

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)  
PART III  
IMPACT EVALUATION

Ulster Route 9W Multifamily  
Applicant: Whitestone Development Partners  
1530 Route 9W  
Lake Katrine, NY  
June 16, 2025

**Project Description:**

The Ulster Route 9W Multifamily project involves the redevelopment of two tax parcels located at 1530 Route 9W totalling 69.34 acres located within the R-C Regional Commercial Zoning District. Tax parcel 48-1-1.110 is 6.20 acres and contains an existing single-family detached residence and tax parcel 48.8-1-1.120 is and an undeveloped 63.14-acres and was formerly used as a disk golf course. The proposal is a multifamily development consisting of 190-units within nineteen (19), two-story 10-unit buildings, a 7,850 SF clubhouse, auxiliary parking, and a maintenance barn. Over 11.02 acres of recreation space is provided with a trail system through the lawn or wooded areas. The proposal limits disturbance to 23.42 acres, and undisturbed areas will be preserved as forever green through conservation easement or other appropriate controls.

The surrounding land uses consist of the following:

- Commercial to the west along Route 9W including Adams Fair Acre Farms Shopping Center and Aqua Jet Pool and Spa.
- The adjacent parcel to the north is proposed for development as a solar energy facility.
- The adjacent area to the west is an undeveloped forested / wetland area.
- To the south is the 199/209 cloverleaf interchange and additional commercial beyond.

The proposed two-story, low-rise residential buildings fit within the existing character of the community. The project includes 86% green space, which would not be the case if the Frank Sottile Extension Project (FEIS Accepted 2006) was built, and the area was developed commercially.

The site was planned utilizing open space design with most of the site's forested area left undisturbed. This type of low-rise, multifamily development allows provides needed housing without impacting the natural beauty of the eastern ridge top which aligns with the recommendations outlined on page 47 of July 2, 2007, Comprehensive Plan to prioritize Ridgeline and Vista Protection.

The site plan has evolved from 297 units with 4-story apartment buildings to 190-units with all 2-story buildings proposed. Consideration was given to on-site jurisdictional wetlands; the latest iteration has no direct wetland impacts and minimal grading within the 100' regulated adjacent area. The applicant considered the concerns raised in the Part 2 EAF relative to the wetland impacts and has further revised the site plan to mitigate disturbance of environmentally sensitive

areas. A table is provided below to show the reduction in scope that has occurred since the initial application was submitted in September 2024.

| <b>Environmental Quality Review Proposal Comparison Table</b> |                                   |  |                   |
|---|-----------------------------------|--|-------------------|
|   | <b>September 2024 Application</b> | <b>June 2025 with Environmental Quality Mitigation</b> | <b>%Reduction</b> |
| <b>Multifamily Units</b>                                      | 297                               | 190  | 36.03%            |
| <b>Max Build Height (stories)</b>                             | 4                                 | 2  | 50.00%            |
| <b>Area of Disturbance (acres)</b>                            | 26.86                             | 23.42  | 12.81%            |
| <b>Woodland Disturbance (acres)</b>                           | 16.95                             | 14.99  | 11.56%            |
| <b>Wetland Disturbance (acres)</b>                            | 0.49                              | 0  | 100.00%           |
| <b>Length of Proposed Roadways (ft)</b>                       | 4956                              | 3682   | 25.71%            |
| <b>NYSDOT Entrance</b>  | N/A                               | Improved Entrance                                      | N/A               |

To support the project's development, Foundation Design, PC conducted a geotechnical subsurface conditions analysis and engineering evaluation.

Additionally, Passero Associates prepared a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the New York State Department of Environmental Conservation (NYSDEC) Design Manual and the New York State Standards and Specifications for Erosion and Sediment Control (Blue Book). The SWPPP outlines best management practices (BMPs) and specific erosion control measures to minimize soil disturbance and prevent sediment runoff during construction.

**1. Impact on Land**

**1.b- The proposed action may involve construction on slopes of 15% or greater.**

Approximately 44.6 percent or 30.93 acres of the site contains slopes greater than 15%. Of that, only 6.553 acres (20%) are within the limits of disturbance. The proposal was sited to avoid impacts to slopes greater than 15%.

The nine westernmost multifamily buildings, maintenance barn and clubhouse are proposed on the site's previously developed residential area. The remaining western portion of the site is constrained by environmental restrictions, including wetlands and shallow bedrock. To mitigate impacts, a SWPPP has been prepared in accordance with the NYSDEC Blue Book that prescribes erosion and sediment control measures tailored to site conditions.

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

The proposal was revised to reduce the number of units to 190. The project will be constructed in one phase over a 20-month period. The extended construction time frame is not anticipated to result in significant impacts with the incorporation of best

management practices prescribed as part of the SWPPP and supervised by an on-site inspector.

**1.f- The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal**

During construction, all activities will adhere to the SWPPP, which includes on-site inspections by a qualified inspector to ensure compliance with erosion and sediment control measures. To further mitigate potential impacts, the project incorporates construction erosion control practices that meet or exceed NYSDEC requirements, including:

- Silt fence
- Stabilized construction entrance & Truck Washdown Areas
- Jute Mesh slope stabilization for areas greater than 3H:1V
- Drop Inlet Protection
- Seeding and Stabilization
- Check Dams

There is an existing driveway 200' south of the signalized entrance serving the existing disk golf course. This driveway will be used as a right-in/right-out construction entrance for the project's duration. Construction roads and driveways are also managed through the SWPPP to minimize impacts on surrounding properties.

In addition, the site will be monitored twice weekly by qualified stormwater technicians that will report to the Town, NYSDEC, Owner, and Contractor.

**2. Impact on Geological Features**

**2.d- The proposed action may affect or is adjacent to a geological feature listed as a registered national landmark.**

Route 199 or the Empire State Trail is adjacent to the development to the South. The roadway is significantly lower in elevation from the proposed development. In addition, the existing vegetation between the project and Route 199 will remain. A visual study was completed and confirmed that the project will not be visible from Route 199 and the project is not anticipated to significantly impact the national natural landmark.

### **3. Impact on Surface Water**

#### **3.d- The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.**

The NYSDEC informed the project sponsor through a letter received on 5/28/2025 that it is taking jurisdiction of the wetlands on the eastern subject parcel. The project sponsor thereafter amended its proposal so that no wetland area will be disturbed. Minimal grading will be necessary in the buffer area that conforms to DEC's Draft February 2025 Residential Wetland Disturbance Permit guidelines. No permanent structures or roadways are proposed within the 100-foot regulated adjacent area

### **7. Impacts on Plants and Animals**

#### **7a. The proposed action may cause a reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.**

A habitat assessment and regulatory review were conducted by Passero Associates, incorporating an updated United States Fish & Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) determination keys and species list. This review identified potential habitat on the project site for three federally listed bat species: Northern Long-Eared Bat (endangered), Indiana Bat (endangered), and Tricolored Bat (proposed endangered). No bats or hibernacula were observed during field investigations, but suitable summer roosting habitat exists on the western portion of the site. Northern Long-Eared Bat and Bald Eagle were identified by NYS DEC's EAF Mapper.

The applicant will voluntarily implement USFWS-recommended avoidance measures, including seasonal tree clearing (November 1 to March 31), when bats are unlikely to be present. The site has also been planned to use an open-space development approach, preserving 42.15 of the 57.14 acres of existing forest out, which will maintain significant contiguous bat habitat.

Additionally, the Bald Eagle, which is federally protected under the Bald and Golden Eagle Protection Act (BGEPA), was considered. No eagle nests or known roosting areas were identified on or within 500' of the project site, and the proposed development will not disturb eagle habitat or nesting areas.

The Monarch Butterfly is also identified in the IPaC list as a proposed threatened species. The field assessment found a significant lack of milkweed, the Monarch's host plant, supporting the determination that no effect on the species is anticipated. Therefore, no impact is anticipated.

#### **7b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.**

The project will convert approximately 14.99 acres of forest, some of which support suitable summer roosting habitat for bats (Northern Long-Eared Bat, Indiana Bat, and Tricolored Bat). No critical habitat or maternity roosts were identified, and appropriate seasonal restrictions on tree clearing (November 1– March 31) will be implemented in line with USFWS recommendations.

The site does not support Bald Eagle nesting or roosting habitat, and no critical habitat has been proposed in New York for the Monarch Butterfly. No degradation of habitat for Bald Eagles or Monarch Butterflies is anticipated.

Through open space site planning, 73.2% of the forested area (42.15 acres) will remain mature, maintaining meaningful habitat connectivity and minimizing potential ecological impacts.

**7h. The proposed action requires the conversion of more than 10 acres of forest and may result in the loss of habitat, or forest fragmentation.**

The project proposes the conversion of approximately 14.99 acres of forest. This area includes portions of potential summer roosting habitat for federally listed bat species. However, the forested area is located along a developed corridor on Route 9W, reducing concerns over landscape-level fragmentation.

The USFWS-recommended mitigation measures will be followed, including winter-only tree clearing (November 1–March 31) to avoid disturbing potential bat roosting habitat. The Bald Eagle will not be impacted, as no suitable nesting or roosting areas were found in or near the project site. The Monarch Butterfly will not be impacted as no suitable habitat exists on the site.

To reduce fragmentation, the site was designed using an open space conservation layout, preserving 42.15 acres (73.2%) of the forested area. This approach retains a large block of contiguous forest, limiting ecological impacts and maintaining wildlife habitat across the property.

**9. Impact on Aesthetic Resources**

**9.a- Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.**

**9.c- The proposed action may be visible from publicly accessible vantage points.**

**9.d- The situation or activity in which viewers are engaged while viewing the proposed action is routine travel by residents, including travel to and from work.**

**9.f- There are similar projects visible within 3 miles of the proposed project.**

Passero Associates has completed a Visual Impact Assessment for the Ulster 9W Multifamily site located in the Hamlet of Lake Katrine, Ulster County, New York, following NYSDEC program policy guidance, “Assessing and Mitigating Visual and Aesthetic Impacts.” This assessment concluded that while portions of development may be visible from potential aesthetic resources to the west of the Project Control Point, the

aesthetic character will be preserved through screening, relocation, low profile buildings, and project downsizing as outlined in the NYSDEC program policy, as follows:

1. Screening will be promoted through the establishment of landscaping throughout the project site with specific attention to areas that border publicly assessable viewable areas to the south and west near roadways.
2. Relocation has been adhered to by selecting to develop west of the eastern bluff that occupies the eastern portion of the project site, the highest point on site. The existing topography of the project site's eastern bluff will serve as a natural screening measure.
3. Low profiles have been utilized by removing four-story buildings in favor of two-story townhomes.
4. Downsizing has been adhered to by reducing the size of the total development from 298 building units to a reduced amount of 190 building units.

Additional measures have been taken to conserve the eastern ridge of the site (42.12 acres) which aligns with the recommendations outlined on page 47 of the July 2, 2007, Comprehensive Plan to prioritize Ridgeline and Vista Protection preserving it as a natural buffer that screens the development from the Hudson River valley, Route 199, and scenic resources to the east.

Overall, the proposed development is expected to contribute to the aesthetic value of the surrounding community by mitigating visual impact with adherence to NYSDEC program policy. This will result in no significant aesthetic impacts on existing aesthetic resources from publicly accessible views.

The project is between a future solar farm and the commercial area along Route 9W and Frank Sottile Boulevard. The existing vegetation along these street frontages provides a natural buffer and will screen the project from significant public views.

The proposed project will not create significant adverse impacts on any officially designated federal, state, or local scenic or aesthetic resource.

## **10. Impact on Historic and Archeological Resources**

**10.b- The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.**

A No Impact letter was received from SHPO on May 6, 2025, and the site avoidance plan will be adhered to through construction of the project. The existing residence is not eligible for the National Register of Historic Places.

OPRHP has reviewed the Phase IA/IB and Phase IA/IB Addendum Archaeological Survey Reports prepared by Atlas Archaeology, LLC (Atlas) for this project. The Precontact Locus 4 Site (USN 11118.00046) site, originally identified in 2002, was re-identified through this survey, and the Wolf Rock Hall Bottle Dump site (USN 11118.000174) was newly identified. The Rock Hall Bottle Dump site was determined by OPRHP to not be eligible for the State and National Registers of Historic Places (S/NRHP), and thus, we have no further concerns for this site. The eligibility of the Precontact Locus 4 quarry site for the S/NRHP remains undetermined.

OPRHP has reviewed and concurs with the Site Avoidance Plan prepared by Atlas (3/28/2025), which includes a fifty-foot (50 ft) buffer around the archaeological site, and short- and long-term monitoring and protection measures to be implemented for the protection and preservation of the site (see attached). With the implementation of the Site Avoidance Plan for the Precontact Locus 4 Site, no further archaeological investigations are warranted for this project.

### **13. Impacts on Transportation**

#### **13.b- The proposed action may result in the construction of paved parking area for 500 or more vehicles**

The applicant has prepared a Traffic Impact Report (TIR), last dated June 12, 2025, to assess the potential traffic impacts likely to result from the proposed development. The Town of Ulster retained Creighton Manning Engineering to review the TIR, who determined that the analysis provided in the TIR show that the development will cause only small changes in delay (approximately one second during the peak PM hour), the levels of service will remain unchanged, and that with the proposed improvements to the intersection at Route 9W, typical queuing at the Adams Fairacre Farms driveway will be reduced.

Of the proposed 500 parking spaces, 209 are in attached garages of each dwelling unit. The project does not propose one large 500-car parking lot but rather driveways and garage bays where vehicles are parked. Approximately 41 spaces are provided in overflow lots or around the community center. The Town Code requires 2.5 spaces per unit, which is provided by the proposal.

### **15. Impacts on Light**

#### **15.e- The proposed action may result in lighting creating sky-glow brighter than existing area conditions.**

All proposed lighting is dark sky-compliant wall packs or residential lantern style fixtures along the front of buildings and the streets. Foot Candle Contours are provided on the Landscape and Lighting Plan Drawings C-171 and C-172 that show no encroachment on neighboring properties. Lighting details are provided on Drawing C-226 of the civil site plans. The maximum mounting height of the residential lanterns is 14' and no commercial area parking lights area proposed.

## **17. Consistency with Community Plans**

### **17.a- The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).**

The proposed development is located within the Regional Commercial zoning district, and is a special permit use within this district, requiring no variances or zoning amendments as proposed. Per §190-25.F of the Zoning Code, approximately 500 two-bedroom units could be constructed at this site, while the applicant is proposing only 190 units, consisting of a mix of one to three bedrooms with an average of 1.8 bedrooms per unit overall.

A single-family home and several outbuildings are currently situated in the western portion of the site and are proposed to be removed as part of this project. The new construction will be clustered in the western area of the site in order to minimize the amount of tree clearing needed. Per discussion with the Planning and Town Boards, the applicant is open to placing approximately sixty one percent of the site into a conservation easement to be preserved as "forever green". This forested area is contiguous with forested areas on adjacent parcels to the north and east of the project site and will act as a buffer between the project and the residential neighborhood to the north and east. Additionally, approximately eighty six percent of the post construction site will contain green space.

The Town's 2007 Comprehensive Plan identified two connector roads aimed at improving transportation in the Route 9W corridor near the Route 209/199 interchange, one of which would have traveled through what is now the proposed project site in order to extend Frank Sottile Boulevard over Route 199 to Route 9W at Grant Avenue. This road would have acted as an additional access point from Route 9W to the Hudson Valley Mall, located south of Route 199, and was expected to accommodate additional commercial development along its frontage. The Final Environmental Impact Statement for this proposal was accepted on August 7, 2006. This connector road is no longer feasible as the New York State Department of Transportation has stated that it will not consider the installation of a bridge over Route 209 and the demand for retail development has changed significantly since the Comprehensive Plan was adopted.

## **18. Consistency with Community Character**

### **18.b- The proposed action may create a demand for additional community services (e.g., schools, police, and fire).**

The Town of Ulster Building Inspector has received letters from the Ulster Hose Company #5, the Ulster Police Department, and Empress Emergency Medical Services, stating that each of these emergency services have the capacity to serve the proposed development.

The applicant is proposing 38 one-bedroom units, 114 two-bedroom units and 38 three-bedroom units. Based on widely-accepted demographic multipliers developed by

Rutgers University<sup>1</sup>, the proposed development would generate approximately 472 new residents in the Town of Ulster. The project sponsor has indicated that based on similar developments under their management, approximately five percent of residents are anticipated to be school-aged children. Based on the aforementioned demographic multipliers, 14% percent of the residents are anticipated to be school-aged. Based on these calculations, between 24 and 67 school-aged children are anticipated to reside at this development.

Per the New York State Department of Education, the enrollment of the Kingston City School District, which will serve the project site, was 6,308 students in 2020. The most recent enrollment data, from the 2023 to 2024 school year, lists enrollment at 5,777 students. Given the significant decline of 531 enrolled student over the last four available enrollment years, and the anticipated 24 to 67 students to be generated by the proposed development, it is unlikely that the development will exceed the capacity of the school district.

**18.e- The proposed action is inconsistent with the predominant architectural scale and character.**

The area to the northwest, west, and south of the project site—along the Route 9W and Route 199/209 corridors—is characterized by large-scale commercial uses, including garden centers, shopping plazas, big-box retail, hotels, high-density residential developments, and light manufacturing facilities.

While the proposed two-story townhouse development contrasts with the scale and use of the surrounding commercial and industrial buildings, it introduces a new residential component that complements and enhances the area's evolving mixed-use character. The project will contribute to a more balanced and inviting neighborhood environment.

**18.f- Proposed action is inconsistent with the character of the existing natural landscape.**

While the proposed action will introduce new development to the area, it has been designed to be sensitive to the character of the existing natural landscape. The project provides 86% open space, incorporates natural vegetation into the site design, and limits disturbance to environmentally sensitive areas. These measures help ensure that the development is compatible with the surrounding landscape and maintains the visual and ecological character of the site.

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<sup>1</sup> Robert W. Burchell, Ph.D., David Listokin, Ph.D., William Dolphin, M.A. *Residential Demographic Multipliers – Estimates of the Occupants of New Housing (NY)*. Rutgers University – Edward J. Bloustein School of Public Polity – June 2006.