

## Minutes

**The Twentieth Meeting  
Of the  
Niagara River Greenway Commission  
Beaver Island State Park  
Grand Island, NY  
January 15, 2008 2:00 pm**

The meeting was called to order by Chairman Robert Kresse at 2:05 pm. Secretary Paul Leuchner was directed to call the roll and a quorum of members was determined to be present.

The following Commissioners or their designated representatives were in attendance:

Robert Kresse, Chairman  
Richard Soluri, Vice Chairman  
Paul Leuchner, Secretary  
Paul Dyster, Commissioner and Chairman CAC  
Chuck Bell acting on behalf of Commissioner Brett Sommer  
Mark Thomas, NYS Office of Parks, Recreation and Historic Preservation  
Daniel David, for Abby Snyder New York State Department of Environmental Conservation  
Ron Hayes, New York State Department of Transportation  
Rene Parsons, New York State Department of State  
Christina Orsi, Empire State Development  
Elise Cusack, New York Power Authority  
Rob Belue, Executive Director Niagara River Greenway Commission  
Angela Berti, NYS Office of Parks, Recreation and Historic Preservation

### Approval of Minutes

The minutes of the November 20, 2007 meeting of the Niagara River Greenway Commission (NRGC) were reviewed. A motion to approve the minutes was made by Elise Cusack and seconded by Mark Thomas. The minutes were approved unanimously.

### Comments from the Chairman

Chairman Kresse read the following prepared statement:

*“The Niagara River Greenway Plan has been approved and now we are beginning the work of implementing that plan. For the past few weeks we have been engaged in the review of a group of projects to determine their consistency with the approved plan. Today, each Commission member will vote on project consistency. During our deliberations we recognized that the Commission as a whole has an important role beyond the simple assent or dissent as to whether a proposed project is consistent with the Greenway Plan. We look forward to defining this role in the future by providing comments on the various projects which we trust will assist the Standing Committees in their funding decisions. The procedures necessary to address these*

*key points will be developed and applied to the next round of projects that are brought before the Niagara River Greenway Commission for review.”*

### **Financial Report**

Rob Belue provided an update on the budget on behalf of Treasurer John Giardino. Based on a funding level of \$160,000 the reported balance for the third quarter was \$97,739.59 with expenses totaling \$62, 260.41. Mr. Belue noted that the Treasurer and the Governor’s office are continuing relating to the future funding of the Niagara River Greenway Commission.

### **Executive Directors Report**

Rob Belue reported on presentations that were made or were scheduled since the last meeting. He noted that he had provided technical assistance to the Town of Niagara, the Niagara Falls Housing Authority and the City of Niagara Falls and had attended meetings with two of the established standing committees. He also stated that the final fiscal report for the Niagara River Greenway Commission would be delivered during the March 2008 meeting and that the necessary paperwork had been completed for the previously agreed upon transfer of funds from the New York State Office of Parks, Recreation and Historic Preservation to the Niagara River Greenway Commission. A replacement for Chair of the Local Government Advisory Committee vacated by Ron Moline is expected to be announced in the near future. Communications lines at the Beaver Island State Park Office are in the process of being upgraded and should improve the capability to receive FAX and internet mail and documentation.

Rob Belue advised that upon completion of the project voting process today, the first round of projects would be moved to an archive page on the Niagara River Greenway Commission web site. The next round of projects which are due today will be posted in their place. Members of the public will have until February 23, 2008 to review these projects. Members of the Niagara River Greenway Commission must provide their comments by March 1, 2008. Final action by the members of the Niagara River Greenway Commission will take place at the regular meeting scheduled for March 18, 2008. As before, citizen commission members will continue to receive CD copies of project proposals.

### **Report of the Event Chairman**

*Paddles Up Niagara:* Paul Leuchner reported that this year’s event is scheduled for July 26, 2008 at Beaver Island State Park. The Paddles Up event has been posted on the electronic calendars maintained by Sea Kayaker magazine and the web page at Paddling.net. Both sites will provide national exposure and we are looking forward to another successful year

*Wheel Chair Accessible Kayak Launch for the Physically Challenged:* During Paddles Up Niagara 2007 event chairman Paul Leuchner noted that several people participated even though they had a handicapping condition. Based on this observation and the requirement set forth in the Niagara River Greenway Plan that access must be provided for everyone he proceeded to research the possibility of placing a wheelchair transfer kayak launch facility at the East River Marsh Restoration site that is a part of Beaver Island State Park. A Michigan based foundation for the disabled was found to be engaged in a similar project and their project director has agreed to furnish the Commission with the engineering plans and specifications, budget information, material and vendor sources and a Power Point presentation that can be adapted for local use. The project has the support of New York State Office of Parks, Recreation and Historic Preservation. Further details will be provided as they become available.

### **Old Business:**

*Agency Consistency Review:* Executive Director Rob Belue called upon the agency representatives in attendance to report on the development of procedures for compliance with the provisions of Chapter 460, subsection 39.19. Agency responses were as follows:

**-New York State Office of Parks, Recreation and Historic Preservation:** Mark Thomas reported that a determination of consistency with the approved Niagara River Greenway Plan will be included in the established procedural steps that are followed when complying with the State Environmental Quality Review Act.

**-New York State Department of Environmental Conservation:** Dan David stated that draft procedures have been developed and are undergoing review. He noted that consistency determinations will be made for agency projects. Mr. David also made it clear that the requirements of Subsection 39.19 will not be applicable to agency regulatory or licensing decisions.

**-New York State Department of Transportation:** Ron Hayes reported that a process is now in place to conduct a consistency review of transportation projects. The consistency determination will be made in most cases during the project design phase. These specific procedures will apply to NYSDOT, Region 5 which encompasses the entire Niagara River Greenway.

**-New York State Department of State:** Renee Parsons advised that consistency will be addressed during the Local Waterfront Revitalization Plan and Coastal Management Program consistency review processes. Rob Belue asked if a finding of consistency with the Niagara River Greenway Plan would result in the awarding of additional points during grant competitions. Ms. Parsons indicated that this will occur for grant programs that involve projects that advance the Niagara River Greenway Plan.

### **New Business**

*Project Consistency Vote by Commission Members:* After making some general opening remarks the Commission Chairman Robert Kresse turned over the proceedings to Executive Director Rob Belue. Mr. Belue gave a brief review of the project followed by a roll call vote. Individual Commissioners were invited to comment on projects as the voting occurred. The following projects were put to a vote on consistency with the approved Niagara River Greenway Plan:

*-Historical Association of Lewiston-Freedom Crossing Monument*

*-Old Fort Niagara Association-Preservation of Old Fort Niagara*

*-Town of Grand Island-Fisherman's Park*

*-Erie County-Riverwalk Trail Signage*

*-New York State Office of Parks, Recreation and Historic Preservation-Luna Island and Stedman's Bluff Restoration, Whirlpool State Park Rim Trail and Overlook, Niagara Gorge Trail, Goat Island Landscape Restoration Plan, Three Sisters Island Restoration-Phase I*

*-Town of Niagara-Veteran's Memorial Park*

*-Buffalo Olmsted Parks Conservancy-Scajaquada Pathway*

All projects were found to be consistent with the approved Niagara River Greenway Plan by the Commissioners or their delegated representative. Commission Chairman Robert Kresse abstained from the vote on the Buffalo Olmsted Parks Conservancy Scajaquada Pathway project.

Several Commission members including Christina Orsi, Elise Cusack and Mark Thomas stated that although they found the Erie County and Buffalo-Olmsted Parks Conservancy projects consistent they recommended that both counties get together to develop a consistent protocol for signage and interpretation to make it easier for the public to follow the Niagara River Greenway. Commissioner Paul Dyster commented that the Town of Grand Island was the only new project on the Niagara River that provided a valuable addition to the Niagara River Greenway. Commissioner Paul Leuchner noted that the Grand Island project is the first waterfront park for the Town of Grand Island providing public waterfront access while at the same time serving as a hub for three major bicycle and pedestrian trails. Mark Thomas commended the Town of Niagara for their efforts to leverage funding for the Veteran's Park project. Commissioner Paul Dyster commended the New York State Office of Parks, Recreation and Historic Preservation for their sensitivity toward the preservation, protection and restoration of resources at Niagara Falls and the Niagara River gorge.

### **Public Comment**

- Julie Barrett O'Neil, Buffalo Niagara Riverkeeper: Thanked the Commission members for their efforts during the project review process. She noted that today's meeting marked the beginning of exciting times. Ms. O'Neil also announced that the Buffalo Niagara Riverkeeper will be filing suit against the New York State Department of Transportation, Federal Highway Administration and the Federal Department of Transportation for violation of the provisions of Chapter 460, subsection 39.19
- Thomas Frank Resident of Amherst and Williamsville: Spoke about the alternative licensing process, connectivity of tributaries to the Niagara River and some kind of fifty year indemnification model.

The meeting Adjourned at 2:55 pm

Respectfully submitted,

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Paul Leuchner, Secretary  
Niagara River Greenway Commission