



(photo courtesy OSI, Greg Miller)

850 Route 28 Fact Sheet

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850 Route 28 LLC's proposal before the Town of Kingston Planning Board is to construct a large-scale pre-cast concrete and steel manufacturing facility on land surrounded by the Catskill Park's Bluestone Wild Forest (BWF) and newly-acquired property conserved by the Open Space Institute (OSI). The OSI property is to be conveyed to the State joining two separate parts of the BWF, a beloved natural multi-use recreational area with the Fully Accessible Onteora Lake Day Use Area and trail system for residents and visitors to hike, bike, fish, swim, boat and enjoy the peace of its woodlands.

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The applicant says that they will protect the environment, but to date they have neither identified nor fully accounted for numerous potential adverse environmental impacts from the construction and operation of the plant. If they are sincere, they will fully support the Town of Kingston Planning Board rescinding their Negative Declaration determination for Environmental Impacts and suspending their public hearing for the site plan/special use permit, until a thorough environmental review has been completed. A number of impacts have been identified that require further study. The applicant should prepare a comprehensive Environmental Impact Statement to ensure the project protects BWF and OSI's lands. Further study is needed for the following impacts:

- **Impact: Overview**

The project proposes clearing 21 acres of trees, blasting and moving 405,000 cubic yards of rock, and constructing two buildings totaling 240,000 square feet. Project consultants have stated that construction will take five years of work lasting from 6 AM to 7 PM, and nearly 12,500 trucks will be required to

remove 162,000 cubic yards of material. Only recently did the applicant request that upon completion the project be permitted to operate 24 hours a day, seven days a week (adding over a hundred new vehicle trips daily onto Route 28 (including 42 heavy equipment trucks with attendant diesel exhaust and emissions)). As a result, these new impacts related to proposed round-the-clock work were not considered by the Planning Board in their Negative Declaration (issued in March), nor were any impacts considered on the natural resources, usages and users of the adjacent BWF and OSI lands. In fact, the adjacency of the constitutionally protected BWF was not identified as required in Environmental Assessment Form completed by the applicant and its representatives.

- **Impacts: Noise**

The recently revised now five-year construction phase will include significant amounts of blasting, rock crushing and other noisy activities that two sets of environmental scientists have now stated will affect recreation and wildlife in the Bluestone Wild Forest and in the OSI Property. The noise impact study did not include sensors on these adjacent lands, nor did it study cumulative combined noise levels from various machinery, equipment and other activities occurring simultaneously at any given time.

- **Impacts: Stormwater collection. Water Quality.**

The applicant's stormwater pollution prevention plan fails to fully address stormwater runoff, including sufficiency of ponds' capacities. It additionally doesn't outline disposal of potential manufacturing byproduct contaminants to assure the runoff does not contaminate downstream watercourses, Praymaher Brook (class C Trout stream) and off the driveway into DEC wetlands on the southern edge of Onteora Lake.

- **Impacts: Traffic**

The applicant only analyzed the effects of traffic on Route 28. There is no information regarding the effect of truck pollution and noise on the Bluestone Wild Forest, the OSI Property or to the Waghkonk Road neighbors.

- **Impacts: Visual**

No thorough analysis of the visual impacts of the construction of a huge manufacturing plant surrounded by the Bluestone Wild Forest lands nor the OSI Property has been conducted.

The applicant, in a recent newspaper ad, says that they will be seeking LEED Silver "Green" designation.

Applicant has not provided any information from the US Green Building Council indicating that this project could be considered for this designation, nor provided detailed specifics how they intend to meet the standards necessary to qualify.

The applicant, in a recent newspaper ad, promises to use green fabrication, installation, operations and cutting-edge technology when it builds its facility.

Until proper studies are done, the applicant and the community won't know what mitigation measures, green or otherwise, are needed to build the site. We are glad to hear of the applicant's interest in using green building techniques, but none of this was mentioned in the original application, only in recent newspaper ads. Recent pledges to work to mitigate visual and aesthetic impacts including by preserving tree buffers are welcome as

well. However, with the observation in April of felled mature trees (authorized in mid-March as part of “limited site-prep” by the Planning Board) in one likely prime buffer zone at the boundary of the project site with NYS DEC lands, only reinforces the need for additional review.

The applicant says that the project will provide “60 plus well-paying skilled jobs. Many of these full-time, tech positions will be filled from the SUNY Ulster and Boces trained workforce.”

The promise of jobs is alluring to all of us, but no details have been provided to verify what the 60 people will be doing, and what they will be paid. How many of these will be actual full-time jobs, at what wage rate, and what benefits will be available? Without this information, we can’t be certain that these ‘new jobs’ will be paying a living wage with or without benefits.

By contrast the daily, diverse recreational uses of Onteora Lake and the Bluestone Wild Forest also supports the local economy, but it does so without negative impacts. And with the imminent addition of the 208-acre OSI properties into BWF these positive economic impacts will continue to increase. However, this economic analysis was absent from the 850 Route 28 application and was not considered in the Negative Declaration of Environmental Impacts determination issued by the Kingston Planning Board in March.

Now that this new information and the impacts have been entered into the record, SEQRA requires that they be incorporated into the project application and the coordinated review. It is essential that any projected positive economic benefits of the project not come at the expense of negative impacts on the positive economic, health and ecological benefits deriving from the surrounding public recreational lands and natural resources. This requires a careful identification and assessment of potential negative impacts, including potential mitigation measures to eliminate or reduce significant impacts during both construction and operations phases.

The applicant promises major local tax revenue with “over \$363,000 in annual school, town and county taxes are anticipated from our project, representing a 7-9% increase for the Town of Kingston.

The applicant’s statement is misleading and plays on people's fundamental misunderstanding of how local taxation works, as every property owner pays their proportional share of value to the budget as a whole, whether for school, town or county. A Fiscal Impact Analysis (FIA) has yet to be done in order for there to be a review to confirm the applicant’s claim of annual tax payments. Also, the applicant has made no commitment not to seek tax relief through Ulster County IDA or other means. It is a matter of public knowledge that another company owned by the applicant did in fact apply for over \$900,000 in tax exemptions from the Ulster County Industrial Development Agency (IDA). Finally, contrary to recent statements by the applicant’s representatives to the Town of Kingston Planning Board, New York State Department of Environmental Conservation pays taxes on the Bluestone Wild Forest lands. OSI is likewise paying real estate taxes to the Town, County and local school district on the properties acquired adjacent to the project site and Onteora Lake.

The applicant says that they will add income to local businesses. “Our employees and company will be patronizing local businesses, adding to the energy and health of our local economy.”

While this may be true, it is already evident that many current users of the Bluestone Wild Forest patronize the area’s local businesses - and with expansion of the forest, there will be more people patronizing these same stores.

The applicant says that they will make infrastructure for local use fabricating the final pieces required for NYS bridge construction (bridge decking).

The applicant says that its fabrication greatly reduces transportation fuel use by eliminating transport of bridge decks from far away, “what’s made here stays near.” Does that mean the applicant will only supply bridge components for contracts in a specified mile radius, such as 50 miles?

On-site Crane Storage

In the recent weeks the Kingston Freeman reported of the applicant’s disclosure that it had instituted on-site storage of commercial cranes and crane equipment at the 850 Route 28 site. Although we have yet to see written confirmation (from the Town’s Zoning Enforcement Officer (ZEO)), it is our understanding from the news report that the Town ZEO, in consultation with the Town of Kingston Planning Board, has rendered an opinion that this is allowed related to a prior permit issued to the previous owner of the property a decade ago.

Setting aside significant questions regarding whether the new crane storage activities are permissible absent a new application and special-use permit, including in light of the fact that the property has been rezoned by the Town twice in the intervening period, what is clear is that crane storage (including an explanation of how precisely it is an accessory use to the project) was not part of the project application, application materials and site plan reviewed by the Planning Board prior to its issuance of the Negative Declaration of Environmental Impacts determination.

If it is proposed to continue, the Planning Board must now require revision of the 850 Route 28 application and site plan to incorporate crane and crane equipment storage as well. This includes requiring the applicant to identify what such storage will entail, whether and where repair work will be conducted, whether and where fuel storage and refueling will occur, ditto for the use of chemical solvents, welding, etc. The appropriate siting, enclosure, containment and disposal measures for all such activities must be identified and reviewed.

The responsible and constructive course of action is for the Town of Kingston Planning Board to rescind their Negative Declaration determination and require the developer to examine all potential adverse environmental impacts, as required under the State Environmental Quality Act. We reiterate our request that the Planning Board take no further action on this application with respect to site plan/special use permit until all impacts have been assessed and suitable mitigation techniques and alternatives have been investigated.