

WATERFRONT ADVISORY COMMITTEE MEETING

Tuesday, July 18th, 2023 4:30 p.m.

Small Conference Room

PRESENT Ann Gallelli, Chairperson
Steve Krisky
Stuart Greenbaum
Len Simon

ALSO PRESENT: Mr. Daniel O'Connor, P.E. Village Engineer
Resident Bob Anderson

ABSENT: Leo Wiegman

1) CALL TO ORDER

Chairman Gallelli called the Waterfront Advisory Committee meeting of July 18th, 2023 to order at 4:33 pm.

2) REFERRALS

- a) *Referral from Village Board for a Local Waterfront Revitalization Program (LWRP)
Consistency review for New York Power Authority (NYPA) and Clean Path New York LLC (CPNY) Sediment Survey Program*

Chairman Gallelli began the meeting by summarizing the WAC's responsibility regarding this referral. Chairman Gallelli stated that this meeting is limited to Clean Path New York LLC's follow-up sediment study of the proposed CPNY path in the Hudson and Harlem Rivers, not on the CPNY project itself. It was noted that none of the actual study will be done in the Croton area, it will all be done outside of the Local Waterfront Revitalization Program.

Resident Bob Anderson attended the meeting and was not in favor of the program. Mr. Anderson suggested that the WAC members look into a project in Lake Champlain that is underway. Mr. Anderson also spoke of a lawsuit that the EAP settled against General Electric Company, and brought reading materials about these issues that were forwarded to the WAC members.

Since there are no test sites in the Village, the WAC believes that the proposed sediment survey program will not have any potentially significant adverse impacts on coastal resources and is consistent with the LWRP Policy standards. Because there are no expected adverse impacts on coastal resources, there is no reason to consider alternative actions or mitigation measures currently. However, the WAC members are concerned about disturbance of sediment in locations upstream and downstream of the Village and the possible release of PCBs into the Hudson River and possible migration into Haverstraw Bay.

The WAC also recommended that any barges or other vessels in the rivers used for the sediment survey program be clearly marked when anchored to avoid collisions with other watercraft.

There was no Coastal Assessment Form attached to this referral.

WAC reviewed the 44 LWRP policies and identified the applicable policies as noted in the memo attached.

MOTION: Stuart Greenbaum made a motion to send a response that expressed concern about the project along with a recommendation of consistency with the Village's Local Waterfront Revitalization Program (LWRP), seconded by Len Simon, and the motion carried, 4-0.

3. APPROVAL OF MINUTES

Len Simon made a motion to approve the minutes of the WAC meeting of April 25th, 2023, seconded by Steve Krisky, and the motion carried, 3-0, with Stuart Greenbaum abstaining as he was absent for the April 25th meeting and Leo Wiegman being absent.

4. ADJOURNMENT:

There being no further business, the meeting was adjourned at 5:41 p.m.

Respectfully submitted,
Karen Stapleton
Secretary to the Waterfront Advisory Committee



Waterfront Advisory Committee

Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520-2501

Chairman
ANN GALLELLI

Members
STUART GREENBAUM
STEVE KRISKY
LEN SIMON
LEO WEIGMAN

Attorney
LINDA WHITEHEAD
Village Engineer

DANIEL O'CONNOR, P.E.
Secretary
KAREN STAPLETON

TO: NY State Department of State, Coastal Consistency Unit

FROM: Chairman Gallelli, Waterfront Advisory Committee

RE: Referral for LWRP Consistency Review for New York Power Authority (NYPA) and Clean Path New York LLC (CPNY) Sediment Survey Program

DATE: July 19, 2023

On July 18th, 2023, the Waterfront Advisory Committee (WAC) reviewed for consistency with the Village's Local Waterfront Revitalization Program (LWRP) a referral from the Village Board to review the New York Power Authority (NYPA) and Clean Path New York LLC (CPNY) Sediment Survey Program for the NYS Department of State, Coastal Consistency Unit. Based on the Committee's review of the 44 LWRP policies, the Waterfront Advisory Committee made a recommendation of consistency with the LWRP. The vote was 4-0 all in favor, with Leo Weigman being absent.

The WAC members' review was limited to the sediment survey program of the proposed CPNY path in the Hudson and Harlem Rivers, not on the CPNY project itself. However, the WAC discussed some concerns about the sediment survey overall. Although there are no sediment survey sites in the Village of Croton on Hudson, there is concern about the potential for PCBs to be released from the sediment disturbance into the Hudson River and possible migration into Havestraw Bay.

There was no Village Coastal Assessment Form submitted with this referral.

The committee reviewed the 44 LWRP policies and determined that the following policies were relevant:

POLICY 7: Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.

POLICY 7A: The quality of the Croton River and Bay significant fish and wildlife habitat and Havestraw Bay significant fish and wildlife habitat shall be protected and improved for conversation, economic, aesthetic, recreational, and other public uses and values. Its resources shall be protected from the threat of pollution, misuse, and mismanagement.

POLICY 7B: Materials that can degrade water quality and degrade or destroy the ecological system of the Croton River and Bay significant fish and wildlife habitat and the Havestraw Bay significant fish and wildlife habitat shall not be disposed of or allowed

to drain in, or on land within, the area of influence in the significant fish and wildlife habitats.

7C: Storage of materials that can degrade water quality and degrade or destroy the ecological system of the Croton River and Bay significant fish and wildlife habitat or Haverstraw Bay significant fish and wildlife habitat shall not be permitted within the area of influence of the habitat unless best available technology is used to prevent adverse impacts to the habitat.

POLICY 7F: Construction activity of any kind must not cause a measurable increase in erosion or flooding at the site of such activity, or impact other locations. Construction activity shall be timed so that spawning of anadromous fish species and shellfish will not be adversely affected.

POLICY 7G: Such activities must not cause degradation of water quality or impact identified significant fish and wildlife habitats.

POLICY 8: Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sub lethal or lethal effect on those resources.

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.

POLICY 30B: Storage and disposal of all materials shall be monitored by the state to assure there will be no discharge or leaching of materials into coastal waters.

These policies are consistent with and applicable to the proposed project.

There are no proposed sediment test sites located in the Village of Croton on Hudson. Since there are no test sites in the Village, the WAC believes that the proposed sediment survey program will not have any potentially significant adverse impacts on coastal resources and is consistent with the LWRP policy standards. Because there are no expected adverse impacts on coastal resources, there is no reason to consider alternative actions or mitigation measures.

The WAC members are concerned about disturbance of sediment in locations upstream and downstream of the Village and the possible release of PCBs into the Hudson River.

The WAC also recommends that any barges or other vessels in the rivers used for the sediment survey program be clearly marked when anchored to avoid collisions with other watercraft.

It is for the reasons contained in this memorandum that the WAC issues its recommendation of consistency.