



City of Kingston Laws and Rules Committee  
Meeting Agenda  
Wednesday, December 16, 2020  
6:30 PM  
VIRTUAL:  
You can dial in using your phone.  
United States (Toll Free): 1 877 309 2073  
United States: +1 (571) 317-3129

Access Code: 319-178-557

## 1 OLD BUSINESS

- 1.a. Referrals- livestock  
[Referrals- livestock.pdf](#)
- 1.b. Livestock  
[11.16.20 Recommendation Decision by City of Kingston Planning Board.docx](#)
- 1.c. Referrals- Temp use  
[2 11.16.20 Recommendation Decision by City of Kingston Planning Board.docx](#)
- 1.d. Recommendation  
[HLPC Zoning Amend Recommendation Temp Use Variance.pdf](#)
- 1.e. Recommendation  
[2 11.16.20 Recommendation Decision by City of Kingston Planning Board.docx](#)
- 1.f. Old Business 1a  
[20201013104320 \(1\).pdf](#)
- 1.g. Affordable Housing  
[Affordable\\_Housing\\_10\\_percent\\_Citywide\\_\\_Proposed\\_Cxns\\_to\\_City\\_Code.docx](#)
- 1.h. UCPB  
[20201022103425.pdf](#)

## NEW BUSINESS

Update General Legislation Chapter 172 Building Construction  
[20201214120150.pdf](#)

Update General Legislation Zoning  
[20201214120202.pdf](#)

General Legislation  
[20201214120220.pdf](#)

## **Laws and Rules Committee Agenda Item Report**

Meeting Date: December 16, 2020

Submitted by: Elisa Tinti

Submitting Department:

Item Type: Informational Purposes

Agenda Section:

---

**Subject:**

Referrals- livestock

**Suggested Action:**

**Attachments:**

[Referrals- livestock.pdf](#)

# 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

Ulster County Planning Board  
P.O.Box 1800  
Kingston, New York 12401

October 27, 2020

Dear Planning Board Members,

Enclosed please find a proposed resolution of the Common Council of the City of Kingston, New York, for a change in the City Code in regard to livestock.

Thank you for your time and consideration in this matter.

Respectfully,

A handwritten signature in dark ink, appearing to read "Elisa Tinti", is written over a horizontal line.

Elisa Tinti  
City Clerk  
City of Kingston



# Ulster County Planning Board

Print Form

## General Municipal Law 239 M-N Referral Submittal Form

Please Fill Out All Sections - Type or Print Only

|                     |                                 |
|---------------------|---------------------------------|
| Municipality:       | City of Kingston                |
| Referring Board:    | Local Governing Body            |
| Referring Official: | Elisa Tinti City Clerk          |
| Phone Number:       | 845-334-3914                    |
| Local File #:       |                                 |
| Applicant Name:     | City of Kingston Common Council |
| Project Name:       | Kingston Livestock              |

239-M:

### Type of Referral (Check All Those That Apply)

- ☐ Site Plan Review  
☐ Special Permit  
☐ Area Variance  
☐ Use Variance  
☐ Amend Zoning Statute  
☐ Amend Zoning Map  
☐ Comprehensive Plan  
☒ Other Special Authorizations
- 239-N: ☐ Subdivision

### SEORA Determination

- ☐ Type I Action  
☐ Type II Action  
☐ Unlisted Action

GML/Ulster County Charter Referral Criteria:  
(Choose One)

- Within 500 feet of a:** County Road or State Road, City, Village, Or Town Boundary, County or State Park or Other Recreation Area, Stream or Drainage
- ☐ Channel Owned or Established Channel Line by County, County or State Owned Land with public building or institution Located on it, or Boundary of Parcel with a farm operation
- ☐ **Greater than 500 feet of :** Any of the Above Listed Conditions

Location of Project: (Address or Nearest Intersection)

City of Kingston

Project Description: (Please Be As Specific as Possible)

To remove any and all current regulations of livestock and poultry in the City of Kingston Code from Chapter 405 (zoning), Article IV (District Regulations) (Section 405-9(A)()(b)) and relocating said regulations to City of Kingston Code Chapter 151 (Animals), Article IV (Other Animals).

Referring Official - Signature - Certification of Application's Completeness:

Received Stamp:

|  |
|--|
|  |
|--|

### UCPB Staff Use Only

Referral #

Agenda Date:

Major Project? ☐

### Parcel(s) Information

|         |       |     |
|---------|-------|-----|
| Section | Block | Lot |
|         |       |     |

|         |       |     |
|---------|-------|-----|
| Section | Block | Lot |
|         |       |     |

Number of Lots

|  |
|--|
|  |
|--|

Project Acreage

|  |
|--|
|  |
|--|

Zoning District(s) of Project

open space

### Parcel Utilities

- ☐ Central Water  
☐ Private Water  
☐ Central Sewer  
☐ Individual Septic

Return Form to:  
Referral Officer  
Ulster County Planning Board  
P.O. Box 1800  
Kingston, NY 12402

Mail or Hand Delivery  
Only Please!

Questions? - Call  
845-340-3340



A resolution to remove any and all current regulations of livestock and poultry in the City of Kingston Code from Chapter 405 (Zoning), Article IV (District Regulations) (Section 405-9(A)(5)(b)) and relocating said regulations to City of Kingston Code Chapter 151 (Animals), Article IV (Other Animals).





# 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

Kingston Planning Board  
420 Broadway  
Kingston, New York 12401

October 27, 2020

Dear Planning Board Members,

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Thank you for your time and consideration in this matter.

Respectfully,

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Elisa Tinti  
City Clerk  
City of Kingston



A resolution to remove any and all current regulations of livestock and poultry in the City of Kingston Code from Chapter 405 (Zoning), Article IV (District Regulations) (Section 405-9(A)(5)(b)) and relocating said regulations to City of Kingston Code Chapter 151 (Animals), Article IV (Other Animals).



# 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

Historic Landmark Preservation Commission  
420 Broadway  
Kingston, New York 12401

October 27, 2020

Dear Commission Members,

Enclosed please find a proposed resolution of the Common Council of the City of Kingston, New York, for a change in the City Code in regard to livestock.

Thank you for your time and consideration in this matter.

Respectfully,

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Elisa Tinti  
City Clerk  
City of Kingston



A resolution to remove any and all current regulations of livestock and poultry in the City of Kingston Code from Chapter 405 (Zoning), Article IV (District Regulations) (Section 405-9(A)(5)(b)) and relocating said regulations to City of Kingston Code Chapter 151 (Animals), Article IV (Other Animals).





## **Laws and Rules Committee Agenda Item Report**

Meeting Date: December 16, 2020

Submitted by: Elisa Tinti

Submitting Department:

Item Type: Informational Purposes

Agenda Section:

---

**Subject:**

Livestock

**Suggested Action:**

**Attachments:**

[11.16.20 Recommendation Decision by City of Kingston Planning Board.docx](#)



CITY OF KINGSTON PLANNING BOARD  
MEETING MINUTES  
November 16, 2020  
GoToMeeting.com – 6:00 PM. EST

RECOMMENDATION to the Common Council to remove any and all current regulations of livestock and poultry in the City of Kingston Code from Chapter 405 (Zoning) Article IV (District Regulations)(Section 405-9(A)(5)(b)) and relocating said regulations to City of Kingston Code Chapter 151 (Animals), Article IV (Other Animals).

Decision: The Board voted unanimously to recommend the change as referred noting that the Common Council will need to establish more defined guidelines and enforcement.

## **Laws and Rules Committee Agenda Item Report**

Meeting Date: December 16, 2020

Submitted by: Elisa Tinti

Submitting Department:

Item Type: Informational Purposes

Agenda Section:

---

**Subject:**

Referrals- Temp use

**Suggested Action:**

**Attachments:**

[2 11.16.20 Recommendation Decision by City of Kingston Planning Board.docx](#)



CITY OF KINGSTON PLANNING BOARD  
MEETING MINUTES  
November 16, 2020  
GoToMeeting.com – 6:00 PM. EST

RECOMMENDATION to the Common Council with regard to adding proposed Section 405-55.1(C) to the City of Kingston Zoning Code to permit the issuance of a “Temporary Use Variance” during Federal, State, or Local state of emergencies.

Decision: The Board voted unanimously to recommend the zoning amendment to allow for issuance of a temporary variance with the following language or similar “ (6) At the conclusion of the State of Emergency or term of the temporary use variance, an inspection will be conducted by the Building Safety Division and any and all improvements made to accommodate the change of use will be removed within sixty (60) days.”

## **Laws and Rules Committee Agenda Item Report**

Meeting Date: December 16, 2020

Submitted by: Elisa Tinti

Submitting Department:

Item Type: Informational Purposes

Agenda Section:

---

**Subject:**

Recommendation

**Suggested Action:**

**Attachments:**

[HLPC Zoning Amend Recommendation Temp Use Variance.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

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December 4, 2020

Ms. Andrea Shaut, Ald. At Large  
Kingston Common Council  
City Hall – 420 Broadway  
Kingston, NY 12401

Re: Common Council Referral to Historic Landmarks Preservation Commission  
Proposed Zoning Amendment – Temporary Use Variances

Dear Pres. Shaut:

On behalf of the City of Kingston Historic Landmarks Preservation Commission ("Commission"), this is to advise you that on Thursday, November 3, 2020, the Commission met virtually and discussed the above referenced referral for a zoning amendment to provide for the issuance of temporary use variances when there is a declared state of emergency. The Commission voted unanimously to confirm support of the proposed amendment for temporary use variances with the additional support of added language per recommendation of the Kingston Planning Board, that being -"addition of the following language or similar " *(6) At the conclusion of the State of Emergency or term of the temporary use variance, an inspection will be conducted by the Building Safety Division and any and all improvements made to accommodate the change of use will be removed within sixty (60) days.* ""

Please feel free to contact this office should there be any questions.

Sincerely,

Suzanne Cahill  
Planning Director

Cc: Ald. J. Ventura-Morell, Ald. Ward 1, Chair. Laws and Rules  
D. Gartenstein, Assist. Corp. Counsel  
E. Kitchen, City ZEO

## **Laws and Rules Committee Agenda Item Report**

Meeting Date: December 16, 2020

Submitted by: Elisa Tinti

Submitting Department:

Item Type: Informational Purposes

Agenda Section:

---

**Subject:**

Recommendation

**Suggested Action:**

**Attachments:**

[2 11.16.20 Recommendation Decision by City of Kingston Planning Board.docx](#)



CITY OF KINGSTON PLANNING BOARD  
MEETING MINUTES  
November 16, 2020  
GoToMeeting.com – 6:00 PM. EST

RECOMMENDATION to the Common Council with regard to adding proposed Section 405-55.1(C) to the City of Kingston Zoning Code to permit the issuance of a “Temporary Use Variance” during Federal, State, or Local state of emergencies.

Decision: The Board voted unanimously to recommend the zoning amendment to allow for issuance of a temporary variance with the following language or similar “ (6) At the conclusion of the State of Emergency or term of the temporary use variance, an inspection will be conducted by the Building Safety Division and any and all improvements made to accommodate the change of use will be removed within sixty (60) days.”



## **Laws and Rules Committee Agenda Item Report**

Meeting Date: December 16, 2020

Submitted by: Elisa Tinti

Submitting Department:

Item Type: Informational Purposes

Agenda Section:

---

**Subject:**

Old Business 1a

**Suggested Action:**

**Attachments:**

[20201013104320 \(1\).pdf](#)

## Tinti, Elisa

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**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](mailto:scahill@kingston-ny.gov)  
[www.kingston-ny.gov](http://www.kingston-ny.gov)

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*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: December 16, 2020

Submitted by: Elisa Tinti

Submitting Department:

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.

## **Laws and Rules Committee Agenda Item Report**

Meeting Date: December 16, 2020

Submitted by: Elisa Tinti

Submitting Department:

Item Type: Informational Purposes

Agenda Section:

---

**Subject:**

UCPB

**Suggested Action:**

**Attachments:**

[20201022103425.pdf](#)

**RESOLUTION 86 of 2020**

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING A COPY OF THE LEGISLATION FOR THE PROPOSEED CHANGES TO THE ZONING CODE OF THE CITY OF KINGSTON BE REFERRED FOR COMMENT TO THE CITY OF KINGSTON PLANNING BOARD, ULSTER COUNTY PLANNING BOARD AND THE HISTORIC LANDMARKS PRESERVATION COMMISSION**

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

**WHEREAS**, a request has been made for proposed changes to the Zoning Code of the City of Kingston as annexed hereto.

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

**SECTION 1.** That the City of Kingston Common Council hereby refers the annexed proposed changes to the Zoning Code of the City of Kingston to the City of Kingston Planning Board, Ulster County Planning Board and the Historic Landmarks Preservation Commission for comments.

**SECTION 2.** This resolution shall take effect immediately.

Submitted to the Mayor this 6<sup>th</sup> day of

May, 2020



Elisa Tinti, City Clerk

Approved by the Mayor this 6<sup>th</sup> day of

May, 2020



Steven T. Noble, Mayor

Adopted by Council on May 5, 2020

**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

- (c) The third purpose is to encourage the development of affordable housing units in accordance with the provisions of Section 405-8.

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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.

# Ulster County Planning Board

[Print Form](#)

## General Municipal Law 239 M-N Referral Submittal Form

Please Fill Out All Sections - Type or Print Only

|                     |                         |
|---------------------|-------------------------|
| Municipality:       | City of Kingston        |
| Referring Board:    | Zoning Board of Appeals |
| Referring Official: | Elisa Tinti             |
| Phone Number:       | 845-334-3914            |
| Local File #:       |                         |
| Applicant Name:     | City of Kingston        |
| Project Name:       | Resolution 86 of 2020   |

**239-M:**

### Type of Referral (Check All Those That Apply)

- ☐ Site Plan Review
  - ☐ Special Permit
  - ☐ Area Variance
  - ☐ Use Variance
  - ☒ Amend Zoning Statute
  - ☐ Amend Zoning Map
  - ☐ Comprehensive Plan
  - ☐ Other Special Authorizations
- 239-N:**
- ☐ Subdivision

### SEQRA Determination

- ☒ Type I Action
- ☐ Type II Action
- ☐ Unlisted Action

### GML/Ulster County Charter Referral Criteria: (Choose One)

- ☐ **Within 500 feet of a:** County Road or State Road, City, Village, Or Town Boundary, County or State Park or Other Recreation Area, Stream or Drainage Channel Owned or Established Channel Line by County, County or State Owned Land with public building or institution Located on it, or Boundary of Parcel with a farm operation
- ☐ **Greater than 500 feet of :** Any of the Above Listed Conditions

### Parcel(s) Information

| Section | Block | Lot |
|---------|-------|-----|
|         |       |     |

| Section | Block | Lot |
|---------|-------|-----|
|         |       |     |

### Number of Lots

### Project Acreage

### Zoning District(s) of Project

### Parcel Utilities

|                                            |
|--------------------------------------------|
| <input type="checkbox"/> Central Water     |
| <input type="checkbox"/> Private Water     |
| <input type="checkbox"/> Central Sewer     |
| <input type="checkbox"/> Individual Septic |

### Location of Project: (Address or Nearest Intersection)

City wide

### Project Description: (Please Be As Specific as Possible)

### Referring Official - Signature - Certification of Application's Completeness:

### Received Stamp:

### UCPB Staff Use Only

Referral #

Agenda Date:

Major Project? ☐

**Return Form to:**  
Referral Officer  
Ulster County Planning Board  
P.O. Box 1800  
Kingston, NY 12402

**Mail or Hand Delivery Only Please!**

**Questions? - Call**  
845-340-3340



# REFERRAL RESPONSE



## ULSTER COUNTY PLANNING BOARD

General Municipal Law of New York State

Article 12B

Sections 239-1 and 239-m

Referral Number

2020043

Municipality

Kingston City

Local File Number

Resolution  
86 of 2020

Referring Agency

Local Governing Body

Type of Referral

Zoning Statute Amendment

Name of Applicant

City of Kingston

Name of Project

Resolution 86 of 2020

Project Location

Mixed Use Overlay District/City Wide

Description

Zoning amendment - affordable housing and amendments to the Mixed-Use Overlay District

UCPB Decision

Required Modifications

See Attachments



Referral Officer

Representing the Ulster County Planning Board

Date Received

5/18/2020

Date Reviewed

6/3/2020

Form Date

6/4/2020

Status

Reviewed

# Ulster County Planning Board



Dennis Doyle, Director

## RECOMMENDATION

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

REFERRAL NO: 2020-043  
DATE REVIEWED: 06/3/2020

### Re: Resolution 86 of 2020 – Zoning Statute Amendment

#### Summary

The City has proposed to amend the City of Kingston's Zoning Statute to add a new Section 405-8 Affordable Housing and to replace 405-27.1 Mixed Use Overlay District with updated standards for that district. Section 405-8 defines affordable housing units and a qualified affordable housing unit and requires a citywide 10% set aside for all developments or renovations consisting of more than five units, as well as providing for standards for maximum rent, phasing, quality of design, and compliance with the new section. The amendments to the Mixed-Use Overlay District link directly back to the new affordable regulations by allowing for the development of new mixed-use development and renovation projects in the overlay district with a focus on providing for mixed-use, mixed-income, and a pedestrian-based neighborhood. The Mixed-Use Overlay District also ratifies the issue of providing for new construction consistent with the opinion rendered by the Zoning Enforcement Officer.

The following materials were received for review:

- Referral Form
- Draft Comprehensive Plan Volumes I and II
- Full EAF Form and EAF Narrative

#### Discussion

With this amendment, the City takes a significant step towards meeting goals for affordable housing established in its Comprehensive Plan. Affordable housing requirements as a percentage of newly created housing units are a well-established means to help ensure that housing affordability is not exacerbated in a community as new units are built. The practice is strongly endorsed in the County's adopted Housing Strategies Plan and highly recommended by the Ulster County Planning Board (UCPB). As such the UCPB commends and congratulates the City on the scope of the citywide requirement and following through on the recommendations in its adopted Comprehensive Plan. The following UCPB recommendations are directed at helping the City to enhance the proposed standards and to provide a greater reach to those residents in need of affordable housing. A public policy response to the City's housing costs is needed as is illustrated by the table below. Over 50% of renters in the City are in an unaffordable housing situation with nearly 30% of those severely burdened (more than 50% of income required to meet their housing needs).

### AFFORDABILITY: ALL INCOME LEVELS

|                                    | Affordable | Unaffordable | Severe | Total |
|------------------------------------|------------|--------------|--------|-------|
| <b>RENTERS</b>                     | 2,225      | 1,345        | 1,495  | 5,065 |
| as a % of the total number         | 43.9%      | 26.6%        | 29.5%  | 100%  |
| <b>OWNERS</b>                      | 2,965      | 800          | 565    | 4,330 |
| as a % of the total number         | 68.5%      | 18.5%        | 13.0%  | 100%  |
| <b>COMBINED RENTERS AND OWNERS</b> | 5,190      | 2,145        | 2,060  | 9,395 |
| as a % of the total number         | 55.3%      | 22.8%        | 21.9%  | 100%  |

Importantly, our research has shown that the greatest need for affordable rental units exists at 60% or below median household income as shown above. It is generally anticipated that the market can supply units at 80% and above. Similarly, affordable homeownership units are typically thought of as being met with incomes above 80% with communities generally considering 100% to 120% as meeting affordable housing goals. This can be seen in the data for Kingston provided for renters below that shows the greatest need below the 80% level.

#### Number of Renters by Affordability Level

|                                       | Affordable<br>< 30% | Unaffordable<br>30% to 50% | Severe<br>> 50% | Total        | % Severely<br>Cost Burden |
|---------------------------------------|---------------------|----------------------------|-----------------|--------------|---------------------------|
| Household Income <= 30% HAMFI         | 220                 | 275                        | 975             | 1,470        | 66.3%                     |
| Household Income >30% to <=50% HAMFI  | 305                 | 445                        | 450             | 1,200        | 37.5%                     |
| Household Income >50% to <=80% HAMFI  | 505                 | 535                        | 70              | 1,110        | 6.3%                      |
| Household Income >80% to <=100% HAMFI | 410                 | 90                         | 0               | 500          | 0.0%                      |
| Household Income >100% HAMFI          | 785                 | 0                          | 0               | 785          | 0.0%                      |
| <b>Total</b>                          | <b>2,225</b>        | <b>1,345</b>               | <b>1,495</b>    | <b>5,065</b> | <b>29.5%</b>              |

1,425 Renter Households <= 50% HAMFI  
Severely Cost Burdened

2,145 Renter Households <= 50% HAMFI  
pay over 30% toward rent

Typically, reaching income levels below 80% AMI requires an understanding of the costs and carrying capacity of lands involved in a project. A community is well served in seeking to reach these more difficult targets in considering density bonuses, number of bedrooms, and other factors in collaboration with a developer with the 10% goal as a given.

#### Required Modifications

##### Income Levels

The City is setting the following standard:

*"The maximum income for a household to occupy an affordable housing unit will be 80% of the Ulster County median income, with adjustments shall be updated yearly".*

The City appears to propose using Housing and Urban Development 's (HUD) annual area income limits for low-income families earning at 80% of the area median income, by the number of persons, but this is not stated in the law. While there is a need at the 80% level, there are larger gaps at 60% of the area median family income, for renters, as noted above. In 2009 Ulster County, in conjunction with Dutchess and Orange County, completed the "Three-County Regional Housing Needs Assessment from 2006 to 2020." Those results

2020-043 Resolution 86 of 2020  
Zoning Statute Amendment

were similar to the gaps we see today. The report concluded a public policy could ensure that the problem did not become worse by providing a 10% affordability requirement at the **60% AMI for renters and between 100 to 120 % for homeownership**. The report also envisioned a significantly more robust housing construction market that would create these new affordable units. Just over 1,000 new rental units were anticipated by 2020 creating 100 new affordable apartments. However, UCPB has seen approximately 300 in the City through the General Municipal Law referral process since the beginning of 2010 just after the report was adopted. Additional public policy goals are needed beyond requiring a percentage of newly constructed units to be affordable.

It is most important to note that behind the discussion of AMI, percent of income, and household size, the City should have a clear understanding of the impact these factors have on affordability as it relates to needs within the City and an overall sense of what an affordable rental and housing unit should cost. Current Fair Market Rent (HUD FMR) and income required to be able to afford that rent are provided below. The monthly gap between wages in the City and the current FMR is significant.

| Municipality  | 2BR FMR Fiscal Year 2018 | Annual Wage to Afford 2BR | Hourly Wage to Afford 2BR | Renter Wage Rate 2018 | Rent Affordable at Renter Wage Rate | Gap in Monthly Rent 2018 | # of hours per week at Renter Wage Rate to Afford a 2BR at FMR |
|---------------|--------------------------|---------------------------|---------------------------|-----------------------|-------------------------------------|--------------------------|----------------------------------------------------------------|
| Kingston      | \$1,155                  | \$46,200                  | \$22.21                   | \$13.12               | \$682                               | -\$473                   | 68                                                             |
| Ulster County | \$1,155                  | \$46,200                  | \$22.21                   | \$13.33               | \$693                               | -\$462                   | 66.7                                                           |

Source: US Department of Housing and Urban Development (HUD) & 2018 American Community Survey

Looking beyond FMR, what rent levels and housing costs would be affordable given the makeup of jobs and families currently in the City? The table below provides a look at the current workforce and the City and the wages anticipated from those jobs. In crafting an inclusionary housing provision, it is critical to know who we are including.

Housing Need Scenarios for top Industries in Kingston

|                                                     | Family of 1<br>1 income<br>AMI \$58,600 | Family of 2<br>1 income<br>AMI \$67,600 | Family of 3<br>1 income<br>AMI \$75,400 | Family of 4<br>2 incomes<br>AMI \$83,700 | Family of 5<br>2 incomes<br>AMI \$90,400 |
|-----------------------------------------------------|-----------------------------------------|-----------------------------------------|-----------------------------------------|------------------------------------------|------------------------------------------|
| Industry/Job title                                  | Accommodation and Food Services         | Construction                            | Finance and Insurance                   | Education & Health care                  | Retail & Health care                     |
| Percentage of Employed Population in Community      | 8.90%                                   | 6.10%                                   | 6.3%                                    | 10.9% & 21.0%                            | 11.9% & 21.0%                            |
| Annual Average Wage                                 | \$22,288                                | \$55,555                                | \$65,787                                | \$34,658 & \$43,258                      | \$30,475 & \$43,258                      |
| % County AMI Adjusted for Family Size               | 38.0%                                   | 82.2%                                   | 87.3%                                   | 93.1%                                    | 81.6%                                    |
| Rent/Mortgage Payment Should Not Exceed             | \$557                                   | \$1,389                                 | \$1,645                                 | \$1,948                                  | \$1,843                                  |
| Can Afford a Home Valued up to                      | \$45,000                                | \$154,000                               | \$185,000                               | \$221,000                                | \$207,000                                |
| Median Sales Price                                  | \$249,000                               | \$249,000                               | \$249,000                               | \$249,000                                | \$249,000                                |
| Gap (What's Affordable – Median Sale Price)         | -\$204,000                              | -\$95,000                               | -\$64,000                               | -\$28,000                                | -\$42,000                                |
| Number of Homes for Sale on MLS at Affordable Price | 0 / 65                                  | 6 / 65                                  | 18 / 65                                 | 31 / 65                                  | 26 / 65                                  |

\* Based on NYS ORPS; \*\* Based on Ulster MLS search June 23, 2020

Required Modifications

Use of HUD Income Levels

The use of HUD or other income levels should be clearly understood by the City as to what the resulting affordable rent and housing cost levels would be. The calculation at the 80% AMI, which in 2020 was \$83,700 for Ulster County, results in an affordable rent of over \$1,600 per month. This is not inclusionary and does nothing to create affordable units. Whereas the median household income in the City in 2018 (last available) of \$48,186 that results in rent \$1,200 is much more in line. Our overall recommendation is that in setting affordability, the City should have a clear and hopefully sophisticated code that ensures the result impacts the availability of affordable units in Kingston. The Board recommends these guideposts to help achieve that:

- Rent levels should be tied to the number of bedrooms
- Rent levels should be consistent with City jobs and income levels
- No affordable rent level should be higher than the gross median rent found in the American Community Survey (ACS) five-year average (currently \$1,054 unless it is 3 or more bedrooms;

Regarding City Income levels – the table below shows jobs within the City that make up over 47% of the workforce that would have an affordability gap based on the ACS 5 yr. average cited above.

| Industry                                                 | Number       | % of Total   | Wage      | Gap      |
|----------------------------------------------------------|--------------|--------------|-----------|----------|
| Information                                              | 200          | 19.2%        | \$ 41,162 | \$ (25)  |
| Administrative and support and waste management services | 300          | 28.8%        | \$ 40,750 | \$ (35)  |
| Transportation and warehousing                           | 436          | 41.9%        | \$ 35,814 | \$ (159) |
| Educational services                                     | 1,274        | 122.4%       | \$ 34,658 | \$ (188) |
| Agriculture, forestry, fishing and hunting               | 34           | 3.3%         | \$ 32,700 | \$ (237) |
| Retail trade                                             | 1,397        | 134.2%       | \$ 30,475 | \$ (292) |
| Arts, entertainment, and recreation                      | 224          | 21.5%        | \$ 29,313 | \$ (321) |
| Other services, except public administration             | 657          | 63.1%        | \$ 27,290 | \$ (372) |
| Accommodation and food services                          | 1,041        | 100.0%       | \$ 22,288 | \$ (497) |
| <b>Total</b>                                             | <b>5,563</b> | <b>47.4%</b> |           |          |

2020-043 Resolution 86 of 2020  
Zoning Statute Amendment

**Waivers**

As proposed, the statute referred to the County Planning Board, does not include a provision for granting waivers from the affordable housing regulations. The City of Kingston Planning Board in its comments, while concurring that a citywide mandate for affordable housing was necessary, provided a process for granting waivers. (see below)

**REQUIRED AFFORDABLE UNITS IN PROPOSED RESIDENTIAL DEVELOPMENTS\***

| <b>Total Number of Units</b> | <b>Affordable Units Required</b> |
|------------------------------|----------------------------------|
| 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.

**Required Modifications**

The Ulster County Planning Board does not favor a waiver from the affordable housing requirement. Should the City feel that a process of waivers is needed it should not be applied as broadly as suggested by the planning board with perhaps applicable to ten or fewer units and only related to proposals that are for homeownership. Proposals for rental units should not be eligible for waivers. Additionally, if a waiver is granted consideration of a fee to replace the lost units should be considered. Such a fee can be considered as similar to that authorized by the State for the preservation of open space and based on the median cost of housing. The fee would go into an escrow account as part of a community affordable housing development fund.

**Density Bonuses – Advisory Comment**

A common practice associated with inclusionary affordable housing provisions is the recognition that to meet affordability goals the community may need to grant a density bonus as part of making a project viable. This can take the form of allowing an applicant an additional market-rate unit for each affordable unit they propose above the minimum set aside. This can be amended to suit the underlying density of the district in which a project is proposed. The Board strongly supports these tradeoffs and would support granting this flexibility to the planning board to achieve additional affordable units.

**Choice of Tenant**

The standard proposed gives the property owner or their representative the discretion to choose their tenants.

**Advisory**

This should be tempered with an understanding that the selection of tenants will need to meet fair housing standards, and where a larger number of affordable units are available, the community may wish to hold a lottery of eligible households that represent community needs such as the “essential worker” that has now entered our vocabulary.

**Site Plan Revocation**

The City, in its standards for affordable housing, has put in place whereby site plans can be revoked for non-compliance with the affordable housing standards, both via city initiated auditing process as well as from a review requested from members of the public.



*2020-043 Resolution 86 of 2020*  
*Zoning Statute Amendment*

**Advisory Comment**

The right to review compliance from both the City and public's point of view is supported, but it is unclear what the fallout to tenants would be if a site plan from an already inhabited site is revoked. An alternative such as a fine for a violation would seem to be a better approach and would not put existing tenants in jeopardy.

**Meeting the Greater Housing Need**

The City has a strong track record of working with developers and community groups to secure housing to meet community needs including the most recent formation of a land bank and the effort associated with rental vacancy rates. As pressure on affordability intensifies, the City should continue to embrace a broader affirmative action goal toward meeting housing needs. In so doing it can look again to its comprehensive plan and begin to identify those areas of the City where zoning and infrastructure can come together to create affordable housing opportunities; examine its landholding for these opportunities; and press its boards, commissions, and neighborhood groups into service to find solutions. Just as the City has been a leader in the climate-smart movement, the City should strive to lead in a Housing Smart way and urge those communities around it to accept this challenge.

Reviewing Officer

A handwritten signature in dark ink, appearing to read 'R. Leibowitz', is written over a horizontal line.

Robert A. Leibowitz, AICP  
Principal Planner

# 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:** Resolution 86 of 2020

**Referral Number:** 2020043

**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 Attached

☐ Resolution Attached

## 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:** Resolution 86 of 2020

**Municipality:** Kingston City

**Referring Agency:** Local Governing Body

**Type of Referral:** Zoning Statute Amendment

**Name of Applicant:** City of Kingston

**Project Location:** Mixed Use Overlay District/City Wide

**Description:** Zoning amendment - affordable housing and amendments to the Mixed-Use Overlay District

**Local Officer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## ~ For Ulster County Planning Board Use Only ~

### Local Board Decision:

**Original Date Received:** 5/18/2020

**Original Review Date:** 6/3/2020

**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: December 16, 2020

Submitted by: Elisa Tinti

Submitting Department:

Item Type: Informational Purposes

Agenda Section:

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**Subject:**

Update General Legislation Chapter 172 Building Construction

**Suggested Action:**

**Attachments:**

[20201214120150.pdf](#)

L + 12

**Tinti, Elisa**

---

**From:** Shaut, Andrea  
**Sent:** Monday, November 30, 2020 7:20 AM  
**To:** Tinti, Elisa  
**Subject:** FW: Communication to update General Legislation in relation to Program and Review for reports to the Common Council  
**Attachments:** City of Kingston^J NY PART II GENERAL LEGISLATION Chapter 172Building Construction 17215Program review and reporting.pdf; ATT00001.htm

Good morning,

Please include this on December's Laws & Rules agenda.

Thank you,  
Andrea

**From:** Hirsch. Michele  
**Sent:** Friday, November 27, 2020 11:33 AM  
**To:** Shaut, Andrea <ashaut@kingston-ny.gov>  
**Subject:** Communication to update General Legislation in relation to Program and Review for reports to the Common Council

Dear President Shaut,

Please accept this Communication for referral to the Laws and Rules Committee in relation to updating the City of Kingston, NY/PART II: General Legislation Chapter 172 Building Construction, Section 172-15 Program Review and Reporting to update the language in relation to reports to the Common Council from yearly to monthly.

Thank you.

With kind regards,

Michele Hirsch  
Alderwoman, Ward 9

h + 12

**City of Kingston, NY / PART II: GENERAL LEGISLATION**  
**Chapter 172 Building Construction**

**172-15 Program review and reporting.**

**A.**

The Code Enforcement Officer shall submit on monthly basis to the Common Council of the City of Kingston a written report and summary of all business conducted by the Code Enforcement Officer and the inspectors, including a report and summary of all transactions and activities described in § 172-14, Record keeping, of this article and a report and summary of all appeals or litigation pending or concluded.

For Reference:

**§ 172-14 Recordkeeping.**

**A.**

The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement personnel, including records of:

**(1)**

All applications received, reviewed and approved or denied;

**(2)**

All plans, specifications and construction documents approved;

**(3)**

All building permits, certificates of occupancy, temporary certificates, stop-work orders, and operating permits issued;

**(4)**

- All inspections and tests performed;
- (5) All statements and reports issued;
- (6) All complaints received;
- (7) All investigations conducted;
- (8) All other features and activities specified in or contemplated by §§ 172-5 through 13, inclusive, of this article; and
- (9) All fees charged and collected.

## **Laws and Rules Committee Agenda Item Report**

Meeting Date: December 16, 2020

Submitted by: Elisa Tinti

Submitting Department:

Item Type: Informational Purposes

Agenda Section:

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**Subject:**

Update General Legislation Zoning

**Suggested Action:**

**Attachments:**

[20201214120202.pdf](#)

L + 12

**Tinti, Elisa**

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**From:** Hirsch, Michele  
**Sent:** Friday, November 27, 2020 12:20 PM  
**To:** Shaut, Andrea  
**Cc:** Tinti, Elisa  
**Subject:** Communication to update City Code on Unsafe Buildings to include a report to the Common council  
**Attachments:** Update to City Code on Reporting on Unsafe Buildings.pdf; ATT00001.htm

Dear President Shaut,

Please accept this Communication for referral to the Laws and Rules Committee in relation to updating the City of Kingston, NY / Part II: General Legislation / Buildings, Unsafe Article I Procedure for Repair or Removal in relation to Unsafe Buildings and add Section 178-4 Program Review and Reporting to include language for monthly reports to the Common Council.

Thank you.

With kind regards,

Michele Hirsch  
Alderwoman, Ward 9

City of Kingston, NY / PART II: GENERAL LEGISLATION / Buildings,  
Unsafe

## **Article I Procedure for Repair or Removal**

[Adopted 3-7-1989 by L.L. No. 1-1989, approved 4-3-1989 (Ch. 26, Art. I, of the 1984 Code); amended in its entirety 9-4-2012 by L.L. No. 10-2012, approved 9-18-2012]

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### **§ 178-1 Definitions.**

### **§ 178-2 Inspection: notice; authority of City.**

### **§ 178-3 Interpretation.**

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### **§ 178-4 Program Review and Reporting .**

#### **§ 178-1 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

#### **UNSAFE BUILDINGS**

All buildings or structures which are structurally unsafe, unsanitary or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, health or the safety of the public, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

#### **§ 178-2 Inspection: notice; authority of City.**

In addition to any other remedies at law available to compel the removal of any building or structure that endangers the health, safety or welfare of the public:

##### **A.**

All unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this section.

##### **B.**

The Building Safety Officer shall inspect or cause to be inspected every reported unsafe building.

[Amended 3-5-2019 by L.L. No. 1-2019, approved 3-19-2019]

**C.**

Whenever the Building Safety Officer shall find any building or structure or portion thereof to be an unsafe building, the Building Safety Officer shall serve or cause to be served upon the owner and any lien holder of the property, a notice as provided herein. Service of said notice can be effected upon the owner or lien holder either personally or by registered mail, addressed to his or her last known address, as shown on the records of the Tax Assessor, and/or in the records in the office of the County Clerk, or in the records of the Kingston Building Department. Service can alternatively be effected upon the agent registered by the owner pursuant to Chapter **332** of this Code, either personally or by registered mail to the address provided in said registration. The notice shall contain a description of the premises, a statement describing the specific unsafe condition and an order of the Building Safety Officer requiring that the building or structure be repaired or removed within a stated time. The notice shall also specify the date, time and place of a hearing to be held with respect to the order to repair and/or remove the structure. The notice shall be served no less than 20 days prior to the date of the hearing provided therein. If such notice is made by registered mail, the Building Safety Officer shall conspicuously post a copy of such notice on the premises.

[Amended 3-5-2019 by L.L. No. 1-2019, approved 3-19-2019]

**D.**

The owner and any lien holder shall have 30 days within which to provide the Building Safety Officer with acceptable plans to remedy the unsafe building and obtain a permit for said plans; or to submit plans and obtain a permit for the removal of the unsafe building. Upon issuance of the building permit, work must commence within 15 days from the issuance thereof and be completed within six months from issuance of the permit. Failure of the owner or lien holder to comply with these provisions will result in a fine of \$100 per day retroactive to the date of the notice.

[Amended 3-5-2019 by L.L. No. 1-2019, approved 3-19-2019]

**E.**

The Building Safety Officer shall file or cause to be filed a copy of the notice served pursuant to Subsection **C** above in the office of the County Clerk of Ulster County, which notice shall be filed by such Clerk in the same manner as a notice of pendency as provided by said Clerk, except as otherwise hereinafter provided in this subsection. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the Corporation Counsel of the City of Kingston. The County Clerk of Ulster County shall mark such notice and record or docket thereof as canceled upon presentation and filing of such consent or of a certified copy of such order.

[Amended 3-5-2019 by L.L. No. 1-2019, approved 3-19-2019]



**F.**

Such owner shall have the right to a hearing with respect to the notice to repair or remove before the Deputy Chief in charge of the City of Kingston Building Department at a time and place specified in the notice to repair and remove.

[Amended 3-5-2019 by L.L. No. 1-2019, approved 3-19-2019]

**G.**

The decision of the Deputy Chief in charge of the City of Kingston Building Department may be appealed to the Chief of the Kingston Fire Department. A request for an appeal shall be served upon the Chief of the Kingston Fire Department, the Corporation Counsel of the City of Kingston and upon the Deputy Chief in charge of the City of Kingston Building Department, and the City Clerk within 10 days from the date of the notice of determination made following the hearing. The appeal shall not be a trial de novo, but the parties shall have the right to present such additional written evidence or argument as they desire. The Fire Chief shall have the right to request such additional evidence as the Fire Chief deems necessary to make a decision.

[Amended 3-5-2019 by L.L. No. 1-2019, approved 3-19-2019]

**H.**

If a determination is made following the hearing and the appeal, if any, that the building or structure is an unsafe building and the owner or lien holder fails or refuses to comply with the order to repair or remove within 30 days from the date of the determination of the Deputy Chief in charge of the City of Kingston Building Department or the Fire Chief in the event of an appeal to the Fire Chief, the City of Kingston may proceed to remove the unsafe building.

[Amended 3-5-2019 by L.L. No. 1-2019, approved 3-19-2019]

**I.**

All costs and expenses incurred by the City of Kingston in connection with the proceeding to repair or remove the unsafe building, including but not limited to the cost of actually removing the unsafe building and the disposal of the material so removed, shall be assessed against the land on which the unsafe building is located.

**J.**

If the Building Safety Officer finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the building structure or portion thereof to be vacated forthwith and not reoccupied until the specific repairs and improvements are completed, inspected and approved by the Building Safety Officer. The Building Safety Officer shall cause to be posted at each entrance to such building a notice: "This building is unsafe and its use or occupancy has been prohibited by the Building Department." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation, or their

agents or other servants, to remove such notice without written permission of the Building Safety Officer.

[Amended 3-5-2019 by L.L. No. 1-2019, approved 3-19-2019]

**K.**

In case the owner or lien holder cannot be served within the time provided herein for service of such notice, the Corporation Counsel shall be advised of all facts in the case and shall take such action as he or she determines to be appropriate to effectuate adequate service of the notice as provided by law.

**L.**

In cases of emergency which, in the opinion of the Building Safety Officer, involve imminent danger to human life or health, the Building Safety Officer shall promptly cause such building, structure or portion thereof to be made safe or removed. For this purpose, the Building Safety Officer may at once enter such structure or land on which it stands, or abutting land or structure, with such assistance and at such cost as may be necessary. The Building Safety Officer may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary and, for this purpose, may close a public or private way.

[Amended 3-5-2019 by L.L. No. 1-2019, approved 3-19-2019]

#### **§ 178-4 Program Review and Reporting .**

**A. The Building Safety Officer shall submit on monthly basis to the Common Council of the City of Kingston a written report and summary of all business conducted by the Building Safety Officer in relation to Unsafe Buildings, including a report and summary of all transactions and activities described in § 178-2 Inspection: notice; authority of City.**

## **Laws and Rules Committee Agenda Item Report**

Meeting Date: December 16, 2020

Submitted by: Elisa Tinti

Submitting Department:

Item Type: Informational Purposes

Agenda Section:

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**Subject:**

General Legislation

**Suggested Action:**

**Attachments:**

[20201214120220.pdf](#)

h+12

**Tinti, Elisa**

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**From:** Hirsch, Michele  
**Sent:** Friday, November 27, 2020 11:03 AM  
**To:** Shaut, Andrea  
**Cc:** Tinti, Elisa  
**Subject:** Communication to update General Legislation/Zoning pertaining to the Duties of Building Safety Officer and/or Zoning Enforcement Officer  
**Attachments:** General Legislation Zoning Article VII Administration and Enforcement 405-51 Duties of Building Safety Officer and or Zoning Enforcement Officer C..docx; ATT00001.htm

Dear President Shaut,

Please accept this Communication for referral to the Laws and Rules Committee in relation to updating the City of Kingston, NY/ Part II: General Legislation/Zoning Article VII Administration and Enforcement in relation to Section 405-51 Duties of Building Safety Officer and/or Zoning Officer.

Thank you.

With kind regards,

Michele Hirsch  
Alderwoman, Ward 9

**City of Kingston, NY / PART II: GENERAL LEGISLATION / Zoning**  
**Article VII Administration and Enforcement**

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**§ 405-49 Building permits.**

**§ 405-50 Certificate of occupancy.**

**§ 405-51 Duties of Building Safety Officer and/or Zoning Enforcement Officer.**

**§ 405-52 Penalties for offenses.**

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**§ 405-51 Duties of Building Safety Officer and/or Zoning Enforcement Officer.**

**C.**

Said Building Safety Officer and/or Zoning Enforcement Officer shall keep a record of every identifiable complaint of a violation of any of the provisions of this chapter and of the action taken consequent on each such complaint, which records shall be public records. He shall report to the Common Council, at an interval of once a month, summarizing for the period since his last previous report all building permits and certificates of occupancy issued by him.