



City of Kingston Laws and Rules Committee
Meeting Agenda
Wednesday, August 19, 2020
6:30 PM

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

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NEW BUSINESS

Hudson Valley Landing Property
[20200811101803.pdf](#)

Park Slope Kingston
[20200811102037.pdf](#)

Zoning Change Report
[08.10.20 2-16 Montrepose_Public Hearing Report.pdf](#)

1 OLD BUSINESS

- 1.a. Charter Commission
[20200310130147.pdf](#)
- 1.b. Mobil Food Truck Legislation
[20200408094744.pdf](#)
- 1.c. Commercial Vacancy Tax
[20200604103148.pdf](#)
- 1.d. Recommendations on Rezoning 2-16 Montrepose Ave.
[HLPC Recommendation to CC on Rezoning #2-16 Montrepose.pdf](#)
[PB Recommendation to CC on Rezoning #2-16 Montrepose.pdf](#)

Laws and Rules Committee Agenda Item Report

Meeting Date: August 19, 2020

Submitted by: Dee Sills

Submitting Department: Mayor

Item Type: Proposed Resolution

Agenda Section:

Subject:

Hudson Valley Landing Property

Suggested Action:

Attachments:

[20200811101803.pdf](#)

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

(L+R)

Steven T. Noble
Mayor



July 30th, 2020

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

Re: Hudson Valley Landing Property

Dear President Shaut,

A request has been made by Kingston Waterfront LLC, who owns property at Hudson Landing, asking that the road into the complex be deeded to them, as the City of Kingston does not maintain said road. They will also take over ownership and responsibility for the three LED lights in the development. This has been discussed with both the Engineering Department and the Public Works Department and all parties believe it is in the City's best interest to transfer the roadways to the private property owner.

An easement over said property will also grant the City the right to enter on said property for access to the sewer regulator and for repair to the sewer system, as needed.

Please feel free to contact Corporation Counsel's office with any specific questions related to the project. Thank you for your consideration.

Sincerely,

Steven T. Noble
Mayor

Cc: Corporation Counsel
Clerk's Office

Laws and Rules Committee Agenda Item Report

Meeting Date: August 19, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Proposed Resolution

Agenda Section:

Subject:

Park Slope Kingston

Suggested Action:

Attachments:

[20200811102037.pdf](#)

REFERRAL RESPONSE

ULSTER COUNTY PLANNING BOARD

General Municipal Law of New York State

Article 12B

Sections 239-1 and 239-m



L+R

Referral Number

2020061

Municipality Kingston City
Referring Agency Local Governing Body
Type of Referral Zoning Map Amendment

Local File Number

Name of Applicant Andrew Wright
Name of Project Park Slope Kingston
Project Location 2-16 Montrepose Street
Description Re-zone from RRR to RT for proposed multifamily project.

UCPB Decision

Required Modifications

See Attachments



Referral Officer

Representing the Ulster County Planning Board

Date Received 6/19/2020
Date Reviewed 7/1/2020
Form Date 7/2/2020
Status Reviewed

Ulster County Planning Board



Dennis Doyle, Director

Elisa Tinti, City Clerk
City of Kingston
420 Broadway
Kingston, N.Y. 12401

RECOMMENDATION

REFERRAL NO: 2020-061

DATE REVIEWED: 7/1/2020

Re: Park Slope Kingston – Zoning Map Amendment

Summary

This is a proposal to re-zone a single parcel from RRR to RT at the applicant's petition. The applicant intends to construct fourteen market-rate apartments with twenty-three parking spaces, pedestrian park, and two EV charging stations. The proposal is located at 2-16 Montrepose.

The following materials were received for review:

- Referral Form
- Zoning Petition
- Short EAF

Recommendations

Given the existing RRR zoning for this property creates a nonconforming lot and that the parcel in question is adjacent to the RT zone, as well as across the street from a condominium development and existing multifamily rental units, the UCPB does not have an issue with the rezoning itself. However, there are several concerns that will need to be addressed as part of its approval as discussed below.

Affordable Housing

The applicant has indicated that these proposed apartment units are intended to be "market-rate." The City, however, is currently in the process of developing an affordable housing amendment to their zoning statute which would require a 10% set aside or in the case of this project, 2 units.

Required Modification

Once the City's new affordable housing law is enacted, no exemptions from providing its 10% share of affordable housing should be granted to this proposed rezoning/use.

SEQRA - Special Permit and Site Plan Review

The City's Planning Board will need to conduct SEQRA with respect to its special permit and site plan review of the proposal.

Advisory Comment

The SEQRA process for the project will need to be completed before action can be taken on the proposed petition to rezone.

FINAL ACTION REPORT FORM

Per GML 239-m and -n FINAL ACTION REPORTS ARE
REQUIRED TO BE SUBMITTED WITHIN THIRTY DAYS
AFTER FILING

Complete the local agency final action box, add the local file
number, include any required submittals, and sign the form



Name of Project: Park Slope Kingston

Referral Number: 2020061

UCPB Decision: Required Modifications

Local Agency Final Action:

☐ Approve ☒ Disapprove

Member Vote: Yes: ☒ No: ☐

☐ County Planning Board Decision -
Reviewed no County Impact

☐ Concurs with County Planning Board
Modifications or Disapproval

☐ Contrary to County Planning Board
Modifications or Disapproval (see
required submittals if checked)

Required Submittals:

Within thirty days after final action, the referring body must file a
report of the final action it has taken with the UCPB. A referring body
that acts contrary to a recommendation of modifications or
disapproval of a proposed action shall set forth the reasons for the
contrary action in such report attached to this form.

Local File Number:

Municipality: Kingston City

Referring Agency: Local Governing Body

Type of Referral: Zoning Map Amendment

Name of Applicant: Andrew Wright

Project Location: 2-16 Montrepose Street

Description: Re-zone from RRR to RT for proposed
multifamily project.

☐ Required Submittals Attached

☐ Resolution Attached

Local Officer: _____

Date: _____

~ For Ulster County Planning Board Use Only ~

Local Board Decision:

Original Date Received: 6/19/2020

Original Review Date: 7/1/2020

Final Action Date Received:

Status: Reviewed

Return Form to:

Referral Officer

Ulster County Planning Board

Box 1800 Kingston, N.Y. 12402

Need Help? Telephone: 340-3340

Form Revised 09/26/2000 UCPB

UCPB Date Stamp

Laws and Rules Committee Agenda Item Report

Meeting Date: August 19, 2020

Submitted by: Elisa Tinti

Submitting Department: Common Council

Item Type: Informational Purposes

Agenda Section:

Subject:

Zoning Change Report

Suggested Action:

Attachments:

[08.10.20 2-16 Montrepose_Public Hearing Report.pdf](#)

2-16 Montrepose
Public Hearing Applicant Report

August 10th, 2020

Honorable Common Council of the City of Kingston
Laws and Rules Committee
City of Kingston, NY

**Re: 2-16 Montrepose
Public Hearing Zoning Change**

Due to all the questions and concerns expressed to us by the public during the Ward 9 meeting held on 8/1/2020 at Hasbrouck Park and via Zoom, our office has prepared the following statements.

Why developing the site now?

The owner has been in possession of this lot for about 20 years. Due to his firm's busy schedule and trying to keep up with demand of his services, he worked on this project sporadically. This project has been unofficially presented in years prior to city officials; however, it wasn't until this year during the PAUSE given by the Pandemic, that he was able to devote his time to solidify the development and move forward with the initial approvals. There is an evident need for housing. Currently, supply does not seem to be keeping up with demand which makes some landlords increase rents to much higher rates.

Why Park Slope?

Historically, the City of Kingston has had a strong connection with NYC. From the times when Jervis McEntee, famous painter of the Hudson River School, used to walk the streets of West Chestnut during the Summer and then spent his winters in NYC, to the present time when we have many NYC residents move to the area permanently or seasonally. The area surrounding this property has a lot of history. In that history, we find renowned architects like Calvert Vaux who was one of the designers of Prospect Park next to Park Slope in Brooklyn. Vaux was also good friend and brother in law of Jervis McEntee and the architect who designed the house on the adjacent lot at 194 West Chestnut Street and who is now buried in the Montrepose Cemetery.

Regarding runoff

There are several strategies to control runoff from a new development; to name a few, driveways and parking can be made of permeable pavement, rain can be harvested and stored for later use, rain gardens can be implemented.

The map included in our zoning change application, see page 4, reflects a curvilinear marking on the site which many have been interpreted to be a stream; however, the historic maps and initial SEQR generated by DEC EAF Mapper Application, tells us a different story. The historic map from **1870** depicts a set of three springs but does not clearly state their exact location. The historic map from **1875** specifies the coordinates of the area catered to protect those springs; we have superimposed the historic and current zoning maps, digitally and using coordinates, and our findings infer that the protected area specified on this historic map is the same occupied by two of the properties adjacent to this lot on the West Chestnut Street side.

At the bottom of the runoff, the City had already made the effort to divert the water into a manhole (top red circle on image in page 4) and then into a storm drain (bottom red circle on image in page 4). If this project or a version thereof is built, the objective will be to redirect the runoff to the same area and possibly design a rain garden around it.



Garbage issues

Near the lot lines between the row of four houses at West Chestnut and this lot, we found old tires, plastic buckets and pvc pipes. We also found the old “NO TRESPASSING” signs that we had previously placed on the site.



There is regular garbage that has been disposed throughout the site. The wooded area is no longer able to protect the run off since we found plastic along its way down to the storm drain.





Quality of Water

Even if “No Trespassing” signs are posted around the property, people are still walking into the site. We would like the public to be aware that the water from that runoff is **NOT** safe to drink. See below photo of the existing manhole.



Cleanliness of the Street

We have found that there is a lot of garbage that accumulates on the street next to the sidewalk on the side of Montrepose next to this empty lot. It has been proven that this undeveloped area is more prone to be neglected by the public in comparison with the sidewalk on the Ulster Academy side which rarely collects garbage.





View of Ulster Academy Lofts from Montrepose Ave

Safety issues

There have been numerous trespassers walking the site. This site is **NOT** safe to be walked on; there are several trees that have fallen within the property and others that are dead and need to be cut. We are taking measures to cut the trees that could potentially create unsafe conditions to neighbors.

Traffic issues

The owner of the property is familiar with the traffic issues around this lot. Driving through these streets for many years while on his way to work or to drop off his children at Kingston Catholic School and his step son at his mother in law's, it has been evident how the speedy traffic from Hudson St into Montrepose and W Pierpont has already created unsafe conditions. If a development for this lot is presented in front of the Authorities Having Jurisdiction, one of the main immediate actions will be to help make these streets safer for pedestrians.

Walkability

This site only has a sidewalk on the Montrepose side but it does not have one on the Pierpont side. If the proposed development or a version thereof is built, a sidewalk and seating areas will be added on Pierpont making it more attractive and accessible to pedestrians. Bike racks will also be installed promoting other means of transportation.

Market

If the proposed project or a version thereof is built, the two-bedroom units are intended to promote the new “working from home” trend as well as giving an option to people with the desire of selling a big house and live in an accessible place with amenities and free of maintenance. Owner also understands the need for affordable housing so 10% will be allocated for this purpose.

Density

If the zoning change is granted and this project moves forward as proposed or a version thereof, the FAR/density will be a fraction of what it is allowed. Due to the characteristics of the neighborhood, we believe the area only supports low rise/low density.

Comprehensive Plan for the City – “Kingston 2025”

In reviewing the City of Kingston 2025 Comprehensive Plan, we found that if our proposed plan was to be reviewed by the Authorities Having Jurisdiction, we would be in line with the following objectives:

- Objectives 1.1.1, 1.1.2 & 1.1.3
- Objectives 1.2, 1.2.1
- Objectives 1.4
- Objectives 2.4, 2.4.1
- Objective 2.5
- Objective 3.3.3
- Objectives 4.1, 4.2.2
- Objective 5.3.6
- Objectives 7.1.3, 7.1.4

City of Kingston – Open Space Plan

In reviewing the City of Kingston – Open Space Plan, we find that this site is **not** listed in the natural resource inventory as a Biologically Important Terrestrial Areas **nor** as a Riparian Buffer Area.

RRR vs RT for this particular lot

RRR zones are typically composed of bigger size lots. Given the size of this lot and its location, which currently represents spot zoning, the use to the owner is very limited.

RT districts are subject to more scrutiny and anything proposed has to be reviewed not only by the Planning Board but also by the Historic Landmarks Preservation Commission and the Heritage Area Commission.

cc: Kingston City Clerk
City of Kingston Planning Board
Historic Landmarks Preservation Commission
Heritage Area Commission
Ulster County Planning Board
Alderman Ninth Ward

Report prepared by: Sonia Lemus-Wright

Laws and Rules Committee Agenda Item Report

Meeting Date: August 19, 2020

Submitted by: Dee Sills

Submitting Department: Mayor

Item Type: Presentation Request

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: August 19, 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](#)

L+R

Tinti, Elisa

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

Andrea, Elissa -

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

I promise to not be late with a communication again!

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

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

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

MOBILE FOOD TRUCK/VEHICLE

Form and condition of license.

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

A.

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

B.

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

C.

The license is valid for one vehicle only.

D.

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

MOBILE FOOD VEHICLE ("MFV")

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

MOBILE FOOD VEHICLE VENDOR ("MFVV")

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

General provisions.

A.

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

B.

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

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

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

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

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

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

License required; application.

A.

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

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

(2)

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

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

(5)

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

(6)

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

FEE

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

B.

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

Suspension and revocation of license; fine schedule.

A.

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

B.

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

C.

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

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

(1)

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

(2)

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

(3)

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

Closure for operation without license.

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

Laws and Rules Committee Agenda Item Report

Meeting Date: August 19, 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', with a large, stylized loop at the end.

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: August 19, 2020

Submitted by: Elisa Tinti

Submitting Department: Planning

Item Type: Informational Purposes

Agenda Section:

Subject:

Recommendations on Rezoning 2-16 Montrepose Ave.

Suggested Action:

Attachments:

[HLPC Recommendation to CC on Rezoning #2-16 Montrepose.pdf](#)

[PB Recommendation to CC on Rezoning #2-16 Montrepose.pdf](#)

CITY OF KINGSTON
Historic Landmarks Preservation Commission

planning@kingston-ny.gov



Suzanne Cahill, Planning Director
Julie Edelson-Safford, Historic Preservation Admin.

Steven T. Noble, Mayor

August 10, 2020

Ms. Andrea Shaut, Ald. at Large
Pres, Kingston Common Council
City Hall – 420 Broadway
Kingston, New York 12401

RE: Historic Landmarks Preservation Commission Recommendation to Common Council
Rezoning Referral - #2-16 Montrepose Avenue
RRR (Single Family Residence) to RT (Rondout) District

Dear Pres. Shaut:

This is to advise the Common Council that at the regular meeting of the Historic Landmarks Preservation Commission, held on August 6, 2020, the Commission recognized receipt of the rezoning petition and supporting documentation. After review and deliberation the Commission voted unanimously to take no position on the rezoning petition, noting that they look forward to receiving a copy of the full application for any site development once prepared and reviewing it in an advisory role.

Please contact the office with any questions.

Sincerely,

Suzanne Cahill
Planning Director

Cc: Ald. J. Ventura-Morell, W1, Chairman Laws and Rules

CITY OF KINGSTON

Kingston Planning

planning@kingston-ny.gov



Suzanne Cahill, Planning Director
Kyla Dedea, Assistant Planner

Steven T. Noble, Mayor

August 10, 2020

Ald. At Large Andrea Shaut, President
City of Kingston Common Council
City Hall – 420 Broadway
Kingston, New York 12401

Re: KINGSTON PLANNING BOARD RECOMMENDATION July 20, 2020
REZONING PETITION: #2-16 MONTREPOSE AVENUE
RRR (Single Family Residence) District to RT (Rondout) District

Dear Pre. Shaut:

At the regular meeting of the City of Kingston Planning Board, held on July 20, 2020, the Board acknowledged receipt of the above referenced rezoning petition and supporting documentation. After deliberation of the materials, including staff notes to the Board, public comments and additional input from the meeting discussion with the applicant; the Planning Board voted unanimously to recommend to the Common Council that #2-16 Montrepose Avenue be rezoned from RRR (Single Family Residence) District to RT (Rondout) District with the following factors during discussion being the basis for their recommendation:

1. In accordance with §405-73 A (2) of the City Zoning Code, the Board reviewed all factors as required.
2. It was noted that this is a review of a referral for the rezoning only. The applicant's conceptual information is only illustrative at this point and there has been no applications filed for a development proposal.
3. As stated under §405-19 of the Zoning Code, the purpose of the Rondout District includes "....to ensure that new construction will be compatible with the established character of existing development in the district." While the applicant has yet to file a formal application for a development review, the Board recognized that the RT District would provide for a more rigid review of site development factors. The Board further discussed the overall character of the neighborhood, recognizing the adaptive re-use project across Montrepose to its current multi-family use, several other multi-family uses along West Pierpont, and the presence of single family and multi-family along the properties of West Chestnut.
4. Compared the types of uses which might be able to be developed under the current zoning and what uses could be developed under the RT Zoning District and how those might impact the neighborhood.
5. Considered the location of the property, including the size, irregular shape, physical aspects, site limitations, recognized certain other constraints, such as an underground stream.
6. Noted that the RT zone is more stringent in the required review of new development, noting that site development plan approval by the Planning Board shall be required for the erection, enlargement of all structures, including one, two and three family residences in the RT zone. This is above what would be mandated in the current RRR zone.

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Suzanne Cahill, Planning Director
Kyla Dedea, Assistant Planner



Steven T. Noble, Mayor

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7. Discussed existing services adequacy, most notably touching on the impact on the existing street traffic flows and public safety. The Board recognized that as part of any site development review for the site, the SEQR process will be followed and the Board can require a more in-depth study and possible supplemental reports which would focus on specific issues recognized by both the Board and the public.
 8. With a change of zoning, the Board recognized other agency reviews that would be required. Noting the Heritage Area Commission (advisory for site and regulatory for a Local Consistency Review under the LWRP) and the Historic Landmarks Preservation Commission (advisory role only). Other agencies may become involved once any formal application is submitted.

If there are any questions, please do not hesitate to contact our office to discuss.

Be well and stay safe.

Sincerely,

Suzanne Cahill
Planning Director

CC: Ald. J. Ventura-Morell, W1, Chairman. Laws and Rules
W. Platte, Chairman Planning Board