

**CITY OF OGDENSBURG
PLANNING & DEVELOPMENT BOARD**

APPROVED MINUTES FOR
NOVEMBER 7, 2018

Members Present: Tim Redmond (Chairman), Frank Perretta, Linda Pellett, and David Lesperance

Members Absent: Sean O'Brien (excused), Michael Frary (unexcused)

Staff Present: Andrea Smith, Planning & Community Development Director

ALL RECORDS ARE KEPT ACCORDING TO NYS STATUTE.

5:30PM Mr. Redmond called to order the regular meeting of the Planning Board.

1. Call to order – Mr. Redmond asked if Ms. Smith had heard from any Board members, she replied that she had received an email from both Mr. O'Brien would not be able to attend due to a conflict with training and that Mr. Lesperance would be late. She added that Mr. O'Brien provided a copy of his work training registration and asked to be excused. There was consensus to excuse Mr. O'Brien. Chairman Redmond inquired if there had been any response from Mr. Frary. Ms. Smith replied no. There was consensus not to excuse Mr. Frary's absence. Chairman Redmond noted that there was a quorum of three members: Ms. Pellett, and Mr. Perretta included; Mr. Lesperance would join at a later time and would be a voting member.

2. Approval of previous minutes – Chairman Redmond noted that October 2nd meeting minutes required approval.

(a) October 2, 2018 – Ms. Pellett noted a few typos in the minutes. Ms. Smith made note to correct page 1, line 23 and page 2, line 30. Motion by Ms. Pellett to approve the October 2nd minutes as amended, Second by Mr. Perretta.

All members voted in support of the motion. October 2, 2018 minutes are henceforth approved as corrected by a 3/0 vote of the board.

3. Correspondence – Ms. Smith stated there was none, other than the email from Mr. O'Brien that was previously addressed.

4. Items for Planning Board Action

(a) Consistency Review – Harbor Deepening, OBPA and US Army Corps of Engineers (USACOE).

Ms. Smith noted that Mr. Wade Davis is present. Mr. Davis responded that he was in attendance to answer any questions and apologized that there was no one in attendance for the October 2nd review. Ms. Smith initiated the review by reading aloud the project description as follows:
Project Description: Proposed activities will consist of the expansion of the existing terminal dock wall and dredging as required to establish a channel berthing area adjacent to the new dock structure. The new dock structure will extend south westerly approximately 450' toward the city

1 boat launch and be constructed of cellular piles. The resulting terminal berth will be dredged to a
2 depth of -27' LWD as required to accommodate vessels that utilize the seaway and have a
3 maximum draft of 26.5'. Excavated material will be disposed of at the Ogdensburg International
4 Airport which is owned and operated by the Port Authority; she added some of the material may be
5 reused onsite.
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7 Ms. Smith noted that OBPA is as a NYS Authority is exempt from local land use regulations
8 including zoning, except where projects like this are within the Federally recognized and approved
9 coastal boundary. In these instances, all projects within the coastal zone are subject to consistency
10 review. Ms. Smith stated that in terms of the report, that concludes the overview, this is followed
11 by a review of the applicable policies which can be addressed at the discretion of the Board. The
12 full consistency report is attached to these minutes.
13

14 Mr. Perretta inquired about the updated information that pertains specifically to fish and wildlife
15 protection and the storage of dredged materials as discussed at the October meeting. He added,
16 how long will the material be stored for dewatering?

17 Ms. Smith responded that since the October meeting additional information has been
18 provided as it pertains to fish and wildlife protection, specifically **Policy 7 Significant coastal**
19 *fish and wildlife habitats will be protected, preserved, and where practical, restored so as to*
20 *maintain their viability as habitats.* Ms. Smith read aloud: Protection of wildlife and fish
21 habitat is paramount to species survival. The project does involve dredging which is listed as
22 an action likely to affect fish and wildlife habitat. In order to protect these habitats, Policy 7
23 states that particular care must be taken during the critical spawning period of March 15 –
24 July 15. Since October 2, 2018, the USACE has made it clear that their intent is to comply
25 with the New York State Department of Environmental Conservation (NYSDEC) in-water
26 work restriction period that runs from March 15 to July 15 as a protective measure for
27 mitigating impacts to spawning/nesting fish in the vicinity of the project. Furthermore, as
28 stated in the FEAF “it is anticipated that blasting activities performed by the Contractor will
29 need to be in accordance with the guidelines presented in the *Alaska Department of Fish &*
30 *Game Blasting Standards for the Protection of Fish (Draft dated February 15, 1991)*”.

31 Ms. Smith added the Alaska standards are specific to Salmonids, but subsequent studies do
32 indicate that the levels referenced in this report are generally protective for a range of fish
33 species. Ms. Smith continued, having discussed with in greater detail with the DEC and
34 USACE, adhering to this standard and the March 15 to July 15 restriction will provide
35 adequate and reasonable fish and wildlife protections. This is articulated throughout the
36 consistency report, for example Policy 8.
37

38 Chairman Redmond also inquired about the dewatering and staging areas as it pertains to
39 public access and the LWRP. Ms. Smith replied, at the October 2nd meeting the only public
40 access that the City was aware of being impacted was the Wall Street/Port Access Road river
41 access which is the area proposed for material storage and dewatering. This will temporarily
42 prevent public access, but this restriction will only be applied during the construction period.
43 After discussion of this, it has been made clear to the City that due to the nature of the
44 construction activities, and the use of this area for staging, continued public use and access
45 will not be compatible. However, Ms. Smith emphasized that it is the City understands that
46 this closure to the public is temporary and at the conclusion of the project, which could be 2-

1 years. The area would be reopened for public access as it is today. Due to the temporary
2 nature of the closure or restriction of public access, during construction only the City finds
3 the proposal consistent with the LWRP and in the interest of public safety. Since the October
4 2nd meeting, the City has learned that there are impacts to the public boat launch at Paterson
5 Street, adjacent to the Port. This potential impact was and is of great importance to the City.
6 This boat launch is a heavily used public access area. Therefore, there have been detailed
7 discussions with the USACE's, OBPA, and the City Council who have come to a reasonable
8 compromise. She read aloud from the report the comments to Policy 19 and 19 A. "Not
9 disclosed in the original submission, it has become known to the City during the October 5,
10 2018 team meeting conference call that the USACE is requesting the City close the Paterson
11 Street boat launch during the construction activities beginning July 15, 2019. The Boat
12 Launch is located within the immediate 500' limit. At the October 11th follow-up call the
13 USACE presented 4 alternatives to complete closure. These were discussed by City Council
14 on October 22, 2018. The City Council has made the following request of the USACE with
15 regard to the closure of the Paterson Street Boat Launch: *close the Paterson Street Boat*
16 *Launch on weekdays as of August 15, 2019 but to keep the launch open on weekends through*
17 *September of 2019.* The Boat launch would be open as usual up until August 15th which is
18 the date the USACE anticipates drilling activity to begin. USACE and OPBA should include
19 temporary signage with input from the City that will be placed at the entrance of the Boat
20 Launch to inform users of the change in hours of operation. The cost of purchasing and
21 installing these signs should not exceed the 2% cost limitations as described by Policy 22 and
22 shall not be passed on to the City."

23
24 Ms. Smith added that this request has been submitted to the USACE and the City does feel as
25 though this is a reasonable alternative that will mitigate negative impacts to public
26 recreational access. Discussion ensued regarding the timing and what the implications would
27 be in the blasting was not able to be completed within one "season". Ms. Smith replied that
28 based on previous discussions, her assumption would be similar restrictions would apply to
29 the 2020 season both for protection of fish as well as Boat Launch closing. She added, it
30 would likely result in additional conversations with the USACE and OBPA. Discussion
31 followed regarding the Little Park Launch verses the Paterson Street Launch and how the
32 Paterson Street Launch is preferred for several reasons by boaters, especially those with
33 larger boats.

34
35 Mr. Perretta inquired about the implications for winter access to Wheathouse Bay? Mr.
36 Davis explained the blasting process stating that the contractor will use the most restrictive
37 blasting standards prescribed in the State by DEC, where they use 1/3rd of the allowable
38 charge for blasting. This combined with the Alaska Standards help protect fish species, but
39 also extends the amount of time the blasting will need to occur. Mr. Davis stated, at this time
40 whether the work will be able to be completed in one season or two will depend greatly on
41 the scope of work presented by the selected contractor. As it pertains to the closure of the
42 Boat Launch, that is a nonstarter for the Authority. The City and the Authority have been
43 lock step on this issue, and we (OBPA) understands how widely used that launch is. Mr.
44 Perretta followed asking, what the implications will be for winter access to Wheathouse Bay
45 because this is a popular access point for ice fishing, will it be roped off and restricted? Mr.
46 Davis replied that this will depend on the Contractor's work plan. The area just west will be

1 reserved for a future wind turbine project and or dewatering. The dredged material will not
2 be onsite too long, suitable material will be reused onsite, other material will be dried and
3 transported offsite to the airport. Mr. Perretta clarified, “but in the winter, and I apologize for
4 putting you on the spot, there won’t be turbines down there, will the area be accessible for ice
5 fishing?” Mr. Davis responded the “unofficial” boat launch area is intended to remain open
6 as well as the two asphalt areas that are used by DOT, I anticipate that yes, it should be open,
7 but a lot of this depends on the contractor work plan.
8

9 No further discussion on the policies addressed in the final report.
10

11 Ms. Smith read aloud the section entitled Additional Comments: The City has requested that
12 employees of the Wastewater Treatment Plant (WWTP) be provided with a safety training
13 debriefing that will educate employees on blasting protocol. The USACE has verbally agreed to
14 this, but the City requests assurance in writing. USACE has also verbally stated that the City
15 would be invited to participate in the pre-bid meetings, the City also request this offer
16 substantiated in writing. Lastly, the City requests that USACE place appropriate monitoring
17 devices at the WWTP within the 500’ blast radius prior to pre-blasting activities and throughout
18 the duration of project construction. Ms. Smith noted that since this report was issued to the
19 Planning Board, the USACE has confirmed the placement of monitoring devices at the WWTP.
20

21 She concluded the consistency review by reading aloud the finding: The Ogdensburg Planning
22 Board and Department of Planning and Development has reviewed the request and find with
23 minor modifications as addressed in the comments above, specifically with regard to the City’s
24 Paterson Street Boat Launch and WWTP, the proposal is generally consistent with the City’s
25 approved LWRP.
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27 The City of Ogdensburg requests that DOS, in completing their final consistency review, take the
28 City’s comments and requests for modification into consideration.
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30 Motion to accept the requests and findings of the final consistency report and authorize the
31 Director of Planning to submit the findings to the Department of State, by Chairman Redmond
32 second by Ms. Pellett.
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34 All members voted in support of the motion, therefore the motion is henceforth approved by a
35 vote of 3/0.
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37 Ms. Smith reviewed the process aloud stating that the report would be finalized and submitted to
38 DOS. Once the unapproved minutes have been filed DOS will also receive a copy of those. She
39 added that she would copy the Port and USACE on both submissions.
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41 Ms. Davis thanked the Board for their efforts.
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43 6:18 PM Mr. Lesperance joins the meeting
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46 5. New Business

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6. Old Business

- (a) Expiration of Terms – Ms. Smith stated that there are two members who have terms that will expire as of December 31, 2018. She added, I have reached out to both members and have copied the Chairman on that correspondence. Appointments are made by the Mayor and City Council at the last meeting of the year, which is December 10, 2018 this year.
- (b) Temporary Signs – the Board reviewed materials presented by the Director in the meeting materials packet. Ms. Smith presented the Board with suggested language from the US Sign Council model ordinance as it pertains to temporary signs and banner signs. The Board reviewed this material and discussion ensued. No action was taken.

7. Items for Discussion

- (a) Reschedule December 4th Planning Board Meeting – Ms. Smith noted that she would like to request that the Board reschedule the December 4th meeting as she will be unable to attend due to a family conflict that will cause her to be out of town. The Board agreed to reschedule the meeting to December 11th and as the date got closer determine if there was a need for that meeting. Ms. Pellett stated that she would be leaving town and unable to attend the December meeting in person, but would be willing to participate via Skype.

8. Member Comments

- 9. **Adjournment** – Motion by Mr. Perretta to adjourn, second by Ms. Pellett. Meeting adjourned at 6:39 PM by a vote of 4/0.

Next REGULAR Meeting Date: Tuesday, December 11, 2018 at 5:30 PM