

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3  
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www.dec.ny.gov



Department of  
Environmental  
Conservation

March 8, 2019

City of Kingston Planning Office  
Suzanne Cahill, Planning Director  
City Hall – 42<sup>nd</sup> 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 officials and the United States Army Corps of Engineers in New York City, telephone (917) 790-8411, for any permitting they might require.



Re: Kingstonian Development LLC  
CH# 8051  
SEQR Lead Agency Response and Comments on Jurisdiction

March 8, 2019

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](http://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



# 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



## 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

# CITY OF KINGSTON

## Historic Landmarks Preservation Commission

planning@kingston-ny.gov

Suzanne Cahill, Planning Director



Steven T. Noble, Mayor

March 11, 2019

City of Kingston Planning Board  
City Hall  
420 Broadway  
Kingston, NY 12401

Dear Chairman Platte and members of the Planning Board,

The Historic Landmarks Preservation Commission, as an involved agency, supports the Planning Board's request to be the lead agency in the SEQR process for The Kingstonian project. Along with our support, we would like to share with you general concerns we have about this project as you determine its significance. Our concerns are informed by the project applicants' public presentations and our review of their EAF Part 1 dated Nov 27, 2018.

The information provided therein suggests that the proposed action has the potential to effect significant environmental features, including archaeological and architectural resources, topography and community character. Specifically:

- The project site has the potential to yield information important in history or prehistory, such as evidence of the former presence of the stockade which crossed on or near to this site and/or other previously unknown archaeological resources. Such evidence was unearthed nearby on Clinton Avenue in 1970. This site has been identified as archaeologically sensitive by the NY State Historic Preservation Office.
- This project involves the demolition of an existing architectural resource in the Stockade Historic District and may seek to replicate this building, which might create a false historical record.
- This project involves new construction in the Stockade Historic District. Potential impacts include those that are construction-related, such as falling objects, vibration (from blasting or pile-driving), dewatering, flooding, subsidence, or collapse. The project's close proximity to two architectural resources—the Senate House and grounds and the John Tremper House at 1 North Front Street—may negatively impact them if adequate precautions are not taken.
- Additionally, new construction may impact the visual context of the district, including the architectural components of the district's buildings in this area (e.g., height, scale, proportion, massing, fenestration, ground-floor configuration, style), streetscapes, skyline, landforms, and openness to the sky. The project may also impact the visual context of the Senate House, a significant state landmark.
- This project proposes changes to a significant landscape feature of this historic district: the bluff, an important element to interpreting the district's history. The National Register nomination for the Stockade Historic District states:

"To this day, the boundary lines of this stockade are formed by Green Street, Main Street, Clinton Avenue, and North Front Street and are still intact. Also, amazingly enough, almost the entire bluff promontory forming the perimeter of this area, elevated above the lowland, is still comparatively intact.

**CITY OF KINGSTON**  
**Historic Landmarks Preservation Commission**

planning@kingston-ny.gov

Suzanne Cahill, Planning Director



Steven T. Noble, Mayor

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Therefore, of the three first settlements in New York State—Albany (Fort Orange, New York (New Amsterdam), and Kingston—it is only Kingston that the authentic elements of an original fortification remain. Documents indicate that this log palisade was in existence until the early eighteenth century, having been kept in repair as protection against later Indian raids. While this area at present is surrounded by commercial development, aerial photography has recently indicated the existence of outlines suggesting that the angle itself may as yet be relatively undisturbed. This area forms a sharp bluff and this may account for its preservation.”

Taken together—demolition, new construction, and changes to topography—this project may impact the area’s community character or sense of place. The potentially large impacts on the Stockade Historic District and nearby landmark buildings described above weigh toward a positive declaration of environmental significance, we believe. As an involved agency, the HLPC asks that the Planning Board keep these historic preservation issues and concerns in mind as you review and classify the significance of the Kingstonian.

This project will be subject to an Article 14.09 environmental review under the New York State Parks, Recreation and Historic Preservation Law. A draft EIS can serve as the review procedure for complying with subdivisions (b) and (c) of Section 428, Part 8 of this law. Thank you for your time and consideration. We value your service to our community.

Sincerely,

Mark Grunblatt

Chair, Historic Landmarks Preservation Commission

Cc: Mayor Steve Noble  
New York State Historic Preservation Office  
James Noble, Kingston Common Council Alderman-at-Large  
Andrea Shaut, Common Council Member, Ward 9  
Patrick O’Reilly, Common Council Member, Ward 7, and HLPC liaison  
Hayes Clement, Heritage Area Commission, Chair