

**Minutes of the
Waterfront Advisory Committee
June 4, 2014**

Present: Charlie Kane, Chairman
Bruce Kauderer
Ann Gallelli

Absent: Andrew Levitt/
Stuart Greenbaum

Also present: Daniel O'Connor, Village Engineer

1. Charlie Kane called the meeting to order at 7:35 p.m.

2. Referrals

a) Con Edison Corporation—North Riverside Avenue (unimproved) (Near 79.17—Near 2 Near 9)—Referral from Water control Commission regarding Wetland Permit application for directional drilling under Croton River for new electrical line at former Route 9 Bridge over Croton River—preliminary consistency review.

Richard Perusse, Laura Ruggeri, and Theresa Albanese presented the application on behalf of Con Edison. The application proposes to replace two existing kV submarine cable feeders with new 13 kV distribution feeders installed in high density polythelene (HDPE) conduits. The project involves installing 7 HDPE conduits under the river using the Horizontal Directional Drilling (HDD) procedure. Presently, there are no spare cables remaining, so if one of the feeders were to fail, the electrical service to the area would be jeopardized.

In reviewing the CAF, p. 2, C1 *“Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas identified on the coastal area map”*: the answer should be YES, not NO, because the proposed action is contiguous to an area identified on the coastal area map. For C1, *“ Will the proposed action be located, or contiguous to, or have a potentially adverse effect upon any of the resource areas identified on the coastal area map: a) significant fish or wildlife habitats “*, the answer should be YES, not NO because the proposed project is located contiguous to the coastal area and potentially could have an adverse effect upon the significant fish or wildlife habitats. On p. 3, #3a, the answer should be YES, not NO, because the proposed work involves land under water. On p. 3 #3e, although the applicant stated there would be no excavation in coastal waters and the work is 25 feet below the riverbed, as in #3a, the land is under water.

There were no comments or changes to the Short Environmental Assessment Form.

The WAC reviewed the LWRP policy standards and believes the following policies are applicable to

this referral and consistent with the LWRP:

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 Haverstraw Bay significant fish and wildlife habitat shall be protected and improved for conservation, 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 Haverstraw 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.

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.

The proposed project is consistent with these policies because the majority of the project will be constructed within existing upland property and roadway right-of-way and therefore, will have no impact to the Croton River. There will be only minor and temporary disturbances to land areas and there will be no in-water work. The excavation of two shallow pits take place on upland improved lands and approximately 300 feet from the Croton riverbanks.

There will be some minor excavation work for the proposed entry pit and trench. The use of the Horizontal Directional Drilling (HDD) procedure to install the high-density polyethylene conduits beneath the riverbed avoids potential impacts to the river.

Policy 11A: Erosion and sediment control measures shall be undertaken in order to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or results in earth movement.

This policy is applicable to the proposed project because there are minor excavations proposed on land for the entry and exit pit excavation areas; a temporary staging area will also be constructed. The project is consistent with the policy because prior to any land disturbance, temporary soil erosion and sediment control measures will be in place and maintained through project completion/soil stabilization. Best Management Practices will be in place during construction to prevent any discharge of sediments to the river. Excavated soils will be properly disposed of off-site by the contractor.

Policy 33: Best Management Practices will be used to ensure the control of stormwater runoff and

combined sewer overflows draining into coastal waters.

Policy 39: The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources.

These policies are applicable to the proposed project because there is minor excavation work that requires erosion and sediment control procedures to be utilized. The contractor will implement erosion and sediment control practices for the duration of the project. Silt fences or other appropriate controls will be installed as required. Through Best Management Practices there will be proper disposal of solid waste materials.

Policy 44A: Wetlands, water bodies and watercourses shall be protected by preventing damage from erosion or siltation, minimizing disturbance, preserving natural habitats and protecting against flood and pollution.

There will be no direct or indirect impacts to the adjacent wetlands. All Best Management Practices will be in place prior to construction start. The window of construction will be after the Historic Hudson Blaze (November 2014) with completion around the end of March 2015.

Chairman Kane noted that in the application there were trees and birds that were not listed, but Ms. Ruggeri and Ms. Albanese stated that a species specific habitat assessment was not performed, only incidental observations. They noted that there were only minor impacts to the wetland adjacent area (buffer) and that the project would not disturb or have an adverse impact to species or their habitats.

Mr. Kauderer made a motion to issue a recommendation of preliminary consistency, seconded by Ms. Gallelli, and carried all in favor 3-0.

b) Keeseey, Kelly, Contingent Owner—43 Old Post Road South (Sec. 79.05 Blk 1 Lot 28)—Referral from Zoning Board of Appeals regarding request for a use variance for a proposed physical therapy business and greenhouses—final consistency review.

The WAC noted that there were no changes made in the CAF, SEAF or site and architectural plans from the preliminary review at the previous WAC meeting on April 23, 2014. The negative declaration will be revised to include the three uses of the greenhouses. There were no comments or additional changes. Ms. Gallelli moved to make a final recommendation of consistency for the proposed physical therapy business and greenhouses, seconded by Mr. Kauderer, and carried all in favor by a vote of 3-0.

3. Approval of Minutes

Mr. Kauderer made a motion to approve the minutes of April 23, 2014, seconded by Chairman

Kane, and carried all in favor by a vote of 3-0.

4. Adjournment

Meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Ronnie L. Rose
Secretary to the WAC