



August 24, 2023

Ms. Theresa Joyner, Chair  
and Members of the City of Hudson Planning Board  
City Hall  
520 Warren Street  
Hudson, NY 12534

**-Sent via email-**

**Re: Colarusso Application for Haul Road Conditional Use Permit and Site Plan Review—  
Follow-up on August 8 Discussion on Gravel Truck Volume**

Dear Ms. Joyner and Planning Board Members:

With the next meeting on this matter approaching, we want to set the record straight about truck volume data between quarry and dock, as well as information used by the Greenport Planning Board in its 2017 SEQR review, and the subsequent 2020 Traffic Evaluation Study conducted by Creighton Manning on Colarusso's behalf and reviewed by Barton & Loguidice (the Planning Board's consultant).

Honest truck volume estimates are critical to the Planning Board as it evaluates the impacts of Colarusso's proposed two-lane haul road and increased activity at the dock. Unfortunately, Colarusso and its attorney, John Privatera, spent a good part of the last meeting denying and obfuscating about potential truck traffic resulting from this proposal. The City of Hudson cannot accept this. The City cannot afford to make its decision on this application without clear numbers.

As you may recall, at the last meeting, I, Donna Streitz, as a First Ward resident and member of Our Hudson Waterfront (OHW), raised concerns about truck volume, actual numbers, and was told by Attorney Privatera that they were "completely inaccurate" and "outlandish." This was despite the fact that the numbers were derived from engineering studies Colarusso itself commissioned. Further, when asked by Planning Board members about anticipated volume, Privatera responded: "*Do you ask Stewart's how many ice cream cones they're going to sell before you approve?*" as though the impacts of an 80,000-lb. loaded gravel truck were no more dangerous or disruptive than a scoop of butter pecan.

The numbers we shared with the Planning Board were derived directly from Colarusso's own engineer, **Creighton Manning (CM) (Traffic Evaluation letter dated July 9, 2020 / updated October 30, 2020)**, and from the Planning Board's consultant (**Barton & Loguidice [B&L]'s August 7, 2020** technical review of CM's Traffic Evaluation). *We have attached both letters for your convenience (Attachment 1). We have also attached two 2016 CM letters on truck volume used by Greenport in its 2017 SEQR haul road review (Attachment 2). For ease of reference, we've highlighted relevant information in the letters to support the numbers herein.*

Also, for your convenience, we summarize information used in the 2017 Greenport SEQR review, including historical truck volume information from the CM and B&L reports referenced above.

## Major Points

### 1. Greenport’s SEQR decision ignored impacts on Hudson.

In 2017, when the Greenport Planning Board, as lead agency, reviewed the “haul road” under SEQR, it based its approval on extremely low anticipated truck volume (i.e., **10 loads/20 trips per day**), using data provided by Creighton Manning. The Board also assumed **volume would not increase over time—now a provably false assumption.**

**The Board then ignored potential issues raised by Barton & Loguidice in their 4/18/17 and 5/19/17 letters to the Board Chair, concluding that the project would have no significant adverse environmental impacts.**

While truck trip numbers provided by Creighton Manning were not specifically referenced in the 2017 Greenport SEQR Determination of Non-Significance - Negative Declaration document (7/25/17), they were included in the exhibits listed in the document-listing backing the decision:

- **Exhibit 11: 6/8/16 CM letter to Colarusso & Sons**, responding to the 3/7/16 NYSDOT (Department of Transportation) information request letter, referenced an estimated **4 trips** crossing at Route 9 and Route 9G (**2 trips** each direction) during AM and PM peak hours, with a maximum of **24 trips (12 trips** in each direction).
- **Exhibit 11: 8/17/16 CM letter to Colarusso & Sons** updating previous truck analysis, reported an expected **10 truckloads (20 trips) per day, 2,000 truckloads (4,000 trips) per year.**

OHW obtained copies of these letters following a FOIL request to the Town of Greenport and have provided copies to you in Attachment 2.

### 2. Actual truck traffic has seriously outstripped earlier projections.

History (per CM’s 2020 Traffic Evaluation report to Colarusso) shows that actual Colarusso truck traffic has greatly exceeded the 2016 projections considered by Greenport Planning Board. Table 1 below includes statistics of gravel truck volume between Colarusso’s quarry and the dock at Hudson’s waterfront from 2015 to 2019. *Note: **Bold highlighted numbers are taken directly from cited reports; non-bold numbers are derived calculations. Footnotes provide data source.***

Table 1. Actual Truck Volume Between Quarry and the Dock				
Year	# Truck Loads <sup>1</sup>	# Truck Trips <sup>2</sup>	# of Days Hauled <sup>3</sup>	Average Trips/ Days Hauled
2015	<b>2,730</b>	5,460	<b>65</b>	84 <sup>5</sup>
2016	<b>4,800</b>	9,600	<b>200</b>	<b>48<sup>4</sup></b>
2019	<b>7,591</b>	15,182	<b>133</b>	<b>114<sup>4</sup></b>

<sup>1</sup> **Truck Loads:** From 2020 CM Traffic Evaluation: D. Trip Generation and Chart 1 – Total Loads Per Year, pages 3-4. Note: As part of its analysis, CM’s 2020 Traffic Evaluation included information for 2015 through 2019 “based on load tickets collected by the operator.” (See pages 3-4, and Att. B – Loads Delivered Charts 3, 4, 6 and 7, beginning on p. 46 of 83). These charts show load ticket counts for each haul day, by year. **In other words, the charts show actual truckload volumes on days that Colarusso ran trucks and confirm the number of days that Colarusso ran trucks.**

<sup>2</sup> **Truck Trips:** Double the number of truck loads. Each truck “load” equals two truck “trips.” One trip from Colarusso quarry to the dock and return trip from the dock to the quarry.

<sup>3</sup> **Days Hauled:** Days hauled from 2020 CM Traffic Evaluation: Chart 9, page 4, and Loads Delivered charts in Appendix B. Note: CM’s Traffic Evaluation reported that Colarusso did not run trucks every available workday of the year and concluded that Colarusso typically hauled “less than half the maximum potential.”

<sup>4</sup> **Average Trips per Day, 2016 and 2019:** From 2020 B&L Traffic Evaluation, Sec. 4.a. p.2.

<sup>5</sup> **Average Trips per Day, 2015:** *We do have one correction to the numbers we shared at the last Planning Board meeting. The average number of trips per day in 2015 was “84” not “14.” Further review of CM’s 2020 Traffic Evaluation charts reveals that in 2015 Colarusso only ran trucks 65 days of the year. Hence the higher truck-trips-per-day number. Our apologies.*

**In truth, annual truck trip volume from 2015 to 2019 almost tripled, even with haul days that were notably fewer than the potential maximum (365 days). If the proposed two-lane truckway is approved, truck trip numbers will be far higher than in 2019. The company expects the bigger road to enable a ramp up of dock operations, with a client-base radius expanding from 50 miles to 120 miles (NYC). The overarching goal is an increase in bottom line corporate profits. (see Table 2 next page)**

### **3. NYSDOT approval of haul road was also based on bad information.**

Woefully underestimated truck data was also provided in 2016 to the NYSDOT, which subsequently approved Colarusso’s plan. Below are excerpts of more detailed information from CM’s 6/8/16 and 8/17/16 letters to Colarusso regarding truck volume (Attachment 2).

In June and August 2016, CM estimated volume based on average and maximum rates of barge deliveries—but these estimates were far lower than actual 2016 volume, as well as subsequent volume in 2019 (per CM’s 2020 Traffic Evaluation). Here’s what CM estimated:

- **Per 6/8/16 letter to Colarusso, in response to the NYSDOT’s Comment 5 – Peak hour distribution figures are needed:** *“Quarry traffic destined for the dock, is estimated at 4 trips crossing Route 9 and Route 9G (2 trips in each direction) during the AM and PM peak hours, with a maximum of **24 trips** (12 trips in each direction.)”*
- **Per 8/17/16 letter to Colarusso, estimating number of truck trips made during the peak hour using data supplied by the applicant:** *“An estimated **2,000 truckloads** per year may be generated between the dock and the Route 9G access point. Assuming operations occur from March to December, and traffic is spread out over an estimated **191 weekdays** (excluding holidays), approximately **10 loads [20 trips] per day** are expected.” In addition, the letter states that **“one truck load [2 trips] per hour** is expected which equates to one trip entering, one trip exiting per hour. This volume of traffic is very low and will have no discernable impact on roadway capacity at the Route 9G/causeway intersection. No capacity improvements are necessary.” [**bold and underline emphasis ours**]*

Unfortunately, these estimates fell far below **actual** 2016 volume, and vastly below future **proposed** volumes. Consider the following truck volumes that would cross at Routes 9 and 9G:

- **2016 actual: 48 trips** per day, **4 trips** per hour; **2019 actual: 114 trips** per day, **10 trips** per hour.
- Anticipated **double of 2019** volume would result in **228 trips/114 loads** per day, or **19 trips** per hour, substantially increasing highway crossings and traffic to/from the dock. That’s approximately **1.6 trucks every 5 minutes**.
- On days that Colarusso reaches its proposed maximum of **284 trips/142 loads**, this would result in **24 trips** per hour. That’s about **2 trucks every 5 minutes** crossing Routes 9 and 9G, through the wetlands, across Amtrak’s rail line, and pedestrian and vehicle waterfront entrances.

**The actual and proposed intensified volumes HAVE NOT been reviewed or approved by the NYSDOT—only much lower, and completely inaccurate, CM estimates. Thus, the Planning Board SHOULD NOT rely on Colarusso inferences (direct or indirect) that its volumes have been approved by the NYSDOT. They have not. In sum:**

- **Greenport relied on severe underestimates**: Greenport Planning Board’s SEQR approval of the haul road was based on extremely low estimated truck volume (20 trips per day, 2,000 truckloads/4,000 trips per year), and they assumed that volume would not increase over time. But these estimates (and assumptions) are false: Actual truck volumes have been much higher, almost tripling from 2015-2019—and this (as reported by CM) on haul days “less than half the maximum potential. The room for growth is huge.
- **NYSDOT approval was based on similar underestimates**, with actual truck volume far outstripping its assumed scenarios.
- **Volume growth is the plan, with worst-case scenarios likely**: With Colarusso’s proposed maximum of **142** truckloads (**284** trips) per day, up to **250** days per year, the upside potential is 71,000 trips per year (284 trips x 250 days). Again, we emphasize Colarusso’s repeated admission that it can increase the maximum number of trips per day beyond its proposal and has NOT agreed to an annual truck trip maximum.

**4. Future truck volume and loading at the dock will soar.**

Colarusso proposes to run up to **142 truckloads (284 truck trips)** per day, up to **250 days** per year (365 days minus weekends and holidays). As reported by CM’s *2020 Traffic Evaluation*, the “previously identified ... maximum condition” (highest number of truck loads per day) is 142 (284 trips per day), which incidentally per CM’s 2020 report, was only reached two days in 2018.

The following table shows the **maximum potential** future truck volume if a two-lane haul road is approved. However, there is the potential for even higher volume if market forces demand, given Colarusso’s repeated claim that its volume cannot be regulated, and that it has the right to increase the maximum beyond it’s “284 per day” proposal. ***Bold highlighted numbers are taken directly from cited reports; non-bold numbers are derived calculations***

Table 2. Colarusso Proposed Truck Volume				
Average Loads/ Day – Up to:	Average Trips/ Day – Up to:	# of Days Hauled – Up to:	# Truck Loads	# Truck Trips
<b>142</b>	<b>284</b>	250 <sup>1</sup>	up to 35,500	up to 71,000

<sup>1</sup> 365 calendar days minus 104 weekend days and 11 holidays = 250 available haul days.

As Barton & Loguidice advised the City in its 8/7/20 letter to the Planning Board: “*The applicant has provided confirmation in the project narrative that there are **no current plans** to expand operations and therefore there would not be an increase in the number of maximum truckloads **per day** or trips **per day** (142 truckloads/day = 284 trips/day...) [bold emphasis added].* It’s important to note that applicant’s commitment that it has “**no current plans,**” leaves open the possibility that they may change plans in the future. Also, there is **no commitment from Colarusso to limit the volume of trucks annually.**

**By committing to a daily limit, but not an annual limit, the company is opening up the strong possibility that maximum days will become the norm, not the outlier, meaning we can have a flood of up to 284 heavy truck trips through the waterfront every operational day.**

In conclusion, how many days of the year will Colarusso run trucks, or reach the 284-trip maximum, is anyone's guess. That number will be driven by client demand, and therefore has the potential to reach, or exceed, the worst-case scenario above.

## **5. The Colarusso plan creates major new hazards.**

The proposed truck way will require new right-angle intersections on Routes 9 and 9G, key arteries into Hudson from the south. The 2021 MJ Engineering Truck Study conducted for the City (2021 report), revealed that approximately 13,000 vehicles travel these routes daily (6,500 each route). Thus, Colarusso's slow, heavy dump trucks will cross a substantial volume of often-fast-moving traffic, creating dangerous interactions and disruptions to traffic flow into and out of the city. The plan also increases hazards at the Broad Street rail crossing, at one of the busiest Amtrak stations in New York State, as well as for pedestrians and vehicles at waterfront entrances and Basilica. Such concerns are not hypothetical. The Broad Street crossing, for example, has been the site of at least one collision of a train and a dump truck in recent memory. ***Imagine future hazards, with 2 gravel trucks every 5 minutes or so at these crossings, Mondays through Fridays.***

## **6. Colarusso's plan betrays Hudson's LWRP and Zoning Code.**

During last month's meeting, Colarusso's attorney claimed that the City has always envisioned a "mixed use" waterfront and that the company was thus willing to limit its hours and days of operation to weekdays (without holidays) only, and shortened hours on Friday. We urge the Planning Board not to be swayed by this minimization of impacts and misrepresentation of the City's vision. The two-lane truckway will ramp up the reindustrialization of the waterfront, betraying the word and intent of the City's LWRP (Local Waterfront Revitalization Program). This document, which underlies the City's 2011 zoning law, limits the use of the road to one lane, with the staggering of two-way traffic as a way to limit volume. Colarusso understood this when they purchased the dock in 2014. But rather than use the road as proscribed, the company has held the city hostage to get what it wants, running its gravel trucks through city streets while insisting in cannot use the road in exactly the way its predecessor, O&G, did before it sold to Colarusso.

Also, there are numerous sections of the City's **Zoning Code** that **do not support the intensification** of truck traffic in the way Colarusso envisions. These include (among others) the following:

- **Section 325-1.5.A(3)**, calling for the *"Prevention and reduction of traffic volume and congestion and the provision of safe and adequate traffic access to uses generating large volumes of vehicles, including trucks."*
  - **Section 325-15.A(5)**, calling for the *"Gradual elimination of nonconforming uses."*
  - **Section 325-1.5.A(6)**, calling for the *"Protection of limited areas for industrial use and the encouragement of a mix of uses in the local waterfront revitalization area boundary."*
- Intensification of gravel truck traffic at the waterfront will NOT encourage other mixed uses in waterfront revitalization area boundary.**

As stated above, the LWRP document, which underlies the City's 2011 zoning law, limited the use of the road to one lane, with the staggering of two-way traffic as a way to limit volume.

**With the loss of nonconforming use status, the assumed permissible level of traffic, whether one-way or two-way, is now zero.** When the LWRP was adopted, its legislative intent was made clear in a recorded Common Council special meeting in September 2011. Senior NYSDOS attorney William Sharpe explained (with the then-City Attorney concurring) that in the new Core Riverfront District:

*"Because the causeway is part of that Zone and treated as an element of that property, should there be ... changes to the roadway, it will require that the owner get a Conditional use Permit. ... They are not permitted under the new zoning as of right. They would go from being a use which may be permitted under the Industrial District to a use that is not going to be immediately permitted under the new C-R district. So therefore they are in a netherworld... At the point where something happens on the property, where the paving of the road, or the road needs to be regraded. If that's regraded, they're going to have to get a Conditional Use Permit for the entire property."*

## **7. The Planning Board has already established a firm basis for serious review.**

The **Hudson Planning Board** spent considerable time reviewing Colarusso's conditional use applications in arriving at a Pos Dec under SEQR. The Board's **November 18, 2021 Environmental Assessment Form (EAF), Part 3**, offers these key comments and conclusions, among many others (*bold emphasis added*):

- **The proposal is out of step with other development:** *"The Planning Board finds that the proposed intensification of the industrial use is in sharp contrast with the mixed-use development existing at the waterfront."*
- **The proposal is misaligned with the City's priorities:** *"The Planning Board also finds that the intensification of the use is inconsistent with the City's 1995-1996 Vision Plan, continuing with the 2000 Comprehensive Plan and LWRP, in which city residents have made clear their desire for a greener, more sustainable waterfront. Public access, recreational opportunities, habitat restoration, environmental quality, and appropriate commercial development are consistently listed as top priorities."*
- **The City's LWRP explicitly discourages industrial intensification:** *"The LWRP sought to create 'a vision which will serve the City and the State long after those involved today are forgotten. Although the LWRP includes the continuation of uses at the deep port, it does not support a significant intensification of the use. The 2009 DGEIS for the LWRP was based on significantly less truck traffic, and seasonal use, and the zoning adopted pursuant to the LWRP specifically authorizes the use as it existed in 2011."*
- **Multiple State decisions and policies support a greener waterfront:** *"The Hudson Vision Plan, Comprehensive Plan, the 2005 Secretary of State's Coastal Consistency determination on the St. Lawrence proposal, and Department of State guidance on the draft LWRP, call for the City to enact a plan that zones out incompatible, industrial uses at the Waterfront. Even the recent Downtown Revitalization Initiative (DRI) application, which recognizes the Applicant's dock operations, notes that 'Recent organic, entrepreneurial development of the BRIDGE District have primed Hudson for the inevitable next phase of its revitalization which includes re-imagining the waterfront for expanded public use and enjoyment."*

- **Impacts must be recognized and examined:** “Based on the discussion above, the Planning Board finds that the Proposed Action has the potential to result in a **significant adverse impact** on community plans.”

## **8. Colarusso’s proposed “concessions” are illusions.**

Colarusso asks the Planning Board to believe that, by offering to (1) reduce its number of haul days from 365 days to 250 days per year (excluding weekends and holidays), and (2) hours by “36% from 84 hours per week” (as stated by Privatera during the meeting) that they are making concessions (Privatera: “we would accept the condition posed”). The inference is that these “concessions” will mitigate truck volume. They will not, and this should NOT be mis-interpreted as a reduction in traffic. The truth is, there is plenty of room for intensification within these “reduced” parameters. As reported by the 2020 CM Truck Evaluation, from 2015 to 2020, Colarusso typically operated at “less than half the maximum potential” days. That means the rest of those days can now be put to intensified use.

**The bottom line is that, in fact, Colarusso will increase its actual days of operation by running trucks up to 250 days per year, driving significantly higher volume than Hudson has experienced in prior years. Approval of a two-lane haul road will facilitate much greater volume, inundating the city’s protected wetlands and especially the waterfront, undermining all other beneficial, job-creating uses.**

## **9. Colarusso continues to downplay and hide actual truck numbers from the Planning Board.**

Colarusso has long fought any attempt to discover actual truck numbers, resisting requests from the Board and then providing information only begrudgingly. This tradition of obfuscation continued during the company’s August Planning Board appearance, as the company’s attorney (a) insisted, falsely, that the Greenport Planning Board has done full review of environmental impacts, (b) insisted that Hudson’s review be limited to information in the Greenport record, and (c) again stated that the Hudson Planning Board cannot limit Colarusso’s volume of business.

*Remember, although the NY State Department of Environmental Conservation (NYSDEC) made Greenport the lead agency in reviewing the truckway, it also spelled out the Hudson Planning Board’s right of review, writing: “This decision in no way limits the jurisdiction or responsibilities of the other involved and interested agency—**particularly the City Planning Board** (emphasis ours).”*

## **10. Even with its truckway, Colarusso will continue to drive its trucks on city streets.**

The main assumed benefit of the two-lane truckway is that it will remove at least the gravel trucks from Hudson city streets. This is only partly true—and entirely conditional.

At the August meeting, Colarusso continued to assert its right to use city streets in perpetuity, citing three common circumstances where this would occur: 1) **When blasting on the east side of the quarry prevents passing truck traffic**, 2) **When haul road is flooded (likely to be an increasingly common occurrence given haul road is in a flood plain)**, and 3) **when market opportunities dictate**—Privatera: “If we had an important load to make that was time-sensitive, we might have to come through the city.” The company refused to estimate how often these conditions would occur—so there is no guarantee that approving the truckway will in fact get gravel trucks off our streets.

## CONCLUSIONS

- **It is the job of the Planning Board to seriously look at hard facts and potential outcomes:** Colarusso does not want the Planning Board to consider real truck numbers for a simple reason—numbers don't lie. And the numbers tell us that intensification of industrial activity has already begun. Nor does the company want any limits on number of trucks it can run to the dock. How many days per year we will be inundated with gravel trucks—65, 133, 200, 250? Who knows? How often will the company hit (or exceed!) its proposed 284-trip daily maximum? That's for the gravel market to decide.
- **Colarusso's goal is growth, not Hudson's welfare.** The real purpose of the two-lane truckway is not to help us by getting gravel trucks off our streets—that can happen now if the company used its existing road as proscribed. The true objective is to ramp up loading at the Hudson waterfront, to enable the company to expand its client-base radius from 50 miles to the New York City market (120 miles). Impacts on the City of Hudson are NOT a consideration.
- **The “Haul Road” application is NOT about “improving the causeway and restoring wetland vegetation.”** It is about building a new two-lane road that will pave the way for massive expansion. In truth, we believe that Colarusso's goal is to run as many trucks to the waterfront as it possibly can. That is not in the City's best interests—and the city's best interests are all the Planning Board should be concerned with.
- **Planning Board has already spent a lot of time evaluating this issue.** For Planning Board members new to this issue, an excellent reference is the Board's November 18, 2021 EAF Part 3. Although this document examines the conditional use permit application for the dock, many of its findings have applicability to the related private road that provides ingress and egress to the dock – they are inter-related. The haul road has no purpose without the dock, and the dock has no use to Colarusso without the haul road. The EAF Part 3 references the separate application for widening, paving and relocating the existing two-way one-lane Private road, and acknowledges the Planning Board will review as part of its own Code review and subsequent to the Greenport SEQR findings.

Obviously, OHW opposes intensification of truck traffic at the waterfront and has said so from the beginning. This is exactly the kind of re-industrialization the city has been trying for decades to avoid. Given the seriousness of potential impacts, both environmental and economic, we recommend that the conditional use applications for the truckway and (eventually) the dock be denied. Remember, Colarusso's zoning hurdles were in place well before their purchase of the property in 2014. The company knew the challenges they would face in attempting to set back the clock on the waterfront. So the fight they are now in is one entirely of their own making.

Further, in making its decision, the Planning Board (and City of Hudson) should not be bullied—which is exactly Colarusso's goal. The company is not running its trucks through our streets because it has to; it's doing it to apply maximum pressure on you. As has been noted many times, the company has had the option—as did companies before it—to use its existing private road, with traffic controls to route trucks two ways. It has simply decided not to.



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Bottomline, by pressuring the city with its trucks, Colarusso created its own "environmental justice" issue and is now using it as a cudgel against Hudson to get its way. The company's "solution" is really aimed at expansion and higher profits, not justice; and if that solution creates problems or impedes economic progress for the City, it is NOT a concern of theirs. In short, Colarusso is doing us no favor by pulling its trucks off the streets in exchange for ramping up overwhelming truck traffic through our valuable waterfront district. The company created the problem, but it's up to the City of Hudson (our Planning Board) to solve it—to decide the future of the waterfront, our streets, our economy, and our precious open public space.

Thank you for your time and consideration, and for your volunteer service on the Board. We'd be happy to answer any questions, and/or present information to the Board, if you would like.

Respectfully,

Donna Streitz and David Konigsberg  
Our Hudson Waterfront

Cc: *(via email)*

Victoria Polidoro, Esq.

Mayor's Office: Mayor Kamal Johnson; Mayoral Aide Michael Hoffman

Common Council: Tom DiPietro (President); Theodore Anthony; Vicky Daskaloudi; Art Frick; Amber Harris; Dominic Merante; Margaret Morris; Mohammed Rony; Dewan Sarowar; Ryan Wallace

Columbia County Board of Supervisors: Michael Chameides; Claire Cousins; Abdus Miah; Linda Mussman; Richard Scalera

Enclosures:

Revised Waterfront Vision document (*attached within this PDF*)

Attachment 1 – 2020 CM and B&L letters

Attachment 2 – Two 2016 CM letters