

**TOWN OF KINGSTON
PLANNING BOARD MEETING MINUTES**

These are the minutes of the regular meeting held on March 18, 2019.

CALL TO ORDER:

Chairman John Konior called the meeting to order at 6:30 p.m. with members John Konior, Jim Pirro, Frank Alexander, Diane Meyer, 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.

PUBLIC HEARING:

A 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. Barry Medenbach provided the board with receipts for hearing notices that were sent out to surrounding landowners.

Barry Medenbach gave an overview of the plan. Questions were asked by attending neighbors (Steve Malloy, Ron Thaisz, Shawn Van Kleeck, Theresa Van Kleeck, and Andrew Weider) about possible noise impacts of blasting, construction, operation, and traffic as well as about the site lighting plan. 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.

The public hearing was closed at 7:30 p.m.

BUSINESS AGENDA:

850 Route 28 LLC:

1. The board discussed a letter received by Ryan Loucks from Michael Grosso at DEC regarding the 850 Route 28 LLC application.
2. The board discussed the completed *Part 2 - Identification of Project Impacts* of the state *Full Environmental Assessment Form*.
3. Ryan Loucks and some board members expressed concerns about water availability at the site. The board agreed that successful testing of the existing well or other appropriate measures to assure the availability of the required level of at least 2 gallons per minute would be a condition of final site-plan approval.

4. DEC has indicated that the project will be exempt from the state MLRL permit requirements if building construction is commensurate with excavation. The planning board agreed that the project should be exempt from town mining-permit requirements if the owner posts a bond for site rehabilitation to be paid if building construction is not commensurate with excavation as determined by DEC guidelines.
5. Action: The planning board has determined that there are no significant large environmental impacts that have not been eliminated or mitigated in the current plan. The board authorizes its engineer, Ryan Loucks, to revise the draft Negative Declaration for the planning board chairman's signature, (See Attachment A.)

This action was approved by all members present on a motion made by Craig Henkle and seconded by Jim Pirro.

6. The board agreed to approve immediate above-ground cutting of no more than two acres of trees on the site as allowed in the zoning code. This will be done without disturbing the roots or soil.

READING OF PREVIOUS MINUTES:

The minutes of the March 7, 2019 meeting were read; and they were approved by all members present on a motion made by Craig Henkle and seconded by Frank Alexander.

OTHER BUSINESS:

None

ADJOURNMENT:

The meeting was adjourned at 9:10 p.m. on a motion made by Craig Henkle and seconded by Frank Alexander.

NEGATIVE DECLARATION

850 ROUTE 28 LLC

**SPECIAL USE PERMIT AND SITE PLAN FOR A STRUCTURAL STEEL AND
PRECAST CONCRETE MANUFACTURING FACILITY
SITUATED ON A FORMER ROCK MINE SITE**

TOWN OF KINGSTON PLANNING BOARD, COUNTY OF ULSTER

Please take notice that, according to the provisions of Article 8 of the Environmental Conservation Law and the New York Code of Rules and Regulations Part 617.7, the Town of Kingston Planning Board, acting as Lead Agency for purpose of SEQRA review, has adopted a Negative Declaration for the project named below:

Name of Project: 850 ROUTE 28 LLC - site plan for structural steel and precast concrete manufacturing facility situated on a former rock mine site

Action Type: Type I Action, Coordinated Review

Location: 850 Route 28, Kingston

Zoning District: MU-1

District Tax Map Parcel: Section 38.4 Block 1 Lot 36.100

Summary of Action:

The action involves a request for special exception use permit and site plan approval for a proposed structural steel and precast concrete manufacturing facility situated on a former unreclaimed rock mine. The proposed steel and concrete manufacturing facility will be built in two phases, including the construction of one building per phase, each of which will encompass approximately 120,000 sq ft. The initial phase will combine both steel and concrete operations under one building until the second phase is constructed. The total land disturbance is to be +-35 Acre. Approximately 56 acres of the site was previously disturbed by mining activities.

The project includes the construction of two 120,000 SF buildings, one for structural steel and the other for concrete products. The structural steel facility will receive steel stock and then cut and weld the steel to manufacture plate girders and other structural steel products for the bridge market throughout the northeast as well as commercial application. The concrete facility will receive cement, sand, and aggregate, which will be processed through a mobile batch plant to create the necessary concrete used to manufacture pre-stressed hollow core planks, pre-stressed NEXT Beams, and NEBT girders utilized for rapid bridge construction and other infrastructure projects.

Since the project parcel is a previously stone quarry and construction will be taking place within the previously disturbed area the project constitutes as a redevelopment project.

Reasons Supporting Negative Declaration:

Based on its consideration of the available information, the Planning Board finds there would be no significant adverse environmental effects associated with granting site plan and a special use permit to this industrial use within the MU-1 zoning district.

The Town of Kingston Planning Board has given due consideration to the subject action as defined in 6NYCRR 617.2(b) and 617.3(g).

After reviewing the Full Environmental Assessment Form (EAF) for the action dated Date June 6, 2018 and revised Date February 15, 2019, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6NYCRR 617.7 ©.

Impacts on Land. As noted above, the site was disturbed due to former rock mining that occurred on site, and was never reclaimed. Of the 110 +/- acre site, only 35 +/- acres will be disturbed as part of the proposed industrial use.

The project site consists mainly of exposed rock with partial revegetation. The exposed rock and broken stone rubble are remaining from the once active mine. The site also has approximately 2.3 acres of ponds and the site currently has one existing building, parking/storage area and a long driveway on approximately 3.5 acres. The existing quarry site is to be reclaimed to place two 120,000 SF steel and pre-cast fabrication buildings with storage and parking yards.

The previous unreclaimed stone quarry use of the site has left many high walls of stone remaining and a large amount of rubble around the site. The stone will be removed from the site and used as fill or aggregate depending on the quality of the stone. The goal is to level to existing quarry to place the large 120,000 SF buildings on level pads and allow trucks to easily access the buildings.

The proposed project has an estimated total excavation of 405,000 cubic yards of rock. Phase 1 has approximately 265,000 cubic yards of rock to be excavated, of which 135,000 cubic yards to be used for aggregate, 120,000 cubic yards to be used as fill material and 60,000 cubic yards of excess material to be removed from the site. Phase 2 has approximately 140,000 cubic yards of rock to be excavated, of which 50,000 cubic yards to be used for aggregate 34,000 cubic yards to be used as fill material and 102,000 cubic yards of excess material to be removed from the site.

Based in the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact to lands.

Impacts on Water Resources. The site contains an existing well, that produces 10 gallon per minute as shown by testing conducted in 2012. Each building will be served by its own well, to be constructed adjacent to each building-and will require Department of Health approval for their location and proposed use. The domestic water demand for the proposed project is 900 gallons per day for each employee use and will be disposed of in an UCHD approved Septic System. An additional 2000 gallons per day is proposed to be used in the concrete processes.

Wastewater from the concrete operations will not enter the septic system or stormwater treatment areas, but will be recycled within the concrete operation building. Any sludge created from the concrete process is to be hauled off site. with an anticipated total daily demand of 900 gallons per day. The new wells will require Department of Health approval for their location and proposed use.

Wastewater treatment will be provided on site to the west of the existing storage building on site. It is currently being proposed as an in ground infiltration system, but will need to be verified with percolation tests.

A stormwater pollution prevention plan (SWPPP) has been prepared for the project. Stormwater management for the project will include temporary erosion controls during construction as well as permanent post construction controls, such as dry swales, pipe culverts, and water quality basins. The stormwater management practices will mitigate the impacts of the proposed development for runoff quantity and quality improvements to remove pollutants from the stormwater before it is discharges to the existing ponds on site or over property line to neighboring properties. None of the ponds have any strongly defined outlets. The existing ponds were constructed as settling ponds during the former mining use. During heavy rains the ponds overflow. Downstream of the ponds a stream forms from the water exiting the existing ponds. A NYSDEC Stream Disturbance Permit will be required for the discharges from the two proposed Water Quality Basins to Tributary 6 of the Praymaher Brook. The Praymaher brook is a tributary to the Esopus Creek. The Esopus Creek, Middle, and minor tribs are classified as an impaired waterbody in Appendix E of the NYSDEC SPDES General Permit for Stormwater Discharges (Permit No. GP-0-15-002). The SWPPP has included the second required inspection per week and faster soil stabilization requirements.

NYSDEC wetland KW-3 exists on an adjacent parcel and the existing access road is within the 100 foot adjacent area. The project sponsor has applied for a NYSDEC Article 15 Protection of Waters Permit and an Article 24 Freshwater Wetlands Permit for disturbances within the adjacent area. No wetland disturbance is proposed. These permits applications, however, could not be determined complete until Town of Kingston Planning Board adopted this determination of significance pursuant to the State Environmental Quality Review Act.

There are no other regulated, jurisdictional or NYSDEC wetlands on the property. All other surface water features are isolated to the Site, anthropogenic and formed as a function of prior bluestone mining activity.

Based in the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact to water.

Impact on Traffic, Traffic Safety and Transportation.

The facilities will operate year round with raw materials arriving by truck and finished products delivered by truck. Each building will employ approximately 30 people (60 total). Most will work on a 6 am to 6 pm shift, with some employees on an overnight shift and some administrative office staff working typical daytime office hours. The project is expected to begin construction in 2019 with the first building operational in 2020, and fully operational in 2022.

NY Route 28 (Onteora Trail) is generally an east-west roadway, but runs north-south in the project vicinity. Adjacent to the project site, NY Route 28 generally provides two 11 to 12-foot wide travel lanes in each direction with 8 to 9-foot wide shoulders and a posted speed limit of 45-mph. There are no sidewalks in the vicinity of the project as bicyclists are accommodated via sharing the travel lane and pedestrians are accommodated via the shoulders. Land uses along NY Route 28 are primarily commercial and/or vacant.

A traffic study was completed for the project dated November 8, 2018 prepared by Creighton Manning Engineering, LLP, and the results indicated that the proposed steel and concrete fabrication facility will not be a significant source of traffic in comparison to traffic already on Route 28. Even with conservative assumptions, the unsignalized site driveway will operate at an acceptable Level of Service D or better during the peak hours. The driveway sight distances all meet or exceed the recommended sight distances for cars, single-unit, and tractor-trailer trucks, assuming the removal of vegetation immediately north of the driveway. In addition, construction related traffic is expected to be no worse than typical operations; therefore, no other capacity or sight distance mitigation is necessary.

On July 31, 2018, the NYSDOT provided its conceptual approval for the site access drive off of Route 28.

Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact to traffic, traffic safety and transportation.

Impacts on Plants and Animals. Ecological Solutions, LLC completed a threatened and endangered species habitat assessment on the site in October 2017, which was updated and revised on January 29, 2019.

Mixed upland forest can be potential habitat for Indiana bats, which are a state and federally protected endangered species. Mixed upland forest occurs in discrete patches on the site including around the mined area and provides suitable foraging habitat for the Indiana bat. Phase 1 of the proposed project will impact 9.2 acres of mixed forest. Phase 2 of the project will impact 12.5 acres of the mixed forest. A total of 21.7 acres of mixed upland forest habitat removal.

The project will avoid impacts to Indiana bats by:

- Implementing tree clearing for site activities during timeframes when bats are not resident on the site October 1 – to March 31;
- Prior to clearing, the limits of proposed clearing will be clearly demarcated on the site with orange construction fencing (or similar) to prevent inadvertent overclearing of the site.
- Site lighting will use Town of Kingston Planning Board approved light fixtures that have tops that direct light down to minimize light pollution and not interfere with potential bat foraging activities;
- Preserving the wetlands on the site to the maximum extent possible which can potentially be used by bats as travel corridors;
- Implementing soil conservation and dust control best management practices, such as watering dry disturbed soil areas to keep dust down, and using staked, recessed silt fence and anti tracking pads to prevent erosion and sedimentation in surface waters on the site, and;
- Stormwater pond/s will not be maintained with any chemicals that might adversely affect bats or

insect populations on which they may feed.

These measures will result in minimizing potential adverse effects to Indiana bats as well as Northern long-eared bats that have a similar niche as the Indiana bat.

The site does not contain bog turtle habitat but offsite areas associated with Onteora pond offers potential generic habitat. No mitigation measures are proposed for site work relating to potential impacts to bog turtles given the absence of any bog turtle habitat on site.

Based in the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact to plants and animals.

Impacts on Agricultural Resources. The site is not agricultural, nor is it within an Agricultural District. Rather, the site is located wholly in a commercial district. This is not a significant harmful impact, and there are no elements of this proposed use that would in any way impair other existing agricultural operations in the site area.

Based in the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact to agricultural resources.

Impact on Aesthetic, Historic and Archaeological Resources. As noted previously the site has been extensively disturbed. And according to the NYS Office of Parks, Recreation and Historic Preservation's Cultural Resource Information System, there are no historically significant or potentially State or National Register or Register-eligible sites on or adjacent to the property. This information was confirmed in the July 24, 2018 Letter from NYS OPRHP.

With regard to aesthetic considerations, the site is located within a commercial corridor. The plan incorporates lighting that must comply with the Town's lighting requirements which require shielded lighting, among other restrictions. The Planning Board finds no harmful aesthetic impacts from this action.

Impact on Open Space and Recreation. The proposed plan creates no new residential uses and therefore no new demands for recreation and no harmful impacts on the same. No further consideration is needed.

Impact on Critical Environmental Areas. The Town of Kingston contains no Critical Environmental Areas; so there are no impacts expected here.

Impacts on Energy, Noise, Odor and Air Quality, or Public Health. The proposed use does not pose any peculiar or excessive energy consumption requirements and would connect to the existing electrical grid.

As with the original plan, the use is not anticipated to generate any unusual volume or type of odors or other air emissions.

A noise study was prepared by H2H Associates. The area surrounding the Site was surveyed to identify potentially "noise-sensitive" receptors, which in this area is represented by single family residences to the south of the Site. Abutting land use consists mainly of sparsely populated, rural,

wooded residential areas to the south of the Site. The area to the north, east and west of the site is forested and undeveloped, the closest residential receptor in this area would be 2,500 feet to the east. At a distance of 2,000 feet, using natural sound attenuation and the noise levels produced by the on-site equipment, increases in sound levels are considered to be negligible.

The proposed site development project at 850 State Route 28 does have the potential to affect identified Receptors south of the site if the recommended mitigating measures are not followed during site development. The ambient sound levels at Receptor 1 and Receptor 2 are very low 39.3 and 37.2 respectively. The NYSDEC guidance document reports wilderness areas have an ambient sound level of 35 dB. This is the reason for the large increase in ambient sound levels reported in Table 4. The highest projected sound level was at Receptor 1 while the crushing plant is in operation with a value of 48.0 dB (an increase of 10.8 dB above ambient) at the Receptor. Though this is a large increase in sound level, 48.0 dB is still average for a residential area.

Mitigation measures for noise include leaving as much of the vegetative buffer as possible between the southern site development area boundary, and the receptors. Overburden that is stripped should be stockpiled in a berm along the southern site development boundary to reduce noise attenuation during the initial development work. Excavation should be done from the north to the south by advancing an east/west trending excavation face. Excavating the site in this manner will greatly reduce sound levels at each receptor due to the difference in elevation between the sound source and the receptor.

Given the fact that the proposed site development project will not be a permanent ongoing operation, and that the highest calculated projected sound level at a Receptor is 48.0 dB H2H believes that with proper mitigating measures described above the proposed site development project can be completed with minimal disturbance to the neighboring Receptors. The long term concrete and steel manufacturing facilities can be operated with no disturbance to the neighboring Receptors with the mitigating measures described above in place for the life of the operation.

Impacts on Planning and Zoning, Growth or Community Character. The use in question requires a special use permit under the Town's zoning for a manufacturing use on the project site.

Consistent with the requirements of the Town of Kingston zoning code § 425-20 and 425-21, in authorizing any special use, the Planning Board has taken into consideration the public health, safety, general welfare, the comfort and convenience of the public in general and that of the immediate neighborhood in particular. The Planning Board has also taken into strict account the specific conditions set forth in § 425-21 for certain uses, and all applicable supplementary regulations, and the Planning Board makes the following findings:

Adjacent land uses. The Planning Board determines that the proposed use will not have a negative effect on adjacent land uses.

Location and size of the use. The Planning Board determines that the nature and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to existing and future streets providing access, shall be in harmony with the orderly development of the MU-1 district.

Location, nature and intensity of intended buildings, structures and operations. The Planning Board determines that the project shall not discourage the appropriate development and use of

adjacent land and buildings or impair the value thereof.

Vehicular access and circulation. The Planning Board has considered the adequacy and arrangement of vehicular traffic access and circulations, including intersections, road widths, alignment, grade, pavement surfaces, channelization structures, visibility and traffic controls.

Parking. The Planning Board has considered the adequacy of the location, arrangement, appearance and sufficiency of off-street parking and loading.

Layout. The Planning Board has considered the adequacy of the location, arrangement, size design and general site compatibility of buildings, lighting and signage.

Drainage facilities/erosion control. The Planning Board has considered the adequacy of the stormwater management plans and drainage facilities shall be considered.

Water and sewer. The water supply shall be approved by the Ulster County Department of Health. The subsurface septic system is approved by the Ulster County Department of Health..

Vegetation. The Planning Board has considered the type and arrangement of trees, shrubs and other landscaping components. Existing vegetation shall be retained to the extent possible.

Flooding. The Planning Board determines that special attention has been given to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

Lighting. The Planning Board determines that impacts of lighting on adjacent areas and areas within viewing distance have been considered.

Additionally, the use is still not considered to be a significant harmful growth inducer, as the previously submitted traffic study showed that the project will not significantly impact the existing traffic along Route 28. Accordingly, no significant adverse impacts are anticipated in this subject area.

Other Impacts. No other new potential impacts were identified; accordingly the Planning Board has directed that this Negative Declaration be adopted.

No other potentially significant harmful environmental impacts are identified.

Date of Adoption of Negative Declaration: March 18, 2019

Agency Address: Town of Kingston Planning Board

Town Hall – 906 Sawkill Road

Kingston, New York 12401

Tel.(845) 336-8853

Contact Person: John Konior, Planning Board Chairman

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Please see attached.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Kingston Planning Board _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: 850 Route 28 LLC

Name of Lead Agency: Town of Kingston Planning Board

Name of Responsible Officer in Lead Agency: John Konior

Title of Responsible Officer: Chair

Signature of Responsible Officer in Lead Agency: *John A. Konior*

Date: 3-20-19

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: John Konior, Planning Board Chairman

Address: 906 Sawkill Road, Kingston, NY 12401

Telephone Number: 845-336-8059

E-mail: jmsirko@gmail.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>