



WOODSTOCK LAND CONSERVANCY

June 17, 2019

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John Konior
Chairman
Town of Kingston Planning Board
906 Sawkill Road
Kingston, New York 12401

Re: Addendum to May 20, 2019 comment letter
Site Plan / Special Permit -- 850 Route 28 LLC

Directors

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Maxanne Resnick
Executive Director

Ellie Reese
Program and Outreach

Dear Chairman Konior and Members of the Planning Board:

Our letter tonight is an addendum to our May 20th letter. We believe the application materials for the development of 850 Route 28 do not identify a perpetual NYS trail access easement. Thus, there has been no evaluation of impacts and mitigation measures relating thereto. The SEQR review did not include adequate evaluation of impacts to the adjacent public recreational lands, should have identified the existing NYSDEC Bluestone Wild Forest Unit Management Plan (BWF UMP 1997)¹ and should have considered potential impacts from the proposed action in the context of that existing land use plan.

As noted in the BWF UMP (p.11) and shown on DEC maps (p.9), there is a permanent public footpath easement over the access road to the old quarry (A2). "This footpath easement, described in Deed Liber 1946, Page 202, allows the public to cross over the main access road to the abandoned quarry currently owned by Aarjen Development Corporation (Liber 2523, Page 226), over an approximately five foot wide strip connecting the Onteora Lake parcel to Lands of the State of New York described in Deed Liber 465, Page 311." The right-of-way can be of "Sufficient dimensions to accommodate without limiting the generality of 'the public,' backpackers, and game hunters with full field equipment, and enable them to pass each other in opposite directions, in single files."

Whether NYSDEC has or has not exercised its rights to utilize the trail easement is irrelevant. The perpetual trail easement exists in the UMP and underlying Deeds. It should be appropriately identified as an impact and, we believe, as an encumbrance upon the project property and appropriately addressed. To the best of our knowledge it has not been.

¹ http://www.dec.ny.gov/docs/lands_forests_pdf/bluestoneump.pdf

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The UMP also includes a section LAND ACQUISITION - THE COMPLETION OF A VIABLE BLUESTONE WILD FOREST, that includes *"Priority 3 L. To complete the incorporation of the mine properties, surrounded by state lands, which could have a large impact on the water quality/levels, scenic values and impair the viability of the Bluestone Wild Forest, if developed insensitively."* As stated previously, we do not believe the SEQR review adequately evaluated the impacts to the BWF resulting from the proposed development and site operations.

It isn't clear if the Site Plans are based on a current survey or if the applicant has provided a recent title report, therefore we are unable to comment about any other easements that may encumber the project site and affect the location and extent of site development.

We note that the applicant's representatives have made references to the Planning Board about NYSDEC staff not voicing or filing objections on various issues and impacts we have raised in recent weeks and again here. It is our understanding that DEC as a rule typically does not weigh in on "local land-use issues".

Thank you for your further consideration.

Sincerely,



Maxanne Resnick
Executive Director