

**FINAL SCOPING DOCUMENT
FOR DEIS
PROPOSED MIXED USE DEVELOPMENT OF THE
UPTOWN MUNICIPAL PARKING GARAGE SITE**

SEQRA TYPE 1 ACTION

**CITY OF KINGSTON
ULSTER COUNTY, NEW YORK**

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MARCH 2007

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APRIL 9, 2007**

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PURPOSE OF THIS SCOPING DOCUMENT

Presented below is a scope for completing a Draft Environmental Impact Statement (DEIS) for the proposed Mixed Use Development of the Uptown Municipal Parking Garage Site (the “Project”) in the City of Kingston, Ulster County, New York. The Project site is located at 21 North Front Street in the City of Kingston and consists of 1.47 acres.

On February 22, 2006, the City of Kingston Planning Board (the “Planning Board”) circulated to all involved and interested agencies a notice indicating its intent to act as lead agency for review of the Project pursuant to the State Environmental Quality Review Act (SEQRA). No involved or interested agency objected, and by resolution dated March 30, 2006, the City of Kingston Planning Board declared itself lead agency.

The Planning Board adopted a determination of significance (i.e. a positive declaration) for the Project on March 30, 2006, directing the preparation of a draft Scoping Document for preparation of an Environmental Impact Statement (EIS) for the Project. The reasons stated for its determination were that “the proposed scope of demolition and construction will have potential for impacts on the immediate adjacent business district and surrounding area. Potential impacts include, but are not limited to; traffic and noise levels, infrastructure and utilities, schools, recreation and other community services; visual and historic resources; off-site improvements; economics and markets; housing availability, etc....”

GENERAL CONSIDERATIONS

The DEIS will be prepared in accordance with 6 NYCRR Part 617, and will only present relevant and material facts that pertain directly to the proposed Project. It will provide the reader with an understanding of existing environmental conditions, potential impacts and mitigation measures. Unless otherwise directed by the Final Scoping Document, the provisions of 6 NYCRR Part 617 which apply to DEIS preparation are incorporated herein by reference.

The document will be written in the third person. Narrative discussions will be accompanied to the greatest extent possible by the use of illustrative tables and graphics. All graphics will clearly identify the proposed Project site. All maps will be clear and legible at scale. If

necessary or appropriate, sets of larger scale maps shall be submitted separately. In addition to all other required distributions and public dissemination, the DEIS shall be posted on a publicly-available Internet website.

The DEIS may incorporate by reference all or portions of other documents, including EIS's, which contain information relevant to this DEIS only if such documents are on file and available for inspection at the lead agency's office in the Kingston City Hall.

GENERAL DESCRIPTION OF THE ACTION

The Teicher Organization is proposing to construct a twelve-story building on the Project site, which would contain approximately 214-condominium units, 10,000 square feet of ground level retail space, and an indoor parking garage with capacity for 600 vehicles. 300 parking spaces will be for use by residents of the building and 300 parking spaces will be municipal parking spaces for use by visitors to the Uptown Kingston area. The primary residential entrance will be on the corner of Schwenk Drive and Fair Streets. There will be pedestrian entrances for both residents and the general public on the North Front Street, Fair Street and Schwenk Drive sides of the Project, as well as a "common area" walkway through the building allowing the general public to traverse from the municipal garage onto North Front Street. The only vehicular garage entrance to the Project will be from Schwenk Drive, approximately 130 feet west of its intersection with Fair Street. A truck loading area, including a solid waste and recycled materials removal area, will be located on Fair Street and a drop off area will also be located on North Front Street.

Name of Action: Mixed Use Development of the Uptown Municipal Parking Garage Site

Location of Action: 21 North Front Street, City of Kingston, Ulster County, New York; tax lot Section 48.80, Block 1, Lot 26. The 1.47 +/- acre property is located in the C-2 (Central Commercial) Zoning District. The site fronts on Schwenk Drive on the North, Fair Street to the East, North Front Street on the South, and existing buildings on the West side.

SEQRA Status: Type I Action

Lead Agency: City of Kingston Planning Board
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Project Sponsor: The Teicher Organization
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Positive Declaration: March 30, 2006

CONTENT OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

The Draft Environmental Impact Statement (DEIS) shall contain or address the following:

Cover Sheet

- A. Title/Name of the project
- B. Location (County and Town) of the Project
- C. Name and address of the SEQRA agency; name and telephone number of the person to contact at the lead agency for information
- D. Name and address of project consultants, including contact name and phone number
- E. Date of submittal
- F. Date of acceptance of the DEIS
- G. Date of Public Hearing on the DEIS

- H. The deadline date by which comments on the DEIS are due unless extended by the lead agency.

Executive Summary

In this section the format of this document will be described and will include the following elements:

- A. A brief description of proposed Action
- B. Summary list of required approvals and permits from local, County, State and Federal agencies
- C. Summary list of significant beneficial and adverse impacts
- D. Summary list of proposed mitigation measures
- E. Summary and comparison of alternatives

1.0 PROJECT DESCRIPTION

1.1 Project Location

The DEIS will contain a description of the Project location on a regional and local scale. The Project site boundaries in relation to municipal boundaries will be covered in this section. An emphasis will be on the geographic boundaries and the local context of the site to that of the immediate surrounding areas including zoning districts and designated historic or cultural districts. The project site will be mapped with respect to park lands, archaeological and historical resources and any important natural and manmade features and significant views. Local neighborhood transportation and vehicle access routes will also be presented. An aerial photograph will be prepared for the Project site and the surrounding areas. Property ownerships, easements, rights-of-way, legal constraints and local restrictions will also be identified.

1.2 Existing Site Conditions

The DEIS will describe and characterize the existing Project site conditions and the current use of the site. This section will include descriptions of the site's gross area and the existing

topography, structures, landscaping, stormwater management and other natural and manmade features.

1.3 Detailed Project Design and Layout

A complete set of plans consisting of the site plan, lighting, landscaping, grading, utilities and any other plans will be presented to provide the basis for a detailed description of the project.

The following project functional and design elements will be discussed in the DEIS:

- A. Structure: The project's size and proportions (height, floor area, setbacks), as well as its different commercial, residential and parking elements will be described. An architectural description will include the textures, materials, form and style used in the building including measures to relate to the character of the surrounding historic district. Cultural amenities to be provided by the project and available to the City of Kingston and its residents will be discussed and characterized. The number and size of residential units, type of ownership and sales and/or rental prices (ranges) will be provided and methods of providing affordable/workforce housing described.
- B. Parking, Traffic and Pedestrian Circulation: The proposed number of parking spaces and garage design and layout will be described. The private/public parking space usage plan will be described. Vehicular and pedestrian access routes will be described.
- C. Access: Public and private access to the project will be discussed incorporating both external and internal vehicular and pedestrian circulation.
- D. Landscaping: A landscaping plan and its conformity with the requirements of the City of Kingston Zoning Law and Planning Board policies will be discussed.
- E. Lighting and Signage: Lighting and signage plans and their conformity with the requirements of the City of Kingston Zoning Law and Planning Board policies will be discussed.

- F. Grading and Stormwater Management Facilities for both project construction and operation will be described and discussed for conformity with applicable law and Planning Board policy.
- G. Wastewater Disposal: There will be a description of the proposed sewage disposal facilities and connection to the City system.
- H. Water Supply: There will be a description of the proposed water supply facilities and connection to the City system.
- I. Other utility connections will be described.
- J. Solid waste disposal provisions will be discussed.
- K. In addition, the incorporation and use of existing site features in the proposed project will be discussed.

1.4 Construction Schedule and Construction Stage Activities

The DEIS will provide a description of the proposed sequence for construction of the Project. This section will include the following:

- A. An overall construction schedule describing construction sequencing and the approximate duration of each construction event and construction management procedures including location of construction office, materials storage and heavy vehicle parking.
- B. Construction traffic routing, ingress and egress, including number and type of vehicles per day, duration/variation of trips during the construction period, location of worker parking and necessary street and sidewalk closures.
- C. A detailed plan for managing public parking to be dislocated during construction will be prepared including use of alternate sites, and/or the need for shuttle buses.

- D. The overall amount of site disturbance and plans for site reclamation will be prepared. Rough and final grading plans, anticipated quantities of cut and fill and whether any material will be removed or brought to the site will be discussed in this section. Special concerns such as rock blasting, demolition of existing structures, vibration impacts and on-site stockpiling will be discussed, as applicable.
- E. Installation of erosion control measures during construction.
- F. Construction phasing and installation procedures of sanitary wastewater, storm water and water supply systems as well as off-site infrastructure.

1.5 Operational Stage Activities

This section will discuss the proposed Project in terms of its commercial, residential and parking components and their schedules of operation, including the split use of the parking spaces for private and public parking. Obligations and responsibilities of both the developer and the City will be specified.

1.6 Project Purpose, Need and Benefits

The Project's purpose, need and benefits will be described in this section.

- A. Purpose: The DEIS will present the goals and objectives for the Project. A history of the Project site's use as a parking garage will be discussed, and the history and background of this Project will be covered.
- B. Need: The DEIS will present the results of a market study conducted for the Project demonstrating public need for the type of commercial, residential and parking facilities to be provided by the Project. The study will be annexed as an appendix to the DEIS. The rationale for the size of the project (number of units and height) will be discussed.
- C. Benefits: The DEIS will contain a brief description of the socio-economic benefits the Project will provide to the City of Kingston and the area business district. The benefits of

reusing and/or improving the Project site and associated infrastructure will also be discussed.

1.7 Project Sponsor

The Project sponsor and its ability to undertake the project will be described in this section. The role of the city of Kingston in the project will be fully described including current and future ownership of any facilities, financing assistance, management of public parking spaces, disposition of land and continuing obligations.

1.8 Involved and Interested Agencies

This section will identify the local, county, regional and state interested and involved agencies in the SEQRA review process for the Project. The specific permits or approvals required from the involved agencies will be identified.

A. Involved Agencies From Which Permits or Approvals Are Required

- City of Kingston Planning Board: site plan approval and special use permit
- City of Kingston Zoning Board of Appeals: variances for building height and floor area ratio (FAR)
- City of Kingston Historic Landmarks Preservation Commission: Preservation Notice of Action for a portion of the premises
- City of Kingston Water Department: permit for water lines and capacity
- City of Kingston Department of Public Works: permit for street opening and sewer connection
- City of Kingston Building Safety Division: building permit, demolition permit, blasting permit, landlord registration
- City of Kingston Common Council: property transfer
- Ulster County Department of Health: water and sewer connection permits, health permits for business operations
- Kingston Local Development Corporation
- NYS Department of Environmental Conservation: SPDES
- New York State Office of Parks, Recreation and Historic Preservation

- Ulster County Industrial Development Agency: Bonding
- Office of the Mayor, City of Kingston
- Ulster County Legislature: PILOT
- NYS Office of Attorney General: Condominium Offering Plan

B. Interested Agencies

- Kingston Fire Department
- Kingston City Schools Consolidated/City of Kingston Board of Education
- City Comptroller
- Ulster County Planning Department: General Municipal Law review
- Palisades Interstate Park Commission
- Hudson River Heritage
- Friends of Historic Kingston
- Heritage Area Commission
- Rural Ulster Preservation Commission
- Kingston Pike Plan Commission
- Kingston Uptown Business Association
- CH Energy Group (a/k/a Central Hudson Gas Electric Corp.)
- NYS Department of Transportation
- City of Kingston Citibus Public Transportation
- US Post Office

2.0 ENVIRONMENTAL SETTING, POTENTIAL ENVIRONMENTAL IMPACTS AND PROPOSED MITIGATION MEASURES

Each of the DEIS sections listed below will: (1) describe the Project's existing environmental setting for each identified area of study, (2) identify and analyze potential adverse and/or beneficial impacts of the proposed Project on that environmental area of concern; and (3) identify and describe any necessary and feasible mitigation measures which will be used to minimize or avoid potential adverse environmental impacts to the maximum extent practicable. The assessment of potential impacts will be based on both the construction and operational Project stages where applicable.

2.1 Site Topography and Slopes

A. Existing Setting

This section of the DEIS will describe the existing topography of the site and provide a certified topographic survey with a two (2) foot contour interval. This information will also present a slope map to visually outline the steeper slopes on the Project site.

B. Potential Impacts

Alteration of the site topography due to proposed grading and drainage pattern changes will be discussed. Grading and drainage plans will be prepared and described to demonstrate the physical changes to the site topography and drainage improvements associated with the Project.

C. Mitigation Measures

Project construction and design elements proposed to lessen the Project's potential impacts on the existing topographical conditions will be described.

2.2 Soils and Geology

A. Existing Setting

The Project site's soil conditions will be described in detail based on information gathered from soil borings performed at the site and as described in the Ulster County Soil Survey. Detailed descriptions of the soils' capabilities to sustain and support the proposed development of the site will be generated. Specific items to be addressed are the depth to seasonal high water table, depth to and type of bedrock and soil erodability. The results of an Environmental Site Assessment will be described.

B. Potential Impacts

Based on the geological investigation performed at the site, potential soil impacts due to the development will be identified and described. Impacts such as proposed site grading, erosion control, foundation design, footing drains, excavation and filling of the site will be discussed and evaluated. If blasting will be required, compliance with the City of Kingston Blasting Ordinance will be described and a blasting plan prepared.

C. Mitigation Measures

Mitigation measures to minimize the anticipated impacts to site soils and geology, including erosion control techniques and adequate stormwater control systems, during both construction and Project operation will be presented.

2.3 Flora and Fauna

A. Existing Setting

A Certified Tree Expert will conduct a site visit to inspect and determine the health and viability of the street trees and landscaped areas presently existing adjacent to the Project site.

B. Potential Impacts

The proposed Landscaping Plan for the Project will be discussed in detail. Post-construction landscaping and streetscape applications (i.e. plant material, quantity, installation methods, etc.) will be identified and compared to the pre-existing conditions. The potential impacts to the site and surrounding area due to the removal and replacement of existing landscaping and streetscape shall be identified.

C. Mitigation Measures

As necessary.

2.4 Air Quality

A. Existing Setting

An air quality analysis will be conducted based on the standards adopted by the New York State Department of Environmental Conservation (NYSDEC). Currently, the NYSDEC follows the New York State Department of Transportation (NYSDOT) procedures as outlined in Chapter 1 of the Environmental Procedures Manual (EPM).

An air quality screening will be conducted at all the intersections included in the Traffic Impact Analysis prepared for this project. The air quality screening will include a level of service screening, followed by a capture criteria screening and a volume threshold screening, where applicable. Intersections not meeting the screening criteria will require a detailed microscale air quality analysis using the latest version of the CAL3QHC dispersion model using emission factor inputs from Mobile 6 emission factor tables. The results of the air quality analysis will be compared to New York State and National Ambient Air Quality Standards.

Criteria outlined in Chapter 1 of the EPM will be reviewed to determine the need for a mesoscale analysis. If the results indicate the need for a detailed mesoscale analysis, it will be conducted following guidelines presented in the EPM.

B. Potential Impacts

Based on the policy found in Chapter 1 of the EPM, a particulate matter analysis will be conducted for the project. Based on the procedures, PM₁₀ and PM_{2.5} analyses will be conducted for the No-Build and Build conditions at the signalized study area intersections with the highest traffic volumes. The analysis will be conducted using the latest version of the CAL3QHC dispersion model using inputs from the Mobile 6 emission factor tables. A qualitative discussion of construction related impacts will be included in the study.

C. Mitigation Measures

Mitigation measures to reduce any impacts on air quality from construction activities, such as dust control and other measures, will be identified for use as necessary.

2.5 Noise Levels

A. Existing Setting

A noise study will be conducted to determine if noise impacts (traffic noise, HVAC noise, facility operational noise construction noise, etc.) may occur due to the development of the project. Noise measurements will be made, the data analyzed and compared to applicable noise policies and/or Codes including Chapter 300 (Noise) of the City of Kingston Code.

Existing noise levels will be determined by field measurements using an ANSI Type II data logging device (or better) capable of measuring the sound pressure level using an “A weighted” response and providing an equivalent weighted sound pressure level (Leq) for at least a 15 minute period.

The measurement locations proposed by the applicant will require Pre-Approval from the City or their Designee prior to conducting the measurements. The proposed site plan overlaid onto the existing base mapping must be included when seeking approval of the measurement locations.

B. Potential Impacts

The City of Kingston Noise Code includes criteria for maximum permissible noise levels during daytime and nighttime periods. In addition to measurements during daytime periods, existing noise levels must be measured during the nighttime period between 10 pm and 7 am.

C. Mitigation Measures

If noise impacts will occur, mitigation methods will need to be discussed and presented in the report and must be deemed reasonable and acceptable to the City.

2.6 Land Use and Zoning

A. Existing Setting

Existing land use and zoning controls for the project area and the surrounding Stockade Area Mixed Use Overlay Zoning District will be described, including land use and zoning maps for the site and environs. The type and character of land use will be discussed as well as the site's relationship to nearby major land uses such as Kingston Plaza, the Senate House and the Stockade Historic Area.

The compatibility of the proposed project to the City of Kingston Comprehensive Development Plan and Kingston's Urban Cultural Park Management Plan (aka UCP or Heritage Area) will be discussed.

B. Potential Impacts

This section will provide a description of how the project complies with the requirements of the City of Kingston zoning code including the C-2 (Central Commercial District), the Landmark (L) Stockade District and the Stockade Area Mixed Use Overlay District. Compliance with Chapter 264 of the Kingston City Code, "Historic and Architectural

Design Districts” will also be evaluated. Any conflicts will be identified and discussed. The need for zoning boundary amendments and/or variances will be discussed.

This section will further describe the effects of relevant issues, and any involved state and City agency actions, on, and their consistency with the Kingston Comprehensive Development Plan and the Urban Cultural Park Management Plan. The effect of the project on adjacent neighborhoods will be described in terms of added population density, traffic and use of public facilities including parking.

C. Mitigation Measures

Measures to mitigate any identified inconsistencies with the Kingston Zoning Ordinance, Comprehensive Development Plan and/or UCP Management Plan will be discussed. Means to mitigate any identified impacts to adjacent neighborhoods will be described.

This section will also discuss proposed design standards to be followed for the overall project, including, but not limited to: site design; lighting; landscaping; streetscape design and elements; architectural massing, materials, colors, building design; project signage; public amenities and walkways. This section will provide discussion of how these guidelines compare/compliment and blend with that of the adjacent Stockade Area.

2.7 Traffic, Parking and Pedestrian Circulation

A. Existing Setting

The DEIS will contain a Traffic Study including a description of the size, capacity and physical condition of the existing roadway network and associated intersections within a reasonable distance of the site (i.e. number of lanes, lane widths, speed limit, traffic signals, signage, parking, etc.). The weekday AM and PM and midday Saturday peak hour traffic volumes and levels of service at which the following intersections presently operate will be established. Pedestrian volumes will be counted at these intersections during the peak hours:

- Schwenk Drive & Fair Street/Kingston Plaza Access Road
- North Front Street & Fair Street
- Washington Avenue/Schwenk Drive
- Washington Avenue/N. Front Street
- Clinton Avenue/Albany Avenue
- Schwenk Drive/Access drive to site immediately west of proposed site
- Schwenk Drive/Frog Alley
- N. Front Street/Wall Street/Existing garage access

Daily traffic volumes will be provided for the roadways surrounding the project site and accident history provided and evaluated at the study area intersections for the most recent three year period. This information will be gathered via field investigations and obtained from the City of Kingston and Ulster County officials and will also include transit routes and usage in the study area.

B. Potential Impacts

A traffic impact analysis based on the procedures specified in the Highway Capacity Manual 2000 (Transportation Research Board) for the Project to assess the potential impact of the proposed Project on the adjacent vehicular traffic patterns and roadways for existing, no build and build conditions will be included in the DEIS. The use of simulation software, such as Synchro/Sym Traffic will be used to evaluate the queuing and access conditions on Schwenk Drive. Simulation modeling will also be used in other areas as necessary for accurate analysis. The traffic analysis will evaluate the proposed Project and its associated improvements from a vehicular transportation and pedestrian circulation perspective and will assess the potential impact of this Project on the surrounding street system and intersections referenced above. Trip generation using the latest edition of Trip Generation (ITE) will be projected for the full-build out and no-build situations to compare levels of service. The trip generation will include the results of the Parking Demand Analysis for project build out and full occupancy conditions for the garage. Based on this comparison, the traffic impact study will evaluate the necessity

for any specific improvements or design features to provide safe and adequate access and to handle the projected vehicular and pedestrian traffic flow and parking needs.

A Parking Demand Analysis comparing existing and proposed parking needs in the study area will also be completed in the DEIS. Existing parking facilities within the area surrounding the project site will be evaluated for condition and use. Existing parking usage as well as the parking requirements during construction and after development shall be studied.

The proposed use of U-turns, including their legality, to access the garage will be evaluated. Alternative access scenarios will be evaluated as necessary to provide safe and efficient access to the site. This may include using the existing Schwenk Drive access. The layout of internal garage design will be evaluated as it relates to queuing conditions exiting the garage, the number of exiting lanes, conflicts with entering traffic, etc.

Also, a review of future roadway construction or expansion projects around the site will be conducted and discussed with the City of Kingston.

C. Mitigation Measures

Additional mitigation measures to improve or alleviate traffic impacts, if required, shall be identified and their implementation recommended.

2.8 Sanitary Services

A. Existing Setting

The DEIS will describe existing sanitary sewer facilities and prospective service for the Project.

B. Potential Impacts

The Project's sanitary services demand will be discussed based on regulatory agency (UCDOH and NYSDEC) requirements and on similar facilities with reference data. The applicant will consult with the City of Kingston Department of Public Works to confirm service availability and capacity to service the Project.

C. Mitigation Measures

If expansions of City facilities or up-grades are required they will be described. The steps required to provide such upgrades would be described in detail.

2.9 Water Supply

A. Existing Setting

The DEIS will describe existing water supply facilities and prospective service for the Project. The applicant will consult with the City of Kingston Water Department to confirm service availability and capacity to service the project.

B. Potential Impacts

The Project's water demand will be discussed and analyzed with respect to available capacity based on regulatory agency (UCDOH and NYSDEC) requirements and on similar facilities with reference data.

C. Mitigation Measures

If expansions of City facilities or up-grades are required they will be described. The steps required to provide such upgrades would be described in detail. Potential mitigation measures to be studied in the DEIS will include the incorporation of water savings fixtures into the Project design.

2.10 Private Utilities

A. Existing Setting

Carriers for such private utilities as electric, telecommunications, and natural gas service will be identified.

B. Potential Impacts

The Project's anticipated utilities demand will be discussed based on similar facilities with reference data. Correspondence with the private utility providers will be established and confirmation of service availability and capacity will be sought.

C. Mitigation Measures

Potential mitigation measures to be studied in the DEIS will include the incorporation of energy savings measures into the Project design.

2.11 Stormwater Management

A. Existing Setting

This section will provide a description of existing and proposed stormwater management and drainage facilities for the Project site.

B. Potential Impacts

The DEIS will assess the potential impacts from changes in drainage patterns as a result of the proposed Project. The DEIS will also discuss how the Project will meet the conditions of regulatory agency stormwater permits including the preparation of the Stormwater Pollution Prevention Plan (SWPPP), coverage under the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01), and use of approved stormwater management practices.

C. Mitigation Measures

Suitable stormwater management mitigation measures shall be proposed for any potentially significant impacts identified.

2.12 Cultural and Historic Resources

A. Existing Setting

A Phase 1A literature review and sensitivity assessment will examine the site files at the New York State Museum (NYSM) and OPRHP for recorded archaeological sites and previous archaeological surveys located in the vicinity of the project area. It will also review maps that record the development of the surrounding area. This data will be assimilated with environmental information to formulate a sensitivity assessment for the project area. The results of the survey will be submitted to OPRHP for review to determine the need for additional study.

All cultural resource surveys will be conducted using the methodologies set forth by the New York Archaeological Council (NYAC) 1994 and the State Historic Preservation office (SHPO) May 2006. The goal of the Phase 1B study will be to document the presence or absence of archaeological deposits and sites within the project area. Such surveys will be conducted by a consultant qualified under the Standards of the Department of the Interior (36CFR60.4). The results of the survey will be presented in a report with recommendations on the need, if any, for further archaeological evaluation. The report will be submitted to OPRHP for review, which will make a final determination on the need for further study.

The boundaries and significant resources of the Stockade Historic District will be described and mapped based on the National Register documentation and other available data.

B. Potential Impacts

If cultural resources are found on the site, the potential for impacts to such resources will be discussed. If avoidance is not feasible, a Phase II archaeological study may be required.

The DEIS should include a Phase 1B archeological study on areas to be impacted by the demolition or construction of the project. If the Phase 1B is not feasible prior to demolition, the cultural resource manager for the project should develop a plan for the Phase 1B and other possible phases of archeological study. The plan should include a schedule, relevant methodology and techniques, and protective measures for resources before, during, and after the study, and outline clear benchmarks for communication with OPRHP.

An analysis and evaluation of affects of the proposed project on the integrity and character of the Stockade Historic District and compliance with Chapter 264 of the City of Kingston Code will be prepared and correlated with the analysis of land use, and visual resources included elsewhere in the DEIS.

C. Mitigation Measures

The DEIS should include a discussion of the mitigation measures (such as alternative building locations, design, height and materials) to be developed, if National Register eligible or listed properties or districts will be affected either directly by the project (like archeological sites) or visually (historic properties, historic districts, and the like). These measures should be developed in conjunction with the State Historic Preservation Office (SHPO) at the Office of Parks, Recreation and Historic Preservation (OPRHP).

2.13 Visual Resources

A. Existing Setting

The Project is located on the boundary of the Stockade Historic District on a site that slopes downward from North Front Street to Schwenk Drive. At 12 stories, the Project will be much taller, and have a much larger footprint, than any of the nearby buildings

within the Historic District. The visual character of this area is one of predominately small-scale, high-coverage, mixed-commercial buildings of two and three stories. The streets and sidewalks are narrow, the blocks are small, and on-street parking is allowed throughout most of the district. A notable urban design feature that impacts views to and from this area is an unusual arcade that covers many of the sidewalks near the Project. Across from Schwenk Drive, outside the historic district, the Project is across from a large, low, strip-style shopping center with a large parking lot in the front. The topography of the area outside the historic district is flat, the buildings are generally low, low-coverage buildings, and the streets are wider.

The nature of the impacts of the Project will most likely be different depending on the area in which the project is viewed. Within the historic district, many views to and from the Project will be blocked either by the arcade or by the dense urban nature of the area. But the project may still have a significant impact where it is visible due to its dramatically different scale and mass. Outside the historic district, the Project will probably be highly visible due to its height and location on a hill, the surrounding flat topography and the low, low-coverage nature of nearby development. Further, the impacts to be evaluated may also vary according to where the project is viewed. From sites within the historic district, impacts on historic architectural resources, urban design and community character may be of more importance than the more traditional visual resources (view corridors, scenic resources), which would be of more importance from longer distance viewpoints from outside the historic district.

Consequently, two techniques will be used to evaluate the project and establish the existing visual setting of the Project:

1. Photosimulations, or verifiable digital photomontages, will be used to evaluate impacts on longer-range views (generally those outside the Historic District).
2. Real-time Visual Simulation will be used to evaluate impacts from within, and immediately adjacent to, the Historic District. The real-time visual simulation will show existing conditions, the Project, and the alternatives. Real-time simulation allows freedom of movement so that impacts can be assessed from any

perspective or location within the area that is simulated. Unlike photosimulations, this technique does not force the selection of pre-determined viewpoints.

Before the viewpoints and boundaries to be simulated are selected, existing designated scenic and historic areas within a three mile study area of the project site will be mapped. A viewshed map will be prepared to locate possible significant visual resources within the study area that have possible views to the site. A list of viewpoints and resources to be analyzed and the method used to analyze impacts will be discussed and approved by the Planning Board after the viewshed map is completed.

B. Potential Impacts

1. Photosimulations

The changes in the visual environment from the selected longer-distance viewpoints will be illustrated using photosimulations prepared in accord with techniques and software agreed upon by the applicant and the Planning Board's consultant. Photosimulations will be created by merging a 3D digital model of the proposed development with existing conditions photographs for long distance views of the site. Simulations will be supported by architectural renderings and plans and will include proposed building materials that may materially impact views, including reflective materials that may cause glare. All illustrations will be comparable to the existing conditions that can be viewed side by side. A description of changes to the landscape and a discussion of visual impacts resulting from colors and architectural designs will be provided. Also considered and shown graphically will be the effects of glare and night-time illumination due to interior and exterior building lighting.

Most photosimulations will be performed using photographs taken with a 50mm lens or digital equivalent taken in leaf-off conditions. Additional viewpoints and/or lenses may be used when they add to the understanding of visual impact.

2. Real-time Visual Simulation

The changes in the visual environment from the selected shorter-distance viewpoints will be illustrated using real-time visual simulation prepared in accord with techniques and software agreed upon by the applicant and the Planning Board's consultant. Real-time visual simulation is a computer generated 3D simulation of the Project set within the context in which it is proposed. It allows freedom of movement so that impacts can be assessed from anywhere within the modeled area.

A 3D architectural massing model of the context area will be created. For the purposes of the real-time simulation, the context area is the area defined by Washington, Schwenk, Kingston Plaza, Clinton, Main, Green and Lucas, though the planning board may make changes to this area once the viewshed maps are completed. Existing conditions will be modeled from Sanborn Fire Underwriters' Maps (or similar highly accurate information) as confirmed by high-resolution digital ortho-photography and site photography. Different levels of detail will be used. Buildings within roughly one block of the Project (buildings that front North Front Street, Crown, Wall, Fair and Clinton) and the old Dutch Church will be modeled with parapets, dormers, appropriate rooflines and other distinctive architectural articulation. Buildings outside the one block area will be modeled as simpler massing models. The arcade will be included and will be modeled from site photographs. All models will be built on a topographically correct ortho-photograph of the area.

The detailed architectural massing models – those roughly one block from the Project - will then be “textured” with facades that are created from site photographs so that the simulation is photorealistic. Photographs will be taken of every building to be textured and then edited to correct for distortion and to recreate a façade that is as close to an architectural elevation as possible. These facades will then be digitally attached to the 3D models. This 3D context model will then be provided to the City of Kingston planning staff/consultants for review on its accuracy and method of representation.

The Project and up to three alternatives will be inserted into the 3D context model as a switch, which means that the user can replace the no action alternative with the Project and the alternatives with a simple command and without changing the viewpoint. Switches will allow the alternatives to be assessed from the same locations during the exploration of the real-time simulation. Each alternative will be represented in the same manner as the preferred alternative to allow for “apples-to-apples” comparison of impacts.

Cars, people, streetlights, benches and other street furniture will be added to complete the 3D scene and help provide scale.

The completed textured models and 3D scene will be packaged into a real-time simulation environment and provided to the City of Kingston in a format that can be installed on the City’s computers and those of other authorized parties.

C. Mitigation Measures

Mitigation measures will be proposed based on the nature of the impacts identified.

Examples may include alternative building locations, designs, heights, material and forms of lighting and landscaping.

2.14 Community Services

The DEIS will analyze existing setting, potential adverse impacts and appropriate mitigation measures with regard to the following community services:

2.14.1 The City of Kingston School District

The City of Kingston School District will be reviewed and the schools which will provide service to the project will be identified. The DEIS will identify the existing capacity for grades kindergarten through high school. City of Kingston School District officials will be contacted to

determine this information. The current demographics of school aged children and future demand for the area will be estimated.

Using accepted multipliers for school aged children for this development; a demand will be generated and compared to the existing school district capacities. Modifications which may be needed to accommodate the Project's demand will be identified, if necessary.

2.14.2 Police, Fire, Emergency and Health Care Services

The appropriate service providers for Police, Fire, Emergency and Health Care services which serve the site shall be contacted for discussions on present level of availability. Each service will be reviewed for total employment, service area, facilities and future expansion plans in the DEIS.

Demands for Police, Fire, Emergency and Health Care services shall be estimated for the proposed uses of the Project and compared to the existing level of services. Any adverse impacts which would result in the requirements for additional employees, equipment, or facilities will be identified.

2.14.3 Solid Waste Disposal

Local facilities, both public and private, which service the City of Kingston for solid waste disposal and recycling, will be identified.

The solid waste to be generated by the Proposed residential and retail aspects of the Project will be reviewed and compared to existing intended service capacities. Required needs and capacity will be based on these findings and discussed with providers. Facilities for tenants of the Project will be described and reviewed with the appropriate solid waste and recyclables providers.

2.14.4 Recreational Facilities

The DEIS will identify and discuss any recreational facilities that would potentially service the Project. The recreational facilities to be studied will include any local City of Kingston, Ulster

County, and State of New York recreation areas. The DEIS will also present and review on-site forms and areas of recreation for the proposed Project.

Based on the estimated age ranges and recreational demand for these ranges to be generated by the Project, a comparison will be conducted of the existing and proposed facilities to the Project's recreational demand.

2.14.5 Postal Services

Current resources for the postal services which service the City of Kingston will be inventoried in the DEIS. These areas of investigation will include service areas, employee base and collection/pick-up facilities. This information will be gathered by contacting the postmaster(s) for each branch that the Planning Board deems necessary.

The postal service demand for the proposed full build-out aspects (i.e. residential and retail) of the Project will be reviewed for its potential impacts on the existing service levels. Required needs will be based on these findings.

2.15 Fiscal Impacts

The DEIS will include a fiscal impact analysis for the Project in both the construction and operational phases. This analysis will evaluate potential fiscal impacts of the project on the local economy and on existing community services including police, fire, emergency services, schools, library and recreational facilities, and other social service provider organizations serving the site.

This chapter should include a clear and detailed discussion of methods used to generate the analyses included in the fiscal impact analysis for each alternative defined in the Environmental Impact Statement. These analyses will include:

1. A projection of the resident population of the proposed project by age categories using recognized projection methodology and numerical factors. Unless specified

in the alternative being evaluated, conduct all analyses as if proposed dwelling units were primary, full time, permanent residences.

2. A projection of the school-age population and the impact of the proposed development under each alternative evaluated in the Environmental Impact Statement. Projections will be based on recognized data sources and methodologies, potentially including the following: Regional and National Multipliers for Total Household Size and School-Age Children from the American Housing Survey, 1997 and multipliers derived from the Public Use Microdata Sample (PUMS) of the 2000 Census. The analysis will compare and contrast its projections with multipliers derived from other sources, such as those generated by examining data from the school district concerning how many school children are picked up by the bus at various local subdivisions. Additionally, a comparative local multiplier will be developed using census data to calculate the number of school-aged children per household that currently exists.

Evaluate existing enrollments, trends and capacities of school district(s) serving the site. Describe existing school bus capabilities and fiscal impacts related to increased demands on bus service that may occur as a result of this project. Discuss how both this proposed development and the cumulative impacts of other projects will affect state aid to the school district(s). Discuss the cumulative impacts on school enrollment including, but not limited to additional staff requirements, based on current staff to student ratio's, district policy on class size. Include the direct and indirect costs related to staffing, facilities, and transportation increases.

3. An evaluation of the impacts of projected enrollment increases on the school district, school facilities, staffing levels and budgets. Evaluate the need for school bus service to serve the site and its fiscal impact. For this analysis, consider long term cumulative impacts of enrollment increases within the district. Communicate with the school districts and evaluate the existing plans for new staff, buildings, fields or other facilities. When discussing impacts on school

budgets, the analysis will take into consideration any potential changes in state aid to the school resulting from this project.

4. Prepare a fiscal impact analysis for the project, including the following elements:
 - a. A fiscal cost analysis. Identify any increase in costs to be incurred by the provider of each community service described above in meeting the potential demand for said services from the projects by units of labor/person hours or other appropriate factors. An accepted methodology such as the Burchell's per capita Fiscal Impact Analysis (*The Practitioner's Guide to Fiscal Impact Analysis* by Burchell and Listokin, 1980) should be referenced and used. This analysis will be done at build out conditions. The fiscal cost analysis will include the following elements: the fiscal impacts on the municipal water and sewer system, including infrastructure improvements.
 - b. A fiscal revenue analysis. Evaluate the existing current level of taxes generated from the project site and anticipated post development taxes generated, including property taxes (County, City, Fire, School and Special Districts) and sales taxes. The analysis will explicitly address the affect (if any) the use of Industrial Revenue Bonds will have on the generation of revenues for the affected taxing jurisdictions.
 - c. A statement of net fiscal impact. Use the projections of fiscal cost and fiscal revenue to analyze whether the anticipated impacts will cause there to be an increase or reduction in net tax revenue from the project due to an increase in the demand for services. This analysis should include a comparison of development-induced costs to revenues by utilizing a compatible methodology which compares and evaluates changes in revenues to changes in operating and other costs and which incorporates pertinent changes in operating efficiencies and other factors as appropriate. NOTE: impacts on property tax revenues to the School District and other taxing jurisdictions should take into consideration the

need for capital improvements resulting from the proposed project at the completion of any proposed phases and at full buildout. The analysis will include an assessment of cumulative impacts.

d. Sensitivity analyses of preferred alternative. Conduct “sensitivity analyses” of the fiscal impact of the preferred alternative to indicate how much the projections of the model may change if there are changes in the assumptions used to construct the model. The sensitivity analyses should include:

- “Break-Even” Analysis: Indicate how low the anticipated property values of proposed development would have to decline before any anticipated net fiscal benefits from the project would be eliminated.
- School children Generation: Show how the net fiscal impact on the school district would change under each of the school-age children multipliers developed for this analysis.

Discuss mitigation measures for fiscal impacts.

2.16 Economic Impacts

A. Existing Setting

An analysis will be undertaken to identify the economic factors and characteristics of the Uptown Business Area including sales and expenditures, quantity and occupancy rates of residential uses, offices, general retail, specialty shops (including artists’ galleries) and public uses and tourist visitation at recognized sites. The purpose of this analysis will be to evaluate the importance of various economic components to the overall economy of the business area – particularly the strength of the retail service sector versus tourist related facilities.

B. Potential Impacts

The economic benefits to the business area of the additional residential population generated by the proposed project will be estimated in terms of increased expenditures for goods and services. The potential loss of business by existing commercial facilities due to construction related impacts will also be evaluated.

Potential loss or gain, if any, in expenditures for tourist related activities will be estimated due to negative impacts on the historic character of the Stockade Area by the proposed project as evaluated elsewhere in the DEIS.

C. Mitigation Measures

Methods to enhance any potential loss of tourist business will be provided.

2.17 Demographics and Housing

The DEIS will provide a demographic profile for the community surrounding the Project based upon the most recent information available from local agencies. The DEIS will include an analysis of the Project's potential demographic impact based upon the marketing study.

3.0 UNAVOIDABLE ADVERSE IMPACTS

This section of the DEIS will identify any adverse environmental impacts discussed in Section 2.0 that can be expected to occur regardless of the mitigation measures considered, such as temporary construction impacts. Impacts that cannot be mitigated will be defined and quantified, and the reasons given as to why they cannot be mitigated.

4.0 IRREVERSIBLE AND IRRETRIEVABLE RESOURCE COMMITMENTS

The commitment of resources such as materials and energy that cannot be retrieved or avoided as a result of this project will be discussed in this section of the DEIS. Also the irreversible commitment of the site to the proposed use as well as potential redevelopment will be

acknowledged in this section. The quantities and timing of resource commitments will be covered in this section.

5.0 GROWTH INDUCING ASPECTS

This section of the DEIS will provide an understanding of the magnitude of the positive and/or negative impacts relative to the potential socioeconomic influences that the Project may have on the surrounding community.

6.0 EFFECTS ON THE USE AND CONSERVATION OF ENERGY

This section of the DEIS will include a discussion of the anticipated levels of consumption of energy resources for both short and long term usage. A comparison of energy consumption with and without the Project will be included. This section will also discuss means to reduce energy usage during construction and operation, including innovative measures to conserve energy resources and comply with the City of Kingston's policy to be an "energy smart community".

7.0 SUMMARY OF CUMULATIVE IMPACTS

This section of the DEIS will present a summary analysis of the cumulative impacts of the Project on the areas of study identified in Section 2.0.

8.0 ALTERNATIVES

Alternatives will be presented at a sufficient level of detail to allow comparison of all relevant impacts, particularly visual, traffic, land use and fiscal.

8.1 Alternative Development Plans

This section will present alternative development plans and will summarize the quantitative impacts, where applicable, of such plans as compared to the proposed plan. The following alternative plans will be presented:

- A. Height and unit reduction plan. This plan will present an alternative design that will show the building with at least 25% fewer residential units, with approximately 4,000 square feet of ground floor commercial space, and with 300 parking spaces.(see Alternative 8.2A) with a corresponding reduction in overall building height.
- B. Redesigned Building Mass Plan. This plan will incorporate the applicant's proposed development program in a building that is designed so that any portion which is above a height of three stories above North Front Street is set back at least 150 feet from North Front Street and 25 feet from Fair Street. The resulting plan may have an increased building height, but a reduced horizontal cross-section above the three story level.
- C. Affordable Housing Plan. This plan will present a program and procedures that will result in at least 10% of the proposed housing units being set aside as affordable/workforce housing units as defined in the City Zoning Law. The plan may identify any appropriate options for promoting or creating such affordable housing units in off-site locations in lieu of within the proposed development.
- D. Additional Alternatives. Additional alternative plans may be submitted that satisfy the applicant's objectives and are designed to mitigate one or more impacts created by the preferred plan or other alternative plans.

8.2 Alternative Sites

This section will describe alternate methods of utilizing existing City-owned parking lots on North Front Street to achieve elements of the development program.

- A. Expansion of City Parking Lots

This plan will evaluate using the City-owned parking lots on either side of North Front Street to provide approximately 300 additional public parking spaces in lieu of those proposed in the preferred plan.

B. Mixed Use of City Parking Lots

This plan will evaluate using the City-owned parking lots on either side of North Front Street for a combination of mixed residential/commercial use plus expanded parking to reduce that proposed for the parking garage site.

8.3 No-Action Alternative

The section of the DEIS will study the no-action alternative. If there is no action, the site would remain in its current state. This section will compare the future condition of the site under the no-action alternative with future condition of the site if the Project is developed as proposed.

References

A list of all the reference materials used in the preparation of the DEIS will be provided.

Appendices

The following appendices are anticipated to be included in the DEIS:

1. Copies of all studies and reports completed to assist in addressing important environmental impacts associated with the project.
2. A listing of all federal, State and local agencies and organizations contacted in preparing the DEIS.
3. Relevant correspondence with involved and interested agencies.
4. Records of meetings with providers of community services.
5. Records of meetings and communications with lead agency contacts and consultants.
6. SEQRA documentation: Positive Declaration and Final Scope.

7. A listing of firms and persons responsible for the overall preparation of the DEIS documents and plans, architectural drawings and reports referenced in and relied upon for completing the DEIS.

Maps

The following maps are anticipated to be included in the DEIS and will be supplemented by additional maps as necessary.

1. Site Location Map
2. Existing Conditions/Topography
3. Demolition Plan
4. Disturbed Areas
5. Proposed Site Plan(s)
6. Grading Plans(s)
7. Slopes
8. Soils
9. Water Resources
10. Boring Locations
11. Land Use
12. Zoning
13. Viewshed Map
14. FIRM Flood Map
15. Aerial Photos
16. Historic Sites and Districts
17. Lighting and Landscaping
18. Traffic Volumes, Levels of Service, Directional Flow, etc.