

State Environmental Quality Review Act

POSITIVE DECLARATION

Notice of Intent to Prepare a Draft Environmental Impact Statement
and Lead Agency Determination of Significance

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 Planning Board of the Town of Kingston has determined that the proposed action described below may have a significant impact on the environment and that a Draft Environmental Impact Statement will be prepared. The Planning Board hereby adopts a Positive Declaration in order to investigate and evaluate the potential environmental impacts of this Proposed Action. Scoping will be conducted.

Name of Action: 850 Route 28, LLC

Lead Agency: Planning Board of the Town of Kingston, Ulster County

Date: July 19, 2021

SEQRA Status: Type I

Location: The project site is located with frontage New York State Route 28, within the Town of Kingston, Ulster County.

Description of Action: The Applicant, 850 Route 28, LLC, is proposing to convert a previously disturbed former rock mine and existing contractor's storage yard to a structural steel and precast concrete manufacturing facility on a parcel located with frontage along New York State Route 28 within the Town of Kingston. The property contains 110.6+/- acres, and is known on the Town tax maps as Section 38.4, Block 1, Lot 36.100.

Reasons Supporting this Determination: Potential environmental impacts associated with the proposed action are identified in the Full Environmental Assessment Form. These impacts, which may be reasonably expected to result from the Project, have been compared to the criteria for determining significance identified in 6 N.Y.C.R.R. § 617.7(c)(1) and in accordance with 6 N.Y.C.R.R. § 617.7(c)(2) and (3). The Planning Board finds that the Proposed Action may result in one or more significant impacts on the environment, and an Environmental Impact Statement ("EIS") will be prepared to address, at a minimum, the following elements of the Proposed Action, which may result in potential impacts:

1. The Proposed Action may involve construction on land where depth to water table is less than 3 feet.
2. The Proposed Action may involve construction on slopes of 15% or greater.

3. The Proposed Action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.
4. The Proposed Action may involve the excavation and removal of more than 1,000 tons of natural material.
5. The Proposed Action may involve construction that continues for more than one year or in multiple phases.
6. The Proposed Action may result in increased erosion, whether from physical disturbance or vegetation removal at the project site (including from treatment by herbicides).
7. The Proposed Action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (*i.e.*, New York State Route 28).
8. 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.
9. The Proposed Action may create turbidity in a water body, either from upland erosion, runoff or by disturbing bottom sediments.
10. 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.
11. The Proposed Action may affect the water quality of any water bodies within or downstream of the site of the Proposed Action.
12. The Proposed Action may require the construction of new, or expansion of existing, wastewater treatment facilities.
13. The Proposed Action may require new water supply wells, or create additional demand on supplies from existing water supply wells.
14. Water supply demand from the Proposed Action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer.
15. The Proposed Action may result in potential in new or additional use of groundwater that may have potential impacts on Pickerel Pond.
16. The Proposed Action may have impacts on air associated with dust from the excavation of rock prior to construction and dust from the mobile concrete batch plant.
17. 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.
18. The Proposed Action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.

19. The Proposed Action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.
20. The Proposed Action may be visible from publicly accessible vantage points seasonally and year round, during recreational or tourism based activities.
21. The Proposed Action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.
22. The Proposed Action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory (Source: OPRHP letter, dated August 7, 2020).
23. The Proposed Action may result in the destruction or alteration of all or part of the site or property.
24. The Proposed Action may result in the alteration of the property's setting or integrity.
25. 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.
26. 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.
27. The Proposed Action may alter the present pattern of movement of people or goods.
28. The Proposed Action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.
29. The Proposed Action may result in impacts on noise from rock crushing during construction and blasting activities.
30. The Proposed Action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).
31. The Proposed Action is inconsistent with local land use plans or zoning regulations.
32. The Proposed Action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.
33. The Proposed Action may interfere with the use or enjoyment of officially recognized or designated public resources.
34. The Proposed Action is inconsistent with the predominant architectural scale and character.
35. The Proposed Action is inconsistent with the character of the existing natural landscape.

For Further Information:

Contact Person: John Konior, Chairman
Town of Kingston Planning Board
906 Sawkill Road
Kingston, New York 12401
(845) 336-8853

A copy of this Notice is being sent to the following Involved and Interested Agencies:

Agency Circulation: This notice is being sent to the following involved and interested agencies:

New York State Department of Environmental Conservation
Region 3
21 South Putt Corners Road
New Paltz, New York 12561

Ulster County Department of Health and Mental Health
239 Golden Hill Drive
Kingston, New York 12401

New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, New York 12601

Ulster County Planning Board
244 Fair Street
Kingston, New York 12401

Town of Kingston Town Board
906 Sawkill Road
Kingston, New York 12401

U.S. Army Corps of Engineers
26 Federal Plaza
Jacob Javits Building
New York, New York 10278

New York State Office of Parks, Recreation and Historic Preservation (via CRIS system)
Post Office Box 189, Peebles Island
Waterford, New York 12188

Environmental Notice Bulletin – via email
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Albany, New York 12233-0001
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