

CITY OF KINGSTON

Office of the City Clerk & Registrar of Vital Statistics

cityclerk@kingston-ny.gov

Steven T. Noble, Mayor
Elisa Tinti, City Clerk & Registrar



Deidre Sills, Deputy Clerk
Susan Mesches, Deputy Registrar

AGENDA LAWS & RULES 1-20-2021

1. Clark Richters- Cable Commission
2. Short Term Rentals update
3. Zoning Petition- Higginsville Station LLC.
4. Review Amendment to Zoning Code-Formula Stores (UCPB-recommendation)
5. Affordable Housing Zoning Amendment
6. Amending the City Code-Livestock (UCPB- recommendation)
7. Amending The City Code-Temporary Use Variance (UCPB-recommendation)
8. Update from the Anti-Displacement Learning Network

Tinti, Elisa

L+R

From: Clark Richters <clark12401@gmail.com>
Sent: Sunday, January 03, 2021 2:15 PM
To: Tinti, Elisa
Cc: Shaut, Andrea; Noble, Steve; Brian Barnes
Subject: [EXTERNAL EMAIL] Resolution 137 Of 1995 (Public, Educational, and Government)
Attachments: Cabte Television.pdf

The KPA Commission will be designated by the franchise community and councils. consist of nine members altogether, chief executive officers of each approved by their respective Five members will represent the City of Kingston. They will be appointed by the Mayor and submitted to the Common Council Temporary Committee on Cable Television for consideration. The supervisors of the four participating franchise towns will designate--- with support from their town board --- one member from their community and submit their name to the Mayor of the City of Kingston. Upon receipt of the names of candidates from the franchise towns and upon the Mayors nomination of five City of Kingston candidates , the Mayor will, in all, submit the names of nine individuals to the Temporary Committee for its consideration. Upon approval by the Temporary Committee, these names will be sent to the floor of the Common Council.

I am requesting that the Common Council appoint 5 members to the Kingston Public Access Commission.

Former Commissioner/Producer at Channel 23
Clark Richters Sr. Kingston

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

(L+R)

Tinti, Elisa

From: Shaut, Andrea
Sent: Sunday, December 27, 2020 11:25 AM
To: Davis, Tony; Tinti, Elisa; Alderman
Subject: RE: [EXTERNAL EMAIL] Submitting my written comments to the Common Council on January 5, 2020

Elisa – can you include Clark’s comments to my communication folder? I will assign this to committee for the council to discuss.

Thank you,
Andrea

From: Davis, Tony
Sent: Sunday, December 27, 2020 10:32 AM
To: Tinti, Elisa <emtinti@kingston-ny.gov>; Alderman <Alderman@kingston-ny.gov>
Subject: RE: [EXTERNAL EMAIL] Submitting my written comments to the Common Council on January 5, 2020

We, the council should have a discussion on this matter.

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

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

From: "Tinti, Elisa" <emtinti@kingston-ny.gov>
Date: 12/27/20 10:00 AM (GMT-05:00)
To: Alderman <Alderman@kingston-ny.gov>
Subject: Fwd: [EXTERNAL EMAIL] Submitting my written comments to the Common Council on January 5, 2020

Sent from my iPhone

Begin forwarded message:

From: Clark Richters <clark12401@gmail.com>
Date: December 26, 2020 at 2:29:35 PM EST
To: "Tinti, Elisa" <emtinti@kingston-ny.gov>
Cc: Brian Barnes <tv23@esopus.com>, Joseph Difalco <difalcobrandy@aol.com>, Jean Jacobs <sweetshope@aol.com>, Tanya Garment <tanyagarment@gmail.com>
Subject: [EXTERNAL EMAIL] Submitting my written comments to the Common Council on January 5, 2020

Tinti, Elisa

From: Clark Richters <clark12401@gmail.com>
Sent: Sunday, December 27, 2020 1:40 PM
To: Noble, Steve
Cc: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Photo of Common Council chamber lunettes
Attachments: 104131701_10217441715856753_5730006656982120602_o.jpg

Daily Freeman

by PAUL KIRBY Apr 1, 2012 Common Council authorized borrowing \$175,000 for initial repairs to the tower, which has deteriorated, allowing water damage to the interior of City Hall, particularly in the Common Council chamber and the lunettes that line the walls just below the meeting room's ceiling.

Clark Richters - Photography

City Hall. Built 1872–73 and restored In 2000

T.R. Gallo came to office sharing those concerns, in 1994. After a first term of initiatives to renew the city, he was re-elected and proposed to restore City Hall and move the government back there. Council voted to authorize a bond issue in 1998, and along with private contributions and state and federal grants a total of \$6.5 million was raised and spent. The building reopened in 2000,

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Channel 23 would be a great opportunity for the city and the towns to utilize by posting notices, filming meetings and local news, which serves the City of Kingston, Town of Kingston, Ulster, Rosendale, Hurley, Marbletown. Currently Channel 23 is now under Esopus Community TV 23. The City of Kingston and the towns have the power to appoint any resident to the Cable Commission. The City of Kingston receives \$410,000 from the cable franchise fees from the Cable subscribers. RESOLUTION 137 OF 1995 -2- Kingston Public Access Cable Television – SECTION 4. Upon approval by the Common Council’s Temporary Committee on Cable Television, these nine names will be sent to the floor of the Common Council for final approval. SECTION 5. That the Kingston Public Access Cable Television Commission make-up will be as follows: City of Kingston Five Members Town of Ulster One Member Town of Esopus One Member Town of Kingston One Member Town of Hurley plus Town of Marbletown Subscribers One Member

Government Meetings are not broadcasted on Public Access Television. The City of Kingston and Towns are collecting revenue from the cable franchise fees over 1/2 million dollars from the cable subscribers, and don't direct any funds to the public access station. Local Public Access 23 on Spectrum. currently under Esopus Community TV [#PEGTV](#) [#Cable](#) [#Franchisefee](#)

Read More: [CHARTER/SPECTRUM CONTRACT - TB Town of Esopus Workshop Minutes on 5/7/19 Esopus Community TV 23](#)

Ask the Mayor and Common Council to Support Section 14 Public, Educational, Government Access (PEG) All PSA Should be Posted on Local Public Access 23

The City's Cable Franchise Agreement has expired since 2016 with Spectrum. Franchise agreement should include a Studio, Channel lineup, rates and a budget line for Public Access Television

Former KPAC Commissioner
Clark Richters Sr.
Kingston residence

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown sources or reply to this email.

Tinti, Elisa

From: Clark Richters <clark12401@gmail.com>
Sent: Sunday, December 27, 2020 12:59 PM
To: Tinti, Elisa
Cc: Brian Barnes; Joseph Difalco; Jean Jacobs; Tanya Garment
Subject: Re: [EXTERNAL EMAIL] Submitting my written comments to the Common Council on January 5, 2020

You're welcome!

On Sun, Dec 27, 2020 at 10:00 AM Tinti, Elisa <emtinti@kingston-ny.gov> wrote:
Received, thank you.

Sent from my iPhone

On Dec 26, 2020, at 2:29 PM, Clark Richters <clark12401@gmail.com> wrote:

Channel 23 would be a great opportunity for the city and the towns to utilize by posting notices, filming meetings and local news, which serves the City of Kingston, Town of Kingston, Ulster, Rosendale, Hurley, Marbletown. Currently Channel 23 is now under Esopus Community TV 23. The City of Kingston and the towns have the power to appoint any resident to the Cable Commission. The City of Kingston receives \$410,000 from the cable franchise fees from the Cable subscribers. RESOLUTION 137 OF 1995 -2- Kingston Public Access Cable Television – SECTION 4. Upon approval by the Common Council’s Temporary Committee on Cable Television, these nine names will be sent to the floor of the Common Council for final approval. SECTION 5. That the Kingston Public Access Cable Television Commission make-up will be as follows: City of Kingston Five Members Town of Ulster One Member Town of Esopus One Member Town of Kingston One Member Town of Hurley plus Town of Marbletown Subscribers One Member

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Read More: [CHARTER/SPECTRUM CONTRACT - TB Town of Esopus Workshop Minutes on 5/7/19 Esopus Community TV 23](#)

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Former KPAC Commissioner
Clark Richters Sr.
Kingston residence

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unsolicited emails.

City of Kingston, New York
Common Council

Committee Report
Committee on Public Access Cable Television

Date: 4/5/95 7:40 PM

Place: City Hall, Kingston, New York

Aldermen Present: REYNOLDS, FIORE, LANDI,
HOGAN

Aldermen Absent: PARSON, SENOR

Committee recommendations:

THAT THE COMMON COUNCIL APPROVE
THE ORGANIZATIONAL DESIGNATION FOR THE
PURPOSES OF DEFINING THE NUMBER OF
COMMISSION MEMBERS AND THE COMMISSION'S
MAKE-UP IN TERMS OF WHICH COMMUNITY IN
THE FRANCHISE AREA THEY WILL REPRESENT;
FIVE MEMBERS FROM THE CITY OF KINGSTON;
ONE MEMBER EACH FROM THE TOWNS OF
KINGSTON, WESTER, ESTUS AND HURLY.

WITH THE HURLY TOWNSHIP REPRESENTING
ACTION BY: 33 SUBSCRIBERS
City Clerk/Corp. Counsel
LIVING IN THE TOWN
OF MARBLETON.

Vote	Yes	No
<u>William P. Reynolds</u>	<u>X</u>	
<u>John F. Fiore</u>	<u>X</u>	
<u>Kate Senor</u>	<u>X</u>	

KPA COMMISSION ORGANIZATIONAL DESIGNATION

The KPA Commission will consist of nine members altogether, to be designated by the chief executive officer of each franchise community and approved by their respective councils.

Five members will represent the City of Kingston. They will be appointed by the Mayor and submitted to the Common Council's Temporary Committee on Cable Television for consideration.

The supervisors of the four participating franchise towns will designate---with support from their town board --- one member from their community and submit their name to the Mayor of the City of Kingston.

Upon receipt of the names of candidates from the franchise towns and upon the Mayor's nomination of five City of Kingston candidates, the Mayor will, in all, submit the names of nine individuals to the Temporary Committee for its consideration. Upon approval by the Temporary Committee, these names will be sent to the floor of the Common Council.

As such, the KPA Commission make-up will be as follows:

- City of Kingston - five members
- Town of Ulster- one member
- Town of Esopus- one member
- Town of Kingston- one member
- Town of Hurley plus 33
- Town of Marbletown subscribers- one member

The KPA Commission will be authorized to draft and approve its own operating guidelines, subject to approval solely by Commission members, by a majority vote.

KINGSTON, N.Y. COMMON COUNCIL

HONORABLE JAMES M. SOTTILE, PRESIDING

1/1/94 to 12/31/95

ROLL CALL

COMMITTEE _____ DATE 5/2/95

RESOLUTION TITLE: Amend Sec. 2 5-members
3 by mayor 2 by ^{ranked} party opposite mayor
(as attached)

OFFERED BY: ALDERMAN _____

SECONDED BY: ALDERMAN _____

RECORD OF VOTE

ALDERMAN

- 1. ANTHONY BELFIGLIO 2 (R)
- 2. SEAN R. MATHEWS 1 (R)
- 3. CHARLES LANDI (D)
- 4. JOHN PORSCH (R)
- 5. KATE FIORE (D)
- 6. JOHN MARTINO (D)
- 7. MARIE SMITH (D)
- 8. DAVID J. SINGER (D)
- 9. WILLIAM P. REYNOLDS (D)
- 10. ROBERT SENOR (R)
- 11. ROSEMARIE HOGAN (D)
- 12. MICHAEL E. SCHUPP (D)
- 13. DANIEL P. MILLS (D)

YES	NO	ABSENT	REASON
✓			
✓			
	✓		
✓			
	✓		
	✓		
	✓		
	✓		
✓			
	✓		
	✓		
	✓		

CARRIED _____ DEFEATED ✓ TOTALS

4 9

TERESA DUROSS, CITY CLERK

RC/CONCIL

Amend Sect. 2.

1

THAT Three members will be
Appointed By the Mayor AND two
Members will be Appointed By the
Ranking ^{council} member opposite of the
Mayor's political party.

THE EYEWITNESS FOR THE 1911-12
BOBURN

KINGSTON, N.Y. COMMON COUNCIL

HONORABLE JAMES M. SOTTILE, PRESIDING

1/1/94 to 12/31/95

ROLL CALL

COMMITTEE _____ DATE 5/2/95

RESOLUTION TITLE: Motion to table Res # 137

OFFERED BY: ALDERMAN Porsch

SECONDED BY: ALDERMAN Bew

RECORD OF VOTE

ALDERMAN

- 1. ANTHONY BELFIGLIO (R)
- 2. SEAN R. MATHEWS (R)
- 3. CHARLES LANDI (D)
- 4. JOHN PORSCHE (R)
- 5. KATE FIORE (D)
- 6. JOHN MARTINO (D)
- 7. MARIE SMITH (D)
- 8. DAVID J. SINGER (D)
- 9. WILLIAM P. REYNOLDS (D)
- 10. ROBERT SENOR (R)
- 11. ROSEMARIE HOGAN (D)
- 12. MICHAEL E. SCHUPP (D)
- 13. DANIEL P. MILLS (D)

<u>YES</u>	<u>NO</u>	<u>ABSENT</u>	<u>REASON</u>
✓			
✓			
	✓		
✓			
	✓		
	✓		
	✓		
	✓		
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	✓		
	✓		
	✓		

TOTALS

4 9

CARRIED _____ DEFEATED _____

TERESA DUROSS, CITY CLERK

RC/CONCIL

KINGSTON, N.Y. COMMON COUNCIL

HONORABLE JAMES M. SOTTILE, PRESIDING

1/1/94 to 12/31/95

ROLL CALL

COMMITTEE _____ DATE 5/2/95

RESOLUTION TITLE: Sec. 2 Amend
4 to 1 make up -
same way as 1st amend. that was defeated.

OFFERED BY: ALDERMAN Mathews.

SECONDED BY: ALDERMAN Bell

RECORD OF VOTE

ALDERMAN

- 1. ANTHONY BELFIGLIO (R)
- 2. SEAN R. MATHEWS (R)
- 3. CHARLES LANDI (D)
- 4. JOHN PORSCH (R)
- 5. KATE FIORE (D)
- 6. JOHN MARTINO (D)
- 7. MARIE SMITH (D)
- 8. DAVID J. SINGER (D)
- 9. WILLIAM P. REYNOLDS (D)
- 10. ROBERT SENOR (R)
- 11. ROSEMARIE HOGAN (D)
- 12. MICHAEL E. SCHUPP (D)
- 13. DANIEL P. MILLS (D)

<u>YES</u>	<u>NO</u>	<u>ABSENT</u>	<u>REASON</u>
✓			
✓			
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	✓		

TOTALS

CARRIED _____ DEFEATED _____

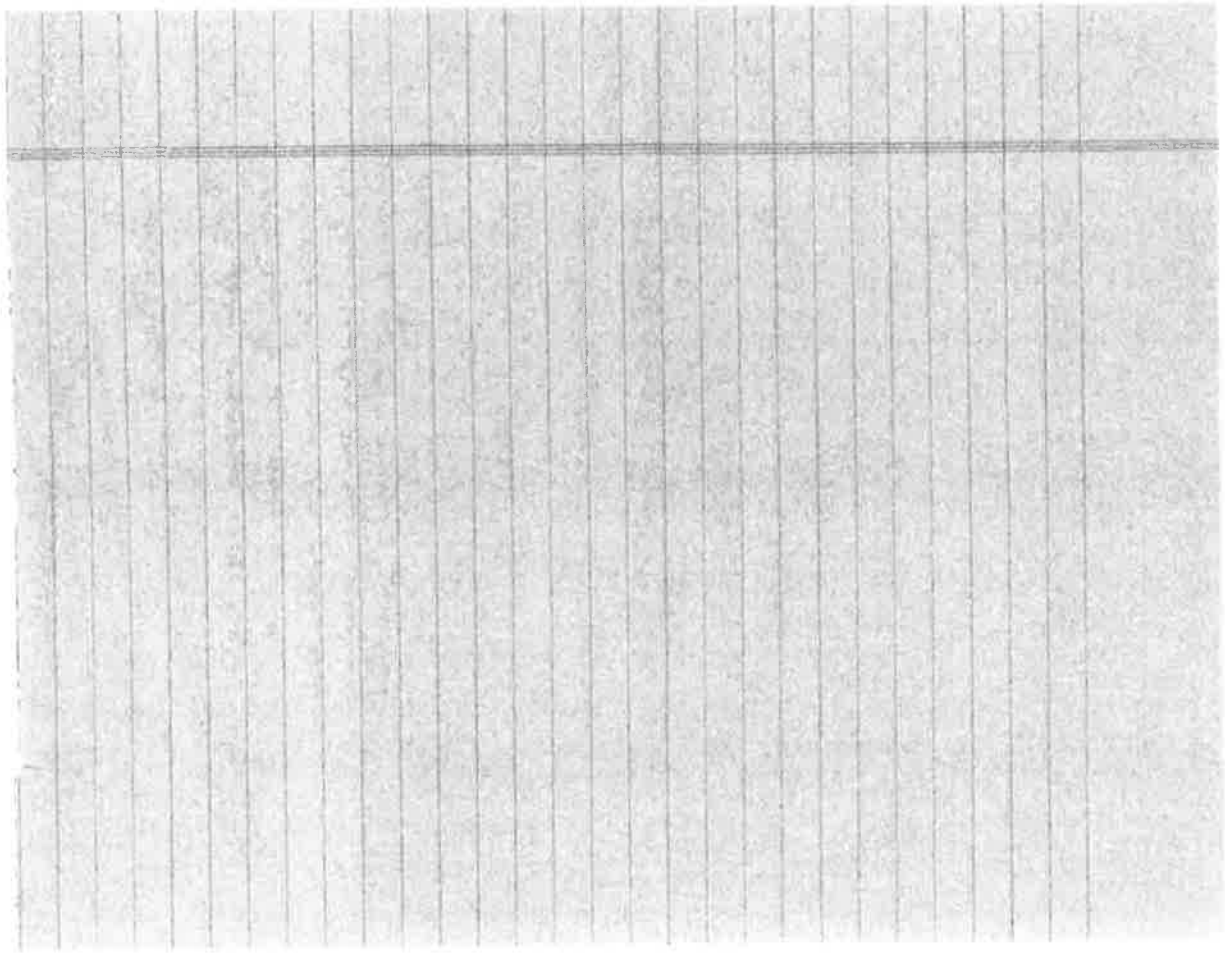
4 9

TERESA DUROSS, CITY CLERK

RC/CONCIL

Amend Sec. 2

That four members will be appointed by the mayor and one member will be appointed by the banking council member opposite of the mayor's political party



KINGSTON, N.Y. COMMON COUNCIL

HONORABLE JAMES M. SOTTILE, PRESIDING

1/1/94 to 12/31/95

ROLL CALL

COMMITTEE _____ DATE 5/2/95

RESOLUTION TITLE: Recess - Not for more than 1/2 hr
Back in session at 9:15 PM

OFFERED BY: ALDERMAN _____

SECONDED BY: ALDERMAN _____

RECORD OF VOTE

ALDERMAN

- 1. ANTHONY BELFIGLIO (R)
- 2. SEAN R. MATHEWS (R)
- 3. CHARLES LANDI (D)
- 4. JOHN PORSCHE (R)
- 5. KATE FIORE (D)
- 6. JOHN MARTINO (D)
- 7. MARIE SMITH (D)
- 8. DAVID J. SINGER (D)
- 9. WILLIAM P. REYNOLDS (D)
- 10. ROBERT SENOR (R)
- 11. ROSEMARIE HOGAN (D)
- 12. MICHAEL E. SCHUPP (D)
- 13. DANIEL P. MILLS (D)

<u>YES</u>	<u>NO</u>	<u>ABSENT</u>	<u>REASON</u>

TOTALS

CARRIED _____ DEFEATED _____

TERESA DUROSS, CITY CLERK

RC/CONCIL

KINGSTON, N.Y. COMMON COUNCIL

HONORABLE JAMES M. SOTTILE, PRESIDING

1/1/94 to 12/31/95

ROLL CALL

Handwritten: pulled illegal

COMMITTEE _____ DATE 5-2-95

RESOLUTION TITLE: _____

Amend Sect 2 - 5 members to be appointed
by Community Relations Director at TCI
Approved by Common Council

OFFERED BY: ALDERMAN Mathews

SECONDED BY: ALDERMAN Bece

RECORD OF VOTE

ALDERMAN

- 1. ANTHONY BELFIGLIO (R)
- 2. SEAN R. MATHEWS (R)
- 3. CHARLES LANDI (D)
- 4. JOHN PORSCH (R)
- 5. KATE FIORE (D)
- 6. JOHN MARTINO (D)
- 7. MARIE SMITH (D)
- 8. DAVID J. SINGER (D)
- 9. WILLIAM P. REYNOLDS (D)
- 10. ROBERT SENOR (R)
- 11. ROSEMARIE HOGAN (D)
- 12. MICHAEL E. SCHUPP (D)
- 13. DANIEL P. MILLS (D)

<u>YES</u>	<u>NO</u>	<u>ABSENT</u>	<u>REASON</u>
✓			
✓			
	✓		
✓			
	✓		
	✓		
	✓		
	✓		
	✓		
✓			

TOTALS

CARRIED _____ DEFEATED _____

TERESA DUROSS, CITY CLERK

RC/CONCIL

THAT FIVE MEMBERS WILL BE APPOINTED
BY THE COMMUNITY RELATIONS DIRECTOR
(OR HIS/HER DESIGNEE)
AT TC II.

City of Kingston, New York
Common Council

Committee Report
Committee on Public Access Cable Television

Date: 4/5/95 7:40 PM
Place: City Hall, Kingston, New York

Aldermen Present: REYNOLDS, FIFE, LANDI,
HOGAN

Aldermen Absent: ROSCENI, SENOR

Committee recommendations:

THAT THE COMMON COUNCIL APPROVE
THE ORGANIZATIONAL DESIGNATION FOR THE
PURPOSES OF DEFINING THE NUMBER OF
COMMISSION MEMBERS AND THE COMMISSION'S
MAKE-UP IN TERMS OF WHICH COMMUNITY
THE FRANCHISE AREA THEY WILL REPRESENT
FIVE MEMBERS FROM THE CITY OF KINGSTON
ONE MEMBER EACH FROM THE TOWNS OF
KINGSTON, VESTER, ESTUS AND HURLBY

WITH THE HURLBY TWP REPRESENTING
ACTION BY: 33 SUBSCRIBERS
City Clerk/Corp. Counsel
LIVING IN THE TOWN
OF MARBLETON.

	Yes	No
<i>William P. Kelly</i>	<input checked="" type="checkbox"/>	
<i>Jose Wiggins</i>	<input checked="" type="checkbox"/>	
<i>John Senor</i>	<input checked="" type="checkbox"/>	

5

KINGSTON, N.Y. COMMON COUNCIL

HONORABLE JAMES M. SOTTILE, PRESIDING

1/1/94 to 12/31/95

ROLL CALL

COMMITTEE Public Access Cable Television Comm

DATE 5/2/95

RESOLUTION TITLE: Recommend approving the organizational make-up of the

Kingston Public Access Cable Television Comm.

OFFERED BY: ALDERMAN _____

SECONDED BY: ALDERMAN _____

RECORD OF VOTE

ALDERMAN

- 1. ANTHONY BELFIGLIO (R)
- 2. SEAN R. MATHEWS (R)
- 3. CHARLES LANDI (D)
- 4. JOHN PORSCH (R)
- 5. KATE FIORE (D)
- 6. JOHN MARTINO (D)
- 7. MARIE SMITH (D)
- 8. DAVID J. SINGER (D)
- 9. WILLIAM P. REYNOLDS (D)
- 10. ROBERT SENOR (R)
- 11. ROSEMARIE HOGAN (D)
- 12. MICHAEL E. SCHUPP (D)
- 13. DANIEL P. MILLS (D)

<u>YES</u>	<u>NO</u>	<u>ABSENT</u>	<u>REASON</u>
	✓		
	✓		
	✓		
	✓		

CARRIED ✓ DEFEATED _____

TOTALS

49 84

TERESA DUROSS, CITY CLERK

RC/CONCIL

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, APPROVING THE ORGANIZATIONAL MAKE-UP OF THE KINGSTON PUBLIC ACCESS CABLE TELEVISION COMMISSION

Sponsored by: Public Access Cable Television Committee
Aldermen Reynolds, Hogan, Fiore

WHEREAS, a cable channel has been designated Kingston Public Access Channel (KPA), provided by Telecommunications Incorporated (TCI), as a non-profit forum for public expression and communication open to all subscribers living in the franchise communities of the City of Kingston, Town of Kingston, Town of Esopus, Town of Ulster and Town of Hurley which includes 33 subscribers in Marbletown; and

WHEREAS, KPA provides an opportunity for subscribers to reach over 16,000 households in the Kingston area franchise communities; and

WHEREAS, the organizational make-up of the Kingston Public Access Cable Television Commission must be established by the franchise communities of the City of Kingston, Town of Kingston, Town of Esopus, Town of Ulster and Town of Hurley which includes 33 subscribers in Marbletown.

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

SECTION 1. That the Kingston Public Access Cable Television Commission will consist of nine members to be designated by the chief executive officer of each franchise community and approved by their respective councils.

SECTION 2. That five members will represent the City of Kingston and they will be appointed by the Mayor and their names shall be submitted to the Common Council's Temporary Committee on Cable Television for consideration.

SECTION 3. That the supervisors of the four participating franchise towns will designate - with support from their town board - one member from their community and submit the names to the Mayor of the City of Kingston who shall then submit those four names to the Common Council's Temporary Committee on Cable Television for consideration.

SECTION 4. That upon approval by the Common Council's Temporary Committee on Cable Television, these nine names will be sent to the floor of the Common Council for final approval.

SECTION 5. That the Kingston Public Access Cable Television Commission make-up will be as follows:

- City of Kingston - Five Members
- Town of Ulster - One Member
- Town of Esopus - One Member
- Town of Kingston - One Member
- Town of Hurley plus 33 Town of Marbletown Subscribers - One Member

SECTION 6. That this resolution shall take effect immediately.

Submitted to the Mayor this 3 day of May 1995. Approved by the Mayor this 6 day of May 1995.


Teresa Duross, CITY CLERK


T. R. Gallo, MAYOR

Adopted by Council on May 2 1995.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, APPROVING THE ORGANIZATIONAL MAKE-UP OF THE KINGSTON PUBLIC ACCESS CABLE TELEVISION COMMISSION

Sponsored by: Public Access Cable Television Committee
Aldermen Reynolds, Hogan, Fiore

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- Town of Esopus - One Member
- Town of Kingston - One Member
- Town of Hurley plus 33 Town of Marbletown Subscribers - One Member

SECTION 6. That this resolution shall take effect immediately.

Submitted to the Mayor this 3 Approved by the Mayor this 6
day of May 1995. day of May 1995.


Teresa Duross, CITY CLERK 
T. R. Gallo, MAYOR

Adopted by Council on May 2 1995.

RISELEY & MORIELLO

ATTORNEYS AT LAW

111 Green Street

Post Office Box 4465

Kingston, New York 12402

Richard F. Riseley

Michael A. Moriello

Tel: (845) 338-6603

Fax: (845) 340-1614

ZONING PETITION

**IN THE MATTER OF THE PETITION OF
HIGGINSVILLE STATION, LLC**

FOR a zoning district change of 2.951 acres of improved lands which are currently zoned 0-2 and which lands are situate adjacent to the C-2 Zoning District by extension of the present C-2 Zoning District and by the accompanying Zoning Map Amendment in the City of Kingston, County of Ulster and State of New York.

TO: The Honorable Common Council of the City of Kingston, via the City Clerk, Ulster County, New York

Upon this Petition and additional documentation submitted herewith by Petitioner, the Petition of Higginsville Station LLC [Robert J. Ryan, Jr., Member and Michael A. Moriello, Esq. as Attorney], (Collectively hereinafter "Petitioners") respectfully shows this honorable body as follows, pursuant to Article X of the City of Kingston Zoning Law:

STATE OF NEW YORK)
COUNTY OF ULSTER)ss.:

Robert J. Ryan and Michael A. Moriello, being duly sworn, depose and say as follows:

FIRST: The name and address of the fee owner of the premises which is the subject of this Petition is Higginsville Station LLC, 411 Washington Avenue, Suite 201, Kingston, New York, 12401. This Petition is being forwarded pursuant to the City of Kingston Application Forms in accordance with applicable provisions of the City of Kingston Code and the City of Kingston Zoning Law.

SECOND: Petitioner is the fee owner of the "Kingston Freeman Building" and related appurtenances as situate upon the Subject

Premises. The newspaper occupied the 24,000 square feet of the entire building, as Lessee, through its operating entity, 21st Century Media Newspapers, LLC, until the COVID-19 Pandemic occurred. Shortly thereafter, the Tenant stopped paying rent. This occurrence led to a very difficult situation which culminated in a certain Lease Termination and Buyout Agreement on July 20, 2020. As a result of said Agreement, the Tenant is now occupying a 2,000 square foot portion of the Subject Premises.

In addition, there is one Tenant occupying 4,000 square feet, as located in the lower level of the building and approximately 6,750 square feet of the building is currently related to distribution of the Kingston Freeman. As such, 8,750 square feet of the Premises is devoted to a very tenuous newspaper use and almost 50% of the remaining buildings square footage is vacant.

Said lands are located at 79 Hurley Avenue in the City of Kingston, County of Ulster and State of New York, more particularly described by way of the Deed to the premises. [A copy of said Deed is annexed hereto and made a part hereof as Exhibit "A".]

The subject premises is depicted on the current City of Kingston Tax Map as Section, Block and Lot Number 48.71-2-11. [A copy of the pertinent portion of said Tax Map is annexed hereto as Exhibit "B".]

The subject premises is physically bounded as follows:

- a.) On the North by Ulster and Delaware Division Catskill Mountain Branch.
- b.) On the South by Hurley Avenue.
- c.) On the East by lands of Super 8 Motels of Kingston.

d.) On the West by Kingston Offices LLC.

THIRD: Improvements.

The subject premises is improved by the following:

- a.) Kingston Freeman Building.
- b.) Parking and roadway improvements.
- c.) Remaining lands and appurtenances.

FOURTH: Description of the Subject Premises.

The purpose of this Petition is to extend and conform the adjacent C-2 Zoning District to all of the 2.951 Subject Premises so that all of the lands comprising the parcel will be situate within the C-2 Zoning District. In this regard, the C-2 Zoning District designation is the predominant district within the immediate vicinity of the parcel and changing the zoning of the parcel will more appropriately acknowledge the pattern of development within this area of the City of Kingston.

In addition, it has become evident to the fee owner of the Subject Premises that a large single purpose building located within the circumscribed O-2 Zoning District during COVID-19 and consequent uncertain economic times will not work from a business perspective.

Permitted uses, as set forth within the O-2 Zoning District, are unavailing in these unprecedented times. Moreover, it is evident to the fee owner of the Subject Premises that, owing to electronic media, streaming services and other technologic advances, the newspaper business is unlikely to make a comeback, even after the pandemic abates.

There is currently no plan to redevelop the Subject Premises and

as a result, this Zoning Petition is being forwarded without a Land Use/Zoning Application. Owing to the size of the existing building, its functional obsolescence, the Esopus Creek Flood Zone and the on-site parking/access, the intention of the Petitioner is to repurpose and adaptively reuse the improvements in order to attract productive business uses to the Subject Premises which are consistent with the uses which are located within the adjacent C-2 Zone.

It is submitted that the physically developed premises is appropriate for inclusion within the C-2 Zoning District and that the extension and alteration of zoning requested herein is entirely appropriate and does not constitute spot zoning. Save Our Forest Action Coalition v. City of Kingston, 246 AD2d 217 (3rd Dept, 1998).

FIFTH: Proposed Zoning of the Site.

The Petitioners are requesting that the Subject Premises be included within C-2 Zoning District by way of C-2 Zoning District designation extension to encompass the Subject Premises and which extension would amend the City of Kingston Zoning Map. [A copy of the relevant portion of the City of Kingston Zoning District Map is annexed hereto and made a part hereof as Exhibit "C"].

SIXTH: Description of the Petition and Associated Action.

A.) The Petitioner proposes for the Subject Premises a rezoning to C-2 Zoning District designation for eventual adaptive re-use redevelopment of the current site improvements. There is no current plan for additional development and the rezoning is classified as an Unlisted Action pursuant to the applicable regulations of the Environmental Conservation Law of New York State [6 NYCRR Part 617.4].

The rezoning will require review under SEQRA, as an Unlisted Action and it is anticipated that the City of Kingston Common Counsel will assume duties as Lead Agency for SEQRA review as part of a coordinated review with Interested Agencies. There are no other identified Involved Agencies [discretionary permitting authorities] under SEQRA and the Interested Agencies [ministerial review authorities] which the Petitioners have been able to ascertain are as follows:

- 1.) City of Kingston Planning Board.
- 2.) City of Kingston Building Department.
- 3.) City of Kingston City Clerk.
- 4.) Ulster County Planning Board.

SEVENTH: Current Depiction of the Subject Premises.

The Subject Premises is currently depicted upon a certain survey map entitled, "Topographic/Boundary Survey #79 Hurley Avenue, City of Kingston, Ulster County, New York", as prepared by John Gerd Heldecker, LS and being dated May 10, 2019. [A copy of said survey is annexed hereto and made a part hereof, as Exhibit "D".]

EIGHTH: The statutory references for this Rezoning, Petition are as follows:

- a.) City of Kingston Zoning Ordinance, Article X.
- b.) General City Law of the State of New York, Section 29.
- c.) General City Law of the State of New York, Section 83.
- d.) Section 239-m of the General Municipal Law of New York State.
- e.) SEQRA [6 NYCRR Part 617 et. seq.].

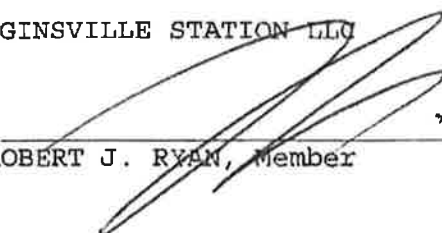
It is noted that this Petition is required to be referred by the City of Kingston Common Council to the City of Kingston Planning Board, pursuant to Section 405-73 of the City of Kingston Zoning Ordinance. Referral of a full statement of the proposed action to the Ulster County Planning Board for a Recommendation pursuant to Section 239-m of the General Municipal Law of New York State is further required. In addition, a public hearing in consideration of the rezoning request, is required to be held by the Laws and Rules Committee of the City of Kingston Common Council, in accordance with Section 405-74 of the City of Kingston Zoning Law and Section 83 of the General City Law of New York State.

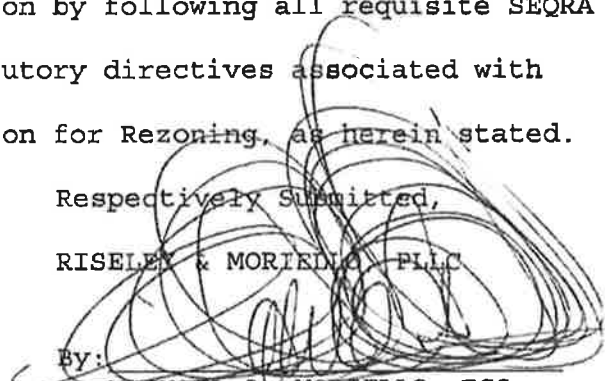
WHEREFORE, upon full submittal and complete administrative/legislative review, your Petitioners request that the City of Kingston Common Council amend the City of Kingston Zoning Ordinance in a consistent fashion with this Petition by following all requisite SEQRA review procedures and rezoning statutory directives associated with the Higginsville Station LLC Petition for Rezoning, as herein stated.

Respectively Submitted,

HIGGINSVILLE STATION LLC

RISELEY & MORIELLO PLLC

By: 
ROBERT J. RYAN, Member

By: 
MICHAEL A. MORIELLO, ESQ.

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ULSTER)ss.:

MICHAEL A. MORIELLO, ESQ., being duly sworn, deposes and says:

I am the Attorney representing Higginsville Station LLC and I have read the foregoing Zoning Petition, know the contents thereof and the same is true to my knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to said matters I believe them to be true.


MICHAEL A. MORIELLO, ESQ.

Sworn to before me this
10th day of December, 2020


Notary Public

DIANE E. FRIEDMANN
Notary Public, State of New York
Qualified in Ulster County
Commission Expires May 18, 2022

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ULSTER)ss.:

ROBERT J. RYAN, being duly sworn, deposes and says:

I am a Member of Higginsville Station LLC and I have read the foregoing Zoning Petition, know the contents thereof and the same is true to my knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to said matters I believe them to be true.


ROBERT J. RYAN

Sworn to before me this
10th day of December, 2020


Notary Public

MICHAEL MORIELLO
Notary Public, State of New York
Resident In And For Ulster County
Commission Expires December 28, 2022

cc: Higginsville Station LLC
Daniel Gartenstein, Esq.
Mr. Wayne Platte
Hon. Steven Noble
Ms. Andrea Shaut
Ms. Sue Cahill
Ms. Elisa Tinti

EXHIBIT "A"

Ulster County
Nina Postupack
County Clerk
Kingston, NY 12401



60 2018 00005443

Volm-6289 Pg-232

Instrument Number: 2018- 00005443

Recorded On: April 24, 2018

As
D01 - Deed

Parties: 79 HURLEY AVENUE LLC

To
HIGGINSVILLE STATION LLC

Recorded By: TITLE SERVICE CO

Billable Pages: 4

Num Of Pages: 4

Comment:

**** Examined and Charged as Follows: ****

D01 - Deed	60.00	RP5217-250	250.00	Tax Affidavit TP 584	5.00
Recording Charge:	315.00				
	Amount	Consideration Amount	RS#WCS#		
Tax-Transfer	3,880.00	970,000.00	4448	Basic	0.00
KINGSTON CITY				Local	0.00
				Additional	0.00
Tax Charge:	3,880.00			Special Additional	0.00
				Transfer	3,880.00

**** THIS PAGE IS PART OF THE INSTRUMENT ****

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Ulster County,

File Information:

Document Number: 2018- 00005443
Receipt Number: 1635496
Recorded Date/Time: April 24, 2018 04:08:59P
Book-Vol/Pg: Bk-D VI-6289 Pg-232

Record and Return To:

PAUL KELLAR ESQ
14 PEARL ST
KINGSTON NY 12401

Cashier / Station: k ktsc / Cashier Workstation 7



Nina Postupack

Nina Postupack Ulster County Clerk

4
m: 08

THIS INDENTURE, made the 18th day of April 2018 but effective the 24th day of APRIL 2018,

BETWEEN, 79 HURLEY AVENUE, LLC a Delaware limited liability company, with a mailing address of 885 Third Avenue 19th Floor, New York, New York 10022 party of the first part, and **HIGGINSVILLE STATION, LLC**, a New York limited liability company, with a mailing address of PO Box 4121 Kingston, NY 12402 party of the second part,

WITNESSETH, that the party of the first part, in consideration of One Dollar (\$1.00), lawful money of the United States, and other good and valuable consideration, paid by the parties of the second part, does hereby grant and release unto the parties of the second part, the heirs or successors and assigns of the parties of the second part forever, the property legally described on Exhibit A, attached hereto and incorporated herein by this reference.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

TSC2770Q

CHECKED _____
ENTERED _____
MARK/OFF _____

✓ Title Service Co

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

79 HURLEY AVENUE, LLC, a Delaware limited liability company

By: TWENTY LAKE EQUITIES, LLC, a Delaware limited liability company
Its: Sole Member

By: [Signature]
Name: Joseph M. Miller
Title: President & Sole Member

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.

On the 19 day of April in the year of 2018, before me, the undersigned, a Notary Public in and for said state, personally appeared Joseph M. Miller, President of Twenty Lake Equities, LLC a Delaware limited liability company, sole member of 79 Hurley Avenue, LLC, a Delaware limited liability company, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the individual or the entity upon behalf of which the individual acted, executed the instrument.

WITNESS my hand and official seal.

Signature: [Signature]
My Commission Expires: _____
Commission Number: _____



CAROLYN A. SHEARIN
Notary Public, State of New York
No. 01S16293620
Qualified in Richmond County
Commission Expires Dec. 18, 2021

P R & R
Paul Kellar ES2
14 Pearl St
Kingston, NY
1.2.4.07

- EXHIBIT A -

ALL that certain piece or parcel of land, situate, lying and being in the City of Kingston, County of Ulster, and State of New York, bounded and described as follows:

BEGINNING at an iron pipe on the northerly street line of Hurley Avenue, said point being the southeasterly corner of lands of Lewis Palen;

RUNNING THENCE along the easterly line of lands of said Palen, North 32 degrees 54 minutes East, 467.23 feet to an iron pipe on the southerly right-of-way line of the Ontario & Western Railway Company;

THENCE along said right-of-way line and a wire fence South 58 degrees 03 minutes East, 428.34 feet to a point;

THENCE along lands of the Clark Lumber Company and others South 44 degrees 17 minutes West 380.71 feet to an iron pipe at the northeasterly corner of lands of Sadie Struber;

THENCE along the northerly line of lands of said Struber North 54 degrees 00 minutes West 90.02 feet to an iron pipe;

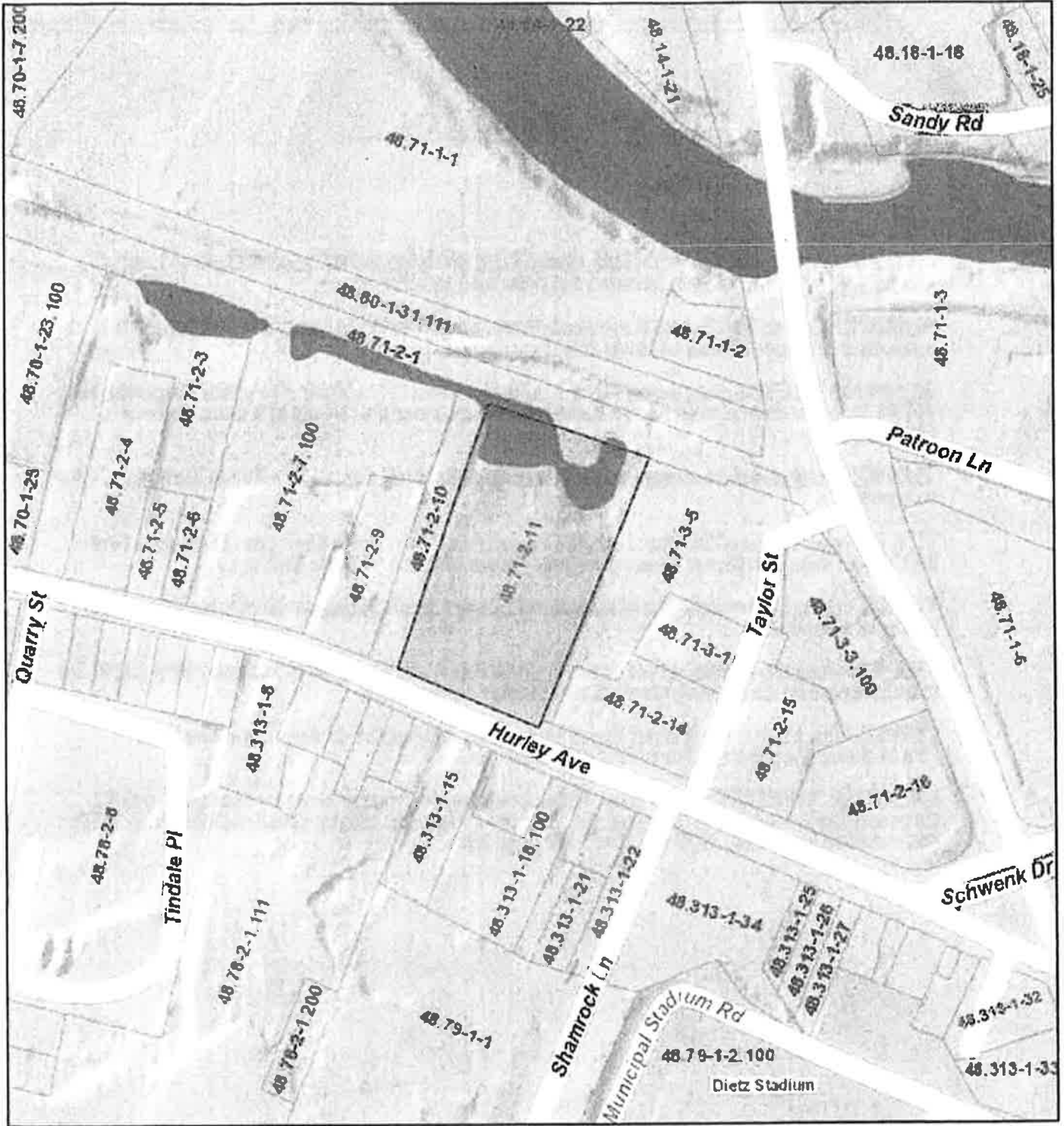
THENCE along the westerly line of lands of said Struber South 36 degrees 00 minutes West 120.00 feet to an iron pipe on the northerly street line of Hurley Avenue; and

THENCE along the northerly street line of Hurley Avenue North 54 degrees 00 minutes West 256.84 feet to the point or place of **BEGINNING**.



EXCEPTING THEREFROM so much of the above described premises as was conveyed by G.T.L. Company (Mid-Hudson) to Salvatore and Ellen Provenzano, his wife by deed dated March 15, 1979 and recorded March 16, 1979 in Liber 1407 page 338.

Ulster County Parcel Viewer

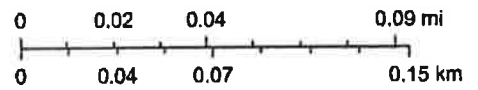
EXHIBIT "B"



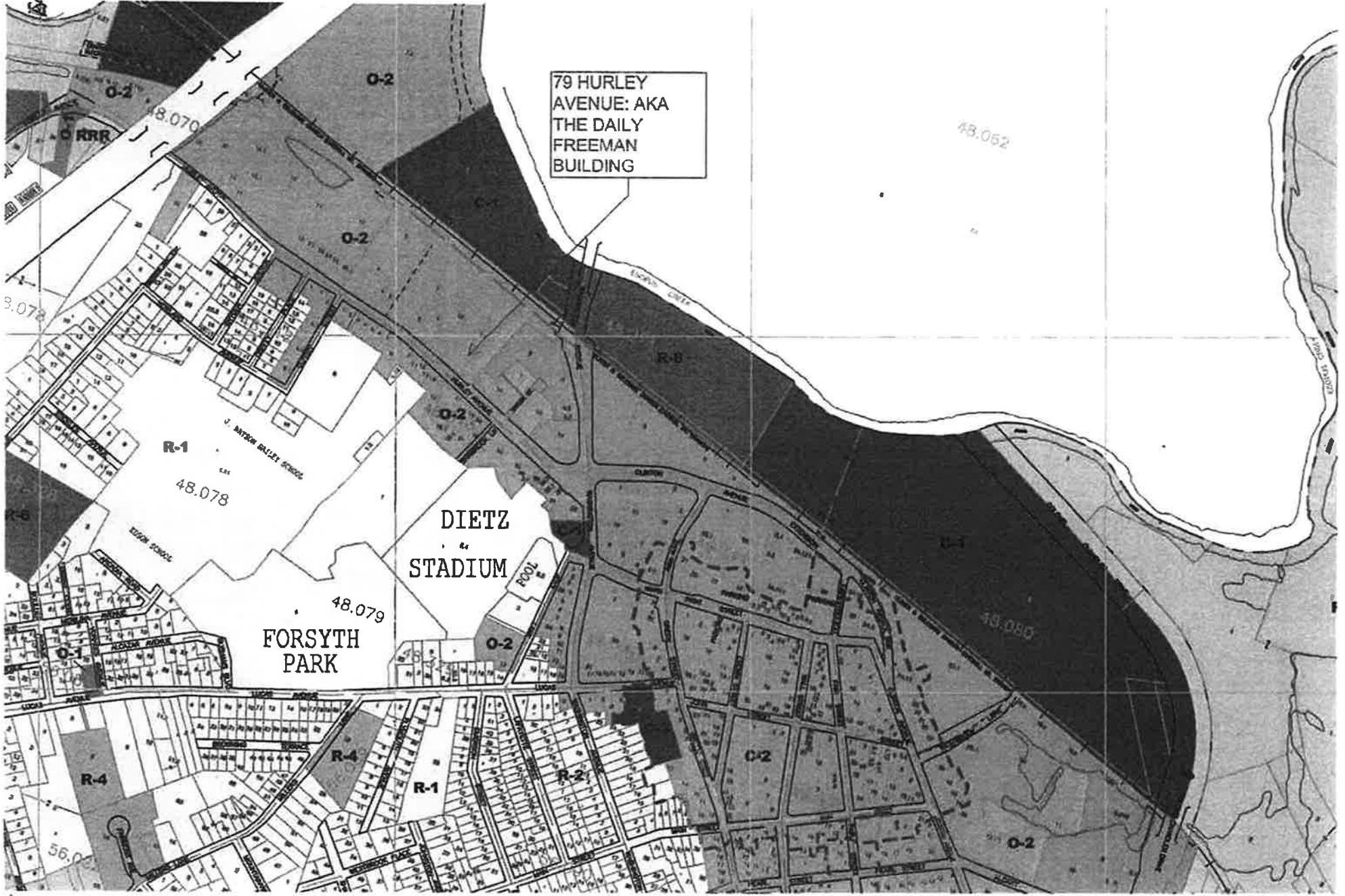
December 8, 2020

-  Override 1
-  Override 1

1:3,768



Arthur C



79 HURLEY AVENUE: AKA THE DAILY FREEMAN BUILDING

DIETZ STADIUM

FORSYTH PARK

48.052

48.080

R-1

O-2

O-2

R-8

O-2

O-2

O-2

O-2

R-4

R-1

R-2

48.078

48.078

48.079

56.0

EXHIBIT D

Bock & Clark's National Surveyors Network
National Coordinators of ALTA/NSIS Land Title Surveys
1715 19th Street, Suite 200, Rockville, MD 20850-4269
www.rockland.com



ALDEN
1715 19th Street, Suite 200
Rockville, MD 20850-4269
www.rockland.com

ALTA/NSIS LAND TITLE SURVEY
This is a plat of a survey for the purpose of creating a record of the boundaries and interests therein. It is intended to be used as a basis for recording in the public records of the State of Maryland. This survey was conducted in accordance with the standards and practices of the National Society of Professional Surveyors (NSPS) and the National Conference of Standards and Practices (NCSP) for ALTA/NSIS Land Title Surveys. The survey was conducted on or about the date of the survey.

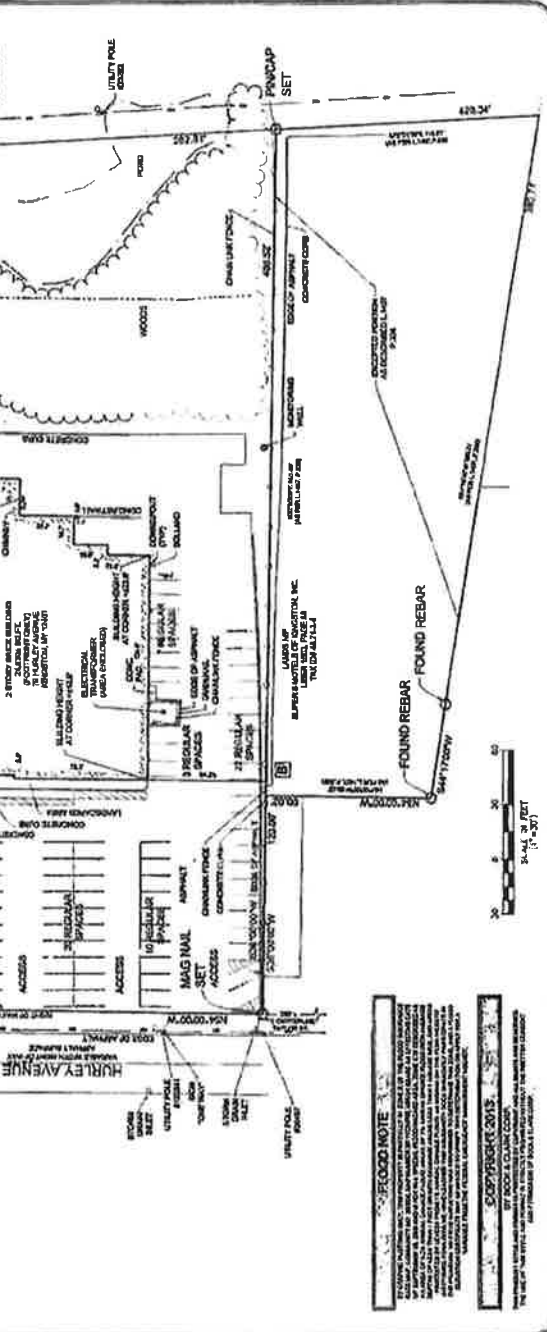
SHEET 1 OF 1

RECORD DESCRIPTION
This is a plat of a survey for the purpose of creating a record of the boundaries and interests therein. It is intended to be used as a basis for recording in the public records of the State of Maryland. This survey was conducted in accordance with the standards and practices of the National Society of Professional Surveyors (NSPS) and the National Conference of Standards and Practices (NCSP) for ALTA/NSIS Land Title Surveys. The survey was conducted on or about the date of the survey.

ZONING INFORMATION
This is a plat of a survey for the purpose of creating a record of the boundaries and interests therein. It is intended to be used as a basis for recording in the public records of the State of Maryland. This survey was conducted in accordance with the standards and practices of the National Society of Professional Surveyors (NSPS) and the National Conference of Standards and Practices (NCSP) for ALTA/NSIS Land Title Surveys. The survey was conducted on or about the date of the survey.

ITEMS CORRESPONDING TO SCHEDULE B
This is a plat of a survey for the purpose of creating a record of the boundaries and interests therein. It is intended to be used as a basis for recording in the public records of the State of Maryland. This survey was conducted in accordance with the standards and practices of the National Society of Professional Surveyors (NSPS) and the National Conference of Standards and Practices (NCSP) for ALTA/NSIS Land Title Surveys. The survey was conducted on or about the date of the survey.

LEGEND OF SYMBOLS & ABBREVIATIONS
This is a plat of a survey for the purpose of creating a record of the boundaries and interests therein. It is intended to be used as a basis for recording in the public records of the State of Maryland. This survey was conducted in accordance with the standards and practices of the National Society of Professional Surveyors (NSPS) and the National Conference of Standards and Practices (NCSP) for ALTA/NSIS Land Title Surveys. The survey was conducted on or about the date of the survey.



FLOOD NOTE
This is a plat of a survey for the purpose of creating a record of the boundaries and interests therein. It is intended to be used as a basis for recording in the public records of the State of Maryland. This survey was conducted in accordance with the standards and practices of the National Society of Professional Surveyors (NSPS) and the National Conference of Standards and Practices (NCSP) for ALTA/NSIS Land Title Surveys. The survey was conducted on or about the date of the survey.

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Petition for Zoning Change by Higginville Station LLC			
Project Location (describe, and attach a location map): 79 Hurley Avenue, Kingston, New York, 12401			
Brief Description of Proposed Action: Petition to rezone a 2.051 acre improved premises from the present O-2 Zoning District designation to the adjacent C-2 Zoning District designation. The project is classified as an Unlisted Action under SEQRA pursuant to 6 NYCRR Part 617.4.			
Name of Applicant or Sponsor: Higginville Station LLC		Telephone: (845) 338-6603	
		E-Mail: mlke@moriellolaw.com	
Address: 411 Washington Avenue, Suite 201			
City/PO: Kingston		State: New York	Zip Code: 12401
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? See Zoning Petition annexed. If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		2.051 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.051 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>Connected.</u> _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>Connected.</u> _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Not Applicable. No disturbance of site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? <u>Not Applicable. No disturbance of site.</u>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, Site is developed with no disturbances of the site.	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: <u>NYSDEC Site #356956/Spill #17-0624 is situate adjacent to</u> <u>the premises.</u>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>HIGGSVILLE STATION LLC</u>	Date: <u>12/10/20</u>	
Signature: <u>MICHAEL A. MORIELLO, ESQ.</u>	Title: <u>Attorney</u>	

AUTHORIZATION

**IN THE MATTER OF THE PETITION OF
HIGGINSVILLE STATION LLC FOR ZONING CHANGE**

LOCATION OF PROPERTY: 79 Hurley Avenue
Kingston, New York 12401

RECORD OWNER/PETITIONER: Higginsville Station LLC
Mr. Robert J. Ryan, Jr.
411 Washington Avenue, Suite 201
Kingston, New York 12401

ATTORNEY FOR PETITIONER: Riseley and Moriello, PLLC
Michael A. Moriello, Esq.
111 Green Street
Post Office Box 4465
Kingston, New York 12402
(845)338-6603

PROJECT: Rezoning of a 2.051 acre improved
premises and related improvements
known as the "Kingston Freeman
Building"

TO: The City of Kingston Common Council:

This will duly authorize Michael A. Moriello, Esq. to forward any and all necessary Petitions with the City of Kingston Common Council and all Involved Agencies under the New York State Environmental Quality Review Act [SEQRA], as well as all other applicable laws and, as fee owner of the subject premises, I hereby consent to all to the Zoning Petition and all associated documentation for all approvals associated with this project.

HIGGINSVILLE STATION LLC

By: 
ROBERT J. RYAN, JR., Member


Sworn to before me this
17th day of December, 2020

Notary Public

MICHAEL MORIELLO
Notary Public, State of New York
Resident In And For Ulster County
Commission Expires December 28, 2022

CITY OF KINGSTON

Office of Planning

planning@kingston-ny.gov

Suzanne Cahill, Planning Director



Steven T. Noble, Mayor

January 12, 2021

Common Council
City of Kingston

Re: Amendment to Zoning Code to require Formula Stores to obtain a Certificate of Appropriateness from the HLPC.

Dear Pres. Shaut:

At the December 21, 2020 Planning Board meeting, the Board reviewed the proposed zoning code amendment to Section 405 of the Zoning Code to require that "Formula Retail Stores" require review and approval from the Historic Landmarks Preservation Commission and that any such store not be permitted without a certificate of appropriateness by the HLPC.

The Board unanimously recommended to oppose the legislation to add an additional layer of review by the Historic Landmarks Preservation Commission as suggested, referring back to the staff notes which are made part of this opposition by reference (below in italics). Board members noted that the current review process already takes into account design standards along the Broadway Corridor and that all Planning Board reviews are undertaken in a thorough and thoughtful manner. Appropriate due diligence is adhered to during the process. It was further stated that updating the existing zoning code should be the focus of the Common Council and not adding additional layers of review which may be duplicative.

Below is the excerpt from the Planning Board Staff Notes dated December 21, 2020.

"In discussions with the Alderman that proposed this legislation, it has been clarified that this is proposed in Commercial Districts. The proposal includes adding a layer of review to "Formula Retail Stores" also known as "chain stores" to include Historic Landmarks Preservation review. As it currently stands, new construction is required to go before the Planning Board and in some cases, for instance Broadway, the Heritage Area Commission, where there is already a Design Overlay District with recognized standards. Currently the HLPC would only review any designated landmark or property in the Landmark Districts. In their review, they utilize standards based on the historic relevance and importance of the property and building.

Staff is of the opinion that this is an unnecessary addition to the code that would expand the HLPC review beyond their current role as a Historic Landmark Preservation Commission and add yet another layer of review to something already covered by other Boards and Commissions. Staff would recommend that if the Common Council's goal is to regulate new construction, they consider adding additional design guidelines to the code. Staff would not recommend this amendment."

Please contact our office with any questions.

Sincerely,

Suzanne Cahill
Planning Director

Laws and Rules Committee Agenda Item Report

Meeting Date: November 18, 2020

Submitted by: Dee Sills

Submitting Department: Planning

Item Type: Proposed Resolution

Agenda Section:

Subject:

Affordable Housing Zoning Amendment

Suggested Action:

Attachments:

20201013104320.pdf

Tinti, Elisa

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

Hi Elisa,

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

Thank you,

Andrea

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

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

Thanks for any insight you can give.

Sue

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

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CITY OF KINGSTON
Historic Landmarks Preservation Commission

planning@kingston-ny.gov

Suzanne Cahill, Planning Director
Julie Edelson-Safford, Historic Preservation Admin.



Steven T. Noble, Mayor

May 19, 2020

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

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

Dear Pres. Shaut:

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

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

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

Thank-you.

Sincerely,

Suzanne Cahill
Planning Director

CITY OF KINGSTON

Kingston Planning

planning@kingston-ny.gov



Suzanne Cahill, Planning Director
Kyla Dedea, Assistant Planner

Steven T. Noble, Mayor

May 19, 2020

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

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

Dear Pres. Shaut:

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

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

REQUIRED AFFORDABLE UNITS IN PROPOSED RESIDENTIAL DEVELOPMENTS*

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

* Includes both new construction and Adaptive Re-Use

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

CITY OF KINGSTON

Kingston Planning

planning@kingston-ny.gov

Suzanne Cahill, Planning Director
Kyla Dedea, Assistant Planner



Steven T. Noble, Mayor

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

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

Be well and stay safe.

Sincerely,

Suzanne Cahill
Planning Director

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

RESOLUTION 86 of 2020

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

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

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

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

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

SECTION 2. This resolution shall take effect immediately.

Submitted to the Mayor this 6th day of

May, 2020



Elisa Tinti, City Clerk

Approved by the Mayor this 6th day of

May, 2020



Steven T. Noble, Mayor

Adopted by Council on May 5, 2020

1- Amend section 405-3 "Definitions" to include

Affordable Housing Unit

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

Qualified Affordable Housing Unit

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

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

3- Renumber 405-8 as 405 (B)

4- Adopt new 405-8 "Affordable Housing"

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

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

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

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

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

(5) Affordable housing units shall be phased in during any build-out period. Such units shall be provided coincident to the development of market-rate apartments.

(B) Affordable housing units shall continue to comply with the criteria set forth herein for the length of time that the building in question contains residential units.

(C) Final choice of the tenants to occupy the affordable housing units lies

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

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.

with the owners of the property or their representatives.

- (D) Prior to the entry of an agreement to rent an affordable housing unit, and throughout the tenancy, property owners are required to secure and maintain current documentation which establishes the eligibility of the potential tenant for said affordable housing unit.
- (E) Such documentation shall include written verification of income. Continued eligibility shall be monitored and tenants shall be required to submit documentation on a yearly basis throughout the occupancy.
- (F) Property owners shall make all documents and records outlined herein available to the City of Kingston upon request.
- (G) The City of Kingston reserves the right to review and audit these records to confirm compliance with the provisions set forth herein.
- (H) Site plan approval for all developments of five or more units shall be granted contingent upon compliance with these requirements. The failure to comply with these requirements, upon notice, may result in the revocation of site plan approval.
- (I) Any request to revoke site plan approval as the result of the failure to comply with the provisions of this section shall be made on notice to the property owner who shall be afforded a full and fair opportunity to be heard regarding the request before the City of Kingston Planning Board. Any determination of the Planning Board to revoke site plan approval for failure to comply with these provisions may be appealed in a proceeding pursuant to Article 78 of the Civil Practice Laws and Rules.

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

A. Purpose and Principles.

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

Ulster County Planning Board

General Municipal Law 239 M-N Referral Submittal Form

Print Form

Please Fill Out All Sections - Type or Print Only

Municipality:

Referring Board:

Referring Official:

Phone Number:

Local File #:

Applicant Name:

Project Name:

Type of Referral
(Check All Those That Apply)

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

SEQRA Determination

- Type I Action
- Type II Action
- Unlisted Action

Parcel(s) Information

Section	Block	Lot
<input type="text"/>	<input type="text"/>	<input type="text"/>
Section	Block	Lot
<input type="text"/>	<input type="text"/>	<input type="text"/>

Number of Lots

Project Acreage

Zoning District(s) of Project

Parcel Utilities

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

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

Within 500 feet of a: County Road or State Road, City, Village, Or Town Boundary, County or State Park or Other Recreation Area, Stream or Drainage

Channel Owned or Established Channel Line by County, County or State Owned Land with public building or institution Located on it, or Boundary of Parcel with a farm operation

Greater than 500 feet of : Any of the Above Listed Conditions

Location of Project: (Address or Nearest Intersection)

Project Description: (Please Be As Specific as Possible)

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

Received Stamp:

UCPB Staff Use Only

Referral #

Agenda Date:

Major Project?

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

Mail or Hand Delivery Only Please!

Questions? - Call
845-340-3340

REFERRAL RESPONSE



ULSTER COUNTY PLANNING BOARD

General Municipal Law of New York State

Article 12B

Sections 239-1 and 239-m

Referral Number

2020043

Municipality	Kingston City	Local File Number	Resolution 86 of 2020
Referring Agency	Local Governing Body		
Type of Referral	Zoning Statute Amendment		
Name of Applicant	City of Kingston		
Name of Project	Resolution 86 of 2020		
Project Location	Mixed Use Overlay District/City Wide		
Description	Zoning amendment - affordable housing and amendments to the Mixed-Use Overlay District		

UCPB Decision

Required Modifications

See Attachments



Referral Officer

Representing the Ulster County Planning Board

Date Received 5/18/2020

Date Reviewed 6/3/2020

Form Date 6/4/2020

Status Reviewed



Dennis Doyle, Director

RECOMMENDATION

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

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

Re: Resolution 86 of 2020 – Zoning Statute Amendment

Summary

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

The following materials were received for review:

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

Discussion

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

AFFORDABILITY: ALL INCOME LEVELS

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

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

Number of Renters by Affordability Level

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

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

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

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

Required Modifications

Income Levels

The City is setting the following standard:

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

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

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

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

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

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

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

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

2020-043 Resolution 86 of 2020
Zoning Statute Amendment

Housing Need Scenarios for top Industries in Kingston

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

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

Required Modifications

Use of HUD Income Levels

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

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

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

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

2020-043 Resolution 86 of 2020
Zoning Statute Amendment

Waivers

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

REQUIRED AFFORDABLE UNITS IN PROPOSED RESIDENTIAL DEVELOPMENTS*

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

* Includes both new construction and Adaptive Re-Use

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

Required Modifications

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

Density Bonuses – Advisory Comment

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

Choice of Tenant

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

Advisory

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

Site Plan Revocation

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

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

Advisory Comment

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

Meeting the Greater Housing Need

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

Reviewing Officer



Robert A. Leibowitz, AICP
Principal Planner

FINAL ACTION REPORT FORM

Per GML 239-m and -n FINAL ACTION REPORTS ARE REQUIRED TO BE SUBMITTED WITHIN THIRTY DAYS AFTER FILING

Complete the local agency final action box, add the local file number, include any required submittals, and sign the form



Name of Project: Resolution 86 of 2020

Referral Number: 2020043

UCPB Decision: Required Modifications

Local Agency Final Action:

Approve Disapprove

Member Vote: Yes: No:

- County Planning Board Decision - Reviewed no County Impact
- Concurs with County Planning Board Modifications or Disapproval
- Contrary to County Planning Board Modifications or Disapproval (see required submittals if checked)

Required Submittals Attached

Resolution Attached

Required Submittals:

Within thirty days after final action, the referring body must file a report of the final action it has taken with the UCPB. A referring body that acts contrary to a recommendation of modifications or disapproval of a proposed action shall set forth the reasons for the contrary action in such report attached to this form.

Local File Number: Resolution 86 of 2020

Municipality: Kingston City

Referring Agency: Local Governing Body

Type of Referral: Zoning Statute Amendment

Name of Applicant: City of Kingston

Project Location: Mixed Use Overlay District/City Wide

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

Local Officer: _____

Date: _____

~ For Ulster County Planning Board Use Only ~

Local Board Decision:

Original Date Received: 5/18/2020

Original Review Date: 6/3/2020

Final Action Date Received:

Status: Reviewed

Return Form to:

Referral Officer
Ulster County Planning Board
Box 1800 Kingston, N.Y. 12402

Need Help? Telephone: 340-3340

Form Revised 09/26/2000 UCPB

UCPB Date Stamp

Tinti, Elisa

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

Hi Elisa,

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

Thank you,

Andrea

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

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

Thanks for any insight you can give.

Sue

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

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CITY OF KINGSTON
Historic Landmarks Preservation Commission
planning@kingston-ny.gov



Suzanne Cahill, Planning Director
Julie Edelson-Safford, Historic Preservation Admin.

Steven T. Noble, Mayor

May 19, 2020

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

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

Dear Pres. Shaut:

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

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

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

Thank-you.

Sincerely,

Suzanne Cahill
Planning Director

CITY OF KINGSTON

Kingston Planning

planning@kingston-ny.gov



Suzanne Cahill, Planning Director
Kyla Dedea, Assistant Planner

Steven T. Noble, Mayor

May 19, 2020

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

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

Dear Pres. Shaut:

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

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

REQUIRED AFFORDABLE UNITS IN PROPOSED RESIDENTIAL DEVELOPMENTS*

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

* Includes both new construction and Adaptive Re-Use

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

CITY OF KINGSTON
Kingston Planning
planning@kingston-ny.gov

Suzanne Cahill, Planning Director
Kyla Dedea, Assistant Planner



Steven T. Noble, Mayor

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

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

Be well and stay safe.

Sincerely,

Suzanne Cahill
Planning Director

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

Laws and Rules Committee Agenda Item Report

Meeting Date: November 18, 2020

Submitted by: Dee Sills

Submitting Department: Building Safety

Item Type: Proposed Resolution

Agenda Section:

Subject:

Amend City Code regarding chickens

Suggested Action:

Attachments:

20201013103103.pdf

(L+R)

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

Steven T. Noble, Mayor
Stephan Knox, Director



David Bence, Plumbing Inspector
Eric Kitchen, Zoning Officer

October 2, 2020

Dear Common Council members,

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

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

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

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

(a)

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

(b)

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

LAD

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

Steven T. Noble, Mayor
Stephan Knox, Director



David Bence, Plumbing Inspector
Eric Kitchen, Zoning Officer

(c)

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

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

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

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

Sincerely,

Eric Kitchen Clerk
Zoning Board of Appeals

REFERRAL RESPONSE



ULSTER COUNTY PLANNING BOARD

General Municipal Law of New York State

Article 12B

Sections 239-1 and 239-m

Referral Number

2021011

Municipality

Kingston City

Local File Number

Resolution
167

Referring Agency

Local Governing Body

Type of Referral

Zoning Statute Amendment

Name of Applicant

City of Kingston

Name of Project

Livestock

Project Location

Citywide

Description

Remove Livestock language from Zoning Statute and put it in Chapter 151 (Animals)

UCPB Decision

No County Impact

See Attachments

Referral Officer

Representing the Ulster County Planning Board

Date Received 11/13/2020

Date Reviewed 1/6/2021

Form Date 1/7/2021

Status Reviewed

FINAL ACTION REPORT FORM



Per GML 239-m and -n FINAL ACTION REPORTS ARE REQUIRED TO BE SUBMITTED WITHIN THIRTY DAYS AFTER FILING

Complete the local agency final action box, add the local file number, include any required submittals, and sign the form

Name of Project: Livestock

Referral Number: 2021011

UCPB Decision: No County Impact

Local Agency Final Action:

Approve Disapprove

Member Vote: Yes: No:

County Planning Board Decision - Reviewed no County Impact

Concurs with County Planning Board Modifications or Disapproval

Contrary to County Planning Board Modifications or Disapproval (see required submittals if checked)

Required Submittals Attached

Resolution Attached

Required Submittals:

Within thirty days after final action, the referring body must file a report of the final action it has taken with the UCPB. A referring body that acts contrary to a recommendation of modifications or disapproval of a proposed action shall set forth the reasons for the contrary action in such report attached to this form.

Local File Number: Resolution 167

Municipality: Kingston City

Referring Agency: Local Governing Body

Type of Referral: Zoning Statute Amendment

Name of Applicant: City of Kingston

Project Location: Citywide

Description: Remove Livestock language from Zoning Statute and put it in Chapter 151 (Animals)

Local Officer: _____

Date: _____

~ For Ulster County Planning Board Use Only ~

Local Board Decision:

Original Date Received: 11/13/2020

Original Review Date: 1/6/2021

Final Action Date Received:

Status: Reviewed

Return Form to:

Referral Officer

Ulster County Planning Board
Box 1800 Kingston, N.Y. 12402

Need Help? Telephone: 340-3340

Form Revised 09/26/2000 UCPB

UCPB Date Stamp



RECOMMENDATION

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

REFERRAL NO: 2021-012

DATE REVIEWED: 1/6/2021

Re: Formula Retail Store Law – Zoning Statute Amendment

Summary

The City of Kingston is proposing to amend its zoning statute by adding the term “Formula Retail Store” and “to require that in the C2 and C3 zones, any and all proposals for “Formula Retail Stores” shall require review and approval by the Historic Landmarks Preservation Commission and that any such store not be permitted absent the issuance of a certificate of appropriateness by the Historic Landmarks Preservation Commission...”

The following materials were received for review:

- Referral Form
- Resolution 177 of 2020
- Vote Record
- Email from Elisa Tinti dated 10/1/20
- Laws and Rules Committee Report

Recommendations

The City is in the process of restarting its overall zoning code revamp. The goals of the City’s Comprehensive Plan call for the development of a form-based code. Form-based codes working with design standards, as opposed to non-binding guidelines, are an effective means, once implemented, of generating the communities desired outcomes in a predictable fashion. In other words, visual depictions of individual site or corridor arrangements, building renderings, etc. crystalize the intent behind the words. By providing the planning board with these tools and standards, all uses, regardless of whether they are “formula retail” or not, will have to conform to them. The proposal on the table is too narrow in its focus providing additional review for only a subset of commercial design whereas overarching design standards for the different districts/neighborhoods of the City would capture all uses and ensure that they are all treated equally, regardless of whether they are nationwide establishments or local. The proposed definition for “formula retail store” is also an overreach. It focuses on the standardized aspects of a business without consideration of how many locations a business has. In other words, a local restaurant that has a single location and a standard uniform would be captured in the definition, as proposed.

Disapprove

The amendment, as proposed, only adds another layer of review and serves to make the development review process less efficient, placing a greater burden of time and expense on applicants as they strive to meet the recommendations of two distinct boards for a single project. Instead, the UCPB recommends the City take a more expansive approach for all use types and proceed to develop a new zoning code that focuses on a form-based code coupled with specific

**2021-012 Formula Retail Stores
Zoning Statute Amendment**

design standards by neighborhood and/or place-type. Given the clarity provided by a form-based code and specific design standards, the need for an additional approval would be unnecessary and the HLPC would continue to be used as an advisory resource to the planning board given their background in historic preservation. For examples of a form-based code and place-types, the Ulster County Community Design Manual's place types for downtowns, edges, and corridors may be applicable at certain locations. See: <https://ulstercountyny.gov/planning/design-manual>

Reviewing Officer



Robert A. Leibowitz, AICP
Principal Planner

Cc: Gio Gagliardi, UCPB
Steve Noble, Mayor
Suzanne Cahill, Planning Director



Dennis Doyle, Director

RECOMMENDATION

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

REFERRAL NO: 2021-013
DATE REVIEWED: 1/6/2021

Re: Temporary Use Variance – Zoning Statute Amendment

Summary

The City of Kingston is proposing to add 405-55.1 (C) "Temporary Use Variance" to the City Zoning Statute to allow for temporary uses to occur when a the Federal, State, or City Government has declared a 'state of emergency.'

The following materials were received for review:

- Draft Language
- Referral Form
- Email from 10/1/20
- Resolution 178
- Committee Report
- Cover letter
- Vote record

Recommendations

The UCPB recommends an alternative method to achieving the same outcome. Use variances by their nature are difficult to obtain, require a public hearing, and require the applicant to meet all of the criteria for granting a use variance. Rather than going through a potentially difficult use variance process, we recommend a process that goes through the site plan review as a temporary use permit, which as a temporary use would not require a public hearing. The City would then spell out, depending on the zoning district, specifically which temporary uses were allowed under this permit. The UCPB also would recommend time frames for temporary uses that have tighter constraints,

Disapprove

The current language as proposed is recommended to be disapproved. Instead, temporary use permits should be allowed in commercial districts to allow for more rapid responses to crisis via the site plan review process. Time frames should be limited to the scope of the emergency declared with specific/short time frame to remove the temporary use once the emergency has been declared over.

Reviewing Officer

Robert A. Leibowitz, AICP
Principal Planner

*2020-013 Temporary Use Variance
Zoning Statute Amendment*

Cc: Gio Gagliardi, UCPB
Steve Noble, Mayor
Suzanne Cahill, Planning Director