tommy2sharp@gmail.com - jtimlegg@gmail.com - maywatkins2001@yahoo.com - doyleantiques@verizon.net	2/27/10 2/23/10 3/1/10 3/1/10 2/24/10 2/20/10 2/23/10	

NAME	EMAIL	DATE	COMMENTS
• Timothy Dunleavy	ruralresidence@verizon.net	3/14/10	(President, Historic Hudson) Sited on the river and named after the river, Hudson's waterfront is its most valuable cultural, historic and natural resource. Since the mid-nineteenth century, the waterfront has been degraded, and during the past 15 years some of this degradation is being reversed, as the historic city of Hudson continues its ascendancy from a boarded up town in the 80's to a noteworthy town today. To date, large oil tanks were removed from the waterfront and a beautiful waterfront park has materialized where many events, concerts and gatherings are attended by thousands of people in the warmer months. The citizens of Hudson rejected re-industrialization of the South Bay recently by defeating a proposed cement plant to favor a waterfront for the people, not for industry. Serious consideration of the Waterfront Plan will further define a waterfront that belongs to Hudsonians and the region as a place of natural beauty and recreation, not degraded once more by industrial giants.
• Todd Gitlin • Tom Buckner • Tom Luciano • Tony Calo	tg2058@columbia.edu tbuckner@yahoo.com historical@earthlink.net boospaax@gmail.com	2/22/10 2/28/10 2/19/10 2/19/10	
• Tim Lundquist	tim.bluebird@gmail.com	3/14/10	NO WAY—SLC is a disaster to the region and the waterfront community. They add nothing of value to Hudson (no jobs—no community services—no social benefits) so why give them more access to the waterfront? The waterfront area of Hudson is a real asset to the town that needs to be developed with the community's interest in mind . . . not a corporation's. I think this is a very serious issue for the town, and the lack of a comprehensive and smart plan is really stupid.
• V. Mulford • Valerie Shaff • Valerie Suter • Varian Knisely • Vicki Navratil • Victor Mendolia • Victor Milin • Victoria Kokkinos • Victoria Rosenwald • Vincent Pomilio • Virginia Martin • Vladimir & Olenka Bachinsky	vincentmulford@gmail.com valshaff@valstar.net vjsuter@gmail.com varianayers@gmail.com czeemate@hotmail.com victormen@gmail.com victormilin@yahoo.com kokkinosvictoria@yahoo.com vr121@columbia.edu vpomilio@aol.com vmartin@mhccable.com wbachinsky@gmail.com	2/19/10 2/20/10 2/24/10 2/27/10 3/14/10 2/19/10 2/20/10 3/1/10 3/10/10 2/21/10 2/20/10 2/23/10	Bring Back the South Bay
• W. Mark Young • Walter Mahar • Warren Collins • Warren Seubel • Wendell Cook	wmark63@gmail.com wallmjunk@hotmail.com wcollins@berk.com warren.seubel@db.com wendycook3@verizon.net	2/21/10 2/20/10 2/26/10 3/10/10 3/13/10	We agree. It's vital to do everything to save any bit of existing nature along the Hudson River from further encroachment, industrialization and further damage. As it is, I've never seen any water fowl swimming in the wetlands. How can we bring the flora and fauna back? good speed please help us out. This draft plan is in direct conflict with the 2005 decision by the DOS of New York! There is no going back once these wetlands are lost..what are people thinking!

• NAME	• EMAIL	• DATE	• COMMENTS
• Wendy McDaris	wmcdar@yahoo.com	2/21/10	The South Bay belongs to EVERYONE, not cronies with hidden agendas. I fully support the Save the South Bay Petition because it takes the long view, not the short term, self interested view.
• Wendy Wilde	wendy@schmalzagency.com	2/19/10	
• Will Field	willfield@gmail.com	2/23/10	
• William Abranowicz	wainc@mac.com	2/19/10	What will be left in 50 -100 years when the cement is all shipped? Please think in the long term for our children and their children, Let's not go back to the failures of the past. Access to a clean Hudson—a great symbol in our national history—is our right. Let's keep the future in mind.
• William Hellemann	billh@mhable.com	2/20/10	
• William Lessner	billybob52@verizon.net	2/22/10	
• William Li	wrlhyc@gmail.com	2/28/10	Please help preserve the national treasure that is the Hudson Valley!
• William M. Chambers III	mcwillechambers@earthlink.net	3/13/10	
• Windle Davis	windle.davis@gmail.com	2/19/10	
• Wayne Sirlin	wayne052@yahoo.com	3/1/10	
• Zeke Perkins	punkasouras@yahoo.com	2/24/10	

• LATE ADDITIONS	• EMAIL	• DATE	• COMMENTS
• Sam Seder	sammelsedera@gmail.com	3/14/10	We are trying to build a community that can support every interest group. Please give us a chance to build the waterfront into something that will attract rather than keep people away.
• Judith Finley	judith.finley@360warren.com	3/14/10	
• Bob Laurie	boblaurie@verizon.net	3/14/10	
• Nancy Cuddlily	nrc01@aol.com	3/14/10	Speaking as a kayaker who uses the bay, we should not further damage what we have.
• Karen Kaczmar	kkaczmar@fairpoint.net	3/14/10	
• Erleend Neumann	erlendneumann@mac.com	3/14/10	
• David William Voorhees	david.voorhees@nyu.edu	3/14/10	
• Deborah Barber	doubledeckerfarm@yahoo.com	3/14/10	
• Jennifer Berne	jberne@fairpoint.net	3/14/10	

• NAME	EMAIL	DATE	COMMENTS
--------	-------	------	----------

--	--	--	--