

Tinti, Elisa

From: Jennifer Carpino <jcarpino8@gmail.com>
Sent: Tuesday, January 11, 2022 7:59 PM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL]

Good evening. I am unable to attend tomorrow night's meeting, but I'm writing this message in support of the Kingstonian and their plans. I grew up just a few blocks from North Front Street and spent my childhood playing and shopping in the Uptown shops. I love seeing the revival that is occurring there and would love to see it continue. I teach in the Kingston School district and my husband is a Kingston City firefighter. We grew up here and are vested in our community. I truly believe the Kingstonian will be an amazing addition to Uptown Kingston. I understand that people may have different opinions, but I was alarmed to see a recent ad in the Freeman with images and statements seeming to be from the Kingston Fire Department. For me, a group that would use such misleading images and statements to try and sway public opinion for their own gain is untrustworthy and loses all credibility. To me, this just proves that this group is not really concerned about Kingston and it's progress.

I thank you for your time and service.

Jennifer Carpino

Sent from my iPhone

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Tinti, Elisa

From: patrick ford <patrickford56@gmail.com>
Sent: Tuesday, January 11, 2022 9:44 PM
To: Tinti, Elisa
Cc: Scott-Childress, Reynolds
Subject: [EXTERNAL EMAIL] The Kingstonian

Hi. I want to attend the meeting at George Washington school regarding the Kingstonian but I may not be able to. I wanted to voice my support for the project. The developers are reputable people and I believe this project will be an asset to the city of Kingston. The developers have done everything asked of them and the project will definitely benefit the community. It's time to move forward with this project. The detractors have had more than enough opportunity to voice their concerns. Their concerns have been heard and have definitely shaped the development.

Thanks,

Patrick Ford

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Tinti, Elisa

From: Jill Ford <jillkford@yahoo.com>
Sent: Tuesday, January 11, 2022 10:15 PM
To: Tinti, Elisa; Scott-Childress, Reynolds
Subject: [EXTERNAL EMAIL] Kingstonian

Hello. In case I am I able to attend the meeting at GW Elementary School, I wanted to voice my support for the project. The developers are reputable people and I believe this project will be an asset to the city of Kingston. The developers have done everything asked of them and the project will definitely benefit the community. It's time to move forward with this project.

Thank you!

Jill Ford

[Sent from Yahoo Mail for iPhone](#)

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

Due to the current COVID surge I fear to attend a public hearing, however I would like to voice my support of the "Fair Street Abandonment" Here are some of my points/issues/opinions

- 1) This is not new news. The giving up of the Fair Street Extension was part of the Kingstonian Plan from the outset. The Uptown Grill (formerly Elena's) that was on the corner of Schwenk drive and Fair Street extension closed over two years ago in anticipation of the development
- 2) My own perception is that this is not a very heavily used street or a particularly safe one. I have been driving these streets for over forty years and I think that I have used the full length of the extension only a handful of times. Years ago, while driving a manual transmission, I was traumatized during snow/ice conditions, having to stop at the top of that hill. I have pretty much avoided it ever since. I had used it on many past occasions to turn off of Schwenk Drive in order to enter the diner,(which no longer exists) parking lot. I think that closing down the Fair Street Extension to vehicle traffic might make the intersection of the Kingston Plaza and Schwenck drive safer, as it will no longer be four way intersection . A pedestrian plaza is better use of this space and will be a greater asset to the community.
- 3) I am not sure how historic value is defined, but as far as I can determine, this street is not terribly historic. Certainly nothing that comprises part of the original Stockade district. Quoting from Edwin Ford's "Street Whys" "Fair Street Extension opened when the New York, Ontario and Western Railroad built a passenger and freight station at the bottom of the hill, where Kingston Plaza is now. On the corner of North Front Street and Fair Street Extension, a large department store was built by Herbert Carle in 1901." This also reminds us that there is no recent history of having open views from this section of North Front Street. As far as I can tell, in the past century there has always been either a large retail establishment blocking views (which now consist mostly of Kingston Plaza below) or the old parking garage.
- 4) At least the old parking garage had a public bathroom, which I do remember using back in the time when it was available. I would trade Fair Street Extension for the new public bathrooms in a heartbeat. I don't think that having to walk to Dietz Stadium or a Quick Check is a reasonable alternative to having a well maintained pedestrian friendly facility in the heart of our uptown shopping district.

There is a housing shortage for all income brackets in the City of Kingston and the immediate surrounding areas. I had never quite been able to figure out why the New York City real estate moguls, Neil Bender and Charles Blachman (or anybody for that matter) have been so against this project . After all business, gets business and there is enough to go around. They certainly seem to have no shortage of resources to put into frivolous law suits and paid advertising (via William Gottlieb Agency). Now, I can only surmise that they want this project to fail so that they can put their own development plans into place. I am also guessing that they are able to use these lawsuits and advertisements as huge tax write offs. Does anybody believe that these New York City developers have the best interests of the people of Kingston at heart? Support our local developers who have put years of time, money and resources into the development of this trans-formative project.

Sincerely yours,
Ruth Mandelbaum
269 Richmond Parkway
Kingston, New York 12401

Wednesday, January 12th

Addendum to original letter written on January 8th, I thought that I had emailed, but I think that I left the dash out of the address:

I watched the live stream of the Historical Society on Monday night, and I will be composing a letter to them within the next few days. In the meantime, referencing items at that meeting which applied to the Fair Street Extension (and also things that appeared in the news media regarding Fire safety here are my thoughts.

1. There was some talk that I did not understand about street planning that was to promote a grid pattern. As Fair Street extension ends with an entrance to Kingston Plaza and one of the streets leading into Schwenck Drive is one way, I don't see that there is much of a future for this street expanding into a grid.
2. Regarding the comment made in the newspaper from the fire consultant who said that certain fire equipment could not be used for the buildings facing out onto the extension. Would that not be true for any apartment or structure that is not situated and facing directly onto a through street? I am pretty sure that our local fire department knows what to do!

Thanks again,

Ruth Mandelbaum

Gary R. Milliken

POBox 492
415 hurley avenue
hurley, new york 12443

845-331-4924 home
845-594-3364 cell

January 12, 2022

City of Kingston / Common Council
420 Broadway
Kingston, NY 12401

To Whom it may Concern-

I am writing to amend my letter of January 9, 2022.

In that letter I state that Mr. Neil Bender through ads in the The Daily Freeman, directs people to his website for more information. At the time of my writing the website contained no additional information about his opposition to the Kingstonian project or a report he commissioned in regard to fire safety and the impact of the Kingstonian project on the Kingston Fire Department.

Since that time, a link to the report by Mr. Ron Garner has been posted on the website and I have downloaded and made a very quick review of the information therein. More information is always better and I am always open to the opinions of others to help me make an informed decision of my own position.

What I find interesting is that my original comment was that there was no data to back up the bullet points featured in the Freeman ads. Upon review of the data, even a quick review reveals several inaccurate statements and opinions that have little or nothing to do with the question at hand. I don't have time to address them all and I assume that these mis-characterizations have not gone unnoticed by this Council or any of the other Boards, etc. that must review and approve this project.

To highlight just a few however:

- Mr. Garner includes satellite images of "Proposed Kingstonian Project area", which is almost completely incorrect. While his project area includes what is now the pedestrian park and the front of the existing Herzog's Supply warehouse, the remaining area shown extends beyond John Street. It does not include the existing municipal parking lot, the back end of the warehouse or the vacant Elana's Diner, the areas where the bulk of the Kingstonian would be.
- He equates the "closing" of Fair Street Extension, to closing Fair Street and includes photos of buildings he purports would be affected by fire and would prevent the Fire Department from accessing buildings on Fair Street, this is ridiculous and false on it's face.
- He states in "Fact 80:" that *"The more I look at the what the architects for the Proposed Kingstonian project designed for this project the more I wonder if the architects for this project had ever visited Kingston or looked at the structures that exist in Kingston or if they understood the history of those structures or the history of this great city."*

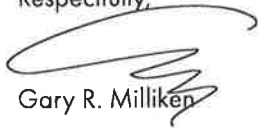
This nothing more than a blatant insult to the developers and architects involved and shows a true bias and opinion from someone who obviously has no knowledge of the architectural history of Kingston, including the fact that the Montgomery Ward building ever existed.

- He strays further afield and proceeds to make assumptions and recommendations for the renovation of the entire Wall Street and North Front Street district. Has Mr. Bender made these modifications to the buildings he owns?

There are a host of other "conclusions" he has reached that I can only judge based on my own knowledge, but I assume that the Planning Board, Fire Department and all the other agencies involved have the resources to review adequately. I don't believe that as his report would suggest, this project has developed in vacuum with no regard to building and safety codes.

As noted, I support moving forward with all approvals for the Kingstonian.

Respectfully,

A handwritten signature in black ink, appearing to read "Gary R. Milliken", with a large, sweeping flourish above the name.

sycamore1754@hvc.rr.com

Attachment

Gary R. Milliken

POBox 492
415 hurley avenue
hurley, new york 12443

845-331-4924 home
845-594-3364 cell

January 9, 2022

City of Kingston / Common Council
420 Broadway
Kingston, NY 12401

To Whom it may Concern-

I am writing in support of the Kingstonian project.

Just over a year ago, I did likewise to the Ulster County Industrial Development Agency and since the comments I made in that letter are, as if not more, valid today, I have attached a copy so as to not rewrite that narrative. My comments here only add to the previous letter and address issues that have arisen since.

In the past year plus, the saga continues, the lawsuits continue and the campaign to stop this project gets more desperate and misguided. I now see full page ads in the Daily Freeman paid for by Gottlieb Real Estate / Neal Bender to "Save the Character of Kingston" and "Save Fair Street Extension". More recently "Report: Taking Away Fair Street Extension Is Taking Away Lives". Both ads say to visit unfairstreetextension.com for more information.

Taking the last first, the website provides no additional information on why Mr. Bender feels this project will change the character of Kingston or any other information, it's a dead end, a copy of the Freeman ad. I addressed the "character" issue thoroughly in the UCIDA letter. He provides no information or position on why he feels that Fair Street Extension needs to be "saved". My personal experience traveling in Kingston, primarily to the Plaza and to Clinton Avenue via Schwenk Drive, I observe that while not unused, Fair Street Extension is not a high traffic street and it's being re-purposed would not create any significant issues getting around uptown.

The current ad referencing a "report" by Ron Graner is also suspect as Mr. Bender does not provide a copy of the alleged report and Mr. Graner has nothing to do with Kingston, he is apparently a paid consultant whose website (copyright 2018) still seems to be under construction and quite honestly a bit amateurish. The "report" bullet points in the ad (again with no data to back them up) are laughable, implying that Fair Street Extension is the one and only way that the Fire Department can access uptown Kingston. "The Kingston Fire Department does not have the staff on duty to perform all of the functions that will be required if the street is closed" is the point with the biggest "Huh?"... why on earth would someone suggest that closing one small street to through traffic would require more F.D. staff? The ad includes a half page photo of the Kingston Volunteer Fire Company ... Kingston, N.J. that is, along with assistance from the Kendall Park (NJ) Fire Company, 130 miles South of Kingston, N.Y. adding to the deception.

The unfortunate aspect of these ads is that there will be a certain segment of the population that will believe them.

Mr. Bender seems to be loudest opposing voice against the Kingstonian project, but nowhere do I see or hear what HIS vision for Uptown Kingston is. He owns several properties, about half that are empty storefronts, generating minimum property tax but no other positive benefit to the community, no sales taxes and nothing to increase visitors who bring their hard earned dollars to our city. If anything, having vacant stores is a net negative to the look, vibrancy and tax base of Kingston. The developers of the Kingstonian appear have a plan, to take the risk to build a multi-use property that regardless of PILOT, Fair Street Extension and numerous other challenges they need to address, will provide more taxes from more sources, risks that Mr. Bender is either unwilling or unable to achieve with his own properties.

Mr. Bender is not alone in expressing unfounded claims against the Kingstonian, in Freeman reporting on the past public hearing among statements, race and wealth have been dragged out as reasons for opposition, suggesting that the developers are just a bunch of white men looking to make a profit, etc:

"I'm completely against the giving of public resources over to private developers," Cheryl Schneider said. She said if the developers of The Kingstonian, Herzog Supply Co. and Kingstonian Development LLC, could not "make a buck" constructing their project without the public having to give away its streets, schools and tax money to them, then "maybe they have a sucky business plan."

They may be white, they assuredly would prefer to make a profit (but there is no guarantee) or they likely wouldn't be in business and anyone suggesting that this is just one more instance of the "rich" getting over on the "poor" might want to look into the long history of charity and giving to Kingston and surrounding communities by the Jordan family, they just might find they have benefited from their generosity.

Opponents, including Ms. Schneider obviously doesn't have a clue as to what it takes to develop such a property, the investment, the legal fees to address frivolous lawsuits and the lengthy and complicated process to meet all of the requirements. She doesn't understand that Kingston is not giving tax money to the developers, they are accepting an offer to receive a predetermined amount of tax dollars, that is maybe less than the full assessment, but whatever the amount it is more than zero.

Others seem to question the very integrity and honesty of the men and women who sit on the committees and boards (including the Common Council) that are reviewing the project, questioning for instance, the ACTUAL number of parking spaces available to the public and the ACTUAL number of affordable units. Apparently you are all involved in a big scheme.

But the up coming public hearing and this letter are ultimately about transferring Fair Street Extension to the developers of the Kingstonian, which I fully support. The developers have been up front about their plans and objectives, they have been responsive to public input, they along with their architects have worked to improve the vision of the proposed property, they have stuck with the process despite the opposition. They have done all the right things.

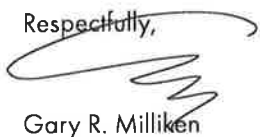
The benefits to our tax base, our population base, the attractiveness and vibrancy of greater Kingston that has been sought for decades post-IBM far outweigh those currently the result of Fair Street Extension as it exists now.

Other development proposals have come and gone and as time marches on, the cost and process of undertaking such a project are getting more complicated and more expensive, putting ever greater pressure on a projects ROI.

In my opinion, if the transfer of Fair Street Extension is not granted and if the Kingstonian does not gain the necessary approvals and permits to proceed, this may be an opportunity lost forever. The City of Kingston will be on record as setting a bar that no developer will be willing to jump over.

I urge you to approve the transfer and allow this project to move forward with all expediency.

Respectfully,



Gary R. Milliken

sycamore1754@hvc.rr.com

Attachment

Gary R. Milliken

POBox 492
415 hurley avenue
hurley, new york 12443

845-331-4924 home
845-594-3364 cell

October 6, 2020

To;

Ms. Rose Woodworth, Chief Executive Officer
Ulster County Industrial Development Agency

Re:

Kingstonian project

Dear Ms. Woodworth-

I am writing in support of the proposed Kingstonian project.

While not a resident of the City of Kingston, instead residing just outside the City limits in the Town of Ulster, I and my family have long ties to Kingston. Currently, I own the family farm on Hurley Avenue and my daughter is the sixth generation to reside here since 1861, our house was built in 1749. My Great-great Uncle Howard Myer's cigar factory was at 39 John Street, the building bears his name. My Grandfather and Father's architectural firm was active for decades and among other notable projects, my Grandfather designed the reconstruction of the City Hall tower and worked with John Pike on the Pike Plan. My Grandmother spent years working at the Senate House and Museum, not only as a guide but also transcribed for preservation many historical documents.

Born in 1962, I remember Montgomery Ward before it being demolished and replaced by the now demolished parking garage. I remember the days before malls, when IBM was in full force and uptown Kingston was a busy, vibrant district of commerce. I also remember IBM shutting off the lights and closing the doors and several decades of the City of Kingston trying to reinvent itself as businesses left uptown for the malls in the Town of Ulster.

Because of various events, a resurgence in Kingston seems to be taking hold. Visitors, tourists and new residents are flocking to the area to live in and enjoy the area and the multitudes of excellent restaurants and other attractions. This resurgence seems like the shot in the arm the City has needed for so long, which is why I am at a total loss to understand the fervent opposition to the Kingstonian project by a vocal minority.

There are several points the opposition makes that defy logic. I understand that several of these voices may be recent transplants to Kingston and may not have a full appreciation of the history of Uptown.

Much of this opposition can be summed up in the petition by developer Neil Bender who apparently owns several vacant properties and has "plans", none of which seems to be racing toward fruition...but let's take a look:

- The Kingstonian can be seen from 317 Wall St. future home of the Ye Olde Stockade Tavern. I would ask, so what? There are plenty of buildings that can be seen from 317 Wall St. and that likewise can see 317 Wall St., in all it's vacant glory.

Mr. Bender, et al, are obviously ignoring the fact that the location of the Kingstonian once was the home of Montgomery Ward, which could also be seen from 317 Wall St.

KingstonCitizens.org states: "...will dwarf all other buildings in the small district." If they have ever taken time to look at old photos of the western end of Wall St., they would see that the Montgomery Ward building "dwarfed" the area in the same way, that is to say, it doesn't.

- He is concerned the project "...will degrade the historic character of the area" and adversely affect his plans, "...which draws on the historical, Revolutionary War-era character and architecture in the Kingston Stockade District," Is he aware that there is nothing remotely "historical" or "character(istic) of the Revolutionary War architecture" in 317 Wall St. or any of the other buildings he owns, with the exception of 63 North Front St.? The only thing Olde about Ye Olde Stockade Tavern would be using Ye Olde to describe something that isn't.

The argument of the Kingstonian and other projects that have come and gone, having an adverse effect on other Historic locations within the Stockade District also seems thin. I would ask those that contend this, to produce one single person who has considered traveling to Kingston, to immerse themselves in it's history including "...the only intersection in America where the buildings on all four corners were built pre-Revolutionary War, the intersection of Crown Street and John Street.", having cancelled their plans because they became aware that within view of several of these locations, there in fact had been constructed a large, '60's era, modern building, the Ulster County Office Building.

- There is concern raised about the effects of excavation and construction at the Kingstonian site disturbing historic structures, including the Senate House. Once again, I would point to the fact that multiple cycles of construction and destruction have taken place on these sites at times when there were no codes or regulations to control such work.

- There seems to be opposition to so called "luxury apartments", again, I don't understand, so we should eschew potential affluent residents? The same residents that would be paying taxes and supporting businesses in the City? You would think Mr. Bender would welcome hundred's of potential customers within walking distance of the properties he owns, customers that purchase goods and services from the very people who pay rent to him.

If he and others are ultimately concerned with competition, they must not feel very confident in the plans they have. One only has to look at an establishment like The Hoffman House, where for over 40 years, Pat and Ginny Bradley not only survived, but thrived. Many excellent and successful restaurants have come and gone during that time and I would suggest that will always be the case.

The Kingstonian developers seemed to have addressed the question of mixed housing, so why the narrative of exclusively "luxury apartments" still exists can only be the result of opposition at all costs.

- Now the plan of attack is apparently over the PILOT. Am I to believe that NOT having new residents moving into Kingston, fewer people eating and shopping in Uptown, fewer people staying in hotels, fewer people generating tax dollars would be a net positive?

The City of Kingston seems to have a track record on development of shooting itself in the foot. There is the cloud of the old Post Office looming over every project 50+ years on.

I believe every project should be thoroughly studied and all of the regulatory boxes checked, but I remain strenuously opposed to never ending streams of lawsuits, brought by a very vocal minority, to suit their own purposes (not the greater good of the City). Far too often, these legal maneuvers work by wearing out the developer and ultimately creating a future where developers will take a pass if they are potentially confronted by such a hostile environment.

As noted before, Kingston seems to be finally experiencing a post-IBM resurgence. Now is the time to embrace the Kingstonian project and build on the positive momentum. The residents of Kingston and tax payers to the Kingston City School District will benefit, including Mr. Bender, his LLC CREDA and all the other nay-sayers.

Sincerely,



Gary R. Milliken

sycamore1754@hvc.rr.com

Tinti, Elisa

From: Sharon Farley <sharonfarley73@gmail.com>
Sent: Wednesday, January 12, 2022 11:09 AM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Partial Road Closure Fair St Ext

I live in the City of Kingston and work in Uptown Kingston and I am in support of the partial closure of Fair Street Ext, because of the multitude of benefits that it will bring to the area.

--

Sharon Farley
Murphy Realty Group
Sales Manager
<http://www.murphyrealtygrp.com/>
Licensed Associate Real Estate Broker
Cell (845) 453-0685
Office (845) 338-5252
Fax (845) 338-2388



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Tinti, Elisa

From: Eleanor Menges <abuela21749@gmail.com>
Sent: Wednesday, January 12, 2022 11:27 AM
To: Tinti, Elisa
Cc: carlfrankel@gmail.com
Subject: [EXTERNAL EMAIL] The Kingstonian

I am in favor of the Kingstonian for the following reasons:

- 1- Zero cost to the taxpayers. Increased sales tax.
- 2- Additional tax revenue. Tourism.
- 3- Construction jobs.
- 4-no changes in road ownership, continue to be owned by the City of Kingston.

Most importantly, it will be beneficial to the community in more ways than not.

These are just a few reasons why the construction of the Kingstonian is a major plus to our city.

Let us fight together and not let outsiders control our city.

Thank you.

Eleanor Menges

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To the Common Council public hearing on 1/12/22 re: the abandonment of the Fair St. Extension

From the inception, the developers attempted to bypass a requirement for 20% affordable housing. They argued against it in every way possible and finally gave in to community pressure and agreed to 10% affordable units but only by increasing the project by 14 apartments.

From the inception, the New Paltz mayor spoke strongly about the failure of pilot projects to benefit communities as much as they benefit developers. The Pilot project (payment in lieu of taxes) in Poughkeepsie, built by these same developers, has received less than glowing reviews procedurally and functionally.

Strong arguments have been made about the lack of environmental initiatives in this project and a critical point was raised that the environmental specifications don't even meet current standards. What will be the condition of this building in 10 or 20 years, when environmental building codes will be even more stringent? How much costly retrofitting will be required?

The original architect presented a public slide show in which he spoke about how thoroughly his firm considered the aesthetics of the historical Stockade district in preparing their design. When asked if they had taken into account the Senate House, he didn't know what the Senate House was.

The allotment of parking spaces, which is at the heart of this project, varies significantly based on who presents the figures. The proposed boutique hotel and the gated community of the Kingstonian itself, stand to gain more than the needs of public parking.

Now we face the sale of the Fair St. extension with a partial and incomplete traffic study and a glossing over of what the loss of the street at a selling price way below its value, means to the city.

All along the way legalities have been strategically skirted in order to allow this project to go forward. When pressed by community members on these points, the city government has made excuses and pressed on.

One of the key players in the city, the School Bd., voted 6-3 against the Kingstonian project and the head of the Board has been outspoken about the loss of tax money for schools because of the enormous tax breaks given to the developers.

As an overview, it's my opinion that rental and affordable housing in Kingston is at a breaking point. We hear over and again of rental units lost to Air bnb and to landlords selling off property at extraordinarily inflated prices. The low income population, the homeless population as well as young professionals - artists, teachers, medical workers, entrepreneurs, cannot find housing that meets their financial capacity.

Finally, the Dover-Kohl organization hired by the city to study and review future planning, holds a negative view of the Kingstonian. Unfortunately, their final report will not be issued until March, 2022.

The potential for Kingston to manifest as a progressive city, to recognize this moment of cultural change and transition and meet it in a leading way, is bypassed in the bitter arguments over the Kingstonian, both in its process and its impact.

Sincerely,

Steve Clorfeine
280 ½ Washington Ave. Kingston NY

Tinti, Elisa

From: Patricia Betterton <betterton56@gmail.com>
Sent: Wednesday, January 12, 2022 11:39 AM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Partial Road Closure

Dear Common Council

I am writing to voice my support for the partial road closing in uptown Kingston. I work for Murphy Realty Group on Wall St. and cannot tell you how excited I am about this project. For both my local and out of town clients, this project will provide much needed parking, additional housing and a public meeting space for all to enjoy. The Kingstonian will be a destination adding revenue and exposure to this wonderful historic city. Thank you, Patricia Betterton

Sent from my iPhone

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Tinti, Elisa

From: Meg Ehmann <megehmann@gmail.com>
Sent: Wednesday, January 12, 2022 11:43 AM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Partial Road Closure Of Fair St. Extension

Dear Kingston Common Council Members,

As a life long resident of the Kingston area I am 100% in support of the partial closure of Fair Street extension for the Kingstonian project. It is important to hear from people such as myself who have a life long history here in Kingston and are excited about what this project means to our City in general. I speak for the majority and I can not stand by without expressing to you what most of us want. We support every part of this project and the partial street closure is essential to this project. Thank you for hearing me out. Meg Ehmann

Marguerite A Ehmann | Murphy Realty Group | Licensed Real Estate Broker | Office: 845.338.5252 | Mobile: 914.388.7543
| megehmann@gmail.com |

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Tinti, Elisa

From: Caitlin Bradley Tornichia <caitlinbradley@gmail.com>
Sent: Wednesday, January 12, 2022 12:26 PM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Partial Road Closure Fair St Ext

I am in favor of the partial closure of the Fair St Ext to through traffic to make way for the proposed mixed-use development known because of the multitude of benefits the project will bring to the community.

Thank you,
Caitlin Bradley

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Tinti, Elisa

From: Mohonk Landscaping & Turf MGMT <mohonklandscaping@gmail.com>
Sent: Wednesday, January 12, 2022 2:43 PM
To: Tinti, Elisa
Subject: Re: [EXTERNAL EMAIL] The Kingstonian Public Hearing

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mrs Tinti-

I wanted to check in to see if my email would suffice towards support of the Kingstonian and the partial closing of Fair street? I have not heard back on a speaking time but so have other obligations that may prevent doing so.

Also, Oscar Vidal, my father has asked me to see if there is a speaking time assigned to him. I did call and leave a voicemail for you.

Thank you,

Alex

Alex A Cabrera
Mohonk Landscaping & Turf Management
(845) 750-7236
mohonklandscaping@gmail.com

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fmohonklandscaping.com&c=E,1,OZ5k84ReS_e7Xxn_fwXTOhi0lvfq0YzkJxgc7Gz1SF9KCEo6S6m2mUPY1DfZGQP3x4IRtgAVUnV5FZ4PzwZmwhRJWTuL4KY4lwKfefjp&typo=1

Sent from my iPhone 12 Pro

> On Jan 7, 2022, at 3:21 PM, Tinti, Elisa <emtinti@kingston-ny.gov> wrote:

>

> Received, thank you.

>

> Elisa Tinti

> City Clerk and Registrar

> City of Kingston

>

> (845) 334-3914 Office

> (845) 334-3918 Fax

>

> Kingston City Clerk Webpage

>

>

>

>

> -----Original Message-----

> From: Mohonk Landscaping & Turf MGMT [mailto:mohonklandscaping@gmail.com]

> Sent: Friday, January 07, 2022 3:12 PM
> To: Tinti, Elisa <emtinti@kingston-ny.gov>
> Subject: [EXTERNAL EMAIL] The Kingstonian Public Hearing
>
> Hello,
>
> I was made aware of the public hearing speaker signups for the Kingstonian project and partial closure of Fair St. As a small business owner in Kingston and lifelong resident, I would like the opportunity to publicly voice support for these measures being passed.
>
> Thank you for your time and look forward to the opportunity.
>
> Alex
>
> Alex A Cabrera
> Mohonk Landscaping & Turf Management
> (845) 750-7236
> mohonklandscaping@gmail.com
>
>
> Sent from my iPhone 12 Pro
> ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.
>

All of the benefits the Kingstonian will bring are at ZERO cost to the taxpayers. The community will receive a public parking garage, more tax revenue, affordable housing, public restrooms, new housing stock, over 300 new daily consumers to the uptown district, construction jobs, increased sales tax, tourism and ADA compliant pedestrian access to the business district.

Kingstonian Partial Road Closure Talking Points

- The pedestrian plaza is one of the most valuable parts of the project. It creates a public gathering spot for area residents and visitors with entertainment space, meeting space, public restrooms and kiosks offering information on historic venues throughout the Hudson Valley.
- The road will continue to be owned by the City of Kingston, but the Kingstonian will be responsible for all necessary maintenance and repairs moving forward. This includes paving, plowing, lighting, security, and repair and/or replacement of infrastructure and the components of the project. So, the city maintains ownership but all costs shift to the developers.
- The developers are providing enormous benefits in return for the necessary road abandonment. Public parking, housing, public gathering space, jobs, sales tax, ADA compliant pedestrian access, tourism, hotel rooms etc.
- The consequences of the road abandonment were included in the traffic study presented as well as in the City of Kingston's own DRI uptown traffic study which specifically addresses Schwenk Drive. Both studies concluded the project impacts were minimal and easily mitigated.
- The public plaza will contain a kiosk promoting historic sites in and around Kingston and the Hudson Valley
- There will be storefronts inside the pedestrian plaza creating sales tax and employment
- The abandonment is also necessary to construct the ADA compliant pedestrian bridge which economically links the uptown business district to Kingston Plaza and additional parking
- Linking the 2 important business districts via the bridge is a proven economic benefit booster
- The pedestrian plaza and ADA compliant bridge are part of the DRI grant and specifically included in how the DRI funds must be used
- The bridge encourages walkability and pedestrian safety-2 things the project was asked to provide
- As presented from the onset, the linking of both sides of the street is what makes the project most beneficial to the community and economically feasible to build. It allows the project to meet multiple goals outlined in advance by the City of Kingston and so much more—public parking, housing, employment, walkability, pedestrian safety, public restrooms, affordable housing, and public gathering space.

Tinti, Elisa

From: Jennifer O'Donnell <jenniferodonnell2018@gmail.com>
Sent: Wednesday, January 12, 2022 3:03 PM
To: Hill, Barbara; Frankel, Carl; Scott-Childress, Reynolds; Worthington, Rita; Muhammad, Naimah; Davis, Tony; Olivieri, Michael; Schabot, Steven
Cc: Tinti, Elisa; Shaut, Andrea
Subject: [EXTERNAL EMAIL] Tonight's Public Hearing: Unable to attend in person; an attendee will read my testimony

Follow Up Flag: Follow up
Flag Status: Flagged

Esteemed Aldermen:

Congratulations on your election or re-election to the Common Council!

I regret that I will not be able to attend the public hearing this evening regarding the Fair Street Extension. My son's class was exposed to Covid last week and we must take every precaution to keep our children and elders safe, so we are isolating for the recommended period of time.

At a time when the infection rates are many times higher than ever during the pandemic and given the Governor's renewal of the order to hold meetings virtually, it is very disappointing that the City has decided to proceed with an in-person only hearing.

I will have my testimony read by Gloria Waslyn. I attach it below with an image that I hope you have already seen, as it was part of the plan for uptown that your predecessors voted to fund and implement.

I hope you will contact me if you have any questions or concerns.

Respectfully,

Jennifer O'Donnell

--

Jennifer O'Donnell
Mobile: 845.389.2404

Principal and Founder
HONE STRATEGIC LLC

A Woman-Owned Business Enterprise (WBE)
Urban Planning & Historic Preservation
Development Advising/Project Management
www.HoneStrategic.com

Jennifer O'Donnell Testimony - Fair Street Extension

I am Gloria Waslyn. This is testimony by Jennifer O'Donnell, Kingston resident, and urban planning professional.

The Fair Street Extension is a key part of the vision for Uptown Kingston in the I-587 Intersection plan. The Ulster County Transportation Council made this plan in a highly participatory process in 2011. Kingston's Mayor serves on that council. In 2014, the Common Council voted to fund and implement it. It was also part of the DRI Uptown application proposal.

What was that vision? It extended uptown through Kingston Plaza and connected I-587 into the plaza. When I-587 was built during Urban Renewal, it effectively bypassed Uptown, destroying its economic vitality. Access and circulation are the keys to a successful business district. The current I-587 plan reverses that damage and provides an opportunity to create numerous building parcels, building frontage, and commercial activity. When plans like this are adopted, federal and state funds are available.

Well-planned development parcels, affordable housing, walkability, parks, and trails are critical for uptown's economic future. The I-587 plan was based on the proven success of form-based code that is successfully reshaping neighborhoods across America -- not just one site for one private development!

The recent rezoning process was so well done and inclusive. Dover Kohl, the planners who worked with us, were very clear when they said: ***"Never give up your streets!"***

To abandon a street in Kingston, the city's code requires that the city planner justify the abandonment of a street with a detailed report and data showing that the street is not useful. This was never done. We should make all our decisions informed with facts. We should honor the commitments we make to the public. We should respect the laws that exist to protect us all.

There is no justification to renege on an effort that was funded by taxpayers. By doing this, you are telling the public not to trust your plans and that their participation doesn't matter.

The public needs to trust that elected officials will pursue the plans they make in good faith. Don't further the mistakes we made during Urban Renewal.

Please vote **NO** to closing the Fair Street Extension.

Thank you.



City of Kingston I-587/Albany/Broadway Intersection S

Conceptual Design Report

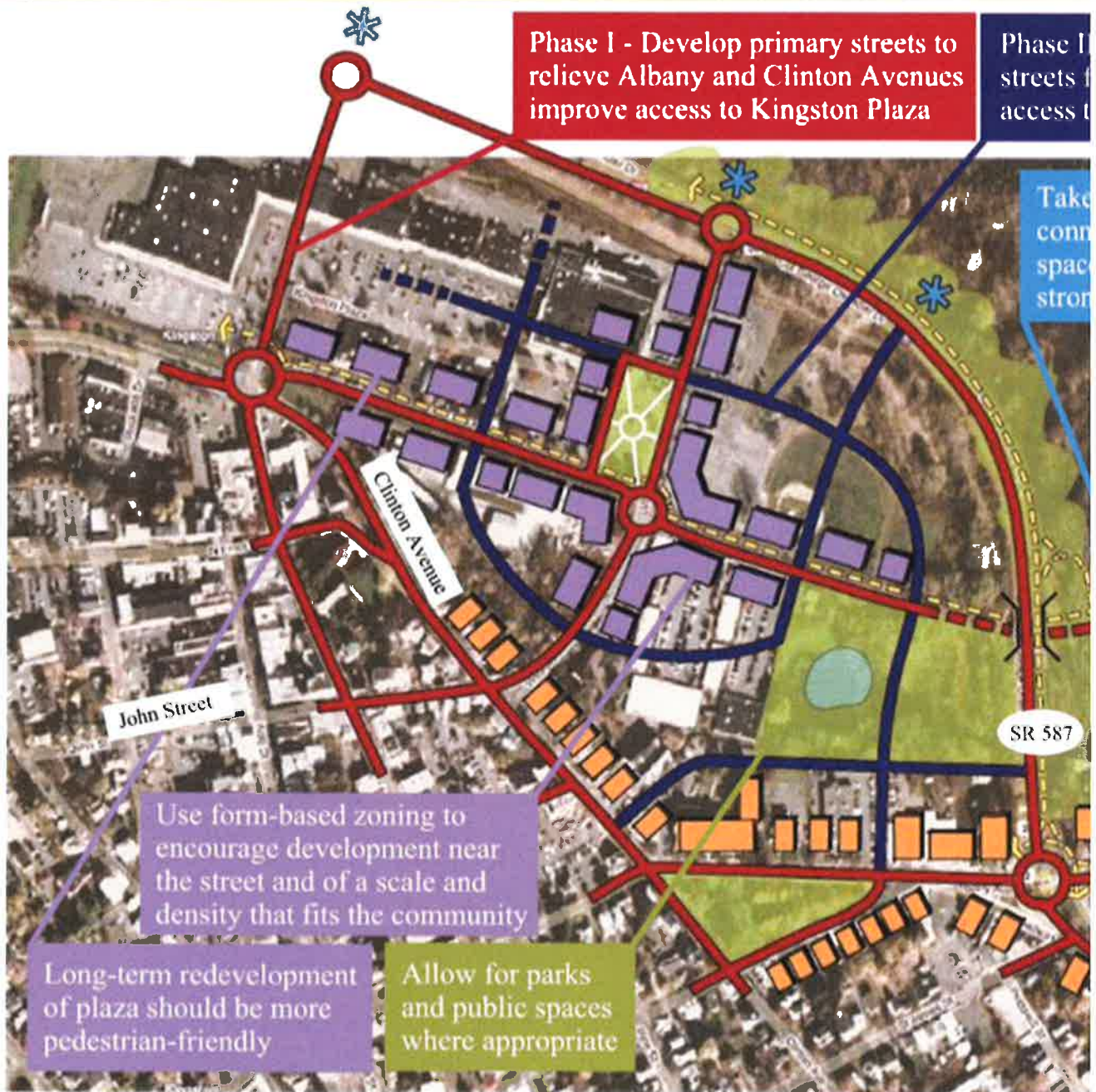


Figure 2: Expanded Street Network and Place Making Opportunities

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Tinti, Elisa

From: JOAN DEMOSTHENES <toxni@aol.com>
Sent: Wednesday, January 12, 2022 3:22 PM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Partial Road Closure Fair Street Extension

Follow Up Flag: Follow up
Flag Status: Flagged

I live, work and shop in the uptown area and support the partial closure of Fair Street Extension because of the multitude of benefits the project will bring.
Kingston needs this project!

Thank you,
Joan Demosthenes

Sent from my phone

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Tinti, Elisa

From: Shaut, Andrea
Sent: Wednesday, January 12, 2022 3:23 PM
To: Tinti, Elisa
Subject: FW: [EXTERNAL EMAIL] Kingstonian Project Comment. Letter of support.

Follow Up Flag: Follow up
Flag Status: Flagged

For the full council....

-----Original Message-----

From: ROBERT DENNISON [mailto:radennison@aol.com]
Sent: Wednesday, January 12, 2022 2:53 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Cc: Davis, Tony <tdavis@kingston-ny.gov>; Noble, Steve <SNoble@kingston-ny.gov>
Subject: [EXTERNAL EMAIL] Kingstonian Project Comment. Letter of support.

To the Common Council regarding the Kingstonian proposal :

We are writing to express our support for the Kingstonian Project and the closure of Fair Street extension to allow the project to construct a pedestrian plaza. As you all know there is a shortage of housing in Kingston and this project will help relieve some pressure on the housing market by adding to the housing stock in the City. We believe the addition of housing in uptown will add to the energy and health of this section of the City.

We encourage you to approve the street abandonment and the other elements necessary for the project to move forward. Thank you.

Robert & Lynn Dennison
122 Wilson Ave
Kingston, NY

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Tinti, Elisa

From: Erick Mercado <emercado@vidareal.net>
Sent: Wednesday, January 12, 2022 11:47 AM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Making my vote count (kingstonian Project)

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern:

I Erick Mercado Pastor of Vida Real Evangelical Center .Located in 105 Pine st kingston NY and as one of the voice of Hispanic community I want to to vote in favor of the kingstonia Proyect.

I believe this will provide better opportunities for our community and for our city.

Unfortunately for health reason I can't be present for this meeting.

Hopefully I can make my vote count.

Thank you very much.

Pastor Erick Mercado
Vida Real Chuch kingston
Tel. (845) 217-9129

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Tinti, Elisa

From: Frank Flynn <frank@frankflynn CPA.com>
Sent: Wednesday, January 12, 2022 9:41 AM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Kingstonian public hearing 1/12/22

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Tinti,

Kindly pass along my message that I am in support for the partial closure of Fair Street extension in order to move forward with the proposed Kingstonian project.

I am sorry that I cannot attend the meeting tonight in person.

Thank you,

Frank Flynn

Francis P. Flynn CPA

Francis P Flynn CPA PC
45 Pine Grove Avenue Suite #214
Kingston, NY 12401

www.frankflynn.com

v (845) 340-7999

f (845) 340-7998

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Tinti, Elisa

From: Harris Safier <hsafier@bhhshudsonvalley.com>
Sent: Wednesday, January 12, 2022 4:20 PM
To: Barbara Hill; Tinti, Elisa
Subject: [EXTERNAL EMAIL] Letter to the Kingston Common Counsel on the issue of Fair Street hearing

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Members of the Kingston Common Council;

I am a Kingston resident and own 3 buildings in the uptown area of the City, in addition to one building lot. I have been a full time resident for over 12 years, having relocated here from Stone Ridge. I currently live at 67 Lounsbury Place.

I am writing to voice my strong support of whatever legal action is needed for the City to convey, or grant an easement to, the property now Fair Street from N. Front to Schwenk Drive, to the developers of the Kingstonian Project.

I have attended several different meetings over the years and have learned as much as possible about the project. After much consideration, I think the Kingstonian will become a huge benefit to the businesses in the Stockade District particularly, and to all the residents of the City. We cannot grow in this area without the creation of parking places for visitors who wish to transact business, and thus spend their money in the City. The empty hole at the bottom of Wall Street (bordering it at Fair Street) has no historical significance or redeeming aesthetic value to our beautiful Stockade District. I can vividly remember parking my automobile in the crumbling multi-level public parking garage years ago. What an eyesore that was, for many years, on this very site in question.

From the very beginning of the Kingstonian project plans, Fair Street was envisioned as being abandoned for car travel. What it is to be replaced with will be ever so much more beneficial to the residents and the patrons of businesses in the area. It appears to me that it will even become a central location of assemblage, on the plaza, once we are all feel safe again being in public assembly.

It seems to me that some very prepped and vocal people are doing anything they can to thwart or delay the creation of the Kingstonian, cause the developers stress and strain, and cost them as much money as possible. They are also taking tremendous time from various Boards, Committees, and your Common Council when so much of the review has already been conducted over the last years. It feels sad and irresponsible to me, and one wonders how many of such vocal opponents actually live in Uptown Kingston, or live or own properties in Kingston at all. I have noted at meetings, speakers who work for paid consultants and law firms. I wonder just how much time such "voices" have actually spent on the ground in the Stockade neighborhood, and have seen what daily life here is, and what we need so desperately for the District to thrive in the 21st Century.

I ask that you please remove the last of the stumbling blocks to this project that you can, so that some of us can look forward to living in the District well into our 80s and 90s in ADA Compliant and accessible places, like the Kingstonian will be. I love the architecture and the history of our beautiful city. But no community can retain its functionality for over two centuries without changing and improving, based on the community's needs. Those of us who live here likely have the best sense of what we need. This project honors our history

and provides for modern means of accessibility. I assert that when the grid was originally laid out, no human could have foreseen the advances of technology and needs of the 21st Century resident. This project has evolved and only gotten even better, based on community feedback, because the developers are local, and they care about the impact on their community, their city, and the legacy they are creating here.

I have also seen continuing efforts to keep this project environmentally friendly. I see integrity in the engagement of noted local architect Scott Dutton and Associates. I believe in my heart and mind that the access to the Historic Stockade District needs to evolve for visitors on foot, in vehicles and on bicycles. The streets cannot remain exactly the same as they were laid out when the city was settled, given current day lifestyles and needs. We are not living in Colonial times. We can honor our history and also be practical and realistic.

I note that Friends of Historic Kingston and the NYS Office of Historic Preservation have not weighed in that the project would have a negative impact on the District. The mass of the buildings is greater than what remains now of the older buildings on N. Front Street. Very few of these buildings are from Colonial days. However, in the District's history there have been other commercial spaces larger than the currently "average" scale buildings, and in fact, I see the Kingstonian as finally connecting the District to the contiguous Kingston Plaza, which provides many essential services, in accessible, newer edifices, while on the Front Street facades it will be in total scale with existing antique buildings. I assert that it is impossible to please everyone's aesthetics. I have trust in the evolving plans with Scott Dutton particularly.

Lastly, truly a local family, the Jordans, live and work in this community. This project provides a net increase of some 140 (vitaly needed) public parking spaces. For years our City has tried to secure interest in the former parking garage site at the base of Wall Street. The Jordans' (Herzog) ownership of the contiguous property makes them the only developers, in my estimation, who can create a financially viable project to provide public parking and substantial residential housing, plus added retail space. If this project, after all the invested time and money, is sidetracked at this stage, we will be facing a hole in the ground and a black-top parking lot for decades to come in my estimation. We will never find another developer with such ties to the community as the Jordan family. De-railing the Kingstonian would be in no resident's best interest and a very unfortunate way for a newly installed Common Council to create its legacy. I really hope that you can envision Kingston's future, while honoring its rich history.

Thank you all for your time and important consideration.

Sincerely yours,

Harris Safier
67 Lounsbury Place
Kingston, NY 12401

--

Harris L. Safier, CRB, CRS, GRI
Licensed Associate Real Estate Broker
Berkshire Hathaway HomeServices
Hudson Valley Properties
(former CEO Westwood Metes & Bounds)
914.388.3351 mobile *
845.340.1920 office

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Tinti, Elisa

From: Edwin Maldonado <edwinjmalDONado@yahoo.com>
Sent: Wednesday, January 12, 2022 4:31 PM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] I Support The Partial Street Closure

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Kingston Common Council Member,

I am writing in favor of the Council voting to close Fair Street Extension. While I do not live in the City of Kingston I've worked in Uptown Kingston for the last 22 years. The nature of my business has me constantly coming to and going from our office on Wall St., multiple times a day. The reality is I use Fair Street Extension as much as anyone, probably more than most City residents, but I see the Kingstonian project as a tremendous benefit, not only for the City of Kingston and its residents but to the surrounding communities also and using one of many alternate routes to Schwenk Drive or the Uptown District would not be a terrible inconvenience for me or anyone else. Throughout this lengthy process you've seen and supported the multitude of public benefits the Kingstonian project brings and this decision, part of the plan from the beginning, is simply another step along the way.

I thank you for your continued support for this vital economic initiative.

Regards, Edwin

Edwin J. Maldonado, GRI

NYS Licensed Real Estate Broker Associate

License #: 30MA0929099

Murphy Realty Group

2006 REALTOR® Associate of the Year- UCBR

2008 President- Ulster County Board of REALTORS®

2012- NYSAR Executive Committee

2012 Chair- NYSAR Organizational Planning Committee

2014 - 2021 Five Star Professional- Hudson Valley Market Leader

(included in Forbes Magazine-Aug/Sept 2021 issue)

2007 - 2019 Member & Co-Chair- Town of Olive Planning Board

(845) 389-8555 Cell

(845) 338-5252 Office

edwinjmalDONado@yahoo.com

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Tinti, Elisa

From: Steward, Donald <stewardd@sunyulster.edu>
Sent: Wednesday, January 12, 2022 4:35 PM
To: Tinti, Elisa; mayor@kingston.gov; info@kingstonianny.net
Subject: [EXTERNAL EMAIL] Kingstonian project and the partial street closure hearing on 1-12-22

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

My name is Don Steward and I am writing to inform the Council that I am in favor of this project.

I am a long time resident of the City of Kingston, born and raised. I have three children that attend school within the Kingston City School District and along with my wife, are also current residents of this city as well.

Unfortunately, I am not able to attend the hearing at G.W. this evening but I do not want to miss out on this opportunity to offer my support.

I am familiar with the project's outlines and I strongly believe that it will have a positive and generative impact towards our local economy. This project not only supports tourism which our area so desperately thrives on right now more than ever, but it will add quality and functionality to the experience of anyone who visits the City of Kingston. Whether they vacation here for the week or weekend, frequent the area daily for work or just simply stop by to make a quick and convenient purchase from one of our local vendors, this project is guaranteed to satisfy.

With the addition of new and much needed parking, along with the humane convenience of adding public restrooms and ADA compliant upgrades, the Kingstonian Project is aligned to compliment all that uptown Kingston will have to offer.

In my opinion, the most exciting aspect of this project will be the planned Pedestrian Plaza and Walkway Bridge. Even though this involves the necessary partial closure of the Fair Street extension, the pros well outweigh the cons. Temporary road closures seem to be a common occurrence in uptown Kingston throughout each year. We close streets down every time there's a holiday or community event including weekly farmers markets that bring in folks from all around. Rarely do I ever experience or hear of it being a concerning issue. If anything it is more of an annoyance not knowing if a public road is going to be open for driving or closed off for walking. I believe the road abandonment for a Pedestrian Bridge along with the Pedestrian Plaza should ideally provide the needed dedicated space for this kind of activity to safely take place.

With all of this transpiring without the financial burden being set upon the taxpayers would be a true win for our community.

Thank you for your time and for receiving this message.

Don

--

Donald Steward
Director of Plant Operations
SUNY Ulster
(845) 687-5191
stewardd@sunyulster.edu

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Tinti, Elisa

From: Philip M Erner <pme@riseup.net>
Sent: Wednesday, January 12, 2022 4:53 PM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] public comment r.e. THE PARTIAL ABANDONMENT OF FAIR STREET EXT.

Follow Up Flag: Follow up
Flag Status: Flagged

Dear City of Kingston government:

I urge your to reject the Fair street abandonment process and reverse your previous approvals for the Kingstonian PILOT.

Please re-direct your efforts toward socioeconomic equity protecting the most vulnerable and housing-insecure in Kingston.

Sincerely,

Phil Erner

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Tinti, Elisa

From: Dan Ahouse <djahouse11@yahoo.com>
Sent: Wednesday, January 12, 2022 5:08 PM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Fair Street Extension Partial Abandonment/Kingstonian

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Members of the Common Council:

My name is Dan Ahouse and I live at 24 Heritage Court in Kingston. I'm writing to express my strong support for the partial abandonment (not sale) of Fair Street Extension as well as the broader Kingstonian Project. The partial abandonment of Fair Street is an action consistent with steps already taken by the Common Council to realize the full public benefits of the Kingstonian project, including the awarding of a construction easement to build a public plaza over the site of the partially-abandoned street. Without the abandonment, the Plaza could not be built, removing a substantial public benefit from the project and likely jeopardizing the project moving forward at all.

The Kingstonian is the most scrutinized project Kingston has seen in generations. It has been exhaustively reviewed over the past **FOUR YEARS** by the Kingston Planning Board, Kingston Common Council, Kingston Corporation Counsel, Kingston Tax Assessor, Kingston Building Department, Kingston Tree Commission, Kingston Historic Landmarks Commission, Kingston Mayor, Ulster County Legislature, Ulster County Executive, Ulster County Planning Board, Ulster County IDA, Empire State Development and the New York State Office of Historic Preservation, all of which have supported the project. There have been no less than **EIGHT** public hearings for the public to weigh-in on the project. Throughout this extensive process, the development team has made adjustments to the project reflecting input from stakeholders and the public including adding affordable housing units, making multiple changes to the design, adding restrooms to the public plaza and allowing affordable unit residents to park for free in the public parking garage that they're building. The existing municipal parking lot has been transferred to the developers and an easement for construction of the public plaza has been granted. It's time to approve the last remaining administrative matter of partially closing (not transferring) Fair Street Extension and allow this critically important project to be built!

Thank you for your time and consideration,

Dan Ahouse

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Tinti, Elisa

From: Lynn Johnson <lhjohnson47@gmail.com>
Sent: Wednesday, January 12, 2022 5:26 PM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Fwd: Fair street extension abandonment

Follow Up Flag: Follow up
Flag Status: Flagged

I wish to restate my objection to the partial abandonment of the Fair Street Extension for the reasons expressed below. My opinion has not changed since the earlier public hearing. I cannot attend the hearing tonight, January 12th, 2022, but stand by my objection expressed below. Thank you.

Lynn Johnson

Sent from my iPhone

Begin forwarded message:

From: Lynn Johnson <lhjohnson47@gmail.com>
Date: December 6, 2021 at 4:22:36 PM EST
To: emtinti@kingston-ny.gov
Subject: Fair street extension abandonment

I am opposed to the partial abandonment of the Fair Street extension. I happen to use this extension myself somewhat frequently, but of much greater significance is that many other drivers do as well. Closing it would seriously overload traffic flow on nearby streets, particularly at peak hours. I am also against giving away for free to developers a public resource. Thank you.

Lynn Johnson

Sent from my iPhone

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To the Common Council public hearing on 1/12/22 re: the abandonment of the Fair St. Extension

From the inception, the developers attempted to bypass a requirement for 20% affordable housing. They argued against it in every way possible and finally gave in to community pressure and agreed to 10% affordable units but only by increasing the project by 14 apartments.

From the inception, the New Paltz mayor spoke strongly about the failure of pilot projects to benefit communities as much as they benefit developers. The Pilot project (payment in lieu of taxes) in Poughkeepsie, built by these same developers, has received less than glowing reviews procedurally and functionally.

Strong arguments have been made about the lack of environmental initiatives in this project and a critical point was raised that the environmental specifications don't even meet current standards. What will be the condition of this building in 10 or 20 years, when environmental building codes will be even more stringent? How much costly retrofitting will be required?

The original architect presented a public slide show in which he spoke about how thoroughly his firm considered the aesthetics of the historical Stockade district in preparing their design. When asked if they had taken into account the Senate House, he didn't know what the Senate House was.

The allotment of parking spaces, which is at the heart of this project, varies significantly based on who presents the figures. The proposed boutique hotel and the gated community of the Kingstonian itself, stand to gain more than the needs of public parking.

Now we face the sale of the Fair St. extension with a partial and incomplete traffic study and a glossing over of what the loss of the street at a selling price way below its value, means to the city.

All along the way legalities have been strategically skirted in order to allow this project to go forward. When pressed by community members on these points, the city government has made excuses and pressed on.

One of the key players in the city, the School Bd., voted 6-3 against the Kingstonian project and the head of the Board has been outspoken about the loss of tax money for schools because of the enormous tax breaks given to the developers.

As an overview, it's my opinion that rental and affordable housing in Kingston is at a breaking point. We hear over and again of rental units lost to Air bnb and to landlords selling off property at extraordinarily inflated prices. The low income population, the homeless population as well as young professionals - artists, teachers, medical workers, entrepreneurs, cannot find housing that meets their financial capacity.

Finally, the Dover-Kohl organization hired by the city to study and review future planning, holds a negative view of the Kingstonian. Unfortunately, their final report will not be issued until March, 2022.

The potential for Kingston to manifest as a progressive city, to recognize this moment of cultural change and transition and meet it in a leading way, is bypassed in the bitter arguments over the Kingstonian, both in its process and its impact.

Sincerely,

Steve Clorfeine
280 ½ Washington Ave. Kingston NY

Tinti, Elisa

From: Joan Alley <joanalley13@gmail.com>
Sent: Wednesday, January 12, 2022 7:02 PM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL]

Follow Up Flag: Follow up
Flag Status: Flagged

SUPPORT THE KINGSTONIAN PROJECT !!STOP THE HIJACKING OF UPTOWN!!

It's been years that the debate here has trolled on and just like we know who won the 2020 election, we believe the court decisions, the common counsel decisions, the advice of the Fire Chief, the Mayor's defense of all the steps that have been taken thus far. In the meantime some realty firm owning large chunks of airless properties in uptown has hired outside "authorities" to poke away at ridiculous points while holding the whole project and the hopes of many, many, many Kingstonians up. Why would a retired Fire Chief from "somewhere else" know more accurately than our own hired, lives and works here Fire Chief?! The full page ads are an insult to the intelligence of the people who live here!

Please Common Counsel - Support the KINGSTONIAN project, get the job done and take back our town for our residents !

Joan , James and John Alley

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Tinti, Elisa

From: Mark Hoffstatter <mhoffstatter@hvc.rr.com>
Sent: Wednesday, January 12, 2022 7:06 PM
To: Tinti, Elisa
Cc: Noble, Steve; info@kingstonianny.net
Subject: [EXTERNAL EMAIL] I Support the Partial Road Closure of Fair Street Extension

Follow Up Flag: Follow up
Flag Status: Flagged

City of Kingston Common Council
c/o Elisa Tinti, City Clerk
420 Broadway
Kingston, NY 12401
Email: emtinti@kingston-ny.gov
Phone: (845) 334-3915

Dear Kingston Common Council Member,

I am writing in favor of the Council voting to partially close Fair Street Extension. I believe the multitude of public benefits the Kingstonian project brings speaks for itself and clearly warrants this decision.

I thank you for your continued support of this vital economic initiative.

Thank you for your service,
Mark Hoffstatter
Saugerties, NY

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Tinti, Elisa

From: smeyers.exago@gmail.com
Sent: Wednesday, January 12, 2022 8:03 PM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] I support the Kingstonian

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Elisa,

This is Stew Meyers, Chairman and CEO of Ulster Strong, and formerly Co-founder & CTO of Exago, a software company whose entire technical and support staff was in Midtown Kingston. Aside from my role in Ulster Strong, I am very committed to helping do whatever possible to create a better life for EVERYONE here in Kingston and Ulster County.

Nothing is ever perfect, but in my opinion the Kingstonian, along with the partial road closure of Fair Street Extension should be built, and has my full support as well as the support from Ulster Strong.

Thank you very much,

- Stew



Stew Meyers

Chairman and CEO | [Ulster Strong](#)
Project Consultant | [City of Kingston](#)
203.770.9941

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Tinti, Elisa

From: Tinti, Egidio
Sent: Wednesday, January 12, 2022 8:11 PM
To: Tinti, Elisa
Subject: Fwd: [EXTERNAL EMAIL] The Fair St Ext

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Jolie Dunham <joliedunham@hotmail.com>
Date: Jan 12, 2022 7:34 PM
Subject: [EXTERNAL EMAIL] The Fair St Ext
To: "Tinti, Egidio" <etinti@kingston-ny.gov>
Cc:

I would like it on the record that I oppose the Kingstonian and using Fair St Ext. It is a route I often use to go to and from the Plaza.

Jolie Dunham
350 S Wall St
12401

Get [Outlook for iOS](#)

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Tinti, Elisa

From: Donna Brooks <donnamc67@gmail.com>
Sent: Wednesday, January 12, 2022 9:12 PM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Letter Regarding the Kingstonian

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Members of the Kingston Common Council,

I've owned a business in the Uptown Kingston for over 8 years and since selling it continue to work in Kingston. I am writing to voice my strong support for the City to grant an easement for the property known as the Fair Street extension to the developers of the Kingstonian Project.

I think the Kingstonian is a huge benefit to the businesses in the Stockade District, and to all the residents of the City. In order to grow, the creation of parking spaces for visitors who wish to patronize our local businesses, and thus spend money in our City is vital to Uptown Kingston. The empty hole at the bottom of Wall Street (bordering on Fair Street) has no historical significance or redeeming aesthetic value to our otherwise, beautiful Stockade District.

To me it appears that some very prepared (well paid?) and vocal people are doing anything they can to delay or thwart altogether the development of the Kingstonian, thus causing the developers additional work, stress and cost in hopes of derailing and deterring this project. They are also taking significant amounts of time from the various Boards, Committees, and your Common Council when so much of the review has already been conducted over the last years. I can't help but wonder how many of the vocal opponents actually live or have their livelihoods invested in Uptown Kingston? I have noticed at the various meetings, the speakers mostly seem to work for paid consultants and law firms. I wonder just how much time these speakers have actually spent in Uptown Kingston, to experience what the day to day life here is, and to understand what it needed for the District to continue to grow and thrive. I've been invested in Kingston's Stockade District for almost 15 years and it seems that the Kingstonian Project is addressing some very important issues - parking and housing, not to mention the added revenue each will bring to our City.

I implore you to remove the last obstacles to this project, so that the local people can look forward to staying and living in Uptown Kingston well into our twilight years thanks to the accessibility of the Kingstonian. This project honors our history while providing for the modern means of accessibility. This project has evolved and only gotten better, based on community feedback, because the developers are local, they care about the impact on their community, their city, and the legacy they are creating here.

I have seen the continued efforts to keep this project environmentally friendly. I believe that access to the Historic Stockade District needs to evolve for visitors whether on foot, on bicycles or in cars. There's a way to honor our history while moving forward with all that progress has to offer.

Additionally, I see the Kingstonian as finally connecting the Uptown business district to the Kingston Plaza. While I realize that it is impossible to please everyone's aesthetics, I trust in the continuingly evolving plans of Scott Dutton's collaboration.

Lastly, it seems to me that the Jordans, who live, work and have invested in this community, are the best choice to be the developers of this project. Given their demonstrated commitment to our community plus their ownership of the contiguous property, they are in the unique position of having the best opportunity to create a financially viable project that will create much needed public parking (some 140 spaces), substantial residential housing AND, additional retail space. For over a decade I've heard talk about the parking garage that was to come and save the Uptown businesses, but in the end, talk was all it was and without the Kingstonian, we will be facing a hole in the ground and a black-top parking lot for more decades to come. There will never be another developer with such deep rooted ties to our community as the Jordan family. De-railing the Kingstonian would not be in any resident's or Uptown businesses best interest. I hope that this Common Council can envision Kingston's future, while honoring its rich history and write their own legacy of progress and growth.

Thank you all for your time and important consideration.

Donna Brooks

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Tinti, Elisa

From: Michael Nicoletti <miknic4870@gmail.com>
Sent: Wednesday, January 12, 2022 9:18 PM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] I am Mike Nicoletti I live at 4:50 LouCas Avenue I work for a local...

Follow Up Flag: Follow up
Flag Status: Flagged

I am Mike Nicoletti I live at

4:50

**Lucas Avenue I work for a local contractor in
Kingston for 20 years and I support this project**

Sent from my iPhone

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Tinti, Elisa

From: Deborah Mangrum-Price <deborah@deborahmangrumprice.com>
Sent: Wednesday, January 12, 2022 11:51 PM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Meeting time slot was not honored for Fair Street Meeting 1/12/22

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Ms. Tinti,

I had along with many others signed up to speak at the meeting regarding Fair Street tonight at The George Washington Elementary School. I had followed the information on the list of speakers from the Kingston City website. I saw that my approximate time for speaking tonight was slated for 10:49pm and arrived at 10:15pm to the school only to find that the meeting had ended much earlier. I walked around in the dark trying to find a door to enter and there were no signs anywhere, either.

The maintenance workers were cleaning up and said that the meeting had ended early though they had expected to stay there until midnight. And judging by the list of speakers several people were lined up to speak in a queue until midnight, also. So other people who were getting their information from the city's website missed the their time slots due to the meeting ending early.

I was told that another person had showed up before me looking for the meeting and they were surprised it had ended early, also.

I was looking forward to my three minutes at the meeting and am extremely frustrated that our speaking time slots were not honored. That is clearly not fair to those of us who were expecting to speak.

I will submit my comments in a separate email, but wanted to speak in person.

Why were time slots given and then not honored? Even if they were approximate, I would not think that they should be off by more than about 30 minutes. This is an important issue and many people would like to have their voices heard as speakers.

Sincerely,

Deborah Mangrum-Price

Jaime Alarcon 9:53

Salvador Acosta 9:56

Holly Snow 9:59

10 MINUTE BREAK 10:02-10:12

Ted Griesse 10:13

Michael Nicoletti 10:16

John Tiano 10:19

Steve Clorfeine 10:22

Kevin Gilfeather 10:25

Tom Hoffay 10:28

David Amato 10:31

Harris Safier 10:34

Ian Winter 10:37

Alex Cabrera 10:40

Matthew Topple 10:43

Michael Burke 10:46

Deborah Mangrum-Price 10:49

Malcolm Johnson 10:52

John Murphy 10:55

James Demos 10:58

Ilona Ross 11:01

Gregory McCollugh 11:03

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Tinti, Elisa

From: STEPHEN CORRAO <sancor1@aol.com>
Sent: Thursday, January 13, 2022 4:49 AM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Kingstonian

Follow Up Flag: Follow up
Flag Status: Flagged

Common Counsel:

I would like to express our gratitude for the review and discussion of this exciting venture for the City of Kingston.

We believe that we must continue with our local economic development. It is very rare that a City gets a second chance at this type revitalization. Given the diversity, wonderful cultural activities and vibrant community we are on the precipice of great things for our City. Growing pains are to be expected. This is a wonderful community that embraces all its neighbors.

Keep our opportunities and growth moving in right trajectory.

All the best and be safe!

Stephen & Jason Corrao-Reilly
123 Albany Ave
Kingston, NY

Sent from my iPhone

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Tinti, Elisa

From: Margie Seeger <margie.r.seeger@gmail.com>
Sent: Thursday, January 13, 2022 9:11 AM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Support of the Kingstonian

I have lived at 29 Emerson St for 41 years. I support the repurpose of Fair Street extension from a neglect Street to a beautiful public plaza for all to enjoy. It is what uptown Kingston needs as all businesses there are counting on the Kingstonian to revitalize there business as they were hit extremely hard by the pandemic.

Margie Seeger

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Tinti, Elisa

From: Susan Lang <starlang51@gmail.com>
Sent: Thursday, January 13, 2022 9:12 AM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Kingstonian

I totally support the Kingstonian!

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Tinti, Elisa

From: Kathleen Kearney <kidget21@hotmail.com>
Sent: Thursday, January 13, 2022 9:32 AM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Kingstonian

Follow Up Flag: Follow up
Flag Status: Flagged

I am in complete support of the Kingstonian. It's time this city moves forward and provides jobs, housing and economy for the area.

Thank you.

Sent from my iPhone

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Tinti, Elisa

From: wberardi@cpa.com
Sent: Thursday, January 13, 2022 9:56 AM
To: Tinti, Elisa
Cc: 'Kingston Citizens'
Subject: [EXTERNAL EMAIL] Fair Street extension Public comment

As a life-long resident taxpayer and Commercial business property owner/tenant for 40 years – we want all our businesses – to survive and thrive. I oppose the closing of Fair Street Extension and existing Public Parking Lot during a lengthy multi-year construction process as it will hamstring all existing locally owned businesses and their employees in the Stockade area including mine and even all those in Kingston Plaza. This will create a drastic change in access to existing businesses in the Stockade area by their customers, clients and suppliers and de-value our investments and our operations that must pay Commercial Taxes to support our vital City services while the project will only contribute a relatively small amount and in essence de-fund all our City services. The argument mentioned that we want a safe crossing of Schwenk Drive for pedestrians seems silly since the best way to walk – my personal experience is to simply cross Fair Street Extension only 2 lanes from either the current Public Parking lot and/or N Front Street and then cross the only 2 lanes Schwenk Drive East of Fair Street extension – why cross the 6 to 7 lane Schwenk Drive section West of Fair Street extension? Doesn't matter where a pedestrian crosses anyway as there are no safe passages thru Kingston Plaza (The interior of the Plaza is unwalkable especially if carrying purchased goods) – is just between cars. Instead of bought and paid for studies by experts or a valid SEQRA that seemingly would normally be required – Before considering the closure of Fair Street extension - I suggest the Council just temporarily close (like the Mayor authorizes for Film-making with Notice to Public) Fair Street extension and Public Parking Lot for several consecutive months so all users – operators, customers and visitors can live with and observe first-hand the effects on existing traffic flows and parking for customers, clients and employees as well as emergency vehicles and all delivery trucks to and from the over 35 existing Plaza businesses as well as the many more dozens of locally owned Commercial tax-paying businesses located throughout the Stockade District including my own - on Clinton Avenue, North Front Street, Wall Street, Fair Street, Crown, John, Main, Pearl and Green Streets. This closure and loss of long-existing Public property only helps a single known person and “unnamed and trade secret” investment group at the expense of all other locally owned businesses and their employees.

William F. Berardi CPA, MBA, RIA, PFS
Berardi, Gottstine & Miller CPAs PC

**MAILING ADDRESS: PO Box 5030
Kingston, NY 12402-5030**

(845)338-1619 x1
Fax (845) 338-2458
www.bgmcpas.com

NOTE: MY EMAIL ADDRESS IS CHANGED TO: WBerardi@CPA.COM
NEW Physical Address 273 Wall St; Suite 201 Kingston NY 12401 (rear of Citizens Bank Building – not in Bank branch) offstreet parking via Crown St. In between

Key Bank and the Ulster County Courthouse. Must buzz to enter bldg. 2nd Floor – 28 steps - NO ADA access. Small locked drop box on exterior of Building.



OFFICE BUILDING HOURS MONDAYS TO THURSDAYS 9:00am TO 4:30pm

Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties.

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Tinti, Elisa

From: Herbert Lamb <ha.lamb@verizon.net>
Sent: Thursday, January 13, 2022 9:59 AM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Kingstonian Hearing

Herzog Supply purchased the Chambers Farm on May 21, 2004, for \$329,000. A year later, the school district signed an option to purchase the property for \$1.2 million. The district has paid \$150,000 to hold the property open through next March, and it could spend another \$75,000 to hold it open until March 31, 2008.

This is 4 times the market value of the property at that time! Now instead of selling the city owned properties to the developers (for market value) you are looking at giving the property to the developers. Free property, tax free for 30 years! Talk about double dipping. These developers are going to make millions on this project while it seems to me that 33 percent of that profit belongs to the Kingston taxpayer who owned the property.

1. Sell the property at fair market value,
2. If you insist on giving it away, put it up on a referendum to go before the Kingston taxpayer so that we have a say in the process.

The developers and Mayor should be ok with that since they claim it is the "will of the people"!

Next time I negotiate a Union contract I want the Common Council on the other side of the table. For the school district alone at the end of the day \$19,000,000 for two public restrooms and 123 parking spaces. What did the district get, eventual cuts in programs, all other taxpayers unfair increase in taxes. I hope those restrooms have the nicest, cleanest facilities in the world and include platinum fixtures!

The school district in 2004 didn't expect the owners of the Chamber's farm to donate the property they planned on purchasing it. That purchase would have benefited every student in the future at KHS (we are so much better off with the current solution); yet, the district was going to pay for the property.

If you move forward with this plan remember, YOU have put wealthy developers ahead of every current and future student in the KCSD. YOU have set the course for future need of Supermajority budget votes or cuts to those programs.

There is no "free lunch"! At the end of the day somebody has paid for that lunch. My belief is the wealthiest should pay so we can raise up our children of low socioeconomic status and our children of color.

As you move forward, please, sell the property, and tax it at value or keep the property. Do whatever but don't sell out the children of Kingston, our future.

[Sent from the all new AOL app for Android](#)

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Tinti, Elisa

From: KAREN MILLER <kamiller49@gmail.com>
Sent: Thursday, January 13, 2022 10:29 AM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Partial Abandonment of Fair Street Extension

This is Karen Miller 53 Crown Street, Kingston.

As you can see, by my address, I will be personally affected by the Kingstonian Project.

I am in support of the Kingstonian Project, but because Fair Street belongs to the City of Kingston, the Common Council should vote NO, on the partial abandonment of the Fair Street Extension, unless the developers compensates the City an appropriate value. And the developers would have to figure out how to build without the pedestrian walkway.

Karen Miller

Sent from my iPad

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Tinti, Elisa

From: Barbara Hill <bhillward1@gmail.com>
Sent: Thursday, January 13, 2022 11:19 AM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Fwd: Kingstonion Project

Another comment for the Kingstonian project ... not re: the Fair Street Extension specifically.

----- Forwarded message -----

From: **Rask, David** <david.rask@ironmountain.com>
Date: Tue, Jan 11, 2022 at 10:01 AM
Subject: Kingstonion Project
To: bhillward1@gmail.com <bhillward1@gmail.com>

Barbara,

My name is David Rask and I live at 39 Lafayette Avenue in Kingston along with my wife and 2 adult children. I am writing in regards to the Kingstonian Project. I am in favor of the project and wanted to express this to you. Thank you for taking the time to read this email and thank you very much for representing me in Ward 1.

Regards
David Rask

The information contained in this email message and its attachments is intended only for the private and confidential use of the recipient(s) named above, unless the sender expressly agrees otherwise. Transmission of email over the Internet is not a secure communications medium. If you are requesting or have requested the transmittal of personal data, as defined in applicable privacy laws by means of email or in an attachment to email, you must select a more secure alternate means of transmittal that supports your obligations to protect such personal data.

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Tinti, Elisa

From: Barbara Hill <bhillward1@gmail.com>
Sent: Thursday, January 13, 2022 11:20 AM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Fwd: Kingstonian project

Another comment from Ward 1 re: closure of the Fair Street Extension.

----- Forwarded message -----

From: Jodi Amato <amatojo3@gmail.com>
Date: Wed, Jan 12, 2022 at 6:30 AM
Subject: Kingstonian project
To: <Bhillward1@gmail.com>

Dear Alderman Hill,

I'm writing in favor of the Kingstonian project and the closure of Fair Street extension. The economic growth that this will bring to the area is what needs to move us in the right direction. As a mother of 3 adults making life choices, I wish for them to choose Kingston as their home. However, the more obstacles they see our small town face, the further they may settle, unless we move towards the right choice; which is seeing this project to fruition. Complaints about tax breaks and loss of public property should not drive this decision. The reality is if this project doesn't happen there won't be tax money paid, and if this project does happen there won't be tax money paid- however we will see jobs, growth, parking, vibrancy and progress in our community. That is what we need to focus on and this is why we need to approve the Kingstonian project.

Very respectfully yours,
Jodi Amato
330 Hurley Avenue Kingston

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Tinti, Elisa

From: Barbara Hill <bhillward1@gmail.com>
Sent: Thursday, January 13, 2022 11:21 AM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Fwd: The Kingstonian Project

Another from Ward 1 re: Kingstonian.

----- Forwarded message -----

From: <juhl@hvc.rr.com>
Date: Tue, Jan 11, 2022 at 3:33 PM
Subject: The Kingstonian Project
To: <bhillward1@gmail.com>

Hi Barbara,

Just want you to know that we are in support of the Kingstonian project. George has lived on Fairview Avenue all his life and I have since 1988.

We think this will be an asset to the area with a hotel, affordable housing, good-paying jobs and a parking garage. I usually park at the stadium and walk uptown which on days like today can be challenging. The city's focus on beautiful public spaces will also be an much added benefit to the community.

Feel free to contact us, congratulations again!

JoAnn & George Uhl

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Tinti, Elisa

From: Carl Frankel <carlfrankel.ward2@gmail.com>
Sent: Thursday, January 13, 2022 11:25 AM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] Fwd: Kingstonian

Hi Elisa:

See forwarded email for inclusion among the received comments.

While I have you, one other question: When each month do the CC members get paid?

Thanks,
Carl Frankel
Alderman, Ward 2
Kingston NY
845-750-7056

----- Forwarded message -----

From: **Bill Berardi** <bberardi@hvcbiz.rr.com>
Date: Thu, Jan 13, 2022 at 10:07 AM
Subject: Kingstonian
To: Carl Frankel <carlfrankel.ward2@gmail.com>

As a life-long resident taxpayer and Commercial business property owner/tenant for 40 years – we want all our businesses – to survive and thrive. I oppose the closing of Fair Street Extension and existing Public Parking Lot during a lengthy multi-year construction process as it will hamstring all existing locally owned businesses and their employees in the Stockade area including mine and even all those in Kingston Plaza. This will create a drastic change in access to existing businesses in the Stockade area by their customers, clients and suppliers and de-value our investments and our operations that must pay Commercial Taxes to support our vital City services while the project will only contribute a relatively small amount and in essence de-fund all our City services. The argument mentioned that we want a safe crossing of Schwenk Drive for pedestrians seems silly since the best way to walk – my personal experience is to simply cross Fair Street Extension only 2 lanes from either the current Public Parking lot and/or N Front Street and then cross the only 2 lanes Schwenk Drive East of Fair Street extension – why cross the 6 to 7 lane Schwenk Drive section West of Fair Street extension? Doesn't matter where a pedestrian crosses anyway as there are no safe passages thru Kingston Plaza (The interior of the Plaza is unwalkable especially if carrying purchased goods) – is just between cars. Instead of bought and paid for studies by experts or a valid SEQRA that seemingly would normally be required – Before considering the closure of Fair Street extension - I suggest the Council just temporarily close (like the Mayor authorizes for Film-making with Notice to Public) Fair Street extension and Public Parking Lot for several consecutive months so all users – operators, customers and visitors can live with and observe first-hand the effects on existing traffic flows and parking for customers, clients and employees as well as emergency vehicles and all delivery trucks to and from the over 35 existing Plaza businesses as well as the many more dozens of locally owned Commercial tax-paying businesses located throughout the Stockade District including my own - on Clinton Avenue, North Front Street, Wall Street, Fair Street,

Crown, John, Main, Pearl and Green Streets. This closure and loss of long-existing Public property only helps a single known person and “unnamed and trade secret” investment group at the expense of all other locally owned businesses and their employees.

William F. Berardi CPA, MBA, RIA, PFS

Berardi, Gottstine & Miller CPAs PC

MAILING ADDRESS: PO Box 5030

Kingston, NY 12402-5030

(845)338-1619 x1

Fax (845) 338-2458

www.bgmcpas.com

NOTE: MY EMAIL ADDRESS IS CHANGED TO: WBerardi@CPA.COM

NEW Physical Address 273 Wall St; Suite 201 Kingston NY 12401 (rear of Citizens Bank Building – not in Bank branch) offstreet parking via Crown St. In between Key Bank and the Ulster County Courthouse. Must buzz to enter bldg. 2nd Floor – 28 steps - NO ADA access. Small locked drop box on exterior of Building.



OFFICE BUILDING HOURS MONDAYS TO THURSDAYS 9:00am TO 4:30pm

Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties.

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Law Offices of

Rodenhause Chale & Polidoro LLP

55 Chestnut Street
Rhinebeck, New York 12572

January 11, 2022

Via Email commoncouncil@kingston-ny.gov

Andrea Shaut
Alderwoman-at-Large
City of Kingston Common Council
420 Broadway
Kingston, New York 12534

Re: Common Council Public Hearing
9-17 & 21 N. Front Street and Fair Street Extension

Dear Alderwoman Shaut and Members of the Common Council:

As you are aware, this firm represents a number of landowners in Uptown Kingston that have serious concerns about the project proposed at 9-17 & 21 N. Front Street and Fair Street Extension, commonly referred to as the Kingstonian (the "Project"), including but not limited to the discontinuance of Fair Street Extension. We hereby resubmit our December 2, 2021, comment letter as part of the record of the public hearing on the proposed discontinuance of a portion of Fair Street Extension.

We urge the City to rethink this hasty and ill-advised discontinuance and to abide by its obligation to act in the public interest. Thank you for your consideration.

Sincerely,



Victoria L. Polidoro

Cc (all via e-mail): Barbara Graves-Poller, Esq.
City of Kingston Common Council
City of Kingston Clerk
Michael Moriello, Esq.
Robert Cook, Esq.
Historic Landmark Preservation Commission
Heritage Area Commission
Suzanne Cahill

(845) 516-4323 ph
(845) 516-4528 fax
vpolidoro@rodenhausechale.com

Law Offices of

Rodenhausen Chale & Polidoro LLP

55 Chestnut Street
Rhinebeck, New York 12572

December 2, 2021

Via Email: commoncouncil@kingston-ny.gov

Andrea Shaut
Alderwoman-at-Large
City of Kingston Common Council
420 Broadway
Kingston, New York 12534

Re: Common Council Public Hearing
9-17 & 21 N. Front Street and Fair Street Extension

Dear Alderwoman Shaut and Members of the Common Council:

As you are aware, this firm represents a number of landowners in Uptown Kingston that have serious concerns about the project proposed at 9-17 & 21 N. Front Street and Fair Street Extension, commonly referred to as the Kingstonian (the "Project"), including but not limited to the discontinuance of Fair Street Extension. Please accept this comment letter as part of the record of the public hearing on the proposed discontinuance of a portion of Fair Street Extension.

At the outset, the public has not been provided with meaningful notice and the public hearing must be continued until such time as a discontinuance map or legal description of the portion of the road to be discontinued has been prepared. The City has recently posted a "Preliminary Illustrative Site Plan" last revised July 15, 2019 on its website (the "Preliminary Plan"), but without more, this Preliminary Plan does not provide sufficient information for informed public comment. Fair Street Extension is not labeled on this Preliminary Plan, nor is there any indication of where the city road is proposed to terminate. The City must provide key information on the proposed discontinuance, such as the location of the discontinuance and the means of the public to still access the road once discontinued. Until this basic information regarding the City's proposal is made available, the public will not have had a fair opportunity to provide comment during the public hearing.

We have filed an action in the Ulster County Supreme Court which outlines several procedural and substantive issues with the proposed discontinuance of Fair Street Extension (Index No. EF2021-3014). A copy of our petition is attached hereto and incorporated herein. All claims set forth in the Petition are reserved.

We reiterate that the City is proposing to give away valuable tax payer land without an appraisal or other estimate of the value in proportion to the alleged benefits of the Project.

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Once you authorize the discontinuance of Fair Street Extension, it is not clear what happens next. The City has not provided any plans for redirecting traffic in the months, or even years, between the discontinuance and Project construction. No plans for signs to redirect traffic or alert cars or pedestrians to the road closure have been provided or discussed. No plans for safely accessing the municipal parking lot have been provided or discussed. After discontinuance, vehicles would need to turn across Schwenk Drive and cross private property in order to access the municipal parking lot. There is no indication that the City has obtained permanent easements over private property to provide such access or determined that the increase in turns along Schwenk Drive away from a proper intersection with appropriate signals will not cause a traffic impact.

The discontinuance also raises significant Americans with Disabilities Act ("ADA") compliance issues before and during construction of the Project, as pedestrians with disabilities will need to take a longer route in order to travel from the municipal lot on Schwenk Drive to North Front Street. A copy of a report prepared by Langan Engineering dated November 23, 2021, which identifies the potential ADA issue is enclosed for your review (the "Langan Report").

The discontinuance of Fair Street Extension is also inconsistent with the City's I-587/Albany/Broadway Intersection Study, dated February 2011 (the "2011 Study"). The 2011 Study proposes ways to alleviate traffic pressure on Albany and Clinton Avenues while preserving capacity for future economic growth in the City. The 2011 Study suggests that the Fair Street Extension is an important roadway connection to Uptown Kingston and suggests a roundabout at Schwenk Drive and Fair Street Extension. This would have the added benefit of providing additional street frontage for future development opportunities. See 2011 Study, pages 19-20. An excerpt from the Study is attached hereto.

On May 2, 2012, the City of Kingston voted to support the recommendations in the 2011 Study and to consider "recommendations within the Study within its Comprehensive Plan, land use controls and capital programming functions." See Resolution #103 of 2012. Instead, this ill-advised plan to discontinue Fair Street Extension eliminates the opportunity to improve the roadway network and provide redevelopment opportunities along Schwenk Drive in favor of a Project which turns its back on Schwenk Drive. While the City's Project Advisory Committee for the Uptown Transportation Improvements Project has since indicated that a roundabout at Schwenk Drive may not be necessary, we note that the Committee contains a member of the Kingstonian development team and apparently came to this conclusion with the Kingstonian in mind. Regardless, the discontinuance of Fair Street Extension still contradicts the City's findings that Fair Street Extension represents an important opportunity to reconnect Schwenk Drive with Uptown Kingston. That opportunity is lost by this discontinuance.

The closure invariably also *increases* traffic on Clinton Avenue and the surrounding streets. See Langan Report p. 13. The additional traffic generated by the Project combined with the elimination of access to Uptown over Fair Street Extension also raises serious concerns regarding the adequacy emergency vehicle access. See the Langan Report at pp. 3-4.

The City must also consider the historic importance of Fair Street Extension, which is included in the City's National Register-listed Kingston Stockade Historic District. The grade change from Schwenk Drive to Front Street provides an important opportunity to interpret the boundaries of the historic Stockade. According to Kerri Culhane, an independent architectural historian and planner, "[t]he Kingstonian's proposed destruction of the landscape sloping to the Esopus Creek would result in the loss of a poorly documented but widely understood and experienced feature of the district." Ms. Culhane's letter identifies several concerns and is enclosed herewith for your review.

We do not understand the City's rush to discontinue a roadway that is widely used by the public for a project which has not even received all required approvals from the City of Kingston. At the same time as this hearing, the City of Kingston Historic Landmarks Preservation and Heritage Area Commissions are reviewing the Project, including the proposed modifications to the Fair Street Extension. The Planning Board and Zoning Board of Appeals also need to issue additional approvals before Project construction can commence. If these Boards require Project changes to remove or minimize the changes to Fair Street Extension, the discontinuance may have been in vain.

We urge the City to rethink this hasty and ill-advised discontinuance and to abide by its obligation to act in the public interest. Thank you for your consideration.

Sincerely,



Victoria L. Polidoro

CC (all via e-mail): Kevin Bryant, Esq.
Barbara Graves-Poller, Esq.
City of Kingston Common Council
City of Kingston Clerk
Daniel Gartenstein, Esq.
Michael Moriello, Esq.
Robert Cook, Esq.
Historic Landmark Preservation Commission
Heritage Area Commission
Suzanne Cahill

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

-----X
61 CROWN STREET, LLC, 311 WALL STREET, LLC,
317 WALL STREET, LLC, 323 WALL STREET
OWNERS, LLC, 63 NORTH FRONT STREET, LLC, 314
WALL STREET, LLC, and 328 WALL STREET, LLC,

Petitioners-Plaintiffs,

**AMENDED VERIFIED
PETITION-COMPLAINT**

For a Judgment Pursuant to Article 78 of the Civil Practice
Law and Rules ("CPLR") and a Declaratory Judgment
Pursuant to Section 3001 of the CPLR and Section 51 of
the General Municipal Law

Index No.: EF2021-3014

- against -

Assigned Judge:
Hon. Richard Mott, J.S.C.

CITY OF KINGSTON COMMON COUNCIL, STEVEN
T. NOBLE in his capacity as MAYOR OF THE CITY OF
KINGSTON, CITY OF KINGSTON DEPARTMENT OF
PUBLIC WORKS, JM DEVELOPMENT GROUP, LLC,
HERZOG SUPPLY CO., INC., KINGSTONIAN
DEVELOPMENT, LLC, PATRICK PAGE HOLDINGS,
L.P., BLUE STONE REALTY LLC, and WRIGHT
ARCHITECT, PLLC,

Respondents-Defendants.

-----X

Petitioners-Plaintiffs, 61 Crown Street, LLC, 311 Wall Street, LLC, 317 Wall Street, LLC,
323 Wall Street Owners, LLC, 63 North Front Street, LLC, 314 Wall Street, LLC, and 328 Wall
Street, LLC ("Petitioners"), by and through their attorneys, Rodenhausen Chale & Polidoro LLP
and Lewis & Greer, P.C., as and for their Amended Verified Petition-Complaint ("Petition")
respectfully allege as follows:

PRELIMINARY STATEMENT

1. This is a hybrid CPLR Article 78 and Declaratory Judgment action commenced
pursuant to Article 78 of the CPLR, CPLR § 3001, and General Municipal Law §51 to annul and

prevent certain actions of the Respondent-Defendant (“Respondent”) City of Kingston with respect to the improper disposition of public property, or an interest therein, to private parties for non-public purposes.

2. Specifically, Petitioners seek to prevent the City of Kingston Common Council (“Common Council”), Steven T. Noble in his official capacity as Mayor of the City of Kingston (“Mayor”), the City of Kingston Department of Public Works, or any other respondent or related party from taking any action purportedly authorized by Common Council Resolution 215 of 2021, adopted by the Common Council on November 9, 2021, entitled, “Resolution of the Common Council of the City of Kingston, New York, Requesting Authorization for Conveyance of an Easement to the Kingstonian Development, LLC, and Authorizing the Mayor to Execute Any and All Documents Necessary”, or from adopting a second resolution which the Common Council is purportedly contemplating but has not yet published that would purport to close, abandon, or convey, a portion of a public street in the City of Kingston identified as the Fair Street Extension or allow City of Kingston officials to take measures to achieve those ends. A copy of Resolution 215 as adopted by the Common Council is attached hereto as Exhibit “A”.

3. As originally proposed, Resolution 215 was entitled, “Resolution of the Common Council of the City of Kingston, New York, Requesting Authorization for Conveyance of an Easement to the Kingstonian Development, LLC, and for an Easement to the Kingstonian Development, LLC, Written Consent for the Partial Abandonment of Fair Street Extension, and Authorizing the Mayor to Execute Any and All Documents Necessary” and would have authorized the Mayor to discontinue an unspecified portion of Fair Street Extension and to sign and execute unspecified easements for Respondent Kingstonian Development, LLC, and to allow the construction of permanent structures on the to-be discontinued portion of Fair Street Extension

(the “Easements”). A copy of Resolution 215 as first proposed by the Common Council is attached hereto as Exhibit “B”.

4. The Common Council at its meeting held on the evening of November 9, 2021 (“Council Meeting”), suspended its rules, removed the portions of the then-proposed Resolution 215 (Ex. B) pertaining to the “Partial Abandonment of Fair Street Extension” into a separate Resolution that the Common Council will assumedly make public and take up at a later date, and passed the remaining portions of Resolution 215 (Ex. A) which purport to authorize the Mayor to sign and execute documents granting unspecified easements over unspecified portions of Fair Street Extension (the “Amended Resolution 215”).

5. Upon information and belief, no compensation or other consideration will be received or sought by the City in exchange for the Easements.

6. The Easements are for the benefit of the developers of a mixed-use project known as the Kingstonian which includes a 420-car garage, 143 apartments, 32-room boutique hotel, 9,000 square feet of retail/restaurant space, pedestrian plaza, and walking bridge located at the intersection of Fair Street and North Front Street (the “Project”) in the City of Kingston. The Project is to be located, in part, on municipal property identified as tax parcel 48.80-1-26 and is also proposed to be built over and upon Fair Street Extension.

7. The Project has not received all prerequisite governmental approvals for its construction and may not ever receive such approvals.

8. Were the Mayor allowed to take actions to convey the Easements purportedly authorized by Amended Resolution 215 as adopted on November 9, 2021 (Ex. A), the City and Mayor would be unlawfully conveying an interest in public property, and improperly

encumbering a public street in violation of City of Kingston Code and Charter, New York State Law, and the New York State Constitution.

9. Were the City to further adopt another resolution purporting to authorize the abandonment, closure, discontinuance, or impediment to the public use of Fair Street Extension, the City would be improperly discontinuing a public street and unlawfully conveying an interest in Fair Street Extension in contravention of the City of Kingston Code, New York State Law, and the New York State Constitution.

10. Accordingly, Petitioners-Plaintiffs seek judgment for the following relief:

- a. Declaring that the City of Kingston Department of Public Works, Common Council, and Mayor Steven T. Noble are without authority to authorize the discontinuance of Fair Street Extension as it is necessary for public travel, is used for public travel, and there is no public benefit in its discontinuance;
- b. Declaring that the Common Council and Mayor Steven T. Noble are without authority to convey Easements over Fair Street Extension or any other interest therein to Respondent Kingstonian Development, LLC or any other Respondents without following the statutory requirements of *inter alia* the New York State General City Law, the Kingston City Charter, and the Kingston City Code relating to the disposal of public highways;
- c. Declaring that the Common Council is without authority to authorize the conveyance of the Easements over the Fair Street Extension as the proposed Easements are unreasonably vague, do not adequately identify the property to be conveyed, and unlawfully delegate power from the Common Council to the Mayor relating to the conveyance of the Easements;

- d. Declaring any conveyance of the Easements over Fair Street Extension or any other interest therein by the Common Council and Mayor Steven T. Noble without fair and adequate compensation to be prohibited gifts under Art. VIII, § 1 of the NYS Constitution;
- e. Declaring that the Common Council is without authority to delegate its powers to the Mayor or any other official or authority as the State Legislature and the City Charter vest the Common Council alone with the authority and duty to pass upon any contract to alienate or encumber the property of the City of Kingston;
- f. Declaring that the Common Council is without authority to make an overbroad delegation of its powers to the Mayor to encumber or convey the property of the City of Kingston where the terms and conditions of such an encumbrance or conveyance are left undefined by the Common Council and the Mayor is, in essence being allowed to determine for himself the terms and conditions of any conveyance or encumbrance of Fair Street Extension;
- g. Declaring that the purported public hearing on the discontinuance of the Fair Street Extension cannot be scheduled and held until such time as a map or description of the portion of the Fair Street Extension to be discontinued is provided for public review and the required public hearing thereupon is noticed and held in a manner consistent with due process;
- h. Granting the Petitioners a preliminary injunction restraining, during the pendency of this action, the exercise of any authority purportedly permitted by Amended Resolution 215, and further restraining the Mayor and the Common Council from adopting any resolution, or taking any other steps towards, authorizing the

abandonment, closure, discontinuance, or impediment to the public use of Fair Street Extension;

- i. Granting Petitioners a permanent injunction restraining the exercise of any authority purportedly permitted by Amended Resolution 215, and further restraining the Mayor and the Common Council from adopting any resolution, or taking any other steps towards, authorizing the abandonment, closure, discontinuance, or impediment to the public use of Fair Street Extension;
- j. Declaring any conveyance of Fair Street Extension or easement over Fair Street Extension as unlawful and null and void and directing the cancellation of such conveyance including the cancellation of any deed or other instrument recorded with the City of Kingston and/or County of Ulster that documents the conveyance; and,
- k. Awarding Petitioners such other and further relief as the Court deems just and proper, with the costs and disbursements of this proceeding.

PARTIES

11. Petitioner 61 Crown Street, LLC is a duly created limited liability company organized in the State of New York which owns certain properties located at 61 Crown Street and 156-162 Green Street, identified as tax parcels 48.330-3-10 and 48.330-3-28.100, respectively, and located within the National Register-listed Kingston Stockade Historic District ("KSHD"). Petitioner 61 Crown Street, LLC's properties are located in close proximity to the Project. Petitioner 61 Crown Street, LLC's properties can be accessed by Fair Street Extension and will be harmed by its discontinuance, conveyance, or encumbrance which will hamper the public use of and access thereto.

12. Petitioner 311 Wall Street, LLC is a duly created limited liability company organized in the State of New York which owns certain property located at 311 Wall Street, identified as tax parcel 48.331-1-16, within the KSHD. Petitioner 311 Wall Street, LLC's property is located in close proximity to the Project. Petitioner 311 Wall Street, LLC's properties can be accessed by Fair Street Extension and will be harmed by its discontinuance, conveyance, or encumbrance which will hamper the public use of and access thereto.

13. Petitioner 317 Wall Street, LLC is a duly created limited liability company organized in the State of New York which owns certain property located at 317 Wall Street, identified as tax parcel 48.331-1-15, in the KSHD. Petitioner 317 Wall Street, LLC's property is located in close proximity to the Project. Petitioner 317 Wall Street, LLC's properties can be accessed by Fair Street Extension and will be harmed by its discontinuance, conveyance, or encumbrance which will hamper the public use of and access thereto.

14. Petitioner 323 Wall Street Owners, LLC is a duly created limited liability company organized in the State of New York which owns certain property located at 323 Wall Street, identified as tax parcel 48.331-1-13, within the KSHD. Petitioner 323 Wall Street Owners, LLC's property is located in close proximity to the Project. Petitioner 323 Wall Street Owners, LLC's properties can be accessed by Fair Street Extension and will be harmed by its discontinuance, conveyance, or encumbrance which will hamper the public use of and access thereto.

15. Petitioner 63 North Front Street, LLC is a duly created limited liability company organized in the State of New York which owns certain property located at 63 North Front Street, identified as tax parcel 48.314-2-15 within the KSHD. Petitioner 63 North Front Street, LLC's property is located in close proximity to the Project. Petitioner 63 North Front Street, LLC's

properties can be accessed by Fair Street Extension and will be harmed by its discontinuance, conveyance, or encumbrance which will hamper the public use of and access thereto.

16. Petitioner 314 Wall Street, LLC is a duly created limited liability company organized in the State of New York which owns certain property located at 314 Wall Street, identified as tax parcel 48.331-2-10, within the KSHD. Petitioner 314 Wall Street, LLC's property is located in close proximity to the Project. Petitioner 314 Wall Street, LLC's properties can be accessed by Fair Street Extension and will be harmed by its discontinuance, conveyance, or encumbrance which will hamper the public use of and access thereto.

17. Petitioner 328 Wall Street, LLC is a duly created limited liability company organized in the State of New York which owns certain property located at 328 Wall Street, identified as tax parcel 48.331-2-4, within the KSHD. Petitioner 328 Wall Street, LLC's property is located in close proximity to the Project. Petitioner 328 Wall Street, LLC's properties can be accessed by Fair Street Extension and will be harmed by its discontinuance, conveyance, or encumbrance which will hamper the public use of and access thereto.

18. The construction of the Kingstonian Project requires the closure and encumbrance of Fair Street Extension, which will disrupt traffic flow in and around the Project and make the neighborhood, including Petitioner's properties, less accessible to members of the general public.

19. The Kingstonian Project will permanently alter the historic character of the KSHD, in which Petitioners' properties are located, and will interfere with the appearance and environment of the district. Petitioners purchased their properties in part due to the unique setting of the KSHD which the Project will now disrupt.

20. Petitioners stand to suffer harm different from the public at large due to their proximity to Fair Street Extension subject to being closed or encumbered. Closure of the Fair

Street Extension will constrict the flow of traffic in the surrounding area and funnel increased traffic onto the narrow, colonial-era roads of the KSHD.

21. Petitioners stand to suffer actual or potential harm different from the public at large due to the environmental impacts of the closing or encumbering of Fair Street Extension including the deleterious effects of increased noise and traffic due to their proximity to the Project and Easements.

22. Petitioners stand to suffer actual or potential harm different from the public at large due to the economic impacts of the closing or encumbering of Fair Street Extension, including the deleterious effects of the increased congestion of vehicular traffic in the remaining streets that give access to and from the KHSD and lessened foot traffic into and around the KHSD due to their proximity to the Project and Easements.

23. Petitioners are members of the general public and taxpayers, and the matter of the loss or encumbrance of a public highway, as well as ensuring public officials and entities fulfill their duties under the law, are of general public interest and granting the sought relief would benefit the general public.

24. Each of the properties owned by Petitioners has an assessed value in excess of one thousand (\$1,000.00) U.S. Dollars.

25. Based on the assessed value of their properties, as individual parcels or collectively, Petitioners have standing to bring this action pursuant to General Municipal Law §51 in order to prevent an illegal official act on the part of the Mayor and/or the Common Council or to prevent waste or injury to, or to restore and make good, a City-owned property.

26. Upon information and belief, Respondent Common Council is a duly created body established pursuant to the New York General City Law, whose authorized powers include, among other things, the power to approve the sale or lease of real property belonging to the City.

27. Upon Information and belief, Respondent Steven T. Noble is the Mayor of the City of Kingston.

28. Upon information and belief, Respondent City of Kingston Department of Public Works ("DPW") is the department within the City of Kingston that exercises control over City streets and sidewalks, including the authority to discontinue streets.

29. Upon information and belief, Respondent JM Development Group, LLC is a New York limited liability company with offices at 2975 Route 9W South, New Windsor, NY, and a developer of and/or applicant for the Project.

30. Upon information and belief, Respondent Herzog Supply Co., Inc. is a duly created New York business corporation with offices at 151 Plaza Road, Kingston, NY, and the owner in whole or in part of real property located at 9-17 N Front Street and 51 Schwenk Drive, identified as tax parcel nos. 48.80-1-26 and -24.120, which is a portion of the Project property.

31. Upon information and belief, Respondent Kingstonian Development, LLC is a New York limited liability company with offices at 2975 Route 9W South, New Windsor, NY, and a developer of and/or applicant for the Project.

32. Upon information and belief, Respondent Patrick Page Holdings, d/b/a Patrick Page Properties, is a New York limited partnership with offices at 1613 Route 300, Newburgh, NY, and a developer of and/or applicant for the Project.

33. Upon information and belief, Respondent Blue Stone Realty, LLC is a New York limited liability company with offices at 200 Fair Street, Kingston, NY, and has an interest in the Project.

34. Upon information and belief, Respondent Wright Architect, PLLC is a professional service limited liability company with offices at 200 Fair Street, Kingston, NY 12401, and has an interest in the Project.

VENUE

35. Venue is proper for this action in the New York State Supreme Court, Ulster County, as pursuant to CPLR §§ 7804(b) and 506(b) this is where the official actions being challenged took place, where the material events took place, and where the principal office of most Respondents are located.

36. Venue is further proper for this action in the New York State Supreme Court, Ulster County, as the public highway that is the subject of this action is located in Ulster County.

BACKGROUND

KSHD Background

37. The KSHD comprises eight-blocks in northwestern or uptown Kingston, New York. It is the original site of the mid-17th century Dutch settlement that grew to become Kingston and is listed on the U.S. National Register of Historic Places due to its unique architecture and historic character. *See* attached as Exhibit C the affidavit of historian K. Culhane filed in the related matter of *Creda, LLC, et al. v City of Kingston Planning Board, et al.*, NYSCEF No. EF2020-253, Doc. No. 135, which also involved the impacts of the Project on the KSHD.

38. All of Petitioners' properties, as well as the proposed site of the Kingstonian including Fair Street Extension, are included within the KSHD.

39. The KSHD contains many historic buildings from as early as the 1600's including the Senate House which served as the first Capital of the State of New York in 1777, the Old Dutch Church which is a National Historic Landmark in its own right, and the only intersection in America in which all four buildings on each corner predate the United States of America where Crown and John Streets cross.

Project Background

40. From its inception, the Kingstonian Project has been the subject of procedural mistakes and questionable acts which lessen faith in the intentions of local government officials.

41. On October 27, 2016, the Common Council published its "Request for Qualifications #K16-10, Adaptive Development of Uptown Parking Sites for Mixed Use" (the "RFQ"). A copy of the RFQ is annexed hereto as Exhibit D.

42. The RFQ sought responses "from qualified developers to design, construct and operate a mixed-use development on three separate parcels owned currently by the City of Kingston." Ex. D at 1.

43. The parcels of land offered in the RFQ did not include the land upon which any portion of Fair Street Extension is located. Ex. D. Instead, the RFQ was limited to the site of a municipally-owned parking lot, formerly a parking garage, to the immediate west of Fair Street Extension.

44. The RFQ specifically prohibited public officials from responding to the RFQ.

45. Mayor Steve T. Noble executed a Memorandum of Understanding with Respondent-Defendant Wright Architects, PLLC, an entity related to Respondent Blue Stone Realty LLC on January 10, 2017, indicating their intent to develop the parking lot on property

known as 21 North Front St (SBL: 48.80-1-26). Fair Street or Fair Street Extension were never mentioned in the Memorandum of Understanding, a copy of which is attached as Exhibit E.

46. Upon information and belief, the Common Council never voted on and never passed a resolution authorizing the Mayor to execute the Memorandum of Understanding.

47. The Memorandum of Understanding specifically states that it may not be assigned without the prior written consent of the non-assigning party. Ex. E, p. 3.

48. Upon information and belief, the Mayor executed a letter dated June 26, 2017, that stated “the City of Kingston consents to the Assignment as required by the Memorandum of Understanding dated January 10, 2017.” Ex. E.

49. Upon information and belief, the Mayor executed the June 26, 2017, letter without obtaining a resolution from the Common Council approving the assignment of the Memorandum of Understanding.

50. Upon information and belief, the Memorandum of Understanding was assigned to Respondents JM Development Group, LLC, Patrick Page Properties, and Herzog Supply Co., Inc. (the “Applicants”), who eventually proposed the Kingstonian in its current iteration which is contemplated to be built across and upon Fair Street Extension and to encompass 51 Schwenk Drive (SBL: 48.80-1-25.100) as well. A copy of the assignment is attached as Exhibit F. The Applicants submitted applications to the City of Kingston Planning Board for site plan and special use permits for the same as well as an application to the City for the rezoning of 51 Schwenk Drive in or about November of 2018.

51. Upon information and belief, Bradley Jordan, a member of JM Development Group was and remains a City of Kingston public official, who was prohibited from responding to the RFQ directly. Specifically, this individual was a long-time member of the City of Kingston

Local Development Corporation (“KLDC”) until he resigned in 2021 and continues to serve on the City Police Commission.

52. After Petitioners raised numerous issues with the RFQ process, the Common Council decided to convey the city-owned land to the KLDC, which would then convey the land to Kingstonian Development, LLC for the Project. A copy of Common Council Resolution 43 of 2021 is attached as Exhibit G.

53. Immediately after the resignation of the aforementioned public official and member of the Applicants from the KLDC, the KLDC prepared a Land Development Agreement with the Kingstonian Development LLC. A copy of the Land Disposition Agreement is attached as Exhibit H.

54. Upon information and belief, Blue Stone Realty LLC and its related entities retain an interest in the Kingstonian as they retain a right of reverter and may develop the portion of the property originally offered by the RFQ and owned by the City of Kingston if the Project is not approved.

55. Upon information and belief, Wright Architect, PLLC and its related entities retain an interest in the Kingstonian as they retain a right of reverter and may develop the portion of the property originally offered by the RFQ and owned by the City of Kingston if the Project is not approved.

56. The Project seeks to construct a 420-car garage, 143 apartments, a 32-room boutique hotel, a 9,000 square foot retail/restaurant space, a pedestrian plaza and a walking bridge at the property, which is located within the City of Kingston’s Central Commercial (“C-2”) District. The exact size and makeup of the commercial spaces comprising the Project vary amongst the various documents provided by the Applicants.

57. All of the property within the Project site is also located within the City of Kingston's Stockade Mixed Use Overlay ("MUO") District, with the City having amended the Zoning Map to add 51 Schwenk Drive to the MUO District. 51 Schwenk Drive was the only Project parcel not originally in the MUO District and it was added solely so that parcel could be included in the Project. (Petitioners commenced a separate proceeding challenging this rezoning as impermissible "spot zoning." This Court issued an order dismissing the petition therein which Petitioners have appealed and which is currently pending before the Appellate Division, Third Department. *See* Index No. EF2020-2075; 533032.)

58. Although not originally contemplated by the City, Respondent Kingstonian Development LLC has sought to include land currently occupied by Fair Street Extension as part of the Project for the construction of a parking garage and a pedestrian plaza.

59. The Ulster County Industrial Development Agency ("UCIDA") has awarded the Project a Payment In Lieu of Tax ("PILOT") which would reduce the Project's tax liability by over \$26 million over 25 years. This award has been challenged in a separate proceeding currently pending before this court. *See* Index No. EF2021-1389.

Fair Street Extension

60. The portion of Fair Street Extension between the parcels contemplated to be the site of the Project is an approximately 400 foot long, two-lane, two-way road which provides access into the KSHD from Schwenk Drive and Herzog's Plaza (a shopping center to the north across Schwenk Drive) to its intersection with North Front Street within the KSHD.

61. The portion of Fair Street Extension adjacent to the site of the Project is one of the few means of direct access to the northern portion of the KSHD and its discontinuance or any encumbrance thereof would disrupt local traffic patterns and hamper public access to the area.

See attached as Exhibit I a study prepared by Langan Engineering summarizing the impact a closure of Fair Street Extension would have on the pedestrian and vehicular traffic patterns in and around the KSHD.

62. Such added traffic and access difficulties alone would have negative implications for those wishing to travel to, through, or within Uptown Kingston, but in conjunction with the massive new Kingstonian project, constricting access to the KSHD gives rise to serious concerns regarding the adequacy of accessibility of the area for emergency vehicles among other deleterious effects. Ex. I, p. 3-4.

63. Upon information and belief, Fair Street Extension is the preferred route for Fire Trucks from Kingston Fire Station 2 - Wiltwyck Station responding to calls in or otherwise accessing the KSHD.

64. Two parcels abut Fair Street Extension on either side at its intersection with N. Front Street, one owned by the City of Kingston, and one owned by Respondent Herzog Supply Co., Inc.

65. Aside from serving as an important means of access to and from Uptown Kingston and the KSHD, Fair Street Extension is historically significant in its own right, as it is included in the KSHD and is one of the only remaining places where the KSHD's northern stockade boundary dating to 1658 is still discernible. (See Culhane Affidavit attached as Exhibit C). The discontinuance of Fair Street Extension, or even just a portion of it, will thereby permanently detract from the KSHD's historic nature and result in the loss of the historic street pattern and its discontinuance and subsequent development will alter the look, feeling and function of the KSHD. Ex. C.

66. The loss of Fair Street Extension will contribute to the loss of the ability of the public to experience and interpret the KSHD, as the slope of the Street itself reflects the original shape of the Kingston Stockade fortifications and allows people to feel the grade change as they enter the historic, raised stockade.

67. Moreover, the discontinuance of Fair Street Extension will have negative impacts on traffic circulation throughout the KSHD and Uptown Kingston. Ex. I. The Applicants currently spearheading the Project presented a traffic study indicating a massive increase in traffic on Clinton Avenue, along which the Senate House is located, and which was the focal street of the original Historic District initially added to the National Register of Historic Places that was expanded to become the KSHD. The closure of Fair Street Extension will therefore have an adverse impact on the KSHD as well as surrounding residents and landowners including Petitioners as traffic is anticipated to back up along the street due to a nearly four-fold increase in use (33.6 vehicles per hour in a no build/existing scenario to 119 vehicles per hour in a build scenario). See Exhibit J “Traffic Impact Study: The Kingstonian,” Creighton Manning for the City of Kingston Planning Board, July 23, 2019, p.30; *but see also*, Ex. I.

68. Fair Street Extension also provides access to the municipal parking lot located at 21 North Front Street and identified as tax parcel 48.80-1-26. This parking lot, which contains approximately 144 spaces, will be redeveloped in part into a parking garage as part of the Project. The parking garage will primarily serve the Project. Though the Applicants have claimed that some parking spots within the garage will be reserved for public use, the number of spots to be reserved for the public varies among sources and, in any event, the demand for spaces caused by the residents and occupants of the Project will use up enough of the spaces in the garage that the

number of spaces remaining for the public as a whole will actually decrease when the parking lot is replaced with the Project.

69. As the Project is not even fully approved for construction, the discontinuance of Fair Street Extension may eliminate public access to the publicly-owned parking lot from as early as the date of adoption of the forthcoming resolution which will provide for the abandonment or closure of Fair Street Extension until such time as the Project is completed, if ever.

70. Petitioners note that the aforementioned information regarding potential traffic impacts is not included herein in an attempt to relitigate previous issues regarding the City of Kingston Planning Board's review of the Project pursuant to the New York State Environmental Quality Review Act. Rather, this information is vital to the determination by the Common Council as to whether Fair Street Extension is still in use and whether discontinuing the same is in the public interest. Those are separate determinations that need to be made by the Common Council, and the record before the Planning Board during its SEQRA review of the Project is in no way binding on the Common Council as it decides whether to close a public thoroughfare.

The First Iteration of Resolution 215

71. The original version of Resolution 215 was posted on the Common Council's website on or about November 5, 2021, and entitled "Resolution of the Common Council of the City of Kingston, New York, Requesting Authorization for Conveyance of an Easement to the Kingstonian Development, LLC, and for an Easement to the Kingstonian Development, LLC, Written Consent for the Partial Abandonment of Fair Street Extension, and Authorizing the Mayor to Execute Any and All Documents Necessary" and would have authorized the Mayor to discontinue an unspecified portion of Fair Street Extension and to sign and execute unspecified

easements for Respondent Kingstonian Development, LLC, to allow the construction of permanent structures on the to-be discontinued portion of Fair Street Extension. *See*, Ex. B.

72. No map or cognizable description of the proposed portion of Fair Street Extension proposed to be discontinued or encumbered by the original version of Resolution 215 was attached or made part of that version of Resolution 215. *See*, Ex. B.

73. No map, or cognizable description of the proposed Easements was attached or made part of this originally version of Resolution 215 either, nor were the contemplated or possible terms of the Easements delineated. *See*, Ex. B.

74. Upon review of the agenda, and after a demand that the Common Council remove Resolution 215 from its agenda until all procedures have been followed, including a public hearing, this action was commenced on November 8, 2021, by the filing of a Verified Petition and Order to Show Cause.

Amendment and Adoption of Resolution 215

75. On the evening of November 8, 2021, there was a virtual meeting of the members of the majority caucus of the Common Council (the “Caucus Meeting”).

76. The agenda and discussions during the Caucus Meeting were primarily focused on how the Common Council would handle the business of the Council Meeting that was scheduled for the next evening, November 9, 2021.

77. The majority leader, Alderman Rennie Scott-Childress (“Scott-Childress”) conducted the Caucus Meeting including the discussion of Resolution 215 and explained that the then-proposed Resolution 215 would have to be split into two, with one resolution authorizing the conveyance of easements over the land currently occupied by Fair Street Extension by the

Mayor, and the other closing and abandoning Fair Street Extension which would have to be subject to a public hearing.

78. Scott-Childress only read the title of the “new Resolution 215” at the Caucus Meeting, not the full text of the amended resolution, as “Resolution of the Common Council of the City of Kingston, New York, Requesting Authorization of a Conveyance of an Easement to the Kingstonian Development, LLC, and Authorizing the Mayor to Execute Any and All Documents Necessary.”

79. City of Kingston Corporation Counsel Kevin Bryant (“Bryant”) informed the Councilmembers that the City Clerk would read the final version of the Resolution which was not tabled regarding the Easements at the Common Council Meeting the next evening before a final vote of the Common Council was held.

80. On or about the morning of November 9, 2021, the City of Kingston’s website was updated to reflect that at the Common Council Meeting that evening, the Council would consider a revised version of Resolution 215 and the text of a resolution bearing the title read by Scott-Childress the previous evening appeared, replacing the previous version posted online the week prior.

81. No terms, conditions, or description of the proposed portion of Fair Street Extension to be encumbered by this Amended Resolution 215 was attached or made part of Amended Resolution 215, nor were the contemplated or possible terms of the Easements delineated. Upon information and belief, the Common Council does not know what rights or encumbrances might be given pertaining to what land and under what conditions. *See, Ex. A.*

82. No map or cognizable description of the proposed Easements was attached to or made part of Amended Resolution 215. Upon information and belief, the Common Council does

not know the specific locations of the Easements nor the specific property proposed to be encumbered. *See*, Ex. A.

83. Not one Alderperson at the Caucus Meeting discussed the terms or locations of the Easements during the Caucus Meeting, instead focusing on the procedures for expediting a resolution.

84. On the evening of November 9, 2021, there was a virtual meeting of the Common Council.

85. Subsequently, the Councilmembers took the actions planned the evening prior at the Caucus Meeting by first voting unanimously to suspend their rules, and subsequently, moving to separate the authorization for the abandonment of Fair Street Extension from the authorization for the conveyances of the Easements over Fair Street Extension.

86. Common Councilmember Alderman Tony Davis (“Davis”) asked Shaut why the Common Council could not at that time schedule the resolution pertaining to the closure/abandonment of Fair Street Extension to which Shaut responded that she would poll the appropriate members of the Common Council, apparently *ex parte*, and set a hearing date, “tomorrow” outside of the Council Meeting.

87. The motion to split the portions of the original Resolution 215 pertaining to the closure/abandonment of Fair Street Extension from the portions pertaining to the Easements passed the Common Council by a vote of 9-0.

88. Scott-Childress inquired as to whether a specific motion would be needed to send the resultant resolution pertaining to the abandonment of Fair Street Extension back to committee, which Bryant stated was not the case. Bryant further informed the Common Council that nothing would be returning to committee but asked that the Common Council clarify the language for

Amended Resolution 215, a residual version of what had initially been proposed, that would approve just the Easements.

89. The City Clerk read the title of Amended Resolution 215. The full text of Amended Resolution 215, pertaining now only to the Easements, though not discussing any terms or details thereof, was not read.

90. The motions and discussions by the members of the Common Council during both the Caucus Meeting and the Council Meeting never specified what the Common Council members were voting on separating or altering in the Resolution except in the most general sense.

91. The discussions by the members of the Common Council never included a discussion of the terms or locations of the Easements, nor of any logistical problems relating to the closure of Fair Street Extension, which is needed to provide access to the municipal parking lot and to provide access for emergency response vehicles to the northern part of the KSHD. *See*, Ex. I.

92. The Common Council lifted the suspension of its rules and returned to regular order and then voted to adopt the Amended Resolution 215 pertaining only to the conveyance of the Easements on Fair Street Extension by a vote of 8-1.

93. On or about November 18, 2021, the City of Kingston's website was updated to reflect that a public hearing relating to the "abandonment of Fair Street Ext." had been scheduled for December 2, 2021, from 6:30 p.m. to 9:30 p.m. The public notice does not refer to any resolution to effect the same and the text of the resolution pertaining to the proposed abandonment of Fair Street Extension has not yet been published. *See* attached as Exhibit K the Notice of Public Hearing as published in the *Daily Freeman* on November 19, 2021.

94. There is no available description of the location of the Easements, the terms of the Easements, or the fair market value of the Easements, nor is there a description of the portion of Fair Street Extension to be abandoned or provision made for access to and from the municipal parking lot.

95. As of November 22, 2021, the City of Kingston website indicates that the public hearing will be held on December 2, 2021, at the same date and time that the Project is being presented to the City of Kingston Historic Landmarks Preservation Commission (“HLPC”). No explanation was provided as to why the hearing date was scheduled to conflict with the HLPC meeting. A copy of the HLPC meeting agenda, indicating that the Project is being reviewed, is attached as Exhibit L.

96. It is not unreasonable to conclude that persons interested in attending the Project presentation at the HLPC meeting are also likely interested in the Fair Street Extension.

AS AND FOR A FIRST CAUSE OF ACTION
(SEEKING A DECLARATION THAT THE RESPONDENTS DO NOT HAVE THE
AUTHORITY TO DISCONTINUE FAIR STREET EXTENSION)

97. Petitioners repeat and reallege all the foregoing allegations set forth in this Petition with the same force and effect as though set forth herein at length.

98. The rights of the public in city streets are inalienable, and may only be sold or conveyed in limited circumstances. *See* NYS General City Law §§ 20(2), (7).

99. The procedures for discontinuing a public highway or street are laid out by NYS law and expanded upon by a city’s charter or code and must be strictly complied with. *E & J Holding Corp. v Noto*, 126 A.D.2d 641, 643 (2d Dept 1987) (“It is imperative that statutes enabling such subordinate governmental agencies to discontinue roadways be adhered to when terminating the public’s easement over such a roadway”) (citing, *McCutcheon v Terminal Station*

Comm'n of City of Buffalo, 217 N.Y. 127 (1916); *St. Luke's German Evangelical Lutheran Church v City of Rochester*, 115 Misc. 2d 199, 202-03 (Monroe Cty. Sup. Ct. 1982)).

100. It is without question that Fair Street Extension is a street under NYS Law and the City of Kingston Code. See VTL § 148 (defining street as “[t]he entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel”) and § 134 (defining “Public Highway” as “[a]ny highway, road, street, avenue, alley, public place, public driveway or any other public way); Kingston City Code § 405-3 (defining “Street” for zoning purposes as “[a]ny public street, court, place, square, lane or way set aside or used as a right-of-way, which affords legal access to abutting property”) and § 390-1 (defining “Street” for vehicle and traffic purposes as “[a]ny public street, avenue, road, boulevard, highway or other public place located in the City of Kingston and established for the use of vehicles”); see also, *Williams v State*, 34 AD2d 101 (3d Dept 1970) (finding sidewalks are also part of a “street” as they fall into the boundaries of streets’ rights-of-way).

101. Public streets are and remain public highways under all circumstances once established until the public ceases to travel on them or the public authorities act to officially close them pursuant to law. *Clark v State*, 41 Misc. 2d 714 (Ct. Cl. 1963) (finding failure of government to build a public highway to its full length and width does not extinguish the right of the public to the parts unopened); *Rinaldo v State*, 32 Misc. 2d 1016 (Ct. Cl. 1962) (finding once a highway is laid out and opened for public use, it remains a public highway until it ceases to be such by action of the general public in no longer traveling upon it or by action of the public authorities in formally closing it).

102. The Kingston Charter authorizes the DPW, with the authorization of the Mayor, to construct or discontinue streets. Kingston City Charter § 14-1(b). However, the DPW must temper this authority with its obligation to act for the public benefit of the City of Kingston. NY Const. Art. VIII, Section 1. “It is established that a municipality may lease its public improvements to private concerns so long as the benefit accrues to the public and the municipality retains ownership of the improvement” *Murphy v Erie Cty.*, 28 NY2d 80, 88 (1971). “Of course an incidental private benefit, such as a reasonable proportion of commercial space, is not enough to invalidate a project which has for its primary object a public purpose, but the use is not public where the public benefit is only *incidental* to the private” *Denihan Enterp. v O’Dwyer*, 302 NY 451, 458 (1951) (citations omitted) (emphasis added). Here, any potential public benefit from the closing of Fair Street Extension and the construction of the Project is only incidental to the much greater private benefit afforded to the Applicants who will be gifted public property to use for their own purposes in pursuing a commercial venture.

103. Moreover, Respondents cannot claim there will be no diminution in the rights of the public to make use of the public property subject to the Easements solely because the Applicants may choose to allow the public to access portions of it at times. Permission of the public to access private space, such as a plaza within a private commercial development, can be taken away at any time. It does not afford the public the same rights to congregate, assemble, and speak that the Constitution protects on streets, sidewalks, and other traditional public fora, such as Fair Street Extension.

104. The DPW cannot discontinue a street that is needed for vehicular and pedestrian purposes for the sole or primary purpose of benefiting a private party. *See Baker v Vill. of*

Elmsford, 70 AD3d 181, 185 (2d Dept 2009) (“Municipalities hold the fee of streets in trust for the general public. The trust is publicum juris, meaning, for the whole people of the state”).

105. Any closure or encumbrance of Fair Street Extension will hamper the ability of emergency services and personnel to access Uptown Kingston. *See*, Ex. I, p. 3 (“additional reassigned traffic volumes would have the potential to affect the Kingston Fire Station 2-Wiltwyck Station, which is also located on this block”).

106. Any closure or encumbrance of Fair Street Extension will eliminate an important access route into the northern portion of Uptown Kingston and force the rerouting of traffic. *See*, Ex. I.

107. Upon information and belief, any closure or encumbrance of Fair Street Extension will eliminate the means of public access to the municipal parking lot at 21 North Front Street. *See*, Ex. I, p. 2.

108. The DPW does not have the authority to discontinue a street when that street is a necessary public thoroughfare. *See* General City Law § 29 (requiring the Common Council deem the closing of the street to be “in the public interest”).

109. Finally, the Respondents do not have the authority to discontinue Fair Street Extension, as they have not referred the proposal to the City of Kingston Planning Board. *See* General City Law § 29 (“Before making such addition or change the matter shall be referred to the planning board for report thereon, but if the planning board shall not make its report within thirty days of such reference, it shall forfeit the right further to suspend action”).

110. Accordingly, Petitioners respectfully request the Court issue a judgment declaring that the DPW, Common Council, and Mayor have no authority to discontinue or encumber the Fair Street Extension as it is still in use, is necessary to provide adequate access to and around

Uptown Kingston, is needed for the public use it currently serves and there has been no finding otherwise pursuant to law, and the Common Council has not referred the proposal to the Planning Board, and further enjoining the Respondents from taking any action towards discontinuing or encumbering Fair Street Extension.

AS AND FOR A SECOND CAUSE OF ACTION
**(SEEKING A DECLARATION THAT THE RESPONDENTS DID NOT HAVE THE
AUTHORITY TO ADOPT AMENDED RESOLUTION 215 AND DO NOT HAVE THE
AUTHORITY TO ACT TO CONVEY OR ENCUMBER FAIR STREET EXTENSION)**

111. Petitioners repeat and reallege all the foregoing allegations set forth in this Petition with the same force and effect as though set forth herein at length.

112. Even if the DPW has authority to partially discontinue a road that is needed for vehicular and pedestrian travel, the Common Council, and Mayor have no authority to convey the Easements in the partially abandoned road to Respondent Kingstonian Development, LLC.

113. The City of Kingston may only convey a former public street after following the requirements set forth in Chapter 355 of the City of Kingston Code (“Code”) which requires a determination by the Common Council that the subject street is no longer of “public use” after a discernment of “the public benefit to be gained by having the street in private ownership.”

114. A “conveyance” is not limited to an outright sale of fee title in real property. The limitations established by the General City Law have been held to apply in situations where the land is leased as well, as a lease can interfere with the inalienability of public land just as an outright sale of fee could. *See* 1980 N.Y. Op. Atty. Gen. (Inf.) 142.

115. The subject Easements are tantamount to a sale of Fair Street Extension as the intents and purposes of the grants thereof are to allow Fair Street Extension to be permanently removed from public use for vehicular traffic and to permit a large multi-use development to be erected thereupon.

116. The Easements are property interests in the Fair Street Extension and are conveyed by a Deed of Easement.

117. Before conveying the Easements, “The [Common] Council shall determine whether the street is of public use or whether it is in the interest of the City of Kingston to sell such street.” City of Kingston Code §355-58.

118. The Common Council must hold a public hearing on ten days’ notice regarding the proposed sale of the Easements. City of Kingston Code § 355-62. *See also*, General City Law § 29 (requiring “[a]t least five days’ notice of a public hearing on any proposed action”[emphasis added]).

119. The City Assessor must determine the value of the Easements before they are conveyed, taking into consideration the dimensions of the Easements and the public benefit to be gained by having the street in private ownership, among other things. City of Kingston Code § 355-61.

120. The Common Council has failed to make the prerequisite finding that the Fair Street Extension was not needed for “public use” or that the proposed removal of the Street is in the “public interest” and has failed to have the Assessor value any potential Easements.

121. The Common Council and Mayor have failed to comply with the requirements to convey the Easements which are set out by State Law as well as the derivative portions of the City Charter and Code. *E & J Holding Corp. v Noto, supra* at 643.

122. Accordingly, Petitioners respectfully request the Court issue a judgment declaring that the Common Council and the Mayor of Kingston have no authority to consider any Resolution or other action to abandon Fair Street Extension until such time as the strictures of the City Code have been followed; and further enjoining the Respondents from taking any action

towards discontinuing or encumbering Fair Street Extension as purportedly authorized by Resolution 215 or any other resolution of the Common Council.

AS AND FOR A THIRD CAUSE OF ACTION
(SEEKING A DECLARATION THAT THE PROPOSED CONVEYANCE OF THE EASEMENTS VIOLATES THE NEW YORK STATE CONSTITUTION)

123. Petitioners repeat and reallege all the foregoing allegations set forth in this Petition with the same force and effect as though set forth herein at length.

124. Article VIII, § 1 of the New York State Constitution prohibits cities from making gifts or loans of “any money or property to or in aid of any individual, or private corporation or association.”

125. The Easements are a property interest which will allow Kingstonian Development LLC to build the Project and will include land currently used by the public as a public highway known as Fair Street Extension.

126. Upon information and belief, the City of Kingston is not receiving fair market value, or any compensation, for the Easements. The Easements are being gifted to Kingstonian Development, LLC in violation of the NYS Constitution.

127. Upon information and belief, an appraisal has not been obtained by the City of Kingston determining the value of the Easements.

128. The parking garage provides no benefit to the community because the Project will result no net gain of available parking spaces for the residents of Uptown Kingston and Ulster County.

129. The Kingstonian is being constructed on an existing surface parking lot which contains approximately 144 parking spaces serving the businesses in Uptown Kingston.

130. The Project will replace the surface parking lot with a parking garage with 420 spaces serving both the public and the needs generated by the Project, or 276 spaces more than the Property currently provides. However, the Project would generate the need for at least 313 to 373 parking spaces, resulting in a net loss of parking spaces available to the public.

131. Section 405-34J of the City of Kingston Zoning Ordinance requires 1.5 spaces for each one-bedroom apartment and 2 spaces for a two- or three-bedroom apartment. The Zoning Ordinance further requires one parking space for each hotel room with an additional space needed for every 600 square feet of space outside of guest rooms.

132. The Project proposes a mix of one-, two- and three-bedroom apartments. Based on the proposed mix of apartments, a minimum of 251 parking spaces are required.

133. The Project's hotel requires another 32 parking spaces plus spaces for employees.

134. Thus, a minimum of 283 parking spaces in the garage will be occupied by residential tenants and hotel guests.

135. The Zoning Ordinance requires one parking space for every 100 square feet of gross floor area for a restaurant, and one parking space for every 300 square feet of floor area for retail. The approximately 9,000 square foot commercial portion of the Project will therefore generate the need for at least 30 to 90 parking spaces.

136. Using a conservative estimate, the minimum number of spaces needed to serve the Kingstonian is 313.

137. The proposed parking garage with 420 parking spaces is not sufficient to replace the existing 144 public parking spaces and provide for the additional 313 parking spaces needed by the Project. The Project will therefore result in net loss of publicly available parking spaces.

138. Essentially, though the number of parking spaces will increase, the residents of Kingston will find themselves facing an even worse shortage of available parking than presently exists due to the fact that the Project will use up the vast majority of those new spaces, each of which will have cost approximately \$96,196.00 in financial assistance through the PILOT.

139. The pedestrian bridge that is included as part of the Project provides no or limited public benefit. Rather, it directly connects to the Kingston Plaza shopping center, owned by one of the Applicants, Herzog Supply Co. Inc. The pedestrian bridge extends north over Schwenk Drive to connect the Kingstonian (and indeed the entire Stockade District of Uptown Kingston) to the Kingston Plaza located directly north of the parking garage site.

140. Kingston Plaza is owned by one of the Applicants, Herzog Supply Co. Inc. and will direct pedestrians into this privately owned shopping center.

141. Kingstonian Development, LLC is already receiving a PILOT worth approximately \$26 million, purportedly in recognition of the costs of constructing the parking garage and pedestrian bridge.

142. Without a valuation of the Easements, the City cannot determine whether the alleged benefits of the Project outweigh the value of municipal property that, for all intents and purposes, is being permanently developed and made unavailable for municipal purposes.

143. The City cannot continuously give away municipal property and assets because it supports the Project and the Applicants. Rather, it has an obligation to the taxpayers to ensure that it is receiving adequate compensation through a diligent financial analysis which has not been undertaken.

144. Accordingly, Petitioners respectfully request the Court issue a judgment declaring that the Easements may not be gifted to Kingstonian Development, LLC or any other Respondent,

and further enjoining the Respondents from taking any action towards discontinuing or encumbering Fair Street Extension as purportedly authorized by Resolution 215 or any other resolution of the Common Council.

AS AND FOR A FOURTH CAUSE OF ACTION
**(THE COMMON COUNCIL HAD NO AUTHORITY TO ADOPT AMENDED
RESOLUTION 215 BECAUSE IT IS IMPERMISSIBLY VAGUE)**

145. Petitioners repeat and reallege all the foregoing allegations set forth in this Petition with the same force and effect as though set forth herein at length.

146. The Common Council is responsible for authorizing contracts for the conveyance of property by a 2/3 vote. City of Kingston Charter § 13-3(c).

147. The Common Council is responsible for authorizing the terms of sale of a road. City of Kingston Code § 355-65.

148. Amended Resolution 215 does not include any terms or conditions of conveyance of the Easements such as the locations of the Easements, the duration of the Easements, the extent of the Easements, the permitted use of the Easements, and any consideration the City of Kingston might gain in exchange for the Easements.

149. Amended Resolution 215 is impermissibly vague.

150. General Municipal Law § 51 provides that Petitioners may maintain an action against the Common Council and the Mayor to prevent any illegal official act. N.Y. Gen. Mun. Law § 51.

151. Accordingly, this Court should declare that Amended Resolution 215 impermissibly delegates authority regarding the alienation of real property belonging to the Common Council to the Mayor.

AS AND FOR A FIFTH CAUSE OF ACTION

**(SEEKING A DECLARATION THAT THE COMMON COUNCIL MAY NOT
DELEGATE ITS AUTHORITY TO APPROVE SPECIFIC CONVEYANCES OF REAL
PROPERTY OWNED BY THE CITY)**

152. Petitioners repeat and reallege all the foregoing allegations set forth in this Petition with the same force and effect as though set forth herein at length.

153. Local governments including counties, cities, towns, and villages in New York State are creatures of State Law which are delegated all of their powers by the State Legislature. *Brown v Board of Trustees of Town of Hamptonburg, School Dist. No. 4*, 303 N.Y. 484 (1952).

154. Local governments in New York may only exercise those powers which have been explicitly delegated to them by the Legislature. *Boening v Nassau County Department of Assessment*, 157 A.D.3d 757 (2d Dept 2018), *leave to appeal denied*, 31 N.Y.3d 907 (2018) (where a county's exercise of powers relating to audits and tax levying was found to be constitutional only as the Legislature made an "express and unambiguous delegation of the authority").

155. No local government may further delegate the authority which the Legislature delegated to it without explicit authority to do so from the Legislature. "*Potestas delegata non est delegari* is a general maxim [...] and operates to prevent the governing body of a municipal corporation, intrusted [sic] by the state with police power, from delegating its high functions to any other body or officer; the trust is official and personal, and may be discharged only by those to whom the state commits it." *City of Glens Falls v Standard Oil Co. of New York*, 127 Misc. 104, 109 (Sup. Ct. Warren Cty. 1926); *see also, Baldwin Union Free School District v County of Nassau*, 62 Misc. 3d 236 (Sup. Ct. Nassau Cty. 2018) (where an ordinance was found to have impermissibly delegated authority to the County Treasurer, "the County Legislature exceeded its authority in delegating duties and responsibilities" which had been exclusively delegated to the

County Legislature).

156. Cities, and the organs and officials thereof, are specifically delegated powers in their respective City Charter by the State Legislature, and may not improperly further delegate these powers. *See, e.g., Luongo v Flanagan*, 230 AD 71, 73 (2d Dept 1930) (“I am of the opinion that the power [of a board of aldermen] is purely legislative and could not be delegated to an administrative officer such as the superintendent of buildings. It is a well-settled principle that public powers or trusts devolved by law or charter upon the council or governing body [of a municipality] to be exercised by it when and in such manner as it shall judge best cannot be delegated to others.” (internal citations omitted)).

157. Here, the Common Council is charged with the responsibility of making “general ordinances, rules, regulations as the [Common] Council may deem necessary to affect the purposes of this Charter and in the interest of the city” (City of Kingston Charter § 13-3(H)), which include but are not limited to the requirement that the Common Council approve by 2/3 vote of the Common Council the “purchase or sale of real estate” (*Id.* at § 13-3(c)).

158. The power to alienate or encumber City property is vested exclusively in the Common Council who must vote on the contractual arrangement to effect the conveyance of interest in said property. *Id.*

159. Amended Resolution 215 impermissibly delegates the authority and duty of the Common Council to the Mayor, as the Resolution contains no attached draft of the Easements and contains no language regarding the length, location, term, use, or consideration for the Easements. By authorizing the Mayor to execute documents to grant the Easements without clarifying what the Common Council was authorizing to be granted in even the most general of

terms, the Common Council has effectively ceded the power to negotiate any and all terms of the conveyance of City property interests to the Mayor without reserving any power or oversight. The Common Council wrote the Mayor a 'blank check' which Petitioners' seek to enjoin Respondents from cashing.

160. Accordingly, Petitioners respectfully request this Court issue a judgment declaring that the Common Council unlawfully delegated its responsibilities when it adopted Amended Resolution 215 and declaring the adoption of Resolution 215 to have been contrary to law, declaring the Common Council's actions null and void, and further enjoining the Mayor of the City of Kingston from exercising any power he was allegedly delegated by the Common Council by its passage of Amended Resolution 215 as well as enjoining Respondents from considering any resolution or taking any further action preventing them from generally closing, conveying, encumbering, or in any other way interfering with the public right of way or the public's property interest in Fair Street Extension during the pendency of this case.

AS AND FOR A SIXTH CAUSE OF ACTION
(SEEKING A DECLARATION THAT THE COMMON COUNCIL'S DELEGATION
OF AUTHORITY IS INVALID AS OVERBROAD)

161. Petitioners repeat and reallege all the foregoing allegations set forth in this Petition with the same force and effect as though set forth herein at length.

162. Where the legislative bodies of cities seek to delegate their powers to a Mayor or other City official, the rule has long been that, if "such delegated duty involves an act of judgment or discretion, and is not merely ministerial, such duty cannot be conferred by the board or body on whom it primarily rests." *People ex rel. Economus v Coakley*, 110 Misc. 385 (Sup. Ct. Onondaga Cty. 1920), *citing*, *City of Hudson v Flemming*, 139 A.D. 327, 329 (3d Dept 1910).

163. Vague and open-ended delegations of power by a Common Council to a Mayor

are unsustainable. *See, Little v Young*, 274 A.D. 1005, (2d Dept 1948), *aff'd*, 299 N.Y. 699 (1949) (where delegation by legislative body of municipality of power or authority without prescribing a standard or rule governing the power which is to be exercised was found to be an invalid delegation of legislative power); *see also, Syrtel Bldg., Inc. v City of Syracuse*, 78 Misc. 2d 780, 782 (Sup. Ct. Onondaga Cty. 1974) (authorization from common council to mayor to execute vaguely defined contracts was an invalid delegation of legislative power).

164. When a municipality or municipal official acts without proper delegation, such acts are *ultra vires* and void *ab initio* as a matter of law. *See gen., Joy Builders, Inc. v Town of Clarkstown*, 165 A.D.3d 1084, 1086-87 (2d Dept 2018).

165. Here, Amended Resolution 215 was an impermissibly overbroad delegation of power by the Common Council to City of Kingston Mayor like that in *Syrtel, supra*, as it purports to grant the Mayor broad authority to make a contract without defining what the contract is or even is to be. The Mayor is purportedly being allowed to convey easements he can define, over a portion of public property currently used as a public road known as Fair Street Extension, on terms and in return for compensation, if any, which the Mayor can define, who shall then choose whether or not to sign the documents ultimately conveying the easements. Ex. A.

166. The power to alienate or encumber City property is vested exclusively in the Common Council who alone is duty bound to pass judgment on the terms and conditions of any conveyance or encumbrance to city property. City of Kingston Charter § 13-3(c).

167. Accordingly, Petitioners respectfully request this Court issue a judgment declaring that the Common Council has impermissibly sought to make an overbroad delegation of its authority which belongs solely and exclusively to the Common Council and which it cannot

lawfully delegate by way of Resolution 215 or any other resolution which may attempt to delegate the power to abandon the road in the future, declaring the passage of Resolution 215 to have been contrary to law, declaring the Common Council's actions null and void, and further enjoining the Respondents from exercising any power allegedly delegated by the Common Council by its adoption of Resolution 215 as well as enjoining Respondents from taking any other steps by legislative action or otherwise from closing, conveying, encumbering, or in any other way interfering with the public right of way or public's property interests in Fair Street Extension during the pendency of this case.

AS AND FOR A SEVENTH CAUSE OF ACTION
(SEEKING A DECLARATION THAT THE PUBLIC HEARING AS SCHEDULED AND NOTICED FAILS TO MEET THE APPLICABLE STANDARDS OF DUE PROCESS)

168. Petitioners repeat and reallege all the foregoing allegations set forth in this Petition with the same force and effect as though set forth herein at length.

169. Procedural due process requires that there will be no deprivation of any liberty or property interest without notice and the opportunity to be heard. *Lai Chun Chan Jin v. Bd. of Estimate of City of New York*, 92 A.D.2d 218, 222 (1st Dept 1983), *aff'd*, 62 N.Y.2d 900 (1984) (internal citations omitted). "The Fourteenth Amendment does not create protected property interests. Its purpose is to provide procedural safeguards to insure [sic] that rights otherwise created or existent are protected." *Id.*

170. The United States Supreme Court has held that a fundamental requirement of due process is "notice reasonably calculated under all the circumstances to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections [...] and [...] afford a reasonable time for those interested to make their appearance" *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 315 (1950).

171. Further, the Court held, “when notice is a person’s due, process which is a mere gesture is not due process” *Id.*

172. Courts in this state have held, applying United States Supreme Court and other Federal precedent, that “[n]otice, to be meaningful, must be actual notice.” *St. Joseph Hosp. of Cheektowaga v Novello*, 43 A.D.3d 139, 151 (4th Dept 2007).

173. Here, the public generally enjoys a statutory entitlement to be heard regarding the proposed abandonment of Fair Street Extension as a public hearing is required before the Common Council can make any change to its Official Map, such as discontinuing a public road. General City Law § 29.

174. The notice provided to the public (Ex. K) does not reasonably apprise the public, Petitioners included, of the proposed action the Common Council proposes to undertake relating to the closing of Fair Street Extension as basic information regarding the subject of the hearing, namely, the portion of the Fair Street Extension to be discontinued and how it is to be discontinued, is not specified.

175. Without adequate notice of the proposed action, the public, Petitioners included, cannot be said to have been presented a constitutionally adequate opportunity to present their objections since the average member of the public would not be able to discern from the notice provided what, if anything, they would be objecting to.

176. Without a description of the Official Map or the changes proposed thereto, the public, Petitioners included, are effectively deprived of their statutory right to be heard and present their objections, if any. The elementary principle being that one must have actual notice as to what matter is at issue in order to discern an informed opinion as to that matter.

177. Further, the Respondents can hardly be said to have provided the public, Petitioners included, with a “reasonable time” to make their appearance as the public hearing has coincidentally been scheduled for the same date and time as the presentation of revised Project renderings to the HLPC, a decision that will suppress public participation, as those with strong opinions for or against the Kingstonian Project will find it difficult to participate in two different meetings regarding the same Project at the same time.

178. To offer public notice with no details of what is being noticed, of simultaneous public meetings and hearings that an interested party will not be able to attend, the both of which pertain to necessary approvals for the Kingstonian, is hardly meaningful notice and is more akin to a mere gesture.

179. Accordingly, Petitioners respectfully request this Court issue a judgment declaring that the Common Council has failed to render the appropriate notice due to the public, requiring the public hearing be noticed consistent with the law and Constitution, requiring the public hearing be rescheduled to a date and time when it has been sufficiently noticed and does not conflict with any other public meetings pertaining to the Project and/or the proposed discontinuance of Fair Street Extension which is intended to further said Project, and further enjoining the Respondents from taking any further steps by legislative action or otherwise from closing, conveying, encumbering, or in any other way interfering with the public right of way or public’s property interests in Fair Street Extension during the pendency of this case.

WHEREFORE, the Petitioners seek judgment for the following relief:

- a. Declaring that the City of Kingston Department of Public Works, Common Council, and Mayor Steven T. Noble are without authority to authorize the discontinuance of Fair Street Extension as it is necessary for public travel, is used

for public travel, there is no public benefit in its discontinuance, and the closure has not been referred to the City of Kingston Planning Board;

- b. Declaring that the Common Council and Mayor Steven T. Noble are without authority to convey Easements over Fair Street Extension or any other interest therein to Respondent Kingstonian Development, LLC or any other Respondents without following the statutory requirements of *inter alia* the New York State General City Law, the Kingston City Charter, and the Kingston City Code relating to the disposal of public highways;
- c. Declaring that the Common Council is without authority to authorize the conveyance of the Easements over the Fair Street Extension as the proposed Easements are unreasonably vague, do not adequately identify the Property or interests to be conveyed, and unlawfully delegate power from the Common Council to the Mayor relating to the conveyance of the Easements;
- d. Declaring that any conveyance of the Easements over Fair Street Extension or any other interest therein by the Common Council and Mayor Steven T. Noble without fair and adequate compensation to be prohibited gifts under Art. VIII, § 1 of the NYS Constitution;
- e. Declaring that the Common Council is without authority to delegate its powers to the Mayor or any other official or authority as the State Legislature and the City Charter vest the Common Council alone with the authority and duty to pass upon any contract to alienate or encumber the property of the City of Kingston;
- f. Declaring that the Common Council is without authority to make an overbroad delegation of its powers to the Mayor to encumber or convey the property of the

City of Kingston where the terms and conditions of such an encumbrance or conveyance are left undefined by the Common Council and the Mayor is, in essence, being allowed to determine for himself the terms and conditions of any conveyance or encumbrance of Fair Street Extension;

- g. Declaring that the purported public hearing on the discontinuance of the Fair Street Extension cannot be scheduled and held until such time as a map or description of the portion of the Fair Street Extension to be discontinued is provided for public review and the required public hearing thereupon is noticed and held in a manner consistent with due process;
- h. Granting the Petitioners a preliminary injunction restraining, during the pendency of this action, the exercise of any authority purportedly permitted by Resolution 215, and further restraining the Mayor and the Common Council from adopting any resolution, or taking any other steps towards, authorizing the abandonment, closure, discontinuance, or impediment to the public use of Fair Street Extension;
- i. Granting the Petitioners a permanent injunction restraining, the exercise of any authority purportedly permitted by Resolution 215, and further restraining the Mayor and the Common Council from adopting any resolution, or taking any other steps towards, authorizing the abandonment, closure, discontinuance, or impediment to the public use of Fair Street Extension;
- j. Declaring any conveyance of Fair Street Extension or easement over the Fair Street Extension as unlawful and null and void and directing the cancellation of such conveyance including the cancellation of any deed or other instrument

recorded with the City of Kingston and/or County of Ulster that document the conveyance; and,

- k. Awarding Petitioners such other and further relief as the Court deems just and proper, with the costs and disbursements of this proceeding.

Dated: Rhinebeck, New York
November 24, 2021

Yours, etc.

A handwritten signature in black ink, appearing to read 'V. Polidoro', with a long horizontal flourish extending to the right.

Victoria L. Polidoro, Esq.
RODENHAUSEN CHALE & POLIDORO
LLP

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November 23, 2021

**Re: Traffic Peer Review
Kingstonian – Fair Street Extension Closure
9-21 North Front Street, Kingston, NY
Langan Project No.: 190074001**

Attached please find our memorandum (dated: November 23, 2021) prepared at the request of Rodenhausen Chale & Polidoro LLP. This memorandum summarizes the peer review of a Traffic Impact Study (TIS) prepared for a mixed-use urban development located on Fair Street Extension between North Front Street and Schwenk Drive in Kingston, NY.

Sincerely,
**Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.**



Adnan Pasha, PE
Associate / Director of Transportation
(NY & Langan International)



Brian Weinberg, PE
Senior Project Manager

Enclosure(s): Traffic Peer Review Memorandum

cc: Michael Burke, Langan

Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
21 Penn Plaza, 360 West 31st Street, 8th Floor New York, NY 10001 T: 212.479.5400 F: 212.479.5444

To: Victoria L. Polidoro, Esq. - Rodenhausen Chale & Polidoro LLP

From: Adnan Pasha, PE and Brian Weinberg, PE

Date: November 2, 2021 (First Submission)
November 23, 2021 (Revised)

Re: **Traffic Peer Review**
Kingstonian – Fair Street Extension Closure
9-21 North Front Street, Kingston, NY
Langan Project No.: 190074001

Introduction

At the request of Rodenhausen Chale & Polidoro LLP, Langan conducted a peer review of a Traffic Impact Study (TIS) prepared for a mixed-use urban development located on Fair Street Extension between North Front Street and Schwenk Drive in Kingston, NY.

As part of this project, the existing Fair Street Extension roadway segment will be closed to through traffic. This would allow its northern section to be used as a proposed site driveway to/from Schwenk Drive while the southern section of the closed street would become a pedestrian plaza.

Project Background

The TIS for the proposed project was prepared by Creighton Manning Engineers (CME) in July 2019. The TIS was submitted to the City of Kingston Planning Board, which concluded that: *"The closure of Fair Street Extension to through traffic as part of the Kingstonian project is not expected to have an adverse impact on the operation of adjacent intersections based on CME's capacity analysis contained herein."* Furthermore, HVEA Engineers, working for the City of Kingston Planning Board, reviewed the TIS and stated the following in a letter (dated: 7 October 2019): *"The closure of Fair Street Extension is a critical component of the proposed development. It has been adequately demonstrated that this action shall have no significant adverse impact on the adjacent roadway network."*

Consequently, the City of Kingston Planning Board issued a SEQR Type 1 Action Negative Declaration and Determination of Environmental Non-Significance for the project on 16 December 2019.

Peer Review Summary and Findings

The following summarizes our peer review of the traffic assessment and potential adverse traffic impacts related to the closure of Fair Street Extension presented in the TIS.

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Traffic Peer Review
Kingstonian – Fair Street Extension Closure
9-21 North Front Street, Kingston, NY
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Peak Hour Analysis

The TIS conducted traffic counts and intersection capacity analysis for only the weekday evening peak period. Specifically, the TIS states: *"This traffic study focuses on the weekday PM peak period, which corresponds to peak operations at the proposed site and peak traffic conditions on the surrounding roadway network."* However, the statement that the PM peak period reflects the peak traffic conditions on the surrounding roadway network is not substantiated in the TIS. It should be noted that the *Institute of Transportation Engineers (ITE) Trip Generation Manual*, which was used in the TIS to estimate the PM peak period project-generated traffic volumes, also identifies the weekday morning as a typical peak period for traffic activity for residential and hotel land uses. Therefore, the TIS should have estimated the trips generated by the proposed development in the weekday morning peak hour to determine if additional peak hour analysis was warranted.

Traffic Reassignments

The proposed project would result in the reassignment of traffic due to the closure of Fair Street Extension. The basis and methodology for traffic volume reassignments are not explicitly detailed in the TIS and it only makes a reference by stating: *"The observed 36 vehicles utilizing the [municipal parking lot] driveway on Fair Street Extension as well as through traffic on Fair Street Extension were conservatively redistributed within the roadway network."* To get a better understanding of the detailed traffic reassignments, we subtracted the project-generated trips and 2025 No-Build volumes from the 2025 Build volumes presented in the TIS. Based on this exercise, we identified the following traffic reassignments:

1. For the traffic on southbound Fair Street Extension approaching from Kings Plaza Driveway, nearly half was assigned along eastbound Schwenk Drive to southbound Clinton Avenue and nearly half was assigned along westbound Schwenk Drive to southbound Frog Alley to southbound Green Street.
2. For the traffic on southbound Fair Street Extension approaching from eastbound Schwenk Drive, all was assigned along southbound Frog Alley to southbound Green Street.
3. For the traffic on northbound Fair Street Extension from North Front Street, nearly half was assigned along northbound Clinton Avenue to westbound Schwenk Drive to the Kingston Plaza Driveway and nearly half was assigned along northbound Frog Alley to Schwenk Drive.

Based on the above, the reassignments would increase the traffic levels on critical lane groups at the intersection of Schwenk Drive and Frog Alley. Specifically, the reassignments would result in an additional 44 vehicles using the westbound left-turn pocket lane on Schwenk Drive. This pocket lane is approximately 70 feet long and would not be able to provide the appropriate queuing length for more than three vehicles at a given time. The lack of queuing space would

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result in vehicular spillback, which could introduce notable delays and potentially adversely impact the through traffic circulation and operations on westbound Schwenk Drive.

Traffic Study Area

The TIS analyzed a traffic study area consisting of 10 intersections. Given the magnitude of traffic reassignments, additional intersections should have been included in the study area. Specifically, the intersections along the following roadway segments should have been analyzed in the TIS to assess the potential impact of reassigned traffic volumes on traffic operations:

Green Street Corridor

Approximately 98 vehicles were reassigned southbound along Green Street. The intersections of Green Street with Lucas Avenue, Crown Street, and Main Street should have been included in the traffic study area.

John Street Corridor

Approximately 45 vehicles were reassigned eastbound along John Street approaching Clinton Avenue. The intersections of John Street with Wall Street and Fair Street should have been included in the traffic study area.

Clinton Street Corridor

Approximately 36 vehicles were reassigned southbound along Clinton Street south of Main Street. The intersection of Clinton Street/Albany Street/Pearl Street should have been included in the traffic study area.

Kingston Fire Station 2 – Wiltwyck Station

Based on the reassignments, approximately 159 two-way north/south additional trips would use Frog Alley between Schwenk Drive and North Front Street. These additional reassigned traffic volumes would have the potential to affect the Kingston Fire Station 2 – Wiltwyck Station, which is also located on this block. The TIS should have analyzed the traffic conditions on Frog Alley, during the morning and evening peak hours, to assess the potential impact of the reassigned traffic volumes on the fire station operations. Specifically, the reassigned traffic could potentially increase congestion leading to longer emergency vehicle response times and could result in longer vehicular queues during the times of fire truck maneuvering. A standalone study is being performed to quantify the impact of the reassignment on response time by Kingston Fire Station 2. The findings of the study will be presented under separate cover and, if they impact the conclusions presented in this memo, an updated memo will be prepared.

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Southbound Fair Street Reassignments

The reassigned traffic volumes on Frog Alley continued southbound through Green Street to leave the study area. A conservative approach would have reassigned the traffic from Frog Alley to turn onto eastbound North Front Street to continue to southbound Fair Street. This would have been a conservative analysis in terms of pedestrian safety as North Front Street is a pedestrian-oriented retail corridor which could get adversely impacted by additional traffic volumes. Lack of traffic reassignments on North Front Street negates the assertion that the TIS did a conservative reassignment of traffic volumes.

Pedestrian Circulation and ADA/HRL Access During Construction

The Fair Street Extension will be closed to pedestrian traffic during the construction of the project. To our knowledge, temporary accommodations for Americans with Disabilities Act (ADA) and New York State Human Rights Law (HRL) pedestrian access between Schwenk Drive and North Front Street have not been proposed during the construction phase.

In the absence of ADA/HRL accommodations and pedestrian access, patrons will have to take a detour to travel between Schwenk Drive and North Front Street. This would result in significantly longer walk trips and may result in potential delays due to additional intersection crossing locations; thereby, adversely impacting pedestrian safety and access/egress for neighboring businesses, residences, and community facilities. As such, the detour pedestrian routes could include a connection through either Schwenk Drive, Clinton Avenue, and North Front Street or through Schwenk Drive, Frog Alley, and North Front Street. These detour routes would be approximately 800 to 2100 feet longer than the existing 400-foot long pedestrian connection via Fair Street Extension. Furthermore, these detour routes have constraints including sidewalk on only one side of the street, unprotected pedestrian crossings, uneven sidewalk surfaces, and occasional pinch-points, which would particularly affect the mobility of individuals with physical disabilities, making it harder for them to circulate the area. Furthermore, there are locations along the detour routes where a combination of constraints, such as an uneven sidewalk surface at a pinch-point, which could potentially make a sidewalk unpassable for a wheelchair user, forcing them either into the street or onto adjacent grass or dirt surfaces.

Traffic Count Surveys

On Thursday, October 28, 2021, we conducted Turning Movement Counts (TMCs) at four key intersections in the study area during the weekday AM and PM rush hours. Specifically, data was collected at the following study area intersections:

1. Schwenk Drive and Fair Street Extension
2. North Front Street and Fair Street Extension
3. North Front Street and Wall Street

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4. North Front Street and Frog Alley

Note that volumes at a fifth study area intersection, Schwenk Drive and Clinton Avenue, were able to be derived based on the volumes counted at adjacent intersections.

Based on a comparison of the PM peak hour traffic volumes at these five intersections from the TMCs to the 2019 Existing Conditions PM peak hour traffic volumes shown in the TIS, traffic levels today are similar to or lower than those in 2019. Therefore, the current PM peak hour traffic conditions would be expected to be similar to 2019. Please note that with the ongoing COVID-19 pandemic, the review agency could request modifications to traffic data to account for changes brought on by the pandemic such as differences in traffic levels due to teleworking and a potential increase in auto-centric trips.

In addition to the TMCs, Automatic Traffic Recorders (ATRs) were used to obtain 24-hour, two-way traffic volumes along Fair Street Extension. The 24-hour profile of traffic volumes shows low levels of traffic overnight and in the early morning and then rising volumes through mid-morning to a local peak of approximately 191 hourly vehicles around noon. The volumes hold steady through the mid-afternoon, and then rise to an overall peak of approximately 222 vehicles between 4:30 PM and 5:30 PM. The volumes start decreasing notably about an hour later and continue dropping throughout the evening and into the night. Based on this profile, the highest traffic volumes of the day are experienced in the PM peak period.

Kingston Intersection Study

I-587 AT ALBANY AVENUE/BROADWAY INTERSECTION



Conceptual Design Report
Technical Memorandum





City of Kingston I-587/Albany/Broadway Intersection Study

Conceptual Design Report

February 2011



City of Kingston I-587/Albany/Broadway Intersection Study Conceptual Design Report

Prepared for the Ulster County Transportation Council

Prepared by:

Fitzgerald & Halliday, Inc.

In association with:

**AECOM
Alternate Street Design
URS**

February 2011



City of Kingston I-587/Albany/Broadway Intersection Study

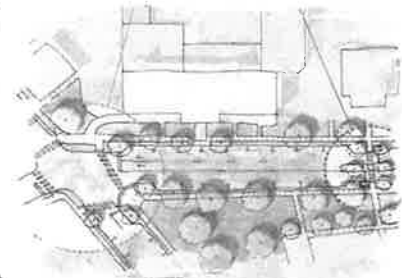
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Introduction

A major component of the Kingston Intersection Study was the public design workshop. This workshop was held over a three-day period in late September of 2010. The location for this workshop was the First Baptist Church on the northeast corner of the intersection, which served as the base of operations for the study team and the site of a number of public events held during the three days.



Study Area, Kingston NY

This report is a summary of the work accomplished over the three-day period and the feedback that was collected from the public and a number of interested stakeholders. The event was well attended and the result highly positive. A conceptual plan for Uptown Kingston was developed, influenced by the citizens of Kingston that not only addresses problems with the existing intersection, but provides a blueprint for longer-term sustainability of the city.

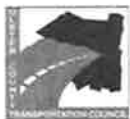
Public Participation

Public Survey

At the start of this study, the Ulster County Transportation Council (UCTC) articulated a set of interrelated goals for its outcome. The project was motivated in large part by the traffic bottleneck at the intersection of I-587, Broadway and Albany Avenue. The more encompassing goals set for the study included the following:

- Reduce vehicle and pedestrian delays
- Improve vehicular and pedestrian safety
- Minimize impacts to area residents and businesses
- Preserve parking capacity
- Improve freight mobility
- Enhance economic vitality
- Incorporate energy efficiencies/green technologies
- Improve gateway appearance
- Protect the historical character of the area
- Incorporate public input into the process and results

As a precursor to the design workshop, a survey was developed and administered electronically via SurveyMonkey.com. This survey was intended to gather preliminary feedback from the community on some of the study area issues and overarching goals stated above. Over 100 responses to the survey were collected and analyzed (a full set of results can be found in the appendix), and the presentation made to the Advisory Committee and the public at the workshop is summarized in the following pages.



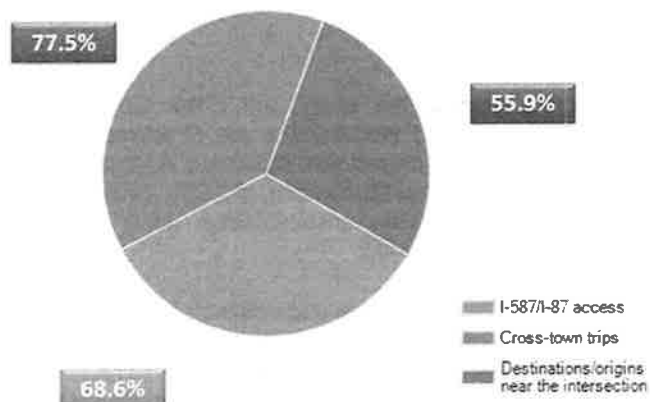
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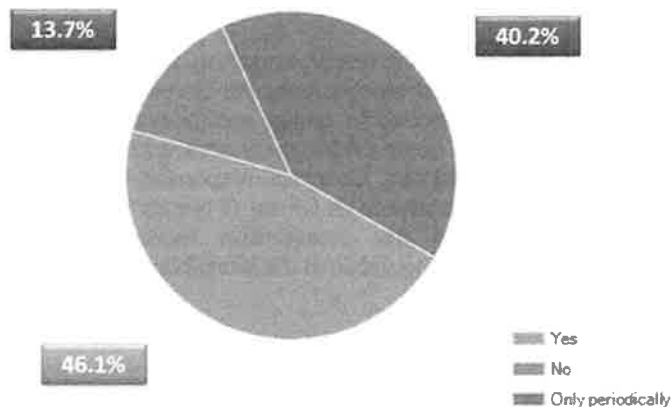


Question: What do you use this intersection for (choose all that apply)?



The results confirm the multi-purpose utility that this intersection provides.

Question: Do you think that traffic congestion is a problem at this intersection?



The results indicate that a majority of the respondents (> 86%) believe congestion is a problem, at least during certain periods of the day.

Question: During what hours (if any) would you avoid driving through this intersection?

	Response Percent	Response Count
6am	2.6%	2
7	19.2%	15
8	57.7%	45
9	50.0%	39
10	9.0%	7
11	7.7%	6
12pm	30.8%	24
1	19.2%	15
2	6.4%	5
3	24.4%	19
4	52.6%	41
5	87.2%	68
6	46.2%	36
7	6.4%	5
8pm	1.3%	1

The responses show a familiar pattern of traffic distribution over the course of a typical work day. The majority of responses point to the usual morning and afternoon peak commuter hours as the ones to avoid, and to a lesser degree, the lunchtime peak hour. As shown in the illustration on the next page, when these responses are overlaid onto the traffic distribution graph that is



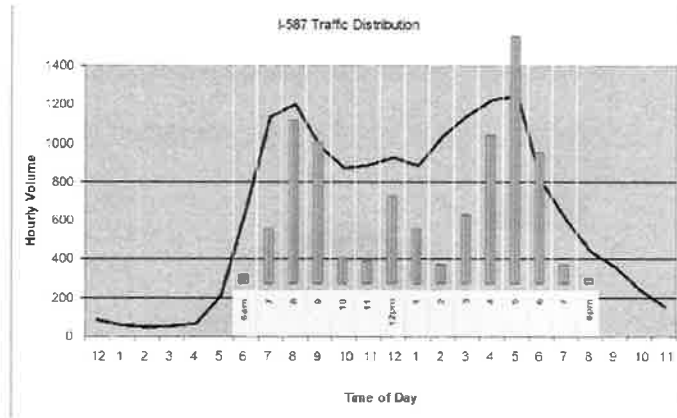
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based on actual traffic counts, the general shape of the graph matches the responses.



It was noted in the presentation that the daily traffic on all approaches to the intersection is relatively balanced, with the lowest volume leg being I-587.



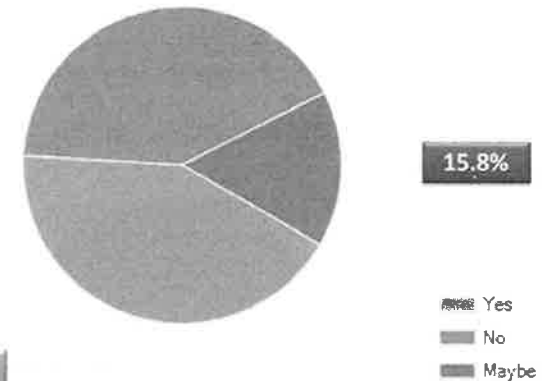
Question: Do you think safety is an issue at this intersection?

Fifty-nine percent (59%) of respondents indicated that safety is an issue and some of the responses were as follows:

- "Cars go straight to I-587 in the left turn only lane from Broadway"
- "Pedestrians are confused; drivers are confused"
- "It is difficult to navigate with a bicycle"
- "I-587 traffic blocks the Albany intersection"
- "I've seen accidents and near misses in many different locations..."

Question: Would you be more likely to walk or bike in the vicinity of this intersection if substantial improvements were made to the sidewalks, crosswalks, bike lanes, and streetscape?

41.6%



Over half (58.4%) of the respondents indicated that they would walk or bike in the vicinity of the intersection if improvements were made to accommodate those modes. More walking and biking has the potential for reducing congestion created by short trips and also contributes to the economic health of a community.



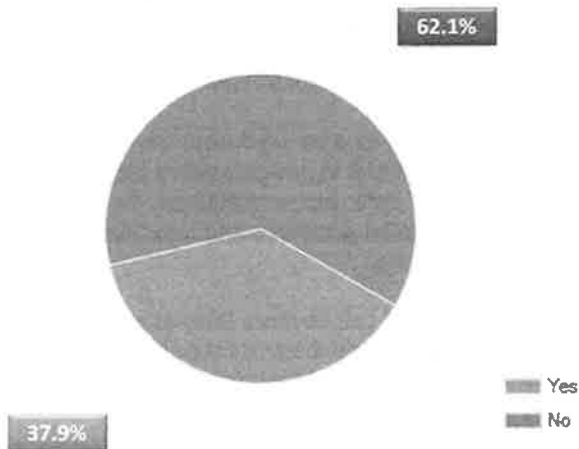
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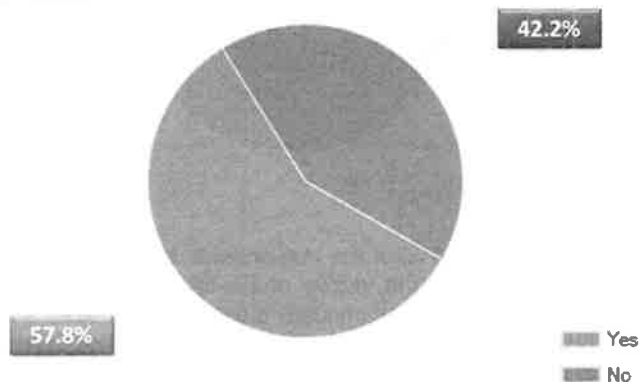


Question: Do you think that there is adequate parking for the businesses in this area?



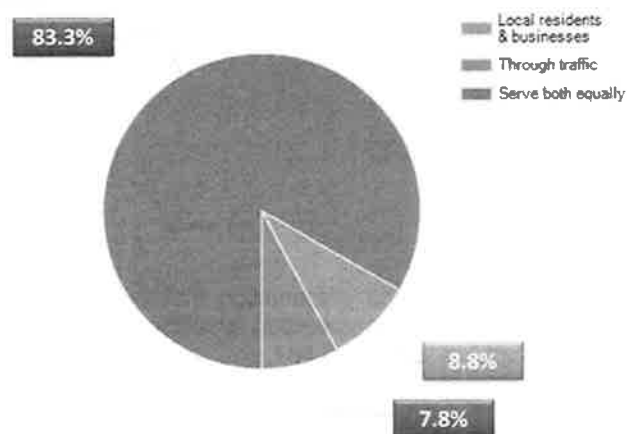
The responses suggest that parking needs are satisfied in the area, but some improvements should be considered.

Question: Is the directional signage at this intersection sufficient?



Although a majority of respondents indicated that directional signage is sufficient, it was noted that the question was potentially misleading since there appears to be an over-supply of directional signage at the intersection that some feel is confusing to drivers. This particular question was requested to be explored in greater detail during the workshop.

Question: Who do you think this intersection should primarily serve?



The response to this question overwhelmingly points to the recognition that this intersection is important to both local and regional traffic. Any improvement concept developed during the workshop needs to consider the mix of local and through traffic equally.



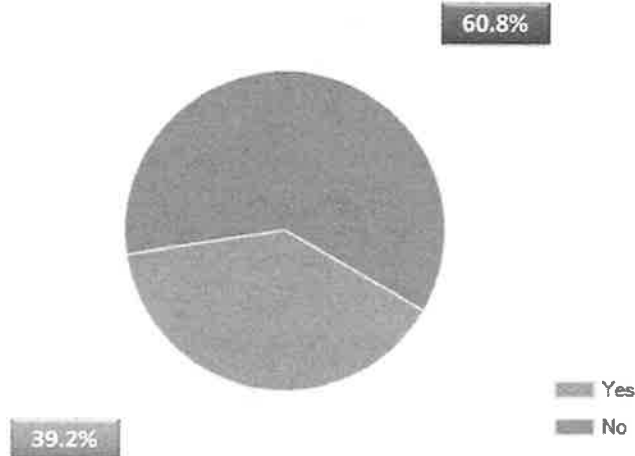
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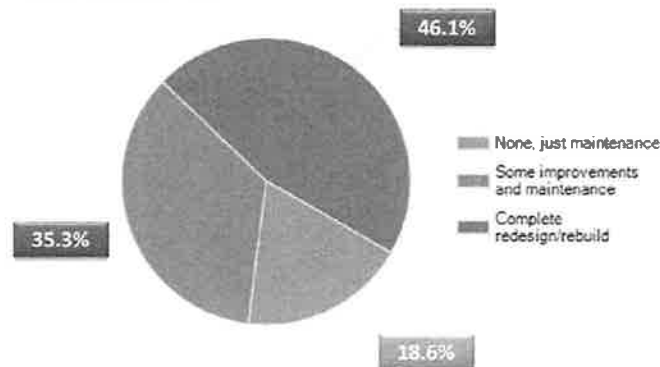


Question: There are many small parcels of green space at this intersection now, if these spaces could be combined, do you think that a small park would be appropriate at this intersection?



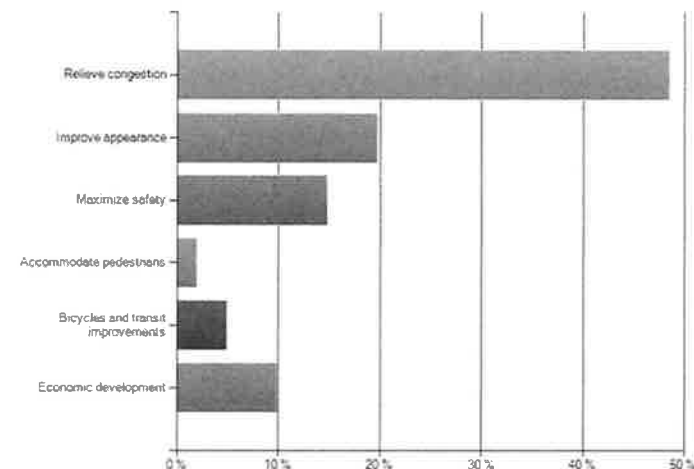
The majority of responses suggest that a small park at the intersection is unnecessary.

Question: How much of an improvement do you think this intersection needs?



Almost half of the responses suggested a complete rebuild of the intersection is necessary. A considerable number of responses also pointed to possible improvements for the intersection, short of a complete rebuild. A small fraction of responses pointed to only maintenance of the existing intersection as a possible solution.

Question: If you had to pick just one type of improvement to this intersection, what should it accomplish?



Clearly congestion reduction should be a major consideration when addressing this intersection. The fact that all of the choices provided in the survey question had some level of importance ascribed to them demonstrates that the overall solution to this intersection should satisfy many goals.



City of Kingston I-587/Albany/Broadway Intersection Study

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The Design Workshop

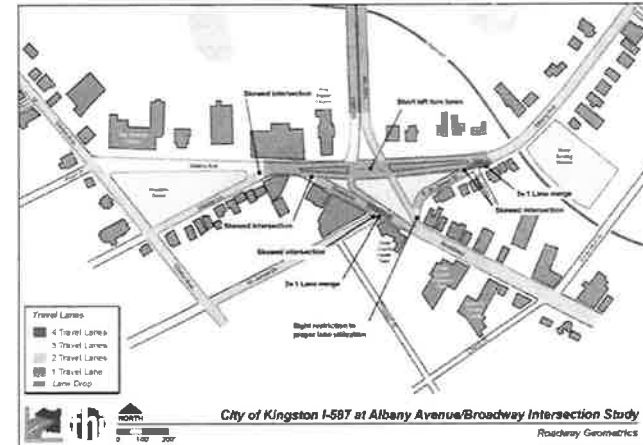
While resolving congestion, accommodating local and regional traffic, and improving safety are important goals, in the end, reclaiming this area as a place of value in the community is an aspiration to aim for. The study must look beyond the limited confines of the I-587-Albany Avenue intersection itself, and understand how travel and conditions there affect the rest of the City; there are impacts to the neighborhoods, to the Stockade Area, to Uptown, to the length of Broadway and as far as the Rondout historic area at the waterfront. Solutions for the intersection must serve the diverse transportation and community quality of life needs of the City as a whole and there is a great opportunity for it to do so.

This design report documents the findings of a three-day workshop which was conducted to develop workable solutions for the I-587/Albany Avenue intersection. The public workshop was conducted over three days in late September, 2010. The general sequence of events was as follows:

Day One

The first day of the workshop was one of discovery. The study team held a meeting with the Project Advisory Committee (PAC) to present information on the findings of their analysis of current conditions and to listen to their concerns and desires for the intersection area. This was followed by a series of interviews with a wide range of stakeholders to ask **a)** what are their experiences with the intersection **b)** what they like/would keep about the area and **c)** what they did not like and would change.

This first long day of discovery was concluded with a public meeting. The community at large was invited to a presentation about conditions and options for the intersection. Then, they were asked to share their issues, experiences and ideas for improving the intersection.



Workshop began with a presentation on study area issues



Public meeting attendees preparing to plan



Day Two

The second day of the workshop was spent interviewing additional stakeholders and sketching out the ideas the study team had heard thus far. This was largely a synthesis of ideas and comments collected from a wide range of study participants and the work produced provided the framework for the ideas presented in the remainder of this report.

Day Three

On the third day of the workshop, the study team did some technical analysis of the feasibility of the ideas or solutions they had sketched. Some preliminary solutions were developed, and drawing of what they would look like developed.



The study team prepares to address the PAC

Also during the day, there was an Open House where the community at large was invited to come see the results of the exploration of options for the intersection and its surroundings. The workshop was concluded with a second meeting of the PAC to share the findings of the three days of work and get their feedback.

Direction for the Future – What We Heard

As the design team listened to the citizens of Kingston, and key stakeholders in the study area, many common themes emerged. The following is a summary of the key ideas expressed during the workshop.

1. **Kingston community is proud of the City!** Many folks who attended one of the workshop events expressed how proud they are of Kingston's heritage as well as its many assets including the surrounding natural beauty of the area.
2. **Intersection improvements are not just about traffic.** Some folks thought the traffic congestion and hazards were a huge problem and some did not. But everyone seemed to agree that the intersection as a space was a "dead zone" of asphalt and grass that does not benefit the City in the way that it should. The intersection poses many concerns that are not traffic related.
3. **This is the gateway to Kingston.** It was the general consensus that the place where I-587 enters Kingston is major entry point. It is a driver's first introduction to the City – a doorway into the City environment. As such, it does not serve the City well. It should be attractive, inviting and welcoming.
4. **Mobility improvement is needed for sustainability.** Sustainability is the efficient use of resources to meet the needs of today's community while not sacrificing the ability of future generations to enjoy the same resources. The transportation network is a resource. It must function well



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for all users including those on foot or bicycle. In order for the City of Kingston to be a vibrant community for both today's community and future generations, the transportation network and all modes of travel must function well.

5. **A constrained network is good!** A constrained network is one that allows traffic to flow – but at lower speeds and with room for other uses. An unconstrained network favors traffic over people and community sense of place. There was a consensus that the quality of the intersection area as a place should not be sacrificed to making traffic flow or to continue to handle an increasing number of cars.
6. **A fix at one place should not create problems elsewhere.** There are a variety of things that could be done to 'fix' the I-587/Albany Avenue intersection, but if traffic flow is changed there, it could easily move the congestion safety issues to nearby intersections such as Albany Avenue at Clinton Street, where there are also problems with traffic. It was agreed that this is not a solution. Any solution must take into account the entire local street network and the City mobility needs as a whole, as all the parts are interconnected.
7. **Fulfill Kingston's potential.** Many stakeholders emphasized that Kingston is a City in a strategic location with a wealth of unrealized potential to thrive and be a destination. Revitalizing Kingston is a significant goal for the community.
8. **Aesthetics and sense of place are key goals.** The I-587/Albany Avenue intersection should be an attractive place with not only well designed streets, but landscaping, streetscaping (such as attractive lighting and street art and furniture) as well as complementary architecture, and well placed attractive signage.
9. **Respect the history, hidden potential, and historic and natural assets of Kingston.** The community agreed that

as solutions to traffic issues are developed, Kingston's many assets should be considered and taken into account.

10. **Kingston streets should be complete streets** – good for pedestrians, bicyclists, buses, as well as cars. The intersection solutions need to include bicycle lanes, traffic calming (visual cues to encourage drivers to slow down), well marked pedestrian crossings, a sound sidewalk system and ease of travel for buses and fire trucks.
11. **Improvements should include long and short term options.** Stakeholders suggested that the intersection plan include short term things that are low cost and could be done quickly and compliment the long term solution that may be more costly.

The result of the numerous stakeholder interviews, the meetings with the PAC, and the public workshop was the development of a series of design drivers that set the stage for the types of transportation solutions that evolved over the course of the three-day event.

Correlating the eleven themes above to specific design drivers can be generalized in the following way. Themes 3, 7, and 8 speak to the intersection's role as a gateway to Kingston, and the importance of creating a strong sense of place in the area. Themes 1, 2, 9, and 10 relate to the traditional role of Kingston's streets from the early history of the Stockade to today's need for less automobile dominance. The heritage of Kingston needs to be preserved and the orientation of streets is a major factor in the vibrancy of community. Themes 4, 5, and 6 focus on the importance of network in transportation systems. Streets should offer alternatives, and be designed in a way that discourages speeding and prioritizes people. Finally, Theme 11 offers a realistic viewpoint on project funding and implementation, which will be addressed later in the Design Report.

The next chapter in this report provides additional details on these important design drivers.



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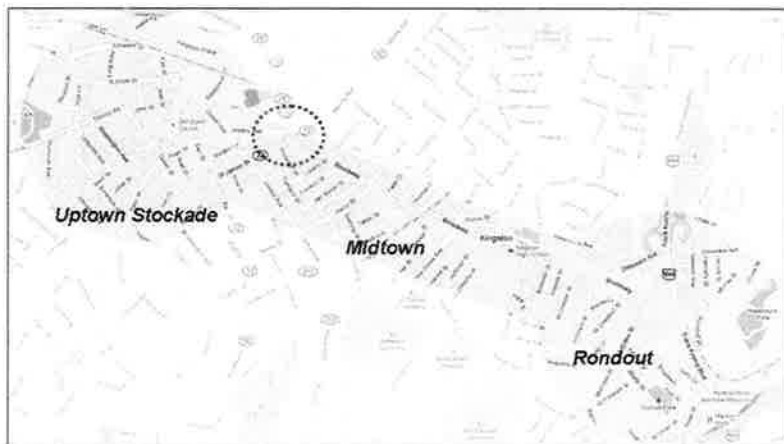
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Design Drivers

The people of Kingston intuitively understand the characteristics of a great place. Comments from a broad array of stakeholders indicate that transportation plays an important role in the shaping of a place. Midtown is viewed as a conduit for traffic (or the bar of a dumbbell) between Rondout and the Stockade district. These latter locations are viewed as places that people want to be, and are often cited as sources of community pride by local city residents.



Midtown is sometimes referred to as the handle of the dumbbell

Components of a place

Cities exist because people require access; access to services, jobs, housing, entertainment, social interaction, and information. In the late 19th century, public streets facilitated such access in everyday life. As the horse and buggy averaged about 10 MPH, streets were safe for people to walk and interaction to flourish.

In a sense, the streets themselves were places and busy streets meant a vibrant economy.



City streets were traditionally places that facilitated interaction

Kingston is promoted as a 'place'. As people enter the city via the I-587/Albany/Broadway intersection they are greeted by vibrant banners advertising the unique accommodations that are offered.

The banners are overshadowed by the unnecessary scale and proliferation of signage in the area that communicate vehicular dominance. The sense of place has diminished as a result of a lack of



Gateway Banner



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human-scale infrastructure, which is currently prioritized almost solely for the motor vehicle.

Highway-scale signage coupled with multi-lane, one-way streets and dedicated high-speed turn lanes translates to one thing for the driver: **speed**. During times when traffic congestion is not present, the project intersection facilitates high-speed driving behavior that is incompatible with pedestrian and bicycle use. In keeping with directives to balance the needs of all users and develop an enticing gateway to the city, the intersection project should be designed for vehicular speeds of 30 MPH or less.



Scale of signage and expansive pavement communicates speed

Organization of Streets

Approaching transportation solutions that achieve long-term sustainability requires an understanding of how the organization of the street network affects mobility and access. Network

structure can be compared to the skeletons in living organisms. The organization of bones in humans and animals is responsible for the way in which they appear, move and perform tasks. Similarly, the 'bone' structure of streets determines how a place will appear and function. The following figure illustrates the network structure in the vicinity of the project area.



Kingston's bones

In 1777, the year the British invaded and burned the City of Kingston, the uptown street network consisted of a traditional grid with small blocks and narrow streets. The Stockade District, as it is now known, is shown in yellow on the figure on the following page. These well-defined blocks were traditionally the way communities were planned and allowed people options for reaching their destinations. Blocks were close together so that people could walk efficiently and buildings were kept close to the street to enhance access.



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Grid structure of Kingston in 1777

Today, the Uptown Stockade is still an area that is inviting to visitors and residents alike. Much of this historic area of Kingston is highly walkable and the mix of architectural styles, boutique shopping, dining, and other amenities offers the charm



Uptown Stockade District

to residents and visitors alike.



In the past half century, conventional transportation planning has placed an emphasis on high-capacity streets built for speed and direct access. Instead of the tightly defined grid network, superblocks were formed that contained large scale developments with massive on-site parking supply and limited driveway access. The figure below highlights in yellow the superblock network structure in Uptown Kingston resulting from the development of a shopping center and I-587.



Superblock structure of Kingston in 2010

The network that is created from this style of development consists of wider roads flanking the perimeter of the superblock. The consequence of this type of transportation and land use planning is that traffic volume pressure builds along the edges of the superblock, and in particular, at the intersections of these primary streets. Without a grid to disperse traffic and provide alternate ways to access land, an endless cycle of planning for more and more road widening results.



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As evidenced throughout the study area, street life, economic vitality, and aesthetics have been severely compromised by a network that places a disproportionate emphasis on automobile mobility.



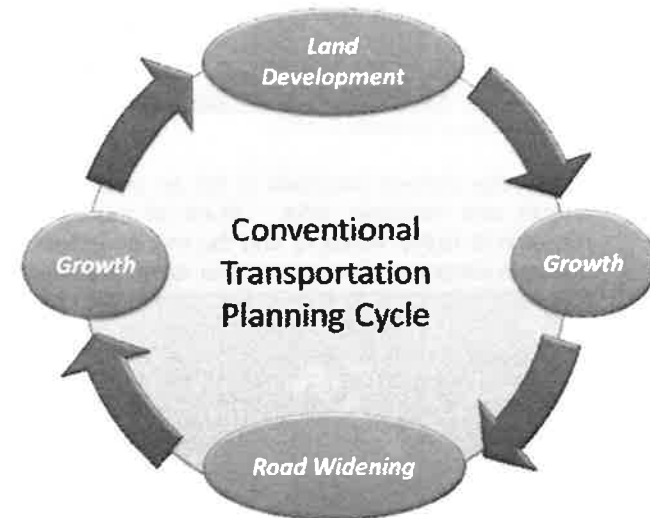
Empty commercial space on Albany Avenue



St. James Street

The Sparse Network

A sparse network limits the overall road system capacity of an area and necessitates the widening of individual roads to solve traffic congestion. This rarely results in long term success. As roads become wider, traffic demand projections are eventually realized and the planning cycle begins all over again. In essence, the constant need for wider roads becomes a self-fulfilling prophecy. The illustration below demonstrates the cycle of traffic growth related to land development, and the need for the constant planning for roadway expansion.



In midtown Kingston, roads such as Albany Avenue and Broadway are already capacity constrained during the peak hours as intersections are unable to process the traffic level that currently exists. Relieving congestion at one intersection has



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the effect of moving the problem to another location that likely is already at or approaching its capacity limitation. A return to the grid pattern network can meet multiple objectives associated with growth in the Kingston.

Transportation Solutions

The primary focus of this study was on the intersection of Albany/Broadway Avenue and I-587. This complex intersection is part of a larger overall network and therefore, influenced by surrounding intersections. For this reason, the study team expanded the focus to consider other intersections along Albany Avenue and Clinton Avenue.

It is important to note that sufficient lane capacity exists in the area around the Albany/I-587 intersection to accommodate future growth. Current congestion is primarily related to intersection capacity. The transportation solutions focus on these intersections and include recommendations that meet the goals to improve vehicle capacity along with pedestrian safety and overall character of the area.

Interstate 587

An important element of the overall traffic solution is the potential conversion of I-587 from an Interstate highway to a state road (call it SR 587). This conversion would enable the connection of new streets to SR 587 and divert vehicles currently heading west on Albany Avenue. I-587 carries the lowest vehicular traffic volume of the three roads that comprise the existing intersection. At approximately 15,000 vehicles a day, a two-lane road would be sufficient to accommodate this volume and future growth.

Provided the interstate highway can be re-designated as a state road and reduced to two lanes, the remaining two lanes could

be converted to a wide multi-use trail for bicyclists and pedestrians. Currently bicycle and pedestrian activity along the Interstate has been observed which is an illegal activity.

Albany Avenue, I-587 and Broadway Intersection

The intersection formed at the confluence of I-587, Albany Avenue, and Broadway has outlasted its functional lifespan. The intersection experiences recurrent congestion during the peak travel hours and is unfriendly to pedestrians and bicyclists. Emergency response vehicles avoid the intersection during the busy hours of the day and find alternate routes through neighborhoods. Traffic accidents are frequent and sign clutter contributes to driver confusion.

The workshop developed a number of potential solutions that have various advantages in meeting the design drivers discussed previously. These have been categorized into short- and medium-term time frames. In addition, the workshop produced a network expansion concept as a place-making opportunity for the uptown area.

Short Term Solutions

1. Request a design exception from the NY Department of Transportation to eliminate all of the large overhead signs. Review all other signs with a goal to reduce the number and improve clarity and wayfinding. For example, the proliferation of 'No Parking' signs should be immediately reconsidered and signs eliminated in areas where there is little reason to park due of a lack of immediate destinations. An option is to add a 'No Parking Beyond This Point' sign to the end of the defined parking areas.



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2. Move the pedestrian crosswalk on Albany Avenue west of the intersection closer to the intersection (see Figure 1 – page 18).



Sign density and arrangement is confusing

Medium Term Solutions

Option 1: Compact Signalized Intersection. Rebuild the intersection as a compact signalized intersection. This option aims to improve operations over the existing split phased signalized intersection. The compact intersection was analyzed both with and without the high-speed travel lane from Albany Avenue (eastbound) to Broadway (southbound). The lane is marked with a red X on the following illustration.

Goals of this project include creating a gateway to the city and improving safety for pedestrians and bicyclists within the study area. Achieving these goals requires the elimination of the high-speed travel lane from Albany Avenue to Broadway. Eliminating this high-speed lane would force right-turning

vehicles to utilize the redesigned signalized intersection at considerably slower speeds. The elimination of this lane will also limit the overall capacity of the intersection for future growth in traffic; however, this is an essential trade-off if other study goals are to be achieved.



Compact intersection

Option 2: Mixed-Lane Roundabout. Replace the existing signalized intersection with a mixed-lane roundabout. A roundabout would improve both vehicular and pedestrian operations.

Two alternatives for a modern roundabout were explored. The first attempted to reconnect St. James Street and East St. James Street by locating the roundabout southeast of the existing intersection. While this concept is functional, it breaks up the open space component of the intersection into a number of small and unusable parcels.



Modern Roundabout alternative 1

The second alternative places the roundabout in roughly the same location as the existing signalized intersection. This option creates a more effective gateway for midtown and offers ample public space for passive recreation and the relocation of important city monuments.



Modern Roundabout alternative 2

Capacity Analyses

Table 1 lists the results of the capacity analysis performed for each option. The table shows that the roundabout provides comparable operational performance to the compact intersection in most area, but for average delay per vehicle and average queue length, the roundabout is superior.

Additionally, the proposed roundabout layout uses fewer lanes (8 entry lanes) compared to the 11 entry lanes in the signalized intersection option. A picture of the intersection geometry and a copy of the Capacity Analysis Summary Sheets are included in Appendix A.

The roundabout option consists of a single-lane geometry where the I-587 approach has a right turn only lane and a combined through-left lane. A simple change to a through-right lane and a left turn only lane with two circulating lanes makes a considerable difference to the operation of the roundabout, and demonstrates the flexibility of the roundabout design, which provides the opportunity later to refine the lane designation as traffic volumes change.

In all but one approach, the roundabout has a shorter 95th percentile queue. This is because at high saturation levels a well-timed, signalized intersection can optimize the balance of the longest queues. However, even though the roundabout may have a longer queue in one case, its throughput is higher, and vehicles are in moving queues that are less frustrating for drivers. Overall delay is less in the roundabout as vehicles are constantly moving rather than being stuck in a static queue waiting at a red light.



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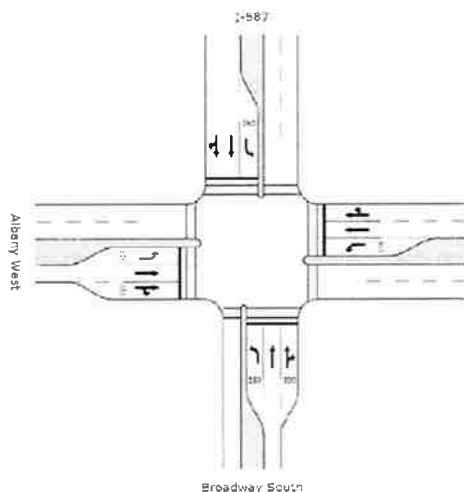


Table 1 – Summary of capacity analyses under current traffic levels

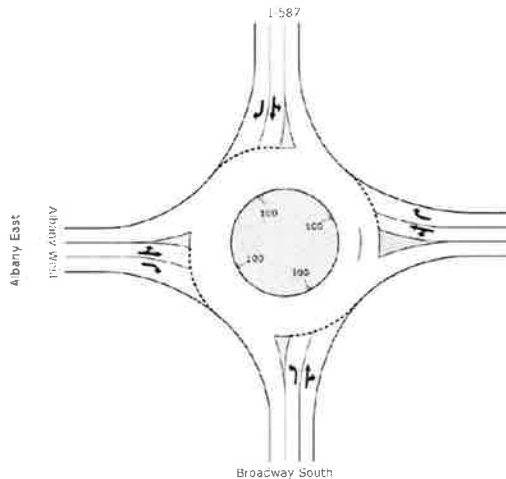
Intersection Alternative	Level-of-service	Average delay (sec)	95 th percentile vehicle queue (ft)	Average Queue (ft)	V/C Ratio
Existing signalized intersection	C	28.1	386	199	.676
Compact signalized intersection (retain high-speed Broadway bypass)	C	27.0	363	180	.733
Compact signalized intersection (without high-speed Broadway bypass)	C	29.4	402	203	.792
Roundabout 1 (right turn only lane and a combined through-left lane with one circulating lane)	B	18.1	355	73	.815
Roundabout 2 (through-right lane and a left turn only lane with two circulating lanes)	B	11.6	156	42	.676

Notes

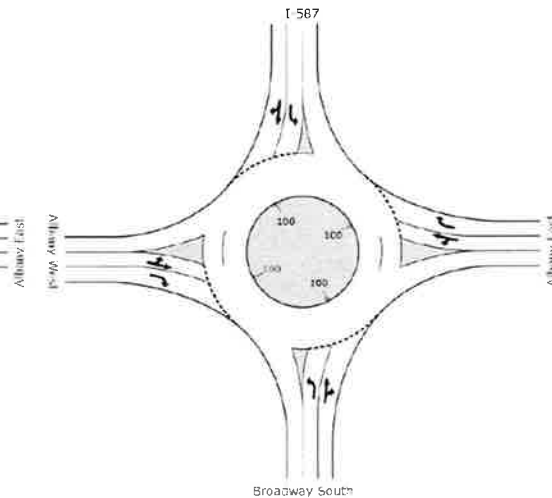
1. All analyses were undertaken in SIDRA 5.0 to provide uniformity in assumptions and analyses.
2. All roundabout analyses were undertaken using an Environmental Factor of 1.2 although it is less relevant as Kingston has had a roundabout for a number of years enabling drivers to become accustomed to it. Therefore, the values for the roundabout could be conservative.
3. All analyses were undertaken using the default peak flow factor of 0.92.
4. Signal analyses were undertaken using fully actuated signals system that will only occur if the signals and loops are fully maintained.
5. Sidra software was allowed to choose the optimum cycle times. Other cycle times will restrain the vehicle flow and reduce the intersection capacity.



Compact Signalized Intersection



Roundabout 1



Roundabout 2



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Future Capacity

Table 2 provides an estimation of the amount of traffic growth that potentially can be accommodated by each of the alternatives. In the table, practical spare capacity represents the amount of traffic increase possible before reaching the practical capacity of the intersection (V/C) and creating excessively long vehicle queues. At 2010 traffic levels, 2,528 vehicles enter the existing intersection.

As shown in the table, the compact signalized intersection has minimal additional capacity (6%), roundabout 1 can handle an additional 574 vehicles (23% growth) and roundabout 2 can handle an additional 866 vehicles (34% growth). For this reason, roundabout 2 is the only alternative that will satisfy future traffic growth expectations.

Table 2 – Practical Spare Capacity

Intersection Alternative	Throughput (total entering vehicles)	95 th percentile vehicle queue (ft)	V/C Ratio	Practical Spare Capacity (vehicles)	Practical Spare Capacity (%)
Compact signalized intersection	2,680	458	.853	152	6%
Roundabout 1	3,102	400	.850	574	23%
Roundabout 2	3,394	263	.840	866	34%

Albany Avenue Recommendations

Many intersections along Albany Avenue and Clinton Avenue, such as Albany Avenue/I-587, Albany Avenue/Clinton Avenue, Clinton Avenue/Main Street, and Clinton Avenue/Westbrook Lane are at capacity during the peak period which is

demonstrated by the long vehicle queues at these intersections during peak periods of the day. Of these, only the intersection of Albany Avenue and I-587 can be improved without property acquisition and/or elimination of on-street parking. Minor improvements may be possible to improve pedestrian mobility or perhaps minor improvements in vehicle flow. Given the historic context of the Uptown Stockade, significant expansion of intersections along Clinton Avenue is not recommended.

There are many locations where pedestrians cross Albany Avenue between the I-587 intersection and Clinton Avenue. The following refinements to Albany Avenue to better accommodate this pedestrian demand are as follows and illustrated in Figure 1 on the following page.

1. Relocate the crosswalk across Albany Avenue west of I-587 intersection to the intersection. Where this relocated crosswalk crosses Broadway add pedestrian crossing signs to help highlight the pedestrian crossing. Also the addition of pedestrian crossing signals to the crosswalk across Broadway south of St James Street should have pedestrian crossing signs added to both parts of the crosswalk.
2. Upgrade the signalized pedestrian crossing Maiden Lane, with bulb outs on both sides, new signs, preferably post mounted signals that are closer to the driver's eye and pedestrians, which would not require the driver to take his eyes away from a pedestrian to look into the signal in the air.
3. Provide a signalized pedestrian crossing across Albany Avenue between the Governor Clinton building and the Dialysis Center that includes bulb outs on both sides, a raised pedestrian refuge in the middle and post mounted signs with a signal in the pedestrian refuge.
4. Realigning the pedestrian crosswalk on Albany Avenue, east side of Clinton Avenue, as shown on the attached diagrams.



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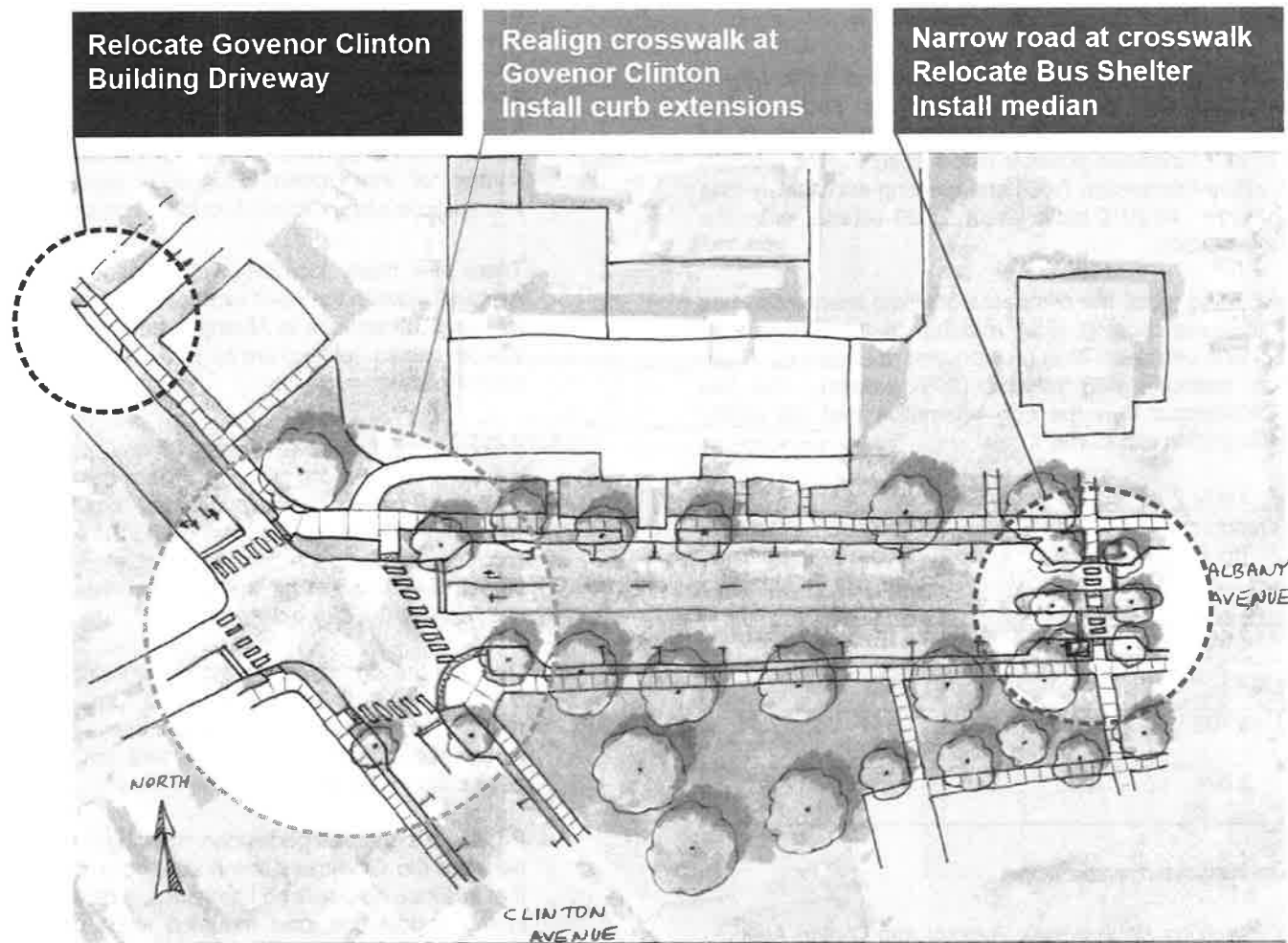


Figure 1: Improvements along Albany Avenue



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Network Expansion

Solving capacity constraints along Albany and Clinton Avenues without major impacts to property and community character requires an extension of the road network north of these two roads. Changing the designation of I-587 to State Road 587 and making a series of new road connections provides alternate access to destinations uptown. In turn, this alternate access alleviates traffic pressure on Albany and Clinton Avenues, and preserves capacity for future economic growth in the city. The following illustration demonstrates how local and regional trips are all routed along Albany and Clinton Avenues under the current network configuration.



Currently, all trips are focused along Albany and Clinton Avenues

The next figure illustrates the expanded network concept. Extending the block structure and street network will provide drivers with a variety of travel routes to their destination and balance the flow through the network. The most important connection is the extension of John Street to Westbrook Lane to

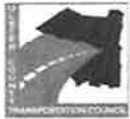
SR-587 (I-587). Intersection control would be handled via roundabouts at SR-587 and the road along the southern boundary of the Kingston Plaza. With only an eight to ten feet grade difference, this connection appears feasible. A roundabout could also be located at the intersection of Clinton Avenue, Fair Street Extension and Schwenk Drive, which would be the terminus for the new road along the southern boundary of the Kingston Plaza. This road could also be extended along the railroad tracks under I-587 and ultimately to Albany Avenue.



Expanded network concept

Place-Making Opportunities

The proposed network expansion concept offers an opportunity to re-imagine how Kingston might be developed in the future. Figure 2 illustrates a conceptual street network with the primary street network in red and a secondary, delivery network in blue. An extension of the street grid would provide a considerable increase in street frontage for additional development.



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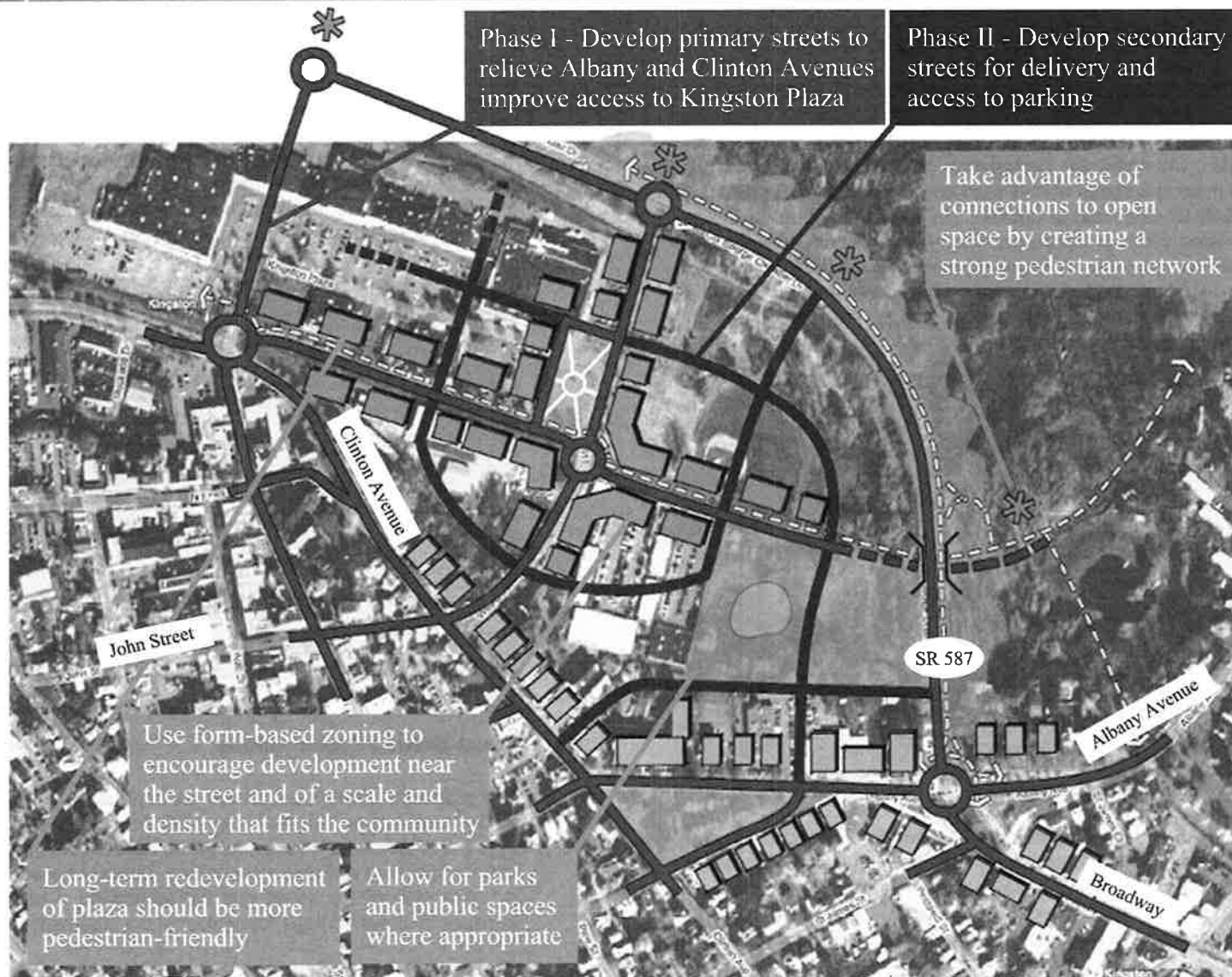


Figure 2: Expanded Street Network and Place Making Opportunities



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Additional Considerations

Benefits of a Roundabout

The addition of a roundabout at this intersection would reduce crashes, reduce number and size of signs, and reduce the number of approach lanes from 11 to 8, allowing for 'road diets' on streets such as Albany Avenue, Broadway, and I-587.

Vehicle delay would be substantially reduced, especially in the off peak hours as approaching drivers would only have to slow their vehicle instead of coming to a full stop to enter the roundabout. Slower speeds also create a better environment for bicycles and pedestrians.

Another major benefit of the roundabout design is the improved accessibility into and out of the businesses on the southeast corner of the intersection, which will provide access to and from all directions. This will aid real estate value because of the improved access for customers.

The following sections provide some additional benefits of roundabouts.

Safety

With different crossing and entering movements by drivers, bicyclists and pedestrians, an intersection is one of the most complex traffic situations that drivers can encounter. In a traditional four-way traffic intersection, there are 32 points of conflict in which two vehicles may collide. Modern roundabouts have only eight conflict areas, greatly reducing the potential for crashes. On the other hand, the circulating movement of modern roundabouts nearly eliminates the potential for high-

speed, right angle and left turn/head-on collisions. Rear-end collisions are also often reduced in roundabouts.

Speeds in modern roundabouts are often much slower than in intersections; therefore, any potential roundabout crashes are usually at lower speeds, and at less-dangerous angles (such as sideswipe). This translates into less severe injuries and property damage, if any. A study printed in the Transportation Research Record reported that converting 23 test intersections throughout the U.S. from traffic signals to roundabouts reduced injury crashes by 80 percent, and reduced all crashes by 40 percent, in those areas. Results were much the same for similar studies throughout the U.S. and Europe.¹

Bicycle and Pedestrian Mobility

Roundabouts generally are safer for pedestrians than traditional intersections. In a roundabout, pedestrians walk on sidewalks around the perimeter of the circulatory roadway. If it is necessary for pedestrians to cross the roadway, they cross only one direction of traffic at a time. In addition, crossing distances are relatively short, and traffic speeds are lower than at traditional intersections. Studies in Europe indicate that, on average, converting conventional intersections to roundabouts can reduce pedestrian crashes by about 75 percent.² Single-lane roundabouts, in particular, have been reported to involve substantially lower pedestrian crash rates than comparable intersections with traffic signals.³

¹ Nevada DOT. <http://www.nevadadot.com/safety/roundabout/benefits.asp>

² Schoon, C. and van Minnen, J. 1994. The safety of roundabouts in the Netherlands. *Traffic Engineering and Control* 35:142-48

³ Brude, U. and Larsson, J. 2000. What roundabout design provides the highest possible safety? *Nordic Road & Transport Research* 2:17-21.



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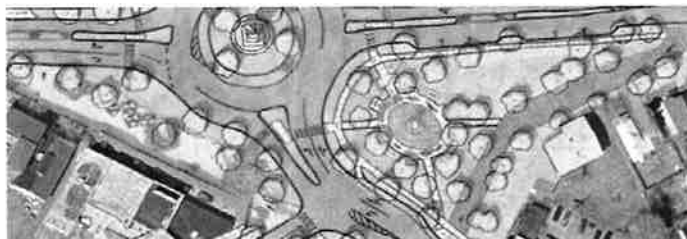
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Pedestrians can easily cross roundabout

Parking

The roundabout will result in the addition of parking spaces to midtown. The creation of driveways/plazas on the southeast and southwest corners of the intersection will offer more parking than is currently available today.



Additional parking provided in front of existing buildings

Transit/Freight Access

To accommodate vehicles with large turning radii such as trucks, buses, and tractor-trailers, roundabouts provide an area between the circulatory roadway and the central island, known as a truck apron, over which the rear left wheels of these vehicles can safely track. The truck apron generally is composed of a different material texture than the paved surface, such as brick or cobble stones, to discourage routine use by smaller vehicles. Roundabouts provide a better, wider turning radius for semi-trucks and other long vehicles. Even double trailer semi-trucks will be able to easily drive through the roundabouts.

Streetscape/Landscape/Public Realm

Aesthetics of the area would be greatly enhanced especially if a significant feature is added to the center of the roundabout to create a focal point. One of the goals of this study is to create an attractive gateway into the City of Kingston. A roundabout provides an opportunity to do that.



Gateway roundabout in Town of Great Neck Plaza, NY



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Roundabout Option 2 - An ideal gateway to Kingston

Green Design

Many vehicles must wait for the light to turn green in a signalized intersection. While stopped, the vehicle's exhaust emits undesirable pollutants and gases into the atmosphere. Because roundabouts often eliminate such stops and improve traffic flow, they also reduce vehicle emissions and fuel consumption. In one study, replacing traffic signals and signs with roundabouts reduced carbon monoxide emissions by 32 percent, nitrous oxide emissions by 34 percent, carbon dioxide emissions by 37 percent and hydrocarbon emissions by 42 percent. Gasoline use is also reduced as traffic moves more efficiently through roundabouts. Studies have shown that fuel savings can be up to 30 percent in roundabouts. Without the stop and start of traditional traffic intersections, roundabouts can also reduce vehicle noise pollution.⁴

⁴ Nevada DOT. <http://www.nevadadot.com/safety/roundabout/benefits.asp>

Maintenance Cost

The modern roundabout will have electrical costs associated with lighting and lower maintenance costs overall. Operational savings from roundabouts have been estimated at an average of \$5,000 per year. In addition, the service life of a roundabout is approximately 25 years, versus approximately 10-20 years of service life for traffic signals.⁵

Economic Revitalization

A modern roundabout is a safe and efficient traffic control solution that is friendly to pedestrians and bicyclists can add value to an area over time. Foot traffic is an essential ingredient for the survival of area businesses.



Roundabout Option 2 – Creation of public space and parking within the footprint of the existing intersection

⁵ Nevada DOT. <http://www.nevadadot.com/safety/roundabout/benefits.asp>



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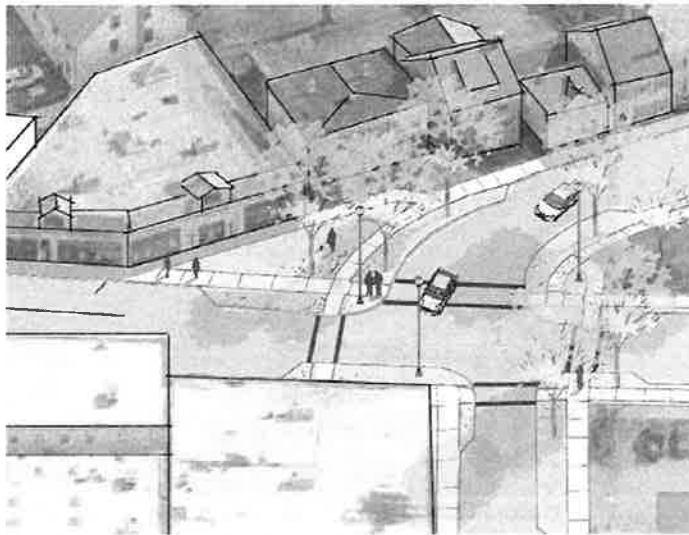
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A roundabout offers the opportunity to open up some of the underutilized space at the existing intersection. Also, improving access and circulation in the area will make existing and future business more attractive to customers. The illustration on the previous page shows how a park can be integrated into the design. This space can accommodate existing monuments and public art, and the parking spaces represented by the textured driveway can be a shared resource for pedestrians or vendors during public events.

The following illustration shows how a realignment of Maiden Lane can provide a pocket park or potential outdoor dining area in front of businesses that line the street. The realignment also improves safety and traffic operations.



Realignment of Maiden Lane at Albany Avenue

Midtown is currently economically distressed and the existing roadway environment is diminishing opportunities for improvement. The proposed roundabout solves traffic and safety deficiencies while providing a unique opportunity to remake the area into a place where people want to live, work, and recreate.

Concept Visualizations

Figures 3 through 5 on the following pages are artistic visualizations of the intersection alternatives. The first two are birds-eye perspectives showing the compact signalized intersection and roundabout alternatives hand sketched in pen and ink. These illustrations were products of the three-day workshop and are inclusive of the community feedback received along with the preliminary engineering analysis that was used to determine the proper roadway geometry for each concept.

The third drawing was rendered in Adobe Illustrator to generate the oblique perspective of the roundabout. This visualization was developed to communicate the size of the roundabout within the context of the adjacent environment. Also, numerous community design features have been added to this concept and the rendering offers the flexibility to zoom in to specific areas, as provided in the previous pages of this report.

These illustrations are not intended to be actual designs of the roundabout, but serve to communicate the relationship of the transportation improvement to the surrounding environment. The roundabout concept was received very favorable by the public as well as project stakeholders, and the additional visualizations were created to offer a clearer picture of how the improvement will look when constructed. A traffic simulation of the proposed roundabout compared to the existing intersection was also developed and can be accessed at <http://www.youtube.com/watch?v=YX2bcQueLWc>.

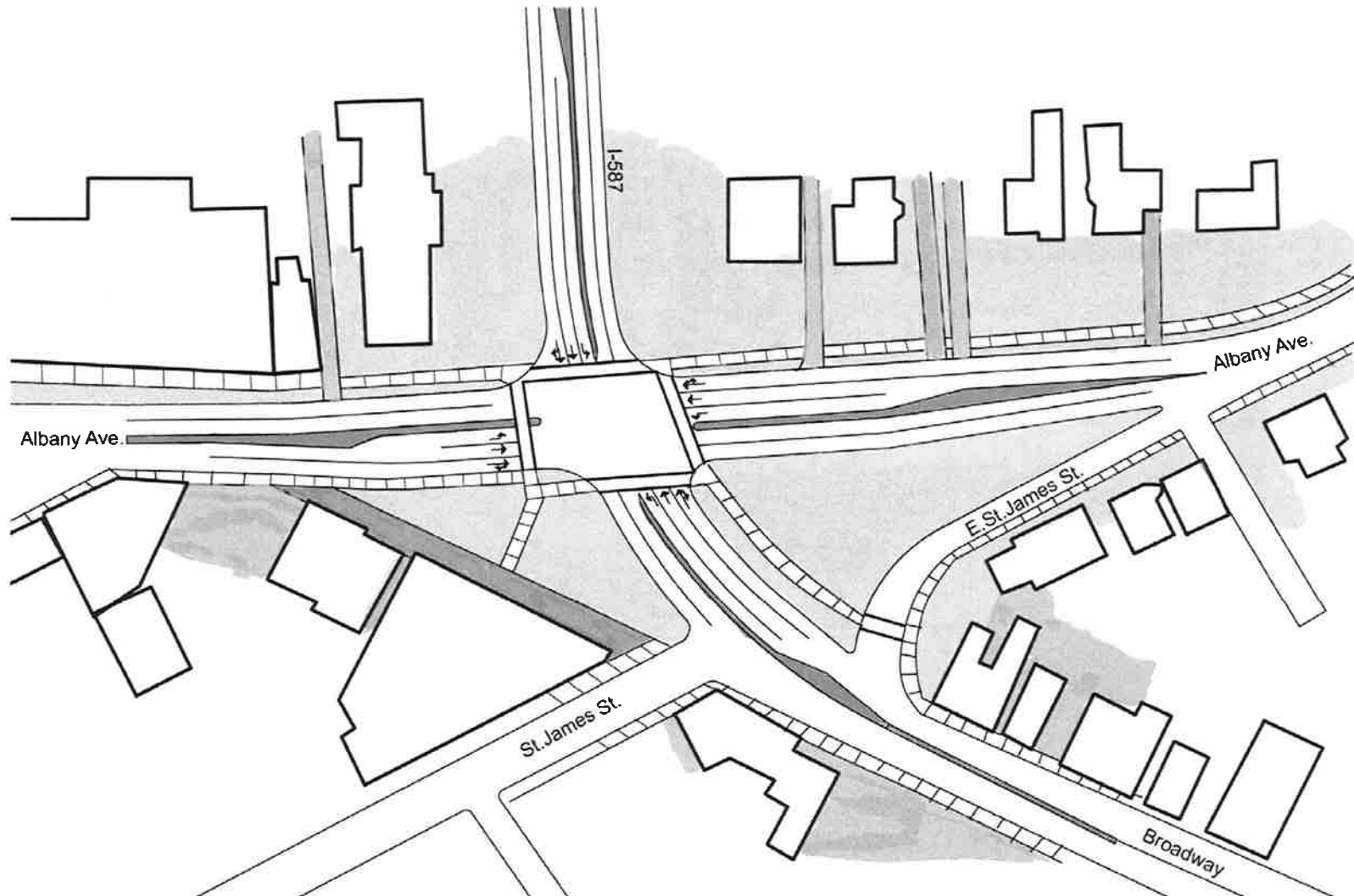


Figure 3: Pen and ink 'birds-eye' view of the compact signalized intersection



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Figure 4: Pen and ink 'birds-eye' view of the roundabout



Figure 5: Oblique view of the roundabout looking south from I-587



City of Kingston I-587/Albany/Broadway Intersection Study

Conceptual Design Report

February 2011



Conceptual Cost Estimates

The estimated construction cost for the Compact Signalized Intersection alternative is \$5,200,000 and \$4,525,000 for the Roundabout (Option 2 in the preceding text). The estimates assume new full depth asphalt pavement, new concrete curb and new concrete sidewalks throughout the limits of work. They also assume a new storm-water drainage systems consisting of new catch basins, manholes and storm sewer. New signage is included in the estimates. The estimates also include provisions for turf establishment as well as new plantings. New street lighting is also included in the estimates for both alternatives. The estimate for Alternative 2 also includes the cost of a new traffic signal at the intersection.

The estimated construction cost for the improvements to Albany Avenue, as shown in the table on the right, is \$640,000. It assumes new full depth asphalt pavement for the Governor Clinton building driveway relocated from Albany Avenue to Clinton Avenue. No other paving work is included. New concrete curb and new concrete sidewalks were assumed only along the intersection curb "bump-outs" and at the new median at the easternmost crosswalk on Albany Avenue. The estimate includes a provision for minor new storm-water drainage installations consisting of new catch basins, manholes and storm sewer only where water might be trapped as a result of the proposed "bumpouts". It is assumed that any new installations can be tied into the existing system with minimal work. Minimal new signage is included in the estimate. The estimate also includes provisions for turf establishment as well as minimal new plantings. The cost of a new pedestrian crossing signal is included in the estimate; however, no new street lighting is provided in the estimate.

Compact Signalized Alternative

Pavement	\$ 1,500,000
Drainage	\$ 1,200,000
Curbs & Sidewalks	\$ 725,000
Street Lighting	\$ 500,000
Grass & Landscaping	\$ 75,000
Maintenance & Protection of Traffic	\$ 150,000
Traffic Signal	\$ 100,000
Contingencies (+/- 20%)	\$ 950,000
	<u>\$ 5,200,000</u>

Roundabout Alternative 2

Pavement	\$ 1,400,000
Drainage	\$ 1,000,000
Curbs & Sidewalks	\$ 600,000
Street Lighting	\$ 500,000
Grass & Landscaping	\$ 125,000
Maintenance & Protection of Traffic	\$ 150,000
Traffic Signal	\$ -
Contingencies (+/- 20%)	\$ 750,000
	<u>\$ 4,525,000</u>

Albany Avenue Improvements

Pavement	\$ 15,000
Drainage	\$ 250,000
Curbs & Sidewalks	\$ 110,000
Street Lighting	\$ -
Grass & Landscaping	\$ 30,000
Maintenance & Protection of Traffic	\$ 15,000
Traffic Signal	\$ 100,000
Contingencies (+/- 20%)	\$ 120,000
	<u>\$ 640,000</u>

RESOLUTION #103 of 2012

**SUPPORTING THE RECOMMENDATIONS OF THE I-587/ALBANY
AVE./BROADWAY INTERSECTION STUDY COMPLETED BY THE ULSTER
COUNTY TRANSPORTATION COUNCIL AND URGING THE NEW YORK STATE
DEPARTMENT OF TRANSPORTATION TO BEGIN DESIGN OF AND
IMPROVEMENTS TO THE INTERSECTION AS SOON AS POSSIBLE**

WHEREAS, the City of Kingston, the Ulster County Transportation Council and New York State Department of Transportation-Region 8 worked cooperatively over a two year period to analyze alternatives for the intersection of I-587/Albany Avenue/Broadway that included present and future transportation and land use issues in the area around the I-587/Albany Ave./Broadway Intersection in a manner that would consider transportation improvements that preserve and enhance the economic potential and quality of life in the area; and

WHEREAS, the Project Discovery Memorandum, that explored existing conditions, and the Conceptual Design Report recommendations were developed through an extensive public participation process that included surveys, public meetings, stakeholder interviews, and a three day design charrette, whereby the Advisory Committee reached a consensus on a preferred alternative for improvements to the Intersection; and

WHEREAS, the Advisory Committee included representatives from the City, stakeholders in the area, UCTC staff and NYSDOT; and

WHEREAS, the recommendations in the Conceptual Design Report not only address improvements directly related to the Intersection but also provide additional considerations associated with Albany Avenue and an overview of potential future expansion of the street network in the Uptown area to promote redevelopment and improve traffic flow; and

WHEREAS, the recommendations and associated projects address capacity, safety, and quality of life for all modes of transportation including highway, transit, bicycle and pedestrian; and

WHEREAS, the City will examine its Capital Program, and other funding sources, coordinate with the Ulster County Transportation Council, and address items in its comprehensive plan and zoning statute to help ensure that the recommendations of the Study can be implemented;

NOW, THEREFORE, BE IT RESOLVED, that the City of Kingston supports the recommendations in the Conceptual Design Report for the improvements to the I-587/Albany/Broadway Intersection Study and urges the New York State Department of Transportation and the Ulster County Transportation Council to begin the design and construction process of the Intersection Improvements as soon as possible and no later than currently scheduled on the UCTC Adopted 2011-2015 Transportation Improvement Program; and

FURTHER RESOLVED, that the City of Kingston will form an I-587 Implementation Committee with stakeholders, residents, and elected officials to work with NYSDOT during the design process to ensure that the issues of special concern to the City are addressed in a timely and coordinated fashion, and

FURTHER RESOLVED that the City will consider other recommendations in the Study within its comprehensive plan, land use controls and capital programming functions.

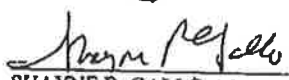
Submitted to the Mayor this 2nd

day of May, 2012


CARLY WILLIAMS, CITY CLERK

Approved by the Mayor this 2nd

day of May, 2012


SHAYNE R. GALLO, MAYOR

Adopted by Council on May 1, 2012

Kerri Culhane
Architectural Historian & Planner
107 N River Road
Fort Miller, New York 12828
culhaneblack@gmail.com
646/737-3390

November 4, 2021

Mark Grunblatt, Chairman
Historic Landmarks Preservation Commission

Hayes Clement, Chairman
Heritage Area Commission

Andrea Shaut, Alderwoman at Large
Common Council
City of Kingston

420 Broadway
Kingston, NY 12534

By email: commoncouncil@kingston-ny.gov

Re: The Kingstonian, 9-17 & 21 N. Front Street and Fair Street Extension

To the Kingston Historic Landmarks Preservation Commission, Heritage Area Commission and
Members of the Common Council:

I am writing in connection with your consideration of applications for the Kingstonian Project, including a Notice of Preservation and the discontinuance of Fair Street Extension. As set forth in more detail below, the project in its current iteration will have a significant, permanent and irreversible adverse impact on the Kingston Stockade Historic District ("KSHD") and I urge you not to approve it.

The proposed Kingstonian project lies within the boundaries of the KSHD, a State and National Register-listed historic district encompassing one of the earliest Dutch Colonial settlements in New York, a site chosen by the Dutch settlers for its specific topography. The KSHD's National Register nomination form notes it as a significant "historical, architectural and archaeological area in New York State," with a period of significance that extends from the 17th century to the mid-20th century. The Kingstonian would also fall within the boundaries of the locally designated landmark Stockade (Area) District. These two districts are nearly coterminous.

To be clear, the Kingstonian is not adjacent to these historic districts, but within them, posing a great risk of adverse impacts to historic resources. Of the four New York State criteria for determining impact (9 NYCRR 428.7, Assessment of Impact), the Kingstonian project meets three of the four criteria for adverse impact:

- (1) destruction or alteration of all or part of the property;
- (2) isolation or alteration of the property's environment; and
- (3) introduction of visual, audible or atmospheric elements which are out of character with the property or alter its setting.

The only criteria not met was that of demolition by neglect.

On September 19, 2019, Weston Davey, Historic Site Restoration Coordinator of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), determined that the proposed Kingstonian development would have an adverse impact upon the KSHD (Davey to Bonura, September 19, 2019). Among the adverse impacts cited by Davey were:

- The destruction of “the natural contour [that] **clearly** marks the northern boundary of the 1658 stockade”. (emphasis mine)
- Large-scale development beyond the boundaries of the district, thereby impacting its setting and sense of place.
- The elimination of a section of Fair Street Extension north of North Front Street, thereby altering the historic street pattern.
- The monolithic nature and character of the proposed development, in contrast to the scale and material variety of the historic district.

On February 14, 2020, in a letter to Meghan Ferrelli of Empire State Development, John Bonafide, Director of the Technical Preservation Services Bureau and Agency Historic Preservation Officer for OPRHP, only acknowledged the agency’s previous findings of “scale, parking entry (not noted in the original finding of adverse impact), hotel reconstruction and loss of the Fair Street Extension” as having potentially adverse impacts on the KSHD. Approving the project, the OPRHP offered to advise on the content for the developer’s proposed kiosk to interpret local history and advertise local businesses, rather than advocating for the actual historic fabric at risk of loss.

The Closure of the Fair Street Extension & Traffic Impacts on Clinton Avenue HD

In 2019, Weston Davey of the OPRHP rightly called out the adverse impact the alteration of the historic street pattern would have on the KSHD, which was affirmed by John Bonafide in 2020. Not addressed by OPRHP, however, was the traffic study indicating a massive increase in traffic on Clinton Avenue, Kingston's first National Register Historic District. The closure of Fair Street Extension, therefore, will have an adverse impact on the Clinton Avenue National Register Historic District, where traffic is anticipated to back up along the street in a nearly four-fold increase (33.6 in a no build/existing scenario to 119 in a build scenario; “Traffic Impact Study: The Kingstonian”, Creighton Manning for the City of Kingston Planning Board, July 23, 2019, p.30), by far the highest increase anywhere in the study.

Loss of Significant Landscape Features

Omitted from the February 14, 2020 letter is undoubtedly the most significant and unmitigable adverse impact on the KSHD, one previously acknowledged by the NYSOPRHP: The obliteration of the clearly legible northern stockade boundary dating to 1658, a defining feature of the eponymous Stockade District. A plaza on a pedestrianized Fair Street Extension, with a kiosk about local history, has been accepted by OPRHP as a concession for the loss of a nearly four-century-old historic feature (the stockade); and an over 150-year old street pattern. However, your Boards are not bound by OPRHP's concession and can require more, even denying the project altogether.

At the time the KSHD designation was made in 1975, the concept of the landscape as contributing to the significance of a historic district or resource was rarely explored. Within the past three decades, "the Cultural Landscape" has become a central concept in our understanding and documentation of historic places. Particularly in a district such as KSHD, which was chosen by 17th century Dutch settlers specifically for its location along and above the creek, a National Register nomination today would ascribe contributing resource status to this landform as a cultural and/or natural landscape. The Kingstonian's proposed destruction of the landscape sloping to the Esopus Creek would result in the loss of a poorly documented but widely understood and experienced feature of the district.

Public comments have also noted that the Kingstonian would result in the loss of the view from the KSHD toward the Catskills Mountains, which it can be argued is a significant but undocumented borrowed landscape feature of the KSHD that contributes to the feeling and sense of place that characterize the historic district.

Summary of Adverse Impacts

In summary, a number of potential adverse impacts to the KSHD have been documented by citizens and other stakeholders and acknowledged by the OPRHP, yet dismissed by the Kingston Planning Board. These include but are not limited to:

- The loss of the historic street pattern by the closure of Fair Street Extension, which not only alters the look, feeling and function of the KSHD, but it would nearly quadruple the amount of traffic on Clinton Avenue, Kingston's first National Register Historic District. Significant delays within the Clinton Avenue Historic District caused by backed up traffic are acknowledged in the report (Traffic Impact Study, p. 30),
- The loss of the Stockade-related landscape features above the creek, destroying an invaluable connection to New York's early Dutch history, as well as potential pre-historic sites along the Esopus.
- A bulky and dense new development that would adversely visually impact the approach to the KSHD as well as the experience from within the KSHD, including that crucial borrowed landscape view that connects Kingston to its Catskills context.

New development should respect its context, particularly in a uniquely significant place like the KSHD. The approval of the Kingstonian project would diminish 400 years of history in favor of an incompatible development out of scale and context with what came before. This is not an anti-development statement, it is an anti-incompatible development statement. The Kingstonian is not designed to fit seamlessly into the historic district, but rather to overwhelm it. Your Boards have an opportunity to avoid these devastating impacts.

Thank you for your careful consideration of this irreversible decision.

A handwritten signature in dark ink, consisting of a stylized 'K' followed by a horizontal line.

Kerri Culhane, MA, MS
Architectural Historian & Planner

cc: Suzanne Cahill, Planning Director <scahill@kingston-ny.gov>

Tinti, Elisa

From: kgil14@aol.com
Sent: Thursday, January 13, 2022 12:01 PM
To: Tinti, Elisa
Subject: [EXTERNAL EMAIL] The Kingstonian and Fair Street Ext. Project

Elisa

Please enter into the record the following our comments and complete support of The Kingstonian and Fair Street Extension Project by the developers.

. For the past 40 years, my wife and I have worked; lived in an apartment in the City (Fair Street), bought our first home in the City (Wrentham Street) and built our current home just outside the City line on Conifer Lane. For 38 1/2 years, I worked on Broadway at the YMCA, and the next 23 1/2 years as the Superintendent of the Parks & Recreation Dept before retiring in April 2020. I have had the great opportunity to volunteer & coach T-ball, Minor/Major Baseball and Girls Softball. Girls and Boys Youth Soccer, and Youth/Biddy Basketball. In addition for the past 35 years, I have had the great privilege to be a member of one of our areas finest service organizations, the Lions Club of Kingston. The one constant in this time has been the Herzog's Company and the Jordan Family!

. This is absolutely a "Win-Win" project for our community that needs to move forward, it will provide numerous local construction opportunities, as well as all of the trickle down business benefits related. The increase in housing opportunities at all levels will be realized. Much needed parking for all who live and work in the Uptown area, as well as ample parking for when people outside the area come to Kingston to shop and enjoy the numerous dining choices will be realized - there is nothing more frustrating than having to drive and drive and drive trying to find a parking space. An ADA compliant public gathering space to sit either with family & friends, that has public restrooms is a huge benefit for all. And the cost to the taxpayers is...zero.

. Now is the time to move this forward...if not now, then this community can never anticipate any future development from ever happening for the benefit of this community.

. We are very fortunate here in Kingston to have the commitment of the partners involved to make this project a reality! Every community should be so lucky to have a business like Herzog's, and the Jordan Family striving to make every member and aspect of our community a better place!!

Lisa and Kevin Gilfeather
595 Conifer Lane
Kingston, NY 12401

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Ron Graner
Public Safety Consultant
Efficiency Effectiveness & Safety Strategic Planning

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Fayetteville NY 13066
770 630 0104
ronfgraner@gmail.com

1/4/2022

Report

Proposed Kingstonian Project Impact On Kingston NY Fire Dept.

Prepared for

Victoria Polidoro Esq.
Rodenhausen, Chale, & Polidoro LLP.
55 chestnut Street
Rhinebeck, NY 12572

Report Proposed Kingstonian Project Impact on Kingston Fire Dept.

Prepared for Client Victoria Polidoro Esq. Attorney

Ron Graner fire chief (retired) Public Safety Consultant

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Report Proposed Kingstonian Project Impact on Kingston Fire Dept.

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*Report Proposed Kingstonian Project Impact on Kingston Fire Dept.
Prepared for Client Victoria Polidoro Esq. Attorney
Ron Graner fire chief (retired) Public Safety Consultant
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Overview: Ron Graner fire chief (retired) Public Safety Consultant

I operate a private public safety and management consulting group that takes only a limited number of assignments each year. I have managed fire rescue services in four jurisdictions in three states and conducted reviews that address similar proposed or existing conditions as those presented for the Proposed Kingstonian Project in the City of Kingston NY.

I have been a public safety consultant since 2001 following a successful Fire Rescue Emergency Services leadership career in three states. It is my goal to conduct professional quality investigations and produce reports that reflect my professional experience, education and training and that meet the needs of my Clients. It is my goal to provide guidance to public safety agencies and communities that will successfully aid their efforts to assure and improve efficiency effectiveness and safety for the community and its emergency responders.

This project to examine issues relative to the Proposed Kingstonian Project and the Kingston Fire department was conducted for my Clients personally by Ron Graner Fire Chief (retired) Public Safety Consultant.

Disclaimer

Any and all Observations, Findings, Opinions, Comments and or Recommendations in this report are based upon my professional training and experience. I am not a lawyer and any references to laws or liabilities are based solely on my experiences, training and personal opinions. I am not liable for any errors or omissions in this report.

Professional Experience Relative to This Study

- Fire Chief of three departments in two states; Extensive Senior Fire Service Leadership, Management, Training and Experience in three States; AAS and BS Degrees in Fire Science and Public Administration; Team Leader Center for Public Safety Excellence Commission on fire accreditation international; Public Safety Consultant; Author of: The Fire Chiefs Tool Box published by Fire Engineering and Fire Chief Lessons Learned Climbing the Ladder.
- City of Rochester NY: As a Fire Company Officer inspected all structures of more than 2 families in my district(s) annually. Served as second in command of Fire Marshal office Supervised Lieutenants and Code Enforcement Inspectors; Conducted plan reviews for all proposed developments in the city. One of first NYS Certified Code Enforcement Officials. Provided input to other City Officials and Boards.
- Cherokee County Georgia: First County fire chief; established first fire inspector position in a rapidly growth county in metro Atlanta. Personally reviewed all development plans and inspections. Provided input to other County officials and Boards.

Report Proposed Kingstonian Project Impact on Kingston Fire Dept.

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- City of Stamford CT Fire Chief: Supervised City Fire Marshal. Jointly reviewed all commercial or large-scale development plans. Provided input to other City Officials and to relative Commissions and Boards.
- Fulton County Georgia: Deputy Chief Prior to becoming Interim Fire Chief in rapidly growing Metro Atlanta Ga.: Interim Fire County Fire Marshal supervised all inspectors and Plan Reviews. Provided input to other County Officials, Commissions and Boards.
- In Rochester NY: I was a Licensed NYS Real Estate Broker and was the first “part time” Broker ever elected to be a Realtor by the Real Estate Board of Rochester. As a Broker at a rapidly growing company, I taught classes to management and sales staff regarding Codes, Inspections and how to Examine property and structures with and for clients

Report Proposed Kingstonian Project Impact on Kingston Fire Dept.

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Key Recommendations Regarding the Proposed Closing of Fair Street Extension

- ❖ The closing of Fair Street Extension will create Life Safety Dangers for the occupants of these proposed structures and for emergency responders.
- ❖ The closing of Fair Street Extension will result in extensive damage to or destruction of property of structures that border Fair Street Extension in the event of a fire.
- ❖ If Fair Street Extension were to be closed, the fire department would not be able gain direct access to any structure bordering the closed street.
- ❖ The fire department would be unable to place an aerial ladder with master streams or for rescue of occupants into operation where it will be needed.
- ❖ The Kingston Fire Department does not have the staff on duty to perform all of the functions that will be required if the street is closed
- ❖ It is my professional opinion that it would be dangerous for Elected City Officials to approve the closing or abandonment of Fair Street Extension based on my study of the impacts of the Proposed Kingstonian Project as detailed in this report.
- ❖ Based upon my review of the details of this project there is no question that the Planning Board should have understood the dangers and impacts of this project when it issued its negative declaration.
- ❖ The Kingston Fire Department staffing level is DANGEROUSLY BELOW the recognized Standards of NFPA Code 1710: The Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments.
- ❖ The request to close Fair Street Extension for the Proposed Kingstonian Project must be DENIED by the Common Council due to its dangerous impact on public safety.

Respectfully Submitted

Ron Graner

Ron Graner fire chief (retired) Public Safety Consultant

Report Proposed Kingstonian Project Impact on Kingston Fire Dept.

Prepared for Client Victoria Polidoro Esq. Attorney

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Executive Summary

Please note that this executive summary was prepared for a January presentation to the Kingston Common Council meeting to discuss possible street closings and other issues related to the Proposed Kingstonian project. The order of the issues in this summary are based upon the agenda issues of that meeting. The table of contents in this report reflect the process we followed in our study and our findings of the impacts of the proposed of the Kingstonian Project.

As a Public Safety Consultant and former fire chief of three departments in two states and a Peer Assessor and Team Leader for the Center for Public Safety Excellence Commission on Fire Accreditation International, the studies that I conduct are primarily for governments and fire rescue agencies.

My services for this study were requested by a private concerned citizen or group. The only directions I received from my client regarding this study were to review and report on the impacts of the Proposed Kingstonian Project on the safety of the public, emergency responders, and historic places in the City of Kingston.

My Findings, Professional Opinions, and Recommendations and all other content contained in this report are exactly the same as if this report had been prepared for the City of Kingston.

Professionally throughout my career in government and as a public safety consultant I begin every proposal's review with the full understanding and belief that every person who serves in the review of any proposed project as a member of the Professional Staff or as a member of any Civic Board or Commission in any government, at any level, must always remember that the primary objective in the review of every proposal and plans is never just about what a Proposer wants to do. Every Proposal Review for any development must acknowledge all of the many impacts of that proposal on a community and the life safety of the people who live and serve in that community. Plan review of every proposal is about each person in that process understanding what can and/or will happen many years in the future because of their recommendations and actions. The recommendations of Plan Reviewers and the actions of Committees and Boards for approval of any project are and always remain each person's individual liabilities. Those liabilities continue to exist for each reviewer and member as long as that project exists.

I was informed by my client that the City Common Council would be meeting in January to vote on a request by The Planning Board for the approval to close Fair Street Extension.

This Review of Findings and my Opinions are based upon my Professional experience education and training

- ❖ **Based upon my review of the details of this project there is no question that the Planning Board should have understood the dangers and impacts of this project when it issued its negative declaration.**
- ❖ **The closing of Fair Street Extension will create Life Safety Dangers for the occupants of these proposed structures and for emergency responders.**

Report Proposed Kingstonian Project Impact on Kingston Fire Dept.

Prepared for Client Victoria Polidoro Esq. Attorney

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❖ **The closing of Fair Street Extension will result in extensive damage to or destruction of property of structures that border Fair Street Extension in the event of a fire.**

- ❖ If Fair Street Extension were to be closed, the fire department would not be able gain direct access to any structure bordering the closed street.
- ❖ Hose lines would have to be hand stretched down the closed street.
- ❖ The fire department would be unable to place an aerial ladder with master streams or for rescue of occupants into operation where it will be needed.
- ❖ Ground ladders generally are only are useful to the second floor of most structures or to the edge of the roof on shorter structures
- ❖ Ground ladders would need to be carried down the closed street to place to upper story windows for rescue of trapped occupants delaying attack on the fire.
- ❖ The Kingston Fire Department does not have the staff on duty to perform all of the functions that will be required if the street is closed
- ❖ These and the other noted issues in this executive summary will cause the extension of the fire to the point of flashover where lives would be lost.
- ❖ Flashover is the point where the fire has grown to a point where everything in the area of the fire simultaneously burst into flame and no life can survive the heat. Flashover generally occurs in a fire of ordinary combustibles at approximately Ten, 10, minutes from the time of ignition. That is the primary reason that the fire department must have immediate access to the fire building and have the staffing and equipment to stop the growth of a fire to the flashover point

The request to close Fair Street Extension for the Proposed Kingstonian Project must be DENIED by the Common Council due to its dangerous impact on public safety.

- ❖ Closing Fair Street Extension would slow response time for all Kingston Fire Department fire apparatus to any incident in the Historic area.

It is my professional opinion that it would be dangerous for Elected City Officials to approve the closing or abandonment of Fair Street Extension based on my study of the impacts of the Proposed Kingstonian Project as detailed in this report.

The Kingstonian Project

My investigation of the Proposed Kingstonian Project revealed the following: The Proposed Kingstonian Project was to consist of 143 Apartments, a 420 Vehicle Parking Garage, a 32 Room Boutique Hotel, 9,000 Square Feet of Retail/Restaurant Space, Pedestrian Plazas and Walking Bridge.

The proposed project is to be situated within the[C-2] Commercial Zoning District and the [MUO] Mixed Use Overlay District and the Stockade Historic District. This project creates what NFPA defines as a dense urban area.

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- ❖ It is my professional opinion that the total proposed Kingstonian Project is designed in such a way that the firefighters will not be able to access major portions of the project with the apparatus and equipment needed to combat a fire.
- ❖ It is my professional opinion that the proposed Kingstonian Project is designed in such a manner that there will be a long delay in firefighting crews and equipment reaching the seat of a fire in any of its structures. That delay would be likely cause expansion of the fire and spread of the fire to other buildings in the historic district.
- ❖ The loss of historic structures due to fire spread is projected based upon the fact that many of the older buildings don't have sprinkler systems
- ❖ **Fires in the Proposed Kingstonian project structures are likely to cause people trapped in the structures of the proposed project and emergency responders to be injured and/or die**
- ❖ **Fires in the Proposed Kingstonian project structures will create significant loss of historic property and change the historic character of the City of Kingston.**
- ❖ **It is fact that the Kingston fire department does not currently have sufficient firefighting personnel and equipment to safely effectively and efficiently combat a fire in the Proposed Kingstonian Project.**
- ❖ The lack of Firefighting Personnel and equipment will likely cause people to die and property to be destroyed within the City of Kingston in the event of any major fire.
- ❖ The Current Lack of adequate firefighting personnel and increased demand from the Proposed Kingstonian Project will negatively impact fire rescue services citywide with the likelihood of death and property destruction throughout the City, not just the project site.
- ❖ **To approve the Proposed Kingstonian project would expose the City to liability.**

It would be dangerous for the City Common Council to approve the Proposed Kingstonian Project as proposed based on the findings contained in this report and the exposure of the City to liability.

The Kingston Fire Department Issues

My review of the Kingston Fire Department revealed that the Fire Dept is a Career staffed Fire agency that serves the 23,000 residents and visitors in the City of Kingston with approximately 53 career emergency responders.

- ❖ **The On Duty Emergency Response Staffing in the fire department is only a minimum of 10 Responders responding with 3 Engine Companies and 1 Ladder company and an Officer in Charge.**
- ❖ **The Kingston Fire Department staffing level is DANGEROUSLY BELOW the recognized Standards of NFPA Code 1710: The Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments.**

Report Proposed Kingstonian Project Impact on Kingston Fire Dept.

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- ❖ NFPA Standard 1710 defines that the number of on-duty fire suppression members shall be sufficient to perform the necessary fire-fighting operations given the expected firefighting conditions.
- ❖ Fire companies whose primary functions are to pump and deliver water and perform basic firefighting at fires, including search and rescue, **shall be staffed with a minimum of four on-duty members**. In jurisdictions with tactical hazards, or **dense urban areas shall be staffed with a minimum of six on-duty members**.
- ❖ Fire companies whose primary functions are to perform the variety of services such as forcible entry, ventilation, search and rescue, aerial operations for water delivery and rescue, utility control, illumination, overhaul, and salvage work, **shall be staffed with a minimum of four on-duty members**. In jurisdictions with tactical hazards, high-hazard occupancies, or **dense urban areas, as identified by the AHJ, these fire companies shall be staffed with a minimum of six on-duty members**.
- ❖ In my professional opinion the Proposed Kingstonian Project creates High-Hazard occupancies in a dense urban area and that to comply with NFPA staffing standards each company should be staffed with 6 emergency responders.

It is my Professional Opinion after having served in the review process of literally hundreds of development projects in four governments in three states that the Proposed Kingstonian project has so many violations of current rules and codes that impact every part of the image and life in the City of Kingston that the Common Council MUST Immediately End any further discussion or action regarding this project.

I strongly recommend that City Leaders review the National Fire Protection Association Code 1710 with legal counsel as soon as possible. Understanding the requirements of this code will help City leadership be aware of what the current standards are for staffing in career fire rescue services. This code defines the dangers of failure to meet current standards.

- ❖ If the City of Kingston Common Council is unwilling to accept the conclusions in my report, I strongly urge the Common Council to delay any vote on any part of the Proposed Kingstonian project and to commission its own study from an equally qualified public safety expert to reexamine all of the issues in my report.

Report Proposed Kingstonian Project Impact on Kingston Fire Dept.

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Impact of the Proposed Kingstonian project on the Kingston Fire Department

Standards For Fire Rescue Services

Fact 1: The review of fire rescue services noted in this report was conducted for our clients and not for any government agency. However, the depth of research was not limited by who this study was conducted for. The only research factor that I limited in my review was my decision to have limited direct contact with fire department personnel and leadership. The only question that I asked the fire department, in an email, was the number of units that the department responded with and the number of emergency responders on duty.

Due to the possible sensitivity of the findings of our research we felt would be prudent to conduct all our other research using other sources.

Fact 2: Because this study was conducted for an individual client and not for The City of Kingston, we did not contact individual city personnel to conduct our analysis of the Kingston fire department staffing or response capabilities. We did this to avoid the possibility of negative reactions to this report being directed toward any city employees. Our research was conducted using other sources and means to provide what we believe is an accurate picture of conditions relative to staffing and response,

The first step in conducting any study regarding possible impacts of any project on any fire rescue service must begin with an understanding of each of the factors that define the capabilities and limitations of the current fire rescue services in that jurisdiction:

- Compliance with current Codes and Standards that pertain to Career Fire Departments
- Staffing
- Apparatus
- Fire Station Locations
- Responding units travel distances and times
- Automatic and Mutual Aid capabilities

NFPA National Fire Protection Association Codes

Fact 3: NFPA, The National Fire Protection Association Codes define the recognized standards for providing Fire Rescue Services.

Fact 4: NFPA 1710: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments defines levels of service, deployment capabilities, and staffing levels for substantially career fire departments. This standard provides the body politic and citizens a true picture of the risks in their communities and the fire departments' capabilities to respond to and manage those risks. This standard contains minimum requirements relating to the organization and deployment of fire suppression operations, emergency medical operations, and

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special operations to the public by substantially all career fire departments. The Code requirements address functions and objectives of fire department emergency service delivery, response capabilities, and resources.

Fact 5: NFPA Official Definitions are a part of all codes. Leadership of every agency and government should be familiar with the two key terms used in those codes: Shall. Indicates a mandatory requirement. Should. Indicates a recommendation or that which is advised but not required.

Staffing Standards NFPA® 1710 Fire Suppression Services

Fire Suppression Capability

Fire suppression operations shall be organized to ensure that the fire department's fire suppression capability encompasses deployment of personnel, equipment, and resources for an initial arriving company, the initial full alarm assignment, and additional alarm assignments.

- The fire department shall be permitted to use established automatic aid and mutual aid agreements to comply with the requirements of Section 5.2. However, Ulster County Mutual Aid and Automatic Aid policy clearly states that Automatic and Mutual aid shall not be used to supplement inadequate staffing or equipment.

Fact 6: **NFPA: Staffing.** The number of on-duty fire suppression members shall be sufficient to perform the necessary fire-fighting operations given the expected fire-fighting conditions.

These numbers shall be determined through task analyses that take the following factors into consideration:

- Life hazard to the populace protected
- Provisions of safe and effective fire-fighting performance conditions for the firefighters
- Potential property loss
- Nature, configuration, hazards, and internal protection of the properties involved
- Types of fireground tactics and evolutions employed as standard procedure, type of apparatus used, and results expected to be obtained at the fire scene
- On-duty members assigned to fire suppression shall be organized into company units and shall have appropriate apparatus and equipment assigned to such companies.
- The fire department shall identify minimum company staffing levels as necessary to meet the deployment criteria required to ensure that a sufficient number of members are assigned, on duty, and available to safely and effectively respond with each company.
- Each company shall be led by an officer who shall be considered a part of the company.

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- Supervisory chief officers shall be dispatched or notified to respond to all full alarm assignments.
- The supervisory chief officer shall ensure that the incident management system is established as required
- Supervisory chief officers shall have staff aides deployed to them for purposes of incident management and accountability at emergency incidents.

Staffing of Operating Units:

Fact 7: Fire company staffing requirements for all operating units in the fire department shall be based on minimum levels necessary for safe, effective, and efficient emergency operations.

Fact 8: Fire companies whose primary functions are to pump and deliver water and perform basic firefighting at fires, including search and rescue, shall be known as Engine Companies. These companies shall be staffed with a minimum of four on-duty members.

- In jurisdictions with a high number of incidents or geographical restrictions, as identified by the AHJ, Authority Having Jurisdiction, these companies shall be staffed with a minimum of five on-duty members.
- In jurisdictions with tactical hazards, high-hazard occupancies, or dense urban areas, as identified by the AHJ, these fire companies shall be staffed with a minimum of six on-duty members.

Fact 9: Fire companies whose primary functions are to perform the variety of services associated with truck work, such as forcible entry, ventilation, search and rescue, aerial operations for water delivery and rescue, utility control, illumination, overhaul, and salvage work, shall be known as Ladder or Truck Companies. These fire companies shall be staffed with a minimum of four on-duty members.

- In jurisdictions with a high number of incidents or geographical restrictions, as identified by the AHJ, these fire companies shall be staffed with a minimum of five on-duty members.
- In jurisdictions with tactical hazards, high-hazard occupancies, or dense urban areas, as identified by the AHJ, these fire companies shall be staffed with a minimum of six on-duty members.

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Dynamic Effect of Fire Growth

Fact 10: The most important duty for any fire department is to arrive with sufficient personnel and equipment that can be placed in operation to control the fire before it reaches the stage where it has built up enough heat to go into Flashover conditions. If that is not successfully accomplished before Flashover occurs any living person or thing in the flashover area will die.

This section provides an overview of the chemistry of fire growth that determines the efficiency and potential for operational safety and effectiveness of every fire department in their response to emergency incidents involving fires in structures. This section can be directly related to the findings of the ISO survey of fire protection capabilities in the time it takes to travel from fire stations, and the apparatus and staffing required mitigating and controlling the fire.

Flashover

The dynamics of fire growth is essentially a chemical reaction with easily calculated and predictable elements. The stage of every fire emergency effects staffing and equipment needed to mitigate the emergency. Both staffing and equipment needs can be reasonably predicted for different risk levels and fire stages. The ability to correlate fire and emergency medical staffing and equipment to this cascade and timing of events is the primary basis for establishing an agency's standards of response coverage policy.

The fire suppression tasks that are required at a typical fire scene vary depending upon the stage of the incident fire propagation, and public and responder risk hazard vs. personnel/public safety level. What the personnel on the responding fire companies must do – simultaneously, efficiently and safely, if they are to save lives and limit property damage - is to arrive at the right time, with adequate resources to do the job. Matching the arrival of resources with a specific point of fire growth or number of patients found is one of the greatest challenges to emergency managers.

The answer for controlling the variation in fire dynamics lies in finding a common reference point; something that is common to all fires regardless of the risk level of the structure, the contents of the structure, or the time the fire has burned. The benchmarks for evaluating these factors do exist.

Regardless of the speed of growth or length of burn time, all fires go through the same stages of growth:

Fact 11: The point of Flashover marks the critical change in hazard conditions for both the structure occupants and the responding personnel. When flashover occurs, all combustibles in the room instantaneously erupt into flame. This eruption into flame generates a tremendous amount of heat, smoke, and pressure, resulting in enough force to extend the fire beyond the room of origin through doors and windows or breaches in walls, ceilings and floors. The combustion process then speeds up geometrically because there is now an even greater amount of heat to transfer to unburned objects through convection, radiation, direct flame contact, and conduction. To save structures and lives,

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it is vital to have fire suppression efforts, firefighting operations, well underway before Flashover occurs.

Fact 12: Flashover normally occurs within ten minutes after fire burning begins.

Fact 13: When a fire has reached flashover, it is too late to save anyone in the room of origin. Generally, NO living thing in the room of origin will survive flashover. The chances of saving lives after Flashover drop dramatically.

Fact 14: *Flashover can occur very suddenly. When I was a Battalion Chief in Rochester a young boy set fire to a trash can in the kitchen. His older sister saw the small fire and took the young boy upstairs to get their grandmother and the other three children. There was wood paneling on the walls that quickly caught fire engulfing the entire downstairs. As the sister and her young brother entered the bedroom to get everyone there was a flashover that went right up the stairs and killed all six people.*

Fact 15: Flashover creates a quantum jump in the rate of combustion, and significantly greater amounts of water and resources are needed to reduce the temperature of the burning material below its ignition temperature. A post-flashover fire will burn hotter and move significantly faster, compounding the search and rescue problems in the remainder of the structure, at the same time that more firefighters are needed for fire attack and extinguishment.

As shown in the chart below, there is a definite time of growth to the point of flash over that can be predicted. That growth pattern can only be changed by intervention of firefighting personnel or the activation of protection systems such as automatic fire protection sprinklers.

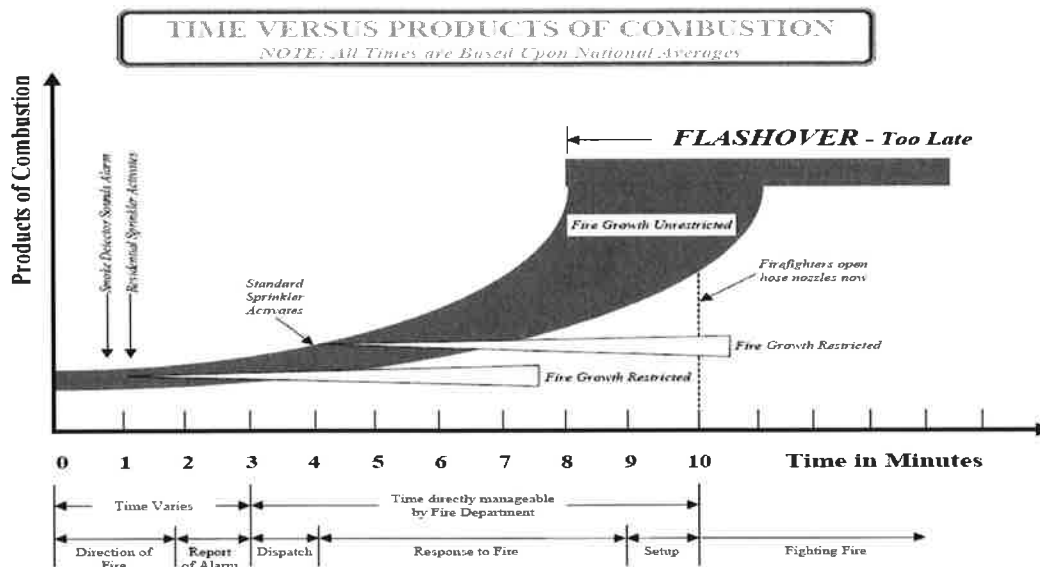


Figure 1: Flashover Time Chart

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Fact 16: It is important to note that while the Fire Department cannot control the duration of time that passes between the inception of a fire and its discovery and reporting to the emergency communications dispatch center, there are ways to reduce this time. Assuring that there are automatic fire and smoke detection systems with direct alarm notification in every structure is the most positive factor in reducing the variables between fire initiation and notification of occupants and emergency responders. Without automatic detection and notification there are numerous variables that affect the detection and notification time frame. These include time of day and location of the fire, the capabilities of the person discovering the fire to make a report, whether the reporting party uses a "land line" or a wireless telephone, and any other factors. Once a report of a fire and its location has been received by the emergency communications dispatch center, the fire and rescue agencies can begin to influence the subsequent timeline of events. From the point of notification, direct Fire Department actions, along with outside influences such as additional emergency calls, distance to the incident, traffic and weather patterns, and etc. result in the final response time to any specific event.

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Kingston Fire Department

The City of Kingston is approximately 9 square miles in area. There is a Career staffed Fire Department that serves the 23,000 residents and visitors in the City of Kingston with approximately 53 career emergency responders

Fact 17: On Duty staffing of the Kingston Fire Department is a minimum of 10 Responders including an Officer in Charge who becomes the Incident Commander.

Fact 18: The agency dispatches 3 Engine Companies and 1 Ladder company and 1 Officer in Charge to incidents with that total staffing.

Fact 19: The fire department has a recall system where off duty personnel are called back to duty in the event of a major incident.

Fact 20: A system of recalling off duty personnel for major incidents while providing relief for on duty personnel does not provide the staffing needed to combat an incident in time to prevent major fire spread and deaths of people in danger inside the structure.

Fact 21: The fire departments adjacent to or close to the city that would respond as Automatic or Mutual Aid companies to emergencies in the City are primarily staffed by volunteers.

Fact 22: The Career Staff of the Kingston Fire Department is aware of the dangers of their current staffing levels, the dangers to their personal safety, the dangers to safety of the people they serve and the potential dangers to the property they are sworn to protect that exist due to the limited On Duty staffing.

Fact 23: The Career emergency responders of the Kingston Fire Department absolutely DO strive to perform their duties with honor, and dedication. The Emergency Responders continuously strive to achieve their mission safely effectively and efficiently even with the current limited staffing on duty. They serve the City of Kingston at great risk to their own health and safety

Professional Recommendation 1: The Kingston Fire Department should, as soon as possible, conduct a citywide review of hazards and special hazards in all response areas of the city including Target Hazard locations to establish response requirements to emergencies based upon required apparatus and staffing. This review should be used to revise dispatch protocols to assure immediate dispatch of Automatic and Mutual Aid.

- A Target Hazard is an identifies location that presents a severe potential for loss of life, environmental damage, and/or high value property loss in the event of an emergency incident

Professional Recommendation 2: I strongly recommend that City Leaders review the National Fire Protection Association Code 1710 with legal counsel as soon as possible. Understanding this code will help City leadership be aware of what the current standards are for staffing in career fire rescue services and the dangers of failure to meet those standards.

Report Proposed Kingstonian Project Impact on Kingston Fire Dept.

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Current Kingston Fire Department Stations



Photos & Drawings 1: Fire Station @ 19 East O'Reilly St



Photos & Drawings 2: Fire Station @ 26 Frog Alley



Photos & Drawings 3: Fire Station @ 19 Garraghan Dr

Report Proposed Kingstonian Project Impact on Kingston Fire Dept.

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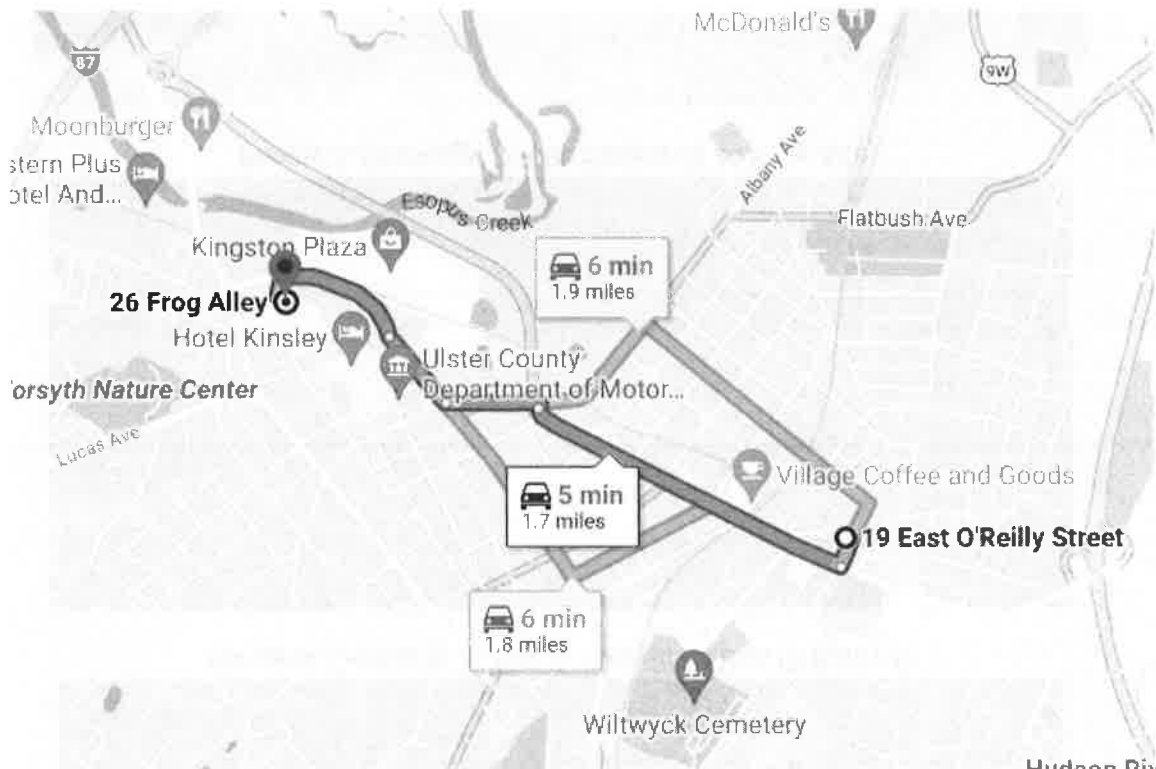
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Travel Times & Distances from/To existing City Fire Stations

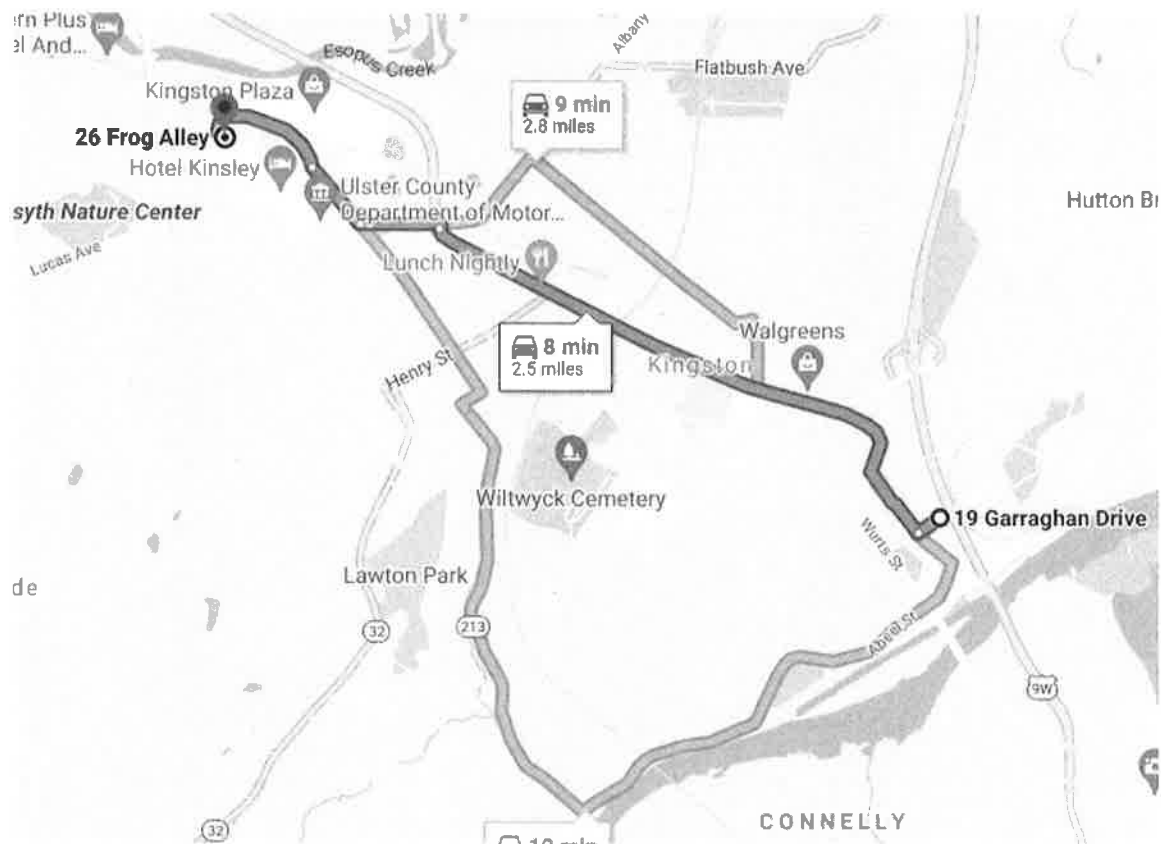
Fact 24: Maps were prepared using current Google Maps showing Routes and Travel times based upon estimated normal travel speeds based upon street types. In my experience these times are generally an accurate prediction of the time of response between the identified points. However, the travel times can be impacted by the factors of time of day, weather conditions and traffic.

Fact 25: Travel times do not reflect: Call Processing time at the Public Safety Answering Point (9-1-1); or Reflex Time: The time from when the alarm is broadcast to the actual time that apparatus leaves the fire station.

Fact 26: The total of Call Processing time at the Public Safety Answering Point should be under 1 minute and reflex time at the station should be under 1 minute. Travel times must be added to these times to determine total response time. The only unpredictable time is the time from the start of the fire to when it is discovered and reported.



Map 1: Fire station @ 19 O'Reilly St station From/To Fire Station @ 26 Frog Alley
Travel Time 5 Minutes Distance 1.7 Miles



Map 2: Fire Station @ 19 Garraghan Dr From/To Fire Station @ 26 Frog Alley Travel Time 8 Minutes Distance 2.5 Miles

Report Proposed Kingstonian Project Impact on Kingston Fire Dept.

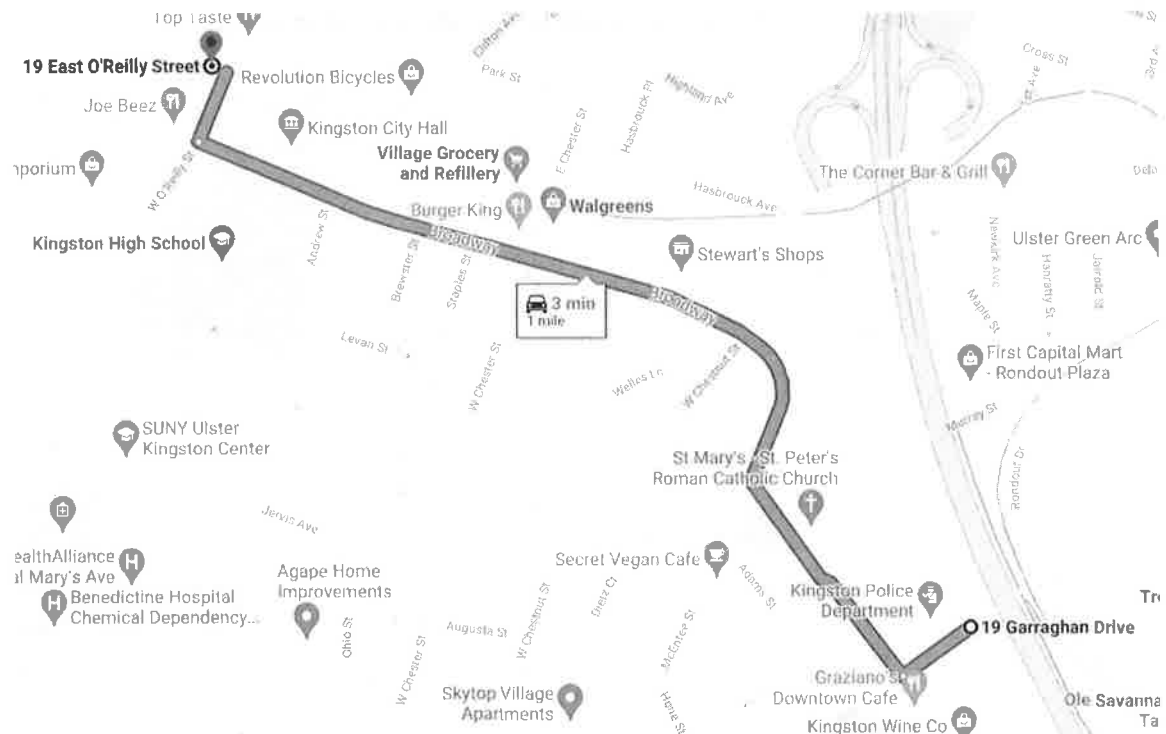
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Map 3: Fire Station @ 19 O'Reilly St From/To Fire Station @ 19 Garraghan Dr Travel Time 3 Minutes Distance 1 Mile

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Kingston Fire Dept In Action Photos

NFPA Truck Company Operation Requirement

Fact 27: NFPA Code requires an operator to be on the turntable at the controls when the aerial ladder is raised and for that operator to remain at the controls at all times when the aerial ladder is being used including when responders have used the aerial to enter hazardous locations



Photos & Drawings 4: Firefighter at the controls of the aerial ladder: Codes and good safety practices require the operator to remain at the controls as long as the ladder is in position and operation

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Photos & Drawings 5: Aerial ladder being used for rescue of occupant from third floor window and/or to bring firefighting personnel to the third floor for search and rescue or ventilation operations. Third floor is out of reach for ground ladders



Photos & Drawings 6: Firefighters using the aerial ladder to perform ventilation of an attic window at a house fire. That attic window is out of reach from ground ladders. Note the electric power supply line to the house under the extended aerial ladder.

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Photos & Drawings 7: Kingston Fire scene in downtown structure fire (1):
 Fact 28: Fire Incident Street scene of apparatus showing 2 ground ladders placed at windows of a structure fire. Note that the ladder in the front of the building is placed on a roof type structure over the sidewalk rather than to the body of the main structure. This is a dangerous practice because this type of structure is often unstable and prone to collapse.



Photos & Drawings 8: Kingston Fire scene in downtown structure fire (2)
 Fact 29: Dangerous situation caused by failure of operator of the aerial ladder to be at the controls while firefighting personnel are on the roof. This condition is a result of severely limited staffing

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Photos & Drawings 9: Kingston Fire scene in downtown structure fire (3) *All Kingston Fire Department in action Photos were copied from IAFF Local 461 Facebook page

Fact 30: Aerial ladders are in operation in accordance with NFPA Codes and safety practices requiring an operator to remain on the turntable at the controls

Report Proposed Kingstonian Project Impact on Kingston Fire Dept.

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Staffing recommendations for hypothetical Firefighting Operations using above KFD fire Photos

Fact 31: It appears that the incident in the photos was in an end unit of a row of older wood structures.

Fact 32: Presented below is a hypothetical fire scenario that is based upon my experience as an incident commander using the previous photos to visualize the incident. It is not reflecting any actual actions taken at the incident photographs by KFD.

Fact 33: Staffing for this hypothetical incident would be the MINIMUM staffing required to safely efficiently and effectively combat a fire as shown in the photos based upon my scenario that assumes that only the end unit of the row of buildings was involved in the fire. The operation would be managed with an incident commander, 1 Ladder Company and 1 Engine company staffed as follows:

Incident Command

1 Chief Officer

Truck Operations:

1 Driver Ladder control

2 Firefighters Roof Operations Ventilation

2 Firefighters Place Ground Ladder 1 Rescue front window second floor

2 Firefighters Place Ground Ladder 2 Rescue side street second floor

Engine Company Operations

1 Driver Pump Operator

1 Firefighter provide water supply from hydrant

2 Firefighters advance hand line into first floor of building

2 Firefighters provide hose line to Aerial ladder for master stream

Safety

2 Firefighters RIT (Rapid Intervention Team to rescue firefighters in danger)

16 Total Staffing Minimum for safe operation

If the fire location was in the same row of buildings and occurred in the center of the row of buildings, the fire department would need to expand the number of apparatus and staffing:

Second Scenario Staffed added to first scenario

1 Additional Chief Officer

1 Driver Pump Operator

1 Firefighter provide water supply from hydrant

6 Firefighters advance hand lines into second floor of each adjacent building

4 Firefighters Roof Operations Ventilation

4 Firefighters Place Ground Ladders for Rescue from each adjacent building

2 Firefighters to check for fire extension beyond the fire building

19 Additional staffing required 34 Minimum Staffing for Safe Operation

Fact 34: All of these actions need to be accomplished before the fire reaches the point of Flashover. Approximately 10 Minutes

Report Proposed Kingstonian Project Impact on Kingston Fire Dept.

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Mutual Aid

Ulster County Rules RE Mutual Aid and Automatic Aid

“Mutual Aid” or “Fire Mutual Aid” shall refer to organized, supervised, coordinated, cooperative, reciprocal assistance in which personnel, equipment and the physical facilities of the participating Fire Agencies, regardless of type or size, are utilized for the fire and other emergencies in the County of Ulster.

“Automatic Aid” shall mean the pre-arranged (pre-plan) assignment of specific apparatus from one or more jurisdictions to individual locations or alarms of a certain nature in the requesting jurisdiction.

Automatic Aid shall not be used to supplement a requesting Fire Agency’s inadequate staffing or equipment inventory shortfalls, unless otherwise agreed by parties involved.

Mutual and Automatic Aid from other Ulster County Fire Departments

Fact 35: We did not conduct a staffing study of the various Volunteer fire departments in the Ulster County area. However, there are many other studies and reports that demonstrate that the number of volunteers serving with volunteer fire departments across NYS has been decreasing rapidly. The most recent report that I have seen indicated that there are over 100,000 fewer volunteers serving fire departments in NYS than there were just a few years ago. Based upon that information and my personal findings in other studies I have conducted we can assume that this statewide loss of volunteers is true for the Volunteer fire companies in the vicinity of the City of Kingston.

Professional Recommendation 3: There is a need to be continuously be aware of the Current Available Staffing Capabilities of all Volunteer Fire Departments: That information is one of the most important factors in evaluating fire rescue service capabilities. The knowledge of what volunteers are available to respond needs to be an on-going daily function. Many County and Regional Emergency Communications centers have software that they share with each emergency service in their jurisdiction that allows every volunteer to log in to show that they are available to respond to any emergencies. Use of these systems have improved response times of the agencies that use the system.

Report Proposed Kingstonian Project Impact on Kingston Fire Dept.

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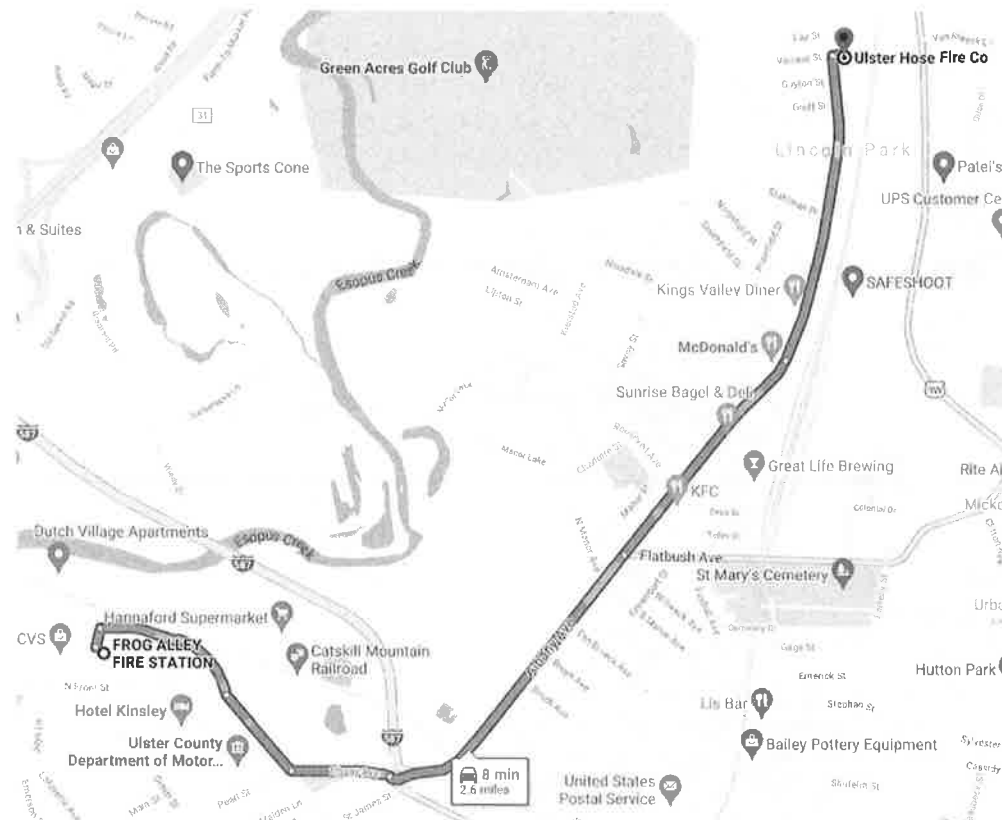
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***Travel Times and Distances from Mutual and Automatic Aid
Departments to Kingston Fire Station at 26 Frog Alley***



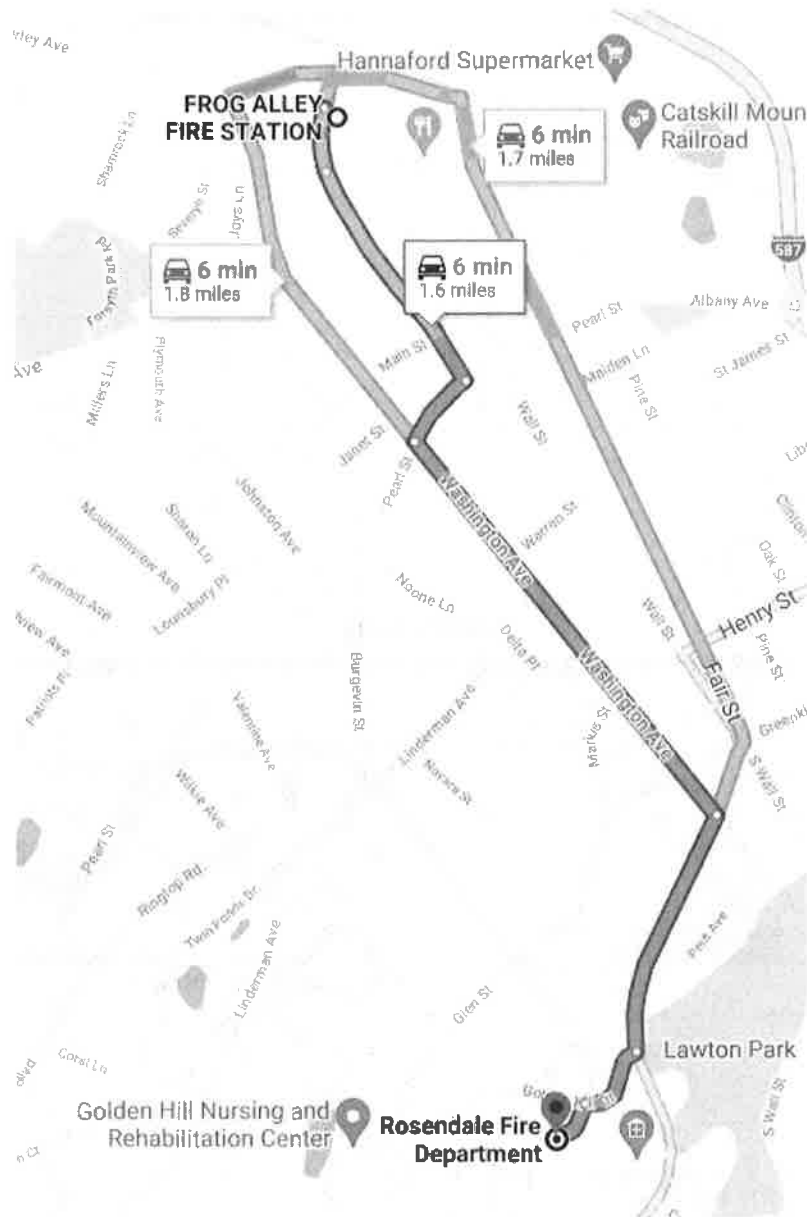
**Map 4: Ulster Hose Company to Frog Alley Fire Station: 8 Minutes 1.6 miles - Volunteer
Department**

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Map 5: Rosendale Fire Dept to Frog Alley: 6 Minutes 1.6 miles; Volunteer Department

Report Proposed Kingstonian Project Impact on Kingston Fire Dept.

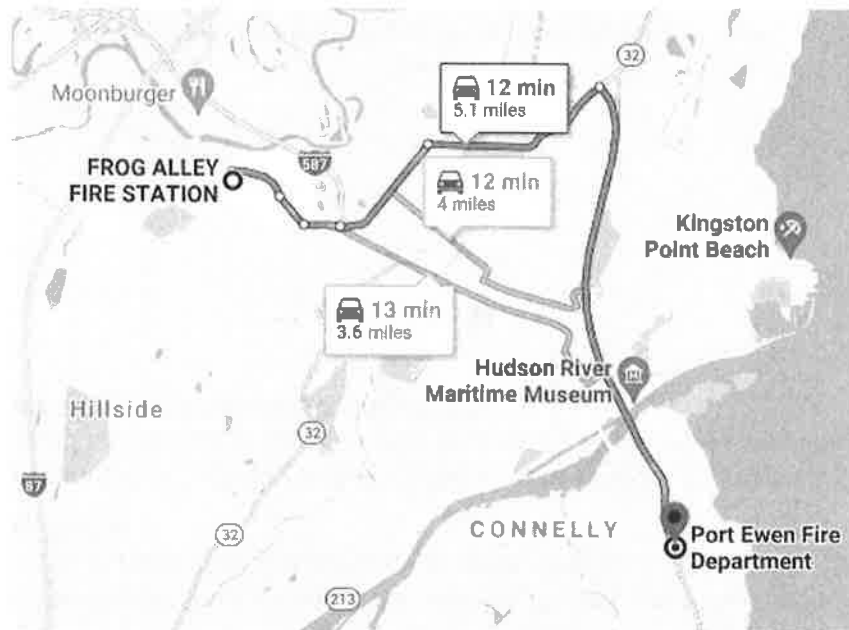
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Map 6: Port Ewen Fire Dept to Frog Alley 13 Minutes 3.6 Miles - Volunteer Fire Dept



Map 7: St Remy Fire Dept to Frog Alley 16 Minutes 7.5 Miles; Volunteer Fire Dept

Report

Study RE Kingstonian Project Impact on Kingston Fire Dept.

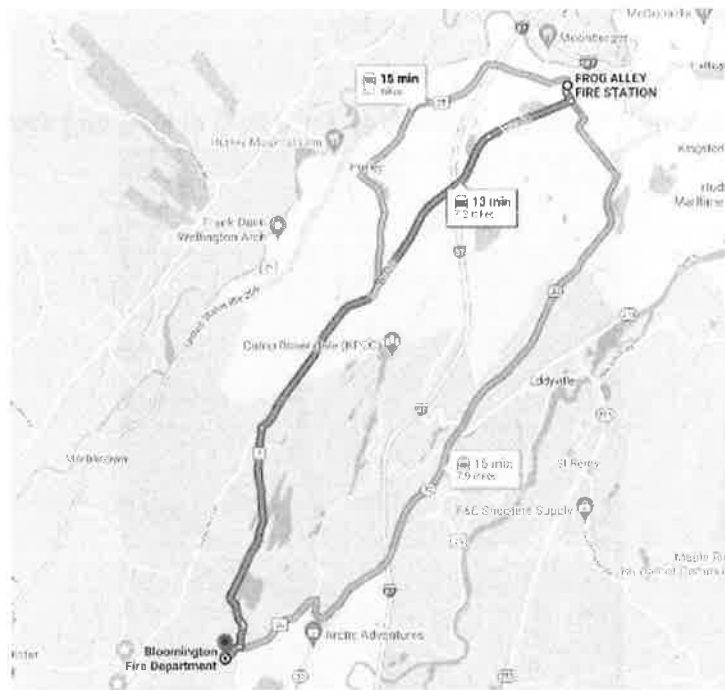
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Map 8: Bloomington Fire Dept to Frog Alley 13 Minutes 7.2 Miles; Volunteer Fire Dept

Fact 36: Based upon the Current Kingston Fire Department staffing levels and available apparatus it is my professional opinion that if the Proposed Kingstonian Project is constructed there will be an immediate and constant need for Mutual Aid and Automatic Aid from other fire departments in Ulster County for EVERY REPORTED fire incident within this project and that the mutual aid units would not be on scene in time to prevent Flashover.

Fact 37: Each of the potential Mutual aid and/or Automatic Aid stations is staffed by Volunteers. The Travel times shown in the mapping do not include the time for volunteers to respond to these stations prior to responding to incidents at the Proposed Kingstonian Project

Fact 38: The number of Volunteers in NYS and most of the nation has been in decline for many years and is expected to do so into the foreseeable future. Fire Companies are searching for solutions to this dangerous problem.

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Preparation for Conducting Plan Reviews

Every Professional Staff Plan Reviewer must be aware of the applicable fire and building codes and regulations regarding the plans that are being reviewed. The reviewer must also be aware of the many other rules and conditions in their community that govern all new development and the maintenance of existing properties and conditions.

Professional Staff Plan Reviewer must understand these facts of life regarding all plan reviews:

- No Plan Review is EVER JUST ABOUT what the Fire Prevention or Building Codes require.
- There are many local codes, regulations and existing conditions that impact what can be built and where any proposed project can be built.
- Professional Staff Fire Service plan reviewers must always be aware of and consider
 - Zoning Codes
 - Historic Preservation
 - Ability of Emergency Services to provide service to the project
 - Traffic Flow
 - Access to the structure by emergency apparatus and personnel
 - Water and other utilities

Every Professional Staff Reviewer must understand that:

- Civilian Commissions and Boards are charged with the responsibility of assuring that every project they review is in conformance with the rules that apply to their Board or Commission
- The Civilian Board and Commission members must be aware of all rules that apply to Their and other Boards and Commissions that are relative to the subject under review
- Professional Staff doing plan reviews have a duty to be aware of the rules and regulations that each Board or Commission must follow:
- Professional Staff must provide guidance and feedback to each of the Commissions and Boards that is in conformance with those rules and regulations.
- Professional Staff must understand the fact that Boards and Commissions are generally composed of civilians who serve their community because of their support for, agreement with and dedication to the mission of their Board or Commission.
 - Professional Staff must also always be aware that there may be some people who serve on Boards and Commissions to serve their own private agendas.

Before beginning any review, it is imperative for the reviewer to understand the foundations and objectives of the current rules and regulations that impact conducting that review.

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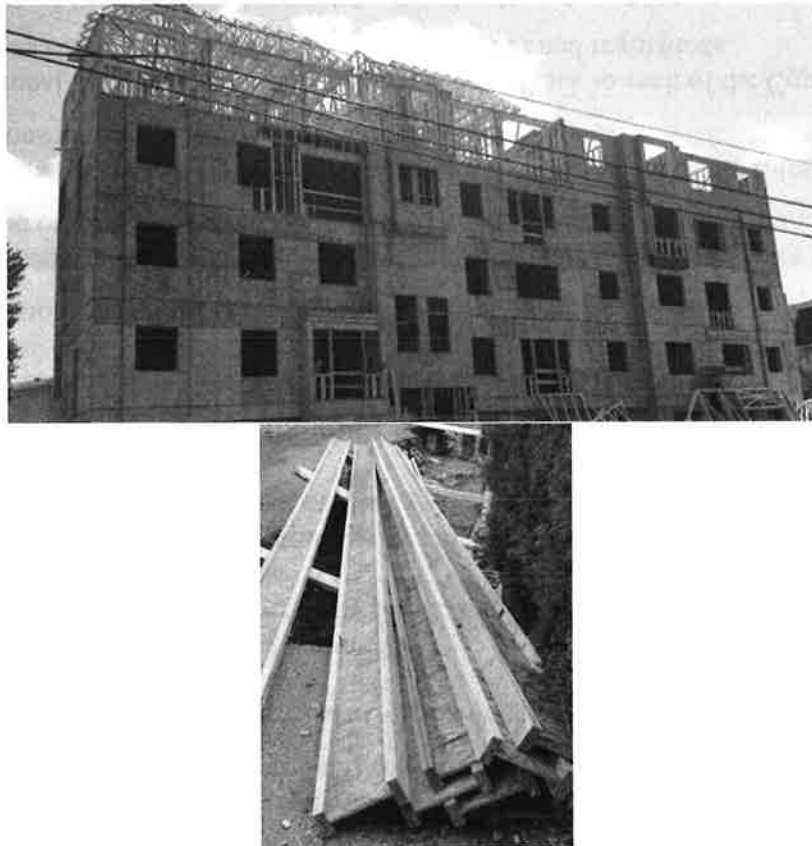
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Modern Construction

Modern Construction Positives & Negatives

Today's modern building codes and construction methods have changed how building are constructed. No longer do we see heavy steel and masonry used to construct many structures where just a few years ago those materials would have been the materials of choice. Today as part of the ongoing efforts to reduce costs and speed NYS Building Codes and other codes around the world regulating construction allow light weight wood and other combustible materials to be used as the basic structure of large structures.

Materials Today's Construction Codes Allow



Photos & Drawings 10: New Construction wood framing; Plywood web floor joists

Fact 39: Multi Story structures can be constructed using Plywood exterior sheathings; Plywood floor assemblies; Wood Truss roofs and floor joists; Light weight Plywood Web floor joists.

Fact 40: Wood Trusses have metal plates with small teeth that fasten and join the wood of 2 or more sections to hold the pieces together. Under the heat conditions of even a small fire those metal teeth act as heatsinks and transmit the heat to the wood which then

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pyrolyzes into charcoal that has no ability to hold the plates or to hold the wood sections causing sudden failure of the truss.

Fact 41: Plywood and chipboard are basically thin scrap pieces of wood or even sawdust compressed and held together with glue. Even the small amount of heat from a rubbish fire under plywood can cause the glue to distill out of the product and the product to suddenly fail.

Fact 42: Light weight Plywood Web floor joists are only designed to carry the weight of floor assemblies and sleepers must be used to carry heavier weights around the joist to a weightbearing structure.

Fact 43: *I have personally seen numerous cases where required sleeper blocks have not been put in place and that caused the wood joists to fail in normal use as well as under fire conditions.*

Fact 44: Today's codes allow the use of lightweight materials. These materials under fire conditions generally provide enough time for occupants to escape from the structure safely. Today's codes are not designed to assure that the structure will structurally survive a major fire.

Fact 45: Many firefighters refer to today's modern construction buildings as Vertical and Horizontal lumber yards due to their fuel load and the way they burn and collapse.

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Alarm Systems and Sprinkler Systems

Today, codes often require fire detection and warning alarm systems and automatic sprinkler systems within the structure based on size and occupancy.

Alarm Systems

Modern fire alarm systems provide smoke detectors in living spaces and public spaces. They provide pull stations in hallways near exits so an occupant can pull the alarm as they leave the building escaping a fire. The primary problem with alarm systems in every type of building is that people often remove the smoke detectors because they do not want the alarm to go off while they are cooking or because they are smoking in places that smoking is not allowed. In multiple dwellings there is always an issue of people removing smoke detectors and damaging the alarm system.

Automatic Sprinklers

The codes written for larger structures require automatic fire sprinkler system to control fires and in many cases those sprinklers do extinguish small fires and only 1 or 2 sprinkler heads are activated. However, depending on the fuel load at the area of the fire, sprinklers do not always extinguish the fire and it grows beyond the capability of the system.



Photos & Drawings 11: Sprinkler location sign and FD connection

Fact 46: I have fully supported the installation of Automatic Sprinkler systems in every type of structure for a lifetime. There has never to my knowledge been a death from fire in a building protected by a properly operating automatic sprinkler system. However, the fact remains that having an automatic sprinkler system is no guarantee that the system will work when there is a fire or that a structure will survive or lives will be saved when there is a fire.

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Sprinkler Systems 101

- There are different size sprinkler system components for use in different types of occupancies.
- Residential sprinkler systems have the lowest water flow rate per sprinkler head. Usually about 10 GPM
- Contrary to most common thoughts only the sprinkler head that has had its fusible link melted by the fire activate. The links usually fuse when the temperature reaches approximately 155 degrees
- The larger the fire the more heads activate. Usually only 1 to 3 heads activate in a residential fire. 90% of fires are controlled 6 or fewer sprinkler heads
- The water from activated sprinklers causes dramatic weight increase on the floors below: Water weighs approximately 8.3 Pounds per gallon. Flow rate of each sprinkler is approximately 10 GPM, Weight per minute is 830 pounds per head If 3 heads activate the weight load increases to **2,490 pounds per minute**.

Fact 47: If only 3 sprinkler heads are flowing in a fire, in 10 Minutes the additional weight on the structure would be 24,900 pounds or over 12 TONS of water weight

Sprinkler Systems do Fail for Several Reasons:

- Water valves being shut and the fire department not supplying water to the system through the fire department connection which bypasses the shutoff valve
- Premature shutting down of the entire system by the fire department in an effort to control water damage
- The occupancy fire load (the type and amount of combustibles in a structure) exceeding the design capacity of the system.
- Fire origination in an area that is not protected by an automatic sprinkler

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Common Residential Sprinkler Installation



Photos & Drawings 12: A common residential sprinkler installation

Fact 48: Note: The piping is nonmetallic. The sprinkler head will be below the drywall when the ceiling is installed. Note the metal gusset plates on the Wood Truss supporting the floor above and the wood decking of the subfloor of the story above. There is no sprinkler protection against fire in this space

Fact 49: *The worst failures of sprinkler systems to control fire growth is the simple fact that not every space in a structure is usually protected by a sprinkler such as in closets. In one of my former fire departments fire companies were dispatched in the middle of the day to a two story, 12-unit, apartment building of modern lightweight construction. The building had an automatic sprinkler system and an alarm system. The first unit in reported an odor of smoke but nothing showing. Second unit reported everyone out of the building and a woman stating that she thought that she smelled smoke in her unit on the first floor. Firefighters entered her apartment to find a fire in her kids closet that was not protected by a sprinkler. (yes the three year old had started the fire playing with matches in the closet) The crew from the engine company advanced a hose line into the apartment to extinguish the fire. When they got to the bedroom they looked up inside the closet. They observed that there was a hole in the ceiling and that fire had extended into the framing area supporting the second floor. The open truss construction was supporting the entire second floor. The entire wood truss construction supporting the entire second floor and the floor decking was on fire. Engine Company crew tries to extinguish the fire in that space using hose streams. Within a minute the company officer ordered everyone out of the building because he saw that the hose line stream were not effective. Within less than 7 minutes after fire department arrival the entire second floor crashed down on top of the first floor. If that officer had not pulled his team out there would have been 4 dead firefighters at a nothing showing incident.*

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Construction of New Code Structures in other NYS cities

Fact 50: The proposed building construction in the Proposed Kingstonian Project is certainly not unique to Kingston. The following are just a few of building constructed in the City of Syracuse NY under the same codes. These buildings are primarily being used for private University student housing



Photos & Drawings 13: Current Code compliant construction in City of Syracuse

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Conducting Research for the Proposed Kingstonian Project

When I was asked to review the impact of the Proposed Kingstonian Project on the Kingston fire department I was given a map of the development area. I searched for and found links to the project online on City websites, on the Proposed Kingstonian Project developers' website and other sources. I began my review of the Proposed Kingstonian Project by reviewing various City of Kingston Codes that pertain to development within the city and the actions taken in the review process.

As early as 2013 Shuster-Turner - Planning Consultants were examining the development area. In 2016 the City produced the Comprehensive Plan for 2025. Kingston 2025 was the first unified and comprehensive evaluation of the land use and settlement pattern within the City of Kingston since the original Comprehensive Plan was written in 1961. The sheer volume of relevant planning documents referenced in the Comprehensive Plan and other sources clearly indicate the strong desire of the City for ordered and well-planned growth that reflects the long history of the City and the region.

Fact 51: While a Comprehensive Plan is not required under New York State Law, New York State law does require that zoning, if adopted by a City, be in harmony with a "well considered plan."

Generally, all actions of the City Common Council, departments and regulatory boards should be consistent with the Comprehensive Plan. New York State Legislative statutes enacted since 1993 have required local and state government review of local actions to determine whether they are consistent with the comprehensive plan.

Kingston historically is a City of Neighborhoods. "Uptown" corresponds with the original Village of Kingston and is located at the western end of the City. It is generally noted for its historic stone houses and three-story mixed-use buildings, pedestrian scale commercial streets, and County offices. This area is also identified as the "Stockade District" which is an area designated on the National Register of Historic Places. That area was originally demarcated by raised berms and stockade walls upon which the original Dutch settlement was situated.

The Comprehensive Plan clearly states that all actions of the City Council, City Departments and Regulatory Boards should be consistent with the Comprehensive Plan. The Comprehensive Plan recognizes the potential of mixed-use buildings. It recognizes that throughout the City there are many multiple-story mixed-use buildings with vacant space above the first floor. The City can promote better utilization of these building through mixed use zoning that streamlines the development review process and the creation of business attraction and residential homesteading programs.

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Historic and Architectural Design Districts

- City of Kingston, NY / PART II: GENERAL LEGISLATION Chapter 264 Historic and Architectural Design Districts
- Adopted by the Common Council of the City of Kingston: Article I Stockade Area: Adopted 8-7-1984 by L.L. No. 3-1984, approved 8-28-1984, as Ch. 62, Art. I, of the 1984 Code § 264-1 Legislative intent.

§ 405-63. Landmarks and Landmark Districts.

A. Legislative intent.

Fact 52: The purpose of this section is to provide for the promotion of the educational, cultural, economic and general welfare of the public through the protection, enhancement, perpetuation and preservation of landmarks and Landmark (L) Districts. The legislative body declares that it is in the public interest to ensure that the distinctive landmarks and Landmark (L) District shall not be injuriously affected, that the value to the community of those buildings having architectural and historical worth shall not be impaired and that said districts be maintained and preserved to promote their use of the education, pleasure and welfare of the citizens of the City of Kingston and others.

- (1) The Stockade (Area) District of Kingston, consisting of eight blocks bounded by Clinton Avenue, Main Street, Green Street and North Front Street, together with protective perimeter, is the site of the Stockade built by Peter Stuyvesant in 1658 and successive extensions under English rule.¹ In this area, there were two Indian massacres, one in 1659 and one in 1664. It is also the location of the founding of the first government of the State of New York in 1777, burned by the British that same year.

This area, which represents an important heritage relative to the Dutch and English Colonial periods, is defined on the Zoning Map and is declared to be a Landmark District (and a Historic and Architectural Design Overlay District).

Fact 53: This area contains the architecture of the past 300 years, and new development must not be allowed to erode the best of the architectural spaces and cultural association of the past.

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History and Landmark Findings

Fact 54: My review and observations have raised serious questions about Preserving History and Character of the city that need to be addressed regarding the Proposed Kingstonian Project.

Fact 55: The Proposed Kingstonian Project is located in and near the "Stockade District", the area has clearly stated restrictions regarding development and maintenance in the district and is in the National Register of Historic Places.

Fact 56: Some areas of The Proposed Kingstonian Project appear to be in compliance with the historical character of the area, current codes and regulations. However:

Fact 57: There are VERY clearly proposed structures in the Proposed Kingstonian Project area that clearly do not conform to the historical character of the area and the rules that apply to that area.

Fact 58: There are features in the Proposed Kingstonian Project that will present a serious life safety hazard to residents, the public and to all emergency responders.

Fact 59: There are features of the Proposed Kingstonian Project that will create conditions that will severely limit the ability of the fire department as currently staffed and equipped to safely perform its mission or to even attempt to perform their mission.

Fact 60: The Planning board has identified itself in its report to be the lead agency in the review of the Proposed Kingstonian Project.

Fact 61: The Comprehensive Plan requires all actions of the City Council, departments and regulatory boards should be consistent with the Comprehensive Plan. The wording "departments and regulatory boards" in the Comprehensive Plan indicate that each board and commission and city department is to have the same weight in the review process:

Fact 62: There is an absolute requirement in the Comprehensive Plan for the Planning Board, the Zoning Board and Historic District Commission to have an equal voice in the review of the Proposed Kingstonian Project

Fact 63: The Proposed Kingstonian is not in compliance with the current codes or rules regarding development in the City of Kingston

Fact 64: The Proposed Kingstonian Project if built will clearly exceed the ability of the Fire department to mitigate emergencies in that project.

Fact 65: I have reviewed the report of the Planning board findings of 12/16 2019. I reviewed the Kingstonian Project Fact Sheet provided by the partners in this proposed project: JM Development Group, their sister company Bonura Hospitality Group and Herzog Supply Co. Each of those companies have strong ties to the Hudson Valley and the subject area.

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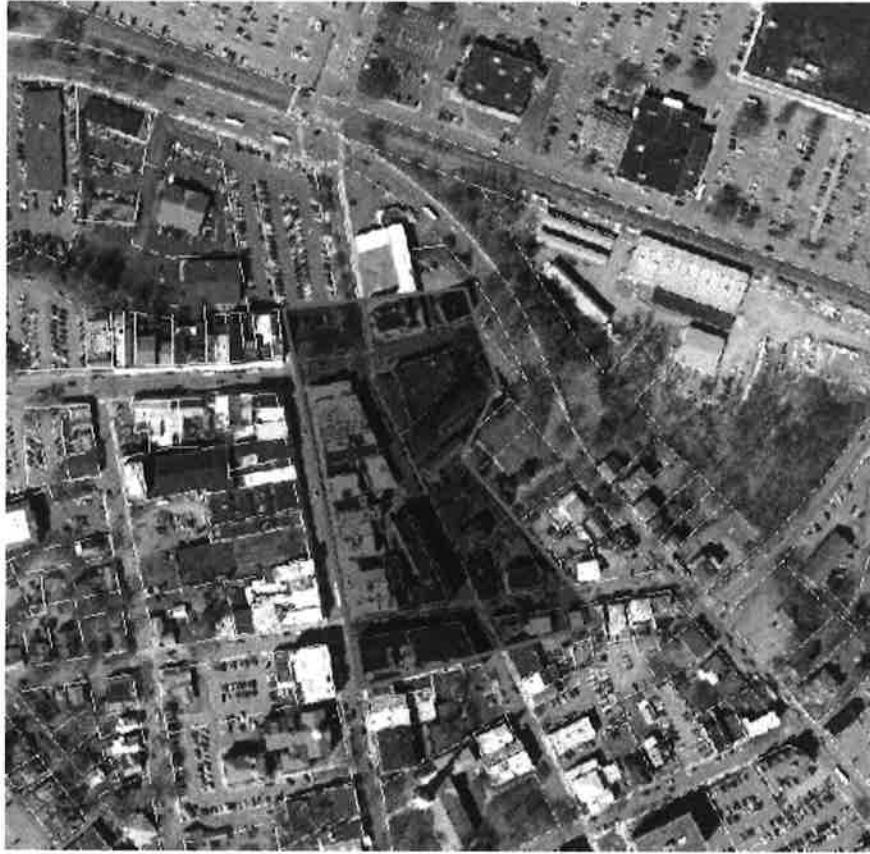
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Views of The Proposed Kingstonian Project Area



Map 9: Proposed Kingstonian Project location



Map 10: Google Satellite of the Proposed Kingstonian Project area

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Proposed Kingstonian Project

With an understanding of the current facts regarding the Kingston Fire Department staffing, apparatus, mutual aid, the Codes and Rules that apply to all construction in the City of Kingston, and the Fire Department it is time to review the facts regarding the proposed Kingstonian Project.

This project to consist of

- A 420 Vehicle Parking Garage *290 spaces devoted to public parking
- 32 Room Boutique Hotel
- 143 Apartments
- * Originally 129 Units of Apartments [On October 24, 2019, the Applicant voluntarily added 14 units of affordable housing to the project in response to public calls for affordable housing units].
- 9,000 Square Foot Retail/Restaurant Space,
- Pedestrian Plaza
- Walking Bridge Situate Within the [C-2] Commercial Zoning District and the [MUO] Mixed Use Overlay District and the Stockade Historic District.
- Related Project Infrastructure and Appurtenances.

Information that should be known by the Planning Board and other Commissions, Boards and the Common Council

- The Planning Board report acknowledges that the Proposed Kingstonian Development is located in the Historic Stockade District
- The rezoning request was made following the project engineer's discovery that the MUOD (Mixed Use Overlay District) did not conform to a portion of the Historic Stockade District
- Because of the visual importance of the Old Dutch Church steeple, no new structure may rise within the Stockade District above the base of the steeple, which is 62 feet above the curb level
- Design criteria references in § 405-64 and as specified by the Historic Landmarks Preservation Commission to match this condition are placed on all restoration and construction
- No person shall carry out any exterior or historically designated publicly visible interior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property within a Landmark District nor shall any person make any material change in the appearance of such a property.
- As Noted by the Planning Commission itself, the Proposed Kingstonian Development does not comply with Historic Landmark Commission or Zoning Rules
- Current Zoning regulations do not permit multiple dwellings in this area

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Proposed Kingstonian Project Structures



Photos & Drawings 14: Proposed Apartments Proposed Kingstonian Project

Fact 66: Current Zoning regulations do not permit multiple dwellings in this area



Photos & Drawings 15: Developers Drawings showing some of the structures in the Proposed Kingstonian Project

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Tactical considerations for firefighting operations in the Proposed Kingstonian Project

Fact 67: The drawings of the proposed apartment structures clearly indicate that the apartment structures locations do not permit Aerial Ladder Trucks access to major portions of the structures

Fact 68: The drawings of the proposed apartment structures clearly indicate that the apartment structures are of a height and location do not permit the use of ground ladders to remove occupants trapped between the fire and interior exits.

Fact 69: Ground ladders carried on engine companies generally do not reach above the second floor

Fact 70: Interior firefighting operations are the recommended way to combat fires in the proposed apartment buildings

Fact 71: Elevators are not recommended for use by firefighters and all tools and equipment would need to be carried up the stairs to reach upper levels

Fact 72: The fire department is currently not staffed to operate safely efficiently or effectively in the Proposed Kingstonian Project structures.

Fact 73: The fire department is currently operating with a total of 10 people on duty. The Fire Department currently staffs Three Engines and one 100' Ladder. Minimum on duty staffing is 9 firefighters and 1 Officer in charge.

Fact 74: There is no possible way that the City of Kingston fire department emergency responders will be able to safely function at structures of this size and scope

Fact 75: Our investigation determined that the Kingstonian Project as proposed would Negatively Impact Safety in relation to critical response time to emergencies in the Stockade District Historic District of the City of Kingston.

Fact 76: Our investigation determined that the Proposed Kingstonian Project would create serious safety hazards for and to all Emergency Responders and the public during emergencies in the Stockade District of the City of Kingston.

Professional Recommendation 4: The Kingston fire department should conduct a comprehensive review of all current, and proposed response emergency operations to identify the tasks that need to be conducted in each type of incident and the staffing required to perform those operations safely, efficiently and effectively.

Professional Recommendation 5: The Kingston fire department comprehensive review of all current, and proposed response emergency operations should be presented to Elected City leaders for discussion and plans developed to address the identified findings

Professional Recommendation 6: This project should NOT Be Approved. Not all of the Structures in the Proposed Kingstonian Project meet Current Codes, They do not meet the Objectives of all of the City of Kingston Boards and Commissions.

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Impacts to the Fire department Due to Restricted Access in the Proposed Kingstonian Project

Street Closings



Photos & Drawings 16: Proposed Pedestrian areas that block Fire Department Access

Fact 77: Clearly the Proposed Pedestrian areas and other structures in Drawing 16 block Fire Department Access. The fire department would need to hand carry ladders to rescue people trapped in their apartments from windows. The City only responds with 1 ladder truck with ground ladders that would be tall enough for rescue from the third floor. No ground ladders would reach the 4th or higher floors. I see no way that ground ladders, even if they were available, would be effective in efforts to save lives by rescue from windows at any time because the fire department is not staffed with the number of responders required to place those ladders.

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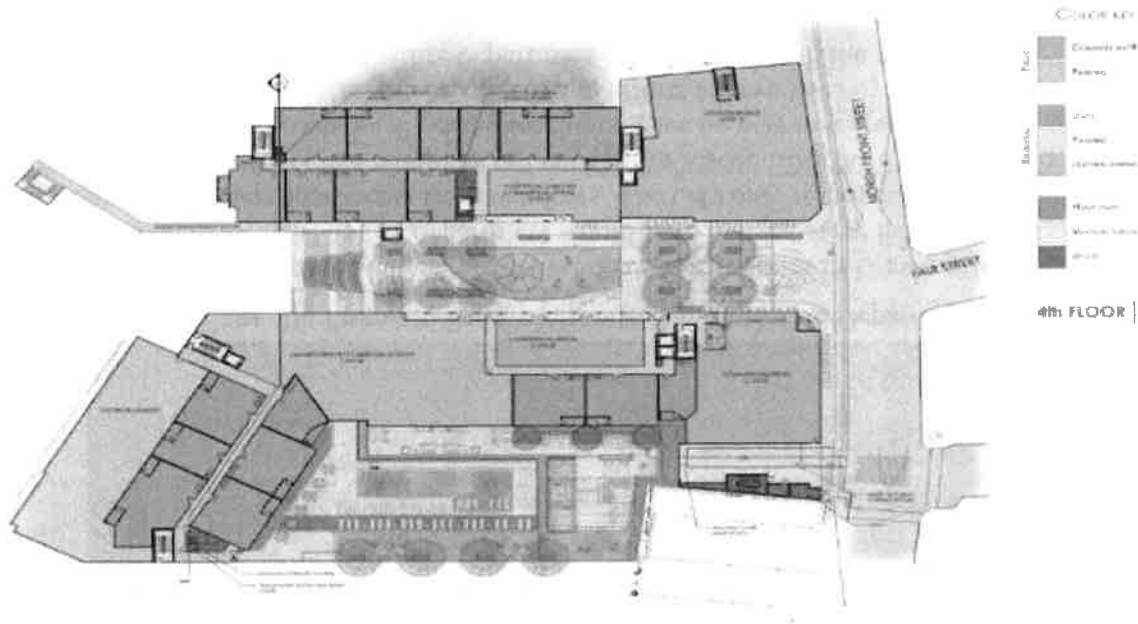
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Photos & Drawings 17: Proposed areas that prevent Fire Department Access

Fact 78: Marketing materials for the Proposed Kingstonian Project clearly show that vehicles will not be able to travel on Fair Street extension and other streets and that there is no access for fire department vehicles in other areas where they need access to perform firefighting operations.

Fact 79: If any streets are closed to create pedestrian spaces, they must be created in a way that will allow immediate access by emergency vehicles from either direction so that emergency responders have the needed access to mitigate the emergency promptly.

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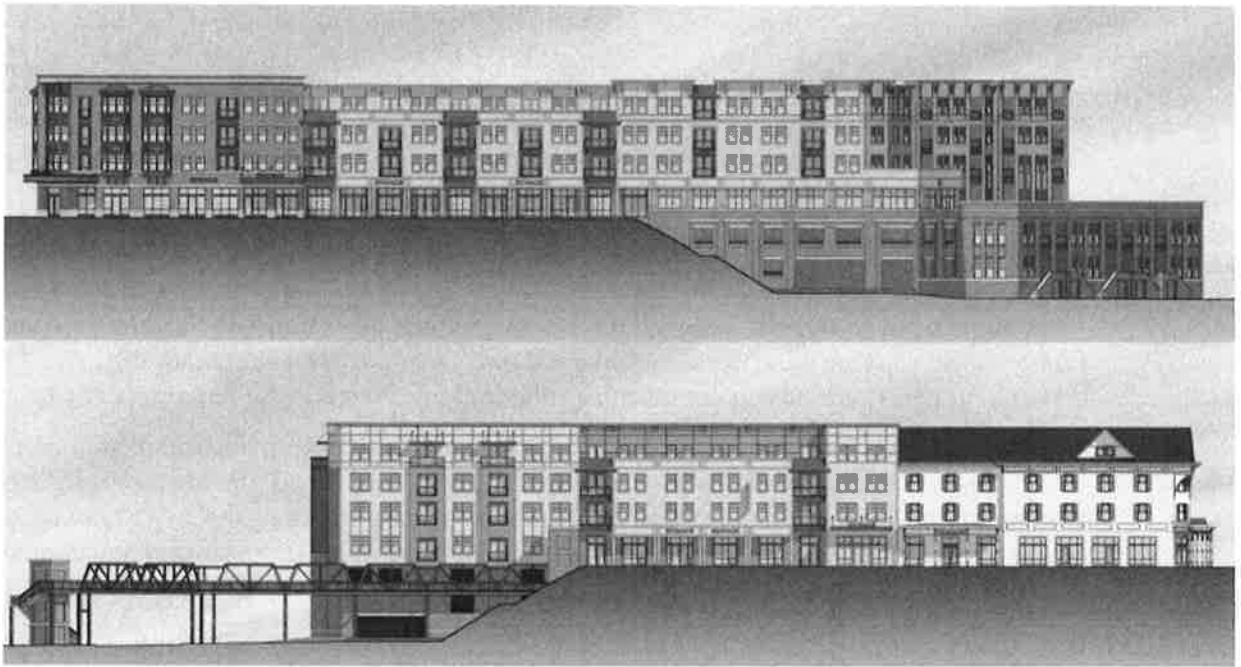
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Size of Proposed Kingstonian Project Structures



Photos & Drawings 18: Views showing the size of some of the structures in the Proposed Kingstonian Project

Fact 80: On a personal note: Over the years I have met with many architects to discuss proposed developments. One of the first things that the majority of those architects talked about was how well their design would fit into the proposed neighborhood and the community. The more I look at the what the architects for the Proposed Kingstonian project designed for this project the more I wonder if the architects for this project had ever visited Kingston or looked at the structures that exist in Kingston or if they understood the history of those structures or the history of this great city.

Fact 81: The size of the proposed structures in the structures in the Proposed Kingstonian Project DO NOT conform to long time City of Kingston rules and regulations that protect the history of the city.

Fact 82: The Kingston Fire Department is not currently staffed or equipped to provide emergency services to this proposed project. Due to the size of the proposed structures Automatic and Mutual Aid fire departments that would respond to support City units would still not be equipped or staffed sufficiently to manage a serious fire condition at this location.

Fact 83: The lack of exterior access to the Proposed Kingstonian project structures for firefighting activities could result in injury and deaths.

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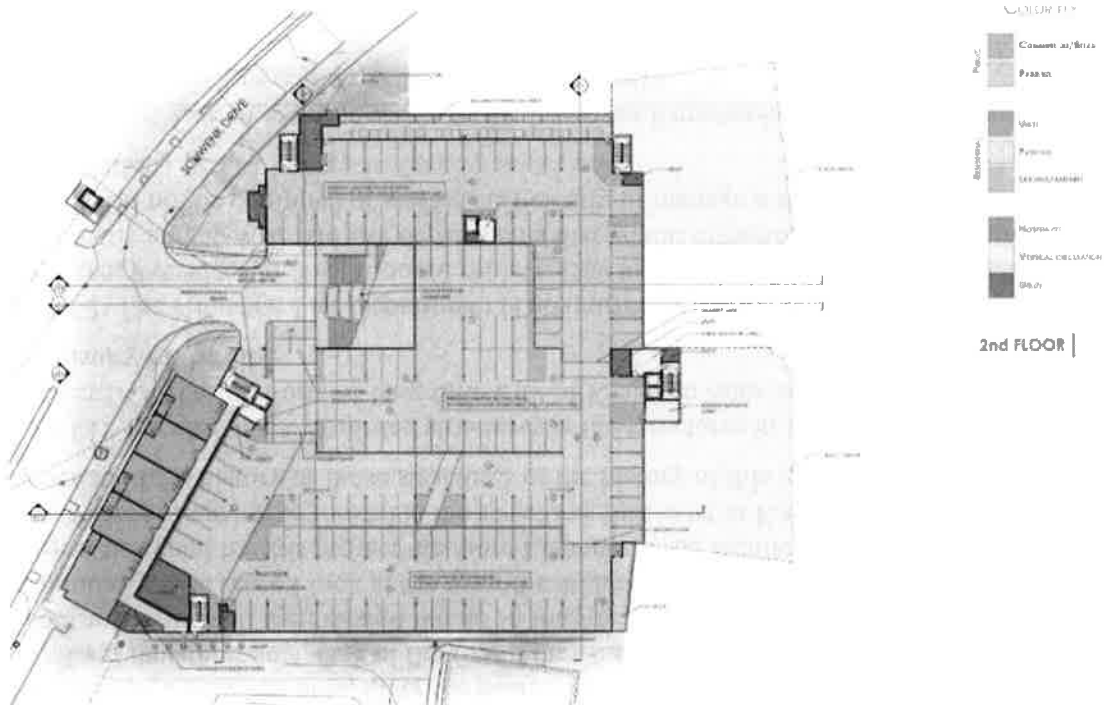
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Limited Emergency Access to Structures & Parking Areas



Photos & Drawings 19: Drawing showing lack of fire department access to parking areas and to the Rear sides of structures

Fact 84: Marketing materials for the Proposed Kingstonian Project clearly show that emergency responder crews responding to any type of emergency in those structures will need to carry or transport any needed equipment to access many areas of the structures. In many areas there will be no way for emergency crews and apparatus to access the structures to provide the equipment needed for an emergency incident.

Fact 85: Marketing materials for the Proposed Kingstonian Project show that in firefighting operations Ladder Trucks will not have access to large areas of the structures and that ladders, hose lines and other needed equipment will need to be hand carried to locations on fire.

Fact 86: The closed and blocked streets and spaces in the Proposed Kingstonian Project create a Definite Hazard to Life and Property.

Professional Recommendation 7: To assure fire department and other emergency access to existing and proposed structures NO streets should be made impassable for emergency vehicles AND No structure should be created that does not allow access from a street.

Report

Study RE Kingstonian Project Impact on Kingston Fire Dept.

Prepared for Client Victoria Polidoro Esq. Attorney

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Review of Current Structures in the Proposed Kingstonian development area

Wall Street Current Structures



Photos & Drawings 20: Historic structures on Wall Street

Fact 87: The Historic structures on Wall Street in Kingston are a draw for tourists visiting the city and its historic district. The businesses on this street are generators of sales tax revenue. Several years ago, fire escapes were removed to enhance the appearance of these buildings. However today due to the lack of a secondary means of egress there are spaces on the upper floors of some of the historic structures that are not being occupied which decreases the true value of these historic structures.

Fact 88: There are some historic structures on Wall Street that currently are not fully protected by Automatic Sprinkler systems and upper floors of some structures are not occupied.

Professional Recommendation 8: We urge that all of the historic structures be upgraded to be protected by automatic sprinkler systems and alarm systems. The City should work with the property owners to secure grant funds to provide these systems.

Professional Recommendation 9: Every floor of all historic structures on Wall Street should be brought up to current codes so that they can be occupied as apartments for residents and/or by businesses.

Professional Recommendation 10: The City should work with the property owners to secure grant funds to provide the needed upgrades to the historic structures to protect their historic value to the city.

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Fair Street Current Structures



Photos & Drawings 21: The Wall Street historic structures back up to Fair Street

Fact 89: The Rear of the Historic buildings on Wall Street back up to Fair Street.

Fact 90: The Proposed Kingstonian Project appears to have structures abutting Fair Street that will create the potential of radiant heat exposure in the event of a fire in the existing Wall Street structures

Fact 91: Any closing of Fair Street would prevent Fire Department access to the rear of the Wall Street buildings for firefighting activities

Fact 92: Any closing of Fair Street will delay arrival of firefighting apparatus in the entire area.

Fact 93: Any lack of the fire department's ability to access the rear of the Wall Street structures and the close proximity of the new structures in the Proposed Kingstonian project can result in the exposure to fire, and radiant heat on the structures in the Proposed Kingstonian Project. That heat will overload the sprinkler system which will cause internal fire conditions in those new structures

Professional Recommendation 11: If any new structures are constructed adjacent to Fair Street there must be adequate clearance from the rear of the existing Wall Street structures to prevent exposure to radiant heat damage and combustion of the new structures.

Report

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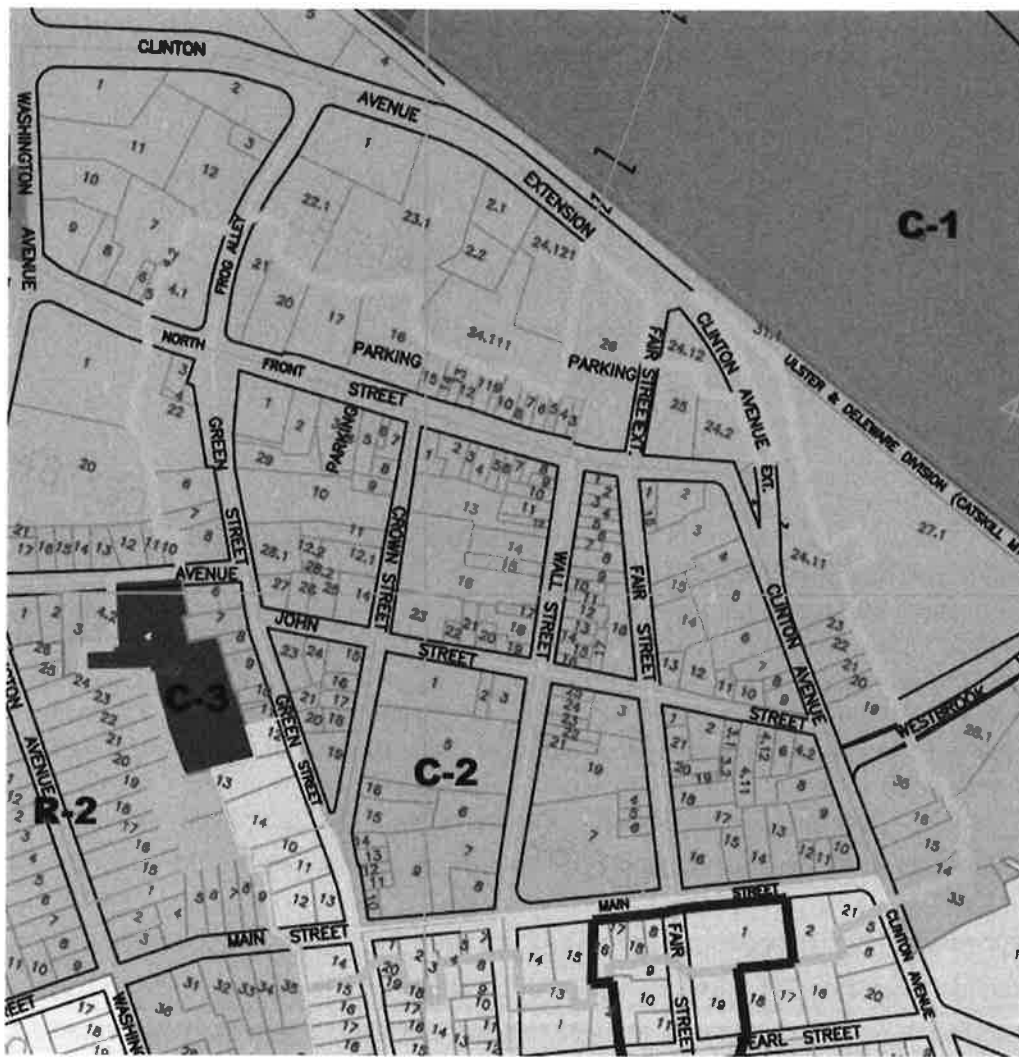
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Historic and Architectural Design District - Stockade Area



Map 11: Kingston City Zoning Map Stockade District & Historic District

Fact 94: The official City Zoning map of the proposed Kingstonian Development area does Not indicate that Multiple Residences are to be permitted in the Stockade Historic District .

R-6 - Multiple Residence

Report

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Zoning Code

The *City of Kingston, NY* / **PART II: GENERAL LEGISLATION**

Zoning Article I Purpose § 405-1.

There is hereby established a new Comprehensive Zoning Plan for the City of Kingston, New York, which plan is set forth in the text and maps that constitute this chapter. Said plan is adopted for the purpose set forth in Subdivisions 24 and 25 of § 20 of Article 3 of Chapter 21 of the Consolidated Laws of the State of New York,^{III} which, in the interest of the protection and promotion of the public health, safety and welfare, shall be deemed specifically to include the following, among others:

- The facilitation of the efficient and adequate provision of streets, utilities and of other public facilities and services, including encouragement of flexibility in the design and development of land and buildings in such a way so as to promote these objectives.
- The enhancement of the appearance of the City, particularly in terms of scale and design.
- The prevention and reduction of traffic congestion and the provision of safe and adequate traffic access to uses generating large volumes of vehicles.

Fact 95: The following wording in the opening section of the Zoning Code framed my evaluation of the Proposed Kingstonian Project: “There is hereby established a new Comprehensive Zoning Plan for the City of Kingston, New York, which plan is set forth in the text and maps that constitute this chapter. Said plan is adopted for the purpose set forth in Subdivisions 24 and 25 of § 20 of Article 3 of Chapter 21 of the Consolidated Laws of the State of New York, which, in the interest of the protection and promotion of the public health, Safety and welfare, ...”

Report

Study RE Kingstonian Project Impact on Kingston Fire Dept.

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Proposed Kingstonian project Assessment Summary:

I examined and reviewed the possible Public Safety impacts of the Proposed Kingstonian Project in the City of Kingston NY.

- Safety Impacts based upon current staffing of fire stations in the city
- Safety Impacts and response times and distances to and from those fire stations based upon goggle mapping of locations.
- Safety impacts in the proposal for the removal or blocking of Streets.
- Safety Impacts issues that currently, and would in the future, impact fire department staff, response times, and capabilities as they relate to the safety of people and property
- Current Safety Impacts conditions and proposed changes to those current conditions as Safety may be impacted by the Proposed Kingstonian Project.

Our primary goal during this project was to assure that the driving force behind all findings and recommendations made during my review will be framed around two questions:

“What is in The Publics Best Interest?”

“What is in The Best Interest of the Safety of City of Kingston Emergency Responders?”

The following points summarize my Observations, Opinions, Facts and recommendations regarding the impact of the Proposed Kingstonian Project on the Kingston Fire Department, the safety of the emergency responders and the safety of people they serve. They highlight the liabilities facing the City of Kingston if this proposed project is built.

- ❖ The Kingston fire department must determine the Strategic and Tactical Operations considerations for firefighting operations in the Proposed Kingstonian Project
- ❖ The drawings of the proposed apartment structures in the developers own information materials clearly indicate that the proposed street closings and the locations of apartment structures do not permit fire department access including Aerial Ladder Trucks access to major portions of the structures
- ❖ The drawings of the proposed apartment structures clearly indicate that the apartment structures are of a height and location do not permit the use of ground ladders to remove occupants trapped between the fire and interior exits.
- ❖ Ground ladders carried on engine companies are usually 28 feet or less in length. They generally do not safely reach more than above the second floor.
- ❖ It takes 2 people to carry and place a ground ladder
- ❖ Interior firefighting operations are the primary recommended way to combat fires in the Proposed Kingstonian project apartments and other proposed buildings

Report

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- ❖ Elevators should not be used by firefighters. All tools and equipment would need to be carried up the stairs to reach upper levels
- ❖ The fire department is currently not staffed to operate safely efficiently or effectively in any structure the size of the Proposed Kingstonian Project structures.
- ❖ The Fire Department currently staffs Three Engines and one 100' Ladder.
- ❖ The fire department currently operates with Minimum on duty staffing of 9 firefighters and 1 Officer In Charge.
- ❖ There is no possible way that the City of Kingston fire department emergency responders will be able to safely function at structures of this size and scope under current conditions
- ❖ Our investigation determined that the Proposed Kingstonian Project would create serious Life Safety Hazards for and to all Emergency Responders and the public during emergencies in the Stockade District of the City of Kingston.
- ❖ Our investigation determined that the street closings in the Kingstonian Project as proposed would Negatively Impact Safety in relation to critical response time to emergencies in the Stockade District Historic District of the City of Kingston.
- ❖ Today's modern building codes and construction methods have changed how building are made today. No longer do we see heavy steel and masonry used to construct many structures where just a few years ago those materials would have been the materials of choice.
- ❖ Multi Story structures can be constructed using Plywood exterior sheathings; Plywood floor assemblies; Wood Truss roofs and floor joists; Light weight Plywood Web floor joists.
- ❖ Many firefighters refer to today's modern construction buildings as Vertical and Horizontal lumber yards due to their fuel load and the way they burn and collapse.
- ❖ Wood Trusses have metal plates with small teeth that fasten and join the wood of 2 or more sections to hold the pieces together. Under the heat conditions of even a small fire those metal teeth act as heatsinks and transmit the heat to the wood which then pyrolyzes into charcoal that has no ability to hold the plates or to hold the wood sections causing sudden failure of the truss.
- ❖ Plywood and chipboard are basically thin scrap pieces of wood or even sawdust compressed and held together with glue. Even the small amount of heat from a rubbish fire under plywood can cause the glue to distill out of the product and the product to suddenly fail.
- ❖ Today's codes allow the use of lightweight materials because of the true underlying objectives of the codes themselves: To provide enough time for occupants to escape from the structure safely: Todays codes are not designed to assure that the structure will survive.

Report

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- ❖ Marketing materials for the Proposed Kingstonian Project clearly show that vehicles will not be able to travel on some streets
- ❖ If any streets are closed to create pedestrian spaces they must be created in a way that will allow immediate access by emergency vehicles from either direction so that emergency responders have the needed access to mitigate the emergency promptly.
- ❖ The size of the proposed structures in the structures in the Proposed Kingstonian Project does not conform to long time City of Kingston rules and regulations that protect the history of the city.
- ❖ The Kingston Fire Department is not currently staffed or equipped to provide emergency services to this proposed project. Due to the size of the proposed structures Automatic and Mutual Aid fire departments that would respond to support City units would still not be equipped or staffed sufficiently to manage a serious fire condition at this location.
- ❖ The lack of exterior access to these structures for firefighting activities could/will result in injury and deaths in a fire.
- ❖ Marketing materials for the Proposed Kingstonian Project clearly show that emergency responder crews responding to any type of emergency in those structures will need to carry or transport any needed equipment to access many areas of the structures and in many areas there will be no way for emergency crews and apparatus to access the structures.
- ❖ Kingston Fire dept is a Career staffed Fire Department that serves the 23,000 residents and visitors in the City of Kingston with approximately 53 career emergency responders
- ❖ On Duty staffing is a minimum of 10 Responders
- ❖ The agency dispatches 3 Engine Companies and 1 Ladder company and an Officer in Charge to incidents.
- ❖ The fire departments adjacent to or close to the city that would respond as Automatic or Mutual Aid companies to emergencies in the City are primarily staffed by volunteers.
- ❖ NFPA 1710: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments defines levels of service, deployment capabilities, and staffing levels for substantially career fire departments.
- ❖ **Shall.** Indicates a mandatory requirement
- ❖ Fire suppression operations shall be organized to ensure that the fire department's fire suppression capability encompasses deployment of personnel, equipment, and resources for an initial arriving company, the initial full alarm assignment, and additional alarm assignments.

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- ❖ Staffing: The number of on-duty fire suppression members shall be sufficient to perform the necessary fire-fighting operations given the expected fire-fighting conditions
- ❖ On-duty members assigned to fire suppression shall be organized into company units and shall have appropriate apparatus and equipment assigned to such companies.
- ❖ The fire department shall identify minimum company staffing levels as necessary to meet the deployment criteria required to ensure that a sufficient number of members are assigned, on duty, and available to safely and effectively respond with each company.
- ❖ Each company shall be led by an officer who shall be considered a part of the company.
- ❖ Supervisory chief officers shall be dispatched or notified to respond to all full alarm assignments.
- ❖ The supervisory chief officer shall ensure that the incident management system is established as required
- ❖ Supervisory chief officers shall have staff aides deployed to them for purposes of incident management and accountability at emergency incidents
- ❖ Fire companies whose primary functions are to pump and deliver water and perform basic firefighting at fires, including search and rescue, shall be known as **engine companies shall be staffed with a minimum of four on-duty members.**
- ❖ In jurisdictions with tactical hazards, high-hazard occupancies, or dense urban areas, as identified by the AHJ, these fire companies shall be staffed with a minimum of six on-duty members
- ❖ Fire companies whose primary functions are to perform the variety of services associated with truck work, such as forcible entry, ventilation, search and rescue, aerial operations for water delivery and rescue, utility control, illumination, overhaul, and salvage work, shall be known as ladder or truck companies. These fire companies shall be staffed with a minimum of four on-duty members
- ❖ In jurisdictions with tactical hazards, high-hazard occupancies, or dense urban areas, as identified by the AHJ, these fire companies shall be staffed with a minimum of six on-duty members.
- ❖ The Career staff of the Kingston Fire Department is aware of the current staffing levels and the dangers to their personal safety, safety of the people they serve and the potential dangers to the property they are sworn to protect that exist due to the limited On Duty staffing. However, in my professional opinion the Career emergency responders of the Kingston Fire Department DO strive to perform their duties with honor, and dedication. They continuously strive to achieve their mission safely effectively and efficiently even with the current limited staffing on duty at great risk to themselves.

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Professional Recommendation 12: There are Structures in the Proposed Kingstonian Project that do not meet Current City Codes and do not meet the Stated Objectives of each of the Boards and Commissions and Districts. This project should NOT Be Approved

Professional Recommendation 13: The Kingston fire department should conduct a comprehensive review of all current, and proposed response emergency operations to identify the tasks that need to be conducted in each type of incident and the staffing required to perform those operations safely, efficiently and effectively

Professional Recommendation 14: I strongly recommend that City Leaders review the National Fire Protection Association Code 1710 with legal counsel as soon as possible. Understanding this code will help City leadership be aware of what the current standards are for staffing in career fire rescue services and the dangers of failure to meet those standards. I assure City leadership that in the event of death or injury to fire department personnel, or the public, that liability lawyers are totally familiar with this code.

Proposed Kingstonian Project Examination Elements

This review included:

- Review of the Planning Board's findings regarding the Kingstonian Redevelopment Project known as "The Kingstonian".
- Maps showing the project area
- Review and Photos of current structures and streets in the development area
- Drawings of the Proposed Kingstonian Project as presented by the developer
- Tactical and Strategic considerations for firefighting operations in the Proposed Kingstonian Project
- Review of City of Kingston Fire Department Current capabilities, effectiveness, efficiency and safety
- Maps showing Travel Times and Distances from/To existing City Fire Stations
- Review of proposed changes regarding current streets and travel times of Fire Department responders to locations in the City of Kingston
- The impact of the Proposed Kingstonian Project changes on fire department operational effectiveness efficiency and safety
- Mutual and Automatic Aid from neighboring Fire departments and the regulations regarding their use
- Our professional opinions regarding our findings
- Our Observations regarding our findings
- Recommendations both Strategic and Specific
- The goal of this project is to provide Observations, Findings and Recommendations for actions that will maintain and improve Efficiency

Report

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Effectiveness and Safety for Emergency Responders and the Public in the City of Kingston NY.

Issues Identified In The Proposed Kingstonian project Study

*Excerpts of Issues Identified in the Planning board findings report
12/16/2019*

Proposed Zoning Changes

Review of Proposal by the Kingstonian Development Group, LLC for the Redevelopment Project known as "The Kingstonian" would require

- A Zoning District Overlay Change of 0.313 acres of Improved Lands Into the Mixed Use Overlay District
- A Special Use Permit, Site Plan and Lot Line Revision

On December 17, 2018 the Applicant appeared before the City of Kingston Planning Board pursuant to an Application for Lot Line Revision, Site Plan and Special Use Permit Approvals for demolition and redevelopment of improved portions of lands owned in fee by Herzog's Supply Co., Inc. and the City of Kingston, for Kingstonian improvements, together with parking and roadway appurtenances for the Kingstonian Project; consisting of:

Historic Landmark Commission Issues

Fact 96: Because of the visual importance of the Old Dutch Church steeple, no new structure may rise within the Stockade District above the base of the steeple, which is 62 feet above the curb level.

Fact 97: Many of the most important buildings in Landmark Districts are stone, wood or brick, with only two or three surface materials used on any building. There are almost no large areas of glass or polished metal. For this reason, design criteria references in § 405-64 and as specified by the Historic Landmarks Preservation Commission to match this condition are placed on all restoration and construction.

Site design. In determining building setbacks for new construction, the Commission may require new buildings to be set behind existing building lines to give emphasis to existing structures of historic or aesthetic merit or to allow for suitable landscaping. New construction shall be compatible with the district in which it is located.

Parking. Parking areas shall be partially screened from public view, with appropriate walls, structures, fences or landscaping. The area allotted for planting of all parking lots shall be at least 5% of the amount allotted to parking surface.

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Maintenance. Preventive maintenance is required in order to assure that these buildings, spaces, elements and details are preserved. Failure to provide this preventive maintenance shall be a violation of this article. Relation to underlying zoning districts. The underlying zoning districts shall apply within the landmark or Landmark District as follows:

The zone regulations shall apply within the landmark or Landmark District with respect to: limitations on height, except as noted above, building spacing, yard and parking requirements.

Other provisions of these regulations related to land use shall remain in force; all other controls shall remain in force to the extent they do not conflict with the intent and purpose of this section.

§ 405-64. Review procedure.

Fact 98: No person shall carry out any exterior or historically designated publicly visible interior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property within a Landmark District nor shall any person make any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the historic district without first obtaining a preservation notice of action from the Landmarks Commission and a notification to the applicant to obtain a building permit, if necessary. A preservation notice of action does not obviate the need for a building permit.

Fact 99: All applications shall be considered by the Commission on at least the following points, these points to be used as a basis, where relevant, for establishing relationships to the external features of buildings in the immediate neighborhood: The building height in relation to surrounding buildings; the relationship to nearby roof shapes; the relationship between the width to height of the front elevation; the size, proportion and spacing of openings within the facade and elevations exposed to view; the rhythm of spacing of buildings and building elements on the street; the design and placement of entrances and projections; the relationships of materials, textures and colors; the relationship of architectural details; the continuity of walls; the relationship of landscape elements; the appropriateness of paving; and the effect on existing or historically significant spaces.

Fact 100: It shall be the further duty of the Commission to exercise judgment in accord with the basis of decisions stated herein and maintain the desirable character of the landmark or Landmark District and prevent construction, reconstruction, alteration or demolition out of harmony with existing buildings insofar as character, material, color, line and detail are concerned, and thus to prevent degeneration of property, to safeguard public health, promote safety and preserve the beauty of the character of the landmark or Landmark District.

Fact 101: The Planning Board report acknowledges that the Proposed Kingstonian Development is located in the Historic Stockade District.

Report

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Fact 102: The rezoning request was made following the project engineer's discovery that the MUOD (Mixed Use Overlay District) did not conform to a portion of the Historic Stockade District.

Fact 103: As Noted by the Planning Commission itself, the Proposed Kingstonian Development does not comply with City of Kingston Historic Landmark Commission or Zoning Commission Rules

Fact 104: In my review of the review of the application process for the Proposed Kingstonian Development by the Planning Commission I find no indication of the Planning Commission's intent to assure that the project will be built in compliance with long existing Zoning and Historic District rules and procedures. The length of time that the Proposed Kingstonian Development has remained on any of the City of Kingston Boards or Commissions agendas supports my contention.

Summary Comments

The comments in my report are not intended to reflect poorly on any Professional Staff Member or any Civilian Member of any Board or Commission. My opinions are based upon the reality of my own professional experiences as a member and leader of professional staffs doing plan reviews in four jurisdictions in three states.

Fact 105: Every person who serves as a member of the Professional Staff, Member of any Board or Commission or as an Elected Official in any government, always remember that that their objective is never just about what might happen today or tomorrow. The true objective of all Plan Reviewers must always be about understanding what can or will happen many years in the future because of their findings, recommendations and actions. Their actions are and remain personal liabilities that remain with each reviewer and member as long as that project exists.

Conclusion

Fact 106: The Proposed Kingstonian Project MUST be DENIED BY the Common Council and every City of Kingston Board and Commission.

Fact 107: If City of Kingston Common Council is unwilling to accept the conclusions of this report, I strongly urge the Common Council to delay any vote on any part of the Proposed Kingstonian Project and to commission its own study from another equally qualified expert to reexamine all of the issue in my report.

Report

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Reference Index By Page

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<u>Fact 1: The review of fire rescue services noted in this report was conducted for our clients and not for any government agency. However, the depth of research was not limited by who this study was conducted for. The only research factor that I limited in my review was my decision to have limited direct contact with fire department personnel and leadership. The only question that I asked the fire department, in an email, was the number of units that the department responded with and the number of emergency responders on duty.</u>	<u>13</u>
<u>Fact 2: Because this study was conducted for an individual client and not for The City of Kingston, we did not contact individual city personnel to conduct our analysis of the Kingston fire department staffing or response capabilities. We did this to avoid the possibility of negative reactions to this report being directed toward any city employees. Our research was conducted using other sources and means to provide what we believe is an accurate picture of conditions relative to staffing and response.</u>	<u>13</u>
<u>Fact 3: NFPA, The National Fire Protection Association Codes define the recognized standards for providing Fire Rescue Services.</u>	<u>13</u>
<u>Fact 4: NFPA 1710: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments defines levels of service, deployment capabilities, and staffing levels for substantially career fire departments. This standard provides the body politic and citizens a true picture of the risks in their communities and the fire departments' capabilities to respond to and manage those risks. This standard contains minimum requirements relating to the organization and deployment of fire suppression operations, emergency medical operations, and special operations to the public by substantially all career fire departments. The Code requirements address functions and objectives of fire department emergency service delivery, response capabilities, and resources.</u>	<u>13</u>
<u>Fact 5: NFPA Official Definitions are a part of all codes. Leadership of every agency and government should be familiar with the two key terms used in those codes: Shall. Indicates a mandatory requirement. Should. Indicates a recommendation or that which is advised but not required.</u>	<u>14</u>
<u>Fact 6: NFPA: Staffing. The number of on-duty fire suppression members shall be sufficient to perform the necessary fire-fighting operations given the expected fire-fighting conditions.</u>	<u>14</u>
<u>Fact 7: Fire company staffing requirements for all operating units in the fire department shall be based on minimum levels necessary for safe, effective, and efficient emergency operations.</u>	<u>15</u>

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Fact 8: Fire companies whose primary functions are to pump and deliver water and perform basic firefighting at fires, including search and rescue, shall be known as Engine Companies. These companies shall be staffed with a minimum of four on-duty members.	15
Fact 9: Fire companies whose primary functions are to perform the variety of services associated with truck work, such as forcible entry, ventilation, search and rescue, aerial operations for water delivery and rescue, utility control, illumination, overhaul, and salvage work, shall be known as Ladder or Truck Companies. These fire companies shall be staffed with a minimum of four on-duty members.	15
Fact 10: The most important duty for any fire department is to arrive with sufficient personnel and equipment that can be placed in operation to control the fire before it reaches the stage where it has built up enough heat to go into Flashover conditions. If that is not successfully accomplished before Flashover occurs any living person or thing in the flashover area will die.	16
Fact 11: The point of Flashover marks the critical change in hazard conditions for both the structure occupants and the responding personnel. When flashover occurs, all combustibles in the room instantaneously erupt into flame. This eruption into flame generates a tremendous amount of heat, smoke, and pressure, resulting in enough force to extend the fire beyond the room of origin through doors and windows or breaches in walls, ceilings and floors. The combustion process then speeds up geometrically because there is now an even greater amount of heat to transfer to unburned objects through convection, radiation, direct flame contact, and conduction. To save structures and lives, it is vital to have fire suppression efforts, firefighting operations, well underway before Flashover occurs.	16
Fact 12: Flashover normally occurs within ten minutes after free burning begins.	17
Fact 13: When a fire has reached flashover, it is too late to save anyone in the room of origin. Generally, NO living thing in the room of origin will survive flashover. The chances of saving lives after Flashover drop dramatically.	17
Fact 14: Flashover can occur very suddenly. When I was a Battalion Chief in Rochester a young boy set fire to a trash can in the kitchen. His older sister saw the small fire and took the young boy upstairs to get their grandmother and the other three children. There was wood paneling on the walls that quickly caught fire engulfing the entire downstairs. As the sister and her young brother entered the bedroom to get everyone there was a flashover that went right up the stairs and killed all six people.	17

Report

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<u>Fact 15: Flashover creates a quantum jump in the rate of combustion, and significantly greater amounts of water and resources are needed to reduce the temperature of the burning material below its ignition temperature. A post-flashover fire will burn hotter and move significantly faster, compounding the search and rescue problems in the remainder of the structure, at the same time that more firefighters are needed for fire attack and extinguishment.</u>	<u>17</u>
<u>Fact 16: It is important to note that while the Fire Department cannot control the duration of time that passes between the inception of a fire and its discovery and reporting to the emergency communications dispatch center, there are ways to reduce this time. Assuring that there are automatic fire and smoke detection systems with direct alarm notification in every structure is the most positive factor in reducing the variables between fire initiation and notification of occupants and emergency responders. Without automatic detection and notification there are numerous variables that affect the detection and notification time frame. These include time of day and location of the fire, the capabilities of the person discovering the fire to make a report, whether the reporting party uses a "land line" or a wireless telephone, and any other factors. Once a report of a fire and its location has been received by the emergency communications dispatch center, the fire and rescue agencies can begin to influence the subsequent timeline of events. From the point of notification, direct Fire Department actions, along with outside influences such as additional emergency calls, distance to the incident, traffic and weather patterns, and etc. result in the final response time to any specific event.</u>	<u>18</u>
<u>Fact 17: On Duty staffing of the Kingston Fire Department is a minimum of 10 Responders including an Officer in Charge who becomes the Incident Commander.</u>	<u>19</u>
<u>Fact 18: The agency dispatches 3 Engine Companies and 1 Ladder company and 1 Officer in Charge to incidents with that total staffing.</u>	<u>19</u>
<u>Fact 19: The fire department has a recall system where off duty personnel are called back to duty in the event of a major incident.</u>	<u>19</u>
<u>Fact 20: A system of recalling off duty personnel for major incidents while providing relief for on duty personnel does not provide the staffing needed to combat an incident in time to prevent major fire spread and deaths of people in danger inside the structure.</u>	<u>19</u>
<u>Fact 21: The fire departments adjacent to or close to the city that would respond as Automatic or Mutual Aid companies to emergencies in the City are primarily staffed by volunteers.</u>	<u>19</u>
<u>Fact 22: The Career Staff of the Kingston Fire Department is aware of the dangers of their current staffing levels, the dangers to their personal safety, the dangers to safety of the people they serve and the potential dangers to the property they are sworn to protect that exist due to the limited On Duty staffing.</u>	<u>19</u>

Report

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<u>Fact 23: The Career emergency responders of the Kingston Fire Department absolutely DO strive to perform their duties with honor, and dedication. The Emergency Responders continuously strive to achieve their mission safely effectively and efficiently even with the current limited staffing on duty. They serve the City of Kingston at great risk to their own health and safety</u>	<u>19</u>
<u>Fact 24: Maps were prepared using current Goggle Maps showing Routes and Travel times based upon estimated normal travel speeds based upon street types. In my experience these times are generally an accurate prediction of the time of response between the identified points. However, the travel times can be impacted by the factors of time of day, weather conditions and traffic.</u>	<u>21</u>
<u>Fact 25: Travel times do not reflect: Call Processing time at the Public Safety Answering Point (9-1-1); or Reflex Time: The time from when the alarm is broadcast to the actual time that apparatus leaves the fire station.</u>	<u>21</u>
<u>Fact 26: The total of Call Processing time at the Public Safety Answering Point should be under 1 minute and reflex time at the station should be under 1 minute. Travel times must be added to these times to determine total response time. The only unpredictable time is the time from the start of the fire to when it is discovered and reported.</u>	<u>21</u>
<u>Fact 27: NFPA Code requires an operator to be on the turntable at the controls when the aerial ladder is raised and for that operator to remain at the controls at all times when the aerial ladder is being used including when responders have used the aerial to enter hazardous locations</u>	<u>24</u>
<u>Fact 28: Fire Incident Street scene of apparatus showing 2 ground ladders placed at windows of a structure fire. Note that the ladder in the front of the building is placed on a roof type structure over the sidewalk rather than to the body of the main structure. This is a dangerous practice because this type of structure is often unstable and prone to collapse.</u>	<u>26</u>
<u>Fact 29: Dangerous situation caused by failure of operator of the aerial ladder to be at the controls while firefighting personnel are on the roof. This condition is a result of severely limited staffing</u>	<u>26</u>
<u>Fact 30: Aerial ladders are in operation in accordance with NFPA Codes and safety practices requiring an operator to remain on the turntable at the controls</u>	<u>27</u>
<u>Fact 31: It appears that the incident in the photos was in an end unit of a row of older wood structures.</u>	<u>28</u>
<u>Fact 32: Presented below is a hypothetical fire scenario that is based upon my experience as an incident commander using the previous photos to visualize the incident. It is not reflecting any actual actions taken at the incident photographs by KFD.</u>	<u>28</u>

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<u>Fact 33: Staffing for this hypothetical incident would be the MINIMUM staffing required to safely efficiently and effectively combat a fire as shown in the photos based upon my scenario that assumes that only the end unit of the row of buildings was involved in the fire. The operation would be managed with an incident commander, 1 Ladder Company and 1 Engine company staffed as follows:</u>	<u>28</u>
<u>Fact 34: All of these actions need to be accomplished before the fire reaches the point of Flashover. Approximately 10 Minutes</u>	<u>28</u>
<u>Fact 35: We did not conduct a staffing study of the various Volunteer fire departments in the Ulster County area. However, there are many other studies and reports that demonstrate that the number of volunteers serving with volunteer fire departments across NYS has been decreasing rapidly. The most recent report that I have seen indicated that there are over 100,000 fewer volunteers serving fire departments in NYS than there were just a few years ago. Based upon that information and my personal findings in other studies I have conducted we can assume that this statewide loss of volunteers is true for the Volunteer fire companies in the vicinity of the City of Kingston.</u>	<u>29</u>
<u>Fact 36: Based upon the Current Kingston Fire Department staffing levels and available apparatus it is my professional opinion that if the Proposed Kingstonian Project is constructed there will be an immediate and constant need for Mutual Aid and Automatic Aid from other fire departments in Ulster County for EVERY REPORTED fire incident within this project and that the mutual aid units would not be on scene in time to prevent Flashover.</u>	<u>33</u>
<u>Fact 37: Each of the potential Mutual aid and/or Automatic Aid stations is staffed by Volunteers. The Travel times shown in the mapping do not include the time for volunteers to respond to these stations prior to responding to incidents at the Proposed Kingstonian Project</u>	<u>33</u>
<u>Fact 38: The number of Volunteers in NYS and most of the nation has been in decline for many years and is expected to do so into the foreseeable future. Fire Companies are searching for solutions to this dangerous problem.</u>	<u>33</u>
<u>Fact 39: Multi Story structures can be constructed using Plywood exterior sheathings; Plywood floor assemblies; Wood Truss roofs and floor joists; Light weight Plywood Web floor joists.</u>	<u>35</u>
<u>Fact 40: Wood Trusses have metal plates with small teeth that fasten and join the wood of 2 or more sections to hold the pieces together. Under the heat conditions of even a small fire those metal teeth act as heatsinks and transmit the heat to the wood which then pyrolyzes into charcoal that has no ability to hold the plates or to hold the wood sections causing sudden failure of the truss.</u>	<u>35</u>

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<u>Fact 41: Plywood and chipboard are basically thin scrap pieces of wood or even sawdust compressed and held together with glue. Even the small amount of heat from a rubbish fire under plywood can cause the glue to distill out of the product and the product to suddenly fail.</u>	<u>36</u>
<u>Fact 42: Light weight Plywood Web floor joists are only designed to carry the weight of floor assemblies and sleepers must be used to carry heavier weights around the joist to a weightbearing structure.</u>	<u>36</u>
<u>Fact 43: I have personally seen numerous cases where required sleeper blocks have not been put in place and that caused the wood joists to fail in normal use as well as under fire conditions.</u>	<u>36</u>
<u>Fact 44: Today's codes allow the use of lightweight materials. These materials under fire conditions generally provide enough time for occupants to escape from the structure safely. Today's codes are not designed to assure that the structure will structurally survive a major fire.</u>	<u>36</u>
<u>Fact 45: Many firefighters refer to today's modern construction buildings as Vertical and Horizontal lumber yards due to their fuel load and the way they burn and collapse.</u>	<u>36</u>
<u>Fact 46: I have fully supported the installation of Automatic Sprinkler systems in every type of structure for a lifetime. There has never to my knowledge been a death from fire in a building protected by a properly operating automatic sprinkler system. However, the fact remains that having an automatic sprinkler system is no guarantee that the system will work when there is a fire or that a structure will survive or lives will be saved when there is a fire.</u>	<u>37</u>
<u>Fact 47: If only 3 sprinkler heads are flowing in a fire, in 10 Minutes the additional weight on the structure would be 24,900 pounds or over 12 TONS of water weight</u>	<u>38</u>
<u>Fact 48: Note: The piping is nonmetallic. The sprinkler head will be below the drywall when the ceiling is installed. Note the metal gusset plates on the Wood Truss supporting the floor above and the wood decking of the subfloor of the story above. There is no sprinkler protection against fire in this space</u>	<u>39</u>

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<p><u>Fact 49: The worst failures of sprinkler systems to control fire growth is the simple fact that not every space in a structure is usually protected by a sprinkler such as in closets. In one of my former fire departments fire companies were dispatched in the middle of the day to a two story, 12-unit, apartment building of modern lightweight construction. The building had an automatic sprinkler system and an alarm system. The first unit in reported an odor of smoke but nothing showing. Second unit reported everyone out of the building and a woman stating that she thought that she smelled smoke in her unit on the first floor. Firefighters entered her apartment to find a fire in her kids closet that was not protected by a sprinkler. (yes the three year old had started the fire playing with matches in the closet) The crew from the engine company advanced a hose line into the apartment to extinguish the fire. When they got to the bedroom they looked up inside the closet. They observed that there was a hole in the ceiling and that fire had extended into the framing area supporting the second floor. The open truss construction was supporting the entire second floor. The entire wood truss construction supporting the entire second floor and the floor decking was on fire. Engine Company crew tries to extinguish the fire in that space using hose streams. Within a minute the company officer ordered everyone out of the building because he saw that the hose line stream were not effective. Within less than 7 minutes after fire department arrival the entire second floor crashed down on top of the first floor. If that officer had not pulled his team out there would have been 4 dead firefighters at a nothing showing incident.</u></p>	<p><u>39</u></p>
<p><u>Fact 50: The proposed building construction in the Proposed Kingstonian Project is certainly not unique to Kingston. The following are just a few of building constructed in the City of Syracuse NY under the same codes. These buildings are primarily being used for private University student housing</u></p>	<p><u>40</u></p>
<p><u>Fact 51: While a Comprehensive Plan is not required under New York State Law, New York State law does require that zoning, if adopted by a City, be in harmony with a "well considered plan."</u></p>	<p><u>41</u></p>
<p><u>Fact 52: The purpose of this section is to provide for the promotion of the educational, cultural, economic and general welfare of the public through the protection, enhancement, perpetuation and preservation of landmarks and Landmark (L) Districts. The legislative body declares that it is in the public interest to ensure that the distinctive landmarks and Landmark (L) District shall not be injuriously affected, that the value to the community of those buildings having architectural and historical worth shall not be impaired and that said districts be maintained and preserved to promote their use of the education, pleasure and welfare of the citizens of the City of Kingston and others.</u></p>	<p><u>42</u></p>

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<u>Fact 53: This area contains the architecture of the past 300 years, and new development must not be allowed to erode the best of the architectural spaces and cultural association of the past.</u>	<u>42</u>
<u>Fact 54: My review and observations have raised serious questions about Preserving History and Character of the city that need to be addressed regarding the Proposed Kingstonian Project.</u>	<u>43</u>
<u>Fact 55: The Proposed Kingstonian Project is located in and near the "Stockade District", the area has clearly stated restrictions regarding development and maintenance in the district and is in the National Register of Historic Places.</u>	<u>43</u>
<u>Fact 56: Some areas of The Proposed Kingstonian Project appear to be in compliance with the historical character of the area, current codes and regulations. However:</u>	<u>43</u>
<u>Fact 57: There are VERY clearly proposed structures in the Proposed Kingstonian Project area that clearly do not conform to the historical character of the area and the rules that apply to that area.</u>	<u>43</u>
<u>Fact 58: There are features in the Proposed Kingstonian Project that will present a serious life safety hazard to residents, the public and to all emergency responders.</u>	<u>43</u>
<u>Fact 59: There are features of the Proposed Kingstonian Project that will create conditions that will severely limit the ability of the fire department as currently staffed and equipped to safely perform its mission or to even attempt to perform their mission.</u>	<u>43</u>
<u>Fact 60: The Planning board has identified itself in its report to be the lead agency in the review of the Proposed Kingstonian Project.</u>	<u>43</u>
<u>Fact 61: The Comprehensive Plan requires all actions of the City Council, departments and regulatory boards should be consistent with the Comprehensive Plan. The wording "departments and regulatory boards" in the Comprehensive Plan indicate that each board and commission and city department is to have the same weight in the review process:</u>	<u>43</u>
<u>Fact 62: There is an absolute requirement in the Comprehensive Plan for the Planning Board, the Zoning Board and Historic District Commission to have an equal voice in the review of the Proposed Kingstonian Project</u>	<u>43</u>
<u>Fact 63: The Proposed Kingstonian is not in compliance with the current codes or rules regarding development in the City of Kingston</u>	<u>43</u>
<u>Fact 64: The Proposed Kingstonian Project if built will clearly exceed the ability of the Fire department to mitigate emergencies in that project.</u>	<u>43</u>
<u>Fact 65: I have reviewed the report of the Planning board findings of 12/16 2019. I reviewed the Kingstonian Project Fact Sheet provided by the partners in this proposed project: JM Development Group, their sister company Bonura Hospitality Group and Herzog Supply Co. Each of those companies have strong ties to the Hudson Valley and the subject area.</u>	<u>43</u>

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<u>Fact 66: Current Zoning regulations do not permit multiple dwellings in this area</u>	<u>46</u>
<u>Fact 67: The drawings of the proposed apartment structures clearly indicate that the apartment structures locations do not permit Aerial Ladder Trucks access to major portions of the structures</u>	<u>47</u>
<u>Fact 68: The drawings of the proposed apartment structures clearly indicate that the apartment structures are of a height and location do not permit the use of ground ladders to remove occupants trapped between the fire and interior exits.</u>	<u>47</u>
<u>Fact 69: Ground ladders carried on engine companies generally do not reach above the second floor</u>	<u>47</u>
<u>Fact 70: Interior firefighting operations are the recommended way to combat fires in the proposed apartment buildings</u>	<u>47</u>
<u>Fact 71: Elevators are not recommended for use by firefighters and all tools and equipment would need to be carried up the stairs to reach upper levels</u>	<u>47</u>
<u>Fact 72: The fire department is currently not staffed to operate safely efficiently or effectively in the Proposed Kingstonian Project structures.</u>	<u>47</u>
<u>Fact 73: The fire department is currently operating with a total of 10 people on duty. The Fire Department currently staffs Three Engines and one 100' Ladder. Minimum on duty staffing is 9 firefighters and 1 Officer in charge.</u>	<u>47</u>
<u>Fact 74: There is no possible way that the City of Kingston fire department emergency responders will be able to safely function at structures of this size and scope</u>	<u>47</u>
<u>Fact 75: Our investigation determined that the Kingstonian Project as proposed would Negatively Impact Safety in relation to critical response time to emergencies in the Stockade District Historic District of the City of Kingston.</u>	<u>47</u>
<u>Fact 76: Our investigation determined that the Proposed Kingstonian Project would create serious safety hazards for and to all Emergency Responders and the public during emergencies in the Stockade District of the City of Kingston.</u>	<u>47</u>
<u>Fact 77: Clearly the Proposed Pedestrian areas and other structures in Drawing 16 block Fire Department Access. The fire department would need to hand carry ladders to rescue people trapped in their apartments from windows. The City only responds with 1 ladder truck with ground ladders that would be tall enough for rescue from the third floor. No ground ladders would reach the 4th or higher floors. I see no way that ground ladders, even if they were available, would be effective in efforts to save lives by rescue from windows at any time because the fire department is not staffed with the number of responders required to place those ladders.</u>	<u>48</u>
<u>Fact 78: Marketing materials for the Proposed Kingstonian Project clearly show that vehicles will not be able to travel on Fair Street extension and other streets and that there is no access for fire department vehicles in other areas where they need access to perform firefighting operations.</u>	<u>49</u>

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<u>Fact 79: If any streets are closed to create pedestrian spaces, they must be created in a way that will allow immediate access by emergency vehicles from either direction so that emergency responders have the needed access to mitigate the emergency promptly.</u>	<u>49</u>
<u>Fact 80: On a personal note: Over the years I have met with many architects to discuss proposed developments. One of the first things that the majority of those architects talked about was how well their design would fit into the proposed neighborhood and the community. The more I look at the what the architects for the Proposed Kingstonian project designed for this project the more I wonder if the architects for this project had ever visited Kingston or looked at the structures that exist in Kingston or if they understood the history of those structures or the history of this great city.</u>	<u>50</u>
<u>Fact 81: The size of the proposed structures in the structures in the Proposed Kingstonian Project DO NOT conform to long time City of Kingston rules and regulations that protect the history of the city.</u>	<u>50</u>
<u>Fact 82: The Kingston Fire Department is not currently staffed or equipped to provide emergency services to this proposed project. Due to the size of the proposed structures Automatic and Mutual Aid fire departments that would respond to support City units would still not be equipped or staffed sufficiently to manage a serious fire condition at this location.</u>	<u>50</u>
<u>Fact 83: The lack of exterior access to the Proposed Kingstonian project structures for firefighting activities could result in injury and deaths.</u>	<u>50</u>
<u>Fact 84: Marketing materials for the Proposed Kingstonian Project clearly show that emergency responder crews responding to any type of emergency in those structures will need to carry or transport any needed equipment to access many areas of the structures. In many areas there will be no way for emergency crews and apparatus to access the structures to provide the equipment needed for an emergency incident.</u>	<u>51</u>
<u>Fact 85: Marketing materials for the Proposed Kingstonian Project show that in firefighting operations Ladder Trucks will not have access to large areas of the structures and that ladders, hose lines and other needed equipment will need to be hand carried to locations on fire.</u>	<u>51</u>
<u>Fact 86: The closed and blocked streets and spaces in the Proposed Kingstonian Project create a Definite Hazard to Life and Property.</u>	<u>51</u>

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<u>Fact 87: The Historic structures on Wall Street in Kingston are a draw for tourists visiting the city and its historic district. The businesses on this street a generators of sales tax revenue. Several years ago, fire escapes were removed to enhance the appearance of these buildings. However today due to the lack of a secondary means of egress there are spaces on the upper floors of some of the historic structures that are not being occupied which decreases the true value of these historic structures.</u>	<u>52</u>
<u>Fact 88: There are some historic structures on Wall Street that currently are not fully protected by Automatic Sprinkler systems and upper floors of some structures are not occupied.</u>	<u>52</u>
<u>Fact 89: The Rear of the Historic buildings on Wall Street back up to Fair Street.</u>	<u>53</u>
<u>Fact 90: The Proposed Kingstonian Project appears to have structures abutting Fair Street that will create the potential of radiant heat exposure in the event of a fire in the existing Wall Street structures</u>	<u>53</u>
<u>Fact 91: Any closing of Fair Street would prevent Fire Department access to the rear of the Wall Street buildings for firefighting activities</u>	<u>53</u>
<u>Fact 92: Any closing of Fair Street will delay arrival of firefighting apparatus in the entire area.</u>	<u>53</u>
<u>Fact 93: Any lack of the fire department's ability to access the rear of the Wall Street structures and the close proximity of the new structures in the Proposed Kingstonian project can result in the exposure to fire, and radiant heat on the structures in the Proposed Kingstonian Project. That heat will overload the sprinkler system which will cause internal fire conditions in those new structures</u>	<u>53</u>
<u>Fact 94: The official City Zoning map of the proposed Kingstonian Development area does Not indicate that Multiple Residences are to be permitted in the Stockade Historic District .</u>	<u>54</u>
<u>Fact 95: The following wording in the opening section of the Zoning Code framed my evaluation of the Proposed Kingstonian Project: "There is hereby established a new Comprehensive Zoning Plan for the City of Kingston, New York, which plan is set forth in the text and maps that constitute this chapter. Said plan is adopted for the purpose set forth in Subdivisions 24 and 25 of § 20 of Article 3 of Chapter 21 of the Consolidated Laws of the State of New York, which, in the interest of the protection and promotion of the public health, Safety and welfare, ..."</u>	<u>55</u>
<u>Fact 96: Because of the visual importance of the Old Dutch Church steeple, no new structure may rise within the Stockade District above the base of the steeple, which is 62 feet above the curb level.</u>	<u>61</u>

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<u>Fact 97: Many of the most important buildings in Landmark Districts are stone, wood or brick, with only two or three surface materials used on any building. There are almost no large areas of glass or polished metal. For this reason, design criteria references in § 405-64 and as specified by the Historic Landmarks Preservation Commission to match this condition are placed on all restoration and construction.</u>	<u>61</u>
<u>Fact 98: No person shall carry out any exterior or historically designated publicly visible interior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property within a Landmark District nor shall any person make any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the historic district without first obtaining a preservation notice of action from the Landmarks Commission and a notification to the applicant to obtain a building permit, if necessary. A preservation notice of action does not obviate the need for a building permit.</u>	<u>62</u>
<u>Fact 99: All applications shall be considered by the Commission on at least the following points, these points to be used as a basis, where relevant, for establishing relationships to the external features of buildings in the immediate neighborhood: The building height in relation to surrounding buildings; the relationship to nearby roof shapes; the relationship between the width to height of the front elevation; the size, proportion and spacing of openings within the facade and elevations exposed to view; the rhythm of spacing of buildings and building elements on the street; the design and placement of entrances and projections; the relationships of materials, textures and colors; the relationship of architectural details; the continuity of walls; the relationship of landscape elements; the appropriateness of paving; and the effect on existing or historically significant spaces.</u>	<u>62</u>
<u>Fact 100: It shall be the further duty of the Commission to exercise judgment in accord with the basis of decisions stated herein and maintain the desirable character of the landmark or Landmark District and prevent construction, reconstruction, alteration or demolition out of harmony with existing buildings insofar as character, material, color, line and detail are concerned, and thus to prevent degeneration of property, to safeguard public health, promote safety and preserve the beauty of the character of the landmark or Landmark District.</u>	<u>62</u>
<u>Fact 101: The Planning Board report acknowledges that the Proposed Kingstonian Development is located in the Historic Stockade District.</u>	<u>62</u>
<u>Fact 102: The rezoning request was made following the project engineer's discovery that the MUOD (Mixed Use Overlay District) did not conform to a portion of the Historic Stockade District.</u>	<u>63</u>

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<u>Fact 103: As Noted by the Planning Commission itself, the Proposed Kingstonian Development does not comply with City of Kingston Historic Landmark Commission or Zoning Commission Rules</u>	<u>63</u>
<u>Fact 104: In my review of the review of the application process for the Proposed Kingstonian Development by the Planning Commission I find no indication of the Planning Commission's intent to assure that the project will be built in compliance with long existing Zoning and Historic District rules and procedures. The length of time that the Proposed Kingstonian Development has remained on any of the City of Kingston Boards or Commissions agendas supports my contention.</u>	<u>63</u>
<u>Fact 105: Every person who serves as a member of the Professional Staff, Member of any Board or Commission or as an Elected Official in any government, always remember that that their objective is never just about what might happen today or tomorrow. The true objective of all Plan Reviewers must always be about understanding what can or will happen many years in the future because of their findings, recommendations and actions. Their actions are and remain personal liabilities that remain with each reviewer and member as long as that project exists.</u>	<u>63</u>
<u>Fact 106: The Proposed Kingstonian Project MUST be DENIED BY the Common Council and every city Board and Commission.</u>	<u>63</u>
<u>Fact 107: If City of Kingston Common Council is unwilling to accept the conclusions of this report, I strongly urge the Common Council to delay any vote on any part of the Proposed Kingstonian Project and to commission its own study from another equally qualified expert to reexamine all of the issue in my report.</u>	<u>63</u>
<u>Professional Opinion 1: A system of recalling off duty personnel for major incidents while providing relief for on duty personnel does not provide the staffing needed to combat an incident in time to prevent major fire spread and deaths of people in danger inside the structure.</u>	<u>17</u>
<u>Professional Opinion 2: The Career emergency responders of the Kingston Fire Department absolutely DO strive to perform their duties with honor, and dedication. The Emergency Responders continuously strive to achieve their mission safely effectively and efficiently even with the current limited staffing on duty. They serve the City of Kingston at great risk to their health and safety</u>	<u>17</u>
<u>Professional Opinion 3: The total of Call Processing time at the Public Safety Answering Point should be under 1 minute and reflex time at the station should be under 1 minute. Travel times must be added to these times to determine total response time. The only unpredictable time is the time from the start of the fire to when it is discovered and reported.</u>	<u>19</u>

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<u>Professional Opinion 4: Presented below is a hypothetical fire scenario that is based upon my experience as an incident commander using the previous photos to visualize the incident. It is not reflecting any actual actions taken at the incident photographs by KFD.</u>	<u>26</u>
<u>Professional Opinion 5: Staffing for this hypothetical incident would be the MINIMUM staffing required to safely efficiently and effectively combat a fire as shown in the photos based upon my scenario that assumes that only the end unit of the row of buildings was involved in the fire. The operation would be managed with an incident commander, 1 Ladder Company and 1 Engine company staffed as follows:</u>	<u>26</u>
<u>Professional Opinion 6: All of these actions need to be accomplished before the fire reaches the point of Flashover. Approximately 10 Minutes</u>	<u>26</u>
<u>Professional Opinion 7: Based upon the Current Kingston Fire Department staffing levels and available apparatus it is my professional opinion that if the Proposed Kingstonian Project is constructed there will be an immediate and constant need for Mutual Aide and Automatic Aid from other fire departments in Ulster County for EVERY REPORTED fire incident within this project and that the mutual aid units would not be on scene in time to prevent Flashover.</u>	<u>31</u>
<u>Professional Opinion 8: Today's codes allow the use of lightweight materials. These materials in a fire generally provide enough time for occupants to escape from the structure safely. Today's codes are not designed to assure that the structure will structurally survive a major fire.</u>	<u>34</u>
<u>Professional Opinion 9: My review and observations have raised serious questions about Preserving History and Character of the city that need to be addressed regarding the Proposed Kingstonian Project.</u>	<u>41</u>
<u>Professional Opinion 10: There are VERY clearly proposed structures in the Proposed Kingstonian Project area that clearly do not conform to the historical character of the area and the rules that apply to that area.</u>	<u>41</u>
<u>Professional Opinion 11: There are features in the Proposed Kingstonian Project that will present a serious life safety hazard to residents, the public and to all emergency responders.</u>	<u>41</u>
<u>Professional Opinion 12: There are features of the Proposed Kingstonian Project that will create conditions that will severely limit the ability of the fire department as currently staffed and equipped to safely perform its mission or to even attempt to perform their mission.</u>	<u>41</u>
<u>Professional Opinion 13: The Proposed Kingstonian is not in compliance with the current codes or rules regarding development in the City of Kingston</u>	<u>41</u>
<u>Professional Opinion 14: The Proposed Kingstonian Project if built will clearly exceed the ability of the Fire department to mitigate emergencies in that project.</u>	<u>41</u>

Report

Study RE Kingstonian Project Impact on Kingston Fire Dept.

Prepared for Client Victoria Polidoro Esq. Attorney

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<u>Professional Opinion 15: There is no possible way that the City of Kingston fire department emergency responders will be able to safely function at structures of this size and scope</u>	<u>46</u>
<u>Professional Opinion 16: Our investigation determined that the Kingstonian Project as proposed would Negatively Impact Safety in relation to critical response time to emergencies in the Stockade District Historic District of the City of Kingston.</u>	<u>46</u>
<u>Professional Opinion 17: Our investigation determined that the Proposed Kingstonian Project would create serious safety hazards for and to all Emergency Responders and the public during emergencies in the Stockade District of the City of Kingston.</u>	<u>46</u>
<u>Professional Opinion 18: If any streets are closed to create pedestrian spaces, they must be created in a way that will allow immediate access by emergency vehicles from either direction so that emergency responders have the needed access to mitigate the emergency promptly.</u>	<u>48</u>
<u>Professional Opinion 19: The size of the proposed structures in the structures in the Proposed Kingstonian Project DO NOT conform to long time City of Kingston rules and regulations that protect the history of the city.</u>	<u>49</u>
<u>Professional Opinion 20: The Kingston Fire Department is not currently staffed or equipped to provide emergency services to this proposed project. Due to the size of the proposed structures Automatic and Mutual Aid fire departments that would respond to support City units would still not be equipped or staffed sufficiently to manage a serious fire condition at this location.</u>	<u>49</u>
<u>Professional Opinion 21: The lack of exterior access to the Proposed Kingstonian project structures for firefighting activities could result in injury and deaths.</u>	<u>49</u>
<u>Professional Opinion 22: The closed and blocked streets and spaces in the Proposed Kingstonian Project create a Definite Hazard to Life and Property.</u>	<u>50</u>
<u>Professional Opinion 23: The Proposed Kingstonian Project appears to have structures abutting Fair Street that will create the potential of radiant heat exposure in the event of a fire in the existing Wall Street structures</u>	<u>52</u>
<u>Professional Opinion 24: The closing of Fair Street would prevent Fire Department access to the rear of the Wall Street buildings for firefighting activities</u>	<u>52</u>
<u>Professional Opinion 25: Any lack of the fire department's ability to access the rear of the Wall Street structures and the close proximity of the new structures in the Proposed Kingstonian project can result in the exposure to fire, and radiant heat on the structures in the Proposed Kingstonian Project. That heat will overload the sprinkler system which will cause internal fire conditions in those new structures</u>	<u>52</u>

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<u>Professional Opinion 26: In my review of the review of the application process for the Proposed Kingstonian Development by the Planning Commission I find no indication of the Planning Commission's intent to assure that the project will be built in compliance with long existing Zoning and Historic District rules and procedures. The length of time that the Proposed Kingstonian Development has remained on any of the City of Kingston Boards or Commissions agendas supports my contention.</u>	<u>62</u>
<u>Professional Opinion 27: Every person who serves as a member of the Professional Staff, Member of any Board or Commission or as an Elected Official in any government, always remember that that their objective is never just about what might happen today or tomorrow. The true objective of all Plan Reviewers must always be about understanding what can or will happen many years in the future because of their findings. recommendations and actions. Their actions are and remain personal liabilities that remain with each reviewer and member as long as that project exists.</u>	<u>62</u>
<u>Professional Opinion 28: The Proposed Kingstonian Project MUST be DENIED BY the Common Council and every city Board and Commission.</u>	<u>62</u>
<u>Professional Opinion 29: If City of Kingston Common Council is unwilling to accept the conclusions of this report, I strongly urge the Common Council to delay any vote on any part of the Proposed Kingstonian Project and to commission its own study from another equally qualified expert to reexamine all of the issue in my report.</u>	<u>62</u>
<u>Professional Recommendation 1: The Kingston Fire Department should, as soon as possible, conduct a citywide review of hazards and special hazards in all response areas of the city including Target Hazard locations to establish response requirements to emergencies based upon required apparatus and staffing. This review should be used to revise dispatch protocols to assure immediate dispatch of Automatic and Mutual Aid.</u>	<u>17</u>
<u>Professional Recommendation 2: I strongly recommend that City Leaders review the National Fire Protection Association Code 1710 with legal counsel as soon as possible. Understanding this code will help City leadership be aware of what the current standards are for staffing in career fire rescue services and the dangers of failure to meet those standards.</u>	<u>17</u>
<u>Professional Recommendation 3: There is a need to be continuously be aware of the Current Available Staffing Capabilities of all Volunteer Fire Departments: That information is one of the most important factors in evaluating fire rescue service capabilities. The knowledge of what volunteers are available to respond needs to be an on-going daily function. Many dispatch centers have software that allows every volunteer to log in to show that they are available to respond to any emergencies that day.</u>	<u>27</u>

Report

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<u>Professional Recommendation 4: The Kingston fire department should conduct a comprehensive review of all current, and proposed response emergency operations to identify the tasks that need to be conducted in each type of incident and the staffing required to perform those operations safely, efficiently and effectively.</u>	<u>46</u>
<u>Professional Recommendation 5: The Kingston fire department comprehensive review of all current, and proposed response emergency operations should be presented to Elected City leaders for discussion and plans developed to address the identified findings</u>	<u>46</u>
<u>Professional Recommendation 6: This project should NOT Be Approved. Not all of the Structures in the Proposed Kingstonian Project meet Current Codes, They do not meet the Objectives of all of the City of Kingston Boards and Commissions.</u>	<u>46</u>
<u>Professional Recommendation 7: To assure fire department and other emergency access to existing and proposed structures NO streets should be made impassable for emergency vehicles AND No structure should be created that does not allow access from a street.</u>	<u>50</u>
<u>Professional Recommendation 8: We urge that all of the historic structures be upgraded to be protected by automatic sprinkler systems and alarm systems. The City should work with the property owners to secure grant funds to provide these systems.</u>	<u>51</u>
<u>Professional Recommendation 9: Every floor of all historic structures on Wall Street should be brought up to current codes so that they can be occupied as apartments for residents and/or by businesses.</u>	<u>51</u>
<u>Professional Recommendation 10: The City should work with the property owners to secure grant funds to provide the needed upgrades to the historic structures to protect their historic value to the city.</u>	<u>51</u>
<u>Professional Recommendation 11: If any new structures are constructed adjacent to Fair Street there must be adequate clearance from the rear of the existing Wall Street structures to prevent exposure to radiant heat damage and combustion of the new structures.</u>	<u>52</u>
<u>Professional Recommendation 12: There are Structures in the Proposed Kingstonian Project that do not meet Current City Codes and do not meet the Stated Objectives of each of the Boards and Commissions and Districts. This project should NOT Be Approved</u>	<u>59</u>
<u>Professional Recommendation 13: The Kingston fire department should conduct a comprehensive review of all current, and proposed response emergency operations to identify the tasks that need to be conducted in each type of incident and the staffing required to perform those operations safely, efficiently and effectively</u>	<u>59</u>

Report

Study RE Kingstonian Project Impact on Kingston Fire Dept.

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<u>Professional Recommendation 14: I strongly recommend that City Leaders review the National Fire Protection Association Code 1710 with legal counsel as soon as possible. Understanding this code will help City leadership be aware of what the current standards are for staffing in career fire rescue services and the dangers of failure to meet those standards. I assure City leadership that in the event of death or injury to fire department personnel, or the public, that liability lawyers are totally familiar with this code.</u>	<u>59</u>
<u>Map 1: Fire station @ 19 O'Reilly St station From/To Fire Station @ 26 Frog Alley Travel Time 5 Minutes Distance 1.7 Miles</u>	<u>19</u>
<u>Map 2: Fire Station @ 19 Garrighan Dr From/To Fire Station @ 26 Frog Alley Travel Time 8 Minutes Distance 2.5 Miles</u>	<u>20</u>
<u>Map 3: Fire Station @ 19 O'Reilly St From/To Fire Station @ 19 Garraghan Dr Travel Time 3 Minutes Distance 1 Mile</u>	<u>21</u>
<u>Map 4: Ulster Hose Company to Frog Alley Fire Station: 8 Minutes 1.6 miles - Volunteer Department</u>	<u>28</u>
<u>Map 5: Rosendale Fire Dept to Frog Alley: 6 Minutes 1.6 miles; Volunteer Department</u>	<u>29</u>
<u>Map 6: Port Ewen Fire Dept to Frog Alley 13 Minutes 3.6 Miles - Volunteer Fire Dept</u>	<u>30</u>
<u>Map 7: St Remy Fire Dept to Frog Alley 16 Minutes 7.5 Miles; Volunteer Fire Dept</u>	<u>30</u>
<u>Map 8: Bloomington Fire Dept to Frog Alley 13 Minutes 7.2 Miles; Volunteer Fire Dept</u>	<u>31</u>
<u>Map 10: Proposed Kingstonian Project location</u>	<u>42</u>
<u>Map 11: Google Satellite of the Proposed Kingstonian Project area</u>	<u>42</u>
<u>Map 9: Kingston City Zoning Map Stockade District & Historic District</u>	<u>53</u>
<u>Photos & Drawings 1: Fire Station @ 19 East O'Reilly St</u>	<u>18</u>
<u>Photos & Drawings 2: Fire Station @ 26 Frog Alley</u>	<u>18</u>
<u>Photos & Drawings 3: Fire Station @ 19 Garraghan Dr</u>	<u>18</u>
<u>Photos & Drawings 4: Firefighter at the controls of the aerial ladder: Codes and good safety practices require the operator to remain at the controls as long as the ladder is in position and operation</u>	<u>22</u>
<u>Photos & Drawings 5: Aerial ladder being used for rescue of occupant from third floor window and/or to bring firefighting personnel to the third floor for search and rescue or ventilation operations. Third floor is out of reach for ground ladders</u>	<u>23</u>
<u>Photos & Drawings 6: Firefighters using the aerial ladder to perform ventilation of an attic window at a house fire. That attic window is out of reach from ground ladders</u>	<u>23</u>
<u>Photos & Drawings 7: Kingston Fire scene in downtown structure fire (1):</u>	<u>24</u>

Report

Study RE Kingstonian Project Impact on Kingston Fire Dept.

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<u>Photos & Drawings 8: Kingston Fire scene in downtown structure fire (2)</u>	<u>24</u>
<u>Photos & Drawings 9: Kingston Fire scene in downtown structure fire (3) *All Kingston Fire Department in action Photos were copied from IAFF Local 461 Facebook page</u>	<u>25</u>
<u>Photos & Drawings 10: New Construction wood framing; Plywood web floor joists</u>	<u>33</u>
<u>Photos & Drawings 11: Sprinkler location sign and FD connection</u>	<u>35</u>
<u>Photos & Drawings 12: A common residential sprinkler installation</u>	<u>37</u>
<u>Photos & Drawings 13: Current Code compliant construction in City of Syracuse</u>	<u>38</u>
<u>Photos & Drawings 14: Proposed Apartments Proposed Kingstonian Project</u>	<u>45</u>
<u>Photos & Drawings 15: Developers Drawings showing some of the structures in the Proposed Kingstonian Project</u>	<u>45</u>
<u>Photos & Drawings 16: Proposed Pedestrian areas that block Fire Department Access</u>	<u>47</u>
<u>Photos & Drawings 17: Proposed areas that prevent Fire Department Access</u>	<u>48</u>
<u>Photos & Drawings 18: Views showing the size of some of the structures in the Proposed Kingstonian Project</u>	<u>49</u>
<u>Photos & Drawings 19: Drawing showing lack of fire department access to parking areas and to the Rear sides of structures</u>	<u>50</u>
<u>Photos & Drawings 20: Historic structures on Wall Street</u>	<u>51</u>
<u>Photos & Drawings 21: The Wall Street historic structures back up to Fair Street</u>	<u>52</u>

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01/04/2022

Executive Summary
Proposed Kingstonian Project Impact
On The
Kingston NY Fire Dept.

Prepared for

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Executive Summary
Study RE Kingstonian Project Impact on Kingston Fire Dept.
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Key Recommendations Regarding the Proposed Closing of Fair Street Extension

- ❖ **The closing of Fair Street Extension will create Life Safety Dangers for the occupants of these proposed structures and for emergency responders.**
- ❖ **The closing of Fair Street Extension will result in extensive damage to or destruction of property of structures that border Fair Street Extension in the event of a fire.**
- ❖ If Fair Street Extension were to be closed, the fire department would not be able gain direct access to any structure bordering the closed street.
- ❖ The fire department would be unable to place an aerial ladder with master streams or for rescue of occupants into operation where it will be needed.
- ❖ The Kingston Fire Department does not have the staff on duty to perform all of the functions that will be required if the street is closed
- ❖ **It is my professional opinion that it would be dangerous for Elected City Officials to approve the closing or abandonment of Fair Street Extension based on my study of the impacts of the Proposed Kingstonian Project as detailed in this report.**
- ❖ **Based upon my review of the details of this project there is no question that the Planning Board should have understood the dangers and impacts of this project when it issued its negative declaration.**
- ❖ **The Kingston Fire Department staffing level is DANGEROUSLY BELOW the recognized Standards of NFPA Code 1710: The Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments.**
- ❖ **The request to close Fair Street Extension for the Proposed Kingstonian Project must be DENIED by the Common Council due to its dangerous impact on public safety.**

Respectfully Submitted

Ron Graner

Ron Graner fire chief (retired) Public Safety Consultant

Executive Summary
Study RE Kingstonian Project Impact on Kingston Fire Dept.
Prepared for Client Victoria Polidoro Esq. Attorney
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Executive Summary

Please note that this executive summary was prepared for a January presentation to the Kingston Common Council meeting to discuss possible street closings and other issues related to the Proposed Kingstonian project. The order of the issues in this summary are based upon the agenda issues of that meeting. The table of contents in this report reflect the process we followed in our study and our findings of the impacts of the proposed of the Kingstonian Project.

As a Public Safety Consultant and former fire chief of three departments in two states and a Peer Assessor and Team Leader for the Center for Public Safety Excellence Commission on Fire Accreditation International, the studies that I conduct are primarily for governments and fire rescue agencies.

My services for this study were requested by a private concerned citizen or group. The only directions I received from my client regarding this study were to review and report on the impacts of the Proposed Kingstonian Project on the safety of the public, emergency responders, and historic places in the City of Kingston.

My Findings, Professional Opinions, and Recommendations and all other content contained in this report are exactly the same as if this report had been prepared for the City of Kingston.

Professionally throughout my career in government and as a public safety consultant I begin every proposal's review with the full understanding and belief that every person who serves in the review of any proposed project as a member of the Professional Staff or as a member of any Civic Board or Commission in any government, at any level, must always remember that that the primary objective in the review of every proposal and plans is never just about what a Proposer wants to do. Every Proposal Review for any development must acknowledge all of the many impacts of that proposal on a community and the life safety of the people who live and serve in that community. Plan review of every proposal is about each person in that process understanding what can and/or will happen many years in the future because of their recommendations and actions. The recommendations of Plan Reviewers and the actions of Committees and Boards for approval of any project are and always remain each person's individual liabilities. Those liabilities continue to exist for each reviewer and member as long as that project exists.

I was informed by my client that the City Common Council would be meeting in January to vote on a request by The Planning Board for the approval to close Fair Street Extension.

This Review of Findings and my Opinions are based upon my Professional experience education and training

❖ **Based upon my review of the details of this project there is no question that the Planning Board should have understood the dangers and impacts of this project when it issued its negative declaration.**

Executive Summary

Study RE Kingstonian Project Impact on Kingston Fire Dept.

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- ❖ **The closing of Fair Street Extension will create Life Safety Dangers for the occupants of these proposed structures and for emergency responders.**
- ❖ **The closing of Fair Street Extension will result in extensive damage to or destruction of property of structures that border Fair Street Extension in the event of a fire.**
- ❖ If Fair Street Extension were to be closed, the fire department would not be able gain direct access to any structure bordering the closed street.
- ❖ Hose lines would have to be hand stretched down the closed street.
- ❖ The fire department would be unable to place an aerial ladder with master streams or for rescue of occupants into operation where it will be needed.
- ❖ Ground ladders generally are only are useful to the second floor of most structures or to the edge of the roof on shorter structures
- ❖ Ground ladders would need to be carried down the closed street to place to upper story windows for rescue of trapped occupants delaying attack on the fire.
- ❖ The Kingston Fire Department does not have the staff on duty to perform all of the functions that will be required if the street is closed
- ❖ These and the other noted issues in this executive summary will cause the extension of the fire to the point of flashover where lives would be lost.
- ❖ Flashover is the point where the fire has grown to a point where everything in the area of the fire simultaneously burst into flame and no life can survive the heat. Flashover generally occurs in a fire of ordinary combustibles at approximately Ten, 10, minutes from the time of ignition. That is the primary reason that the fire department must have immediate access to the fire building and have the staffing and equipment to stop the growth of a fire to the flashover point

The request to close Fair Street Extension for the Proposed Kingstonian Project must be DENIED by the Common Council due to its dangerous impact on public safety.

- ❖ Closing Fair Street Extension would slow response time for all Kingston Fire Department fire apparatus to any incident in the Historic area.

It is my professional opinion that it would be dangerous for Elected City Officials to approve the closing or abandonment of Fair Street Extension based on my study of the impacts of the Proposed Kingstonian Project as detailed in this report.

The Kingstonian Project

My investigation of the Proposed Kingstonian Project revealed the following: The Proposed Kingstonian Project was to consist of 143 Apartments, a 420 Vehicle Parking Garage, a 32 Room Boutique Hotel, 9,000 Square Feet of Retail/Restaurant Space, Pedestrian Plazas and Walking Bridge.

Executive Summary

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The proposed project is to be situated within the[C-2] Commercial Zoning District and the [MUO] Mixed Use Overlay District and the Stockade Historic District. This project creates what NFPA defines as a dense urban area.

- ❖ It is my professional opinion that the total proposed Kingstonian Project is designed in such a way that the firefighters will not be able to access major portions of the project with the apparatus and equipment needed to combat a fire.
- ❖ It is my professional opinion that the proposed Kingstonian Project is designed in such a manner that there will be a long delay in firefighting crews and equipment reaching the seat of a fire in any of its structures. That delay would be likely cause expansion of the fire and spread of the fire to other buildings in the historic district.
- ❖ The loss of historic structures due to fire spread is projected based upon the fact that many of the older buildings don't have sprinkler systems
- ❖ **Fires in the Proposed Kingstonian project structures are likely to cause people trapped in the structures of the proposed project and emergency responders to be injured and/or die**
- ❖ **Fires in the Proposed Kingstonian project structures will create significant loss of historic property and change the historic character of the City of Kingston.**
- ❖ **It is fact that the Kingston fire department does not currently have sufficient firefighting personnel and equipment to safely effectively and efficiently combat a fire in the Proposed Kingstonian Project.**
- ❖ The lack of Firefighting Personnel and equipment will likely cause people to die and property to be destroyed within the City of Kingston in the event of any major fire.
- ❖ The Current Lack of adequate firefighting personnel and increased demand from the Proposed Kingstonian Project will negatively impact fire rescue services citywide with the likelihood of death and property destruction throughout the City, not just the project site.
- ❖ **To approve the Proposed Kingstonian project would expose the City to liability.**

It would be dangerous for the City Common Council to approve the Proposed Kingstonian Project as proposed based on the findings contained in this report and the exposure of the City to liability.

The Kingston Fire Department Issues

My review of the Kingston Fire Department revealed that the Fire Dept is a Career staffed Fire agency that serves the 23,000 residents and visitors in the City of Kingston with approximately 53 career emergency responders.

- ❖ **The On Duty Emergency Response Staffing in the fire department is only a minimum of 10 Responders responding with 3 Engine Companies and 1 Ladder company and an Officer in Charge.**

Executive Summary

Study RE Kingstonian Project Impact on Kingston Fire Dept.

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- ❖ **The Kingston Fire Department staffing level is DANGEROUSLY BELOW the recognized Standards of NFPA Code 1710: The Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments.**
- ❖ NFPA Standard 1710 defines that the number of on-duty fire suppression members shall be sufficient to perform the necessary fire-fighting operations given the expected firefighting conditions.
- ❖ Fire companies whose primary functions are to pump and deliver water and perform basic firefighting at fires, including search and rescue, **shall be staffed with a minimum of four on-duty members**. In jurisdictions with tactical hazards, or **dense urban areas shall be staffed with a minimum of six on-duty members**.
- ❖ Fire companies whose primary functions are to perform the variety of services such as forcible entry, ventilation, search and rescue, aerial operations for water delivery and rescue, utility control, illumination, overhaul, and salvage work, **shall be staffed with a minimum of four on-duty members**. In jurisdictions with tactical hazards, high-hazard occupancies, or **dense urban areas, as identified by the AHJ, these fire companies shall be staffed with a minimum of six on-duty members**.
- ❖ In my professional opinion the Proposed Kingstonian Project creates High-Hazard occupancies in a dense urban area and that to comply with NFPA staffing standards each company should be staffed with 6 emergency responders.

It is my Professional Opinion after having served in the review process of literally hundreds of development projects in four governments in three states that the Proposed Kingstonian project has so many violations of current rules and codes that impact every part of the image and life in the City of Kingston that the Common Council MUST Immediately End any further discussion or action regarding this project.

I strongly recommend that City Leaders review the National Fire Protection Association Code 1710 with legal counsel as soon as possible. Understanding the requirements of this code will help City leadership be aware of what the current standards are for staffing in career fire rescue services. This code defines the dangers of failure to meet current standards.

- ❖ If the City of Kingston Common Council is unwilling to accept the conclusions in the report, I strongly urge the Common Council to delay any vote on any part of the Proposed Kingstonian project and to commission its own study from an equally qualified public safety expert to reexamine all of the issues in my report.

Executive Summary

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January 12, 2022

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420 Broadway
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Re: January 12, 2022, Public Hearing
Abandonment of Fair Street Extension
The Kingstonian Project
Fire and Emergency Dangers to the Public

Dear Corporation Counsel Graves-Poller and Alderman Shaut:

As you are aware, this firm represents several property owners in and around the Kingston Stockade Historic District ("KSHD") who have repeatedly raised serious issues with the proposed Kingstonian Project ("Kingstonian"), which is to be located within the KSHD, in part, on land currently owned and used by the public as a street known as Fair Street Extension. From the outset, the City's review of the Kingstonian has been mired with procedural shortcuts and a general failure to fully consider the various negative impacts the project will have on the residents of Kingston, the KSHD, and the City as a whole.

Enclosed is an expert report we commissioned from Ron Graner, a former New York Fire Chief and public safety consultant, which examines the impact that the closure of Fair Street Extension and the construction of the Kingstonian will have on the ability of emergency services in the City of Kingston to timely and adequately respond to emergencies at the Kingstonian and in KSHD (the "Report"). We ask that this be accepted as a written comment for the January 12,

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2022, public hearing on the proposed closure and abandonment of Fair Street Extension, and we ask that it be distributed to all members of the Common Council as such and made publicly available as part of the public hearing materials.

Submitted with the Report is a six-page executive summary of the important conclusions reached therein, including the following:

- “Closing Fair Street Extension would slow response time for all Kingston Fire Department fire apparatus to any incident in the Historic area.” Page 9 of the Report.
- “The closing of Fair Street Extension will result in extensive damage to or destruction of property of structures that border Fair Street Extension in the event of a fire.” Page 9 of the Report.
- “If Fair Street Extension were to be closed, the fire department would not be able gain direct access to any structure bordering the closed street.” Page 9 of the Report.
- “Any lack of the fire department’s ability to access the rear of the Wall Street structures and the close proximity of the new structures in the Proposed Kingstonian project can result in the exposure to fire, and radiant heat on the structures in the Proposed Kingstonian Project. That heat will overload the sprinkler system which will cause internal fire conditions in those new structures.” Page 52 of the Report.

Importantly, we note that Mr. Graner has determined that the City’s Fire Department is already understaffed, an issue that must be immediately remedied to protect the health and safety of the residents of Kingston.

While the City of Kingston Planning Board’s review of the Kingstonian has considered the effect of closing Fair Street Extension on traffic congestion, as well as the adequacy of staffing of Fire and other emergency services to serve the Kingstonian if built, the Report we submit to the Common Council here is the only report that considered the practical ability of emergency services to render timely access to the KSHD if Fair Street Extension is closed.

In short, if Fair Street Extension is closed, Mr. Graner has determined that it will immediately and permanently imperil the lives of those who live in and work in Uptown Kingston. This Report must not be summarily dismissed by the City as we believe it is the first and only study analyzing these issues. The uncontroverted record before the Council now shows that the closure of Fair Street Extension would be a serious public health hazard. The Council therefore must not vote on the matter until these issues are addressed, whether by changes to the Kingstonian Project or after completion of a study by a safety professional hired by the City.

Please be guided accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Polidoro', with a long horizontal flourish extending to the right.

Victoria Polidoro

Cc: Steven Noble, Mayor
Alita Giuda, Esq.
Michael Cook, Esq.
Wayne Thompson, Esq.
J. Scott Greer, Esq.

