HUDSON RIVER SLOOP
CLEARWATER, INC.

PUBLIC COMMENT

on

AVR Proposal,

The Landing at Kingston and Ulster

Submitted January 17, 2006

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Hudson River Sloop Clearwater's Recommendations re:
AVR Realty's Proposed Development Project
The Landing at Kingston/Ulster

January 17, 2006

Public Process: Clearwater would first like to thank the Planning Board for extending the period of public comment and allowing three additional public hearings on this very significant proposal. This action has afforded you the best available information on which to base your final decision. In addition, the Friends of the Kingston Waterfront (FoKW) held a series of two community forums, three visioning workshops and two additional briefings over the six months of the DGEIS review process. At each of these we recorded community input, which was then included in documents submitted in the public hearings and has been actively incorporated into the FoKW Alternative Plan for Kingston's remaining 1.5 miles of Hudson River waterfront. (See Appendix 1, Friends of Kingston Waterfront Public Participation Calendar)

About FoKW: Friends of Kingston Waterfront coalition was formed in spring 2005 and is comprised of Friends of Historic Kingston, Friends of Rondout, Hudson River Heritage, Hudson River Sloop Clearwater, Riverkeeper, Scenic Hudson, Sierra Club and Sustainable Hudson Valley. FoKW has focused on ensuring local participation in creating a Kingston waterfront that protects the Hudson River Valley's cherished history, culture, beauty and economic well-being. Its member organizations worked to be sure that Kingston does not see its waterfront become a burden when the opportunity exists to create powerful benefits for a diverse population. FoKW has created an informational website at www.FriendsofKingstonWaterfront.org.

Collaborative Land Use Planning: While the State Environmental Quality Review Act (SEQRA) process allows for some community participation and may result in some basic environmental protection, the constraints of SEQRA do not foster good communication between the developer and the surrounding community in which the proposed development will occur. Clearwater strongly encourages members of the Planning Board to familiarize themselves with the process of collaborative land use planning, which has been developed by Karl Kehde and is described in depth at www.landuse.org. This process encourages community participation in the development process long before an official application has been submitted to the Planning Board and the SEQRA clock starts ticking. It greatly enhances the opportunity for public input and therefore improves public acceptance, because the public is actually part of the development team. If a rough conceptual design is submitted early and public input is earnestly sought and incorporated, it can save the developers thousands (even hundreds of thousands) of dollars in engineering and design costs, that, in the absence of a collaborative process, will likely need to be significantly revised by SEQRA findings. Many collaborative land use principles were applied to the AVR development because FoKW empowered the community to actively participate and invited the developers to meet with the community outside of the SEQRA process, but complimentary to it. Ideally these meetings should have occurred before the SEQRA review began or at least before the DGEIS was submitted.

Protecting Valuable Ecological Assets: Because of our mission, Clearwater's focus is on the Hudson River waterfront, both along the shoreline and the in submerged aquatic vegetation beds at the site and in the adjacent Kingston Flats, and on the protection of existing habitats of significance on the karst ridge, which includes the Delaware Forest. The proposed access for non-motorized boats on the north cove will have only minimal impact, but the marina proposed for the south cove would be highly destructive to the unique, productive SAV beds in this area and should not be permitted. Beyond the potential ecological impacts, the stability of construction over karst geology found on the ridge is questionable, and the need to protect the large karst aquifer located beneath the Delaware Forest is essential. (See Issue of Concern #2 below, and FoKW Fact Sheet #3 at http://www.fokw.org/fs3.pdf)

Acknowledging Development Capacity: Just as in nature, where ecosystems are constrained by limiting factors such as air, water or nutrients, in built environments the presence or absence of

adequate infrastructure must inform the permit approval process to determine a sustainable outcome. In the case of *The Landing,* it is clear that the capacity of the City of Kingston Wastewater Treatment Plant is the limiting factor for this development, the neighboring *Sailor's Cove* proposal at the former Brickyard, and any future development that would use this resource. Scenic Hudson's consultants estimate a total sewer system reserve capacity for 500-600 units, which would be consumed by the first phase of a downsized AVR project (220 to 350 units) plus (250 units at *Sailor's Cove*) and leave nothing for the rest of the AVR proposal or any other proposal currently on the drawing board or in the pipeline. The other major limiting factor is the amount of traffic the surrounding neighborhoods can reasonably be asked to absorb.

Consistency with Local Waterfront Revitalization Plan (LWRP):

The AVR plan fails to meet key aspects of the city's adopted Local Waterfront Revitalization Plan (LWRP). Kingston's LWRP was adopted by the City in 1992 and approved by the state the following year. The purpose of the program is to:

> "promote economic development and revitalization of the waterfront while assuring the protection and beneficial use of coastal resources."

Two glaring deficits are **protection of the visual beauty of the waterfront** and **protection of the aquifer.** The alternative plan developed by FoKW is consistent with the LWRP in all regards.

Specifically, Kingston's LWRP Policy 7 states that *"Significant coastal fish and wildlife habitats, as identified on the coastal area map, shall be protected, preserved, and, where practical, restored so as to maintain their viability as habitats."*

Policy 25 is to *"Protect, restore and enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the scenic quality of the coastal area,"* and Policy 25-B is to *"Protect, preserve and enhance the general visual quality of the Hudson River and Rondout Creek waterfronts."*

Further, Policy 38 requires that *"the quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute primary or sole source aquifers."*

Issues of Concern: Below is a review of issues of concern that have been raised throughout the public process, enhanced with more documentation than has been previously submitted.

1. **Project size and scale:** The project should be at a scale that will fit within ecological constraints, blend with existing community character, and account for traffic, school, water, wastewater, library and other infrastructure considerations in such a way that the developer -- not the public -- is responsible for any additional costs incurred by this project and that negative impacts are minimized. The proposed 2,200 units in the preferred plan were reduced to 1,800 units in the "neo-traditional" alternative, which is barely different from the preferred plan and does not provide the degree of integration of retail and other mixed use that would characterize such an alternative. Further, now that an application has been submitted by the developers of the adjacent *Sailor's Cove* 360-unit proposal at the former Brickyard, the cumulative impacts must be factored into the Planning Board's review of both projects, and the developers of both projects should be encouraged to coordinate their efforts.

   The FoKW alternative plan provides a real neo-traditional alternative, with a mix of building types for both residential and business uses (including employment opportunities and associated ratables). These are integrated into newly created neighborhoods, with housing affordable to a variety of income levels to assure the diversity that is characteristic of Kingston, which promotes healthy communities.

2. **Protection of existing habitats of significance** on the Hudson River waterfront, both along the shoreline and the in submerged aquatic vegetation beds at the site and in the adjacent Kingston Flats, which provide oxygen to the aquatic ecosystem and are important spawning grounds for shad and

other fish. Protection of the sensitive forested ridge in the Delaware Forest and the huge karst aquifer located beneath the Delaware Forest is essential.

a) Submerged Aquatic Vegetation (SAV) Beds: The Hudson River at the mouth of the Rondout and the stretch four miles upriver is designated by the NYS Department of State (DOS) as "significant coastal fish and wildlife habitat" for good reason. This stretch provides important aquatic habitat because of the presence of submerged aquatic vegetation beds, or SAV beds, in this area of the river.

There are two large areas of SAV in close proximity to the proposed development – one in the cove just north of Kingston Point, where a 230-slip marina in proposed, and another larger area known as Kingston Flats, which is a long stretch of sub-tidal zone parallel to the shoreline, directly across from the proposed project.

Why are SAV beds important?

- SAV beds are critical nursery areas for many fish species, including species of concern like American shad and short-nose sturgeon.

- They improve water quality by removing excessive nutrients, filtering suspended sediments, and providing oxygen to the water, which is essential for fish and aquatic organisms.

- Waterfowl are known to feed in SAV beds, particularly water celery (*Valliseneria americana*), and this is most likely the predominate vegetation at these sites.

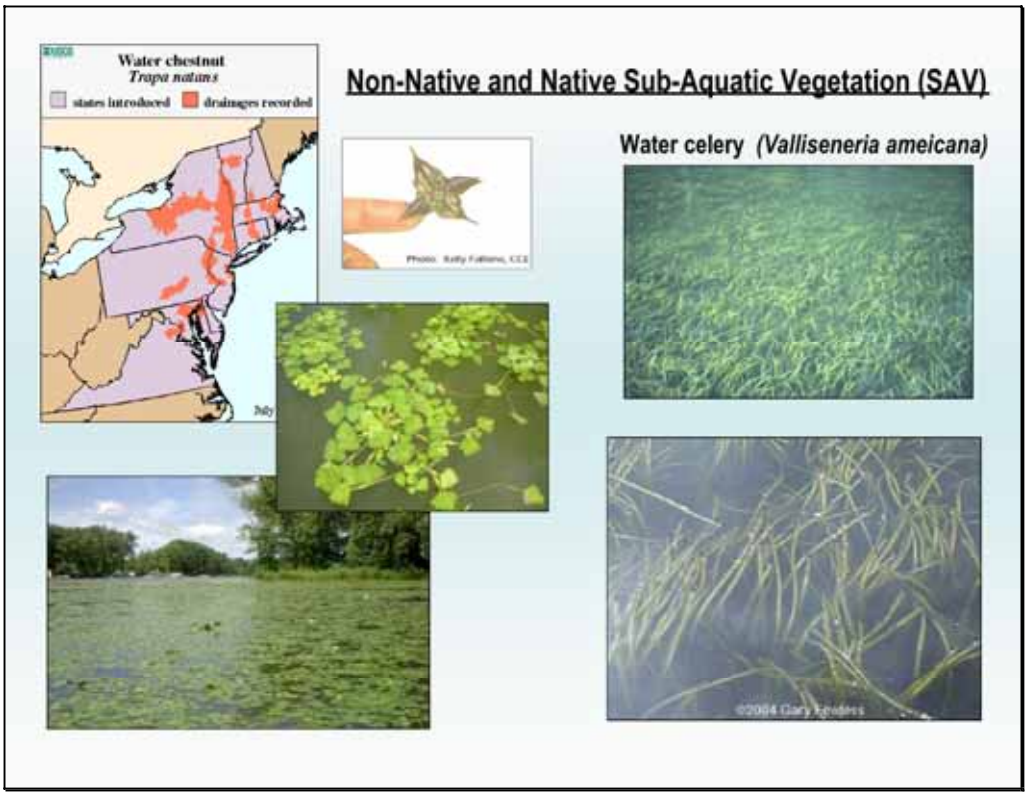

Figure 1: Invasive, non-native water chestnut (*Trapa natans*) on left; native water celery (V*alliseneria americana)* on right. Note bubbles of oxygen being produced in photo, lower right.

High quality SAV beds are becoming increasingly rare, as the highly invasive, non-native water chestnut (*Trapa natans*) has taken over many former SAV sites. The SAV beds along the south cove of AVR and *Sailor's Cove* are rich in native vegetation, and highly productive source of oxygen to the aquatic ecosystem of the Hudson in this area. Notice the dark green along the shallows and in the flats in the adjacent infrared photograph (Figure 2: Submerged Aquatic Vegetation Beds), which contains predominately the native species, water celery, with some Eurasian water milfoil as compared to the light green area in the Rondout, which has been taken over by the invasive non-native water chestnut, the seeds of which wash up on the beach as prickly "cow heads" – a nuisance to bathers using the area for recreation.

Chris Bowser, HRNERR

According to Betsy Blair, Manager of the NYS Department of Environmental Conservation (NYS DEC) Hudson River National Estuarine Research Reserve:

"A wide range of fish species and high numbers of fish were sampled in mid-Hudson SAV beds, and are likely to be supported by the SAV bed off the Kingston's waterfront. The most common fish were white perch, spottail shiner, and American shad, with significant numbers of Atlantic menhaden, brown bullhead, pumpkinseed, golden shiner, yellow perch, gizzard shad, American eel, white sucker, and striped bass. Over a dozen other species were also collected in these SAV beds. Many life stages of fish were collected, including adults, juveniles, and larvae.

"The ecological importance of SAV beds in the mid-Hudson area is well documented, and includes providing shelter and forage (feedling) areas for fish and invertebrates, food for waterfowl, and detritus for river bottom food webs. These beds also serve a critically important role in enriching the river's dissolved oxygen to a level to enable most fish to survive, helping compensate for the high consumption of dissolved oxygen in the mid-Hudson River by zebra mussels, an invasive species.

Figure 3: American Shad

"Marina impacts on SAV beds have been documented elsewhere in the river, where propeller scars and increased turbidity associated with marina recreational boat traffic have damaged beds." [1]

[1] Personal Communication via email with Blair, Manager Hudson River National Estuarine Research Reserve, NYS Department of Environmental Conservation, Bard College Field Station, Annandale, NY 12504; phone 845-758-7011, e-mail bablair@gw.dec.state.ny.us

The DGEIS states that the construction of the proposed marina and resulting boat traffic will require removal of SAV, and an estimated 1.4 acres of SAV will be directly impacted. Those areas not directly impacted by construction will inevitably suffer from increased disturbance and sedimentation from boat traffic. In our view, construction of a 230-slip marina in such an environmentally sensitive and significant area is unacceptable.

This is especially true when you consider the fact that:

- As noted in the DGEIS, it is not known what the level of boating interest will be of residents of *The Landing.*
- The Rondout Creek already has several marinas that are located in more appropriate and secluded areas, with more than 450 slips combined.
- The proposed marina will not amount to a significant public river access improvement, as 200 of the 230 slips will be private, reserved for residents of *The Landing* and their guests.

Given these considerations, we urge the City of Kingston Planning Board to remove the marina from the development proposal. In addition, we urge you to take all necessary measures to protect the ecological resources of the Hudson River, including the submerged aquatic vegetation beds along Kingston's shoreline and the nearby Kingston Flats.

The riverfront for the proposed sites is characterized by rocky shoreline and sandy beaches, with numerous decaying wood and concrete bulkheads. On closer inspection, some of the smaller rocks are chunks of brick or concrete rounded by tidal action and ice scouring. The interface of water and land is important habitat for reptiles, amphibians and many benthic macro-invertebrates. On one shoreline visit Spider Barbour identified a Northern map turtle *(Graptemys geographica)*.

Figure 3: Northern map turtle turtle *(Graptemys geographica)*

On one afternoon kayak trip Betsy Blair of HRNERR and Manna Jo Greene of Clearwater identified a blue crab, great blue heron, sandpiper, painted turtles along the shoreline, and bullhead catfish feeding in an SAV patch of water celery and Eurasian water milfoil. The SAV beds were actively producing oxygen by photosynthesis, causing the water surface to effervesce with millions of tiny bubbles.

b) Preserving Existing Wetlands: A thick swath of wetlands on the lower level of the property serves to absorb and filter run-off from the ridge, reducing the amount of stormwater entering the Hudson by keeping the water on the land, recharging the underground aquifers. These wetlands should be protected and enhanced in the development design.

c) Secondary Old Growth Forest: Although the forested ridge, known as the Delaware Forest, has been mined and logged, many trees were left standing and are now huge old growth trees, amongst newer growth. This creates a richly diverse forest habitat on top of karst limestone bedrock. The Delaware forest is classified as secondary old growth and includes white and black oak, white pine and hemlock. Spicebush (*Lindera benzoin)* is a fairly common wetland shrub; however, its presence on this well-drained ridge is an indication of calcareous soils. On one brief visit to the site, fauna found on the ridge included spicebush swallowtail, tiger moth, wood thrush and the Eastern towhee.

Figures 5a and 5b: Large Black Oak (left) and giant White Oak (right) in Delaware Forest

d) Sensitive Karst Hydrogeology: Karst is a geologic formation that occurs in calcareous (calcium-containing) bedrock, which is characterized by fissures and fractures resulting from the differential dissolution of limestone. As the limestone continues to dissolve, fissures widen and eventually form underground caves and other karst features. Karst is geologically **unstable,** forming minor or major depressions at the surface, called sink holes. Any contaminants that occur on the surface, such as storm water runoff (containing hydrocarbons or sediment), pesticides, herbicides or deicing agents can easily be transported to groundwater stored below in karst aquifers. This has important implications for both the design and construction of this project.

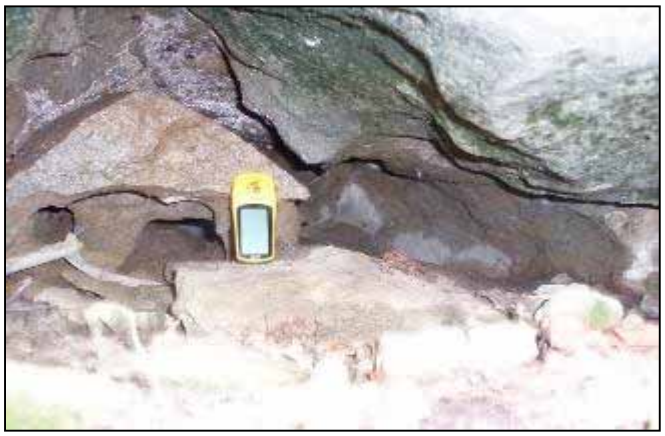

Figure 6: Notice how limestone dissolves to form fissures, which widen and eventually form caves and other karst features. (Hand held GPS unit indicates scale of photo.) Photo by Paul Rubin.

The Draft New York State Open Space Conservation Plan 2005 developed by NYS Department of Environmental Conservation, NYS Department of State; NYS Office of Parks, Recreation and Historic Preservation has recently recognized the importance of karst aquifers in Ulster County and designated the preservation of these resources as a priority project.

> **"KARST AQUIFER REGION {25} –** The Karst Aquifers are situated in a narrow band of carbonate rocks that extend throughout Ulster County, generally parallel with the Hudson River and trending south-southwest, through portions of Saugerties, Kingston, Esopus, Marbletown, Rosendale, Rochester and Ellenville, continuously outcropping just northwest and along the flank of the Shawangunk Mountain Ridge. This region is characterized by such features as caves, sinkholes, mines, springs, lakes and sinking streams. The area is rich in biological, geological and historical resources, provides diverse outdoor recreational opportunities and critical water reserves." [2]

Important Water Resources: According to hydrogeologist Paul Rubin of Hydroquest who has studied this area extensively for many years, "The vast water resource in the deeper carbonate aquifer should be protected for future use." Rubin's concern is that:

> "Construction of portions of AVR Realty's proposed project, *The Landing,* may jeopardize the quality of a high-yielding, untapped, groundwater resource that may be important to Kingston's future and the quality of Mary's Well, a spring used by many Kingston area residents. Karst or cave-bearing limestone aquifers underlie portions of the project site and extend far offsite (see Figure 7). Water from the site may be the largest source of recharge to these aquifers. As our population increases, so does the demand for clean, potable, water. This groundwater represents an important, marketable, source of revenue that is at risk - the loss of which might amount to millions of dollars annually."

Site Hydrology Requires Additional Characterization: According to Rubin, more testing is required to assess the hydrology of the area.

> "Over 10 million gallons of surface water per day flow into Lost Lake and disappear underground into the underlying karst aquifer. Testing some decades ago in the Kingston-Delaware Mine indicates that groundwater in excess of one million gallons per day may be available for consumption. It is likely that this water is hydrologically connected to Lost Lake, and possibly Mary's Well further to the south. Historically, cement mining operations served to integrate karst aquifers. Flooded portions of some of these mines are expansive and are vast untapped reservoirs. The Lost Lake Mine (see Figure 7) is one example of an important hydrologic and cultural resource feature that requires documentation as part of the EIS process."
>
> "The DGEIS does not recognize the previously undocumented karst hydrology of the project site and the vulnerability of karst aquifers to contaminants. It is important that all groups work together to **characterize the full extent of the karst aquifer and its recharge zone**, the quantity of water available in the aquifer, where the water flows underground, where it surfaces, and who drinks this water. There is a standard testing methodology designed for this purpose (ASTM D 5717-95)[3] that should be followed. This testing and related concerns are in keeping

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[2] Draft New York State Open Space Conservation Plan 2005; NYS Department of Environmental Conservation, NYS Department of State; NYS Office of Parks, Recreation and Historic Preservation, November 2005; p. 147.

[3] ASTM is the American Society for Testing and Materials, which sets technical standards for materials, products, systems, and services. Known for their high technical quality and market relevancy, ASTM International standards have an important role in the information infrastructure that guides design, manufacturing and trade in the global economy.

with the recently proposed addition of karst aquifer watershed protection to the New York State Open Space Conservation Plan." [4]

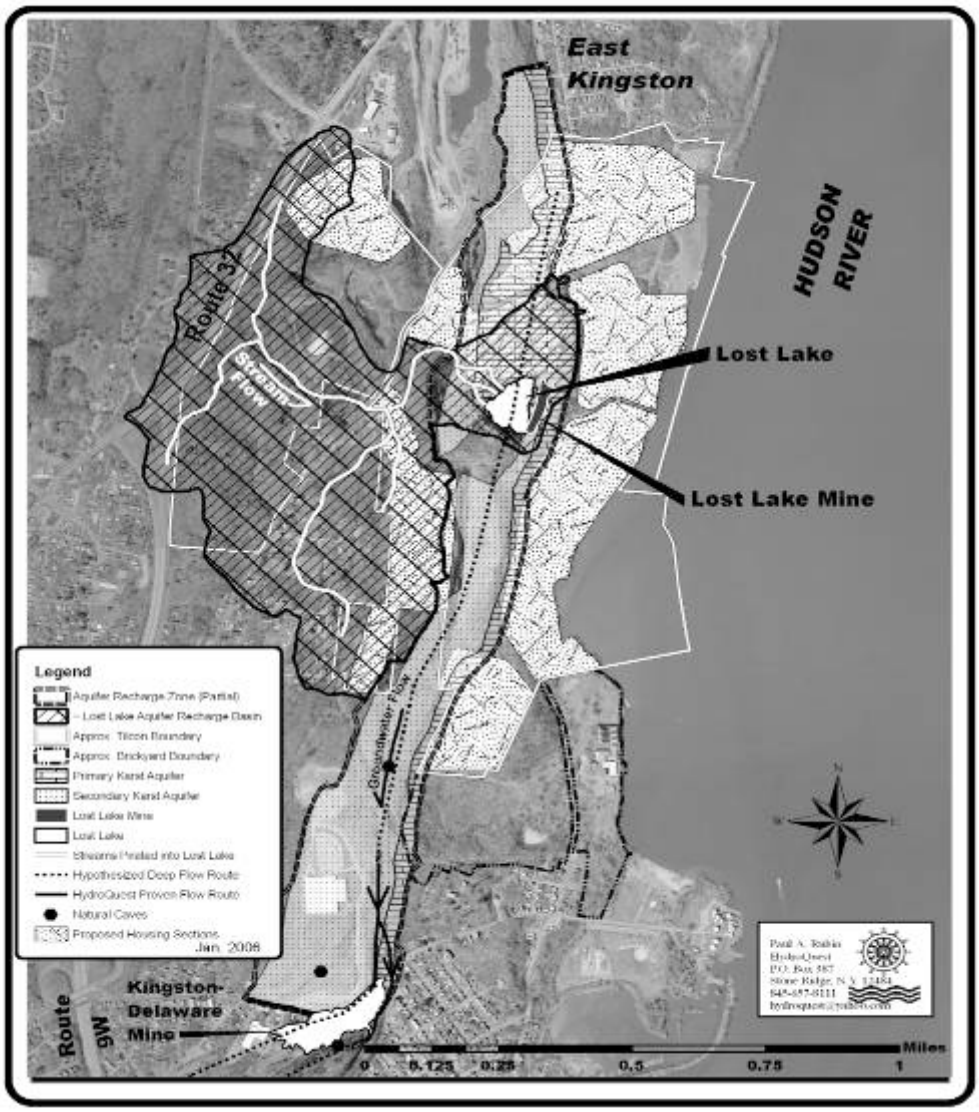

Figure 7: Karst Aquifer and Recharge Zones at Kingston Landing

Courtesy of Paul Rubin, Hydroquest

Given the sensitive nature of the limestone bedrock along the ridge and in the quarried areas of the lower levels of the site, development should be avoided over the aquifer recharge area (see Figure 7) and low impact development practices should be required in the surrounding area. These are also called Better Site Design Principles, and are included as an appendix to the Clearwater comments on High Performance Construction Practices, submitted by Ritchie and Ranzi. We recommend that the Planning Board require strict adherence to Phase 2 Municipal Separate Storm Sewer System (MS4) regulations and establish protective guidelines for site clearing, construction and landscaping to maintain the maximum natural vegetation, buffer the visual impacts, and protect the large sensitive aquifer that lies beneath the site.

[4] Email communication with Paul Rubin, Hydrogeologist with Hydroquest, Inc. dated December 12, 2005.

3. **Traffic:** An estimated 18,000 additional vehicle trips per day, with their associated noise, emissions and increased safety hazards, will pass through Delaware Avenue and North Street in Ponckhockie, across First Avenue, and along Main Street in East Kingston.

   Direct access from Route 32 to the proposed development is not in the current plan, but is being considered by the developer. This will help relieve some of traffic pressure, but downsizing the project is the most effective way to reduce traffic and its impacts on quality of life. It is also essential that the access road from Route 32 to the site be installed before any other construction begins to allow construction vehicles to bypass existing neighborhood roads.

4. **Sewage Management:** Although some recent improvements have been instituted regarding odor management and the elimination of several combined sewer overflows (CSOs), Kingston's overburdened sewage treatment plant is already at about 80% capacity. This project will increase the amount being discharged from approximately 5.5 million gallons per day by an additional .53 of the 6.8 mgd permitted discharge. With the proposed *Sailor's Cove* next door, this will increase to 6.13 mgd or about 90% of capacity, the range at which increased problems commonly occur in wastewater treatment facilities. Even now, after heavy precipitation, the plant's capacity is exceeded, allowing untreated or partially treated sewage to be discharged into the Rondout Creek. The proposed project also anticipates providing East Kingston with access to the Kingston STP, and there are numerous other projects on the horizon, including additional development in the Rondout and uptown.

   To quote the January 12, 2006 Friends of the Kingston Waterfront press release on the Alternative Plan, "As currently proposed, the sewage from *The Landing* and *Sailor's Cove* projects would result in regular exceedances of the capacity of the city's treatment plant. This would damage water quality and limit future development opportunities. If the projects are not made smaller …, the plant is projected to be overloaded approximately 15 percent of the time during peak periods. Eighty-seven percent of the time the plant would have to operate at 90 percent capacity, and approximately one-third of the time the plant will be operating at 98 percent of capacity, which can result in degradation of water quality leaving the plant and operational difficulties that would make permit violations more likely. While the FoKW plan would reduce loads on the wastewater treatment plant, the city will have to enhance wastewater capacity to achieve the full buildout plan." However, the fact is that the city's treatment plant is located on a site where there is **virtually no room for expansion** and in a neighborhood that has been targeted for development that will enhance tourism in the Rondout – not an appropriate site for an expanded waste water treatment facility.

5. **Viewshed considerations:** Clearwater has long advocated for maintaining the beauty and ecological integrity of the shores of the Hudson. The goal for this 1.5 mile of development should be to assure minimal change in the viewshed from the Hudson River and its far shore. This can be achieved by reducing the number of units, clustering them in neighborhoods between protected areas of open space, setting development back from the riverfront, interspersing trees among the buildings to afford some screening, using earth tones for buildings and avoiding development on the ridge. These actions will be necessary to bring the plan into compliance with City of Kingston's Local Waterfront Revitalization Plan.

6. **Increased public access and open space along the Hudson River:** The proposed walkway was a meager offering, however the community is entitled to more than just a walkway. Although not in the present proposal, the developer is considering widening the walkway to a promenade, which we encourage. The proposed marina would only be open to residents of the development and their guests, not to the general public -- another reason it should be deleted from the proposal. The location of other waterfront open space should be determined by existing habitat considerations, as should the design of the entire project.

7. **Economics:** (See FoKW Fact Sheet # 1 at http://www.fokw.org/econ1.pdf). The economic analysis presented in the DGEIS is flawed in many areas and makes unreasonable assumptions. It underestimates the number of children the proposed development would add to Kingston schools, costs of community services, potential rates of inflation, and other expenses. Community after community is finding that costs to the municipality for infrastructure and services exceed tax revenues generated by residential development projects. These costs, if not borne by the developer, will be paid for by Kingston taxpayers.

8. **Green building practices:** As the price of oil rises, the importance of using green building methods and materials, energy efficiency and renewable sources of energy to the greatest extent possible, become more and more apparent. The developer should utilize all available incentives and subsidies from NYSERDA and others. Investing in this infrastructure can be easily amortized and passed on to future owners and tenants, as their operations and maintenance costs will be reduced by these innovations. Avoid vinyl siding (inexpensive alternatives such as Hardi-board that contain recycled content, are readily available). Green building and renewable energy will attract ecotourism. Visitors will return, bringing others to share the solution-oriented development that recognizes that we live in a post-peak oil world and has actively incorporated alternatives. (See full report by Clearwater interns, Sean Ritchie and Gabriela Ranzi, on this topic submitted as additional Clearwater public comment.)

9. **Alternative Plan for Kingston Waterfront:** Clearwater strongly endorses the Friends of the Kingston Waterfront Alternative Master Plan for developing and revitalizing Kingston's waterfront, which is an example of sustainable development, both in process and in product. The FoKW alternative integrates economic prosperity for the developer and the business community and an improved tax base for the City, while protecting sensitive ecological and cultural resources, maximizing public access to the riverfront, reducing traffic and other negative impacts, and ensuring that critical infrastructure and services do not overwhelm Kingston taxpayers. The FoKW Alternative Plan was shaped by citizens, the City's waterfront planning guidelines and detailed research on economics, traffic, sewer capacity, archeological artifacts, ecological habitat, water supply and groundwater considerations. FoKW hosted a series of seven forums, workshops and briefings, during which residents spoke about what they did and did not want for their waterfront. Representatives of the coalition also listened to ideas the public offered during four public hearings held by the City of Kingston Planning Board. These and many informal meetings informed the process, making it clear that residents want a waterfront that improves the economy and gives them places to experience the beauty and uplifting power of the Hudson River. Residents objected to overdevelopment that threatens traffic jams and burdens on the city's infrastructure.

   The FoKW plan will:

   - Build traditional neighborhoods
   - Create stronger long-term economic benefits to Kingston
   - Protect water quality and natural areas
   - Integrate proposed and future development on adjacent properties

   This alternative plan truly represents a community consensus, not only of the eight groups in the Friends of the Kingston Waterfront coalition. It also includes input from hundreds of residents in the neighboring community offered at public hearings and community workshops and others from around the region. The FoKW plan was the result of ongoing public input through community forum and workshops and at public hearings. At maximum buildout, the proposed alternative calls for 650 housing units and maintains the 251,000 square feet of commercial development proposed by AVR for *The Landing* property. The *Sailor's Cove* alternative plan would allow 250 housing units and 64,000 square feet of commercial development. The residential component is reduced from the developer's suggested 365 units, but the commercial space is maintained. For *The Landing* site, the FoKW

proposal would provide significantly more commercial development and stronger tax benefits to Kingston, while reducing negative impacts and infrastructure needs. **However, 900 residential units recommended at both AVR and *Sailor's Cove* would exceed the remaining capacity at the Kingston wastewater treatment plant, as well as allowing undue traffic burdens. The realistic number of residential units that can be built under current conditions is 500-600 units.**

We fully support the idea of a widened riverfront promenade and a system of trails to allow recreational use of the undeveloped areas of the property. However, in order for the project to be safe and desirable, the unreclaimed mining activities not improved directly by development must be restored to a level of safety, ecological productivity, and natural beauty.

10. **Developer Experience:** There is a real question at to whether or not AVR Realty has the experience necessary to undertake a project of this size and scope. To our knowledge they have never built a project of more than a few hundred units. At the last public hearing residents, including the head of the homeowners' association from AVR's Fishkill project, complained of unresponsiveness on the part of the developer, water leaking into basements and other uncorrected drainage problems. They stated they needed help from the NYS Office of the Attorney General to help resolve these matters. Given this information, the decisions made by the Planning Board need be crafted in such a way as to protect the City, its residents and businesses from undue burden or liability, including future owners or tenants at *The Landing.* Also, much of this difficulty could be avoided if AVR were to adopt the Collaborative Land Use approach recommended earlier in these comments.

11. **Historic Silos:** One final comment that we heard frequently, especially from people who took the tour of the site and saw the storage silos, was the suggestion that rather than tearing them down, that they be reclaimed and feature a museum that told the history of the sites from the culture of the original Native American inhabitants through its use for brick and cement manufacture. The upper floors could renovated to become condos or artists lofts. This would conserve the huge amount of embodied energy stored in that massive construction, eliminate the energy needed to demolish the silos and cart away hundreds of tons of construction and demolition waste, while paying tribute to the area's history and enhancing the visual diversity of the site.

Figure 8: Preserving "The Landscape that Defined America"

Conclusion:

For a development to be truly sustainable, it must allow humans to live in harmony with wildlife, maintain intact ecosystems, and respect the development constraints imposed by existing conditions. For this to occur, the proposed development at *The Landing* must observe the following guidelines:

Existing natural resources and habitat, including forests, wetlands and submerged aquatic vegetation must be preserved and protected.

- No construction on the Delaware forest ridge.
- No construction over the karst aquifer.
- No marina in the submerged aquatic vegetation beds proposed for the south cove; access for non-motorized boats on north part of the property is encouraged.

The Hudson River is a national treasure. Public access to the waterfront should be maximized by a wide undeveloped stretch of riverfront with walkway and system of interconnected trails throughout the rest of the parcel.

The road from Route 32 must be constructed before any construction takes place on the AVR site.

All cultural, historic and archeological resources must be acknowledge, respected and protected.

Given the constraints of the site, the total number of units allowable under current conditions should not exceed 600 at the combined former brickyard (*Sailor's Cove*) and cement plant (*Landing*) sites.

All costs of development and associated infrastructure (sewer, water, roads, schools) and services (police, fire, emergency services) should be borne by the developer and passed on to the future property owners, not to the City or its taxpayers.

Thank you for the opportunity to comment. We earnestly hope you will adopt these recommendations for a project of this magnitude and potential impact.

Sincerely,

Manna Jo Greene, Environmental Director
Hudson River Sloop Clearwater

Appendix 1: Friends of Kingston Waterfront Community Participation Calendar

JULY 2005	Monday, July 18 **DGEIS Accepted by City of Kingston Planning Board**
AUGUST 2005	
Friday, August 5	**Community Forum**: Presentation, Discussion and Reception: *Kingston Waterfront Development: BENEFIT OR BURDEN?* at the Hudson River Maritime Museum. A brief presentation on the Cultural & natural history and potential for a truly sustainable future for Kingston's remaining 1.5 miles of Hudson River Waterfront, followed by a facilitated discussion in which we will seek community input.
Tues., August 16	**Tour of the Proposed AVR Site**, 11 a.m.
Weds., August 31	**Tour of the Proposed Site**, 2 p.m.
SEPTEMBER 2005	
Thursday, Sept. 8	**Community Forum**, 6:30pm to 9pm. Friends of Kingston Waterfront presents the *History, Natural History and Potential for a Sustainable Future of the remaining 1.5 miles of Kingston's Hudson River waterfront* at the former Brickyard and Cement Factory, followed by a facilitated discussion with your input and vision. At Rondout Neighborhood Center, 105 Broadway, Kingston.
Thursday, Sept. 8	**Tour of the Proposed Site**, 2 p.m.
Wednesday, Sept. 14	**Public Hearing,** 6 p.m., City Hall, 420 Broadway, Kingston.
Wednesday, Sept. 28	**Tour of the Proposed Site**, 11a.m.
OCTOBER 2005	
Wednesday, Oct. 12	**Public Hearing**, 6pm City Hall, 420 Broadway, Kingston.
NOVEMBER 2005	
Tuesday, November 1	**Community Workshop**, 6 p.m. Friends of Kingston Waterfront created an opportunity for area residents and businesses to envision what they do or do not want to occur at the former Brickyard and Cement Factory and to help Friends of Kingston Waterfront design an alternative to AVR's current proposal to enhance the surrounding community create a truly sustainable future. White Eagle Hall, 487 Delaware Ave., Kingston.
Thurs., November 10	**Community Workshop**, 6 p.m. Trinity Lutheran Church, 72 Spring Street, Kingston.
Weds., November 16	**Public Hearing**, 6 p.m. City Hall, 420 Broadway, Kingston.
Weds., November 30	**Community Workshop.** 6:30 p.m. St Mary's Benevolent Assoc., 188 North St, Kingston
DECEMBER 2005	
Weds., December 14	**Public Hearing**, 6 p.m. City Hall, 420 Broadway, Kingston.
JANUARY 2006	
Thursday, January 12	**Community/Media Briefing on FoKW Alternative Plan,** 12 noon, Saint Mary's Benevolent Association, 196 North St., Kingston.
Saturday, January 14	**Community Briefing,** 5 p,m,, Church of the Messiah, 6436 Montgomery St., Rhinebeck.