



City of Kingston Laws and Rules Committee
Meeting Agenda
Wednesday, October 21, 2020
6:30 PM

This meeting will be live-streamed at the City of Kingston YouTube channel: <https://youtu.be/YFjVrvNz3qo>

NEW BUSINESS

Scenic Hudson Abandonment of North St.

[20201013102925.pdf](#)

Amend City Code Regarding Chickens

[20201013103103.pdf](#)

Amending Section 405 of the City Code

[20201013103333.pdf](#)

Sales Tax Agreement Between City and Ulster Co.

[20201008094621.pdf](#)

New Schedule for Records Retention with NYS

[20201020084210.pdf](#)

Proposed Legislation

[Kingston Formula Store legislation.pptx](#)

Communication on Proposed Legislation

[Proposed.docx](#)

1 OLD BUSINESS

1.a. Affordable Housing Zoning Amendment

[20201013104320.pdf](#)

1.b. Adoption Kingston Open Space Plan

[20201013105014.pdf](#)

Laws and Rules Committee Agenda Item Report

Meeting Date: October 21, 2020

Submitted by: Dee Sills

Submitting Department: Mayor

Item Type: Proposed Resolution

Agenda Section:

Subject:

Scenic Hudson Abandonment of North St.

Suggested Action:

Attachments:

[20201013102925.pdf](#)



(L+R)

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

September 24, 2020

Via E-mail: emtinti@kingston-ny.gov

Hon. Steven Noble, Mayor and
Members of the Kingston Common Council
420 Broadway
Kingston, NY 12401

Attn: Elisa Tinti, City Clerk

Re: Abandonment of North Street within the boundaries
of lands owned by Quarry Waters, LLC
Tax Lot #'s: 48.16-6-4; 48.16-6-1.100; 48.16-6-3.100;
48.16-6-4; 48.16-6-5; 48.84-1-3 (the "Property")

Dear Mayor Noble and
Members of the Common Council:

Quarry Waters, LLC and The Scenic Hudson Land Trust, Inc., respectfully request that the City abandon its interests in the right of way known as North Street, to the extent that said right of way is located on the Property (the "ROW"). As you are aware, we are working with the City, New York State and local stakeholders to develop a park on the Property. New York State has expressed an interest in purchasing the Property and, abandonment of the City's interests in the right of way will facilitate that process and the park's development. For your reference, please see the enclosed map of North Street within the Property.

We recently granted the City a public access easement over the Property for the construction, maintenance, and use of a new segment of the Kingston Greenline (the "Trail Easement"). This trail, which will also become part of the Empire State Trail, is located partially within the City's ROW. The remainder of the trail will diverge from North Street and be closer to the shoreline, thereby providing wonderful views of, and potential access opportunities to, the Hudson River. The Trail Easement is the realization of a longstanding City goal, to expand its Greenline and increase public access to the River.

We understand that the segment of North Street located on the Property has been closed to the public for more than a decade and that the City has not maintained the road for at least that long. Additionally, the only active utility within the City's ROW is a Central Hudson gas line, pursuant to a 1949 easement (the "1949 Easement"). The gas line runs from the southern portion of the ROW, to a separate easement that travels northwest and away from North Street. Neither easement will be extinguished by abandonment of the City's ROW and Central Hudson has indicated that they do not object to the City taking such action. Central Hudson has however requested that their North Street easement rights be confirmed. We are working with them to determine the appropriate way to achieve this.

Verizon also has an easement within the City's ROW, however Verizon officials have advised us that they no longer require this easement and removed their infrastructure from the Property several years ago and, therefore do not object to abandonment of the ROW. Furthermore, Verizon holds reserved rights pursuant to an agreement with Central Hudson, which will allow them access the Property via the 1949 Easement if a future need arises. We have asked them to provide written confirmation of their consent to the ROW abandonment.

There is no water or sewer infrastructure within the ROW. We understand that the City may, in the future, wish to install such utilities. We are prepared to work cooperatively with the City to provide access for same should the need arise. New York State has given the City the same assurance, in the event they take ownership of the Property.

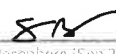
Within the Property, North Street runs north from the southern boundary (shared with Hutton Brickyards) up to the shared City/Town of Ulster boundary, where it intersects with John Street (also within the Property) in the Town. Earlier this year, the Town abandoned its rights in the John Street portion of the right of way.

The City's interest in providing public access through the Property has been fulfilled by the newly granted Trail Easement. We have taken appropriate steps to ensure that the City does and will have access to necessary utilities after abandonment of its ROW. We therefore respectfully request that the City of Kingston consider this application to formally abandon all interests that it currently has in the right of way and convey such interest by quitclaim deed to Quarry Waters, LLC. We further request that this application be referred to all appropriate committees and be heard at the next Common Council meeting, if possible. Formal abandonment of the road will help facilitate the development of a robust public amenity that will serve all of Kingston and the surrounding areas.

Thank you for your consideration of this matter.

Very truly yours,
QUARRY WATERS, LLC
By: The Scenic Hudson Land Trust, Inc.

By:


Steve Rosenberg (Sep 24, 2020 16:27 EDT)

Steve Rosenberg, Executive Director

Cc: Pamela Richardson, Esq.
Kevin Bryant, Esq.
John Schultheis, PE

Letter to Kingston re ROW abandonment - 9-24-20

Final Audit Report

2020-09-24

Created:	2020-09-24
By:	Pam Richardson (prichardson@scenichudson.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA3_KEsc9x10udQNwSkJy2xwOuDdEk3ssU

"Letter to Kingston re ROW abandonment - 9-24-20" History

-  Document created by Pam Richardson (prichardson@scenichudson.org)
2020-09-24 - 8:24:29 PM GMT- IP address: 108.41.53.135
-  Document emailed to Steve Rosenberg (srosenberg@scenichudson.org) for signature
2020-09-24 - 8:24:54 PM GMT
-  Email viewed by Steve Rosenberg (srosenberg@scenichudson.org)
2020-09-24 - 8:26:37 PM GMT- IP address: 66.102.8.111
-  Document e-signed by Steve Rosenberg (srosenberg@scenichudson.org)
Signature Date: 2020-09-24 - 8:27:14 PM GMT - Time Source: server- IP address: 68.174.54.97
-  Agreement completed.
2020-09-24 - 8:27:14 PM GMT

Laws and Rules Committee Agenda Item Report

Meeting Date: October 21, 2020

Submitted by: Dee Sills

Submitting Department: Building Safety

Item Type: Proposed Resolution

Agenda Section:

Subject:

Amend City Code Regarding Chickens

Suggested Action:

Attachments:

[20201013103103.pdf](#)

(L+R)

CITY OF KINGSTON
Building Safety and Zoning Enforcement
buildings@kingston-ny.gov

Steven T. Noble, Mayor
Stephan Knox, Director



David Bence, Plumbing Inspector
Eric Kitchen, Zoning Officer

October 2, 2020

Dear Common Council members,

I am writing to you today, to advise you on an ongoing issue. In recent months my office has received many calls and complaints in reference to chickens and roosters. The complaints are on the rise, as more and more residents are acquiring chickens and roosters.

1. The complaints range from neighbors being woken up at odd hours of the morning by the sound of roosters crowing.
2. One couple has called repeatedly because of the smell from a neighbors chickens is affecting their quality of life and after living in their home for the past 15 years now have rats in there yard. This Individual's chicken coop is right up against his neighbor's property. (They state rats are attracted to chicken feces and when it rains the feces run into their yard).
3. Another resident has complained about her neighbors chickens getting loose and ruining her garden.
4. On another occasion, I responded to a complaint and upon arrival witnessed a person harvesting a chicken for self-consumption.
5. Lastly, I receive complaints of chickens and roosters strolling through the streets.

The following is how the current zoning code for the City of Kingston reads: Chapter 405-9(5)

Farms, truck gardens, greenhouses, nurseries and arboretums on lots having an area of at least five acres, including the sale on the premises of produce grown thereon, provided that:

(a)

Except as hereinafter provided, any farm building, other than dwellings and buildings accessory thereto, and the heating plant of any greenhouse shall be distant at least 75 feet from any street line or property line.

(b)

Farm buildings devoted to or intended for the housing of livestock, horses, rabbits, hares, guinea pigs, ducks, geese, live poultry or fowls of any kind shall be erected at least 200 feet from any street or property line.

LAF

CITY OF KINGSTON
Building Safety and Zoning Enforcement
buildings@kingston-ny.gov

Steven T. Noble, Mayor
Stephan Knox, Director



David Bence, Plumbing Inspector
Eric Kitchen, Zoning Officer

(c)

No odorous fertilizer shall be stored within a distance of 75 feet of any street or property line.

The complaints coming into my office are greater by the day. I would ask the Common Council to come up with a plan to deal with this issue. At the very least:

1. Chickens should be housed in secure cages.
2. Roosters should possibly be banned.
3. Cages must be kept clean and away from neighboring properties due to odors and rodents.
4. Limit the number of chickens allowed on small city lots.
5. Possibly the registration of chicken owners.
6. Legislation on how to deal with the waste and feces which attract disease and rodents.
7. Guide lines for proper disposal of waste and proper maintenance of chicken coops and how to monitor.

In closing, my position is part time 17.5 hours per week. I deal with many complaints a day involving all sorts of zoning complaints and violations. My main priority is also working on monthly applications that come before the ZBA. This ongoing issue is taking up plenty of valuable time. I would ask for you to thoroughly discuss this ongoing issue possibly amend this code and provide guidance to me, as your Zoning Enforcement officer.

Sincerely,

Eric Kitchen Clerk
Zoning Board of Appeals

Laws and Rules Committee Agenda Item Report

Meeting Date: October 21, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Proposed Resolution

Agenda Section:

Subject:

Amending Section 405 of the City Code

Suggested Action:

Attachments:

[20201013103333.pdf](#)

(L+R)

Tinti, Elisa

From: Koop, Douglas
Sent: Thursday, October 01, 2020 9:06 AM
To: Shaut, Andrea
Cc: Tinti, Elisa; Gartenstein, Daniel
Subject: Revised Communication

Andrea,

In order to provide additional clarity, I've revised my Communication to amend section 405 of the City Code. The revised Communication is attached below:

October 1, 2020

**President Andrea Shaut
Kingston Common Council**

Dear President Shaut,

I am requesting that section 405 of the City Code be amended to authorize the Zoning Board of Appeals to grant temporary variances for property owners to lease properties for uses that are not currently permitted under the Zoning Code. The variances would be for a limited period of time in order to address hardships that have been specifically caused by the COVID emergency.

The applicant would be required to establish by competent documentary proof to the ZBA that he/she has made reasonable efforts to lease the space for a permitted use, that such efforts have been unsuccessful and that the reasons for the inability to lease the space is specifically related to the declared state of emergency. The ZBA would then review the proposed use and, after a public hearing, would determine if the use is appropriate. In addition, any variance could not be used as a basis to apply for or secure a more permanent variance at the conclusion of the state of emergency.

I have been in contact with Corporation Council's office and expect that I can have specific language available prior to the October Laws and Rules meeting. I would respectfully request that this communication be referred to the Laws and Rules committee for consideration at the October meeting and hopeful action by the full council in November.

Sincerely,

Douglas Koop

(L+R)

Tinti, Elisa

From: Tallerman, Donald
Sent: Thursday, October 01, 2020 5:57 PM
To: Shaut, Andrea; Tinti, Elisa
Subject: Fwd: Communication for proposed legislation

Hi Andrea, Elissa. This has been updated with an additional paragraph. Can you please swap it for what I sent this morning? Thanks.

----- Forwarded Message -----

Subject: Communication for proposed legislation
Date: Thu, 1 Oct 2020 13:15:49 +0000
From: Tallerman, Donald <dtallerman@kingston-ny.gov>
To: Shaut, Andrea <ashaut@kingston-ny.gov>

Dear President Shaut:

I am requesting that section 405 of the City Code be amended to require that in the C2 and C3 zones in the City of Kingston, any and all proposals for "Formula Retail stores" shall require review and approval by the Historic Landmarks Preservation Board and that any such store not be permitted absent the issuance of a certificate of appropriateness by the HLPC.

This would apply primarily to our 3 main historic corridors of Uptown, Broadway Midtown and Broadway Rondout. This would NOT apply to such stores who are already here - they would be grandfathered. This would also NOT apply to Kingston Plaza.

A "formula retail store" means a type of retail store or food sales establishment that is required to maintain a standardized ("formula") array of services and/or merchandise, trademark, logo, service, sign, décor, architecture, layout, uniform, or similar standardized feature.

It is my belief that Kingston is a city that is rich with history, diversity and beauty with a unique business community made up of mostly small business owners, something that is rare in the United States. I believe that the City of Kingston should be working to build upon our local legacy of locally owned business and that this legacy enhances the quality of life of our residents. I believe that regulating "formula stores" will help establish that Kingston is a City that is devoted to small business and that we will take proactive steps to help small business thrive in our City.

This will apply only to spe

I have been in contact with Corporation Council and am working with them to draft specific language to address this issue. I expect that the proposed legislation will be available prior to the October Laws and Rules meeting. I am hereby requesting that this communication be referred to the Laws and Rules committee for consideration at the October meeting and hopefully for action by the full council before the end of this year.

Laws and Rules Committee Agenda Item Report

Meeting Date: October 21, 2020

Submitted by: Dee Sills

Submitting Department: Mayor

Item Type: Proposed Resolution

Agenda Section:

Subject:

Sales Tax Agreement Between City and Ulster Co.

Suggested Action:

Attachments:

[20201008094621.pdf](#)

AGREEMENT

THIS AGREEMENT (the "Agreement") made the _____ day of _____, 2020, between the **COUNTY OF ULSTER**, a municipal corporation, having its principal place of business at 244 Fair Street, Kingston, New York 12401, hereinafter referred to as the "**County**"; and the **CITY OF KINGSTON**, a municipal corporation having its main office and principal place of business at 420 Broadway, Kingston, New York 12401, hereinafter referred to as the "**City**" (each, a "Party," and together, the "Parties").

WITNESSETH:

WHEREAS, the County of Ulster has imposed a Sales and Compensating Use Tax pursuant to the laws of the State of New York; and

WHEREAS, Articles 28 and 29 of the Tax Law of the State of New York authorize municipalities to impose certain taxes on retail sales and other similar transactions and compensating use taxes as herein specified, to be administered by the State Tax Commission, and provide certain priorities and pre-emptive rights for each of the Parties; and

WHEREAS, subdivision (c) of Section 1262 of the Tax Law of the State of New York provides that Sales and Compensating Use Taxes may be allocated to cities and the areas in the county outside the cities in such proportion as may be agreed upon by the elective governing body of a county and of each of the cities in the county, with the approval of the State Comptroller; and

WHEREAS, pursuant to Sections 1210(i)(7) and 1224(o) of article 29 of the Tax Law of the State of New York, the County receives an additional one percent (1%) on taxable sales; and

WHEREAS, the Parties entered into a sales tax agreement with an effective date of March 1, 2016, and which expires on February 28, 2021; and

WHEREAS, representatives of the Parties have entered into extensive discussions and negotiations regarding this Agreement; and

WHEREAS, the Parties wish to enter into this Agreement and be bound by its terms, and hereby acknowledge that sufficient consideration has been exchanged by the terms of this Agreement; and

WHEREAS, by resolutions duly adopted by the governing bodies of the County and the City, the Parties have agreed upon a plan of distribution of a portion of the Sales and Compensating Use Tax imposed by the County providing a portion to the Towns of Ulster County; and

WHEREAS, for purposes of this agreement, the term “Towns” shall mean the Towns situated with the County of Ulster as a unit.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Parties hereto mutually covenant and agree as follows:

1. The County shall, effective March 1, 2021, continue to impose all taxes described in Articles 28 and 29 of the Tax Law of the State of New York, pursuant to Sections 1210 of said law, at a rate of 4% or any other rate(s) as may be authorized by the New York State Legislature during the term of this Agreement.
2. During the term of this Agreement, the City shall not impose any of the taxes authorized by Section 1210 of Tax Law of the State of New York as specified above in Paragraph Number 1 of this Agreement, nor shall the City exercise any “prior right” set forth in Section 1224 of the Tax Law of the State of New York.
3. The net proceeds of said taxes that the County imposes shall be allocated and disposed of as follows:

DURING THE PERIOD OF MARCH 1, 2021 THROUGH FEBRUARY 28, 2026:

- A. 85.5% of such monies shall be set aside for County purposes and shall be available for any legitimate County purpose.
 - B. 11.5% of such monies shall be paid monthly directly to the City to be used by the City for any legitimate City purpose. The County shall pay such share of the monies to the City within seven (7) work days after receiving the same from the State Tax Commission.
 - C. 3.0% of such monies shall be allocated monthly or otherwise as provided by law, to the area of the County outside of the City, to be distributed among the Towns therein, based upon full valuation.
4. For any sales tax period covered under this Agreement, should the Gross Sales Tax collected by Ulster County during a tax year exceed the high watermark of \$128,561,331 (2020 Budgeted Revenue), the County of Ulster and the City of Kingston agree to meet no later than May 1 of the following year to discuss the allocation of the amount in excess of \$128,561,331, and to consider increasing the allocation of the excess to the Towns, subject to the approval of the Ulster County Legislature and City of Kingston Common Council.
 5. This Agreement shall take effect on March 1, 2021 and continue in effect for a period of five years expiring on February 28, 2026.

6. This Agreement is subject to the approval of the State Comptroller of the State of New York.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized officers and their corporate seals affixed the date and year first above written.

COUNTY OF ULSTER

By: _____
DAVID B. DONALDSON, Chairman
Ulster County Legislature

On this ____ day of _____, 2020, before me personally came David B. Donaldson, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

CITY OF KINGSTON

By: _____
STEVEN NOBLE, Mayor
City of Kingston

On this ____ day of _____, 2020, before me personally came Steven Noble, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

Laws and Rules Committee Agenda Item Report

Meeting Date: October 21, 2020

Submitted by: Dee Sills

Submitting Department: City Clerk/Registrar

Item Type: Proposed Resolution

Agenda Section:

Subject:

New Schedule for Records Retention with NYS

Suggested Action:

Attachments:

[20201020084210.pdf](#)

News

New schedule, LGS-1 Retention and Disposition Schedule for New York Local Government Records arrives August 1, 2020

Thursday, May 21, 2020

The State Archives is revising and consolidating its local government records retention and disposition schedules and issuing a single, comprehensive retention schedule for all types of local governments on August 1st, 2020. The new schedule, *Retention and Disposition Schedule for New York Local Government Records* or LGS-1, will supersede and replace:

- *CO-2 Schedule* for use by counties (2006),
- *MU-1 Schedule* for use by cities, towns, villages, and fire districts (2003),
- *MI-1 Schedule* for use by miscellaneous local governments (2006), and
- *ED-1 Schedule* for use by school districts, BOCES, County Vocational Education and Extension Boards, and Teacher Resource and Computer Training Centers (2004)

Local governments must adopt LGS-1 prior to utilizing it, even if they adopted and have been using the *CO-2*, *MU-1*, *MI-1*, or *ED-1* Schedules. Governing boards of local governments will have a five-month period – between August 1st, 2020 when LGS-1 is issued and January 1st, 2021 when the four existing schedules expire – to adopt the Schedule by resolution (a model resolution is available on the State Archives' website). Local government records may not be legally destroyed after the end of 2020 unless the LGS-1 is formally adopted. There is no need to notify the State Archives of LGS-1 adoptions, but local governments should keep a record of the date of adoption and maintain the resolution permanently.

The organization and formatting of the LGS-1 is similar to the existing four schedules. Section heading names have been retained. Because of the consolidation, the LGS-1 contains more sections. Local government can ignore those that are not applicable. As with previous schedules, items that are new or significantly revised have been indicated. Each schedule item has been assigned a new, unique number; however, the unique numbers of the four existing schedules have been provided allowing cross referencing. In addition, each schedule item contains the record series title and description, retention period, and any notes.

A copy of the LGS-1 will be available on the State Archives website on August 1st. Additional online resources will include [a list of the major revisions](#) to the Schedule and a webinar series to introduce the LGS-1. Local governments are encouraged to check the State Archives website periodically for LGS-1 news and updates.

By consolidating multiple, disparate retention schedules, the LGS-1 helps to ensure consistent retention and disposition guidance for records that are common to various local governments. It also

makes it easier to apply revisions necessitated by changes to laws, regulations or other mandates that affect retention.

From the New York State Archives - <http://www.archives.nysed.gov>

[About Us \(/about/about-nysa\)](#)

[Contact Us \(/directories/index.shtml\)](#)

[Finding Aids \(http://archives.nysed.gov/xtf/search?\)](#)

[News \(/news\)](#)

[Site Map \(/about/site-map\)](#)

[Search \(http://www.archives.nysed.gov/search-results\)](#)

[New York Archives Magazine \(https://www.nysarchivestrust.org/new-york-archives-magazine\)](#)

[Archives Partnership Trust \(http://www.nysarchivestrust.org\)](#)

[New York State Historical Records Advisory Board \(http://www.archives.nysed.gov/shrab\)](#)

[Office of Cultural Education \(http://www.oce.nysed.gov/\)](#)

[New York State Education Department \(http://www.nysed.gov/\)](#)

[New York State \(http://www.ny.gov/\)](#)

[Privacy Policy \(http://www.nysed.gov/privacy-policy\)](#)

[Terms of Use \(http://www.nysed.gov/terms-of-use\)](#)

[Accessibility \(http://www.nysed.gov/terms-of-use#Accessibility\)](#)



<http://www.nysed.gov>

The New York State Archives is part of the Office of Cultural Education, an office of the New York State Education Department.

To report technical problems with this web site, please contact the New York State Archives at archinfo@nysed.gov (<mailto:archinfo@nysed.gov>)

MODEL RESOLUTION

RESOLVED, By the _____ [title of governing body] of _____ [local government name] that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: City Clerk

DATE: 10/21/2020

Description:

Authorization to adopt New Schedule, LGS-1
Retention and Disposition Schedule for New York
LOCAL GOVERNMENT RECORDS

Signature: _____

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: October 21, 2020

Submitted by: Elisa Tinti

Submitting Department: Common Council

Item Type: Informational Purposes

Agenda Section:

Subject:

Proposed Legislation

Suggested Action:

Attachments:

[Kingston Formula Store legislation.pptx](#)

Legislative Idea

In support of Kingston's
Economic Development

Help our small businesses by
discouraging
“Formula Stores”
in the City of Kingston



Let's protect our small businesses

- COVID has made it more difficult for small business to compete against large chain stores and Amazon.
- Kingston is a City of small businesses. This zoning change will help our small businesses to survive.
- This zoning change sends a clear message:
 - We are doing what we can to help small businesses survive.

This is not reactive to a chainstore planning to move to our City. This is proactive - demonstrating our commitment to our home grown business community.

Why Discourage Formula Stores?

- Demonstrate our commitment to small businesses
- Protect our uniqueness
- Keep Kingston's retail unique
- Encourage more unique retail to set up shop in Kingston

How will we discourage chain stores?

- Require approval from:
 - Heritage Area Commission
 - Landmarks Preservation Commission

How will this be done?

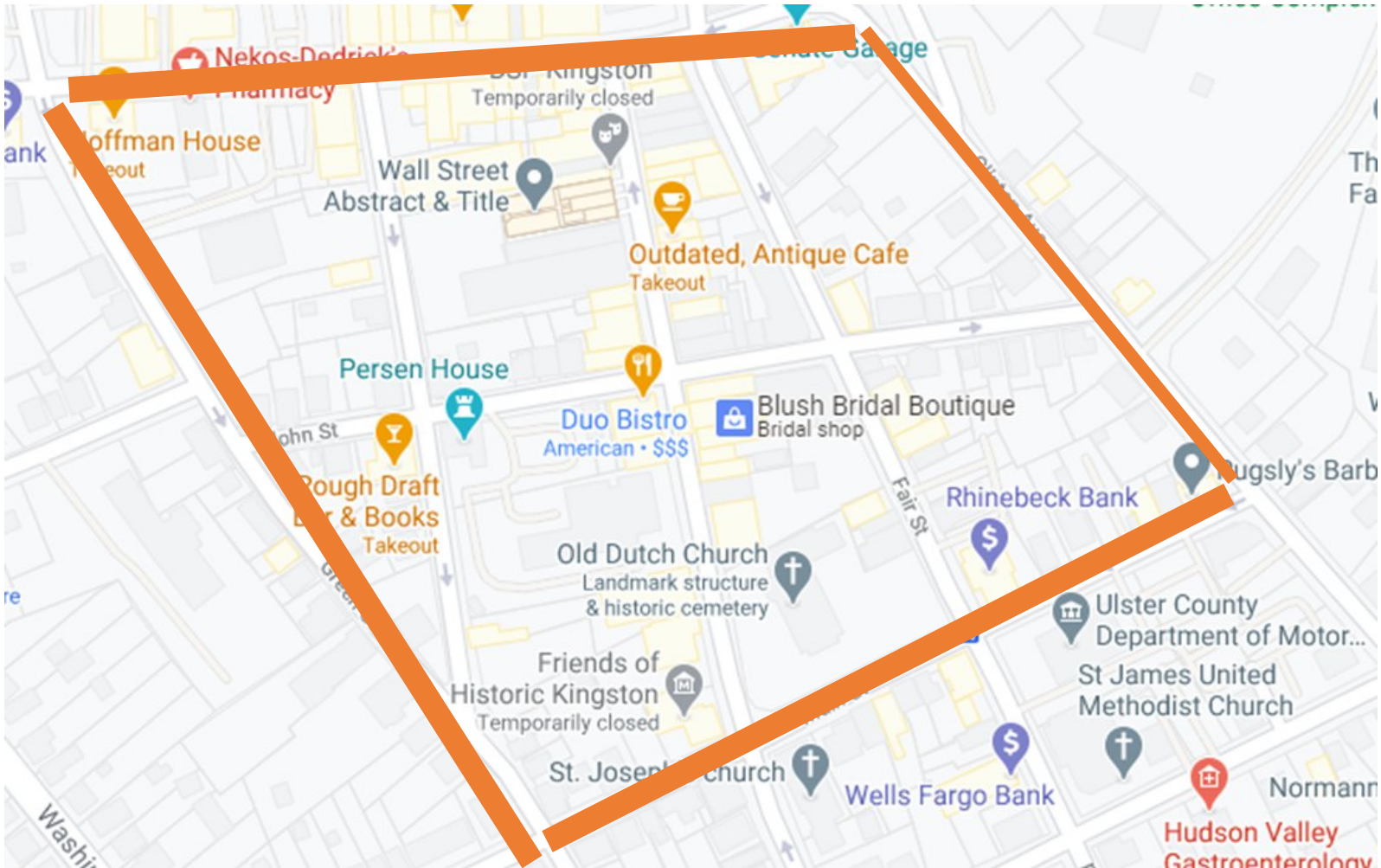
- Through an amendment to our zoning code.
- This is not a new ordinance, just a zoning change to our C2 and C3 (general commercial) district.

Does this discriminate against lower income people?

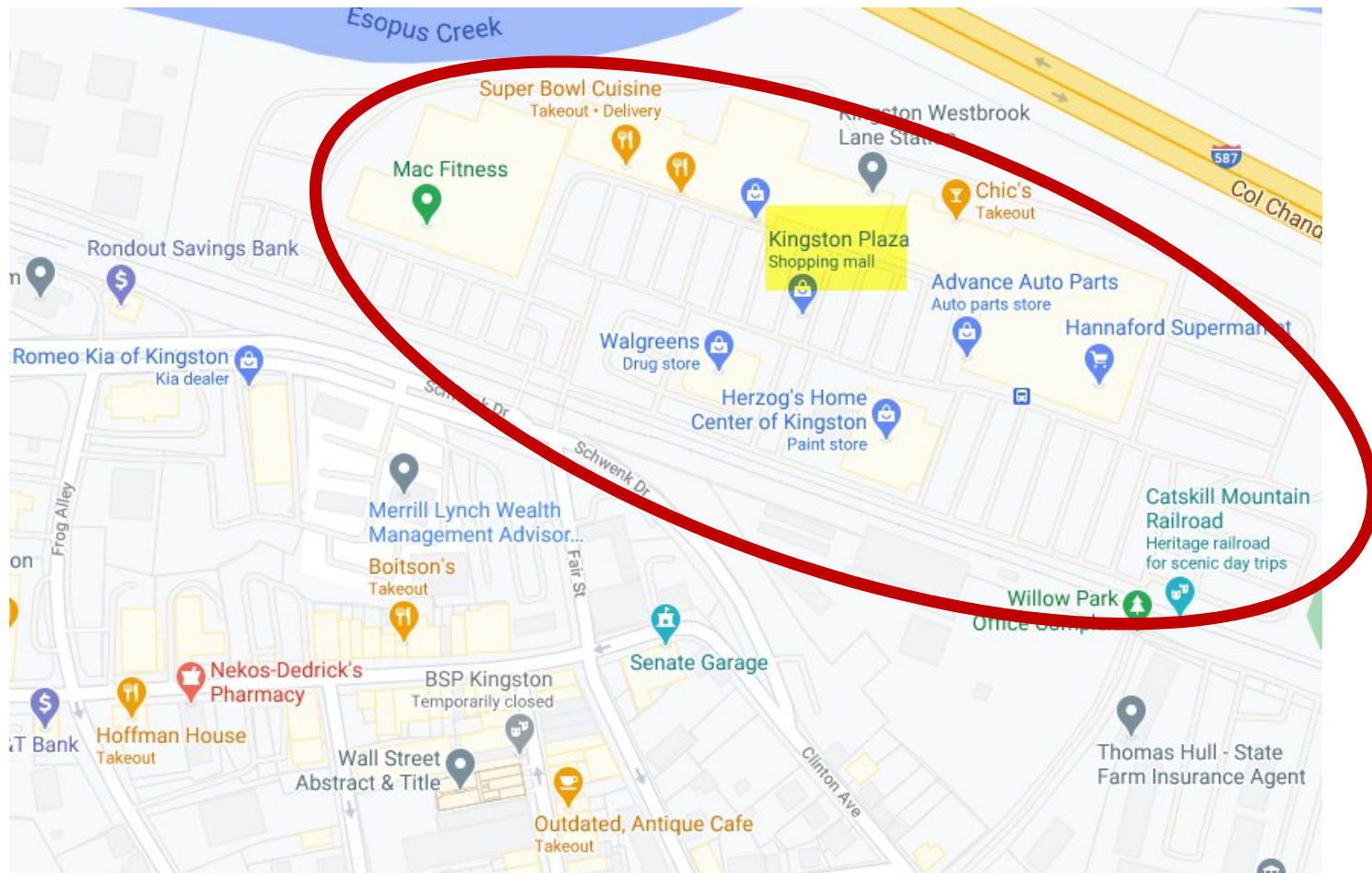
Lower income people need access to less expensive stores.

- Less expensive stores such as Walmart and Target are in the town of Ulster, 2-3 miles from Kingston
- Current stores in Kingston that cater to lower income people (i.e. Dollar General) would of course be grandfathered and would stay.

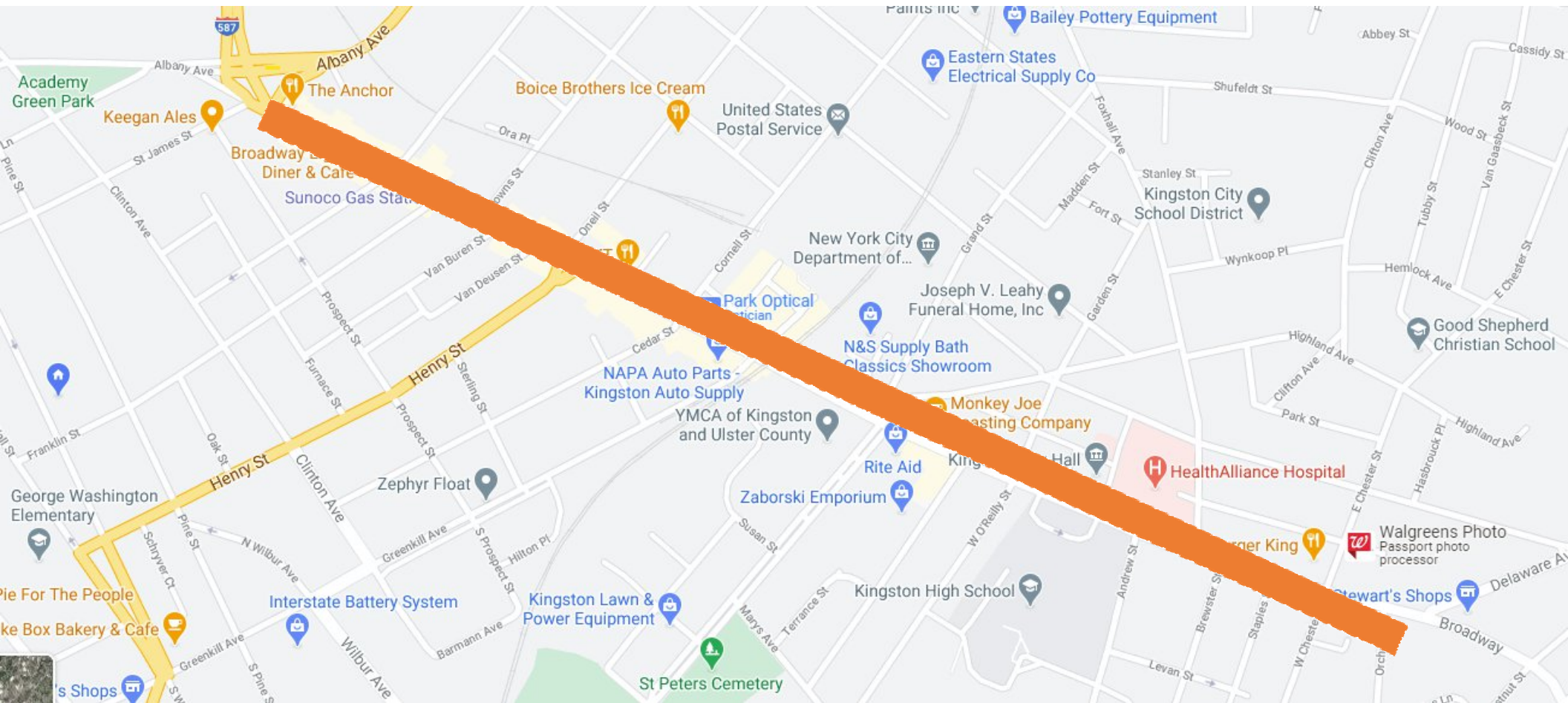
UPTOWN



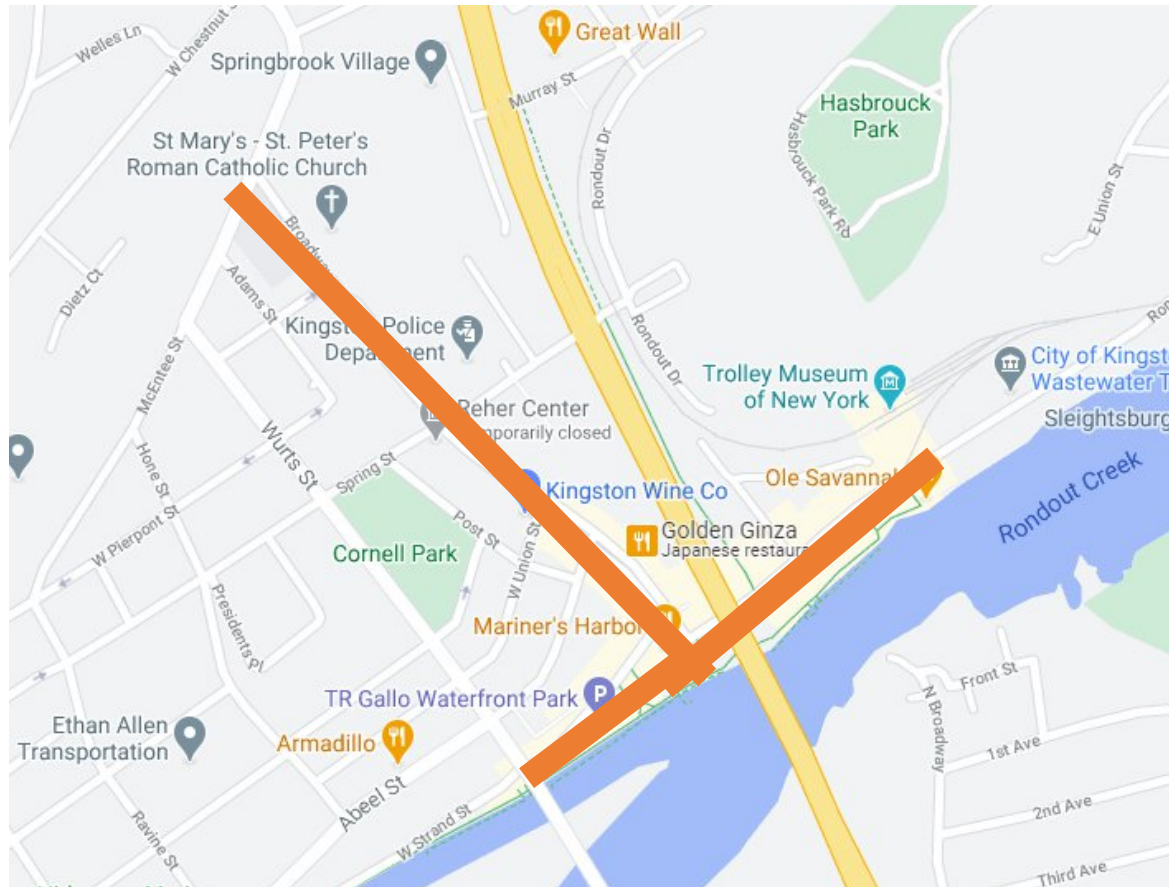
Kingston Plaza NOT included



MIDTOWN



RONDOUT



Grandfathered

- All existing formula stores grandfathered. Examples:
 - Walgreens
 - Burger King
 - Napa Auto Parts
 - Gas stations

Other cities who have done this...

City/Town	State	Population
Sort ▾	Sort ▾	Sort ▾
Arcata	CA	17,000
Bainbridge Island	WA	20,300
Barnstable	MA	48,000
Benicia	CA	27,000
Bristol	RI	23,000
Calistoga	CA	5,200
Carmel-by-the-Sea	CA	4,100
Chatham	MA	6,600

Chesapeake City	MD	800
Concord (Proposed)	MA	17,000
Coronado	CA	24,000
Coronado	CA	24,000
Dennis	MA	16,000
Fairfield	CT	57,000
Fredricksburg	TX	10,800
McCall	ID	2,000

Nantucket	MA	9,500
Ogunquit	ME	1,225
Pacific Grove	CA	15,500
Port Jefferson	NY	7,800
Port Townsend	WA	8,300
Provincetown	MA	
San Francisco	CA	810,000
Sanibel	FL	6,100
San Juan Bautista	CA	1,700
Sausalito	CA	5,300
Solvang	CA	5,300

Laws and Rules Committee Agenda Item Report

Meeting Date: October 21, 2020

Submitted by: Elisa Tinti

Submitting Department: Common Council

Item Type: Informational Purposes

Agenda Section:

Subject:

Communication on Proposed Legislation

Suggested Action:

Attachments:

[Proposed.docx](#)

Dear President Shaut:

I am requesting that section 405 of the City Code be amended to require that in the C2 and C3 zones in the City of Kingston, any and all proposals for “Formula Retail stores” shall require review and approval by the Historic Landmarks Preservation Board and that any such store not be permitted absent the issuance of a certificate of appropriateness by the HLPC.

A “formula retail store” means a type of retail store or food sales establishment that is required to maintain a standardized (“formula”) array of services and/or merchandise, trademark, logo, service, sign, décor, architecture, layout, uniform, or similar standardized feature.

It is my belief that Kingston is a city that is rich with history, diversity and beauty with a unique business community made up of mostly small business owners, something that is rare in the United States. I believe that the City of Kingston should be working to build upon our local legacy of locally owned business and that this legacy enhances the quality of life of our residents. I believe that regulating “formula stores” will help establish that Kingston is a City that is devoted to small business and that we will take proactive steps to help small business thrive in our City.

I have been in contact with Corporation Council and am working with them to draft specific language to address this issue. I expect that the proposed legislation will be available prior to the October Laws and Rules meeting. I am hereby requesting that this communication be referred to the Laws and Rules committee for consideration at the October meeting and hopefully for action by the full council before the end of this year.

Sincerely,

Don Tallerman

--

Don Tallerman
Alderman - Ward 5
917-318-7420

Laws and Rules Committee Agenda Item Report

Meeting Date: October 21, 2020

Submitted by: Dee Sills

Submitting Department: Planning

Item Type: Proposed Resolution

Agenda Section:

Subject:

Affordable Housing Zoning Amendment

Suggested Action:

Attachments:

[20201013104320.pdf](#)

Tinti, Elisa

From: Shaut, Andrea
Sent: Wednesday, September 23, 2020 2:28 PM
To: Tinti, Elisa
Cc: Morell, Jeffrey
Subject: FW: Affordable Housing Zoning Amendment
Attachments: HLPC Comment to CC May 2020.docx; Planning Comment on Zoning Amendment May 2020.docx

Hi Elisa,

Back in the spring, the Laws & Rules committee sent out a request for comments re: affordable housing zoning amendment. We received comments from HLPC and Planning Board from Sue Cahill. We now will need to add the Affordable Housing Zoning Amendment, with the two attached documents, back to the Laws & Rules committee for October.

Thank you,

Andrea

From: Cahill, Suzanne
Sent: Wednesday, September 23, 2020 1:11 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>; Morell, Jeffrey <ward1@kingston-ny.gov>; Gartenstein, Daniel <dgartenstein@kingston-ny.gov>; Dan GartensteinMFC <dgiii@earthlink.net>
Subject: Affordable Housing Zoning Amendment

Good Afternoon, I am curious where the Common Council is at with the amendment which the Planning Board and HLPC were asked to weigh in on for affordable housing language in the zoning code. I have not seen anything come through yet and I have a potential developer reaching out to our office on a multi-family housing project. Attached is the Planning Board and the HLPC recommendations from May 2020 on the referral.

Thanks for any insight you can give.

Sue

Suzanne Cahill, Planning Director
City of Kingston
City Hall - 420 Broadway
Kingston, New York 12401
Phone: 845.334.3955
Fax: 845.334.3958
E-mail: scahill@kingston-ny.gov
www.kingston-ny.gov

CONFIDENTIALITY NOTICE

This e-mail, including attachments, may contain information that is confidential and it may be protected by the attorney/client or other privileges. This e-mail, including attachments, constitutes information to be conveyed only to the designated recipient(s). If you are not the intended recipient, please delete this e-mail, including attachments, and notify this office by return mail or e-mail. The unauthorized use, dissemination, distribution or reproduction of this e-mail, including attachments is prohibited and may be unlawful.



Please consider the environment before printing this email. 

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

May 19, 2020

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

Re: REFERRAL from Common Council – Proposed Zoning Code Amendment – Affordable Housing
Two Actions: 1- Seeking Lead Agency Status in the SEQR Review
2- Comment on DRAFT Language as to its Impact on City Historic Districts and Parcels

Dear Pres. Shaut:

This is to advise that at the regular meeting of the City of Kingston Historic Landmarks Preservation Commission (HLPC), held remotely on Thursday May 7, 2020, the Commission voted unanimously as follows, with respect to the above two referenced issues:

1. The HLPC voted to consent to the Kingston Common Council to act as Lead Agency in the SEQR matter of the Zoning Amendment for Affordable Housing Language.
2. The HLPC has reviewed the DRAFT Zoning Amendment to be incorporated into the Kingston Zoning Code (Section 405) addressing Affordable Housing language. The HLPC does not take a position on the proposed zoning amendment as they are seeing as it has no impact on the jurisdictional review of the HLPC as it currently stands.

If there are any questions with respect to this communication please contact Suzanne Cahill, Planning Director or Julie Edelson-Safford, Historic Preservation Administrator at 845-334-3955.

Thank-you.

Sincerely,

Suzanne Cahill
Planning Director

CITY OF KINGSTON

Kingston Planning

planning@kingston-ny.gov

Suzanne Cahill, Planning Director
Kyla Dedea, Assistant Planner



Steven T. Noble, Mayor

May 19, 2020

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

Re: REFERRAL of Common Council to Kingston Planning Board – Zoning Amendment – Affordable Housing
Comment on DRAFT Zoning Language to provide Affordable Housing throughout the City of Kingston

Dear Pres. Shaut:

This is to advise you that at the regular meeting of the City of Kingston Planning Board (“Board”), held remotely on May 18, 2020, the Board voted unanimously as follows:

1. Consented to the Common Council acting as Lead Agency in the matter of the SEQR review for the Code Amendment.
2. The Board agreed that any adopted language should be applied uniformly throughout the City and should be articulated as a mandate, not a guideline. However, the Board OBJECTED to the DRAFT Zoning Amendment Language as proposed (Vote: R.J.- Motion, C.P.- Seconded, No discussion – vote unanimous) with the following SUGGESTIONS for consideration:
 - That strict compliance with the provisions of incorporating affordable housing units be waivable by the Kingston Planning Board with the following:
 - a. The applicant submit documentation to show good cause and sound reasoning for requesting a waiver of all or portion of the number of units required.
 - b. That the Board must vote to approve a waiver, stating reasoning for their decision, and by a super majority (majority plus one of full Board voting number).
 - c. That waivers will not be allowed for projects of thirty (30) units or more.
 - That the following schedule be adopted within the Code:

REQUIRED AFFORDABLE UNITS IN PROPOSED RESIDENTIAL DEVELOPMENTS*

Total Number of Units	Affordable Units Required
9 or Less	0 unless developer proposes
10-19	1
20-29	2
30 or more	3 or 10%**

* Includes both new construction and Adaptive Re-Use

** In cases where there are 30 units or more, the Planning Board will mathematically round the 10% rule using standard method. For example, 33 units x 10% = 3.3 Round down to 3 Units; 35 units x 10% = 3.5 Round up to 4 Units.

CITY OF KINGSTON

Kingston Planning

planning@kingston-ny.gov



Suzanne Cahill, Planning Director
Kyla Dedea, Assistant Planner

Steven T. Noble, Mayor

-
- That the Board had discussion on the one comment received regarding the issue of applicability of this language to projects which are adaptively re-using structures. The Board found that these projects do not need to be specifically addressed as they could be considered under the waiver language which is being proposed, if they are under 30 units.

If there are any questions, please feel free to contact this office.

Be well and stay safe.

Sincerely,

Suzanne Cahill
Planning Director

Cc: S. Noble, Mayor
Ald. J. Ventura-Morell, Chair. L&R's
D. Gartenstein, Assist. Corp. Counsel

Laws and Rules Committee Agenda Item Report

Meeting Date: October 21, 2020

Submitted by: Dee Sills

Submitting Department: Zoning Board of Appeals

Item Type: Proposed Resolution

Agenda Section:

Subject:

Adoption Kingston Open Space Plan

Suggested Action:

Attachments:

[20201013105014.pdf](#)

(L+R)

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

Julie L. Noble, Coordinator



Steven T. Noble, Mayor

June 24, 2020

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

Re: Adoption of Kingston Open Space Plan

Dear President Shaut,

As you know, the City of Kingston Open Space Plan was recently completed and subsequently progressed through the necessary SEQR process. At the June Laws and Rules Committee meeting, the committee unanimously declared a negative declaration of significance to this plan, which will go on to the full Council in July for a vote. The next step for this process which I am requesting, is the adoption of the Open Space Plan as an element of the Comprehensive Plan.

The Kingston Conservation Advisory Council and my office would like to recommend that the City of Kingston Common Council adopt a resolution that supports and formally recognizes and memorializes the goals and intent of the Kingston Open Space Plan as City of Kingston policy, integrating it into the Kingston 2025 Comprehensive Plan. Council adoption and recognition of the Plan will not result in the blanket acceptance or approval of individual recommendations or initiatives covered in the Plan. Advancing many of the recommendations and initiatives will require further administrative and legislative action. Actions taken on specific recommendations and initiatives will depend on City priorities and the human and financial resources available.

We would like to request for this action to be referred to the Laws and Rules Committee, or other committee as you see fit, for review. I will be happy to be present at the July meeting, if appropriate, to present an overview, summaries and findings.

If there are any questions, please contact me for further information. Thank you for your consideration.

Sincerely,

Julie L. Noble

Sustainability Coordinator

**CITY OF KINGSTON, NEW YORK
ZONING BOARD OF APPEALS
FINDINGS OF FACT**

APPLICANT NAME: _____

MEETING DATE: June 11, 2020 Re: Open Space Plan SEQR

PROPERTY ADDRESS: _____

ZONE: _____

PLACE: CITY HALL, BROADWAY

WARD: _____

KINGSTON, NEW YORK

Motion to Consent to Common Council as Lead Agency, No objections to Negative Declaration, Waives further notice of additional comments.

ZBA DECISION: Approved

MOTION BY: Anthony Argulewicz

SECOND BY: Mary Neubauer

SEQR DECISION: _____

MOTION BY: _____

SECOND BY: _____

OTHER APPROVALS: Historic Landmarks _____ UC Planning Board _____

MEMBERS	SIGNATURE	YES	NO	ABSTAIN
ABSENT/PRESENT				
Anthony Argulewicz <u>/✓</u> Chairman	<u>Anthony Argulewicz</u>	<u>X</u>		
Joe Fitzgerald <u>/</u>				
Brian Cafferty <u>/✓</u>		<u>X</u>		
John Bonavita-Goldman <u>/</u>				
Mary Neubauer <u>/✓</u>		<u>X</u>		
Ari Goldstein <u>/✓</u> Alternate		<u>X</u>		
Owen Harvey <u>/</u> Alternate				

TOTALS		<u>4</u>	<u>0</u>	
--------	--	----------	----------	--

Resolution to adopt Kingston Open Space Plan as addendum to City of Kingston Comprehensive Plan

Whereas, the City of Kingston obtained a 2016 Hudson River Estuary Grant from the New York State Department of Environmental Conservation in the amount of \$24,500 for City of Kingston to create an Open Space Plan in accordance with the dictates of the grant agreement; and

Whereas, the City of Kingston issued a Request for Proposals for a consultant to produce the Open Space Plan for the City of Kingston; and

Whereas, the City of Kingston contracted with Behan Planning and Design for the sum of \$21,000 for services to produce an agreed upon set of deliverables pursuant to this grant; and

Whereas, the City of Kingston work builds on the 2018 Natural Resource Inventory and Open Space Index (completed by John Mickelson); and

Whereas, the City of Kingston Open Space Plan creates a Vision for Open Space in Kingston, and addresses Priorities for Protection; The Hudson River, Shoreline and Uplands; The Rondout Creek Corridor, Shoreline and Uplands; The Esopus Creek Corridor and Lowlands; Neighborhood Parks and Open Spaces; Urban Agriculture; Kingston's Urban Forest; Open Space for Storm water Management; City-wide Trail Systems; and sets Conservation Targets for each focus area; and

Whereas, the City of Kingston Open Space Plan builds on the Kingston 2025 Comprehensive Plan and the Ulster County Open Space Plan; and

Whereas, the Kingston Common Council passed Resolutions 192 of 2019 Undertaking a Coordinated SEQRA Review and Determining a Type 1 Action; Resolution 36 of 2020 Declaring the Common Council Lead Agency, Resolution 103 of 2020 Acknowledging the Receipt of the Full EAF for the Open Space Plan, and Resolution xxxx of 2020 Establishing a Negative Declaration of Significance; and

Therefore, the Common Council of the City of Kingston desires to adopt the Open Space Plan dated June 2019, as addendum to the City of Kingston Comprehensive Plan.

RESOLUTION 123 OF 2020

RESOLUTION OF THE COMMON COUNCIL, OF THE CITY OF KINGSTON, NEW YORK, TO ADOPT THE KINGSTON OPEN SPACE PLAN AS ADDENDUM TO THE CITY OF KINGSTON COMPREHENSIVE PLAN

Sponsored By: Sponsored by: Public Laws & Rules Committee:
Aldermen Ventura Morell, O'Reilly, Schott-
Childress, Tallerman, Worthington

WHEREAS, the City of Kingston obtained a 2016 Hudson River Estuary Grant from the New York State Department of Environmental Conservation in the amount of \$24,500 for City of Kingston to create an Open Space Plan in accordance with the dictates of the grant agreement; and

Whereas, the City of Kingston issued a Request for Proposals for a consultant to produce the Open Space Plan for the City of Kingston; and

Whereas, the City of Kingston contracted with Behan Planning and Design for the sum of \$21,000 for services to produce an agreed upon set of deliverables pursuant to this grant; and

Whereas, the City of Kingston's work builds on the 2018 Natural Resource Inventory and Open Space Index (completed by John Mickelson); and

Whereas, the City of Kingston Open Space Plan creates a Vision for Open Space in Kingston, and addresses Priorities for Protection; The Hudson River, Shoreline and Uplands; The Rondout Creek Corridor, Shoreline and Uplands; The Esopus Creek Corridor and Lowlands; Neighborhood Parks and Open Spaces; Urban Agriculture; Kingston's Urban Forest; Open Space for Storm water Management; City-wide Trail Systems; and sets Conservation Targets for each focus area; and

Whereas, the City of Kingston Open Space Plan builds on the Kingston 2025 Comprehensive Plan and the Ulster County Open Space Plan; and

Whereas, the Kingston Common Council passed Resolutions 192 of 2019 Undertaking a Coordinated SEQRA Review and Determining a Type 1 Action; Resolution 36 of 2020 Declaring the Common Council Lead Agency, Resolution 103 of 2020 Acknowledging the Receipt of the Full EAF for the Open Space Plan, and Resolution 117 of 2020 Establishing a Negative Declaration of Significance; and

Therefore, the Common Council of the City of Kingston desires to adopt the Open Space Plan dated June 2019, as addendum to the City of Kingston Comprehensive Plan.

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

Submitted to the Mayor this ____ day of _____, 2020

Approved by the Mayor this ____ day of _____, 2020

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2020

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

PUBLIC HEARING NOTICE

TO: COMMON COUNCIL, CORPORATION COUNCIL, MEDIA AND DIRECTOR OF COMMUNICATIONS & COMMUNITY ENGAGEMENT

FROM: ELISA TINTI, CITY CLERK

RE: THIS PUBLIC HEARING IS IN REGARD TO ADOPTING THE CITY OF KINGSTON 'S OPEN SPACE PLAN AS PART OF THE CITY'S COMPREHENSIVE PLAN.

DATE: October 21, 2020 at 6:00 pm

THE LAWS & RULES COMMITTEE OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK WILL HOLD A PUBLIC HEARING ON OCTOBER 21ST AT 6:00 PM REGARDING THE CITY'S OPEN SPACE PLAN, WHICH IS BEING ADOPTED AS PART OF THE CITY OF KINGSTON'S COMPREHENSIVE PLAN. THIS PUBLIC HEARING WILL BE VIRTUAL: You can dial in using your phone.
(For supported devices, tap a one-touch number below to join instantly.)

United States (Toll Free): 1 866 899 4679
- One-touch: <tel:+18668994679..575966093#>

United States: +1 (571) 317-3116
- One-touch: <tel:+15713173116..575966093#>

Access Code: 575-966-093