



City of Kingston Laws and Rules Committee
Meeting Agenda
Wednesday, November 18, 2020
6:30 PM
VIRTUAL:

This meeting will be live-streamed on the City of Kingston YouTube channel:
<https://youtu.be/Eu4UO9DAhRk>

You can also dial in using your phone.
United States (Toll Free): 1 866 899 4679
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NEW BUSINESS

Supporting the return of adult in-patient behavioral health & detox to Kingston
[20201116161234.pdf](#)

Updated Memorializing Resolution
[Resolution in Support of Behavioral Health and Detox Units to Return to Kingston, NY.docx](#)

1 OLD BUSINESS

- 1.a. Affordable Housing Zoning Amendment
[20201013104320.pdf](#)
- 1.b. Amend City Code regarding chickens
[20201013103103.pdf](#)
- 1.c. Affordable Housing
[Affordable Housing 10 percent Citywide, Proposed Cxns to City Code.docx](#)

Laws and Rules Committee Agenda Item Report

Meeting Date: November 18, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Proposed Resolution

Agenda Section:

Subject:

Supporting the return of adult in-patient behavioral health & detox to Kingston

Suggested Action:

Attachments:

[20201116161234.pdf](#)

Tinti, Elisa

From: Shaut, Andrea
Sent: Tuesday, November 10, 2020 10:04 AM
To: Hirsch, Michele
Cc: Alderman; Tinti, Elisa; Bryant, Kevin; Gartenstein, Daniel
Subject: RE: RESOLUTION SUPPORTING THE RETURN OF ADULT IN-PATIENT BEHAVIORAL HEALTH AND DETOX UNITS TO THE MARY'S AVENUE CAMPUS OF THE HEALTH ALLIANCE HOSPITAL OF THE HUDSON VALLEY

Elisa,

Please include this as a late communication to be added to the November 18th Laws & Rules meeting.

Thank you,
Andrea

From: Hirsch, Michele
Sent: Monday, November 9, 2020 2:55 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Cc: Alderman <Alderman@kingston-ny.gov>; Tinti, Elisa <emtinti@kingston-ny.gov>; Bryant, Kevin <kbryant@kingston-ny.gov>; Gartenstein, Daniel <dgartenstein@kingston-ny.gov>
Subject: RESOLUTION SUPPORTING THE RETURN OF ADULT IN-PATIENT BEHAVIORAL HEALTH AND DETOX UNITS TO THE MARY'S AVENUE CAMPUS OF THE HEALTH ALLIANCE HOSPITAL OF THE HUDSON VALLEY

Dear President Shaut,

I am submitting this Emergency Communication with the attached Memorializing Resolution Supporting the Return of Adult In-patient Behavioral Health and Detox Units to the Mary's Avenue Campus of the Health Alliance Hospital of the Hudson Valley.

Based on yesterday's Daily Freeman article, I believe that now is the time to send a strong message to Albany; prior to Westchester Medical Center making an application to move our Adult In-Patient Behavioral Health and Detox Units, permanently out of Kingston, NY.

I hope that this can be added to our list of November Resolutions so we can discuss this in this evening's Caucus and voted on in Council tomorrow night to show support to our community.

Thank you.

With kind regards,

Michele Hirsch
Alderwoman, Ward 9

RESOLUTION NO. _____
_____, 2020

**RESOLUTION SUPPORTING THE RETURN OF ADULT IN-PATIENT BEHAVIORAL HEALTH AND
DETOX UNITS TO THE MARY'S AVENUE CAMPUS OF THE HEALTH ALLIANCE HOSPITAL OF
THE HUDSON VALLEY**

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

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

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

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

WHEREAS, In March, 2020, the Health Alliance Hospital in Kingston, Mary's Avenue Campus became a designated COVID overflow hospital and the Adult In-Patient Behavioral Health and Detox Unit beds were understandably and temporarily moved to Mid-Hudson Regional Hospital in Poughkeepsie, NY and

WHEREAS, COVID-19 has created a significant increase in Suicides and Drug Overdoses in Kingston, NY and Ulster County, NY and as of November 8th, 2020, the Adult In-Patient Behavioral Health and Detox Unit has not been returned to the Health Alliance Hospital in Kingston, NY and

WHEREAS, Assemblymember Kevin Cahill stated in our local newspaper, The Daily Freeman on November 8th that the Mental Health Unit's move outside of Ulster County violates it's licensing agreement and

WHEREAS, Having the move of the Health Alliance Hospital Adult In-Patient and Detox Units out of Kingston, NY has created a barrier to care to patients due to longer wait times in the Health Alliance Hospital Psychiatric Emergency Room in Kingston, NY as they wait for beds outside of the county, a longer wait time for both adults and children mixed together in the same Psychiatric Emergency Room creating additional trauma and stress for children and their families, a barrier to visitation for families having to travel outside the county to support and participate in treatment with family members and a barrier to care by lessening community support and

WHEREAS, Westchester Medical Center, the parent company of Health Alliance of the Hudson Valley, has stated that it will see approval from the New York State Department of Health and New York State Department of Mental Health to move the Adult In-Patient Behavioral Health and Detox Units permanently out of Kingston, NY and to Mid-Hudson Regional Hospital in Poughkeepsie, NY and

BE IT RESOLVED that the City of Kingston calls on Westchester Medical Center to honor their licensing agreement and return the Adult In-Patient Behavioral Health and Detox Units back to Kingston, NY and not seek approval from the New York State Department of Health and New York State Department of Mental Health to move the units to Mid-Hudson Regional Hospital in Poughkeepsie, NY and

BE IT RESOLVED that the City of Kingston calls on the New York State Department of Health, the New York State Department of Mental Health, the New York State Office of Addiction Services and Supports and New York State Governor Andrew Cuomo to reject any application made by Westchester Medical Center to move the Adult In-Patient Behavioral Health and Detox Units from Health Alliance of the Hudson Valley Mary's Avenue Campus in Kingston, NY to Mid-Hudson Regional Hospital in Poughkeepsie, NY.

BE IT FURTHER RESOLVED, that the City Clerk is directed to send a copy of this resolution to Governor Andrew Cuomo, New York State Department of Health Commissioner Howard Zucker, MD, New York State Department of Mental Health Commissioner Anne Marie Sullivan MD, New York State Office of Alcoholism Commissioner Arlene Gonzalez-Sanchez, MS, LMSW, New York State Senator Amedore, JR and New York State Assemblymember Kevin Cahill.

Introduced: _____

Seconded: _____

Approved: _____

_____, Mayor

Tinti, Elisa

From: Hirsch, Michele
Sent: Monday, November 09, 2020 6:23 PM
To: Shaut, Andrea
Cc: Worthington, Rita; Bryant, Kevin; Gartenstein, Daniel; Alderman
Subject: Re: Memorializing Resolution to keep Mental Health Beds and Detox Unit in Kingston

All,

Thank you for your support for this resolution and your questions. Seeing that we are only three weeks away from our next Council meeting, I would like to amend my request to have this communication be accepted for the November Laws and Rules Committee meeting on November 18th and go to the full Council for a vote on December 1, 2020. I do not want too much time to pass as the State Department of the Budget is making noise and is poised to make further budget cuts to various agencies in Albany, including the Department of Health and the Department of Mental Health which could affect the decision in closing our hospital beds, here in Kingston.

Educating the public about this very important issue is as critical as our passing this resolution - we need to engage our community and have them reach out to Albany through letters, emails and social media. I would be happy to provide the Council ideas and ways in which we can achieve this public participation.

Thank you.

With kind regards,

Michele Hirsch
Alderwoman, Ward 9

On Nov 9, 2020, at 5:59 PM, Davis, Tony <tdavis@kingston-ny.gov> wrote:

I am in agreement with this request, however, as Steve stated can this be done in this fashion?

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

----- Original message -----

From: "Worthington, Rita" <ward4@kingston-ny.gov>
Date: 11/9/20 12:40 PM (GMT-05:00)
To: "Hirsch, Michele" <mhirsch@kingston-ny.gov>, "Bryant, Kevin" <kbryant@kingston-ny.gov>, "Gartenstein, Daniel" <dgartenstein@kingston-ny.gov>
Cc: Alderman <Alderman@kingston-ny.gov>
Subject: Re: Memorializing Resolution to keep Mental Health Beds and Detox Unit in Kingston

I'm in 100% support of Michele's request regarding a memorializing resolution for this issue.

Rita Worthington

Alderwoman, Ward 4

From: Hirsch, Michele

Sent: Monday, November 9, 2020 9:37 AM

To: Bryant, Kevin; Gartenstein, Daniel

Cc: Alderman

Subject: Fwd: Memorializing Resolution to keep Mental Health Beds and Detox Unit in Kingston

Good morning,

Sorry, I should have copied you both, as well. I am happy to write this up if it's ok with everyone on the Council.

Thank you.

With kind regards,

Michele Hirsch
Alderwoman, Ward 9

Begin forwarded message:

From: "Hirsch, Michele" <mhirsch@kingston-ny.gov>

Date: November 9, 2020 at 9:36:01 AM EST

To: "Shaut, Andrea" <ashaut@kingston-ny.gov>, Alderman
<Alderman@kingston-ny.gov>

Cc: "Tinti, Elisa" <emtinti@kingston-ny.gov>

Subject: Memorializing Resolution to keep Mental Health Beds and Detox Unit in Kingston

Good morning, everyone,

As you all are probably aware, Westchester Medical Center has moved our in-patient Mental Health beds and Detox unit out of Kingston to make room for COVID overflow patients. Last night there was an article in the Daily Freeman in which Assemblymember Kevin Cahill states that the hospital is violating it's licensing agreement with the state by removing the beds.

Westchester Medical Center is now saying that they will be applying for a formal application with the NY State Department of Health and NY State Office of Mental Health so that these beds can be permanently moved out of Kingston, once

COVID passes. This is unacceptable and in order for the DOH and OMH to approve this, they would need the community and local municipalities to be on board. Now is the time to let the NY State Department of Health, NY State Office of Mental Health and Governor Cuomo to know that WE DO NOT SUPPORT the removal all of these beds and services.

I would like to submit a last minute Memorializing Resolution for approval tomorrow night, to lend our Common Council voice in opposition to the removal of these beds and services.

I can write something up and send it in today, if everyone is in agreement.

Mental health unit's move out of Ulster County violates licensing agreement, Cahill says

https://www.dailyfreeman.com/news/local-news/mental-health-units-move-out-of-ulster-county-violates-licensing-agreement-cahill-says/article_aa87e9b6-2070-11eb-b32b-ff0dd5cd24ba.html

Thank you.

With kind regards,

Michele Hirsch
Alderwoman, Ward 9

Laws and Rules Committee Agenda Item Report

Meeting Date: November 18, 2020

Submitted by: Elisa Tinti

Submitting Department: Common Council

Item Type: Informational Purposes

Agenda Section:

Subject:

Updated Memorializing Resolution

Suggested Action:

Attachments:

[Resolution in Support of Behavioral Health and Detox Units to Return to Kingston, NY.docx](#)

RESOLUTION NO. _____
_____, 2020

RESOLUTION SUPPORTING THE RETURN OF ADULT IN-PATIENT BEHAVIORAL HEALTH AND
DETOX UNITS TO THE MARY'S AVENUE CAMPUS OF THE HEALTH ALLIANCE HOSPITAL OF
THE HUDSON VALLEY

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

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

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

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

WHEREAS, In March, 2020, the Health Alliance Hospital in Kingston, Mary's Avenue Campus became a designated COVID overflow hospital and the Adult In-Patient Behavioral Health and Detox Unit beds were temporarily and understandably moved to Mid-Hudson Regional Hospital in Poughkeepsie, NY and

WHEREAS, Ulster County, NY has had some of the highest Opioid overdoses and fatalities in the State of New York going back, to 2018. COVID-19 has created a significant increase in Suicides and Drug Overdoses in Kingston, NY and Ulster County, NY. By March of 2020, Ulster County had already reached 25 Opioid related fatalities, already nearing the overall total number Opioid fatalities of 33 in 2019. By July of 2020, Ulster County had recorded 38 Opioid fatalities. Opioid fatalities from January to July have gone up 171% compared to the same time period in 2019.

WHEREAS, Assemblymember Kevin Cahill stated in our local newspaper, The Daily Freeman on November 8th that "the Health Alliance Hospital's Mental Health Unit's move outside of Ulster County violates it's licensing agreement" and as of November 8th, 2020, the Adult In-Patient Behavioral Health and Detox Unit has not been returned to the Health Alliance Hospital in Kingston, NY and

WHEREAS, Having the move of the Health Alliance Hospital Adult In-Patient and Detox Units out of Kingston, NY and Ulster County is a great detriment to our community and has created a barrier to care to patients due to longer wait times in the Health Alliance Hospital Psychiatric Emergency Room in Kingston, NY as patients await in-patient beds outside of Ulster County, longer wait time for both adults and children mixed together in the same Psychiatric Emergency Room which creates additional trauma and stress for children and their families, a barrier on visitation for families without private transportation having to travel outside of Ulster County to support and participate in treatment with family members and a barrier to care by lessening overall community support and

WHEREAS, Westchester Medical Center, the parent company of Health Alliance of the Hudson Valley, has stated that it will seek approval from the New York State Department of Health and New York State Department of Mental Health to move the Adult In-Patient Behavioral Health and Detox Units permanently out of Kingston, NY, to Mid-Hudson Regional Hospital in Poughkeepsie, NY and

BE IT RESOLVED that the City of Kingston calls on Westchester Medical Center to honor their licensing agreement and return the Adult In-Patient Behavioral Health and Detox Units back to Health Alliance Hospital in Kingston, NY and not seek approval from the New York State Department of Health and New York State Department of Mental Health to move the units to Mid-Hudson Regional Hospital in Poughkeepsie, NY and

BE IT RESOLVED that the City of Kingston calls on the New York State Department of Health, the New York State Department of Mental Health, the New York State Office of Addiction Services and Supports and New York State Governor Andrew Cuomo to reject any application made by Westchester Medical Center to move the Adult In-Patient Behavioral Health and Detox Units from Health Alliance of the Hudson Valley Mary's Avenue Campus in Kingston, NY to Mid-Hudson Regional Hospital in Poughkeepsie, NY.

BE IT FURTHER RESOLVED, that the City Clerk is directed to send a copy of this resolution to Governor Andrew Cuomo, New York State Department of Health Commissioner Howard Zucker, MD, New York State Department of Mental Health Commissioner Anne Marie Sullivan MD, New York State Office of Alcoholism Commissioner Arlene Gonzalez-Sanchez, MS, LMSW, New York State Senator Amedore, JR and New York State Assemblymember Kevin Cahill.

Introduced: _____

Seconded: _____

Approved: _____

_____, Mayor

Laws and Rules Committee Agenda Item Report

Meeting Date: November 18, 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

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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: November 18, 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: November 18, 2020

Submitted by: Elisa Tinti

Submitting Department: Common Council

Item Type: Informational Purposes

Agenda Section:

Subject:

Affordable Housing

Suggested Action:

Attachments:

[Affordable Housing 10 percent Citywide, Proposed Cxns to City Code.docx](#)

1- Amend section 405-3 “Definitions” to include

Affordable Housing Unit

A dwelling unit available at a cost of no more than 30% of the gross household income of households at or below 80% of the Ulster County Median Income.

Qualified Affordable Housing Unit

An individual or family with household incomes that do not exceed 80% of the median income with adjustments for household size.

2- Renumber current paragraph 405-5 into 405 (A)

3- Renumber 405-8 as 405 (B)

4- Adopt new 405-8 “Affordable Housing”

(A) The Planning Board shall deny site plan approval for development if the applicant does not comply, at a minimum, with the following requirements for affordable housing.

(1) In any [ADD “new development or renovation of an existing structure”] development that includes five or more overall housing units, of the five or more overall housing units, 10% or more of those units shall be dedicated to affordable housing.

(2) The rental cost of affordable housing units will be calculated as not to exceed 30% of a household’s income.

(3) The maximum income for a household to occupy an affordable housing unit will be 80% of the Ulster County median income, with adjustments for family size and shall be updated yearly.

(4) Affordable housing units shall be dispersed throughout the proposed housing development and shall be indistinguishable from market rate units in design, appearance, construction, and quality of materials.

- (5) Affordable housing units shall be phased in during any build-out period. Such units shall be provided coincident to the development of market-rate apartments.
- (B) Affordable housing units shall continue to comply with the criteria set forth herein for the length of time that the building in question contains residential units.
- (C) Final choice of the tenants to occupy the affordable housing units lies with the owners of the property or their representatives.
- (D) Prior to the entry of an agreement to rent an affordable housing unit, and throughout the tenancy, property owners are required to secure and maintain current documentation which establishes the eligibility of the potential tenant for said affordable housing unit.
- (E) Such documentation shall include written verification of income. Continued eligibility shall be monitored and tenants shall be required to submit documentation on a yearly basis throughout the occupancy.
- (F) Property owners shall make all documents and records outlined herein available to the City of Kingston upon request.
- (G) The City of Kingston reserves the right to review and audit these records to confirm compliance with the provisions set forth herein.
- (H) Site plan approval for all developments of five or more units shall be granted contingent upon compliance with these requirements. The failure to comply with these requirements, upon notice, may result in the revocation of site plan approval.
- (I) Any request to revoke site plan approval as the result of the failure to comply with the provisions of this section shall be made on notice to the property owner who shall be afforded a full and fair opportunity to be heard regarding the request before the City of Kingston Planning Board. Any determination of the Planning Board to revoke site plan approval for

failure to comply with these provisions may be appealed in a proceeding pursuant to Article 78 of the Civil Practice Laws and Rules.

5. Replace current section 405-27.1 “Mixed Use Overlay District” with the following:

A. Purpose and Principles.

- (1) The Mixed Use Overlay Districts are intended to implement a City of Kingston Comprehensive Plan Element for the areas known as the Stockade and Midtown Mixed Use Overlay Districts” (see attached maps).
- (2) According to the Comprehensive Plan Element, the creation of the Mixed Use Overlay Zoning District has the following underlying purposes;
 - (a) The first purpose is to provide rental multifamily housing to the present and future residents of the City of Kingston.
 - (b) The second purpose is to encourage mixed use, mixed income, pedestrian neighborhoods to the present and future residents of the City of Kingston.
 - (c) The third purpose is to encourage the development of affordable housing units in accordance with the provisions of Section 405-8.

B. Uses permitted by Right.

- (1) The adaptive reuse of existing commercial and industrial buildings to include rental multifamily housing and which encourage mixed use, mixed income, pedestrian neighborhoods.
- (2) The new construction of buildings to include rental multifamily housing and which encourage mixed use, mixed income, pedestrian neighborhoods.

C. Development Standards.

With regard to both adaptive reuses of buildings and new construction, residential uses above retail or commercial uses should be encouraged and the safety, comfort, and interests of pedestrians should be integrated into all site plans.

In the review of all site plans in the Mixed Use Overlay Districts, the following are to be considered as furthering the safety, comfort and interests of pedestrians.

- (1) Street level building spaces are limited to commercial activities with residential spaces allowed at the second or above floors.
- (2) Primary entrances of buildings face a street or small park.
- (3) Sheltering elements and/or shade trees are included.
- (4) An appropriate lighting-plan.
- (5) Pedestrian connections between buildings and streets, between buildings and through parking lots are to clearly established, maintained, and reinforced.
- (6) Parking areas do not dominate the development. In this regard, the screening of parking lots from the streets and making parking lots cooler shall be encouraged.