

October 25, 2021

City Council

Proceedings by Authority

State of New York

City of Jamestown

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City Council Chambers

A Public Hearing of the City Council of the City of Jamestown, New York was held on Monday, October 25, 2021 at 7:00 P.M.

Present: Mayor Edward A. Sundquist, City Clerk/Treasurer Jennifer R. Williams, Director of Development Crystal Surdyk, Gregory Edwards, Kristy Kathman

Council President Dolce called the Public Hearing to order and asked City Clerk/Treasurer Jennifer R. Williams to read the Public Hearing Notice.

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NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Jamestown City Council will hold a Public Hearing regarding the City's Chadakoin River Business Strategy Plan. The public hearing will be held at 7:00 p.m. on Monday, October 25, 2021 in the City Council Chambers, 2nd Floor, Municipal Building, 200 East Third Street, Jamestown, New York 14701. The draft plan is available in the Department of Development and the Office of the Mayor. Additionally, the plan will be made available at the Prendergast Library and online at www.jamestownny.gov.

The meeting will be open to the public and will be streamed live at www.jamestownny.gov/live. Any member of the public that attends must comply with any public health precaution measures or orders that are in place at the time of the hearing. Any public comment may be submitted in writing up until October 25, 2021 to the Department of Development, 4th Floor, Municipal Building, Jamestown, New York 14701.

Anthony Dolce
City Council President

Publication Date: October 8, 2021

The City Clerk noted that no correspondence was received to be read at the Public Hearing.

Mr. Champ: Doug Champ, I live at 225 Bowen Street, Jamestown, New York. For the record, many decades ago before even some of you were born, I retired from being the first city's environmental coordinator. SEQR had just come out and they didn't have everybody with my background to do that. So, I have a degree in biological environmental sciences, I spent five years in the forestry service and a variety of biological services. I've tried to work with energy and environment and economics. It's very difficult to do. Let me give you a term, a very important term. The term is in dubio pronuncia. It's like when lawyers who know dubio for real, very important. What is it? It's a principal that unacceptable environmental risk should be anticipated and it should be forecasted and forestated before any damage comes to fruition, even if scientific understanding is a risk is inadequate or unimplied. This is also referred to as a cautionary principle; first do no harm. The issue in front of us tonight is a very massive project which I think is wonderful, but on the other hand, how it pertains to the natural environment when it comes to water is very critical. Very, very critical. Not that it's potable water but it's water that effects most of us in a lot of different ways. So, the issue at hand is a designation. By the way, the public hearing notice, should have had attached to it the environmental review. It should be there for review by the city council so they fully understand the difference between a type one, a type two and unlisted action. However, as the lead agency which the city has signed on to, they also are in the position to actually have legal issues pertaining to the issues of that environmental review. In other words, to give you an example; many years ago, there was a guy walking his dog in the Chadakoin, two Labradors. The Labradors came out a little warm. He wondered why, so he got a thing called NDIR which is a state wide environmental group that runs after environment violations. He hired them to file a suit against the BPU because the water was too warm from the discharge from the cooling towers which were the old cooling towers, that's why they had to build new ones. The BPU had to pay thousands and thousands of dollars for that lawsuit. One 78 Article proceeding. That's what actually stopped the bridge across Chautauqua Lake which I actually worked on.

So, my point is this, the issues at hand have not been flushed out properly. The environmental review of this project is minimum in terms of its outreach. Did it satisfy the requirements? I'll give you some examples. This is the subsect 6471.b of the Environmental SEQR act. The acts upon a land use plan by adoption by any agency will be a comprehensive resource initiative plan. We don't have it for this particular project, a resource impact plan. The initial municipal comprehensive zoning regulations and this land use resolution and comprehensive plan will affect the environment of the municipality for years to come. Many potential conflicts between usage of the land and natural resource impact can be avoided by applying full SEQR, that's environmental full SEQR, environmental data analysis, carefully during the early stages and using it as a management tool for each project. If you read through the plan, the section cannot be done through the SEQR either. In other words, you can't have a project that says its going to do this but it's not directly related to that because everything you do down there is directly related to each other. I urge you tonight to table this resolution and I'll give you more input from folks that I highly respect in this community who couldn't be here tonight but I would like to read it. This is from John Jablonski who is the executive director of the Chautauqua Lake Water Conservancy. This is a major proposal which I believe should have had an EIS prepared as part of the prep to the plan. The practicality promoting the safety of kayakers down there seems problematic. The impact of potentially increasing boat traffic from

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the outlet to the outland wetland area should be explored through EIS. The second one is from Twan Leenders. Unfortunately, I have a conflict. I agree with both of you that more public input and a proper EIS would have in order. A lot of details remain murky and feasibility on the slip and entry of the Chadakoin that was never the intention of the taskforce either. I'm still not quite clear of what it means if City Council approves this plan. It's my understanding that if approved, the city is allowed to pursue funding to implement aspects of the plan. For less issues that the city needs to address that the lake would take precedence over most of the initiatives that are included in this plan. I don't really see the city taking heat on this. This whole strategic plan process has been primarily driven by Gebbie and the CCIDA. What you've got to do in this case is in dubio pronatura, do no harm. That is the consequence of environmental and economic intersections. So, I think what we best interested in is this particular project go under further review by local experts. By the way, there was no, I think after this was introduced, this particular plan was introduced, now the city is the lead agency. There have been no public hearings on this but necessary public hearings that's necessary to go forward with this resolution. Remember, you will be responsible for a lot of things that go on, and another point is elimination of the Chadakoin directly effects lake life. The wildlife and other forms of vegetation. In other words, what lives down here is going to be impacted the \$918,000 illumination of the Chadakoin and the bridges. I don't think anything has been discussed about that in terms of what the impacts are in conjunction with this overall plan. I knew there won't be anybody here at the meeting but I speak for others who can't be here tonight so I ask you to table this for more input form the community and also to demand a full blown EIS statement be accomplished and not down the road, an article 78 proceeding to be put against the city which could be fighting in court. Thank you.

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Ms. Surdyk: I'd like to introduce Kristy Kathman and Greg Edwards and Doug, Mr. Champ, was correct that this initiative was spearheaded by the Gebbie Foundation in partnership with CCIDA. We were active partners in the entire planning process as was the BPU and the Jamestown Renaissance Corporation as well as several private businesses who have an interest in seeing development of the waterfront move forward. To address a couple of Mr. Champ's points; there was a SEQR prepared, I'm sorry that it wasn't attached to the public notice and I will make sure that you get a copy of that. I think as you know, Planning Commission has not yet voted on this so I believe the intention is to table this for the time being upon Planning Commission's approval. So, we are seeking that and in November the Planning Commission meeting. In addition, I would just like to point out that as a plan, it's not a prescription. We'll talk about, Kristy will talk about, some of the projects that are highlighted in this plan. But again, it's not a prescription and any project that comes out of this plan will have to go through the normal Planning Commission site approval for every single one and individual SEQR, Environmental Assessments, will have to be preformed for each one of those projects. I will speak with Mr. Champ in more detail and as well as with Chairman Rabb of the Planning Commission and make sure that we have our t's crossed and our i's dotted, but we are confident that this is a plan that's meant to be a guide. It's not necessarily meant to prescribe every single project. It's really giving us a direction and, like with other plans, making sure that we're working towards an end goal, but again, I'll just reiterate one more time; each project that comes out of this plan, will get its own individual Environmental Assessment and go through the

normal site planning process. With that, I'll turn it over to Kristy to just highlight a couple of projects and then we'll wrap it up.

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Ms. Kathman: A couple of the projects that are part of our vision; the first few are located on the north basin. This part of the projects are more of the passive recreation side, including things like a signature garden where people could just come and sit and enjoy the sights and sounds of the river and also using environmentally friendly infrastructure to help mitigate erosion at the riverbank. In addition to the signature gardens, the vision includes tiered seating and place making items down in the area closer to the river where small scale entertainment can be taken in on the tiered seating or people could just come enjoy themselves and sit for a bit. In the longer term, we look to an outdoor performance venue up in the area where comedy park currently is and food truck parking and staging area over to the side here. All of these actives are complimentary to the activities that are currently already happening in Comedy Park that have started, such as the comedy that happened on Saturday nights over the summer. I was lucky to attend three of those, they were well attended. It really gave people an opportunity to come down, and enjoy and see the river as a place to just come and relax and have a good time. They were family friendly activities and they were fantastic.

On the south basin, this is more of the active side, they see this as commercial development coming through to bring people into the basin area. We know that commercial development is a key factor, a key reason that people would come to the basin and spend time there over and over again. In the short term, the active type things that we look to do are to install a kayak launch because currently there is no place to get out if you do kayak into the basin. A welcome center which would include information on activities that are happening downtown, information on activities that are happening in downtown, lodging, dining, anything entertainment or events, a dock for a water taxi in the future and a water craft rental facility that could rent canoes and kayaks that would not only be available in the summer months, not just seeing it as a summertime thing, but also those shoulder seasons, the spring and the fall too to extend the time when people could come and enjoy the south basin.

Finally, the river corridor area which refers to the river channel and adjacent properties that run from McCrea Point Park down to Panzarella Park. This isn't really a place that commercial development can happen, but it is an outstanding example of an urban waterway that can really have a lot of recreational opportunities. Some of the short-term things that we see happening here are to make the river itself more navigable, removing obstacles that are currently in the river which include primarily remnants from when Jamestown was big on moving timber through using the Chadakoin to move timber so there are these big timber pieces in there that need to be removed as well as putting up lighted and non-lighted buoys and beacons along the way to help navigate. In the longer term one of the ideas we have is to get a mobile app going for people to use on their phone to help guide their travels down the river and provide information on the over 100 species of birds that are currently living in there and the information on the rare spiny soft shell turtles, the different nesting places and the various wild life and once they get into the basin the app would be able to provide information on the events and activities and the dining and the accommodations that are not only in the basin but also in downtown Jamestown as well. It will really help to feed people there and then spread them out which think is fantastic. Other things that are involved in the corridor is additional dockage in McCrea Point

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Park so that boaters who are coming off of the lake can park and then take that water taxi down into the basin area. These are just a few of our ideas, but we are very excited about the vision as a way to bring people in, not only from downtown but also through the water to get down them here in the area and enjoy this wonderful gem that we have.

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Councilwoman Ecklund: I noticed Crystal, some of what we have is not detailed in that. Can we get emailed the latest version?

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Ms. Surdyk: What you have in the handout, there is a truncated version which is the overview and the activation strategies. The larger document, there was a link in the email. It's on the website, it's 200 and some pages long.

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Councilwoman Ecklund: The shorter one was 72.

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Ms. Surdyk: So, there are some additional graphics and of course more in-depth information. I also just wanted to add that this project is in alignment with the city's LWRP, Local Waterfront Revitalization Plan so its not something that has not been well vetted. The LWRP was adopted in I think it was 2016 so additional environmental assessments were done in addition to that. Also, Mr. Champ mentioned Twan Leenders and shared his comments. Twan was actually part of the initial study and I'll let Greg speak to that. I'm a little bit confused and I'll follow up with him. I certainly will share some of his concerns, I know that he is very environmentally minded and really wants to be a good steward and I don't want that to get lost with the excitement of activating the river. I also share Twan's concerns and we did look to him as an expert in that field so I just wanted to verbalize that we certainly trust Twan's opinions and will work with him as well as any other experts with regard to the river. I just wanted to make sure that was not lost in our excitement to activate the river and develop it. We certainly recognize the incredible environmental, ecological assets that the river provides to us and that is something we certainly would never jeopardize.

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Councilwoman Carrubba: Can I ask a question? With the location of the dam and the state's control of that, how much involvement will the state have over approval of the final plan? Will they have any say about the final plan because of the dam?

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Ms. Surdyk: That's a great question and I think that when we get to a place where we're actually are submitting a specific project, the state will be consulted and they will let us know how much interaction or engagement they are going to require; but we also are proposing and this is a part of a DRI project that is inclusive of the lighting project, we'll look to install a safety boom before the dam so that may actually limit any need for the state to be involved.

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Mr. Edwards: Thank you Mr. Chairman and thank you all for your attention. I apologize for being a bit delayed in arriving. I'm pleased that the Gebbie Foundation has been able to play a role, primarily as a convener and part funder of the many studies that have led up to the opportunity to present to you tonight. Some people complain its study, study, study, but this particular case what we have the pleasure of doing is building upon a proven successful approach that the city, previous mayors, current mayor, current council, previous councils that have done over the years to be able to build upon the success over previous years. Why do I say that? You think back to your early 1990's. I think it was about 20 years ago when they first started talking about urban design plans. The city didn't have full blown urban design plan. A group came together including city leaders and brought together the community to determine what the community wanted Jamestown to look like ten years in advance. So, in 1996 we got the first urban design plan. It was so successfully implemented, not a prescription but a plan to follow that the city adopted as its own planning document, it was so successful it actually won an award for implementation. We went from what we experienced, those who have been around for a while from that classic declining rust belt city to a city with a new life, being reborn and an opportunity that was brought together collectively. We didn't stop there, collectively as a group, we took that report and study and we said that worked so well, let's do an urban design plan 2.0 along that same format. We brought the community together from all the various components of it and decided what we wanted to be 10 years in the future and that was passed adopted by the city as a planning document. In the interim the Gebbie Foundation was able to bring international talent to the city and the AECOM study was done. That really depicted what we could do to maximize and impact of the National Comedy Center. From that report we learned from the international experts; open up access, visually and physically to the river. The tremendous asset at the time terribly underused asset then to mesh with the urban design plan, how the AECOM report goes in and says that's issue number one. Open up access to this resource, the river that any city of our size would love to have. Following that process, we brought together a group of people across many statuses, many positions and roles and came together for the Chadakoin River study. I want to thank Crystal for mentioning that RTPI was our first partner. They were the ones that were hired to come in and study the river and determine number one, was it navigable? If the answer to that question was no there would be no reason for us to go further, we would say thank you, it is what it is and hopefully some kayakers will use it. Led by Twan Leenders a full-blown study, a year and a half, it was done over a thousand different way points up and down the river and it determined actually it is, as it right now navigable, it can be

improved by removing a couple of posts or bearings down there and providing some lighting and things like that, but that was a partnership that was brought together.

After it was determined that it was navigable, then a group came group together that included the city, the BPU and the Gebbie Foundation and Marlon Yonkers from the marina and Eric Kinney from Blackstone Ney, Jim Sirriano from the Riverwalk Storage Facility, collectively we funded the work that came from this report. My teammates have done a great job of describing it. I would strongly encourage you; I did this with the other group to read this report. Twan spent a year plus putting this together. It's the most detailed analysis of the river. It's the first time, you might be aware of some prior experience I've had with the challenge of managing the water in Chautauqua Lake. It's the first time anyone has done a full examination to describe how that dam works, why it was designed, why it was designed and waterway. But I encourage you just as a point of education to read it and it's a history of this wonderful river.

I will close and am thrilled to take questions with this observation. A gentleman who is known across New York State for his 40 plus years of helping municipalities and letting them grow and develop, Harry Sickerman was heavily involved in this process as well as part of the team from D&S, the engineers that did the work, he was a sub-member of that team. This is what he commented after all was said and done, never in his 40 years of economic development across New York State has he seen an opportunity to have this large of an impact on a city. It's really taking this resource that we have of the Chadakoin and using it in a way to enhance what it already provides. It's already a wonderful place to kayak or paddle, but with this plan and others what it does, is it draws the people to this region, just like Canalside did for Buffalo. Those that have been around for a while know that began with just some waterfront. Slowly with programming 10 and 20 and 50 here and 100 here now its 10,000 on a Thursday down there watching a show. We could do something similar here. After a visit from Dennis Drew and Steve Gustafson a month ago, who came in specifically a month ago to the office, they said the following; the area next to the water front the city did such a great job of creating the Riverwalk, adjacent to the property that Gebbie owns, adjacent to comedy park is a perfect setting for music festivals like they play dozens of across the United States every year because it's already existing in it's designed, we just need to keep it activated. I believe this plan, this strategy will do just that; the first step, all steps build upon another step and the next thing you know you've got the type of activity that they see up there at Buffalo at Canalside. I'm happy to answer any questions.

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Councilman Nelson: I've heard this plan three times. I'm really excited about this. I think it's great and I think Mr. Champ's comments are noteworthy and I'm glad that you addressed that. It's important to see this plan.

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Mr. Edwards: I'm sure any of us will be happy to take phone calls and take a tour and present things directly.

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Council President Dolce: The plan is for the resolution to be read and it will be tabled to give the Planning Commission the chance to take a look at it.

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Council President Dolce asked three times if there was anyone else to address the public hearing. There being no one, the hearing was adjourned.

Jennifer R. Williams
City Clerk/ Treasurer