

BRAYMER LAW

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June 4, 2020
Via E-Mail Only

Chairman Konior and Supervisor Landi
Town of Kingston Planning Board
Town of Kingston Town Board
906 Sawkill Road
Kingston NY 12401

Re: 850 Route 28, LLC - Zoning Change, Special Permit, and Site Plan Review
Proposed Structural Steel and Precast Concrete Manufacturing Facility

Dear Planning Board Members and Town Board Members:

As you know, I have been retained by Catskill Mountainkeeper and the Woodstock Land Conservancy to represent them with respect to the structural steel and precast concrete manufacturing facility proposed by 850 Route 28, LLC in the Town of Kingston. My clients once again thank the Planning Board for rescinding the negative declaration for this proposal, and continue to urge you to **require the preparation of an environmental impact statement (“EIS”)** for the proposed structural steel and precast concrete manufacturing facility and related site rezoning. This is a large-scale project that demands a comprehensive EIS.

The Planning Board’s August 29, 2019 resolution rescinding the negative declaration states that the information brought to the board’s attention demonstrates that the project, including the proposed zoning change, “may have a significant adverse environmental impact”. Accordingly, **since there is a potential for even “one significant adverse environmental impact”, the Planning Board must issue a positive declaration and require the preparation of an EIS.** 6 NYCRR § 617.7(a)(2). The threshold for requiring an EIS has already been met. See June 17, 2019 letter from Attorney John Privitera and comments/reports referred to therein. The subsequent information submitted by the applicant does not negate the need for an EIS to fully analyze the significant adverse impacts that have been identified.

My clients have engaged numerous consultants to assist with analyzing the application materials for the proposed project. We offer the following information for your consideration in advance of the Planning Board’s June 15, 2020 meeting.

1. Groundwater and Surface Water Impacts

The project has the potential to result in significant adverse impacts to wetlands and waters. There are wetlands, and the southern end of Pickerel Pond, and several smaller water bodies extending south from Pickerel Pond located on the site. In addition, Onteora Lake, Praymaher Brook (a class C Trout Stream), and a state-regulated Wetland KW-3 are located on adjacent and nearby parcels. Enclosed for your review is a May 26, 2020 hydrogeological study, prepared by Paul A. Rubin, HydroQuest, addressing the severe adverse impacts to Pickerel Pond from construction and operation of the proposed facility at the 850 Route 28 location.

2. Archaeological, Cultural, and Historical Impacts

The project is located at a site that contains 150 to 200-year-old historical quarrying artifacts. The historical analysis that has been provided by the applicant is flawed and insufficient to adequately assess the project's impacts on archaeological and historical resources. Enclosed for your review is a HydroQuest report dated May 26, 2020 prepared by Paul Rubin about the historical assets at the site, and concluding that "[c]onstruction of the 850 Route 28 manufacturing facility would irreparably compromise the integrity of Hemlock Quarry". In addition, enclosed is a letter dated May 31, 2020 from David Walker, retired Professor of Earth and Environmental Sciences at Columbia University, regarding the potential archaeological, historical, and hydrological impacts of the proposed facility. Finally, enclosed is a letter dated June 2, 2020, with attachments, from Glenn Kreisberg regarding the cultural and historical resources at the site.

3. Noise Impacts

The public visiting the adjoining Bluestone Wild Forest, and the residential neighbors to the east of the site, would be impacted by the noise (including the proposed blasting) during construction and from the site's continuous operations, 24 hours a day, 7 days a week. The wildlife on and off the site would also be negatively impacted by the ongoing noise. Please find enclosed the May 28, 2020 technical comments from Thomas Baird, professional engineer with Barton & Loguidice regarding the numerous deficiencies with the noise studies that were provided by the applicant.

Conclusion

The documentation in this matter, including the information enclosed with this letter and my letters to you dated October 7, 2019 and January 21, 2020, all demonstrate that a **comprehensive EIS must be prepared for a project of this nature and scope**. Therefore, if this project proposal moves forward, the Planning Board must issue a positive declaration and require the preparation of an EIS.

Thank you for your time, consideration, and careful deliberation in this matter.

Sincerely,

/s/ Claudia K. Braymer

Claudia K. Braymer

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May 26, 2020 hydrogeological study, prepared by Paul A. Rubin, HydroQuest

May 26, 2020 report, prepared by Paul A. Rubin, HydroQuest

May 31, 2020 letter from David Walker

June 2, 2020 letter from Glenn Kreisberg, with attachments

May 28, 2020 technical comments, prepared by Thomas Baird, P.E., Barton & Loguidice

cc: Town Attorney
Planning Board Attorney
NYSDEC
OPRHP
NYSDOT
Ulster County Planning Board
Open Space Institute
Catskill Mountainkeeper
Woodstock Land Conservancy