



City of Kingston Laws and Rules Committee
Meeting Agenda
Wednesday, June 17, 2020
6:30 PM
Virtual

You can dial in using your phone.
(For supported devices, tap a one-touch number below to join instantly.)

United States (Toll Free): 1 877 568 4106
- One-touch: tel:+18775684106,,325387989#

United States: +1 (646) 749-3129
- One-touch: tel:+16467493129,,325387989#

Access Code: 325-387-989

NEW BUSINESS

Development of Workforce Housing Golden Hill
[20200604101400.pdf](#)

Tree Commission Membership
[20200604101608.pdf](#)

Towing Fees
[20200604101743.pdf](#)

1 OLD BUSINESS

- 1.a. Commercial Vacancy Tax
[20200604103148.pdf](#)
- 1.b. Mobil Food Truck Legislation
[20200408094744.pdf](#)
[Updated Food Truck legislation-1.docx](#)
- 1.c. Charter Commission
[20200310130147.pdf](#)
- 1.d. Open Space Plan
[open space plan.pdf](#)
- 1.e. Building/Zoning Laws
[20200604102346.pdf](#)
- 1.f. Police Legislation
[KPC Guidelines FINAL Draft 2020-06-17 \(2\) \(1\).docx](#)

Laws and Rules Committee Agenda Item Report

Meeting Date: June 17, 2020

Submitted by: Dee Sills

Submitting Department: Mayor

Item Type: Proposed Resolution

Agenda Section:

Subject:

Development of Workforce Housing Golden Hill

Suggested Action:

Attachments:

[20200604101400.pdf](#)

L&R

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,
NEWYORK, SUPPORTING THE DEVELOPMENT WORKFORCE MIXED USE
HOUSING ON UNDERUTILIZED LANDS ON GOLDEN HILL

WHEREAS, the City of Kingston has adopted the Kingston 2025 Comprehensive Plan that speaks to the need to create affordable housing on a city-wide level; and

WHEREAS, the City of Kingston, in response to the adoption of the Kingston 2025 Plan, is considering several initiatives to bring the City's codes into alignment with the recommendations within that Plan; and

WHEREAS, the existing County-owned Golden Hill property is currently regulated for use as low density single family development that does not reflect its current use nor its potential for development; and

WHEREAS, the underutilized lands on Golden Hill could assist in addressing the housing issues identified in the Kingston 2025 Plan; and

WHEREAS, reuse of areas on Golden Hill for housing would be in harmony with existing uses on the site and consistent with the intensity of the use that occurred from the jail facility that once operated on Golden Hill, and

WHEREAS, The City is desirous of seeing underutilized properties in the City be used to benefit the City and the area in which they are situated, and

WHEREAS, the former jail site on Golden Hill may offer the opportunity to create residential opportunities within a range of income levels in the County and available to all generations thereby providing housing for lower income households, and meeting affordable workforce housing needs; and

WHEREAS, detailed issues concerning the environment and infrastructure will remain under the City's purview and could be addressed should development move forward; now, therefore, be it

RESOLVED, that the City of Kingston recognizes that the current regulatory scheme for Golden Hill is unsuited to its existing uses and unresponsive to the potential for development and the overall intent of the City's adopted comprehensive plan; and be it further,

RESOLVED, that the City of Kingston pledges to work cooperatively with the County should it decide to move forward and utilized its lands on Golden Hill to assist the City and the County meeting the housing needs of the community.

COUNTY OF ULSTER – PURCHASING DEPARTMENT

244 Fair Street, Third Floor, Kingston, NY 12401

PHONE: 845-340-3400 / FAX: 845-340-3434 / WEB: www.co.ulster.ny.us/purchasing/**DEVELOPER QUALIFICATIONS & SITE CONCEPTS – GOLDEN HILL****SOQXX-XXX****Page 19****ATTACHMENT A**
PROPERTY DETAILS – GOLDEN HILL SITE**OWNERSHIP** County of Ulster**MUNICIPALITY** City of Kingston**SITE ADDRESS** Golden Hill Drive Kingston, New York 12401**NUMBER OF PARCELS** 1**TAX ID #** 56.40-1-19.300 (portion)**SIZE** 7.4 ± acres (subdivision required)**ZONING** RRR- One- Family Residence District
Primarily single family residential district allowable uses also include general hospitals, nursing facilities, family and adult care facilities. Height limitation is 35 ft. or three stories. Lot coverage (buildings) 25% of lot area.**COMPREHENSIVE PLAN** “Concentrating density in the established urban cores is a sustainable practice that should promote health and decrease energy usage. Allowing a mix of uses in these higher density areas will further reduce travel times and energy expenditure and promote walking. Form-based codes and aesthetic requirements should promote maintaining neighborhood and area character, while minimizing bureaucratic delay and unnecessary regulation. Promoting affordable housing and accessibility throughout the entire city should promote social justice and reduce undue concentrations of poverty in particular areas of the City.”**WATER SUPPLY** City of Kingston Municipal Water - Note: the County maintains a water supply system for its facilities on Golden Hill – this is a subsequent municipal supply to the Kingston System – capital needs for this system are shared among users.**SEWER** City of Kingston municipal sewer – charges are based on water use.**ELECTRIC** Central Hudson – three phase available at the site**NATURAL GAS** Central Hudson - gas available at the site**CURRENT USE** Vacant, storage Board of Election, & DPW, and limited county offices – relocation of these facilities will be necessary

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DEVELOPER QUALIFICATIONS & SITE CONCEPTS – GOLDEN HILL

SOQXX-XXX

Page 20

ENVIRONMENTAL Site includes the former Ulster County Jail. A detailed hazardous material inspection has been completed and will be made available on request. In summary, the former jail contains asbestos floor tiles and some lead based paint (demolition of this building is contemplated).

LOCATION AMENITIES Available hourly transit, proximity to mental health facility, and private nursing and rehabilitation facility, site views to the Catskills, Empire State Trail fronts the Golden Hill Site.

CENSUS TRACT 9522

ADJACENT USES Health Related to Facilities, Transit Facility

OTHER FEATURES Site is positioned in a key location in the City of Kingston to provide for higher density housing in character with the existing buildings and services on the site. Site infrastructure, including utilities and site access is in place and robust transit options are available. The site offers amazing views to the Catskills and while topography is a challenge environmental issues such as wetlands, archeological, and community character are not.

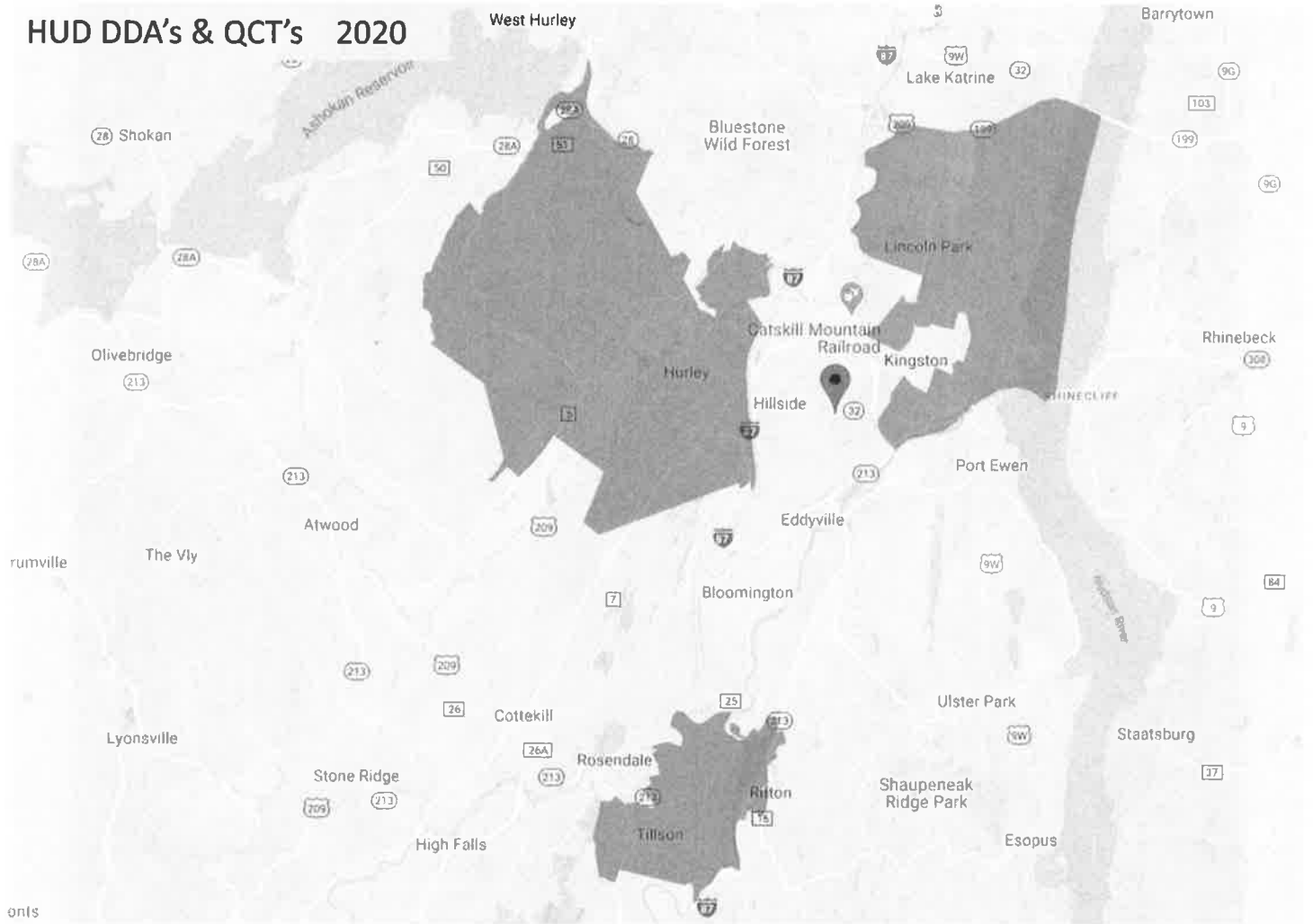
Resource Links

City of Kingston Zoning Statute [Link](#)

City of Kingston 2025 Comprehensive Plan [Link](#)

Ulster County Housing Strategies [Link](#)

HUD DDA's & QCT's 2020



Existing Parcel – 41 acres



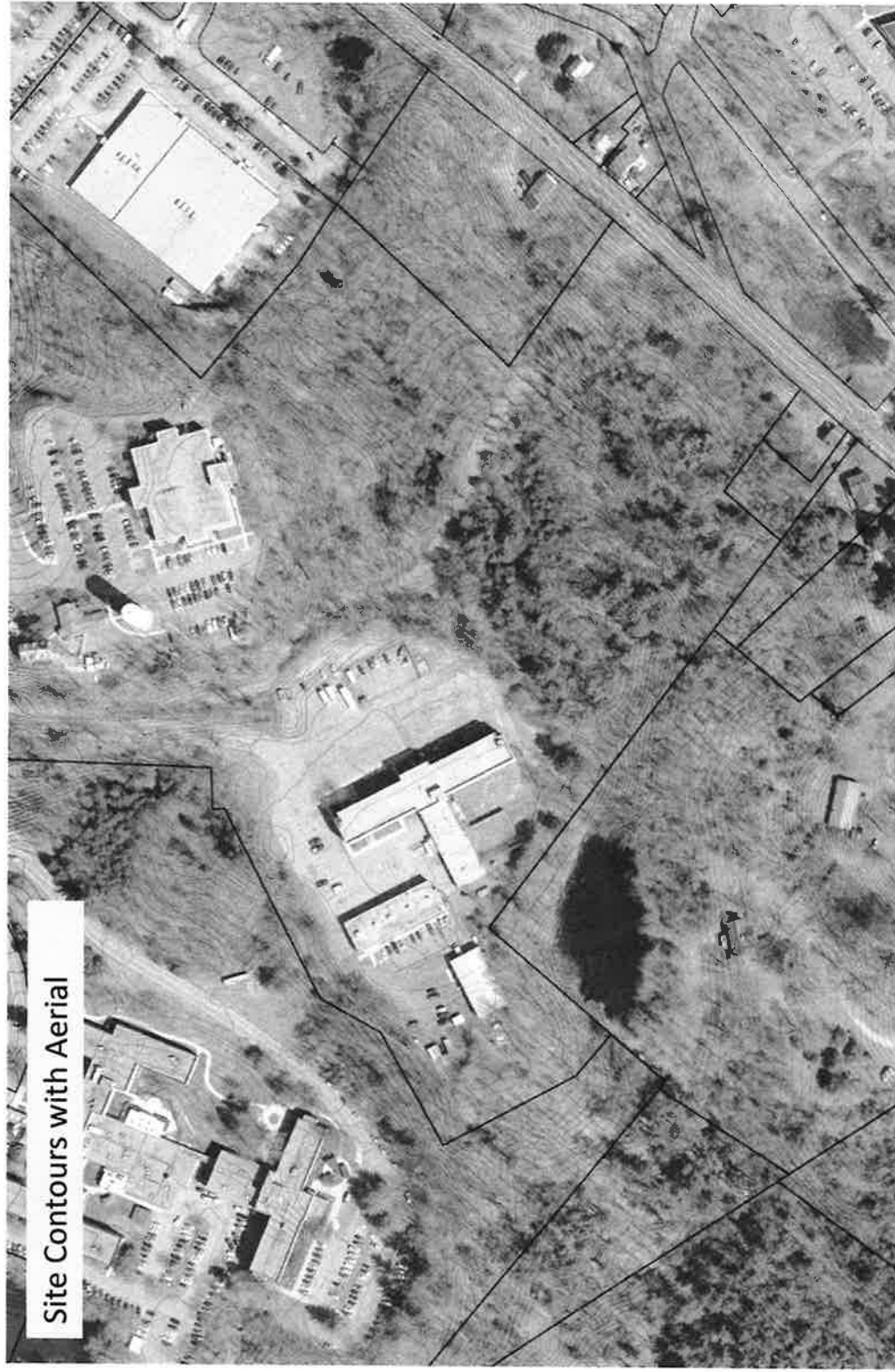
Anticipated Subdivision

Approx. 15.7 acres - useable area approx. 6.0 ac.



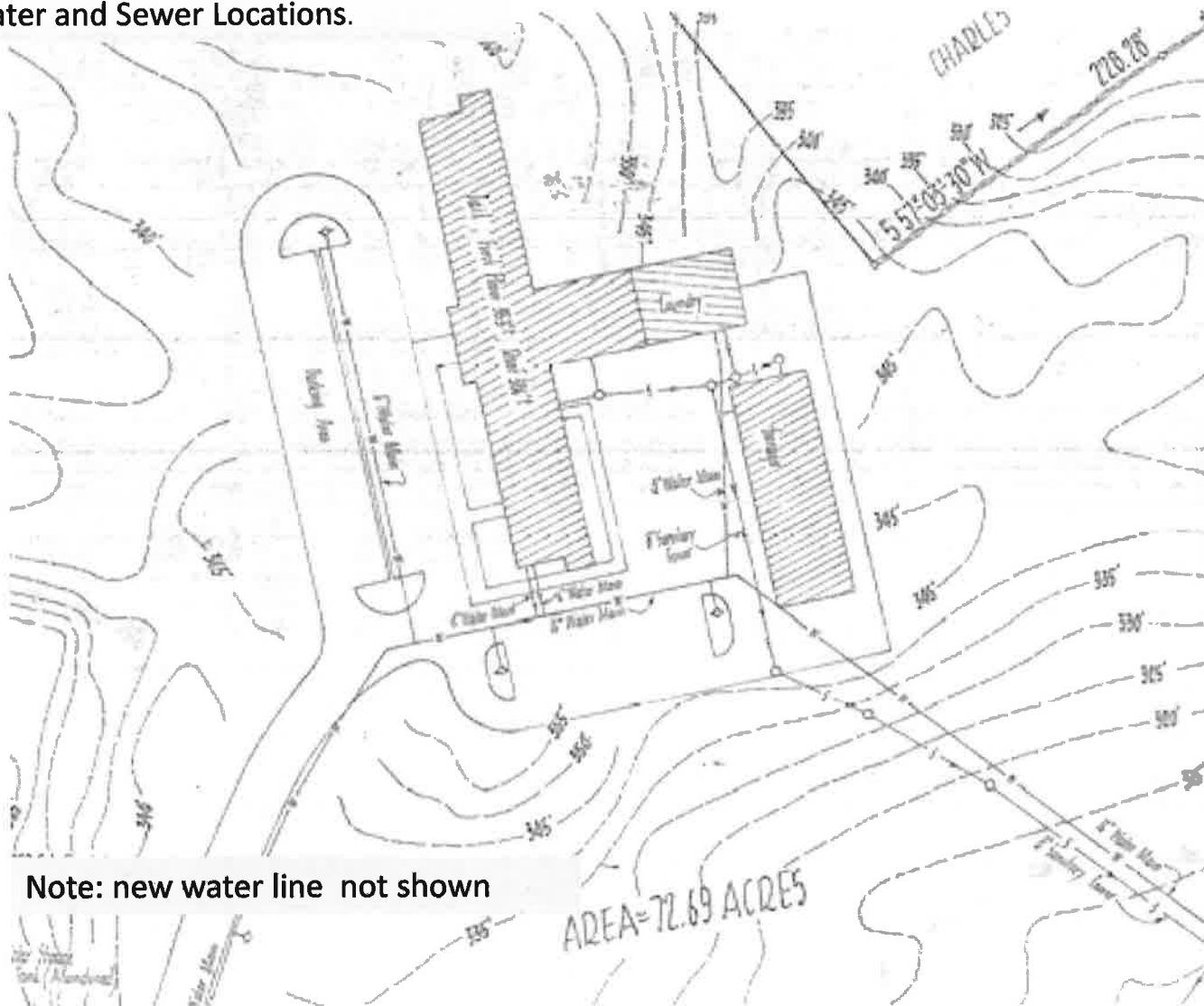
Site Contours





Site Contours with Aerial

Water and Sewer Locations.



Site Zoom



Laws and Rules Committee Agenda Item Report

Meeting Date: June 17, 2020

Submitted by: Dee Sills

Submitting Department: Planning

Item Type: Proposed Resolution

Agenda Section:

Subject:

Tree Commission Membership

Suggested Action:

Attachments:

[20200604101608.pdf](#)

(L+R)

CITY OF KINGSTON
Kingston Tree Commission
planning@kingston-ny.gov

Suzanne Cahill, Planning Director



Steven T. Noble, Mayor

May 28, 2020

Andrea Shaut, President
Kingston Common Council
420 Broadway
Kingston NY 12401

Dear President Shaut,

The Planning Department, as administrator of the City of Kingston Tree Commission would like to request that the Common Council consider amending section 373-5 of the City Code relating to the makeup of the membership. The current section calls for 9 members of which 4 are non-voting including the member of the Memorial Tree Fund and the professionally trained or experienced member of municipal arboriculture. We are requesting that the membership be reduced to 7 but that these two position become voting members. We feel these members provide valuable experience and knowledge to the Commission and that their vote is important. The member of the appropriate City Department and the Common Council member would remain non-voting.

§ 373-5. Tree Commission; creation; term of office.

A. There is hereby created and established a Tree Commission consisting of ~~nine-seven~~ members to be appointed by the Mayor, at least one of who shall be either professionally trained or experienced in the field of municipal arboriculture; one of who shall be a member of the Common Council; one of who shall be a member of the Planning Department or other appropriate city department; and one of who shall be a member of the Memorial Tree Fund, Inc. All lay members of the commission shall be citizens and actual residents of the City of Kingston. The ~~professionally trained advisor, the~~ member of the Common Council and the member of the Planning Department or other city department ~~and the member from the Memorial Tree Fund, Inc.,~~ shall be ex-officio members of the Commission and shall have no vote on matters before the Commission. There shall be ~~five~~ voting members. All members of the Commission shall serve without pay.

Your consideration of this change in the membership configuration will assist in allowing us take actions on the applications which are being received. Thank-you and should be any questions, please do not hesitate to contact our office.

Sincerely,

Suzanne Cahill
Planning Director

cc: S. Noble, Mayor
Ald. J. Ventura-Morell, Tree Commission Liaison and Chair. L&R's Committee

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: Planning - Tree Commission

DATE: June 2020

Description:

Amend City Charter and Code as follows:

§ 373-5. Tree Commission; creation; term of office.

A. There is hereby created and established a Tree Commission consisting of seven members to be appointed by the Mayor, at least one of who shall be either professionally trained or experienced in the field of municipal arboriculture; one of who shall be a member of the Common Council; one of who shall be a member of the Planning Department or other appropriate city department; and one of who shall be a member of the Memorial Tree Fund, Inc. All lay members of the commission shall be citizens and actual residents of the City of Kingston. The member of the Common Council and the member of the Planning Department or other city department shall be ex-officio members of the Commission and shall have no vote on matters before the Commission. There shall be five voting members. All members of the Commission shall serve without pay.

Signature: Suzanne Cahill

Motion by _____

Seconded by _____

Action Required: _____

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

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

Laws and Rules Committee Agenda Item Report

Meeting Date: June 17, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Proposed Resolution

Agenda Section:

Subject:

Towing Fees

Suggested Action:

Attachments:

[20200604101743.pdf](#)



Tinti, Elisa

From: Shaut, Andrea
Sent: Wednesday, May 27, 2020 9:08 AM
To: Tinti, Elisa
Subject: Communication - Towing Fees

Good Morning Elisa,

The city has been approached by Dan's Towing to discuss amending the towing fees set in the city code. I would like to include this in next month's Laws & Rules meeting. Can you please add this to the list of communications?

Thank you,

Andrea Shaut

Council President, City of Kingston

Laws and Rules Committee Agenda Item Report

Meeting Date: June 17, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Proposed Resolution

Agenda Section:

Subject:

Commercial Vacancy Tax

Suggested Action:

Attachments:

[20200604103148.pdf](#)

(LFR)

Tinti, Elisa

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

Kingston Uptown Business Association

PO Box 3602
Kingston, New York 12402
KUBA.uptown@gmail.com



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', written over a large, loopy flourish.

Elenie Loizou
President
KUBA

cc: Alderman - At - Large
Andrea Shaut

April 15, 2020

Jeffrey Ventura Morell, Chairman
Laws and Rules Committee
Common Council
Kingston City Hall
420 Broadway
Kingston, NY 12401

Re: Vacancy Tax Proposal

Dear Chairman Morell,

This firm represents a business which owns several properties in Uptown Kingston through related entities, including 311 Wall Street, 314 Wall Street, 317 Wall Street, 323 Wall Street, 328 Wall Street, 61 Crown Street and 63 N. Front Street. All of our client's properties are leased or in active lease negotiations. Notwithstanding this fact, our client opposes the proposal for a "vacancy tax" on unoccupied storefronts in limited areas of the City, including Uptown Kingston. The vacancy tax violates the state and federal constitutions and is not within the City's power to adopt.

We are disappointed and surprised that the Laws and Rules Committee ("Committee") is even holding this discussion during the Covid-19 pandemic. Due to the Governor's PAUSE order, retail and restaurant activity has decreased significantly and economists are predicting a national recession. We unfortunately expect that many existing small businesses will not survive and that some that were planning to open will not be able to. Instead of assisting the business community, this proposal penalizes landlords with unconstitutional fines when the City should be finding ways to support the business community.

Aside from the poor timing of the proposal and the City's lack of authority to impose such a tax, the materials for the Committee's discussion do not provide an adequate basis for the vacancy tax. Has a study been done on the historical reasons for vacancies within Uptown Kingston? Is the vacancy rate markedly different than standard commercial vacancy rates in small cities? Is there justification for taxing similarly situated landowners in Uptown Kingston differently within and without the proposed special tax area? Without such studies how can the City be sure that the proposal will legitimately advance the City's interests. A tax on vacant storefronts will not address major hurdles facing the retail industry including the growth of online shopping and high costs to retrofit existing buildings to comply with current building code requirements.

A vacancy tax also ignores the realities of property development and creates a

(845) 516-4323 ph
(845) 516-4528 fax
vpolidoro@rodenhausenchale.com

Tinti, Elisa

From: Scott-Childress, Reynolds
Sent: Wednesday, April 15, 2020 9:09 PM
To: Alderman
Subject: Questions to Consider Regarding Vacancy Tax

Here are some questions to research regarding the proposed vacancy tax:

- Do such laws negatively impact small businesses?
- How do such laws *help* small businesses?
- What are historical reasons for vacancies in Uptown Kingston—and all of Kingston?
- What is comparison of Kingston with vacancy rates in “small cities” in general?
- What is the justification for limiting the law to only a section of Kingston and not the entire City?
- Does a vacancy tax hinder “the realities” of property development?
- Will such a tax lead to abnormal increase of “lower-value” businesses?

Best wishes,
Rennie

Reynolds J. Scott-Childress
Alderman, Ward 3, City of Kingston
(845) 616-3687 mobile

Laws and Rules Committee Agenda Item Report

Meeting Date: June 17, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Proposed Resolution

Agenda Section:

Subject:

Mobil Food Truck Legislation

Suggested Action:

Attachments:

[20200408094744.pdf](#)

[Updated Food Truck legislation-1.docx](#)

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.

MOBILE FOOD TRUCK/VEHICLE

Purpose of this legislation

Mobile Food Trucks add to the color and variety of our City and our street life. The goal of this legislation is to insure that Mobile Food Vehicles comply with the health and safety regulations needed to protect our community.

MOBILE FOOD VEHICLE ("MFV")

A commercially manufactured, self-contained, 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.

A MFV, by definition, does not have dedicated water, sewer and electric lines that are directly connected to the City and Central Hudson.

Permit required for Mobile Food Vehicle

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

A.

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

B.

The permit shall not be transferable from person to person without the written approval of the Director of Permits.

C.

The permit is valid for one vehicle only and shall not be transferable.

D.

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

General provisions

A.

It shall be unlawful for any person to operate a mobile food vehicle within the City of Kingston without first having obtained a valid mobile food vending permit.

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.

If the MFV is on private property, site plan approval will be required from the Kingston Planning Department.

B.

Any MFV on City property or abutting City property (i.e. adjacent to sidewalk) cannot stay in one place for more than 24 hours. Vehicles on private property must apply for special approval from the Kingston Planning Board if MFV stays 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 five-hundred-foot radius of the nearest edge of any building comprising a licensed food establishment/restaurant where the kitchen 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.

This requirement may also be waived for special events such as street fairs, concerts and festivals.

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.

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 permitted 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.

C.

Ice Cream Trucks are considered a MFV. Ice Cream Trucks may only play music or jingles when they are moving. Music or jingle may not be played from an ice cream truck that is parked, standing, or stopped.

Permit required; application.

A.

Any person desiring to operate a mobile food vehicle shall make a written application for such permit to the Department of Building Safety. This is separate and apart from any application/permit required by the Ulster County Department of Health.

Application will Include Name, signature and address of each applicant and each corporate officer of the mobile food vehicle vending corporation. Application must also contain a description of business (i.e. business plan) including hours of operation.

(2)

A valid copy of all necessary permits, permits or certificates required by the County of Ulster Department of Health, 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 permits 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 permit. 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 permit 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 permit 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 permit for use on Public Property shall be subject to approval by the Kingston Department of the Building Safety.

The initial permit for use on Private Property shall be subject to prior site plan approval by the Kingston Planning Department.

FEE

All vendors shall pay an annual fee of \$50.

Lapsed permits can be reinstated for \$50 fee.

Suspension and revocation of permit; fine schedule.

A.

The owner/operator of any mobile food vehicle permitted 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 permitted 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.

D.

If permit is revoked, applicant can re-apply to demonstrate that reason for revoked permit has been cured, and permittee agrees to comply with all rules & regulations going forward.

E.

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

(1)

First offense: fine of \$150 after a finding or plea of guilty.

(2)

Second offense: fine of \$300 after a finding or plea of guilty

(3)

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

Closure for operation without permit.

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

Laws and Rules Committee Agenda Item Report

Meeting Date: June 17, 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: June 17, 2020

Submitted by: Elisa Tinti

Submitting Department: Parks and Recreation

Item Type: Informational Purposes

Agenda Section:

Subject:

Open Space Plan

Suggested Action:

Attachments:

[open space plan.pdf](#)

(L+R)

CITY OF KINGSTON
Office of Environmental Education and Sustainability
climatesmart@kingston-ny.gov

Julie L. Noble, Coordinator



Steven T. Noble, Mayor

April 23, 2020

Honorable Andrea Shaut
President/Alderman-at -Large
Kingston Common Council
420 Broadway
Kingston, NY 12401

Re: SEQR Type 1 Determination of Significance for Kingston Open Space Plan

Dear President Shaut,

This is a follow up to previous communications with the Council regarding the SEQR determination for the Kingston Open Space Plan, following the passage of Resolution 192 of 2019, and Resolution 36 of 2020 which established the Kingston Common Council as the Lead Agency in the coordinated review.

As the next step of the SEQR Review, I would request for members of the appropriate committee to review the completed Part 1 which I am submitting as the applicant, and DRAFTS of Parts 2 and 3 for the Common Council's completion as Lead Agency, of the Full Environmental Assessment Form (FEAF) and the associated documents. Based on the completion of the FEAF, as the majority of the impacts are none or not applicable, due to the nature of the project being a Plan, I recommend the passage of a resolution determining a Negative Declaration for SEQR. Attached you will find the completed FEAF Part 1, and Draft Parts 2 and 3 and the two relevant resolutions.

I am further requesting the placement on the next appropriate Committee meeting, recommending Laws and Rules, for consideration of a resolution to declare the determination of significance.

Thank you for your consideration.

Sincerely,

Julie L. Noble

Sustainability Coordinator

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: City of Kingston Open Space Plan		
Project Location (describe, and attach a general location map): City of Kingston, Ulster County New York		
Brief Description of Proposed Action (include purpose or need): This action concerns the Open Space Plan for the City of Kingston completed in 2019 and its adoption as an element of the City of Kingston Comprehensive Plan. The City of Kingston and its Conservation Advisory Council had previously developed a Natural Resource Inventory, and Open Space Index, which identify the natural resources and related community aspects so that informed planning decisions could be made with regard to future growth and the conservation of these elements which are considered assets to the city and to help to protect the visual aesthetic quality of the city together with its cultural resources and to maintain clean drinking water, protect natural habitats, provide recreational opportunities and position the city to mitigate impacts from future climate change trends. The findings of these comprehensive works were then utilized as part of a public planning project to develop the City of Kingston Open Space Plan, a strategy for the responsible stewardship of these important resources for future generations. The Conservation Advisory Council of the City of Kingston is recommending that the City of Kingston Common Council adopt such Open Space Plan as an element of the City of Kingston Comprehensive Plan in order to implement the Open Space Resources discussion in Chapter 3 and elsewhere in said Plan.		
Name of Applicant/Sponsor: City of Kingston Julie Noble City of Kingston Environmental Education and Sustainability Coordinator		Telephone: 845-481-7339 E-Mail: JulieLNoble@kingston-ny.gov
Address: 467 Broadway		
City/PO: Kingston	State: New York	Zip Code: 12401
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, ☒ Yes ☐ No or Village Board of Trustees	City of Kingston Common Council. lead agency Approval and adoption of action	
b. City, Town or Village ☒ Yes ☐ No Planning Board or Commission	City of Kingston Planning Board referral	
c. City, Town or ☒ Yes ☐ No Village Zoning Board of Appeals	City of Kingston Zoning Board of Appeals referral	
d. Other local agencies ☒ Yes ☐ No	City of Kingston Heritage Area Commission City of Kingston HLPC (Historic Landmarks)	
e. County agencies ☒ Yes ☐ No	Ulster County Planning Board, 239 M Review only.	
f. Regional agencies ☐ Yes ☐ No		
g. State agencies ☐ Yes ☐ No		
h. Federal agencies ☐ Yes ☐ No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☒ Yes ☐ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☒ Yes ☐ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☒ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

Hudson Riverport BOA, NYS Heritage Area program, NYS Certified Local Government program (Historic Resources), LWRP, Hudson River Valley Greenway (partial), Hudson River Valley National Heritage Area (partial), NYS Climate Smart Communities program (Climate Action Plan), Tidal Rondout Creek Watershed Management Plan, Rondout Harbor Management Plan 2014

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? Not applicable	☒ Yes ☐ No
b. Is the use permitted or allowed by a special or conditional use permit?	☐ Yes ☐ No
c. Is a zoning change requested as part of the proposed action? If Yes,	☐ Yes ☒ No
i. What is the proposed new zoning for the site?	
C.4. Existing community services.	
a. In what school district is the project site located? <u>Kingston City School District</u>	
b. What police or other public protection forces serve the project site? <u>City of Kingston Police Dept.</u>	
c. Which fire protection and emergency medical services serve the project site? <u>City of Kingston Fire Dept.</u>	
d. What parks serve the project site? <u>Kingston City Parks</u>	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? 	
b. a. Total acreage of the site of the proposed action? _____ acres	
b. Total acreage to be physically disturbed? _____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres	
c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No	
If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____	
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No	
i. If No, anticipated period of construction: _____ months	
ii. If Yes:	
• Total number of phases anticipated _____	
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year	
• Anticipated completion date of final phase _____ month _____ year	
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____ _____	

f. Does the project include new residential uses? ☐ Yes ☐ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☐ No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? ☐ Yes ☐ No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
 If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No
 If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
 If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
 If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☐ Yes ☐ No ☐ Yes ☐ No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☐ No
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____	☐ Yes ☐ No
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____ • If to surface waters, identify receiving water bodies or wetlands: _____ • Will stormwater runoff flow to adjacent properties? _____	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?	☐ Yes ☐ No ☐ Yes ☐ No
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	☐ Yes ☐ No ☐ Yes ☐ No
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: _____	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____	
n. Will the proposed action have outdoor lighting? ☐ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No If Yes: i. Describe proposed treatment(s): _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ • Operation: _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ • Operation: _____	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☐ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No If Yes: i. Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
 Project :
 Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i> ☒ NO ☐ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☒ NO☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
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.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

1. Other impacts: _____ _____		☐	☐
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4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

☒ NO

☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)

☒ NO

☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____ _____		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. ☒ NO ☐ YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☒ NO ☐ YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause 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.	E2o	☐	☐
b. 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.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☒ NO ☐ YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	☐	☐
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.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____		☐	☐
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☒ NO☐ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☒ NO☐ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____		☐	☐

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☒ NO☐ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part I.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____		☐	☐

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____		☐	☐

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____		☐	☐

PRINT FULL FORM

Project : Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status:



Type 1



Unlisted

Identify portions of EAF completed for this Project:



Part 1



Part 2



Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
Approval by the involved agencies mentioned in Part 1.B, consistency with City of Kingston Comprehensive Plan including Section 3 of such plan as per
Part 1.A project description and Part 1.C.2a and consistency with adopted City plans as described in Part 1.C.2b

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Common Council of the City of Kingston _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: City of Kingston Open Space Plan adoption as an element of the City of Kingston Comprehensive Plan

Name of Lead Agency: City of Kingston Common Council

Name of Responsible Officer in Lead Agency: Andrea Shaut

Title of Responsible Officer: Common Council President

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Julie Noble

Address: 25 East O'Reilly Street, Kingston, NY 12401

Telephone Number: 845-481-7339

E-mail: julienoble@kingston-ny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

RESOLUTION 36 of 2020

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING THE COMMON COUNCIL OF THE CITY OF KINGSTON TO DECLARE ITSELF LEAD AGENCY ON THE OPEN SPACE PLAN

Sponsored By: Laws & Rules Committee: Alderman: Ventura
Morell, O'Reilly, Scott-Childress, Tallerman,
Worthington

WHEREAS, upon consideration of various criteria set forth in Section 617.6 of the SEQRA Act, the Common Council of the City of Kingston believes that it should be designated lead agency on the Open Space Plan; 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 617.6 the City of Kingston Common Council hereby declares itself lead agency on the Open Space Plan.

SECTION 2. This resolution shall take effect immediately.

Submitted to the Mayor this 5th day of

February, 2020



Elisa Tinti, City Clerk

Approved by the Mayor this 5th day of

February, 2020



Steven T. Noble, Mayor

Adopted by Council on February 4, 2020

**LAWS & RULES
COMMITTEE REPORT**

Tinti, Elisa

From: Noble, Julie
Sent: Tuesday, October 08, 2019 11:45 AM
To: Cahill, Suzanne; Tinti, Elisa
Subject: Open Space Plan SEQR

Hey Sue and Elisa,

I want to thank you for your guidance in the SEQR process for the Open Space Plan.

My DEC rep on the project sent me the following comment and I am not sure how this plays into the whole thing:

Regarding SEQR, it's possible the open space plan is already covered by the city's Generic Environmental Impact Statement that was developed for the comp plan. I found the following "GEI Discussion" for the Kingston comp plan's "Open Space Resources" chapter (page 31):
The protection and conservation of environmentally constrained lands by identifying important natural resources and implementing appropriate land use controls will result in enhanced protection of the environment. No adverse environmental impacts are likely to result. To the extent that environmental resources exist close to urbanized areas and to the extent buffering may be required in the future in order to protect these resources as identified in the Natural Resources Inventory, social impacts such as impacts to housing affordability and availability may result. The Open Space Plan will need to consider these types of impacts as well as economic impacts in developing appropriate specific land use controls. The land use controls suggested herein (steep slope, surface water resource protection and maximum cross-sections for rural roads, are likely to be more protective of the environment, and the benefit of these protections outweighs potential impacts to housing affordability and economic development, especially given that adequate economic development and housing opportunities exist in unconstrained areas closer to the City's mixed-use cores. A 24' cross-section for rural roads is believed to be adequate to support public safety and emergency access to remote areas.

If you haven't already, I suggest checking with the city's land-use attorney. The GEIS language makes it sound like there's agreement that open space planning doesn't cause adverse environmental impacts. It's possible this would allow for a neg-dec.

Thoughts? How might this effect the process, if at all?

Julie

Julie L. Noble
City of Kingston
Environmental Education and Sustainability Coordinator
Recycling Coordinator
467 Broadway
Kingston, NY 12401
845-481-7339

CITY OF KINGSTON

Office of the City Clerk & Registrar of Vital Statistics

cityclerk@kingston-ny.gov

Steven T. Noble, Mayor
Elisa Tinti, City Clerk & Registrar



Deidre Sills, Deputy Clerk
Susan Mesches, Deputy Registrar

October 2, 2019

TO: INVOLVED AND INTERESTED AGENCIES (Attached Schedule A)

RE: DESIGNATION OF CITY OF KINGSTON COMMON COUNCIL AS LEAD AGENCY

To Whom It May Concern:

The City of Kingston and the Conservation Advisory Council has developed a Natural Resource Inventory and Open Space Plan Index for the City of Kingston. This index identifies natural resources and related areas of the community. The Kingston Conservation Advisory Council has recommended that the City of Kingston include this index as an element of the Kingston Comprehension Plan- Kingston 2025. This requires that SEQR requirements be met, including the establishment of Lead Agency and SEQR review.

The project is considered a Type I Action under SEQR section 617.4(b)(9). As part of the coordinated review, designation of a "lead agency" and a determination of the significance of the action on the environment must be made in order to comply with the New York State Environmental Conservation Law (SEQR Act) and the regulations promulgated there under (the Regulation) by the New York Department of Environmental Conservation.

Upon consideration of the various criteria set forth in Section 617.6 of the SEQR Act, the Common Council of the City of Kingston believes that it should be designated lead agency. Please indicate your concurrence with such designation within thirty (30) days. To the extent that you have any questions with respect to the Act or designation of this agency as lead agency, Ms. Julie Noble is available and may be contacted by calling (845) 334-7339, or by writing to Environmental Educator, at the Parks & Recreation Office, 420 Broadway, Kingston, New York 12401.

Following the designation as lead agency, a determination of significance shall be made in accordance with the Regulations. You will be notified of said determination immediately thereafter in accordance with Section 617.12 of the Regulations. Your agency cannot take any action or render any decision on the project until after the lead agency makes a determination and the SEQR process is concluded in accordance with 6NYCRR Part 617.

Sincerely,


Elisa Tinti,
City Clerk

Tinti, Elisa

From: Noble, Julie
Sent: Tuesday, October 08, 2019 11:45 AM
To: Cahill, Suzanne; Tinti, Elisa
Subject: Open Space Plan SEQR

Hey Sue and Elisa,

I want to thank you for your guidance in the SEQR process for the Open Space Plan.

My DEC rep on the project sent me the following comment and I am not sure how this plays into the whole thing:

Regarding SEQR, it's possible the open space plan is already covered by the city's Generic Environmental Impact Statement that was developed for the comp plan. I found the following "GEI Discussion" for the Kingston comp plan's "Open Space Resources" chapter (page 31):
The protection and conservation of environmentally constrained lands by identifying important natural resources and implementing appropriate land use controls will result in enhanced protection of the environment. No adverse environmental impacts are likely to result. To the extent that environmental resources exist close to urbanized areas and to the extent buffering may be required in the future in order to protect these resources as identified in the Natural Resources Inventory, social impacts such as impacts to housing affordability and availability may result. The Open Space Plan will need to consider these types of impacts as well as economic impacts in developing appropriate specific land use controls. The land use controls suggested herein (steep slope, surface water resource protection and maximum cross-sections for rural roads, are likely to be more protective of the environment, and the benefit of these protections outweighs potential impacts to housing affordability and economic development, especially given that adequate economic development and housing opportunities exist in unconstrained areas closer to the City's mixed-use cores. A 24' cross-section for rural roads is believed to be adequate to support public safety and emergency access to remote areas.

If you haven't already, I suggest checking with the city's land-use attorney. The GEIS language makes it sound like there's agreement that open space planning doesn't cause adverse environmental impacts. It's possible this would allow for a neg-dec.

Thoughts? How might this effect the process, if at all?

Julie

Julie L. Noble
City of Kingston
Environmental Education and Sustainability Coordinator
Recycling Coordinator
467 Broadway
Kingston, NY 12401
845-481-7339

**City of Kingston Common Council
Response to Request for Determination of Lead Agency**

Re: Open Space Plan Index for the City of Kingston.

Kingston Common Council Designation as Lead Agency

On behalf of:

Agency Name: _____

Agency mailing address: _____

Agency telephone: _____

I acknowledge the receipt of the notice, dated October 2, 2019 requesting our consent to the City of Kingston Common Council acting as Lead Agency in the SEQR Coordinated Review of the above matter.

The above named agency hereby:

() CONSENTS that the City of Kingston Common Council be declared Lead Agency for the purpose of the environmental review of the above referenced project.

() DOES NOT CONSENT to the City of Kingston Common Council being designated as Lead Agency in this application and wishes that _____ serve as Lead Agency.

DATED: _____ AGENCY NAME: _____

BY: _____
(Please Print)

SIGNATURE: _____

Please Return To:

City Clerk's Office
Elisa Tinti, City Clerk & Registrar
City Hall - 420 Broadway
Kingston, New York 12401

SCHEDULE A OPEN SPACE PLAN

INVOLVED AGENCIES:

Wayne D. Platte, Chairman
City of Kingston planning Board
City Hall – 420 Broadway
Kingston, New York 12401

Hayes Clement, Chairperson
Heritage Area Commission
420 Broadway
Kingston, New York 12401

Mark Grunblatt, Chairman
Historic Landmark Preservation Commission
420 Broadway
Kingston, New York 12401

Dennis Doyle, Director
Ulster County Planning Board
244 Fair Street
Kingston, NY 12401

Zoning Board of Appeals
Attn: Eric Kitchen
Building Safety Division
5 Garraghan Drive
Kingston, NY 12401

INTERESTED AGENCIES

Conservation Advisory Commission
Attn: Julie Noble

Recreation Commission
Attn: Kevin Gilfeather
467 Broadway
Kingston NY 12401

Kingston Land Trust
Julia Farr
15 Railroad Ave.
Suite 102
Kingston, New York 12401

(128) 103

CITY OF KINGSTON

Office of Planning

planning@kingston-ny.gov

Suzanne Cahill, Planning Director



Steven T. Noble, Mayor

December 17, 2019

TO: ALL IDENTIFIED INVOLVED AND INTERESTED AGENCIES

RE: DESIGNATION OF CITY OF KINGSTON PLANNING BOARD AS LEAD AGENCY

To Whom It May Concern:

We have reviewed preliminary plans along with the Full Environmental Assessment Form Part I, prepared for The Scenic Hudson Land Trust and the City of Kingston, (the Applicants), to ”), for construction of a trail on property owned by Quarry Waters LLC a subsidiary of The Scenic Hudson Landtrust Inc. The project is located at #348-680, 682-798 North Street & 280-362 R Delaware Avenue & Devils Lake Road (SBL 48.16-6-4, 48.84-1-3, 48.16-6-3.100, 48.16-3-8.100.) in the City of Kingston and Town of Ulster, (the Action).

The Action has been classified as an Unlisted Action under SEQR, however, due to the number of approvals and funding sources involved and the spanning of two municipalities, the Board will be conducting a coordinated review under SEQR.

Upon consideration of the various criteria set forth in Part 6 NYRCC Part 617 and the Kingston Planning Board's past role as Lead Agency in review of the Hudson Landing Development, the Kingston Planning Board believes that it should be designated lead agency and adopted a resolution to reaffirm this role. Please indicate your concurrence with such designation within thirty (30) days. To the extent that you have any questions with respect to the Act or designation of this agency as lead agency, Ms. Suzanne Cahill is available and may be contacted by calling (845) 334-3955, or by writing to the Planning Director's Office, 420 Broadway, Kingston, New York 12401.

Following the designation as lead agency, a determination of significance shall be made in accordance with the Regulations. You will be notified of said determination immediately thereafter.

Sincerely,

Suzanne Cahill
Planning Director

**City of Kingston Planning Board
Response to Request for Determination of Lead Agency**

Re: The Hudson River Brickyard Trail
Quarry Waters LLC (The Scenic Hudson Land Trust LLC)
#348-680, 682-798 North Street & 280-362 R Delaware Ave & Devils Lake Rd
(SBL 48.16-6-4, 48.84-1-3, 48.16-6-3.100, 48.16-3-8.100.)

Kingston Planning Board Designation as Lead Agency

On behalf of:

Agency Name: _____

Agency mailing address: _____

Agency telephone: _____

I acknowledge the receipt of the notice, dated _____, requesting our consent to the City of Kingston Planning Board acting as Lead Agency in the SEQR Coordinated Review of the above matter.

The above named agency hereby:

() CONSENTS that the City of Kingston Planning Board be declared Lead Agency for the purpose of the environmental review of the above referenced project.

() DOES NOT CONSENT to the City of Kingston Planning Board being designated as Lead Agency in this application and wishes that _____ serve as Lead Agency.

DATED: _____ AGENCY NAME: _____

BY: _____
(Please Print)

SIGNATURE: _____

Please Return By January 17, 2019 To:

City of Kingston Planning Office
Suzanne Cahill, Planning Director
City Hall – 420 Broadway
Kingston, New York 12401

SCHEDULE A

Hudson River Brickyard Trail

#348-680, 682-798 North Street & 280-362 R Delaware Avenue & Devils Lake Road
(SBL 48.16-6-4, 48.84-1-3, 48.16-6-3.100, 48.16-3-8.100.)

INVOLVED AGENCIES:

Wayne D. Platte, Chairman
City of Kingston Planning Board
City Hall - 420 Broadway
Kingston, New York 12401

Kingston Common Council
420 Broadway
Kingston NY, 12401

NYSDEC
Ms. Kelly Turturro, Region 3 Director
21 South Putt Corners Rd
New Paltz, NY 12561

New York State Division for Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189
(Submitted via Cultural Resource Information System "CRIS")

Hayes Clement, Chairperson
Heritage Area Commission
420 Broadway
Kingston, New York 12401

NYS Department of State
One Commerce Plaza, 99 Washington Ave
Albany, NY 12231-0001

Hudson River Valley Greenway
625 Broadway, 4th Floor
Albany NY 12207

Town of Ulster
Town Clerk
1 Town Hall Drive
Lake Katrine, NY 12449

NYSDEC
Ms. Kelly Turturro, Region 3
21 South Putt Corners Rd
New Paltz, NY 12561

Town of Ulster Planning Board
584 East Chester Street Bypass
Kingston NY 12401

INTERESTED AGENCIES

Edward Norman, Supt.
Department of Public Works
25 East O'Reilly Street
Kingston, NY 12401
Emailed

Dennis Doyle, Director
Ulster County Planning Board
244 Fair Street
Kingston, NY 12401

US Dept of Interior Fish and Wildlife
Ms. Robyn Niver
3817 Luker Rd
Cortland, NY 13045

Dept of Parks and Recreation & Recreation Commission
Attn: Kevin Gilfeather
467 Broadway
Kingston NY 12401

Kingston Land Trust
15 Railroad Avenue
Kingston, NY 12401

Town of Rhinebeck
Town Clerk
80 East Market Street
Rhinebeck, NY 12572

APPLICANTS

City of Kingston
Steve Noble, Mayor
Emailed

John Shultheis, City Engineer
Emailed

The Scenic Hudson Land Trust, Inc
One Civic Center Plaza, Suite 200
Poughkeepsie, NY 12601
Emailed

Kingston Tree Commission
420 Broadway
Kingston, NY 12401

Open Space Institute
1350 Broadway #201
New York, NY 10018

Scenic Hudson
1 Civic Center Plaza #200
Poughkeepsie, NY 12601

CITY OF KINGSTON, NEW YORK, COMMON COUNCIL
HONORABLE ANDREA SHAUT, PRESIDENT

01/01/2020-12/31/2021

COMMITTEE: L&R

DATE: 2/4/2020

RESOLUTION TITLE *Resolution #36 of 2020 authorizing the Common Council of the City of Kingston to declare itself lead agency on the Open Space Plan*

OFFERED BY: ALDERMAN _____
SECONDED BY: ALDERMAN _____

ALDERMAN	YES	NO	ABSENT	REASON
1. JEFFREY VENTURA MORELL (D)				
2. DOUGLAS KOOP (D)				
3. REYNOLDS SCOTT-CHILDRESS (D)				
4. RITA WORTHINGTON (D)				
5. DONALD TALLERMAN (D)				
6. TONY DAVIS (D)				
7. PATRICK O'REILLY (D)				
8. STEVEN SCHABOT (D)				
9. MICHELE HIRSCH (D)				

TOTALS

CARRIED 9 DEFEATED 0

ELISA TINTI
CITY CLERK

RESOLUTION 192 of 2019

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, TO
UNDERTAKE A COORDINATED REVIEW OF THE CITY OF KINGSTON, NY OPEN SPACE
PLAN

Sponsored By: Laws and Rules Committee: Alderman Shaut,
Alderman Ventura Morell, Alderman Scott-Childress,
Alderman Carey, Alderman O'Reilly

WHEREAS, the City of Kingston and the Conservation Advisory Council began the process of developing a Natural Resources Inventory and Open Space Index for the City, which identifies the natural resources and related areas of the community; and

WHEREAS, the Kingston Conservation Advisory Council would like to recommend that the City of Kingston Common Council adopt the Open Space Plan as an element of the Kingston Comprehension Plan-Kingston 2025, which would necessitate that SEQR requirements be met, including the establishment of Lead Agency and SEQR review.

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

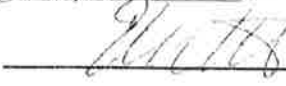
SECTION-1. That pursuant to 6NYRCC Part 617, (b)(1), the City of Kingston Common Council hereby determines that this action is a Type I action under SEQR Act and a coordinated review must be undertaken.

SECTION-2. That the Common Council will circulate a request to all involved and interested agencies requesting that it act as Lead Agency in the SEQR review process.

SECTION-3. That this resolution shall take effect immediately.

Submitted to the Mayor this 2nd day of

October, 2019


Elisa Tinti, City Clerk

Approved by the Mayor this 2nd day of

October, 2019


Steven T. Noble, Mayor

Adopted by Council on October 1, 2019

192

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES COMMITTEE REPORT

DEPARTMENT	Parks and Recreation	DATE	9/18/19
Description	A Resolution to undertake a coordinated review of the City of Kingston, NY Open Space Plan and as such		
	- determine such action to be a Type 1 Action as defined in 6 NYCRR Part 617.4 (b)(1) of the SEQRA Act and a coordinated review must be undertaken		
	and		
	- that the Common Council will circulate a request to all involved and interested agencies, to request to act as lead agency in the SEQRA review process		
Signature	Julie L. Noble		

Motion by BC

Seconded by JVM

Action Required:

SEQRA Decision:
Type I Action ☐
Type II Action ☐
Unlisted Action ☐

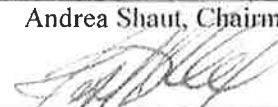
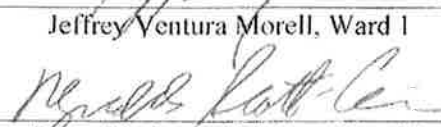
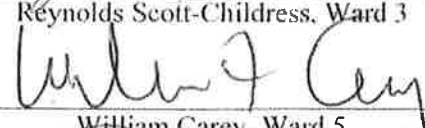
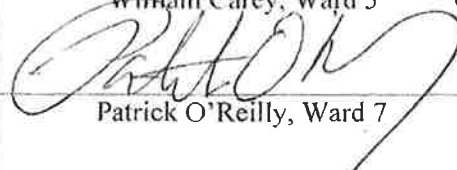
Negative Declaration of Environmental Significance: ☐

Conditioned Negative Declaration: ☐

Seek Lead Agency Status: ☐

Positive Declaration of Environmental Significance: ☐

(182)

Committee Vote		YES	NO
	Andrea Shaut, Chairman	☒	☐
	Jeffrey Ventura Morell, Ward 1	☒	☐
	Reynolds Scott-Childress, Ward 3	☒	☐
	William Carey, Ward 5	☒	☐
	Patrick O'Reilly, Ward 7	☒	☐

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, TO UNDERTAKE A COORDINATED REVIEW OF THE CITY OF KINGSTON, NY OPEN SPACE PLAN

WHEREAS, the City of Kingston and the Conservation Advisory Council began the process of developing a Natural Resources Inventory and Open Space Index for the City, which identifies the natural resources and related areas of the community; and

WHEREAS, the Kingston Conservation Advisory Council would like to recommend that the City of Kingston Common Council adopt the Open Space Plan as an element of the Kingston Comprehensive Plan-Kingston 2025, which would necessitate that SEQRA requirements be met, including the establishment of Lead Agency and SEQRA review.

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 617.4 (b)(1), the City of Kingston Common Council hereby determines that this action is a Type I action under SEQRA Act and a coordinated review must be undertaken.

SECTION 2. That the Common Council will circulate a request to all involved and interested agencies requesting that it act as Lead Agency in the SEQR review process.

SECTION 3. This resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2019

Approved by the Mayor this ____ day of _____, 2019

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

City of Kingston, New York Common Council
Honorable James Noble Presiding
01/01/2018- 12/31/2019

Roll Call

Committee _____ Date October 1, 2019

Resolution Title:

RESOLUTION 192 of 2019
RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW
YORK, TO UNDERTAKE A COORDINATED REVIEW OF THE CITY OF KINGSTON,
NY OPEN SPACE PLAN

Offered By: Alderman _____

Seconded By: Alderman _____

Record of Vote

Alderman	Yes	No	Absent	Reason
1. Jeffrey Ventura Morell (D)				
2. Douglas Koop (D)				
3. Reynolds Scott Childress (D)				
4. Rita Worthington (D)				
5. William Carey (D)				
6. Tony Davis (D)				
7. Patrick O'Reilly (D)				
8. Steven Schabot (D)				
9. Andrea Shaut (D)				

Totals Carried 9-0 Defeated _____

Elisa Tinti, City Clerk

Laws and Rules Committee Agenda Item Report

Meeting Date: June 17, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Proposed Resolution

Agenda Section:

Subject:

Building/Zoning Laws

Suggested Action:

Attachments:

[20200604102346.pdf](#)

Tinti, Elisa

From: Morell, Jeffrey
Sent: Wednesday, June 03, 2020 3:18 PM
To: Scott-Childress, Reynolds; Worthington, Rita; Tallerman, Donald; O'Reilly, Patrick
Cc: Tinti, Elisa; Shaut, Andrea
Subject: Fwd: Laws & Rules

Good afternoon,

Below is the response from the Buildings Director Steve Knox regarding the issue of building permits that will be on our agenda this month as old business titled "Building/Zoning Laws."

Thank you,
Jeffrey

Jeffrey Ventura Morell
Ward 1 Alderman, City of Kingston

Sent from my iPhone

Begin forwarded message:

From: "Knox, Stephan" <sknox@kingston-ny.gov>
Date: June 2, 2020 at 1:16:01 PM EDT
To: "Morell, Jeffrey" <ward1@kingston-ny.gov>
Subject: RE: Laws & Rules

Jeffrey,
I was not in yesterday so I'm playing catch up today.

Regarding the Harvey's complaint about my decision on the building permit status of the ICC, normal process permits an interested party to appeal a decision to the ZBA. The Harvey's had in fact done so and pulled their appeal two days before it was scheduled to be heard. This act cost the City funds for advertising the meeting and a fee for setting up the virtual meeting. The Harvey's then contacted the Department of State Office of Building Standards seeking to go around the ZBA process and were told that it was a local matter that should be addressed through local process. Now they are attempting to challenge the decision by way of the Laws and Rules Committee.

My decision was made with respect to both parties and with fairness in mind. Following a review of a number of files, conversations with current staff and speaking with former inspectors, no one could remember an instance when a permit had been invalidated for this reason. Building Safety issued 1350 permits last year and we have no mechanism to alert us when each permit has reached the six months' revocation limit. The recognition of a permit's potential invalidation date is only the first step in the process. An actual inspection of the premises would be needed to verify the presence or absence of construction work. I am of the belief that this code, if strictly enforced, would overwhelm the capacity of the department and frankly is not necessary.

Stephan Knox, Director
Building Safety & Zoning Enforcement

845-331-1217
sknox@kingston-ny.gov

-----Original Message-----

From: Morell, Jeffrey
Sent: Monday, June 1, 2020 2:33 PM
To: Knox, Stephan
Subject: Laws & Rules

Hi Steve,

As you may already know, the issue of the building permit for the ICC on Abeel Street was discussed at our last Laws & Rules meeting. What we were interested in is specifically the part of Local Law chapter 172-5 Building Permits, which calls for revoking a permit if no work has taken place on the site after 6 months.

In your letter to the developers, you mentioned that you found no previous instance of its enforcement and therefore you determined that it would be unfair and arbitrary to enforce it in this instance. Can you please expand on why you reached that conclusion? At the committee we discussed the fact that maybe it hadn't been enforced in the past because a similar issue had never been reported before.

Otherwise if you have determined that this portion of the code is not enforceable and puts extra burden on your department, we could discuss amending the code accordingly.

I look forward to hearing from you.

Thank you,
Jeffrey

Jeffrey Ventura Morell
Ward 1 Alderman, City of Kingston

Sent from my iPhone

h+p

From: Owen D. Harvey [<mailto:owen@mhinvest.com>]
Sent: Wednesday, April 22, 2020 12:59 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Subject: [EXTERNAL EMAIL] A matter for Laws & Rule discussion

Dear President Shaut:

On March 10th, 2020, the City's Director of Building Safety & Zoning Enforcement wrote of City Code, Chapter 172, Article 172-5: I to a property owner about their building permit, "While the aforementioned Article exists, a review of building department files has not revealed an instance of its usage. It is the Building Department's position that it would be unfair to arbitrarily enforce said Article by invalidating building permit #19564 at this time." **Why does the City of Kingston have laws on its books that it won't enforce?**

Prior to this letter, on February 25th, 2020, the Director of Building Safety & Zoning Enforcement explained, "I have spoken with all the departments involved with this project and gathered the info I need. I will be meeting with the Mayor on Friday to go over what actions will be taken." This Executive administration decision has implications for the legislative authority of the Common Council and needs to be examined. Therefore, we request that the matter be placed on the upcoming agenda for the Laws & Rules Committee of the Common Council to discuss.

While the issue of "usage" would seem to be immaterial to the job of enforcing the code regardless of when it became law, the fact that the code in this instance was enacted less than two years ago (in late 2018) underlines something of note. Requiring historical instances of usage as a criteria for enforcement would mean that any new or modified ordinance, rule, regulation and local law put forth by the Common Council and approved by the mayor would be unenforceable because there would be no instances of "usage." New codes could never meet this criteria, as with Chapter 172. The same is true of codes which are updated, since they obviously would have no precedent of usage either.

We respectfully request that the Council investigate and review this matter at the next meeting of the Laws & Rules Committee.

Sincerely,
Hillary and Owen Harvey
JoAnne Myers
Rebecca Martin
Lynn Woods
Deanna Baum
Barbara Scott
Tanya Garment
Sarah Wenk
Susan Piperato
Julie Hedrick
Peter Wexler

Documentation available upon request.

Laws and Rules Committee Agenda Item Report

Meeting Date: June 17, 2020

Submitted by: Elisa Tinti

Submitting Department: Common Council

Item Type: Informational Purposes

Agenda Section:

Subject:

Police Legislation

Suggested Action:

Attachments:

[KPC Guidelines FINAL Draft 2020-06-17 \(2\) \(1\).docx](#)

Guidelines and Practices for Police Accountability Process and Community Representativeness of the Kingston, New York, Police Commission

We, the members of the Kingston Common Council, do hereby call on the Mayor of the City of Kingston in concert with the members of the Kingston Police Commission to endeavor to establish all powers and practices listed below that comport with current state and local law.

- A. The Kingston Police Commission (KPC) shall enact and make easily accessible to the public bylaws that govern its practices and procedures.
- B. The City of Kingston shall create and maintain a publicly accessible website, with easy-to-find links on the City's main website, for the Police Commission that clearly lists current members, presents KPC bylaws, makes available KPC quarterly and annual reports, provides all data regarding KPC arrests, complaints, use of force, and all other information deemed important for the public to know about policing in the City of Kingston.
- C. Commission Composition, Appointment, Vacancy, and Removal
 - a. Members of the Commission shall reflect to the fullest extent possible the City's diverse community, including, but not limited to: age, race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, marital status and source of income.
 - b. Members of the Commission shall be appointed by the Mayor with advice and input from the Common Council in concert and with the former having the power of approval of each member.
 - c. The appointment process shall be transparent, careful, and deliberate.
 - d. KPC members shall be recruited through a process that is inclusive, is open to public scrutiny, is done in a timely manner, and is publicly and widely announced. Members of the Commission and their immediate family shall not be currently or formerly employed by the KPD or any other local, state, or federal law enforcement agencies.
 - e. KPC members shall receive reappointment only after evaluation and re-application utilizing the recruitment guidelines noted above,
 - f. Commission members may be removed for cause as determined by the Mayor.
 - g. Additional considerations for Commission Composition:
 - i. Conflict of Interest:
 - 1. No Commission member or employee hired by the Commission shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of their duties as a member of KPC. A conflict of interest shall include, but is not limited to: if they have reason to believe or expect that they will derive a direct monetary gain or suffer a direct monetary loss, by reason of their official activity; or if any benefit or detriment accrues to them as a member of a business, profession, occupation, or group to a greater extent

than any other member of the business, profession, occupation, or group. Commission members may not represent a complainant or a KPD sworn member before the Commission. If a Commission member has a personal, business or other relationship or association with a party to or a witness in a matter before the Commission, the member shall disclose the situation to the Chairperson, and shall recuse themselves from deliberations or action in connection with that case.

D. Powers and Duties

- a. The Commission and any staff it may hire shall seek and participate in a broad range of training annually. Training resources will be selected by the Commission in consultation with the Common Council and Mayor and may include individuals and organizations such as social justice organizations, attorneys, and any national, state, or local resources with expertise and experience in civilian complaints, investigation, police policies, auditing/monitoring, and other appropriate skills and knowledge. Orientation and ongoing training of the Commission and its staff should endeavor to include, but not be limited to, the following:
 - i. all relevant local, state, and federal law;
 - ii. implicit bias and anti-racism;
 - iii. gender identity and sexuality;
 - iv. disability rights, including but not limited to physical disabilities, intellectual and developmental disabilities, psychiatric disabilities and traumatic brain injuries;
 - v. classism, poverty and homelessness;
 - vi. trauma-informed policing and crisis intervention;
 - vii. KPD employee patterns, practices, policies;
 - viii. Procedures of the KPD Police Commission and Local Law;
 - ix. civilian oversight history, models, trends, theories, standards and best practices;
 - x. methods for conducting independent and objective civilian complaint investigations, e.g. interviewing, collection and preservation of evidence;
 - xi. community outreach to inform how the Commission functions and serves the community and public reporting;
 - xii. discipline and remediation, education-based discipline, early warning systems, processes of arbitration/grievance.
- b. KPC shall have the authority to:
 - i. make recommendations to the Police Chief and Mayor regarding practices, procedures, policy & planning;
 - ii. establish guidelines, directives, and mandatory training for city employees responsible for taking and handling complaints.
- c. KPC shall conduct investigations into the conduct of members of the KPD concerning any investigative category, even in the absence of a civilian complaint.

- i. It will put in place multi-language reporting lines, forms, and other methods of complaint submission, discussion, and review, including in-person, online, and over the phone.
 - ii. Complaint forms and instructions shall be made available by KPD employees and at the Commission office, at Commission meetings, libraries, recreation centers, police stations, public safety building, courts, and all other government buildings, and on the City, KPD, and Commission websites.
 - d. *In addition to regular monthly business meetings that include review of complaints, the Commission shall hold public meetings in each City district a minimum of at least once annually, to invite public input or comment, and to provide information education about the Commission process and its work.*
 - e. *KPC shall possess full administrative access to all non-confidential databases maintained by the Kingston Police Department which are not otherwise protected from disclosure by Federal, State or Local Law or Regulation.*
 - f. KPC shall have input in the interviewing and hiring of all police officers.
- E. Additional Powers and Duties:
- a. Accessibility:
 - i. The Commission shall provide language access for limited or non-English proficient complainants and witnesses at all stages of the investigative and adjudicative process. Language access shall be available during all operating hours of the Commission.
 - ii. The Commission shall provide reasonable accommodations in accordance with the federal, state and local law to individuals with disabilities at all stages of the investigative and adjudicative process. Such accommodations shall be available during all operating hours of the Commission and shall include but not be limited to: accessible means of egress, accessible means of communication via auxiliary aids or services giving primary consideration to preferences of the individual deserving such services, and access to ASL interpreters.
 - b. Initiation of Complaints:
 - i. Complaints may be received directly by the Commission, or upon referral from the Mayor, the Council, any Councilmember, or the Chief, or any other community authority as authorized by the Police Commission.
 - ii. The Commission shall receive complaints by telephone, in person, by mail, email or web form. Complaints shall be received and considered whether submitted with a signature or anonymously. Efforts to simplify the procedure shall be made to encourage filing. Professional standards of confidentiality with regard to the written release of information and informed consent will apply to all complaints filed. With respect to the confidentiality of all interested parties, the Commission shall comply with all local, state, and federal law.
 - iii. Before proceeding with the complaint process, the complainant shall be made aware of and referred to organizations that advocate for people who have experienced police misconduct and *to available community support*

groups. The complainant will also be provided with an explanation of the process of the Commission.

- iv. *While the complainant reserves the right to decline to cooperate with the investigation, once initiated, the Commission's investigation will continue until conclusion.*

F. Complaint Process.

- a. The complaint process will
 - i. require KPC to report complaints alleging criminal actions by officers to the District Attorney for investigation;
 - ii. establish an appeals process for determinations by the KPC for both complainants and subjects of investigations both of whom shall be made aware of such processes at the outset of any investigation;
 - iii. make public, after disposition of complaint, the record of the case including the category of the complaint and the disposition of the case;
 - iv. issue a public tracking number for each and every complaint, which shall be included in the quarterly and annual reports issued by the Police Commission;
 - v. *Upon receipt, copies of complaints will be forwarded to the Office of the District Attorney with notice of the Commission's intent to investigate. The Office of the District Attorney shall have thirty days to raise any objections or identify concerns regarding the Commission's access to witnesses and/or evidence so as not to compromise the District Attorney's ability to prosecute any criminal conduct;*
 - vi. provide to the complainant and the subject of the investigation the opportunity to submit competent evidence for consideration by the Commission. In addition, the Commission shall establish procedures for competent evidence to be submitted by community;
 - vii. *require that all sitting commissioners have access to all evidence that is part of the record;*
 - viii. requires that emergency meetings be called after receiving complaints that include bodily harm or sexual assault and that KPC establish clear criteria—for the purposes of calling an emergency meeting—for what constitutes bodily harm and sexual assault;
 - ix. allows that emergency meetings can be called by three (3) Commissioners agreeing to hold such a meeting within 48 hours (can take place via video call)
 - x. affirms that the actions of the Commission shall not preclude action by the criminal or civil justice system.

G. Policy Review

- a. On an annual basis, before December 31 of every calendar year, the Commission shall review and assess KPD policies, procedures, patterns and practices and recommend changes—the KPC shall solicit input from the community as part of its annual review process.
- b. The Commission shall send its policy recommendations to the Chief, the Mayor, and City Council.

- c. The Commission shall publish its policy recommendations on the Commission website.

H. Commission Reports

- a. The Commission, through the Mayor's staff, shall publish on its website monthly data on the receipt and disposition of complaints. As noted above, all complaints shall be issued a public tracking number, which shall be included in the quarterly and annual reports. The Commission shall publish on its website for the public and deliver hard copy to the Office of the Common Council and the Office of the Mayor public quarterly and annual reports that shall document:
 - i. The total number and type of complaints and the City districts in which they happened;
 - ii. The categories of each complaint;
 - iii. The public tracking number of each complaint;
 - iv. Detailing information that legally available to the Commission, including but not limited to: the date, time, and location of each incident, whether there is a video of the incident or not, age, race, and gender of adult complainant(s), rank(s), gender(s), section(s), and race(s) of the KPD employee(s) and if there were witnesses, how many, and whether they are employed by any local, state, or federal law enforcement agency and which agency; the Commission shall comply with local, state, and federal law and redact any information that may not be disclosed publicly. The number of previous complaints against the KPD employee(s) within ten (10) years of the incident and whether or not those complaints were sustained.
 - v. The number of times and the types of use of force used per complaint and the total number of times and types of use of force used;
 - vi. The number of times pepper spray was deployed per complaint and the total number of times pepper spray was deployed;
 - vii. The number of times and types of pain compliance tactics used per complaint and the totals for each use of pain compliance tactic;
 - viii. The number of times and types of use where a Taser was deployed;
 - ix. Complaint and sustain rates for each KPD section;
 - x. In the event where a KPD employee uses their firearm:
 - 1. the type of weapon used (firearm, brand, type);
 - 2. number of shots fired;
 - 3. the range from which the firearm was fired;
 - 4. injuries sustained by the complainant, animal(s), KPD employee(s), and/or any bystanders;
 - 5. any medical care provided and what type; whether the person or animal was killed.
 - xi. The number of cases where the Commission's disciplinary decision was enforced by the chief
 - xii. The number of cases where the Chief disputed the disciplinary decision of the panel;
 - xiii. The type of sanctions imposed;
 - xiv. The type of sanctions decided upon;

- xv. The number of cases reviewed by the Commission;
 - xvi. The number of complaints found not to have reasonable cause to be heard;
 - xvii. The number of complainants contacting the Commission but not following through with a formal signed complaint;
 - xviii. The length of time each case was pending before the Commission;
 - xix. The number of complainants who filed a notice of claim against the City while their complaint was being considered by the Commission.
- b. The annual report is to be published on the Commission's website for the public and delivered as a hard copy to the Office of the City Council and the Office of the Mayor and shall contain:
- i. The recommendations related to changes in KPD patterns, practices, policies, and procedures;
 - ii. Whether the prior year's recommended changes have been implemented;
 - iii. A summary of complainant and public survey data with an assessment of if and how Commission policies should change to accommodate concerns.
 - iv. Quarterly and annual reports shall be publicly available on the Commission's website.
 - v. Any video associated with the complaint that can be made public, shall be made publicly available.

The Mayor shall report to the Common Council on a quarterly basis (January 1, April 1, July 1, October 1) progress on the achievement of these changes until all have been successfully and permanently implemented. The Common Council urges that the changes be made with all deliberate speed.