

LAWS & RULES COMMITTEE MEETING

Wednesday, June 18th, at 6:30 PM.

1. Letter from Live Well Kingston regarding SNAP - E. Flynn
2. Forsyth Nature Center Storage Building SEQR Determination - J. Schoonmaker
3. Hasbrouck Park Skatepark SEQR Determination - J. Schoonmaker
4. Legislative Procedures - B. Graves-Poller
5. No Feeding Ducks - Alderman Schabot
6. Fund SNAP and SNAP-ED- Ald. Hirsch

OLD BUSINESS

1. Food Truck Legislation- Ald. Edwards
2. Tree Ordinance- Ald. Hirsch



Live Well Kingston Commission
420 Broadway
Kingston, NY, 12401
845-334-3909

May 23th, 2025

City of Kingston Common Council
420 Broadway
Kingston, NY 12401

Re: SNAP-ED Could End This Year

Dear Kingston Common Council Members,

On behalf of the Live Well Kingston Commission, we are writing today to share information regarding health and food access in Kingston. As a commission tasked with improving the advancement of a healthy and active community by bringing partners and residents together to facilitate policy, environmental, and systems changes, we are dedicated to furthering access and equity in our local food system.

It sadly has come to our attention that the proposed Federal budget, that has just passed in the House of Representatives and is headed to the Senate, makes deep cuts to SNAP and completely eliminates the SNAP-Ed program.

The proposed budget cuts SNAP by \$300 billion over the next decade and increases cost sharing to states from 50% to 75%. SNAP currently helps nearly 3 million New Yorkers, with 38% of those households including children, 49% of households including an older adult, and 49% of households including someone with a disability.

One in every ten residents of Ulster County relies on SNAP to feed their families. In urban areas like Kingston and Saugerties, even more people use SNAP. Using census data in some census tracts, over 26% of households are eligible for benefits.

Cutting SNAP-Ed would harm families already struggling the most. SNAP-Ed costs less than 1% of the SNAP budget and its return on investment is significant. SNAP-Ed helps reduce healthcare costs, improve food & nutrition security, and supports local economies (like farmers markets and small retailers). For every \$1 spent on SNAP-Ed, \$10.64 is saved in healthcare. It's a small investment with a big impact and decisions are moving quickly.

If this bill becomes law, SNAP-Ed would end on September 30, 2025. That would mean the loss of free, community-based nutrition education programs that help families eat healthy on a budget—programs many of you have seen or participated in right here in Kingston.

At Cornell Cooperative Extension, Ulster County's SNAP-Ed Educator, Mary Brimmer, works with both adults and youth in our local communities. Through the SNAP-Ed program, Mary provides educational resources on SNAP benefits, nutrition workshops, healthier school lunches. Mary is also able to connect neighbors in need with other local social service organizations.

Please consider creating a memorializing resolution and sharing our concern of the impacts the elimination of these programs will have with our Federal representatives.

Letter of Education_SNAP-ED Could End This Year

Final Audit Report

2025-05-27

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(LIR)

City of Kingston Parks and Recreation Department

Steven T. Noble, Mayor



Lynsey Timbrouck, Director

Jack H. Schoonmaker, Project Manager

(845) 481-7331

jschoonmaker@kingston-ny.gov

May 29, 2025

Andrea Shaut, Alderman-at-Large
President of the Common Council
City Hall, 420 Broadway
Kingston, NY 12401

Re: Forsyth Nature Center Storage Building SEQR Determination

Dear President Shaut:

I would like to request the following for placement on the Laws and Rules Committee agenda for June.

Julie Noble has been working with the City of Kingston DPW on a plan and designs for the rehabilitation/restoration of the Forsyth Nature Center Storage Facility. They have produced a plan that will maintain the existing footprint and add two unisex public toilets to modernize the complex so that it can continue serving our maintenance staff, residents and visitors for generations to come.

To continue moving forward with this project and complete the OPEHP ZBGA Grant Agreement, a Resolution of State Environmental Quality Review (SEQR) finding of Type II determination is needed.

This resolution should generally reference the work being undertaken, as the proposed action, and that these actions fall under the highlighted provisions from 6 NYCRR Part 617.5 as attached under which this determination has been made. These highlighted provisions should be included in the resolution. No further action would be required by the City for SEQRA compliance.

If there are any questions, I can be present at the June Laws and Rules meeting to speak to this request.
Thank you for your consideration.

Sincerely,

Jack H Schoonmaker
Project Manager

Cc: Steven T. Noble, Mayor
John Tuey, Comptroller
John Schultheis, City Engineer
Lynsey Timbrouck, Director P&R
Ruth Ann Devitt-Frank, Director Grant Management

THOMSON REUTERS

WESTLAW

6 CRR-NY 617.5

NY-CRR

STATE COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
 TITLE 6, DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 CHAPTER VI. GENERAL REGULATIONS
 PART 617. STATE ENVIRONMENTAL QUALITY REVIEW

6 CRR-NY 617.5

6 CRR-NY 617.5

617.5 Type II actions.

(a) Actions or classes of actions identified in subdivision (c) of this section are not subject to review under this Part, except as otherwise provided in this section. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8. The actions identified in subdivision (c) of this section apply to all agencies.

(b) Each agency may adopt its own list of Type II actions to supplement the actions in subdivision (c) of this section. No agency is bound by an action on another agency's Type II list. The fact that an action is identified as a Type II action in an agency's procedures does not mean that it must be treated as a Type II action by any other involved agency not identifying it as a Type II action in its procedures. An agency that identifies an action as not requiring any determination or procedure under this Part is not an involved agency. Each of the actions on an agency Type II list must:

(1) in no case, have a significant adverse impact on the environment based on the criteria contained in section 617.7(c) of this Part; and

(2) not be a Type I action as defined in section 617.4 of this Part.

(c) The following actions are not subject to review under this Part:

(1) maintenance or repair involving no substantial changes in an existing structure or facility;

(2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;

(3) retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure;

(4) agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming;

(5) repaving of existing highways not involving the addition of new travel lanes;

(6) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

(7) installation of telecommunication cables in existing highway or utility rights of way utilizing trenchless burial or aerial placement on existing poles;

(8) maintenance of existing landscaping or natural growth;

(9) construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

(10) routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;

(11) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system or both, and conveyances of land in connection therewith;

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: Parks & Recreation

DATE: 6/18/25

Description:

A resolution determining the Forsyth Nature Center Storage Building Project as a Type II action in accordance with 6 NYCRR Sections 617.5(c)(2) and 617.5(c)(9) of the Regulations.

Signature

J. H. Shearn, P.M.

Motion by _____

Seconded by _____

Action Required: _____

SEQRA Decision:

Type I Action _____

Type II Action X

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		
Sara Pasti, Ward 1		
Reynolds Scott-Childress, Ward 3		
Teryl Mickens, Ward 5		
Robert Dennison, Ward 6		

RESOLUTION ____ OF 2025

RESOLUTION OF THE CITY OF KINGSTON COMMON COUNCIL ISSUING A TYPE II ACTION DETERMINATION IN CONNECTION WITH THE FORSYTH NATURE CENTER STORAGE BUILDING PROJECT IN THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) PROCESS PURSUANT TO 6 NYCRR SECTION 617.5.

Sponsored By: Laws & Rules Committee

Aldermen: Hirsch, Pasti,
Scott-Childress, Mickens, Dennison

WHEREAS, the Forsyth Nature Center Storage Building Project will rehabilitate and upgrade the existing facilities, increase capacity, modernize the complex and add two unisex public toilets so that it can continue serving maintenance staff, residents and visitors for generations to come; and

WHEREAS, Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Section 617.5 under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; and

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

SECTION-1. The City of Kingston hereby determines that the Forsyth Nature Center Storage Building Project is a Type II action in accordance with 6 NYCRR Section 6.17.5(c)(2) and (9), which constitute the "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;" "construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;" and is therefore not subject to further review under 6 NYCRR Part 617.

SECTION-2. That this resolution shall take effect immediately.

Submitted to the Mayor this ____ day of

Approved by the Mayor this ____ day of

_____, 2025

_____, 2025

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2025

RESOLUTION ____ OF 2025

RESOLUTION OF THE CITY OF KINGSTON COMMON COUNCIL ISSUING A TYPE II ACTION DETERMINATION IN CONNECTION WITH THE FORSYTH NATURE CENTER STORAGE BUILDING PROJECT IN THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) PROCESS PURSUANT TO 6 NYCRR SECTION 617.5.

Sponsored By: Laws & Rules Committee

Aldermen: Hirsch, Pasti,
Scott-Childress, Mickens, Dennison

WHEREAS, the Forsyth Nature Center Storage Building Project will rehabilitate and upgrade the existing facilities, increase capacity, modernize the complex and add two unisex public toilets so that it can continue serving maintenance staff, residents and visitors for generations to come; and

WHEREAS, Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Section 617.5 under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; and

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

SECTION-1. The City of Kingston hereby determines that the Forsyth Nature Center Storage Building Project is a Type II action in accordance with 6 NYCRR Section 6.17.5(c)(2) and (9), which constitute the “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;” “construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;” and is therefore not subject to further review under 6 NYCRR Part 617.

SECTION-2. That this resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2025

Elisa Tinti, City Clerk

Approved by the Mayor this ____ day of _____, 2025

Steven T. Noble, Mayor

Adopted by Council on _____, 2025

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LIR

City of Kingston
Parks and Recreation Department

Steven T. Noble, Mayor



Lynsey Timbrouck, Director

Jack H. Schoonmaker, Project Manager

(845) 481-7331

jschoonmaker@kingston-ny.gov

May 29, 2025

Andrea Shaut, Alderman-at-Large
President of the Common Council
City Hall, 420 Broadway
Kingston, NY 12401

Re: Hasbrouck Park Community Skatepark Project SEQR Determination

Dear President Shaut:

I would like to request the following for placement on the Laws and Rules Committee agenda for June.

The City has received funding from a OPRHP Grant for the design and construction of a Community Skatepark at Hasbrouck Park. The primary objective of which is to add to the diversity of outdoor recreation activities in the region and provide a safe and accessible activity for the City's youth.

I have reviewed 6 NYCRR 617 and have identify the appropriate SEQR action level as Unlisted with a Coordinated Review and ask the City of Kingston's Common Council to serve as lead agency. I have drafted up the Short Environmental Assessment Forms (see attached) for your consideration and determination.

If there are any questions, I can be present at the June Laws and Rules meeting to speak to this request.
Thank you for your consideration.

Sincerely,

Jack H Schoonmaker
Project Manager

Cc: Steven T. Noble, Mayor
John Tuey, Comptroller
John Schultheis, City Engineer
Lynsey Timbrouck, Director P&R
Ruth Ann Devitt-Frank, Director Grant Management

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: Parks and Recreation:

DATE: 6/18/2025

Description:

A resolution that pursuant to 6 NYCRR Part 617, the City of Kingston Common Council hereby determines that the Kingston Community Skatepark Project is an Unlisted action under SEQR and declares the intent to serve as Lead Agency under a coordinated review.

No financial impact.

Signature J. H. Dossant, P.M.

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action X

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: X

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		

Short Environmental Assessment Form **Part 1 - Project Information**

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: City of Kingston Community Skate Park at Hasbrouck Park			
Project Location (describe, and attach a location map): 1 Hasbrouck Park Road / Kingston, NY. Location is a public park off of Delaware Avenue adjacent to John F Kennedy Elementary School			
Brief Description of Proposed Action: The City of Kingston will hire a specialized skatepark consultant to design and contractors to construct a dedicated facility within the existing 42-acre Hasbrouck Park off of Delaware Avenue in the City's Rondout Waterfront neighborhood. The proposed site within the Park is an abandoned tennis court near the main Hasbrouck Park entrance. Adjacent to the location are a basketball court, pathways leading to other amenities, and an elementary school.			
Name of Applicant or Sponsor: Jack Schoonmaker, City of Kingston		Telephone: 845-481-7331 E-Mail: jschoonmaker@kingston-ny.gov	
Address: 467 Broadway			
City/PO: Kingston		State: NY	Zip Code: 12401
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval: NYSOPRHP Parks Program NYSHPO		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		42 acres	
b. Total acreage to be physically disturbed?		> 0.25 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		42 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Elementary School <input checked="" type="checkbox"/> Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
Stormwater will either infiltrate into the surrounding lawn/yard or into existing conveyance systems		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
If Yes, explain the purpose and size of the impoundment:		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
If Yes, describe:		

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant sponsor name: Jack H Schoonmaker

Date: 5/29/25

Signature:



Title: Project Manager

PRINT FORM

Page 1 of 3

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Kingston Common Council

5/29/25

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

RESOLUTION ____ OF 2025

RESOLUTION OF THE CITY OF KINGSTON COMMON COUNCIL OF THE CITY OF KINGSTON, NY, DECLARING ITS INTENT TO SERVE AS LEAD AGENCY AND SEEK A COORDINATED REVIEW FOR THE KINGSTON COMMUNITY SKATEPARK PROJECT

Sponsored By: _____ Committee: Aldermen _____

WHEREAS, the City has received funding from NYS OPRHP EPF grant program to design and construct a Community Skatepark at Hasbrouck Park; and

WHEREAS, the primary goal is to design and build a safe, dedicated location for skateboarding, inline-skating, and related activities. The Community Skatepark will add to the diversity of outdoor recreational activities in the region and provide a safe and accessible activity for the City's youth; and

WHEREAS, The City of Kingston will design and construct the Community Skatepark within the existing Hasbrouck Park, where an abandoned tennis court is now located; and

WHEREAS, the City of Kingston has completed Parts 1 and 2 of the Short Environmental Assessment Form for the Kingston Community Skatepark Project; and

WHEREAS, a request has been made for the Common Council of the City of Kingston to be lead agency for the Kingston Community Skatepark Project; and

WHEREAS, after reviewing 6 NYCRR 617 it has been determined that the Project is an Unlisted Action under SEQR, and is not on the Type I or Type II lists; and

WHEREAS, a coordinated review would be appropriate as the project involves funding from NYS Office of Parks, Recreation and Historic Preservation's Environmental Protection Fund.

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

SECTION-1. That the Common Council of the City of Kingston makes a determination that the project is subject to SEQR as an "unlisted" action.

SECTION-2. That a coordinated review will involve other agencies,

SECTION-3. That the Common Council of the City of Kingston makes a declaration of its intent to serve as lead agency and to seek a coordinated review with interested/involved agencies per 6 NYCRR 617.6(a).

SECTION-4. That this resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2025

Approved by the Mayor this ____ day of _____, 2025

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2025

RESOLUTION ____ OF 2025

RESOLUTION OF THE CITY OF KINGSTON COMMON COUNCIL OF THE CITY OF KINGSTON, NY, DECLARING ITS INTENT TO SERVE AS LEAD AGENCY AND SEEK A COORDINATED REVIEW FOR THE KINGSTON COMMUNITY SKATEPARK PROJECT

Sponsored By: _____ Committee: Aldermen _____

WHEREAS, the City has received funding from NYS OPRHP EPF grant program to design and construct a Community Skatepark at Hasbrouck Park; and

WHEREAS, the primary goal is to design and build a safe, dedicated location for skateboarding, inline-skating, and related activities. The Community Skatepark will add to the diversity of outdoor recreational activities in the region and provide a safe and accessible activity for the City's youth.; and

WHEREAS, The City of Kingston will design and construct the Community Skatepark within the existing Hasbrouck Park, where an abandoned tennis court is now located; and

WHEREAS, the City of Kingston has completed Parts 1 and 2 of the Short Environmental Assessment Form for the Kingston Community Skatepark Project; and

WHEREAS, a request has been made for the Common Council of the City of Kingston to be lead agency for the Kingston Community Skatepark Project; and

WHEREAS, after reviewing 6 NYCRR 617 it has been determined that the Project is an Unlisted Action under SEQR, and is not on the Type I or Type II lists; and

WHEREAS, a coordinated review would be appropriate as the project involves funding from NYS Office of Parks, Recreation and Historic Preservation's Environmental Protection Fund.

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

SECTION-1. That the Common Council of the City of Kingston makes a determination that the project is subject to SEQR as an "unlisted" action,

SECTION-2. That a coordinated review will involve other agencies,

SECTION-3. That the Common Council of the City of Kingston makes a declaration of its intent to serve as lead agency and to seek a coordinated review with interested/involved agencies per 6 NYCRR 617.6(a).

SECTION-4. That this resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2025

Elisa Tinti, City Clerk

Approved by the Mayor this ____ day of _____, 2025

Steven T. Noble, Mayor

Adopted by Council on _____, 2025

2

LR

Tinti, Elisa

From: Graves-Poller, Barbara
Sent: Friday, May 30, 2025 7:01 AM
To: Shaut, Andrea
Cc: Hirsch, Michele; Tinti, Elisa
Subject: Communication: June 2025 Laws & Rules Committee Agenda
Attachments: Legislative Procedures Communication (July-Aug 2024).pdf

Dear President Shaut –

Please accept this email correspondence as a communication for the June 2025 Laws & Rules Committee. Last year, see attached, my office reached out to the Council regarding separate but related issues surrounding the accessibility of legislative materials. While some progress has been made on these points, significant concerns remain.

Digitizing Archives: This work should encompass 1) the historic materials in the (water-damaged) Corporation Counsel vault and 2) more recent documents in the Clerk's Office's files. It is my understanding that a new leak that potentially endangers one-of-a-kind archived material was discovered last week.

Ensuring that the Current Administrative Code Appears in eCode360: I understand that current legislation is being processed more expeditiously. However, 2022 amendments to Ch. 195 and 360 still do not appear online (see <https://ecode360.com/12699915>).

Making Current Resolutions Text Searchable: While workarounds exist, the cumbersome process of identifying relevant documents increases the time and resources required to complete legal work.

Respectfully submitted,

BARBARA GRAVES-POLLER
Corporation Counsel
420 Broadway
Kingston, New York 12401
(845) 334-3947 (tel.)
(845) 334-3959 (fax)
bgraves@kingston-ny.gov

CITY OF KINGSTON
Office of Corporation Counsel
bgraves@kingston-ny.gov



Steven T. Noble, Mayor

Barbara Graves-Poller, Corporation Counsel

July 17, 2024

Alderwoman at Large Andrea Shaut, President
City of Kingston Common Council
City Hall - 420 Broadway
Kingston, NY 12401

Re: Maintaining accurate, publicly accessible records of Common Council legislation

Dear President Shaut,

Earlier this month, my office learned that General Code (<https://www.generalcode.com/>), which maintains publicly accessible versions of the City's Charter and Administrative Code, had not received copies of any local laws enacted this year. This is an issue my office has encountered in the past and one that frustrates Administrative Code enforcement. Missteps in legislative action reporting are compounded by the lack of readily accessible, text-searchable archives of Common Council resolutions. To my knowledge, the Council has no system in place to periodically ensure that its legislation has been properly recorded; nor have conversations about improving online access to Council resolutions advanced since my office raised this issue earlier in the year. Given the importance of maintaining accurate and publicly available archives of legislative action, I ask that you please place discussion of these issues on the agenda for the next regularly scheduled Laws & Rules Committee meeting. Although I will be away on August 21st, someone from my office will be available to discuss these issues with the Committee and the City Clerk. If you have any questions in advance, please do not hesitate to contact me.

Respectfully submitted,

Barbara Graves-Poller
Corporation Counsel

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LR

Handwritten signature

Handwritten signature

Tinti, Elisa

From: Shaut, Andrea
Sent: Thursday, May 29, 2025 1:43 PM
To: Tinti, Elisa
Subject: Fw: Signage

Hi Elisa,

Can you add this to my communication folder?

Thank you!
Andrea

Andrea Shaut

Council President, City of Kingston

From: Schabot, Steven <Ward8@kingston-ny.gov>
Sent: Thursday, April 24, 2025 6:37 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Subject: Signage

Hi Andrea

I have been approached by constituents requesting that a sign be placed on the promenade in Gallo Park: "Please Do Not Feed Bread To The Ducks." I have been supplied with much information indicating the health hazards involved and more healthful alternatives were suggested. The evidence seemed compelling, and I must admit, my grandkids and I have unknowingly fed the ducks "unhealthy snacks" in the past.

My question is should this be assigned to committee or can I make a request to DPW. I wouldn't think this has to be legislated; there are numerous signs already there: No Fishing, etc.
No rush. Please advise when you can.

Thanks
Steven Schabot
Alderman Ward 8

6
RESOLUTION XX OF 2025

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, TO
FULLY FUND SNAP AND SNAP-ED

WHEREAS, SNAP currently helps nearly 3 million New Yorkers, with 38% of those households including children, 49% of households including an older adult, and 49% of households including someone with a disability,

WHEREAS, one in every ten residents of Ulster County relies on SNAP to feed their families.

WHEREAS, in urban areas like Kingston and Saugerties, even more people use SNAP. Using census data in some census tracts, over 26% of households are eligible for benefits,

WHEREAS, SNAP-Ed costs less than 1% of the SNAP budget and its return on investment is significant. SNAP-Ed helps reduce healthcare costs, improve food & nutrition security, and supports local economies (like farmers markets and small retailers),

WHEREAS, for every \$1 spent on SNAP-Ed, \$10.64 is saved in healthcare,

WHEREAS, if the federal budget is passed, SNAP-Ed would end on September 30, 2025.

WHEREAS, Ulster County's SNAP-Ed Educator works with both adults and youth in our local communities. Through the SNAP-Ed program, she provides educational resources on SNAP benefits, nutrition workshops, and healthier school lunches.

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

SECTION 1. This body will oppose federal cuts in SNAP and SNAP-Ed.

SECTION 2. This body believes equitable access to nutritious and affordable food is a right, not a privilege.

SECTION 3. This Kingston Common Council urges our federal representatives to demand full funding of SNAP and SNAP-Ed.

SECTION 4. That the City Clerk, Elisa Tinti, will send this resolution to Congressmen Patrick Ryan and Josh Riley and Senators Chuck Schumer and Kirsten Gillibrand.

SECTION 5. This resolution shall take effect immediately.

OLD BUSINESS



(LIR)

Tinti, Elisa

From: Shaut, Andrea
Sent: Monday, March 17, 2025 11:32 AM
To: Tinti, Elisa
Cc: Edwards, Jeanne
Subject: Fw: [EXTERNAL EMAIL] Food trucks

Good morning, Elisa,

Can you add the following email to my communication folder?

Thank you!

Andrea Shaut

Council President, City of Kingston

From: jeanne tavis <bluinative66@yahoo.com>
Sent: Friday, March 7, 2025 12:30 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Subject: [EXTERNAL EMAIL] Food trucks

Good morning madam president

I would like to bring back to the table, about the food trucks. This is a public safety issue and I really needed to be put back on the table for a law to be put into place.

Thank you

Jeanne Edwards

Yahoo Mail - Email Simplified

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

Tinti, Elisa

From: Perry, Vincent
Sent: Tuesday, March 11, 2025 1:14 PM
To: Alderman
Subject: Downs St. food trailer
Attachments: PXL_20250311_105346245.MP.jpg; PXL_20250311_105335016.MP.jpg

Members of the Common Council,

I have begun to receive an increased amount of complaints recently in regard to the food trailer and delivery truck parked on Downs St. These vehicles are parked in a manner that present safety concerns for neighbors. I have attached photos from the exit of the former sea deli parking lot that exits on to Downs St. A driver has no line of vision to see oncoming traffic, pedestrians, or cyclists.

Customers often times park illegally in the "No Parking Here to Corner" zones at that intersection which causes an obstruction of traffic. The nature of business being conducted at the food trailer attracts considerable pedestrian traffic. These pedestrians are at great risk from vehicles turning on to Downs St. from Broadway. Neighbors have also mentioned in their complaints that business is sometimes being done past 11 pm some evenings.

Parking Enforcement has written a significant amount of tickets in the "No Parking Here to Corner" zones on both sides of Downs St. at the corner of Broadway and Downs and in the "No Parking Between Signs" zone located in front of the Masjid Umar Mosque at 15 Downs St. Unfortunately, the increased enforcement during work hours has done nothing to deter the lack of compliance as the issue persists throughout the evening and early mornings.

I believe addressing the food trailer would be the beginning of resolving this safety issue. I have directed the complainants to reach out to Ward 4 Alderwoman, Jeannie Edwards or attend the next Common Council meeting.

If you have any questions, please feel free to contact me.

Thanks,

Vincent Perry
Parking Supervisor
(845) 943-0123

Tinti, Elisa

From: Hirsch, Michele
Sent: Wednesday, May 21, 2025 8:38 AM
To: Tinti, Elisa
Cc: Shaut, Andrea
Subject: Fw: Proposed Food truck legislation

Dear Elisa,

Can you please add this to tonight's agenda for food trucks.

Thank you,

Michele Hirsch
Alderwoman, Ward 9

From: Hirsch, Michele <Ward9@kingston-ny.gov>
Sent: Wednesday, April 23, 2025 8:58 PM
To: Robert Dennison <radennison3@gmail.com>
Cc: Pasti, Sara <Ward1@kingston-ny.gov>; Tierney, Michael <Ward2@kingston-ny.gov>; Scott-Childress, Reynolds <Ward3@kingston-ny.gov>; Edwards, Jeanne <Ward4@kingston-ny.gov>; Mickens, Teryl <Ward5@kingston-ny.gov>; Jankowski, Matthew <mjankowski@kingston-ny.gov>; Tinti, Egidio <etinti@kingston-ny.gov>
Subject: Fw: Proposed Food truck legislation

I was not included in this email thread, so thank you for forwarding it to me, Michael. I've also added Rennie as he is also a member of the Laws and Rules Committee.

If we are adding "Food Trucks" to Chapter 318 Peddling and Soliciting, in the municipal code, then I would also like to see some changes to bring the language and legislative intent of Chapter 318, brought into the 21st Century. These ordinances have boiler plate language that municipalities across the country have all used, harkening back to a very xenophobic time period. Is it really important to know if someone applying for a license is single or married? We don't finger print and run background checks on brick and mortar business'. I've made some notes and will follow up with Chief Tinti (whom I've also added to this thread) and Matt prior to the Laws and Rules Committee meeting next month.

While allowing Food Trucks in Parks needs to be a separate enabling piece of legislation, I believe the list of approved city streets and the parameters for approving said streets needs to be worked out in conjunction with Chapter 318 to assure the food truck operators that we will not be creating proximity bans.

Thank you.

Michele Hirsch
Alderwoman, Ward 9
Chair of Laws and Rules Committee

From: Tierney, Michael <Ward2@kingston-ny.gov>
Sent: Wednesday, April 23, 2025 3:03 PM
To: Hirsch, Michele <Ward9@kingston-ny.gov>
Subject: Fw: Proposed Food truck legislation

I think Bob meant to send to you not me. No attachment.

Michael Tierney
Alderman, Ward 2
Ward2@kingston-ny.gov
845-768-6781
Finance & Audit Committee
Community Development & Housing Committee

From: Dennison, Bob <Ward6@kingston-ny.gov>
Sent: Wednesday, April 23, 2025 3:00 PM
To: Mickens, Teryl <Ward5@kingston-ny.gov>; Edwards, Jeanne <Ward4@kingston-ny.gov>; Pasti, Sara <Ward1@kingston-ny.gov>; Tierney, Michael <Ward2@kingston-ny.gov>
Cc: Jankowski, Matthew <mjankowski@kingston-ny.gov>
Subject: Proposed Food truck legislation

I've read the proposed legislation and it looks fine to me. It will enable the police to regulate food trucks with a better set of rules. The "safety" of customers will remain a judgement call which I suppose is the best we can hope for. I suggest we offer an opportunity for the food truck owners/operators a chance to provide feed back before we act on it, maybe a public information meeting.

I would like to see an additional piece if legislation that would enable food trucks in parks but I understand that is the next step which should come after this is settled. It will not be easy to determine who gets to locate in a park or fees.

Bob Dennison

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 318

Peddling and Soliciting

[HISTORY: Adopted by the Common Council of the City of Kingston 6-6-1989, approved 6-8-1989 (Ch. 61 of the 1984 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Advertisements and billboards — See Ch. 130.

Auctions and auctioneers — See Ch. 154.

Disorderly conduct — See Ch. 195.

Noise — See Ch. 300.

Pawnbrokers — See Ch. 313.

Sales of merchandise — See Ch. 335.

Article I

General Regulations

§ 318-1 Legislative findings.

- A. The City of Kingston has broad powers to regulate the use of its city streets and for the prevention and promotion of the health, safety, aesthetics and general welfare of its inhabitants. Any use of the streets for a private business purpose which interferes unduly with the use of the streets by others for travel must be regulated.
- B. It is the purpose and intent of this article to control and regulate the activities of hawkers, peddlers and solicitors in the City of Kingston. History has shown that there is a need for investigation and review of the past conduct of applicants in the interest of promoting public safety and morals, child welfare, economic well-being and road safety and usage. This article is intended to protect the peace and security of our citizens in their homes and neighborhoods; to safeguard consumers against fraud and inferior goods, and to prevent congestion and unsafe conditions on the streets and roadways of the City of Kingston. It has been made with reasonable consideration of the character of our community and with a view to preserving the character, among other considerations.
- C. The Common Council declares that some hawkers and peddlers keep and store their merchandise and offer it for sale in an unsanitary manner. The Council further finds that the presence of hawkers and peddlers near places of public assemblage where children of school age and others congregate or are discharged from vehicles or where such children board vehicles presents a safety hazard and a danger to the children and the motoring public. The Common Council further finds that wrappings and coverings, some containing partially unconsumed items, or the items themselves are often carelessly discarded other than in receptacles provided for such items, thereby causing an ugly blight on the city's streets and surrounding properties, with increased collection costs to the city.

§ 318-2 Definitions.

As used in this article, the following terms shall have the meanings indicated.

ESTABLISHED PLACE OF BUSINESS

A building or store in which or where the person transacts business and deals in the goods, wares and merchandise he hawks, peddles or solicits during regular business hours, six hours per day for at least 46 weeks in each calendar year, and in which there is a person or clerk continually in attendance during such hours.

FOOD TRUCK

—Any movable ~~restaurant, truck, van, cart, bicycle or other movable unit in, on or from which food or beverage for human consumption is sold or offered for sale at retail or given away at temporary or permanent locations. Such vehicle may be self-propelled or towed by another vehicle. Vehicles for the delivery of previously ordered food or beverage, such as pizza, bread and milk, are excluded from the foregoing definition.~~

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FOOD TRUCK OPERATOR — The registered owner of a food truck or the owner's agent or employee.

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HAWKER and PEDDLER

Includes, except as hereinafter expressly provided, any person who, from in any public street or public place or by going from house to house or place of business to place of business, on foot or on any or from any animal, wagon, cart, boat or car on a railroad track or vehicles, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except milk, newspapers, periodicals and other expressive materials. The terms "hawker" and "peddler" shall not be construed to include persons exclusively selling expressive materials. For the purpose of this chapter, expressive materials shall not be subject to peddling license requirements. For the purpose of this chapter, "expressive materials" includes, but is not limited to, books, comics, and other written materials, audio recordings, video recordings, and visual art.

[Amended 9-2-2014; approved 9-8-2014]

PERSON

Includes natural persons, corporations, copartnerships, unincorporated associations or any other organizations of two or more persons.

PUBLIC GROUNDS

— Lands, other than the public right-of-way, that are publicly owned and used for public purposes, such as parks and recreation areas.

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PUBLIC RIGHT-OF-WAY

— Any publicly owned land adjacent to and abutting any public street, road or highway.

SOLICITOR

Any person who goes from place to place or house to house or who stands in any street or public place taking or offering to take orders for goods, wares or merchandise, except newspapers or milk, or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

§ 318-3 Exemptions.

A. Nothing in this article shall be held to apply to any of the following:

- (1) Sales conducted pursuant to statute or by order of any court.

- (2) Merchants having an established place of business within the city or their employees, for soliciting orders, door to door, from customers and delivering the same.
- (3) Commercial salesmen or deliverymen calling exclusively on merchants having an established place of business within the city or to any person selling goods, wares or merchandise or personal property at wholesale to dealers in such articles.
- (4) Farmers and/or truck gardeners who themselves or through their employees vend, sell or dispose of products of their own farms and/or gardens.
- (5) Berry pickers who shall sell berries of their own picking.
- (6) Sales conducted by infants under the age of 18 who are soliciting orders for a not-for-profit corporation. The article expressly excludes application to Girl Scouts, Brownies, Cub Scouts, Boy Scouts and other school-age children who solicit door to door for the benefit of their school or community organizations.
- (7) Persons soliciting, collecting or operating a sale on behalf of any qualified and bona fide charitable, educational, scientific, health, religious, civic or other organization of worthy cause deemed to be in the public interest.
- (8) Any person selling his own personal property at a garage sale held at his private residence.
- (9) Any person who applies for and is issued a special promotional events permit from the office of the City Clerk.
- (10) Honorably discharged veterans of the Armed Forces of the United States who have obtained a veteran's license from the Ulster County Clerk in the State of New York to hawk, peddle or vend pursuant to law shall be subject to all provisions of this chapter, except those requirements contained in § 318-7 requiring licensing fees and § 318-5 requiring fingerprinting.

B. This article shall not apply so as unlawfully to interfere with interstate commerce.

§ 318-4 License required.

It shall be unlawful for any person within the corporate limits of the City of Kingston to act as a hawker, peddler or solicitor, as herein defined, without first having obtained and paid for and having in force and effect a license therefor. Each such person, whether as principal, agent, servant or employee, who engages in any such activities shall be required to be licensed hereunder. Whether such person is compensated for his efforts shall not be determinative for the necessity that all engaged in such activity shall be required to be licensed. Nothing herein shall be considered as requiring a license of the owner, clerk or employee of an established place of business from conducting such activities on the premises of his own place of business or on the sidewalk adjacent to such established place of business.

§ 318-5 Application for license; bond and insurance.

A. Any person desiring to procure or renew a license as hereby provided shall file in person with the Chief of Police or a representative designated by the Chief of Police a written application upon a form supplied by the City Clerk and furnished by the city, which shall give the following information:

- (1) The name and address of the applicant, including maiden name where applicable.
- (2) The applicant's place of residence for the past five years.
- (3) The applicant's business for the past five years, including the names and addresses thereof.
- (4) Three photographs of the applicant, taken not more than 60 days prior to the date of filing the

application, which shall be two by two inches in dimension, showing the head and shoulders of the person making said application.

- (5) Whether or not the applicant has ever been convicted of a felony, misdemeanor or violation of any municipal ordinance, except with relation to illegal parking, and, if so, in what court, when, where, upon what charges and the sentence of the court, including the docket, index, indictment or file number in such court.
- (6) Whether the applicant is married or single.
- (7) Whether the applicant has been previously licensed in any occupation and, if so, when, where and for what period and, if such previous license was ever revoked or suspended, the date of the revocation or suspension and the reason therefor.
- (8) If employed by the owner of a licensed vehicle, the name and address of such employer, together with credentials establishing the relationship.
- (9) If the applicant proposes to operate a vehicle in connection with the license, a description of the cart, boat, contrivance or vehicle, together with a license number or other means of identification and the applicant's license number as issued by the New York State Motor Vehicle Department.
- (10) The kind of goods, wares and merchandise he desires to sell or the kind of service he desires to perform and the method of distribution.
- (11) If the applicant is a corporation or association, the name and address and title of the officer upon whom process or other legal notice may be served.
- (12) A New York State sales tax identification number for all corporations, partnerships, associations or other similar-type business entities. In the event that an individual applicant does not possess such number, the individual's social security number shall be substituted therefor.
- (13) Fingerprints.
 - (a) All applications shall be accompanied by a set of fingerprints taken in the same manner as in a criminal proceeding. All such fingerprints shall be submitted to the Chief of Police for a full search. The application shall be accompanied by an appropriate fee, in a certified or bank check or money order, which amount shall be in addition to the fees stated herein. Any report received therefrom shall be filed with the Police Department, whether a criminal record is discovered or not.
 - (b) If the applicant is a corporation or partnership, a full set of fingerprints of all officers of said corporation or of all of the partners must be furnished.
- (14) Applicants shall furnish such other information as may be required by the Chief of Police.
 - B. If the applicant's business involves the use of scales or measures, such application shall be accompanied by a certificate from the Sealer of Weights and Measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.
 - C. If the application is for a license to handle food in any form, the application shall be accompanied by a valid permit issued by the county permit issuing official having jurisdiction, as determined by the Health Department, County of Ulster.
 - D. An application for a license shall be accompanied by a bond to the City of Kingston, approved as to form and surety by the Corporation Counsel, in the penal sum of \$1,000, with sufficient surety or sureties or sufficient collateral security, conditioned for the due observance during the time of the

license of any and all ordinances which are now in force or may be hereafter adopted by the Common Council respecting hawking, peddling and soliciting. In the case of solicitors who demand, accept or receive payments or deposits of money in advance of final delivery, such bond shall be further conditioned for making final delivery of goods, wares or merchandise ordered or services to be performed in accordance with the terms of such order or, failing therein, that the advance payment of such shall be refunded. Any person aggrieved by the action of any such licensed solicitor shall have a right by action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect, and, in case of a cash deposit, such deposit shall be retained by the City of Kingston for a period of 90 days after the expiration of any such license, unless sooner released by the Chief of Police.

- E. Upon issuance of a license, the licensee shall have in full force and effect a liability insurance policy in amounts not less than \$100,000 per individual and \$100,000 per occurrence. A copy of said policy shall be submitted to the City Clerk.
- F. Upon issuance of a license, the licensee shall execute a hold-harmless agreement indemnifying the city against loss, including costs and expenses resulting from injury to person or property as a direct or indirect result of his enterprise. Said hold-harmless agreement shall be covered by a protective policy of insurance obtained by the applicant in an amount not less than \$100,000 and shall be submitted to the City Clerk and shall be subject to the approval of the Corporation Counsel.
- G. The Chief of Police may, in his discretion, upon good cause shown, waive any of the requirements for a license granted for one day of 24 hours.

§ 318-6 Issuance of license; appeals on denial; expiration.

- A. Upon filing of the application, bonds, and certificates provided in the preceding section, the Chief of Police, shall, within seven days approve or deny the application. In the event that the application is approved, and upon receiving the license fee herein specified, the Police Chief shall issue to the applicant a license as provided in § 318-4, signed by the Chief of Police. The Chief of Police may impose conditions upon the use of said license, including but not limited to the times of the day, days of the week and geographical limits within which the licensee may conduct such activities as allowed by this chapter. [Amended 9-2-2014; approved 9-8-2014]
- B. Except as hereinafter provided, no license shall be refused except for a specific reason and for the protection of the public safety, health, morals or general welfare. In the event that said application is rejected by the Chief of Police, notice of such rejection shall be mailed to the applicant within 10 days of such rejection. The applicant shall then have 10 days from the date of such mailing to appeal such rejection by the Chief of Police to the Common Council. The Common Council, upon hearing the appeal by the applicant, shall approve or deny the issuance of a license.
- C. A license shall not be assignable. Any holder of such license who permits it to be used by any other person and any person who uses such license granted to any other person shall each be guilty of a violation of this article. Whenever a license, badge or vehicle plates shall be lost or destroyed on the part of the holder, a duplicate in lieu thereof under the original application and bond may be used by the Chief of Police upon the filing with him by the licensee of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for its recovery.
- D. All licenses shall be issued from a properly bound book with proper reference stubs kept for that purpose, numbered in the order in which they are issued, and shall state clearly the kind of vehicle to be used, the kind of goods, wares and merchandise to be sold or service to be rendered, the number of his badge and license plate, the dates of issuance and expiration of the license, the fee paid and the name and address of the licensee. Such licenses shall automatically expire on January 1 following the date of issuance of such licenses, but such licenses may specifically state and provide for an earlier expiration date.

- E. No license shall be granted to a person under 18 years of age. No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least six months shall have elapsed since the last previous rejection or revocation, unless he can show that the reason for such rejection no longer exists.
- F. Every licensee, while exercising his license, shall carry the license with him and shall exhibit the same upon demand.

§ 318-7 License fees.

[Amended 6-5-2012, approved 6-7-2012; 9-2-2014 by L.L. No. 2-2014, approved 9-11-2014]

The fee for a license to act as a peddler or solicitor shall be in an amount set forth in the fee schedule to be established by resolution of the Common Council of this City. The Chief of Police may also, in his discretion, grant a license for one day of 24 hours, for which the fee shall be in an amount set forth in the fee schedule to be established by resolution of the Common Council of this City.

§ 318-8 Badges and vehicle plates.

The Chief of Police shall supply badges and vehicle plates to licensed hawkers, peddlers and solicitors. Such badges and plates shall not be transferred or assigned. On the expiration of the license, the licensee shall surrender his badge to the Chief of Police. It shall be unlawful for any person to destroy, deface or injure such badge in any manner or change the number or date thereon. It shall also be unlawful for any person to wear or have in his possession such badge, unless he is the licensed hawker, peddler or solicitor in whose name the license is issued. Such licensee, while exercising his license, shall wear on the front of his outermost garment the badge so provided, which badge shall state the number and character of the license and the date when it expires. The vehicle plates shall be displayed by every licensee operating a vehicle, one on each side of the body of the vehicle used by him in the exercise of his license. Such vehicle plates shall state the character and number of license and the date of expiration. The color of the vehicle plates shall be changed each license year. The wearing of the badge and the display of the vehicle's plates are hereby made a condition of every license to which such badge or plates apply, and the failing of the licensee to wear the badge or to display the vehicle plates, as aforesaid, while in the exercise of his license shall be cause for the revocation of such license.

§ 318-9 Identification of vehicles.

Every vehicle used by a licensed hawker, peddler or solicitor in or about his business shall have the name of the licensee and his address plainly, distinctly and legibly painted in letters and figures at least two inches in length in a conspicuous place on the outside of each side of every such vehicle, and such name and address shall be kept so painted plainly and distinctly at all times while such vehicle is in use during the continuance of the license.

§ 318-10 Revocation of license.

The Chief of Police may, at any time, for a violation of this article or any other ordinance or any law, revoke any license. When a license shall be revoked, no refund of any unearned portion of the license fee shall be made. Notice of such revocation and the reason or reasons thereof, in writing, shall be served by the Chief of Police upon the person named in the application or by mailing the same to the address given in the application and upon filing a copy of such notice with the City Clerk.

§ 318-11 Records.

It shall be the duty of the City Clerk to keep a record of all applications and all licenses granted under the provisions of this article, giving the number and date of each license, the name and residence of the person licensed, the amount of the license fee paid and also the date of revocation of all licenses revoked.

§ 318-12 Restrictions and requirements.

- A. Exclusive rights to locations prohibited; certain locations prohibited. No hawker, peddler, or solicitor

shall have the exclusive right to any location on any street or any public property. It shall be unlawful to hawk, peddle or solicit within 200 feet of the entrance to any school property or other place of public assemblage or within a similar distance of a parking lot that is customarily used by school buses. Further, hawkers and peddlers shall not stand on any public streets, sidewalks, bus stops, crosswalks or places so as to obstruct access to or egress from any place or the free flow of vehicular and pedestrian traffic. No hawker, peddler or solicitor shall locate a vending unit within 10 feet of any other vending unit on a public sidewalk nor within 15 feet of a fire hydrant. No hawker or peddler or solicitor shall hawk, peddle or solicit upon or within any street which shall be declared a prohibited street by the Common Council, which determination shall be based on traffic conditions and maintaining a peaceful community. It shall be unlawful to hawk, peddle or solicit in any designated City park, with the exception of City-sponsored events such as Independence Day, Hooley, Fall Festival at Forsyth, concession at Kingston Point Beach, etc., unless given a waiver by the Recreation Department. [Amended 7-11-2006, approved 7-13-2006]

- B. Heated water required in some instances. Any licensed hawker or peddler selling or dispensing foodstuffs, other than fresh fruit and vegetables, at all times while so hawking or peddling shall have on his or her cart, vehicle or other contrivance from which such foodstuff is sold or dispensed a container with at least five gallons of water heated and maintained to a temperature suitable for the purpose of cleaning the hands of the purveyor and any utensils that may be used in the purveying of the foodstuffs. Such water shall be disposed of only in a wastewater drain and shall not be discharged onto a city street or in a catch basin of a street. This subsection shall not apply to foodstuffs that have been prepackaged or wrapped or covered at a location other than the hawker's, peddler's or solicitor's vehicle, boat, cart or other contrivance.
- C. Refuse containers required. Each and every cart, vehicle, boat or other contrivance used in the hawking or peddling of foodstuffs, beverages or other articles containing a wrapping or cover shall at all times have readily available to the purchasing public a refuse receptacle for the disposal of waste. The maintenance of the container shall at all times be with the hawker or peddler. At the conclusion of the activities at a particular location by the hawker or peddler, he or she shall be responsible for the cleaning up of all waste and debris within a ten-foot radius of such container and shall be responsible for the disposition of such waste and debris in a manner that will cause the expense of such removal in the first instance to be borne by the hawker or peddler and not by the city or any adjacent property owner. At no time of the license period by the hawker or peddler shall such waste or debris be placed in containers provided for the general public by the city or any business association. Disposition of such waste and debris shall comply with any and all City of Kingston regulations on recycling and waste.
- D. Use of weighing and measuring devices. All weighing and measuring devices used by peddlers shall be attached to a fixed standard suspended from the vehicle or conveyance used by such peddler, in order to ensure the accuracy of such device.
- E. Unnecessary noise. No persons, hawkers, peddlers or solicitors shall use or operate any loudspeaker public-address system, radio, sound amplifier or similar device or make any other unnecessary noise to attract the attention of the public.

§ 318-13 Fraudulent representations.

No persons, hawkers, peddlers or solicitors shall falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome, tainted or diseased provision or merchandise.

§ 318-14 Enforcement; penalties for offenses.

- A. In addition to and not in limitation of any power otherwise granted by law, officers of the Kingston City Police Department are hereby authorized to issue an appearance ticket for violations of this article.

- B. Any person who shall act as a hawker, peddler or solicitor, as herein defined, without a license or who shall violate any of the provisions of this article or who, having had his license revoked, shall continue to act as a hawker, peddler or solicitor shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$500. Each day on which such violation continues shall constitute a separate offense.

§ 318-15 Publication.

Notice of this article shall be published once in the official newspaper of the City of Kingston, New York.

§ 318-16 When effective.

This article shall take effect immediately upon passage and approval.

Article II

Soliciting From Occupants of Vehicles Food Trucks

§ 318-17 Purpose.

The purpose of this Article is to regulate food trucks within the City of Kingston in a manner that protects the public health, safety and welfare. This article describes the permitting procedures for food trucks and is intended to operate in conjunction with the other regulations of this Chapter and Chapter 405 Zoning.

§ 318-18 Food truck permit.

- A. Permit required, term of permit. All food trucks shall require a permit from the Chief of Police, in addition to the license to act as a peddler or solicitor as required in this Chapter.
- B. The food truck permit shall be valid for one year from the date of issuance, or the period for which the Department of Health permit is valid, whichever is sooner, unless sooner terminated or revoked. Any termination, expiration or revocation of the required permit from the Ulster County Department of Health shall constitute an automatic revocation of the permit issued by the City.
- C. An application for a food truck permit shall be made to the Chief of Police on a form provided by the City, and shall be accompanied by a nonrefundable application fee in accordance with the Fee Schedule established by the Common Council. The application shall, at a minimum, include the following information:
- (1) Name, address, email address, and telephone number of the food truck operator and of the registered owner of the food truck, if different.
 - (2) A description of the food truck, including the license plate number, vehicle identification number (VIN), year, make, and model of the vehicle, and dimensions (length and width), and photographs of the truck, registration, VIN, and license plate.
 - (3) Proof of a valid state motor vehicle registration number for the vehicle.
 - (4) A copy of a valid Ulster County Department of Health permit for a mobile food service operation.
 - (5) If applicable, a copy of a license from the New York State Liquor Authority.
 - (6) A copy of a valid annual fire safety inspection by the City of Kingston Building Department certifying that the food truck is NFPA compliant.
 - (7) Proof of valid insurance, which must be kept continuously in force during the term of the license. At the time of application, applicants shall provide proof of insurance that extends for the entire license period. The insurance must meet the liability guidelines set by the City and be in form and substance satisfactory to Office of Corporation Counsel.
- D. The Chief of Police shall approve and issue a food truck permit if:
- (1) The applicant demonstrates compliance with the requirements of this Chapter.
 - (2) No notices of violation are pending on the food truck owner and operator, and
 - (3) The applicant pays the required nonrefundable food truck permit fee in accordance with the Fee

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Schedule established by the City Council.

- E. Nontransferability of permit. A food truck permit is not transferable to any other food truck or food truck operator.

§ 318-19 Requirements.

- A. Maximum size of food trucks. The maximum size of any food truck, inclusive of any trailers, shall be 256 square feet, measured from the exterior faces of the food truck and any trailer.

- B. Types of food and beverage. Food trucks may sell food and beverages which are prepackaged or prepared and served from the vehicle or stand.

C. Operations.

- (1) Food truck operators shall maintain a valid permit from the Ulster County Department of Health, and shall operate the food truck in conformance with all applicable health standards.
- (2) No alcohol may be sold or dispensed from food trucks without a license from the New York State Liquor Authority.
- (3) A copy of all valid licenses and/or permits shall be conspicuously displayed on the food truck at all times, including but not be limited to the Ulster County Department of Health permit, the City of Kingston Peddling and Soliciting license, the City of Kingston food truck permit, the annual fire safety inspection sticker, and a notice in at least two-inch font stating "To report a violation call the City of Kingston at 845-_____."

- (4) No food truck shall remain parked along and upon any public street in the City of Kingston between the hours of 10:00 p.m. and 6:00 a.m.

- (5) Food trucks permitted on private property may only be sited at the location designated on the permit.

- (6) Food trucks shall be located a minimum of 10 feet from the edge of any driveway, utility box and/or vault, handicapped ramp, building entrance, fire hydrant, or emergency call box, and shall not block fire lanes or access roads for emergency vehicles.

- (7) Food trucks shall be located a minimum of 200 feet from any restaurant, unless the restaurant grants a waiver. Such distance shall be measured from the main building entrance of the restaurant to the closest edge of the food truck.

- (8) Food trucks must be sited in a location that does not obstruct or interfere with the free flow of pedestrian or vehicular traffic, does not restrict visibility at any driveway or intersection, and does not unreasonably interfere with the activities of other businesses or otherwise interfere with other lawful activities or violate any statutes, ordinances, or other laws.

- (9) The operation of food trucks shall be limited to the hours of 7:00 a.m. to 9:00 p.m.

- (10) Food truck operators shall provide adequate trash and recycling receptacles within 10 feet of their food truck. A food truck operator is responsible for the proper disposal of waste and trash associated with the operation of the food truck. Operators shall remove all waste and trash from their approved location at the end of each day or more frequently as needed to maintain the health, safety and welfare of the public. The food truck operator shall keep all areas clean of grease, and trash, litter or waste, including, but not limited to, paper, cups, cans, or bottles associated with the operation. No liquid waste or grease shall be disposed in or on streams, wetlands, storm drains, lawns, sidewalks, streets, or other public space or in sanitary sewers or septic tanks not equipped with a grease trap.

- (11) All equipment required for the operation of a food truck shall be contained within, attached to or located within three feet of the food truck.

- (12) No food shall be prepared or sold at the food truck site outside of the food truck. Prepackaged beverages may be sold from coolers outside of the food truck, provided that they are located

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within three feet of the food truck.

- (13) No lighting is permitted except for interior lighting used for food preparation. Such lighting shall be turned off after hours.
- (14) Amplified sound or loudspeakers are prohibited, and the food truck operation shall comply with the noise limits in Chapter 300 of the City Code.

D. Permitted Locations

- (1) Food trucks shall only be permitted to be located on private property or on public property, grounds, streets, and right-of-ways as designated by resolution of the Common Council.
- (2) Nothing in this section shall be deemed to authorize the sale or distribution of food from a food truck on public grounds, streets, or right-of-way not designated by resolution of the City of Kingston Common Council.
- (3) A list identifying the streets and public property upon which food trucks are permitted to operate shall be maintained by the City Clerk and shall be provided with any permits issued pursuant to this article.
- (4) The Common Council shall have the power to add or remove locations upon which food trucks shall be permitted to operate by resolution. Upon removal of a location, notice shall be sent to the holders of active permits via the email address or mailing address provided on their applications.
- (5) Operating a food truck in a location not actively designated, shall constitute a violation of this article.

- E. Signs. Signs may be painted on or affixed to the food truck provided the signs do not exceed the dimensions of the food truck on which they are placed. In addition, a food truck shall be permitted a single A-frame sign, not exceeding nine square feet, that may be displayed during the food truck's hours of operation. The use of other movable, portable and/or freestanding signs is prohibited.

§ 318-20 Operation on Private Property

- A. No food truck shall operate on Private Property, unless the location of the private property is listed on the permit application and written permission is submitted from the owner of the property.
- B. Where a food truck is proposed on a privately owned parcel, either as an accessory use or as a principal use, site plan approval pursuant to Chapter 405 shall be required, and the Chief of Police shall not issue a food truck permit until the required Planning Board approvals have been granted.
- C. The location(s) of the private property shall be listed on the food truck permit.
- D. An additional fee, as determined by resolution of the common council, shall be administered for each parcel of private property upon which the food truck is permitted to operate.

§ 318-21 Exceptions.

Special event, private residence. Residents may request that food trucks cater special events on private property at their place of residence within any zoning district. Such request for a special event private-use food truck shall be made to the Chief of Police for a period not exceeding one day and subject to the requirements of this chapter. In such cases, provision of food and beverage shall be limited to event attendees only; provision to the general public is prohibited.

§ 318-22 Violations.

Any of the following shall constitute a violation of this article.

- A. Failure to properly obtain and/or properly display a valid food truck permit.
- B. Fraud or misrepresentation contained in the license or permit application.
- C. Fraud or misrepresentation made in the course of operating the business.
- D. Conduct in an unlawful manner or that creates a public nuisance, or otherwise constitutes a danger to the public health, safety, and welfare.

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E. Failure to comply with the provisions of this article.

§ 318-23 Suspension or revocation of license and permit.

- A. The Chief of Police or other authorized code enforcement officer may issue a notice of intent to suspend or revoke a food truck permit for any violation of this article. The notice of intent to suspend or revoke shall describe the violation(s), and require the permit holder to immediately cease operations and correct the violation(s) or cause the violation(s) to be corrected.
- B. The notice of intent may be given personally to the operator of the food truck, by affixing it to the windshield of the food truck, or in writing by certified mail to the permit holder at the address shown on the application.
- C. If the permit holder fails to immediately correct the violation(s) or cause the violation(s) to be corrected, the Chief of Police shall suspend or revoke the permit.
- D. A permit holder shall be entitled to request a hearing on suspension or revocation before the Mayor, upon application made to the City Clerk, in writing, demonstrating that the permit holder was not in violation of the permit. Any suspension or revocation remains in effect unless modified by the Mayor. The Mayor shall hold a hearing to determine whether to reverse the suspension or revocation within 30 days of receipt of the written request.

§ 318-24 Enforcement; administration; penalties for offenses.

- A. The requirements established by this Article shall be administered and enforced by any law enforcement agency that has jurisdiction in the City of Kingston, the City of Kingston Parking Enforcement Officer, and the City of Kingston Code Enforcement Officer, or their duly authorized representatives.
- B. The individuals identified in Subsection A are authorized to issue appearance tickets as defined in § 150.10 of the Criminal Procedure Law, and to prosecute the violation in court, and are authorized to issue orders to remedy and notices of violation to enforce the provisions of this chapter.
- C. Any violation of this chapter shall be deemed an offense, and each occurrence or incident shall constitute a separate offense. If a violation continues for more than a twenty-four-hour period, each day shall constitute a separate offense.
- D. A violation of this article or any part thereof shall constitute an offense punishable as follows:
- (1) By a civil penalty:
 - (a) Not to exceed \$100 for a first offense;
 - (b) Not to exceed \$300 for a second offense; and
 - (c) Not to exceed \$500 for any subsequent offense; and/or
 - (2) By a fine:
 - (a) Not to exceed \$100 for a first offense;
 - (b) Not to exceed \$300 for a second offense; and
 - (c) Not to exceed \$500 for any subsequent offense; and/or
 - (3) By imprisonment for a term of not more than 15 days; and/or
 - (4) By any combination thereof.
- E. Conviction of three violations of any provision of this chapter, or consent to the payment of three separate penalties for separate offenses, may result in the immediate revocation of the food truck permit. No refund of any food truck permit fee shall be given. If the food truck permit is revoked, the food truck operator will not be allowed to apply for another food truck permit for any food truck until the following calendar year.
- F. Without limiting any other remedy, the Common Council may also maintain an action or proceeding in the name of the City in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this Article.

Article III

Soliciting from Occupants of Vehicles

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§ 318-2517 Statement of policy.

It is hereby found and determined by the Common Council of the City of Kingston, New York, that the public solicitation of funds from stopped vehicles or vehicles stopped for such purpose on the public street, avenues, roadways and intersections of the City of Kingston, New York, has posed an ever-increasing danger of accident, injury and possible death to the operators of such vehicles, their passengers, other pedestrians and solicitors for funds and that the continuation of such practice of soliciting is inimical to the interests of the people of the City of Kingston, New York, and that there should be adopted, pursuant to § 1640 of the Vehicles and Traffic Law of the State of New York, rules and regulations respecting soliciting from vehicles and the occupants thereof on such public streets, avenues, roadways and intersections within the City of Kingston, New York.

§ 318-2618 Prohibited activities.

On and after the date that this article shall take effect, it shall be unlawful for any person to solicit funds for whatever cause by soliciting from the occupants of motor vehicles on the moving traffic lanes of any public street, avenue, roadway or intersection, whether such vehicle is stopped for traffic or is in the process of moving with traffic, and each such violation shall constitute a separate offense.

§ 318-19-27 Penalties for offenses.

Any person or persons found guilty of an offense or offenses for violation of the provisions of this article shall be subject to a fine in an amount not to exceed \$4500 or imprisonment not to exceed 10 days, or for both such fine and imprisonment, for each separate violation.

§ 318-20-28 When effective.

This article shall take effect immediately upon passage and approval.

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Tinti, Elisa

From: Hirsch, Michele
Sent: Thursday, June 5, 2025 10:27 PM
To: Pasti, Sara; Scott-Childress, Reynolds; Mickens, Teryl; Dennison, Bob
Cc: Shaut, Andrea; Tinti, Elisa
Subject: Fw: Tree Ordinance update for 6/18 L&R meeting
Attachments: 06-04-25 - Draft 3 - City of Kingston Tree Preservation Ordinance.pdf

Dear Members of the Laws and Rules Committee,

Please see the email and copy of the latest version of the proposed tree ordinance from Brett. Please reach out to him if you have any questions and he will also be at the Laws and Rules Committee to discuss the changes.

Elisa - can you please add this to the agenda packet under Old Business for the Laws and Rules Committee meeting on June 18th.

Thank you!

With kind regards,

Michele Hirsch
Alderwoman, Ward 9

From: Knepper, Brent <bknepper@kingston-ny.gov>
Sent: Thursday, June 5, 2025 4:00 PM
To: Hirsch, Michele <Ward9@kingston-ny.gov>
Subject: Tree Ordinance update for 6/18 L&R meeting

Hi Michele, here's the updated version of the proposed tree ordinance. This updated version reflects input received from our community members, the 4/28 public information meeting, and from other City departments/commissions. Updates, revisions, and additions are highlighted in yellow within the document, but here's a summary of the main changes:

- Restitution for tree damage done by vendors hired by the City of Kingston
- Tree Survey requirement only for parcels $\geq 5,000$ sq ft (survey area is only for trees within 15ft of construction zone) for Planning Board review
- Specifying a separate city account for receiving tree removal fees, with requirement for funds to be used for tree planting/maintenance
- Specifying tree planting areas (streets, parks) for planting replacement trees when they cannot be planted on-site
- Two additional tree species added to exemptions
- Exemption for tree removals done as part of forest management/forest stand improvement projects

There may be one more addition to be added before the 6/18 meeting. It will involve a review process for when tree replacement requirements conflict with the property owner's resources, but I need to confirm some details with the Planning Board and Zoning Board of Appeals before finalizing that addition. That meeting will be on 6/16.

Let me know if you have any questions before the L&R meeting. Thank you.

Brent Knepper he/him
Urban Forester – City of Kingston
ISA #IL-9824A
420 Broadway
Kingston, NY 12401
~~845-334-3927~~



City of Kingston
Draft Tree Preservation Ordinance
Updated: 06-04-2025

Updates from 03-21-25 version highlighted in yellow.

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1. PURPOSE

It is the purpose of this ordinance to promote and protect the health, safety, and general welfare of the City's inhabitants by providing for the preservation, regulation, planting, maintenance, and removal of trees within the City of Kingston.

The indiscriminate and uncontrolled damage or removal of trees deprives the community of the benefits trees provide and increases City and Public costs for cooling, stormwater drainage control, small particulate matter air filtering, and general quality of life. Trees are of substantial value to the community as a whole and their benefits reach far beyond the boundaries of the property on which they are situated. The interests of the public at large shall be valued in partnership with those of property owners. Tree protection efforts must be sufficiently targeted so that property owners may perform routine maintenance which does not compromise the health of the tree. Undesirable trees, particularly those that may be dangerous if allowed to stand, can be pruned or removed without the need for compliance with onerous regulations.

2. DEFINITIONS

For the purpose of this chapter, the following terms shall have the meanings given herein:

Applicant

Any individual, partnership, corporation, municipality or other entity, together with employees, officers, directors, agents, independent contractors or any lessee or contract-vendee of a parcel of property, which owns any real property or portion of real property within the jurisdiction of the city.

Certified Arborist

An individual who is trained in the art and science of arboriculture and the planting, caring for, and maintaining individual trees. This individual has received and maintains a certification through a certifying body such as the International Society of Arboriculture.

City-Approved Tree Species List

A list of all tree species that have approval by the City of Kingston for planting on public property and within the public right of way.

Critical Root Zone

The area on the ground corresponding to the Dripline of the tree. As the natural dripline can be irregular in shape, this area is defined in a circular shape, with the tree trunk as the center, and with a radius calculated as eighteen (18) inches for every one (1) inch of tree trunk measured diameter at breast height. (Example: a 10" DBH tree shall have a Critical Root Zone with a 15ft radius.)

Construction Zone

Area in which active projects related to construction, demolition, addition, or renovation of structures are occurring and in which machinery capable of damaging trees or compacting soil may be operating.

Consulting Arborist

A certified, professional arborist who is employed as an unbiased, third party to review work and agreements between the City of Kingston and other parties.

Diameter at Breast Height

The diameter (or caliper) of a tree measured at a point four feet above the ground.

Dripline

The area defined by the outermost circumference of a tree canopy where water drips from and onto the ground.

Forest Management Plan

A site-specific plan developed based on a landowner's management objectives and the professional expertise of a skilled forester to achieve long-term forest management goals.

Forest Stand Improvement

The manipulation of tree or woody species composition, in a determined subdivision of land (stand), for the purpose of stand structure, or stand density by cutting or killing selected trees or understory vegetation to achieve desired forest conditions or obtain ecosystem services.

Heritage Tree(s)

Trees have been identified as particularly valuable due to their large size, important native ecological value, or protected environmental status.

Park

Includes any municipal park having an individual name.

Property Owner

Any individual, partnership, corporation, municipality or other entity, together with employees, officers, directors, agents, independent contractors or any lessee or contract-vendee of a parcel of property, which owns any real property or portion of real property within the jurisdiction of the city.

Protected Tree(s)

A Protected Tree is defined as any single trunk tree or any multi-stem tree with at least one stem, having a DBH of six (6) inches or greater when located on private property, or a tree of any size when located either on Public Property, in the public right of way, or planted as a Replacement Tree.

Public Property

Land that is owned by the City of Kingston which shall include parks, services locations, and the public right of way.

Tree

A living single, or multiple stem plant with lignified tissues that maintains a year-round trunk and limbs.

Tree Permit

A written authorization to plant, prune, remove, or otherwise perform maintenance to (a) tree(s) pursuant to this ordinance.

Tree Protection Area

The area in which protective fencing must be installed to prevent any construction activity from damaging any part of the tree. This shall include, at a minimum, the area determined to be within the Critical Root Zone.

Tree Protection Plan

A plan which outlines specific measures to protect trees during construction or other site disturbance.

Tree Survey

A document which has identified and measured trees within a defined area and includes a detailed map with corresponding information about each tree in an attribute table.

Trenchless Technology Methods

Methodologies or technologies that allow for the displacement of soils and/or installation of

underground infrastructure without excavation or other disturbances of the top thirty six (36) inches of soil in which the majority of tree roots grow.

Topping

The reduction of a tree's height using cuts that shorten terminal leading limbs or branches back to a predetermined crown limit without facilitating the establishment of a new terminal lead which will have apical dominance. Topping is not an acceptable pruning practice.

Undeveloped Forest

A wooded area which has not been cleared of trees or other woody material or otherwise managed for silvicultural or agricultural purposes.

Urban Forester

City staff member responsible for the management of trees which comprise the City of Kingston's Urban Forest.

Utility Service Provider

Entity or entities owning or servicing above or below ground utilities.

3. TREE COMMISSION

1. There is hereby created and established a Tree Commission consisting of seven members to be appointed by the Mayor, at least one of whom shall be either professionally trained or experienced in the field of municipal arboriculture; one of whom shall be a member of the Common Council; one of whom shall be a member of the Planning Department or other appropriate City department; one of whom shall be the Urban Forester as employed by the City; and one of whom shall be a member of the Memorial Tree Fund, Inc. All lay members of the commission shall be citizens and actual residents of the City of Kingston. The member of the Common Council, the member of the Planning Department or other City department, and the Urban Forester shall be ex-officio members of the Commission and shall have no vote on matters before the Commission. There shall be five voting members. All members of the Commission shall serve without pay.
2. Of the members of the Commission who are first appointed pursuant to this chapter, two shall be designated to serve for terms of two years; two shall be designated to serve for terms of three years; and three shall be designated to serve for terms of four years. Thereafter, the term of office shall be three years.
3. The Tree Commission shall have power and it shall be its duty:
 - A. To study problems and needs of the city in connection with the tree planting program and to make recommendations to the Mayor and/or his designee as to type and kind of trees to be planted by the city;
 - B. To assist in the dissemination of news and information regarding the protection, maintenance, removal and planting of trees in the city;
 - C. To make recommendation to the Common Council as to desirable legislation concerning the tree program and activities for the municipality such as certification as "Tree City, USA"; [Amended 12-16-1999 by L.L. No. 2-2000, approved 1-3-2000]
 - D. To provide for the holding of regular and special meetings and to adopt rules and regulations not inconsistent with this chapter for the conduct of the meeting and business

- of the Commission. The Commissions shall file a copy of the rules and regulations, and any amendments thereto, with the City Clerk.
- E. All determinations and decisions shall be by majority vote.
 - F. To provide the Mayor with a recommendation upon his/her receipt of an appeal; to meet within 10 business days of receipt of a request for an interpretation of this chapter, or as otherwise necessary; and to advise the Mayor on appeals from the issuance, denial, or revocation of a tree permits. A special or emergency meeting may be convened by either the Chairperson or any five members on two days notice. All meetings of the Tree Commission shall be open to the public.
 - G. To assist with funding applications and development of associated programs that are consistent with this chapter.

4. MUNICIPAL AUTHORITY AND RESPONSIBILITY

Administration and enforcement of the Tree Ordinance is the responsibility of the Planning Department and the Urban Forester. All City Departments reserve the right to review and require additional documents or protection standards where applicable.

5. GENERAL PROVISIONS

Any tree of any size located upon adjacent rights-of-way or public property, and any tree having a trunk Diameter at Breast Height (DBH) of six (6) inches or greater located on private property, shall be designated as a Protected Tree, except as otherwise provided in this document or as authorized by the Planning Department and the Urban Forester. Any trees with this designation shall be protected from damage and unauthorized removal by means of the requirements stated herein. Both the Property Owner and the agent of the Property Owner violating this Article shall be jointly liable.

Damage to a Protected Tree shall be defined as any action involving mechanical, chemical, or biological altering of the tree, including its crown, trunk, and root system, which may cause the tree to prematurely decline over a span of one or more years, become structurally unstable, or become unable to sustain its own natural functions. This may include topping, flush cuts, or removal of more than 30% of the living tree canopy in a single growing season, or removal of stabilizing roots. Unauthorized removal shall be defined as any action without City approval that causes a Protected Tree to die within two years of the action being performed. This may include cutting or girdling of the tree trunk, or application of herbicides to the living tissues of the tree.

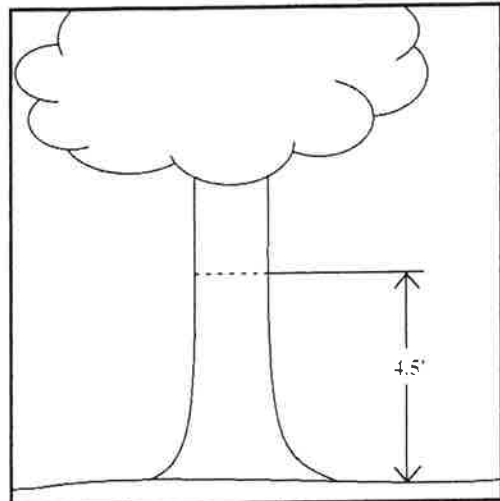
Diameter at Breast Height shall be measured at four and a half (4.5) feet height as seen in the following diagrams.

(Diagrams located on next page)

Tree Measurement

Tree DBH (Diameter at Breast Height) is to be measured by wrapping a flexible measuring tape around the circumference of the trunk at a height of four and one-half (4.5') feet from the ground. With this measurement, apply the following formula:

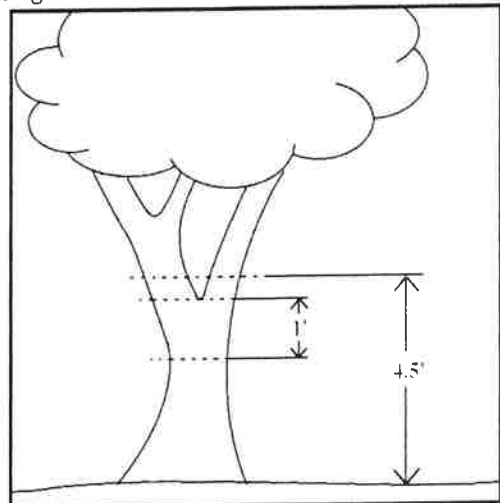
$$(\text{DBH}) = \text{Circumference in Inches} / 3.1415$$



Single Trunk Tree

Multiple Stemmed Trees – Mid Division

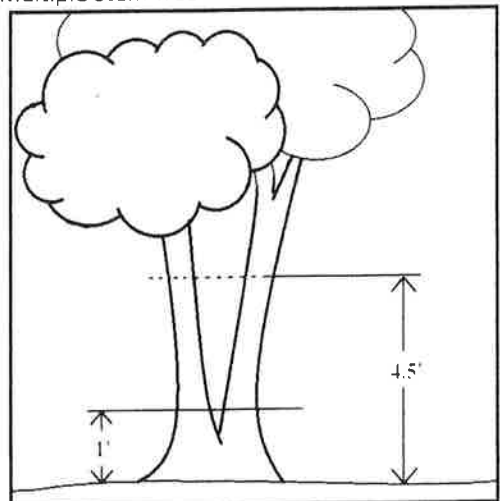
When trunk division begins lower than four and one-half (4.5) feet from the ground but higher than one (1) foot from the ground, the tree is to be measured at one (1) foot below the trunk division:



Multiple Stem Tree – Mid Division

Multiple Stemmed Trees – Low Division

When trunk division begins below one (1) foot above ground, the tree is to have each stem measured at four and one-half (4½) feet above ground, and then calculating the sum of adding the largest diameter stem and half of the diameters of all remaining stems:



Multiple Stem Tree – Low Div

6. TREE PROTECTION REQUIREMENTS DURING CONSTRUCTION

All Protected Trees located on private property and upon adjacent rights-of-way or public property where construction work is occurring and heavy machinery, which is capable of damaging trees or compacting soil, is being operated shall be protected from damage by means of the requirements stated herein. Damages to Protected Trees can be avoided by following the protection requirements below.

A. RESTITUTION FOR DAMAGES TO PROTECTED TREES DURING CONSTRUCTION

1. Damages to Protected Tree(s) during construction projects shall require restitution both in actions to repair any damage and in a fine which reflects the lost value of the tree(s) as an asset when the overall condition has been degraded due to damages. This fine may amount to 100% of the value of the Protected Tree if it is found to be unlikely to survive damage which occurred. When a tree is damaged to the point where removal is required, replacement trees equaling the value of the lost tree may be planted in lieu of a fine. Tree value is calculated as a Basic Reproduction Cost outlined in Ch.13-A. Protected Tree Value Replacement. Locations of planting areas for replacement trees within the City of Kingston are defined in See Ch. 13-C. Establishment of Dedicated Account and Replacement Tree Planting Areas.
2. For Protected Trees on City-owned property, in the public right of way, or in City parks, when damage to Protected Tree(s) has occurred due to actions of a vendor hired by the City of Kingston, or contractor/subcontractor thereof, the vendor shall be liable for the costs of any required repair actions and the loss of value of the Protected Tree(s).
3. For Protected Trees on private property, the property owner or agent of the property owner shall be liable for the costs of any required repair actions and the loss of value of the Protected Tree(s).

B. ABOVE GROUND AND GENERAL TREE PROTECTION REQUIREMENTS

1. All Protected Trees shall be protected with temporary fencing placed along the Tree Protection Area (TPA) when within fifteen (15) feet of a Construction Zone. The TPA shall protect at a minimum the area designated as the Critical Root Zone (CRZ), which is calculated as twelve (12) inches of radius for every one (1) inch to tree trunk DBH.
2. Temporary fencing for the TPA may be made of wood, metal, or plastic with metal posts set no further than 3ft apart.
3. Heavy-duty signs reading "Tree Protection Area – Do Not Enter" in block letters two inches or larger shall be affixed to the temporary fencing every fifty feet on center.
4. Construction materials shall not be stored within the fenced TPA and shall not be stored on the construction site to cause the natural drainage flow to be diverted toward the protected trees.
5. A Tree Survey and Tree Protection Plan shall be provided to the Planning Director and Urban Forester for review by the Planning Board prior to the demolition of a structure, new construction of a structure, or construction of an addition to a structure on any parcel of 5,000 sq. ft. or greater. ANSI A300 (Part 5) Management of Trees and Shrubs During Site Planning, Site development, and Construction is a recommended resource for developing a Tree Protection Plan.
6. On parcels less than 5,000 sq. ft. in size, a Tree Survey or Tree Protection Plan shall not be required. An arborist report of the condition of any Protected Tree(s) may be requested by the

Urban Forester for projects that do not require a Tree Survey or Tree Protection Plan. The Urban Forester may perform the assessment of Protected Trees on projects that do not require a Tree Survey or Tree Protection Plan.

7. When a tree is located in such a place that the area falling within the Tree Protection Zone is in conflict with the flow of traffic of the street or sidewalk, or prevents machinery from entering the project site in such a way where no other entry is possible, the Urban Forester may approve a modified Tree Protection Zone that still provides physical protection for the Protected Tree trunk, branches, and root system.

C. BELOW GROUND TREE PROTECTION REQUIREMENTS

1. Protected Trees shall also have their roots protected and kept in undisturbed, uncompacted soil within the Critical Root Zone (CRZ). No excavation or trenching shall be permitted in the CRZ for any construction project, including the installation of underground utilities, without authorization by the Planning Department or Urban Forester. Tunneling or other Trenchless Technology Methods may be permitted at thirty six (36) inches or greater below soil height but not within two (2) feet of the trunk to avoid damage to a potential tap root with authorization of the Urban Forester. In the case of trees four (4) inch DBH or less, special consideration may be authorized by the Tree Commission and Urban Forester to modify the tree planting location within the CRZ.
2. Any underground utility installation or modification that impacts Protected Trees due to underground conflicts between existing underground utilities and tree roots are specifically subject to the review and approval of the Urban Forester before the project begins.
3. Soil disturbance or excavation in proximity to, but outside of, the TPA will be conducted in such a way that excavated soil or other underground materials will not be placed within the TPA. Tree roots 2 inches or larger found in proximity to, but outside of, the TPA which have been cut, torn, unearthed, lifted, or otherwise damaged shall have a final, accurate cut with a sharp tool which has been cleaned and/or sanitized prior to cutting. Tree roots will then be buried below the original grade to provide for proper root healing and to avoid the spread of potential tree root pests and pathogens. Wound dressing is not necessary or recommended.

7. TREE PROTECTION PLAN

The Tree Protection Plan shall include an accurate depiction of:

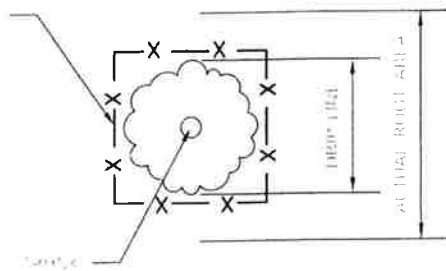
1. A Tree Survey indicating the species and location of all existing trees within fifteen (15) feet of the outlined area of disturbance within the property, with a six (6) inch DBH or greater, and existing trees of any size located on the adjacent rights-of-way within 15ft of the outlined area of disturbance. The survey shall also include an opinion, from a Certified Arborist, of the condition and form of each tree.
2. Notification of any tree designated as a protected native plant within 15ft of the outlined area of disturbance, as listed in the New York State Compilation of Codes: Title 6. Department of Environmental Conservation, Chapter II. Lands and Forests, Part 193. Trees and Plants.
3. The location and type of Tree Protection Zone fencing to be placed on the property and adjacent rights-of-way;

4. The location of Critical Root Zone areas and the types and locations of protection to be provided to minimize damage to tree roots adjacent to the Critical Root Zone, such as wood chips and other non-compacting temporary surfaces meant for machinery operation;
5. A description of other required tree preservation procedures, such as root pruning, root air excavation, crown pruning, and the like;
6. The location, shape, and spatial arrangement of all temporary and permanent driveways, parking areas, and temporary material storage sites and access ways; and
7. The location of proposed and existing utility services including water, sewer, electric, gas, and telecommunications, that may impact existing Protected Trees.
8. It shall be the responsibility of the property owner and the agent of the property owner to treat, remediate, or remove and then replace the lost asset value of any tree that exhibits signs of deterioration within one year from the time of any authorized installation of underground utilities within the Critical Root Zone that may be attributed to damage incurred during underground utility installation.
9. If a Grading and Drainage Plan is required by some other provision of the code, the Tree Protection Plan shall either be incorporated into the required Grading and Drainage Plan or the Tree Protection Plan shall depict the limits of land disturbing activities and the existing and proposed grading of the development, showing spot elevations and/or contour lines at one-foot intervals.
10. The Planning Director may require the applicant to provide any additional information the Director deems necessary to determine whether the Tree Protection Plan complies with the requirements and the stated policy and purpose of the City of Kingston's Form-Based Zoning Code.

TREE PRESERVATION

PRIVATE PROPERTY TREES:

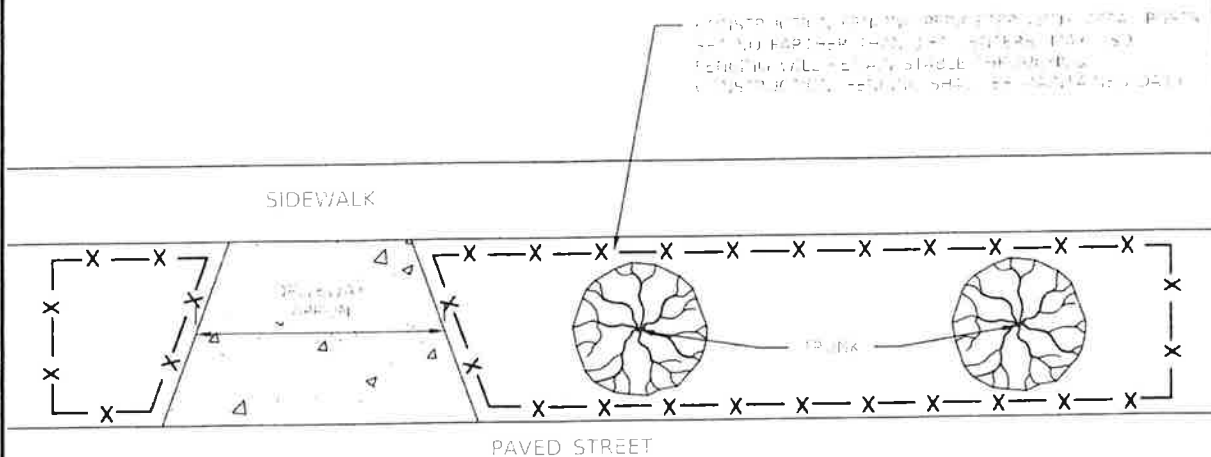
CONSTRUCTION FROM REMOVAL OF TREES
WITH MINIMAL PROTECTION
FURTHER APART FROM THE
ENTRANCE AREA, STRENGTH OF
WILL REMAIN STABLE
THROUGHOUT
CONSTRUCTION PERIOD
SHALL BE MAINTAINED



ROOTS OF TREES EXTEND FAR BEYOND THE TREES CANOPY. TO PROTECT THESE ROOTS, PLACE CONSTRUCTION FENCING AROUND THE CRITICAL ROOT ZONE (CRZ = 1' RADIUS x DBH) OF THE TREE. THE IMPACT OF CONSTRUCTION ON THE TREE WILL LARGELY BE DETERMINED BY THE AMOUNT OF SPACE GIVEN FOR THE TREE PROTECTION AREA.

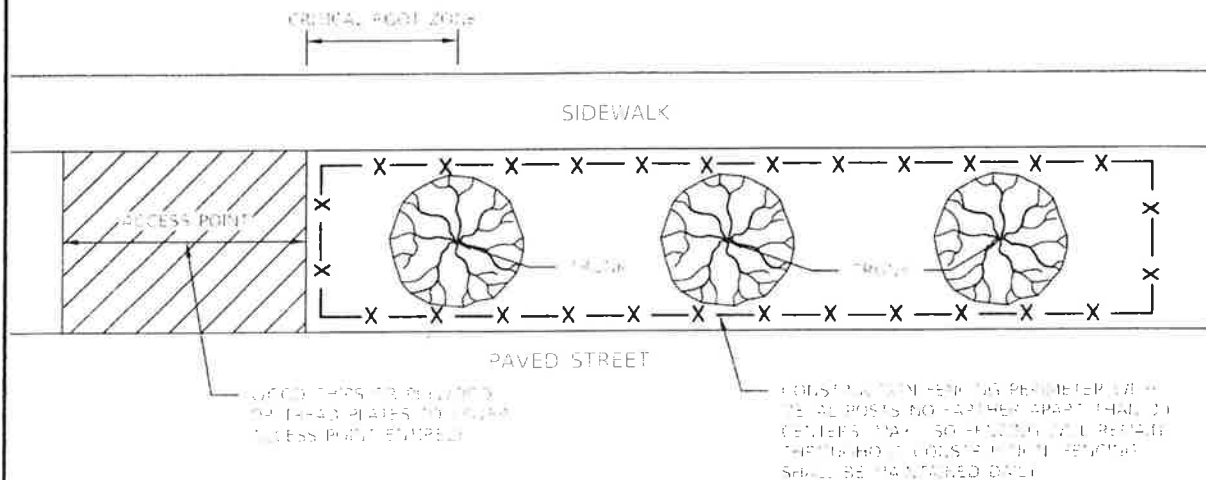
PARKWAY TREES:

GENERALLY THE TRUNK OF A PARKWAY TREE EXTENDS FROM THE TRUNK TO THE ENTIRE TREE CANOPY. IN THE STREET SIDE OF THE TRUNK, THE CANOPY OF THE TRUNK & SIDEWALK, PLUS A PROTECTIVE FENCE, SHALL BE MAINTAINED. THE TRUNK & SIDEWALK SHALL BE MAINTAINED FOR THE ENTIRE PARKWAY, OR AS APPROVED BY THE COUNTY ENGINEER. TO MINIMIZE THE DAMAGE TO THE TRUNK SYSTEM OF THE TRUNK, PLEASE REFER TO THE DETAIL SECTION FOR THE PROPOSED INSTALLATION OF PARKWAY TREE FENCE.



PARKWAY TREE FENCING WITHOUT DRIVEWAY:

IF THE PROPERTY DOES NOT HAVE DRIVEWAY ACCESS, AN ACCESS POINT TO THE FRONT OF THE PROPERTY ACROSS THE PARKWAY IS PERMITTED AS APPROVED BY THE VILLAGE FORESTER. THIS ACCESS POINT MUST BE CONSTRUCTED TO PREVENT SOIL COMPACTION AND DAMAGE TO PARKWAY TREES ROOT SYSTEMS. THE GENERAL CONTRACTOR OR OWNER MUST FENCE OFF THE PERIMETER OF THE PARKWAY UP TO THE DESIGNATED ACCESS POINT. A MINIMUM OF 1" OF MEDIUM PLYWOOD OR OTHER MATERIALS APPROVED BY THE VILLAGE FORESTER MUST BE PLACED ACROSS THE ENTIRE ACCESS POINT. THIS MUST BE MAINTAINED ONLY THROUGHOUT THE DURATION OF THE CONSTRUCTION ACTIVITY.



CONSTRUCTION DANGERS TO BE AWARE OF:

COMPACTION: MINIMIZE THIS TYPE OF DAMAGE BY FENCING TREES TO THE OPPOSITE SIDE WITHIN OF A TREE'S ROOTS ARE LOCATED IN THE TOP 18 INCHES OF SOIL AND CAN SPREAD OUT TO TREES FEET FURTHER THAN THE BRANCHES. THEY ARE THE MAIN SUPPORT STRUCTURE AND WATER/NUTRIENT PROVIDER FOR THE TREE. LARGE EQUIPMENT, BACKHOES, LOADERS, CRANES, TRUCKS, ETC. IF DRIVEN OVER THIS AREA WILL COMPACT THE ROOT SPACE IN THE SOIL. THERE WILL BE LESS WATER AND OXYGEN AVAILABLE TO THE SOIL PLANTS. IN THIS AREA, THE SOIL WILL CAUSE THE TREE'S ROOTS TO BE DAMAGED AND NOT ABLE TO ACCESS THE WATER AND NUTRIENTS THEY NEED.

TRAUMA: DAMAGE BROKEN BRANCHES. PREVENT THIS DAMAGE BY PARKING EQUIPMENT, INCLUDING BACKHOES, CRANES, TRUCKS, ETC. TO AVOID BREAKING OR RIPPING THEM WITH TRUCKS AND OTHER CONSTRUCTION EQUIPMENT. IF THERE ARE LOW HANGING BRANCHES ON PARKWAY TREES CONTACT PUBLIC WORKS AT 311 TO GET THEM CUT OFF. INSTALLATION AND MAINTAINING TREE PROTECTION FENCING WILL KEEP SKID STEERS, BACKHOES, AND OTHER CONSTRUCTION TRUCKS AWAY FROM THE TRUNKS AND ROOTS. CAUTION: THIS FENCING LEAVE 50 FEET OF CLEARANCE FOR PATHOGENS. THIS WILL CAUSE THE TREE TO BE STRESSED AND SUSCEPTIBLE TO DISEASE AND DEATH.

TRENCHING: SEWER, WATER AND OTHER UTILITIES ARE PLACED UNDERGROUND. THE INSTALLATION OF THESE UTILITIES VIA TRENCHING CAUSES TREMENDOUS DAMAGE TO THE ROOT SYSTEM OF THE TREE. TRENCHING EQUIPMENT WILL TEAR A SEVERE LARGE PORTION OF THE ROOT ZONE RESPONSIBLE FOR WATER & NUTRIENT INTAKE. THIS WILL PROVIDE A SOURCE OF INFECTION FOR FUNGUS & OTHER PATHOGENS LEADING TO TREE STRESS, DISEASE PROBLEMS, WEAK LIMBS AND DEATH. ANY OPEN CUT TRENCHING WITHIN THE DRAINAGE OF ANY TREE MUST BE APPROVED BY FORESTRY AND ENGINEERING.

IF ANY CONFLICTS WITH TREES ARISE PER THE EPA SEWER AND WATER SEPARATION REQUIREMENTS. PLEASE CONTACT PUBLIC WORKS PRIOR TO ANY WORK.

8. TREE PRUNING AND REMOVAL PERMITTING

A. Protected Tree Maintenance/Removal Requirements of a Property Owner

A Tree Maintenance/Removal Permit shall be required for work related to Protected Tree(s) within the public right of way and on public property. When a tree is on private property, has a trunk DBH measurement of six (6) inches or greater, and is designated a Protected Tree, a Tree Maintenance/Removal Permit shall be required for removal, pruning of 30% or more of the living crown within one growing season, pruning of healthy, undamaged limbs greater than 8" diameter, excavation of roots within the Critical Root Zone, or other actions which may cause premature decline of the tree within the following one or more years. Both the property owner and the agent of the property owner violating the ordinance shall be jointly liable. Penalties for the removal of a tree without a permit and without an approved replacement tree(s) of an equal value shall be a fine reflecting the Tree Value as outlined in Ch. 13: Protected Tree Value Replacement Fees.

B. Exemption for Routine Pruning and Maintenance of Protected Trees

To prevent onerous permit application requirements, a Tree Maintenance/Removal Permit shall not be required of a property owner or the agent of property owner for routine pruning and other beneficial maintenance of a Protected Tree on private property. This includes removal of dead or damaged limbs, pruning to correct for poor form which may result in structural weakness, and pruning for building or structural clearance. This does not include topping, removing 30% or more of the crown in a single growing season, or other actions which may cause premature decline of the tree within the following one or more years. Proper tree maintenance practices can be found in the ANZI A300 Tree Care Standards to avoid inadvertently damaging, harming, or killing trees during routine maintenance. Tree maintenance is always recommended to be done by a Certified Arborist.

C. Permit Application Processing for Protected Trees in the Public Right of Way

Authorization by the City of Kingston Tree Commission shall be required prior to any work to be performed on trees within the Public Right of Way. Tree Maintenance/Removal Permits for Protected Tree(s) in the Public Right of Way shall be filed with the Urban Forester or the Planning Department for review by the City of Kingston Tree Commission. Only with authorization by the City Tree Commission can removal of a Protected Tree be performed on public property or within the public right of way. Upon approval of the Urban Forester, the Tree Maintenance/Removal Permit authorization and all requirements associated may be expedited or waived for the removal of dead, dying, diseased, hazardous, and invasive trees.

For additional clarity on selecting the appropriate permit see the Permit Flow Chart within this ordinance or contact either the Urban Forester or the Planning Department.

D. Permit Application Processing for Projects Under Review By Planning Board

The Planning Board may request the Urban Forester for an assessment of any required Tree Protection Plan, Tree Survey, Arborist Report, or other appropriate documentation accounting for the location and condition of Protected Trees included in development projects and plans under review. This assessment will be to assist the Planning Board in determining compliance of a project with the City of Kingston Form-Based Code.