

**TOWN OF KINGSTON  
PLANNING BOARD MEETING MINUTES**

These are the minutes of the regular meeting held on April 15, 2019.

**CALL TO ORDER:**

Chairman John Konior called the meeting to order at 7:00 p.m. with members John Konior, Frank Alexander, and Craig Henkle attending. A quorum was present, and we proceeded with our business.

Ryan Loucks from Crawford Engineering attended to assist the board. Barry Medenbach and Dan Lefever attended as representatives of 850 Route 28 LLC. Bob Cologero, Town of Kingston Building Inspector and Code Enforcement Officer, was also present.

**PUBLIC HEARING:**

A second public hearing on the 850 Route 28 LLC plan for construction of two proposed 120,000 sq. ft. buildings for the construction of structural steel and precast concrete was opened at 7:00 p.m.

Questions were asked by attending neighbors (Steve Malloy and Ron Thaisz) about possible noise impacts of traffic and blasting as well as water-use concerns. The representatives of 850 Route 28 LLC responded that the possible impacts and intended mitigations are addressed in the current sound, traffic, and blasting plans that are available for public inspection in the town hall. More-detailed construction and blasting plans will be made available to the town by the people doing the actual work at appropriate points in the project.

Steve Malloy presented a letter to the planning board detailing his current concerns and requesting a written response from the planning board. See Attachment A. The planning board will review the letter and prepare a response.

The public hearing was closed but not terminated at 7:30 p.m. Continuation of this hearing will take place on May 20, 2019 at 7:00 p.m.

**CORRESPONDENCE:**

1. Letter from Steve Malloy – Re: Concerns with 850 Route 28 LLC Construction and Operation (the "Project") -- See Attachment A.
2. Letter from the Town of Kingston Town Board – Re: Amending MU-2 Zoning District, Removing 'Junkyard' and 'Auto Active Recovery Facility' -- See Attachment B.
3. Letter from the New York Department of Transportation – Re: HWP/SEQRA Procedures -- See Attachment C.

## **BUSINESS AGENDA:**

### **850 Route 28 LLC:**

1. 850 Route 28 LLC representatives stated that they have completed aboveground cutting of less than two acres of trees on the site as allowed in the zoning code. They state that this was done without disturbing the roots or soil.
2. 850 Route 28 LLC will be performing a full pump test to demonstrate stabilized yield and drawdown of the proposed supply wells(s). Testing shall be conducted in conformance with New York State Department of Health requirements for wells serving public water systems.
3. 850 Route 28 LLC will deliver a completed county site-plan package to be delivered by the planning board to the county planning department later this week.
4. The board requested the details of the bond for site rehabilitation to be paid if building construction is not commensurate with excavation as determined by DEC guidelines. 850 Route 28 LLC will provide details at a later time.
5. The board discussed their response to the letter received from Steve Malloy regarding the 850 Route 28 LLC application.

### **Town Board Proposal to Amend MU-2 Zoning District:**

1. The planning board reviewed the letter received from the town board regarding the amendment of the MU-2 Zoning District. John Konior will convey the planning board's determinations in a letter to the town board.

## **READING OF PREVIOUS MINUTES:**

The minutes of the March 18, 2019 meeting were read; and they were approved by all members present on a motion made by Frank Alexander and seconded by John Konior.

## **OTHER BUSINESS:**

None

## **ADJOURNMENT:**

The meeting was adjourned at 8:30 p.m. on a motion made by Craig Henkle and seconded by Frank Alexander.

# Minutes of Planning Board Meeting of April 15, 2019 -- Attachment A

Town of Kingston Planning Board  
Sawkill Road, Kingston, NY 12401

Date 04/15/2019

## Re. Concerns with 850 Route 28 LLC Construction and Operation (the "Project")

Dear Planning Board

I live at 55 Waughkonk Road, a neighboring property to the Project. I attended the last Planning Board meeting in March, and offer the within letter to supplement my continuing objection and concerns about the Project, this Board's analysis of the information provided, and the premature Negative Declaration.

### Noise Study dated February 2019

1. Page 5 of the report notes that equivalent sound level measured at logging stations 11-14 during the day periods (8:30am to 12:30pm). This data was supplied but the monitoring results of the front end loader loading shot rock into a tractor trailer between 12:26pm-1:50pm was not provided. This information should be in the report and your analysis. The report also contains a small graph which is very hard to read noting times from prior to 12:00pm -2:00pm. It should reflect the template used in the ambient background report.
2. One minute reading on the data collection seems to be long in duration. I would like to see what seconds would look like. One minute reading may not take into account the higher db levels and/or is used to average out the peak noise.
3. An actual site DB reading should be provided for the following on site equipment; material crusher, mobile batch plant and a tractor trailer, going up and down the inclined roadway between proposed buildings. A dozer with the blade running across bedrock and a sample blasting readings should be taken and recorded to understand what the residence will hear, as well as any other outside equipment that will be used during the construction and operation of the proposed plants.
4. The report does not note where the front end loader loading into the tractor trailer was in relation to the logging stations. That should be noted on the drawing showing distances to residence.

5. If this work is approved to proceed after issues noted in this letter are satisfactory, I would like to see sight monitoring at residence houses during the duration of the phase I and phase II work and made available to residence or reported at monthly town planning board meetings.
6. We need an Order and action plan whereby work will stop when sound levels are exceeded.
7. The SEQRA report was premature and incomplete. We also need a copy of all reports and analysis.

**Traffic Assessment** dated November 8 2018

1. Mobile batch plant and crusher plants are located outside the buildings. This will be a severe noise concern. Block wall around the plants should be installed to reduce noise impact to residence.
2. There will be over 42 tractor trailer a day in and out of this site plus worker vehicles. I was told only 2-3 per day at the March Planning Board meeting. Thus needs to be addressed.
3. The study does not take into account of the construction traffic. What will that look like as they will have construction vehicle working through both phases and during the start up and running of phase one plant operation?
4. We need high barriers on the inclined road that goes between the buildings to mitigate the sound of truck traffic.
5. Proposed operation hours of 24/7 has not been approved as far as I know. What sounds other than tractor trailers be generated? We need to restrict hours of operation to eight hours maximum with no weekend or Holiday work.

**Blasting Plan** dated January 2019

1. What is the duration of blasting work? Will they blast one day a week and remove material the rest of the week? Need to understand what the durations of blasting will be and how often? An actual Blasting Plan should be submitted for review.
2. Vibration limiting criteria, as well as, db level limits will need to be understood and monitoring provide for review. Where are the monitoring locations?

3. Who will pay for damages to existing housing in the area and how will that be mitigated?
4. When will the final plan be presented to the public for review and comment?

**Negative Declaration** adopted March 18, 2019

1. Voting of this declaration must have been after the residents left. Why?
2. Page 6 notes that the 48.0db readings are within residence noise levels, based on Noise report. The Noise Report does not take into account those items listed above that should be taken at the site to better understand the impacts to residence.
3. How will we know if the proposed mitigation measures are enough without actual readings taken on all equipment? We need to schedule intermittent reviews.
4. The 2 gallons per hour requirement of water for the operation of this site is a concern. What impact will be on residence wells, and local aquifer? How will future well issues be resolved?

\* \* \*

All of the above concerns need to be addressed in writing by the applicant and resolved by this Board and any related town boards. Indeed, the Negative Declaration and the Town's seeming disregard of the impacts of the Project have and/or may render the decisions deriving from this process arbitrary and capricious and/or not supported by substantial evidence.

I look forward to the Board's consideration of and appropriate written response to the above concerns.

Sincerely



Steve Malloy

cc. John T. Shaban, Esq.



# TOWN OF KINGSTON



## TOWN CLERK/TAX COLLECTOR

906 Sawkill Road  
Kingston, NY 12401  
Phone: (845) 336-8853 Ext. 13  
Fax: (845) 336-5660  
[www.townkingstonny.us](http://www.townkingstonny.us)  
[tokclerk@gmail.com](mailto:tokclerk@gmail.com)

April 13, 2019

To: John Konior, Planning Board Chairman

From: Dennis Weiss, Town Clerk

Re: Amending MU-2 Zoning District  
Removing 'Junkyard' and 'Auto Active Recovery Facility'


At their April 1, meeting, the Town Board passed the following motion:

Motion by Supervisor Landi, Seconded by Councilman Wells, to amend the MU-2 zoning district to remove 'junkyard' and 'active auto recovery facility' and have the Town Clerk refer the proposed changes to the Town Planning Board for a report and recommendation.

Ayes 4 No 0 Abstained 0 Absent 1 – Councilman Gaddy

Motion passed 4-0 with 1 absent

I have also enclosed a copy of Robert Grieco's letter explaining the procedures that the Town Board and the Planning Board must follow as the Town moves to adopt this zoning amendment.

  
Dennis Weiss  
Town Clerk

Cc: Paul Landi, Supervisor

MATTHEWS AND GRIECO  
ATTORNEYS AND COUNSELORS AT LAW  
EIGHTY-NINE JOHN STREET  
PO BOX 3127  
KINGSTON, NEW YORK 12402

RECEIVED

MAR 22 2019

S. JAMES MATTHEWS, ESQ. (1928-2015)  
ROBERT C. GRIECO, ESQ.

PHONE (845) 331-0650 \* FAX (845) 331-0747  
Email: [matthewsgriecolaw@gmail.com](mailto:matthewsgriecolaw@gmail.com)  
Website: [www.matthewsgriecolaw.com](http://www.matthewsgriecolaw.com)

PARALEGALS  
AIMEE L. GDALETO  
MARY WALL

March 19, 2019

Paul Landi, Supervisor  
Town of Kingston  
906 Sawkill Road  
Kingston, NY 12401

Re: Amend Zoning

Dear Paul:

At our recent meeting on March 7<sup>th</sup> with the Town Board you had advised that the Town wishes to amend the MU-2 district to remove "junkyard" and "active auto recovery facility."

The Town Code provides for the amendment of zoning that may be initiated directly by the Town Board (§425-73).

To commence this process the Board must make a motion to amend the zoning of the parcel in question. Attached is a proposed motion.

Thereafter the Town Board must refer the proposed changes to the Town Planning Board for a report and recommendation (§425-74(A)).

When the Planning Board reviews such it consider:

1. Whether such change is consistent with the Town Zoning and if the change is consistent with the MU-2 district parameters.
2. Identify the areas that will be directly affected by such change and in what way will they be affected.
3. Will the proposed changes affect other provisions of the zoning chapter?
4. Whether the proposed change is consistent with the Town Comprehensive Plan.

The Planning Board shall submit a report to the Town Board within forty-five (45) days upon receipt.

Upon receipt of the Planning Board report, the Town Board must then, by Resolution, fix a date for a Public Hearing on the proposed change (§425-75(A)). It shall be published

upon at least ten (10) calendar days notice prior to the hearing in the Town's official newspaper.

Finally, the Town Board, before a vote, must comply with the State Environmental Quality Review Act (SEQRA). The Town Board must act as a lead agency and shall make a determination as to the type of action and any environmental significance that may exist due to the change.

Thereafter, the Town Board may vote upon the amendment; a majority vote is necessary unless the proposed change is contrary to the recommendation of the County Planning Board, in which case there is a need of a majority plus one. Attached is a Resolution for same.

If you or members of the Town wish to speak with me, please feel free to give me a call.

Very truly yours,  
MATTHEWS AND GRIECO

By:   
ROBERT C. GRIECO, ESQ.

RCG/mw





April 8, 2019

Re: HWP/SEQRA Procedures

To whom it may concern:

As a reminder, all SEQRA documents should be transmitted by the Lead Agency to the New York State Department of Transportation (NYSDOT) for comments early in the process. It is critical to involve NYSDOT early in the SEQRA process to establish design elements and possible mitigation measures that will be required to be addressed during the permit process and to enhance the ability to maintain project schedule(s).

A Highway Work Permit (HWP) is the NYSDOT's approval process for a land owner or developer to construct a driveway, or to undertake traffic mitigation measures, along the State Highway System. In order for NYSDOT to meet the business sector's development schedule, we have developed the attached "SEQR & NYSDOT Highway Work Permits" pamphlet. We respectfully request that your municipal planning board and/or zoning officers advise potential applicants of this guide whenever a proposed development (including expansion of an existing facility) may need access, directly/indirectly, to the State highway system. Thereafter, developers should request copies of this guide and additional information on major commercial facilities from Evie Pacheco, 845-437-5149. For all other non-major projects, please contact the local Resident Permit Engineer. See attached Residency Permit Engineer contact information.

NYSDOT Permit Office can also be contacted via e-mail at: [dot.sm.r08.HWPpermits@dot.ny.gov](mailto:dot.sm.r08.HWPpermits@dot.ny.gov).

Please accept our thanks for your continued cooperation in keeping applicants aware of NYSDOT's involvement in the SEQRA and Highway Work Permit processes within your jurisdiction.

Very truly yours,

A handwritten signature in black ink, appearing to read "Edward J. Goff".

Edward J. Goff, P.E.  
Regional Traffic & Safety Engineer

Attachments

## HIGHWAY WORK PERMIT ATTACHMENT

## NYS DOT Residency Contact Information

<b>Residency 8-1, Columbia County</b>	<b>307 Route 66</b>	<b>Hudson, NY 12534</b>
Tom Story, Acting Resident Engineer Richard Frick, Assistant Resident Engineer	Telephone: (518) 828-9401/9402	Fax: (518) 828-2029
Joseph A. Visconti, Permit Field Engineer	Telephone: (518) 828-5137	Fax: (518) 828-2029
<b>Residency 8-2, Dutchess County North &amp; Central</b>	<b>334 Violet Avenue (Route 9G)</b>	<b>Poughkeepsie, NY 12601</b>
Michael Sassi, P.E., Resident Engineer William LaRose, Assistant Resident Engineer	Telephone: (845) 454-3390/3742	Fax: (845) 454-6763
Chuck Walter, Permit Field Engineer	Telephone: (845) 473-3076	Fax: (845) 454-6763
<b>Residency 8-3, Dutchess South &amp; Putnam Counties</b>	<b>106 Ludingtonville Road</b>	<b>Holmes, NY 12531</b>
Gregory V. Bentley, P.E., Resident Engineer Temp. Vacant, Assistant Resident Engineer	Telephone: (845) 878-6361	Fax: (845) 878-3618
Rock DeNigro, Permit Field Engineer	Telephone: (845) 878-6363	Fax: (845) 878-3618
<b>Residency 8-4, Orange County East</b>	<b>112 Dickson Street</b>	<b>Newburgh, NY 12550</b>
Shahid Quadri, P.E., Resident Engineer Vacant, Assistant Resident Engineer	Telephone: (845) 562-4020/4021	Fax: (845) 562-4190
Siby Zachariah-Carbone, Permit Field Engineer	Telephone: (845) 562-8368	Fax: (845) 562-4190
<b>Residency 8-5, Orange County West</b>	<b>3233 Route 6</b>	<b>Middletown, NY 10940</b>
Rich Gaupman P.E., Resident Engineer Peter Schick, Assistant Resident Engineer	Telephone: (845) 343-4638/4681	Fax: (845) 343-7217
Daniel Degrosa, P.E., Permit Field Engineer	Telephone: (845) 344-5819	Fax: (845) 343-7217
<b>Residency 8-6, Rockland County</b>	<b>275 Ridge Road</b>	<b>New City, NY 10956</b>
Steve DeMassio, P.E., Acting Resident Engineer James J. Murawski, Assistant Resident Engineer	Telephone: (845) 634-4661/4662	Fax: (845) 634-2141
Joseph Taylor, Permit Field Engineer	Telephone: (845) 634-1892	Fax: (845) 634-2141
<b>Residency 8-7, Ulster County</b>	<b>11 Quarry Street</b>	<b>Kingston, NY 12401</b>
Dave Corrigan, Acting Resident Engineer Dave Corrigan, Assistant Resident Engineer	Telephone: (845) 331-5533/5535	Fax: (845) 331-9236
John Reilly, Permit Field Engineer	Telephone: (845) 340-1723	Fax: (845) 331-9236
<b>Residency 8-8, Westchester County North</b>	<b>85 Route 100</b>	<b>Katonah, NY 10536</b>
Dave Chomycz, Acting Resident Engineer Mike LeRose, Assistant Resident Engineer Vacant, Residency Program Engineer	Telephone: (914) 232-3060/3776	Fax: (914) 232-0719
Anne Darelus, P.E., Permit Field Engineer	Telephone: (914) 232-5065	Fax: (914) 232-0719
<b>Residency 8-9, Westchester County South</b>	<b>Saw Mill River Road (Route 9A &amp; Dana Road)</b>	<b>Valhalla, NY 10595</b>
Jorge Argote P.E., Resident Engineer Mohammed Islam, Assistant Resident Engineer Lynn Jablowsky, P.E., Residency Program Engineer	Telephone: (914) 592-6557	Fax: (914) 592-4956
Anne Darelus, P.E. Acting Permit Field Engineer Kamal Ahmed, Assistant Permit Field Engineer	Telephone: (914) 592-6557 Telephone: (914) 592-1589	Fax: (914) 592-4956



## SEQR & NYSDOT Highway Work Permits Making the process work for local government

### NYSDOT's ROLE IN THE SEQR PROCESS

New York State Department of Transportation's role in development review will largely depend on the potential impact that a development will have on the state highway system or right-of-way. Thus the role ranges from an advisory and discretionary role to permitting and regulatory role.

The potential impact on the state highway system or right-of-way can be determined initially by a careful evaluation of the project using the State Environmental Quality Review (SEQR); 6NYCRR Part 617 process that has been initiated by the lead agency. A municipality is typically the lead agency for development requiring site plan or subdivision approval.

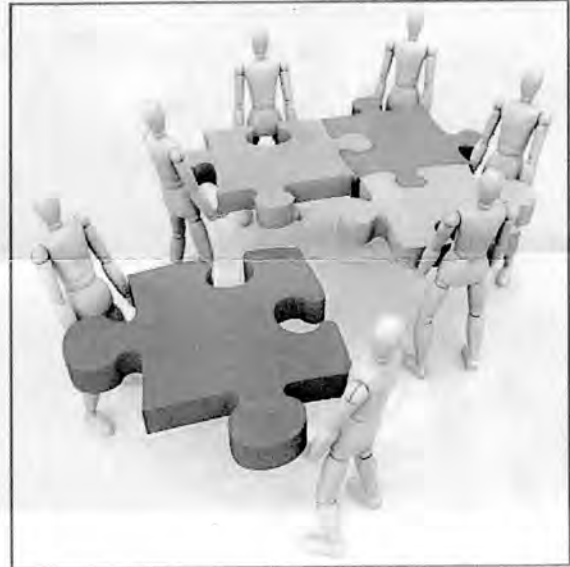
### THE SEQR PROCESS AND NYSDOT REGIONS

If NYSDOT is an involved agency, its regional office will typically concur with the Lead Agency designation and participate in a coordinated review of the Environmental Assessment Form (EAF) to determine the "Environmental Significance" of the action. Regional Staff will evaluate the impacts a proposed development may have on the highway system or right-of-way. These impacts may include, but are not limited to the following:

- Traffic Safety
- Traffic Generation and Road Capacity
- Storm Water/Drainage
- Road Design (e.g., alignment & geometry)
- Driveway Location/ Turn Restrictions
- Access Management and Corridor Preservation
- Signage
- Pedestrian and Bicycle Accommodation
- Land Use
- Right-of-Way or Real Estate Issues

When the EAF is submitted to NYSDOT, supporting documentation such as location map, site plan, traffic information, and a detailed project description should be included. Depending on the complexity of the project additional information such as a traffic impact study or storm water management plan may be required to determine the full impact of the development.

At the completion of NYSDOT's review, the Department



may submit correspondence to the Lead Agency detailing its findings and identifying any mitigation to be included as part of the final coordinated SEQR determination.

### SEQR & HIGHWAY WORK PERMITS

Before a highway work permit can be issued, a SEQR determination must be rendered. Local governments should notify NYSDOT as early as possible when a proposed development is likely to impact a state highway. This early coordination can be particularly useful as part of the scoping phase for a complex development project. Resolving issues early in the process can save time and money.

### RESOURCES & CONTACTS

NYSDOT Regional Staff may also be contacted for additional information or assistance. SEQR Correspondence may be addressed to the NYSDOT Regional Director. Please refer to [www.dot.ny.gov/seqr/contacts](http://www.dot.ny.gov/seqr/contacts) for your local regional contacts and addresses.

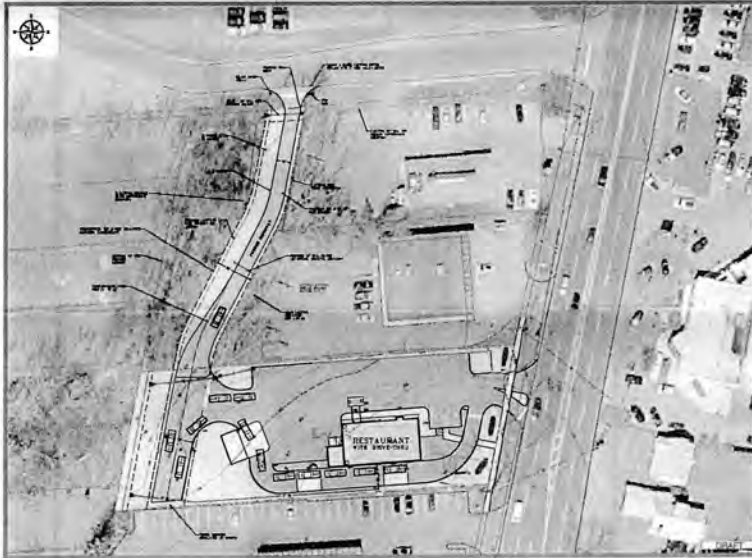
The New York State Department of Environmental Conservation has the regulations and additional supporting information about SEQR at:

<http://www.dec.ny.gov/permits/357.html>



# NYS DOT Highway Work Permits & SEQR

## Making the process work for residential and commercial development



Establishing communication early in the process provides an opportunity to identify and minimize impacts before the permit process begins. Additional information about SEQR can be found online at: [www.dec.ny.gov/permits/357.html](http://www.dec.ny.gov/permits/357.html)

### APPLICATION PROCESS

Once the SEQR process has been completed, review of the design plans and the application submission can be finalized. The Regional Permit Coordinator will guide the applicant through the HWP process, and will make sure that the municipality has the opportunity to participate in meetings with the applicant, and accept comments on the project.

The complexity of the proposed project will establish the type of supporting information NYS DOT needs to review design plans and process the HWP application. A permit for a commercial driveway, for example, will require a site plan and detailed design plans that indicate driveway details, drainage patterns, and traffic circulation. NYS DOT recommends that an applicant contact the department as early as possible in the process to arrange for a concept review of the proposed project, and guidance on how to proceed with more detailed design submissions. If the anticipated project traffic and/or existing road traffic volumes are significant, or if the adjoining highway operations are complex, a Traffic Impact Study (TIS) may be required. The TIS will determine highway impacts and recommend mitigation measures. The Regional Permit Coordinator can provide guidance on the need for and type of information required in a TIS.

### WHEN IS A HIGHWAY WORK PERMIT REQUIRED?

A Highway Work Permit (HWP) is required for any work to be performed within the New York State Department of Transportation (NYS DOT) right-of-way, including driveway installation and maintenance, construction of highway improvements and utility activities. It's the law...Article 3, Section 52 of the New York State Highway Law and Section 1220-c of the New York State Vehicle and Traffic Law prohibit entrance to and work being performed on any State highway except pursuant to the authority of a permit and under rules and regulations prescribed by the Commissioner of Transportation.

### COORDINATION & COMMUNICATION

An important part of the HWP process is the coordination that occurs during the State Environmental Quality Review (SEQR) progressed by the local agency. When a project/action is subject to SEQR and a HWP is required, NYS DOT, through its Regional Offices, will participate in the SEQR process as an Involved Agency. The SEQR process provides the opportunity for NYS DOT to identify potential impacts of development to the state highways. NYS DOT will not issue a HWP until a SEQR determination has been made.

### RESOURCES & CONTACTS

There are several sources of information available to assist applicants and local governments in the preparation and coordination of a Highway Work Permit. Many of these resources, including applications, can be found online at [www.dot.ny.gov/permits](http://www.dot.ny.gov/permits). NYS DOT Regional Permit Coordinators with assistance of the local Residency staff can guide the applicant through the HWP procedures or be contacted for further information. Please refer to [www.dot.ny.gov/permits/contacts](http://www.dot.ny.gov/permits/contacts) for your local regional contacts.