

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]  
 Project : Acquisition/Development at Garraghan Dr  
 Date : \_\_\_\_\_

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>2. Impact on Geological Features</b> The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>3. Impacts on Surface Water</b> The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

l. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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**4. Impact on groundwater**  
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.  NO  YES  
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)  
*If "Yes", answer questions a - h. If "No", move on to Section 5.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**5. Impact on Flooding**  
 The proposed action may result in development on lands subject to flooding.  NO  YES  
 (See Part 1. E.2)  
*If "Yes", answer questions a - g. If "No", move on to Section 6.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade? _____	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**  
 The proposed action may result in a change to existing transportation systems.  NO  YES  
 (See Part 1. D.2.j)  
 If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part 1. D.2.k)  
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other Impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part 1. D.2.m., n., and o.)  
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>



d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

NO       YES

*If "Yes", answer questions a - m. If "No", go to Section 17.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.

NO

YES

(See Part 1. C.1, C.2. and C.3.)

*If "Yes", answer questions a - h. If "No", go to Section 18.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.

NO

YES

(See Part 1. C.2, C.3, D.2, E.3)

*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

1.e. The proposed action may involve constructions that continues for more than one year or in multiple phases

The proposed action envisions constructing 200 housing units, organized as a Walkable Neighborhood Plan across several different building typologies. Given this, it is likely that construction will happen over the course of one year and that it may be completed in different phases. However, the intent of this type of development in the City of Kingston's zoning code was for Walkable Neighborhood Plans to be developed over a longer period of time across different phases. This property is located in an urban neighborhood that has been disturbed with development since at least the early 1800s.

10a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.

The proposed action is contiguous with the Rondout Historic District, recognized on the National Register of Historic Places. The proposed action would be contextual and follow the standards of the Form-based zoning code. In doing so, it would emulate the urban form that is currently found in the Rondout Historic District, an urban mixed-use district with buildings of varying heights.

14.c. & 14.d. The proposed action may utilize more than 2,500 MWhrs per year of electricity, the proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.

The proposed action is a proposed mixed-use development on 3.5 acres with approximately 30,000 sqft of commercial space and approximately 200 housing units. When completed, the proposed action will increase demand for electricity. However, the proposed project is located in an urban neighborhood and will take advantage of existing infrastructure in the neighborhood. Special care will be taken to incorporate electrical cooling/heating and alternative energy sources based on final feasibility. In addition, the project will meet the City of Kingston's energy efficiency standards under the New YorkSTRETCH code.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:       Type 1                       Unlisted

Identify portions of EAF completed for this Project:    Part 1               Part 2               Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

The development of the proposed action will be in line with the City of Kingston's Form-Based Zoning Code. As proposed, the action will fall within the type of development and thresholds discussed in the Generic Environmental Impact Statement (GEIS) developed for the form-based zoning. The proposed action is consistent with the City's LWRP and Comprehensive Plan.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
— City of Kingston Common Council \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

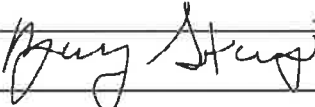
C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Eminent Domain Acquisition and Development of 200 Housing Units and 30,000 sqft commercial/nonprofit space Garraghan Drive

Name of Lead Agency: City of Kingston Common Council

Name of Responsible Officer in Lead Agency: Bartek Starodaj

Title of Responsible Officer: Director of Housing Initiatives

Signature of Responsible Officer in Lead Agency:  Date: December 19, 2024

Signature of Preparer (if different from Responsible Officer) \_\_\_\_\_ Date: \_\_\_\_\_

**For Further Information:**

Contact Person: Bartek Starodaj

Address: 420 Broadway

Telephone Number: 845-334-3928

E-mail: BStarodaj@kingston-ny.gov

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**

DETERMINATION AND FINDINGS OF THE CITY OF KINGSTON ADOPTED PURSUANT TO SECTION 204 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW FOR THE ACQUISITION OF CERTAIN REAL PROPERTY 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) COMPRISING 42 PARCELS COMPRISING APPROXIMATELY 3.5 ACRES

### Overview

The City of Kingston (hereinafter referred to as the “City”) is a municipal corporation with the authority, pursuant to subdivisions 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’s boundaries, required for any public purpose.

The City 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 Procedure Law, herein the “EDPL”) located in the City of Kingston, Ulster County, New York comprising approximately 3.5 acres consisting of 42 tax parcels identifiable by the following street addresses and tax identification numbers (collectively, the “**Subject Property**”): 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 upon which is located, an existing and predominantly underutilized parking lot. Apart from the parking lot, the Subject Property is a vacant field. The Subject Property is located in a business district commonly referred to as the “Rondout Neighborhood” (herein the “Rondout”).

The acquisition of the Subject Property is in connection with a certain “public project” (as such quoted term is defined in the EDPL; and collectively referred to herein as the “**Project**”) consisting of facilitating the productive reuse and redevelopment of the predominantly vacant and underutilized Subject Property through the: (A) 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 Subject Property to productive use, all in connection with serving the public use, benefit, or purpose described herein.

### **Site Background**

The Subject Property is part of the Rondout neighborhood in the City of Kingston. Rondout was once a thriving port town that attracted immigrants of diverse backgrounds and was a center of economic importance along the Hudson River. Though the Subject Property is not in a historic district, a significant portion of Rondout is located within the Rondout Landmark District. As described in Kingston’s zoning code:

*Rondout was rapidly transformed from farmland into a thriving maritime village after the opening in 1828 of the Delaware and Hudson Canal with its terminus here. Plentiful jobs*

*on the canal, in boatyards and shipping, in industries such as brick and cement manufacturing as well as bluestone, drew a melting pot of immigrants whose imprint is still visible in the rich legacy of commercial buildings, cast-iron storefronts, homes and churches in the district despite losses due to urban renewal in the 1960's.*

The Subject Property was once no different than the rest of the Rondout and was host to a vibrant and diverse neighborhood that contained a rich stock of commercial buildings, storefronts, and multifamily structures.

During the federally funded urban renewal era of the 1960s, the proposed site was part of the Broadway East project. As a result of these “urban renewal” efforts, the Subject Property was cleared of all buildings and residents with intention that redevelopment would follow.

In total, records indicate that close to 500 structures were demolished, displacing the residents of this integrated working-class area. In total, 361 families, 104 individuals, and 94 businesses were displaced as part of the Broadway East project. A third of the families displaced were black, even though Kingston was 96 percent white in the 1960 census.<sup>1</sup>

In 1988, the City of Kingston sold the Subject Property to JAF Development with the expectation that they would be redeveloped within 36 months according to the Urban Renewal Plan, which under Amendment Number 11 adopted by the Common Council on May 7, 1985, labeled much of the Subject Property a “Residential -Limited Commercial Mixed-Use.” This allowed residential and limited commercial and office uses “for the development and revitalization of the historic Rondout Area.” Specifically, it allowed uses that included “dwellings for four or more families,” “business and professional offices,” “retail stores, banks and service businesses,” and “mixed-use buildings.”

Yet, the Subject Property remains vacant and underutilized despite its history and central location in Kingston’s Rondout neighborhood. No progress has ever been made in redeveloping the Subject Property, even though it was sold by the City 36 years ago, and that the Subject Property was cleared almost 60 years ago.

---

<sup>1</sup> Using Urban Renewal Records to Advance Reparative Justice Ann Pfau, Kathleen Lawlor, David Hochfelder, Stacy Kinlock Sewell RSF: The Russell Sage Foundation Journal of the Social Sciences Jun 2024, 10 (2) 113-131; DOI: 10.7758/RSF.2024.10.2.05

This development has not happened even though the Rondout neighborhood is one of Kingston's core urban neighborhoods and remains walkable with a rich mix of retail uses. The area surrounding the Proposed Site has seen significant public and private investment. It is served by Ulster County's UCAT bus system. It contains several municipal services, including the Rondout Neighborhood Center and City Court. It is near key community anchor institutions such as the Maritime Museum, the Rehr Center, and the Arts Society of Kingston. It is near the Kingston Greenline, a system of trails that supports non-motorized transportation, as well as a waterfront promenade.

The City has secured key grant funding to continue to support investment in the neighborhood, including the \$21.7 million federal RAISE grant, the City's largest infrastructure award in history. The City has applied to the federal government's Reconnecting Communities grant program. If successful, this will support a planning study to redesign the four-lane 9W arterial that is adjacent to the Subject Property. Nearby, among other ongoing projects, the City has secured a \$4.3 million State grant to restore and revitalize the popular Kingston Point Beach Park, a \$300,000 State grant to renovate portions of the Rondout Neighborhood Center, and a \$6 million State grant to stabilize portions of the bulkhead along Rondout Creek.

Finally, the Subject Property is served by the City of Kingston Water Treatment Plant and the City of Kingston Water District.

#### **Consistency With Adopted City Planning Documents**

The project is consistent with the goals of and will complement and advance the public purposes envisioned by The Kingston Comprehensive Plan (March 2016) (available at:

[https://www.kingston-](https://www.kingston-ny.gov/filestorage/8399/8469/26768/12450/Kingston_2025_Adopted_Version.pdf)

[ny.gov/filestorage/8399/8469/26768/12450/Kingston\\_2025\\_Adopted\\_Version.pdf](https://www.kingston-ny.gov/filestorage/8399/8469/26768/12450/Kingston_2025_Adopted_Version.pdf)). The

Comprehensive Plan notes that the Rondout has "historic mixed-use pedestrian scale commercial scale" and further envisions that the Rondout neighborhood be one of Kingston's core urban areas "comprised of mixed-use centers with multifamily residential incorporated with ground floor retail." The Plan notes that as one of the three mixed-use core neighborhoods, the City should concentrate new residential density in the Rondout.



The project is consistent with the goals of and will complement and advance the public purposes envisioned by the Local Waterfront Revitalization Plan (herein the “LWRP”) (1992) (available at: [https://does.dos.ny.gov/opd-lwrp/LWRP/Kingston\\_C/Index.html](https://does.dos.ny.gov/opd-lwrp/LWRP/Kingston_C/Index.html)). The LWRP calls the Rondout “the most significant neighborhood within the City’s costal area” and calls for the City of Kingston to “encourage development in the...urban renewal areas” since “infrastructure and public services are generally adequate to support future land uses and development.” The LWRP specifies that mixed residential and commercial activities should especially be encouraged for the area that includes the Subject Property. The LWRP included a map (Image 1) showing a schematic of mixed commercial and residential units on the Subject Property, much of which remains unbuilt.

The Project is consistent with the City’s form-based zoning code, adopted August 2024 (available at: <https://codehub.gridics.com/us/ny/kingston-adopted>). Under the City’s zoning code, the Proposed Site is zoned partially as T5 Main Street and partially as T5 Neighborhood.

The intent of the T5 Main Street transect is:

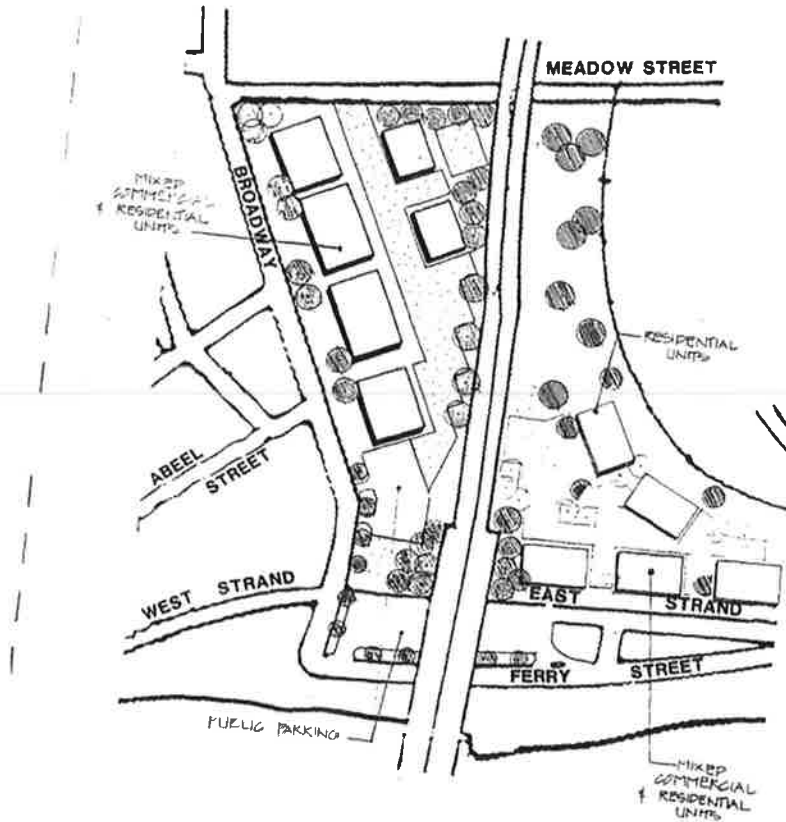
- *“A walkable, vibrant urban main street serving multiple neighborhoods and the City with commercial, retail, entertainment and civic uses, public transportation, and small-to-large footprint, medium-to-high density building types.”*

The intent of the T5 Neighborhood transect is:

- *“To provide a variety of housing choices, in small-to-large footprint, medium-to-high density building types, which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this Zone, and support public transportation alternatives.”*

The Project fulfills the intent of the T5 Main Street transect by re-introducing medium-density residential and commercial building typologies onto the Subject Property. The Project fulfills the intent of the T5 Neighborhood transect by re-introducing small-to-medium residential typologies onto the Subject Property, which will support walkability in the neighborhood and adjacent retail uses.

*Exhibit 1 -Schematic from the LWRP recommending the redevelopment of urban renewal parcels, including the Subject Property, into a mix of residential and commercial uses along Broadway and Meadow Streets (now known as Garraghan Drive).*



PROJECT NO. 5  
URBAN RENEWAL PARCELS 8, 11 & 12  
DATE: 10/14/85  
SHEET NO. 12

### **The Project's Public Purpose**

In August 2022, based on a review of the City's rental vacancy rate and other housing conditions, the City of Kingston Common Council declared a citywide housing emergency that is still in effect.<sup>2</sup> Redeveloping this central, walkable site would allow the City to meet the strong demand

<sup>2</sup> See the 2022 Rental Vacancy Study published by the Office of Housing Initiatives here: [https://kingston-ny.gov/filestorage/8399/8469/48370/Rental\\_Vacancy\\_Survey\\_Summary\\_City\\_of\\_Kingston\\_2022.pdf](https://kingston-ny.gov/filestorage/8399/8469/48370/Rental_Vacancy_Survey_Summary_City_of_Kingston_2022.pdf) This

for housing in the City. In addition, it would provide the opportunity for residents displaced during urban renewal efforts in the 1960s to return to the neighborhood, should they choose to.

Based on a zoning analysis performed on the Subject Property, the redevelopment of the property would support approximately 200 housing units organized as a walkable urban neighborhood with approximately 30,000 square feet of commercial/non-profit space (Exhibit 2).

*Exhibit 2 - The Project is proposed as a Walkable Neighborhood with a mix of different typologies, totaling 30,000 sqft of commercial/non-profit space and approximately 200 housing units*



The housing units will be a mix of studio, 1-, and 2-bedroom units, with at least 30% of the units reserved as affordable under the definitions established by the City of Kingston’s zoning code. Importantly, new residential density in the area would also support neighborhood-serving retail, both in the new commercial space and in existing commercial spaces elsewhere in the Rondout neighborhood, most of which was lost during urban renewal.

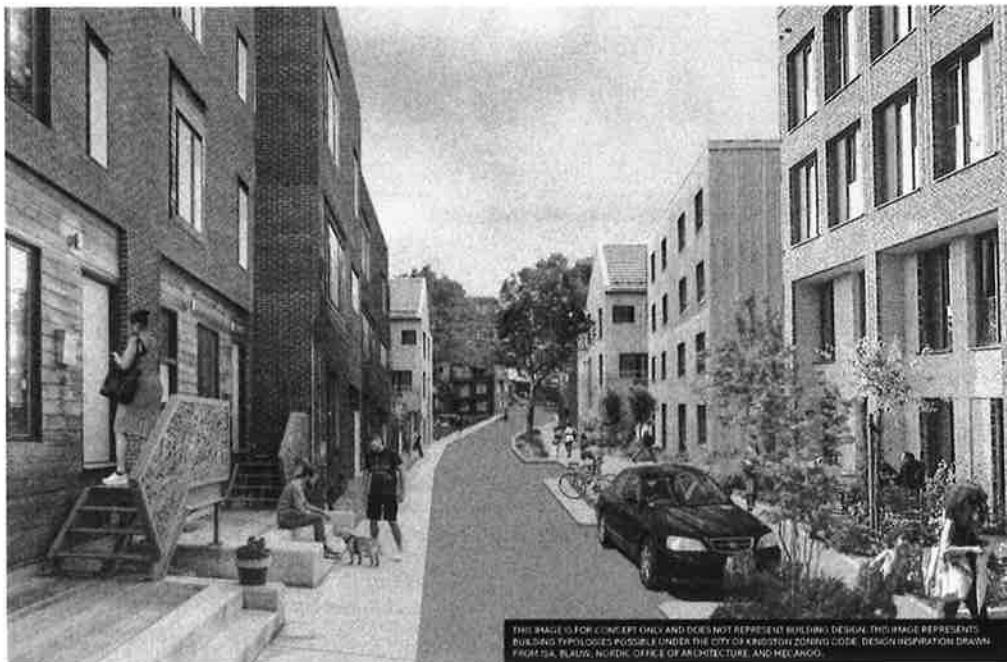
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survey found a rental vacancy rate of 1.57%. See also the 2023 Ulster County Rental Housing Survey: <https://ulstercountyny.gov/planning/housing/housing-rental-surveys>

*Exhibit 3 - Conceptual view of the Project from the perspective of Broadway.*



*Exhibit 4 - Conceptual view of the Project from the perspective of Gallo Street, currently a paper street running through the middle of the vacant and underutilized Subject Property.*



This Project is wholly consistent with the City of Kingston's zoning code and planning documents. The project is consistent with the kind of development currently present in the Rondout neighborhood and will help the City meet the demand for residential and commercial spaces. The existing infrastructure supports new development on the Proposed Site.

The ongoing vacancy of these three acres depresses the economic vitality of Rondout and worsens housing availability and access for all Kingston residents. Indeed, the current state of the Proposed Site impacts the ability of the Rondout area to take advantage of the economic development and housing potential that is being capitalized on in other areas of the city.

The Project will further the public purpose of providing additional economic development and affordable housing opportunities that will promote the health, safety, and general welfare of the general public and advance the general prosperity and economic welfare of the residents of the city.

In order to complete the Project, it may be necessary for the City to exercise its power of eminent domain if a voluntary transfer of the parcel is not consummated. No alternative locations exist in the city that are being considered for the Project.

#### **The Public Hearing and Comment Period**

In accordance with the EDPL, on October 29, 2024 at 7:00 PM, a duly noticed public hearing (the "Hearing") was held in the City Council Chambers located at City of Kingston City Hall, 420 Broadway, 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. At the Hearing, the public was provided the opportunity to provide any comments and a record of the Hearing was made, including written statements submitted at or prior to the Hearing, that was provided to the members of the City Council.

The comments received during the Hearing have been reviewed, made part of the record and accorded full consideration by the City. The EDPL does not require that the City address in its determination and findings any specific concern of objection raised at the Hearing. The City's

responses to certain of the comments that were received during the Hearing are summarized below:

- (i) In response to the comment suggesting that the City violated EDPL by failing to conduct a SEQRA review prior the Hearing, the EDPL does not require that a SEQRA review be completed prior to a public hearing. Prior to the approval of the Determination and Findings, the City conducted a SEQRA review as set forth more fully in the City Council's SEQRA Resolution.
- (ii) In response to the comments that the City violated 301 of the EDPL because it has not offered to pay just compensation for taking of the Subject Property under its eminent domain powers, a municipality is not obligated to make an offer to justly compensate a person for property it intends to acquire by eminent domain, or to negotiate concerning what constitutes just compensation, until the municipality determines to exercise its eminent domain powers, Upon the city's adoption of the Determination and Findings, the City will comply in all respects with its obligations under the EDPL as it proceeds with the initiation of eminent domain proceedings.
- (iii) In response to the comment that the property is a "green oasis" for the neighborhood, the City disputes that this property should be used permanently as a public or private park. The City has an adopted Open Space Plan (2019) (See: [https://www.kingston-ny.gov/filestorage/8399/8491/8495/10452/Kingston\\_Open\\_Space\\_Plan\\_FINAL\\_JULY\\_2019.pdf](https://www.kingston-ny.gov/filestorage/8399/8491/8495/10452/Kingston_Open_Space_Plan_FINAL_JULY_2019.pdf)), which sets forth priorities for properties that the City should conserve as open space. The City also has an adopted Parks & Recreation Master Plan (2013) (See: [https://kingston-ny.gov/filestorage/8463/10614/Draft\\_kingston\\_recreation\\_master\\_plan.pdf](https://kingston-ny.gov/filestorage/8463/10614/Draft_kingston_recreation_master_plan.pdf)), which sets forth priorities the City should follow for park or playground investments. Neither plan designates the Subject Property as a potential park or as a potential public space. Rather, as described earlier, the City's Planning documents clearly designate the Subject Property as being within a core urban district that should be redeveloped. This comment also ignores the broader context of the Rondout neighborhood and the other parks near the Subject Property, including T.R. Gallo Park, Cornell Park, Kingston Point Beach, the Rondout Creek Waterfront Promenade, and Sojourner Truth State Park. Finally, under Article 6 of the City's zoning code, in any development scenario at least 10 percent of the total site must be set aside as "usable open space." This usable open space will be integrated within the development to meet the passive and active recreation needs of both the neighborhood and future residents of the Project.
- (iv) The City disputes concerns that the City's conceptual zoning and design analysis does not fit with the historical or aesthetic character of the neighborhood. Any design will follow the architectural requirements of the City's form-based zoning code, which requires certain details for façade composition, design elements, materials, masonry details, and building heights to ensure that development is contextual. Further, though the Subject Property is not in the Rondout Historic District, the Project emulates the

type of building typologies that were present in the neighborhood prior to urban renewal.

- (v) In response to the comments that the proposed project would strain neighborhood infrastructure and lead to more vehicular traffic, the City points to the fact that the Subject Property is located in one of the City's core urban neighborhoods. Thus, it is served by City of Kingston water and sewage treatment. The road infrastructure adjacent to and near the Subject Property was significantly expanded during the urban renewal era to handle increased vehicular traffic. Rondout is a walkable neighborhood and is also connected to the rest of the City with dedicated bicycle infrastructure. The City has obtained millions of dollars of State and Federal funds to continue to upgrade infrastructure in the Rondout neighborhood. If it is determined that as part of the planning review, additional infrastructure improvements are needed to facilitate project development, the City will pursue those investments in partnership with any development partner(s).
- (vi) In response to the comment that adding new storefronts to the neighborhood will only add to the "depressing look" of many of the vacant storefronts that are currently present in Rondout, the City notes that the Rondout neighborhood, prior to urban renewal demolitions of the 1960s, was once a vibrant mixed-use neighborhood with dozens of neighborhood-serving retail establishments. One of the reasons why the Rondout has vacant storefronts now is because of the lack of residential density in the neighborhood. The businesses that are present must rely solely on highly seasonal and unpredictable tourism traffic to stay in business. Adding new residential density to this neighborhood would give businesses a new potential customer base.
- (vii) In response to the comment that there are potential alternative project sites, the City notes that the proposal to instead locate housing at the Hudson Valley Mall is not in the City of Kingston, but is in the Town of Ulster. While Kingston Hospital has officially moved out of its campus at 396 Broadway, the site still has several medical facilities and Westchester Medical Center has publicly stated its plan to redevelop the facility as a "medical village," making it unavailable for potential housing development.

#### **EDPL Section 204**

At a duly noticed and scheduled meeting on October 29, 2024, in addition to the above findings, the City makes the following specific determination and findings (collectively with the foregoing, the "Determination and Findings") concerning the Project pursuant to EDPL Section 204:

- I. The Public Use, Benefits or Purpose To Be Served by the Project (EDPL SECTION 204 (B)(1)):

The proposed acquisition of the Subject Property is in connection with the undertaking of the Project will serve a public use, benefit and/or purpose because it

will advance the overall general prosperity and economic and social welfare of the residents of the City by returning the underutilized and derelict Subject Property to productive use to further the public purpose contemplated by the City's Comprehensive Plan and Form-Based Zoning Code and by attracting and accommodating appropriate and allowable development, and thereby, among other things, (i) allowing for the provision of much needed mixed-income residential units promoting the health, safety, wellness and general welfare of residents, (ii) creating employment opportunities in new commercial and non-profit spaces, (iii) combating economic stagnation at the Subject Property and the broader Rondout neighborhood by stimulating redevelopment efforts on a large vacant parcel in one of the City's primary business districts, (iv) enhancing the overall attractiveness of the Subject Property and the surrounding area, (v) increasing the City sales tax revenues and the property tax base within the City.

II. Location of the Project and Reasons for Selection of that Location (EDPL Section 405(B)(2))]:

The location of the Subject Property is in the City and identifiable by the following street addresses and tax identification numbers: 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). Such location was determined based upon goals in the City of Kingston Comprehensive Plan and Local Waterfront Revitalization Program, the longstanding vacant and derelict condition of the Subject Property since urban renewal, its sheer size and location in a walkable business district, its location on the Broadway corridor, its location adjacent to infrastructure investments being made by the City of Kingston, and its overall potential for redevelopment under the City of Kingston zoning code. No alternative locations exist in the City that are being considered for the Project.

III. General Effect of the Project on the Environment and Residents of the Locality [EDPL Section 204 (B)(3)].

By resolution of the City Council, duly adopted on DATE (the “City SEQRA Resolution”) and the completed Full Environmental Assessment Form (“FEAF”), including Parts 1, 2, and 3 of the FEAF and the attachments thereto, the City Council, pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation law and the regulations promulgated thereto at 6 N.Y.C.R.R Part 617 (collectively known hereafter as “SEQRA”) having found that the Project constituted a “Type I” action (as that term is defined in SEQRA) and conducted a coordinated SEQRA review of the Project, further concluded that the Project will not result in a potential adverse environmental impact. Such determination of the City Council constituted the adoption of a Negative Declaration which required no further review or action pursuant to SEQRA with respect to the Project. The City SEQRA Resolution and the FEAF, together with any other documents on which it was based, is incorporated herein by reference and is made a part hereof.

In sum, the City Council concluded the Project, including the acquisition of the Parcel, will not result in a potential significant adverse impact on the environment.

Any potential impacts from any future development of the approximately 3.5 acre Subject Property will be appropriately addressed in accordance with land use and zoning reviews.

IV. Other Relevant Factors [EDPL Section 204 (B)(4)].

The city has given due consideration to the Hearing record including, but not limited to, comments received during the Hearing. In addition, the City has taken into account public opinion and concerns, if any, expressed through the SEQRA process associated with the Project. If a voluntary transfer of the Parcel cannot be consummated by the City, then the City may proceed with condemnation of the Subject Property in connection with the undertaking of the Project.

Conclusion

Based on due consideration of the foregoing, the City hereby makes its Determination and Findings in accordance with the EDPL in connection with the acquisition of the Subject Property by condemnation, if necessary, in connection with the undertaking of the Project.

Dated: DATE

**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 & HOUSING COMMITTEE  
SCHABOT, TIERNEY, PASTI, EDWARDS, 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 thorough 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 by 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 Parking 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



**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 & HOUSING COMMITTEE  
SCHABOT, TIERNEY, PASTI, EDWARDS, 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

