

WOODSTOCK LAND CONSERVANCY

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VIA ELECTRONIC MAIL
May 20, 2019

John Konior
Chairman
Town of Kingston Planning Board
906 Sawkill Road
Kingston, New York 12401

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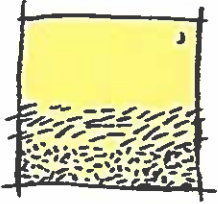
Re: Comments for the May 20th Public Hearing
Site Plan / Special Permit – 850 Route 28 LLC
Project for the construction of two 120,000 square foot buildings for steel and concrete manufacturing

Dear Chairman Konior and Members of the Planning Board:

The Woodstock Land Conservancy (WLC) permanently protects open lands, natural resources, scenic areas, and historic sites in Woodstock and the surrounding eastern Catskills (see attached map). Our area of service includes significant areas of the Catskill Park and NYS Department of Environmental Conservation's (NYSDEC) Catskill Forest Preserve lands. This includes the NYSDEC Bluestone Wild Forest Management Unit (BWF) Jockey Hill and Onteora Lake areas. Since the mid-2000's we have been active partners in a collaborative partnership with the Open Space Institute (OSI), NYSDEC and local stakeholders to expand and protect the Bluestone Wild Forest, and help realize a connected recreational multi-use trail network there of destination quality, including across lands directly adjacent to a property and application on the agenda tonight. We very much appreciate the opportunity to provide comment.

WLC believes the Negative Declaration adopted by the Town of Kingston's Planning Board under the New York State Environmental Quality Review Act ("SEQR") for 850 route 28 LLC project ("Project"), is fundamentally flawed as it was based on incomplete information relating to nature, scope and location of the operations associated with the Proposed Action, and thus failed to identify / evaluate the full range of reasonably anticipated potentially adverse impacts resulting from the implementation of the Project on adjacent and surrounding land uses. Pursuant to SEQR 6 CRR-NY 617.7(e) and (f) a lead agency "may amend" or "must rescind" a negative declaration when substantive:

- (i) changes are proposed for the project;
- (ii) new information is discovered; or
- (iii) changes in circumstances related to the project arise; that were not previously considered and the lead agency determines that a significant adverse environmental impact may result.



Based on our review of the applicant's Part 1 and Part 2 EAF, the related Part 3 analyses and studies presented to support the Negative Declaration, and the rationale set forth in the adopted Negative Declaration of Significance for a Type I Action, there are numerous discrepancies in the description of the Proposed Action that if considered consistently throughout the evaluations, would constitute changes to the Project. For example, in some instances normal manufacturing hours and days of the week are utilized as the basis for impact evaluations, yet the Part 1 EAF indicates that there will 24/7 operations in the future. Furthermore, the SEQR evaluation failed to fully identify and evaluate anticipated impacts, particularly in regard to the adjacent residential lands and public park and recreation resources (as detailed below and in the attached EAF Review Report), the information presented herein constitutes the discovery of "new information."

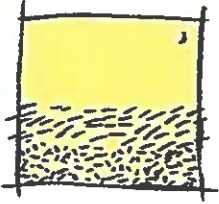
Therefore, WLC respectfully requests that the Planning Board immediately refrain from taking any further actions on the Project application at this time and until such time as there has been a comprehensive identification and evaluation of reasonably anticipated environmental impacts, and proper coordination with all involved and interested agencies. The Public Hearing should remain open and the Planning Board should consider taking an appropriate action to address the previous flawed Negative Declaration.

Our comments and concerns would have been conveyed much sooner in this process, but despite the Project's adjacencies with NYSDEC Bluestone Wild Forest and the newly acquired OSI property purchased from the Aldulaimi family, we only recently learned of this project through a DEC public notice printed in the Kingston Freeman on May 6th. For the past six months WLC has been working with NYSDEC and OSI and local stakeholders on the multi-use trail improvement and connectivity plan for the recently acquired OSI property, "the Addition". *It is our understanding that neither the Aldulaimi family or OSI ever received any notifications as required to be sent to adjacent property owners.*

Since 2005 WLC has been a key local partner in the Bluestone Wild Forest Protection Initiative, "to permanently protect property in and adjacent to the Bluestone Wild Forest (BWF)". This strategic land protection partnership with NYSDEC, OSI, 'Fats in the Cats' and other local conservation and user groups, has resulted in the previous acquisition, protection and incorporation into the NYSDEC BWF of several properties, including:

- OSI acquired 2 parcels (Frazer) totaling approximately 20 acres in 2008, saving from imminent destruction the key 'gateway' section of the historic Wintergreen Rd (a quarry road dating back to the heyday of the bluestone industry at Jockey Hill), and protecting a high quality tributary stream to the Sawkill. The property was also acquired with the specific goal of a feasible expansion (since completed) of the BWF multi-use trail system including for mountain biking;
- WLC accepted donation of 14 acres in 2013 (Von Stutterheim) off Morey Hill Rd at the request of NYSDEC. In 2014 this parcel was then gifted to NYSDEC and incorporated into the Onteora Lake section of BWF, including for its potential future connectivity to DEC's Onteora Lake multi-use recreational network..

In fact, OSI's public multi-use recreational trail planned for the newly acquired property is expected to be conveyed to New York State DEC in the near future, and will link two popular and established trail systems in the BWF. This expanded multi-use recreational area is just ten minutes from the NY State Thruway, and is not only widely used by area residents for fishing, swimming, hiking and mountain biking, but its compact



and comprehensive trail system and natural setting will provide a destination area for visitors to the Catskills from the NY Metro area and beyond. These visitors, and the locals that frequent the trail system, patronize and support the local commercial district on route 28 in Town of Kingston, bringing substantial economic benefit to the Town and Ulster County with far less environmental impacts than would be expected with the implementation of the Project. The commercial area adjacent to the Onteora Lake access point has seen significant growth in the last few years, specifically with businesses (deli, takeout food / drink, etc) that would be utilized by people also using the BWF resources.

As detailed in the attached EAF Review Report, the Environmental Assessment Review failed to account for numerous adverse impacts to protected resources; including potential adverse air and water quality, noise, community character, impact on open space and recreation, traffic and other impacts that the Project may cause.

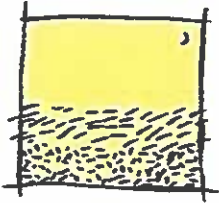
Relationship of the OSI Property and the Bluestone Wild Forest to the Project Site

On February 11, 2019, OSI purchased a 208-acre property (the Adulaimi or "Addition" property) immediately adjacent to the Project, consisting of forested slopes and wetlands and the northern portion of a high-quality body of water known as Pickerel Pond. The Addition property is identified on the Town of Kingston tax maps as parcels 38.4-2-2, 38.4-2-3, 38.4-1-30, 38.4-2-1.100, 38.4-2-10, 38.4-2-11, and 38.4-3-27. *Please refer to the attached Map.* This acquisition joins the two major sections of the Bluestone Wild Forest – Onteora Lake and Jockey Hill – and upon conveyance to New York State will be incorporated into the Catskill Forest Preserve and Catskill Park. The quality and utility of these publicly-accessible recreation, open space and natural resources *directly adjacent to the Project* can not be overstated, but yet they have been completely omitted from the environmental impact evaluation process. It is critical that the Town ensure that new developments do not adversely impact the natural resources and recreational appeal of the Catskills Park, as it is a major economic driver for tourism and outdoor recreation locally, and a natural treasure for all New Yorkers.

The New York State Open Space Plan (2015) identifies the Bluestone Wild Forest as a Priority Conservation Project Area (Catskill River & Road Corridors {39}):

A.

Blue Stone Wild Forest: Just west of Kingston in Ulster County, covering and connecting four towns, this area is actively used by mountain bikers, hikers and birders but holds great potential for expansion and further development of its trail system as a mountain biking destination. The topography, terrain and precipitation pattern in this part of the Catskills are conducive to more intensive recreational uses with minimal damage to natural resources. Within the boundaries of Bluestone Wild Forest are areas of significant historical and cultural significance, including the bluestone quarry industry. Significant portions of several historic roads and trails connecting area towns—Jockey Hill Rd., Evergreen Road and the Waughkonk Trail—lie within Blue Stone Wild Forest. State lands within the core area between Route 28 and Sawkill Road should be consolidated, and those parcels along Route 28 should be acquired to provide trailhead access points, protect historic trails and roads where possible, and preserve this impressive scenic viewshed. It is recommended that the Blue Stone Wild Forest boundaries be extended to incorporate numerous, now isolated DEC tracts increasingly used for recreation. Two lie south of Route 28 in the Towns of West Hurley and Ulster, seven lie north of Sawkill Rd. in the Towns of Woodstock and Kingston. Protecting, connecting and potentially expanding some of these tracts as part of the overall protection plan for Blue Stone Wild Forest will facilitate their consolidation into larger, coherent



open space resources within and between communities facing ever increasing development pressures.

Moreover, in 2009 the Bluestone Wild Forest Land Protection Initiative (OSI, NYSDEC, WLC, Fats in the Cats, Catskill Center) rated the Aldulaimi holdings (the new 'Addition' property) as the single most important infill holding in this area of the BWF for both its unfragmented habitat and public recreational access potential. As the Addition property lies between the Jockey Hill and Onteora Lake sections of the Wild Forest, it provides the unique and missing connection between existing and important recreational opportunities: The Jockey Hill section to the east contains established and marked loop trails popular with hikers and mountain bikers. The Onteora Lake section to the west contains multi-use trails, plus Onteora Lake – a 16-acre lake used as a year-round fishery, seasonally for swimming and boating, and has designated handicapped-accessible amenities including fishing, picnicking and water access. There are also seven (7) designated campsites located along the west side of Onteora Lake, and hunting for deer and turkey is permitted within the Wild Forest. These lands also have historical significance in that they were utilized by early settlers and retain evidence of early wagon trails (including the historic "Waughonk Road" between Stony Clove and the hamlet of Zena through what is now BWF), leading to Route 28's "Onteora Trail" moniker.

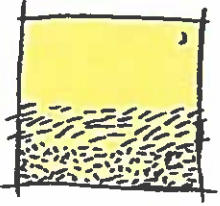
OSI and WLC have identified the existing woods roads and trails on The Addition property as an opportunity to create a new recreational trail system that would connect with the larger existing official trail networks within the BWF, and have commissioned Tahawus Trails to develop a recreational trail plan for The Addition property. This trail plan was presented by representatives from OSI, WLC, and DEC at a public information meeting on May 7, 2019 in the City of Kingston to over 75 members of the public, to an enthusiastic response. The potential adverse impact to the property, and the greater BWF recreational system must be evaluated and mitigation provided as appropriate.

Insufficient Compliance with Required SEQR Analysis

The Planning Board declared itself Lead Agency for the SEQR process "since the anticipated impacts are of primarily local significance." The Project is a Type I Action under SEQR, as it will physically alter an area in excess of ten acres.¹ It is worth noting that even if the Project didn't alter more than 10 acres, it would still have been a Type I Action as SEQR provides reduced thresholds for Unlisted "occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space." Despite the scale of the Project which impacts over 35 acres, its sensitive and unique location relative to the BWF and the Addition property, and the presumption towards significance under SEQR, the Planning Board as Lead Agency improperly issued a Negative Declaration on March 18, 2019.

Based on a non-exhaustive review of the Part 1, 2 and 3 EAF, Negative Declaration and the materials submitted by Applicant, WLC does not have confidence that the applicant fully identified, and the Lead Agency appropriately considered, the potential adverse impacts to existing constitutionally-protected land, that provides park land, open space and recreation in the Wild Forest. It should be noted that such impacts will be even more acute when the Addition property is acquired by New York State for official inclusion in the Catskill Park's Wild Forest.

¹ "[T]he fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS." (6 CRR-NY 617.4)



WLC's specific concerns regarding the Parts 1, 2 and 3 EAF, associated Negative Declaration and accompanying Application materials are provided in the attached EAF Review Report (noting that we have had limited time to process the information and that additional shortcomings are likely to be identified). Given the deficiencies in the environmental review, and the potentially significant adverse impacts that the Project may have on open space, natural resources and habitat, community character and the use and enjoyment of an established public park, it is clear the Planning Board must, in addition to refraining from issuing further approvals, take action on its prior Determination, and appropriately revisit the analysis prior to any further action on the Site Plan / Special Permit application.

In closing, thank you very much again for the opportunity to comment. The attached EAF Review Report gives more detailed identification of issues / impacts which require additional evaluation and analysis, and mitigation measures as appropriate.

Sincerely,

Maxanne Resnick
Executive Director

Att.