



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

February 22, 2019

Ms. Kyla DeDea
420 Broadway
Kingston, NY 12401

Re: SEQRA:
Kingstonian Development
Fair Street at North Front Street, Kingston, NY
19PR00786

Dear Ms. DeDea:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) as part of your SEQRA process. These comments are those of the Division for Historic Preservation 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 impact 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).

We have reviewed your submission for the Kingstonian Development project. We note that a large portion of the project area is within the State and National Register listed Kingston Stockade Historic District and is adjacent to the Senate House State Historic Site, which is within the district. The Herzog Building at 9-17 North Front Street is a non-contributing resource to the district. 51 Schwenk Drive lies outside of the district and is not eligible for listing in the National Register. We understand that the proposed project will include construction of a mixed-use building with a parking garage, 129 apartments, 32 hotel rooms, and 8000sf of retail space. This will include restoration or reconstruction of the Herzog Building, construction of a parking structure at the northwest corner of Front and Fair Streets, and modification of Fair Street Extension to create an elevated pedestrian plaza.

Based on this review, we have the following comments and concerns with the proposed project:

- Visual impacts to the Senate House historic site:
Visual and other impacts to the site need to be considered as part of the review.
 - Garage and new building facades, NW corner Front and Fair St:
The proposed façade designs of these buildings appear to be appropriate as new in-fill within the historic district. The rendering shows a penthouse or elevator tower on the garage roof that may be visible from the district. We recommend that this be lowered or pushed back so that it will not be visible, or will be very minimally visible, from public vantage points within the historic district. If visible, brick cladding is recommended.
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- **Pedestrian bridge:**
The floor plan indicates a pedestrian bridge to extend across the pedestrian plaza- this is not shown in the renderings. Our office would like to see renderings and drawings of this feature in order to fully comment.
- **Herzog Building:** It is unclear from the current submission whether the existing building will be restored. Though this building is considered non-contributing due to significant non-historic alterations, it does appear to retain some elements of a historic building, some of which may be hidden beneath the later red brick skin. We recommend that you consider retaining and restoring the existing building based on historical documentation.
- **Construction to the north of the historic district:**
The design of the new construction should generally be compatible but differentiated from the adjacent historic district. We recommend use of natural materials such as red brick cladding (which could be painted), wood clapboard or beveled fiber cement siding. Simplified cornices are also recommended- the cornices proposed for the new garage and corner building are good examples.

Our agency can continue to comment on the proposed project if the following additional information is provided:

- Provide a visual impact study for the Senate House
- Provide any updated renderings and drawings based on our above comments and requests, or other substantial changes, as the project progresses.
- Consider retaining and restoring the existing Herzog building based on documentary and physical evidence. In addition, provide existing interior photos of the Herzog Building along with any historic images prior to alteration.
- Provide elevation drawings of the proposed work when they are available at the preliminary or pre-final phases.
- Provide any available historic images that illustrate the project area during various historic periods.

In addition to the above comments, please see the information request from Philip Perazio for SHPO concerns regarding archaeological resources.

If this project will involve state or federal permitting, funding or licensing, it may require a more rigorous review for potential impacts to architectural and archaeological resources, in accordance with Section 106 of the National Historic Preservation Act or Section 14.09 of NYS Parks Recreation and Historic Preservation Law.

If you have any questions, I can be reached at (518) 268-2164.

Sincerely,



Weston Davey
Historic Site Restoration Coordinator
weston.davey@parks.ny.gov

via e-mail only



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

September 19, 2019

Mr. Joe Bonura
Kingstonian Development LLC
2975 Rt 9W
New Windsor, NY 12553

Re: ESDC
Kingstonian Development
Fair Street at North Front Street, Kingston, NY
19PR00786

Dear Mr. Bonura:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials 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 Division for Historic Preservation and relate only to Historic/Cultural resources.

We have reviewed your recent submission which includes visual simulations and other materials related to the proposed development. Based on this review, we have the following comments and concerns regarding the project as currently presented:

- The proposed new infill garage building design is generally appropriate. This location historically contained the large Montgomery Ward store and warehouse building. We recommend that visibility of the elevator tower/ penthouse on the garage building be minimized to the greatest extent possible, particularly as viewed from Wall Street.
- The Herzog's warehouse building is a non-contributing structure within the National Register district. The proposed new construction appears to be an approximate reconstruction of the historic hotel structure. While the proposed design is generally appropriate, we recommend that the color scheme be more compatible with the surrounding district. We recommend continued consultation with the local historic preservation commission regarding the design and color of this building.
- North Front Street is the traditional district boundary marked by a distinct natural drop-off down toward the Esopus Creek. This natural contour clearly marks the northern boundary of the historic 1658 stockade. The lower portion to the north of the district now contains modern buildings and the shopping plaza further to the north, but the historic boundary remains readily apparent and continues to characterize the district. The new construction would significantly alter the northern district boundary and would be clearly visible from within the historic district. The Montgomery Ward building, now demolished, was the only structure that extended significantly beyond that traditional northern border. The proposed new development is much larger and would extend well beyond the old Montgomery Ward footprint.
- By the mid-19th century, when the commercial street front was developed, the section of Fair Street extending north from North Front Street was established to access railroad facilities

Division for Historic Preservation

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

and the lumber yards. This historic street, which allows pedestrian and vehicular access to the district, would be virtually eliminated as part of the proposed development.

- The historic commercial and residential buildings of the Kingston Stockade are characterized by a variety of materials, styles, and colors. The new construction is monolithic compared with the surrounding district. Though the currently proposed design attempts to reference the historic setting and surrounding architecture, we believe that a much greater effort is warranted for a construction of this scale.

In accordance with the Secretary of the Interior Standards, and based on our comments above, we believe that the proposed development will have adverse effects to the Kingston Stockade Historic District. Through our continued consultation, we request that you develop and evaluate modifications to this project that could avoid, minimize, or mitigate the adverse effects.

If you have any questions, I can be reached at (518) 268-2164.

Sincerely,



Weston Davey
Historic Site Restoration Coordinator
weston.davey@parks.ny.gov

via e-mail only

CC.
Meghan Ferrelli, ESDC
Kyla DeDea, Kingston Planning
Suzanne Cahil, Kingston Planning

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov



Department of
Environmental
Conservation

March 8, 2019

City of Kingston Planning Office
Suzanne Cahill, Planning Director
City Hall – 420 Broadway
Kingston, NY 12401

Re: Kingstonian Development LLC
City of Kingston, Ulster County
CH# 1051
SEQR Lead Agency Response and Comments on Jurisdiction

Dear Ms. Cahill,

The Department of Environmental Conservation (DEC or Department) received your State Environmental Quality Review Act (SEQR) Lead Agency Coordination letter regarding the above-referenced project on February 1, 2019. I apologize for the delay in response. The proposal involves redevelopment of properties along Fair Street Extension including a parking garage, hotel, retail space, hotel, and pedestrian plaza area. The Department has no objection to the Kingston Planning Board serving as Lead Agency for this project. Based upon our review of your submitted materials we offer the following comments:

PROTECTION OF WATERS

There are no waterbodies that appear on our regulatory maps at the location you identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the watercourse into which it feeds [most likely Esopus Creek, Class B(T)] and a Protection of Waters permit would be required to disturb its bed or banks. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit would not be required to disturb its bed or banks.

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

FRESHWATER WETLANDS

This site is not within a New York State-protected Freshwater Wetland. However, please contact your town official and the United States Army Corps of Engineers in New York City, telephone (917) 790-8411, for any permitting they might require.



March 8, 2019

WATER QUALITY CERTIFICATION

There appear to be federally regulated wetland areas near the site you identified. If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act, then a Section 401 Water Quality Certification will be required. Issuance of these certifications is delegated in New York State to DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under DEC's Blanket Water Quality Certification. Coverage under the blanket requires compliance with all conditions in the blanket for the corresponding Nationwide Permit. A copy of the current blanket for the 2017 Nationwide Permits is available on the DEC website at: http://www.dec.ny.gov/docs/permits_ej_operations_pdf/wqcnwp2017.pdf.

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. We have determined that the site is located within or near record(s) of the following state-listed species:

Name	Status
<u>Northern long-eared bat (<i>Myotis septentrionalis</i>)</u>	<u>Threatened</u>

A permit is required for the incidental taking of any species listed as "endangered" or "threatened", which can include removal of habitat.

If there is any tree removal associated with this project, it should occur within the appropriate time of the year work window, November 1 through March 31, to avoid direct adverse impacts to Northern-long eared bat. If tree clearing cannot be completed within the acceptable time of year restriction, further review will be required.

The absence of data does not necessarily mean that other rare or state-listed species, natural communities or significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

FEMA FLOODPLAIN

Portions of the identified area appear to be located within a Federal Emergency Management Agency (FEMA) floodplain. If not the City of Kingston, the project sponsor should contact the local floodplain administrator to determine if any additional jurisdictions are applicable to the proposal.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES)

As the overall project will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-15-002), and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. Authorization for coverage under this SPDES General Permit is not granted until the Department issues all other necessary DEC permits.

As the site is within a Municipal Separate Storm Sewer System (MS4) community, the SWPPP must be reviewed and accepted by the municipality, and the MS4 Acceptance Form submitted with the SWPPP and the application for coverage, in accordance with the application instructions.

CULTURAL RESOURCES

We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources.

The project area you identified is located within/adjacent to the Kingston Stockade District, listed on the National Register of Historic Places. If any DEC permits are required, a determination of impact from the State Historic Preservation Office (SHPO) will be required.

For more information, please visit the New York State Office of Historic Preservation website at <http://www.nysparks.com/shpo/>.

OTHER

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. More information about DEC permits may be found at our website, www.dec.ny.gov, under "Regulatory" then "Permits and Licenses." Application forms may be downloaded at <http://www.dec.ny.gov/permits/6081.html>.

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,



Chris Lang
Division of Environmental Permits
Region 3, Telephone No. (845) 256-3096

ecc: Kingstonian Development, LLC/JM Development Group, LLC
Brian Orzel, US Army Corps of Engineers

CITY OF KINGSTON
Historic Landmarks Preservation Commission
planning@kingston-ny.gov



Suzanne Cahill, Planning Director
Julie Edelson-Safford, Historic Preservation Admin.

Steven T. Noble, Mayor

September 6, 2019

Wayne Platte Jr., Chairman Kingston Planning Board
City Hall – 420 Broadway
Kingston, New York 12401

RE: Kingstonian Project – 9-17 & 21 North Front Street, 51 Schwenk Drive
Redevelopment Project in Uptown Kingston for Multiple Use

Dear Chairman Platte;

At the regular meeting of the Kingston Historic Landmarks Preservation Commission (HLPC), held on September 5, 2019, the Commission voted unanimously to forward the following comments to the Kingston Planning Board. As an Involved Agency in this process, the HLPC appreciates the opportunity to submit comment and opinion to be considered in the deliberation of the SEQR determination.

1. What are the true boundaries of the Historic District and do they cover the full site to Schwenk Drive?
2. Archeological – Formal requirement that as work progresses, all excavations will be observed and recorded to preserve any artifacts or past history of the sites involved. Any exposed artifacts will be fully documented upon excavation by a certified professional.
3. Visual – Concerns were raised with respect to visual impacts within the historic areas and other adjacent lands surrounding the development site. These should be evaluated with careful consideration to the impacts on the district.
4. There is concern of damage to the neighboring properties once any construction/demolition begins. What preliminary survey or precautions will be undertaken?

Recognizing the importance of the City historic character and prominence, the Kingston Historic Landmarks Commission requests that open dialogue be continued with the Planning Board as this project moves forward.

Sincerely,

Mark Grunblatt, Chairman
Historic Landmarks Preservation Commission

CC: S. Cahill, Planning Director
J. Edelson-Safford, Preservation Administrator
D Gartenstein, Assistant Corp. Counsel
Ald. P. O'Reilly, Council Liaison



Department of
Transportation

ANDREW M. CUOMO
Governor

PAUL A. KARAS
Acting Commissioner

LANCE MacMILLAN, P.E.
Regional Director

February 20, 2019

Ms. Suzanne Cahill, Planning Director
City of Kingston Planning
City Hall
420 Broadway
Kingston, NY 12401

Re: **NYSDOT SEQRA# 19-034**
Kingstonian Development LLC
City of Kingston, Ulster County

Dear Ms. Cahill:

On February 11, 2019, the New York State Department of Transportation (NYSDOT) received the Permit Application to the Kingston Planning Board, a Full Environmental Assessment Form, along with a Lead Agency Designation from the Kingston Planning Board declaring its intent to act as Lead Agency to conduct all necessary review under SEQRA. The NYSDOT consents to the Kingston Planning Board serving as Lead Agency for review of the referenced proposal.

Please note that the proposed project does not abut the State Highway system. However, it is anticipated that the State Highway system will be impacted and the NYSDOT will remain involved in the SEQRA review process.

The proposed action involves increased traffic and has minor impact on the state transportation system. Please provide a Traffic Impact Study (TIS) and submit to the NYSDOT for further review and comments.

It is anticipated that a Highway Work Permit (HWP) may be required as part of the proposed action. Please review the HWP process and all required HWP forms on the NYSDOT website (<https://www.dot.ny.gov/index>). In particular, please review the PERM33-COM form.

Depending upon the size of the proposed improvement or impact to the NYSDOT Right-of-Way, additional engineering details may be required. These details may include a Traffic Impact/Accident Study, SYNCHRO analysis for all affected highways/intersections, Site Plan (SP), Accident Counter-measures/Mitigation, Highway Improvement Plan (HIP), and/or other submissions as directed by the Permit Engineer.

Please submit subsequent plans and documents for this project as well as those for any future development proposals in DIGITAL (.pdf) FORMAT –CD, DVD or Thumb drive.

Please reference the SEQRA number on all future correspondence.

Detailed comments will follow more advanced submissions.

Sincerely,

Lance Gorney, P.E.
Regional Highway Work Permit Coordinator

cc: John Bonura Jr., Kingstonian Development LLC
Brad Jordan, Herzogs Supply Co.
Dennis Larios, P.E
Ulster County Planning
John Reilly, Permit Engineer, Residency 8-7

DeDea, Kyla

From: DeDea, Kyla
Sent: Thursday, August 01, 2019 1:52 PM
To: 'Lance.Gorney@dot.ny.gov'
Cc: Cahill, Suzanne; 'Joe Bonura Jr'; Brad Jordan; Dennis Larios; 'mike@moriellolaw.com'
Subject: SEQR #19-034 - Kingstonian Development
Attachments: Kingstonian.Traffic.CME.pdf

Hello Mr. Gorney

The City of Kingston Planning Office received your response to the Kingston Planning Board's request to seek Lead Agency in the SEQR review of the Kingstonian Development. At that time, you requested a traffic impact study be submitted in digital format. Please see the attached Traffic Impact Study prepared by Creighton Manning.

Please contact our office with any questions and/or comments.

Thank you

Kyla DeDea, Assistant Planner

City of Kingston
420 Broadway
Kingston, NY 12401
Phone: 845-334-3954

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