

RESOLUTION 262 of 2015

RESOLUTION OF THE CITY OF KINGSTON COMMON COUNCIL TO MAKE A DETERMINATION OF (NON)SIGNIFICANCE AND ISSUE A NEGATIVE DECLARATION FOR THE KINGSTON WATERFRONT BROWNFIELD OPPORTUNITY AREA PLAN, FOR THE ADOPTION AND IMPLEMENTATION OF THE PLAN AND FOR THE ISSUANCE OF A NOTICE OF DETERMINATION OF SIGNIFICANCE.

Sponsored by Laws and Rules Committee: Chairman Schabot, Carey, Davis, Seche, Brown

WHEREAS, the City of Kingston Common Council declared itself as Lead Agency to undertake an environmental review under NYCRR Part 617, following all regulatory protocol and ultimately render a determination of significance after due consideration of the Kingston Waterfront Brownfield Implementation Plan (BOA Plan); and

WHEREAS, the combined Draft BOA Plan and Draft Generic Environmental Impact Statement, dated September, 2015, was prepared and submitted to the City of Kingston Common Council for its full consideration and approval was found to be complete and ready for public review; and

WHEREAS, the City of Kingston Common Council held a public hearing in the Common Council Chambers at City Hall, 420 Broadway Kingston, New York 12401 on November 12, 2015 at 7:00 pm prior to adoption of the BOA Plan as required by New York State and local law; and

WHEREAS, a public comment period commenced on October 7, 2015 and ended on November 23, 2015. Those comments have been considered in the preparation of the Final BOA Plan.

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1: That the City of Kingston Common Council makes a determination of (non)significance and issues a negative declaration for the Kingston Waterfront Brownfield Opportunity Area Plan.


SECTION 2: That the City of Kingston Common Council makes a determination for the adoption and implementation of the Plan.

SECTION 3: That a Notice of Determination of Significance will be issued including publication in the Environmental News Bulletin.

SECTION 4: That this resolution shall take effect immediately.


Submitted to the Mayor this 2nd day

of December 2015


Carly Williams, City Clerk

Approved by the Mayor this 3rd day

of December 2015


Shayne R. Gallo, Mayor

Adopted by Council on December 1, 2015



City of Kingston Common Council

**State Environmental Quality Review
Notice of Determination of Significance
NEGATIVE DECLARATION**

Kingston Waterfront Brownfield Opportunity Area Plan

Date: December 1, 2015

Lead Agency: City of Kingston Common Council

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The City of Kingston Common Council, as Lead Agency, has determined that the proposed action described below will not have a significant adverse effect on the environment.

Name of Action: Adoption and Implementation of the Kingston Waterfront Final Brownfield Opportunity Area Plan (BOA Plan or Hudson Riverport Vision Plan or the Action)

SEQR Status: Type I Action

Review Type: Coordinated Review

Location: The BOA includes the waterfront area defined by the waterfront from Island Dock along Rondout Creek to its confluence with the Hudson River at Kingston Point, generally south of Abeel Street and East Strand Street. The entire project lies within the City of Kingston, Ulster County, New York.

Description of Action: The Action involves the adoption and implementation of the Kingston Waterfront BOA Plan.

The BOA Plan will guide redevelopment of the approximately 190-acre BOA, including possible remediation of several strategic brownfield sites adjacent to parkland, commercial and residential areas, and the Hudson River and Rondout Creek. The BOA Plan recommends possible

development scenarios for vacant and underutilized brownfields, the implementation of which would likely result in new commercial, retail, entertainment, residential and/or public open space land uses. The purpose of the BOA Plan is to build upon the Local Waterfront Revitalization Program (LWRP) Implementation Plan to create redevelopment opportunities on former industrial brownfields.

Overview of SEQR Process: In 2010 the City of Kingston (the City) completed the BOA Step 2 – Nomination Study and was subsequently awarded a grant from the New York State Department of State (NYS DOS), for a BOA Step 3 - Implementation Strategy. The Final BOA Plan, dated December 1, 2015 (inclusive of the Step 2 Nomination Study and Step 3 Implementation Strategy) was prepared in accordance with the guidelines established by the NYSDOS for the BOA grant program.

In February 2015, the City of Kingston Common Council completed a Coordinated Review for the BOA Plan. The Common Council had made a preliminary determination that the BOA Plan may generate significant adverse environmental impacts and as a result determined that a Draft Generic Environmental Impact Statement (Draft GEIS) would be prepared. The City subsequently completed Public Scoping to define the content of the Draft GEIS. The Draft GEIS assesses the likelihood that the potential impacts will occur and their significance; identifies possible mitigation measures, if necessary; and establishes thresholds that will trigger additional review of future site-specific projects.

Determination: Based on information in the Final BOA Plan/Draft GEIS the Lead Agency has determined that the proposed Action will not have a significant adverse effect on the environment.

Reasons Supporting This Determination:

The SEQR assessment (in the form of a Draft GEIS) was based on the information developed during the development of the BOA Plan (Hudson Riverport Vision Plan) and was conducted as a generic evaluation of the possible redevelopment scenarios identified for the selected Strategic Sites within the BOA.

The SEQR assessment provided in the BOA Plan presents a generic evaluation of impacts and provide the rationale for this determination. Based on the results of the SEQR assessment and compared to the criteria listed in Section 617.7, all indications are that adoption and implementation of the BOA Plan will not result in significant adverse impacts on the environment, for the following reasons:

1. Implementation of the BOA Plan is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems.

Implementation involves redevelopment of the strategic sites which are former industrial properties where prerequisite environmental remediation will result in a reduction of potential long-term impacts to air and water quality. To avoid potential impacts, remediation activities will be designed, approved and implemented that do not adversely impact the physical, chemical or biological parameters for water quality of the Rondout Creek and Hudson River, or violate the water quality standards and effluent limitations established to protect those waters.

Individual implementation projects which involve soil disturbance of one or more acres will be subject to the Federal, State and local requirements for stormwater discharges. Individual Stormwater Pollution Prevention Plans (SWPPP) will be prepared for coverage under the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit (GP-0-15-002) for the treatment and management of Stormwater Discharges from Construction Activities.

Given the ambient conditions in the existing urban setting of the BOA, impacts from noise are anticipated to be limited to short-term construction related noise and will not result in significant adverse impact.

Thresholds:

- Future site-specific projects that do have coverage under the current SPDES General Permit will require an individual SPDES permit, as well as other Federal, State and local permits.
 - Project-specific proposals will be designed to meet the following parameters, if not they will be subject to project-specific SEQRA assessment.
 - Development in the floodway fringe will be designed to incorporate appropriate flood proofing measures.
 - Redevelopment activities will adhere to the requirements of Local Law Section 405-26.G – with regard to being elevated above base flood elevation.
 - Individual development proposals will consider the strategies and recommendations of the City of Kingston Tidal Waterfront Flooding Task Force from their final report dated 9/18/2013.
 - Individual development proposals will consider the recommendations and criteria in the East Strand Street Flooding and Stormwater Management Analysis final report dated 2/19/2014.
2. Implementation of the BOA Plan will not result in the removal or destruction of large quantities of vegetation or fauna; or in substantial adverse impacts to fish or wildlife species, threatened or endangered species, their habitats, or other natural resources.

The majority of the Strategic Site have previously been disturbed and utilized for industrial purposes. Redevelopment of the strategic sites under the BOA Plan will result in both cleanup of industrial contamination and be protective of surrounding habitats and natural resources. The BOA Plan's design strategies guide restoration and protection of the existing natural habitat. The BOA Plan guides integration of new habitat corridors throughout the BOA and encourages creation of new wetland buffers. The redevelopment of the Strategic Sites would offer an overall enhancement to natural resources at each of those sites, where most have been utilized as industrial sites and some are currently vacant or abandoned. Enhancements to natural resources include; expanded greenspace, restoration of existing natural habitats, creation of wetland migration buffers, and creation of educational trails.

Project-specific proposals in the BOA will be designed to minimize impact to the NYS-designated Significant Coastal Fish and Wildlife Habitat by minimizing effects on water quality from turbidity or sedimentation; changes in flow, temperature or water depth.

Threshold:

- According the NYSDEC April 27, 2015 response to the City's Lead Agency Coordination letter, any site-specific implementation projects will be required to consult with the NYSDEC with project-specific information on existing habitat and project impacts that may effect the following species: Indiana Bat (endangered), Least Bittern (threatened), Shortnose Sturgeon (endangered), or Northern Long-eared Bat (threatened).
3. Implementation of the BOA Plan is not expected to create any material conflict with the City of Kingston Comprehensive Plan (September 1, 2015). The intent of the BOA Plan is to encourage and support projects that are substantially consistent with the Comprehensive Plan or the Local Waterfront Implementation Plan.

Threshold:

- Future project-specific proposals for the redevelopment of the strategic sites that are substantially inconsistent with the Comprehensive Plan or Local Waterfront Implementation Plan, may not have been adequately considered in this assessment and a new project-specific SEQR assessment should be undertaken.
4. Adoption and implementation of the BOA Plan is not anticipated to result in significant adverse impact to the character or quality of important historical or archeological resources.

Known historic and cultural (archaeological) resources located in the BOA are identified in the BOA Plan. In April 2015, the New York State Office of Parks Recreation and Historic Preservation – Division of Historic Preservation (OPRHP)

was consulted regarding potential effects to those resources from the BOA Plan. In its April 15, 2015 response letter, OPRHP stated:

“Based on our review of the submitted materials, there is a potential for redevelopment in the Study Area to impact archaeological and/or historic architectural resources. Lacking specific plans for redevelopment, we are unable to provide specific comments and recommendations. We would be happy to provide such comments, when we are provided with detailed redevelopment plans.”

Threshold:

- Additional consultation with the OPRHP will be required for future site-specific redevelopment projects that include ground disturbance or are located in Rondout Creek and/or the Hudson River.
5. Implementation of the BOA Plan is not anticipated to impair the character or quality of important architectural resources, aesthetic resources, or existing community or neighborhood character. The redevelopment of the strategic sites will result in an overall aesthetic improvement at each strategic site, considering most have been utilized as industrial sites and some are currently vacant or abandoned.

The development and planning of the BOA strategic sites utilized the City’s Waterfront Design Standards to promote new development which enhances the visual appearance of the City. Measures to avoid or minimize to the extent possible visual impacts were addressed in the development of the BOA Plan’s design strategies. These strategies consider placement and height of buildings, spacing between buildings, surrounding residences, waterfront view, and “green buffers.” The BOA Plan’s landscape strategy is to create continuous public access with expansive views from the Rondout to the Hudson. Major view corridors along streets will be kept open and building heights and plantings will be kept lower at the water’s edge to maintain views. At the sites where there will be buildings greater than two stories high, greater distances will be kept between the buildings to maintain connections and provide more scenic opportunity. By meeting those standards as well as the height limitations provided by the BOA Plan’s design strategies, it is not anticipated that significant adverse visual impacts to the existing scenic waterfront will result from the redevelopment of the strategy sites.

Threshold:

- Site-specific redevelopment projects that propose structures over two stories will be assessed for their visual impacts to as part of the site plan and SEQRA reviews.
6. Implementation of the BOA may cause a change in the use and the quantity of energy with the implementation of various redevelopment projects. However, that change is not anticipated to be significant or adverse because future redevelopment

projects in the BOA will be constructed utilizing the current applicable energy code and because the existing utility network is capable of supporting the anticipated additional demand.

7. Implementation of the BOA Plan will not create a hazard to human health.

Environmental conditions at the strategic sites can be mitigated and will not cause a significant impediment to redevelopment. Redevelopment of all the strategic sites must be preceded by investigation and remediation of known environmental conditions. The level of remediation will be dictated by the proposed future land use(s) in order to minimize exposure to human health risk.

Thresholds: Where necessary, environmental cleanup will be designed and conducted in accordance with applicable NYSDEC guidance under the Environmental Remediation Program and precede development activities at the strategic sites as follows:

- Before soil disturbance associated with the redevelopment activities at the KOSCO Assemblage is undertaken, a Phase II Site Assessment will be necessary.
- If mixed use development is proposed at the Landing, a Phase II Site Assessment will be necessary to better identify areas of contamination prior to proceeding with redevelopment.
- Remediation activities at the Millens & Son Scrap Metal Recycling site will be completed in accordance with NYSDEC requirements; the result of which will reduce the potential hazards to human health.
- Per the Phase II investigation, to minimize risk to human health, limited testing is warranted to determine the extent of any VOC contamination at Island Dock in order to select a remediation plan.

8. Implementation of the BOA Plan will change the intensity of land use at the strategic sites. Build-out will attract more people than currently utilize those sites under their current vacant, abandoned or otherwise underutilized condition. The change in intensity of land use from redevelopment of the strategic sites is not anticipated to result in significant adverse impact because:

- Implementation of the BOA Plan represents a positive land use change that is consistent with the proposed Comprehensive Plan, including but not limited to: Goal 10 - Encourage vibrant mixed-use land use patterns in the Rondout neighborhood centered on waterfront access, restaurants, tourist attractions, and active recreation.
- The preferred development scenarios do not call for significantly different land uses or at greater densities than would be allowed under existing zoning if the area were to build out without the benefit of the BOA Plan.

- The implementation strategies outlined in the BOA Plan will help to control and better direct growth within the waterfront area.

Potential positive impacts from change in land use will include; increased job opportunities, secondary economic benefits to local businesses, and increased City and County property taxes.

9. Implementation of the BOA will increase the number of people using the site over its existing level. This increase in use is not anticipated to result in significant adverse impact because the existing infrastructure systems have sufficient capacity to accommodate redevelopment of the strategic sites. It is anticipated that secondary growth resulting from redevelopment of the strategic sites will not result in significant adverse impacts for the following reasons:
 - Implementation of the BOA Plan is not likely to result in significantly different land uses or at greater densities than would be allowed under existing zoning if the area were to build out without the benefit of the BOA Plan.
 - The implementation strategies outlined in this BOA Plan will help to control and better direct growth within the waterfront area.
 - The design strategies include flood resilient designs and sustainability.

Thresholds:

- Individual projects that require public improvements to deliver adequate water supply to the site to support the project.
- Individual projects that generate wastewater of a volume, rate, or composition that exceeds the capabilities of the local Municipal sanitary sewer system and/or Publicly Owned Treatment Works.

10. Implementation of the BOA Plan is not expected to result in significant negative traffic impacts because as project-specific redevelopment proposals are developed beyond the conceptual level a more complete assessment of the transportation systems will required. And necessary improvements implemented as needed.

Threshold:

- If future project-specific developments add more than 100 vehicles in the adjacent roadways' peak hour traffic generation or the development's peak hour traffic generation, then a transportation impact study will be required as part the SEQR assessment for that project.

11. Two or more of the identified elements of the BOA Plan if implemented individually would not cumulatively result in significant adverse impact on the environment. The BOA Plan and Generic DEIS considered implementation of all the strategic sites with the intent that those projects will serve as catalysts to spur secondary development in the BOA. Implementation of the BOA Plan will be incremental. The anticipated phasing of the long-term vision will allow markets to be established to absorb later and larger developments.

12. The Draft GEIS did not identify any significant environmental issues that were not addressed or indicate that the Action will have a significantly adverse impact on the environment. For those impacts not completely assessed due to the generic nature of the assessment or lack of detailed project information, thresholds have been established that will trigger further assessment under SEQRA as project-specific proposals are reviewed.

For Further Information, contact:

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A copy of this notice must be sent to:

NYS Department of Environmental Conservation

NYS Department of State

Chief Executive Officer (Mayor Shayne R. Gallo)

Any person requesting a copy

All involved agencies

Environmental Notice Bulletin (ENB)

Interested Parties