

LAWS & RULES COMMITTEE

Wednesday September 29th 6:30pm.

NEW BUSINESS

- 1 – Update from Ethics Board – Allen Nace
- 2 – WWTP upgrades SEQR – J. Schultheis
- 3 – Good Cause Eviction – Mayor Noble

OLD BUSINESS

- 1- ADU Accessory Dwelling Units
- 2- Updated Sojourner Truth Proclamation



City of Kingston Board of Ethics

L+R

Allen Nace, Chair
Michael Decker
Charlotte Adamis
Barbara Sarah

August 2, 2021

Good Day Alderman At Large and the City of Kingston Common Council,

The City of Kingston Board of Ethics in April of 2021 submitted a request to the Mayor and the Alderman at Large to review and consider revisions of the Code of Ethics to reflect intent.

The existing Board at that time approved the submission. However, two Board members left the Board soon after the approval and I believe the counsel has delayed discussing and cancelled my/our appearance to read and explain to the Common Counsel our recommendations.

The Board is now at quorum level and has again approved and added clarification of intent.

The year prior to COVID as well as during the pandemic restrictions we had a series of complaints filed and concerns expressed against officials and employees of the City. We have reviewed each case independently. The reviews have disclosed a concern with intent of the Chapter 49- Code of Ethics.

There appears to be a variance between the intent of the code and the language of law associated with the code. It is a suggestion of the Board that the Common Counsel review and determine if the code meets the intent as written or if a revision is needed.

Some examples are: 49-3 which speaks of actions and financial benefit.

The City of Kingston Board of Ethics has reviewed and implemented the City Code Chapter 49 in their consideration of all ethical complaints set before them. Ethical considerations guidelines are important to the development of public trust and the operations of a community.

It has come to the attention of the Board that there may be a benefit from a review of the Code and a consideration of revision or to not revise.

Examples that are present and contained in 49-3 speak to an "Action". There is a public opinion of what constitutes an action by a public official and a different legal definition.

In discussion with the members of the public, the term action may mean anything that the official or employee does. However, a conflicting example may be that an act or proposal or suggestion that appears to be an action but may not meet the legal definition as determined by the Supreme Court. It appears that their determination is that the "action" must be something that the official has the authority to implement. Saying that they will do something without having the authority to implement doesn't meet that standard. Community leadership and the legislative body may

wish to consider this variance and determine what they want the factors to be. Would it be altered to a statement, a plan, a reasonable person's understanding, or the legal definition? Would it remain an action, once knowing the legal definition?

The same section also places a requirement that the benefit be financial in nature. That the individual believes or may believe could result in a financial benefit.

Using the same legal definition there cannot be a belief that an action may lead to a financial benefit if the act of the individual is not able to be enacted by them, but require a different body of Government to enact, and they do not enact it. Another example may be a behavior that has no financial benefit but is thought to be unethical.

In general it is recommended that a review of the Code in its entirety occur and that a determination of what the Counsel wishes to achieve from the Code. It is also suggested that it be a careful and deliberate consideration. To simply change the code to obtain the "desired" effect in any given situation may not be desirable. A caution to consider when loosening the restriction is the impact a loosened code may have on the employees of the City of Kingston, the volunteers of the Boards and the elected officials.

Defining the guidelines may clarify and enhance the public trust but overreaching may damage individuals that are doing their best to function in the existing environment and trying to do the best job they can. This is what we believe is a needed, important task that a diverse group of trusted residents can help define. It is hoped that it will be a living document and that there is language that may provide appropriate judgement opportunities without being too restrictive or too loose.

Since the original April 15, 2021 letter was presented to the Mayor and Alderman at Large there have been some changes on the Board. The previous Board agreed to the request for review. However, two members left the Board. We recently received two new Board Members, Charlotte Adamis and Barbara Sarah. They reviewed the Code and the request and the Board voted unanimously to approve the request for review and possible revision.

Attached to this letter are further explanations of these concerns and additional ones. We would also like to make recommendations that may enhance the understanding of those impacted by the code through education at orientation or when starting a term. In addition, increasing the public knowledge may allow them to understand the code and what constitutes an ethical breach. Ideally the education will allow employees, officials and

Respectfully Submitted,



Allen Nace

City of Kingston

Board of Ethics - Chair

Submitted for consideration in Chapter 49 / Ethics

It is the recommendation of the City of Kingston Ethics Board that the Common Counsel;

Review and revise code to clarify intent of use and interpretation of the Code of Ethics.

Examples:

49-3 "Action" what constitutes an action? Is it the same or different from a proposal? Is a public statement an action? It is suggested that the Common Counsel review and determine the parameters desired. Expanding the verbage would allow a more broad interpretation of the code. However, a word of caution that the expansion would also open up opportunities for increased complaints and a lower bar for consideration of ethical violations.

Legal counsel has offered that an "action" by a public official is only met when the person has the ability to carry out the act. Basically, according to the Supreme Court, if another party has the authority to approve the act and not the individual proposing it, then it is not an action.

49-3 financial benefit. - This term limits the "actions" to those that result in a financial benefit. Without a financial benefit there is no allowance for a determination of an ethical violation. Examples that may not be considered are discrimination, work conditions, and other aspects that may limit the determination of the Ethics Boards. For example : if a person operates in a manner that is determined to be unethical but doesn't benefit financially or because of structure can not benefit financially the imposition of a finding of violation is limited.

If a hypothetical Officer/ Department Head or someone acts in a manner that is out of the accepted standards and proposes a plan be implemented but doesn't have the authority to make the changes or the body that has the authority doesn't approve implementing a proposed change there would be no financial gain possible.

Complaints presented to the Ethics Board appear to be based more on " what a reasonable person" may consider to be a violation of ethics. However, the Code as written doesn't reflect the letter of that position or the intent.

It is recommended that a review of the code be conducted and a revision reflect the intent of the community. However, some words of caution, a revision may allow interpretation of the code based on a "reasonable" interpretation and understanding it may also open additional individuals and situations to ethical jeopardy.

It is recommended that guidance with the inclusion of a whistleblower clause (spelled out).

It is also suggested that there be automatic approval for the Chair of the Ethics Board (with approval of the Board) to engage outside legal counsel in any case where the Ethics Board determines that there is a conflict of interest with Corporation Counsel. This occurs as a result

of the Corporation Counsel representing the Mayor, Counsel and Employees/ officers of the City.

The present allowance provides this relief if the Corporation Counsel opinion is that a conflict exists, then the Mayor must approve, unless the complaint is against the Mayor, in that case the Alderman At Large can approve. However, if the Alderman At Large is involved there are no other remedies listed. Normal logic may lead to think though it is not written that in the above situation the approval could come from the Majority Leader. Unless of course they were involved in a complaint or conflict. Maybe then it would go to the Minority Leader, a position that is not filled. The proposed remedy allowing the Ethics Board to act on their judgement would eliminate the above mentioned possible conflicts and obstacles and result in a quicker resolution of complaints.

It is also suggested that the Annual Financial Disclosure be reviewed and considered for revision. Amendments to reflect the relevant situations that may impact service to the community and the elimination of those questions less relevant. Some examples may include: questions relating to a family member's pension or retirement fund that is not connected to City operations, relationships: should they include domestic partner or "significant other"? If so how is that determined?

The Ethics Board respects and is honored to be entrusted with these important and serious responsibilities.

Our goal is to hopefully educate individuals and remedy situations prior to the breach of ethics. We will continue to do so. However, the Board recommends that an in depth training on Ethics occur at employment orientation and an update on an annual basis. This may aid in accomplishing the goal of increasing awareness and avoiding entanglement in ethical concerns for those individuals serving our community.

In addition, we hear complaints and determine if a complaint meets the criteria set forth in the code. If so, a hearing or investigation may occur. As the Ethics Board conducts City business questions arise. In this communication some of those questions are presented and the Ethics Board requests a review, revision where needed and clarification of the desired code.

Thank you for your consideration

A handwritten signature in dark ink, appearing to read "Althea N. Green". The signature is fluid and cursive, with the first name "Althea" being more prominent than the last name "Green".

2

CITY OF KINGSTON
Office of the City Engineer
jschultheis@kingston-ny.gov

John M. Schultheis, P.E., City Engineer



Steven T. Noble, Mayor

September 3, 2021

Andrea Shaut., Alderman-At-Large, President of the Common Council
Kingston City Hall
420 Broadway
Kingston, New York 12401

RE: Waste Water Treatment Plant (WWTP) Upgrades - Finance

Dear President Shaut:

A design project has been underway since 2018 to design extensive improvements at the WWTP. The primary purpose of the project is to bring treated effluent into compliance with permit limits imposed by the NYSDEC in 2016. The permit imposed lowered ammonia concentration limits on the effluent in order to protect water quality in the Rondout Creek. The improvements are now designed and we expect to go forward with bidding the project in the coming months for construction in 2022.

At this time, I am requesting the Common Council authorize the following:

- Authorize borrowing for the project costs, which is estimated to be \$10,200,000, less the previously approved \$1,200,000 from an earlier bond ordinance. Thus the requested new authorized borrowing is \$9,000,000. A budget is attached for reference. Note that CWSRF no-interest loan funding is expected to be used for the City's share, however a bond authorization is still needed per the grant requirements. Grants already awarded to the City and a required contribution from the Town of Esopus are expected to reduce the net cost of the project to \$6,900,000. Additional grants have been applied for which would further reduce the net cost if received.
- Authorize the Mayor to request the required project financial contributions from the Town of Esopus under the terms of the existing inter-municipal agreement.

Respectfully,

John M. Schultheis, P.E.
City Engineer

Cc: Steve Noble, Mayor
Ed Norman, Superintendent, Department of Public Works

RESOLUTION ____ OF 2021

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, TO DECLARE THE COMMON COUNCIL AS LEAD AGENCY IN THE SEQR REVIEW OF THE WASTEWATER TREATMENT PLANT OUTFALL MODIFICATION PROJECT

Sponsored By: Laws and Rules Committee: Alderman Ventura
Morell, Scott Childress, O'Reilly, Tallerman,
Worthington

WHEREAS, the Common Council has reviewed the completed Part I of the Full Environmental Assessment Form, for the Wastewater Treatment Plant Outfall Modification Project (the Action); and

WHEREAS, the project is located at #124-134 East Strand Street, Kingston, New York (SBL 56.43-6-6); and

WHEREAS, the Action is determined to be a Type I Action as defined in 6NYCRR Part 617.4 of the SEQR Act, and a coordinated review must be undertaken, and

WHEREAS, circulation of the Common Council's intent to seek Lead Agency was completed on August 4, 2021 to all identified Involved and Interested Agencies

WHEREAS, the required 30 days have passed since circulation of the City of Kingston Common Council's intent to seek Lead Agency and no objections have been received.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

Section 1: That pursuant to 6NYRCC Part 617, the City of Kingston Common Council hereby affirms its role as Lead Agency in the SEQR environmental review of the Action as described above.

Section 2: That this resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2021

Approved by the Mayor this ____ day of _____, 2021

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2021

Impact on Land

The project will result in a minor impact to land.

Site development activities involve 1296 cubic feet (48 cubic yards) granular fill material on the landward side of the PZ13 sheet cofferdam to grade over the proposed concrete encasement to accommodate future use for the site.

Ground disturbance will occur at the Wastewater Treatment Plant as well to facilitate the improvements to the outfall pipe and generator. The project areas disturbed by ground trenching will be seeded, mulched and stabilized.

No site grading or tree clearing is proposed as part of the project. No change in hydrology or water runoff patterns is occurring. The potential for erosion from the removal of grasses and other vegetation in the areas of disturbance will be mitigated by seeding and stabilization.

Impacts on Surface Water

The Nationwide Rivers Inventory (NRI) identifies the Rondout Creek as a listed NRI segment. The project will not result in any significant adverse impacts to surface water of the Rondout Creek, and the outfall has been designed to create the least amount of streambed and streambank impacts as feasible.

Proposed work on the waterward side of the PZ13 sheet cofferdam involves 72 cubic feet of streambed disturbance. On the landward side of the PZ13 sheet cofferdam, 108 cubic feet of streambed disturbance is proposed. Overall, streambed material will be side casted at a height of no more than 1 foot. Waterward side material will be side casted within an eight-foot by nine-foot area, while landward side material will be side casted within a twelve-foot by nine-foot area. An existing car rests on the base of the streambed and will be removed from the waterway as part of the site construction resulting in 34 SF of streambed disturbance. A weighted chain turbidity curtain will be placed in the water around the proposed work during construction to reduce impact of turbidity. After the outfall is installed and the disturbed streambed material has settled, the turbidity curtain will be removed.

Work will occur near NYS Freshwater Tidal Wetland KE-11, which is 61.8-acres; however, the proposed work does not encroach into the wetland or regulated adjacent area.

The project's purpose is to improve water quality of the Rondout Creek by reducing the ammonia levels in the City of Kingston Wastewater Treatment Plant effluent as required by the New York State Department of Conservation (NYSDEC).

Impacts on Flooding

The project will not result in any significant adverse impacts to flooding. The Project is within the 100- or 500-year floodplain. FEMA depicts the site as being in regulatory floodway. The proposed work involves upgrades to existing facilities; therefore, current flooding conditions are not expected to increase due to the improvements. See the FEMA Flood Map provided with SEQRA Part 1 form.

Impacts on Plants and Animals

The project will not result in any significant adverse impacts to plants and animals.

Based on a review of the New York State Environmental Resource Mapper, potential habitats of five endangered or threatened species are within the area of the proposed work. The listed species involve both terrestrial and aquatic species. There is no tree clearing proposed as the work is within the Creek. Therefore, the Indiana Bat and Northern Long-eared Bat will not be affected by the work. The U.S. Fish & Wildlife Service Information for Planning and Consultation (IPaC) Review also identified the two bats; again, the species are not expected to be impacted. No submerged aquatic vegetation is located near the work area; therefore, the Least Bittern is not expected to be affected by the work. No NYS rare or special concern species are within the project area.

While the project will require in-water work, an Essential Fish Habitat (EFH) report was conducted and concluded that the project site does not represent preferred habitat for marine EFH-designated species, and project-related impacts upon these life stages are considered unlikely.

Impact on Historical and Archeological Resources

The project will result not have an adverse impact on historical and archeological resources. The City has reviewed a letter from the NYS OPRHP dated October 9, 2020, which indicated that it will have no impact on archeological and/or historic resources listed in or eligible for the NYS and National Registers of Historic Places.

Impact on Noise, Odor, and Light

The project will not result in any significant adverse impacts on noise, odor, or light.

The proposed work has no external lights proposed.

The project will have no effect on odor and will improve existing noise conditions at the treatment plant. For noise, there will be new equipment installed with lower decibel sound generation.

Project :

Date :

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 refer to attached narrative sheet.

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
Kingston WWTP Outfall Modification Plan Set prepared by Tighe & Bond dated March 16, 2021.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
City of Kingston Common Council 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 617.7(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: City of Kingston Wastewater Treatment Plant Outfall Modifications

Name of Lead Agency: City of Kingston Common Council

Name of Responsible Officer in Lead Agency: Andrea Shaut

Title of Responsible Officer: Alderman-At Large

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: John M Schultheis, PE

Address: 420 Broadway, Kingston, NY 12401

Telephone Number: 845-334-3967

E-mail: jschultheis@kingston-ny.gov

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>

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]

Project :

Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>		

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
-------------------------	--	--------------------------	--------------------------

4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
----------------------------------	--	--------------------------	--------------------------

6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
The proposed action may result in a change to existing transportation systems. ☒ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
The proposed action may cause an increase in the use of any form of energy. ☒ NO ☐ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting. ☐ NO ☒ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

PRINT FULL FORM

RESOLUTION ____ OF 2021

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, ADOPTING A DETERMINATION OF NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN THE REVIEW OF THE WASTEWATER TREATMENT PLANT OUTFALL MODIFICATION PROJECT

Sponsored By: Laws and Rules Committee: Alderman Ventura
Morell, Scott Childress, O'Reilly, Tallerman,
Worthington

WHEREAS, the Common Council has reviewed the completed Part 1 of the Full Environmental Assessment Form, as well as the prepared Parts 2 & 3, for the Wastewater Treatment Plant Outfall Modification Project (the Action); and

WHEREAS, the project is located at #124-134 East Strand Street, Kingston, New York (SBL 56.43-6-6); and

WHEREAS, the Council determined the Action to be a Type I under 6NYCRR Part 617.4 of the SEQR Act, sought lead agency status, and circulated a request for such on August 4, 2021 to all identified Involved Agencies; and

WHEREAS, by Resolution dated _____, the Common Council declared themselves lead agency and considered all documentation submitted to determine significance of the Action on the environment in compliance with the New York State Environmental Conservation Law ("SEQR") and the regulations promulgated there under (the "Regulations") by the New York Department of Environmental Conservation (6 NYCRR, Part 617); and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

Section 1: That pursuant to 6 NYCRR Part 617, the City of Kingston Common Council hereby renders a Determination of Negative Environmental Significance, recognizing all conditions as described within the document presented and adopts the Negative Determination as final.

Section 2: That all identified Involved Agencies will be notified of the Kingston Common Council determination of this decision.

Section 3: That the Engineering Office is directed to submit notice to the State Environmental News Bulletin for publication as required by the statute.

Section 4: That this resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2021

Approved by the Mayor this ____ day of _____, 2021

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2021

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Kingston Wastewater Treatment Plant Outfall Modification		
Project Location (describe, and attach a general location map): 124-134 East Strand Street, Kingston, NY 12401		
Brief Description of Proposed Action (include purpose or need): The City of Kingston's Wastewater Treatment Plant (WWTP) will be finance, have designed and construct plant upgrades including process equipment improvements and a new outfall structure, to comply with the New York State Department of Environmental Conservation (NYSDEC) updated individual SPDES permit for ammonia nitrogen limits and to make other safety and operational upgrades to the plant. The improvements will require a modification of SPDES Permit #NY0029351. The City is seeking financing for the improvements through Environmental Facilities Corporation State Revolving Fund (Application #C3-5374-08-00). Plant improvements consist of process aeration upgrades to blowers, tanks, diffusers, controls and electric service. The outfall improvements consist of installing the water-side portion of the outfall extension and improving the existing headwall structure. This involves the installation of 24 HP12 piles to support 2 twin 28" diameter sewer pipes along the Rondout Creek Bed, a marine mattress, a stormwater pipe, and a PZ13 sheet pile to act as a cofferdam during construction and a permanent bulkhead post-construction. The discharge points of the outfall pipes will rest at an elevation of about 23'6" below the mean high water mark.		
Name of Applicant/Sponsor: Steve Noble, City of Kingston	Telephone: 845-334-3967	
	E-Mail: jschultheis@kingston-ny.gov	
Address: 420 Broadway		
City/PO: Kingston	State: NY	Zip Code: 12401
Project Contact (if not same as sponsor; give name and title/role): Brande Nelson, PE, LEED AP	Telephone: 518-965-5786	
	E-Mail: BNelson@tighebond.com	
Address: 47 West Market Street, Suite 2		
City/PO: Rhinebeck	State: NY	Zip Code: 12572
Property Owner (if not same as sponsor):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Law & Rule Committee Review, Common Council Resolution - SEQR Determination	August 2021
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Kingston Heritage Area Commission - LWRP Comments to DOS; Town of Esopus - Referral	August 2021
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Ulster Co Planning Board - 239L Referral	August 2021
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DEC Article 15, 401 Water Qual Cert, DOS FCAF, OGS Lands Under Water, EFC Finance	April 2021
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ACOE Section 404 Clean Water Act Nationwide Permit	April 2021
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): Remediation Sites: C356037, NYS Heritage Areas: Kingston	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	

C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
RF-R Rondout Creek District

- b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

- c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No
If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

- a. In what school district is the project site located? Kingston School District

- b. What police or other public protection forces serve the project site?

City of Kingston Police Department

- c. Which fire protection and emergency medical services serve the project site?

City of Kingston Fire Department

- d. What parks serve the project site?

Kingston Point Rotary Park, Hasbrouck Park, Loughran Park

D. Project Details**D.1. Proposed and Potential Development**

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Public wastewater treatment plant upgrades outfall repair and improvement

- b. a. Total acreage of the site of the proposed action? 1.58 acres
b. Total acreage to be physically disturbed? .01 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.58 acres

- c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

- d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

- e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Rondout Creek, R1UBV, Riverine _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
The streambed permanent disturbance proposed is 691 SF from HP12 piles, pipelines, a stormwater pipe, and marine mattress (this includes the disturbance removal of a car that currently rests on the streambed). The streambank permanent disturbance is 51 LF (1.45 SF) from a PZ13 sheet pile bulkhead installation.

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☒ Yes ☐ No

If Yes, describe: Pile installation, marine mattress, earth fill

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☒ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="margin-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="margin-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____</p> <p style="margin-left: 40px;">• If to surface waters, identify receiving water bodies or wetlands: _____</p> <p style="margin-left: 40px;">• Will stormwater runoff flow to adjacent properties? _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☒ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No

l. Hours of operation. Answer all items which apply.

i. During Construction:		ii. During Operations:	
• Monday - Friday:	7am - 6pm	• Monday - Friday:	24/7
• Saturday:	N/A	• Saturday:	24/7
• Sunday:	N/A	• Sunday:	24/7
• Holidays:	N/A	• Holidays:	24/7

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>There is expected to be noise exceeding ambient levels when piles are being driven and general construction noise during the week (Monday-Friday) between 7am and 6pm during the construction period.</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: <u>No tree clearing is proposed, all work is in-water or at the existing plant.</u></p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
☐ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☒ Aquatic ☒ Other (specify): Municipal
 ii. If mix of uses, generally describe:
 Site is the City's sewer treatment plant, east of the Rondout Riverport and Ole Savannah restaurant, and abuts the Rondout Creek.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0		
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Permanent Streambed and Streambank</u>	0	0.00973	+0.00973

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☒ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☒ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☒ Yes – Environmental Site Remediation database Provide DEC ID number(s): C356037
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No
If yes, provide DEC ID number(s): C356037, 356052, C356036, 546031
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
Site C356037 includes lands owned by City of Kingston Waste Water Treatment Facility and B. Millens Scrap Yard for storage, which the outfall headwall falls within. Contaminates found during the remedial search are: benzene, benzo(a)anthracene, chrysene, petroleum products, barium, benzo(b)fluoranthene, arsenic, benzo(k)fluoranthene, indeno(1,2,3-CD)pyrene, dibenz[a,h]anthracene, benzo(a)pyrene and lead.

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ 7+ feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ 100 %	
_____ %	
_____ %	
d. What is the average depth to the water table on the project site? Average: _____ 3 feet	
e. Drainage status of project site soils: <input checked="" type="checkbox"/> Well Drained: _____ 100 % of site	
<input type="checkbox"/> Moderately Well Drained: _____ % of site	
<input type="checkbox"/> Poorly Drained _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input checked="" type="checkbox"/> 0-10%: _____ 100 % of site	
<input type="checkbox"/> 10-15%: _____ % of site	
<input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
<ul style="list-style-type: none"> • Streams: Name <u>855.4-1</u> Classification <u>C</u> • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name <u>Federal Waters, Federal Waters, Federal Waters,...</u> Approximate Size _____ • Wetland No. (if regulated by DEC) _____ 	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
j. Is the project site in the 100-year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Name of aquifer: <u>Principal Aquifer</u>	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>Ducks _____</p> <p>Fish Species _____</p> <p>Aquatic Water Fowl _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>Tidal River, Freshwater Intertidal Shore, Freshwater Tidal Marsh _____</p> <p>ii. Source(s) of description or evaluation: DEC Environmental Resource Mapper _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: 74248.64, 6.0, 30.0 acres • Following completion of project as proposed: 74,248.64, 6.0, 30.0 acres • Gain or loss (indicate + or -): 0 acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Species and listing (endangered or threatened): _____</p> <p>Atlantic Sturgeon, Shortnose Sturgeon, Indiana Bat, Least Bittern, Northern Long-eared Bat _____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Species and listing: _____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>Not expected to hinder these activities. _____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>i. If Yes: acreage(s) on project site: _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District ii. Name: Eligible property: CORNELL SHOPS BUILDING, Eligible property: CORNELL STEAMBOAT CO BOILER SHOP, CATAWISSA (Coastal iii. Brief description of attributes on which listing is based: _____ 	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Describe possible resource(s): _____ ii. Basis for identification: _____ 	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify resource: Estates District (ED)-15 ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Hudson River iii. Distance between project and resource: _____ 0.21 miles. 	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No 	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

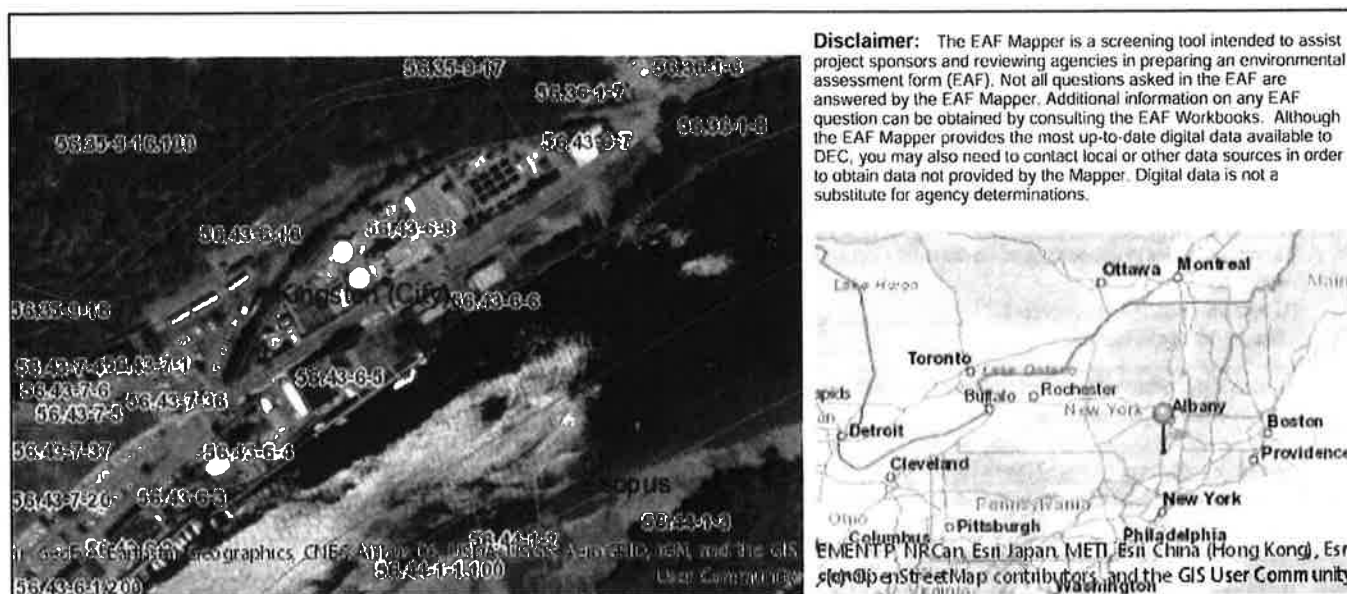
Applicant/Sponsor Name Brandee Nelson, PE, LEED AP Date 07/19/2021

Signature _____ Title Vice President

PRINT FORM

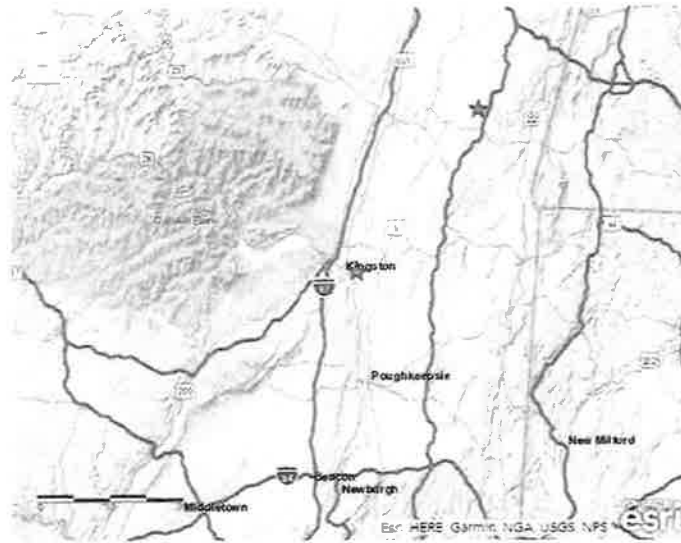
EAF Mapper Summary Report

Thursday, September 17, 2020 2:28 PM



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:C356037, NYS Heritage Areas:Kingston
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	C356037
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	C356037, 356052, C356036, 546031
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	855.4-1
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters

E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Tidal River, Freshwater Intertidal Shore, Freshwater Tidal Marsh
E.2.n.i [Natural Communities - Acres]	74248.64, 6.0, 30.0
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Atlantic Sturgeon, Shortnose Sturgeon, Indiana Bat, Least Bittern, Northern Long-eared Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property: CORNELL SHOPS BUILDING, Eligible property: CORNELL STEAMBOAT CO BOILER SHOP, CATAWISSA (Coastal Tugboat), Cornell Steamboat Company Machine Shop Building, Brooklyn & Queens Transit Trolley No. 1000
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



Region 1 Long Island
Region 2 New York City
Region 3 Mid - Hudson

- Rondout BOA, in the City of Kingston, Ulster County

find & add
DATA

search browse

- ▶ Biological
- ▶ Boundaries
- ▶ Citizen Science
- ▶ Commercial Fishing
- ▶ Cultural & Demographic
- ▶ Energy, Utilities & Disposal
- ▶ Physical Environment
- ▶ Recreation

Legend

☒ all on/off ☒ remove all ☒ download checked

 Artificial Canals DOS Identified

Legend:

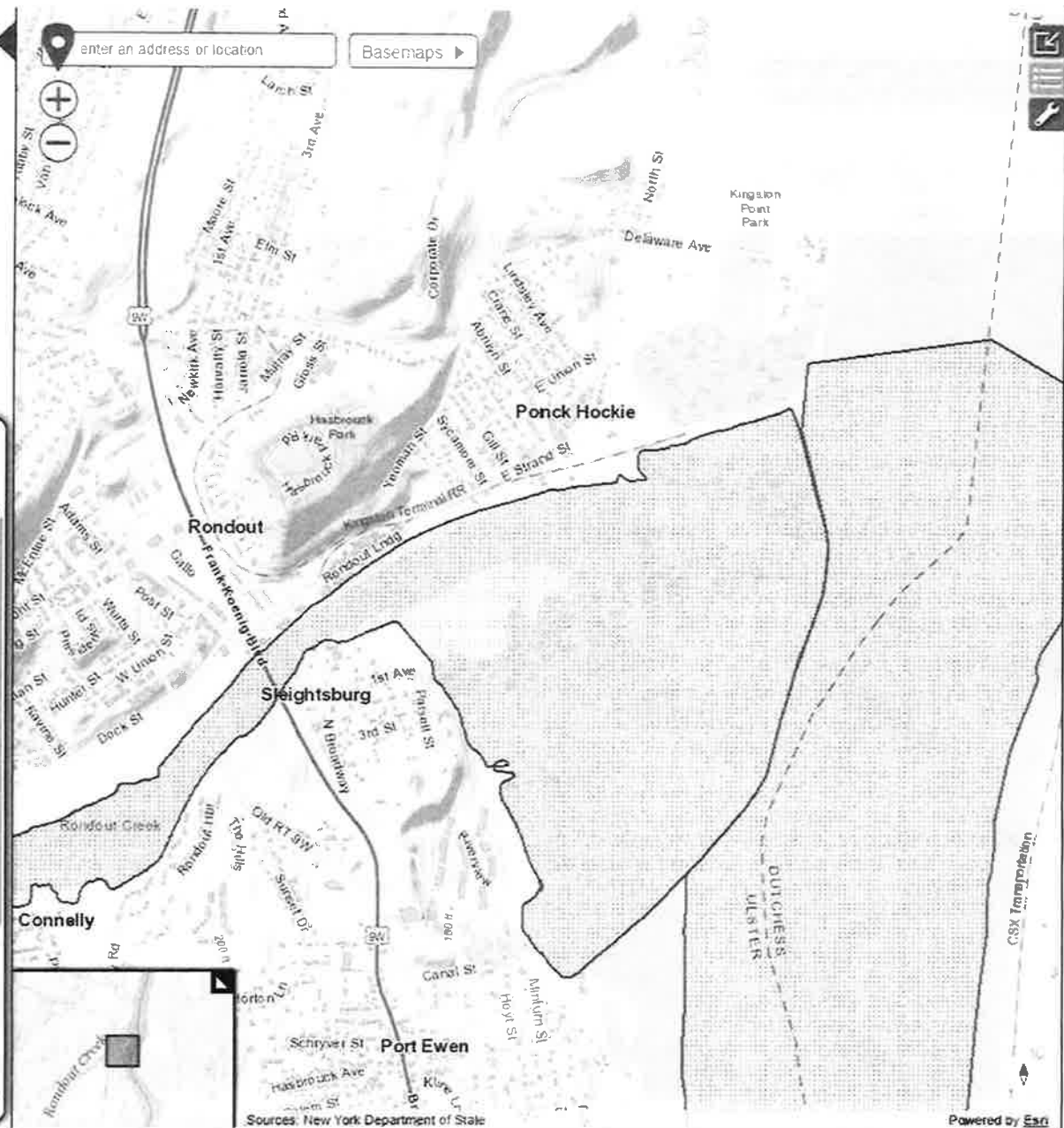
Significant Coastal Fish & Wildlife Habitats - NY

Legend:      **Transparency:** 

☒ **Scenic Areas of Statewide Significance**

Legend:

 **Local Waterfront
Revitalization Program [LWRP]**

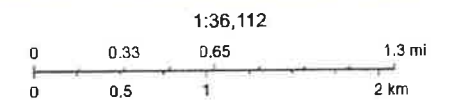


Powered by Esri

Environmental Resource Mapper - Kingston WWTP



January 4, 2021



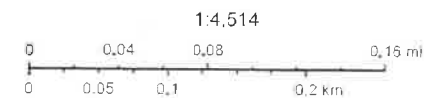
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Author: AGM
Not a legal document

State Wetlands, 72/75 Inches Sea-level Rise - Kingston WWTP



January 4, 2021



Sources: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Author: AGM
Not a legal document

MS4, EJA, Remediation Parcels/Site - Kingston WWTP



January 4, 2021

1:9,028
0 0.05 0.1 0.2 mi
0 0.07 0.15 0.3 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,
USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE


Author AGM
Not a legal document

DECinfo Locator Legend (Active Layers)

Permits and Registrations

- ☒ Municipal Separate Storm Sewer System (MS4)
- ☐ MS4 Extended


Environmental Cleanup

- ☐ Remediation Parcels
-  Remediation Sites

Public Involvement

- ☒ Potential Environmental Justice Areas

Reference Layers

-  DEC Regional Offices
- ☐ County Boundary



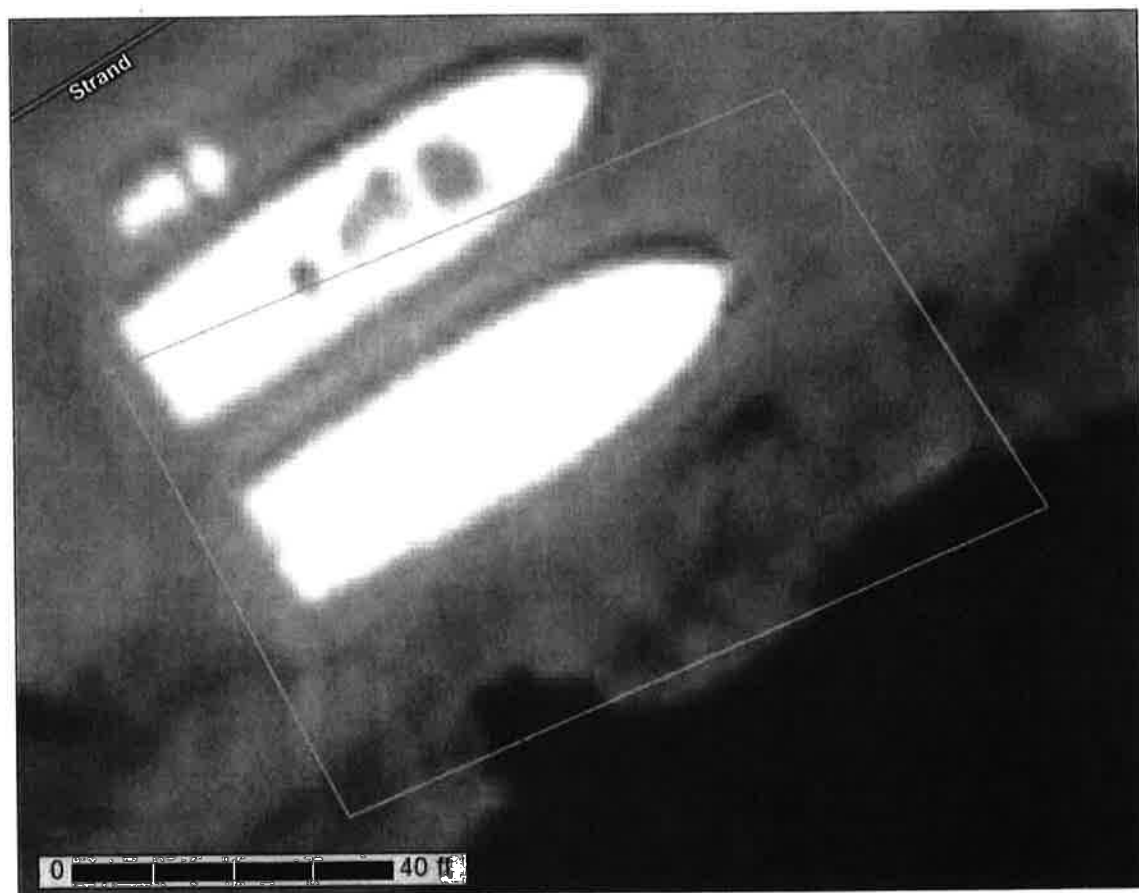
United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Ulster County, New York**



September 22, 2020

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Contents

Preface	2
How Soil Surveys Are Made	5
Soil Map	8
Soil Map (Kingston WWTP Outfall).....	9
Legend.....	10
Map Unit Legend (Kingston WWTP Outfall).....	11
Map Unit Descriptions (Kingston WWTP Outfall).....	11
Ulster County, New York.....	13
CF—Cut and fill land.....	13
References	15

How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

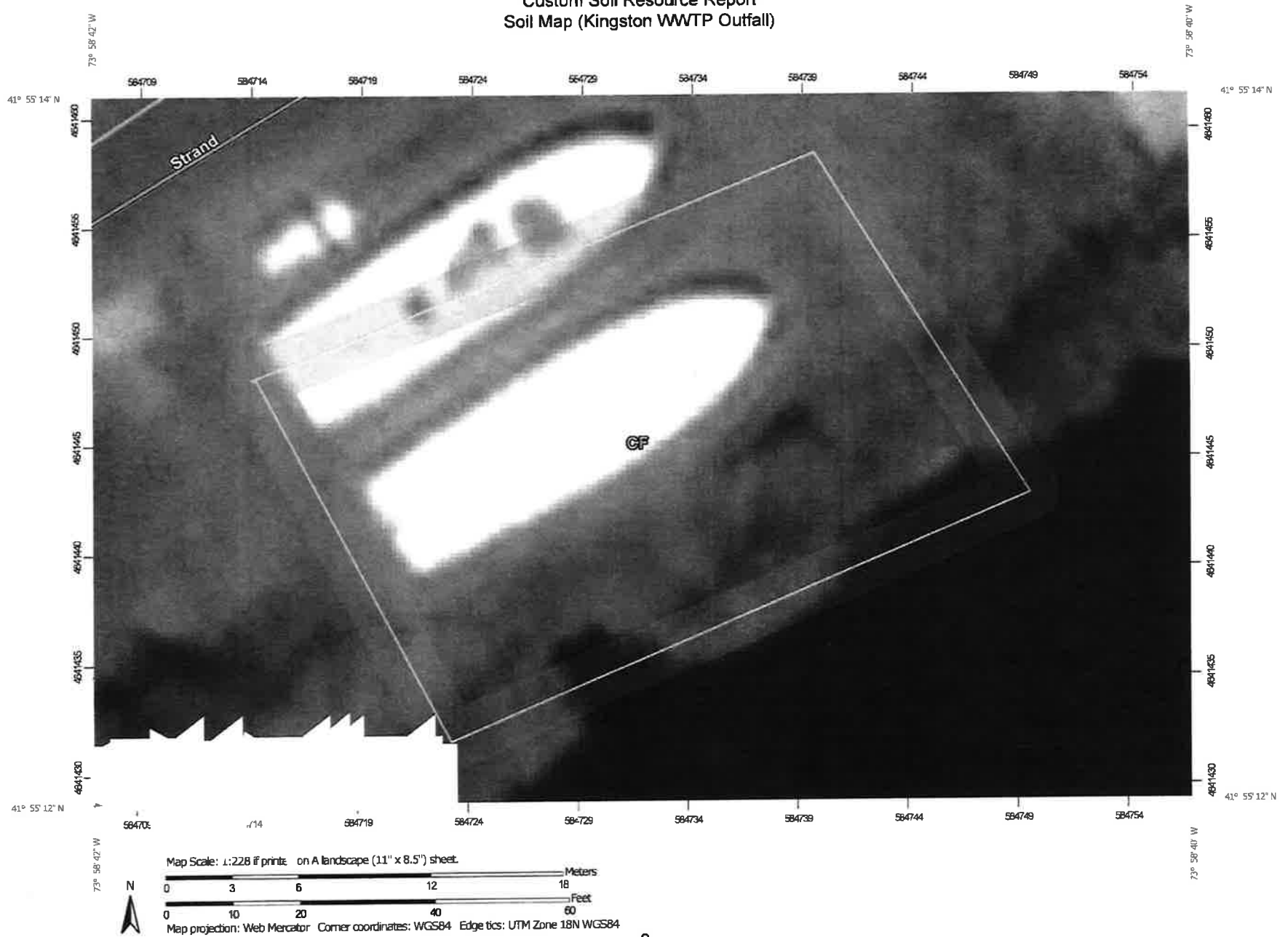
Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map (Kingston WWTP Outfall)



Custom Soil Resource Report

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils



Soil Map Unit Polygons



Soil Map Unit Lines



Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Ulster County, New York

Survey Area Data: Version 19, Jun 11, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 7, 2013—Sep 3, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend (Kingston WWTP Outfall)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
CF	Cut and fill land	0.1	100.0%
Totals for Area of Interest		0.1	100.0%

Map Unit Descriptions (Kingston WWTP Outfall)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

Custom Soil Resource Report

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Ulster County, New York

CF—Cut and fill land

Map Unit Setting

National map unit symbol: 9xg2
Elevation: 160 to 1,970 feet
Mean annual precipitation: 41 to 62 inches
Mean annual air temperature: 41 to 50 degrees F
Frost-free period: 110 to 200 days
Farmland classification: Not prime farmland

Map Unit Composition

Udorthents and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Udorthents

Typical profile

H1 - 0 to 4 inches: gravelly sandy loam
H2 - 4 to 70 inches: very gravelly sandy loam

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat excessively drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to high
(0.06 to 5.95 in/hr)
Depth to water table: About 36 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Available water capacity: Low (about 5.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6s
Hydrologic Soil Group: B
Hydric soil rating: No

Minor Components

Bath

Percent of map unit: 5 percent
Hydric soil rating: No

Tunkhannock

Percent of map unit: 5 percent
Hydric soil rating: No

Lyons

Percent of map unit: 5 percent
Landform: Depressions
Hydric soil rating: Yes

Custom Soil Resource Report

Cayuga

Percent of map unit: 5 percent

Hydric soil rating: No

References

- American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.
- American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.
- Federal Register. July 13, 1994. Changes in hydric soils of the United States.
- Federal Register. September 18, 2002. Hydric soils of the United States.
- Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.
- National Research Council. 1995. Wetlands: Characteristics and boundaries.
- Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262
- Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577
- Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580
- Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.
- United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.
- United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374
- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelpdb1043084>

Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf





**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

October 09, 2020

Arica McCarthy
Planner
Tighe & Bond
47 West Market St., Suite 2
Rhinebeck, NY 12572

Re: DEC
Kingston WWTP Outfall
134 E Strand St, Kingston, NY 12401
20PR05831

Dear Arica McCarthy:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay
Deputy Commissioner for Historic Preservation
Division for Historic Preservation

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov

Impact on Land

The project will result in a minor impact to land.

Site development activities involve 1296 cubic feet (48 cubic yards) granular fill material on the landward side of the PZ13 sheet cofferdam to grade over the proposed concrete encasement to accommodate future use for the site.

Ground disturbance will occur at the Wastewater Treatment Plant as well to facilitate the improvements to the outfall pipe and generator. The project areas disturbed by ground trenching will be seeded, mulched and stabilized.

No site grading or tree clearing is proposed as part of the project. No change in hydrology or water runoff patterns is occurring. The potential for erosion from the removal of grasses and other vegetation in the areas of disturbance will be mitigated by seeding and stabilization.

Impacts on Surface Water

The Nationwide Rivers Inventory (NRI) identifies the Rondout Creek as a listed NRI segment. The project will not result in any significant adverse impacts to surface water of the Rondout Creek, and the outfall has been designed to create the least amount of streambed and streambank impacts as feasible.

Proposed work on the waterward side of the PZ13 sheet cofferdam involves 72 cubic feet of streambed disturbance. On the landward side of the PZ13 sheet cofferdam, 108 cubic feet of streambed disturbance is proposed. Overall, streambed material will be side casted at a height of no more than 1 foot. Waterward side material will be side casted within an eight-foot by nine-foot area, while landward side material will be side casted within a twelve-foot by nine-foot area. An existing car rests on the base of the streambed and will be removed from the waterway as part of the site construction resulting in 34 SF of streambed disturbance. A weighted chain turbidity curtain will be placed in the water around the proposed work during construction to reduce impact of turbidity. After the outfall is installed and the disturbed streambed material has settled, the turbidity curtain will be removed.

Work will occur near NYS Freshwater Tidal Wetland KE-11, which is 61.8-acres; however, the proposed work does not encroach into the wetland or regulated adjacent area.

The project's purpose is to improve water quality of the Rondout Creek by reducing the ammonia levels in the City of Kingston Wastewater Treatment Plant effluent as required by the New York State Department of Conservation (NYSDEC).

Impacts on Flooding

The project will not result in any significant adverse impacts to flooding. The Project is within the 100- or 500-year floodplain. FEMA depicts the site as being in regulatory floodway. The proposed work involves upgrades to existing facilities; therefore, current flooding conditions are not expected to increase due to the improvements. See the FEMA Flood Map provided with SEQRA Part 1 form.

Impacts on Plants and Animals

The project will not result in any significant adverse impacts to plants and animals.

Based on a review of the New York State Environmental Resource Mapper, potential habitats of five endangered or threatened species are within the area of the proposed work. The listed species involve both terrestrial and aquatic species. There is no tree clearing proposed as the work is within the Creek. Therefore, the Indiana Bat and Northern Long-eared Bat will not be affected by the work. The U.S. Fish & Wildlife Service Information for Planning and Consultation (IPaC) Review also identified the two bats; again, the species are not expected to be impacted. No submerged aquatic vegetation is located near the work area; therefore, the Least Bittern is not expected to be affected by the work. No NYS rare or special concern species are within the project area.

While the project will require in-water work, an Essential Fish Habitat (EFH) report was conducted and concluded that the project site does not represent preferred habitat for marine EFH-designated species, and project-related impacts upon these life stages are considered unlikely.

Impact on Historical and Archeological Resources

The project will result not have an adverse impact on historical and archeological resources. The City has reviewed a letter from the NYS OPRHP dated October 9, 2020, which indicated that it will have no impact on archeological and/or historic resources listed in or eligible for the NYS and National Registers of Historic Places.

Impact on Noise, Odor, and Light

The project will not result in any significant adverse impacts on noise, odor, or light.

The proposed work has no external lights proposed.

The project will have no effect on odor and will improve existing noise conditions at the treatment plant. For noise, there will be new equipment installed with lower decibel sound generation.

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: Engineering

DATE: 9-15-21

Description: Resolution 1 will affirm the City as lead agency under SEQR; Resolution #2 will make a negative declaration of environmental Significance for the WWTP upgrades project

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action x

Type II Action

Unlisted Action

Negative Declaration of Environmental Significance: x

Conditioned Negative Declaration:

Seek Lead Agency Status:

Positive Declaration of Environmental Significance:

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Jeffrey Ventura Morell, Chairman		
Patrick O'Reilly Ward 7		
Rennie Scott-Childress, Ward 3		
Don Tallerman, Ward 5		
Rita Worthington, Ward 4		

Project :

Date :

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 refer to attached narrative sheet.

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
Kingston WWTP Outfall Modification Plan Set prepared by Tighe & Bond dated March 16, 2021.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
City of Kingston Common Council _____ 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 617.7(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: City of Kingston Wastewater Treatment Plant Outfall Modifications

Name of Lead Agency: City of Kingston Common Council

Name of Responsible Officer in Lead Agency: Andrea Shaut

Title of Responsible Officer: Alderman-At Large

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: John M Schultheis, PE

Address: 420 Broadway, Kingston, NY 12401

Telephone Number: 845-334-3967

E-mail: jschultheis@kingston-ny.gov

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>

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
 Project :
 Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO☒ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
-------------------------	--	--------------------------	--------------------------

4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
-------------------------	--	--------------------------	--------------------------

6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☒ NO☐ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☒ NO☐ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO☒ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part I.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) If "Yes", answer questions a - h. If "No", go to Section 18.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

PRINT FULL FORM

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Kingston Wastewater Treatment Plant Outfall Modification		
Project Location (describe, and attach a general location map): 124-134 East Strand Street, Kingston, NY 12401		
Brief Description of Proposed Action (include purpose or need): The City of Kingston's Wastewater Treatment Plant (WWTP) will be finance, have designed and construct plant upgrades including process equipment improvements and a new outfall structure, to comply with the New York State Department of Environmental Conservation (NYSDEC) updated individual SPDES permit for ammonia nitrogen limits and to make other safety and operational upgrades to the plant. The improvements will require a modification of SPDES Permit #NY0029351. The City is seeking financing for the improvements through Environmental Facilities Corporation State Revolving Fund (Application #C3-5374-08-00). Plant improvements consist of process aeration upgrades to blowers, tanks, diffusers, controls and electric service. The outfall improvements consist of installing the water-side portion of the outfall extension and improving the existing headwall structure. This involves the installation of 24 HP12 piles to support 2 twin 28" diameter sewer pipes along the Rondout Creek Bed, a marine mattress, a stormwater pipe, and a PZ13 sheet pile to act as a cofferdam during construction and a permanent bulkhead post-construction. The discharge points of the outfall pipes will rest at an elevation of about 23'6" below the mean high water mark.		
Name of Applicant/Sponsor: Steve Noble, City of Kingston		Telephone: 845-334-3967
		E-Mail: jschultheis@kingston-ny.gov
Address: 420 Broadway		
City/PO: Kingston	State: NY	Zip Code: 12401
Project Contact (if not same as sponsor; give name and title/role): Brande Nelson, PE, LEED AP		Telephone: 518-965-5786
		E-Mail: BNelson@tighebond.com
Address: 47 West Market Street, Suite 2		
City/PO: Rhinebeck	State: NY	Zip Code: 12572
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

R. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Law & Rule Committee Review, Common Council Resolution - SEQR Determination	August 2021
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Kingston Heritage Area Commission -LWRP Comments to DOS; Town of Esopus - Referral	August 2021
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Ulster Co Planning Board - 239L Referral	August 2021
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DEC Article 15, 401 Water Qual Cert, DOS FCAF, OGS Lands Under Water, EFC Finance	April 2021
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ACOE Section 404 Clean Water Act Nationwide Permit	April 2021
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): Remediation Sites: C356037, NYS Heritage Areas: Kingston	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
RF-R Rondout Creek District

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Kingston School District

b. What police or other public protection forces serve the project site?
City of Kingston Police Department

c. Which fire protection and emergency medical services serve the project site?
City of Kingston Fire Department

d. What parks serve the project site?
Kingston Point Rotary Park, Hasbrouck Park, Loughran Park

D. Project Details**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Public wastewater treatment plant upgrades outfall repair and improvement

b. a. Total acreage of the site of the proposed action? 1.58 acres
b. Total acreage to be physically disturbed? .01 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.58 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____	
• Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>Rondout Creek, R1UBV, Riverine</u>	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
 The streambed permanent disturbance proposed is 691 SF from HP12 piles, pipelines, a stormwater pipe, and marine mattress (this includes the disturbance removal of a car that currently rests on the streambed). The streambank permanent disturbance is 51 LF (1.45 SF) from a PZ13 sheet pile bulkhead installation.

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☒ Yes ☐ No
 If Yes, describe: Pile installation, marine mattress, earth fill

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☒ No
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No
 If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
 If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
 If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? If Yes: <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? If Yes: <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____		
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____		
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? If Yes: <ul style="list-style-type: none"> i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____ • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?		
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? If Yes, identify: <ul style="list-style-type: none"> i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? If Yes: <ul style="list-style-type: none"> i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☒ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____ 7am - 6pm
- Saturday: _____ N/A
- Sunday: _____ N/A
- Holidays: _____ N/A

ii. During Operations:

- Monday - Friday: _____ 24/7
- Saturday: _____ 24/7
- Sunday: _____ 24/7
- Holidays: _____ 24/7

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>There is expected to be noise exceeding ambient levels when piles are being driven and general construction noise during the week (Monday-Friday) between 7am and 6pm during the construction period.</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: No tree clearing is proposed, all work is in-water or at the existing plant.</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe:</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities:</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☒ Aquatic ☒ Other (specify): Municipal

ii. If mix of uses, generally describe:

Site is the City's sewer treatment plant, east of the Rondout Riverport and Ole Savannah restaurant, and abuts the Rondout Creek.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0		
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Permanent Streambed and Streambank</u>	0	0.00973	+0.00973

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☒ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☒ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☒ Yes – Environmental Site Remediation database Provide DEC ID number(s): C356037
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No
If yes, provide DEC ID number(s): C356037, 356052, C356036, 546031
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
Site C356037 includes lands owned by City of Kingston Waste Water Treatment Facility and B. Millens Scrap Yard for storage, which the outfall headwall falls within. Contaminates found during the remedial search are: benzene, benzo(a)anthracene, chrysene, petroleum products, barium, benzo(b)fluoranthene, arsenic, benzo(k)fluoranthene, Indeno(1,2,3-CD)pyrene, dibenz[a,h]anthracene, benzo(a)pyrene and lead.

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ 7+ feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ 100 %	
_____ %	
_____ %	
d. What is the average depth to the water table on the project site? Average: _____ 3 feet	
e. Drainage status of project site soils: <input checked="" type="checkbox"/> Well Drained: _____ 100 % of site	
<input type="checkbox"/> Moderately Well Drained: _____ % of site	
<input type="checkbox"/> Poorly Drained _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input checked="" type="checkbox"/> 0-10%: _____ 100 % of site	
<input type="checkbox"/> 10-15%: _____ % of site	
<input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name 855.4-1	Classification C
• Lakes or Ponds: Name	Classification
• Wetlands: Name Federal Waters, Federal Waters, Federal Waters,...	Approximate Size
• Wetland No. (if regulated by DEC)	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
j. Is the project site in the 100-year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Name of aquifer: Principal Aquifer	

m. Identify the predominant wildlife species that occupy or use the project site:	
Ducks _____	
Fish Species _____	
Aquatic Water Fowl _____	
n. Does the project site contain a designated significant natural community? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
<i>i. Describe the habitat/community (composition, function, and basis for designation):</i> _____ Tidal River, Freshwater Intertidal Shore, Freshwater Tidal Marsh	
<i>ii. Source(s) of description or evaluation:</i> DEC Environmental Resource Mapper	
<i>iii. Extent of community/habitat:</i>	
<ul style="list-style-type: none"> • Currently: _____ 74248.64, 6.0, 30.0 acres • Following completion of project as proposed: _____ 74,248.64, 6.0, 30.0 acres • Gain or loss (indicate + or -): _____ 0 acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
<i>i. Species and listing (endangered or threatened):</i> _____ Atlantic Sturgeon, Shortnose Sturgeon, Indiana Bat, Least Bittern, Northern Long-eared Bat	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
<i>i. Species and listing:</i> _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ Not expected to hinder these activities.	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>i. If Yes: acreage(s) on project site?</i> _____ <i>ii. Source(s) of soil rating(s):</i> _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i. Nature of the natural landmark:</i> <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii. Provide brief description of landmark, including values behind designation and approximate size/extent:</i> _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i. CEA name:</i> _____ <i>ii. Basis for designation:</i> _____ <i>iii. Designating agency and date:</i> _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☒ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☒ Historic Building or District

ii. Name: Eligible property: CORNELL SHOPS BUILDING, Eligible property: CORNELL STEAMBOAT CO BOILER SHOP, CATAWISSA (Coastal

iii. Brief description of attributes on which listing is based:

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☒ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☒ No

If Yes:

i. Describe possible resource(s):

ii. Basis for identification:

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☒ Yes ☐ No

If Yes:

i. Identify resource: Estates District (ED)-15

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Hudson River

iii. Distance between project and resource: 0.21 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No

If Yes:

i. Identify the name of the river and its designation:

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

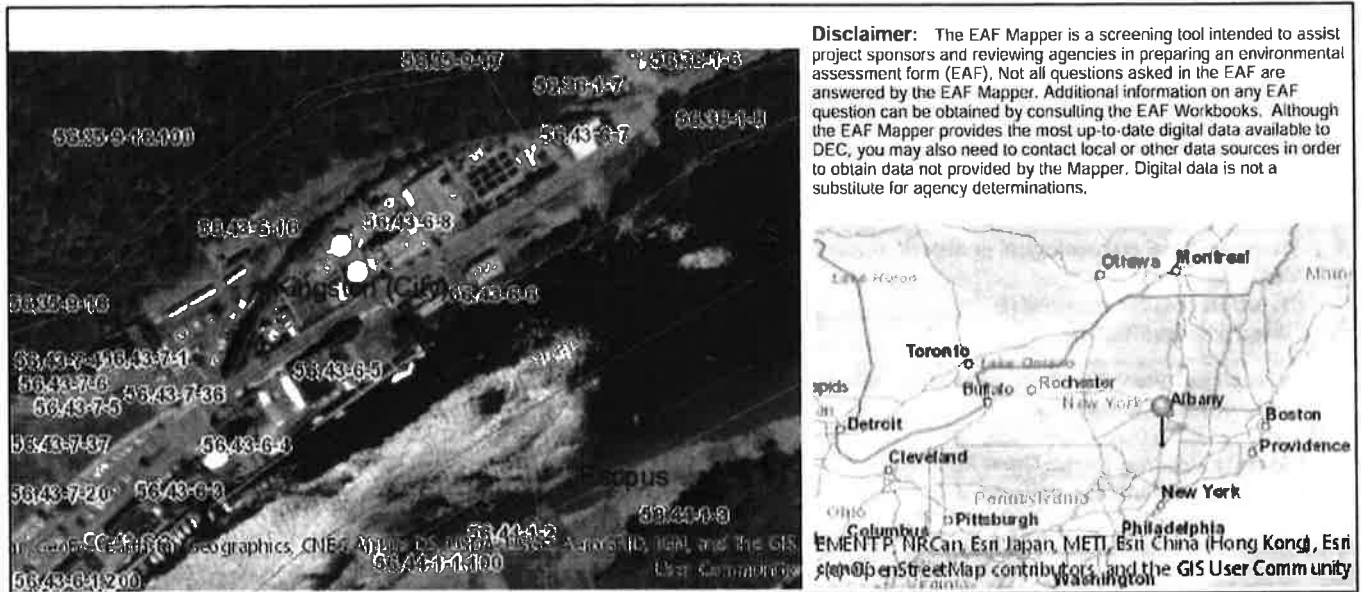
Applicant/Sponsor Name Brandee Nelson, PE, LEED AP

Date 07/19/2021

Signature

Title Vice President

PRINT FORM

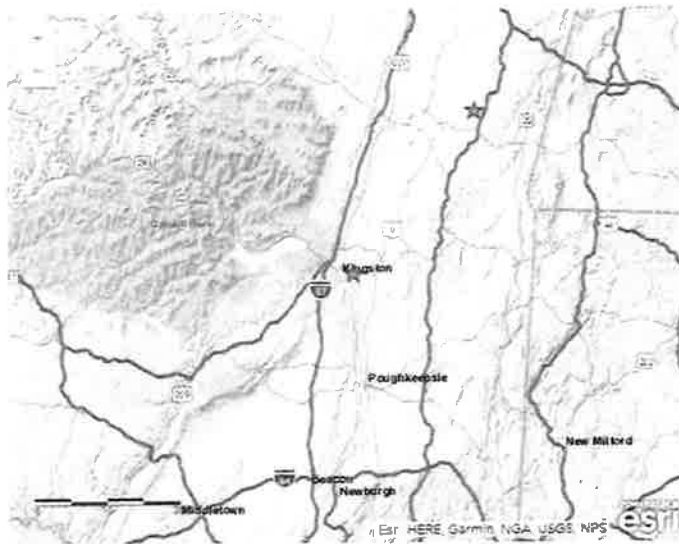


B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:C356037, NYS Heritage Areas:Kingston
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	C356037
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	C356037, 356052, C356036, 546031
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	855.4-1
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters

E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Tidal River, Freshwater Intertidal Shore, Freshwater Tidal Marsh
E.2.n.i [Natural Communities - Acres]	74248.64, 6.0, 30.0
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Atlantic Sturgeon, Shortnose Sturgeon, Indiana Bat, Least Bittern, Northern Long-eared Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property: CORNELL SHOPS BUILDING, Eligible property: CORNELL STEAMBOAT CO BOILER SHOP, CATAWISSA (Coastal Tugboat), Cornell Steamboat Company Machine Shop Building, Brooklyn & Queens Transit Trolley No. 1000
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Brownfield Redevelopment

Designated Brownfield Opportunity Areas



Click the links below for the complete BOA plans

Region 1 Long Island

Region 2 New York City

Region 3 Mid - Hudson

► Rondout BOA, in the City of Kingston, Ulster County

find & add
DATA

search browse

- Biological
- Boundaries
- Citizen Science
- Commercial Fishing
- Cultural & Demographic
- Energy, Utilities & Disposal
- Physical Environment
- Recreation

Legend

☒ all on/off ☒ remove all ☒ download checked

☒ ▼ Artificial Canals DOS Identified

Transparency:

Legend:

☒ ▼ Significant Coastal Fish & Wildlife Habitats - NY

Transparency:

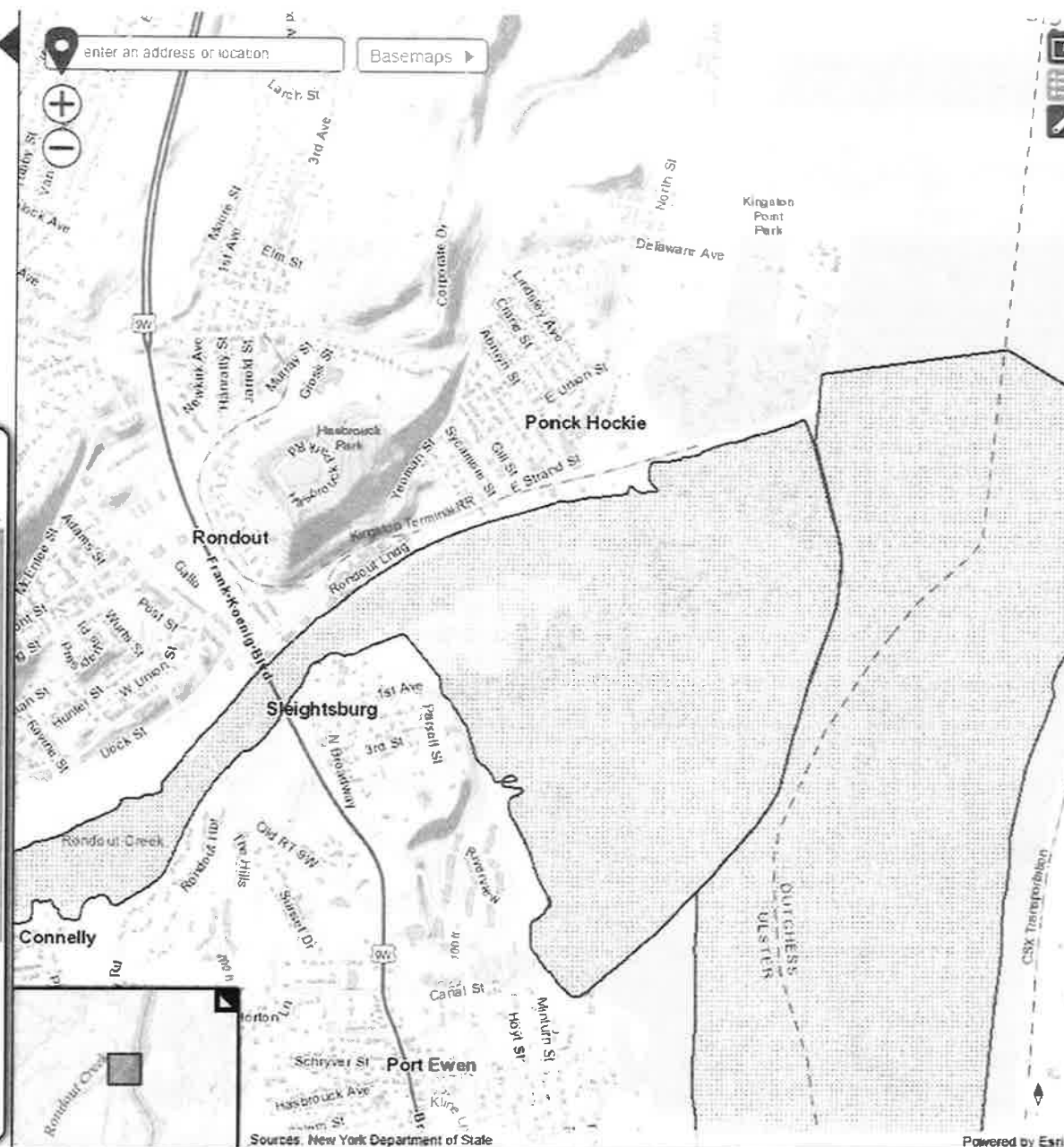
Legend:

☒ ▼ Scenic Areas of Statewide Significance

Transparency:

Legend:

☒ ► Local Waterfront Revitalization Program [LWRP]



Sources: New York Department of State

Powered by Esri

Environmental Resource Mapper - Kingston WWTP



January 4, 2021



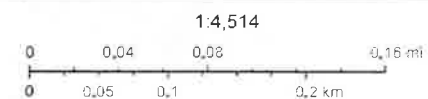
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Author: AGM
Not a legal document

State Wetlands, 72/75 Inches Sea-level Rise - Kingston WWTP



January 4, 2021



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Author: JGM
Not a legal document

MS4, EJA, Remediation Parcels/Site - Kingston WWTP



January 4, 2021



1:9,028
0 0.05 0.1 0.2 mi
0 0.07 0.15 0.3 km
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Author: AGM
Not a legal document

DECinfo Locator Legend (Active Layers)

Permits and Registrations

-  Municipal Separate Storm Sewer System (MS4)
-  MS4 Extended



Environmental Cleanup

-  Remediation Parcels
-  Remediation Sites

Public Involvement

-  Potential Environmental Justice Areas

Reference Layers

-  DEC Regional Offices
-  County Boundary



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Ulster County, New York**



September 22, 2020

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Contents

Preface.....	2
How Soil Surveys Are Made.....	5
Soil Map.....	8
Soil Map (Kingston WWTP Outfall).....	9
Legend.....	10
Map Unit Legend (Kingston WWTP Outfall).....	11
Map Unit Descriptions (Kingston WWTP Outfall).....	11
Ulster County, New York.....	13
CF—Cut and fill land.....	13
References.....	15

How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

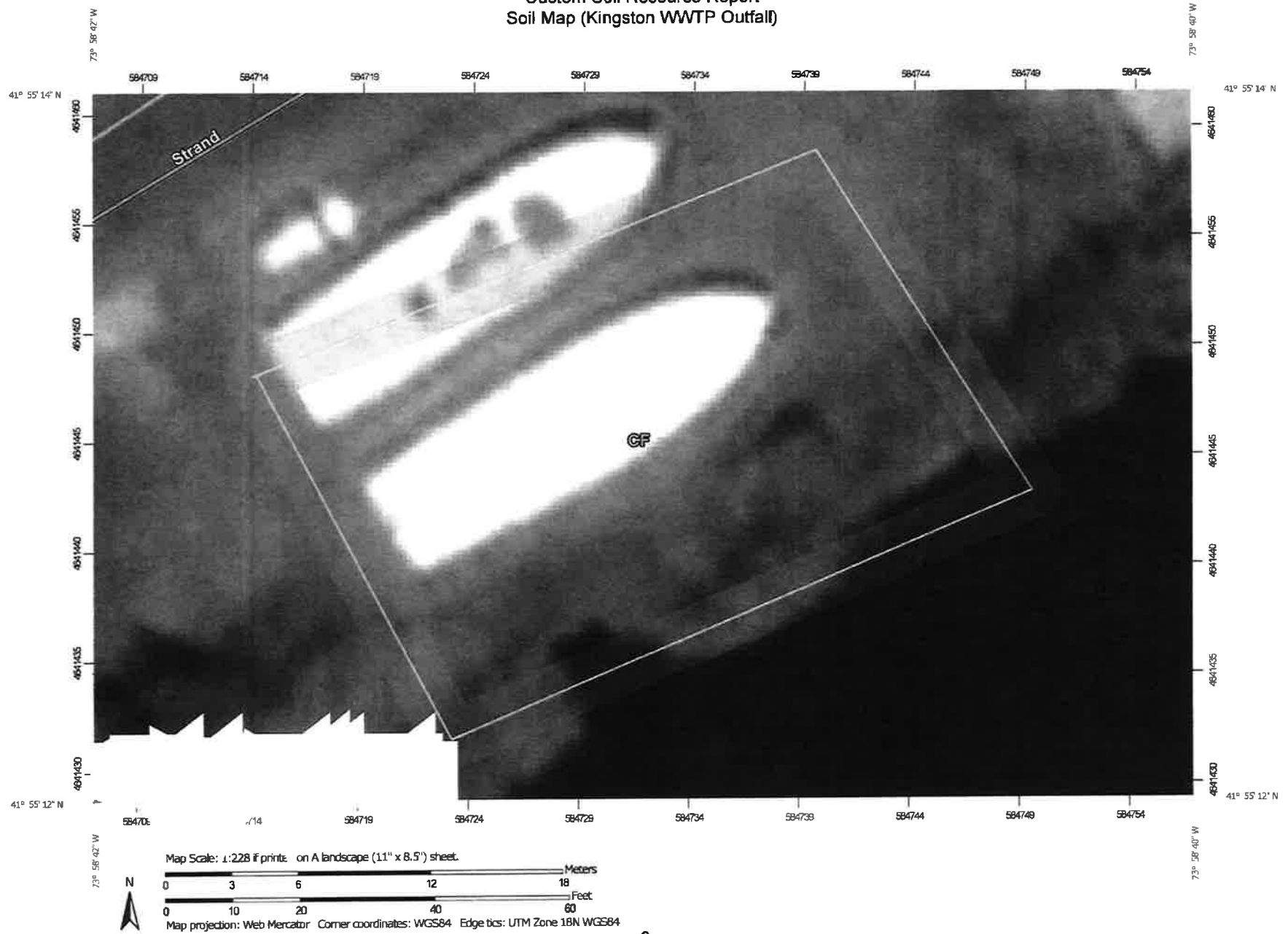
Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map (Kingston WWTP Outfall)






Custom Soil Resource Report

MAP LEGEND
















Area of Interest (AOI)




Area of Interest (AOI)

Soils

-  Soil Map Unit Polygons
-  Soil Map Unit Lines
-  Soil Map Unit Points

Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

Water Features

-  Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

-  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Ulster County, New York
Survey Area Data: Version 19, Jun 11, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 7, 2013—Sep 3, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend (Kingston WWTP Outfall)

Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
CF	Cut and fill land	0.1	100.0%
Totals for Area of Interest		0.1	100.0%

Map Unit Descriptions (Kingston WWTP Outfall)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

Custom Soil Resource Report

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Ulster County, New York

CF—Cut and fill land

Map Unit Setting

National map unit symbol: 9xg2

Elevation: 160 to 1,970 feet

Mean annual precipitation: 41 to 62 inches

Mean annual air temperature: 41 to 50 degrees F

Frost-free period: 110 to 200 days

Farmland classification: Not prime farmland

Map Unit Composition

Udorthents and similar soils: 80 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Udorthents

Typical profile

H1 - 0 to 4 inches: gravelly sandy loam

H2 - 4 to 70 inches: very gravelly sandy loam

Properties and qualities

Slope: 0 to 8 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately low to high
(0.06 to 5.95 in/hr)

Depth to water table: About 36 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 15 percent

Available water capacity: Low (about 5.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 6s

Hydrologic Soil Group: B

Hydric soil rating: No

Minor Components

Bath

Percent of map unit: 5 percent

Hydric soil rating: No

Tunkhannock

Percent of map unit: 5 percent

Hydric soil rating: No

Lyons

Percent of map unit: 5 percent

Landform: Depressions

Hydric soil rating: Yes

Custom Soil Resource Report

Cayuga

Percent of map unit: 5 percent

Hydric soil rating: No

References

- American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.
- American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.
- Federal Register. July 13, 1994. Changes in hydric soils of the United States.
- Federal Register. September 18, 2002. Hydric soils of the United States.
- Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.
- National Research Council. 1995. Wetlands: Characteristics and boundaries.
- Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262
- Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577
- Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580
- Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.
- United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.
- United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374
- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelpdb1043084>

Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf



Legend

Stratified-drift aquifers mapped at 1:24,000

Stratified-drift aquifer boundary lines

— Closed Aquifer Boundary

— New Aquifer Boundary

— New Inferred Aquifer Boundary

Stratified-drift aquifer



Stratified-drift aquifer report boundary



Stratified-drift aquifers mapped at 1:250,000



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

October 09, 2020

Arica McCarthy
Planner
Tighe & Bond
47 West Market St., Suite 2
Rhinebeck, NY 12572

Re: DEC
Kingston WWTP Outfall
134 E Strand St, Kingston, NY 12401
20PR05831

Dear Arica McCarthy:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Daniel Mackay".

R. Daniel Mackay
Deputy Commissioner for Historic Preservation
Division for Historic Preservation

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov

3

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

L+R

Steven T. Noble
Mayor



September 3rd, 2021

Honorable Andrea Shaut
President/Alderman-at-Large
Kingston Common Council
420 Broadway
Kingston, NY 12401

Re: Good Cause Eviction

Dear President Shaut,

On behalf of the Common Council members signed below and I, I urge the Kingston Common Council to pass the "Good Cause Eviction" legislation that will be presented at this month's Laws and Rules Committee meeting on September 15th.

Passing Good Cause Eviction would give every tenant in Kingston the right to a lease renewal, and would protect against predatory rent increases and unfair evictions. The legislation stops landlords from removing tenants without an order from a judge, who would decide if an eviction is for a good cause. "Good causes" include failure to pay rent, violating terms of the lease, causing a nuisance, violation of the law, or in the event that the owner is selling the building.

At a time when we are in the midst of both a housing crisis and an ongoing global pandemic, I believe that passing Good Cause Eviction will not only help protect tenants, it will be beneficial for our City, homeowners and neighborhoods, and good landlords as well. Everyone deserves a safe, secure place to live, and Good Cause Eviction gives tenants the power to demand safe living conditions without fear of retaliation. Housing instability has profound effects on a person's well-being, including physical and mental health, academic success and gainful employment. This legislation would be one step in helping everyone in our community have adequate housing.

Please see the attached sample Albany Legislation.

Respectfully Submitted,

Steven T. Noble, Mayor

Rita Worthington, Ward 4

Jeffrey Ventura Morell, Ward 1

Anthony Davis, Ward 6

Reynolds Scott-Childress, Ward 3

Michele Hirsch, Ward 9

Albany Legislation Model that will still need to be amended to fit Kingston Code

Article XIII Prohibition of Eviction Without Good Cause

§ 30-328 Grounds for removal of tenants

- A. No landlord shall remove a tenant from any housing accommodation, or attempt such removal or exclusion from possession, notwithstanding that the tenant has no written lease or that the lease or other rental agreement has expired or otherwise terminated, except upon order of a court of competent jurisdiction entered in an appropriate judicial action or proceeding in which the petitioner or plaintiff has established one of the following grounds as good cause for removal or eviction:
- (1) The tenant has failed to pay rent due and owing, provided, however, that the rent due and owing, or any part thereof, did not result from a rent increase or pattern of rent increases which, regardless of the tenant's prior consent, if any, is unconscionable or imposed for the purpose of circumventing the intent of this article. In determining whether all or part of the rent due and owing is the result of an unconscionable rent increase or pattern of rent increases that is imposed for the purpose of circumventing this article, the Court may consider, among other factors, i) the rate of the increase relative to the tenant's ability to afford said increase, ii) improvements made to the subject unit or common areas serving said unit, iii) whether the increase was precipitated by the tenant engaging in the activity described at section 223-b (1(a)-(c) of the Real Property Actions and Proceedings Law, iv) significant market changes relevant to the subject unit, and v) the condition of the unit or common areas serving the unit, and it shall be a rebuttable presumption that the rent for a dwelling not protected by rent regulation is unconscionable or imposed for the purpose of circumventing the intent of this article if said rent has been increased in any calendar year by a percentage exceeding five percent;
 - (2) The tenant is violating a reasonable obligation of their tenancy, other than the obligation to surrender possession, and has failed to cure such violation after written notice that the violation cease within ten days of receipt of such written notice, provided however, that the obligation of tenancy for which violation is claimed was not imposed for the purpose of circumventing the intent of this article;
 - ~~(3) The tenant is committing or permitting a nuisance in such housing accommodation, or is maliciously or by reason of negligence damaging the housing accommodation; or the tenant's conduct, including but not limited to, smoking inside the residential unit where smoking inside the residential unit has been prohibited by the landlord and such prohibition has been communicated to the tenant, failing to dispose of waste created by the tenant's pet(s) from the property on which the residential unit is located in accordance with relevant laws;~~

~~and causing the accumulation of excessive rubbish and/or garbage in the residential unit and common areas, is such as to interfere with the comfort of the landlord or other tenants or occupants of the same or adjacent buildings or structures; The tenant is committing or permitting a nuisance in such housing accommodation, common areas, or other areas of the property, or is maliciously or by reason of negligence damaging the housing accommodation, common areas, or other areas of the property; or the tenant's conduct is such as to interfere with the comfort of the landlord or other tenants or occupants of the same or adjacent buildings or structures, including but not limited to, smoking inside the residential unit where smoking inside the residential unit has been prohibited by the landlord and such prohibition has been communicated to the tenant, failing to dispose of waste created by the tenant's pet(s) from the property on which the residential unit is located in accordance with relevant laws, repeatedly engaging in activities that cause an unreasonable amount of noise or allowing others to do so without taking appropriate steps to mitigate such noise, and causing the accumulation of excessive rubbish and/or garbage in the residential unit and common areas;~~

- (4) Occupancy of the housing accommodation by the tenant is in violation of or causes a violation of law and the landlord is subject to civil or criminal penalties therefor; provided however that the City of Albany or other qualified governmental entity has issued an order requiring the tenant to vacate the housing accommodation. No tenant shall be removed from possession of a housing accommodation on such ground unless the court finds that the cure of the violation of law requires the removal of the tenant and that the landlord did not, through neglect or deliberate action or failure to act, create the condition necessitating the order to vacate. In instances where the landlord does not undertake to cure conditions of the housing accommodation causing such violation of the law, the tenant shall have the right to pay or secure payment in a manner satisfactory to the court, to cure such violation provided that any tenant expenditures shall be applied against rent to which the landlord is entitled. In instances where removal of a tenant is absolutely essential to their health and safety, the removal of the tenant shall be without prejudice to any leasehold interest or other right of occupancy the tenant may have and the tenant shall be entitled to resume possession at such time as the dangerous conditions have been removed. Nothing herein shall abrogate or otherwise limit the right of a tenant to bring an action for monetary damages against the landlord to compel compliance by the landlord with all applicable laws;
- (5) The tenant is using or permitting the housing accommodation to be used for an illegal purpose;
- (6) The tenant has unreasonably refused the landlord access to the housing accommodation for the purpose of making necessary repairs or improvements required by law or for the purpose of showing the housing accommodation to a prospective purchaser, mortgagee, or other person having a legitimate interest therein;

- (7) The landlord seeks in good faith to recover possession of a housing accommodation located in a building containing fewer than twelve units because of immediate and compelling necessity for their own personal use and occupancy as their principal residence, or the personal use and occupancy as principal residence of their partner, spouse, parent, child, stepchild, father-in-law or mother-in-law, when no other suitable housing accommodation in such building is available. This paragraph shall permit recovery of only one housing accommodation and shall not apply to a housing accommodation occupied by a tenant who is sixty-two years of age or older or who is a disabled person;
- (8) The landlord seeks in good faith to recover possession of any or all housing accommodations located in a building with less than five units to personally occupy such housing accommodations as their principal residence;
- ~~(9)~~
- (10) Where the tenant has refused in bad faith to enter into a written lease which has been offered in good faith to the tenant by the landlord, subject to the following:
- (a) The proposed written lease must have been offered to the tenant in writing on at least two occasions at least two weeks apart, ~~which such written offer to include, and such written offer shall include:~~
- (i) an original and one copy of the proposed written lease, executed by the landlord or their designee;
- (ii) notice of the landlord's intention to pursue eviction if the tenant rejects the proposed written lease and/or does not enter into said lease within forty-five days of the initial offer and specifying that the landlord may pursue eviction at any time between the expiration of the 45 days and 120 days of the date of such offer;
- (iii) clear instructions to the tenant concerning the manner in which the tenant is to communicate to the landlord acceptance or rejection of the written lease; and
- (iv) Notice of any proposed increase in rent equal to or greater than 5% shall be provided in compliance with RPL sect 226-C;
- (b) the proposed written lease shall not supersede an existing, active lease to which the landlord and the tenant are parties;
- (c) The terms of the proposed written lease may not:
- (i) be unconscionable and/or mandate or proscribe activities not rationally related to the regulation of activities ~~which that~~ would create a nuisance at the property; cause damage to the housing accommodation, common areas, or other parts of the

Matter in brackets and ~~[strikethrough]~~ to be deleted. Matter underlined is new material.

~~property~~ or cause discomfort to the tenants or occupants of the same or adjacent buildings or structures, including, but not limited to activities described in subdivision (3) of subsection A(3) above; or

(ii) substantially alter the terms any of any existing lease other than to provide reasonable clarification of the terms and conditions of the tenancy;

(d) the proposed written lease shall not be offered for the purposes of circumventing this article;

(e) the tenant shall be entitled to dismissal of any eviction petition brought for the tenant's refusal to enter into a lease according to these terms if:

(i) the tenant consents to enter into the proposed written lease presented in the first offer pursuant to subsection 10(a) at any time prior to the earlier of the execution of the warrant of eviction or the good faith execution of an enforceable lease agreement between the landlord and a different party in an arms-length transaction for the premises occupied by the tenant regardless of landlord's willingness to accept said consent at the time it is communicated; and/or

(ii) prior to the commencement of the eviction proceeding the tenant attempted in good faith to negotiate the terms of the proposed written lease without substantially altering the terms of the prior lease agreement and that the landlord refused in bad faith to engage in such negotiation; and/or

(iii) the tenant's failure to enter into the proposed written lease was due to a good faith failure to comprehend the terms of the proposed written lease;

(iv) the tenant is a victim of domestic violence as defined by NY Social Service Law §459-A and is unable to safely enter into the proposed written lease due to good faith concerns for the tenant's personal safety; and/or

(v) the proposed written lease includes an increase in rent or increase in the tenant's responsibility for recurring payments associated with the tenancy ~~which that is unconscionable or imposed for the purposes of circumventing the intent of this article per~~ would violate the terms or intent of subdivision (1) of subsection (A)(1) above;

(f) that any proceeding for eviction pursuant to this subsection shall have been commenced within 120 days of the proposed written lease first having been offered to the tenant, provided, however, the landlord may commence the process for execution of a lease pursuant to this subdivision by submitting a new or revised lease to the tenant that would recommence the 120 day time period for a potential eviction action pursuant to this subdivision.

Section 2. This local law shall take effect immediately after final passage, public hearing and filing with the Secretary of State.

**APPROVED AS TO FORM THIS
16TH DAY OF JULY, 2021**

Corporation Counsel

Matter in brackets and ~~strike through~~ to be deleted. Matter underlined is new material.

Matter in brackets and ~~strike through~~ to be deleted. Matter underlined is new material.

OLD BUSINESS



ACCESSORY DWELLING UNITS

I. Definitions. As used in this article, unless the context otherwise requires, the following terms shall have the following meanings:

1. “Accessory dwelling unit” shall mean an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons which is located on a lot with a proposed or existing primary residence and shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single family or multi-family dwelling is or will be situated.

2. “Accessory structure” shall mean a structure that is accessory and incidental to a dwelling located on the same lot.

3. “Living area” shall mean the interior habitable area of a dwelling unit, including basements, cellars, and attics but does not include a garage or any accessory structure.

4. “Nonconforming zoning condition” shall mean a physical improvement on a property that does not conform with current zoning standards.

5. “Passageway” shall mean a pathway that is unobstructed and extends from a street to one entrance of the accessory dwelling unit.

6. “Proposed dwelling” shall mean a dwelling unit that is the subject of a permit application and that meets the requirements for permitting.

7. “Impact fees” shall mean any payment imposed by a local agency for the purpose of providing new or expanded public capital facilities or infrastructure required to serve a new development.

II. Accessory dwelling unit regulations and ordinances

1. This Ordinance shall facilitate and remove current barriers to the creation of Accessory Dwelling Units by:

- a. Designating areas within the jurisdiction of the local agency where accessory dwelling units shall be permitted. Designated areas shall include all areas zoned for single family or multi-family residential use, and all lots with an existing residential use.
- b. Authorizing the creation of at least one accessory dwelling unit per lot in designated areas.
- c. Providing reasonable standards for accessory dwelling units that include, but are not limited to height, landscape, architectural review and maximum size of a unit.
- d. In no case shall such standards unnecessarily impair the creation of accessory dwelling units.

III. Requirements for Accessory Dwelling Units

- a) All Accessory Dwelling Units shall comply with the following:
 - i. Such unit must comply with all applicable New York State standards of habitability, including but not limited to square footage. Accessory dwelling units shall comply in all respects with the New York State Building Code, Construction Code, Plumbing Code and other applicable Codes and Regulations.
 - ii. Such unit may be rented separate from the primary residence, but shall not be sold or otherwise conveyed separate from the primary residence
 - iii. Such unit shall be located on a lot that includes a proposed or existing residential dwelling
 - iv. Such unit shall not be rented for a term less than thirty days;
 - v. Such unit shall either be:

- 1) attached to or located within the proposed or existing primary dwelling, including but not limited to attached garages, storage areas, basements, cellars, similar spaces, or
 - 2) be an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling
- vi. If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed fifty percent of the existing primary dwelling, unless such limit would prevent the creation of an accessory dwelling unit that is no greater than six hundred square feet.

IV. Parking

No parking requirement shall be imposed on an accessory dwelling unit and property owners shall not be required to replace off street parking spaces if a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit.

V. Administrative Review

- i. **Notwithstanding any existent local ordinance regulating the issuance of variances or special use permits, a permit application to create an accessory dwelling unit in conformance with the local ordinance shall be considered ministerially without discretionary review or a hearing.**
- ii. **In the case of a property subject to the jurisdiction of the Historic Landmarks Preservation Commission, an initial ministerial determination shall be made by the Building Safety Division as to whether the Accessory Dwelling Unit will result in a substantial material alteration to the external appearance of the primary dwelling. In the event that no substantial material alteration will result, a building permit will be granted without the need for a preservation notice of action.**

- iii. **If there is an existing single family or multi family dwelling on the lot, the Building Safety Division shall act on the application to create an accessory dwelling unit within sixty days from the date the local agency receives a completed application.**
- iv. **If the permit application to create an accessory dwelling unit is submitted with a permit application to create a new residential dwelling on the lot, the Building Safety Division may delay acting on the permit application for the accessory dwelling unit until the permitting agency acts on the permit application to create the new dwelling, but the application to create the accessory dwelling unit shall be considered without discretionary review or hearing.**
- v. **If the applicant requests a delay, the sixty-day time period shall be tolled for the period of the delay.**

VI. Pre-existing Non-Conforming Uses

A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit, the correction of non-conforming zoning conditions.

VII. Utility Connections – Impact Fees

Where an accessory dwelling unit requires a new or separate utility connection directly between the accessory dwelling unit and the utility, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures upon the water or sewer system. Such fee or charge shall not exceed the reasonable cost of providing such utility connection. A local agency shall not impose any other impact fee in connection with an accessory dwelling unit.

VIII. Owner Occupancy

The first lawful occupancy of an accessory dwelling unit shall occur at a time when a unit in the primary dwelling is owner occupied, and such owner occupation must continue for at least one -year following the first

legal occupancy of the accessory dwelling unit. Thereafter, the property owner shall comply in all respects with the provisions of the Landlord Registration provisions set forth in City Code Section 332. There shall be no other owner occupancy requirement for either the primary dwelling or the accessory dwelling unit.

IX. Health and Safety Requirements

A local agency shall not impose any health or safety requirement on accessory dwelling units that is not necessary to protect the health and safety of the occupants of such a dwelling.

X. Certificates of Occupancy

A local agency shall not issue a certificate of occupancy or its equivalent for an accessory dwelling unit before the local agency issues a certificate of occupancy or its equivalent for the primary dwelling.

XI. Multiple Dwelling Law

No provision of the multiple dwelling law shall apply to an accessory dwelling unit, irrespective to whether such provisions of such law apply to the primary dwelling, and a dwelling otherwise exempt from the provisions of the multiple dwelling law shall not fall under the provisions of such law as a result of the addition of an accessory dwelling unit.

XII. Pre-existing Zoning Regulations

- a) Any pre-existing provision of the City Code that imposes any of the following shall be unenforceable and are, as of the effective date of this ordinance, declared null and void:
 - i. minimum square footage requirement for either an attached or detached accessory dwelling unit greater than two hundred square feet;
 - ii. a maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than fifteen hundred square feet;
 - iii. Any other minimum or maximum size for an accessory dwelling unit, based upon a percentage of the proposed or existing primary dwelling;

- iv. Limits on lot coverage, floor area ratio, open space, and minimum lot size, for either an attached or detached dwelling that do not permit at least an eight hundred square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with other local development standards;
- v. A ceiling height requirement greater than seven feet;
- vi. If an accessory dwelling unit or a portion thereof is below curb level, a requirement that more than two feet of such unit's height be above curb level;
- vii. Any requirement that a passageway exist or be constructed in conjunction with the creation of an accessory dwelling unit;
- viii. Any additional or different setback requirements for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit;
- ix. Any setback requirement of more than four feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure;
- x. Any requirement of more than one point of exterior access by door from the proposed or existing residential dwelling.

XIII. Appeals

- a) When a permit to create an accessory dwelling unit pursuant to an ordinance adopted pursuant to this section is denied, the Building Safety Division shall issue a notice of denial which shall contain the reason such permit application was denied and instructions on how the applicant may appeal such denial.

- b) The denial of an application for a permit to construct an Accessory Dwelling Unit shall be heard by the Zoning Board of Appeals
- c) All appeals shall be submitted in writing within thirty days of such denial.

L+R

Tinti, Elisa

From: Hirsch, Michele
Sent: Friday, February 26, 2021 2:34 PM
To: Shaut, Andrea
Cc: Tinti, Elisa
Subject: Zoning Code update in relation to Accessory Dwelling Units
Attachments: Accessory Dwelling Units in NY.pdf

Dear President Shaut,

In an effort to increase affordable housing units I am respectfully requesting that this communication be accepted for referral to the Laws and Rules Committee.

As we all know, the City of Kingston is in the middle of a housing crisis, we need to increase the number of affordable housing rental units, as quickly as possible. As a February 2, 2021 article in the Daily Freeman noted, the recent Draft Ulster County Housing Action Plan Study revealed a housing crises, worse than expected. Deputy County Executive Evelyn Wright is quoted in saying, "Housing prices are higher than average for several reasons, including a low inventory of housing stock, little construction and opposition in many communities to new housing construction."

As we have seen here in the City of Kingston, going through the process of building new housing stock, is a long and drawn out process.

I am proposing that we look at our current Zoning Code to allow Accessory Dwelling Units in Residential Zones R1, R2 and R3 without a Special Use Permit to align with provisions of the Zoning Code for Accessory Dwelling Units that are currently allowed in the City of Kingston Zoning Code as per § 405-9C(2).

I have attached a recent article about the expansion of Accessory Dwelling Units (ADUs) in New York as it outlines the many benefits of ADUs in communities. While ADUs are allowed by our current zoning code for some residential areas, we should open up this opportunity to more areas, in the City of Kingston.

Thank you.

With kind regards,

Michele Hirsch
Alderwoman, Ward 9

[Get started](#)[Open in app](#)

New York ADU Legalization



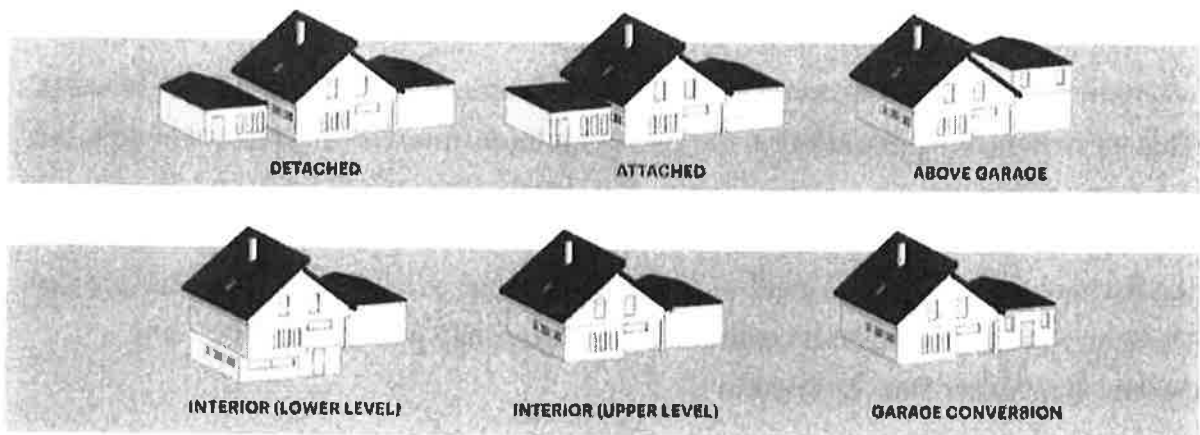
9 Followers About

Landmark Bill to End Bans on Accessory Homes Across New York State to be Introduced by Assemblymember Epstein and Senator Harckham

Accessory Dwelling Units, Banned in Some Localities, Would Offer Income to Homeowners, New Affordable Housing, and Integration Benefits



New York ADU Legalization · Jan 27 · 9 min read



Accessory Dwelling Unit (ADU) types: Detached, Attached, Above Garage, Interior (Lower Level), Interior (Upper Level), Garage Conversion.

Illustration credit: "[Be My Neighbor](#)," Regional Plan Association.

Albany, NY (January 27, 2021) — A landmark bill to legalize Accessory Dwelling Units (ADUs) across New York State is being introduced by New York State Assemblymember Harvey Epstein and New York State Senator Pete Harckham. ADUs are smaller homes on the same lot as a primary residence — including familiar home types such as “in-law units,” garage conversions, and basement apartments. By giving homeowners the opportunity to create ADUs, the bill will give critical help to both homeowners and renters. ADUs allow homeowners to bring in extra rental income, while growing the tax base for local governments. ADUs create new affordable housing without significantly changing the built character of a neighborhood. And by opening up new, affordable housing options where they don’t currently exist, ADUs can help diversify segregated neighborhoods and towns.

The bill would direct localities to ensure that ADUs are legal under local law, ensuring that local governments have flexibility to design local ADU laws to fit local needs without imposing overly-onerous restrictions on homeowners. The New York State Department of State would work with local governments to make sure local laws meet state requirements and protect both homeowners and renters. And the New York State Division of Housing and Community Renewal would create a financing program to make sure low- and moderate-income homeowners are able to access the benefits of ADUs.

“In the middle of an affordable housing crisis, I am proud to introduce this landmark legislation backed by a strong coalition of organizations and leaders who represent communities throughout the state. While our districts may look different, we hold in common the principles of creating new sources of safe, decent, and affordable housing. That we’re launching this effort in the face of multiple, intertwined crises of health, the economy, and housing is no coincidence. ADU legalization would open up opportunities for hundreds of thousands of affordable units to be placed on the market to beat back the housing crisis, as well as generate more tax revenue to help fill looming budget gaps. I look forward to growing our coalition of supporters and passing this bill,” said **Assemblymember Harvey Epstein**.

“This legislation, which encourages increased legalization of accessory dwelling units to create more affordable housing throughout the state, really looks out for everyone — renters, property owners and municipalities included,” said **State Sen. Pete Harckham**. “In suburban and rural areas especially, more ADUs will give homeowners a safe,

regulated option for added income while also boosting the tax base. This will provide so many benefits to our communities at a time when affordable housing needs are being felt by seniors, working families, teachers, first responders and many others.”

Academic and policy experts agree that ADU legalization could help to address New York’s profound housing crisis. A recent paper from the Furman Center at NYU explains that New York has “fewer homes, more expensive rents, and starker segregation... [driven by] the most exclusionary zoning in the country.” The COVID-19 pandemic has exacerbated this problem, illuminating the need to address overcrowding and provide safe, affordable accommodations in every neighborhood, town, and city. The Regional Plan Association’s recent “Be My Neighbor” report found that legalizing ADU construction and conversions could create over 300,000 new homes just in the Hudson Valley, Long Island, and New York City.

The bill is backed by a broad coalition of housing advocates from across the state, including Asian Americans For Equality, Allied Community Enterprises, Basement Apartments Safe for Everyone (BASE) Campaign, Chhaya CDC, Citizens Housing and Planning Council, CNY Fair Housing, Community Housing Innovations, Cypress Hills LDC, ERASE Racism, Enterprise Community Partners, Fair Housing Justice Center, Habitat for Humanity New York City, Housing Rights Initiative, Open New York, Pratt Center For Community Development, Regional Plan Association, Westchester Residential Opportunities, and more.

“Asian Americans For Equality (AAFE) is proud to have worked together with many of the housing advocates on an Accessory Dwelling Unit (ADU) standardization and legalization bill, which is the de facto affordable housing type for thousands of low-income, and often immigrant, New Yorkers in our neighborhoods,” said **Thomas Yu and Jennifer Sun, Co-Executive Directors of AAFE**. “Tenants who have no other means to afford a place to live need a regulated and protected space, based on the avenues provided in this Bill. Meanwhile, homeowners and primary tenants also will benefit, since they themselves are often living paycheck to paycheck and need extra rental income resiliency. The stresses brought on by pandemic in our neighborhood housing, lay bare that now is the time to make clear legalization pathways for ADUs.”

“For some years, ADUs have captivated me. As the head of non-profit development agencies, I’ve used ADUs to create an additional unit of housing while developing small-

scale developments in northern Westchester. While they should have been easy to accomplish, septic issues and non-standard zoning regulations delayed their approval. Most recently, an application was denied because of lack of parking for “those people” — a clear example of the classism that drives many of our outdated restrictions on ADUs. The extra income that accessory units can provide for first-time homebuyers can make or break the ownership, and allowing two units to be developed on a site rather than one doubles the amount of available public funding. A state plan for legalization of ADUs is more than a law: It merges smart development, helps the forgotten middle, allows for incremental integration, and honors an environmentally friendly way of creating more housing. ADUs can and should be the low-hanging fruit of residential development, be it for naturally occurring affordable housing or subsidized and deed-restricted affordable housing,” said **Joan Arnold, Executive Director of Allied Community Enterprises (ACE)**.

“Due to speculation, a history of redlining, and rising home prices, our communities have been priced out of homeownership for too long. Renting out basements and ADUs in their homes has been one of the only ways our Immigrant communities have been able to buy and afford homes in New York City.” said **Jagpreet Singh, Lead Organizer, Chhaya CDC**. “For the past 15 years, we have been fighting to advocate for New Yorkers who want to legally and safely rent out their basements. We’re excited to see Assemblymember Epstein, a long time friend of the Basement Apartments Safe for Everyone (BASE) campaign, and Senator Harckham take lead on this legislation. With the passage of it, we can expect to see over 100,000 affordable units added in New York City alone, and with the pandemic still raging, now is more important than ever to ensure every New Yorker has an affordable place to call home.”

“The pandemic has shown how safe and affordable housing is fundamental to our health. Increasing the supply of affordable housing is essential to our recovery and this legislation could add thousands of desperately needed units in a way that benefits homeowners and tenants alike,” said **Katherine Leitch, Senior Policy Analyst at Citizens Housing and Planning Council**. “This is smart legislation that leverages regulatory reform to create affordable housing, which may be our most powerful tool while both New Yorkers’ and governments’ budgets are gutted by COVID-19.”

“At CNY Fair Housing, we believe in housing equity for all. For 30 years, we have been fighting against discrimination in housing, only to find that NIMBYism is still alive and thriving. The proposed legislation for ADU’s will provide not only more affordable housing opportunities, it will also creatively assist in resolving housing options for individuals with disabilities and families with children who face higher rates of housing discrimination. For too long, zoning codes and planning commissions have decided whether or not someone has the right to safe, affordable housing — it is time to let individuals decide where they are cared for and where they call home — this can only be achieved if people have more housing options that meet their daily lived experience,” said **Sally Santangelo, Executive Director of CNY Fair Housing.**

“We are thrilled to see bold accessory dwelling unit policy proposed for New York State. For the last two years, Cypress Hills Local Development Corporation has been leading the Basement Apartment Conversion Pilot Program in East New York, Brooklyn. Basement conversions are a commonsense policy to stabilize homeownership and provide affordable rental housing, particularly in low-income and working-class communities like ours. Where these units already exist, a lack of ADU policy has for too long rendered homeowners vulnerable to exorbitant fines, vacate orders, and loss of essential income, while creating unsafe conditions and uncertainty for low-income renters. With communities like East New York on the frontline of the COVID-19 crisis — both in terms of public health and economic impacts — it is imperative that New York State take immediate action to generate additional sources of monthly income for homeowners while creating thousands of units of stable, affordable, healthy, and dignified housing for renters,” said **Ryan Chavez, Program Director of the Basement Apartment Conversion Pilot Program at Cypress Hills Local Development Corporation.**

“The intense racial segregation found on Long Island is the result of decades of home rule: the power of hundreds of local town and village governments to control what may be built in a neighborhood and who is permitted to live there,” said **Elaine Gross, President of ERASE Racism** in Syosset, NY. “With the explicit Fair Housing provisions in this new ADU legislation, affordable and flexible housing options within all Long Island communities would provide more options for People of Color, especially Black families that have been systematically discriminated against. This legislation will help

alleviate these inequities, and would also help existing homeowners struggling to make ends meet.”

“Overcrowded, unsafe, unaffordable homes should not be the status quo in New York City and Westchester County. This legislation, if passed, would create hundreds of thousands of safe, decent and affordable homes for hard-working families, and provide homeowners, particularly lower-income homeowners of color, with the opportunity to earn extra income from their ADU. In this housing crisis, exacerbated by the pandemic, it is our moral imperative to create housing however and wherever we can, and ADUs are a tremendous step in the right direction. We applaud Assemblymember Epstein and Senator Harckham, as well as our partners on the bill, for this first step toward ADU legalization,” said **Karen Haycox, CEO of Habitat for Humanity New York City & Westchester County.**

“The legalization of accessory dwelling units would be a boon for immigrants, families, and seniors. ADUs are an important tool in the tool box that should be leveraged to create affordable housing and combat climate change. New York State has among the most restrictive zoning laws in America. Our communities shouldn’t be keeping people out, they should be letting people in. Legalizing ADUs is the first step in ensuring that New York’s policies match its progressive values,” said **Aaron Carr, Founder and Executive Director of Housing Rights Initiative.**

“We’re thrilled to see this effort to legalize accessory dwelling units across New York State. ADUs can be an important tool for new affordable housing supply and ‘gentle density’ in all types of built environments. New York’s housing crisis can be directly connected to the lack of state action to address racist, classist, and outdated zoning restrictions, and this bill is an important first step to creating a more affordable, integrated New York,” said **Amelia Josephson, board member at Open New York.**

“This ADU Legislation is a huge step forward in the fight to ensure healthy, safe and affordable housing for all. The affordable housing crisis is one that is not easily solved and New Yorkers need all the tools possible to stabilize homeownership and secure quality housing for tenants. As part of the BASE Campaign, Pratt Center has been working for many years with our partners to advance smart, wisely crafted policy that can bring ADUs and basement apartments into the legal housing market and we strongly believe that the legislation that Assembly Member Epstein and Senator Harckham have

introduced is just that. In New York City alone, this legislation could open up an opportunity to convert a multitude of basements and cellars into hundreds of thousands of new units. Most importantly, this legislation creates a pathway for homeowners and tenants of color to participate in housing markets that they have long been shamefully segregated from. We look forward to seeing this create a wealth of opportunity for so many,” said **Rebekah Morris, Senior Program Manager, Pratt Center for Community Development.**

“For our region to thrive equitably, we need to be bold and rethink our situation to meet the needs of a new generation,” said **Tom Wright, President and CEO, Regional Plan Association.** “State and local policy makers must create diverse, new, affordable housing options. Large single-family homes are misaligned with what many people today can afford or need. This is our opportunity to create a model that minimizes strain on infrastructure and undoes the harm exclusionary zoning has inflicted on communities of color.”



ACCESSORY DWELLING UNIT ORDINANCE

I. General Provisions

A. Purpose and Intent

1. The Common Council of the City of Kingston finds and declares:

a. Our community faces a severe housing crisis, with home prices and rents unaffordable by families and households of middle and low incomes.

b. The community is falling far short of meeting current and future housing demand with serious consequences for the well-being of our residents, particularly lower-income and middle-income earners.

c. The City of Kingston can play an important role in reducing the barriers that prevent homeowners from building accessory dwellings.

d. There are many benefits associated with the creation of legal accessory dwellings on lots. These include:

i. Increasing the supply of a more affordable type of housing not requiring government subsidies;

ii. Helping older homeowners, single parents, young home buyers, and renters seeking a wider range of homes, prices, rents and locations;

iii. Increasing housing diversity and supply, providing opportunities to reduce the segregation of people by race, ethnicity and income that resulted from decades of exclusionary zoning;

iv. Providing homeowners with extra income to help meet rising homeownership costs;

v. Creating a convenient living arrangement that allows family members or other persons to provide care and support for someone in a semi-independent living situation without the latter leaving his or her community;

vi. Providing an opportunity for increased security, home care and companionship for older and other homeowners;

vii. Reducing burdens on taxpayers while enhancing the local property tax base by providing a cost-effective means of accommodating development without the cost of building, operating and maintaining new infrastructure;

viii. Promoting more compact urban and suburban growth, a pattern that reduces the loss of farm and forest lands and natural areas and resources and limits increases in pollution that contributes to climate instability; and

ix. Enhancing job opportunities for individuals by providing housing nearer to employment centers and public transportation.

2. Accessory dwelling units are, therefore, an essential component of housing choices and supply in the City of Kingston.

3. In order to assess the intentions and progress, a report from pertinent staff, through the Mayor's office, will be given to the Common Council one year after passing this ordinance.

B. Definitions: As used in this article, unless the context otherwise requires, the following terms shall have the following meanings:

1. "*Accessory dwelling unit*" (ADU) shall mean a residential living unit on the same parcel as a single-family dwelling or a parcel on which a single-family dwelling may be constructed. It provides complete independent living facilities for one or more persons and may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled dwelling.

2. "*Dwelling Unit*" shall mean a residential living unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation, as well as a separate entrance.

3. "*Accessory structure*" shall mean a structure that is accessory and incidental to a dwelling located on the same lot.

4. "*Living area*" shall mean the interior habitable area of a dwelling unit, including basements, cellars, and attics but does not include a garage or any accessory structure.

5. *"Nonconforming zoning condition"* shall mean a physical improvement on a property that does not conform with current zoning standards.

6. *"Passageway"* shall mean a pathway that is unobstructed and extends from a street to one entrance of the accessory dwelling unit.

7. *"Proposed dwelling"* shall mean a dwelling unit that is the subject of a permit application and that meets the requirements for permitting.

8. *"Impact fees"* shall mean any payment imposed by a local agency for the purpose of providing new or expanded public capital facilities or infrastructure required to serve a new development.

C. Accessory Dwelling Unit Regulations: This ordinance shall facilitate and remove current barriers to the creation of accessory dwelling units by:

1. Designating areas within the jurisdiction of the local agency where ADUs shall be permitted. Designated areas shall include all areas zoned for single family residential use, and all lots with an existing residential use.

2. Authorizing the creation of one ADU per lot in designated areas.

3. Providing reasonable standards for ADUs that include, but are not limited to height, landscape, architectural review and maximum size of a unit.

4. In no case shall such standards unnecessarily impair the creation of ADUs.

5. ADUs shall be limited to individual homeowners and shall exclude LLCs and corporations.

D. Requirements for Accessory Dwelling Units: All Accessory Dwelling Units shall comply with the following.

1. Each unit must comply with all applicable New York State standards of habitability, including but not limited to square footage. ADUs shall comply in all respects with the New York State Building Code, Construction Code, Plumbing Code and other applicable Codes and Regulations.

2. Each unit may be rented separate from the primary residence, but shall not be sold or otherwise conveyed as separate from the primary residence.

3. Each unit shall be located on a lot that includes a proposed or existing residential dwelling.

4. Each unit shall not be rented for a term less than ninety days;
5. Each unit shall either be:
 - a. attached to, or located within, the proposed or existing primary dwelling, including but not limited to attached garages, storage areas, basements, cellars, similar spaces, or
 - b. an accessory structure, or detached from, the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

II. Standards

A. Minimum Lot Size

1. ADUs may be created on any lot that meets the minimum lot size required for a single-family dwelling. Attached and internal ADUs may be built on any lot with a single-family dwelling that is non-conforming solely because the lot is smaller than the minimum size, provided the ADUs would not increase the nonconformity of the residential use with respect to building height, bulk, or lot coverage.

B. Size of Accessory Dwelling Unit

1. The total floor area of an ADU shall be at least 300 square feet and shall not exceed 50% of the gross square footage of the primary dwelling or 650 square feet, whichever is greater.

C. Accessory Dwelling Unit Setbacks

1. A setback of no more than 4 feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed in the same location and with the same dimensions as an existing structure.
2. No setback shall be required for an existing garage living area or accessory structure or a structure constructed in the same location and with the same dimensions as an existing structure and converted to an ADU or to a portion of an ADU.
3. An ADU is not permitted on the front half of a lot, except when located a minimum of 30 feet from the front line or if it falls within the provision of subsection (2).

D. Accessory Dwelling Unit Height Limit

1. The maximum height of the ADU shall be 25 feet or the height of the primary residence, based on the highest point of its roof compared with the lowest point of ground level at the foundation, whichever is less.

E. Parking

1. No additional off-street parking is required for construction of an ADU. If the construction of the ADU necessitates the removal of an existing off-street parking space, it must be replaced on-site if required by the underlying zoning. In lieu of an on-site parking space, an additional on-street parking space may be substituted if there is already sufficient curb area available along the frontage for a parking space or by removing the parking space access ramp and reinstalling the curb.

F. Owner Occupancy

1. The lawful occupancy of an ADU shall occur when a unit in the primary dwelling is owner occupied.
2. Owner occupancy shall be verified by the Building Safety Division at the time of the permit being issued and shall be forwarded internally to all pertinent departments.

G. Pre-existing Zoning Regulations

1. Any pre-existing provision of the City Code that imposes any of the following shall be unenforceable and are, as of the effective date of this ordinance, declared null and void:
 - a. Limits on lot coverage, floor area ratio, open space, and minimum lot size, for either an attached or detached dwelling that do not permit at least an eight hundred square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with other local development standards;
 - b. A ceiling height requirement greater than seven feet;
 - c. If an ADU or a portion thereof is below curb level, a requirement that more than two feet of such unit's height be above curb level;
 - d. Any additional or different setback requirements for an existing living area or accessory structure or a structure constructed in the

same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU;

e. Any setback requirement of more than four feet from the side and rear lot lines for an ADU that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure;

f. Any requirement of more than one point of exterior access by door from the proposed or existing residential dwelling.

III. Utility Connections - Impact Fees

1. Applicants may choose to use a shared water meter for the primary structure and the ADU or have a separate water meter installed for each.
2. Where an ADU requires a new or separate utility connection directly between the ADU and the utility, the connection shall be subject to a connection fee and an excavation permit from the City of Kingston. A local agency shall not impose any other impact fee in connection with an ADU.

IV. Administrative Review

1. Notwithstanding any existent local ordinance regulating the issuance of variances or special use permits, a permit application to create an ADU in conformance with the local ordinance shall be considered ministerially without discretionary review or a hearing.
2. In the case of a property subject to the jurisdiction of the Historic Landmarks Preservation Commission, an initial ministerial determination shall be made by the Building Safety Division as to whether the ADU will result in a substantial material alteration to the external appearance of the primary dwelling.
 - a. In the event that no substantial material alteration will result, a building permit will be granted without the need for a preservation notice of action.
 - b. If it is determined to have substantial material alterations, the Building Safety Division shall refer the application to the Historic Landmarks Preservation Commission for their review.
3. If there is an existing single family on the lot, the Building Safety Division shall act on the application to create an ADU within sixty days from the date the local agency receives a completed application.

4. If the permit application to create an ADU is submitted with a permit application to create a new residential dwelling on the lot, the Building Safety Division may delay acting on the permit application for the ADU until the permitting agency acts on the permit application to create the new dwelling, but the application to create the ADU shall be considered without discretionary review or hearing.
5. If the applicant requests a delay, the sixty-day time period shall be tolled for the period of the delay.

V. Health and Safety Requirements

1. A local agency shall not impose any health or safety requirement on ADUs that is not necessary to protect the health and safety of the occupants of such a dwelling.

VI. Certificate of Occupancy

1. A local agency shall not issue a certificate of occupancy or its equivalent for an ADU before the local agency issues a certificate of occupancy or its equivalent for the primary dwelling.

VII. Multiple Residence Law

1. No provision of the multiple residence law shall apply to an ADU, irrespective to whether such provisions of such law apply to the primary dwelling, and a dwelling otherwise exempt from the provisions of the multiple residence law shall not fall under the provisions of such law as a result of the addition of an ADU.

VIII. Appeals

1. When a permit to create an ADU pursuant to an ordinance adopted pursuant to this section is denied, the Building Safety Division shall issue a notice of denial, which shall contain the reason such permit application was denied and instructions on how the applicant may appeal such denial.
2. The denial of an application for a permit to construct an ADU shall be heard by the Zoning Board of Appeals.
3. All appeals shall be submitted in writing within thirty days of such denial.

City Department Heads input on Accessory Dwelling Unit (ADU) Legislation

Assessor:

- Owner occupancy is currently verified by the assessor's office. Instead it should be written into the resolution that this would be verified by the Building's Dept. at the time of the permit being issued and forwarded internally to all pertinent departments.
- he thinks the resolution should specify that owner occupancy should be limited to individual homeowners and exclude LLCs and Corporations similarly to how the STAR tax rebate statutes are written.
- Kingston is short by about 2,000 units in order to have a healthy vacancy rate, this includes rental units and owner occupied homes.
- There should be reciprocity language that requires existing non code conforming units to be brought up to code and can't be grandfathered in.
- ADUs should not be permitted in non residential zones according to the zoning code.
- There should be a clearly delineated standard of habitability in regards to zoning.

Water Department

- Our code specifies that each building within a parcel has to have it's own service line from the street. So it should be specified that an ADU that is detached from the existing structure will need to have its own service lateral from the street.

Fire Department

- No concerns in terms of the building as long as Fire Code is adhered to.
- How the address of a new detached ADU will be determined. For example, if the main structure is #19, will the ADU be 19 1/2 or 19B, etc? The Assessor's department already works with the Engineering Dept. on this, the Engineer has the authority to assign a new address to units within a parcel and each parcel has a range of addresses, this might mean that every subsequent address on a block will be bumped up by one number.
- The official address of detached ADUs is a big concern to the Fire Dept. and 911 since in some cases the few extra seconds it might take to locate the site of an emergency can make a difference.

DPW

- As mentioned by Judy of the Water Dept. the city doesn't allow siamese connections for utilities, this means each ADU that is not attached to the main building on a parcel will need to have its own utility laterals (gas, water and sewer) connected from the street. This could become an issue if the street has been paved within the previous 5 years since the city has a 5 year moratorium where excavating is not permitted on newly paved streets.
- Garbage disposal is another concern, each dwelling only gets one garbage tote and one of each of the recycling totes. This means that if a new unit is created and more garbage is generated, the homeowner might need to get additional totes at a yearly cost of \$450 per tote.
- There needs to be mechanisms in place for applicants to be informed of all of this when they apply for a permit to build an ADU.

Building Safety Department

- Some of the language on the proposed legislation needs to be clarified further and they will e-mail a detailed list of suggestions prior to the Laws & Rules meeting.
- One example is: the proposal talks about Multiple Dwellings Law of NYS, this law only applies to New York City; instead it should read Multiple Residence Law.
- The proposal lumps together single family and multi-family units into the same category. He believes this is a mistake and ADUs should only be permitted to be added to single family homes and not allowed on a 2 or more family home. Multi-family (3 or more) buildings have

to adhere to a different State Building code and follow more strict standards than single and 2 family buildings.

- The proposal should allow for discretionary review of things like parking, architectural features and landscaping and these should be referred to the Planning board and HLPC for review when appropriate.
- Specific size limitations should be in place (other municipalities have a 600 - 650 square foot limit for ADUs). We should similarly include a specific square footage limit, once you build a structure that exceeds 50% of the size of a single family building, it is no longer classified as a single family, it then becomes a 2 family which is classified very differently on the zoning and the tax code and the legislation should reflect that by having clearly delineated size limits.
- The 4ft set back on the rear of an existing structure is also of concern as it would limit the amount of play areas and open space for families with children.
- We will need to address the capacity of the Building department to enforce not only this proposed change but other code changes that have taken place recently. The department is very short staffed, so the need to enforce new legislation will result in the need to hire new full time inspectors, purchase vehicles for the inspectors and adding clerical staff to the department in order to process the additional paperwork.

Planning Department

- Will forward detailed notes with their concerns to the Common Council prior to the Laws & Rules meeting.
- They believe it should be clarified that while ADUs should be allowed in any residential zones, we should limit them to only be added to single family residences. An ADU should not be a way to convert a 2 family rental into a 3 family, the legislation should be specific that ADUs are intended to help a home owner stay in place and retain their home while providing supplemental income and creating housing for another family.
- The current language states that "at least one ADU can be built per lot" they would like clarification on whether that means 2 or more ADUs can be built within one parcel. If not, language should be clarified and more specific, their suggested edit is to instead say "limited to one ADU per lot."
- The Planning Board and HLPC have not had a chance to officially review the current proposed language, their comments were based on the previous iteration of the proposal. The staff believes they should be given a chance to offer their input on the current legislation by referring the new language to both boards.
- When an ADU is being built in a historic district, the HLPC should have discretionary review authority. The current language as it is written only addresses the appearance of the existing structure. Staff believes it should also specify building and appearance standards for detached structures, either conversion of a detached garage for example or newly built structures within a historic district and they should be referred to the HLPC for review.
- Parking is a concern, maybe the ADU doesn't need to provide additional parking, but the primary structure could be required to have some available off street parking so as to not create additional burdens on city services.
- Will newly built ADUs have to pay Recreation Fees? staff believes this should be specified in the legislation.
- Staff doesn't think removing all restrictions and parameters without oversight by a board is a good idea.

Housing Department

- Kevin Corte created a powerpoint presentation that he will forward to the Council.



Tinti, Elisa

From: Shaut, Andrea
Sent: Friday, May 28, 2021 9:54 AM
To: Tinti, Elisa
Cc: Jessica Alonso
Subject: Communication - June
Attachments: Sojourner Truth Proclamation Draft 2021 (1).docx

Good morning Elisa,

Members of the YMCA Farm Project have been working on presenting to the council the idea of a permanent Sojourner Truth day here in Kingston. I have attached a draft of their resolution and wish to include this as a communication for this month's committee meeting. Can you please add this email, as well as the attached, to my folder?

Thank you,

Andrea Shaut

Council President, City of Kingston

Whereas, Sojourner Truth, nicknamed "the Daughter of Esopus", born enslaved, was given the name Isabella Baumfree at birth. She was born near Rondout Creek in the Town of Hurley, New York. Although her exact birth date is unknown, it is believed she was born around 1797. Between the years 1640 and 1827 there were thousands of Africans and African Americans enslaved in Ulster County; The infrastructure of Ulster County was built by highly skilled enslaved people and the economy was driven by their labor; and

Whereas, The stone houses in which she was enslaved still stand, bearing witness to those who built them; as the youngest of at least 10 children, many of Truth's siblings were kidnapped for sale. Truth was sold for the first time at nine years old; after years of enduring physical and sexual abuse, Truth escaped on foot carrying her infant daughter, Sophia, from the enslaver that had tortured her, having to leave behind her 3 other children. Though pursued, she was able to take refuge with a local family from 1826-1827; and

Whereas, Truth was a self educated intellectual; fluent in English and Dutch. In 1843 Truth was compelled to change her name, recognizing the power of her own image. Her autobiography, The Narrative of Sojourner Truth, focuses on seeking justice and the empowerment of Women and People Of Color. Truth would come to represent the thousands of voices and stories from this area that were never shared or cherished; Truth's unprecedented barefoot walk through Kingston to the County Courthouse to free her young son, Peter, from illegal enslavement is a testament to her strength, resistance, and sense of justice; and

Whereas, by recognizing Sojourner Truth every year, we recognize her victory as a local and national hero who's acknowledgment is long overdue. Truth remains a transcendental Black Woman. She was a true anti-racist, actively working against the injustices of her day. She passed away on November 26, 1883, however her legacy lives on through the present and ongoing fight for justice today; and

Whereas, In remembering Truth's legacy, we should be thankful for the work done in the past, thankful for our ability to enact change in the present, and thankful for the hope of equity and justice in the future. Let us all be inspired by Sojourner Truth's brave activism.

Whereas, The values that Sojourner Truth lived by, such as abolitionism and anti-racism, are the values that we hope the Kingston community, including the local government, reflect in their actions. In the past, although not all elected officials serving Kingston are responsible, there have been policies and inactions from local government that have not reflected a commitment to antiracism.

Therefore, Be It Resolved, that we will take this moment, brought to us by a coalition of Kingston activists, to take accountability and commit to prioritizing the marginalized community members that reside in our area. With the help of local organizations and individuals already committed to anti-racism, we shall strive to create a more inclusive, equitable Kingston.

Be It Further Resolved, that the City of Kingston Common Council proclaim November 26th as Sojourner Truth Day in the City of Kingston and urge all residents to recognize that this is a day for people of all races, creeds and backgrounds to celebrate and come together in unity.

