

RESOLUTION 11 OF 2025

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON NEW YORK, DETERMINING THAT THE ACQUISITION AND REDEVELOPMENT OF VARIOUS PROPERTIES LOCATED ALONG GARRAGHAN DRIVE WILL NOT HAVE A POTENTIAL SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

Sponsored By: Community Development Committee: Alderman
Schabot, Pasti, Tierney, Hirsch

WHEREAS, the City of Kingston Common Council is currently undertaking a project consisting of the proposed acquisition by condemnation of certain real property, consisting, collectively, of approximately 3.5 acres located at 86 Broadway (56.43-8-19), 88 Broadway (56.43-8-20), 90 Broadway (56.43-8-21), 94 Broadway (56.43-8-24), 6 Garraghan Drive (56.43-8-25), 8 Garraghan Drive (56.43-8-26), 10 Garraghan Drive (56.43-8-27), 12 Garraghan Drive (56.43-8-28), 14 Garraghan Drive (56.43-8-29), 16 Garraghan Drive (56.43-8-30), 22 Garraghan Drive (56.43-8-31), 24 Garraghan Drive (56.43-8-32), 26 Garraghan Drive (56.43-8-33), 28 Garraghan Drive (56.43-8-34), 30 Garraghan Drive (56.43-8-35), 5 Gallo Drive (56.43-8-46), 7 Gallo Drive (56.43-8-47), 8 Gallo Drive (56.43-8-36), 9 Gallo Drive (56.43-8-48), 10 Gallo Drive (56.43-8-37), 11 Gallo Drive (56.43-8-49), 12 Gallo Drive (56.43-8-38), 13 Gallo Drive (56.43-8-50), 14 Gallo Drive (56.43-8-39), 15 Gallo Drive (56.43-8-51), 16 Gallo Drive (56.43-8-40), 17 Gallo Drive (56.43-8-52), 18 Gallo Drive (56.43-8-41), 19 Gallo Drive (56.43-8-53), 20 Gallo Drive (56.43-8-42), 21 Gallo Drive (56.43-8-54), 22 Gallo Drive (56.43-8-43), 23 Gallo Drive (56.43-8-55), 24 Gallo Drive (56.43-8-44), 25 Gallo Drive (56.43-8-56), 26 Gallo Drive (56.43-8-45), 27 Gallo Drive (56.43-8-57), 29 Gallo Drive (56.43-8-58), 31 Gallo Drive (56.43-8-59), 18 Garraghan Drive (56.43-8-63), 22-30 Rear Garraghan Drive (56.43-8-60.2), 2-18 Rear Garraghan Drive (56.43-8-60.100), and identifiable as predominantly vacant and underutilized lands in the City of Kingston, New York (collectively referred to hereinafter as the “Proposed Site”);

WHEREAS, the proposed acquisition is required for facilitating the productive redevelopment of such predominantly vacant and underutilized properties on the Proposed Site through (A) the development of approximately 200 housing units organized as a walkable neighborhood with approximately 30,000 square feet of commercial and non-profit space; and (B) together with landscaping, site work, infrastructure, and other ancillary and related amenities in order to return the underutilized lands to productive use (collectively referred to hereinafter as the “Project”);

WHEREAS, a public hearing on the proposed acquisition was held on October 29, 2024 pursuant to Article 2 of the Eminent Domain Procedure Law;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “SEQRA”), the City of Kingston Common Council is required to make a determination whether the “action” (as said quoted term is defined in SEQRA) to be taken by the Agency may have a “significant impact on the environment” (as said quoted term is utilized in SEQRA), prior to making a final determination on whether to undertake the Project;

WHEREAS, under Resolution 205 of 2024, the City Council has identified the Project as a Type I Action pursuant to SEQRA, and the City Council has caused to be prepared, with the input of the City of Kingston Department of Housing Initiatives and Counsel, a Full Environmental Assessment Form (“FEAF”) for the Project, including the preparation of Parts 1, 2, and 3 of the FEAF, as well reviewing other information concerning the Project and its potential impacts;

WHEREAS, the City Council, as Lead Agency, conducting a coordinated review of the Project pursuant to 6 N.Y.C.R.R. Section 617.6(b)(3) of the SEQRA regulations and distributed Part 1 of the FEAF and accompanying information to all involved and interested agencies;

WHEREAS, the City Council has considered the potential impacts on the environment that may be posed by the Project by undertaking a thorough review and examination of the (i) the completed FEAF, including Parts 1, 2, and 3; (ii) written and verbal comments submitted at the October 2024 public hearing; and (iii) other supporting information and materials available concerning the Project, including documents and information on file with the City Council;

WHEREAS, based on the information contained in the completed FEAF and the other information summarized above and below herein, comprising the administrative record in this matter, the City Council determines that the Project will not result in a potential significant adverse environmental impact as specified below.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. That the Project is classified as a Type I Action pursuant to SEQRA as that term is defined in 6 N.Y.C.R.R. Section 617.2(aj) of the SEQRA regulations, and each of the whereas clauses in this Resolution is hereby incorporated as reference as specific findings of this Resolution and shall have the same effect as the other findings herein. Based on a through and comprehensive review by the City Council of the FEAF, including Parts 1, 2, and 3, comments made and submitted at the October 2024 Public

Hearing, and other documents concerning the Project, the City Council hereby finds that the Project will not result in a potential significant adverse environmental impact requiring the preparation of an environmental impact statement. Thus, the City Council, having conducted a coordinated review of the Project pursuant to SEQRA, issues a Negative Declaration for the Project pursuant to 6 N.Y.C.R.R Section 617.7;

SECTION 2. The City Council has considered the Project pursuant to the parameters and criteria set forth in SEQRA;

SECTION 3. The City Council has considered the significance of the potential adverse environmental impacts of the Project by (i) carefully reviewing and examining the responses to Part 1 of the FEAF, and completing the analyses set forth in Parts 2 and 3 of the FEAF for the Project, together with examining other available supporting information and documents concerning the Project including comments associated with the October 2024 Public Hearing, to identify the relevant areas of environmental concern with respect to the potential impacts to air, groundwater and surface water, wetlands, land, historic, archaeological and other recognized and/or protected resources, threatened or endangered species, community character, potential cumulative impacts, if any, and other potential impacts as required the applicable SEQRA regulations;

SECTION 4. Based on its thorough review, the City Council approves, adopts, and incorporates the responses to the FEAF, including Parts 1, 2, and 3 thereof, and finds that the Project will not result in a potential significant adverse impact on the environment for the following reasons:

- (i) **Air Quality:** The Project will not result in a potential significant adverse impact to air quality. The Project will not create any air emission sources requiring a New York State Air Registration, Air Facility Permit, or federal Title IV or Title V permit. All construction activities will be completed in compliance, as necessary, with applicable permitting requirements of the New York State Department of Conservation.
- (ii) **Groundwater:** The Project will not have a potential significant adverse impact on groundwater, stormwater, and/or wetlands. The Project is not located in a 100 or 500-year flood plain. The Project will follow all applicable stormwater management requirements of the City of Kingston.
- (iii) **Impacts to Land:** The Project will involve the redevelopment of approximately 3.5 acres of vacant and underutilized land in the Rondout Business District as a Walkable Neighborhood Plan, but such impact follows the intent of the City's Form-based Zoning Code and the Generic Environmental Impact Statement developed for the Form-based Zoning and does not constitute a potential significant adverse impact.
- (iv) **Traffic:** There will be no potential significant adverse impact on traffic resulting from the project. The Project is in a walkable, mixed-use business district and the development of the Project follows the intent of the form-

based zoning code and the Generic Environmental Impact Statement development for the Form-based Zoning. Further, as part of the site plan approval, the creation of a Parkin Supply and Demand Reduction Strategy will be required. This strategy will require a description of the anticipated parking demand for the Project and a description of the strategies that will be employed to reduce parking demand, vehicle miles traveled by site users, and promote walking, cycling, ridesharing, and transit.

- (v) **Solid Waste and Hazardous Waste Production:** The Project will not involve or require the disposal of solid or hazardous waste, thereby avoiding any potential significant adverse impacts associated with solid and hazardous waste.
- (vi) **Soil Erosion and Drainage.** The Project will not result in a potential significant adverse environmental impact to soil erosion or damage. Through the redevelopment of the Proposed Site will increase the percentage of impervious surfaces on the Proposed Site, the Project will follow all applicable City of Kingston requirements for stormwater management.
- (vii) **Vegetation and Wildlife:** The Proposed Site contains of previously disturbed land that contained a medium-density mixed-used business district demolished during urban renewal efforts in the 1960s. The Proposed Site currently contains an underutilized impervious parking lot, a mowed field, and a thin stand of shrubs and trees that separates the Proposed Site from the 9W arterial highway. The Project will therefore not result in or require significant disturbance to vegetation (to the extent to which they exist) at the Property. The Project will not result in a potential significant adverse impact to vegetation or wildlife.
- (viii) **Critical Environmental Area Pursuant to 6 N.Y.C.R.C Section 617.14(g):** The Proposed Site neither adjoins nor is located in a designated critical environmental area.
- (ix) **Conflict with Community's Plans or Goals.** The Project will not result in a potential significant adverse impact relative to official approved or adopted community plans or goals. To the contrary, the Project is consistent with the goal of, and will complement and advance, the public purposes envisioned by the Comprehensive Plan, LWRP, and the Form-Based Zoning Code to redevelop the Proposed Site as a mixed-use, medium-density neighborhood.
- (x) **Historical, Archaeological, Architectural or Aesthetic Resources:** The Project shall occur on a site that was once fully developed as a mixed-use business district but was demolished during urban renewal efforts in the 1960s. It does not include any unusual or unique landforms. Though the Proposed Site is adjacent to the Rondout Historic District, the type of development envisioned as part of the Project largely emulates the building forms found in the historic district. Further, the redevelopment of the Proposed Site will follow the architectural and contextual development principles of the City's Form-Based Zoning Code. As such, the Project does

not present a potential significant adverse impact to historical, archaeological, architectural, or aesthetic resources.

- (xi) **Energy:** The Project will result in an increase in energy usage currently used at the Proposed Site. However, the Proposed Site is located in an existing business district with existing energy infrastructure. To the extent deemed feasible, the Project will take advantage of renewable energy sources. The Project will be built to the energy efficiency standards required by the NY Stretch Code, which the City of Kingston has adopted.
- (xii) **Hazard to Human Health:** There will be no significant adverse impact resulting from the Project on human health or safety. All physical alterations to the Proposed Site shall be completed in compliance with all applicable requirements, including permits, engineering or institutional controls, and other restrictions thereby avoiding any potential significant adverse impacts to human health.
- (xiii) **Open Space and Agricultural Land:** Based on a review of the City's Open Space Plan and Parks and Recreation and Plan, the Project does not present a potential significant adverse impact to agriculture, open space, and public recreation.
- (xiv) **Cumulative Impacts and Subsequent Review:** There will be no significant adverse environmental impacts associated with potential cumulative impacts. There are no simultaneous actions being taken at the Proposed Site in conjunction with the Project, or simultaneous actions being taken at other properties located in the proximity of the Proposed Site. The redevelopment of the Proposed Site will be reviewed further by applicable zoning ordinances of the City and other applicable laws and/or regulations at the time that redevelopment commences.

SECTION 5. That there is no improper segmentation associated with the SEQRA review of the Project.

SECTION 6. That this Resolution has been prepared in accordance with Article 8 of the New York Environmental Conservation Law by the City Council, City of Kingston City Hall, 420 Broadway, Kingston, New York 12401.

SECTION 7. That the City Council, and/or any person whom it may designate or has designated for such purpose, is authorized to file this Negative Declaration in accordance with applicable provisions of the law, and this Resolution shall constitute a Notice of Negative Declaration. The requirements of SEQRA have therefore been satisfied.

SECTION 8. That this resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2025

Approved by the Mayor this ____ day of _____, 2025

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2025

**THE CITY OF KINGSTON COMMON COUNCIL
COMMUNITY DEVELOPMENT & HOUSING
COMMITTEE REPORT**

DEPARTMENT: _____

DATE: 1/6/2025

Description:



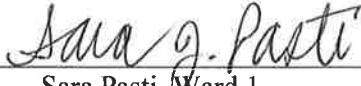


Resolution of the COK common council
determining that the acquisition + redevelopment
of various properties located along Garraghan
Drive will not have a potential significant
adverse impact on the environment.

Signature _____

Motion by MT

Seconded by SP

Action Required:

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
 Steve Schabot, Chairman, Ward 8	✓	
 Jeanne Edwards, Ward 4	✓	
 Sara Pasti, Ward 1	✓	
 Michael Tierney, Ward 2	✓	
 Michele Hirsch, Ward 9	✓	

RESOLUTION 12 OF 2025

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING THE ADOPTION AND PUBLICATION OF THE DETERMINATION AND FINDINGS UNDER SECTION 204 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW CONCERNING THE PROPOSED CONDEMNATION OF CERTAIN REAL PROPERTY CONSISTING PRINCIPALLY OF 42 TAX PARCELS AND APPROXIMATELY 3.5 ACRES IN CONNECTION TO THE PROJECT

Sponsored By: Community Development Committee: Alderman Schabot, Pasti, Tierney, Hirsch

WHEREAS, the City of Kingston (the “City”) is a municipal corporation with the authority, pursuant to subdivision 2 of Section 20 of the General City Law of the State of New York, as amended (hereinafter called the “Legislation”), to take real property, either within or outside the limits of the City, required for any public purpose; and

WHEREAS, the City of Kingston Common Council (the “City Council”) desires to exercise its power of eminent domain, if necessary, for the “acquisition” of certain “real property,” as such quoted terms are defined in the New York Eminent Domain Law (the “EDPL”) located in the City of Kingston, Ulster County, New York consisting, collectively, of approximately 3.5 acres located at 86 Broadway (56.43-8-19), 88 Broadway (56.43-8-20), 90 Broadway (56.43-8-21), 94 Broadway (56.43-8-24), 6 Garraghan Drive (56.43-8-25), 8 Garraghan Drive (56.43-8-26), 10 Garraghan Drive (56.43-8-27), 12 Garraghan Drive (56.43-8-28), 14 Garraghan Drive (56.43-8-29), 16 Garraghan Drive (56.43-8-30), 22 Garraghan Drive (56.43-8-31), 24 Garraghan Drive (56.43-8-32), 26 Garraghan Drive (56.43-8-33), 28 Garraghan Drive (56.43-8-34), 30 Garraghan Drive (56.43-8-35), 5 Gallo Drive (56.43-8-46), 7 Gallo Drive (56.43-8-47), 8 Gallo Drive (56.43-8-36), 9 Gallo Drive (56.43-8-48), 10 Gallo Drive (56.43-8-37), 11 Gallo Drive (56.43-8-49), 12 Gallo Drive (56.43-8-38), 13 Gallo Drive (56.43-8-50), 14 Gallo Drive (56.43-8-39), 15 Gallo Drive (56.43-8-51), 16 Gallo Drive (56.43-8-40), 17 Gallo Drive (56.43-8-52), 18 Gallo Drive (56.43-8-41), 19 Gallo Drive (56.43-8-53), 20 Gallo Drive (56.43-8-42), 21 Gallo Drive (56.43-8-54), 22 Gallo Drive (56.43-8-43), 23 Gallo Drive (56.43-8-55), 24 Gallo Drive (56.43-8-44), 25 Gallo Drive (56.43-8-56), 26 Gallo Drive (56.43-8-45), 27 Gallo Drive (56.43-8-57), 29 Gallo Drive (56.43-8-58), 31 Gallo Drive (56.43-8-59), 18 Garraghan Drive (56.43-8-63), 22-30 Rear Garraghan Drive (56.43-8-60.2), 2-18 Rear Garraghan Drive (56.43-8-60.100), and identifiable as predominantly vacant and underutilized lands in the City of Kingston, New York (collectively referred to hereinafter as the “Proposed Site”);

WHEREAS, a public hearing on the proposed acquisition was held on October 29, 2024 pursuant to Article 2 of the Eminent Domain Procedure Law to inform the public and to review the public use, benefit or purpose to be served by the Project, the proposed location of the Project and its general effect on the environment and the residents of the locality where the Project is proposed to be constructed and where at, the public was provided an opportunity to provide any comments;

WHEREAS, by Resolution adopted prior hereto, the City Council, in accordance with the EDPL and pursuant to the New York State Environmental Quality Review Act, Article 9 of the New York Environmental Conservation Law and the regulations promulgated thereunder at 6 N.Y.C.R.R Part 617 (collectively referred to as “SEQRA”), issued a Negative Declaration determining that the Project will not result in a potential significant adverse impact to the environment and thereby satisfying the applicable requirements set forth in SEQRA as necessary; and

WHEREAS, the City Council, having considered the foregoing, now desires to adopt and publish the Determination and Findings in accordance with the EDPL and any applicable laws, rules, or regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. That pursuant to Section 204 of the EPL, the City Council hereby (i) adopts the determination and findings in the form presented at this meeting as more fully set forth in Exhibit A annexed hereto and made a part hereof and (ii) authorizes employees and agents of the City, to (a) publish a brief synopsis of the Determination and Findings (b) mail notice of such brief synopsis to owner(s) of the Parcel (and/or their attorney of record) and (c) take all steps appropriate to comply with applicable provisions of the EDPL and all other applicable laws, rules, or regulations to implement this Resolution; and be it further

SECTION 2. That this resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2025

Approved by the Mayor this ____ day of _____, 2025

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2025

**THE CITY OF KINGSTON COMMON COUNCIL
COMMUNITY DEVELOPMENT & HOUSING
COMMITTEE REPORT**

DEPARTMENT: _____

DATE: 1/6/2025

Description:


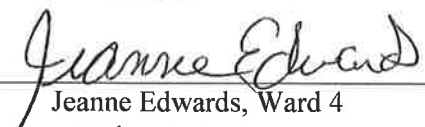
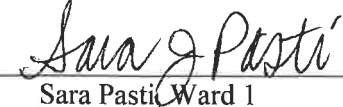
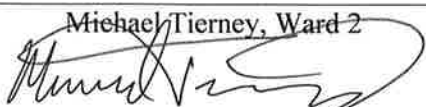

Resolution of the CoK Common Council authorizing the adoption and publication of the determination + findings under ~~Publication~~ Section 209 of the NY Eminent Domain Procedure Law concerning the proposed condemnation of certain real ~~concerning~~ property consisting principally of 42 tax parcels + approximately 3.3 acres in connection to the project.

Signature _____

Motion by SP

Seconded by WJH

Action Required:

<u>Committee Vote</u>	YES	NO
 Steve Schabot, Chairman, Ward 8	✓	
 Jeanne Edwards, Ward 4	✓	
 Sara Pasti, Ward 1	✓	
 Michael Tierney, Ward 2	✓	
 Michele Hirsch, Ward 9	✓	

CITY OF KINGSTON
Office of Housing Initiatives

Bartek Starodaj, Director



Steven T. Noble, Mayor

November 22, 2024

Ald. At Large Andrea Shaut, President
City of Kingston Common Council
City Hall - 420 Broadway
Kingston, NY 12401

Dear President Shaut:

As you know, the City of Kingston Common Council is currently undertaking a project consisting of the proposed acquisition and redevelopment of 42 parcels along Garraghan Drive/Broadway. This action requires review under the State Environmental Quality Act. In addition, under the Eminent Domain Procedure Law, the City of Kingston Common Council has 90 days from the duly noticed public hearing on October 29, 2024, to approve a Determination and Findings statement concerning the proposed project.

I request that this communication be assigned to the Community Development & Housing Committee for review of the following:

- A resolution on the potential adverse impact on the environment of the proposed project under SEQRA, including a review of Parts 2 and 3 of the Full Environmental Assessment Form
- A resolution on the Determination and Findings statement for the Eminent Domain action

I will forward copies of the respective resolutions for both items prior to the Committee meeting.

Respectfully Submitted,

A handwritten signature in black ink that reads "Bartek Starodaj". The signature is written in a cursive style.

Bartek Starodaj
Director, Housing Initiatives

Cc: Steve T. Noble, Mayor
E. Tinti, City Clerk
B. Graves-Poller, Corporation Counsel