



City of Kingston Common Council Caucus
Meeting Agenda
Monday, May 4, 2020
7:00 PM
City Hall Conference Room 1
420 Broadway Kingston, NY

VIDEO RECORDING OF MEETING: - <https://youtu.be/8rRZTHb6v7I>

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

United States (Toll Free): 1 877 309 2073

- One-touch: tel:+18773092073,,163718261#

United States: +1 (646) 749-3129

- One-touch: tel:+16467493129,,163718261#

Access Code: 163-718-261

DISCUSSION OF PROPOSED LEGISLATION

Proposed Resolutions
[20200504073148.pdf](#)

Common Council Caucus Agenda Item Report

Meeting Date: May 4, 2020

Submitted by: Elisa Tinti

Submitting Department: Common Council

Item Type: Informational Purposes

Agenda Section:

Subject:

Proposed Resolutions

Suggested Action:

Attachments:

[20200504073148.pdf](#)

LEGISLATION LIST- MAY 2020

RESOLUTION 84- MEMORIALIZING RESOLUTION SUPPORTING
EMERGENCY RENTAL ASSISTANCE

RESOLUTION 85- DECLAIRING THE COMMON COUNCIL AS LEAD
AGENCY TO THE REVIEW OF THE ZONING CODE

RESOLUTION 86- REFERRING THE ZONING CODE CHANGE TO THE
CITY PLANNING BOARD, THE COUNTY PLANNING BOARD, AND
HISTORIC LANDMARKS COMMISSION

RESOLUTION 87- REMOVAL OF NO TURN ON RED AT GREENKILL
AVENUE

RESOLUTION 88- BUDGET TRANSFER IN THE ECONOMIC &
COMMUNITY DEVELOPMENT DEPARTMENT IN THE AMOUNT OF
\$195,000.00 FOR RESTORE NY ROUND IV

RESOLUTION 89- REMOVING HANDICAP PARKING ON ORA PLACE

RESOLUTION 90- ADDING HANDICAP PARKING ON RAVINE STREET

RESOLUTION 91- ADDING A STOP SIGN AT THE INTERSECTION OF
WESTBROOK LANE AND SHARON LANE

RESOLUTION 92- AMENDING THE ZONING MAP TO EXTEND THE
MIXED USE OVERLAY DISTRICT TO INCLUDE 51 SCHWENK DRIVE

RESOLUTION 93- ADDING NO PARKING IN BIKE LANES CITY WIDE

RESOLUTION 84 OF 2020

MEMORIALIZING RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, SUPPORTING EMERGENCY RENTAL ASSISTANCE LEGISLATION

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

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, Over half of tenants in New York State are rent-burdened during typical economic conditions. As a result of the state of emergency and the government-recommended precautions, many tenants have experienced sudden income loss, and further income impacts are anticipated, leaving tenants vulnerable to eviction; and

WHEREAS, Housing stability is crucial in a public health emergency in which containment and treatment rely on individuals staying indoors and not being forced to seek shelter or experience homelessness.

WHEREAS, the COVID-19 Rental Emergency Assistance Program was introduced in the New York State Senate on March 29, 2020;

BE IT RESOLVED that the City of Kingston supports and endorses S8140, which would provide rental assistance vouchers for a defined period to those tenants who exhibit significant financial hardship due to the outbreak of COVID-19; and

BE IT FURTHER RESOLVED, that the City Clerk is directed to send a copy of this resolution to U.S. Senator Kirsten Gillibrand, U.S. Senator Charles Schumer, Governor Andrew Cuomo, New York State Senator Amedore, JR, New York State Assemblymember Kevin Cahill, Senate Housing Chair Brian Kavanagh, and Assembly Housing Chair Steven Cymbrowitz.

Submitted to the Mayor this ____ day of _____, 2020

Elisa Tinti, City Clerk

Approved by the Mayor this ____ day of _____, 2020

Steven T. Noble, Mayor

Adopted by Council on _____, 2020

(LIR)

Tinti, Elisa

From: Hirsch, Michele
Sent: Friday, April 03, 2020 9:55 AM
To: Shaut, Andrea
Cc: Tinti, Elisa
Subject: Communication for Agenda
Attachments: 2020 Rent Relief Resolution City of Kingston.docx

Dear President Shaut,

This is a request for a placement on the agenda of the next appropriate Council Committee which I would expect to be the Laws and Rules Committee as time is of the essence during the COVID-19 Pandemic.

The **RESOLUTION SUPPORTING EMERGENCY RENTAL ASSISTANCE LEGISLATION** is a resolution in support of a bill currently in process in the NY State Senate.

On March 29, 2020 New York Senate Housing Chair Brian Kavanagh introduced S8140. In summary, this bill creates a new NY State emergency voucher program for tenants impacted by the COVID-19 pandemic. In order for tenants to be eligible for this emergency voucher, they have to demonstrate a substantial loss of income due to the current pandemic. The voucher would cover the amount above 30% of the current income of the impacted individual(s). For clarity, if someone was unemployed, the voucher would cover 100% of the rent. The limit on this assistance would be 3 months in nature as the bill is currently written, and utility payments would be included in the voucher coverage.

This resolution does not have a financial impact on the City of Kingston.

Thank you for your consideration.

With kind regards,

Michele Hirsch
Alderman, Ward 9

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: Common Council

DATE: 4-15-20

Description: Approve memorializing resolution
supporting Emergency Rental Assistance legislation as
per attached.

Signature: _____

Motion by RSC

Seconded by RW

Action Required: _____

SEQRA Decision:

Type I Action _____

Type II Action _____

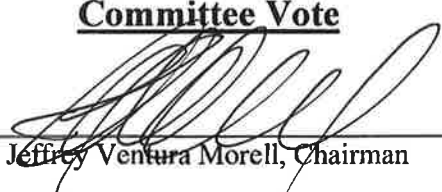
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

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

RESOLUTION 85 of 2020

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING THE COMMON COUNCIL OF THE CITY OF KINGSTON TO DECLARE ITSELF LEAD AGENCY WITH REGARD TO PROPOSED CHANGES TO THE ZONING CODE OF THE CITY OF KINGSTON

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

WHEREAS, upon consideration the Common Council of the City of Kingston believes that it should be designated lead agency with regard to the review of the annexed proposed changes to the Zoning Code of the City of Kingston.

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 declares itself lead agency with regard to the annexed proposed changes to the Zoning Code of the City of Kingston.

SECTION 2. That the request for lead agency status be circulated to involved agencies as determined pursuant to applicable law.

SECTION 3. This resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2020

Approved by the Mayor this ____ day of _____, 2020

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2020

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THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES COMMITTEE REPORT

DEPARTMENT: <u>Mayor</u>	DATE: <u>4-15-20</u>
Description: <u>Be it hereby resolved that the Common Council seeks to be declared lead agency with regard to the review of the annexed proposed changes to the Zoning Code of the City of Kingston.</u> <u>And</u> <u>Be it hereby resolved that this request for lead agency status be circulated to involved agencies as determined pursuant to applicable law.</u>	
Signature: _____	

Motion by RSC

Seconded by RW

Action Required: _____

SEQRA Decision:

Type I Action _____

Type II Action _____

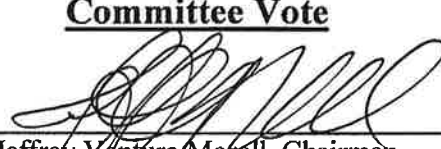
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

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

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.

RESOLUTION 86 of 2020

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING A COPY OF THE LEGISLATION FOR THE PROPOSED 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 ____ day of _____, 2020

Approved by the Mayor this ____ day of _____, 2020

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2020

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THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: Mayor

DATE: 4-15-20

Description: Be it resolved that a copy of the proposed legislation be referred for comment to the city Planning Board, the Ulster County Planning Board and the Historic Landmarks Preservation Commission.

Signature: _____

Motion by RW

Seconded by RSC

Action Required: _____

SEQRA Decision:

Type I Action _____

Type II Action _____

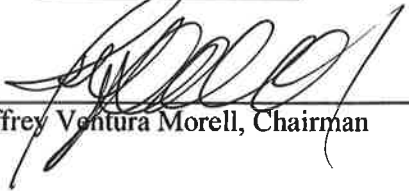
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

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

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.

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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.

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with the owners of the property or their representatives.

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- (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.
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- (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.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AMENDING SECTION 390-89, SCHEDULE VI, PROHIBITED TURNS OF THE KINGSTON CITY CODE ON GREENKILL AVENUE

Sponsored By: Public Safety/General Government Committee:
Alderman: Davis, Scott-Childress, Ventura Morell,
O'Reilly, Hirsch

WHEREAS, a request has been made to amend Prohibited Turns on Greenkill Avenue by removing the sign indicating No Turn on Red at the intersection of Greenkill Avenue with Wilbur Avenue; and

WHEREAS, it is in the best interests of the City to amend Section 390-89, Schedule VI, Prohibited Turns by removing the sign indicating No Turn on Red at the intersection of Greenkill Avenue with Wilbur Avenue.

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

SECTION 1. That the Common Council of the City of Kingston authorizes the amendment of Section 390-89, Schedule VI, Prohibited Turns , by removing the sign No Turn on Red at the intersection of Greenkill Avenue with Wilbur Avenue.

SECTION 2. All ordinances and parts thereof, inconsistent herewith, are hereby repealed.

SECTION 3. This ordinance shall take effect immediately after passage, approval and publication as provided by law.

Submitted to the Mayor this ____ day of _____, 2020

Approved by the Mayor this ____ day of _____, 2020

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2020

THE CITY OF KINGSTON COMMON COUNCIL
PUBLIC SAFETY/GENERAL GOVERNMENT
COMMITTEE REPORT

DEPARTMENT: _____ DATE: 4/12/20

Description: Removal of "No turn on red" at Greenkill Ave.
Amendment to revise the City Code Chapter 390 Vehicles and Traffic, Schedule
VI: Prohibited turns, to delete the prohibition of turns at this location.

Signature: _____

Motion by JDM

Seconded by ASG

Action Required: _____

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Tony Davis, Chairman <i>Tony Davis</i>	☒	☐
Patrick O'Reilly Ward 7 <i>PO'Reilly</i> Patrick O'Reilly (Apr 28, 2019)	☐	☐
Rennie Scott-Childress, Ward 3 <i>Rennie Scott-Childress</i>	☒	☐
Jeffrey Ventura Morell, Ward 1 <i>JV Morell</i> JV Morell (Apr 28, 2020)	☒	☐
Michele Hirsch, Ward 9 <i>Michele Hirsch</i> Michele Hirsch (Apr 30, 2020)	☒	☐

(PS-66)

CITY OF KINGSTON
Office of the City Engineer
jschultheis@kingston-ny.gov

John M. Schultheis, P.E., City Engineer



Steven T. Noble, Mayor

March 6, 2020

Andrea Shaut., Alderman-At-Large, President of the Common Council
Kingston City Hall
420 Broadway
Kingston, New York 12401

RE: No Turn on Red, Greenkill Avenue Eastbound at Wilbur Avenue

Dear President Shaut:

Base on a request from Alderman Tallerman, I reviewed the conditions at this location. Signage indicates that right turns on red are prohibited at this location.

In my opinion, the prohibition of right turns on red for traffic eastbound on Greenkill turning onto southbound Wilbur Avenue can be removed.

This will require a revision to City Code Chapter 390 Vehicles and Traffic, Schedule VI: Prohibited Turns, to delete the prohibition of turns at this location.

Following the adoption of this legislation, I will ask the DPW to remove the signage at this location.

Please refer this item to the Public Safety / General Government Committee for further discussion and approval. Should you have any questions concerning this request, do not hesitate to contact me.

Respectfully,

John M. Schultheis, P.E.
City Engineer

Cc: Steve Noble, Mayor
Tony Davis, Chair, Public Safety / General Government
Donald Tallerman, Alderman Ward 5

RESOLUTION 88 of 2020

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING AN INCREASE IN ASSOCIATED REVENUE AND EXPENSE ACCOUNTS FOR ACTIVITIES RELATED TO THE CITY'S RESTORE NY ROUND IV GRANT IN THE AMOUNT OF \$195,000

Sponsored By: Finance and Audit Committee: Alderman: Koop,
Scott-Childress, Davis, Schabot

WHEREAS, a request is being made for an increase in the associated revenue and expense accounts for activities related to the City's Restore NY Round IV grant in the amount of \$195,000, which would allow a reimbursement to RUPCO of \$305,000 for the cost of demolition of the old bowling alley building and to access \$195,000 toward the renovation costs of two vacant homes on Franklin Street and one on Van Deusen Street.

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

SECTION 1. That the Common Council of the City of Kingston authorizes an increase in the associates revenue and expense accounts for activities related to the City's Restore NY Round IV Grant in the amount of \$195,000 as follows:

From: 6989-3389 NYS Grant \$195,000

To: 6989-5301 Contracted Services (Capital) \$195,000

SECTION 2. This resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2020

Approved by the Mayor this ____ day of _____, 2020

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2020

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THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT COMMITTEE REPORT

<u>REQUEST DESCRIPTION</u>			
INTERNAL TRANSFER _____ AUTHORIZATION _____ CLAIMS _____	CONTINGENCY TRANSFER _____ BUDGET MODIFICATION _____ ZONING _____	TRANSFER ☒ _____ BONDING REQUEST _____ OTHER _____	

DEPARTMENT: Economic & Community Development **DATE:** April 3, 2020

Description:
 Budget transfer request to increase associated revenue and expense accounts for activities related to the City's Restore NY Round IV grant in the amount of five hundred thousand dollars and zero cents 195,000 (\$500,000.00).

<u>FROM</u>		<u>195,000.00</u>
Increase	6989-3389 NYS Grant	\$500,000.00
Increase	6989-5301 Contracted Services (Capital)	\$500,000.00 <u>195,000.00</u>

Estimated Financial Impact: \$ 0 Signature: [Signature]

Motion by SS

Seconded by RSC

Action Required:

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

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Douglas Koop, Chairman <u>D. A. Koop</u> D. A. Koop (Apr 13, 2020)	✓	
Reynolds Scott-Childress Ward 3 <u>[Signature]</u>	✓	
Anthony Davis, Ward 6 <u>AD2</u> Anthony Davis (Apr 3, 2020)	✓	
Michele Hirsch, Ward 9		
Steven Schabot, Ward 8 <u>Steven Schabot</u> Steven Schabot (Apr 13, 2020)	✓	

Fin

CITY OF KINGSTON
Office of Economic and Community Development
brobinson@kingston-ny.gov

Brenna L. Robinson, Director



Steven T. Noble, Mayor

April 3, 2020

Andrea Shaut, Alderwoman-at-Large
President, Kingston Common Council
City Hall, 420 Broadway
Kingston, NY 12401

Dear President Shaut:

In 2018, the City secured a grant award from Empire State Development (ESD) in Round IV of its Restore NY program in the amount of five hundred thousand dollars and zero cents (\$500,000.00). This funding is to be used to support the development of RUPCO's E², Energy Square, project on Cedar St. and the rehabilitation of three vacant homes, two on Franklin Street and one on Van Deusen Street, that will be made available to income-eligible, first-time homebuyers. The ten percent match required by this grant award is far exceeded by RUPCO's other investments in the E² project, as well as the City's already secured Community Development Block Grant funds that have been set aside for the residential rehabilitation work. Therefore, this budget transfer request indicates a zero financial impact to the City's budget.

After procuring all of the required documentation to execute a contract with ESD, we are now prepared to expend the funds, as authorized by the Common Council in Resolution #144 of 2018 (attached).

Please refer this request to the appropriate committee for the Council to consider the budget transfer activities indicated on the attached committee report. This will allow for the increase of my department's NYS Grant revenue line and the associated Contracted Services – Capital Outlay line to reimburse RUPCO for \$305,000 of the cost of demolition of the old bowling alley building at the project site and to access the \$195,000 toward the renovation costs for the residences mentioned above.

If you or other Council members have questions or need additional information, please contact me at your convenience at the phone or email listed below. Thank you.

Respectfully submitted,

Brenna L. Robinson, Director
Office of Economic & Community Development
845-334-3924, brobinson@kingston-ny.gov

RESOLUTION 144 of 2018

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING THE MAYOR TO EXPEND FUNDS IN THE FIRST INSTANCE FOR THE RESTORE NEW YORK COMMUNITIES INITIATIVE FROM EMPIRE STATE DEVELOPMENT FOR THE MIDTOWN KINGSTON RESTORE PROJECT

Sponsored by: Finance and Audit Committee
Aldermen: Koop, Scott-Childress, Davis, O'Reilly, Schabot

WHEREAS, the City of Kingston has been awarded a Restore New York Communities Initiative grant in the amount of \$500,000 from Empire State Development for the Midtown Kingston Restore Project; and

WHEREAS, the matching funding requirements of \$55,555 are expected through a contribution by RUPCO; and

WHEREAS, there are specific requirements and regulations governing the expenditure of these funds; and

WHEREAS, the action is categorized under 6 NYCRR, Part 617.5 as Type II.

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

SECTION 1. Administration of all funds under these grants will be in accordance with all terms and conditions contained in guidelines provided by Empire State Development

SECTION 2. The Mayor of the City of Kingston is hereby authorized to expend funds in the first instance under the terms of the Restore New York Communities Initiative.

SECTION 3. This resolution shall take effect immediately.

Submitted to the Mayor this 11th day

of July 2018


Cary Winnie, City Clerk

^{acting}
Approved by the Mayor this 16th day

of July 2018


Steven T. Noble, Mayor
^{acting}

Adopted by Council on July 10, 2018

Financial Impact – No Greater than \$55,555

RESOLUTION 89 OF 2020

**AN ORDINANCE AMENDING AN ORDINANCE IN RELATION TO THE
TRAFFIC ON THE PUBLIC STREETS OF THE CITY OF KINGSTON, NEW
YORK, REMOVING HANDICAP PARKING ON ORA PLACE**

Sponsored By: Public Safety/General Government Committee:
Alderman Davis, O'Reilly, Scott-Childress, Ventura
Morell, Hirsch

WHEREAS, in the interest of safety and the needs of residents, parking on the streets must be regulated.

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

SECTION 1. Article 7, Section 390-57, "Handicap Parking" is hereby amending by removing the following:

Handicap Parking (and signage) at 18 Ora Place

SECTION 2. This ordinance shall take effect immediately after passage, approval and publication as provided by law.

Submitted to the Mayor this ____ day of
_____, 2020

Elisa Tinti, City Clerk

Approved by the Mayor this ____ day of
_____, 2020

Steven T. Noble, Mayor

Adopted by Council on _____, 2020

Public Safety/General Government Committee Agenda Item Report

Meeting Date: April 22, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Proposed Resolution

Agenda Section:

Subject:

Remove Handicap Sign 18 Ora Place

Suggested Action:

Attachments:

20200409102436.pdf

RS

Tinti, Elisa

From: Shaut, Andrea
Sent: Friday, April 03, 2020 2:06 AM
To: Tinti, Elisa
Subject: Fw: [EXTERNAL EMAIL] A new Service Request has been created [Request ID #34487] (Signage Installation/Removal) - City of Kingston, NY

Please add to communications.

Thank you,

Andrea Shaut

Council President, City of Kingston

From: noreply-kingston@qscend.com <noreply-kingston@qscend.com>
Sent: Monday, March 2, 2020 3:06 PM
To: Alderman
Subject: [EXTERNAL EMAIL] A new Service Request has been created [Request ID #34487] (Signage Installation/Removal) - City of Kingston, NY

City of Kingston, NY

A new service request has been filed.

Service Request Details	
ID	34487
Date/Time	3/2/2020 3:06 PM
Type	Signage Installation/Removal
Address	18 Ora Pl, Kingston
Origin	Report2Gov iOS
Comments	Please remove handicap signs in front of 18 Ora Place. Signs were installed to accommodate homeowners' mother, who has since passed away. Thank you. Rita Worthington.
Submitter	Worthington, Rita ward4@kingston-ny.gov

[View in QAlert](#)

THE CITY OF KINGSTON COMMON COUNCIL

PUBLIC SAFETY/GENERAL GOVERNMENT
COMMITTEE REPORT

DEPARTMENT: _____

DATE: 4/22/20

Description: _____

Remove handicap signs in front of
18 Ora Place as per attach request -

Signature: _____

Anthony Davis

Motion by _____

Anthony Davis

Seconded by _____

Jim

Action Required: _____

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

Committee Vote	YES	NO
Tony Davis, Chairman <i>Anthony Davis</i>	☒	☐
Patrick O'Reilly Ward 7 <i>Patrick O'Reilly</i> Patrick O'Reilly (Apr 28, 2020)	☐	☐
Rennie Scott-Childress, Ward 3 <i>Rennie Scott-Childress</i>	☒	☐
Jeffrey Ventura Morell, Ward 1 <i>Jeffrey Ventura Morell</i> Jeffrey Ventura Morell (Apr 28, 2020)	☐	☐
Michele Hirsch, Ward 9 <i>Michele Hirsch</i> Michele Hirsch (Apr 30, 2020)	☒	☐

RESOLUTION 90 OF 2020

AN ORDINANCE AMENDING AN ORDINANCE IN RELATION TO THE TRAFFIC ON THE PUBLIC STREETS OF THE CITY OF KINGSTON, NEW YORK, ADDING HANDICAP PARKING ON RAVINE STREET

Sponsored By: Public Safety/General Government Committee:
Alderman Davis, O'Reilly, Scott-Childress, Ventura
Morell, Hirsch

WHEREAS, in the interest of safety and the needs of residents, parking on the streets must be regulated.

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

SECTION 1. Article 7, Section 390-57, "Handicap Parking" is hereby amending by adding the following:

Handicap Parking (and signage) at 52 Ravine Street

SECTION 2. This ordinance shall take effect immediately after passage, approval and publication as provided by law.

Submitted to the Mayor this ____ day of _____, 2020

Elisa Tinti, City Clerk

Approved by the Mayor this ____ day of _____, 2020

Steven T. Noble, Mayor

Adopted by Council on _____, 2020

Public Safety/General Government Committee Agenda Item Report

Meeting Date: April 22, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Proposed Resolution

Agenda Section:

Subject:

Handicap Sign Presidents Place

Suggested Action:**Attachments:**

20200409102625.pdf

Tinti, Elisa

PS-166

From: Shaut, Andrea
Sent: Friday, April 03, 2020 2:00 AM
To: Tinti, Elisa
Subject: Fw: [EXTERNAL EMAIL] A new Service Request has been created [Request ID #34473] (Handicap Requests) - City of Kingston, NY

Please add to communications.

Thank you,

Andrea Shaut

Council President, City of Kingston

From: noreply-kingston@qscend.com <noreply-kingston@qscend.com>
Sent: Monday, March 2, 2020 12:27 PM
To: Shaut, Andrea
Subject: [EXTERNAL EMAIL] A new Service Request has been created [Request ID #34473] (Handicap Requests) - City of Kingston, NY

City of Kingston, NY

A new service request has been filed.

Service Request Details	
ID	34473
Date/Time	3/2/2020 12:27 PM
Type	Handicap Requests
Address	52 Ravine St, Kingston
Origin	Website
Comments	#4850080; 2/24 exp #4849817; 6/23 exp
Submitter	52 Ravine Street, Isabel & Richard Die 10 Presidents Pl Kingston, NY 12401-6308 845-338-5060 SSCHABOT@HVC.RR.COM

THE CITY OF KINGSTON COMMON COUNCIL

PUBLIC SAFETY/GENERAL GOVERNMENT
COMMITTEE REPORT

DEPARTMENT: _____

DATE: 4/24/20

Description: _____

Install Handicap signs at
52 Ravine St. as per attach request -

Signature: _____

Anthony Davis

Motion by *AD*

Seconded by *JVM*

Action Required: _____

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Tony Davis, Chairman <u><i>Anthony Davis</i></u>	☒	☐
Patrick O'Reilly Ward 7 <u><i>PO'Reilly</i></u> Patrick O'Reilly (Apr 28, 2020)	☐	☐
Rennie Scott-Childress, Ward 3 <u><i>Rennie Scott-Childress</i></u>	☒	☐
Jeffrey Ventura Morell, Ward 1 <u><i>JVMorell</i></u> Jeffrey Ventura Morell (Apr 28, 2020)	☒	☐
Michele Hirsch, Ward 9 <u><i>Michele Hirsch</i></u> Michele Hirsch (Apr 30, 2020)	☒	☐

RESOLUTION 91 OF 2020

AN ORDINANCE AMENDING AN ORDINANCE IN RELATION TO THE TRAFFIC ON THE PUBLIC STREETS OF THE CITY OF KINGSTON, NEW YORK, ADDING A STOP SIGN AT THE INTERSECTION OF WESTBROOK LANE AND SHARON LANE

Sponsored By: Public Safety/General Government Committee:
Alderman Davis, O'Reilly, Scott-Childress, Ventura
Morell, Hirsch

WHEREAS, in the interest of safety and the needs of residents, parking on the streets must be regulated.

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

SECTION 1. Article 13, Schedule 9, Section 390-92, "Stop Intersections" be amended amending by ADDING the following:

Stop Sign at Westbrook Lane and Sharon Lane

SECTION 2. All ordinances and parts thereof, inconsistent here with are hereby repealed

SECTION 3. This ordinance shall take effect immediately after passage, approval and publication as provided by law.

Submitted to the Mayor this ____ day of _____, 2020

Approved by the Mayor this ____ day of _____, 2020

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Public Safety/General Government Committee Agenda Item Report

Meeting Date: April 22, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Proposed Resolution

Agenda Section:

Subject:

Adding Stop Sign Westbrook/Sharon Lane

Suggested Action:

Attachments:

20200409102323.pdf

PS

Tinti, Elisa

From: Shaut, Andrea
Sent: Friday, April 03, 2020 9:22 AM
To: Tinti, Elisa
Subject: Fw: [EXTERNAL EMAIL] A new Service Request has been created [Request ID #34897] (Signage Installation/Removal) - City of Kingston, NY

Can you add the following to the communications?

Thank you,

Andrea Shaut

Council President, City of Kingston

From: noreply-kingston@qscend.com <noreply-kingston@qscend.com>
Sent: Sunday, March 8, 2020 8:16 AM
To: Alderman
Subject: [EXTERNAL EMAIL] A new Service Request has been created [Request ID #34897] (Signage Installation/Removal) - City of Kingston, NY

City of Kingston, NY

A new service request has been filed.

Service Request Details	
ID	34897
Date/Time	3/8/2020 8:17 AM
Type	Signage Installation/Removal
Address	50 Westbrook Pl, Kingston
Origin	Report2Gov iOS
Comments	Hi, There is no STOP (or yield) sign at the intersection of Westbrook and Sharon. I've only lived here for less than a year, but neighbors have warned me and said there have been close calls between vehicles coming from Westbrook and crossing that intersection in the past. There's not a lot of traffic on Westbrook, but the city may want to consider adding signage to the intersection. Thanks

DEPARTMENT: Engineering DATE: April 20, 2020

Description: For the intersection of Westbrook Place and Sharon Lane:
Add STOP Signs (MUTCD R1-1) for traffic on Westbrook Place
Amend Vehicles and Traffic, 390-92, Schedule IX accordingly

Signature: John Schulthois

Positive Declaration of Environmental Significance: _____

36

ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AMENDING THE ZONING MAP TO EXTEND THE MIXED USE OVERLAY DISTRICT TO INCLUDE 51 SCHWENK DRIVE, TAX MAP NO. 48.80-1-24.120

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

WHEREAS, 51 Schwenk Drive, Tax Map No. 48.80-1-24.120 is currently zoned C-2 (Central Commercial); and

WHEREAS, an amendment to the zoning map is requested to extend the mixed use overlay district to include 51 Schwenk Drive, Tax Map No. 48.80-1-24.120; and

WHEREAS, this amendment to the zoning map is in the best interest of the City of Kingston; and

WHEREAS, on December 16, 2019, the Planning Board rendered a negative declaration of environmental significance providing all agencies the ability to render decisions as needed; and

WHEREAS, on February 5, 2020, the Ulster County Planning Board conditionally approved the proposed zoning change based on the inclusion of a 10% affordable housing requirement.

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

SECTION 1. The Common Council has accepted the recommendation of the Ulster County Planning Board and makes the re-zoning conditioned on the inclusion of a 10% affordable housing requirement.

SECTION 2. That the zoning map be amended to extend the mixed use overlay district to include 51 Schwenk Drive, Tax Map No. 48.80-1-24.120.

SECTION 3. All ordinances and parts thereof inconsistent herewith are hereby repealed.

SECTION 4. This ordinance shall take effect immediately after passage approval and publication approval as provided by law.

Submitted to the Mayor this ____ day of _____, 2020

Approved by the Mayor this ____ day of _____, 2020

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

**LAWS & RULES
COMMITTEE REPORT**

DATE: April 15-8.098

Signature: _____

Positive Declaration of Environmental Significance: _____

38

(L+R)

Tinti, Elisa

From: Noble, Steve
Sent: Thursday, April 02, 2020 11:04 AM
To: Shaut, Andrea
Cc: Tinti, Elisa; Bryant, Kevin; Gartenstein, Daniel
Subject: Communication regarding Affordable Housing in Kingston
Attachments: 20200402085139.pdf

Dear President Shaut,

Even though we have embarked on a new zoning code in Kingston, a process of which will take over a year, I strongly encourage the Common Council to support the recommendations made by the Zoning Board of Appeals related to clarifying our current Zoning code to mandate an affordable housing provision for all new multi-family housing built within the City of Kingston. I believe this can and should be done now using a 10% requirement for now and that we can have a further community conversation as part of the zoning update as to what the eventual regulations can be.

The ZBA decision stated "Specifically, this Board requests that the Council consider immediately amending the City Code to delete the affordable housing guidelines set forth in the Mixed Use Overlay Districts and replace these guidelines with affordable housing requirements that apply throughout the City of Kingston, and that it amend the Code to specifically and unambiguously permit the new construction of residential units in the Mixed Use Overlay Districts."

Respectfully Submitted,

-Steve

Steven T. Noble
Mayor, City of Kingston
420 Broadway
Kingston, NY 12401
845-334-3902
www.kingston-ny.gov

buildings@kingston-ny.gov

Steven T. Noble, Mayor
Stephan Knox, Director



David Bence, Plumbing Inspector
Eric Kitchen, Zoning Officer

RECEIVED:

RECEIVED BY *PS*

DATE *3/13/2020*

TIME *12:15 PM*

March 12, 2020

Dear City of Kingston Clerk Elisa Tinti,

Please see the attached Zoning Board of Appeals decision on March 12, 2020 and voting sheet for immediate filing with your office. In reference to the Appeal of the City of Kingston ZEO determination of the Kingstonian project.

Rodenhausen, Chale & Polidoro Attorney for 61 Crown Street LLC, 311 Wall Street LLC, 317 Wall Street LLC, and 323 Wall Street owners LLC (the "applicants"). Owners of property within the City of Kingston Mixed Use Overlay District ("the MUOD"). Appealing the determination of the City of Kingston ZEO as it relates to the Kingstonian Development LLC 9-21 North Front Street and 51 Schwenk Drive, Kingston NY 12401 Zone: C-2 / Partial MUOD Ward: 2 Tax parcels 48.80-1-25,-26,-24.12.

Sincerely,

Eric Kitchen

A handwritten signature in black ink, appearing to read "Eric Kitchen", written over the printed name.

Zoning Enforcement Officer

CITY OF KINGSTON: STATE OF NEW YORK
ZONING BOARD OF APPEALS

-----X
In the Matter of the Appeal of 61 Crown, LLC,
311 Wall Street LLC, 317 Wall Street, LLC., and
323 Wall Street, LLC, from an Interpretation Rendered
by the City of Kingston Zoning Enforcement Officer
regarding the Mixed Use Overlay District as set forth in
Section 405-27.1 of the City of Kingston Code, as applied
to the Proposed Development Known as the
"Kingstonian Project".
-----X

I. Background

Kingstonian Development Group, LLC and Herzogs Supply Company Inc., the owners and proposed developers of parcels located at 9-21 North Front Street (hereinafter referred to collectively as "Respondent") have submitted various applications to the City of Kingston Planning Board, the Common Council of the City of Kingston and other City Boards and Commissions with regard to a proposed development known as the "Kingstonian". Respondents have proposed to construct a mixed use project including approximately one hundred twenty-nine residential apartments. While the property at issue is located in the C-2 Zone where residential apartments are generally not permitted, it is also located within a "Mixed Use Overlay District" (hereinafter referred to as "MUOD") which permits residential uses under specific conditions.

Most relevant to the appeal matter before this Board, an application has been submitted to the Planning Board requesting, inter-alia, a State Environmental Quality Review Determination and Site Plan approval. In addition, a petition has been submitted to the Common Council of the City of Kingston requesting that a portion of the Respondent's property be rezoned to be included in the Mixed Use Overlay District.

Pursuant to the applicable provisions of the City Code, a public hearing was held before the Common Council regarding the application to rezone the property. A number of members of the public requested an interpretation whether the proposed development was allowed in the mixed use overlay district and whether, if allowed, the developers were required to provide for affordable housing as set forth in 405-27.1 of the Code. In addition, the City received a written request for an interpretation from a member of the community.

These requests were forwarded to the Zoning Enforcement Officer (hereinafter referred to as "ZEO") for an interpretation of the applicable sections of the Code. The ZEO received written arguments from counsel for the individuals who requested the interpretation and from counsel for the developer. Therein, counsel for the parties seeking the interpretation argued that the affordable housing provisions applied to the Kingstonian and further argued that new construction of residential units was not permitted in the MUOD.

The ZEO also received a response from counsel for Respondent arguing that the affordable housing provisions apply only to adaptive reuses of existing buildings, they are not applicable to new construction, and that new construction of residential units is permitted in the MUOD.

II. Decision on Review

On or about September 27, the ZEO rendered a written interpretation wherein he found that the affordable housing requirements only apply to adaptive reuses of property. Insofar as the proposal calls for the demolition of an existing structure and subsequent new construction, and the property owners are not proposing an adaptive reuse, the ZEO determined that the affordable housing language provisions do not apply. With regard to the argument that the construction of new residential units is not permitted in the mixed use overlay district, the ZEO cited to the distinction in the City Code between “site enhancements” and “building enhancements” and found that “site enhancements” refer to new construction while building enhancements refer to adaptive reuses.

Based on this distinction set forth in the Code, the ZEO determined that the Code “clearly differentiates between adaptive reuse and other types of development” and that while “building enhancements” pertain to enhancements to an existing structure such as an adaptive reuse, “site enhancements” pertain to new construction on a vacant site.

As such, the ZEO found the Code permits the construction of new residential units in the MUOD and that the affordable housing language in the Code does not apply to such units.

III. Relevant Statute

Section 405-27.1 of the City of Kingston Code created the Mixed Use Overlay Districts (hereinafter referred to as “MUOD”). It provides that the MUOD was created to further two underlying purposes. First, “to adaptively reuse existing commercial and industrial buildings to provide multifamily housing, including affordable housing, to the present and future residents of the City of Kingston” and, second, “to encourage mixed use, mixed income, pedestrian friendly neighborhoods”.

The statute provides that proposals for development in the MUOD “are intended to be based on delineated **guidelines**”¹. The guidelines² are divided into subsections (1) (“affordable housing”) and subsection (2) (“mixed use, mixed income, pedestrian-based neighborhoods”).

Subsection (D) of 405-27.1 provides that “[t]he following uses are subject to the issuance of a special permit by the Planning Board in accordance with the provisions of 405-32 . . . (1) **[t]he conversion of existing commercial or industrial buildings, or sections of them, into residential apartments . . . some of which will be dedicated as affordable housing**” and “(2)[s]ite and building enhancements that promote a mixed use, mixed-income, pedestrian-based neighborhood”.

Subsection (E), subtitled “Provision of Affordable Units” provides “[t]he Planning Board shall deny any permit under this zoning chapter if the applicant for special permit approval does not comply, at a minimum, with the following requirements for affordable units. (1) At least 20% of the residential units **in the adaptive reuse of commercial or industrial buildings**, of five or

¹ Emphasis has been supplied to terms and phrases particularly relevant to the arguments raised herein.

² As addressed below, in calling on the Common Council to amend section 405-27.1, this Board has noted the ambiguous use of certain terms and is urging the legislature to take immediate action to amend the Code. The replacement of the permissive term “guidelines” with the mandatory term “requirements” is an example of the type of amendment that this Board would recommend.

more units, shall be established as affordable housing units for rental to qualified affordable housing tenants”.

IV. Appellant’s Claim on Appeal

On or about November 26, 2019, an appeal from the determination of the ZEO was submitted by 61 Crown Street, LLC., 311 Wall Street, LLC, 317 Wall Street, LLC., and 323 Wall Street, LLC. (hereinafter referred to collectively as “Appellant”)³. Appellant argued that the determination of the ZEO was “based on a gross misapplication of the Zoning Law and must be overturned”. Appellant asserted that while the property is located in a C-2 district where residential uses are not permitted, it is also located within the MUOD district “which is meant to provide additional regulations on top of the underlying C-2 district”.

Counsel argued that “[t]he construction of new buildings containing residential uses is not allowed by the MUOD provisions of the Zoning Law since it is not listed as a permitted or specifically permitted use” and continued that “[i]f the law was meant to allow the construction of new residential buildings, it would have explicitly stated so”. Counsel asserted that “the text of the entire MUOD section is centered around the adaptive reuse of existing structures” and that the ZEO’s determination “impermissibly stretches the term “site enhancements” beyond reasonable belief”.

Counsel alternatively argued that “[e]ven if the ZBA determines that new residential units are permitted in the MUOD, it must find that such units are subject to the 20% affordable housing requirement . . . If the ZEO has determined that the Project is taking advantage of the MUOD provisions, all provisions in the MUOD must be complied with . . . To provide otherwise would create a perverse incentive to demolish existing structures”.

V. Respondent’s Claim on Appeal

Counsel for Respondent submitted a letter/memorandum in opposition to the appeal. Counsel argued, inter-alia, that Appellant’s are not aggrieved by the determination of the ZEO and, as such, they do not have standing to bring this appeal.

With regard to the primary argument that new construction of residential units is not permitted in the MUOD, counsel concurred with the ZEO’s interpretation of the relevant sections of the Code and agreed that “site enhancements” refer to new construction whereas “building enhancements” refer to changes to existing structures.

With regard to affordable housing, counsel argued that the “guidelines” set forth in section 405-27.1(B) are not ambiguous and that, by the plain meaning of the Code, these “guidelines” apply only to adaptive reuses of property and not to new construction. Counsel argued that “it is not the responsibility of the ZBA to infer, speculate or hypothesize as to why the 20% affordable housing requirement should be applicable . . . to do so would be wholly at variance with the plain meaning of the statute and plain meaning is to be given highest priority in interpretation of a zoning statute”.

³ Appellant did not request the initial interpretation from the ZEO nor did Appellant assert any interest or submit any arguments prior to submission of the instant appeal.

VI. Standing

Counsel for Respondent cited to a litany of cases in support of the proposition that Appellant does not have standing and is not an aggrieved party. Counsel for Appellant has countered this argument with citations of her own and assertions of fact regarding her client's interest in real property in the immediate vicinity of the proposed development and harm that counsel alleges would befall Appellant as the result of the development.

It is not the role of this Board and this Board is not in a position to hear evidence or make findings of fact or conclusions of law regarding the issue of standing. Moreover, the evidence currently before this Board is insufficient for a determination of the extent of Appellant's interest, whether the project would cause any harm to those interests or whether this interest rises to the level necessary to justify standing. Moreover, this Board is not qualified to adjudicate these legal issues. As such, this Board will not make factual or legal conclusions regarding standing and will proceed under the assumption that the Appellant has standing and is sufficiently aggrieved to raise the issues herein.

The decision of this Board on the merits of the arguments raised by Appellant is specifically made without prejudice on the issue of standing.

By rendering this determination, this Board is, in no way, rendering an opinion regarding the issue of standing or whether Appellant is aggrieved by the decision of the ZEO. This Board specifically notes that counsel has preserved this issue in the event of any subsequent legal challenge to this determination in an Article 78 proceeding

VII. Record of Proceedings⁴

The record before this Board includes the following documents:

- August 1, 2019 Request for Interpretation by ZEO
- August 28, 2019 Memorandum in Respondent to Request for Interpretation
- August 16, 2019 City of Kingston Correspondence, Corporation Counsel
- September 4, 2019 Correspondence from Ulster County Planning Board
- September 9, 2019 Request for Zoning Interpretation
- September 9, 2019 Request for Extension of Time for Response
- September 9, 2019 Response to Expanded Interpretation Request
- September 12, 2019 City of Kingston Correspondence regarding extension
- September 27, 2019 Interpretation by ZEO
- November 26, 2019 Appeal of ZEO Interpretation
- December 10, 2019 City of Kingston Correspondence regarding procedure
- December 16, 2019 Request for Adjournment
- December 17, 2019 Consent to Adjournment
- December 30, 2019 Communication regarding Adjournment

⁴ While the ZBA received and considered public comments regarding the instant appeal, including written submissions received prior to the deadline set forth on the record, these comments were mostly irrelevant to the controlling issues on appeal and are not specifically delineated herein.

December 30, 2019 City of Kingston confirmation of adjournment
January 23, 2020 City of Kingston Correspondence regarding procedure
February 10, 2020 Submission by counsel for Appellant
February 12, 2020 Submission by counsel for Respondent
February 12, 2020 Communication from counsel for Respondent to Ulster County
Planning Director
February 27, 2020 Submission by counsel for Respondent
February 28, 2020 Submission by Emily Svenson, Esq. dated February 28, 2020
February 28, 2020 Communication from Sarah Wenk

VIII. ZBA Authority on Appeal

General City Law §81-b (2) provides in relevant part that the Zoning Board of Appeals may reverse, or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appeal from and may make such order, requirement, decision, interpretation, or determination as in its opinion ought to have been made in the matter by the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

Section §405-54 of the Code of the City of Kingston provides in relevant part that “the Zoning Board of Appeals shall have all the powers and duties prescribed by Section 81-b of Article 5-A of the New York State General City Law and by this chapter.

IX. Applicable Law

“It is fundamental that, because the clearest indicator of legislative intent is the statutory text, the starting point in any case of interpretation must always be the language itself, giving effect to the plain meaning thereof” (*Lisa T. v. King E.T.*, 30 N.Y.3d 548 (2017)). See also, *People v. Finnegan*, 85 N.Y.2d 53 (1995) wherein the Court of Appeals explained that “courts are obligated to interpret a statute to effectuate the intent of the Legislature, and when the statutory language is clear and unambiguous, it should be construed as to give effect to the plain meaning of the words Equally settled is the principle that courts are not to legislate under the guise of interpretation” (internal citations and quotations omitted).

When interpreting legislation, “we first look to the particular words for their meaning, both as they are used in the section and in their context as part of the entire statute For if the statute is unambiguous and its meaning evident from the language . . . we need look no further” (*Ellington v. ZBA of New Hempstead*, 77 N.Y.2d 114 (1990)). The inclusion of language in a statute is presumed to serve a specific purpose and “words are not to be rejected as superfluous” (*Tall Trees Construction v. Huntington ZBA*, 97 N.Y.2d 86 (2001); also, *Rosner v. Metropolitan Property*, 96 N.Y.2d 86 (2001).

X. Findings of Fact and Conclusions

This Board agrees with the ZEO that the term “site enhancements” refers to construction on vacant property and that “building enhancements” refer to renovations to existing structures. As such, this Board rejects Appellant’s argument that the new construction of residential units on vacant parcels is not permitted in the MUOD. This reading of the Code is consistent with

comprehensive plan and the stated purpose of the MUOD which is, in large part, to promote residential development within the district.

This Board has also considered Appellant's argument that the affordable housing provisions of the statute must be applied to all development in the district. While the legislature may have intended this result, the plain language of the statute provides otherwise. Specifically, this Board agrees that the affordable housing "guidelines" in the statute apply to adaptive reuses of structures and do not apply to new construction.

While this Board agrees with the conclusions of the ZEO based on the plain language of the Code, this Board would be remiss in its responsibilities if it did not further address the issues raised by Appellant.

The City of Kingston's current zoning Code was initially adopted in 1963 and has been amended repeatedly since that time. This Board finds based on its review of the record, that the language of the current code discourages progress and development in a City that has fundamentally changed since the adoption of the controlling legislation.

It is the finding of this Board, based upon the litany of applications brought before it, that the current Zoning Code is outdated, it is internally inconsistent and strict application can result in unconscionable and unjust results to individual property owners and to the community at large.

This Board is charged with interpreting and applying this flawed piece of legislation, and herein calls upon the Common Council to act forthwith to address deficiencies. As a result of the legislature's failure to act to address these deficits, this Board is regularly presented with situations that are unconscionable.

As outlined by both parties, the application currently before this Board demonstrates the overwhelming need for the legislature to act, and to act with haste.

It is the unanimous opinion of this Board that while wholesale changes to the Zoning Code are necessary, the Council must consider and adopt such amendments as are necessary to cure defects and inconsistencies as they are brought to light in proceedings such as the one before this Board.

For the foregoing reasons, while the appeal from the determination of the ZEO is hereby affirmed in all respects, it is the unanimous opinion of this Board that a copy of this decision should be forwarded to the Common Council with a formal request from this Board that the provisions of City Code 405-27.1 be amended to address the issues addressed above.

Specifically, this Board requests that the Council consider immediately amending the City Code to delete the affordable housing guidelines set forth in the Mixed Use Overlay Districts, replace these guidelines with affordable housing requirements that apply throughout the City of Kingston, and that it amend the Code to specifically and unambiguously permit the new construction of residential units in the Mixed Use Overlay Districts.

XI. Conclusion

For the foregoing reasons, it is the determination of this Board that the interpretation of the Zoning Enforcement Officer is hereby affirmed in all respects.

It is the further determination of this Board that a copy of this decision shall be forwarded to the Common Council forthwith with the request and recommendation of this Board that amendments to City Code Section 405-27.1 be adopted forthwith to address the issues outlined above.

Motion made by Joe Fitzgerald

Seconded by Mary Ann Neubauer

On a roll call vote as follows:

	<u>AYE</u>	<u>NO</u>
Anthony Argulewicz	<u>✓ Anthony Argulewicz</u>	<u>_____</u>
Joe Fitzgerald	<u>✓ JF</u>	<u>_____</u>
Brian Cafferty	<u>✓ B. Cafferty</u>	<u>_____</u>
John Bonavita-Goldman	<u>_____</u>	<u>_____</u>
Mary Ann Neubauer	<u>✓ Mary Ann Neubauer</u>	<u>_____</u>
Owen Harvey	<u>_____</u>	<u>_____</u>
Ari Goldstein	<u>✓ Ari Goldstein</u>	<u>_____</u>

On a vote of 5 in favor and 0 against the Chairman has declared this Resolution Passed.

Dated March 12, 2020

Anthony Argulewicz
ANTHONY ARGULEWICZ, CHAIR



Dennis Doyle, Director

RECOMMENDATION

James L. Noble, Jr.
Common Council
420 Broadway
Kingston, N.Y. 12401

REFERRAL NO: 2020-010
DATE REVIEWED: 2/5/2020

Re: Kingstonian Development Group, LLC – Zoning Map Amendment

Summary

The applicant has petitioned the City of Kingston to extend the City's Mixed-Use Overlay District to a 0.313-acre parcel located to the north of its existing northern boundary at 9-21 North Front Street. The request is directly related to the applicant's current application for a mixed-use development, which includes a proposed hotel, market-rate apartments, parking garage, and retail and commercial spaces. The project also proposes to close Fair Street creating a Pedestrian Plaza at the North Front Street level and access to the parking garage below. The project will require a special permit, site plan, and lot line revision approvals from the City of Kingston's Planning Board to proceed. In addition to the zoning map change, the Common Council would also appear to need to approve the sale of the property, the closing of the Fair Street, and perhaps funding associated with the Downtown Revitalization Initiative (DRI). This is the second time this zoning petition has been referred (previously Referral #2019-159) now that the City Planning Board has completed its SEQRA process and issued a Negative Declaration.

The following materials were received for review:

- Referral Form
- Zoning Petition dated 6/4/19
- Memo to Eric Kitchen, Code Enforcement Officer, from Riseley and Moriello dated 8/28/19
- Verification Form
- Parcel Description
- Existing Conditions Map
- City Zoning Map
- Preliminary Site Plan
- Negative Declaration
- Description of the 0.313-acre parcel

Discussion

The Ulster County Planning Board (UCPB) considered several key factors in rendering its recommendations for the proposed zoning change. This included consistency with the City's Comprehensive Plan, an analysis of the history of the Mixed-Use Overlay District including a review of the Generic Environmental Impact Statement (GEIS) and the purposes found therein, the current zoning standards for the Mixed-Use Overlay District, as well as the petition submitted by the applicant and more recently the Negative Declaration by the City Planning Board as well as the zoning enforcement officer's ruling that interprets the zoning statute to allow for the construction of new buildings without the application of a set aside for affordable housing in the MUOD.

*2020-010 Kingstonian Development Group, LLC.
Zoning Map Amendment*

The UCPB also noted the history of the efforts by the City to encourage the development of the site and the current proposed use of DRI funding to encourage site development.

The UCPB's response to the rezoning proposal was and remains in this follow-up referral response contextual to the broader issues confronting the City as it considers the project. However, its focus is on the affordable housing component of the Mixed-Use Overlay District and the District's overall applicability to the entire project. In reading this response we ask all to understand that the UCPB endorses the redevelopment of this site with the caveat that the City's plans and policies have meaning heightened by the use of public lands and funds while tempered with finding solutions within a discussion of the needed public support.

The Board would note that reviews of this nature tend to focus on items that should be changed or addressed as part of the approval process. What is lost in this focus, is the overall benefit of projects, with reviewing agencies often tagged as being negative or missing broader the objectives. To be sure, the Ulster County Planning Board (UCPB) understands the broader objectives as noted above both from the standpoint of meeting the City's need and from overall good planning practice. Creating density on underutilized lots in urbanized areas with appropriate infrastructure is simply the right thing to do. We have not questioned the overall project but rather highlighted the need to meet the multiple objectives in the City's own plans in particularly affordable housing.

Consistency with the Comprehensive Plan

In our previous response, we noted strategies 1.12 and 1.1.5 which call for "affordable housing for any new or expanded residential building or development project" and to "Abandon mixed-use overlay district in favor of city-wide standards for adaptive reuse and affordable housing".

Since that response, the City's Zoning Enforcement Officer issued an interpretation that new construction needs not to provide any affordable housing. At the same time, the applicant has agreed to spread fourteen affordable units throughout the proposed complex or 10% of the proposed apartments. This has been accomplished by the addition of units (1 story) to the proposed structure. This combination of actions effectively results in the meeting UCPBs prior required modification for the rezoning which was to "Provide for Affordable Housing".

Recommendations

Provision of Affordable Housing

The UCPB appreciates the offer by the applicant to amend the project so as to include affordable housing. The decision of the zoning enforcement officer that no affordable units are needed leads us to recommend that the affordable housing requirement be added to the approval process for the MUO District.

Required Modification

As stated previously the UCPB's overarching goal was to provide for the inclusion of affordable housing. The voluntary provision offered by the developer is offset by the ruling of the ZEO that none is needed. This leads us to a required modification that the affordable housing element as offered by the developer should be made a requirement of the project rather than voluntary and that requirement should be enshrined in the City's planning approvals in a manner that defines affordability and the timeframe (if necessary) for the units to remain so. There are multiple ways to accomplish this that may not be directly tied to the rezoning however we ask that the City include it as part of the reasoning behind such action.

Mixed-Use Overlay District Long-Term – Advisory Comment

The determination of the zoning enforcement officer regarding the requirement for affordable housing as a component of new construction illuminates a compelling need to follow the recommendations in the Comprehensive Plan and abandon the Mixed-Use Overlay District in favor of establishing City-wide

*2020-010 Kingstonian Development Group, LLC.
Zoning Map Amendment*

inclusionary zoning for affordable housing for new multi-family development per Strategy 1.1.5. The linkage between new construction and affordability should be strong such as the language used in the existing MUOD which states "the planning board shall deny ..."

Rezoning of Lower Fair Street

The zoning petition relates solely to a 0.313-acre parcel of land on which a project structure will sit. It is unclear whether lower Fair Street needs to be included as part of this rezoning or whether the existing zoning can be utilized to carry the Project forward. The question will remain a public street, since it will be accessing the proposed parking garage, or will become private in nature may help to answer this question.

Advisory Comment

It should be clarified whether or not it is necessary to include lower Fair Street as part of the zoning action. The UCPB has no objection to this should it be deemed necessary.

Public/Private Partnership - Advisory Comments

The Board reiterates its prior comment on the lack of data on the public funding and/or PILOT that is necessary to accomplish the Project.

Reviewing Officer



Robert A. Leibowitz, AICP
Principal Planner

Cc: Gio Gagliardi, UCPB
John Bonavita-Goldman, UCPB
Suzanne Cahill, Planning Director
Elisa Tinti, City Clerk

RESOLUTION 93 of 2020

Ordinance: Parking Prohibited in General Areas

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AMENDING SECTION 390-56, ARTICLE VII, PARKING PROHIBITED IN GENERAL AREAS OF THE KINGSTON CITY CODE TO INCLUDE NO PARKING IN DESIGNATED BIKE LANES

Sponsored By: Public Safety/General Government Committee:
Alderman: Davis, Scott-Childress, Ventura Morell,
O'Reilly, Hirsch

WHEREAS, a request has been made to amend Section 390-56, Article VII, Parking Prohibited in General Areas of the Kingston City Code to include no parking in designated bike lanes; and

WHEREAS, it is in the best interests of the City to amend Section 390-56, Article VII, Parking Prohibited in General Areas of the Kingston City Code to include no parking in designated bike lanes

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

SECTION 1. That the Common Council of the City of Kingston authorizes the amendment of Section 390-56, Article VII, by adding "G. No parking in designated bike lanes".

SECTION 2. All ordinances and parts thereof, inconsistent herewith, are hereby repealed.

SECTION 3. This ordinance shall take effect immediately after passage, approval and publication as provided by law.

Submitted to the Mayor this ____ day of _____, 2020

Approved by the Mayor this ____ day of _____, 2020

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2020

THE CITY OF KINGSTON COMMON COUNCIL

PUBLIC SAFETY/GENERAL GOVERNMENT
COMMITTEE REPORT

DEPARTMENT: _____	DATE: <u>4/22/20</u>
Description: _____ Amend the City Code Chapter 390 Vehicle + Traffic Article VII Parking, Standing + Stopping Section 56 to add "G" in designated bike lanes. Subsection	
Signature: <u><i>Antony Davis</i></u>	

Motion by *Tom*

Seconded by *RSC*

Action Required: _____

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

Committee Vote	YES	NO
Tony Davis, Chairman <i>Antony Davis</i>	☒	
Patrick O'Reilly Ward 7 <i>PO'Reilly</i> Patrick O'Reilly (Apr 28, 2020)	☐	
Rennie Scott-Childress, Ward 3 <i>Rennie Scott-Childress</i>	☒	
Jeffrey Ventura Morell, Ward 1 <i>JVMorell</i> JVMorell (Apr 28, 2020)	☒	
Michele Hirsch, Ward 9 <i>Michele Hirsch</i> Michele Hirsch (Apr 30, 2020)	☒	

PS/GG

Tinti, Elisa

From: Shaut, Andrea
Sent: Wednesday, February 26, 2020 6:51 AM
To: Tinti, Elisa
Subject: FW: Parking enforcement

Elisa,

Please include in the communications.

Thank you,

Andrea Shaut

Council President, City of Kingston

From: Morell, Jeffrey
Sent: Tuesday, February 25, 2020 2:37 PM
To: Shaut, Andrea
Subject: Parking enforcement

Dear President Shaut,

The City's parking enforcement officer approached me last week to ask for assistance in amending the code Section 360, Article 10-78; to include parking on a bike lane as a violation.

Apparently this has become a prevailing issue with the new bike lanes on Hurley Ave.

Please refer to the appropriate committee for inclusion on their March agenda.

Thank you,

Jeffrey

Jeffrey Ventura Morell
Alderman, Ward 1, City of Kingston
(845) 663-2665

Higgins, Janet

From: Shaut, Andrea
Sent: Wednesday, April 22, 2020 9:11 AM
To: Gartenstein, Daniel; Higgins, Janet; Davis, Tony; Morell, Jeffrey; Tinti, Elisa
Subject: Public Safety agenda

Good Morning All,

On last month's Public Safety agenda, we had "bike lane parking." It was a communication from Jeffrey by request of Dan Quesnell. This should be placed on tonight's agenda under "Old Business."

But I was looking through the code for clarification, and I don't think Section 360 is correct. It should be Section 390, yes? And then from there, I wasn't sure exactly what should be amended to include parking on bike lanes as a violation. If we can get clarification from Corp. Counsel before tonight's meeting, the council would greatly appreciate it. Jeffrey – can you chime in here to let us know if this ask is for Hurley Ave only, or citywide?

Thank you,

Andrea Shaut

Council President, City of Kingston

Higgins, Janet

From: Morell, Jeffrey
Sent: Wednesday, April 22, 2020 10:37 AM
To: Shaut, Andrea
Cc: Gartenstein, Daniel; Higgins, Janet; Davis, Tony; Tinti, Elisa
Subject: Re: Public Safety agenda

Good Morning,

Thank you Andrea. Dan Gartenstein has asked Dan Quesnell to reach out to me about his concerns, since the complaints he's been getting are from Hurley Ave which is in my ward, but with bike lanes being built as part of the Broadway Streetscape, etc. he asked that the code to be amended to prohibit parking in bike lanes city wide to avoid future issues.

I was surprised to hear this is not already the case.

As to the code numbers, it's possible I wrote them down wrong so clarification on that would be greatly appreciated.

Thank you,

Jeffrey

Sent from my iPhone

On Apr 22, 2020, at 9:10 AM, Shaut, Andrea <ashaut@kingston-ny.gov> wrote:

Good Morning All,

On last month's Public Safety agenda, we had "bike lane parking." It was a communication from Jeffrey by request of Dan Quesnell. This should be placed on tonight's agenda under "Old Business."

But I was looking through the code for clarification, and I don't think Section 360 is correct. It should be Section 390, yes? And then from there, I wasn't sure exactly what should be amended to include parking on bike lanes as a violation. If we can get clarification from Corp. Counsel before tonight's meeting, the council would greatly appreciate it. Jeffrey – can you chime in here to let us know if this ask is for Hurley Ave only, or citywide?

Thank you,

Andrea Shaut

Council President, City of Kingston