

**RESOLUTION OF THE CITY OF KINGSTON PLANNING BOARD
DETERMINING COMPLETENESS OF THE FINAL GENERIC
ENVIRONMENTAL IMPACT STATEMENT FOR "THE LANDING AT
KINGSTON AND ULSTER" DEVELOPMENT PROJECT IN THE CITY OF
KINGSTON / TOWN OF ULSTER, NEW YORK**

Motion By: Lee Molyneux

Second By: Steve Johnson

RECEIVED BY CITY CLERK

DATE 12-19-08

8:37 AM

WHEREAS, AVR Acquisition Corporation, d/b/a Kingston Landing Development, LLC (the Applicant) has submitted an application and preliminary plans, to the City of Kingston Planning Board (the Planning Board), for the construction of a mixed-use development project upon approximately 524 acres in the City of Kingston and the Town of Ulster which shall include residential housing, office, retail, and restaurant and commercial space, and supporting infrastructure (the Action); and

WHEREAS, by Resolution of the Planning Board dated January 13, 2003, the Action was determined to be a Type I Action as defined in 6 NYCRR Part 617.4 of the State Environmental Quality Review Act (SEQR) Regulations, and a coordinated review was initiated; and

WHEREAS, after the required circulation, and there being no objection thereto, by Resolution dated March 10, 2003, the Planning Board declared itself to be Lead Agency for the conduct of the SEQR environmental review of the Action; and

WHEREAS, by Resolution of the Planning Board dated March 10, 2003, the Planning Board adopted a Positive Declaration on the Action, directed the Applicant to prepare a Draft Scope Document and set a public scoping session; and

WHEREAS, by Resolution of the Planning Board dated June 9, 2003, the Planning Board adopted a Final Scope for the Action and the Applicant was directed to prepare a Draft Generic Environmental Impact Statement (DGEIS) in accordance with the Final Scope; and

WHEREAS, by Resolution of the Planning Board dated July 18, 2005, the Planning Board accepted a DGEIS as complete with respect to its scope and content for purposes of commencing public review and scheduled a public hearing for purposes of soliciting public comment on the DGEIS; and

WHEREAS, the Planning Board prepared, and then caused to be filed and published, a Notice of Completion and Notice of Hearing of DGEIS in accordance with Article 8 of the New York State Environmental Conservation Law and Section 617.9 (a) (3) and 617.12 of the SEQR regulations; and

WHEREAS, the public comment period on the DGEIS commenced July 20, 2005; and

WHEREAS, public hearings on the DGEIS were held on September 14, 2005, October 12, 2005, November 16, 2005 and December 14, 2005 at which times all members of the public and representatives of interested and involved agencies were given an opportunity to present oral and written comment on the DGEIS; and

WHEREAS, after remaining open for a total period of 181 days, the public comment period on the DGEIS was closed at the close of business on January 17, 2006; and

WHEREAS, although not required by SEQR, further opportunities for the public and involved and interested agencies to further comment and participate in the SEQR process were undertaken by the Lead Agency via the conduct of four focus sessions held in June, 2007 and the conduct of an informational public hearing held on the preliminary FGEIS in September, 2008; and

WHEREAS, upon the close of the public comment period, the Planning Board, with the assistance of a team of its own technical consultants, conducted a careful and thorough review and consideration of all of the involved agency, interested agency and public comment received; and

WHEREAS, upon consideration of all of the comment received, the Planning Board took a hard look at the potential adverse impacts of the proposed Action and engaged in the process of assessing those impacts as well as balancing the environmental and economic concerns, consistent with social, economic, and other essential considerations as is required by SEQR; and

WHEREAS, based upon the foregoing, and for the purposes of avoiding or minimizing to the maximum extent practicable the identified potential adverse environmental impacts and identifying further suitable and necessary mitigation measures, the Planning Board, working with the Applicant, modified significant, substantive elements of the proposed Action; and

WHEREAS, such modifications generally include, but are not necessarily limited to, a change in the pattern of the preferred development plan from a "suburban" design to "traditional neighborhood development" design, a significant reduction in the number of proposed residential units including modifications to proposed residential unit types; a significant reduction in the amount commercial square footage including the elimination of office/commercial square footage; significant increases and improvements to the open space systems including creation of a central core preservation area, increased setbacks from the shoreline, removal of structures from the ridgelines, construction of a publicly accessible waterfront promenade and preservation of critical upland open space; and

WHEREAS, the modifications to the proposed Action together with a response to all substantive comments received during the public comment period have been set forth in a Final Generic Environmental Impact Statement ("FGEIS"); and

WHEREAS, the Planning Board has now finalized its preparation of the FGEIS;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF KINGSTON PLANNING BOARD AS FOLLOWS:

SECTION 1: That pursuant to 617.9 (a) (6) of the SEQR regulations the Planning Board determines that the FGEIS is complete and is in a form suitable for purposes of the decision-making and findings requirements prescribed by Section 617.11 of the SEQR regulations.

SECTION 2: That the Lead Agency will prepare and file, circulate as required, and publish a Notice of Completion of FGEIS in accordance with Article 8 of the ECL and Section 617.9 (a) (6) of the SEQR regulations.

SECTION 3: That the Lead Agency hereby directs the Applicant to file copies of the FGEIS pursuant to Section 617.12 of the SEQR regulations and to circulate and distribute the FGEIS and Notice of Completion in accordance with Section 617.12 of the SEQR regulations and to provide certification of said circulation and distribution to the Lead Agency.

SECTION 4: That in accordance with the requirements of Section 617.11 of the SEQR regulations, the Lead Agency hereby establishes a period of 30 days, beginning with the date of the passage of this Resolution and ending on January 17, 2009, in order to afford agencies and the public an opportunity to consider the FGEIS prior to the Lead Agency's issuance of its Findings Statement.

SECTION 5: That this resolution shall take effect immediately.

ROLL CALL VOTE:

NAME	Present	Absent	Approve	Deny	Abstain
Lee Molyneaux <i>Lee Molyneaux</i>			✓		
Wayne Platte <i>Wayne J. Platte</i>	✓		✓		
Stephen Johnson <i>Stephen Johnson</i>	✓		✓		
Timothy Williams <i>Timothy Williams</i>	✓		✓		
Patrick Garraghan <i>Patrick Garraghan</i>	✓		✓		
Andi Turco-Levin	✓				
John Dwyer Jr.		✓			
Charles Polacco	✓				
TOTAL			5	—	—

Lee Molyneaux

Lee Molyneaux, Chairman
City of Kingston Planning Board

12/18/08

Date