



October 6, 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 September 27th Public Hearing**

Dear Ms. Joyner and Planning Board Members:

First, thanks so much for the September 27th public hearing on Colarusso's Conditional Use Permit application for a two-lane "haul road." We appreciate the opportunity for Hudson citizens to make comments to the Board, as this project will have profound impacts on the waterfront and the city.

We're writing now to express additional concerns regarding this application in view of a few issues raised during the recent public hearing.

1. Colarusso's Continued Use of City Streets:

At the Planning Board's August 8th hearing, we clearly learned that approval of the permit will NOT get all gravel trucks off city streets. Colarusso reserved the right to use our streets **as necessary**, whether because **flooding** makes the road impassable, when **client business needs** demand it, or when **blasting** on the east side of the mine forces temporary closure of the route. The question of course is how often will this happen, and the answer is, who knows.

The first and second cases are unpredictable and estimates of the third keep changing. When asked about the frequency of blasting days at the August 8th meeting, Colarusso Attorney Privatera stated "***It would be very infrequent... 'only a couple dozen times a year, at most.'***" (see 8/8/23 Planning Board meeting recording on YouTube, 35:34 and 38:35-minute marks). But at the September 27th public meeting Mr. Privatera completely contradicted himself, stating "***I can't be held to it, but its once or twice a week....***" (see 9/27/23 Planning Board special meeting recording on YouTube, 13:05 minute mark).

In short, their estimate of using city streets for this purpose jumped from approximately **24 times** per year August 8th to between **52 and 104 times** per year September 27th! Moreover, they intend to do that without requesting permission from the city's Code Enforcement Officer—preferring to simply "notify." Neither the volume or condition are acceptable.

In addition, no one has yet questioned how increased volume, and the resulting increased blasting, will impact nearby Hudson homes. Aside from impacts on the waterfront and the streets, this has to be considered. It's another one of the questions about impacts on Hudson that have not been explored.

2. The Demand for No Limits to Volume

As we've said before, denying Colarusso its permits will not put them out of business. Revenue from aggregate (gravel) represents a very small percentage of their overall revenue. For example, according to the NY Office of the State Controller, Colarusso's NY State contracts alone (2006 through current) totaled over \$187.5 million, but aggregate accounted for less than 5% (\$885,000) of total revenues in the same period – click [here](#) for details. Moreover, gravel shipped through the Hudson dock is just a fraction of this—small stakes for them, but a huge threat to the Hudson waterfront.

Given that, only *growth* will make this proposition worthwhile—and by growth, we mean massive growth. The reality of the gravel business is that volume is everything. Profit margins are razor thin (according to Colarusso, \$2 per ton). By our estimate, assuming a loaded truck carrying 22.5 tons of gravel, 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.

3. Colarusso's Self-interest Outweighing Any Concerns for Our Community

At many points in this saga, Colarusso and its attorney Privatera have focused only on what's best for the company. A perfect example in the August 8th meeting during which Mr. Privatera was asked whether, during blasting, the company could hold trucks for an hour until the blasting was finished. The response: *"Well, there's an issue with the trucks sitting there and drivers getting paid without productivity."* And later: *"You can't idle a truck for more than 5 minutes.... When you're trying to meet a contract deadline ...you go at it... we would like to keep things moving."* (see 8/8/23 Planning Board meeting YouTube recording, 41:43-42:35-minute mark). At no point has the Company or its Attorney expressed a willingness to weigh strict business imperatives against impacts on the community from whom it now seeks approval.

4. Attorney Privatera's Continuing Obfuscation

We have several significant concerns about the September 13th letter Attorney Privatera sent to the Planning Board, particularly the following two:

- Privatera's **mis-characterization** of its application as "for Approval of the Causeway Improvement and Truck Traffic Diversion Project." As stated in the Valley Alliance's August 8th letter to the Planning Board, the **actual** applications are for Conditional Use Permits and site plan review. The language Privatera uses is promotional and minimizing. Please see the Valley Alliance's August 8, 2023, letter to the Board for further information.
- Privatera's submission to the Board of its **NYS DOT 8/10/23 Highway Work Permit** application extension letter is **incomplete**. This letter extends the Highway Work Permit 2018 08 74990 issued January 30, 2019, to December 31, 2024. The extension letter states *"All conditions, requirements and attachments of the original permit are still in effect. **This letter must be attached to the original permit and make it a part thereof.**" (bold emphasis added)*. Yet, Mr. Privatera failed to provide the Board with a copy of the original permit. The Board should require this. This is yet another example of the Applicant providing information to the Board piecemeal and evasive of all the facts.

Additionally, as we stated in our August 24, 2023, letter to the Board, the DOT's original **2016** permit approval was based on Creighton Manning (CM)'s 2016 reported 20 trips/day, 4,000/year, or two trips every hour. This is far lower than actual and future proposed volumes as reported by them in their **2020** truck studies conducted for Colarusso. The DOT likely is unaware of actual truck volumes or volumes proposed in the application, as they refer in their letter to the "original" January **2019** proposal. This proposal was submitted over a year before CM conducted its truck studies that quantified actual volume from 2015 through 2019. Please see our August 24th letter for details, including a copy of the CM truck study in Attachment 1.

5. No Economic Upside for Hudson

In all the years of this saga, the company has never once made the case that its proposal would have benefits of any kind—environmental, social or economic—for the City of Hudson. At the same time, the Planning Board, in its November 2021 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 that 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 city residents. Indeed, the proposals appear to provide no economic benefits at all. In short, there is no upside for Hudson, just the downsides of the gravel operation and gravel trucks.

A quick note: During the September 27th hearing, a commenter stated (repeating an oft-heard argument) that Colarusso employs over 250 people—more than any other local employer. This, however, is completely irrelevant, as compelling as some think the argument is. Colarusso is a Greenport business, and one that in this particular proposal offers no economic benefit—and in fact is likely to dampen developments that are far more likely to attract investment and jobs to the City of Hudson. Moreover, it is unlikely that denial of the permits will impact jobs it does provide to Columbia County residents. As shown above, aggregate is a very small part of Colarusso's business—and shipment via the dock a fraction of that. In return, the city will get an intensified industrial use, soaring truck traffic and all attendant impacts—major net negatives that the city can ill afford.

To be clear, Our Hudson Waterfront is not, and never has been, against Colarusso. But we are squarely against any business that proposes vast negative impacts while offering few, if any, benefits for the community all of us love. If a new company came to town proposing anything like Colarusso's plan, we suspect the Board would deny permits in a heartbeat—it's so far removed from anything the city has been trying to accomplish for over four decades. We hope, therefore, that the Board will consider it in that light—to decide what's best for Hudson based on the facts surrounding this proposal.

Thank you again 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'd like.

Respectfully,

Donna Streitz
David Konigsberg
Our Hudson Waterfront

Ms. Theresa Joyner, Chair
and Members of the City of Hudson Planning Board
October 6, 2023
Page **4** of **4**

Cc: (via email)

Victoria Polidoro, Esq.

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, Malachi Walker

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

Mussman; Richard Scalera

Linda Fenoff, Board Secretary