

## Minutes

### **The Twenty Eighth Meeting Of the Niagara River Greenway Commission Beaver Island State Park Grand Island, NY May 19, 2009 3:00 pm**

The meeting was called to order by Chairman Robert Kresse at 3:13 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, Commission Chairman  
Richard Soluri, Commission Vice Chairman  
Paul Leuchner, Commission Secretary  
Paul Dyster, Commissioner, and Chairman Citizens Advisory Committee  
Ron Pilozzi, Commissioner and Chairman Local Government Advisory Committee  
Mark Thomas, NYS Office of Parks, Recreation and Historic Preservation  
Russ Biss, NYS Department of Environmental Conservation  
Ron Hayes, NYS Department of Transportation  
Rob Daley, New York Power Authority  
Rob Belue, Executive Director Niagara River Greenway Commission

Absent: John Giardino, Commission Treasurer

Executive Director Belue noted for the record that he had received proxies with voting instructions from the New York State Department of State and Empire State Development.

#### **Approval of Minutes**

The minutes of the March 17, 2009 meeting were reviewed. A motion to approve the minutes was made by Commissioner Mark Thomas and seconded by Commissioner Richard Soluri. The meeting minutes were approved unanimously as submitted.

#### **Comments from the Chairman**

Chairman Robert Kresse reported that Commissioner Lou Ciminelli had submitted a letter of resignation citing pressing business responsibilities as the reason for his departure. Mr. Kresse noted that with the exception of the Chairman's position all commission appointments had expired. Current members will continue to serve until they are replaced or reappointed. With regard to the Chairman's position Mr. Kresse stated that his term will expire next year.

Chairman Kresse also stated that from this point on the Niagara River Greenway Commission will actively convey information to the public on the status of projects that have

been reviewed by the Niagara River Greenway Commission. In addition, he noted that the Commission will be engaging in a campaign to increase public awareness of the attributes of the Niagara River corridor and the Niagara River Greenway Plan.

## **Committee Reports**

### **Financial Report**

Executive Director Rob Belue delivered the 4<sup>th</sup> Quarter Financial Report on behalf of Treasurer John Giardino who was absent. As of the close of this fiscal year the balance of funds on hand was reported to be \$119,442.71.

### **Paddles Up Niagara 2009**

Commissioner Paul Leuchner reported that Paddles Up Niagara 2009 will take place on Saturday July 25<sup>th</sup>, 2009 at Beaver Island State Park. Event details and registration forms can be found on the Niagara River Greenway Commission web site. Sponsors for this year's event include Anchor Marine, Eastern Mountain Sports, State Farm Insurance, Paths, Peaks and Paddles and the Buffalo Niagara Riverkeeper and others may be joining their ranks in the future. A drawing for free kayak equipment will be held this year compliments of the folks at Eastern Mountain Sports. Arrangements are also being made to have a local media personality participate in the event

### **Old Business**

There was no old business.

### **New Business**

**Project Consistency Review:** As in the past the Chairman asked the Executive Director to take over this part of the meeting. The Executive Director explained the procedures that would be followed for project review. First, he will provide a brief overview of each proposal and then invite the project sponsors to make a brief presentation. Following the presentation Commission members will be able to ask questions. The process will conclude with a vote on consistency with the Niagara River Greenway Plan.

A total of ten proposals were reviewed:

#### **Art Park Access Stairs (NYS Office of Parks, Recreation and Historic Preservation)**

The project presentation was made by Dave Szuba. There were no questions; however Commissioner Mark Thomas noted that on advice of Counsel he will not abstain from voting on this project. Chairman Kresse called for a vote and members were unanimous in their finding that this project was consistent with the Niagara River Greenway Plan.

#### **Cave of the Winds Access Trail (NYS Office of Parks, Recreation and Historic Preservation)**

The project presentation was made by Dave Szuba. Commissioner Paul Dyster expressed concern that this project appeared to be one that involved routine maintenance. Commissioner Richard Soluri asked if the proposed shelter and platforms could be construed as new construction. Commissioner Mark Thomas noted that the project involves new construction exceeding routine operations and maintenance levels and will significantly improve the experience as well as public safety. The Chairman Kresse called for a vote and members were unanimous in their finding that this project was consistent with the Niagara River Greenway Plan. However, Commissioner Dyster noted for the

record that the Commission must use care in differentiating rehabilitation projects from those that just involve maintenance.

**Beaver Island Adaptive Paddlesports Launch (NYS Office of Parks, Recreation and Historic Preservation)**

The project presentation was made by Dave Szuba. Commissioner Richard Soluri asked if the project would increase usage of the launch site by the handicapped. Mr. Szuba stated that the project would be ADA accessible and that therefore increased usage by physically disabled paddlers could be expected. Commissioner Paul Leuchner stated that the project would fulfill one of the basic goals of the Niagara River Greenway plan which is to provide access to the Niagara River for everyone. He noted that the protected waters surrounding this site makes it an ideal location and that the establishment of this launch may have the added benefit of attracting competitive athletic events for the physically handicapped to the Western New York area. Commissioner Ron Pillozzi stated that this was an exciting project. Commissioner Paul Dyster noted that the proposed project could become a standard for those with physical disabilities including our injured military veterans. Chairman Kresse called for a vote and members were unanimous in their finding that this project was consistent with the Niagara River Greenway Plan

**East River Marsh Connector Trail (NYS Office of Parks, Recreation and Historic Preservation)**

The project presentation was made by Dave Szuba. Commissioner Paul Leuchner noted that the project will link the Beaver Island Parkway Bicycle and Pedestrian Trail with the facilities at the East River Marsh Restoration Project. The project would add additional trail to the Niagara River Greenway providing a safer form of public access than presently exists. Chairman Kresse called for a vote and members were unanimous in their finding that this project was consistent with the Niagara River Greenway Plan.

**Niagara Reservation Operations Plan (NYS Office of Parks, Recreation and Historic Preservation)**

The project presentation was made by Dave Szuba. Commissioner Paul Leuchner commented that the study should address the circulation of bicycle traffic through the reservation. In response to a question from Rob Daley who was representing the New York Power Authority the time line for this project was reported to be November of this year. Chairman Kresse called for a vote and members were unanimous in their finding that this project was consistent with the Niagara River Greenway Plan.

**Porter on the Lake Recreational Master Plan (Town of Porter)**

The project presentation was made by Bernie Rotella. Commissioner Mark Thomas stated that he was excited at the prospect of having this project next to a State Park. Commissioner Paul Leuchner noted that this project would make an excellent anchor point for the northern end of the Niagara River Greenway. He indicated that the project should be integrated into the existing trail system and not stand alone as an "island". Chairman Kresse called for a vote and members were unanimous in their finding that this project was consistent with the Niagara River Greenway Plan.

**Lewiston Scenic Pathway (Town of Lewiston)**

The project presentation was made by Fred Newlin and Bernie Rotella. Commissioner Richard Soluri pointed out that the project cost was 2.1 million dollars yet only \$210,000. The project

sponsors confirmed that the amount requested \$210,000. Commissioner Paul Dyster indicated that the City of Niagara Falls Planning Department had found that the project is neutral with regard to the future disposition of the Robert Moses Parkway. Project sponsor Bernie Rotella noted that the adjoining communities will be invited to participate in the planning process. In response to a question raised by Commissioner Mark Thomas the project sponsors confirmed that the \$210,000 was for project planning and design. Greenway funds for the actual project may be requested in the future. Commissioner Thomas was also advised a review under the provisions of the State Environmental Quality Review Act may be required. Chairman Kresse called for a vote and members were unanimous in their finding that this project was consistent with the Niagara River Greenway Plan.

### **Tree Restoration Tift Nature Preserve (Buffalo Museum of Science)**

The project presentation was made by Dave Spiering. There were no questions or comments from Commission members. Chairman Kresse abstained but called for a vote and the remaining members of the Commission were unanimous in their finding that this project was consistent with the Niagara River Greenway Plan.

### **Union Ship Canal Project (Buffalo Urban Development)**

The project presentation was made by David Stebbins who was joined by Brian Kurtz, Perer Cammarwta, Ken McManus, and Mark Mistretta. In response to a question by Commissioner Paul Leuchner the project sponsors confirmed that the project will include a paddlesports launch and interpretive signage. Commissioner Ron Hayes noted that the New York State Department of Transportation is providing support for the project. The project sponsors responded to Commissioner Ron Pillozzi indicating that signage will be consistent with the forthcoming consistency standards for the Niagara River Greenway. Commissioner Paul Dyster stated that the project would promote fishing from the shore and that the bridge over the slip would improve pedestrian and bicycle traffic circulation. Chairman Kresse called for a vote and members were unanimous in their finding that this project was consistent with the Niagara River Greenway Plan.

### **Canalside Wine Emporium (City of Lockport)**

The project presentation was made by Mike Tucker who was joined by Bill Everet, Carmel Cerullo, Sara Capen, and Harry Sicherman. Commissioner Richard Soluri commented that this project would be unique to the Niagara River Greenway and noted that one of our goals is to reach inland to communities along the Wine Trail. Commissioner Russ Biss asked about the project and its linkage to the Niagara River. Commissioner Ron Pillozzi commented that the project should have some form of rail connection to the Niagara River Greenway rather than strictly relying on the Erie Barges Canal. He also expressed concern that this project was quite a distance from the Niagara River. Chairman Kresse spoke about the importance of maintaining a project focus on the Niagara River. In response to a comment by Commissioner Mark Thomas, Executive Director Rob Belue noted that the project was not within the geographic limits of the Niagara River Greenway. Commissioner Thomas was also advised that boats from the Niagara River can reach Lockport via the Erie Canal and that there are marinas in the area that service transient boaters. Commissioner Ron Hayes was informed that the entire project site had been remediated. Chairman Kresse called for a vote. Commissioners voting in favor of the project included Richard Soluri, Ron Hayes, Mark Thomas and Rob Daley. Those opposed included Robert Kresse, Paul Leuchner, Ron Pillozzi and representatives of the New York State Department of State, New York State Department of Environmental Conservation and Empire State Development. Commissioner Paul Dyster abstained. The final tally

was 4 votes for a finding of consistency and 6 votes for a finding of non-consistency. By majority vote the project was not found to be consistent with the Niagara River Greenway Plan.

### **Public Comment**

**David Birt, Town of Grand Island:** Mr. Birt expressed concern about the proposed trail connector project that would connect the existing Beaver Island Parkway trail with the East River Marsh Restoration Project. He objected to the use of lime dust for the trail claiming that competitive bicyclists do not like to ride on this surface. He also indicated that he lives at Allenton and Orchard Roads and does not want any trail connections to the Ferry Village neighborhood to go through this area. He also expressed concern about the parking of vehicles by trail users.

**Margaret Wooster, Buffalo Niagara Riverkeeper.** Ms. Wooster contended that the Niagara River Greenway Commission had set a bad precedent by finding the Lewiston Scenic Pathway consistent with the Niagara River Greenway Plan. She stated that there was no plan other than a basic concept and that the Commission should have required detailed information about the project before making any decision.

**Michelle Vanstrom, Lewiston, New York:** Ms. Vanstrom commented on the resolution by the Niagara Falls Tourism Advisory Board concerning the future disposition of the Robert Moses Parkway. Ms. Vanstrom also asked the Commission to rescind its finding of consistency for the Lewiston Scenic Pathway Project.

**Chris Masich GreenBuffalo.org at Daemen College:** Delivered a brief overview of the new internet site that is geared to green commerce and education. At the conclusion of this presentation Commissioner Paul Leuchner asked the Chairman if a more detailed presentation could be scheduled for our next meeting. Chairman Kresse agreed and asked the Executive Director to make the necessary arrangements.

**Thomas Frank, Amherst, New York:** Mr. Frank spoke on various subjects but indicated that this was the best meeting he had ever attended.

### **Adjournment**

A motion to adjourn the meeting was made by Paul Leuchner and seconded by Ron Pillozzi. The meeting adjourned unanimously at 5:07 pm.

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Paul Leuchner, Secretary  
Niagara River Greenway Commission