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October 1, 2010
DELIVERED BY HAND

Gary McCarthy, President
City Council

Brian U. Stratton, Mayor

Schenectady City Hall
Schenectady, NY 12305

Subject: The Need for Further Environmental Review of the Proposed Riverside
Park Dock

Dear Mayor Stratton & President McCarthy:

I am writing to urge the City, as Lead Agency, to issue a "Declaration of Significance" under SEQR (the State Environmental Quality Review laws) for the Riverside Park dock project, and to prepare a draft Environmental Impact Statement [EIS], rather than issuing a Negative Declaration that would end SEQR review. Only the investigation, detail, and analysis required in the EIS process, including the formal Comments offered in response by other agencies and the public, will allow the many important issues raised by current Park users and neighboring Stockade residents to receive the "hard look" they deserve under SEQR, as the City decides the fate of the dock project.

The Stockade has been my home for over twenty years, and I have lived within a block of Riverside Park for the past seven years. I visit the lovely and relaxing Park often in all but the worse weather (and sometimes because of the bad weather), with my camera, a book, friends, or a set of bocce balls. Because of its beauty, Riverside Park is often featured at my Stockade-oriented photo weblog, "*suns along the Mohawk*" [found online at <http://giacalonephotos.wordpress.com>]

As you surely know, the SEQR definition of "environment" goes far beyond physical effects of a project. It also includes protection for "resources of . . . historic or aesthetic significance" and for the "existing community or neighborhood character." Those aspects of the environment are particularly relevant in reviewing the impact of the proposed dock on the Park and the adjacent Stockade residential neighborhood.

[*Note:* To help the Council, the City, other agencies, and the public consider whether the dock will harm the aesthetics and enjoyment of Riverside Park, or the quality of life of nearby residents, I have posted dozens of photos of the Park and

adjacent houses and streets, in a posting at my weblog *suns along the Mohawk*. Go to <http://tinyurl.com/DockSEQR> .]

Thus, although not officially within the borders of the Stockade Historic District in the City's Municipal Code, it is easy to understand why Riverside Park has long been considered by the Stockade Association and other residents and by the City¹ to be a "unique component of the District" and neighborhood, valued as a "relatively tranquil place to enjoy a magnificent view of the Mohawk River from the walking path and park benches."² In fact, due to the rare combination of attributes, the Park was praised by the editor of *Architect Forum* as "probably the finest thing of its kind in America." (Dec. 1961)

In addition, Stockade District homes are situated along the entire border of the long, narrow, 6-acre Riverside Park. In fact, some residences are located as close as 200' from the site of the proposed dock, with scores of single and multiple dwellings found along the long, narrow, one-through-lane streets that lead to the Park (and are famous for their lack of parking spots). Due to the proximity of the Park to the neighborhood, how the Park is used and the kinds of visitors and traffic it attracts, can have a significant impact on the quality of life, safety and security of our residents, and on the character of a historic district that is treasured for its residential nature -- and perhaps especially for the commitment of its homeowners to preserve and protect the District with their own efforts and contributions.

I did not learn of the completion of a Full Environmental Assessment Form [FEAF] for the dock project and its availability for public review at the Office of the City Clerk until a few weeks ago, after seeking clarification from City Zoning Officer Steven Strichman of an email widely disseminated by him on September 8, 2010 concerning the dock proposal, which mentioned the closing of a comment period and the lack of

¹ See, e.g., the Association's "A Waterfront Development Plan for Schenectady County" (1997), and the City Council Resolution of January 26, 1998. The Park is also within the boundaries of the Stockade Historic District as set forth in The National Register of Historic Places.

² "Archeological Survey of the Proposed Bike Trail in the City of Schenectady," by Don Rittner, City Historian, prepared for the Schenectady City Planning Department (August 2007).

any comments.³ As an EAF is only a very preliminary SEQR document, it is not usually submitted for public review by the Lead Agency. Nonetheless, as a framework for organizing my comments, I will go through the City's "completed" FEAF below, starting at the front of the document, and briefly address numerous facts, factors and answers found, or omitted in the Form that indicate the potential for significant adverse impacts, or the need for additional information.

However, there are two overarching points that need to be stressed. First, further study and review are necessary, because there has apparently been no significant factual investigation of the proposal's effects on users or the neighborhood (or even the attraction of tourist dollars) since the City decided, seemingly by default, that it had to move the dock from the recommended and popular location at East Front Street to the very different situation at Riverside Park.⁴ No study or investigation specifically related to a Riverside Park dock is mentioned in the FEAF or in public statements by the Planning Office. See footnote 5 below for examples of facts not pursued (i.e., impact on

³ Resolution 2010-48, which passed on March 22, 2010, announced the completion of the FEAF. However, no mention had been made of the FEAF in the Agenda for the Meeting, at the Meeting (which I attended), or in the Minutes of the Meeting (which were not posted at the Council website until September 28, 2010).

When I went to the City Clerk's Office to review the completed FEAF, on September 9, 2010, I learned that the current version available there had been sent just that day to the Clerk by the Planning Office. An earlier version had apparently been submitted to the Clerk for public review. I do not know if other involved agencies had been sent that earlier version. I asked for a copy of it and discovered that some important answers were different than in the current review LEAF. For example, although the issue was not part of the question, the answer to Q. 13, p. 4, of Part 1, (erroneously) states: "Most of the neighborhood in favor of placement of docks." Similarly, the answer to Q.6, p. 9, of Part 1, (erroneously) states that of the dock "It is in the City's Comprehensive Plan." And, Q. 12, p. 10, of Part 1, answers "No" to the question of whether the proposed action will "result in the generation of traffic significantly above present levels?"

⁴ The City Planning Office has stated that the switch was made to Riverside Park because expected development needed for a successful dock/marina has not yet happened at the East Front Street site, and because the Gillette House project, which was a second part of the original Grant proposal to help increase tourism, had been abandoned.

rowing teams and a water ski school, and on the much-used Tot Lot play area, which is located about 21 yards from the proposed site of the dock).⁵

In addition, further evaluation and explanation is needed, because no current or prior study or plan for use of the City's waterfront has considered Riverside Park to be an appropriate location for a dock. Nevertheless, other than the award of grant funds to build a dock somewhere along the Schenectady waterfront, the City has set forth no new facts or factors to justify the proposed switch of location to Riverside Park. The relevant plans include:

1. The City's Comprehensive Plan 2020 (March 2008), which anticipates dock and marina facilities only at East Front Street & ALCO. The Comprehensive Plan calls for many relatively modest projects to improve existing facilities, infrastructure and amenities at Riverside Park, and to give bicyclists and hikers better access to the waterfront. In response to requests at public meetings for a dock, the Plan merely recommends an evaluation of the feasibility of installing docks at the Park.⁶
2. More recently, the Mohawk River Waterfront Revitalization Plan for Schenectady County (June 2010) looked once more at the feasibility of placing a dock at Riverside Park. As a result, the Waterfront Plan specifically notes there are constraints on development at the Park due to "limited access" and parking, and the "character of the residential community." This situation, it concluded, "inhibits any significant expansion of use other than to improve it as a scenic overlook and to improve pedestrian and bicyclist access and connection to adjoining areas." The

⁵ An indication of the need for more investigation by the City is the fact that the Planning Office contacted none of the rowing teams whose practice brings them past Riverside Park; nor did it contact the operators of a water ski school that lies directly across from the Park on the Scotia shoreline, concerning the potential impact of the dock on their activities. Watching both activities is a favorite pastime of many Park users. An increase and concentration of motorized boats and small non-motorized craft going to and from the dock or anchoring nearby, may have a significant impact on the crew teams in such a narrow passageway, and the 5 M.P.H. speed limit and other forms of activity near the docks could, according to the owners of the Ski School, prevent or curtail ski instruction and practice.

The *playground area* in Riverside Park is another important example. Because the Park is relatively low-key and quiet, the play area is perhaps the most-used portion of the Park, with many regular visitors, mostly pre-school children and their caregivers. When asked at the April 22nd session why he would place one end of the dock so close (as near as 15 to 20 yards) to an unfenced play area for small children, Schenectady Zoning Officer Steven Strichman stated he had in fact not taken the location of the play area into consideration, because it was the Canal Corp. that had actually chosen the precise location along the bank for the dock [*note*: a member of the Canal Corp. staff has since denied choosing any particular location]. Neither the easy access for children of all ages to the enticing unattended dock, nor the effects of docked visitors to the Park on the use of the play area, are addressed in the EAF.

⁶ Moreover, according to the environmental statement for the Plan (at p. 21), one of goals of the Comprehensive Plan is "protecting waterfront resources and views." Note: when the Plans discussed here talk about "access to the River," they at times mean being able to enter or use the Mohawk River directly, but often mean the ability to walk, bicycle, picnic, etc., along the waterfront, within view of the River.

City participated fully in the preparation of the Plan, and its Zoning Officer Steven Strichman presented it to the public in a meeting held on June 1, 2010.⁷

3. The Council's own Resolution of January 26, 1998, is also inconsistent with placing a dock at Riverside Park. The Resolution opposed changing the special nature of Riverside Park and resolved that it "best serves residents and visitors as a quiet place to view the natural beauty of the Mohawk River."

An EIS would allow the City to explain why, in the face of prior evaluations to the contrary, a dock can now be installed without significant adverse effects, and whether such effects might be mitigated. It would also permit other interested agencies and the public to respond.

In addition to the overarching concerns raised above, the City's Full Environmental Assessment Form indicates in many places the potential for significant adverse impacts, or the pressing need for additional information. Starting at the front of the FEAF, here are some of the most pressing and relevant items:

1. *Description of Action* [the **Need for Artist's Renditions of the Dock and Site**]: On page 2, the answer given in the Description of Action box describes a large docking structure meant to perform many functions: from mooring boats as long as 60', including a valuable historic replica, to accommodating kayaks and canoes, plus the boaters, tourists and other pedestrians. An environmental review of such a structure by the City, other agencies or the public -- especially a review focused on the obstruction of scenic views, or the safety and comportment of those using the dock and the Park -- cannot be adequately performed if they/we do not know what the dock and galley will look like. Therefore, the City as Lead Agency and Applicant needs to provide artist's renditions that represents accurately the design of the dock, its bulk and extension into the River, its profile as seen from various vantage points in the Park, and its ability to accommodate the docking, launching and safety needs of kayakers, yachtsmen, tourists, partyers, and other visitors.

2. *Community Use*: Question 13, p. 4, asks if the site is being presently used by the community as open space or recreation area. The answer given states what amenities the Park has, but it gives no indication of the numbers of people using the Park, or their ages, nor a ranking of the types of activities engaged in by park users and visitors, especially in the area adjacent to or near the proposed dock. This makes it difficult to gauge or predict any likely changes in the use or intensity of use of the Park.

⁷ In addition, it should be noted that the 2010 Waterfront Revitalization Plan frequently refers favorably to the Schenectady-Scotia Waterfront Market and Feasibility Study (by Synthesis, 2005). The Feasibility Study concluded that a dock with marina should be developed at the East Front St. site. It did not give Riverside Park as an alternative site. Indeed, the Study used input from the NYS Canal Corp., which had considered "conceptually acceptable" locations for docking along the Schenectady waterfront. The Canal Corp. listed only East Front St., the Binne Kill (with reservations due to its proximity to the Historic District that are even more pressing at Riverside Park), and a Union College boathouse site -- clearly omitting (literally skipping over) Riverside Park.

3. *Scenic Views*: Question 14, on page 4, asks whether the present site includes scenic views important to the community. The answer correctly states that the park “is recognized for its setting and views.” But it then attempts to minimize the potential impact by stating that “300’ is 20% of the park’s river frontage.” The affected area will not merely be directly along (behind) the dock area. There are many other places in the Park, as well as on the river and the Scotia shoreline, where a view of a natural shoreline and open stretch of water will be diminished by the site of a giant aluminum dock, and any vessels using the structure, and where open sunset and sunrise vistas may also be obstructed. (See comment below on Impact on Aesthetic Resources for further discussion.)

4. *Project Description* section, Pt. 1, beginning on 5:

Q.1: Physical Dimensions

Project Acreage (Sec. a., p. 5): The Answer given, .03 acres, which is 13,068 sq. ft., is 4.3 times greater than the 3000 sq. ft. dimension of the dock itself. This suggests a far greater physical appearance and obstruction than indicated by the size of the dock alone, and a potential for significant impact on the appearance of the shoreline and scenic views.

Off-street parking spaces (Sec. f., p. 5): The Answer given is 10 existing spaces, 10 proposed upon completion. Further explanation is needed, as to where these spaces might be, given the chronic lack of parking for residents and their guests, and for park visitors (especially outside the traditional 9 to 5 workweek). The scarcity of parking indicates the potential for a significant adverse impact on park users and residents along the 5 narrow, one-lane access streets.

Dimensions (Sec. i, p. 5): Answer: 6’ H, 300’ L, 10’ W. Further explanation is needed, especially as to the meaning of 6’ in height. If the dock structure itself is 6’ high, its appearance and great bulk suggests the potential for a significant impact on the appearance of the shoreline and scenic views.

Removal of Mature Forest or Locally Important Vegetation (Sec. 6, p. 6): The Answer given is No. However, at the Association’s special meeting on April 22, 2010, City zoning officer, Steve Strichman, who prepared the FEAF, said he did not know if any of the impressive trees that line the riverbank and add much to the aesthetics of the Park would be removed, because he did not yet know the exact location of the dock or the type of equipment that would be used to construct the dock. The instructions on the FEAF state that such uncertainty warrants the conclusion the potential exists for a Large adverse impact.

Relocation of Facilities (Sec. 11, p. 6): FEAF states that no facilities will need to be relocated. That is not a certainty. For example, the much-used children’s play lot is located about 20 yards from the eastern end of the dock. It is not

certain whether the existence of the dock, given the number and types of users and potential for attracting small children to the shoreline, will require moving all or part of the playground facilities.

Production of operating Noise exceeding the local ambient noise levels (Sec. 20, p. 7): Answer given is No. Opponents of the dock disagree on the potential for objectionable noise. See the discussion below of Noise Impact, at Q. 17 on p. 18.

5. *Zoning and Planning Section of Part 1.*

Q. 6., p. 9. Consistency with recommended uses in adopted local land use plans. See the discussion above about conflict with the Mohawk River Waterfront Revitalization Plan for Schenectady County (June 2010), and lack of consistency with the City's Comprehensive Plan 2020 (March 2008). This inconsistency makes the potential for significant adverse environmental effects great.

Q. 11, p. 10. *Creation of Demand for Any Community Provided Services:* Although a Yes answer is given as to the demand for additional services, the FEAF also says Yes to whether existing capacity is sufficient to handle projected demand -- with the explanation that "large demand will be event specific as are current event uses. Normal use will be handled adequately by existing community services." Current levels of police, park clean-up, and maintenance are often considered inadequate by Park users and neighbors, who cite graffiti, litter from customary use, and debris from drug-related and sexual activities, along with much-needed repairs and upkeep of playground and tennis court equipment and facilities. Many Park users and neighbors are concerned that additional police presence will be necessary throughout the day, evening and night given the expected use and misuse of the unsupervised dock -- or that a significant amount of formal, consistent supervision by other City employees will be needed. Additional trash removal may also be needed, as well as monitoring for and providing needed maintenance.

Of course, if there is no additional demand for the already stretched services, there might be little social or economic benefits to outweigh the potential adverse environmental effects of the dock.

Q. 12, p. 10. *Generation of traffic significantly above present levels.* Although answering Yes in the FEAF, the explanation given is that "The majority of use will not generate significant traffic. Occasional large events may create traffic as do current events." Existing traffic often creates safety problems and inconvenience, as each of the five streets leading to the Park is a long, narrow, one-lane road, with traffic in both directions using the only through lane. Any increase in traffic is a major concern, therefore, and the FEAF estimates (at Q.

B.(1)(c), p. 5) the potential for 20 vehicular trips generated per hour. Much of the increased traffic will be visitors unfamiliar with the use of the narrow, one-lane streets and the parking difficulties, including large school buses (bringing students to see the Onrust), which may be unable to perform a turn-around at the end of a street to exit the Park. [To see photos of the one-lane streets and small parking areas, go to <http://tinyurl.com/DockSEQR> .]

6. PART 2 - Project Impacts and Their Magnitude.

According to the Instructions for the Environmental Assessment Form, Yes answers on the potential for adverse impact are required if there is any impact, with maybe answers to be treated as Yes answers. Then, if there is *any doubt* about the size of an impact (whether it is likely to be Small-to-Moderate or Large), it must be considered to be Large and Part 3 of the EAF be completed for further detail and analysis. The failure of the Applicant to measure or predict the impact level on many crucial issues raised in the FEAF and discussed below, and the related failure to complete Part 3 of the Form, should itself require the continuation of the environmental review and the investigation, analysis and explanation that is part of the preparation of the EIS.

Impact on Land.

Q. 1, p. 12 - 13. *Physical Change to the Project Site.* The FEAF gives a Yes answer, for existence of an impact. There are several sample categories, and the form indicates there will be only a Small to Moderate potential impact relating to construction of the riverbank slope. In the category of “other impacts” the FEAF states: “Docks will be below level of park. Access will be above level above park. Way-finding/historic fact kiosk will be placed in the park.” However, after giving that description of physical impact, the Form does not check any box to indicate the magnitude of such impact. Per the instructions, if uncertain, the impact should be shown as Large and Part 3 also completed. Moreover, (1) For those viewing the riverbank from the River or opposite shore, the physical change will surely be significant (see photos at <http://tinyurl.com/DockSEQR>; and (2) The immediately adjacent Park land and facilities are clearly part of the “project site” and will be affected, if only by the installation of a galley and the tourist kiosk.

Impact on Water

Q. 3, p. 12: The FEAF answers Yes as to whether the Proposed Action will affect any protected water body. It explains the docks will be placed on the surface of the water and be anchored to the shore, but it does not indicate the potential magnitude of the impact when the project will take up 20% of the waterfront of the Park and extend (according to the plat) about 40’ into the River.

Impact on Aesthetic Resources

Q. 11, p. 16: FEAF answers Yes to the important Question “Will Proposed Action affect aesthetic resources?” The FEAF form offers examples of such effects, including components of the proposed project being visible to users of the aesthetic resources whose enjoyment might be reduced; and components of the project significantly screening scenic views known to be important to the area. Two of the three sentences the City uses in its explanatory text seem irrelevant: 1) “There are no docks in the area now.” and 2) “Historically, boats were accessed from this area.” The other sentence correctly states “The view of the river and adjoining communities will be altered,” but the FEAF fails to indicate in the boxes provided the magnitude of the potential adverse impact on the view and the overall aesthetics of the Park, despite its crucial importance for the Park and the Stockade neighborhood. As stated above, per the FEAF instructions, if the magnitude is uncertain, the impact should be shown as Large and Part 3 also completed.

Riverside Park is known and treasured for its scenic views. The fact that the dock would take up 20% of the Park’s river frontage indicates by itself the potential for a large adverse environmental impact. The impact would, of course, affect much more than 20% of the Park. The plat supplied with the FEAF indicates that the far side of the dock will be at least 40’ from the shore. That belies assertions that the large, bulky (6’ high), aluminum dock will not be seen by people sitting, walking or biking in the Park. Visitors throughout this tiny, narrow park will have their lovely, natural view adversely affected, and so will those viewing the Park from the River and the Scotia waterfront. [Again, see <http://tinyurl.com/DockSEQR> for photographic evidence.]

The unobstructed views currently offered by Riverside Park include the Mohawk River itself, the mostly wild Isle of the Cayugas, relatively undeveloped sections of the opposite shoreline, and clear views of spectacular sunsets and sunrises, plus the rowing grace of crew teams, and the excitement of a waterski school. Because the scenic views are a major aspect of Riverside Park, there is clearly a potential for significant adverse impact on the Park’s aesthetic resources.

The FEAF also fails to include a Visual Addendum to help assess aesthetic harm. As stated above, an artist rendition is surely necessary.

Impact on Historic and Archaeological Resources

Q. 12, p. 16 - 17. The FEAF answers Yes to the question whether the project will impact any site or structure of historic importance. It explains that “Riverside Park is adjacent to the Historic Stockade Zoning District and is part of the National and State Register of Historic [Places] as the State’s first Historic District.” But, the FEAF inexplicably again fails to indicate the

magnitude of the potential adverse effects in the boxes provided. With the residential nature of the Stockade District being at or near the top of its valued attributes, the project's alleged impact on the quality of life for many of its residents deserves much more attention from the City.

Impact on Open Space and Recreation

Q. 13, p. 17. The FEAF answers Yes to the question "Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?" However, the explanation given merely says "The dock creates educational, tourism and visitation opportunities. There will be an increase and small change in use but no reduction of open space." It addresses quantity but not quality. Also, there is again no indication of the magnitude of the potential adverse effects, suggesting an uncertainty that requires the Large classification and the use of Part 3 of the Form.

Some current park users (young, old and in between) have indicated that the increased level of activity, bustle, noise, etc., along with the obstructed views, would be likely to result in a reduction in both their use and their enjoyment of the Park.

In addition, many -- even the Planning Office in the FEAF -- predict only a small increase in visitors, and see little likelihood of increased tourism and spending beyond the Park and the Stockade to balance against the potential adverse effects. There appear to be no studies to indicate that a dock without marina amenities and services, and no visible tourist attractions like restaurants, bed-and-breakfast facilities, or shopping, is likely to attract any significant number of boating tourists. Clearly, more investigation/analysis is necessary on this issue, and on how and for how many days the Onrust will perform an informational/educational function.

Impact on Transportation

Q. 15, p. 18. The FEAF answers that there will be an effect to existing transportation systems. It indicates the impact would be Small to Moderate. The explanation predicts that "Boaters will stop visit instead of passing by, but otherwise no impact on Canal Traffic. Vehicle traffic will increase for specific events. In general very small automobile increases." Many opponents of the dock believe even a small increase in traffic may have a large impact on traffic and parking. If dock proponents are right that the Onrust will be a major draw, and that users of small, non-motorized boats (such as canoes and kayaks) will bring their craft to Riverside Park to launch (often by car), the traffic increase may be significant. If dock supporters are right, the FEAF is underestimating the impact on traffic. If the planning office is correct in its

FEAF estimate, an expensive dock will generate very little additional use of the Park or increase in tourism, to balance against environmental effects.

Furthermore, as discussed above, the Mohawk River Waterfront Revitalization Plan for Schenectady County (June 2010) concluded that limited access -- the narrow one-lane streets and scarcity of parking -- places constraints on significant new uses at the Park. Further SEQR review is needed to better understand these issues. [for photos of the 5 affected streets, see <http://tinyurl.com/DockSEQR>]

Noise Impact

Q. 17, p. 18. The FEAF answers No as to whether there will be objectionable noise or odors. However, motorized boats coming to and fro at and near the dock will surely increase noise levels at this “relatively tranquil” passive park. In addition, many concerned users and neighbors of Riverside Park believe an unattended public dock is likely to attract boisterous partyers in the daytime and evening, and additional bad actors after dark, as happens continually at the nearby Gateway Landing dock. The potential exists, therefore, for the current quiet use of the Park, and its value as a recreational area of relative tranquility, to be adversely affected for those who come to watch the scenery, or to stroll, read or chat, and for nearby residents -- some of whom live no more than 70 yards from the proposed dock, and others of whom have houses bordering the small parking areas at the end of each street.

Impact on Growth or Character of Community or Neighborhood

Q. 19, p 19. The FEAF answers Yes to whether the proposed action will affect the character of the existing community. However, it fails to indicate the expected magnitude of that effect, stating only that “there will be some increase in visitation . . . by those who do not live in the neighborhood.” This answer ignores both conclusions drawn in prior plans, which sought to protect the residents of the Stockade from significant development in Riverside Park, and the many quality of life issues raised by dock opponents.

Changing the nature of the Park is itself a detriment to the neighborhood and community. This Council was correct in its Resolution of January 26, 1998, which declared that changing Riverside Park’s “special nature would deprive visitors and disadvantage the homeowners who are the caretakers in this Historic District of national importance.”

In addition, however, nearby residents who oppose the dock insist it will bring sufficient additional noise, traffic, boisterous activity, frustrated restroom-seekers, and (at night) criminal activity, to have a significant negative impact on the people who live in the densely-populated neighborhood. Having seen many youths swimming off nearby docks, opponents also believe a large

dock will attract even more young swimmers and pose significant danger of drowning or other injury. Moreover, as stressed above, the dock is inconsistent with officially adopted plan and goals, which eliminated Riverside Park from consideration as an appropriate place to install docks, in large part because of its location so very close to an historic residential neighborhood.

The broader Schenectady community may also be impacted negatively, due to the added expenses (and taxes) sure to come with maintaining, removing, storing, the dock; with added facilities and services that will be needed; and with the liability that will come with accidents and injuries at the unsupervised dock.

The City needs to give these safety, security, and quality of life issues, along with the claimed need for additional municipal services, more investigation and analysis.

Q. 20, p. 20: *Existence or Likelihood of **Public Controversy***: The FEAF answers Yes to this crucial question, but contains not a word of explanation (despite perhaps the largest blank space in the Form for such discussion). This set of Comments itself should indicate the existence of significant controversy over environmental impact. More important, even if not expressed in precise SEQR terminology, the strong opposition to the dock is clearly focused on “environmental” impact on the aesthetics of the Park experience and the character and quality of life of the adjacent neighborhood. That is why Stockade residents -- both members of the Stockade Association and non-members, voted more than two to one [85 to 41] against the proposed dock after a lengthy public meeting on the topic sponsored by the Association on April 22, 2010, and the Association is on record against the proposal. It is also why Stockade residents are still asking to sign an anti-dock Petition, which now has over 270 signatures. (To put 270 into perspective, despite having grown due to interest in the dock issue, the Association’s membership was about 215 in May 2010.)

In setting out criteria for determining significance of an impact, §617.7(c) of SEQR, specifically names many of the issues raised above: from conflict with existing plans, to impairment of the character or quality or historic, aesthetic or historic resources, and substantial change in the use of recreational resources. Moreover, §617.7(c) includes two additional criteria relevant to this proposed action:

- the creation of a material demand for other actions that would result in one of the above consequences; and
- changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

If the FEAF/City is right that the proposed dock is not likely to attract many boaters or vehicle traffic, it seems quite possible that there will be a demand for additional marina-like amenities and services (such as fuel; pumping) by dock proponents, along with public rest rooms and water fountains, more parking spaces or lighting, facilities to store educational and tourist materials, and equipment used by the Onrust crew, and perhaps even a food concession. The initial cost of the dock and the continuing expenses to maintain, remove, and store it, etc., would be used to justify the additional actions. Each of the above new services and facilities could further erode the “relative tranquility” and scenic pleasures of Riverside Park and bring added potential for adverse environmental impact. Under SEQRA they should also be considered in assessing the environmental impact of the proposed dock.

In sum, the threshold for making a Declaration of Significance and requiring an Environmental Impact Statement under SEQRA is very low. An EIS is required if “the action *may* include the *potential* for at least *one* significant adverse environmental impact” [SEQRA §617.7(a)(1); emphases added]. Given the many issues raised above and by speakers at your Council Meetings, as well as by the Stockade Association in Comments to the Council, the City is surely mandated under SEQRA to prepare a draft and final EIS, in order to fully evaluate all potentially significant adverse effects on Riverside Park, the Historic Stockade District, and the adjacent neighborhood, and to allow meaningful public participation.

All of us who value the residential nature of the Stockade Historic District and the special nature of Riverside Park, whether we personally support or oppose the dock, will benefit if the City uses an EIS to take the “hard look” at potentially significant environmental effects contemplated by SEQRA.

[*Reminder:* As mentioned above, to help the City and the public consider whether the dock will harm the aesthetics and enjoyment of Riverside Park, or the quality of life of nearby residents, I have posted dozens of photos of the Park and adjacent houses and streets, at my weblog *suns along the Mohawk*. Go to <http://tinyurl.com/DockSEQRA> . Among other aspects of the Park and the project’s effects, the photographs show the current unobstructed views from a) the stretch of Riverside Park that is situated alongside the site of the proposed dock; and b) many other places in the Park where a view of a natural shoreline, open stretch of water, and sunrise and sunset vistas, may be affected by the site of a giant aluminum dock, and any vessels using the structure.]

Respectfully submitted,

David Giacalone