

Scenic Hudson, Inc.
One Civic Center Plaza, Suite 200
Poughkeepsie, NY 12601-3157
Tel: 845 473 4440
Fax: 845 473 2648
email: info@scenichudson.org
www.scenichudson.org



November 17, 2008

Ms. Suzanne Cahill
City of Kingston
City Hall
420 Broadway
Kingston, NY 12401

RE: SAILOR'S COVE DEIS:

Dear Ms. Cahill:

Scenic Hudson, Inc. is a 45-year-old nonprofit environmental organization and separately incorporated land trust dedicated to protecting and enhancing the scenic, natural, historic, agricultural and recreational treasures of the Hudson River and its valley. Scenic Hudson is a member of the Friends of Kingston Waterfront (FoKW) and we submit these comments on their behalf.

Scenic Hudson has been advocating for sound planning on Kingston's Rondout and Hudson River waterfronts since 1991 when we participated in the development of the City's Local Waterfront Revitalization Program (LWRP). We are interested parties in SEQRA processes for both Sailor's Cove and Hudson Landing, which is immediately adjacent to the north. While we still have outstanding concerns with Hudson Landing, we commend the Planning Board for responding to public comments and pressing AVR to improve Hudson Landing. We trust that the Planning Board will take the same approach with Sailor's Cove.

NEED FOR A BETTER NEO-TRADITIONAL DESIGN (TND)

Like AVR's initial submission, only a very small portion of the Sailor's Cove's Neo-Traditional Plan east of North Street exhibits characteristics of TND. In fact, most of the suburban style buildings are set back far from the street. West of North Street, where townhouses turn their back to the public street, no part of the development reflects TND. In a TND project, buildings should relate closely to public streets and sidewalks with front porches and minimal setbacks. Unfortunately, the Sailor's Cove TND Alternative is designed with deep setbacks and garage doors and blank walls facing the street and dampening pedestrianism.

During neighboring AVR's environmental review, an overwhelming majority of Kingston residents suggested to the Planning Board that Hudson Landing should reflect Neo-Traditional Design. Our outstanding concerns regarding Hudson Landing's adverse visual impacts on the National Historic Landmark District and Scenic Area of Statewide Significance aside, both the Board and AVR responded with a better project layout. Sailor's Cove needs to substantially reexamine its plan, go back to the drawing board, and create a compact, diverse, and walkable project oriented to a grid of streets with appropriately-scaled buildings set closer to the roads.

NEED FOR FEWER UNITS

The adverse impacts--particularly visual impacts--that would result from the implementation of Sailor's Cove Proposed Plan are a function of the amount of development proposed on the site and the manner in which building siting is proposed. The 229-unit Low Density Alternative illustrates a better scale than any of the other alternatives, which propose approximately 380 units. With fewer units, the massive adult residence buildings could be significantly reduced in scale and visual impacts and traffic impacts

mitigated more effectively. Also, additional waterfront open space could be provided (see below). However, even with fewer units the project requires substantial redesign to better reflect the intent of a TND that fits Kingston's historic character and this site's critical waterfront location.

NEED FOR MORE QUALITY OPEN SPACE

The proposed 50-foot setback from the Hudson River is inadequate and, thus, would result in a privatized waterfront even though the walkway would be open to the public. The setback to the River should be increased to at least 100 feet. A substantial waterfront park should be provided at the northeastern corner of the site extending the open space proposed on the Hudson Landing site. A grove of several large specimen trees grace the riverfront in this area and they should remain as the focal point of this open space. This would buffer visual impacts, provide habitat for songbirds, and help stabilize the shoreline. These modifications are needed to extend Kingston's greenway from Kingston Point Park northward to the AVR site (Hudson Landing).

Need for Substantial Plantings and Retention of Trees

In addition to the need to protect and retain the grove of trees at the northeastern corner of the site, it is critical that additional trees be planted, particularly along the riverfront so that the buildings will be buffered from view. We suggest mature, native trees, such as sugar maples, oaks, hickories, tulip poplars, white pines, etc.

ARCHITECTURE

The repetition of identical facades throughout the development stands in stark contrast to the rich fabric of varied architecture and building materials found on City blocks in nearby Ponckhockie and other Kingston neighborhoods in Uptown, Midtown, and Rondout. The applicant needs to reexamine his approach to building design to better reflect Kingston's neighborhoods. This was a recurring theme in the comments on AVR and the planning board responded by requiring a regulating plan that avoids the architectural banality proposed at Sailor's Cove.

The proposed buildings are out of scale with the context of Kingston and the character of riverfront development along the Hudson and Rondout Creek. The continuous massing of the buildings leaves little opportunity to achieve a better integration with natural vegetation and trees as is typical in all Hudson River landings. A few unfortunate exceptions, such as the Riverview Condos in Port Ewen, illustrate the problem that we hope will be avoided at Sailor's Cove.

Further, the height of the proposed adult residence is equivalent to a six-story building and substantially intrudes visually onto the waterfront. This is inconsistent the intent of the LWRP guidelines, which require consideration be given to scale, architectural style, and intensity of use, and that views should not be affected in an insensitive manner (see below, Consistency with Kingston's LWRP).

HISTORIC SIGNIFICANCE OF THE SITE

We suggest that the Board should consider incorporating some of the remnant waterfront cranes into the site plan as an interpretive reminder of the Hutton Brickyard's importance to the City's early industrial development. This would be appropriate as we understand that the New York State Historic Preservation Office has listed the entire site as eligible for listing on the New York State Register of Historic Places.

VISUAL IMPACTS

While Sailor's Cove has proposed removing some of the development from the higher elevations at the southwestern portion of the site, the visual simulations indicate that massing and scale of buildings, combined with inadequate 50-foot riverfront setbacks, would result in a visually dominant development. Since the project is immediately adjacent to the Estates District Scenic Area of Statewide Significance

and Kingston Point Beach, and substantially visible from the National Historic Landmark District and Mid-Hudson Historic Shorelands Scenic District, this adverse visual impact raises consistency issues with LWRP Policy 25 and its guidelines which require that structures be sited back from shorelines or sited in inconspicuous locations and use appropriate scales, forms and materials to ensure buildings add interest to the landscape.

Visual simulations of all alternatives should be provided from Kingston Point Beach in Chapter 4 and the Preferred Alternative in Section 3.9. This is perhaps the most important viewing location as it is a popular city park where people are engaged in recreation at the beach, and would be exposed to direct foreground views of the project site. We will provide more detailed information about visual impacts below in sections **Visual Character** and **Consistency with Kingston's Local Waterfront Revitalization Program (LWRP)**.

LAND USE AND ZONING

Section 3.8, Land Use & Zoning, should describe the Hudson Landing Development Guidelines which apply to the proposed development immediately to the north of Sailor's Cove. Scenic Hudson recommends that the Planning Board require Sailor's Cove to adopt design guidelines consistent with the regulating plan that will govern Hudson Landing immediately to the north.

We disagree with the statement that "uses set forth in the RF-H district achieve the goals established by the City of Kingston for its waterfront development" (page 145). These goals are previously identified in the DEIS as "promote economic development and revitalization of the City's waterfront revitalization area while assuring the protection and beneficial use of coastal resources therein." As a result of the severe adverse visual impact to the Hudson River, SASS and NHLD, as well as the project's limited 50-foot setback and design, we believe that the present configuration of Sailors Cove would prevent the city's goals from being achieved.

In fact, a rather substantial variance is required for setback from the Hudson River. The adult condominium building encroaches 16 feet within the setback required for buildings exceeding 42 feet in height. The DEIS requests relief from this requirement, because the applicant believes that the encroachment is "minimal" and "the proposed building does not adversely affect neighborhood character or the physical environmental conditions within the area" (page 150). We disagree. Our review of visual simulations finds that the building's height and siting in close proximity to the river are contributors to Sailor's Cove's overall adverse visual impact and inconsistency with Kingston's LWRP.

Figure 3.3-8, Zoning Setback (page 149) indicates that the boardwalk will extend beyond the shoreline. This should not be permitted because it would shade habitat in the river.

The DEIS indicates that "Joint use of parking areas may be approved by the Planning Board" (page 150). We urge the Planning Board to approve joint use parking in order to minimize amount of parking provided and its associated environmental impacts parking.

SOILS

The DEIS (page 45) indicates that the entire portion of the site east of North Street and the northern portion of the site west of North Street are "made land," filled with broken brick. A technical study should be conducted to demonstrate that this fill is adequate to support the type of buildings proposed.

STEEP SLOPES

As explained on Page 36 under Potential Impacts, "steep slopes are prone to erosion, flooding and drainage problems." Additionally they mention that "construction on steep slopes can be damaging, particularly when vegetation is removed with increased potential for erosion." We agree and believe that no building should be permitted in the northern or southern ridges west of North Street.

BOAT DOCKS

According to the DEIS (page 119), eight of the docks are immediately adjacent to the submerged aquatic vegetation (SAV) beds. SAV is a critical habitat that supports aquatic life in the estuary. Mitigation plans proposing buoys to direct boating traffic to the narrow channel between the beds are not likely to be effective as some boaters are likely to take the most direct route between their dock and open water. Unintentional prop dredging is a major cause of loss of SAV beds. The DEIS requires a more thorough description of the role SAV beds in the estuary's food cycle, the threats they have faced over the years, and the value of protecting SAV beds.

CONSTRUCTION ACTIVITIES

The DEIS indicates that "Construction traffic will access the project site via North Street and will not be permitted to travel through any of the surrounding residential developments." North Street is a residential neighborhood (page 30). Further, Delaware Avenue is primarily residential. The Planning Board should require that AVR and Sailor's Cove cooperate and agree to allow construction vehicles from Sailor's Cove to access the site via Route 32/AVR site and North Street, which is a public road. This is critical in avoiding construction traffic impacts to neighborhoods along Delaware Avenue and North Street. Since it is possible that construction on both the Hudson Landing and Sailor's Cove may be conducted simultaneously, close coordination with the City by both developers should be required.

ENVIRONMENTAL SETTING, IMPACTS & MITIGATION

Section 3.2 Soils & Geology (page 43) indicates that the entire portion of the site east of North Street and the northern portion of the site west of North Street are "made land." We understand that the eastern portion of the site was filled with broken brick. A technical study should be conducted to demonstrate that the fill is adequate to support the type of buildings proposed.

Table 3.3-2 (page 46) indicates soil limitations and building constraints; however, the table does not offer any indication as to the suitability of "made lands" east of North Street for building.

A large portion of the site east of North Street (approximately 40%) lies in the 100-year and 500-year floodplain. The FEIS should discuss implications for financing the development and insuring the residential units that would be built on the floodplain. (Figure 3.4-1, page 69 and text on page 72). This issue is particularly relevant with the prospect of global climate change raising sea levels over the next century.

Discussion of the Indiana bat (page 104) indicates that there is no open water or water courses on the site to provide drinking water or foraging areas for bats. However, in addition to the Hudson River, the site includes .2 acres of "open water-emergent" (Figure 3.6-1 page 99). This inconsistency must be addressed.

The DEIS proposes removing remnant brick from the shoreline and near shore substrate (page 118). Even if removed by divers and placed in crane-mounted buckets and silt screens are placed along the SAV beds, constant monitoring and maintenance of the silt screens would be necessary. In addition, it would be questionable that barge-mounted cranes could be used in this area as water depths are quite shallow.

The DEIS requires a more thorough description of the role SAV beds in the estuary's food cycle, the threats they have faced over the years, and the value of protecting SAV beds.

DESIGN GUIDELINES

The proposed design guidelines for Clustered Townhouse Units advise that where garages are provided,

effort should be made to avoid a lower façade consisting almost exclusively of garage doors (DEIS, page 163). However, our review finds that 30% of the Clustered Townhouse Units are garage doors and the remaining 70% are the blank side walls of garages. Carriage-style Condominium Units and Hillside Condominium Units are primarily garage doors at ground level. This design is inconsistent with the tenets of Neo-Traditional Design.

The guidelines also recommend that (DEIS, pages 164-165) no portion of Carriage Style Condominium Units or Multi-Family Condominium Buildings shall extend laterally more than 40 feet without discernible transition in plan or elevation. In spite of this guideline, the building elevations indicate that there is no discernible transition in these buildings.

VISUAL CHARACTER

Section 3.9, Visual Character, should include visual simulations so that the reviewer can read the text and examine the simulations without referring to Appendix L. While Appendix L includes many simulations, the main body of the DEIS does not. The Alternatives section includes simulations only from View Points 68, 74, and 106. These should be supplemented by View Point 38, Kingston Point Beach because it is an important City-owned park immediately adjacent to the project site.

Based on the information available, our review of visual simulations of all alternatives in Section 3.9 and Appendix L indicate that severe adverse visual impacts would result. These are a function of building density, inadequate setback and screening from the Hudson River and inappropriate architectural design.

The simulation from Kingston Point Beach (Viewpoint 38) was made with a 35mm lens. A 50mm lens should be used to replicate the scene as the human eye would see it. A 35mm lens renders the scene more distant, and, thus, visual impacts are underrepresented because buildings look farther away than they would appear to a person at the beach.

Simulations from View Point 39 and 106 were made during “leaf on” conditions (page 168). The DEIS explains that this was to replicate the view that boaters would experience during recreational boating season. The standard procedure for producing visual simulations is to portray “leaf off” conditions as a conservative, worst case scenario. This is especially true for views from Kingston Point Lighthouse. At present, it is frequented primarily by boaters during the warmer months. However, additional pedestrian access has been contemplated by the City.

Simulations in Appendix L (existing night time views from View Point 68) reveal that a new wall of night time illumination would be visible along the previously dark Hudson River shoreline. Based on this simulation we believe that lighting impacts from Rhinecliff are excessive and need to be further mitigated. Rhinecliff is an historic hamlet with a public waterfront and is located in the National Historic Landmark District. Light standards should be as low as possible, not to exceed 15 feet and all lights should be shielded so that the illumination is directed downward.

Visual simulations should be provided from Site (viewpoint) 38 at Kingston Point Beach. Simulations in earlier submissions were provided from this location, but the most recent visual analysis lacked simulations from this location. This is perhaps the most important visual receptor as it is a popular City park, people are engaged in recreation, and have direct foreground views of the project site.

Appendix L includes Exhibit D and Exhibit E, neither of which is labeled.

TRAFFIC STUDY

The DEIS claims that “based on the somewhat distant location of the site relative to the major roadways in the area, it is expected that the proposed retail and commercial uses will draw few customers from the

major roadways, and the individual stores in the Sailor's Cove development will be selected primarily to provide convenient support services and products to the residential component of the project" (page 188).

However, the above statement is contradicted by other statements in the DEIS. On page 182 the applicant indicates regional access to the project site is via state roadways and arterials that provide convenient access to commercial and office areas along Routes 209 and 9W and the NYS Thruway. On page 14 of Appendix G the applicant states that the proposed mix of commercial and office uses will... "encourage additional visitation to this portion of the waterfront by transient boaters and by individuals from the greater City of Kingston area." Thus, the DEIS appears to portray the project site as convenient and accessible to the greater region in some instances and "somewhat distant" in others.

We believe that while the 35% pass-by rate may be applied to an urban mixed use development with access to abundant transit, such a rate is overly optimistic at this location and, therefore, is likely to understate the traffic impacts of the development. Using a 35% pass-by credit, the applicant claims that AM peak trips is reduced from 264 to 164; PM peak reduced from 379 to 261; and Saturday peak from 578 to 472. However, with 402 units, the project's (Neo-traditional Alternative) residential component is not likely to support 26,950 sf of commercial space. Thus, the traffic study should use a more conservative number of 15%. While the applicant may hope that retail tenants will be selected to provide convenient support services to project residents, the reality is that if the number of units is not sufficient to sustain neighborhood retail establishments, the applicant will find tenants that may draw from outlying areas, thus generating more traffic than expected.

Page 190, Build Traffic Volumes. It is unclear that AVR's Hudson Landing traffic is factored into a long term scenario. The DEIS claims that North Street will not connect Hudson Landing with Sailor's Cove and Delaware Avenue until 2015. Scenic Hudson strongly suggests that the Planning Board should require that both AVR and Sailor's Cove cooperate to build this connection at the start of construction in order to provide alternate access and better distribute traffic from both developments.

Even if the Planning Board opts not to require Hudson Landing's connection to North Street in the early phase of its project, since it is known that eventually North Street will connect Delaware Avenue with Hudson Landing, AVR's traffic should be factored in with Sailor's Cove's impacts.

Table 3.10-8, 2012 Overall Intersection Operations, indicates that Route 199 EB Ramps & Route 32 will drop from LOS D (No Build) to F (with Sailor's Cove) in the PM Peak Hour. No mitigation is proposed to prevent this degradation in LOS.

The applicant proposes (on page 198) North Street to be rebuilt with a 26-foot cross section (two 13' lanes) and no on-street parking. North Street should be designed as a Main Street with narrow lanes and on-street parking. North Street should be "traffic calmed," and provide access to individual buildings.

Generally, in a Neo-Traditional plan, buildings should be set close to the road. Sailor's Cove's Neo-Traditional Alternative (Figure 4-4) indicates that two large residential buildings at the northeast corner of the site are accessed via internal access roads and four other buildings are accessed via driveways and parking lots. The internal access roads should be removed from the plan in order to increase building setback from the Hudson River.

SEWAGE TREATMENT PLANT

Scenic Hudson has the same concerns regarding the City's sewage treatment plan and associated infrastructure as we expressed in our comments on Hudson Landing. The City should ensure that the cumulative impacts of both Sailor's Cove and AVR are factored into the analysis.

We concur with Fairweather Consulting's July 14, 2008 letter to the City that indicates the Applicant should include more information on the necessary system improvements on both the City's capital budget and the rates charged to affected users.

CONSISTENCY WITH KINGSTON'S LOCAL WATERFRONT REVITALIZATION PLAN ("LWRP")

Kingston's Local Waterfront Revitalization Program, or 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."

Kingston's LWRP is rooted in the premise that underutilized sites such as Sailor's Cove should be developed with a priority on water-dependent and water enhanced uses – activities that require a waterfront location or where a waterfront location would increase the viability of a particular use. In some respects, a mixed-use waterfront development such as Sailor's Cove could be consistent with the LWRP.

However, several important aspects of Sailor's Cove are inconsistent with policies of the LWRP and, in fact, would stymie some of the program's most important goals. The project's scale, layout, building design and siting just 50 feet back from the Hudson River would likely cause visual impacts to important State- and federally-designated scenic and historic districts (Policy 25 & 25B). In addition, traffic generated by the project, which would have just one connection—North Street—to the surrounding area would likely generate traffic in excess of the environmental capacity of neighboring residential streets. This traffic is likely to undermine efforts to restore the historic neighborhood of Ponckhockie (Policy 1C).

The points below discuss Sailor's Cove's inconsistency relative to various policies and guidelines contained in Kingston's adopted and approved LWRP.

Visual Resources

LWRP Policies 25, 25A, and 25B relate to protecting the visual qualities of the Hudson River waterfront.

- Policy 25: 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.
- Policy 25A: Protect, restore and enhance scenic views or vistas of local importance including views from... Kingston Point.
- Policy 25B: Protect, preserve and enhance the general visual quality of the Hudson River and Rondout Creek waterfronts.

The DGEIS (in Appendix G, pages 49-57) contends that the project complies with Policies 25, 25A, and 25B because a visual impact assessment has been conducted, historic buildings will be reused, and the applicant's proposed Design Guidelines will govern building design and materials. We disagree. The project's bulk and mass is wholly visible with little vegetative mitigation from important State- and federally-designated scenic and historic districts:

- Immediately adjacent to and directly visible from Kingston Point Beach;
- Immediately adjacent to and directly visible from the Estates District Scenic Area of Statewide Significance (SASS), which provides a shared boundary with Sailor's Cove;
- Immediately visible from and directly visible from the Hudson River, an American Heritage River;

- Near and visible from the light tower of the Kingston Point Lighthouse;
- Near and visible from the Mid-Hudson Historic Shorelands Scenic District; and
- Near and visible from the Hudson River National Historic Landmark District.

The last two are districts listed on the National Register of Historic Places, as is Kingston Point Lighthouse. It should also be noted that since the Hudson River is part of the SASS, the western boundary of which extends to the shoreline at the eastern edge of the Sailor's Cove site, the development would constitute a "foreground view" for people in tour boats and private recreational vessels on the Hudson River.

Impacts to Tour Boats

River views from boating traffic are particularly critical because the channel is near the western shore and the Sailor's Cove site. People on southbound vessels would directly view the north side of the Sailor's Cove development for approximately 2.25 miles as boats approach the site. People on northbound vessels would be subject to a shorter duration of impact as boats would round Kingston Point before the site would come into view. Nevertheless, the Sailor's Cove site would be visible for more than ½ mile.

Amtrak Impacts

The Sailor's Cove site is prominently visible from Amtrak passenger rail line and, thus, would impose visual impacts on hundreds of thousands of people annually traveling through a National Historic Landmark District and Scenic Area of Statewide Significance (Source: Amtrak has indicated that 155,000 passengers used Amtrak's Rhinecliff Station in FY2005, an increase of 4% over the previous year; over 600,000 passengers use Amtrak between New York City and Albany).

The unfortunate irony of the proposed project is that one of the site's most valuable assets is its proximity to, and view of, these State- and federally-listed scenic and historic districts, which, when viewed from the site appear as forested shorelands and bucolic fields. If constructed as proposed, Sailor's Cove's poorly-conceived design, insensitive scale and massing would result in significant adverse and irreversible visual impacts that would literally steal value from public assets which provide Sailor's Cove its value. New York State, the federal government, and, in the case of Kingston Point Beach and Lighthouse, the City of Kingston, have all invested substantial resources in the establishment, protection and restoration of these resources. While Sailor's Cove proposes to replace the abandoned brickyard buildings with new development, if constructed as proposed, public views from these significant State- and federally-designated scenic and historic resources would be impaired.

The LWRP speaks clearly to the need to protect scenic qualities and vistas important to the development of tourism. It identifies the view from Kingston Point and the Kingston Point Lighthouse as "significant" (page II-32) and in several instances proclaims the importance of views from the Hudson River and opposite shore:

The preservation of Kingston's scenic qualities and vistas is important to the development of tourism and the revitalization of the coastal area. Kingston's Hudson River shoreline is opposite the Mid-Hudson Historic Shorelands Scenic District, designated under Article 49 of ECL, and as such, it has been identified as a scenic zone of the Scenic District, highly visible from the District. The rock outcroppings and natural scenic qualities of the Hudson River are major assets to Kingston's waterfront. The eastern shore has also been identified as a candidate area as a Scenic Area of Statewide Significance.

LWRP, Page II-44-45, Visual Resources

The LWRP identifies on Page II-34 a "Scenic Zone" extending 2,000 feet west of the Hudson's shore and describes the importance of the zone:

Kingston's Hudson River waterfront is opposite the Mid-Hudson Historic Shorelands Scenic District. This is the first such designation which has been made under Article 49 of the Environmental Conservation Law. As part of this designation, a "scenic zone" in Kingston was identified (see Sheet No. 3, Natural Resources Inventory). This zone encompasses the middle ground of views seen from this (MHSSD) district. The visual quality of this area is also significant to the views from the district. The horizon line is especially striking from the higher elevations on the eastern side of the district in Dutchess County, as on the State-maintained road system (NY Routes 9 and 9G). It is from these heights that the district's setting is comprehensively displayed, and often experienced by travelers. It should be remembered, however, that development in the scenic zone is at a significant distance from Dutchess County viewing sites, and will have little visual impact on the character of western views except for instances of large-scale development.

The Scenic Zone defines an area within which new development could adversely impact the quality of the western viewshed of the Scenic District. The Zone boundary lies 2,000 feet west of the high tide line on the west bank of the Hudson River. In the Management Plan for the Scenic District the Strand and Kingston Point are described as visual features of the riverscape that contribute significantly to the district's scenic quality from wherever they are seen (p.36, The Mid-Hudson Historic Shorelands Scenic District Management Plan).

N.Y.S. Heritage Task Force for the Hudson River Valley, Inc. Mid-Hudson Historic Shorelands Scenic District Management Plan. P.36, New Paltz, N.Y.: 1983

Under the explanation of Policy 25B (page III-46), the LWRP further expounds upon the reason for this scenic zone:

Kingston's Hudson River waterfront is opposite the Mid Hudson Historic Shorelands Scenic District located in Dutchess County and designated under Article 49 of the ECL. Kingston's Hudson River waterfront has been identified as a "scenic zone" because of the important influence of western views on the District's scenic quality. ... The Kingston waterfront constitutes the middle ground of views to the west from the proposed SASS. The protection, restoration, and enhancement of these shared views and vistas will benefit the general visual quality of both the Hudson River and Rondout waterfronts.

(Since the adoption of the LWRP, the candidate SASS has been designated under Article 42 as the Estates District Scenic Area of Statewide Significance, whose western boundary includes the Hudson River shoreline at the eastern edge of Sailor's Cove.)

While the LWRP indicates that development in the scenic zone is at a significant distance from Dutchess County viewing sites, it identifies "large-scale development" as the type of situation when adverse impacts would be likely. At a proposed residential density of between 229 and 403 units and up to 54,600sf of commercial space (in the four alternatives examined in the DEIS), Sailor's Cove would constitute "large scale development."

In a discussion concerning "Land Use," the LWRP indicates that topographic conditions have made development along certain portions of the Hudson River prohibitive and where sufficient soil and subsurface drainage exist, those areas have become heavily forested. This section continues to extol the virtues of this forest:

The undeveloped forested lands have historically functioned as buffers separating residential neighborhoods from incompatible uses such as quarries. They also protect views from the Hudson River and could be used to buffer visually unattractive uses from developed and/or visually sensitive areas. New uses which constitute a negative visual element could be similarly screened by vegetation. The degree and nature of the screening should be determined during site plan review, taking into consideration visual impacts upon views from the Hudson River and the Hudson River Shorelands Scenic District on the east bank of the River.

The future use of these lands is an issue which is addressed in Kingston's LWRP, both by the establishment of policies (Policies 16, 17, 23, and 25) designed to protect them from inappropriate development..."

LWRP, Page II-18

Even though this forest is not original timber, this second growth has allowed for conservation of the ridgeline and reducing soil erosion.

Thus, in order to protect the views from the Hudson River from new development, the integrity of these forested areas should be left intact—or, at the very least, a tree preservation plan should be developed and as many existing trees along the shoreline should be preserved. This is particularly important at the north eastern part of the site along the River. In addition, new, mature trees should be planted between buildings and the shoreline and the setback from the Hudson River should be increased from 50 feet to at least 100 feet to enhance the effectiveness of the buffer and mitigate visual impacts of the development when viewed from designated scenic and historic areas, as well as Kingston Point Beach.

Guidelines in Policy 1

In order to achieve the goals of the LWRP, including the protection of visual resources, guidelines are included in Policy 1, which is the foundation upon which the LWRP is developed. This policy states that certain guidelines will be used when state or federal actions are proposed (Page III-3). These guidelines include:

- e. the action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use.*
- f. the action should have the potential to improve the existing economic base of the community and, at minimum, must not jeopardize this base.*
- g. the action should improve adjacent and upland views and, at minimum, not affect these views in an insensitive manner.*

As proposed, the scale, architectural style, density and intensity of use are inconsistent with the character of the area. Directly to the south of the site is a residential neighborhood comprised of modest single family homes in Ponckhockie along North and Willow Streets. Also to the south of the site and sharing a boundary with Sailor's Cove is Kingston Point Beach, an important city park and recreation area. To the north lies wooded land proposed for development by AVR Realty. Our consistency comments relative to Sailor's Cove are consistent with comments directed at the AVR proposal.

The scale, architectural style and density of the each Sailor's Cove alternative would most likely impact views from the Hudson River, Hudson River National Landmark District, and Mid-Hudson Historic Shorelands Scenic District and Estates District SASS in a detrimental manner.

Guidelines in Policy 25

Under Policy 25, the LWRP includes several "Siting and Facility-related Guidelines."

Siting structures and other development ... back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shorelines and to retain views to and from the shore

Clustering or orienting structures to retain views, save open space, and provide visual organization to a development.

Using appropriate scales, forms, and materials to ensure that buildings and other structures are compatible with and add interest to the landscape. More specifically, the design of all structures is to be compatible with that of surrounding structures. Compatibility shall be determined by a review of proposed (1) use of materials, (2) scale, (3) mass, (4) height, (5) color, (6) texture, and (7) location of the structure or structures on the site.

None of Sailor's Cove's alternatives described in the DGEIS would be consistent with these guidelines. The bulk of the proposed development would be sited in highly conspicuous locations along the shoreline. The Proposed Action, Low Density and High Density alternatives propose buildings rising up the ridgelines. Even the Neo-Traditional Alternative provides little relief (see Figure 4-22, page 310). As indicated above, substantial retention of shoreline vegetation combined with the planting of mature trees is critical in buffering buildings. This would at least partially help integrate the buildings into the landscape and make the new development a less dominant part of the scene along the shoreline.

Proposed buildings would not be clustered or oriented to retain views, save open space, or provide visual organization to the development, but, rather, according to Figures 4-5 through 4-19 (pages 288-310) result in a solid massing of buildings set close to the shore with little vegetative buffering.

Furthermore, as proposed, Sailor's Cove's scale, architectural style, density, intensity of use would clearly adversely impact views from important scenic and historic resources. Finally, its scale, style, density and intensity are inconsistent with the forested character of the western portion of the site and small-scale, residential and south Kingston Point beach immediately to the south.

According to the DEIS's visual simulations, when viewed from the Hudson River the proposed project would appear as a wall of continuous large-scale riverfront development—principally suburban-style buildings.

The combination of building scale, mass, height, and location appear to overwhelm the site, rather than add interest, particularly when viewed from the aforementioned State- and federally-designated scenic and historic resources. One of these resources, the Estates District SASS, includes the Hudson River directly adjacent to the entire eastern project boundary along the river's shore and, thus, subjecting viewers to significant visual impacts in the foreground view from this vantage point. Even the so-called Neo-Traditional Alternative provides little mitigation and, likewise, is clearly inconsistent with these guidelines and the LWRP. Inexplicably, the Neo-Traditional Alternative would result in 402 residential units, while the High-Density Alternative proposes just 373. A reduction in the number of units, combined with a better neo-traditional design and preservation of shoreline trees and additional plantings of mature trees is required to bring Sailor's Cove into conformance with Kingston's LWRP.

Several additional guidelines are provided under Policy 25 and written into the City's zoning code. These apply to site lighting, signs, screening of parking lots, site grading etc. Sailor's Cove should strictly comply with these guidelines in order to protect the visual quality of the site. The guidelines relating to

site lighting and grading are critical in this regard:

All outdoor lighting is to be of such nature and so arranged as to preclude the diffusion of glare onto adjoining properties and streets.

Maintain or restore the original land form, except when changes screen unattractive elements and or add appropriate interest, planting and screening.

The DEIS has not provided sufficient information to determine the degree to which the project would comply with these guidelines. However, we suggest that the Findings Statement be written to ensure that the project is designed, constructed and maintained in a manner that minimizes light pollution and site grading in order to minimize visual impacts.

Impact on Ponckhockie

The LWRP recognizes the importance and potential of Ponckhockie, which lies at the proposed southern entrance at North Street. Policy 1C explicitly calls for the restoration and revitalization of Ponckhockie:

Policy 1C: Restore and revitalize the predominantly residential character of the historic... Ponckhockie neighborhood(s).

The explanation of this policy states that “preservation and revitalization of this (Ponckhockie) neighborhood is a high priority of the Urban Cultural Park. There are a number of vacant buildings which could be renovated for first-time, younger homeowners or for older Kingston citizens as well. Part of Ponckhockie has been designated as a preservation area by the Urban Cultural Park Program. This area is generally bounded by the East Strand, Gill Street, North Street, and Union Street.”

Further, the LWRP addresses the importance of Ponckhockie’s historical and architectural heritage:

Revitalization of Ponckhockie neighborhood. It is important that rehabilitation efforts respect the historical and architectural heritage evident in this neighborhood.

LWRP, Page II-41-42

In combination with adjacent development at AVR’s Hudson Landing, Sailor’s Cove-generated traffic is expected to cause a large increase in daily trips on North Street. Likewise, traffic would increase on Delaware Avenue. These increases in traffic would likely undermine the fabric of the neighborhood and, in turn, thwart efforts to preserve and restore Ponckhockie as a safe and affordable neighborhood for Kingston residents. Thus, the development proposed at Sailor’s Cove is inconsistent with Policy 1C.

Protection of Fish and Wildlife Habitat

Policy 7 seeks to protect fish and wildlife habitats:

Policy 7: 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.

In the DEIS, Figures 3.6-2 and 3.6-7 (Submerged Aquatic Vegetation) identify beds of submerged aquatic vegetation immediately off shore along most of the development. A habitat impairment test must be met

(LWRP, page II-16) for any activity that is subject to consistency review. Development shall not destroy the habitat or significantly impair the viability of the habitat.

If Sailor's Cove advances its plan to construct a marina, impacts to this significant habitat may result. A habitat impairment test should be required.

The DEIS' mitigation to mark a narrow, existing channel between two SAV beds is not likely to keep boats from impairing this critical habitat as boaters may misjudge water depths and take the shortest route between their dock and open water—through these beds of highly productive and sensitive submerged aquatic vegetation. Further, 14 of the 68 docks proposed are immediately adjacent to the SAV beds with little room for boats to maneuver in and out of their slips.

Finally, Sailor's Cove's plan to remove remnant brick along the shoreline and in shallow water will be difficult and is likely to damage SAV beds. The DEIS proposes (page 118) the removal of remnant brick from the shoreline and near shore substrate. Even if removed by divers and placed in crane-mounted buckets and silt screens placed along the SAV beds, constant monitoring and maintenance of the silt screens would be necessary. In addition, it would be questionable that crane-mounted barges could be used as water depths in the area are shallow.

ALTERNATIVES

Low-density alternative (229 units)

This alternative (page 285) illustrates a considerably better scale than the Proposed Plan. The number of units (229) better reflects the appropriate scale of development for the site. The elimination of the massive adult residence buildings from the waterfront greatly reduces the visual impact of the Proposed Plan. We believe that no buildings larger than the massing shown in this alternative should be permitted. Additionally, the massing is broken up and thus avoids the heavy monolithic quality of the preferred alternative. With protection of existing trees and additional plantings and landscaping this approach would begin to have the qualities of more traditional Hudson River towns. The grove of trees at the northeastern corner of the site should be better protected in this alternative.

As with the Proposed Plan, large portions of the waterfront are devoted to surface parking and no road network linking the various portions of the plan is provided. Subsequently there is almost total discontinuity between the eastern and the western portions of the development. Unfortunately both the northern and southern ridges are developed in this plan. We believe that this should be avoided.

High-density alternative (373 units)

This alternative (page 297) is actually lower in unit number than the Proposed Plan. As with the low-density alternative the adult residence buildings are broken into smaller units and kept lower. This reduces the visual impact of the project. Additionally this alternative completely avoids development on the northern ridge which, as the DEIS states, reduces visual impact significantly. We strongly support this aspect of the alternative and urge the planning board to incorporate this into any approved plan. It will also contribute to the soundness of the ecological qualities of the project. The additional setback from the river of the town houses in the northern portion of the site to approximately 100 feet is highly desirable as it preserves an important stand of trees, buffers the development's visual impacts, and demonstrates that this is feasible. Again we urge the Planning Board to retain this feature in a final plan.

Neo-traditional alternative (402/383)

FoKW has maintained that to be reflective of Kingston's traditional neighborhoods and consistent with the LWRP, all new development on the Hudson River should follow this model. The neo-traditional plan (page 304) included in the DEIS has improved upon an earlier iteration of a "neo-traditional" layout, which fell far short of the mark. While the portion east of North Street exhibits some embryonic neo-traditional characteristics, the portion west of North Street remains identical to the proposed plan and has none of the features associated with neo-traditional design. It remains totally auto-oriented and makes

few accommodations for the pedestrian. Again the street system is largely unrelated to the development east of North Street and as such, its single housing type will effectively function as an isolated project. We recommend that additional street connections between the parts of the development east and west of North Street be provided to create better internal connections and cohesion within the project. As shown in the High Density alternative, at least two connections are possible. We recommend that a third connection be added.

Most buildings in both the eastern and western portions of the proposal are set back from the streets and behind parking pads and garages. The resulting spaces are excessively wide and will not support pedestrian activity, which is a key objective of neo-traditional planning. The townhouses along the riverfront for example are isolated by a secondary access driveway. Without this unnecessary driveway a 100 foot setback from the riverfront could be achieved.

The architecture largely turns its back on all the streets. Garage doors and blank walls do not create a pedestrian-friendly environment. Wherever possible, garages should be located in the back of buildings, at the interior of blocks and on service alleys and not facing streets.

We note that in this alternative the northern ridge is proposed for development while the southern ridge is not. Again we urge that neither ridge be developed for reasons of visual impact and ecological reasons.

CONCLUSION

Although smaller in size than AVR's Hudson Landing project, Sailor's Cove poses many similar adverse visual impacts to the NHLD and SASS, traffic impacts. While Hudson Landing has responded to the Planning Board's request to redesign its initial submission in a Neo-Traditional Design (TND) that more closely reflects Kingston's neighborhoods, Sailor's Cove has not.

Likewise, building design proposed by Sailor's Cove appears to remain diametrically opposed to the design guidelines and regulating plan requested of Hudson Landing. This shortcoming would likely result in severe adverse visual impact above and beyond those caused by building massing, siting, and lack of buffering vegetation. The proposed architecture bears no relation to a Hudson River landing in its scenic and historic context.

Additional traffic impacts and impacts relating to boat docks, SAV, and potential impacts to Indiana bats combine with its visual impacts to require the applicant to rethink his approach.

In many respects Sailor's Cove is at the point where Hudson Landing was 5½ years ago. Substantial redesign and reduction in scope and scale is needed to mitigate the many environmental, visual, and traffic impacts of Sailor's Cove and make it consistent with Kingston's LWRP.

We urge the Planning Board to conduct a thorough and robust public process, respond to public concern and ensure that Sailor's Cove's impacts are avoided, reduced or mitigated as required by SEQRA.

Sincerely,



Jeffrey Anzevino, AICP
Assistant Director of Land Use Advocacy