



KINGSTON COMMON COUNCIL

FROM THE DESK OF

**BRAD WILL, ALDERMAN**

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T (845) 616-8664

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October 22, 2014

The Honorable James L. Noble, Jr., Alderman-at-Large  
City of Kingston  
420 Broadway  
Kingston, NY 12401

**RE: Resolution Related To The Proposed 415,000 s.f. Niagara Bottling Facility  
in Town of Ulster**

Dear President Noble:

The Town of Ulster Town Board on October 16 voted to declare its “Intent to be Lead Agency for the SEQR Type I Action - Coordinated Review.” The Notice of Intent was subsequently circulated to **Involved** and **Interested** Agencies.

There are FOURTEEN agencies listed as **Involved**:

Town of Ulster Town Board (Site Plan Approval)  
Zoning Board of Appeals (Variance to Reduce the number of off-street parking spaces)  
Ulster County Department of Health (Water)  
Ulster County Dept of Public Works, Highway & Bridges Division (Highway Permits)  
City of Kingston Water Board (Water supply)  
US Army Corps of Engineers (Nationwide Permit)  
NYS Department of Environmental Conservation, Region 3 (Sanitary/Storm Water)  
NYS Department of Health (Water)  
Town of Ulster Sewer Department  
Town of Ulster Water Department  
Town of Ulster Highway Department  
NYS DEP  
NYC Department of Environmental Protection  
Ulster County Industrial Development Agency (IDA)

There are TEN agencies listed as **Interested**:

**City of Kingston**

Town of Ulster Planning Board (Advisory recommendation to the Town Board)  
Ulster County Planning Board (Advisory recommendation)  
Ulster County Community College (Start Up NY Program Office)  
Town of Woodstock  
NYS Department of Agriculture & Market

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Town of Saugerties  
Village of Saugerties  
Town of Esopus  
Town of Kingston

Involved Agency

An 'Involved Agency' for SEQR is involved when "the determination is made that the agency has or will have a discretionary decision to make regarding some aspect of the action."

Interested Agency

An 'Interested Agency' has about as much authority as the public. To be listed as an interested agency, as defined in 617.2 (c) to mean 'a state or local agency.' Any private organizations, interest group and/or individual have the ability to participate in the SEQR process.

The Conservation Advisory Council performed a critical function in hosting an event that drew a capacity crowd of concerned residents, collected over 250 questions, and highlighted numerous, compelling impacts that require wider expertise than the Town of Ulster can provide as Lead Agency. The NYSDEC is better equipped to address the complex tasks that need to be performed in evaluating the Niagara proposal.

The Board of Water Commissioners does maintain a central position in deciding to sell Kingston's water outside of City limits to non-residential customers, however the Common Council has an active role in the process of bonding monies and approving projects. Article XI Section C11-4 Powers of the City Charter states:

*"Said Board, with the assent of the Common Council, may construct and maintain waterworks for supplying said city and its inhabitants with pure and wholesome water; exercise such powers as are necessary and proper to accomplish such purpose and shall proceed in the manner hereinafter prescribed."*

I urge the Common Council to draft a resolution(s) that 1) protects the interests of Kingston residents and our supply of clean drinking water; 2) memorializes and endorses the recommendation of the Kingston CAC (and for the Council's information, both [Riverkeeper](#) and the [Town of Woodstock](#)) that the NYS Department of Environmental Conservation (DEC) declare itself Lead Agency in the Niagara Bottling matter; and 3) fulfills our role as elected representatives of City of Kingston residents by declaring our intent to have the City of Kingston listed as an **Involved Agency**.

Thank you for your assistance with this time-sensitive matter.

Sincerely yours,



Brad Will

cc: Majority Leader Matt Dunn  
Minority Leader Deb Brown  
Chairman Bill Carey