

June 7, 2022

City of Hudson Common Council
and Hudson Planning Board
520 Warren Street
Hudson, NY 12534

Follow-up on Truck Study Status and Hudson Waterfront

To the Members of the Hudson Common Council and Hudson Planning Board:

Recently, we asked for an update from the Mayor and Common Council President on efforts to convince the State to move destructive truck routes from the City. Last year, with a grant secured by assemblywoman Didi Barrett, MJ Engineering & Land Survey completed a study of alternative routes and asked residents to rank them based on costs, benefits and drawbacks. Since then, there has been public silence, although we now understand that the Mayor's office will present an update on the subject at upcoming Common Council meeting.

In the meantime, President DePietro has courteously responded, noting concern over cost barriers to relocating the truck routes and describing resistance by nearby communities, including the insistence by some County Supervisors on tying cooperation to "compromise" by our Planning Board in reviewing Colarusso's current application for a conditional use permit.

In general, the City seems resigned to a never-ending stalemate, and the belief that, unless we are willing to undermine the Planning Board's rightful SEQR review — and sacrifice the true potential of the Waterfront — it is pointless to lobby the State given the above-mentioned opposition.

If true, we think this position is self-defeating and dispiriting — that truck routes through our busy streets are dangerous and destructive, and that the City should forcefully make its case despite the opposition of our neighbors. Below, in an excerpt from our June 3 letter to the Council President, we argue against specific points including, most importantly, the false attempt to link Colarusso's permit application to rerouting the State truck route around downtown Hudson.

1. Giving in to Colarusso may not, in fact, move the truck routes, but will undermine the health and potential of the waterfront district.

Colarusso envisions up to 284 truck trips (or more) a day between the mine and the dock. This is a huge jump in gravel trucks rumbling through protected wetlands, past Basilica, Kaz, Dunn et al, across one of Amtrak's busiest lines, and right past Rick's Point and Hudson's only existing waterfront park. What's more, the company's attorney has stated that the City cannot

regulate its steadily rising volume (which has jumped almost 300% from 2015 to 2019, and could exceed 1300% if Colarusso gets its wish). This means the only real limitation is the capacity of the proposed two-lane truckway.

How do all these heavy trucks at the waterfront serve the city of Hudson? How do they encourage job creators to invest in building nearby businesses? What jobs will Colarusso's waterfront operation generate for Hudson vs opportunities lost because ideas for other businesses will languish? Moreover, even if we sacrifice our waterfront, what guarantee do we have that towns around us will actually agree to move the truck routes? What's entirely likely is winding up with the worst of all worlds: a dismal waterfront, missed economic growth, and trucks still running through city streets, from through-trucks and big trucks serving box stores in Greenport to Colarusso overflow from its truckway—a right the company specifically reserves if volume demands.

After losing its non-conforming use status for doing unauthorized work at the dock, Colarusso had to seek a conditional use permit from the Planning Board as a new applicant. This gave the City, for the first time, an opportunity to explore whether Colarusso's plan is good for Hudson. We obviously think it is not, but that's what the SEQR process is meant to determine.

What we can predict is that the massive jump in gravel trucks will radically change the Waterfront. The potential for accidents at the rail crossing will rise, as will the specter of gravel trucks idling on both sides of the tracks. The onslaught will also impact traffic to and from the City on 9G, raising the potential for accidents at the truckway's intersection. And it will undermine all other businesses at the Waterfront, from an expanding Basilica to Ben Fain's mixed-use developments, to opportunities triggered by the DRI.

Finally, we think too much credit is given to a company that has been a bad actor throughout the waterfront debate, one that has sued the City twice to stop local oversight, failed to control dust or fix its rusting hulk of a building, and insulted and harassed the Mayor's appointments to the Planning Board, who are simply doing their jobs.

2. Colarusso and truck routes are separate issues and need to be treated as such.

Here, we turn to Valley Alliance, with its grasp of the history:

You write that it is "difficult" not to see the County's point that the City must "compromise" with Colarusso before the State truck route can be revised. But the County's point is unconvincing, unless one is either trying very hard to take Colarusso's side, or ignoring the law, history and facts surrounding these issues.

- ***Blaming resistance to moving the truck routes on the Colarusso issue is disingenuous.*** County Supervisors from neighboring towns have long opposed changing the State truck route – since long before local gravel traffic was irresponsibly introduced to City streets by Colarusso and its predecessors. The Supervisors’ actual reasons for resisting this long-overdue change appear selfish – they don’t want to share the burden of big trucks. Since that resistance predates any truck activity at the Waterfront, their new invocation of Colarusso can only be seen as an argument of convenience.
- ***Colarusso’s problems are not Hudson’s doing.*** As you know from your prior service as Planning Board chair, the main reason for delays in resolving Colarusso’s case is lawsuits Colarusso has brought against the City to avoid local oversight; this has been compounded by the company’s resistance to providing the Planning Board with necessary applications and data. Colarusso’s pain at the Waterfront is frankly self-inflicted, whether in purchasing a property with known zoning restrictions or making failed attempts to challenge the City’s rights under SEQRA. Colarusso’s application for a conditional use permit must be treated like any other. It should have no bearing on the matter of truck routes, and the City should not cave to County Supervisors just because Colarusso fears a full local review.
- ***The Planning Board should not be pressured by holding the truck issue over its head.*** The Planning Board is charged with neutrally enforcing the City Zoning Code and SEQRA solely in relation to the law. Its decisions cannot be based on politics between 401 State and City Hall. The Hudson waterfront outcome should hinge on the analysis and the requirements of State regulations and Hudson laws, with applications evaluated on their legal merits, not the whim of County Supervisors. In addition, the Board’s eventual ruling must also be consistent with Hudson’s Comprehensive Planning goals, the South Bay Creek & Marsh’s protected status, Coastal regulations, State and Federal Wetlands regulations, et al.
- ***The Planning Board is under no obligation to “compromise” with Colarusso.*** The Board must neutrally decide whether, under pertinent regulations, a project should (a) be permitted (b) require mitigation, or (3) be denied because of unresolvable violations of City and/or State requirements. With Colarusso, all three options remain on the table, as they should be at this point of the process. Any notion that “compromise” is a necessary outcome constitutes a prejudgment of the application – which, as a quasi-judicial agency, the Board cannot do without exposing itself to charges of arbitrary and capricious behavior.
- ***The separate issues of Colarusso and the truck routes must be decoupled.*** Over the past 15 years, Colarusso and its predecessors created the local gravel truck problem to exert leverage against State and City waterfront plans, which deemphasize industrialization in favor of recreation and mixed-use development. By contrast, the State truck route is a relic of different economic circumstances and short-sighted decision making over a half-century ago. The need to reroute trucks out of the city is a long-standing priority that has been ignored by successive

administrations since before the waterfront debates began—and the result is that, for decades, the State truck route has needlessly brought hundreds of thousands of trucks to narrow city streets. As noxious as Colarusso’s proposed traffic to the Waterfront may be, the volume of trucks on the State truck route has been much higher, for far longer. It is overdue to be addressed regardless of any new excuses to ignore the issue and should be resolved independent of decision-making about any specific local permits.

It’s worth noting that, from the moment an Order to Remedy (OTR) was issued against Colarusso, the City has had the power to stop the truck traffic at the Waterfront if it harms downtown residents. Because the company lost its grandfathered status, and currently has no operating permit, the Zoning Enforcement Officer has the right to halt its activity while the Planning Board addresses the OTR. That the City has failed to exercise this power, even as Colarusso has sued the City and used its traffic as leverage, is, shall we say, peculiar.

3. Moving the Truck Route is doable for the State, and the City should fight for it.

Turning to truck route options, one solution—Option 12 in the Survey—is practical and affordable. This option avoids heavily residential areas, costs significantly less than all the other options, and completely detours big trucks around the city rather than through it. While it does run past some homes, particularly in Claverack, most of the north/south stretch of 9H is commercial and agricultural; the primary residential axis is Route 23B stretching east and west at the intersection. Objectively, residential impacts per capita are miniscule compared to what Hudson puts up with and are also far fewer than they would be with the other options. The roads in Option 12 are far better designed for heavy trucks than are old city streets. And the impacts on the few residences involved will be far less severe than to countless Hudson residences, particularly on Columbia Street.

We strongly believe the City must de-link the truck route issue from Colarusso’s plan at the waterfront. While the City should fight harder for the former, consideration of the latter should focus on the costs and benefits of the application to the City of Hudson, and it should be resolved by following the provisions of SEQR and our zoning laws.

Signed
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Our Hudson Waterfront & Valley Alliance