



City of Kingston Laws and Rules Committee
Meeting Agenda
Wednesday, September 18, 2019
6:30 PM

NEW BUSINESS

Letter to Public Service Commission

[20190916072041.pdf](#)

Hudson Valley Housing Development Fund Company

[20190916072643.pdf](#)

1 OLD BUSINESS

1.a. Open Space Plan

[20190916072831.pdf](#)

1.b. Fee Schedule

[20190916072929.pdf](#)

Laws and Rules Committee Agenda Item Report

Meeting Date: September 18, 2019

Submitted by: Elisa Tinti

Submitting Department: Common Council

Item Type: Informational Purposes

Agenda Section:

Subject:

Letter to Public Service Commission

Suggested Action:

Attachments:

[20190916072041.pdf](#)

Sir or Ma'am,

Currently in the City of Kingston, Central Hudson and its sub-contractors are excavating the city streets to replace existing gas mains. Due to the massive size and length of this project, the Department of Public Works (DPW) and our constituency as a whole are facing daily challenges. We understand that the need for the work is there; however, we are witnessing some unforeseen consequences and bad-faith practices that we wish to be remedied.

With the project spanning a significant portion of the city, Central Hudson is essentially dictating the city's street paving schedule. The ramifications have created an unfair practice to our DPW and an unfair burden to our taxpayers. In order to accommodate Central Hudson's schedule, DPW has had to alter their plans and in certain cases missed paving streets that desperately need the work. Even more unfortunately, DPW has needed to pave over streets that Central Hudson's subcontractors have failed to meet the city's standards. The poor restoration has also created a rise in claims for damage to motor vehicles due to the settling of the trenches, as well as damage to city vehicles. Again the size and duration of the work is making it extremely difficult for DPW to stay ahead of this issue, and we will continue to see claims for damage brought to the city.

Currently DPW's paving survives by New York State's Consolidated Local Street and Highway Improvement Program (CHIPS) funding. If this funding were to cease, all the paving would be the responsibility of the taxpayer. Even though we are currently fortunate to have the funding, we need to best prepare ourselves for any future scenario and duplicating services now does not put us in a strong position. On top of the financial burden, our residents experience daily issues with traffic control and flow, additional noise and vibration, as well as dust pollution.

The Public Service Commission and Central Hudson need to do a better job with the restoration practices, as well as financially contribute a more appropriate amount to fully restore the city streets. It is unfair that DPW has to re-repair at a greater cost of time and material. In the current practice, if a street is in the queue to be repaired by the city, Central Hudson does provide money, albeit an insufficient amount to meet our standards. We also need full lane restoration. Currently the practice is for the subcontractors to do patchwork. This ruins the integrity of the street, forcing DPW to repave the full street. The current warranty timeline is also problematic. The warranty is 18 months; however, in many occasions the repairs are falling short and are in need of repair within 24-36 months. The repairs need to last longer, or the warranty needs to be extended.

It was difficult to predict the damage this project would cause the city, and we understand that the project itself is addressing a safety concern and therefore is necessary. Moving forward we need to do better though. We cannot continue to face the hardship for DPW's already stretched resources. We cannot continue to burden the taxpayers of our city. We cannot risk more safety concerns for our residents. Recently, the Superintendent of DPW had to issue a stop-order in regard to the resurfacing practices. Even though the issue was remedied, we should not have to rely on this practice, nor do we want to do so. We kindly ask that you assist us with finding a solution that can help us all move forward and to continue to make this community a wonderful place to live.

Thank you for your time and consideration on this matter.

Laws and Rules Committee Agenda Item Report

Meeting Date: September 18, 2019

Submitted by: Elisa Tinti

Submitting Department: Common Council

Item Type: Informational Purposes

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Subject:

Hudson Valley Housing Development Fund Company

Suggested Action:

Attachments:

[20190916072643.pdf](#)

L & R

HUDSON VALLEY HOUSING DEVELOPMENT FUND COMPANY, INC.

September 6, 2019

Honorable Steve T. Noble, Mayor
Common Council Members
City of Kingston
420 Broadway
Kingston, New York 12401

RE: City of Kingston 2025 Comprehensive Plan
PROPOSED Open Space Plan
Kingston Meadows Senior Housing
191-199 Hurley Avenue & 493-495 Washington Avenue

Dear Mayor Noble and Common Council Members:

I write to address the current draft of the City's proposed Open Space Plan. Our organization, Hudson Valley Housing Development Fund Company, Inc. (hereafter, "Hudson Valley") is the owner of a total of 23 acres of land at the above address, a 10-acre portion of which is the site of the Kingston Meadows Affordable Senior Housing project.

The City is familiar with our organization and our project, as I have recently written to the Office of Economic and Community Development on May 3, 2019, to request the City to **incorporate Kingston Meadows Senior Residence into its Five-Year Consolidation Plan, Fair Housing Plan and Annual Action Plan.** (May 3, 2019 Correspondence, attached). This request was made in accordance with the U.S. Department of Housing & Urban Development's Fair Housing Act: **Affirmatively Furthering Fair Housing.** The Affirmatively Furthering Fair Housing mandate requires: "meaningful" actions to - "overcome patterns of segregation and foster inclusive community free from barriers that restrict access to opportunity based on protected characteristics." The proposed Kingston Meadows Senior Housing Development will be for senior citizens over the age of 62 years (as per the Fair Housing Act, when housing is restricted to the age of 62 years, ALL members of the household must be over the age of 62 years, Act excerpt attached) who are on fixed incomes inclusive of Social Security and Pensions.

Incorporating our requested provisions in the City's 2025 Comprehensive plan would be consistent with the documented need for 1,005 new rental housing units in the City of Kingston by 2020 per the "2009 Three County Housing Needs Assessment". Since 2009, less than 100 rental apartments, or less than 10% of the documented need, have been built in the City of Kingston for lower income households. And, to date, no senior housing limited to households over the age of 62 years have been built in the City for more than 15 years.

Honorable Steve T. Noble
Common Council Members
September 6, 2019

I also write this letter to comment on another aspect of the proposed 2025 Plan, specifically the draft "Open Space Plan." This draft plan's maps appears to designate our property, and specifically the site of our affordable senior housing project, as a "Priority Conservation Area" and "Potential Kayak Launch" (Plan pages 29 and 57 attached).

There is absolutely no basis for the designation of our property as either a priority conservation area or a kayak launch. First of all, the proposed project has been thoroughly reviewed, and the City Planning Board, in a coordinated SEQR review, found that the proposed project would not have any significant adverse environmental effect on any area of the environment, including floodplain impacts and storm drainage impacts. (Resolution of the City of Kingston Planning Board Adopting a Determination of Negative Declaration of Environmental Significance for KINGSTON MEADOWS SENIOR HOUSING attached). Additionally, the New York State Department of Environmental Conservation has issued a State Pollutant Discharge Elimination Systems (SPDES) Permit (attached) based upon the Storm Water Pollution Prevention Plan (SWPPP) approved by the City of Kingston Engineer (attached).

Equally important, our project already preserves substantial open space. The footprint of the Kingston Meadows senior housing building leaves more than 67% of the overall 23 acre site as green and open space.

It is also imperative that the City Council understand that Hudson Valley offered to deed nine (9) acres of its land to the City as permanent open space for Recreation and Park Land for a reduced recreation fee, but the City rejected our offer (January 2011), stating that it preferred to receive the fee. It is therefore extremely unfair for the City to now declare that it needs "Open Space" lands which it has specifically rejected for such purpose. Please note, however, that Hudson Valley remains open to deeding said nine (9) acres to the City if the City desires it.

Continuing, the proposed Open Space Plan states in the section on: **The Esopus Creek Corridor and Lowlands:** "Create walking paths along the water, with trail/open space connections to Ulster County Linear Park rail trail. The O & W Trail, which runs from Washington Avenue to the town line and Hurley beyond, is an excellent start to continue building off of." (Plan page 46, attached). The O & W Trail, from Washington Avenue to the town line is owned by Hudson Valley. This Section goes on to state: "Recognize the existing farmland, floodplain and wetlands along the creek that provide good opportunity for long-term conservation as preserved land." (Plan page 46). It was clearly established during the Planning Board extensive review that the site of Kingston Meadows will no longer be in a flood plain after the project construction. The general, and overbroad, statement in the Open Space Plan has no applicability to the Kingston Meadows project, and this should be clarified. (NOTE: Retired City Engineer Ralph Swenson, P.E., is on record stating: "**Kingston Plaza will be a lake before Kingston Meadows is impacted.**" attached)

Community Housing Law

Legal Tools, Information, And Policy Ideas For More Equitable Housing.

EQUITABLE HOUSING VISION AND
MODELS

LEGAL
TOPICS

FINANCING AND
AFFORDABILITY

COMMUNITY
PROFILES

POLICY

DON.

Fair Housing Law Exemptions for Senior Housing

Because of the shortage of accessible housing for seniors, the government has created an exemption to anti-discrimination housing laws, allowing certain housing developments to be reserved for older generations.

Federal Law

Senior housing is governed by both federal law and state law. On the federal level, there is the Housing for Older Persons Act (HOPA). The Housing for Older Persons Act of 1995 (HOPA) (Pub.L. 104-76, 109 Stat. 787, enacted December 28, 1995) creates an exception to Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) in order to allow for senior housing developments.

The Fair Housing Act protects all residents from discrimination on the basis of race, color, national origin, religion, sex, handicap or familial status.

Senior housing facilities and communities are exempt from liability for familial status discrimination under HOPA. Exempt senior housing facilities or communities can lawfully refuse to sell or rent dwellings to families with minor children. In order to qualify for HOPA, a facility or community must prove through resident surveys and affidavits that its housing is:

- Provided under any State or Federal program that The United States Department of Housing and Urban Development (HUD) has determined to be specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or
- Intended for, and solely occupied by persons 62 years of age or older; or
- Intended and operated for occupancy by persons 55 years of age or older.

In order to qualify for the "55 or older" housing exemption, a facility or community must satisfy each of the following requirements:

- At least 80 percent of the units must have at least one occupant who is 55 years of age or older; and
- The facility or community must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing; and
- The facility or community must comply with HUD's regulatory requirements for age verification of residents.

Caso law has determined that if an association has consistently maintained the required 80% threshold but has previously failed to comply with HOPA's age-verification requirements, including the required surveys and affidavits, that in itself will not disqualify the association from being afforded HOPA's protections. (*Balvage v. Rydewood Improvement Services Assn.* (9th Cir. 2011) 642 F.3d 785.)

HOPA does not protect senior housing facilities or communities from liability for housing discrimination based on race, color, religion, sex, disability, or national origin.

State Law

States have the power to enact laws that are more protective of individual rights than the standard set by federal law. Certain states set their own fair housing legislation, which requires a resident of that state to adhere to both federal and state housing regulations. California's State Civil Code, Section 51.3, outlines California's senior-exemption to the Unruh Civil Rights Act. Unruh prohibits discrimination based on sex, race, color, religion, ancestry, national origin, age, disability, medical condition, genetic information, marital status, or sexual orientation.

In order to be able to restrict sale or rental of a property to seniors in California, the resident must be 62 years of age or older, or 55 years of age or older in a senior citizen housing development. "Senior citizen housing development" means a residential development developed, substantially rehabilitated, or substantially renovated for, senior citizens that has at least 35 dwelling units. Any senior citizen housing development which is required to obtain a public report under Section 11010 of the Business and Professions Code and which submits its application for a public report after July 1, 2001, shall be required to have been issued a public report as a senior citizen housing development under Section 11010.05 of the Business and Professions Code. No housing development constructed prior to January 1, 1985, shall fail to qualify as a

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senior citizen housing development because it was not originally developed or put to use for occupancy by senior citizens." Civil Code section 51.3(b)(4).

In California, all the units in a dwelling, rather than just 80% of units, must house seniors. It is not enough to have only 80% of the units occupied by a senior, as outlined under the HOPA Act. California state law allows a senior to reside with a spouse, domestic partner or person providing primary physical or economic support to the senior, who is also 45 years of age or older; and/or a disabled child or grandchild of the senior, spouse or partner, who must live in the household due to a disability.

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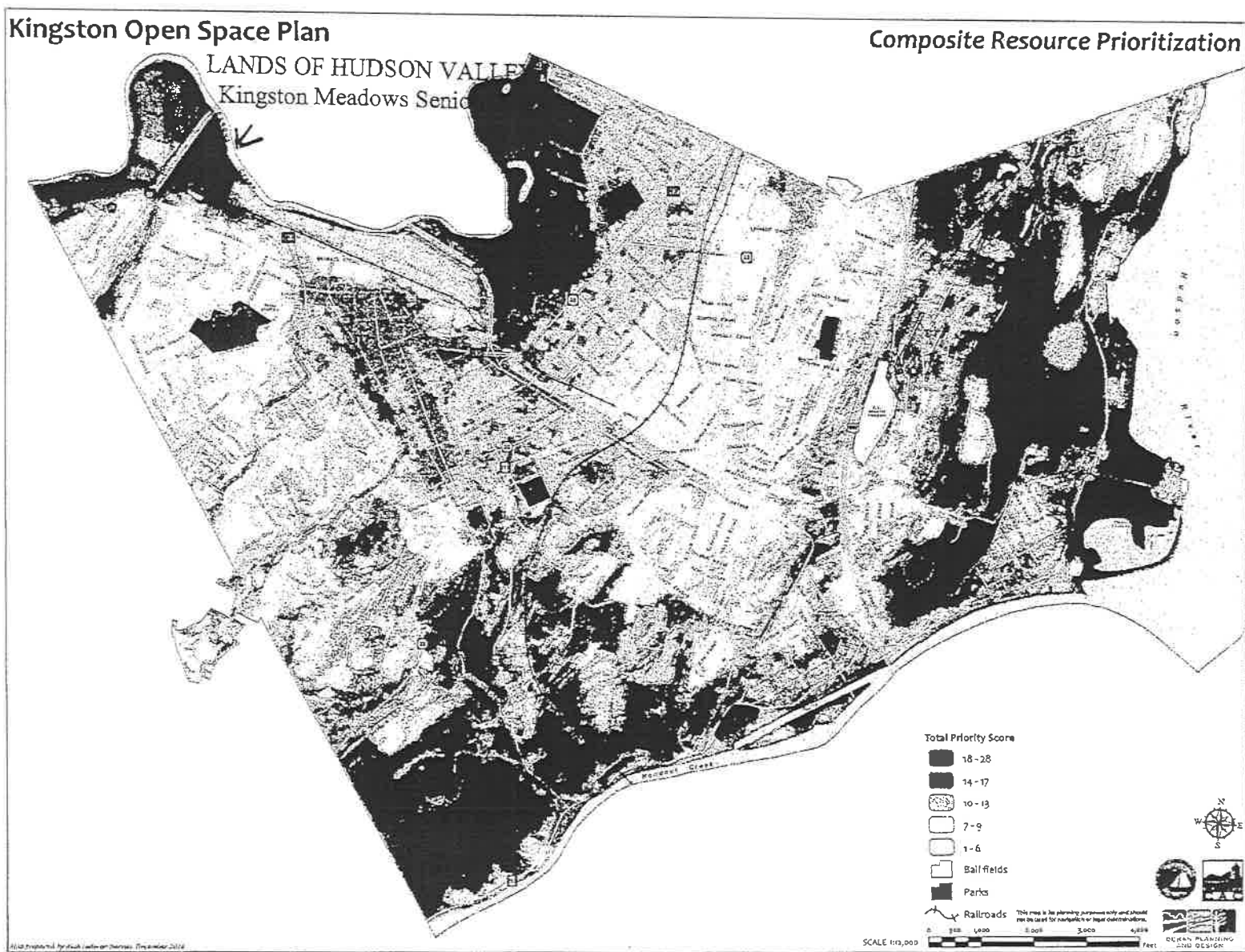


Figure 24. COMPOSITE ANALYSIS MAP - This map depicts the results of the combined resource scoring analysis. Geographic areas which scored relatively lower are shown as lighter yellow areas, while higher scoring areas are shown in increasingly darker shades of orange to brown. Concentrations of high-priority areas are found in the northeast, southwest and north-central sections of the city. Existing parkland, which is already protected, is indicated in green.

Honorable Steve T. Noble
Common Council Members
September 6, 2019

For all the foregoing reasons, we respectfully submit that the draft Open Space Plan is improper and arbitrary as applied to Hudson Valley's property, and we ask that the text and the maps be revised in accordance with this letter.

We are particularly disturbed that this purported designation of our property as "Open Space" comes just a few short months after we have pointed out the desperate, and documented, need for affordable senior housing in the community. Were the City of Kingston Common Council to adopt the proposed Open Space Plan, as presented, in an attempt to block the construction of one of the first Fair Housing Act Restricted Senior Citizen Housing developments to be constructed in the City of Kingston in more than fifteen (15) plus years, the action would equate to the "taking" of the Lands of Hudson Valley and would violate the Fair Housing Act.

In light of the fact that the City could achieve Open Space, with a kayak launch, without including our land in the proposed Open Space Plan, after Hudson Valley has offered the land to the City for such purpose is simply punitive and clearly the taking of land via government action and violative of the spirit, intent and substance of the Fair Housing Act: Affirmative Furthering Fair Housing.

Accordingly, we request that the City Council consider alternatives to the language and representations in the current draft in accordance with the facts stated in this letter.

Sincerely,

HUDSON VALLEY HOUSING DEVELOPMENT FUND COMPANY, INC.



M.T. O'Leary
Chief Executive Officer

Mto/
Enc.

Cc: Rev. James Childs
Kingston Interfaith Council

CERTIFICATE OF MAILING

May 3, 2019

Brenna Robinson
Office of Economic and Community Development
City of Kingston
420 Broadway
Kingston, New York 12401

RE: PUBLIC COMMENT – City of Kingston Five-Year Consolidated Plan, Fair Housing Plan,
And Annual Action Plan Federal Fiscal Year 2019

Dear Ms. Robinson:

Hudson Valley Housing Development Fund Company, Inc. (HVH) appreciates this opportunity to provide comments on the City of Kingston Five-Year Consolidated Plan, Fair Housing Plan, and Annual Action Plan Federal Fiscal Year 2019.

HVH is a private, not-for-profit, IRS 501(c) 3, corporation whose mission is to address the need for affordable housing in communities of the Hudson Valley Region. HVH incorporated in 1987, and since said time has developed, and managed, in excess of 300 apartments in award winning rental properties for low and moderate income households, both families and senior citizens.

HVH is developing Kingston Meadows Senior Residence, a sixty (60) unit complex targeted to low income senior citizens over the age of 62 years. HVH has site control, has secured a State Environmental Quality Review Act (SEQRA) Negative Declaration following a Coordinated Review and seeks to work with Ulster County to facilitate the development of a Rail Trail connection between Kingston and Hurley Rail Tail via the extension of O & W Rail Trail.

As is well documented, there has not been senior citizen housing built in the City of Kingston for more than 15 years, well beyond HUD's threshold of 10 years for documented need. It has been 10 years since the 2009 Three County Housing Needs Assessment was completed which documented the need for more than 1,000 units of affordable housing in the City of Kingston. Yet, in the past decade, less than 100 units of housing have been built to address this documented need in the City of Kingston.

In response, and in conformance with the HUD's Affirmatively Furthering Fair Housing regulations, ***the City of Kingston is requested to incorporate Kingston Meadows Senior Residence into its Five-Year Consolidated Plan, Fair Housing Plan and Annual Action Plan.***

Brenna Robinson

May 3, 2019

Page 2

More specifically, actions requested of the City of Kingston, which are responsive to **AP-55 Affordable Housing – 91.220(g)**, are:

1. Actively support and work with HVH to address the need for more affordable housing, via the development of the Kingston Meadows Senior Residence; and,
2. Provide CDBG funding towards the Kingston Meadows Senior Residence.

Additional actions requested of the City of Kingston, which are responsive to **AP-75 Barriers to Affordable Housing - 91.220(j)**, include:

1. Active support of HVH efforts to secure an easement over the Ulster & Delaware (U&D) Rail Trail (per public records, no less than 30 crossings over the U & D Rail Trail currently exist);
2. Active and affirmative support of financing applications to public financing/funding sources; and,
3. Actively support and advocate on behalf of the State Environmental Quality Review Act (SEQRA) and its determination specific to Kingston Meadows Senior Residence.

Continuing, HVH relies on the spirit and intent of the Affirmatively Furthering Fair Housing mandate, which requires: “meaningful” actions to – “overcome patterns of segregation and foster inclusive community free from barriers that restrict access to opportunity based on protected characteristics.”

To this end, the actions requested of the City of Kingston by HVH with its Kingston Meadows Senior Residence, will respond to the standards established by the Affirmatively Furthering Fair Housing mandate. The senior citizens of the City of Kingston have an unfortunate history of their housing needs being dismissed and the City being unresponsive to the issues most important to seniors including physical accessibility, affordability and geographical choice, within the City.

Relative to an impediment to Fair Housing in the City of Kingston, HVH has been working on the Kingston Meadows Senior Residence for a number of years, inclusive of conducting a coordinated SEQRA review, for which the City of Kingston Planning Board was Lead Agency, and there has never been any proactive outreach or contact made by the City of Kingston Community Development Office to offer support for HVH efforts to provide affordable housing to the senior citizen residents of the City. This lack of outreach to HVH, an entity who has an

Brenna Robinson

May 3, 2019

Page 3

affordable housing project in the pipeline for the City, a project targeted to a senior citizen population that has not been materially served for more than 15 years, has been and continues to be a clear impediment to Fair Housing in the City of Kingston.

The City of Kingston Office of Economic and Community Development's consideration of the comments and requests incorporated into this correspondence would be greatly welcomed and appreciated. Our office stands ready to provide any and all additional information that may be requested and look forward to the opportunity of working with the Office of Economic and Community Development.

Sincerely,

HUDSON VALLEY HOUSING DEVELOPMENT FUND COMPANY, INC.

M.T. O'Leary

Chief Executive Officer

mto/

cc: Kingston Interfaith Council

HUDSON VALLEY HOUSING DEVELOPMENT FUND COMPANY, INC.

September 6, 2019

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Common Council Members
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420 Broadway
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HUDSON VALLEY HOUSING DEVELOPMENT FUND COMPANY, INC.



M.T. O'Leary
Chief Executive Officer

Mto/
Enc.

Cc: Rev. James Childs
Kingston Interfaith Council

OPEN SPACE VISION MAP

5 MILES OF NEW TRAILS

- Continue to build trail system
- Connect open space resources
- Contributes to health and mobility

10 NEW URBAN COMMUNITY GARDENS

- Healthy local living opportunity
- Improve access to nutritious food
- Educational enrichment for youth



- Priority Conservation Areas
- Potential Future Park Areas
- Potential Future Stormwater Retention Areas
- Priority Area for Neighborhood Parks
- Urban Forest Area
- Existing Parkland
- Empire State Trail
- Existing & Planned Local Trail System
- Future Trail Concepts
- Proposed Open Space Gateway Points
- Potential Kayak Launch

LANDS OF 50 ADDITIONAL ACRES PROTECTED

Kingston Meadows Senior Site

- Important natural habitat and ecological resource area
- Important outdoor recreational resource



1 NEW NEIGHBORHOOD PARK

- Addresses neighborhood need
- Adds to community quality of life

5,000 ADDITIONAL LINEAR FEET OF PUBLIC ACCESS HUDSON



- Recognizes Hudson River Valley National Heritage Area
- Advances Empire State Trail
- Creates valuable community amenity



500 ADDITIONAL ACRES PERMANENTLY PROTECTED

- Intact upland forest habitat
- Important natural habitat and ecological resource area
- Dramatic scenic overlook opportunities

2,500 LINEAR FEET OF STREAM CORRIDOR RESTORED

- Re-naturalize ecosystem where feasible
- Helps manage stormwater flow
- Improves water quality and aesthetics



60 ADDITIONAL ACRES PERMANENTLY PROTECTED LAND

- Large intact upland forest—the “ecological matrix” of the city
- Important natural habitat and ecological resource area
- Helps improve air and water quality



5,000 ADDITIONAL LINEAR FEET OF PUBLIC ACCESS RONDOUT

- Important outdoor recreational resource
- Adds to community amenities
- Offers public health opportunities

1,000 NEW STREET TREES PLANTED

- Beautify public streetscapes
- Provides shade and filters air pollutants
- Adds to neighborhood value



617.7

State Environmental Quality Review (SEQR)**Negative Declaration****Notice of Determination of Non-Significance****Date of Adoption:** January 14, 2013

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The City of Kingston Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Kingston Meadows Senior Residence

SEQR Status: Type I ☐
Unlisted ☒

Conditioned Negative Declaration: ☐ YES
☒ NO

Description of Action: The proposed project consists of one 59,000 square foot building (gross exterior dimensions of the building are 65,145 square feet) on a vacant City parcel, composed of 60 apartments, designed to accommodate senior citizens on limited income. There are 58 one-bedroom and 2 two-bedroom units proposed in a compact senior living arrangement with the units on three stories, thereby minimizing the building footprint. City infrastructure is available to serve the site and connections to City of Kingston water supply and sewage disposal are proposed. Site access would be via a 24 foot wide vehicular access driveway and a five (5') foot wide sidewalk through two parcels owned by the applicant at 203 and 205 Hurley Avenue into the site. The applicant has proposed construction of a secondary emergency access along the length of the O & W rail line on the site from the site access driveway out to Washington Avenue. This is proposed as a ten foot wide paved accessway that would function primarily as a non-motorized trail linking the site access drive and Washington Avenue. Pedestrian and bicycle gates would prevent unauthorized vehicular access on the trail but would allow for all emergency services providers to use the secondary access in the event of an emergency. It is expected that both Ulster County and the City of Kingston will provide public transit service to the site. The proposed project has been designed

to use energy efficiency measures and green building construction practices and it is proposed to comply with NYSEERDA's Multifamily Performance Program. Approximately two-thirds of the site (67.4 %) will remain as undeveloped open space.

Location: 191-199 R Hurley Avenue, 203 and 205 Hurley Avenue and 493-495 Washington Avenue, City of Kingston, Ulster County, NY
Limited Office (O-2) and Shopping Center (C-1) Zoning Districts

Reasons Supporting This Determination:

The City of Kingston Planning Board has given due consideration to the subject action based on a review of the extended Environmental Assessment Form (EAF) for the project dated November 22, 2010, revised on December 14, 2010, as well as Site Development Plan submissions and the following supporting documents:

Part 1 EAF

Part 2 EAF

Part 3 EAF

Attachments to Part 3 EAF:

Geotechnical Engineering Report

Wetland Delineation Report & Authorization – Nationwide Permit #29

Floodplain Analysis

Stormwater Pollution Prevention Plan

Habitat Assessment Report

Visual Environmental Assessment Form

Phase 1 and Phase 2 Archaeology

Traffic Safety Reports

Environmentally Responsible and Sustainable Building Practices Analysis

Noise Study

Phase 1 Environmental Site Assessment

Public Need

The Kingston Planning Board has concluded that environmental effects of the proposed project regarding relevant areas of concern will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c) for the reasons set forth below:



Resolution of the City of Kingston Planning Board
Adopting a Determination of Negative Declaration of Environmental
Significance for
KINGSTON MEADOWS SENIOR HOUSING
Under the SEQR Process (6 NYCRR Part 617)

Motion By: Wayne Platte

Second By: Steve Johnson

WHEREAS, the Hudson Valley Housing Development Fund Company (the Applicant) has submitted revised plans, along with a completed Part I of the Full Environmental Assessment Form, to the City of Kingston Planning Board ("Board"), for construction of 60 units of senior housing (age 62+) on a 20+ acre parcel of land. The project, known as "Kingston Meadows", will consist of a 3 story structure, with 58 one bedroom and 2, 2 bedroom units. Construction consists of a single building which accommodates 3 centralized laundry facilities, a community room and several lounge areas. The project involves site development plan review, lot line deletion, zoning variance and easement agreements (the Action); and

WHEREAS, the project is located at #191-199 R Hurley Avenue, 203 and 205 Hurley Avenue & 493-495 Washington Avenue (SBL 48.70-1-7.200, 48.71-2-1, 48.70-1-15.1 & 15.2); and

WHEREAS, the purpose of the current plan is to modify the access to the site after further consideration and receipt of comment from other agencies; and

WHEREAS, under the original review, the Board determined the Action to be Unlisted under SEQR, however decided to seek lead agency status (Resolution 11-14-11) and conduct a coordinated review process due to the scope of the proposal. Said circulation was made on November 21, 2011, to all identified Involved and Interested Agencies, as provided by the applicant and Planning Staff, with no objection received; and

WHEREAS, by Resolution dated January 14, 2013, the Board declared status as lead agency and considered all documentation submitted to determine significance of the Action on the environment in compliance with the New York State Environmental Conservation Law ("SEQR") and the regulations promulgated there under (the "Regulations") by the New York Department of Environmental Conservation (6 NYCRR, Part 617); and

WHEREAS, the Board has reviewed and considered comments from the Ulster County Planning Board, the City Conservation Advisory Council, and the City Engineer; and

WHEREAS, the Board has reviewed a Drafted Negative Determination, along with supporting plans and documents prepared by the applicants consultants which address comment received; and

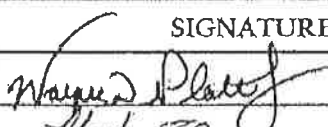
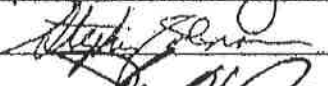
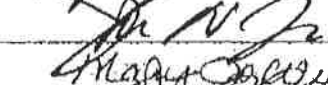
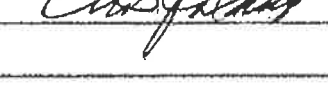
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF KINGSTON PLANNING BOARD, AS FOLLOWS:

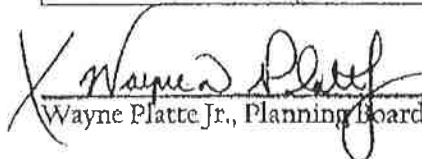
Section 1: That pursuant to 6 NYC Part 617, the City of Kingston Planning Board hereby renders a Determination of Negative Environmental Significance, recognizing all conditions as described within the document presented and adopts the Negative Determination as final.

Section 2: That all identified Involved and Interested Agencies will be notified of the Kingston Planning Board determination of this decision.

Section 3: That the Kingston Planning Office is directed to submit notice to the State Environmental News Bulletin for publication as required by the statute.

Section 4: That this resolution shall take effect immediately.

MEMBERS	SIGNATURE	YES	NO	ABSTAIN
Wayne Platte		✓		
Steve Johnson		✓		
John Dwyer, Jr.		✓		
MaryJo Wiltshire		✓		
Charles Polacco		✓		
Robert Jacobsen				
Jonathan Korn				
Jamie Mills				
TOTALS				


Wayne Platte, Jr., Planning Board Chairman

1/14/13
Date

A. Floodplain

1. The proposed action will require construction within the floodplain of the Esopus Creek. Proposed construction activities include creation of an access driveway and sidewalks into the site over an existing rail right-of-way and an old farm road, parking and maneuvering areas, foundation support for the proposed building, and excavation of material on-site to be used to raise the first floor elevation of the proposed structure seven feet (7') above the 100 year flood elevation. A floodplain analysis was performed by Lawrence J. Paggi, PE, PC and such analysis was reviewed by the City Engineer, Ralph Swenson, PE. Both a detailed hydrological study and drainage design were prepared for the project. Potential impacts to flooding and overland flow have been evaluated and mitigation has been provided as discussed in the Environmental Assessment Form as well as in supplemental documents submitted by the applicant. No construction is proposed within the limits of the floodway which could impede flow during flood conditions. Excavated (borrow) areas will provide additional flood storage volume to mitigate that portion of the floodplain that will be filled to protect the proposed development. The proposed earth moving operations associated with the proposed borrow area will not impact any areas designated as sensitive or protected (see item D.3 below for a discussion of sensitive/protected areas). The City Engineering Department's analysis and review concluded that the proposed Kingston Meadows Senior Housing Project will not negatively impact the base flood elevations, nor create an untenable access situation during periods of high flows for the following reasons:

- The elevation associated with the special flood hazard area within the Kingston Meadows Senior Housing site is 158' based upon the topographic datum used to develop the project plans (NGVD 29).¹ Current building regulations require that the lowest floor elevation for any new structure be constructed at least two feet (2') above the flood hazard elevation, which would be 160' for the Kingston Meadows site. The lowest finished floor elevation for the proposed new seniors' residence is 165', which is an additional five feet (5') above the required minimum elevation, for a total of seven feet (7') above the special flood hazard area. Furthermore, the proposed access road grade at its lowest point will also be well above the flood hazard elevation. This low point will occur in the vicinity of the railroad at-grade crossing, at an elevation of approximately 161.5', which is three and one half feet (3-1/2') above the flood hazard elevation. As a point of comparison, it should be noted that the top of the flood wall at Kingston Plaza corresponds to an elevation of 156.73 according to DEC / DOT information, and the special flood hazard

¹ The original site plans submitted for Kingston Meadows in 2010 were based upon the NGVD 29 datum. The recently revised flood maps are based upon the NAVD 88 datum. The revised flood maps indicate a special flood hazard elevation in the area of Kingston Meadows of 157.2. The correlation factor from NAVD 88 to NGVD 29 is 0.8 feet at this location. Therefore, an NAVD elevation of 157.2 corresponds to an NGVD elevation of 158, indicating that the newly released flood maps are consistent with the information provided on the original Kingston Meadows plans.

Laws and Rules Committee Agenda Item Report

Meeting Date: September 18, 2019

Submitted by: Elisa Tinti

Submitting Department: Common Council

Item Type: Informational Purposes

Agenda Section:

Subject:

Open Space Plan

Suggested Action:

Attachments:

[20190916072831.pdf](#)

City of Kingston, New York Common Council
Responsible Government. Boldly Deciding.

1/01/18 - 12/31/19

Roll Call

Committee _____

Date 9/10/19

Resolution Title:

Motion to refer back to CCM

Offered By: Alderman Shaut

Seconded By: Alderman Carey

Record of Vote

<u>Alderman</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Reason</u>
1. Jeffrey Ventura Morell (D)				
2. Douglas Koop (D)				
3. Reynolds Scott-Childress (D)				
4. Rita Worthington (D)				
5. William Carey (D)				
6. Tony Davis (D)				
7. Patrick O'Reilly (D)				
8. Steven Schabot (D)				
9. Andrea Shaut (D)				

Totals:

Carried 9 Defeated 0

ELISA TINTI, CITY CLERK

City of Kingston, New York Common Council
Honorable Mayor Melba D. Cardillo

1/01/18 - 12/31/19

Roll Call

Committee L&R

Date 9/10/19

Resolution Title: Resolution #187 of 2019 amending City Code 370-16 to make such application as set forth in the Fee Schedule to be established by the Common Council

Offered By: Alderman _____

Seconded By: Alderman _____

Record of Vote

<u>Alderman</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Reason</u>
1. Jeffrey Ventura Morell (D)				
2. Douglas Koop (D)				
3. Reynolds Scott-Childress (D)				
4. Rita Worthington (D)				
5. William Carey (D)				
6. Tony Davis (D)				
7. Patrick O'Reilly (D)				
8. Steven Schabot (D)				
9. Andrea Shaut (D)				

Totals: Carried 9 Defeated _____

ELISA TINTI, CITY CLERK

RESOLUTION 187 of 2019

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AMENDING CITY CODE 370-16 TO MAKE SUCH APPLICATION AS SET FORTH IN THE FEE SCHEDULE TO BE ESTABLISHED BY THE COMMON COUNCIL

Sponsored By: Laws & Rules Committee: Alderman: Shaut ,
Ventura Morell, Koop, Carey

WHEREAS, a request has been made to amend Section 370-16 – Towing Roster; requirements and fees of the Code of the City of Kingston, specifically the fees set forth in 370-16 (C) (1) and (2).

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

SECTION 1. That Section 370-16 – (C) (1) and (2) – Towing Roster shall provide that all fees shall be in a sum as set forth in the fee schedule to be established by resolution of the Common Council of this City.

SECTION 2. That all references to specific fees currently contained in Section 370-16 herein shall be deleted.

SECTION 3. This resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2019

Approved by the Mayor this ____ day of _____, 2019

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES COMMITTEE REPORT

DEPARTMENT _____	DATE <u>8/21/2019</u>
Description _____	
Resolution of the City of Kingston Common Council to amend the City Code 370-16 to make such application as such set forth in the fee schedule to be established by the Common Council.	
Signature _____	

Motion by WB

Seconded by J V-m

Action Required: _____

SEQRA Decision:

Type I Action _____

Type II Action _____

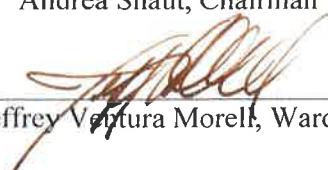
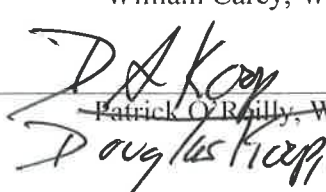
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

Committee Vote		YES	NO
	Andrea Shaut, Chairman	☒	☐
	Jeffrey Ventura Morell, Ward 1	☒	☐
	Reynolds Scott-Childress, Ward 3 William Carey, Ward 5	☒	☐
	Patrick O'Reilly, Ward 7 Douglas Kiepp, Ward 2	☒	☐

LR

Tinti, Elisa

From: Shaut, Andrea
Sent: Thursday, August 01, 2019 11:33 AM
To: Noble, James; Tinti, Elisa
Subject: Code Amendments for Tow Trucks
Attachments: City Code Tow Trucks.pdf

Dear President Noble,

Our city code in regards to tow trucks (chapter 370, see attachment) has not been updated in over a decade. I would like the council to consider updating the law, specifically section 370-16 to increase towing charges to better match what surrounding municipalities do. i.e. Towing charges for passenger vehicles in the City of Kingston cost \$100 (day)/ \$125 (night). Town of Ulster charges \$200/\$250.

I would also like to discuss the possibility of revising the code to only allow Kingston based businesses to participate. Currently, we allow garages within 5 miles of our border.

I respectfully request this item be added to the appropriate committee for discussion in August. Thank you for your time and consideration.

Very Respectfully,

Andrea Shaut

Aldерwoman, Ward 9

No license or sticker shall be issued or renewed annually which shall permit the use of any vehicle as a tow truck unless and until it has been inspected and certified annually by the Chief of Police or his designee as conforming to the requirements of this chapter and has been duly inspected as required by the Vehicle and Traffic Law of New York. There shall be a fee as set forth in the fee schedule to be established by resolution of the Common Council of this City^[1] for each annual inspection and as set forth in the fee schedule to be established by resolution of the Common Council of this City for each tow vehicle inspected. Annual inspections must be completed once a year.

[1] *Editor's Note: See Ch. 217, Fees.*

§ 370-15. Towing of vehicles to be impounded or disabled without accident.

Motor vehicles not involved in accidents but which are otherwise disabled and which are disrupting the flow of traffic and whose owners do not otherwise request assistance from a licensee, or motor vehicles which are to be impounded for other reasons, shall be towed away by licensees from the towing roster on a rotating basis. In the event that a licensee is called pursuant to this section, it shall be unlawful for the licensee to charge more than the rates provided for in § 370-16.

§ 370-16. Towing roster; requirements and fees.

[Amended 3-6-1990, approved 3-7-1990; 12-4-2001, approved 12-28-2001]

Any licensee who agrees to abide by the following requirements shall be placed on the towing roster to be called in rotation to remove vehicles from scenes of accidents, disabled vehicles or vehicles otherwise left in violation of law, provided that:

- A. The licensee swears under oath that he owns or rents and operates and maintains a bona fide legally permitted registered repair shop within the City of Kingston; but applicants shall not qualify as herein provided if applicants state that they maintain a registered repair shop on the very same premises or real property owned by another licensee and on which property said licensee operates or maintains or another licensee operates or maintains a place of like business, or the applicant states that he is a lessee of a licensee.
- B. Such garage maintains twenty-four-hour capability to answer calls regarding motor vehicles.
- C. The licensee agrees to charge no more than the following maximum rates for towing from the accident scene to his place of business or any other place within the City of Kingston designated by the owner or operator of a motor vehicle, regardless of distance within the City of Kingston when called by the Kingston Police Department:

(1) Towing charges.

[Amended 5-6-2008, approved 5-12-2008]

(a) Passenger vehicles and trucks up to 3/4 ton.

[1] Day: \$100.

[2] Nights, weekends and holidays: \$125.

(b) Above three-quarter-ton trucks.

[1] Day: \$125.

[2] Nights, weekends and holidays: \$150.

(c) Tractor trailers.

Laws and Rules Committee Agenda Item Report

Meeting Date: September 18, 2019

Submitted by: Elisa Tinti

Submitting Department: Common Council

Item Type: Informational Purposes

Agenda Section:

Subject:

Fee Schedule

Suggested Action:

Attachments:

[20190916072929.pdf](#)

City of Kingston, New York Common Council
Responsible Mayor, Mayor, Providing

1/01/18 - 12/31/19

Roll Call

Committee _____

Date 9/10/19

Resolution Title: Motion to table resolution.. sent back

Offered By: Alderman Davis

Seconded By: Alderman Worthington

Record of Vote

Alderman		Yes	No	Absent	Reason
1. Jeffrey Ventura Morell	(D)	X			
2. Douglas Koop	(D)		X		
3. Reynolds Scott-Childress	(D)		X		
4. Rita Worthington	(D)	X			
5. William Carey	(D)	X			
6. Tony Davis	(D)	X			
7. Patrick O'Reilly	(D)	X			
8. Steven Schabot	(D)	X			
9. Andrea Shaut	(D)		X		

Totals: Carried _____ Defeated _____

ELISA TINTI, CITY CLERK

City of Kingston, New York Common Council
Honorable Denise Mobley, Presiding

1/01/18 - 12/31/19

Roll Call

Committee Finance NR

Date 9/10/19

Resolution Title: Resolution #182 of 2019 to undertake a coordinated review of the City of Kingston, New York Open Space Plan

Offered By: Alderman _____

Seconded By: Alderman _____

Record of Vote

<u>Alderman</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Reason</u>
1. Jeffrey Ventura Morell (D)				
2. Douglas Koop (D)				
3. Reynolds Scott-Childress (D)				
4. Rita Worthington (D)				
5. William Carey (D)				
6. Tony Davis (D)				
7. Patrick O'Reilly (D)				
8. Steven Schabot (D)				
9. Andrea Shaut (D)				

Totals: Carried 9 Defeated 0

ELISA TINTI, CITY CLERK

RESOLUTION 182 of 2019

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, TO UNDERTAKE A COORDINATED REVIEW OF THE CITY OF KINGSTON, NY OPEN SPACE PLAN

Sponsored By: Laws & Rules Committee: Alderman: Shaut ,
Ventura Morell, Koop, Carey

WHEREAS, the City of Kingston and the Conservation Advisory Council began the process of developing a Natural Resources Inventory and Open Space Index for the City, which identifies the natural resources and related areas of the community; and

WHEREAS, the Kingston Conservation Advisory Council would like to recommend that the City of Kingston Common Council adopt the Open Space Plan as an element of the Kingston Comprehensive Plan-Kingston 2025, which would necessitate that SEQRA requirements be met, including the establishment of Lead Agency and SEQRA review.

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

SECTION 1. That pursuant to 6 NYCRR Part 617.4 (b)(1), the City of Kingston Common Council hereby determines that this action is a Type I action under SEQR Act and a coordinated review must be undertaken.

SECTION 2. That the Common Council will circulate a request to all involved and interested agencies requesting that it act as Lead Agency in the SEQR review process.

SECTION 3. This resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2019

Approved by the Mayor this ____ day of _____, 2019

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES COMMITTEE REPORT

DEPARTMENT	Parks and Recreation	DATE	8/21/19
Description	A Resolution to undertake a coordinated review of the City of Kingston, NY Open Space Plan and as such - determine such action to be a Type I Action as defined in 6 NYCRR Part 617.4(b)(1) of the SEQRA Act and a coordinated review must be undertaken. and - that the Common Council will circulate a request to all involved and interested agencies, to request to act as lead agency in the SEQRA review process.		
Signature	Julie L Noble		

Motion by JVM

Seconded by WK

Action Required:

SEQRA Decision:

Type I Action ☐

Type II Action ☐

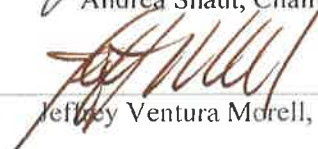
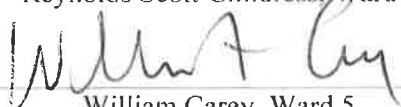
Unlisted Action ☐

Negative Declaration of Environmental Significance: ☐

Conditioned Negative Declaration: ☐

Seek Lead Agency Status: ☐

Positive Declaration of Environmental Significance: ☐

Committee Vote	YES	NO
 Andrea Shaut, Chairman	☒	☐
 Jeffrey Ventura Morell, Ward 1	☒	☐
Reynolds Scott-Childress, Ward 3	☒	☐
 William Carey, Ward 5	☒	☐
 Patrick O'Reilly, Ward 7	☒	☐
 Douglas Koop, Ward 2	☒	☐



City of Kingston
Conservation Advisory Council
420 Broadway Kingston, NY 12401
(845) 481-7339

July 1, 2019

James L. Noble, Jr.
Alderman-at-Large
City of Kingston Common Council
City Hall
420 Broadway
Kingston, NY 12401

Re: Adoption of Kingston Open Space Plan

Dear President Noble:

As you may know, in 2017, the City of Kingston and the Conservation Advisory Council began the process of developing a Natural Resources Inventory and Open Space Index for the City. The goal of this data-collection effort was to better understand what natural resources existed in the city so that informed planning decisions could be made with regard to future growth and the conservation of these elements which are considered assets to the city. The findings of this comprehensive work were then utilized as part of a public planning project to develop the City of Kingston Open Space Plan, which is a strategy for the responsible stewardship of the important resources for future generations. The Final City of Kingston Open Space Plan was recently completed by Behan Planning and Design and is included as an attachment with this memo.

The Open Space Plan for the City of Kingston, Ulster County, New York identifies the natural resources and related areas of the community that help to:

- Improve water quality
- Reduce flood damage
- Maintain habitats for wildlife
- Reduce noise pollution
- Improve air quality
- Enhance outdoor recreation opportunities
- Protect scenic resources
- Strengthen property values

Three notable areas within the city which have significant natural resources include the coastal and upland region of the Hudson River, the coastal and upland area associated with the Rondout Creek and the lowlands and waterfront along the Esopus Creek. The plan recommends several actions to address resource conservation in these areas and includes conservation targets for those and other areas for implementation over the next 10 years:

- 5,000 additional linear feet of public access created along the Hudson;
- 500 additional acres of permanently protected land in the uplands along the Hudson;
- 1,000 new street trees planted;
- 5,000 additional linear feet of public access secured along the Rondout;
- 60 additional acres of permanently protected land in the uplands along the Rondout;
- 2,500 linear feet of compromised urban stream corridor restored to a more natural condition;
- 10 new community gardens established in city neighborhoods;
- 50 acres of farmland and natural areas protected along the Esopus;
- 1 new neighborhood park created in Midtown area

The Kingston Conservation Advisory Council would like to recommend that the City of Kingston Common Council adopt the Open Space Plan as an element of the Kingston Comprehensive Plan-Kingston 2025. This action will necessitate that SEQRA requirements will need to be met, including the establishment of Lead Agency and SEQRA review.

We would like to request for this action to be referred to the Laws and Rules Committee or other committee as you see fit, for review. As chair of the Kingston CAC as well as City project manager for this project, I will be happy to be present at the August meeting, to present copies of the Open Space Plan and address any questions. Full documentation of the process and the Final Plan can also be found at www.kingston-ny.gov/NR1.

If there are any questions, please contact me for further information.

Respectfully submitted,

A handwritten signature in cursive script that reads "Julie L. Noble".

Chair, Kingston Conservation Advisory Council

City of Kingston Sustainability Coordinator

Cc: Steve Noble, Mayor
Andrea Shaut, Chair Laws and Rules
Elisa Tinti, Clerk