

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3  
21 South Platt Corners Road, New Paltz, NY 12561-1620  
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March 15, 2019

Ryan Loucks  
4411 Route 9, Suite 200  
Hudson, NY 12534

**Re: DEC Application ID No. 3-5130-00030/00015  
850 Route 28 LLC  
Town of Kingston, Ulster County**

Dear Mr. Loucks:

The New York State Department of Environmental Conservation (DEC) has reviewed the application materials associated with the above referenced project. Application materials were received by this office on February 8, 2019. According to the information provided, the project includes the construction of a structural steel and precast concrete manufacturing facility. The applicant has applied for an Article 15 Protection of Waters Permit and an Article 24 Freshwater Wetlands Permit. The applicant has also asked for an exemption from an Article 23, Title 27 Mined Land Reclamation Permit pursuant to Section 23-2705 of that Title.

The plans received were prepared by Medenbach & Eggers, titled "850 Route 28 LLC" and last revised January 31, 2019 (18 sheets). After reviewing these materials, it is the Department's position the construction project as proposed may not be subject to the jurisdiction of the Article 23, Title 27 Mined Land Reclamation Law (MLRL). In order to aid in this determination, all permits required (state, federal, local) need to be submitted to the Department as well as a detailed description of time frames associated with the excavation and subsequent construction. In order to be exempt from the permit requirements of the MLRL, construction must be commensurate with the excavation. The project will still require an Article 15 Protection of Waters Permit and an Article 24 Freshwater Wetlands Permit. Those permits applications, however, cannot be determined complete until Town of Kingston Planning Board reaches a determination of significance pursuant to the State Environmental Quality Review Act.

The Department is only providing updated comment on its mining-related jurisdiction at this time. Town of Kingston Planning Board, as Lead Agency, will evaluate characteristics such as traffic, visual, and noise to determine overall environmental impact according to the rules set forth in 6 NYCRR Part 617.

Please also be advised that if this project is considered "major" pursuant to 6 NYCRR Part 621.4, it will be required to undergo 15 days of public notice. Once the department considers the application complete the applicant will be responsible for publishing (for one day) the Notice of Complete Application in the official newspaper of the town in which the project will occur. Any comments received must be addressed before a final permit decision is made.

If you have any comments or questions regarding the above matters, please do not hesitate to contact me at 845-256-3165.

Sincerely,

A handwritten signature in black ink that reads "Michael Grosso". The signature is written in a cursive style with a large initial "M" and a long, sweeping tail.

Michael Grosso  
Environmental Analyst

Ecc: Town of Kingston Planning Board  
B. Medenbach, Medenbach & Eggers  
H. Duda, R3 Division of Mineral Resources