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June 15, 2021

Hon. Jeffrey Ventura Morell, Chairman Laws and Rules Committee
Hon. Rita Worthington
Hon. Don Tallerman
Hon. Reynolds Scott-Childress
Hon. Patrick O'Reilly

Re: Public Hearing - Change in Zoning ADU

Dear Members of the Laws and Rules Committee:

I am a local attorney as well as a former Corporation Counsel of the City. I also served as attorney for the Ulster County Legislature. I presently have part ownership in two (2) properties in the City of Kingston.

I am writing you to request that the present legislation seeking to modify the zoning law of the City of Kingston be denied as it pertains to accessory dwelling units.

REASONS WHY THE ZONING CODE SHOULD NOT BE AMENDED

The following form the basis for my request that this legislation not be implemented:

1. Census Estimates Show Population in Decline in New York State - articles I've read indicate that pre-pandemic, between 2019 and mid 2020 New York State has lost one hundred and twenty-six thousand people. These statistics are not related to the 2020 census.

Although Kingston post pandemic has seen an influx of new citizens, no one knows whether this trend will continue.

2. Residents in R1 Zones in the City Have Earned the Right to Maintain the Existing

Density - most of the residents who live in the R1 zone in the City have sacrificed for many years to enjoy the benefits of living in an R1 zone. Many of these residents have worked their entire lives and saved to allow the purchase in a home in an R1 district. It would be incredibly unfair to these individuals to shoulder the additional population generated by ADUs.

3. The County of Ulster Will Not Reward the City for Increasing the Housing in the County - my experience has shown me that the County Legislators, who do not serve the City of Kingston, are loath to reward the City by voting to increase the percentage of sales tax that the City receives. No study to my knowledge has been made to quantify the cost associated with the increase in the density in population of the City created by the proposed changes in the zoning law. More than likely, the expenses associated with this increase will be shouldered solely by the tax payers of the City of Kingston. Finally, what are the other towns in our County doing to address this claimed housing shortage?
4. The Laws and Rules Committee Should Secure Opinions from the Comprehensive Plan Zoning Committee - my understanding is that in January of 2017, the comprehensive report was provided to the City that set forth comprehensive amendments to the City of Kingston Zoning Law. I am told that the company of Shuster \ Turner were retained. I am not sure what the City paid for the expert's report, but to my knowledge, none of the recommendations were ever followed through by the City. Certainly, it would be in the best interest of the City to ask these experts their opinion about these proposed zoning changes. It should be noted that a quick review of the draft comprehensive amendments dated February 2017 made no mention of ADUs.

I have also been advised that as recent as April 2021, the Common Council authorized the expenditure of over a half a million dollars to retain the company of Dover, Kohl and Partners to prepare a revised zoning law for the City. The point is the Common Council should defer on this request until these experts give their opinions as to what is in the best interest of the City of Kingston.

5. The Ulster County Planning Board Has Expressed the Need for Significant Changes to the Proposed Amendments to the Zoning Law - certainly the Laws and Rules Committee should not ignore the recommendations of the experts at the Ulster County Planning Board.
6. The Committee Should Consider the Concerns of the City of Kingston Planning Department - unfortunately according to Ms. Cahill's letter of May 18, 2021 that at the last minute, a revised draft of the amendments to the zoning law were

sent to the Planning Board members. This was incredibly unfair to the members of the Planning Board and the Planner of the City of Kingston. Finally, it should be noted that the Planning Board unanimously rejected this proposed legislation.

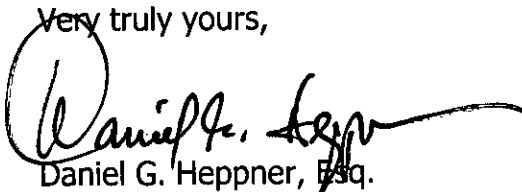
Respectfully, the Laws and Rules Committee should slow down and give this very important proposed legislation the time required before any decision is made to refer the matter to the Common Council.

7. The Opinion of the Ulster County Board of Realtors is Suspect - a review of the members of the Board of the Ulster County Board of Realtors indicates that seven (7) out of the nine (9) members do not live in the City of Kingston. If these seven (7) members lived in R1 zones in the City, would they honestly be in favor of these changes?
8. The Public Deserves to Obtain the Opinions and Findings of the Department Heads of the City of Kingston - the undersigned filed a FOIL request with the City Clerk on June 14, 2021. The request seeks all records of any kind involving a meeting which I am told took place between the Alderman-At-Large, Ms. Shaut and the heads of the Building and Safety Department, Planning Department, Public Works, Water, Fire, Housing and Assessor's Office.
9. During the approximate fifteen (15) years that I worked as an attorney for the City of Kingston, I prosecuted hundreds of violations involving building code violations. Undoubtedly, if this legislation is passed, the Building and Safety Department will have many more violations and complaints to deal with than they presently have. Additional code enforcement officers will be needed. The City Court judges will be burdened with additional cases. As far as the infrastructure of the City, the opinions of the Department of Public Works should be heard, as the aging infrastructure of the City will be stressed even greater than before.

For the above reasons, I respectfully ask that the Laws and Rules Committee vote to deny the proposed ADU law in its' entirety.

Thank you.

Very truly yours,


Daniel G. Heppner, Esq.

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DGH/dm

cc: Hon. Michele Hirsch
Hon. Douglas Koop
Hon. Tony Davis
Hon. Steve Schabot
Hon. Andrea Shaut
Hon. Elisa Tinti
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