



## Colarusso, Hudson and the Greenport Planning Board: How Impacts on the City Were Sidestepped in Greenport’s SEQR Review

In 2017, the Greenport Planning Board, the designated lead agency, issued a Negative Declaration on Colarusso’s proposed two-lane truckway. This declaration meant that the Board found no significant environmental, safety or quality of life impacts. The problem? The board ignored or minimized potential impacts on the City of Hudson, and based decisions on the assumption that there would be no growth in aggregate hauling and loading.

In 2017, Barton & Loguidice (L&G), acting as consultant for the City, wrote two letters to the Greenport’s Planning Board Chair expressing the City’s concerns and asking for information and mitigations. This chart shows what B&L wrote about concerns, how the Greenport Planning Board treated those concerns, and why OHW believes that potential impacts on Hudson were ignored or barely addressed. Additional concerns expressed in letters to the Greenport Planning Board also included below (Grant & Lyons law firm representing a group of citizens and business-owners concerned about the pending applications, and Mitchell Kosrhova, counsel for the Hudson Planning Board).

	Concerns About Potential Impacts on Hudson	Positions Taken on These Concerns by the Greenport Planning Board	OHW Comments
	<b>Barton &amp; Loguidice 4/18/17 and 5/19/17 Letters to Greenport PB Chair Re: City of Hudson Concerns:</b>		
1	<b>Intensification:</b> 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.	The Greenport PB determined that the “haul road” improvements and truck traffic would not have significant impacts and that there was no planned expansion of gravel trucking activity.	While, in numerous findings, the Board insisted that truck trip volume was low and not expected to increase, history shows that this declaration is emphatically untrue. See directly below.
2	<b>Transportation</b> – B&L noted that the “proposed action” would have a moderate to large impact on transportation systems. Using data supplied by Colarusso, and basing <b>trip generation rates</b> on average and maximum rates of barge deliveries, the firm estimated the new road could carry 48 average daily one-way trips and 284 maximum	The Greenport PB concluded that existing transportation systems would not be substantially changed, degraded, or altered, and that <i>“No increased truck traffic or expansion of the operations of</i>	The Board based its conclusions on low anticipated truck volume (10 loads/20 trips per day) 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. According

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	<p>one-way trips, with the maximum typically occurring twice a year. B&amp;L asked that the applicant provide clear information, including historical data, on the total quantity of trips to/from the dock, peak daily trips, how often the peak occurs, and net tonnage shipped from dock, in order to establish a baseline to assess future intensification .</p> <p>B&amp;L also stated: <i>“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 trips per day (284 trips/day) unless the Applicant’s plans and facilities capabilities change in the future. Without definitive information regarding future use of the dock, mitigation of adverse transportation-related impacts should be proportioned to the 284 one-way truck trip volumes at peak demand, with agreement by the Applicant to expand/improve mitigation measures if truck trip volumes were to increase in the future.”</i></p> <p>During the Greenport PB review, several comments raised the concern that the project might indeed lead to an expansion of activities, involving growing activity at the dock and an increase in truck traffic.</p>	<p><i>the applicant have been found to be substantiated.”</i> The Board further stated that <i>“...the applicant has not applied for, or received approval for, an expansion of this facility, and the Department is not aware of any plans for expansion at Colarusso’s Hudson River dock location.”</i></p> <p>The EAF also states: <i>“In addition, the applicant’s engineer has stated in a more recent correspondence dated June 7, 2017 that, ‘there is no expansion of activities planned.’ Based on the above, if no expansion of the operation of the loading dock is taking place, then the truck traffic leading to and from the dock would remain similar to the current trucking capabilities and potential truck trips.”</i></p> <p>No mitigations, such as traffic signals, were provided for increased truck traffic, such as traffic signals.</p>	<p>to a Creighton Manning Study on truck traffic conducted in 2020, actual gravel truck volume in 2016 was 48 truck trips/day, and it has increased steadily since then. <b>Specifically, the Creighton Manning truck study</b> reported the following average Colarusso truck trips per day:</p> <ul style="list-style-type: none"> <li>• <b>2015:</b> 14/day (5,460/year)</li> <li>• <b>2016:</b> 48/day (9,600/year)</li> <li>• <b>2019:</b> 114/day (15,180/year)</li> <li>• <b>Proposed future (if haul road is approved):</b> up to 284 trips per day, with ability to operate up to 250 days/year. In a worst-case scenario, this would range from 30,000-71,000 trips/year.</li> </ul> <p>Thus, total daily average truck trip volume from <b>2015 to 2019</b> increased by more than 800% per year, while future increases proposed by Colarusso would more than double the 2019 volume, and could be higher depending upon the number of days that reach the proposed maximum of 284 truck trips/day.</p> <p><b>Notes:</b> 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 6/8/16 letter to Colarusso and Sons responding to questions raised by the NYS DOT, and CM 8/17/16 letter to Colarusso and Sons updating previous truck analysis):</p> <ul style="list-style-type: none"> <li>• <b>The 6/8/16 letter to Colarusso &amp; Sons,</b> responding to a NYS DOT request, referenced an estimated <b>4</b> crossings at Route 9 and Route 9G (<b>2 trips</b> each direction) during AM and PM peak hours, with a maximum of <b>24 trips (12</b></li> </ul>

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			<p>trips in each direction).</p> <ul style="list-style-type: none"> <li>• <b>The 8/17/16 CM letter to Colarusso &amp; Sons expected 10 truckloads (20 trips) per day 2,000 truckloads (4,000 trips) per year.</b></li> </ul>
3	<p><b>Consistency with Community Character</b> – B&amp;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&amp;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, <b>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>” B&amp;L concluded: “A strict reading of this section of the code would therefore allow continued one-way use of the existing haul road, but <b>would not</b> allow the haul road to be widened or perhaps relocated for two-way use.” (Emphasis, ours.)</p>	<p>Ignoring these points, the Greenport PB described Colarusso’s plan as a continued, ongoing non-conforming use, and claimed that implementation of the two-lane road would not materially conflict with current land use and zoning, nor with the goals of the City’s Comprehensive Plan.</p> <p>In addition, the Board stated that mitigation recommendations made by the Hudson Planning Board’s engineer could be considered during City PB’s detailed site plan review.</p>	<p>These conclusions were based on unrealistically low anticipated truck volume (10 loads/20 trips per day per Creighton Manning) and the “optimistic” assumption that truck trip volume would <u>not</u> increase in the future. Refer to #2 above for actual and future proposed volume.</p>
4	<p><b>Consistency with Community Plans</b> – B&amp;L found that Colarusso’s proposal was inconsistent with both the City of Hudson Comprehensive Plan (2002) and its draft Local Waterfront Revitalization Plan – LWRP (2011). The <b>Comprehensive Plan</b> noted that “increased barge operations may have a <b>profound</b> impact on the future redevelopment efforts of the City’s waterfront (emphasis added)”. The <b>LWRP</b> reaffirmed this sentiment, and recommended rezoning of the waterfront from</p>	<p>The Greenport PB ignored these concerns, saying that Colarusso’s proposal was “consistent with a stated primary goal and urgent need in the 2002 Comprehensive Plan of diverting industrial trucks from designated truck routes which pass through neighborhoods.” They also cited one of the</p>	<p>In dismissing a plethora of concerns, the Board narrowly focused on a single goal of the Comprehensive Plan—moving large trucks from city streets—while ignoring all others, particularly the rezoning and revitalization of Hudson’s Waterfront.</p>

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	<p>industrial to a core riverfront district, stating: <i>“Modernization of the existing port operations, including any man-made modification to the road surface of the causeway, would be subject to the standards for Conditional Uses in the Core Riverfront (C-R) zoning district, all necessary city and state coastal consistency reviews and compliance with necessary environmental review.”</i> B&amp;L also stated <i>use of the South Bay causeway is not an acceptable long-term solution to accommodate transport to the dock unless satisfactory mitigation can be provided.”</i></p>	<p>LWRP’s goal of reducing adverse impacts of truck traffic through the City.</p> <p>In addition, the Board opined that, <i>“based on statements made by the applicant and the applicants engineer, the project does not represent an expansion of current activities and therefore is an allowed continued non-conforming use as allowed by Code Section 325.17.1 of the City Zoning Code.”</i></p> <p>The board did allow that the proposed action required site plan approval from the City of Hudson.</p>	
5	<p><b>Open Space and Recreation</b> – B&amp;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>The Greenport PB dismissed these concerns in concluding that impacts would be small to nonexistent. Again, it based its decision on the idea that there would be no expansion dock operations and no change in truck volume. It therefore proposed no mitigation.</p>	<p>Again, B&amp;L’s concerns were sidestepped based on false assumptions. As with many other concerns, the Board stuck to current estimates of 10 loads/20 trips per day, per Creighton Manning and no future increase.</p> <p>See #2 above for actual and future proposed volume.</p>
6	<p><b>Aesthetic Resources</b> – B&amp;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</p>	<p>Greenport’s PB saw little or no potential impact. It claimed that traffic patterns would not change given that the Park and Basilica are proximate to the existing non-industrial) waterfront, and</p>	<p>Same as above.</p>

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	Park and surrounding riverfront uses. It proscribed visual screening to protect the viewshed.	proposed no mitigations. The Board did allow that the State would consider proposed mitigation measures provided by the City Planning Board's engineer, including signage and landscaping.	
7	<b>Disturbance of Bottom Sediments related to Culverts</b> – 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.	The Greenport PB's decision did not mention the worrisome culverts. The board also saw no direct disturbance or impacts to wetlands or the South Bay Creek and Marsh areas.	The Board's evaluation of this proposal appears to have simply ignored these concerns.
8	<b>Segmentation</b> – 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.	Ignoring this, the Board choose to review only the haul road, without considering its implications for dock operations or impacts of those operations on the City of Hudson.	<b>We are in agreement with B&amp;L's 5/19/17 letter to the Greenport PB Chair, which states:</b> <i>"This review should be incorporated and considered as part of the environmental review for this overall plan of interrelated projects to avoid segmentation. This should occur before making a determination of environmental significance."</i>
9	<b>Flooding</b> – <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	The Greenport Planning Board chose not to address flooding in its decision, instead determining that there would be little or no impact, and that the project would not require a change of elevation, aside from a slight	Clearly, B&L's flooding concerns for the City should have been considered, particularly in an era of climate change and inexorably rising riverside flood risks.

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	whether a Floodplain Development Permit might be required.	increase for access on Route 9G.	
10	<p><b>Surface Water and Wetlands</b> – B&amp;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>	<p>The Greenport PB concluded that there would be only small impacts on wetlands and surface water. The Board did specify storm water management and a list of other mitigations.</p>	<p>The Greenport Board’s view of this concern was too narrow and again based on erroneous volume projections. While it did consider impacts to wetlands and surface water, it failed to address potential impacts from increased truck traffic through the wetland area.</p>
11	<p><b>Noise, Odor, Light and Dust</b> – B&amp;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&amp;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>The Greenport PB concluded that impacts:</p> <ul style="list-style-type: none"> <li>• Would be small with regard to <b>noise</b>, stating <i>“Any noise in the City of Hudson already exists and no substantial increase has been demonstrated.”</i></li> <li>• Would not negatively affect <b>human health</b>, given that the truckway would provide <i>“a safer route with less interaction with other vehicles and pedestrians on narrow public roads.”</i></li> <li>• And, with regard to <b>dust</b>, would not result in any significant alteration or impairment to air quality, either in construction or use.</li> </ul>	<p>Once more, conclusions were based on small anticipated truck traffic (10 loads/20 trips per day) and no future increase. See #2 above for actual and future proposed impact.</p> <p>In its argument that safety would be improved by lessening truck traffic on city streets, the Board ignored the hazards of increased truck traffic at Waterfront pedestrian and vehicle crossings, as well as Hudson’s busy rail crossing and two major arteries, Routes 9 and 9G.</p>

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		<p>The Board proposed some dust mitigation, but did not anticipate larger issues caused by increased truck traffic in the future.</p>	
12	<p><b>Traffic Safety at State Highway Intersections:</b> While B&amp;L noted DOT approval for proposed commercial entrance (curb cuts) at Route 9 and Route 9G, it also observed that these appeared to be approvals of alignment and grade only, apparently without reference to traffic safety.</p>	<p>Issue not adequately addressed based on small anticipated truck volume (10 loads/20 trips per day per Creighton Manning for the Greenport Planning Board).</p>	<p>Once again, approval is based on small anticipated truck volume (10 loads/20 trips per day per Creighton Manning for the Greenport Planning Board), and assumption that truck trip volume would <u>not</u> increase in the future. Once more, see section #2 above for actual and future proposed traffic.</p>
13	<p><b>Plants and Animals</b> – B&amp;L wrote that proposed action may result in loss of flora and fauna, noting that the 2010 and 2016 <i>Bagdon Environmental</i> analyses found large amounts of side-oats gramma, state-listed endangered species along western side of causeway. The NYSDEC’s <i>Natural Heritage Program</i> 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&amp;L requested a review of these concerns as well as a site investigation to update the Ecological Assessment and Impact Analysis report.</p>	<p>The Greenport PB concluded that impacts on flora and fauna would be small and stated that “...<i>none of the listed threatened / endangered species were found or observed along the haul road margins where potential impact associated with the haul road improvement and the proposed use would occur.</i>”</p> <p>Some mitigation measures were provided.</p>	<p>Again these conclusions were limited to potential impacts caused by creation of the two-lane road and did not address the potential impacts of increased truck traffic through the wetland area.</p> <p>Also, approval is based on small anticipated truck volume (10 loads/20 trips per day per Creighton Manning for the Greenport Planning Board), and assumption that truck trip volume would <u>not</u> increase in the future. Once more, see section #2 above for actual and future proposed traffic.</p>
14	<p><b>Erosion &amp; Turbidity</b> – B&amp;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>The Greenport PB concluded that there would be an increase in soil erosion, and that the increase could have a small impact on one or more wetlands and other surface water bodies.</p>	<p>Again these conclusions only focused on the creation of the two-lane road and did not address the potential impacts of increased truck traffic through the wetland area.</p> <p>Also (again), approval was based on small anticipated truck volume (10 loads/20 trips per day per Creighton Manning for the Greenport Planning Board), and assumed that truck trip volume would</p>

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			<u>not</u> increase in the future. Once more, see section #2 above for actual and future proposed traffic.
	<b>Grant &amp; Lyons 2/28/17 Letter to Greenport PB Chair</b>		
15	<ul style="list-style-type: none"> <li>Observed that revised project narrative lacked sufficient necessary information about both the dock and truck traffic data.</li> <li>Expressed real concern that project was a piece of a larger plan by the applicant to increase scope and intensity of its mining operations. Also that, even if there were no plans for expansion, data was needed to establish baseline. Actions reasonably raise the question as to how these improvements figure into the applicant's future plans for the operation and the mine.</li> <li>Stated that the Board had <i>"a duty as lead agency to look beyond the applicant description of the project and consider possible complementary or subsequent activities not depicted as part of the applicant's plan."</i></li> <li>Raised issue of segmentation.</li> </ul>	<p>Concerns not addressed by Greenport PB.</p> <p>Regarding issue of segmentation, the Board choose to review only the haul road, without considering its implications for dock operations or impacts of those operations on the City of Hudson.</p>	Additional data on truck traffic was not obtained. Grant & Lyons concerns were not addressed.
	<b>Mitchell Khosrova's 12/22/16 letter to Greenport PB Chair</b>		
16	<ul style="list-style-type: none"> <li>Requested truck volume data, future proposed volume, and volume that existed in 2011 when Hudson rezoning law was passed. Also requested investigating alternatives for the proposed truck route.</li> </ul>	Concerns not addressed by Greenport PB.	Same as 15 above.