



In setback for gravel project, Hudson Planning Board declares waterfront proposal is ripe for a full review

The Hudson Planning Board voted last week to classify the proposed A. Colarusso & Son, Inc. project at the City's waterfront as the type of action which requires the most stringent level of scrutiny

OURHUDSONWATERFRONT.COM
DAVID KONIGSBERG (917) 862.9193
DAVIDBKONIGSBERG@GMAIL.COM

THE VALLEY ALLIANCE

WWW.HUDSONWATERFRONT.ORG
PETER JUNG (518) 755.4350
SAM PRATT (518) 755.6624
HUDSONBAY@MAC.COM

(HUDSON, N.Y.) — The Hudson Planning Board voted 5-0 to declare the Colarusso gravel project a Type I action under the State Environmental Quality Review Act, known as SEQRA, over objections from the Greenport company's attorney, John Privitera.

The proposal could result in hundreds of daily truck trips to and from a dock at the Hudson waterfront, where gravel would be stockpiled and then loaded onto barges. Colarusso lost any grandfathered rights to such activities after it made unpermitted modifications to the dock in 2016, triggering a full Conditional Use Permit review under the City Code.

WHAT TYPE I MEANS

According to the State's SEQRA Cookbook, Type I actions are those which "are more likely to have a significant adverse impact on the environment... and may require the preparation of a Draft Environmental Impact Statement," or DEIS. Type I actions also require coordinated review with other local, County, State and Federal agencies.

Responding to Privitera's objections on behalf of Colarusso, Planning Board attorney Victoria Polidoro noted that the resolution finds the project has the potential to disturb 2.5 acres, "and is being reviewed *ab initio*," using the legal term for "from the beginning."

The Board found that the project exceeded the State-mandated threshold of disturbing 2.5 acres or more of land in proximity to a public parkland (the Henry Hudson Waterfront Park), as well as being in close proximity to important historic resources. The project is near at least two historic structures identified by the Board, not to mention the Union/Allen/South Front Street Historic District.

It is now anticipated that the Board will move toward findings of potentially significant adverse impacts, and issue a Positive Declaration, which would require Colarusso to prepare the full DEIS. The company has fought unsuccessfully to stop the City from conducting such a review, losing appeals to the local Zoning Board of Appeals and a State Supreme Court judge, and arguing unsuccessfully to limit mitigations to minor alterations like planting forsythia bushes along a fence line.

ORGANIZATIONS REACT

"We are extremely grateful to the Planning Board for its vote last night," said David Konigsberg, co-director of Our Hudson Waterfront, adding that "The Type I designation rightly presumes serious impacts on the surrounding environment and neighborhoods." OHW is among the citizen groups which have expressed strong concerns about the proposal, and has gathered over 1,200 petition signatures challenging it.

"In particular, these truck traffic and gravel loading operations could have a harsh impact on the public park next door, as well as the many historic structures nearby which include homes, businesses and cultural destinations," Konigsberg continued, echoing two main factors cited in the Board's decision.

Residents and groups have raised a host of potential issues with the project, including noise, dust, diesel truck emissions, traffic concerns, impacts on the neighboring public park, compatibility with City planning goals and community character, among many others.

"The waterfront can and should be a boon to the whole City of Hudson, not just one out-of-town company," said Peter Jung, co-director of The Valley Alliance, which has opposed the project, submitting numerous reports detailing the legal and policy reasons to deny the permit.

"This unique area on the Hudson River can provide much-needed benefits to residents and visitors alike, from public space to good jobs," added Jung, who was part of the planning committee which obtained a \$10 million Downtown Revitalization Initiative grant for Hudson. "With both State and private investment, the waterfront is fast becoming the most dynamic part of Hudson. But that can't continue, with Colarusso blighting the area at everyone else's expense."

The Valley Alliance has advocated for nearly 15 years that the Hudson waterfront will generate far more economic, social, recreational, cultural, and ecological benefits if it is not saddled with heavy industrial activity which puts all other uses at risk.

Alan Neumann, President of Historic Hudson, lauded the Board for including the potential impact to historic properties in its resolution: "We have lost so many of our historic resources below Second Street in Hudson since 1965. The ones that remain are vital to connecting our future in the waterfront area to our vibrant city and to our history."

OHW member Donna Streitz wrote "We strongly believe that the SEQR review is essential to determining the environmental impact of Colarusso's request on Hudson and its waterfront. We envisioned a Hudson waterfront as a vibrant and beautiful place for people to enjoy, and not as an industrial site for gravel dumping, shipping, and all of its inherent conflicts with the natural environment and recreational use." Streitz expects to submit an update to the groups's large petition expressing concern about the project with additional names to the Board prior to its next meeting.

In addition, prior to the vote, the steering committee of the Hudson Business Coalition submitted a letter in early July stating that "We urge the Planning Board to respect the wishes of Hudson's business community and deny the permits for the haul road and the dock... Hudson's waterfront revitalization program was many years, and many taxpayer dollars, in the making. Zoning laws were put into effect as of 2011, with the aim of limiting and ultimately eliminating industrialization of the waterfront area. As such, the zoning laws should be the guiding ordinances for the use of the waterfront and surrounding areas."

Other groups and officials, such as Assembly member Didi Barrett and Scenic Hudson, have submitted letters expressing a strong interest in the outcome of the review.

PERMIT DENIAL WOULD HELP BOTH STREETS & WATERFRONT

Colarusso has argued that approval is necessary to remove its own heavy trucks from Hudson streets, and proposes moving them to a two-lane truckway through the protected South Bay Creek & Marsh. But documents recently filed by the company indicate that approving the project will barely move the needle. Gravel trucks, the analysis concludes, represent only a small percentage of overall truck traffic on the state truck route that runs along Third, Columbia and Greene Streets.

"This means even if gravel trucks are totally removed, the great bulk of big trucks on our streets would remain," said Valley Alliance co-director Sam Pratt. "So we would be jeopardizing the tremendous potential of our waterfront without actually solving the problem on our streets," Pratt continued. "The only fast and sure way to stop the gravel trucks downtown is to deny the application, not approve it."

Meanwhile, the City needs to work with the State and neighboring towns to redirect the State truck route on surrounding highways—precisely the subject of an upcoming study with funding secured by Assembly member Barrett.”

COMPANY FORFEITED ANY GRANDFATHERED RIGHTS

While Colarusso has been using the dock for gravel in recent years, a court decision found that under the Local Zoning Code written by City Attorney Cheryl Roberts in 2011, the Board now has the right and duty to review the nonconforming project from scratch. At the time, Roberts described the new codes as “very protective of the environment,” and intended to address the concerns citizens had raised “about getting a handle on the port and the causeway.”

Senior Department of State attorney William Sharpe likewise explained at the time those laws were passed that such projects “are not permitted under the new zoning as of right,” adding that “at the point where something happens on the property... they’re going to have to get a conditional use permit for the entire property.”

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For more comment or questions about this release, please contact:

DAVID KONIGSBERG FOR OHW, 917.862.9193 • PETER JUNG FOR THE VA, 518.755.4350