



October 10, 2023

Dear Chair Joyner and Members of the Hudson Planning Board,

Below we offer a high-level summary of key points that support denial of the Colarusso Conditional Use Permit (CUP) applications. As the Planning Board's role is to arrive at the best outcomes for the city, our expectation is that the Board perform its evaluation (per Hudson's zoning code) *"with the future growth and development of the City" in mind, as well as the "comfort, convenience, safety, health and welfare of the citizens of Hudson."* [§ 325-34]

Respectfully,
 Donna Streitz and David Konigsberg
 Our Hudson Waterfront

Why Colarusso Conditional Use Permit Applications Should Be Denied

KEY POINTS	CONSIDERATIONS
Colarusso has no current permits, and is not entitled to special treatment	➤ Colarusso lost its non-conforming use permits in 2017 and is applying to the City as a "new applicant" to operate at the dock and to create a new two-lane truck way to/from City's waterfront.
Colarusso heavy truck volume to/from Hudson's waterfront will soar	➤ Colarusso refuses to have its truck volume limited. Truck trips almost tripled from 2015 (5,460) to 2019 (15,180) per year, and future projections are 30,000+ to 71,000+ trips per year.
Proposals are misaligned with City's priorities and conflict with City's community plans and community character	<p>➤ In 2021, the Planning Board, in its Environmental Assessment Form (EAF) Part 3, determined that Colarusso's proposal is misaligned with the City's priorities (e.g., Vision Plan, Comprehensive Plan, LWRP), and intensified heavy industry at Hudson waterfront will have significant adverse impacts on Hudson's community character and community plans. The proposals would also negatively impact the City's ability to attract and retain waterfront businesses that provide economic benefit and employment opportunities to the City and its residents.</p> <p>Also, in 2017 the City received a \$10 million Downtown Revitalization Initiative (DRI) grant for improvements in the waterfront zone. Permitting a large gravel dump and truck route is in sharp conflict with the DRI. Additionally, the proposals provide no economic or employment opportunities to the City, therefore there is no upside for Hudson, just the downsides of the gravel operation and gravel trucks.</p>
Intensified industrialization on waterfront will be disastrous for the City and the waterfront	➤ Intensified heavy truck and barge traffic will create numerous negative effects from traffic, fugitive dust, diesel emissions, maritime hazards, riverine habitats, noise, visual blight, and others, impacting the South Bay and Henry Hudson Waterfront Park. Approval would simply be moving gravel truck problems from one area of the City to another, and create much bigger problems for the City, its businesses, its residents, and visitors.
Incessant gravel truck traffic to/from Hudson's waterfront will create dangerous traffic situations and threaten the health & safety of Hudson residents and visitors	<p>➤ Hudson residents and visitors will have to deal with heavy slow moving gravel trucks at several dangerous truck crossings, Mondays through Fridays – Up to 2 truck trips every 5 minutes (or more) from 7am-6pm (7am-5pm Fridays) will interact with:</p> <ul style="list-style-type: none"> o 13,000 motor vehicles daily at two new intersections on major arteries entering/exiting the city - Route 9 and Route 9G (6,500 daily on each route); o 28 trains daily at Amtrak rail crossing; and o pedestrians and vehicles at waterfront entrances and by the Basilica and other waterfront businesses.
There's no guarantee that approval will get gravel trucks off city streets	➤ Colarusso continues to assert its right to drive trucks on city streets when business needs dictate, when haul road is flooded , and when blasting at certain times. Estimated frequency stated by Colarusso Atty Privatera jumped from approx. 24 times per year at Aug. 8 th meeting to between 52 and 104 times per year at Sept. 27 th meeting! In addition, they intend to do that without requesting

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	<p>permission from the city's Code Enforcement Officer. What actual will be is unknown, and there would be no way to regulate.</p>
<p>Colarusso's proposed mitigations are illusions</p>	<p>➤ Colarusso's proposed mitigation to reduce operating days from 365 to 250 is an illusion, and will NOT reduce truck volume. Per its engineering consultant (Creighton Manning), Colarusso typically operated at less than half the available days in the past (e.g., 2019, ran trucks 133 days). Annual volume <u>will</u> increase.</p>
<p>Colarusso's goal is growth, NOT Hudson's welfare</p>	<p>➤ The singular purpose of the two-lane truck way is <u>not</u> to get trucks off city streets, but rather, massive expansion, by enabling the company to expand its client-base radius from 50 miles to the NYC market (120 miles). Impacts on the City of Hudson are NOT a consideration.</p>
<p>If approved, there's no turning back</p>	<p>➤ If CUPs are approved, there's no turning back if the City comes to realize that conditions are intolerable at the waterfront, at truck traffic crossings (e.g., Route 9, Route 9G, Amtrak rail crossing, waterfront areas), on city streets, and/or through the wetlands. Or, if the City can't attract, or loses good businesses that provide economic benefits and employment opportunities to the City and its residents. The PB would have no statutory authority to reverse decision, and the City would be stuck with it for generations to come. And, even greater threats exist if Colarusso decides to sell its property to another industrial organization (e.g., Holcim).</p>
<p>Colarusso is not a good neighbor</p>	<p>➤ Colarusso has been bullying the City for years by needlessly running trucks on city streets, creating its own "environmental justice" issue and is using it as a cudgel against Hudson to get its way.</p> <p>Colarusso has sued the city twice (trying to thwart review), has been disrespectful and uncooperative with the Planning Board from the beginning, and doesn't seem to believe that the local regulations apply to them. Colarusso would likely not hesitate to sue again in the future if things don't go their way, and/or ignore or refute inquiries or orders from the city if they don't fully comply with mitigations and/or regulations.</p>
<p>The City Zoning Code calls for gradual elimination of nonconforming uses. Hudson is the ONLY riverfront town that is considering re-industrialization on the waterfront.</p>	<p>Every other riverfront community in the Hudson Valley has worked with the State of NY to finalize their Local Waterfront Revitalization Plan (LWRP) and improve their waterfront zone. Poughkeepsie, Kingston, Garrison, Germantown, Coxsackie, Athens, Troy, and even tired old Newburgh are doing great things along the river. Yet, Hudson, the River's namesake, is considering re-industrialization on the waterfront, which should NOT be permitted. It conflicts with Hudson's 1982-1996 Vision Plan, 2002 Comprehensive Plan, 2011 waterfront rezoning, 2011 LWRP, 2017 DRI, and the will of residents. Numerous resident surveys over the years have rated heavy industry as a bad way to use the waterfront.</p>
<p>Denial of the CUPs would be a win-win for the City and its residents</p>	<p>➤ The solution? Deny the Conditional Use Permit for the haul road, and eventually the dock (once <i>that</i> lawsuit settled). It would be a win-win for the City and its residents – get gravel trucks off city streets and off the waterfront.</p>
<p>Denial of permits will not put Colarusso out of business</p>	<p>➤ Contrary to what some may think, denying the permits will not put Colarusso out of business. Colarusso reaps millions in city, town, county and state projects, and successfully operated for >100 years before it purchased the dock in 2014. Aggregate (gravel) represents a very small percentage (<5%) of their overall revenue. Profit margins are razor thin (per Colarusso, \$2 per ton). Assuming a loaded truck carrying 22.5 tons of gravel, estimated profit on a truck load may be as little as \$45. Such margins mean that, with permits in place, gravel mining and transshipment will soar, either under the direction of Colarusso or through a sale to a larger company that has deeper pockets and zero allegiance to Hudson.</p>