



City of Kingston Laws and Rules Committee
Meeting Agenda
Wednesday, April 15, 2020
6:30 PM

CALL IN TO MEETING: -

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United States (Toll Free): 1 877 568 4106

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NEW BUSINESS

Mobil Food Truck Legislation

[20200408094744.pdf](#)

Affordable Housing in Kingston

[20200408094941.pdf](#)

Rent Relief Resolution

[20200408095118.pdf](#)

Eviction Moratorium Resolution

[20200408095250.pdf](#)

1 OLD BUSINESS

1.a. Police Accountability Legislation

[20200310130022.pdf](#)

1.b. Charter Commission

[20200310130147.pdf](#)

1.c. Kingston Point Rails Trail Phase 2 SEQR

[20200310130408.pdf](#)

[KPRT Phase 2 Preliminary Design 1.pdf](#)

[KPRT Phase 2 Preliminary Design 2.pdf](#)

1.d. NYS Historic Preservaion, Kingstonian

[20200310130549.pdf](#)

1.e. Commercial Vacancy Tax

[20200310130729.pdf](#)

1.f. Kingstonian Zoning Map Amendment

[20200310130920.pdf](#)

1.g. Public Works & Parks & Recreation Collaboration
[20200312125832.pdf](#)

VIDEO RECORDING OF MEETING: - <https://youtu.be/60upJ9jXcR0>

Laws and Rules Committee Agenda Item Report

Meeting Date: April 15, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Informational Purposes

Agenda Section:

Subject:

Mobil Food Truck Legislation

Suggested Action:

Attachments:

[20200408094744.pdf](#)

L+R

Tinti, Elisa

From: Tallerman, Donald
Sent: Friday, February 28, 2020 2:59 PM
To: Tallerman, Donald; Shaut, Andrea; Tinti, Elisa
Subject: Communication

Andrea, Elissa -

I realize that this communication was 2 hours late. I understand if that means it must wait until the following month. However, if it could be included for this month, it would be appreciated.

I promise to not be late with a communication again!

On 2/28/2020 2:53 PM, Tallerman, Donald wrote:

> Hi Andrea -
>
> This communication provides proposed zoning legislation related to
> Mobile Food Trucks in the City of Kingston.
>
> Thank you very much.
>
> Don
>
>
>

--
Don Tallerman
Alderman - Ward 5
917-318-7420

MOBILE FOOD TRUCK/VEHICLE

Form and condition of license.

Every mobile food vehicle vending license shall contain the following conditions:

A.

Each mobile food vehicle vending license shall expire on April 1 of every year.

B.

The license shall not be transferable from person to person without the written approval of the Director of Licenses.

C.

The license is valid for one vehicle only.

D.

There shall be issued to each vendor a suitable decal that shall be permanently and prominently affixed to the vehicle.

MOBILE FOOD VEHICLE ("MFV")

A commercially manufactured, self-contained, motorized mobile food unit in which ready-to-eat food is cooked, wrapped, packaged, processed, prepared or portioned for service, sale or distribution; or one in which beverages are brewed, blended, chilled, bottled, portioned, poured, or prepared for service, sale or distribution.

MOBILE FOOD VEHICLE VENDOR ("MFVV")

The owner of a mobile food vehicle or the owner's agent; hereinafter referred to as "vendor."

General provisions.

A.

It shall be unlawful for any person to operate a mobile food vehicle within the public rights-of-way or on public property within the City of Kingston without first having obtained a valid mobile food vending license as prescribed in this article. Operation of a mobile food vehicle on private property shall continue to be regulated and prohibited in accordance with all applicable provisions of the City Code.

B.

Any mobile food vehicle cannot stay in one place for more than 24 hours.

It shall be unlawful for a mobile food vehicle vendor to park, stand, or operate in a location which is adjacent to or within a one-hundred-foot radius of the nearest edge of any building or section of a building comprising a licensed food establishment, excluding any patio, awning or temporary enclosure attached thereto, the kitchen of which is open for serving food to patrons. This requirement may be waived if the application is submitted together with the written consent of the proprietor of the adjacent licensed food establishment.

All mobile food vehicle vendors must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times, except that a mobile food vehicle that is of such a length that it occupies all or a portion of two vehicle parking spaces may park in said spaces so long as it abides by all other parking restrictions, including any two-hour-maximum durational requirements in force and effect at that time and location.

It shall be unlawful for any mobile food vehicle vendor to operate within 500 feet of the boundary line of any fair, carnival, circus, festival, special event or civic event that is licensed or sanctioned by the City, except when the vendor has obtained a permit to so operate from the City of Kingston.

All signage must be permanently affixed to the mobile food vehicle. No accessory signage shall be placed outside or around the mobile food vehicle.

All mobile food vehicles must be equipped with trash receptacles of a sufficient capacity that shall be changed as necessary to prevent overflow or the creation of litter or debris.

License required; application.

A.

Any person desiring to operate a mobile food vehicle shall make a written application for such license to the Department of Building Safety. The application for such license shall be on forms provided by the Commissioner of Permit and Inspection Services or his designee, and shall include the following:

Name, signature and address of each applicant and each corporate officer of the mobile food vehicle vending corporation.

(2)

A valid copy of all necessary licenses, permits or certificates required by the County of Ulster, the State of New York or any subsidiary enforcement agencies or departments thereof, including, but not limited to, a valid New York State Department of Motor Vehicles registration and certificate of inspection and valid driver's licenses of all vehicle operators.

A signed statement that the vendor shall hold harmless the City and its officers and employees, and shall indemnify and hold harmless the City and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. The vendor shall furnish and maintain such public liability, food products liability, and property insurance, as will protect the vendor and the City from all claims for damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than \$1,000,000 per occurrence. The policy shall further provide that it may not be canceled except upon 30 days' written notice served upon the City of Kingston Department of Building Safety.

(5)

All license applicants and applicants for renewals thereof shall present each vehicle to the Kingston Fire Department to determine that the vehicle meets all applicable New York State Fire Codes.

(6)

The initial license shall be subject to approval by the Planning Department of the City of Kingston.

FEE

All vendors shall pay an initial application fee of \$500, which fee shall include the first year's license fee.

B.

All vendors holding a license that has not been revoked or permitted to lapse shall pay an annual renewal fee of \$500.

Suspension and revocation of license; fine schedule.

A.

The owner/operator of any mobile food vehicle licensed by the City of Kingston shall comply with all provisions of federal, state and local laws and ordinances.

B.

The owner/operator of any mobile food vehicle licensed by the City of Kingston shall comply with all notices, orders, decisions and rules and regulations made by the Department Building Safety and the Kingston Police Department.

C.

Any person, firm, corporation or other entity violating the provisions of this article may be liable for penalties as prescribed below and elsewhere in this Code, and may be subject to immediate closure by the Kingston Police Department and/or the Department of Building Safety.

For violations solely of the provisions of this article, the following fine schedule shall apply:

(1)

First offense: fine of \$200 after a finding or plea of guilty.

(2)

Second offense: fine of \$350 after a finding or plea of guilty

(3)

Third offense: license revocation after a finding or plea of guilty

Closure for operation without license.

Any mobile food vehicle operating without the required City of Kingston license shall be immediately closed by order of the Kingston Police Department or the Department of Building Safety. Every day of operation without a license shall constitute a separate violation and shall be punishable by a fine of \$1,500 per violation.

Laws and Rules Committee Agenda Item Report

Meeting Date: April 15, 2020

Submitted by: Dee Sills

Submitting Department: Mayor

Item Type: Proposed Resolution

Agenda Section:

Subject:

Affordable Housing in Kingston

Suggested Action:

Attachments:

[20200408094941.pdf](#)

(L+R)

Tinti, Elisa

From: Noble, Steve
Sent: Thursday, April 02, 2020 11:04 AM
To: Shaut, Andrea
Cc: Tinti, Elisa; Bryant, Kevin; Gartenstein, Daniel
Subject: Communication regarding Affordable Housing in Kingston
Attachments: 20200402085139.pdf

Dear President Shaut,

Even though we have embarked on a new zoning code in Kingston, a process of which will take over a year, I strongly encourage the Common Council to support the recommendations made by the Zoning Board of Appeals related to clarifying our current Zoning code to mandate an affordable housing provision for all new multi-family housing built within the City of Kingston. I believe this can and should be done now using a 10% requirement for now and that we can have a further community conversation as part of the zoning update as to what the eventual regulations can be.

The ZBA decision stated "Specifically, this Board requests that the Council consider immediately amending the City Code to delete the affordable housing guidelines set forth in the Mixed Use Overlay Districts and replace these guidelines with affordable housing requirements that apply throughout the City of Kingston, and that it amend the Code to specifically and unambiguously permit the new construction of residential units in the Mixed Use Overlay Districts."

Respectfully Submitted,

-Steve

Steven T. Noble
Mayor, City of Kingston
420 Broadway
Kingston, NY 12401
845-334-3902
www.kingston-ny.gov

Steven T. Noble, Mayor
Stephan Knox, Director



David Bence, Plumbing Inspector
Eric Kitchen, Zoning Officer

RECEIVED:

RECEIVED BY *DS*

DATE 3/13/2020

TIME 12:15 PM

March 12, 2020

Dear City of Kingston Clerk Elisa Tinti,

Please see the attached Zoning Board of Appeals decision on March 12, 2020 and voting sheet for immediate filing with your office. In reference to the Appeal of the City of Kingston ZEO determination of the Kingstonian project.

Rodenhausen, Chale & Polidoro Attorney for 61 Crown Street LLC, 311 Wall Street LLC, 317 Wall Street LLC, and 323 Wall Street owners LLC (the "applicants"). Owners of property within the City of Kingston Mixed Use Overlay District ("the MOUD"). Appealing the determination of the City of Kingston ZEO as it relates to the Kingstonian Development LLC 9-21 North Front Street and 51 Schwenk Drive, Kingston NY 12401 Zone: C-2 / Partial MUOD Ward: 2 Tax parcels 48.80-1-25,-26,-24.12.

Sincerely,

Eric Kitchen

A handwritten signature in black ink, appearing to read "Eric Kitchen", written over the printed name.

Zoning Enforcement Officer

CITY OF KINGSTON: STATE OF NEW YORK
ZONING BOARD OF APPEALS

-----X
In the Matter of the Appeal of 61 Crown, LLC,
311 Wall Street LLC, 317 Wall Street, LLC., and
323 Wall Street, LLC, from an Interpretation Rendered
by the City of Kingston Zoning Enforcement Officer
regarding the Mixed Use Overlay District as set forth in
Section 405-27.1 of the City of Kingston Code, as applied
to the Proposed Development Known as the
"Kingstonian Project".
-----X

I. Background

Kingstonian Development Group, LLC and Herzogs Supply Company Inc., the owners and proposed developers of parcels located at 9-21 North Front Street (hereinafter referred to collectively as "Respondent") have submitted various applications to the City of Kingston Planning Board, the Common Council of the City of Kingston and other City Boards and Commissions with regard to a proposed development known as the "Kingstonian". Respondents have proposed to construct a mixed use project including approximately one hundred twenty-nine residential apartments. While the property at issue is located in the C-2 Zone where residential apartments are generally not permitted, it is also located within a "Mixed Use Overlay District" (hereinafter referred to as "MUOD") which permits residential uses under specific conditions.

Most relevant to the appeal matter before this Board, an application has been submitted to the Planning Board requesting, inter-alia, a State Environmental Quality Review Determination and Site Plan approval. In addition, a petition has been submitted to the Common Council of the City of Kingston requesting that a portion of the Respondent's property be rezoned to be included in the Mixed Use Overlay District.

Pursuant to the applicable provisions of the City Code, a public hearing was held before the Common Council regarding the application to rezone the property. A number of members of the public requested an interpretation whether the proposed development was allowed in the mixed use overlay district and whether, if allowed, the developers were required to provide for affordable housing as set forth in 405-27.1 of the Code. In addition, the City received a written request for an interpretation from a member of the community.

These requests were forwarded to the Zoning Enforcement Officer (hereinafter referred to as "ZEO") for an interpretation of the applicable sections of the Code. The ZEO received written arguments from counsel for the individuals who requested the interpretation and from counsel for the developer. Therein, counsel for the parties seeking the interpretation argued that the affordable housing provisions applied to the Kingstonian and further argued that new construction of residential units was not permitted in the MUOD.

The ZEO also received a response from counsel for Respondent arguing that the affordable housing provisions apply only to adaptive reuses of existing buildings, they are not applicable to new construction, and that new construction of residential units is permitted in the MUOD.

II. Decision on Review

On or about September 27, the ZEO rendered a written interpretation wherein he found that the affordable housing requirements only apply to adaptive reuses of property. Insofar as the proposal calls for the demolition of an existing structure and subsequent new construction, and the property owners are not proposing an adaptive reuse, the ZEO determined that the affordable housing language provisions do not apply. With regard to the argument that the construction of new residential units is not permitted in the mixed use overlay district, the ZEO cited to the distinction in the City Code between “site enhancements” and “building enhancements” and found that “site enhancements” refer to new construction while building enhancements refer to adaptive reuses.

Based on this distinction set forth in the Code, the ZEO determined that the Code “clearly differentiates between adaptive reuse and other types of development” and that while “building enhancements” pertain to enhancements to an existing structure such as an adaptive reuse, “site enhancements” pertain to new construction on a vacant site.

As such, the ZEO found the Code permits the construction of new residential units in the MUOD and that the affordable housing language in the Code does not apply to such units.

III. Relevant Statute

Section 405-27.1 of the City of Kingston Code created the Mixed Use Overlay Districts (hereinafter referred to as “MUOD”). It provides that the MUOD was created to further two underlying purposes. First, “to adaptively reuse existing commercial and industrial buildings to provide multifamily housing, including affordable housing, to the present and future residents of the City of Kingston” and, second, “to encourage mixed use, mixed income, pedestrian friendly neighborhoods”.

The statute provides that proposals for development in the MUOD “are intended to be based on delineated **guidelines**”¹. The guidelines² are divided into subsections (1) (“affordable housing”) and subsection (2) (“mixed use, mixed income, pedestrian-based neighborhoods”).

Subsection (D) of 405-27.1 provides that “[t]he following uses are subject to the issuance of a special permit by the Planning Board in accordance with the provisions of 405-32 . . . (1) **[t]he conversion of existing commercial or industrial buildings, or sections of them, into residential apartments . . . some of which will be dedicated as affordable housing**” and **“(2)[s]ite and building enhancements that promote a mixed use, mixed-income, pedestrian-based neighborhood”**.

Subsection (E), subtitled “Provision of Affordable Units” provides “[t]he Planning Board shall deny any permit under this zoning chapter if the applicant for special permit approval does not comply, at a minimum, with the following requirements for affordable units. (1) At least 20% of the residential units **in the adaptive reuse of commercial or industrial buildings**, of five or

¹ Emphasis has been supplied to terms and phrases particularly relevant to the arguments raised herein.

² As addressed below, in calling on the Common Council to amend section 405-27.1, this Board has noted the ambiguous use of certain terms and is urging the legislature to take immediate action to amend the Code. The replacement of the permissive term “guidelines” with the mandatory term “requirements” is an example of the type of amendment that this Board would recommend.

more units, shall be established as affordable housing units for rental to qualified affordable housing tenants”.

IV. Appellant’s Claim on Appeal

On or about November 26, 2019, an appeal from the determination of the ZEO was submitted by 61 Crown Street, LLC., 311 Wall Street, LLC, 317 Wall Street, LLC., and 323 Wall Street, LLC. (hereinafter referred to collectively as “Appellant”)³. Appellant argued that the determination of the ZEO was “based on a gross misapplication of the Zoning Law and must be overturned”. Appellant asserted that while the property is located in a C-2 district where residential uses are not permitted, it is also located within the MUOD district “which is meant to provide additional regulations on top of the underlying C-2 district”.

Counsel argued that “[t]he construction of new buildings containing residential uses is not allowed by the MUOD provisions of the Zoning Law since it is not listed as a permitted or specifically permitted use” and continued that “[i]f the law was meant to allow the construction of new residential buildings, it would have explicitly stated so”. Counsel asserted that “the text of the entire MUOD section is centered around the adaptive reuse of existing structures” and that the ZEO’s determination “impermissibly stretches the term “site enhancements” beyond reasonable belief”.

Counsel alternatively argued that “[e]ven if the ZBA determines that new residential units are permitted in the MUOD, it must find that such units are subject to the 20% affordable housing requirement . . . If the ZEO has determined that the Project is taking advantage of the MUOD provisions, all provisions in the MUOD must be complied with . . . To provide otherwise would create a perverse incentive to demolish existing structures”.

V. Respondent’s Claim on Appeal

Counsel for Respondent submitted a letter/memorandum in opposition to the appeal. Counsel argued, inter-alia, that Appellant’s are not aggrieved by the determination of the ZEO and, as such, they do not have standing to bring this appeal.

With regard to the primary argument that new construction of residential units is not permitted in the MUOD, counsel concurred with the ZEO’s interpretation of the relevant sections of the Code and agreed that “site enhancements” refer to new construction whereas “building enhancements” refer to changes to existing structures.

With regard to affordable housing, counsel argued that the “guidelines” set forth in section 405-27.1(B) are not ambiguous and that, by the plain meaning of the Code, these “guidelines” apply only to adaptive reuses of property and not to new construction. Counsel argued that “it is not the responsibility of the ZBA to infer, speculate or hypothesize as to why the 20% affordable housing requirement should be applicable . . . to do so would be wholly at variance with the plain meaning of the statute and plain meaning is to be given highest priority in interpretation of a zoning statute”.

³ Appellant did not request the initial interpretation from the ZEO nor did Appellant assert any interest or submit any arguments prior to submission of the instant appeal.

VI. Standing

Counsel for Respondent cited to a litany of cases in support of the proposition that Appellant does not have standing and is not an aggrieved party. Counsel for Appellant has countered this argument with citations of her own and assertions of fact regarding her client's interest in real property in the immediate vicinity of the proposed development and harm that counsel alleges would befall Appellant as the result of the development.

It is not the role of this Board and this Board is not in a position to hear evidence or make findings of fact or conclusions of law regarding the issue of standing. Moreover, the evidence currently before this Board is insufficient for a determination of the extent of Appellant's interest, whether the project would cause any harm to those interests or whether this interest rises to the level necessary to justify standing. Moreover, this Board is not qualified to adjudicate these legal issues. As such, this Board will not make factual or legal conclusions regarding standing and will proceed under the assumption that the Appellant has standing and is sufficiently aggrieved to raise the issues herein.

The decision of this Board on the merits of the arguments raised by Appellant is specifically made without prejudice on the issue of standing.

By rendering this determination, this Board is, in no way, rendering an opinion regarding the issue of standing or whether Appellant is aggrieved by the decision of the ZEO. This Board specifically notes that counsel has preserved this issue in the event of any subsequent legal challenge to this determination in an Article 78 proceeding

VII. Record of Proceedings⁴

The record before this Board includes the following documents:

- August 1, 2019 Request for Interpretation by ZEO
- August 28, 2019 Memorandum in Respondent to Request for Interpretation
- August 16, 2019 City of Kingston Correspondence, Corporation Counsel
- September 4, 2019 Correspondence from Ulster County Planning Board
- September 9, 2019 Request for Zoning Interpretation
- September 9, 2019 Request for Extension of Time for Response
- September 9, 2019 Response to Expanded Interpretation Request
- September 12, 2019 City of Kingston Correspondence regarding extension
- September 27, 2019 Interpretation by ZEO
- November 26, 2019 Appeal of ZEO Interpretation
- December 10, 2019 City of Kingston Correspondence regarding procedure
- December 16, 2019 Request for Adjournment
- December 17, 2019 Consent to Adjournment
- December 30, 2019 Communication regarding Adjournment

⁴ While the ZBA received and considered public comments regarding the instant appeal, including written submissions received prior to the deadline set forth on the record, these comments were mostly irrelevant to the controlling issues on appeal and are not specifically delineated herein.

December 30, 2019 City of Kingston confirmation of adjournment
January 23, 2020 City of Kingston Correspondence regarding procedure
February 10, 2020 Submission by counsel for Appellant
February 12, 2020 Submission by counsel for Respondent
February 12, 2020 Communication from counsel for Respondent to Ulster County
Planning Director
February 27, 2020 Submission by counsel for Respondent
February 28, 2020 Submission by Emily Svenson, Esq. dated February 28, 2020
February 28, 2020 Communication from Sarah Wenk

VIII. ZBA Authority on Appeal

General City Law §81-b (2) provides in relevant part that the Zoning Board of Appeals may reverse, or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appeal from and may make such order, requirement, decision, interpretation, or determination as in its opinion ought to have been made in the matter by the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

Section §405-54 of the Code of the City of Kingston provides in relevant part that “the Zoning Board of Appeals shall have all the powers and duties prescribed by Section 81-b of Article 5-A of the New York State General City Law and by this chapter.

IX. Applicable Law

“It is fundamental that, because the clearest indicator of legislative intent is the statutory text, the starting point in any case of interpretation must always be the language itself, giving effect to the plain meaning thereof” (Lisa T. v. King E.T., 30 N.Y.3d 548 (2017)). See also, People v. Finnegan, 85 N.Y.2d 53 (1995) wherein the Court of Appeals explained that “courts are obligated to interpret a statute to effectuate the intent of the Legislature, and when the statutory language is clear and unambiguous, it should be construed as to give effect to the plain meaning of the words . . . Equally settled is the principle that courts are not to legislate under the guise of interpretation” (internal citations and quotations omitted).

When interpreting legislation, “we first look to the particular words for their meaning, both as they are used in the section and in their context as part of the entire statute . . . For if the statute is unambiguous and its meaning evident from the language . . . we need look no further” (Ellington v. ZBA of New Hempstead, 77 N.Y.2d 114 (1990)). The inclusion of language in a statute is presumed to serve a specific purpose and “words are not to be rejected as superfluous” (Tall Trees Construction v. Huntington ZBA, 97 N.Y.2d 86 (2001); also, Rosner v. Metropolitan Property, 96 N.Y.2d 86 (2001).

X. Findings of Fact and Conclusions

This Board agrees with the ZEO that the term “site enhancements” refers to construction on vacant property and that “building enhancements” refer to renovations to existing structures. As such, this Board rejects Appellant’s argument that the new construction of residential units on vacant parcels is not permitted in the MUOD. This reading of the Code is consistent with

comprehensive plan and the stated purpose of the MUOD which is, in large part, to promote residential development within the district.

This Board has also considered Appellant's argument that the affordable housing provisions of the statute must be applied to all development in the district. While the legislature may have intended this result, the plain language of the statute provides otherwise. Specifically, this Board agrees that the affordable housing "guidelines" in the statute apply to adaptive reuses of structures and do not apply to new construction.

While this Board agrees with the conclusions of the ZEO based on the plain language of the Code, this Board would be remiss in its responsibilities if it did not further address the issues raised by Appellant.

The City of Kingston's current zoning Code was initially adopted in 1963 and has been amended repeatedly since that time. This Board finds based on its review of the record, that the language of the current code discourages progress and development in a City that has fundamentally changed since the adoption of the controlling legislation.

It is the finding of this Board, based upon the litany of applications brought before it, that the current Zoning Code is outdated, it is internally inconsistent and strict application can result in unconscionable and unjust results to individual property owners and to the community at large.

This Board is charged with interpreting and applying this flawed piece of legislation, and herein calls upon the Common Council to act forthwith to address deficiencies. As a result of the legislature's failure to act to address these deficits, this Board is regularly presented with situations that are unconscionable.

As outlined by both parties, the application currently before this Board demonstrates the overwhelming need for the legislature to act, and to act with haste.

It is the unanimous opinion of this Board that while wholesale changes to the Zoning Code are necessary, the Council must consider and adopt such amendments as are necessary to cure defects and inconsistencies as they are brought to light in proceedings such as the one before this Board.

For the foregoing reasons, while the appeal from the determination of the ZEO is hereby affirmed in all respects, it is the unanimous opinion of this Board that a copy of this decision should be forwarded to the Common Council with a formal request from this Board that the provisions of City Code 405-27.1 be amended to address the issues addressed above.

Specifically, this Board requests that the Council consider immediately amending the City Code to delete the affordable housing guidelines set forth in the Mixed Use Overlay Districts, replace these guidelines with affordable housing requirements that apply throughout the City of Kingston, and that it amend the Code to specifically and unambiguously permit the new construction of residential units in the Mixed Use Overlay Districts.

XI. Conclusion

For the foregoing reasons, it is the determination of this Board that the interpretation of the Zoning Enforcement Officer is hereby affirmed in all respects.

It is the further determination of this Board that a copy of this decision shall be forwarded to the Common Council forthwith with the request and recommendation of this Board that amendments to City Code Section 405-27.1 be adopted forthwith to address the issues outlined above.

Motion made by Joe Fitzgerald

Seconded by Mary Ann Neubauer

On a roll call vote as follows:

	<u>AYE</u>	<u>NO</u>
Anthony Argulewicz	<u>✓ Anthony Argulewicz</u>	<u>_____</u>
Joe Fitzgerald	<u>✓ JF</u>	<u>_____</u>
Brian Cafferty	<u>✓ B Cafferty</u>	<u>_____</u>
John Bonavita-Goldman	<u>_____</u>	<u>_____</u>
Mary Ann Neubauer	<u>✓ Mary Ann Neubauer</u>	<u>_____</u>
Owen Harvey	<u>_____</u>	<u>_____</u>
Ari Goldstein	<u>✓ A</u>	<u>_____</u>

On a vote of 5 in favor and 0 against the Chairman has declared this Resolution Passed.

Dated March 12, 2020

Anthony Argulewicz
ANTHONY ARGULEWICZ, CHAIR

Laws and Rules Committee Agenda Item Report

Meeting Date: April 15, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Proposed Resolution

Agenda Section:

Subject:

Rent Relief Resolution

Suggested Action:

Attachments:

[20200408095118.pdf](#)

L+R

Tinti, Elisa

From: Hirsch, Michele
Sent: Friday, April 03, 2020 9:55 AM
To: Shaut, Andrea
Cc: Tinti, Elisa
Subject: Communication for Agenda
Attachments: 2020 Rent Relief Resolution City of Kingston.docx

Dear President Shaut,

This is a request for a placement on the agenda of the next appropriate Council Committee which I would expect to be the Laws and Rules Committee as time is of the essence during the COVID-19 Pandemic.

The **RESOLUTION SUPPORTING EMERGENCY RENTAL ASSISTANCE LEGISLATION** is a resolution in support of a bill currently in process in the NY State Senate.

On March 29, 2020 New York Senate Housing Chair Brian Kavanagh introduced S8140. In summary, this bill creates a new NY State emergency voucher program for tenants impacted by the COVID-19 pandemic. In order for tenants to be eligible for this emergency voucher, they have to demonstrate a substantial loss of income due to the current pandemic. The voucher would cover the amount above 30% of the current income of the impacted individual(s). For clarity, if someone was unemployed, the voucher would cover 100% of the rent. The limit on this assistance would be 3 months in nature as the bill is currently written, and utility payments would be included in the voucher coverage.

This resolution does not have a financial impact on the City of Kingston.

Thank you for your consideration.

With kind regards,

Michele Hirsch
Aldерwoman, Ward 9

RESOLUTION NO. _____
_____, 2020

RESOLUTION SUPPORTING EMERGENCY RENTAL ASSISTANCE LEGISLATION

WHEREAS, The World Health Organization ("WHO") has declared the COVID-19 outbreak a global pandemic, defined as the worldwide spread of a new virus for which most people do not have immunity; and

WHEREAS, On March 7, 2020, New York Governor Andrew Cuomo declared a state of emergency based on COVID-19; and

WHEREAS, As of April 1, 2020, there were over 83,000 documented cases of COVID-19 within the State of New York; and

WHEREAS, Both Governor Cuomo and the New York State Department of Health have issued declarations banning non-essential employees from work, closing schools, and limits on public gatherings, as well as recommendations on social distancing, staying home if sick, canceling or postponing large group events,, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, Over half of tenants in New York State are rent-burdened during typical economic conditions. As a result of the state of emergency and the government-recommended precautions, many tenants have experienced sudden income loss, and further income impacts are anticipated, leaving tenants vulnerable to eviction; and

WHEREAS, Housing stability is crucial in a public health emergency in which containment and treatment rely on individuals staying indoors and not being forced to seek shelter or experience homelessness.

WHEREAS, the COVID-19 Rental Emergency Assistance Program was introduced in the New York State Senate on March 29, 2020;

BE IT RESOLVED that the City of Kingston supports and endorses S8140, which would provide rental assistance vouchers for a defined period to those tenants who exhibit significant financial hardship due to the outbreak of COVID-19; and

BE IT FURTHER RESOLVED, that the City Clerk is directed to send a copy of this resolution to U.S. Senator Kirsten Gillibrand, U.S. Senator Charles Schumer, Governor Andrew Cuomo, New York State Senator Amedore, JR, New York State Assemblymember Kevin Cahill, Senate Housing Chair Brian Kavanagh, and Assembly Housing Chair Steven Cymbrowitz.

Introduced: _____

Seconded: _____

Approved: _____

Laws and Rules Committee Agenda Item Report

Meeting Date: April 15, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Proposed Resolution

Agenda Section:

Subject:

Eviction Moratorium Resolution

Suggested Action:

Attachments:

[20200408095250.pdf](#)

Tinti, Elisa

(L-R)

From: Hirsch, Michele
Sent: Friday, April 03, 2020 9:44 AM
To: Shaut, Andrea
Cc: Tinti, Elisa
Subject: Communication for the Agenda
Attachments: Rent_Eviction Moratorium Resolution City of Kingston.docx

Dear President Shaut,

This is a request for a placement on the agenda of the next appropriate Council Committee which I would expect to be the Laws and Rules Committee as time is of the essence during the COVID-19 Pandemic

The attached is a Resolution Calling for an Issuance of Extended Moratorium on Evictions and Rent Relief During the State of Emergency of 30 days by the City of Kingston.

Both Governor Cuomo and the New York State Department of Health have issued declarations banning non-essential employees from work, closing schools, and limits on public gatherings, as well as recommendations on social distancing, staying home if sick, canceling or postponing large group events, and other precautions to protect public health and prevent transmission of this communicable virus.

Over half of tenants in New York State are rent-burdened during typical economic conditions. As a result of the state of emergency and the government-recommended precautions, many tenants have experienced sudden income loss, and further income impacts are anticipated, leaving tenants vulnerable to eviction. Housing stability is crucial in a public health emergency in which containment and treatment rely on individuals staying indoors and not being forced to seek shelter or experience homelessness.

Upon passage of this resolution, a temporary moratorium on evictions will exist in the City of Kingston, NY until a period of 30 calendar days longer than the current New York State temporary moratorium on evictions.

That after the termination of the moratorium and prior to issuance of any non-payment eviction judgements, the City of Kingston Court will provide a period of 180 calendar days to tenants to cure any rent payment in arrears, provided that rent payments made post moratorium remain current.

Thank you for your consideration.

Sincerely,

Michele Hirsch
Aldерwoman, Ward 9

Laws and Rules Committee Agenda Item Report

Meeting Date: April 15, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Proposed Resolution

Agenda Section:

Subject:

Police Accountability Legislation

Suggested Action:

Attachments:

[20200310130022.pdf](#)

LKR

Whereas the City of Kingston endeavors to ensure that all residents have respectful, thorough, professional, and fair dealings with the officers of the Kingston Police Department;

Whereas individuals may experience what they believe to be unprofessional treatment in interactions with KPD officers;

Whereas such individuals should possess the power to have complaints reviewed/investigated by the City's Police Commission;

Whereas officers of the Kingston Police Department should possess the power to have complaints against them reviewed by the City's Police Commission;

Whereas the Police Commission has a long-established complaint process;

Whereas such processes should be reviewed regularly to ensure their efficiency, fairness, and openness;

We, the members of the Kingston Common Council, therefore urge the members of the City of Kingston Police Commission to consider a review of the complaint process with an eye to the following concerns:

Ensure the public knows that complaints may be

- made, not just to officers of the KPD, but to a wide array of public officials such as members of the Police Commission, the City Clerk, Mayor, Aldermen and -Women, the Ulster County District Attorney, as well as clergy;
- presented in a wide array of forms of communication (ie by telephone, in person, by surface mail, by email, or any suitable electronic form.

Ensure that complainants thoroughly understand the entire process before the review is initiated by the Commission;

Provide the option to complainants to decline to have their complaint investigated and reviewed by the Commission--in which case the complainant must make the request to end the complaint process in writing to the members of the Police Commission;

Provide support to complainants and officers to ensure they are clear about the process, feel respected, and can make informed decisions throughout any investigation/review;

Develop an appeals process for complainants and officers;

Produce, in a form readily available to the public, annual reports that describe the outcome of complaints with all necessary protections of the privacy of complainants and officers;
Consider means whereby witnesses to events related to a complaint may testify before the Commission;

Endeavor to review complaints and render decisions in sixty days from receipt of complaint or as soon as possible in complex cases;

Clarify to complainants and officers that decisions made and actions taken by the Commission do not preclude the bringing of criminal or civil charges;

Consider protocols that allow the calling of an emergency meeting by a majority of the members of the Commission if they hold that a complaint merits immediate attention.

Approved this ____ day of ____.

Signed: _____

Laws and Rules Committee Agenda Item Report

Meeting Date: April 15, 2020

Submitted by: Dee Sills

Submitting Department: Mayor

Item Type: Proposed Resolution

Agenda Section:

Subject:

Charter Commission

Suggested Action:

Attachments:

[20200310130147.pdf](#)

(L+R)

CITY OF KINGSTON
Office of the Mayor
mayor@kingston-ny.gov

Steven T. Noble
Mayor



February 28th, 2020

Ms. Andrea Shaut
Aldерwoman-at-Large
President of the Common Council
Kingston City Hall
420 Broadway
Kingston, NY 12401

Re: City of Kingston Charter, Charter Commission

Dear President Shaut,

I believe we both share a strong interest in helping to make sure the governmental structure of the City of Kingston is one that is up-to-date and best situated to serve our residents. The City of Kingston Charter, which lays out the duties and functions of government, has not been significantly updated in 20+ years. I am excited to partner with the Common Council to create a Charter Commission that can research and develop suggestions on how we can best update our charter. I would respectfully request that this communication be shared with the appropriate committee, so that we can begin a joint discussion on what a Charter Commission could look like and the process of forming one.

Respectfully Submitted,

Steven T. Noble
Mayor

Laws and Rules Committee Agenda Item Report

Meeting Date: April 15, 2020

Submitted by: Dee Sills

Submitting Department: Grants Management

Item Type: Proposed Resolution

Agenda Section:

Subject:

Kingston Point Rails Trail Phase 2 SEQR

Suggested Action:

Attachments:

[20200310130408.pdf](#)

[KPRT Phase 2 Preliminary Design 1.pdf](#)

[KPRT Phase 2 Preliminary Design 2.pdf](#)

(L+R)

CITY OF KINGSTON
Office of Grants Management
grants@kingston-ny.gov

Kristen Wilson, Director



Steven T. Noble, Mayor

February 28, 2020

Andrea Shaut, Alderman-at-Large
President of the Common Council
City Hall, 420 Broadway
Kingston, NY 12401

Re: Kingston Point Rail Trail Phase 2 SEQR

Dear President Shaut:

The Engineering Department and Office of Grants Management have been working with CPL (an engineering firm), the Trolley Museum, and the Kingston Land Trust on the design of the second phase of the Kingston Point Rail Trail from the Rondout Gardens trailhead to the intersection of the railroad with East Strand St. on the waterfront. This project is on the Kingston Greenline and the Empire State Trail.

The City applied for two grants in 2019 from the State through the Consolidated Funding Application. One of the two grants applied for, the Recreational Trails Program through the Office of Parks, Recreation, and Historic Preservation, was awarded in the amount of \$200,000 with a required match of \$250,000. Since the construction project is expected to cost nearly \$1 million, the City plans to seek additional funding for a potential construction start date in 2021. In the meantime, the City will continue with the design process.

We are at a point when we can move forward with SEQR for the project. A Short Environmental Assessment Form has been completed and is attached, and the project meets the criteria for an Unlisted Action. A coordinated review is not required, but since we have time, we can conduct one.

Attached you will find a proposed resolution for the Common Council to determine the project as an unlisted action and directing the Office of Grants Management to coordinate a review. For unlisted actions, there is not a requirement to designate a Lead Agency.

Please forward this communication to the appropriate committees for further discussion. Should you have any questions concerning this request, please do not hesitate to contact me.

Sincerely,

Kristen Wilson

Director, Office of Grants Management

Cc: Steven T. Noble, Mayor
Kevin Bryant, Corporation Counsel
John Schultheis, City Engineer

RESOLUTION ____ OF 2020

**RESOLUTION OF THE CITY OF KINGSTON COMMON COUNCIL DETERMINING THE
KINGSTON POINT RAIL TRAIL PHASE 2 PROJECT AS AN UNLISTED ACTION IN THE STATE
ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) PROCESS PURSUANT TO 6 NYCRR
PART 617 AND DIRECTING THE OFFICE OF GRANTS MANAGEMENT TO COORDINATE A
REVIEW OF THE ACTION**

Sponsored By: _____ Committee: Aldermen _____

WHEREAS, the Kingston Point Rail Trail Phase 2 Project design was initiated in 2019 with funding awarded in 2016 from the NYS Office of Parks, Recreation, and Historic Preservation Heritage Area Systems Program; and

WHEREAS, the Kingston Point Rail Trail Phase 2 Project will improve the access and safety for pedestrians and bicyclists on the Kingston Greenline and Empire State Trail and will improve access to the Trolley Museum; and

WHEREAS, the Kingston Point Rail Trail Project meets the criteria as an Unlisted Action under SEQR 6NYCRR Part 617, and it is not necessary for a Lead Agency to be designated; and

WHEREAS, the City of Kingston has completed the Short Environmental Assessment Form for the Kingston Point Rail Trail Phase 2 Project; and

WHEREAS, The City would like to conduct a coordinated review; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION-1. That pursuant to 6 NYCRR Part 617, the City of Kingston Common Council hereby determines that this action is an Unlisted Action under SEQR.

SECTION-2. That the City of Kingston Common Council desires that a coordinated review take place.

SECTION 3. That the Office of Grants Management is directed to circulate a request to all involved and interested agencies, informing them of the decision to coordinate and seeking comment on the project and the short EAF.

SECTION-4. That this resolution shall take effect immediately.

Submitted to the Mayor this ____ day of

Approved by the Mayor this ____ day of

_____, 2019

_____, 2019

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES COMMITTEE REPORT

DEPARTMENT: Grants Management DATE:

Description:

RESOLUTION OF THE CITY OF KINGSTON COMMON COUNCIL DETERMINING THE KINGSTON JOINT RAIL TRAIL PHASE 2 PROJECT AS AN UNLISTED ACTION IN THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) PROCESS PURSUANT TO 6 NYCRR PART 617 AND DIRECTING THE OFFICE OF GRANTS MANAGEMENT TO COORDINATE A REVIEW OF THE ACTION

Signature _____

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action X

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Jeffrey Ventura Morell, Chairman Ward 1		
Rita Worthington, Ward 4		
Don Tallerman, Ward 5		
Reynolds Scott-Childress, Ward 3		
Patrick O'Reilly, Ward 7		

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Kingston Point Rail Trail Phase 2			
Name of Action or Project:			
89 East Strand Street, Kingston, NY 12401			
Project Location (describe, and attach a location map):			
Former rail line from Rondout Bridge No. 3 to the west and East Strand Street to the east			
Brief Description of Proposed Action:			
This project involves the conversion of a former rail line to an asphalt trail for passive recreation. Improvements will include asphalt pavement, concrete masonry retaining walls, ornamental fencing, site furnishings, interpretative signs, tree planting, and seeding.			
Name of Applicant or Sponsor:		Telephone: (845) 334-3962	
City of Kingston Office of Grants Management		E-Mail: kwilson@kingston-ny.gov	
Address:			
Kingston City Hall, 420 Broadway			
City/PO:		State:	Zip Code:
Kingston		NY	12401
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
			☒
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval: New York State NYS Office of Parks, Recreation and Hist. Pres.			YES
			☒
3. a. Total acreage of the site of the proposed action?		7.85 acres	
b. Total acreage to be physically disturbed?		2.41 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		7.85 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): wastewater treatment and apartments			
☒ Parkland			

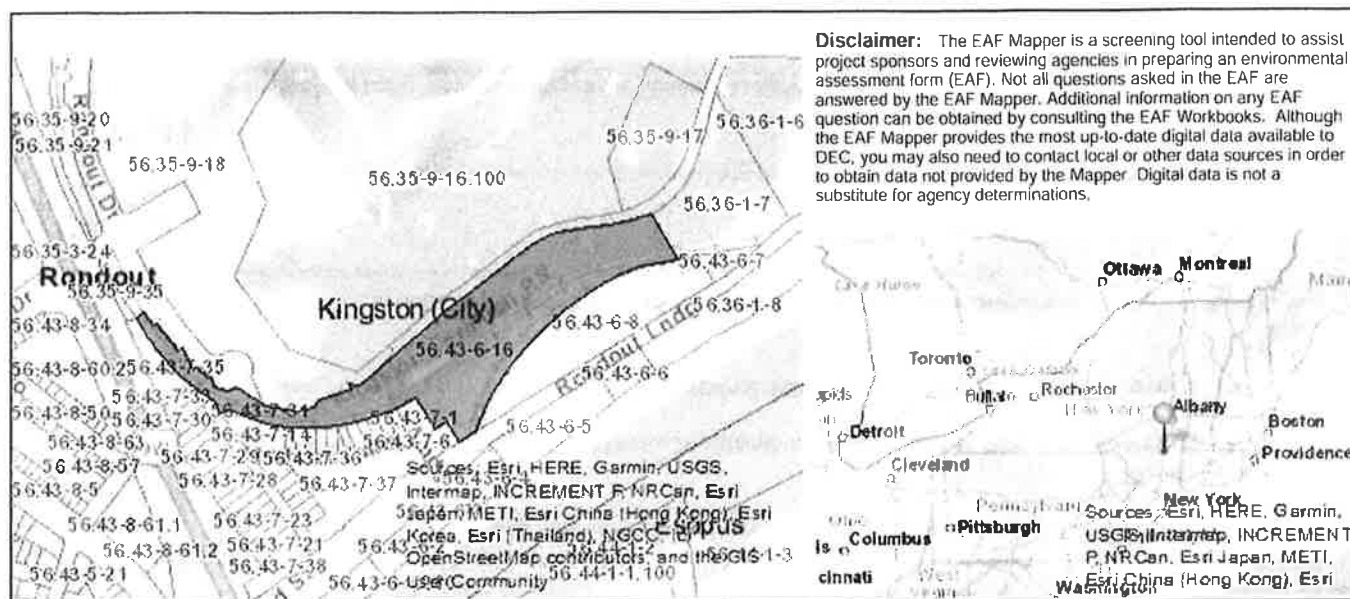
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO ☒	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ The project does not include any toilet facilities	NO ☒	YES ☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Cornell Shops Building USN 11140.000019, Cornell Steamboat Co. Boiler Shop USN 11140.000020	NO ☐	YES ☒	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☐	YES ☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Approximately 9,850 sf of the trail will pass through the 100 year floodplain. The trail will be constructed at existing grades. _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☒ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Atlantic Sturgeon, Shortnos...	NO	YES
	☐	☒
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☒
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☒
a. Will storm water discharges flow to adjacent properties?	☐	☒
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☒
A dry well is proposed to receive Trolley Museum roof water and storm water from behind the NYS Trolley Museum		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
A dry well is proposed to receive Trolley Museum roof water and storm water from behind the NYS Trolley Museum	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
City of Kingston Wastewater Treatment Plant 103-183 East Strand Street, Kingston, NY 12401	☐	☒
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☒
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>JOHN SCHULTHEIS</u> Date: <u>2/27/20</u> Signature: <u>[Signature]</u> Title: <u>City Engineer.</u>		

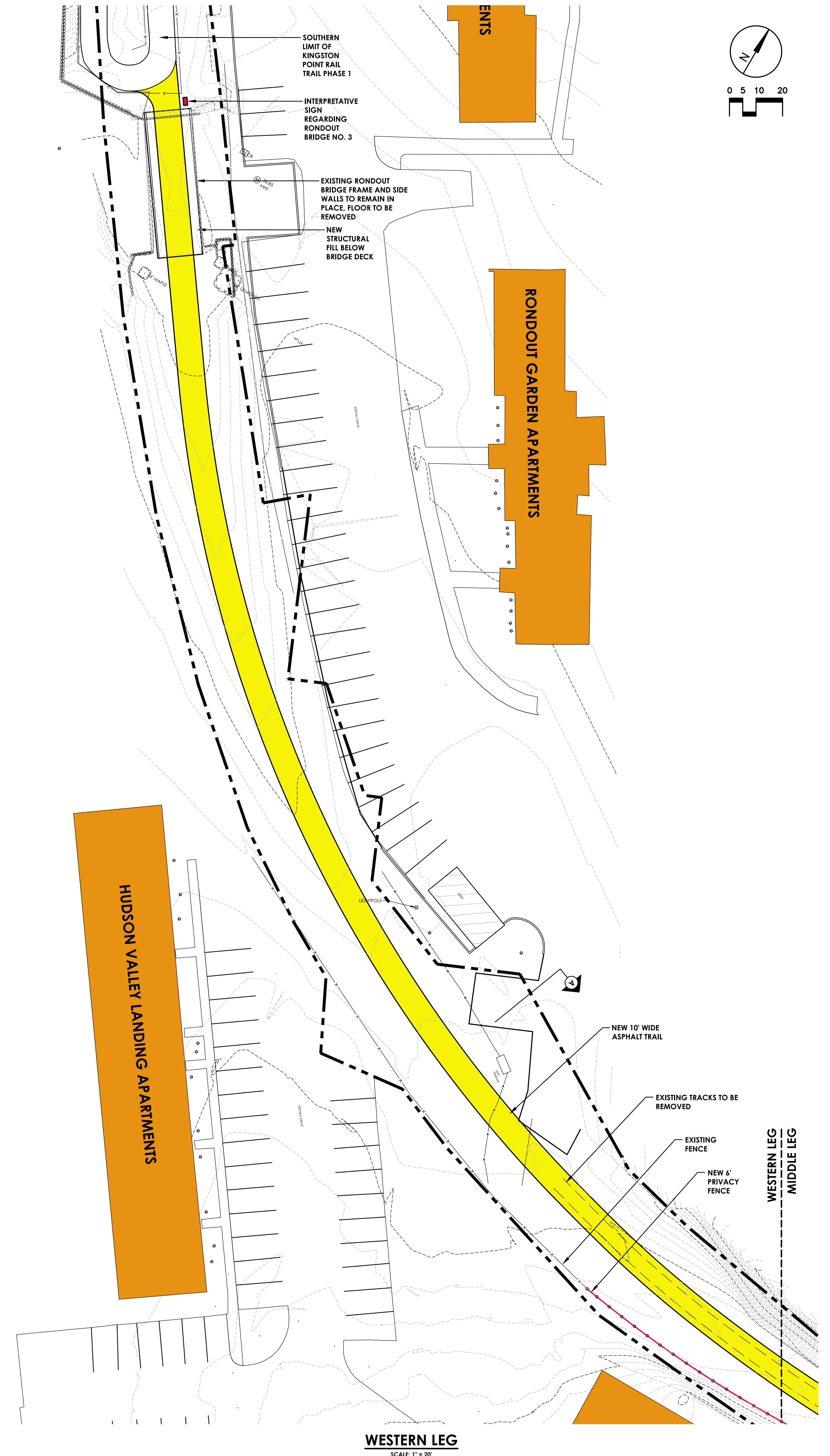
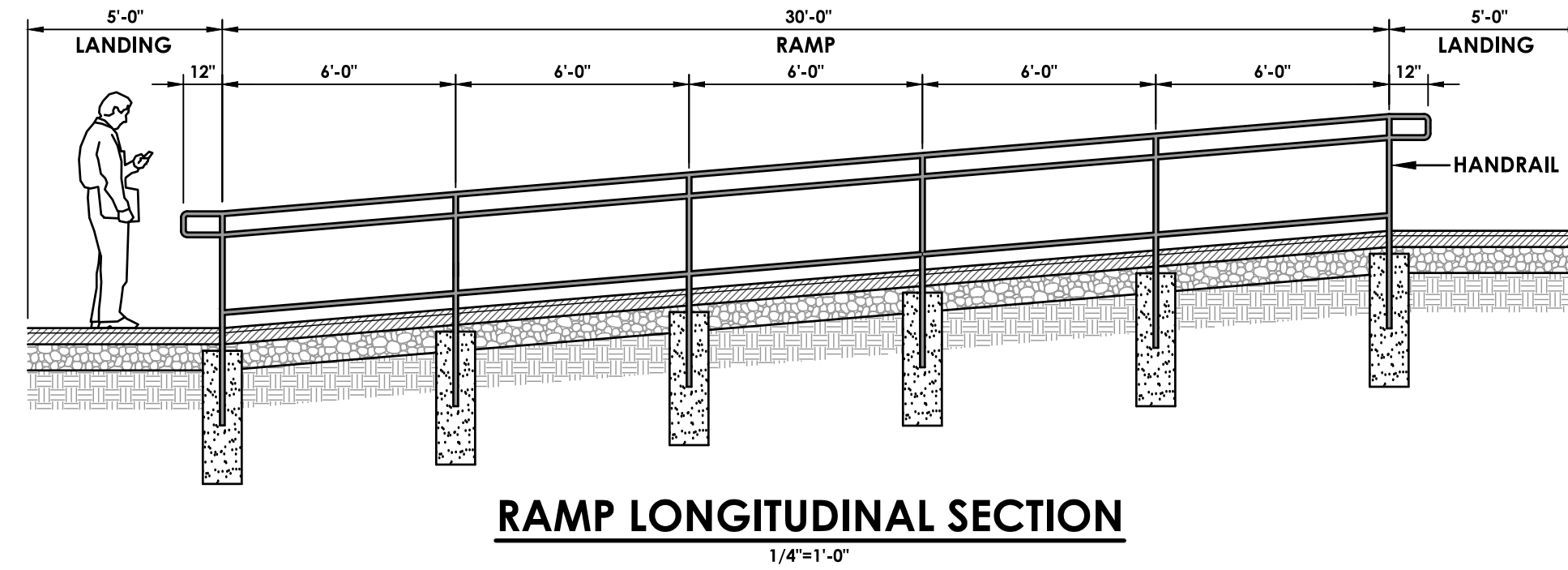
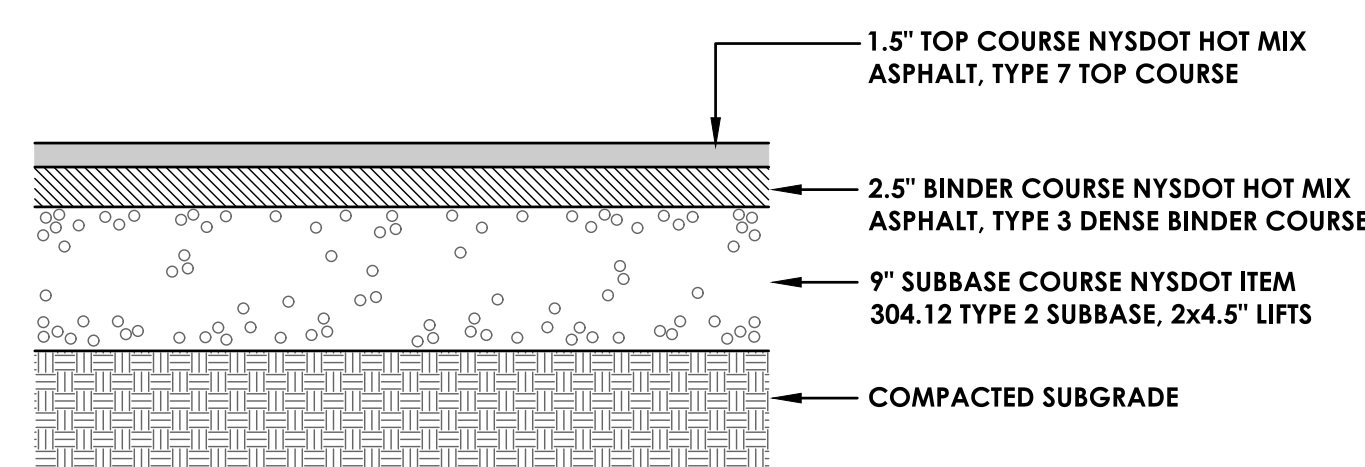
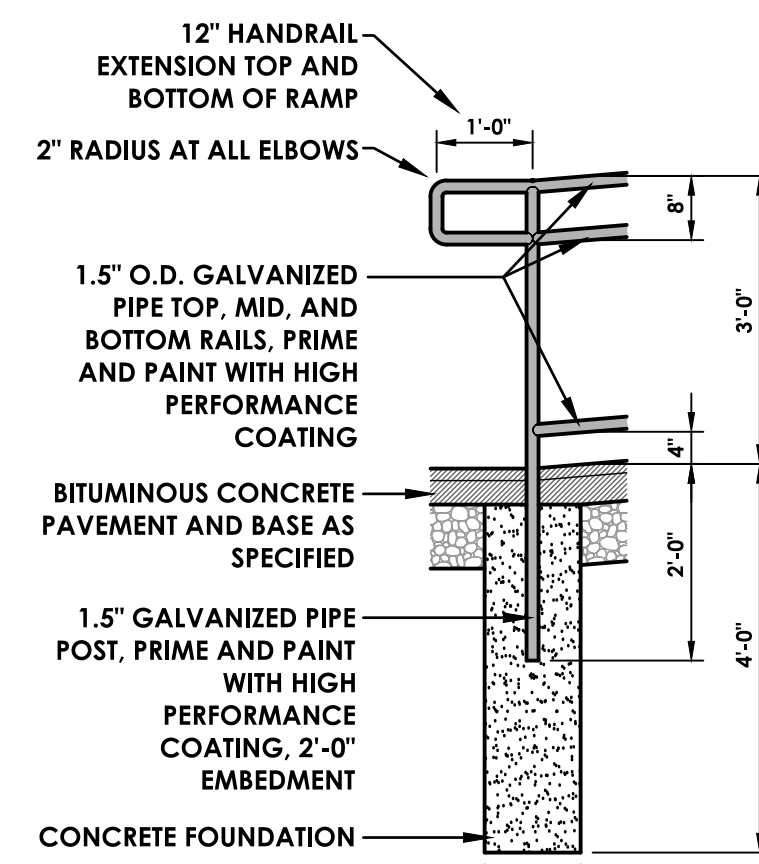
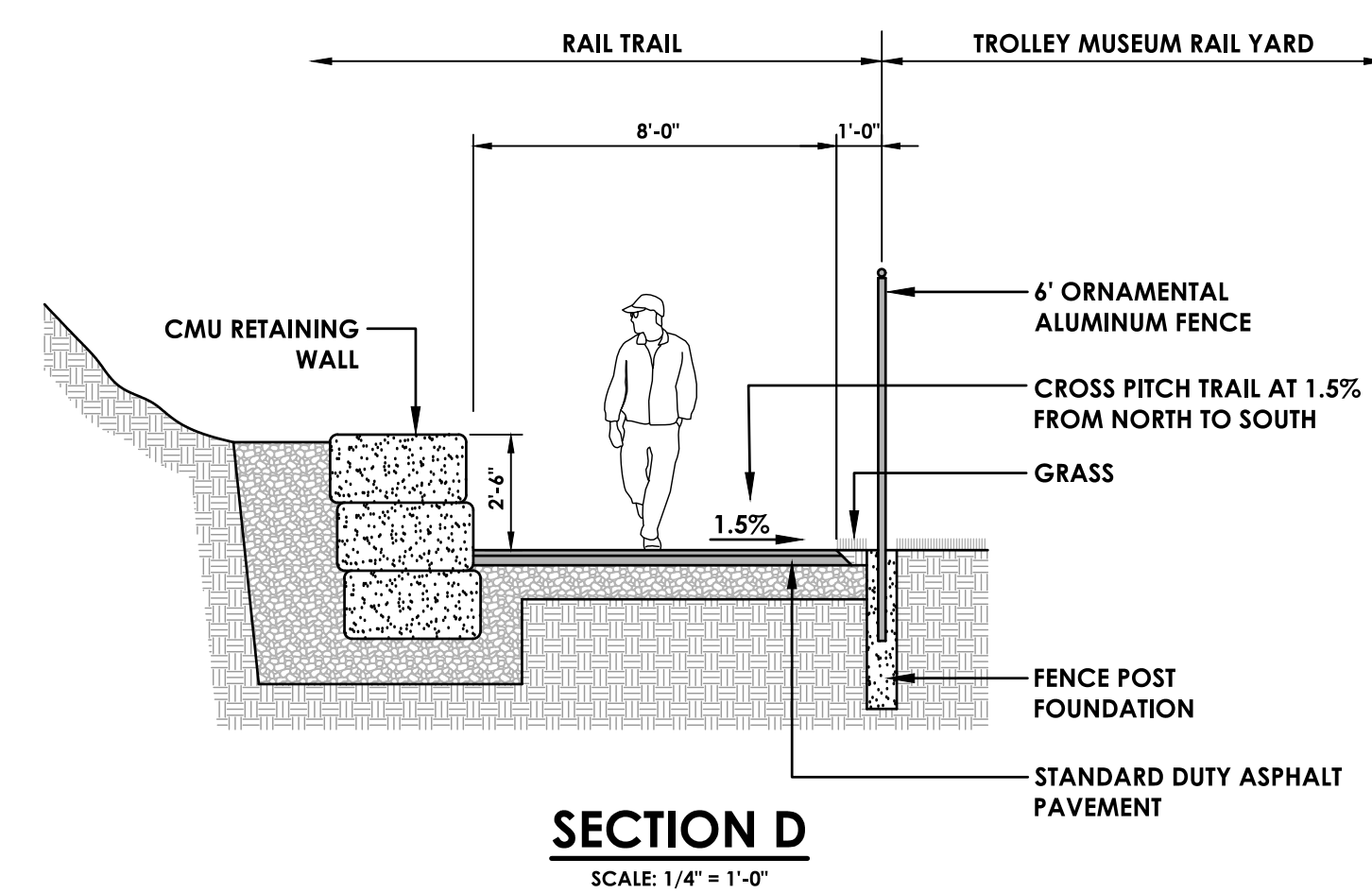
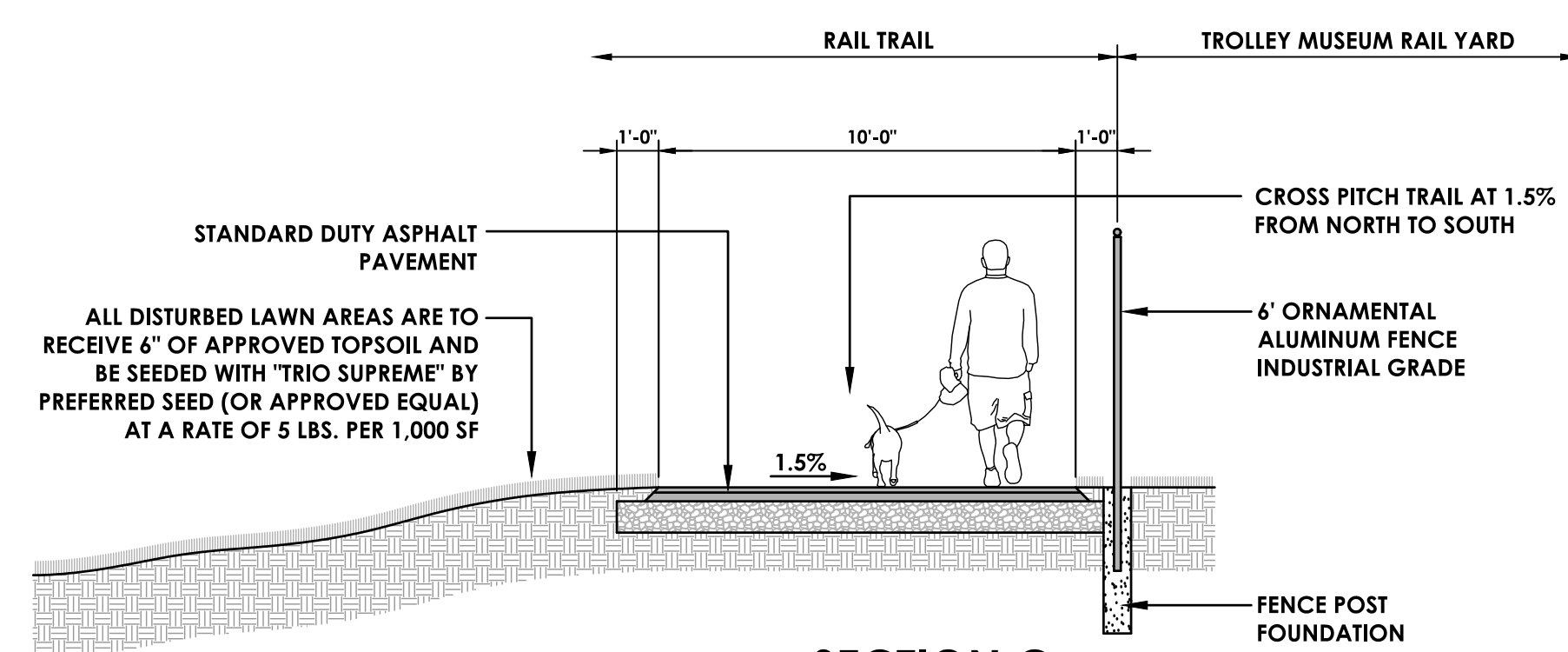
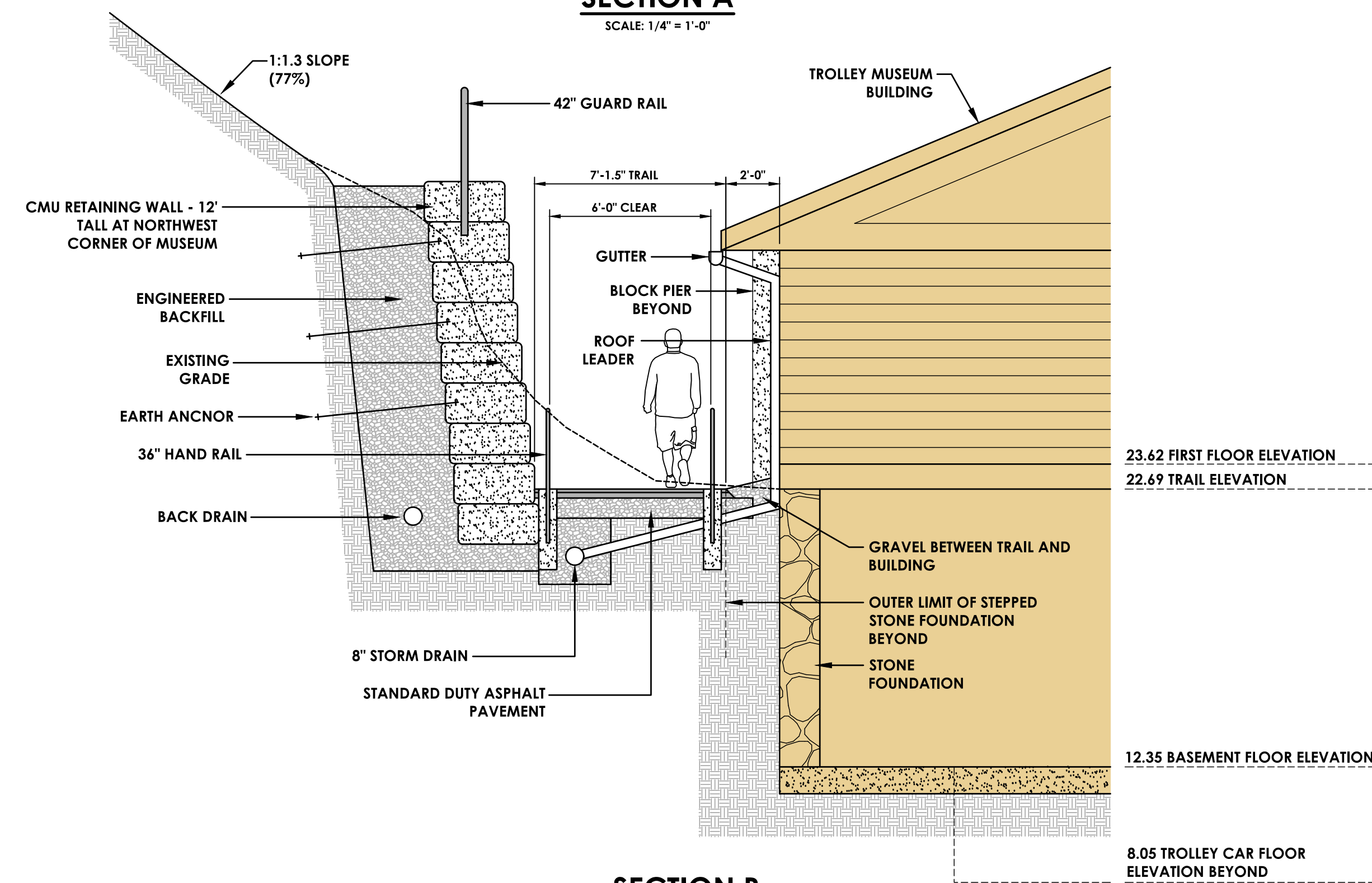
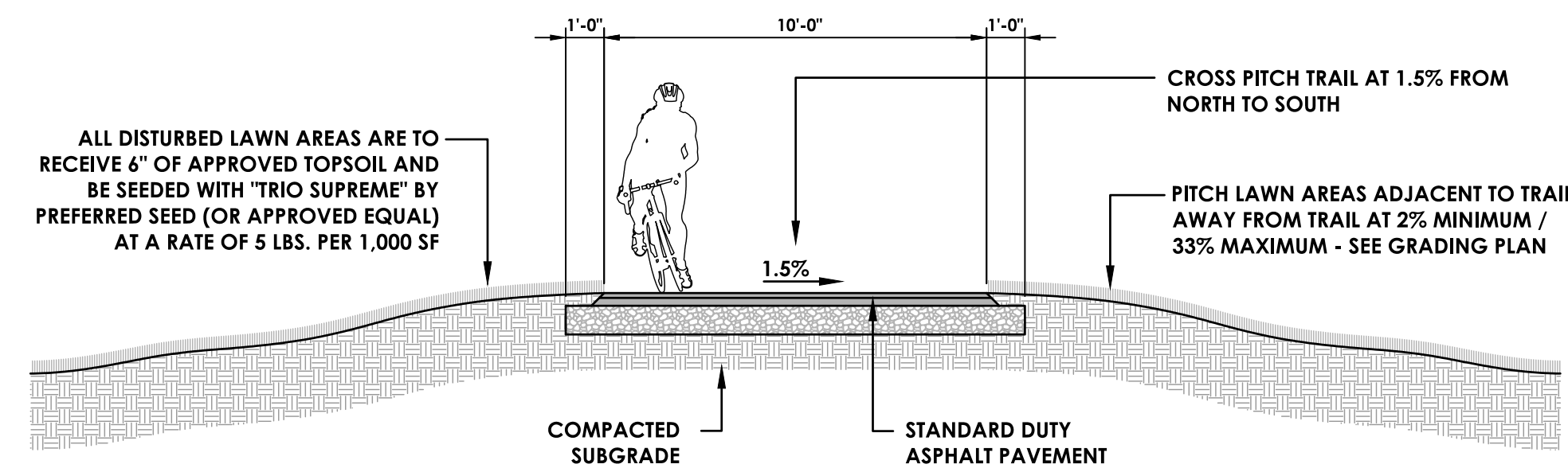
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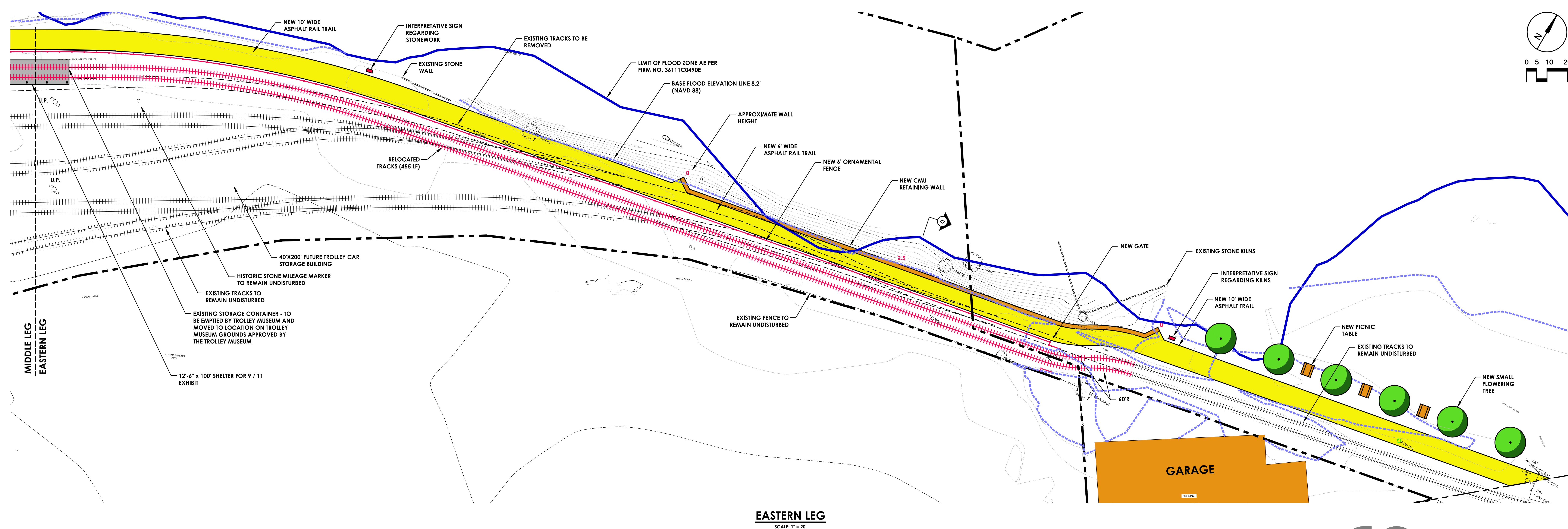
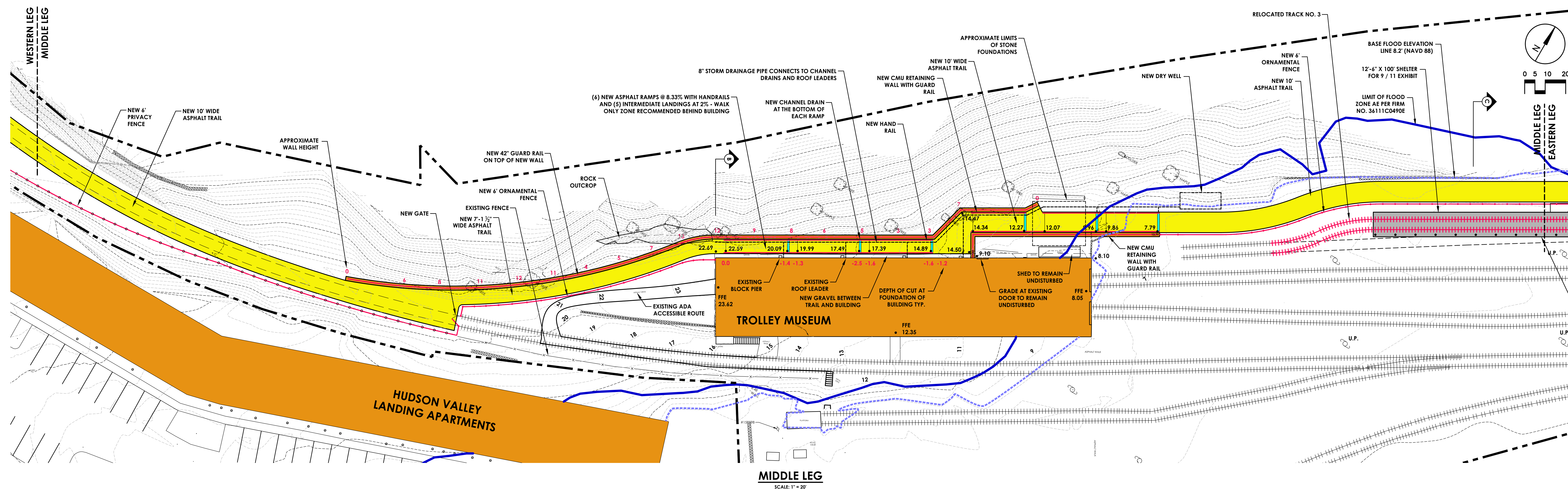
EAF Mapper Summary Report

Wednesday, December 11, 2019 10:42 AM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Atlantic Sturgeon, Shortnose Sturgeon, Northern Long-eared Bat, Indiana Bat, Least Bittern
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes





PRELIMINARY DESIGN (SHEET 2 OF 2)

KINGSTON POINT RAIL TRAIL PHASE 2

DECEMBER 11, 2019

Laws and Rules Committee Agenda Item Report

Meeting Date: April 15, 2020

Submitted by: Dee Sills

Submitting Department: Mayor

Item Type: Informational Purposes

Agenda Section:

Subject:

NYS Historic Preservaion, Kingstonian

Suggested Action:

Attachments:

[20200310130549.pdf](#)

(L+R)

Tinti, Elisa

From: Noble, Steve
Sent: Tuesday, February 25, 2020 9:56 AM
To: Alderman
Cc: Tinti, Elisa; Gartenstein, Daniel; Bryant, Kevin; Verspoor, Roy
Subject: Kingstonian Letter from SHPO
Attachments: Kingstonian Response 2-14-2020.pdf

Dear Common Council Members,

I am in receipt of a letter from the NYS Historic Preservation Office related to the Kingstonian Project. I understand that the Common Council will be discussing various aspects of the Kingstonian project moving forward and I want to share this information with you.

Thank you,

-Steve

Steven T. Noble
Mayor, City of Kingston
420 Broadway
Kingston, NY 12401
845-334-3902
www.kingston-ny.gov



Parks, Recreation and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

February 14, 2020

Meghan Ferrelli
Empire State Development
433 River Street/Headley Place
Troy, NY 12180
(via email only)

Re: ESD
Kingstonian Redevelopment Project
Fair Street at North Front Street, Kingston, Ulster County
19PR00786

Dear Ms. Ferrelli:

As you may be aware, on February 10th our office met with the development team, city officials and ESD staff to discuss this undertaking. The meeting focused specifically on potential impacts associated with this redevelopment project on historic resources as outlined in Section 14.09 of New York State Parks, recreation and Historic Preservation Law (14.09).

In our previous correspondence, we noted that the scale, parking entry, hotel reconstruction, and the loss of Fair Street Extension could have adverse impacts on the National Register listed Kingston Stockade Historic District. At our meeting we spent significant time reviewing the evolution of the design plan based upon local input and guidance from this office.

After considering the material presented at our meeting and the subsequently submitted information, we have found that the evolution of the proposal has addressed many of the open preservation issues raised by this office. We note that the introduction of brick, a variety of siding materials and colors has helped to break up the original monolith look of the complex. We also note that the now more open plaza area and intact location of Fair Street Extension, now used for parking garage entry, retains this opening in the district's streetscape. The building façade along Front Street has been redesigned to more appropriately approximate the height and form of the buildings that once occupied that block. Furthermore, the parking garage opening has been redesigned to deemphasize it in the streetscape and as viewed from Wall Street (looking north). The removal of the former Kingstonian Hotel, which is not identified as contributing to the Kingston Stockade Historic District, is being replaced with a structure based largely upon the form of the existing building and historic images of the structure before it was extensively remodeled with the removal of its architectural details. The reestablishment of this vibrant architectural component at this corner of the district will aid in minimizing the views of the large housing complex that will extend further north along the upper section of the former North Front Street Extension.

Based on the redesign material submitted, it is the opinion of the Division for Historic Preservation that the project, as now proposed, has minimized its direct and indirect impacts on the listed Kingston Stockade Historic District. As such, it is now our opinion that the project will have No Adverse Impact on the district.

Division for Historic Preservation

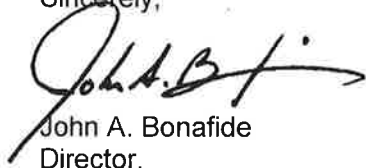
P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.parks.ny.gov

Our determination considers that the archaeological monitoring program, which was previously established, will be followed with ongoing consultation with this office as needed.

We also understand that the development team has committed to introduce a series of interpretive panels/kiosks/materials relating to the history of the district and larger community. Additional informational material will be developed in conjunction with the city's cultural/historical associations and institutions. We would appreciate an opportunity to be apprised on the development of these materials and their ultimate placement locations.

If I can be of any further assistance, I can be reached at john.bonafide@parks.ny.gov or (518) 268-2166.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Bonafide", with a stylized flourish at the end.

John A. Bonafide
Director,
Technical Preservation Services Bureau
Agency Historic Preservation Officer

cc: Hon. Steve Noble (via email)
Suzanne Cahill (via email)
Bradley W. Jordan (via email)
Meghan Taylor, ESD
R. Daniel Mackay, OPRHP (via email)

Laws and Rules Committee Agenda Item Report

Meeting Date: April 15, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Proposed Resolution

Agenda Section:

Subject:

Commercial Vacancy Tax

Suggested Action:

Attachments:

[20200310130729.pdf](#)

Tinti, Elisa

(L+R)

From: Shaut, Andrea
Sent: Friday, February 21, 2020 8:23 PM
To: Noble, Steve
Cc: Tinti, Elisa; Tallerman, Donald
Subject: RE: KUBA Letter

Thank you.

Elisa - can you please include this in the agenda packet for March's Laws & Rules meeting?

Respectfully,

Andrea Shaut

Council President, City of Kingston

From: Noble, Steve
Sent: Friday, February 21, 2020 9:43 AM
To: Shaut, Andrea
Cc: Tinti, Elisa; Tallerman, Donald
Subject: KUBA Letter

Dear President Shaut,

Please see the attached letter I recently received from KUBA. I believe that this letter would be helpful in the discussion of Alderman Tallerman's Proposal for a Commercial Vacancy Tax and would ask that you include this letter as part of that discussion. I agree with KUBA that the City must research and attempt to create the appropriate policies to reduce the amount of properties that are being "warehoused" by property owners in our City.

Thank you,

-Steve

Steven T. Noble
Mayor, City of Kingston
420 Broadway
Kingston, NY 12401
845-334-3902
www.kingston-ny.gov



February 10, 2020

Honorable Mayor Steve Noble
City of Kingston
c/o City Hall
420 Broadway
Kingston, NY 12401

Dear Mayor Noble,

The Kingston Uptown Business Association (KUBA) is pleased with the recent development and investment in the Stockade and Uptown business area. Long-underutilized properties are now beginning to reach their full potential. Businesses, shops, and restaurants are again proud to call Uptown home and thrilled to see this progress continue. This tide of investment brings opportunity and growth and - as the old saying goes - a high tide raises all boats.

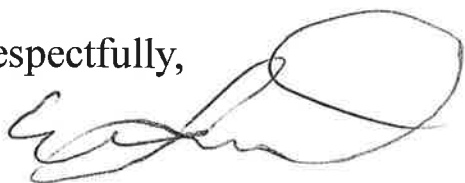
However, much to our dismay, we have heard from numerous KUBA members and other Uptown residents that there are some properties that are not being utilized at all, standing vacant and unused. There are glaringly visible examples throughout our highly trafficked business district, including properties on Wall and North Front Streets – arguably the heart of the Uptown/Stockade district. Neighboring business owners were initially delighted when underutilized buildings were purchased. However, months and some cases, years have passed with these properties standing visibly derelict in the heart of an otherwise vibrant community.

KUBA would like to encourage the City to look at these underutilized properties to determine if these owners could be encouraged to actively participate and create a renaissance. I would gladly offer KUBA's participation (along with the City's, obviously) in hosting and/or partaking in such activities and discussions.

We realize that this challenge is likely occurring city-wide and this communication is in no way targeted at any specific entity or entities. Our goal is simply to bring this issue to the City's attention as properties seemingly warehoused by investors do nothing to help our neighborhood or the City of Kingston.

We look forward to guidance from your office.

Respectfully,

A handwritten signature in black ink, appearing to read 'Elenie Loizou', with a large, stylized loop at the end.

Elenie Loizou
President
KUBA

cc: Alderman - At - Large
Andrea Shaut

Laws and Rules Committee Agenda Item Report

Meeting Date: April 15, 2020

Submitted by: Dee Sills

Submitting Department: Mayor

Item Type: Proposed Resolution

Agenda Section:

Subject:

Kingstonian Zoning Map Amendment

Suggested Action:

Attachments:

[20200310130920.pdf](#)

L+R

Ulster County Planning Board



Dennis Doyle, Director

RECOMMENDATION

James L. Noble, Jr.
Common Council
420 Broadway
Kingston, N.Y. 12401

REFERRAL NO: 2020-010

DATE REVIEWED: 2/5/2020

Re: Kingstonian Development Group, LLC – Zoning Map Amendment

Summary

The applicant has petitioned the City of Kingston to extend the City's Mixed-Use Overlay District to a 0.313-acre parcel located to the north of its existing northern boundary at 9-21 North Front Street. The request is directly related to the applicant's current application for a mixed-use development, which includes a proposed hotel, market-rate apartments, parking garage, and retail and commercial spaces. The project also proposes to close Fair Street creating a Pedestrian Plaza at the North Front Street level and access to the parking garage below. The project will require a special permit, site plan, and lot line revision approvals from the City of Kingston's Planning Board to proceed. In addition to the zoning map change, the Common Council would also appear to need to approve the sale of the property, the closing of the Fair Street, and perhaps funding associated with the Downtown Revitalization Initiative (DRI). This the second time this zoning petition has been referred (previously Referral #2019-159) now that the City Planning Board has completed its SEQRA process and issued a Negative Declaration.

The following materials were received for review:

- Referral Form
- Zoning Petition dated 6/4/19
- Memo to Eric Kitchen, Code Enforcement Officer, from Riseley and Moriello dated 8/28/19
- Verification Form
- Parcel Description
- Existing Conditions Map
- City Zoning Map
- Preliminary Site Plan
- Negative Declaration
- Description of the 0.313-acre parcel

Discussion

The Ulster County Planning Board (UCPB) considered several key factors in rendering its recommendations for the proposed zoning change. This included consistency with the City's Comprehensive Plan, an analysis of the history of the Mixed-Use Overlay District including a review of the Generic Environmental Impact Statement (GEIS) and the purposes found therein, the current zoning standards for the Mixed-Use Overlay District, as well as the petition submitted by the applicant and more recently the Negative Declaration by the City Planning Board as well as the zoning enforcement officer's ruling that interprets the zoning statute to allow for the construction of new buildings without the application of a set aside for affordable housing in the MUOD.

*2020-010 Kingstonian Development Group, LLC.
Zoning Map Amendment*

The UCPB also noted the history of the efforts by the City to encourage the development of the site and the current proposed use of DRI funding to encourage site development.

The UCPB's response to the rezoning proposal was and remains in this follow-up referral response contextual to the broader issues confronting the City as it considers the project. However, its focus is on the affordable housing component of the Mixed-Use Overlay District and the District's overall applicability to the entire project. In reading this response we ask all to understand that the UCPB endorses the redevelopment of this site with the caveat that the City's plans and policies have meaning heightened by the use of public lands and funds while tempered with finding solutions within a discussion of the needed public support.

The Board would note that reviews of this nature tend to focus on items that should be changed or addressed as part of the approval process. What is lost in this focus, is the overall benefit of projects, with reviewing agencies often tagged as being negative or missing broader the objectives. To be sure, the Ulster County Planning Board (UCPB) understands the broader objectives as noted above both from the standpoint of meeting the City's need and from overall good planning practice. Creating density on underutilized lots in urbanized areas with appropriate infrastructure is simply the right thing to do. We have not questioned the overall project but rather highlighted the need to meet the multiple objectives in the City's own plans in particularly affordable housing.

Consistency with the Comprehensive Plan

In our previous response, we noted strategies 1.12 and 1.1.5 which call for "affordable housing for any new or expanded residential building or development project" and to "Abandon mixed-use overlay district in favor of city-wide standards for adaptive reuse and affordable housing".

Since that response, the City's Zoning Enforcement Officer issued an interpretation that new construction needs not to provide any affordable housing. At the same time, the applicant has agreed to spread fourteen affordable units throughout the proposed complex or 10% of the proposed apartments. This has been accomplished by the addition of units (1 story) to the proposed structure. This combination of actions effectively results in the meeting UCPBs prior required modification for the rezoning which was to "Provide for Affordable Housing".

Recommendations

Provision of Affordable Housing

The UCPB appreciates the offer by the applicant to amend the project so as to include affordable housing. The decision of the zoning enforcement officer that no affordable units are needed leads us to recommend that the affordable housing requirement be added to the approval process for the MUO District.

Required Modification

As stated previously the UCPB's overarching goal was to provide for the inclusion of affordable housing. The voluntary provision offered by the developer is offset by the ruling of the ZEO that none is needed. The leads us to a required modification that the affordable housing element as offered by the developer should be made a requirement of the project rather than voluntary and that requirement should be enshrined in the City's planning approvals in a manner that defines affordability and the timeframe (if necessary) for the units to remain so. There are multiple ways to accomplish this that may not be directly tied to the rezoning however we ask that the City include it as part of the reasoning behind such action.

Mixed-Use Overlay District Long-Term – Advisory Comment

The determination of the zoning enforcement officer regarding the requirement for affordable housing as a component of new construction illuminates a compelling need to follow the recommendations in the Comprehensive Plan and abandon the Mixed-Use Overlay District in favor of establishing City-wide

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inclusionary zoning for affordable housing for new multi-family development per Strategy 1.1.5. The linkage between new construction and affordability should be strong such as the language used in the existing MUOD which states "the planning board shall deny ..."

Rezoning of Lower Fair Street

The zoning petition relates solely to a 0.313-acre parcel of land on which a project structure will sit. It is unclear whether lower Fair Street needs to be included as part of this rezoning or whether the existing zoning can be utilized to carry the Project forward. The question will remain a public street, since it will be accessing the proposed parking garage, or will become private in nature may help to answer this question.

Advisory Comment

It should be clarified whether or not it is necessary to include lower Fair Street as part of the zoning action. The UCPB has no objection to this should it be deemed necessary.

Public/Private Partnership - Advisory Comments

The Board reiterates its prior comment on the lack of data on the public funding and/or PILOT that is necessary to accomplish the Project.

Reviewing Officer



Robert A. Leibowitz, AICP
Principal Planner

Cc: Gio Gagliardi, UCPB
John Bonavita-Goldman, UCPB
Suzanne Cahill, Planning Director
Elisa Tinti, City Clerk

Laws and Rules Committee Agenda Item Report

Meeting Date: April 15, 2020

Submitted by: Dee Sills

Submitting Department: Mayor

Item Type: Proposed Resolution

Agenda Section:

Subject:

Public Works & Parks & Recreation Collaboration

Suggested Action:

Attachments:

[20200312125832.pdf](#)

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CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

Steven T. Noble
Mayor



January 31, 2020

Ms. Andrea Shaut
Alderwoman-at-Large
President of the Common Council
Kingston City Hall
420 Broadway
Kingston, NY 12401

Re: Public Works and Parks & Recreation collaboration

Dear President Shaut,

With the impending retirement of Kevin Gilfeather, Superintendent of Parks and Recreation, I have been working with my staff to develop a long-term plan that supports the continued operations of our incredible parks and programming and identifies opportunities for improvement.

As part of this process, I have been in discussion with not only the leadership of Parks and Recreation, but also of the Department of Public Works. While each Department serves critical and unique functions, I believe wholeheartedly that these departments can and should work closer together for the benefit of our community. By collaborating together, we have the opportunity to improve our system so that the services to our community and taxpayers are delivered in an economical, efficient and sustainable manner.

I am respectfully requesting that this matter be referred to both the Finance and Laws and Rules Committees. I will be in attendance at both of these meetings to present my proposal and answer any questions the Council may have. Additional documents supporting this proposal will be sent under separate cover, prior to these meetings, so that the Council members may familiarize themselves.

Thank you for your consideration.

Respectfully submitted,

Steven T. Noble
Mayor