



Columbia County, New York **Planning Board**

VIA EMAIL ONLY

August 20, 2020

Ms. Betsy Gramkow, Chairwoman
City of Hudson Planning Board
520 Warren Street
Hudson, NY 12534

RE: Referral #20-032V – A. Colarusso & Sons, Inc., Commercial Dock Operation – Site Plan Review and Conditional Use Permit

Dear Chairwoman Gramkow:

Pursuant to the provisions of New York State General Municipal Law (NYSGL) §239-l and §239-m, please find the Columbia County Planning Board (CCPB) recommendation concerning the request of A. Colarusso & Sons, Inc. for a Site Plan Review and Conditional Use Permit. The proposed action is for retroactive approval for repair/replacement of an existing bulkhead section of an existing deep water commercial dock currently used by A. Colarusso and Son Inc., a sand and gravel mine, stone quarry and blacktop plant located on Newman Road in the Town of Greenport. City Streets and an existing haul road, connect the dock to the Newman Road operation. The site is located at 175 South Front Street between the railroad tracks the Hudson River in Hudson, NY.

Pursuant to NYSGL §239-l and §239-m, the CCPB reviews proposed actions for inter-community or county-wide considerations and shall recommend Approval, Modification or Disapproval of the proposed action, or report that the proposed action has no significant county-wide or intercommunity impact. Upon recommendation of Modification or Disapproval, "...the referring body shall not act contrary to such recommendation except by a vote of majority plus one of all the members thereof". The CCPB may make informal comments to the referring body on the proposed action with any of the recommendations made.

Recommendation: APPROVAL

The review and approval sought are being required for the repair and replacement of an existing deteriorating concrete bulkhead with new steel bulkhead on the existing commercial dock, and the continued use of the docking operation. The dock is a permitted use in the City of Hudson, subject to site plan approval and conditional use permit, has been in existence for at least 100 years. This existing use is a commercial dock for transshipment of aggregate and asphalt millings by barge along the Hudson River and storage of Hudson River Buoys by the United States Coast Guard. Trucks traveling to the docking operation from the plant and quarry on Newman Road in the Town of Greenport may travel via the haul road being reviewed under a separate application. Use of the haul road provides a more direct truck route to the City of Hudson from the Newman Road facility in the

Referral #20-032V – A. Colarusso & Sons, Inc., Commercial Dock Operation – Site Plan Review and Conditional Use Permit

Town of Greenport; provides a means to direct industrial trucks from public streets to a private, isolated haul road; and reduces truck traffic on city streets and the truck route in the City of Hudson and Town of Greenport.

The CCPB understands that this is a referral from the City of Hudson Planning Board for the continued use of the existing commercial deep water dock operation. The docking operation is directly related to the haul road. The CCPB notes that the City of Hudson Planning Board review continues on the application for the existing haul road section within the City limits which connects the dock parcel to the haul road section in the Town of Greenport and the company operations on Newman Road. The Town of Greenport Planning Board review concluded in 2017 and the applicant was granted Site Plan Approval for the Greenport portion of the haul road.

The CCPB finds that this proposed action will likely result in county-wide or intercommunity impacts. The rationale for this recommendation of APPROVAL is based on the following considerations set forth in NYSGML, Article 12B § 239-I. Coordination of certain municipal zoning and planning actions; legislative intent and policy:

- (a) compatibility of various land uses with one another;*
- (b) traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities;*
- (c) impact of proposed land uses on existing and proposed county or state institutional or other uses;*
- (d) protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas;*
- (e) drainage;*
- (f) community facilities;*
- (g) official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and*
- (h) such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment.*

CONSIDERATIONS:

(a) compatibility of various land uses with one another;

The commercial dock parcel is approximately 12.3 acres and supports an existing use which has been in operation for over 100 years, and has been under continual use by the applicant since the parcel was acquired in 2014. A 2.5 acre area is used for storing and transporting goods and materials, and the remainder is used for supplemental storage of materials and equipment. The dock is situated on the eastern shore of the Hudson River, and is bound by railroad tracks (lands of CSX) and lands of the City of Hudson to the north. The City land is comprised of an unpaved area often used for parking, and includes a small public park area along the shore known as Rick's Point. The City land is buffered from the commercial dock parcel by existing vegetation and a small river inlet. Other uses in the vicinity include the Hudson Amtrak Station, municipal parking lot, light industrial, railyard, commercial and cultural uses in retrofitted commercial/industrial structures, and the South Bay, including the haul road.

The site is accessed via an existing truck access easement adjacent to the rail lines to Broad Street, then to Ferry Street, South Bay Causeway, and the remainder of the haul road to the operation and quarry on Newman Road in the Town of Greenport.

The commercial docking operation includes deliveries of aggregate, and /or asphalt millings materials which are then loaded and unloaded using trucks and barges. Materials may be stockpiled on site and then loaded onto barges using an on-site conveyor, and /or excavator, depending upon the material size. The hours of operations as proposed are: 7:00 am to 6:00 pm Monday through Thursday and 7:00 am to 5:00 pm on Friday. Trucks will not run on Saturday or Sunday, thereby reducing loading/unloading at the dock from 84 to 75 hours per week. These concessions to the operations of the docking operation will likely eliminate most, if not all potential or perceived conflicts with any events at the City of Hudson Riverfront Park and the Basilica Industria, as these functions are typically hosted during the weekends.

In addition, the existing route that the trucks follow is close to Basilica Industria and trucks are already traveling to the dock site. The change in the direction of travel is not likely to result in adverse impacts to the existing uses.

(b) traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities;

The dock has been in existence for over 100 years, including shipping and receiving operations, and under continual use by the applicant since acquiring the parcel in 2014. The application is for retroactive approval of existing operations at the dock and not the expansion of that operation. The applicant is proposing concessions to limit the trucking and dock operation to weekdays, and to further limit the number of hours per day during which operations will be underway at the dock. Elimination of any docking and trucking component of the business is a major concession by the applicant, requiring significant operational adjustments to their business. It is not anticipated that this docking operation will result in traffic generating characteristics. Diversion of truck traffic by the incorporation of the full length of the haul road for transport to and from the dock operation will result in the elimination of industrial truck traffic though the City of Hudson and the Town of Greenport on the designated truck route. In addition the elimination of hours of operation at the dock will also decrease the intensity of use.

The traffic analysis was prepared and recently updated (July 9, 2020). The applicant provided visual simulations of traffic patterns showing trucks accessing the dock site, illustrating the site conditions during various situations at the railroad crossings in combination with other vehicles. The Project Narrative for A. Colarusso & Son, Inc. Hudson Dock Operation, 175 South Front Street, Hudson, New York 12534, January 2020 revised March 2020, prepared by Patrick J. Prendergast, P.E. reads in part,

“A truck traffic study, approved by the City engineer, documented truck volumes from the quarry to the dock. As documented in Colarusso’s letter to the Board dated December 10, 2019, State and Federal officials have twice studied the safety of the Broad Street crossing and have expressed no concerns”,

(c) impact of proposed land uses on existing and proposed county or state institutional or other uses;

The application is for review of an existing deep water commercial dock use, established 100 years ago by others, and which has been in continual use by the applicant since the acquisition of the site in 2014. The site is also used by the United States Coast Guard for Hudson River Buoy storage. The location of this dock site on the Hudson River makes it highly conducive to the existing use because of the close proximity to rail.

The repair of the severely degraded bulkhead was undertaken in order to remediate the extensive erosion and in order to stabilize the unsafe condition of the existing concrete bulkhead. Permits were obtained as necessary from various State and Federal regulatory agencies and the New York State Office of General Services indicated no permit was needed from their office. (Project Narrative for A. Colarusso & Son, Inc., How (sic) Road Improvement And Traffic Diversion Project Greenport & Hudson, New York, Appendix P Hudson Dock Repairs, prepared by Patrick J. Predergast, P.E., June 2017)

(d) protection of community character as regards to predominant land uses, population density, and the relation between residential and nonresidential areas;

The docking operation is existing, was established 100 years ago, and repair of the dock was necessary for safety and stabilization. The application does not include any proposed expansion of the existing use.

The incorporation of the full length of the haul road to transport materials to and from this dock will result in the decrease of truck traffic in residential neighborhoods along the truck route and will not result in any change in population density. The haul road will result in the decrease in the number of industrial trucks traveling on the designated truck route through the City of Hudson and the Town of Greenport. In the City of Hudson, specifically, the designated truck route passes through densely populated residential areas including areas where low-income, very low income and senior housing exists.

Accessing the dock primarily via the haul road will provide a means for trucks to travel safely, along a single use roadway, eliminating interactions with other vehicles, minimizing interfaces with pedestrians and crosswalks, with fewer intersections, all of which are prevalent along the truck route through the bustling, compact City streets. The haul road access route to the dock will eliminate trucks traveling through 25 to 26 City intersections, and 14,000 to 16,000 trips annually.

In addition the applicant is proposing a reduction in hauling hours, so that trucks will only haul between the hours of 7:00 am to 6:00 pm Monday through Thursday, and 7:00 am to 5:00 pm on Friday. Hauling would not be conducted on weekends and major holidays. This is in an effort to mitigate any potential or perceived conflict with other commercial, recreational and cultural uses in the vicinity.

(e) drainage;

The improvements to the shoreline and erosion control measures have positive impact on the site as well as the Hudson River. The site contains a pond which is used to infiltrate stormwater runoff from

the paved area. The soils under the pond consist of coarse gravel that drains very quickly. The site operates in accordance with its multi-jurisdictional stormwater permit. No changes are proposed.

(f) community facilities;

The continued use of the existing docking operation and rerouting trucks to the haul road to access the dock will reduce truck traffic on the designated truck route which includes Town of Greenport roads, State highways and streets in the City of Hudson. The result will be fewer truck-pedestrian interfaces. Also the portion in the City of Hudson directly connects to South Front Street, an existing city street. The result will be an improvement to the transportation system and will not require increased capacity of any community services.

(g) official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and

The City of Hudson determined that the commercial dock use is subject to Site Plan Review by the City of Hudson Planning Board as a permitted “Conditional Use” in the Core Riverfront (CR) Zoning District, subject to the standards set forth in the *Code of the City of Hudson, Chapter 325 Zoning 325-17.1 Core Riverfront District, D. Conditional Uses*,

(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.

The review standards for a conditional use as set forth in Article VIII are addressed below:

The shoreline of the Hudson River is suitable and appropriate for a commercial deep water dock. The commercial dock and structures are existing and no expansion is planned. The site is not located in, nor directly adjacent to, a residential district. The site is adjacent to railroad tracks, the Hudson River, vacant lands by the applicant and municipal parkland.

The site is screened from the Henry Hudson River Front Park with an existing vegetative buffer and small river inlet. The applicant is proposing additional vegetative buffers using native species along the property boundaries, adjacent to the railroad tracks and near Broad Street.

The applicant provided a Noise Impact Assessment which concluded that the dock operation is in compliance with the City Noise Code and identified best management practices.

Referral #20-032V – A. Colarusso & Sons, Inc., Commercial Dock Operation – Site Plan Review and Conditional Use Permit

The New York State Department of State, in a letter dated February 17, 2016, determined that consistency review was not required because the project did not require any federal permits. New York State Office of General Services, in a letter dated December 18, 2015, determined that no permit was required.

The shoreline has been stabilized with a steel bulkhead, replacing a deteriorated concrete wall that was placed on wooden beams, which had apparently rotted. Erosion control measures include riprap tapered down to the water's edge, and native tree plantings above the rip rap on top of the bank. The stabilization design was prepared using generally accepted practices common to Geotechnical Engineering, including geotechnical evaluation and analysis, design recommendations, evaluation of subsurface conditions, and test borings. Design procedures and safety factors were employed in accordance with guidelines of the United States Army Corp of Engineers (USACE), The Department of Navy and New York State Department of Transportation (NYSDOT). This repair project was reviewed and approved by regulatory agencies having authority including New York State Department of Environmental Conservation (NYSDEC), New York State Office of General Services (NYSOGS), and USACE. Construction was undertaken with necessary permits and studies conducted as prescribed. NYSDEC solicited, received, considered and responded to public comments. Furthermore, NYSDEC determined that the stabilization repair was necessary in order to avoid further damage to the shoreline, especially given the trend toward increased intensity storms in NYS; that the habitat along the shoreline would benefit from the project; and concluded that the project would have no adverse impacts on significant aquatic resources (NYSDEC Response to Public Comments September 15, 2016).

Stormwater management on the dock parcel pond is in accordance with NYS DEC issued stormwater permit, and includes a stormwater pond.

The applicant has proposed to modify hours of operation at the dock, limiting them to week days, between the hours of 7:00 am to 6:00 pm Monday through Thursday, and 7:00 am to 5:00 pm on Friday. Trucks will not run on Saturday or Sunday.

Public access to the waterfront on the dock parcel is proposed with a 10-foot wide public access easement to the river along the northern end of the parcel, adjacent to the river inlet.

The City of Hudson Comprehensive Plan (April 2002), and Comprehensive Plan Appendices (February 2002), include references to industrial uses on the waterfront,

Much of the Hudson waterfront has been developed for industrial activities. To many people, watching a working waterfront can be an interesting, relaxing, and educational experience. The Hudson waterfront currently does not have a park which provides viewing areas of existing industrial activities. However, a public docking area has been developed and local initiatives are moving the waterfront towards a mixed working/recreational waterfront theme. This creates an opportunity to develop a unique experience at the waterfront, perhaps by incorporating interpretive signage detailing the industrial activities.

While Hudson faces a number of challenges in addressing its economic future, the City is also fortunate to have significant strengths on which to build including its proximity to the New York City and Albany metropolitan areas, accessibility to rail, surface, and water transport,

Referral #20-032V – A. Colarusso & Sons, Inc., Commercial Dock Operation – Site Plan Review and Conditional Use Permit

and an ability to provide a high quality of life to the existing residents as well as new residents.

The commercial dock is referenced throughout the City of Hudson Local Waterfront Revitalization Plan (LWRP) November 2011, as an existing use. The CCPB does note, however, that the LWRP has not been accepted by the New York State Department of State (NYS DOS).

The NYSDOS was however consulted and a determination was made that the repair project did not require any federal authorization and as such NYSDOS consistency review was not required.

The County economic development policies encourage a balanced economy through business development, expansion, and retention of existing businesses. The CCPB recognizes that mining and construction services comprise a sector of the County economy. The applicant employs approximately 150 people, and is among the largest employers in Columbia County. The business has been in operation in Columbia County for over 100 years.

In terms of economic development policies at the State and regional level, this project was identified in the City of Hudson winning proposal for Governor Andrew Cuomo's Downtown Revitalization Initiative (DRI) as one of the,

"Key improvements to be considered as part of the DRI-funded circulation and connectivity project: reduction of truck traffic through residential areas of the BRIDGE District by re-routing Colarusso trucks onto a widened two-way haul road at the City's south border",

The Hudson proposal drew support from the Capital Region Economic Development Council and was recently awarded \$10 million by Governor Andrew Cuomo to undertake the DRI.

(h) such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment.

The repairs to the existing dock allow for the continued use of the dock, with improvement to the condition of the shore line and through the stabilization and erosion control, which also serve to benefit the ecology along the shoreline. Proposed native vegetation will enhance the site and provide additional screening for nearby uses. A right of way to the waterfront on the dock parcel is proposed in order to allow pedestrian access. Hours of operations have been condensed. Truck traffic will be diverted to a private haul road, resulting in the decrease in truck traffic on the city streets and the designated truck route. These actions result in a positive impact to the site, and create an enhanced waterfront. The CCPB notes that the improvements are expected to be 100% privately funded.

The CCPB recommendation of APPROVAL is based on the facts associated with these considerations set forth in NYSGML Section 239 (1).

COMMENTS:

1. Zoning: The CCPB notes that this is an existing operation, and the use, a commercial deep water port, was established over 100 years ago. This is a permitted use subject to Site Plan Review as a Conditional Use by the Hudson Planning Board. The Standards for Conditional Uses were addressed.

Referral #20-032V – A. Colarusso & Sons, Inc., Commercial Dock Operation – Site Plan Review and Conditional Use Permit

2. Permitting: The necessary dock stabilization repairs were made in accordance and in compliance with state and federal requirements including, NYS DEC, USACE and NYS OGS.
3. Repairs: The repairs to the bulkhead, stabilization of the shoreline and erosion mitigation measures provide positive benefit to the dock use, the waterfront, and the Hudson River.
4. Existing Use: The continued use of this dock supports the goals of the Columbia County development policies to encourage a balanced economy through business development and expansion and retention of existing business. The CCPB anticipates that continued use of the commercial dock will be positive.
5. Noise: The CCPB encourages the City of Hudson Planning Board, as part of the approval resolution, to work with the applicant in order to identify the measures that will be taken in order to implement the 7.2 Best Management Practices outlined in the City of Hudson Noise Control Code Colarusso Ventures, LLC /A. Colarusso and Son, Inc. City of Hudson Dock Facility City of Hudson, Columbia County, New York Noise Impact Assessment For City of Hudson Noise Control Code, prepared by: Griggs-Lang Consulting Geologists and Engineers, P.C. Date: October 29, 2019.

Please note that within thirty (30) days after final action is taken, the City of Hudson Planning Board shall file a report of the final action it has taken with the CCPB. Please contact Columbia County Planning Department at 518.828.3375 or patrice.perry@columbiacountyny.com for additional information.

Sincerely yours,



Timothy Stalker
Chair

Cc: VIA EMAIL

The Honorable Matt Murell, Chairman of the Columbia County Board of Supervisors
The Honorable Kamal Johnson, Mayor, City of Hudson
The Honorable Sarah Sterling, Supervisor of the City of Hudson 1st Ward
The Honorable Abdus Miah, Supervisor of the City of Hudson 2nd Ward
The Honorable Michael Chameides, Supervisor of the City of Hudson 3rd Ward
The Honorable Linda Mussmann, Supervisor of the City of Hudson 4th Ward
The Honorable Richard Scalera, Supervisor of the City of Hudson 5th Ward
The Honorable Kathleen Eldridge, Supervisor of the Town of Greenport
Patrice O. Perry, Director, Columbia County Planning Department
Robert J. Fitzsimmons, Esquire, County Attorney
Victoria L. Polidoro, Esquire, Rodenhausen, Chale, Polodoro LLP
Edward J. Stiffler, Chairman, Town of Greenport Planning Board
Patrick Prendergast, P.E.

Referral #20-032V – A. Colarusso & Sons, Inc., Commercial Dock Operation – Site Plan Review and Conditional Use Permit

J.R. Heffner, A. Colarusso & Son Inc.
John Privitera, Esquire