



Attachment 1

[OHW and VA 10/9/23 Letter to Hudson Planning Board Re: Joint Comments on Colarusso Haul Road Conditional Use Permit Application]

City of Hudson Zoning Codes Pertinent to Colarusso Conditional Use Permit Applications

All City Zoning Codes listed below pertain to the Colarusso Conditional Use Permit (CUP) applications. Sections **shaded in green** are especially applicable to the **Haul Road CUP**, and in many cases the Dock CUP as the two activities occur on the same parcel and are inextricably tied together. The haul road would serve no purpose without the dock, and the dock has no use to Colarusso without the haul road.

The **first column** of the following chart cites Hudson Zoning Codes applicable to the CUP applications. The **second column** provides a high-level summary of relevant information from the Environmental Assessment Form (EAF) Part 3 which the Board passed unanimously on 11/18/21, and/or in prior memoranda from the City's consultant Barton & Lajoudice dated 4/18/17 and 5/19/17 sent to the Greenport Planning Board Chair. Much greater detail and information is contained in the actual EAF and B&L documents, which should be reviewed. [**Bold emphasis added throughout**]

Hudson Zoning Code Sections Pertinent to Colarusso Applications	High Level Summary of Planning Board EAF Part 3 Concerns, and/or Barton & Lajoudice Concerns Expressed to Greenport Planning Board Chair
<p>§325-1 Establishment of Zoning Plan; Purposes (Article I)</p>	
<p>§325-1. A. There is hereby established a Comprehensive Plan and a Local Waterfront Revitalization Program for the City of Hudson, New York, which plans are set forth in the text and maps that constitute this chapter and the policies and programs identified in the Local Waterfront Revitalization Program. The Comprehensive Plan is adopted for the purposes set forth in Subdivisions 24 and 25 of § 20 of Article 2-A of Chapter 21 of the Consolidated Laws of the State of New York. The Local Waterfront Revitalization Program is adopted for the purposes set forth in Subdivisions 1 to 7 and 10 of § 912 of Article 42 of Chapter 18 of the Consolidated Laws of the State of New York. In addition, the plans and maps are adopted for the following purposes:</p>	<p>See below:</p>

Hudson Zoning Code Sections Pertinent to Colarusso Applications	High Level Summary of Planning Board EAF Part 3 Concerns, and/or Barton & Lajoudice Concerns Expressed to Greenport Planning Board Chair
<p>§325-1.A (3) 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.</p>	<p>See Impacts on Transportation, Sec 325-34.A(3)(a), page 10.</p>
<p>§325-1.A (4) Maximum protection of residential areas.</p>	<p>Hudson Planning Board EAF Part 3 (#17 Consistency with Community Plans, p. 21): <i>“The Planning Board finds that the increased truck traffic, with its attendant impacts on dust, noise and vibration, will make it more difficult for mixed residential and commercial uses to move into the area in the future.”</i></p> <p>Hudson Planning Board EAF Part 3 (#15 Impacts on Noise, Odor and Light, p. 17): <i>“The Planning Board identified potentially moderate to large impacts on noise, odor and light due to noises above the levels established by local regulation, routine odors for more than one hour per day, light shining onto adjoining properties and creating skyglow brighter than existing area conditions, and generating dust from the transport, unloading, and loading of aggregate materials, from the Proposed Action, which includes a presumed 195% increase in annual truck traffic from the levels studied in the 2009 DGEIS.”</i></p> <p>Also, see Impacts on Transportation, Sec 325-34.A(3)(a), page 10.</p>
<p>§325-1.A (5) Gradual elimination of nonconforming uses.</p>	<p>Hudson Planning Board EAF Part 3 (#17 Consistency with Community Plans, p. 22): <i>“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.”</i></p> <p><i>“In a 2005 Coastal Consistency Determination, Secretary of State Randy Daniels recommended that a new waterfront zone be created right away for the benefit of City and County residents. (p 10-11). Adopting language directly from pp. 85-88 of the Hudson Vision Plan, then Secretary of State Daniels’ decision outlined the exact manner in which that rezoning should take place with an unusual degree of specificity. He noted:</i></p> <p><i>Based on this review of Hudson’s past planning and implementation activities, it is clear the City’s waterfront has been and will continue to be transformed from a private industrial waterfront to a public waterfront for boating, tourism, commercial and other compatible uses.”</i></p>

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<p>§325-1.A (6) Protection of limited areas for industrial use and the encouragement of a mix of uses in the local waterfront revitalization area boundary.</p>	<p>Hudson Planning Board EAF Part 3 (#17 Consistency with Community Plans, p. 21-22): <i>“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.”</i></p> <p><i>“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.”</i></p>
<p>§325-1.A (8) Protection of the City's historical, cultural, visual, and natural resources, especially those natural resources located within the City's local waterfront revitalization area boundary.</p>	<p>See Impacts on Consistency with Community Plans, Sec. 325-17.1.D(1), page 4. See Impacts on Plants and Animals, Sec 325-17.1.F(2)(i), page 8. See Impacts on Community Character, Sec 325-35.2.B(8), page 14. See Impacts on water-dependent and water-enhanced recreational resources and facilities near coastal waters, see 325-35.2.B(8)(m and n), pages 16 and 18. See Impacts on Historic and Archeological Resources, Sec 325-35.2.B(8)(o), page 19. See Impacts on Aesthetic Resources, Sec 325-35.2.B(8)(p), page 19.</p>
<p>§325-17.1 Core Riverfront C-R District. [Added 11-30-2011 by L.L. No. 5-2011] (Article III)</p>	
<p>Background Information</p> <p>A. District purpose. The purpose of the Core Riverfront C-R District is to encourage a mixture of compatible uses at the riverfront; to provide access to the riverfront for water-dependent transportation and recreational uses and water-enhanced uses such as restaurants and publicly accessible walking and biking trails; to ensure that such uses are compatible; and to protect the visual, cultural, natural, ecological and historical resources of the City's core riverfront area.</p> <p>-</p> <p>B. Site plan approval. All new uses or change of uses in the C-R District will be subject to site plan approval by the Planning Board pursuant to § 325-35. [Amended 2-18-2014 by L.L. No. 2-2014]</p> <p>C. Permitted uses. Subject to the bulk and area regulations of the Core Riverfront C-R District,¹¹¹ no building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used, in whole or in part, for any purpose in the Core Riverfront C-R District except the following:</p> <ol style="list-style-type: none"> (1) Public docks and launches for pleasure or recreational watercraft (2) Public parks, including but not limited to public beaches, boat launch areas, and playing fields (3) Public and private recreation facilities and amenities, including but not limited to snack bar or cafe to service public parks, walking and biking trails, boat rental facilities, information kiosks (4) Tour, commercial, charter, and/or fishing boat operations (5) Boating instruction schools (6) Water axis and ferries. 	

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<p>§325-17.1. D. Conditional uses. Other than the permissible uses set forth in §325-17.1C and the accessory uses set forth in §325-17.1E, and subject to the bulk and area regulations of the Core Riverfront C-R District, no building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or improvement thereon be constructed, altered, paved, improved or rebuilt, in whole or in part, for any purpose in the Core Riverfront C-R District, except that the following conditional uses are permitted, subject to the approval of the Planning Board in accordance with Article VIII hereof. These uses are further subject to the regulations specified below and elsewhere in this chapter. [Amended 2-18-2014 by L.L. No. 2-2014]</p>	<p>See below:</p>

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<p>§325-17.1.D (1) Continuation of existing commercial dock operations for the transport and shipment of goods and raw materials, including loading and unloading facilities, and storage of such goods and raw materials, and associated private roads providing ingress and egress to or from such commercial dock operations, as such uses existed on the effective date of this L.L. No. 5-2011. Any existing commercial dock operation may continue to operate as a nonconforming use until such time as one or more of the actions or events specified in Subsection D above is proposed to be undertaken. Where one of the actions or events specified in Subsection D above is proposed, in addition to the provisions of Article VIII, and as more fully set forth in § 325-17.1F(2), the Planning Board shall impose additional conditions on such use as may be necessary to protect the health, safety and welfare of residents living in close proximity to commercial docks and the public while recreating and using public facilities adjacent to commercial docks as authorized in the Local Waterfront Revitalization Program.</p>	<p>Planning Board EAF Part 3 (#17 Consistency with Community Plans, p. 20-21): <i>“Section 325-17.1D of the Zoning Law provides that continued use of a dock operation is permitted as a conditional use, as such use existed as of the effective date of LL 5-2011. As indicated in the DGEIS, in 2009, the date of the last available data before the adoption of the Zoning Law, O&G made approximately 80 round trips per day, Monday through Friday, or approximately 400 round trips per week during the shipping season. DGEIS 3.5-2. Any significant increase in intensity is in contravention of the plain language of the zoning law, which limits the operation to that which existed in 2011. The Planning Board therefore finds that the Proposed Action will result in a significant adverse impact on community plans.”</i></p> <p>OHW COMMENTS: The daily average and annual volume of truck loads/truck trips in 2011 is unknown. Colarusso provided to the Planning Board a copy of O&G Industries email dated 4/30/21 from T. Goss to J.R. Heffner, stating that information concerning truck volume of business in 2011 was not available, as records for 2011 were destroyed in 2019.</p> <p>The 2009 80 trucks/day data from the DGEIS report is not relevant to activity in 2011, and does not provide any information on <u>actual daily average</u> truck trips throughout the year or <u>annual</u> truck volume for 2011. The annual volume stated in the EAF Part 3 document was not reported by DGEIS and appears to have been derived by extrapolation of 80 trucks/160 truck trips/day times 44 weeks in barge activity months.</p> <p>What is relevant is Colarusso’s actual truck volume, as reported by its engineering consultant Creighton Manning in its July and October 2020 reports. Creighton Manning reported the following:</p> <ul style="list-style-type: none"> • 2015: 2,730 truckloads/5,460 truck trips annually • 2019: 7,591 truckloads/15,182 truck trips annually <p>This shows a 278% increase in annual truck trips from 2015 to 2019.</p> <p>We believe that Colarusso wants to at least double its truck volume, which would be over 30,000 trips/year. Worse case, Colarusso’s proposed volume of 284 truck trips per day, up to 250 available days per year (365 minus weekends and holidays), equals a maximum potential of 71,000 truck trips per year. And it could be higher, as Colarusso wants no limits imposed. On an annual basis, this potential maximum represents a thirteen-fold increase in volume over Colarusso’s 2015 volume, and an almost five-fold increase over its 2019 volume.</p> <p>It is also important to note that the 2017 Greenport Planning Board’s decision to approve the haul road was based on conclusions of low anticipated truck volume (10 loads/20 trips per day; 2,000 loads/4,000 trips/year) using data provided by Creighton Manning, Colarusso’s engineer), and assumed truck trip volume would not increase over time. However, Colarusso’s truck traffic has, in fact, been well above these projections and has been rapidly growing.</p> <p>Of further note, while Colarusso truck trip data provided by Creighton Manning (CM) is not specifically referenced in the Greenport PB decision document, it was included in exhibits (CM</p>

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<p>§325-17.1.D (2) A private causeway or private road that provides ingress to or egress from the property upon which a commercial dock operation is conducted as set forth in § 325-17.1F(2)(h) and (k).</p>	<p>Barton & Loguidice 4/18/17 and 5/19/17 Letters to Greenport Planning Board Chair Re: Segmentation – As B&L notes, the City’s zoning code considers the haul road and the dock to be integral components that should be considered together in assessing impacts on the riverfront and future development. The Greenport PB, as lead agency, should have considered the haul road and bulkhead replacement as segments of a larger, overall common plan. They further stated in their 4/18/17 letter that both segments:</p> <ul style="list-style-type: none"> • have a common purposes • share a common location (Greenport and Hudson) • share common and cumulative impacts on surface waters; flooding; plants and animals; aesthetic resources; open space and recreation; transportation; and noise, odor, and light; while also being inconsistent with community plans and character • are owned and controlled by the Applicant • are part of an apparent overall plan to make improvements to the Applicant’s facilities to allow for more efficient transport and shipment of raw materials. <p>B&L further notes regarding the last bullet point, <i>“However, as memorialized in the February 2017 Project Narrative as prepared by the Engineer, ‘there is no plan to expand the existing business’ (1) This is affirmed in a March 28, 2017 letter from the Applicant which states ‘we have no further actions contemplated other than the pending Haul Road Improvement and Truck Traffic Diversion Project.’”</i></p> <p>In addition, B&L states <i>“It is important to note that in the City’s Zoning Code, which was adopted subsequent to the Local Waterfront Revitalization Plan, considers the haul road and the dock to be integral components of one another. In a half dozen locations, detailed later in this letter, the Code ties these two areas together for permitting and evaluation of impacts to the riverfront. Further, these (sic) City Zoning Map indicates that the causeway corridor through the South Bay area is zoned as Core Riverfront (i.e., the same as the Dock’s zoning classification) although the rest of the South Bay area is zoned as Recreation Conservation. Clearly, the City’s zoning laws reflect that the corridor and the dock are to be considered together with respect to future development of the riverfront area.”</i></p>
<p>§325-17.1 F. Standards for conditional uses. (1) For all conditional uses, where the subject property abuts the water, the Planning Board shall consider the quality and extent of views from the adjacent public streets through the property to the water as well as the design and relationship of development to the waterfront as viewed from the water. [Amended 2-18-2014 by L.L. No. 2-2014]</p>	<p>See Impact on Aesthetic Resources, Sec 325-35.2.B(8)(p), page 19.</p>

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<p>§325-17.1.F (2) Special conditions for commercial dock operations (including private roads providing ingress and egress to the commercial dock operations):</p>	<p>See below:</p>
<p>§325-17.1.F(2) (a) Emissions of dust, smoke, gas, odor or air pollution, or by reason of the deposit, discharge or dispersal of liquid or solid wastes in any form in a manner or amount as to cause permanent damage to the soil or waters shall not adversely affect the surrounding area or create a nuisance. See Hudson Zoning Regulations § 325-27, Prohibited uses in all districts.</p>	<p>Planning Board EAF Part 3 (#15 Impacts on Noise, Odor, and Light, p. 17): <i>“The Planning Board identified potentially moderate to large impacts on noise, odor and light due to noises above the levels established by local regulation, routine odors for more than one hour per day, light shining onto adjoining properties and creating skyglow brighter than existing area conditions, and generating dust from the transport, unloading, and loading of aggregate materials, from the Proposed Action, which includes a presumed 195% increase in annual truck traffic from the levels studied in the 2009 DGEIS.”</i></p> <p><i>“In evaluating the scale, context and magnitude of the proposed Project, the Board has determined that the potential impact of the Proposed Action on noise, odor, and light is large. The magnitude, duration, likelihood and importance of impacts to noise, odor, and light as a result of the Proposed Action is significant and adverse.”</i></p> <p>Barton & Loguidice 4/18/17 and 5/19/17 Letters to Greenport Planning Board Chair Re: Noise, Odor, Light and Dust – B&L observed that the City Zoning Code required noise, odor, and light restrictions for Conditional Uses, noting that Colarusso’s plan could result in temporary and permanent increases in all three concerns along the truckway and the dock. B&L also addressed dust generated along the haul road and at end of Front Street, writing: <i>“The noise produced by quarry truck traffic may exceed the noise levels allowed in the Core Riverfront District and very likely will be exceeded in the Recreational Conservation District, which surrounds the South Bay causeway. Information on how these noise standards will be met through mitigation should be provided for your Board’s review.”</i></p>
<p>§325-17.1.F(2) (b) In order to minimize nuisance noise from loading dock operations to residential receptors and nearby uses, noise shall be kept within the limits established in Chapter 210, Noise, of the City Code. Control measures may include, as the Planning Board deems appropriate, the placement of noise-attenuating barriers and landscaping around loading docks. [Amended 2-18-2014 by L.L. No. 2-2014]</p>	<p>See Impacts on Noise, Odor and Light, Sec 325-17.1.F (2)(a) above (page 6).</p>

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<p>§325-17.1.F(2) (c) Loading or unloading operations at the docks and truck arrivals and departures shall be limited to the hours of 7:00 a.m. to 7:00 p.m. This limitation shall not apply to on-water operations by tugboats and barges.</p>	
<p>§325-17.1.F(2) (d) Truck engine idling is prohibited at loading docks.</p>	
<p>§325-17.1.F(2) (e) Artificial lighting facilities of any kind with light sources visible beyond the lot lines or which create glare beyond such lines are prohibited pursuant to § 325-27, subject to lightening devices deemed necessary for the public safety and welfare by federal, state or City authorities.</p>	<p>See impacts on noise, odor and light -- Sec 325-17.1.F (2)(a) above (page 6).</p>
<p>§325-17.1.F(2) (f) Visual impacts associated with such operation shall be minimized. Corridors from a public street or tract of land that provide a direct and unobstructed view to the water from a vantage point within a public street, public park or other public place shall be protected wherever possible. Outdoor storage of goods and raw materials shall be screened from the public view to the greatest extent possible.</p>	
<p>§325-17.1.F(2) (g) As far as practical, public access to and along the river shall be incorporated into site designs for conditional uses but shall not substantially interfere with the established uses on the property.</p>	

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<p>§325-17.1.F(2) (h) In areas of annual flooding, floodplains and wetlands shall be preserved in their natural state to the maximum possible extent practicable to protect water retention, overflow and other natural functions.</p>	<p>Planning Board EAF Part 3 (#5 Impacts on Flooding), p. 5-6: <i>“The Planning Board identified potentially moderate to large impacts to flooding under items a. through c. on the FEAF, Part 2. Specifically, the Proposed Action involves development within a designated floodway, 100-year floodplain, and 500-year floodplain, identified on the Federal Emergency Management Agency (FEMA) Flood A. Colarusso and Son Inc. Commercial Dock Operations November 18, 2021 SEQRA Part 3 Supporting Information - 6 - Insurance Rate Map (FIRM), Community Panel 361512 0001 C of the City of Hudson as Zone AE (100 year) and Zone X (500 year).”</i></p> <p><i>“The Planning Board has determined that the proposed dock operations at the dock itself will not require modification of existing drainage, but has identified the use of the Private Road, and the culverts handling water flow between water bodies on both sides of the Private Road, to be an area of significant concern.”</i></p> <p>Barton & Loguidice 4/18/17 and 5/19/17 Letters to Greenport Planning Board Chair Re: Disturbance of Bottom Sediments Related to Culverts– B&L requested details about two aging culverts and crossings (106+00 and 105+75) and asked whether work was proposed or needed. It noted that failure of the culverts would require excavation and replacement, which would disturb the existing wetland sediments and impact water quality. Another concern was restricted flow between the north and south sides of the causeway, limiting fish migration, degrading the quality of the northern wetland complex, and significantly reducing floodwater storage capabilities.</p> <p>Re: Flooding – <i>“It is our understanding,”</i> B&L wrote, <i>“that the causeway has been inundated by flood waters in the past causing significant damage to the causeway and consequentially affecting the adjacent wetland areas. Haul road construction should incorporate methods to resist damage due to flooding events...”</i> Among requests: evidence of whether a Floodplain Development Permit might be required.</p>

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<p>§325-17.1.F(2) (i) Loading and unloading operations at the docks shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, water flow, and permitted uses on adjoining property.</p>	<p>Planning Board EAF Part 3 (#7 Impact on Plants and Animals , p. 8): <i>“The Planning Board has identified a potentially large impact on plants and animals, under items a. through d., f and g on the FEA, Part 2. The Project site contains three designated significant natural communities: The Hudson River estuary, a significant natural community; the South Bay, a Significant Coastal Fish and Wildlife Habitat; and a Freshwater subtidal aquatic bed. The South Bay designation indicates that [d]isturbance and impacts in this habitat are the result of past filling of a previously open embayment, construction of an earthen causeway that bisects Hudson South Bay Marsh, and upland runoff. Impacts associated with past industrial and transportation development have resulted in reduced tidal influence throughout the habitat, and in particular north of the causeway where an invasive strain of the common reed (<i>Phragmites australis</i>) is dominant.”</i></p> <p>Barton & Loguidice 4/18/17 and 5/19/17 Letters to Greenport Planning Board Chair Re: Plants and Animals – B&L wrote that proposed action may result in loss of flora and fauna, noting that the 2010 and 2016 Bagdon Environmental analyses found large amounts of side-oats gramma, state-listed endangered species along western side of causeway. The NYSDEC’s Natural Heritage Program provided a list of additional rare, threatened, and endangered species that have been found near the South Bay causeway site, including bald eagles, two bat species and additional rare plants. B&L requested a review of these concerns as well as a site investigation to update the Ecological Assessment and Impact Analysis report.</p> <p>Re: Vegetation & Habitat – B&L wrote that there is likely to be removal of a moderate to large amount of vegetation to accommodate the work resulting in a potential loss of aquatic and other wildlife habitats.</p> <p>Re: Surface Water and Wetlands – B&L wrote that Colarusso’s proposal could have moderate to large impact on <i>“one or more wetlands or other surface water bodies.”</i> Moving the road to the center of the causeway would impact the land and, without proper mitigation, surrounding South Bay surface waters. The authors also noted that the plan did not indicate whether existing railroad ballast would be removed to construct new gravel roadway or whether run-of-bank gravel and a crusher would be placed on top of existing former railroad spur ballast materials, etc.</p>

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<p>§325-17.1.F(2) (j) Construction, reconstruction or resurfacing of and other improvements to the dock operations (including private roads providing ingress and egress to the commercial dock operations) shall be performed in a manner which preserves natural features and drainways, minimizes grading and cut and fill operations, ensures conformity with natural topography, and retains natural vegetation and vegetative buffers around water bodies to the maximum extent practicable in order to prevent any increase in erosion or the volume and rate or velocity of sedimentation or surface water runoff prior to, during, and after site preparation and work.</p>	<p>Barton & Loguidice 4/18/17 and 5/19/17 Letters to Greenport Planning Board Chair Re: Erosion & Turbidity – B&L noted the Applicant’s proposal to use erosion and sediment control techniques to minimize erosion of disturbed areas; however, <i>“the potential for impact remains.”</i> They further stated that the work would alter the location, size, grade, and type of impervious surfaces along the causeway, resulting in a change of runoff quantity, quality, and pattern. They further observed that runoff was likely to increase.</p> <p>Also, see Impact on Plants and Animals, Section 325-17.1.F(2), page 8.</p>
<p>§325-17.1.F (3) Special conditions for a private causeway or private road that provide ingress to or egress from the property upon which a commercial dock operation is conducted include the requirements as set forth § 325-17.1F(2)(h) and (k).</p>	
<p>§325-34 Permits for Conditional Uses (Article VIII)</p>	
<p>§325-34. A. On application and after public notice and hearing, the Planning Board may authorize the issuance by the Building Inspector of permits for any of the conditional uses specified in this chapter. In approving any such use, the Planning Board shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this chapter and the accomplishment of the following objectives in particular:</p>	<p>See Impacts on Consistency with Community Plans, Sec. 325-17.1.D(1), page 4. See Impacts on Noise, Odor and Light, Sec 325-17.1.F (2)(a), page 6. See Impacts on Transportation, Sec 325-34.A(3)(a), page 10.</p>

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<p>§325-34.A (2) That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.</p>	<p>See Impacts on Consistency with Community Character, Sec 325-35.2.B(8), page 14. See Impacts on Consistency with Community Plans, Sec. 325-17.1.D(1), page 4.</p>
<p>§325-34.A (3) That, in addition to the above, in the case of any use located in or directly adjacent to a residential district:</p>	<p>See below:</p>

Hudson Zoning Code Sections Pertinent to Colarusso Applications	High Level Summary of Planning Board EAF Part 3 Concerns, and/or Barton & Lajoudice Concerns Expressed to Greenport Planning Board Chair
<p>§325-34.A(3) (a) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, or conflict with the normal traffic of the neighborhood.</p>	<p>Planning Board EAF Part 3 (#13 Impacts on Transportation, p. 14): <i>“The Planning Board has evaluated the scale and context of the Project and has determined that the potential impacts to the existing transportation system would be large in magnitude, duration and importance.”</i></p> <p><i>“The Board notes that the existing <u>one-lane, two-way Private Road</u> is currently being utilized for exclusively one-way traffic by the Applicant. In doing so, the Applicant has operated counter to the LWRP’s goal of addressing Environmental Justice concerns in 2011 by redirecting gravel truck traffic to the causeway Private Road.”</i></p> <p><i>“Furthermore, the Planning Board acknowledges the Applicant’s contention that <u>local jurisdictions</u> have no authority to regulate truck traffic, and therefore has not committed to a maximum number of trips per day. Given a number of variables yet to be clarified, the total volume of traffic associated with commercial dock operations has not been adequately quantified to date.</i></p> <p><i>The increase in traffic may have an adverse impact on existing transit. The Proposed Action is located in close proximity to <u>Hudson’s Amtrak station</u>, which is New York State’s third busiest train station. There are currently 23 train crossings daily including Amtrak and freight rail. A truck mishap on the train tracks at the Broad Street crossing could have devastating consequences.”</i></p> <p><i>“<u>Pedestrians and bicycles</u> also share Broad Street with trucks heading to and from the Project site access to the Henry Hudson Park. An increase in truck traffic on shared streets negatively impacts those choosing non-motorized modes of transportation at the waterfront, deterring less energy-intensive and polluting modes of travel.</i></p> <p><i>The increased truck traffic also increases the likelihood of <u>fuel and motor oil spills</u>, which could pollute surface water and significant habitats along the Private Road.</i></p> <p><i>The Planning Board has determined that increased truck traffic related to the proposed intensification of use of may be a significant contributor to potential impacts on Aesthetic Resources, Historic and Archeological Resources, Open Space and Recreation, Energy, Consistency with Community Plans and Consistency with Community Character. In this same vein, reductions in surface shipments by truck would proportionately reduce potential impacts on these SEQRA categories.</i></p> <p><i>The Applicant has not sufficiently demonstrated mitigation of impacts from the presumed 195% in increase in truck traffic. This demonstration is contingent upon accurate depiction of the expected maximum and percent increase.”</i></p> <p>Barton & Loguidice 4/18/17 and 5/19/17 Letters to Greenport Planning Board Chair Re: Intensification: B&L noted that expansion of the existing one-way access road into a two-lane truckway would allow significant intensification and that the proposed intensification should be quantified. This meant that estimated peak truck volume capacity and impacts of increased use should be evaluated in the Board’s written narrative.</p>

Hudson Zoning Code Sections Pertinent to Colarusso Applications	High Level Summary of Planning Board EAF Part 3 Concerns, and/or Barton & Lajoudice Concerns Expressed to Greenport Planning Board Chair
<p>§325-34.A(3) (b) The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.</p>	
<p>§325-34. B. The Planning Board may require that conditional use permits be periodically renewed. Such renewal shall be granted following public notice and hearing, and may be withheld only upon a determination by the Building Inspector to the effect that such conditions as may have been prescribed by the Planning Board in conjunction with the issuance of the original permit have not been or are being no longer complied with. In such cases a period of 60 days shall be granted the applicant for full compliance prior to the revocation of said permit.</p>	
<p>§325-35 Site Development Plan Approval (Article VIII)</p>	
<p>§325-35. A. Approval required; exception; certificate of occupancy.</p> <p>(1) Approval required. No building permit shall be issued and no change in use or intensity of use which will affect the characteristics of the site in terms of parking, loading, access, drainage or utilities shall be permitted except in conformity with an approved site development plan issued in accordance with this chapter. The following land uses shall always require issuance of site development plan approval:</p>	
<p>§325-35.2 Consistency Review With Local Waterfront Revitalization Program.</p>	

Hudson Zoning Code Sections Pertinent to Colarusso Applications

High Level Summary of Planning Board EAF Part 3 Concerns, and/or Barton & Lajoudice Concerns Expressed to Greenport Planning Board Chair

Background Information:

A. Coastal Consistency Review Board.

- (1) The **Coastal Consistency Review Board** shall be responsible for coordinating review of actions in the City's coastal area for consistency with the LWRP and will advise, assist and make consistency recommendations to other City agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative and other actions included in the program.

B. LWRP consistency review of actions.

- (1) Whenever a proposed action is located within the City's coastal area, each City agency shall, prior to approving, funding or undertaking the action, **make a determination that it is consistent with the LWRP policy standards** summarized in Subsection **B(8)** herein. No action in the coastal area shall be approved, funded or undertaken by that agency without such a determination.

(3) Coastal Consistency Review Board consideration; recommendation.

(a) After referral from an agency, the Coastal Consistency Review Board shall consider whether the proposed action is consistent with the LWRP policy standards set forth in Subsection **B. (8)** herein. The Coastal Consistency Review Board shall require the applicant to submit all completed applications, CAFs, EAFs, and any other information deemed necessary to its consistency recommendation.

- (8) See below:

Hudson Zoning Code Sections Pertinent to Colarusso Applications	High Level Summary of Planning Board EAF Part 3 Concerns, and/or Barton & Lajoudice Concerns Expressed to Greenport Planning Board Chair
<p>§325-35.2.B (8) Actions to be undertaken within the coastal area shall be evaluated for consistency in accordance with the following summary of LWRP policy standards, which are derived from and further explained and described in Section III (Policies) of the City of Hudson LWRP, a copy of which is on file in the City Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions must also consult with Section IV (Proposed Uses and Projects) in making their consistency determination. The action must be consistent with the policies to:</p>	<p>Planning Board EAF Part 3 (#18 Consistency with Community Character), p. 23-24: <i>"The Planning Board has evaluated the scale and context of the Project and has determined that it may result in a significant adverse impact on community character.</i></p> <p><i>In 2017, the Town of Greenport Planning Board determined that the 'existing Hudson waterfront area consists of a combination of recreational, commercial, mass transportation, and light industrial uses that have co-existed for decades.' Since the DGEIS was reviewed in 2009, and since the Greenport Planning Board made this finding in 2017, the area around the Project Site has been improved with additional mixed-use development by mixed-use waterfront-orientated hospitality, entertainment, and retail (such as the Basilica special events venue) that is inconsistent with increased industrial use. Apart from the current application, no new industrially-oriented land uses have been developed or considered during the last several years. Transport of bulk construction materials is currently an anomalous use in the neighborhood.</i></p> <p><i>The City was also the winner of the State's Downtown Revitalization Initiative program in 2017 to allow the city to attract additional private investment in the waterfront. There has been renewed interest in the existing cultural and historic resources in the area, and the Train Station, Storage Shed and Basilica have all been determined eligible for listing on the National Register of Historic Places subsequent to the DGEIS in 2009.</i></p> <p><i>The Planning Board has determined that significant adverse impacts are likely to occur and that these impacts will be of considerable magnitude and duration. Based on the changes in the community over the past decade and the proposed intensification of the industrial use, the Planning Board finds that there is the potential for a significant adverse impact on Community Character."</i></p> <p>Barton & Loguidice 4/18/17 and 5/19/17 Letters to Greenport Planning Board Chair: Re: Consistency with Community Character – B&L observed that "a review of the City of Hudson's Comprehensive Plan (2002) and Zoning Code (2011) demonstrates that the proposed Action is inconsistent with the community character without adequate further mitigation." B&L cited a number of specific sections of the Zoning Code, including Section 325-17.1 D, Conditional uses (1), which only approves "continuation of existing commercial dock operations for the transport and shipment of goods and raw materials, and associated private roads providing ingress and egress to or from such commercial dock operations, as such uses existed on the effective date of this local Law No. 5 of 2011." B&L concluded: "A strict reading of this section of the code would therefore allow continued one-way use of the existing haul road, but would not allow the haul road to be widened or perhaps relocated for two-way use."</p>

Hudson Zoning Code Sections Pertinent to Colarusso Applications	High Level Summary of Planning Board EAF Part 3 Concerns, and/or Barton & Lajoudice Concerns Expressed to Greenport Planning Board Chair
<p>§325-35.2.B(8) (a) Restore, revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses (Policies 1, 1A, 1B, 1C);</p>	<p>Planning Board EAF Part 3 (#17 Consistency with Community Plans): <i>“The Proposed Action may result in a large impact on community plans. The Planning Board has identified the following community plans as relevant to the Proposed Action: the Vision Plan (1996), the Comprehensive Plan (2002), the Local Waterfront Revitalization Plan (“LWRP,” 2011), the Zoning Law (particularly as amended in 2011), and the City’s Downtown Revitalization Initiative Strategic Investment Plan (“DRI,” 2017).”</i></p> <p><i>“Section 325-17.1.D of the Zoning Law provides that continued use of a dock operation is permitted as a conditional use, as such use existed as of the effective date of LL 5-2011. As indicated in the DGEIS, in 2009, the date of the last available data before the adoption of the Zoning Law, O & G made approximately 80 round trips per day, Monday through Friday, or approximately 400 round trips per week during the shipping season. DGEIS 3.5-2. Any significant increase in intensity is in contravention of the plain language of the zoning law, which limits the operation to that which existed in 2011. The Planning Board therefore finds that the Proposed Action will result in a significant adverse impact on community plans.” [OHW Comment: 2011 truck volume data is not available. See page 4 regarding actual and proposed Colarusso truck volume.]</i></p> <p><i>Further, the Board has reviewed the SEQRA handbook for guidance on reviewing consistency with community plans. Section F requires that the Board consider <u>project surroundings within 1500 feet</u>, asking whether the current and future intensity of use differs from surrounding uses, including the Hudson River, South Bay, Riverfront Park, Hudson’s 4.4 acres to the south, the Basilica, historic assets (Amtrak station, historic districts, Dunn), and the KAZ site which has recently been purchased and is being considered for redevelopment. 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.”</i></p> <p><i>“The Planning Board finds that the increased truck traffic, with its attendant impacts on dust, noise and vibration, will make it more difficult for mixed residential and commercial uses to move into the area in the future. 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.”</i></p> <p><i>“The LWRP sought to create ‘a vision which will serve the City and the State long after those involved today are forgotten’ (p. 338). 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. 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</i></p>

Hudson Zoning Code Sections Pertinent to Colarusso Applications	High Level Summary of Planning Board EAF Part 3 Concerns, and/or Barton & Lajoudice Concerns Expressed to Greenport Planning Board Chair
<p>§325-35.2.B(8) (b) Strengthen the economic base of the harbor area, encourage tourism through preservation, enhancement and protection of historic, scenic and recreational interest (Policy 4);</p>	<p>See Impacts on Open Spaces, Sec 325-35.2.B(8)(l), page 17. See Impacts on Consistency with Community Plans, Sec. 325-17.1.D(1), page 4. See Impacts on Community Character, Sec 325-35.2.B(8), page 14. See Impacts on Aesthetic Resources, Sec 325-35.2.B(8)(p), page 19. See Impacts on Historic and Archeological Resources, , Sec 325-35.2.B(8)(o), page 19. See Impacts on water-dependent and water-enhanced recreational resources and facilities near coastal waters, see 325-35.2.B(8)(m and n), pages 16 and 18.</p>
<p>§325-35.2.B(8) (c) Retain and encourage the development of water-dependent uses and facilities on or adjacent to coastal waters (Policy 2);</p>	<p>Planning Board EAF Part 3 (#17 Consistency with Community Plans, p. 21): <i>“In a 2005 Coastal Consistency Determination, Secretary of State Randy Daniels recommended that a new waterfront zone be created right away for the benefit of City and County residents. (p 10-11). Adopting language directly from pp. 85-88 of the Hudson Vision Plan, then Secretary of State Daniels’ decision outlined the exact manner in which that rezoning should take place with an unusual degree of specificity. He noted:</i> <i>Based on this review of Hudson’s past planning and implementation activities, it is clear the City’s waterfront has been and will continue to be transformed from a private industrial waterfront to a public waterfront for boating, tourism, commercial and other compatible uses.”</i></p>
<p>§325-35.2.B(8) (f) Protect and preserve fish and wildlife habitats of local importance and those which DOS has identified as significant from human disruption and chemical contamination (Policies 7, 7A, 7B, 7C, and 8);</p>	<p>See Impacts on Plants and Animals, Sec 325-17.1.F(i) page 8. See Impacts on Transportation, Sec 325-34.A(3)(a), page 10 - Specifically: “The increased truck traffic also increases the likelihood of fuel and motor oil spills, which could pollute surface water and significant habitats along the Private Road.”</p>
<p>§325-35.2.B(8) (g) Maintain and expand the recreational use of existing fish and wildlife resources (Policy 9);</p>	<p>See Impacts on water-dependent and water-enhanced recreational resources and facilities near coastal waters, see 325-35.2.B(8)(m and n), pages 16 and 18. See Impacts on Open Space and Recreation, Sec 325-35.2.B(8)(l), page 17.</p>
<p>§325-35.2.B(8) (h) Maintain, promote and expand commercial fishing opportunities (Policy 10);</p>	<p>See Impacts on water-dependent and water-enhanced recreational resources and facilities near coastal waters, see 325-35.2.B(8)(m and n), pages 16 and 18. See Impacts on Open Space and Recreation, Sec 325-35.2.B(8)(l), page 17.</p>
<p>§325-35.2.B(8) (i) Minimize flooding and erosion hazards through proper siting of buildings and structures; protection of natural protective features; construction of carefully selected, long-term structural measures; and the use of appropriate nonstructural means (Policies 11, 12, 13, 14, 15, and 17);</p>	<p>See Impacts on Flooding, Sec 325-17.1.F(2)(h), page 8. See Barton & Loguidice concerns regarding erosion and turbidity, page 9.</p>

Hudson Zoning Code Sections Pertinent to Colarusso Applications	High Level Summary of Planning Board EAF Part 3 Concerns, and/or Barton & Lajoudice Concerns Expressed to Greenport Planning Board Chair
<p>§325-35.2.B(8) (k) Safeguard vital economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18);</p>	<p>See Impacts on Consistency with Community Plans, Sec. 325-17.1.D(1), page 4. See Impacts on Flooding, Sec 325-17.1.F(2) (h) page 8. See Impacts on Plants and Animals, Sec 325-17.1.F(2)(i) page 8. See Impacts on Community Character, Sec 325-35.2.B(8) page 14. See Impacts on Open Space and Recreation, Sec 325-35.2.B(8)(l), page 17. See Impact on Aesthetic Resources, Sec 325-35.2.B(8)(p) page 19.</p>
<p>§325-35.2.B(8) (l) Maintain and improve public access to the shoreline and to water-related recreational resources, while protecting the environment and adjacent land uses (Policies 19 and 20);</p>	<p>Planning Board EAF Part 3 (#11 Impacts on Open Space and Recreation, p. 13): <i>“The Planning Board identified potentially moderate-to-large impacts to open space and recreation.”</i></p> <p><i>“Although the dock use has historically co-existed with the park, the Planning Board finds that the presumed 195% increase in annual truck trips has the potential for adverse impacts on recreational uses. Additional truck traffic with its attendant dust, noise, odors, and vibrations has the potential to adversely impact use of the 4.4 acre parcel and use and enjoyment of Henry Hudson Waterfront Park and other recreational spots along the Hudson River.</i></p> <p><i>Further, the Planning Board finds that the Proposed Action has the potential to impact open spaces, namely, the South Bay. The South Bay, as well as the Private Road which passes through it, have been identified by the City’s 1996 Vision Plan and 2002 Comprehensive Plan as a potential future open space and recreation resource. The Applicant has not adequately considered and addressed impacts to the future use of these areas as part of the Project. The DGEIS considered the possibility of a pedestrian easement of the South Bay causeway, or a conservation easement over the remainder of the South Bay, neither of which have been included as mitigation as part of the Proposed Action.”</i></p> <p><i>“The Proposed Action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.”</i></p> <p><i>“In evaluating the scale, context and magnitude of the Proposed Action, the Board has determined that the potential impact of the dock operations on open space and recreational resources may be large and must be further evaluated.”</i></p> <p>Barton & Loguidice 4/18/17 and 5/19/17 Letters to Greenport Planning Board Chair Re: Open Space and Recreation – B&L noted that dangers of the proposal included potential loss of recreational opportunities/ reduction of open space and rising conflict between truck traffic/ dock operations and access to (and use of) Henry Hudson Park. The firm wrote that more information was needed on truck volume between quarry and dock and requested mitigations such as delineated crossing and signage to reduce impacts on park users.</p> <p>[OHW Comment: 2011 truck volume data is not available. See page 4 regarding actual and proposed Colarusso volume.]</p>

Hudson Zoning Code Sections Pertinent to Colarusso Applications	High Level Summary of Planning Board EAF Part 3 Concerns, and/or Barton & Lajoudice Concerns Expressed to Greenport Planning Board Chair
<p>§325-35.2.B(8) (m) Encourage and facilitate water-dependent and water-enhanced recreational resources and facilities near coastal waters (Policies 21, 21A and 21B);</p>	<p>Planning Board EAF Part 3 (#17 Consistency with Community Plans, p. 21): <i>“In a 2005 Coastal Consistency Determination, Secretary of State Randy Daniels recommended that a new waterfront zone be created right away for the benefit of City and County residents. (p 10-11). Adopting language directly from pp. 85-88 of the Hudson Vision Plan, then Secretary of State Daniels’ decision outlined the exact manner in which that rezoning should take place with an unusual degree of specificity. He noted:</i> <i>“Based on this review of Hudson’s past planning and implementation activities, it is clear the City’s waterfront has been and will continue to be transformed from a private industrial waterfront to a public waterfront for boating, tourism, commercial and other compatible uses.”</i></p> <p>Also see Impacts on Aesthetic Resources (p), page 19. Also see Impacts on Open Spaces, Sec 325-35.2.B(8)(l), page 17.</p>
<p>§325-35.2.B(8) (n) Encourage the development of water-related recreational resources and facilities, as multiple-uses, in appropriate locations within the shore zone. (Policy 22);</p>	<p>See Impacts on Consistency with Community Plans, Sec. 325-17.1.D(1), page 4. See Impacts on Open Spaces, Sec 325-35.2.B(8)(l), page 17. See Impacts on Aesthetic Resources Sec 325-35.2.B(8)(p), page 19.</p>
<p>§325-35.2.B(8) (o) Protect and enhance historic resources (Policy 23);</p>	<p>Planning Board EAF Part 3 (#10 Impacts on Historic and Archeological Resources, p. 11): <i>“The Planning Board identified potential moderate-to-large impacts to buildings and districts listed on and eligible for listing on the National and State Register of Historic Places, finding that the Proposed Action would result in the introduction of visual elements which are out of character with the immediate vicinity of the Project site, specifically the presumed 195% increase in truck traffic. Since the 2009 DGEIS, additional historic resources have been studied and deemed eligible for listing on the State and National Registers of Historic Places.”</i></p> <p>[OHW Comment: 2011 truck volume data is not available. See page 4 regarding actual and proposed Colarusso truck volume.]</p> <p><i>“The Proposed Action stands in sharp contrast to the surrounding land uses, which are characterized primarily by recreational, commercial, and cultural uses.”</i></p>

Hudson Zoning Code Sections Pertinent to Colarusso Applications	High Level Summary of Planning Board EAF Part 3 Concerns, and/or Barton & Lajoudice Concerns Expressed to Greenport Planning Board Chair
<p>§325-35.2.B(8) (p) Protect and enhance scenic and aesthetic resources (Policies 24 and 25);</p>	<p>Planning Board EAF Part 3 (#9 Impacts on Aesthetic Resources, p. 10-11): <i>“The Board has identified the potential for significant adverse impacts on aesthetic resources for two reasons. First, the applicant is proposing a presumed 195% increase in annual truck traffic over that studied in the 2009 DGEIS, with attendant impacts from dust, vibration and noise, and second, because the area and its aesthetic resources has been evolving since the 2009 DGEIS.</i></p> <p><i>The Project will impact the <u>views from the Henry Hudson Waterfront Park, the Hudson Athens Lighthouse, Promenade Hill Park, the Village of Athens, Brandow Point in Athens, A. Colarusso and Son Inc. Commercial Dock Operations November 18, 2021 SEQRA Part 3 Supporting Information - 11 - Cohotate Preserve in Athens and Middle Ground Flats. Large piles of aggregate, heavy machinery and trucks and dust detract from the views from these locations. The Proposed Action stands in sharp contrast to the surrounding land uses, which are characterized primarily by recreational, commercial, and cultural uses.</u></i></p> <p><i>The Planning Board has also identified a potential moderate-to-large impact on <u>users of the Hudson River</u>, itself a scenic and aesthetic resource, due to visual impacts on the landward views on those using the Hudson River for recreational boating. Section 325.17.F of the Zoning Law requires the Planning Board to “consider the quality and extent of views from the adjacent public streets through the property to the water as well as the design and relationship of development to the waterfront as viewed from the water.” While the Applicant has proposed landscape screening to mitigate aesthetic impacts of views from land looking out to the water, to date, the Applicant has not addressed mitigations for waterfront views from the water.</i></p> <p><i>In evaluating the scale, context and magnitude of the proposed Project, the Board has determined that the potential impact of the dock operations on local aesthetic resources is large. The magnitude, duration, likelihood and importance of impacts to aesthetic resources as a result of the Proposed Action is significant and adverse.”</i></p> <p>Barton & Loguidice 4/18/17 and 5/19/17 Letters to Greenport Planning Board Chair Re: Aesthetic Resources – B&L observed that land use in Colarusso’s proposal sharply conflicted with current land use patterns as well as the goal of protecting and restoring major aesthetic resources, including the South Bay, Henry Hudson Riverfront Park and surrounding riverfront uses. It proscribed visual screening to protect the viewshed.</p> <p>[OHW Comment: 2011 truck volume data is not available. See page 4 regarding actual and proposed Colarusso volume.]</p>

Hudson Zoning Code Sections Pertinent to Colarusso Applications	High Level Summary of Planning Board EAF Part 3 Concerns, and/or Barton & Lajoudice Concerns Expressed to Greenport Planning Board Chair
<p>§325-35.2.B(8) (q) Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a shorefront location and in such a manner as to avoid adverse environmental impacts when in operation (Policy 27);</p>	<p>Planning Board EAF Part 3 (#14 Impacts on Energy, p. 16): <i>“The Planning Board has identified moderate to large impacts on energy after evaluating the scale, context and magnitude of the Project. The likelihood and duration of this impact are directly correlated with the presumed 195% increase in annual truck trips. The Proposed Action has no impact on energy transmission or supply, will not require more than 2500 MW-hrs of electricity per year, or involve heating and/or cooling of more than 100,000 square feet of building area. However, the energy intensity of the Proposed Action is proportionate to the planned intensification of use and aggregate shipments. Energy usage will be proportionate to truck volume.”</i></p>
<p>§325-35.2.B(8) (r) Undertake ice management practices to avoid adverse coastal impacts (Policy 28);</p>	
<p>§325-35.2.B(8) (s) Protect surface waters and groundwaters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 33, 34, 34A, 35, 36, 37 and 38);</p>	<p>See Barton & Loguidice concerns regarding surface water, page 9. See Barton & Loguidice concerns regarding culverts, page 8.</p>
<p>§325-35.2.B(8) (t) Ensure that dredging and dredge spoil disposal are undertaken in a manner protective of natural resources (Policies 15 and 35);</p>	
<p>§325-35.2.B(8) (u) Ensure that any transportation, handling or disposal of hazardous wastes and effluent is undertaken in a manner which will not adversely affect the environment (Policies 39 and 40);</p>	
<p>§325-35.2.B(8) (v) Protect air quality (Policies 41, 42, and 43); and</p>	<p>See Impacts on Noise, Odor and Light, page 6.</p>
<p>§325-35.2.B(8) (w) Preserve and protect freshwater wetlands (Policy 44).</p>	<p>See Barton & Loguidice concerns regarding surface water and wetlands, page 9.</p>
<p>§325-6 Subdivision or site plan approval required; local waterfront consistency determination required (Article III)</p>	

Hudson Zoning Code Sections Pertinent to Colarusso Applications	High Level Summary of Planning Board EAF Part 3 Concerns, and/or Barton & Lajoudice Concerns Expressed to Greenport Planning Board Chair
<p>§325-6. B. A local waterfront consistency determination, in accordance with § 325-35.2 shall be required in all districts located within the local waterfront revitalization area boundary as set forth on the map adopted pursuant to § 325-3 of this chapter, for the undertaking of all major actions as defined in § 325-42.</p>	<p>See Impacts on Consistency with Community Plans, Sec. 325-17.1.D(1), page 4. See Impacts on Community Character, Sec 325-35.2.B(8) page 14.</p>
<p>§210-2 City of Hudson Noise Control Code – Legislative Intent</p>	
<p>§210-2. A. It is hereby declared to be the public policy of the City of Hudson to maintain and reduce, whenever necessary, the ambient noise level in the City so as to preserve, protect and promote the public health, safety and welfare and the peace and quiet of the inhabitants of the City; foster the convenience and comfort of its inhabitants; and facilitate the enjoyment of the natural, cultural and historic attractions of the City. It is the public policy of the City that every person is entitled to ambient noise levels that are not detrimental to life, health, welfare, and the enjoyment of his or her property. It is hereby declared that the making, creation or maintenance of unreasonable noises, as further defined herein, within the City boundaries affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the inhabitants of the City.</p>	<p>See Impacts on Noise, Odor and Light, Sec 325-17.1.F (2)(a) (page 6).</p>
<p>§148-2 Flood Damage Protection</p>	
<p>§148-2 It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:</p>	<p>See Sec 325-17.1.F (2)(h) above (page 8) pertinent to issues below.</p>
<p>§148-2. A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.</p>	

Hudson Zoning Code Sections Pertinent to Colarusso Applications	High Level Summary of Planning Board EAF Part 3 Concerns, and/or Barton & Lajoudice Concerns Expressed to Greenport Planning Board Chair
<p>§148-2. B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.</p>	
<p>§148-2. C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.</p>	
<p>§148-2. D. Control filling, grading, dredging and other development which may increase erosion or flood damages.</p>	
<p>§148-2. E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.</p>	
<p>§148-2. F. Qualify for and maintain participation in the National Flood Insurance Program.</p>	
<p>§C27B-4 Powers and Duties of the Harbor Master</p>	
<p>§C27B-4 The Harbor Master shall collect fees in accordance with a fee schedule established by the Common Council, from vessels docking at any City-owned dock or marina space. The Harbor Master shall keep records of vessels docking at any City-owned dock or marina space and shall transmit all fees collected to the City Treasurer's office not more than 30 days after receipt. The Harbor Master shall, as necessary, direct vessel traffic within the jurisdictional limitations of the City in a manner which protects the public's health, safety and welfare.</p>	