

LAWS & RULES MAY 15, 2024
Wednesday, May 15th, at 6:30 PM.

NEW BUSINESS

1. Community Preservation Plan Update - J. Noble
2. Support for Strong Packaging & Reduction & Recycling Act - Alderman Scott-Childress
3. E-Bikes - Alderman Dennison
4. Resolution Opposing Delivery Rate Increases by Central Hudson - Alderwoman Hirsch

OLD BUSINESS

1. Food Trucks-Ald. Edwards
2. Naming Land at 45-49 Van Buren Street Dj'aneira Mason Park
3. Kingston Charter Revision Task Force-Ald. Scott-Childress

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LAR

Tinti, Elisa

From: Noble, Julie
Sent: Thursday, May 2, 2024 11:31 AM
To: Shaut, Andrea
Cc: Tinti, Elisa; Graves-Poller, Barbara; Noble, Steve; Michael Drillinger; laeassoc@gmail.com; Jankowski, Matthew
Subject: Communication to Council re: Community Preservation Plan adoption

Greetings,

I would like to request the placement on the Laws and Rules agenda for May the adoption of the City of Kingston Community Preservation Plan by Local Law, the Establishment of a Community Preservation Fund and Advisory Board by Local Law, and the Establishment of the Real Estate Transfer Tax (RETT) by Local Law and simultaneous SEQRA adoption for all three laws.

You can find all the info about the plan, outreach, mapping, and process at www.engagekingston.com/community-preservation-plan .

In advance of the meeting, I will ensure the draft SEQR documents and Local Laws are circulated. These documents are being finalized by the Corporation Counsel's Office.

Thank you,
Julie

Julie L. Noble
City of Kingston
Environmental Education & Sustainability Coordinator
467 Broadway
Kingston, NY 12401
845-481-7339



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**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: City of Kingston Community Preservation Project Plan		
Project Location (describe, and attach a general location map): City of Kingston, Ulster County, New York		
Brief Description of Proposed Action (include purpose or need): A Community Preservation Plan was created which draws from our existing plans and inventories of natural and historic resources, as well as other sources of GIS data for our region. It builds on the City's Open Space Plan to provide a method for setting priorities for places that need protection, including historic properties or features. The creation of this Plan serves as a necessary resource to establish a Community Protection Fund which would support the conservation of important City assets. The City of Kingston has proposed establishment of a Community Preservation Fund by local law pursuant to Section 6-s of the General Municipal Law, the adoption of a Community Preservation Plan by local law, and the adoption of a local law to impose a real estate transfer tax on conveyances within the City pursuant to Tax Law Article 33-B. The Transfer Tax is subject to referendum. The Plan has been proposed for the purposes of creating a voluntary program to preserve the character of the community including natural, scenic, and historic resources within the City. The Community Preservation Plan provides details on preservation priorities for use of the Fund and available land use controls to protect community character. Readers are referred to the Community Preservation Plan for a complete understanding of the proposed Community Preservation program.		
Name of Applicant/Sponsor: City of Kingston; Julie Noble, City of Kingston Sustainability Coordinator		Telephone: 845-481-7339
		E-Mail: julienoble@kingston-ny.gov
Address: 467 Broadway		
City/PO: Kingston	State: NY	Zip Code: 12401
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. [Government Approvals, Funding, or Sponsorship]. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of Kingston Common Council, lead agency Approval and adoption of action	
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of Kingston Planning Board referral	
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of Kingston Zoning Board of Appeals referral	
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of Kingston HLPC (Historic Landmarks) referral	
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Ulster County Planning Board, referral.	
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. [Planning and zoning actions]

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. [Adopted land use plans]

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):
 Hudson Riverport BOA, Midtown Thriving BOA, LWRP, NYS Certified Local Govt program, NYS Climate Smart Communities Program (Climate Action Plan), Hudson River Valley Greenway (partial), Hudson River Valley Natural Heritage Area (partial), Tidal Rondout Creek Watershed Management Plan, Rondout Harbor management Plan, City of Kingston Open Space Plan, NYS Heritage Area

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):
 City of Kingston Open Space Plan adopted as an element of the City of Kingston Comprehensive Plan (Kingston 2025)

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? City of Kingston, Kingston Forward Form Based Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	NA <input type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.4. Existing community services	
a. In what school district is the project site located?	Kingston City School District
b. What police or other public protection forces serve the project site?	City of Kingston Police Dept.
c. Which fire protection and emergency medical services serve the project site?	City of Kingston Fire Dept.
d. What parks serve the project site?	Kingston City Parks

D. Project Details NA

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?	
b. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres	
c. Is the proposed action an expansion of an existing project or use? <input type="checkbox"/> Yes <input type="checkbox"/> No i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____ ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No iii. Number of lots proposed? _____ iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? <input type="checkbox"/> Yes <input type="checkbox"/> No i. If No, anticipated period of construction: _____ months ii. If Yes: <ul style="list-style-type: none"> • Total number of phases anticipated _____ • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ 	

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations NA

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No • Will a line extension within an existing district be necessary to serve the project? <input type="checkbox"/> Yes <input type="checkbox"/> No <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p>
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
 iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____
 vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
 iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p>
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>_____</p>
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p>
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action NA

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Coverture	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 									
E.2. <u>Natural Resources On or Near Project Site</u> NA									
a. What is the average depth to bedrock on the project site? _____ feet									
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %									
c. Predominant soil type(s) present on project site: <table style="width: 100%; border: none;"> <tr> <td style="width: 80%; border: none;">_____</td> <td style="width: 20%; border: none; text-align: right;">%</td> </tr> <tr> <td style="border: none;">_____</td> <td style="border: none; text-align: right;">%</td> </tr> <tr> <td style="border: none;">_____</td> <td style="border: none; text-align: right;">%</td> </tr> </table>	_____	%	_____	%	_____	%			
_____	%								
_____	%								
_____	%								
d. What is the average depth to the water table on the project site? Average: _____ feet									
e. Drainage status of project site soils: <table style="width: 100%; border: none;"> <tr> <td style="width: 30%; border: none;"><input type="checkbox"/> Well Drained:</td> <td style="width: 50%; border: none;">_____ % of site</td> <td style="width: 20%; border: none;"></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Moderately Well Drained:</td> <td style="border: none;">_____ % of site</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Poorly Drained</td> <td style="border: none;">_____ % of site</td> <td style="border: none;"></td> </tr> </table>	<input type="checkbox"/> Well Drained:	_____ % of site		<input type="checkbox"/> Moderately Well Drained:	_____ % of site		<input type="checkbox"/> Poorly Drained	_____ % of site	
<input type="checkbox"/> Well Drained:	_____ % of site								
<input type="checkbox"/> Moderately Well Drained:	_____ % of site								
<input type="checkbox"/> Poorly Drained	_____ % of site								
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border: none;"> <tr> <td style="width: 30%; border: none;"><input type="checkbox"/> 0-10%:</td> <td style="width: 50%; border: none;">_____ % of site</td> <td style="width: 20%; border: none;"></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 10-15%:</td> <td style="border: none;">_____ % of site</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 15% or greater:</td> <td style="border: none;">_____ % of site</td> <td style="border: none;"></td> </tr> </table>	<input type="checkbox"/> 0-10%:	_____ % of site		<input type="checkbox"/> 10-15%:	_____ % of site		<input type="checkbox"/> 15% or greater:	_____ % of site	
<input type="checkbox"/> 0-10%:	_____ % of site								
<input type="checkbox"/> 10-15%:	_____ % of site								
<input type="checkbox"/> 15% or greater:	_____ % of site								
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, describe: _____									
h. Surface water features.									
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input type="checkbox"/> No									
ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No									
If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i.									
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input type="checkbox"/> No									
iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____ 									
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____									
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No									
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No									
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No									
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. Name of aquifer: _____ 									

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____

 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

<p>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District</p> <p>ii. Name: _____</p> <p>iii. Brief description of attributes on which listing is based: _____</p>
<p>f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe possible resource(s): _____</p> <p>ii. Basis for identification: _____</p>
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Identify resource: _____</p> <p>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</p> <p>iii. Distance between project and resource: _____ miles.</p>
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Identify the name of the river and its designation: _____</p> <p>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name City of Kingston Date 3-26-2024

Signature _____ Title Sustainability Coordinator

PRINT FORM

LOCAL LAW ___ OF 2024 OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, ESTABLISHING A COMMUNITY PRESERVATION FUND AND CREATING A COMMUNITY PRESERVATION FUND ADVISORY BOARD AS AUTHORIZED BY GENERAL MUNICIPAL LAW § 6-s FOR THE PURPOSE OF PRESERVING NATURAL, SCENIC, HISTORIC AND OPEN SPACE RESOURCES WITHIN THE CITY

Sponsored By:

WHEREAS, a request has been made to pass a local law establishing a community preservation fund and community preservation fund advisory board pursuant to General Municipal Law §6-s for the purpose of preserving Natural, Scenic, Historic and Open Space Resources within the City of Kingston; and

WHEREAS, the Common Council of the City of Kingston finds it in the best interests of the City to adopt said Proposed Local Law, in the form attached hereto;

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

SECTION 1. The purpose of this Local Law is to meet and implement the requirements of section 6-s of the General Municipal Law by hereby establishing a Community Preservation Fund and creating a Community Preservation Fund Advisory Board as authorized by General Municipal Law §6-s for the purpose of preserving Natural, Scenic, Historic and Open Space Resources within the City of Kingston

SECTION 2. Pursuant to the provisions of section 6-s of the General Municipal Law, Chapter 188 is hereby added to the City of Kingston Code entitled “Community Preservation”, said provision to read as follows in the form attached hereto and made part hereof.

SECTION 3. If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

SECTION 4. This local law shall take effect upon filing with the Secretary of State.

Submitted to the Mayor this ____ day of _____, 2024

Approved by the Mayor this ____ day of _____, 2024

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2024

Chapter 188 Community Preservation

Article I Establishment of Community Preservation Fund

§ 188-1 Definitions.

As used in this article, the following words and terms shall have the meanings indicated:

ADVISORY BOARD- The City of Kingston Community Preservation Fund Advisory Board created under this article.

COMMUNITY PRESERVATION- Preservation of community character shall involve one or more of the following:

- A. Establishment of parks, nature preserves, or recreational areas.
- B. Preservation of open space.
- C. Preservation lands of exceptional scenic value.
- D. Preservation of fresh and saltwater marshes or other wetlands.
- E. Preservation of aquifer recharge areas.
- F. Preservation of undeveloped beach-lands or shoreline.
- G. Establishment of wildlife refuges for the purpose of maintaining native animal species diversity, including the protection of habitat essential to the recovery of rare, threatened or endangered species.
- H. Preservation of unique or threatened ecological areas.
- I. Preservation of rivers or river areas in natural, free-flowing condition.
- J. Preservation of forested land.
- K. Preservation of public access to lands for public use, including stream rights and waterways.
- L. Preservation of historic places and properties listed on the New York State Register of Historic Places and/or protected under a municipal historic preservation ordinance or law.
- M. Undertaking any of the purposes of this article in furtherance of the establishment of a greenbelt.
- N. Preservation of land which is predominantly viable agricultural land, as defined in Subdivision 7 of § 301 of the Agriculture and Markets Law, or unique and irreplaceable agricultural land, as defined in Subdivision 6 of § 301 of the Agriculture and Markets Law.

FUND- The City of Kingston community preservation fund established by this article.

§ 188-2 Fund established.

- A. The City of Kingston community preservation fund is hereby established pursuant to § 6-s of the General Municipal Law.
- B. Deposits into the fund may include revenues of the City from whatever source and shall include all revenues from the real estate transfer tax imposed by the City pursuant to Article III of this chapter as authorized by § 6-s of the General Municipal Law and Article 33-B of the Tax Law of the State of New York.
- C. The fund shall also be authorized to accept gifts of any such interests in land or of funds. Interest accrued by monies deposited in the fund shall be credited to the fund.
- D. In no event shall monies deposited in the fund be transferred into any other account.
- E. Nothing contained in this article shall be construed to prevent the financing, in whole or in part, pursuant to the Local Finance Law of the State of New York, of any acquisition

authorized pursuant to this article. Monies from the fund may be utilized to repay any indebtedness or obligations incurred pursuant to the Local Finance Law of the State of New York, consistent with effectuating the purposes of this article.

§ 188-3 Purposes of fund.

- A. The purposes of the fund shall be exclusively:
 - (1) To implement a plan for the preservation of community character as required by § 6-s of the General Municipal Law and this article;
 - (2) To acquire interests or rights in real property for the preservation of community character within the City, including villages therein, in accordance with such plan;
 - (3) To establish a bank pursuant to a transfer of development rights program consistent with § 20-f-a of the General City Law;
 - (4) To provide a management and stewardship program for such interests and rights, consistent with Subdivision 9 of § 6-s of the General Municipal Law and this article and in accordance with such plan designed to preserve community character; and
 - (5) To make payments to school, fire, fire protection and ambulance districts in connection with lands within the City that are owned by the State or any municipal corporation subject to the limitations of Subdivision 3 of § 6-s of the General Municipal Law and § 188-3D of this article.
- B. The acquisition of interests and rights in real property under the fund shall be in cooperation with willing sellers.
- C. Not more than 10% of the fund shall be utilized for the management and stewardship program provided for in Subsection A(4) of this section.
- D. Any payments to be made pursuant to Subsection A(5) of this section may only be made to districts where more than 25% of the assessed value of such district is wholly exempt from real property taxation pursuant to the Real Property Tax Law because it is owned by the state or a municipal corporation. Not more than 10% of the fund may be used for such purpose in any calendar year. Such payment shall be made to the extent provided for in the plan approved pursuant to § 6-s of the General Municipal Law. Such payments from the fund shall not exceed the actual tax liability that would have been due if such lands of the state or of a municipal corporation had been subject to real property taxation. Where more than one district is eligible for such a payment under this subsection, and such payment is less than the actual tax liability that would have been due if such lands of the state or a municipal corporation had been subject to real property taxation, the City shall apportion such annual payment on the basis of the total tax levied by each district within the City for the year such payment is made. Such payment made by the City shall be used solely to reduce the property tax liability of the remaining taxpayers of the district within such City.
- E. If the implementation of the Community Preservation Project Plan adopted by the Common Council as provided in subdivision 6 of § 6-s of the General Municipal Law has been completed, and funds are no longer required for the purposes outlined in this article, any remaining monies in the fund shall be applied to reduce any bonded indebtedness or obligations incurred to effectuate the purposes of this article.
- F. Any monies expended from the fund shall be consistent with the purposes set forth in § 188-3, the definition of "community preservation" set forth in § 188-1, and the

Community Preservation Project Plan adopted by the Common Council in accordance with Subdivision 6 of § 6-s of the General Municipal Law.

- G. The Common Council shall study and consider establishing a transfer of development rights program to protect community character as provided for by § 20-f of the General City Law. If at any time during the life of the fund such a transfer of development rights program is established, the City may utilize monies from the fund in order to create and fund a central bank of the transfer of development rights program. If at any time during the life of the fund a transfer of development rights program is repealed by the City, all monies from the central bank shall be returned to the fund.

§ 188-4 Advisory Board established.

- A. An Advisory Board is hereby established to review and make recommendations on proposed acquisitions of interests in real property using monies from the fund.
- B. Such Board shall consist of seven members who shall be legal residents of the City and who shall serve without compensation. No member of the Common Council shall serve on the Advisory Board. Members initially appointed to the Board shall serve staggered terms as follows: one member shall be appointed for a term expiring at the end of the municipal official year in which initially appointed, and the terms of the remaining members shall expire at the end of each official year thereafter. At the expiration of the term of each member first appointed, their successor shall be appointed for a term of seven years.
- C. A majority of the members appointed shall have demonstrated experience with conservation or land preservation activities. The Common Council shall make a reasonable effort to appoint at least one active farmer and at least one member of the County Agricultural and Farmland Protection Board to the Board. The Common Council shall further make a reasonable effort to appoint one or more members of the Historic Landmarks Preservation Commission and Climate Smart Commission to the Board or Kingston Conservation Advisory Council to the Board.
- D. The Board shall act in an advisory capacity to the Common Council.

§ 188-5 Public hearing prior to land acquisition; exception.

- A. No interest or right in real property shall be acquired pursuant to this article until a public hearing is held as required by § 247 of the General Municipal Law.
- B. Nothing herein shall prevent the Common Council from entering into a conditional purchase agreement before a public hearing is held.
- C. Any resolution of the Common Council approving an acquisition of land pursuant to this article shall find that acquisition was the best alternative for the protection of community character of all the reasonable alternatives available to the City.

§ 188-6 Management of acquired lands.

- A. Rights or interests in real property acquired under this article shall be administered and managed in a manner which:
 - (1) Allows public use and enjoyment in a manner compatible with the natural, scenic, historic, and open space character of such lands;
 - (2) Preserves the native biological diversity of such lands;

- (3) With regard to open spaces, limits improvements to enhancing access for passive use of such lands, such as nature trails, boardwalks, bicycle paths, hiking trails, snowshoe trails, cross country ski trails, and peripheral parking areas, provided that such improvements do not degrade the ecological value of the land or threaten essential wildlife habitat; and
- (4) Preserves cultural property consistent with accepted standards for historic preservation.
- B. Notwithstanding any other provision of this article there shall be no right to public use and enjoyment of land used in conjunction with a farm operation as defined by Subdivision 11 of § 301 of the Agriculture and Markets Law.
- C. The City may enter into agreements with corporations, organized under the Not-For-Profit Corporations Law that engage in land trust activities to manage lands, including less than fee interests acquired pursuant to this article.
- D. Any such agreement shall contain a provision that such corporation shall keep the lands accessible to the public unless such corporation shall demonstrate to the satisfaction of the City that public accessibility would be detrimental to the lands or any natural features associated therewith. Any such agreement shall contain a provision that such corporation shall keep and manage the lands consistent with this article.

§ 188-7 Disposal of lands acquired with fund monies.

- A. Rights or interests in real property acquired with monies from the fund shall not be sold, leased, exchanged, donated or otherwise disposed of or used for other than the purposes permitted by this article without the express authority of an act of the state legislature, which shall provide for the substitution of other lands of equal environmental value and fair market value and reasonably equivalent usefulness and location to those to be discontinued, sold or disposed of, and such other requirements as shall be approved by the state legislature.
- B. Any conservation easements created under Title 3 of Article 49 of the Environmental Conservation Law, which are acquired with monies from such fund, may only be modified or extinguished as provided in § 49-0307 of such law.
- C. Nothing in this article shall preclude the City, by local law, from establishing additional restrictions to the alienation of lands acquired pursuant to this article. This § 188-7 shall not apply to the sale of development rights by the City acquired pursuant to this article, where said sale is made by a development rights bank created by the City, pursuant to a transfer of development rights program established by the City pursuant to § 20-f-a of the City Law. However, said development rights program shall provide that:
 - (1) The lands from which said development rights were acquired shall remain preserved in perpetuity via a permanent conservation easement or other instrument that similarly preserves community character as defined in this article; and
 - (2) The proceeds from such sale shall be deposited in the fund.

RESOLUTION NO. ____ of 2024

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, ADOPTING A SEQRA DETERMINATION OF SIGNIFICANCE FOR (PROPOSED) LOCAL LAW NO. ____ OF 2024, (PROPOSED) LOCAL LAW NO. ____ OF 2024 AND (PROPOSED) LOCAL LAW ____ OF 2024. (NEGATIVE DECLARATION)

Sponsored by:

WHEREAS, the Common Council of the City of Kingston is considering the adoption of Local Law No. ____ (Proposed) of 2024, entitled “A LOCAL LAW ESTABLISHING A COMMUNITY PRESERVATION FUND AND CREATING A COMMUNITY PRESERVATION FUND ADVISORY BOARD AS AUTHORIZED BY GENERAL MUNICIPAL LAW § 6-s FOR THE PURPOSE OF PRESERVING NATURAL, SCENIC, HISTORIC AND OPEN SPACE RESOURCES WITHIN THE CITY”; and

WHEREAS, the Common Council of the City of Kingston is considering the adoption of Local Law No. ____ (Proposed) of 2024, entitled “A LOCAL LAW ADOPTING A COMMUNITY PRESERVATION PROJECT PLAN”; and

WHEREAS, the Common Council of the City of Kingston is considering the adoption of Local Law No. ____ (Proposed) of 2024, entitled “A LOCAL LAW TO PROTECT THE WATER QUALITY OF RIVERS, LAKES, AND STREAMS; PROTECT THE WATER QUALITY OF THE CITY OF KINGSTON’S DRINKING WATER; PRESERVE WORKING FARMS; ESTABLISH PARKS AND RECREATIONAL AREAS; AND PROTECT HISTORIC RESOURCES AND NATURAL AREAS BY CREATING A ONE AND ONE HALF PERCENT REAL ESTATE TRANSFER TAX ON THE CONVEYANCE OF INTERESTS IN REAL PROPERTY ABOVE THE MEDIAN SALES PRICE IN THE CITY , WITH REVENUES FROM THIS TAX TO BE DEPOSITED IN THE CITY OF KINGSTON COMMUNITY PRESERVATION FUND, WHICH MAY BE MATCHED BY STATE AND FEDERAL FUNDING AND WHICH WILL REQUIRE FULL PUBLIC DISCLOSURE OF ALL SPENDING”; and

WHEREAS, on _____, 2024, the Common Council classified the Proposed Local Laws as Type I actions under SEQRA and declared its intent to

serve as lead agency in a review of the Proposed Local Laws as it is the only involved agency; and

WHEREAS, the Proposed Local Laws will be applicable throughout the City of Kingston; and

WHEREAS, the Common Council has prepared a Full Environmental Assessment Form (FEAF) for the Proposed Local Laws; and

WHEREAS, the Common Council has considered the criteria contained in 6 NYCRR 617.7 and thoroughly analyzed all identified relevant areas of environmental concern disclosed in the FEAF; and

WHEREAS, the Common Council has reviewed Parts 2 and 3 of the FEAF setting forth reasons supporting a determination that the proposed actions will not have a significant adverse impact on the environment; and

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

SECTION 1: That the Common Council adopts a Negative Declaration and determines that the adoption of the Proposed Local Laws will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared; and

SECTION 2: That the City Clerk is hereby authorized and directed to distribute a copy of this resolution to all involved and interested agencies, the Mayor, and any person that has requested a copy and to make all other filings required by law.

SECTION 5: That this resolution shall take effect immediately

Submitted to the Mayor this _____ day
of _____ 2024

Approved by the Mayor this _____ day
of _____ 2024

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2024

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

	Agency Use Only [If applicable]
Project :	Kingston Community Preservation Plan
Date :	

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) NO YES
If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) NO YES
If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If "Yes", answer questions a - h. If "No", move on to Section 5.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)
If "Yes", answer questions a - g. If "No", move on to Section 6.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

8. <u>Impact on Agricultural Resources</u>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a.	Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	<input type="checkbox"/>	<input type="checkbox"/>
b.	The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	<input type="checkbox"/>	<input type="checkbox"/>
c.	The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d.	The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e.	The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	<input type="checkbox"/>	<input type="checkbox"/>
f.	There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	<input type="checkbox"/>	<input type="checkbox"/>
g.	Other impacts: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a.	The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	<input type="checkbox"/>	<input type="checkbox"/>
b.	The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	<input type="checkbox"/>	<input type="checkbox"/>
c.	The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.
(See Part 1. D.2.j)

 NO YES

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.
(See Part 1. D.2.k)

 NO YES

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.
(See Part 1. D.2.m., n., and o.)

 NO YES

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

LOCAL LAW ___ OF 2024 OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, ADOPTING A COMMUNITY PRESERVATION PROJECT PLAN

Sponsored By:

WHEREAS, the City of Kingston finalized a Community Preservation Plan on February 9, 2023 to promote the preservation of community character and the natural, scenic, historic, and open space resources within the City; and

WHEREAS, a request has been made to adopt the plan by local law pursuant to section 6-s of the General Municipal Law as the Community Preservation Project Plan; and

WHEREAS, the Common Council of the City of Kingston finds it in the best interests of the City to adopt said Community Preservation Project Plan in the form attached hereto;

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

SECTION 1. The purpose of this Local Law is to meet and implement the requirements of section 6-s of the General Municipal Law by hereby establishing and creating the City of Kingston Community Preservation Project Plan to help guide the City’s efforts to preserve natural, scenic, historic and open space resources with the City of Kingston.

SECTION 2, The City of Kingston Code Chapter 188 Community Preservation is amended to add thereto “Article II Community Preservation Project Plan”, said provision to read as follows:

Article II Community Preservation Project Plan

§ 188-8 Community Preservation Project Plan

A copy of the Community Preservation Project Plan on file with the City Clerk is attached hereto and incorporated as if fully set forth in this place. Said plan is intended to be the community preservation project plan required by subdivision 6

of § 6-s of the General Municipal Law and Chapter 188, Article I, of the City Code.

SECTION 3. If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

SECTION 4. This local law shall take effect upon filing with the Secretary of State.

Submitted to the Mayor this ____ day of _____, 2024

Approved by the Mayor this ____ day of _____, 2024

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2024

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information Approval by the involved agencies mentioned in Part 1.8, consistency with City of Kingston Comprehensive Plan and Open Space Plan as per Part I.A project description and Part 1.C.2a and consistency with adopted City plans as described in Part 1.C.2b . See Addendum to this Part 3 of the EAF, attached hereto and made a part hereof.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the City of Kingston Common Council _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Kingston Community Preservation Plan Project

Name of Lead Agency: City of Kingston Common Council

Name of Responsible Officer in Lead Agency: Andrea Shaut

Title of Responsible Officer: Common Council President

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Julie Noble

Address: 467 Broadway, Kingston NY 12401

Telephone Number: 845-481-7339

E-mail: JulieLNoble@kingston-ny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

LOCAL LAW ___ OF 2024 OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, TO PROTECT THE WATER QUALITY OF RIVERS, LAKES, AND STREAMS; PROTECT THE WATER QUALITY OF THE CITY OF KINGSTON'S DRINKING WATER; PRESERVE WORKING FARMS; ESTABLISH PARKS AND RECREATIONAL AREAS; AND PROTECT HISTORIC RESOURCES AND NATURAL AREAS BY CREATING A ONE AND ONE HALF PERCENT REAL ESTATE TRANSFER TAX ON THE CONVEYANCE OF INTERESTS IN REAL PROPERTY IN THE CITY , WITH REVENUES FROM THIS TAX TO BE DEPOSITED IN THE CITY OF KINGSTON COMMUNITY PRESERVATION FUND, WHICH MAY BE MATCHED BY STATE AND FEDERAL FUNDING AND WHICH WILL REQUIRE FULL PUBLIC DISCLOSURE OF ALL SPENDING

Sponsored By:

WHEREAS, the Common Council of the City of Kingston established a community preservation fund and community preservation fund advisory board pursuant to General Municipal Law §6-s for the purpose of preserving Natural, Scenic, Historic and Open Space Resources within the City; and

WHEREAS, Pursuant to section 6-s of the General Municipal Law the Common Council established and created the City of Kingston Community Preservation Project Plan to help guide the City's efforts to preserve natural, scenic, historic and open space resources with the City; and

WHEREAS, the Common Council of the City of Kingston, pursuant to §6-s the General Municipal Law and §33-B of the Tax Law, proposes a local law creating a tax on the transfer of real property to carry out the intent and purpose of the Community Preservation Law by financing the Community Preservation fund; and

WHEREAS, the Common Council of the City of Kingston, finds it in the best interests of the City to adopt said Proposed Local Law, in the form attached hereto;

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

SECTION 1. The purpose of this Local Law is to meet and implement the requirements of Section 6-s of the General Municipal Law by hereby establishing and creating a one and one half percent real estate transfer tax on the conveyance of interests in real property in the City, with revenues to be deposited in the City of Kingston Community Preservation Fund.

SECTION 2. The City of Kingston Code, Chapter 188 Community Preservation, is amended to add thereto the following new Article entitled “Article III Real Estate Transfer Tax”, said provision to read as follows in the form attached hereto and made part hereof.

SECTION 3. If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

SECTION 4. This local law shall take effect upon filing with the Secretary of State.

Submitted to the Mayor this ____ day of _____, 2024

Approved by the Mayor this ____ day of _____, 2024

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2024

Article III Real Estate Transfer Tax

§ 188-9 Definitions.

As used in this chapter, the following words and terms shall have the meanings indicated:

BUYER: The person who obtains real property or an interest therein as a result of a conveyance.

COMMISSIONER OF FINANCE: The Commissioner of Finance of the County of Ulster, or such successor as by law may be authorized to serve as Commissioner of Finance of the County of Ulster.

CONSIDERATION: The price actually paid or required to be paid for the real property or interest therein, including payment for an option or contract to purchase real property, whether or not expressed in the deed and whether paid or required to be paid by money, property, or any other thing of value. It shall also include the cancellation or discharge of an indebtedness or obligation. It shall also include the amount of any mortgage, purchase money mortgage, lien, or other encumbrance, whether or not the underlying indebtedness is assumed or taken subject to.

- A. In the case of the creation of a leasehold interest or the granting of an option with use and occupancy of real property, consideration shall include, but not be limited to, the value of the rental and other payments attributable to the use and occupancy of the real property or interest therein, the value of any amount paid for an option to purchase or renew, and the value of rental or other payments attributable to the exercise of any option to renew.
- B. In the case of the creation of a subleasehold interest, consideration shall include, but not be limited to, the value of the sublease rental payments attributable to the use and occupancy of the real property, the value of any amount paid for an option to renew, and the value of rental or other payments attributable to the exercise of any option to renew, less the value of the remaining prime lease rental payments required to be made.
- C. In the case of a controlling interest in any entity that owns real property, consideration shall mean the fair market value of the real property or interest therein, apportioned based on the percentage of the ownership interest transferred or acquired in the entity.
- D. In the case of an assignment or surrender of a leasehold interest or the assignment or surrender of an option or contract to purchase real property, consideration shall not include the value of the remaining rental payments required to be made pursuant to the terms of such lease or the amount to be paid for the real property pursuant to the terms of the option or contract being assigned or surrendered.
- E. In the case of i) the original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan sponsor and ii) the subsequent conveyance by the owner thereof of such stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold for a cooperative unit other than an individual residential unit, consideration shall include a proportionate share of the unpaid principal of any mortgage on the real property of the cooperative housing corporation comprising the cooperative dwelling or dwellings. Such share shall be determined by multiplying the total unpaid principal of the mortgage by a fraction, the numerator of which shall be the number of shares of stock being conveyed in the cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold and the

denominator of which shall be the total number of shares of stock in the cooperative housing corporation.

CONTROLLING INTEREST: i) In the case of a corporation, either 50% or more of the total combined voting power of all classes of stock of such corporation, or 50% or more of the capital, profits, or beneficial interest in such voting stock of such corporation, and ii) in the case of a partnership, association, trust, or other entity, 50% or more of the capital, profits, or beneficial interest in such partnership, association, trust or other entity.

CONVEYANCE: The transfer or transfers of any interest in real property by any method including but not limited to sale, exchange, assignment, surrender, mortgage foreclosure, transfer in lieu of foreclosure, option, trust indenture, taking by eminent domain, conveyance upon liquidation or by a receiver, or transfer or acquisition of a controlling interest in any entity with an interest in real property. Transfer of an interest in real property shall include the creation of a leasehold or sublease only where i) the sum of the term of the lease or sublease and any options for renewal exceeds 49 years, ii) substantial capital improvements are or may be made by or for the benefit of the lessee or sublessee, and iii) the lease or sublease is for substantially all of the premises constituting the real property. Notwithstanding the foregoing, conveyance of real property shall not include conveyance pursuant to devise, bequest, or inheritance; the creation, modification, extension, spreading, severance, consolidation, assignment, transfer, release or satisfaction of a mortgage; a mortgage subordination agreement, a mortgage severance agreement, or an instrument given to perfect or correct a recorded mortgage; or a release of lien of tax pursuant to this chapter or the Internal Revenue Code.

FUND: The City of Kingston Community Preservation Fund created and established pursuant to § 6-s of the New York General Municipal Law and Article I of this chapter.

INTEREST IN REAL PROPERTY: Includes title in fee, a leasehold interest, a beneficial interest, an encumbrance, development rights, air space and air rights, or any other interest with the right to use or occupancy of real property or the right to receive rents, profits or other income derived from real property. It shall also include an option or contract to purchase real property. It shall not include a right of first refusal to purchase real property.

PERSON: An individual, partnership, society, limited-liability company, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, any combination of individuals, and any other form of unincorporated enterprise owned or conducted by two or more persons.

REAL PROPERTY: Every estate or right, legal or equitable, present or future, vested or contingent, in lands, tenements or hereditaments, including buildings, structures and other improvements thereon, which are located in whole or in part within the City. It shall not include rights to sepulture.

RECORDING OFFICER: The County Clerk of the County of Ulster.

SELLER: The person making the conveyance of real property or interest therein. Where the conveyance consists of a transfer or an acquisition of a controlling interest in an entity with an interest in real property, "seller" shall mean the entity with an interest in real property or a shareholder or partner transferring stock or partnership interest.

CITY: The City of Kingston.

CITY COMPTROLLER: The City Comptroller of the City of Kingston.

§ 188-10 Imposition of real estate transfer tax.

There is hereby imposed in the City of Kingston a tax on each conveyance of real property or interest therein, as authorized by Article 33-B of New York Tax Law, the rate of such tax to be 1.5% of the consideration for the conveyance. Revenues from such tax shall be deposited in the City of Kingston Community Preservation Fund established pursuant to Article I of this chapter and may be used solely for the purpose of said fund. Such tax shall apply to any conveyance occurring on or after _____, 2024, but shall not apply to conveyances made on or after such date pursuant to binding written contracts entered into prior to such date, provided that the date of execution of such contract is confirmed by independent evidence such as the recording of the contract, payment of a deposit, or other facts and circumstances as determined by the Commissioner of Finance.

§ 188-11 Payment of tax.

- A. The real estate transfer tax imposed pursuant to this article shall be paid to the Commissioner of Finance, or to the Recording Officer acting as the agent of the Commissioner of Finance upon designation as such agent by the Commissioner of Finance. Such tax shall be paid at the same time as the real estate transfer tax imposed by Article 31 of the New York Tax Law is required to be paid. Such Commissioner of Finance or Recording Officer shall endorse upon each deed or instrument effecting a conveyance a receipt for the amount of the tax so paid.
- B. A return shall be required to be filed with such Commissioner of Finance or Recording Officer for purposes of the real estate transfer tax imposed pursuant to this article at the same time as a return is required to be filed for purposes of the real estate transfer tax imposed by Article 31 of the Tax Law. The Commissioner of Finance shall prescribe the form of return, the information that it shall contain, and the documentation that shall accompany the return. Said form shall be identical to the real estate transfer tax return required to be filed pursuant to § 1409 of the New York Tax Law, except that the Commissioner of Finance shall adapt said form to reflect the provisions of this article which are inconsistent with, different from, or in addition to the provisions of Article 31 of the Tax Law. The real estate transfer tax returns required to be filed pursuant to this section are required to be preserved for three years and thereafter until such Commissioner of Finance or Recording Officer orders them to be destroyed.
- C. The Recording Officer shall not record an instrument effecting a conveyance unless the return required by this section has been filed and unless the tax imposed pursuant to this article shall have been paid as provided in this section.

§ 188-12 Liability for tax.

- A. The real estate transfer tax required hereunder shall be paid by the buyer. If the buyer has failed to pay the tax imposed pursuant to this article, or if the buyer is exempt from such tax, the seller shall have the duty to pay the tax. Where the seller has the duty to pay the tax because the buyer has failed to pay, such tax shall be the joint and several liability of the buyer and seller.
- B. For the purpose of the proper administration of this article and to prevent evasion of the tax hereby imposed, it shall be presumed that all conveyances are taxable. Where the consideration includes property other than money, it shall be presumed that the consideration is the fair market value of the real property or interest therein. These presumptions shall prevail until the contrary is proven, and the burden of proving the contrary shall be on the person liable for payment of the tax.

§ 188-13 Exemptions from tax.

A. Exemption for government agencies. The following entities shall be exempt from payment of the real estate transfer tax imposed by this article:

- (1) The State of New York or any of its agencies, instrumentalities, political subdivisions, or public corporations (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada);
- (2) The United Nations; and
- (3) The United States of America and any of its agencies or instrumentalities.

B. Exemption for certain conveyances. The real estate transfer tax imposed by this article shall not apply to any of the following conveyances:

- (1) Conveyances to the United Nations, the United States of America, the State of New York or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada);
- (2) Conveyances which are or were used to secure a debt or other obligation;
- (3) Conveyances which, without additional consideration, confirm, correct, modify, or supplement a prior conveyance;
- (4) Conveyances of real property without consideration and otherwise than in connection with a sale, including conveyances conveying realty as bona fide gifts;
- (5) Conveyances given in connection with a tax sale;
- (6) Conveyances to effectuate a mere change of identity or form of ownership or organization where there is no change in beneficial ownership, other than conveyances to a cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings;
- (7) Conveyances which consist of a deed of partition;
- (8) Conveyances given pursuant to the Federal Bankruptcy Act;
- (9) Conveyances of real property which consist of the execution of a contract to sell real property without the use or occupancy of such property or the granting of an option to purchase real property without the use or occupancy of such property;
- (10) Conveyances of real property where the entire parcel of real property is the subject of one or more of the following development restrictions:
 - (a) An agricultural, conservation, scenic, or open space easement;
 - (b) Covenants or restrictions which prohibit the development where the property being conveyed has had its development rights permanently removed;
 - (c) A purchase of development rights agreement where the property being conveyed has had its development rights permanently removed;
 - (d) A transfer of development rights agreement, where the property being conveyed has had its development rights permanently removed;
 - (e) Real property subject to any locally adopted land preservation agreement;
- (11) Conveyances of real property, where the property is viable agricultural land as defined in Subdivision 7 of § 301 of the Agriculture and Markets Law and the entire property to be conveyed is to be made subject to one of the development restrictions set forth in the preceding Subsection B(10), provided that said development restriction precludes the conversion of the property to a nonagricultural use for at least eight years from the date of transfer, and said development restriction is evidenced by an easement, agreement, or

other suitable instrument which is to be conveyed to the City simultaneously with the conveyance of the real property;

- (12) Conveyances of real property for open space, parks, or historic preservation purposes to any not-for-profit tax-exempt corporation operated for conservation, environmental, parks or historic preservation purposes.

§ 188-14 Additional exemption.

There shall be allowed an exemption of an amount equal to the median sales price of residential real property within the City of Kingston, as determined by the State Commissioner of Taxation and Finance, on the consideration of the conveyance of improved or unimproved real property or an interest therein.

§ 188-15 Credit for prior tax paid on creation of leasehold or grant of option or contract to purchase.

A buyer shall be allowed a credit against the tax due on a conveyance of real property to the extent that tax was paid by such buyer on a prior creation of a leasehold of all or a portion of the same real property or on the granting of an option or contract to purchase all or a portion of the same real property by such buyer. Such credit shall be computed by multiplying the tax paid on the creation of the leasehold or on the granting of the option or contract by a fraction, the numerator of which is the value of the consideration used to compute such tax paid which is not yet due to such seller on the date of the subsequent conveyance (and which such seller will not be entitled to receive after such date) and the denominator of which is the total value of the consideration used to compute such tax paid.

§ 188-16 Cooperative housing corporation transfers.

A. Notwithstanding the definition of "controlling interest" contained in § 188-9 hereof or anything to the contrary found in the definition of "conveyance" contained in said section, the tax imposed pursuant to this article shall apply to the following:

- (1) The original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan sponsor;
- (2) The subsequent conveyance of such stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the owner thereof. With respect to any such subsequent conveyance where the property is an individual residential unit, the consideration for the interest conveyed shall exclude the value of any liens on certificates of stock or other evidences of an ownership interest in and a proprietary lease from a corporation or partnership formed for the purpose of cooperative ownership of residential interest in real estate remaining thereon at the time of conveyance. In determining the tax on a conveyance described in Subsection A(1) above, a credit shall be allowed for a proportionate part of the amount of any tax paid upon the conveyance to the cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings to the extent that such conveyance effectuated a mere change of identity or form of ownership of such property and not a change in the beneficial ownership of such property. The amount of credit shall be determined by multiplying the amount of tax paid upon the conveyance to the cooperative housing corporation by a percentage representing the extent to which such conveyance effectuated

a mere change of identity or form of ownership and not a change in the beneficial ownership of such property, and then multiplying the resulting product by a fraction, the numerator of which shall be the number of shares of stock conveyed in a transaction described in Subsection A(1) and the denominator of which shall be the total number of shares of stock of the cooperative housing corporation (including any stock held by the corporation). In no event, however, shall such credit reduce the tax on a conveyance described in Subsection A(1) below zero, nor shall any such credit be allowed for a tax paid more than 24 months prior to the date on which occurs the first in a series of conveyances of shares of stock in an offering of cooperative housing corporation shares described in Subsection A(1).

B. Every cooperative housing corporation shall be required to file an information return with the County Commissioner of Finance by July 15 of each year covering the preceding period of January 1 through June 30 and by January 15 of each year covering the preceding period of July 1 through December 31. The return shall contain such information regarding the conveyance of shares of stock in the cooperative housing corporation as the Commissioner of Finance may deem necessary, including, but not limited to, the names, addresses, and employee identification numbers or social security numbers of the seller and the buyer, the number of shares conveyed, the date of the conveyance, and the consideration paid for such conveyance.

§ 188-17 Designation of agent by County Commissioner of Finance.

The Commissioner of Finance is authorized by law to designate the Recording Officer to act as such officer's agent for the purpose of collecting the tax authorized by this article. The Commissioner of Finance shall provide for the manner in which such person may be designated as such officer's agent subject to such terms and conditions as such officer shall prescribe. The real estate transfer tax shall be paid to such agent as provided in § 188-11 hereof.

§ 188-18 Liability of Recording Officer.

A Recording Officer shall not be liable for any inaccuracy in the amount of tax imposed pursuant to this article that he shall collect so long as such officer shall compute and collect such tax on the amount of consideration or the value of the interest conveyed as such amounts are provided to such officer by the person paying the tax.

§ 188-19 Refunds.

Whenever the Commissioner of Finance shall determine that any moneys received under the provisions of this article were paid in error, he may cause such money to be refunded pursuant to such requirements as he may prescribe, provided that any application for such refund is filed with the Commissioner of Finance within two years from the date the erroneous payment was made.

§ 188-20 Deposit and disposition of revenue.

A. All taxes, penalties, and interest imposed by the City under the authority of this article, which are collected by the Commissioner of Finance or such officer's agents, shall be deposited in a single trust fund for the City and shall be kept in trust and separate and apart from all other monies in possession of the Commissioner of Finance. Moneys in such fund shall be deposited and secured in the manner provided by § 10 of the General Municipal Law. Pending expenditure from such fund, moneys therein may be invested in the manner provided in § 11 of the General

Municipal Law. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue to and become part of such fund.

B. The Commissioner of Finance shall retain such amount as he may determine to be necessary for refunds with respect to the tax imposed by the City under the authority of this article, out of which the Commissioner of Finance shall pay any refunds of such taxes to those taxpayers entitled to a refund pursuant to the provisions of this article.

C. The Commissioner of Finance, after reserving such funds, shall on or before the 12th day of each month, pay to the City Comptroller the taxes, penalties, and interest imposed by the City under the authority of this article, collected by the Commissioner of Finance pursuant to this article during the next preceding calendar month. The amount so payable shall be certified to the City Comptroller by the Commissioner of Finance, who shall not be held liable for any inaccuracy in such certification. However, any such certification may be based on such information as may be available to the Commissioner of Finance at the time such certification must be made under this section.

D. Where the amount so paid over to the City in any such distribution is more or less than the amount due to the City, the amount of the overpayment or underpayment shall be certified to the City Comptroller by the Commissioner of Finance, who shall not be held liable for any inaccuracy in such certification. The amount of the underpayment or overpayment shall be so certified to the City Comptroller as soon after the discovery of the overpayment or underpayment as reasonably possible and subsequent payments and distributions by the Commissioner of Finance to such City shall be adjusted by subtracting the amount of any such overpayment from or by adding the amount of any such underpayment to such number of subsequent payments and distributions as the Commissioner of Finance and City Comptroller shall consider reasonable in view of the underpayment or overpayment and all other facts and circumstances.

E. All monies received from the Commissioner of Finance by the City Comptroller shall be deposited in the Community Preservation Fund established pursuant to Article I of this chapter.

§ 188-21 Judicial review.

A. Any final determination of the amount of any tax payable under this article shall be reviewable for error, illegality, or unconstitutionality, or any other reason whatsoever, by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within four months after the giving of the notice of such final determination; provided, however, that any such proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless:

- (1) The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by this chapter, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in New York State and approved by the State Superintendent of Financial Services as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve, to the effect that, if such proceeding shall be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or
- (2) At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interest, and penalties stated in such determination, plus the costs and charges which may accrue against such petitioner in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest, or penalties as a condition precedent to the application.

B. Where any tax imposed hereunder shall have been erroneously, illegally, or unconstitutionally assessed or collected, and application for the refund or revision thereof duly made to the Commissioner of Finance, and such Commissioner of Finance shall have made a determination denying such refund or revision, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that:

- (1) Such proceeding is instituted within four months after the giving of the notice of such denial;
- (2) A final determination of tax due was not previously made; and
- (3) An undertaking is filed with the Commissioner of Finance in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that if such proceeding is dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

§ 188-22 Apportionment of consideration subject to tax for property located only partly within City.

A. Where real property is situated partly within and partly without the boundaries of the City, the consideration subject to tax is such part of the total consideration as is attributable to the portion of such real property situated within the City or to the interest in such portion. If the consideration attributable to the property located in the City is set forth in the contract, such amount may be used to compute the tax due.

B. If the contract does not set forth the amount of consideration attributable to the portion of real property or interest therein situated within the City, the consideration shall be reasonably allocated between the portion of such property or interest therein situated within the City and the portion of such property or interest therein situated without the City. If the seller and the buyer enter into a written agreement, signed by both the seller and the buyer, which sets forth a reasonable allocation of consideration, that allocation of consideration may be used to compute the tax due. If the seller and the buyer do not enter into such an agreement, or if the allocation of consideration set forth in such agreement is deemed unreasonable by the Commissioner of Finance, the allocation of consideration must be computed by multiplying the amount of consideration by a fraction, the numerator of which is the fair market value of the real property or interest therein situated within the City, and the denominator of which is the total fair market value of all the real property or interest therein being conveyed. Except in the case of a transfer or acquisition of a controlling interest where consideration means fair market value of the real property or interest therein, the tax shall be computed on the allocated portion of the actual consideration paid, even if that amount is greater or less than the fair market value as determined by appraisal.

C. Where the methods provided under this section do not allocate the consideration in a fair and equitable manner, the Commissioner of Finance may require the seller and buyer to allocate the consideration under such method as such officer prescribe, so long as the prescribed method results in a fair and equitable allocation.

§ 188-23 Determination of tax; petition to City Comptroller.

A. If a return required by this article is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the Commissioner of Finance from such records or information as may be obtainable, including the assessed valuation of the real property or interest therein and other appropriate factors. Notice of such determination shall be

given to the person liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 90 days after the giving of notice of such determination, shall petition the City Comptroller for a hearing, or unless the Commissioner of Finance, on the Commissioner of Finance's own motion, shall redetermine the same. The City Comptroller may designate, in writing, a hearing officer to hear such an appeal, which hearing officer shall file a written report and recommendation with the City Comptroller. In any case before the City Comptroller under this article, the burden of proof shall be on the petitioner. After such hearing, the City Comptroller shall give notice of the determination to the person against whom the tax is assessed and to the Commissioner of Finance. Such determination may be reviewed in accordance with the provisions of § 188-21 of this article. A proceeding for judicial review shall not be instituted unless:

- (1) The amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the Commissioner of Finance and there shall be filed with the Commissioner of Finance an undertaking, issued by a surety company authorized to transact business in New York State and approved by the State Superintendent of Financial Services as to solvency and responsibility, in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that if such proceeding shall be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding; or
 - (2) At the option of the petitioner, such undertaking filed with the Commissioner of Finance may be in a sum sufficient to cover the taxes, penalties, and interest thereon stated in such decision, plus the costs and charges which may accrue against the petitioner in the prosecution of the proceeding; in which event, the petitioner shall not be required to deposit such taxes, penalties, and interest as a condition precedent to the commencement of the proceeding.
- B. A person liable for the tax imposed by this article (whether or not a determination assessing a tax pursuant to Subsection A of § 188-23 hereof has been made) shall be entitled to have the tax due finally and irrevocably fixed prior to the ninety-day period referred to in Subsection A by filing with the Commissioner of Finance a signed statement consenting thereto, in writing and in such form as the Commissioner of Finance shall prescribe.
- C. The remedies provided by this section and § 188-21 of this article shall be the exclusive remedies available to any person for the review of tax liability imposed by this article.

§ 188-24 Proceedings to recover tax due.

A. Whenever any person shall fail to pay any tax, penalty, or interest imposed by this article, the City Attorney or attorneys designated by the City shall, upon the request of the Commissioner of Finance, bring or cause to be brought, an action to enforce the payment of the same on behalf of the City, in any court of the State of New York or of any other state or of the United States.

B. As an additional and alternative remedy, the Commissioner of Finance may issue a warrant, directed to the Sheriff of Ulster County, commanding such officer to levy upon and sell any real and personal property of a seller or buyer liable for the tax which may be found within the County, for payment of the amount thereof, with any penalty and interest and the cost of executing the warrant, and to return such warrant to the Commissioner of Finance and to pay the Commissioner of Finance the money collected by virtue thereof within 60 days after the receipt of the warrant. The Sheriff shall, within five days after the receipt of the warrant, file with the

Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalty, and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien on the title to and interest in real and personal property of the person against whom the warrant is issued. Such lien shall not apply to personal property unless such warrant is filed with the Department of State. The Sheriff shall then proceed upon the warrant in the same manner and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the Commissioner of Finance, a warrant of like terms, force, and effect may be issued and directed to any officer or employee of the county; and in the execution thereof, such officer or employee shall have all the powers conferred by law upon Sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. Upon such filing of a copy of a warrant, the Commissioner of Finance shall have the same remedies to enforce the amount due thereunder as if the County of Ulster had recovered the judgment therefor.

§ 188-25 Interest and civil penalties.

A. Any seller or buyer failing to file a return or to pay any tax within the time required by this article shall be subject to a penalty of 10% of the amount of the tax due plus an interest penalty of 2% of such amount, for each month of delay or fraction thereof after the expiration of the first month after such return was required to be filed or such tax became due; such interest penalty shall not exceed 25% in the aggregate. If the Commissioner of Finance determines that such failure or delay was due to reasonable cause and not due to willful neglect, the Commissioner of Finance shall remit, abate or waive all of such penalty and interest penalty.

B. If any amount of tax is not paid on or before the last date prescribed in § 188-11 hereof for payment, interest on such amount shall be paid for the period from such last date to the date paid at the underpayment rate set by the Commissioner of Taxation and Finance on underpayment of the taxes imposed by Article 31 of the Tax Law. If the County Commissioner of Finance determines that there has been an overpayment of tax, interest at the overpayment rate set by the State Commissioner of Taxation and Finance for payments due pursuant to Article 31 of the Tax Law shall be paid by the County Commissioner of Finance to the seller or buyer, on any refund paid pursuant to the provisions of this article.

C. The penalties and interest provided for in this section shall be paid to the County Commissioner of Finance and shall be determined, assessed, collected and distributed in the same manner as the tax imposed by this article, and any reference to tax in this article shall be deemed to refer to the penalties and interest imposed in this section.

§ 188-26 Confidentiality of transfer tax returns.

A. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any officer or employee of the County or the City, or any person engaged or retained on an independent contract basis, to divulge or make known in any manner the particulars set forth or disclosed in any return required under this article. However, nothing in this section shall prohibit the recording officer from making a notation on an instrument effecting a conveyance indicating the amount of tax paid. No recorded instrument effecting a conveyance shall be considered a return for the purposes of this section.

B. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County or the City in any action or proceeding involving the collection of a tax due under this article to which the County or the City or an officer or employee of the County or the City is a party or a claimant, or on behalf of any party to any action or proceeding under the provisions of this article when the returns or facts shown thereby are directly involved in such action or proceeding; in any of which events the court may require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more.

C. Nothing herein shall be construed to prohibit the delivery to a seller or buyer of an instrument effecting a conveyance, or to the duly authorized representative of such seller or buyer, of a certified copy of any return filed in connection with such instrument or to prohibit the publication of statistics so classified as to prevent the identification of particular returns or the items thereof or to prohibit the inspection by the legal representatives of the County or the City of the return of any taxpayer who shall bring action to set aside or review the tax based thereon.

§ 188-27 Intergovernmental agreements authorized.

The Common Council shall be authorized to, by resolution, enter into any intergovernmental agreement with the County of Ulster deemed necessary for the effective and efficient administration and enforcement of this chapter.

②
Tinti, Elisa

L+R

From: Shaut, Andrea
Sent: Tuesday, April 23, 2024 1:25 PM
To: Tinti, Elisa
Cc: Scott-Childress, Reynolds
Subject: Fw: Reduction to consider
Attachments: Resolution for NYS legislation.docx

Hi Elisa,

Can you include this email thread and the attachment in my communications folder?

Thanks,

Andrea Shaut

Council President, City of Kingston

From: Scott-Childress, Reynolds <Ward3@kingston-ny.gov>
Sent: Monday, April 22, 2024 5:52 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Subject: Reduction to consider

Hi Andrea,

Did I already forward this resolution to you for Council consideration?

If not, could you assign it to a committee?

Best wishes,
Rennie

Reynolds J. Scott-Childress
Alderman, Ward 3, City of Kingston
(845) 392-2919 mobile

[INSERT LEGISLATIVE BODY HERE]

RESOLUTION NO: [INSERT # HERE]

Support for the New York State Assembly and Senate to Pass a Strong Packaging Reduction and Recycling Infrastructure Act (A.5322-A/S.4246-A) and Expand the State's Bottle Bill (A.6353/S.237-B)

WHEREAS, packaging makes up approximately 40 percent of the waste in New York State, and

WHEREAS, managing packaging waste costs New York taxpayers hundreds of million of dollars annually, and

WHEREAS, some packaging is not recyclable and reusable and refillable packaging systems are not readily available, and

WHEREAS, plastic causes serious pollution including litter and use of toxic chemicals, and

WHEREAS, companies that produce packaging should help bear the costs of packaging waste, not just taxpayers and

WHEREAS, enacting the Packaging Reduction and Recycling Infrastructure Act, as drafted in the New York Assembly A.5322-A and the New York Senate S.4246-A, would reduce waste, increase recycling rates, create jobs, reduce toxicity in products, provide millions of dollars in savings for local governments and taxpayers, and lower greenhouse gas emissions, and

WHEREAS, the Packaging Reduction and Recycling Infrastructure Act should work in tandem with and supplement New York State's Returnable Container Act, and

WHEREAS, New York's Returnable Container Act should be modernized to reflect an expanded market of beverages, and the deposit on beverage containers should be increased to 10 cents.

BE IT RESOLVED, that [INSERT JURISDICTION] urges the New York State Legislature to pass and Governor Kathy Hochul to sign into law a strong and effective Packaging Reduction and Recycling Infrastructure Act A5322-A/S4246-A, and an expanded and modernized Bottle Bill A.6353/S.237-B, and

RESOLVED, further, That [INSERT JURISDICTION] shall forward copies of this resolution to Governor Kathy Hochul, the New York Assembly Speaker and New

York State Senate Majority Leader, [INSERT STATE SENATOR], [INSERT STATE ASSEMBLYMEMBER], and all others deemed necessary and proper.

3
Tinti, Elisa

From: Dennison, Bob
Sent: Monday, April 22, 2024 8:45 AM
To: Shaut, Andrea; Tinti, Elisa
Cc: Hirsch, Michele
Subject: Fwd: [EXTERNAL EMAIL] shared bike resolution
Attachments: Resolution to permit a shared ebike rev5.docx

Madam President-

Please consider this a communication and a request to add this draft resolution to the May Laws and Rules agenda. Thank you.

Bob Dennison

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

From: Robert Dennison <radennison3@gmail.com>
Date: Apr 22, 2024 8:21 AM
Subject: [EXTERNAL EMAIL] shared bike resolution
To: "Dennison, Bob" <Ward6@kingston-ny.gov>
Cc:

RAD3

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

3

LAR

Resolution to permit a shared bicycle/ebike/escooter system in the City of Kingston ,NY

Whereas: bicycles and electrically assisted bicycles and scooters (ebikes and scooters) may be operated on the streets and pathways in the City of Kingston and

Whereas: residents and visitors to the City use bicycles, ebikes and scooters as a form of transportation within the City and

Whereas: The City of Kingston Common Council has stated a goal of increasing the number of cyclists for health, environmental, social and economic benefits in the Pedestrian and Bicycle Masterplan, the Climate Action Plan 2030 and the Kingston Comprehensive Plan 2025 and

Whereas: a shared system (rental) of bicycles, ebikes/scooters would meet a need and advance the Comon Council goal by providing another local transportation option to resident and visitor cyclists and:

Whereas: a shared (rental) bicycle, ebike/scooter system must be regulated to ensure it is operated in a safe manner to protect residents and visitors;

Resolved: That the Common Council will allow a regulated system of shared (rental) bicycles, and electrically assisted vehicles to be implemented under a permit issued and administrated by the City administration.

City of Kingston Common Council Resolution Opposing Delivery Rate Increases by Central Hudson Gas and Electric Corporation

WHEREAS, Central Hudson Gas & Electric Corporation ("Central Hudson") has applied to the New York State Public Service Commission for increases in its electricity delivery rates and its natural gas delivery rates effective July 1, 2024; and

WHEREAS, Central Hudson seeks a rate increase for electric delivery charges that would result in an estimated increase of \$30.12 (31.9% increase on the delivery bill, or 16.4% increase on the total bill) for an average residential customer using 660 kWh per month; and

WHEREAS, Central Hudson seeks a rate increase for gas delivery charges that would result in an increase of \$30.13 (29.2% increase on the delivery bill, or 19.0% increase on the total bill) for an average residential customer using 780 Ccf per year; and

WHEREAS, the increases proposed by Central Hudson, if approved, would also lead to similar increases for small businesses; and

WHEREAS, Central Hudson is a regulated transmission and distribution utility serving approximately 309,000 electric customers and 84,000 gas customers in the Mid-Hudson River Valley, including the City of Kingston; and

WHEREAS, customers in a typical home, for owners and renters alike or small business will be experiencing increases in their electric and natural gas delivery bills at a time when many are continuing to experience extraordinary financial hardships due to inflation; and

WHEREAS, based on Public Service Department records, Central Hudson's customers are continuing to experience arrears at a significantly higher level than other New York utilities; and

WHEREAS, documents filed by Central Hudson as part of the utility's rate hike request show that from February 2020 through June 30 of this year, residential customers' arrears greater than 60 days grew by 1,044%, to \$96 million, while non-residential arrears grew by 1,971%, to \$29 million; and

WHEREAS, Central Hudson customers have faced additional stress and financial difficulty due to the utility's billing problems, which are being investigated by the New York Public Service Commission (PSC), under case 22-M-0645, and which have led the PSC to order Central Hudson to "to show cause why the Commission should not commence a proceeding to examine the prudence of the utility's expenses, and/or a

civil penalty action and/or an administrative penalty action, pursuant to Public Service Law §§25 and 25-a, for apparent violations of the Public Service Law, rules and regulations adopted thereto,” and

WHEREAS, the City of Kingston is identified as a New York State disadvantaged community, including many households that are vulnerable and already subject to economic difficulty;¹

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Kingston does hereby oppose the rate increases for delivery of electricity and natural gas for which Central Hudson Gas & Electric Corporation has applied; and

BE IT FURTHER RESOLVED that certified copies of the Resolution be delivered by the City Clerk to the Hon. Michelle L. Phillips, Secretary, New York State Public Service Commission; the Hon. Sarahana Shrestha, New York State Assemblymember for the 103rd District; the Hon. Patrick Ryan, Representative for the 19th District; the Hon. Kirsten Gillibrand, U.S. Senator for New York; the Hon. Charles Schumer, U.S. Senator for New York; the Hon. Jen Metzger, Ulster County Executive; and to the chief executives of surrounding municipalities served by Central Hudson; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

¹ City of Kingston is one of disadvantaged communities identified statewide based on the criteria established by the Climate Justice Working Group, as required by the Climate Leadership and Community Protection Act.

OLD BUSINESS

Tinti, Elisa

L+R

From: Shaut, Andrea
Sent: Monday, March 25, 2024 2:48 AM
To: Tinti, Elisa
Subject: Fw: Food trucks- communications

Please include the below email in my communications folder.

Thank you!

Andrea Shaut

Council President, City of Kingston

From: Edwards, Jeanne <Ward4@kingston-ny.gov>
Sent: Sunday, March 24, 2024 2:18 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Subject: Food trucks- communications

Dear Madame President and Common Council,

Good afternoon, I hope this email finds you well. I am writing to inform you of the issues regarding the flow of traffic on Elemendorf St, Downs St and O'Neil St. At the entrance to each of these streets there are food trucks permanently parked, interrupting the flow of traffic, pedestrian crossings and taking up legal parking spaces, limiting parking for business and residents and visitors to the area.

Additionally, restaurant owners have expressed their feelings regarding these trucks and the issues they present to them. The restaurateur's pay high rents, taxes, insurances and have the need to employ many members of staff, while these trucks function under different guidelines and are taking up coveted parking spots and creating unnecessary competition and intrusion in the restaurant community.

The solution that would best serve our community is to have designated areas for food trucks to park to control the flow of traffic, the safety of patrons and pedestrians and create a more harmonious and prosperous environment where the city of Kingston, midtown area, can continue to be a food destination while meeting the needs of all its small business owners and showing our support to the brick and mortar locations as well as our mobile establishments.

I believe the council should establish a resolution that sets a time frame for when and where these mobile trucks operate. They should not be able to stay parked in the same space 24/7, commandeering coveted spaces that should be rotated more regularly to allow all mobile businesses to prosper here in Kingston.

Thank you for your time and consideration on this matter, we look forward to your anticipated cooperation in bettering our city and keeping it safe.

Respectfully yours,
Alderman Jeanne Edwards

2
From: Edwards, Jeanne <Ward4@kingston-ny.gov>
Sent: Wednesday, February 7, 2024 1:26 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Subject: Communications

Dear President Shaut,

I am writing to request the parcels of land on Van Buren Street 45-49 to be officially named, Dj'aneira Mason Park.

She was tragically shot in her home at Christmas time.

Please feel free to contact me if you have any questions or concerns.

Respectfully submitted.

Alderman Jeanne Edwards

THE CITY OF KINGSTON COMMON COUNCIL

**LAWS & RULES
COMMITTEE REPORT**

DEPARTMENT: _____

DATE: _____

Description:

Signature _____

Motion by _____

Seconded by _____

Action Required:

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

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Michele Hirsch, Chairman, Ward 9		
Reynolds Scott Childress, Ward 3		
Sara Pasti, Ward 1		
Teryl Mickens, Ward 2		
Robert Dennison, Ward 6		

3

LTR

Tinti, Elisa

From: Shaut, Andrea
Sent: Friday, January 26, 2024 9:45 AM
To: Tinti, Elisa
Cc: Scott-Childress, Reynolds
Subject: Fw: Communication re Establishing a Charter Review Task Force

Good morning,

Please include the following email in my communications folder.

Thank you,

Andrea Shaut

Council President, City of Kingston

From: Scott-Childress, Reynolds <Ward3@kingston-ny.gov>
Sent: Tuesday, January 23, 2024 7:40 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Subject: Communication re Establishing a Charter Review Task Force

Dear President Shaut,

I request that the appropriate committee of the Kingston Common Council consider initiating a process to establish a "Kingston Charter Revision Task Force."

The NY Department of State document, "Revising City Charters in New York State," describes a City charter as "the basic document that defines the organization, powers, functions and essential procedures of the city government. It is comparable to the State Constitution and the Constitution of the United States. The charter is, therefore, the most important single law of any city." The Department of State document notes that a "good charter should provide a clear distribution of the powers of city government and clear descriptions of the duties and powers of municipal officials."

Reasons to consider Charter revision, or at least review, might include:

- Providing the basis for reconsidering municipal regulatory functions and improving the delivery of municipal services.
- Avoiding problems caused by obsolete provisions that may have become unworkable due to changed conditions.
- Removing contradictions between outmoded structural features and excellent delivery of essential services.
- Establishing a reasonable balance of powers to ensure our City government equitably represents Kingston residents' interests.

From what I understand, the City of Kingston's charter has not been reviewed in more than twenty years. It is certainly possible that our Charter is not in need of significant revision. But I believe it is high time we consider the quality of the current Charter with an eye to making any improvements a review might reveal.

For a general guide to City charter reform, see the National Civic League's *Guide for Charter Commissions*, 6th edition. For the guide produced by the New York Department of State's Division of Local Government Services, see "Revising City Charters in New York State."

Sincerely yours,

Reynolds J. Scott-Childress

Alderman, Ward 3

City of Kingston

(845) 392-2919 mobile

