

MARCH 2024 LAWS & RULES COMMITTEE MEETING
Wednesday, March 20th, at 6:30 PM.

1. Community Preservation Plan Update - J. Noble

OLD BUSINESS

1. Kingston Charter Revision Task Force.- Alderman Scott-Childress

Tinti, Elisa

L+R

From: Noble, Julie
Sent: Thursday, February 29, 2024 1:29 PM
To: Shaut, Andrea; Tinti, Elisa
Cc: Noble, Steve; Michael Drillinger
Subject: Community Preservation Plan update
Attachments: 2023_01_19 CPP public mtg #2 slide deck-DB-JB.pdf

Good afternoon,

I would like to request placement on the Laws and Rules agenda for March, an update on the Community Preservation Plan and Fund. This meeting will not include an immediate request for any legislation but rather to bring the new Council members up to speed on the Plan.

As an addendum to this memo, please also include in the communication, a reference below to the email I sent to all 2023 Council members on August 17, 2023.

Good morning Common Council members,

Last night at the Laws and Rules meeting I presented the final Community Preservation Plan to the Committee. This is a plan which was created as the third and final plan in the sequence of Natural Resources Inventory, Open Space Plan and now Community Preservation Plan. This Plan, completed in February 2022 with Behan Planning and Design and my office, is a program for protecting our open space and community character, with a map prioritizing each parcel based on objective resource scoring, as well as land use strategies to protect the parcels. This Community Preservation program would be voluntary and, should a Community Preservation Fund be established, funds can only be used to acquire properties or easements from willing landowners.

There will be a printed copy of the plan in your mailbox at City Hall by 9:15 this morning, with the exception of the 4 of you which received a copy at the meeting. You can also find all the info about the plan, outreach, mapping, and process at www.engagekingston.com/community-preservation-plan.

My ask to the Council is ultimately for 3 Local Laws:

- 1) Adoption of Plan and subsequent SEQR
- 2) Establishment of a Community Preservation Fund and Advisory Board
- 3) Establishment of the Real Estate Transfer Tax (RETT)

As mentioned at the meeting, the Kingston Land Trust has committed to advancing the effort with community outreach and a campaign to get this plan out to referendum in November 2024, which is the only way for the Fund and RETT to be established, once the Local Laws are adopted. Note- the RETT tax amount would be determined by the community through outreach by KLT, and voted on by referendum. Typical amounts are 1-2% tax on property sales exceeding the Ulster County median sale price, taxed to the buyer. This is not a blanket tax, only on sales. And then the fund can only be used on parcels identified in the adopted plan as having at least a resource score of 1 or more, and then only can the funds be used if there is a willing landowner.

There is much more I could go into in an email but I would direct you to the PowerPoint, attached, the website, and the recording from the Laws and Rules meeting last night for more information.

I will be working with Corp Counsel on the SEQR documentation and will plan to return to Laws and Rules in September with a request for the first Local Law (Adoption of the Plan).

For any Council member who wasn't present at Laws and Rules or who would like additional information, please feel free to reach out.

Thanks,
Julie

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

City of Kingston, NY Community Preservation Plan (CPP)

Public Meeting #2
January 19, 2023

Image source: Robert Rodriguez, Jr



Department of
Environmental
Conservation

Hudson River
Estuary Program



City of Kingston, NY Community Preservation Plan (CPP)

This Project has been funded in part by a grant from the New York State Environmental Protection Fund through the Hudson River Estuary Program of the New York State Department of Environmental Conservation:

Public Meeting #2
January 19, 2023

Image source: Robert Rodriguez, Jr



Department of
Environmental
Conservation

Hudson River
Estuary Program



Welcome!

Tonight's agenda

- Introductions
- Community Preservation Plan overview
- Present the draft plan
- Share public survey results and priority mapping
- Evaluate recommended land use alternatives
- Garner public feedback for final plan
- Summary wrap up and next steps



CITY OF KINGSTON STAFF

JULIE NOBLE, SUSTAINABILITY, PROJECT
MANAGER

EMILY FLYNN, DIRECTOR OF HEALTH AND
WELLNESS

CONSULTANT TEAM

JOHN BEHAN, PRINCIPAL, *BEHAN*
PLANNING AND DESIGN

DANA BRADY, ENVIRONMENTAL
PLANNER, *BEHAN PLANNING AND DESIGN*

RICK LEDERER-BARNES, GIS
SPECIALIST, *UPSTATE GIS*

Introductions

Project Advisory Committee members

Brooke Pickering-Cole, *Hudson Valley Farm Hub*

Carl Frankel, *Kingston Common Council*

Ellie Gartenstein, *Kingston Sustainability Department*

Emilie Hauser, *Kingston Conservation Advisory Council (CAC) Chairperson*

Emily Flynn/Marsha Sebro, *Kingston Health and Wellness/Live Well
Kingston Commission*

Greg Shaheen/Shaniqua Bowden, *Kingston Land Trust*

Ingrid Haeckel, *NYS DEC Hudson River Estuary Program*

Jessica Alonso, *YMCA Farm Project, Youth Corps Program*

Project Advisory Committee members

Karen Sullivan, *Climate Smart Commission, Realtor*

Kevin McEvoy, *Heritage Area Commission, Historic Landmarks Preservation Commission, Friends of Historic Kingston, Kingston Preservation Inc., Kingston Land Trust, Kingston CAC, Climate Smart Commission*

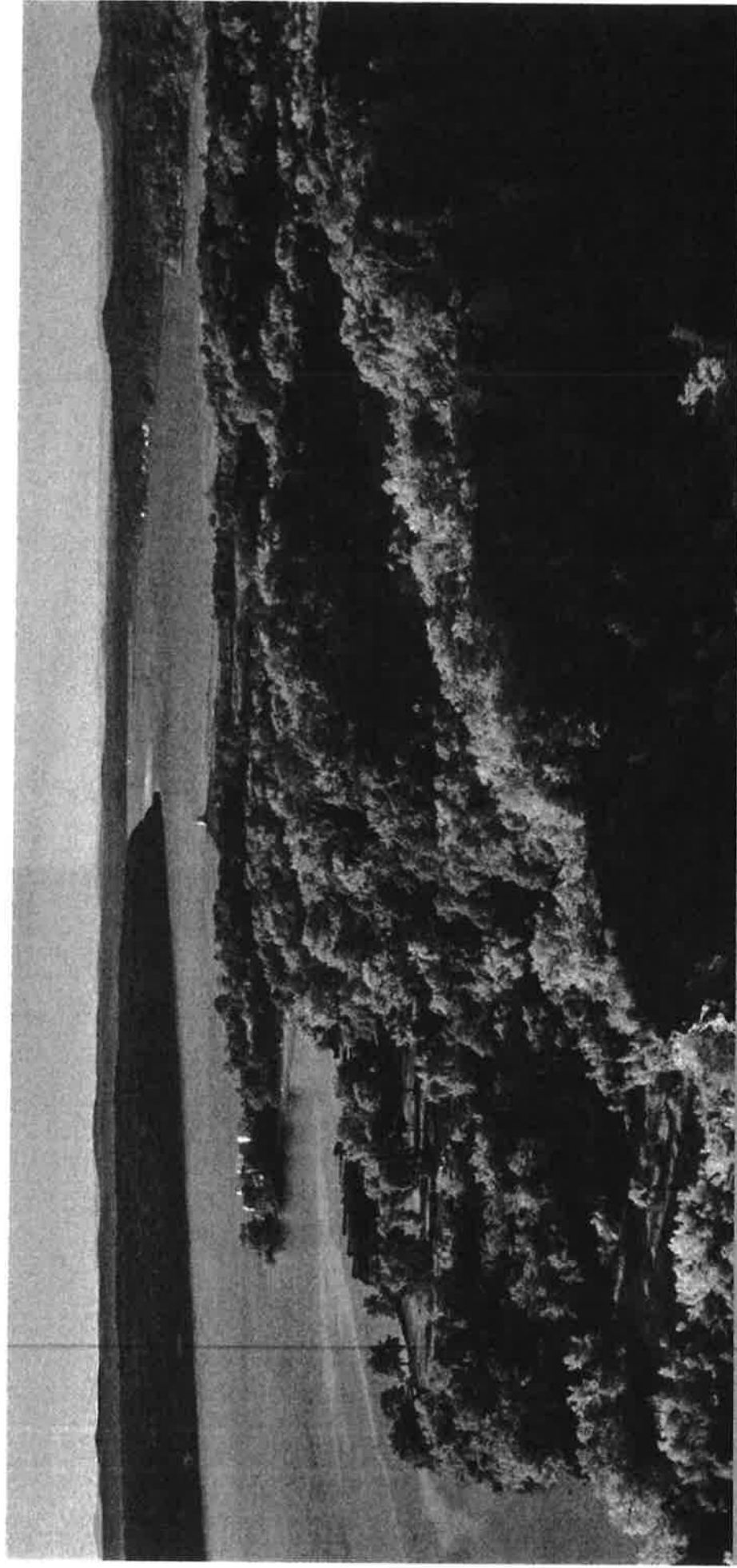
Ted Griese, *Kingston CAC, former Kingston Land Trust*

Sue Cahill/Kyla DeDea, *Kingston Planning Department/Tree Commission*

Emily Vail, *Hudson River Watershed Alliance*

Duane Martinez/Zoraida Lopez, *Scenic Hudson*

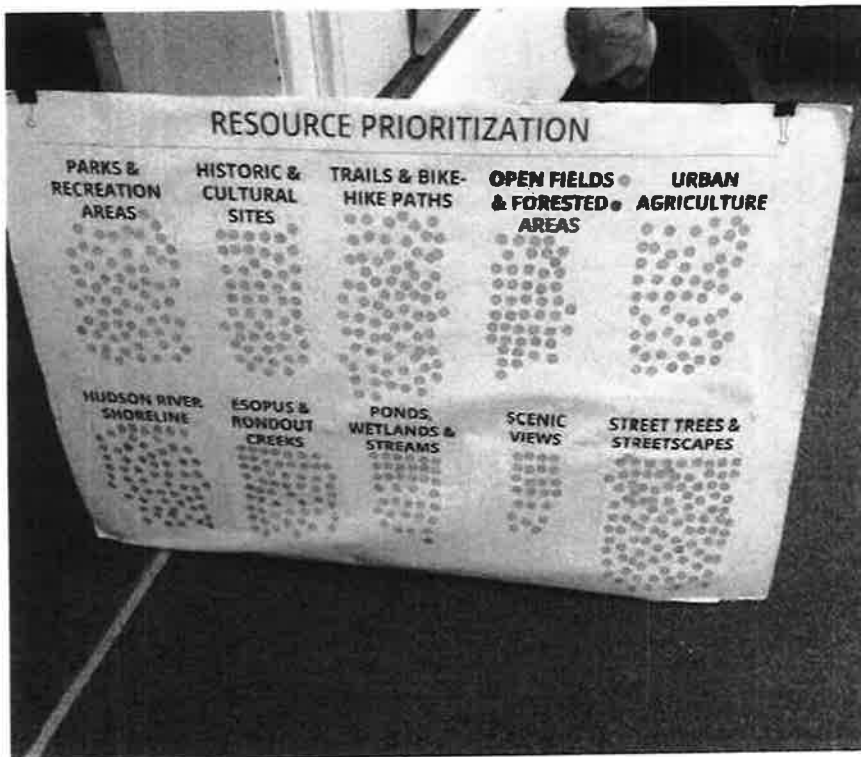
Julie Noble, *Kingston Environmental Education & Sustainability Coordinator, Project Manager*



What is a Community Preservation Plan?

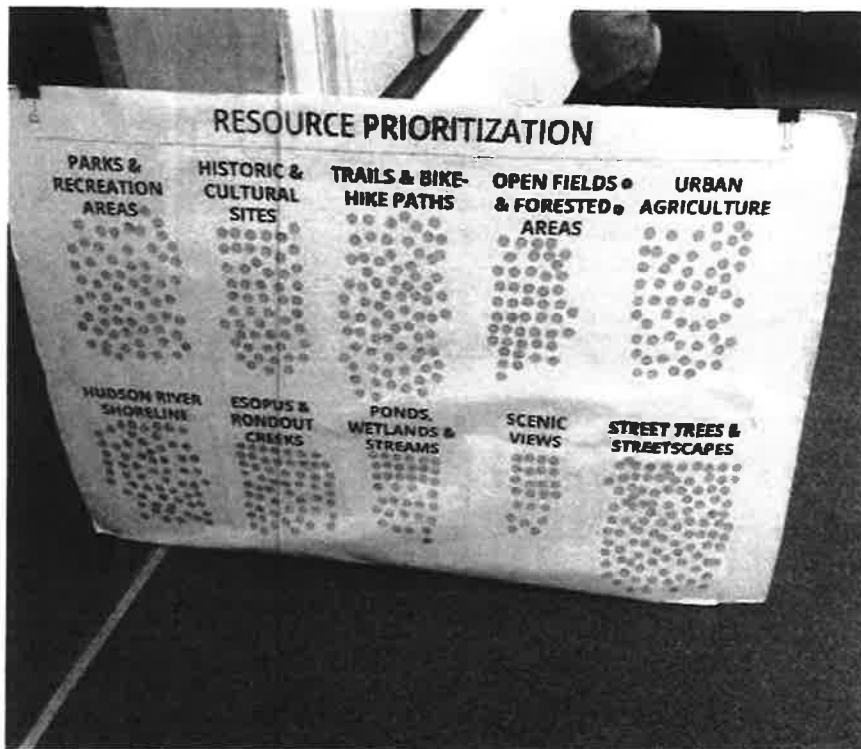
A community preservation plan can be used to identify priorities for the preservation and expansion of...

- Parks, nature preserves, wildlife refuges, greenbelts and recreation areas
- Lands of exceptional scenic value
- Wetlands
- Aquifer recharge areas



A community preservation plan can be used to identify priorities for the preservation and expansion of...

- Rare or endangered habitats or unique or threatened ecosystems
- Public access to land for recreational use
- Rivers, streams and waterways wetlands and shorelines
- Historic places and properties
- Viable Agricultural lands



A community preservation plan cannot be used to identify priorities for...

- Housing
- Sewer and stormwater infrastructure improvements
- Road infrastructure improvements



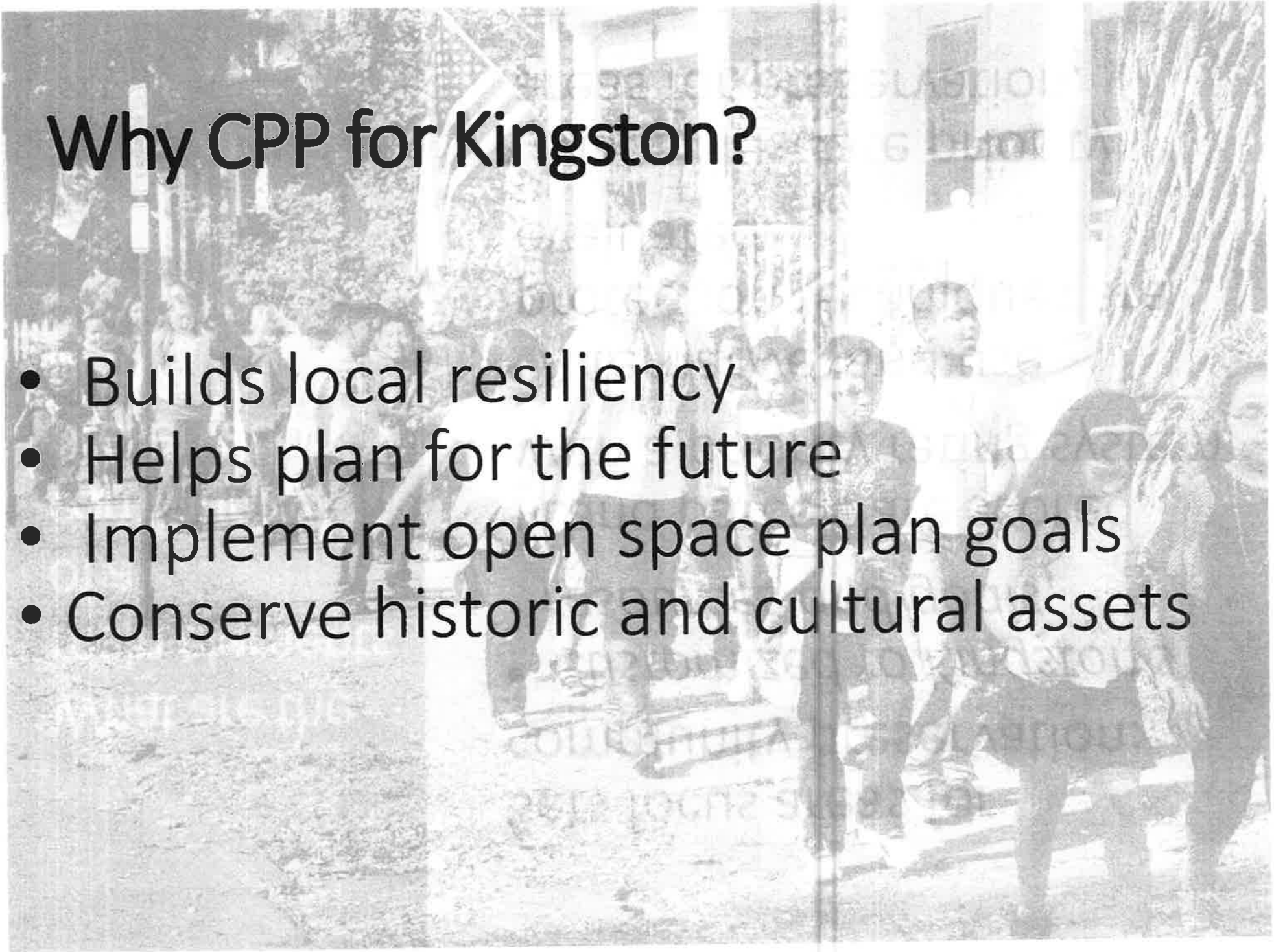
What are the
main elements
of a
community
preservation
plan?

Sets focus areas for
community preservation:

- *Customized to Kingston's resources and goals.*
- Land parcels are scored with a priority rating system.
- Alternative land use protection techniques are evaluated.
- Maps illustrate priority areas for preservation.

Why CPP for Kingston?

- Builds local resiliency
- Helps plan for the future
- Implement open space plan goals
- Conserve historic and cultural assets



Why CPP for Kingston?

- Protect our urban forest
- Enhances natural water quality
- Supports urban agriculture/local food production
- Increased recreation access, community connections and environmental justice



What is the difference between an open space plan and a community preservation plan?

OPEN SPACE PLAN:

- Has flexible requirements,
- Priorities are combined over multiple parcels,
- Cannot be funded through a community preservation fund.

COMMUNITY PRESERVATION PLAN:

- Has unique legislative requirements that must be followed,
- Property parcels in the city are ranked using public input,
- Provides the basis for creating a community preservation fund.

OPEN SPACE VISION MAP

5 MILES OF NEW TRAILS 

- *Cardinalis* (red cardinal) - green
- *Parus* (great spotted woodpecker)
- *Turdus* (blackbird and others)

10 NEW URBAN COMMUNITY GARDENS

- Kalkulation: Kosten der Leistung
- Preis: Verkaufspreis
- Differenz: Gewinn

50  **ADDITIONAL ACRES OF FARMLAND
& NATURAL AREAS PROTECTED**

- *Protein synthesis* (protein synthesis)
- *Protein synthesis* (protein synthesis)
- *Protein synthesis* (protein synthesis)

NEW NEIGHBORHOOD PARK

- $\text{d}(\log \text{age}) = \frac{1}{\text{age}} \text{d}(\text{age})$
- $\text{d}(\log \text{age}) = \frac{1}{\text{age}} \text{d}(\text{age})$

5,000
ADDITIONAL
LINEAR FEET OF
PUBLIC ACCESS
HUDSON

- *Intergovernmental Health Policy Institute (IHPI)*
- *Public Health Service (PHS)*
- *State Health Department (SHD)*

500 ADDITIONAL ACRES
PERMANENTLY PROTECTED

- Input related operations
- Output related operations (e.g. saving a file)
- Operation with window applications

2.509

- Remotely sensed measurements, which provide:
- Spatially explicit information of forest
- Improves monitoring quality and consistency

60 ADDITIONAL AGES
PERMANENTLY PROTECTED: 15M


- **Task 1:** **What is the purpose of the following text?**
- **Task 2:** **What is the main idea of the text?**
- **Task 3:** **What is the author's attitude towards the topic?**

5,000
ADDITIONAL
LINEAR FEET OF
PUBLIC ACCESS
RONOLD

- $\lim_{n \rightarrow \infty} \frac{1}{n} \sum_{k=1}^n f\left(\frac{k}{n}\right) = \int_0^1 f(x) dx$ (Riemann-Stieltjes integral)
- $\lim_{n \rightarrow \infty} \frac{1}{n} \sum_{k=1}^n f\left(\frac{k}{n}\right) = \int_0^1 f(x) dx$ (Riemann-Stieltjes integral)
- $\lim_{n \rightarrow \infty} \frac{1}{n} \sum_{k=1}^n f\left(\frac{k}{n}\right) = \int_0^1 f(x) dx$ (Riemann-Stieltjes integral)

**- 1,000
NEW STREET
TREES
PLANTED**

- The efficiency of the algorithm is $O(n^2)$
- The number of comparisons is $\frac{n(n-1)}{2}$
- The number of swaps is $\frac{n(n-1)}{2}$



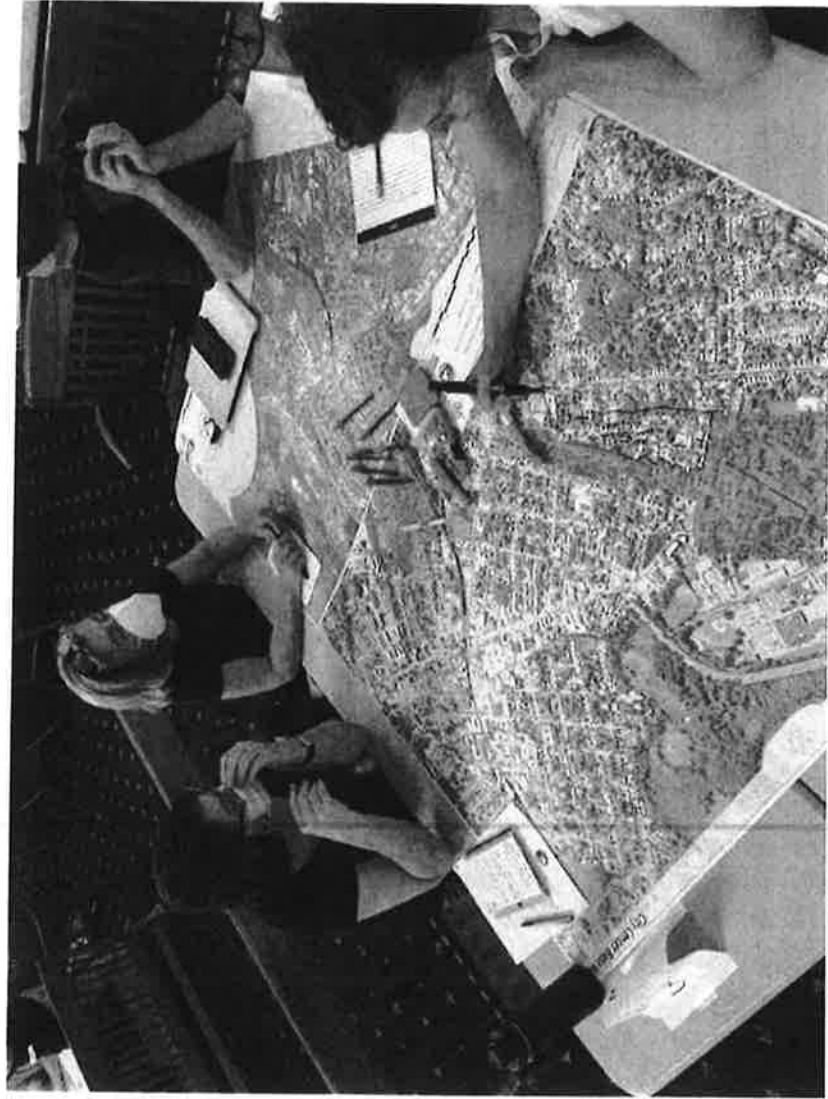
CITY OF
KINGSTON
 **10 YEAR
GOALS**

An **online community questionnaire** was made accessible through the **Engage Kingston website**. A print version was also circulated throughout the City. English and Spanish language versions were made available.

An **online mapping tool** on Engage Kingston was made available.

public meetings/tabling as well as additional **advisory committee meetings**

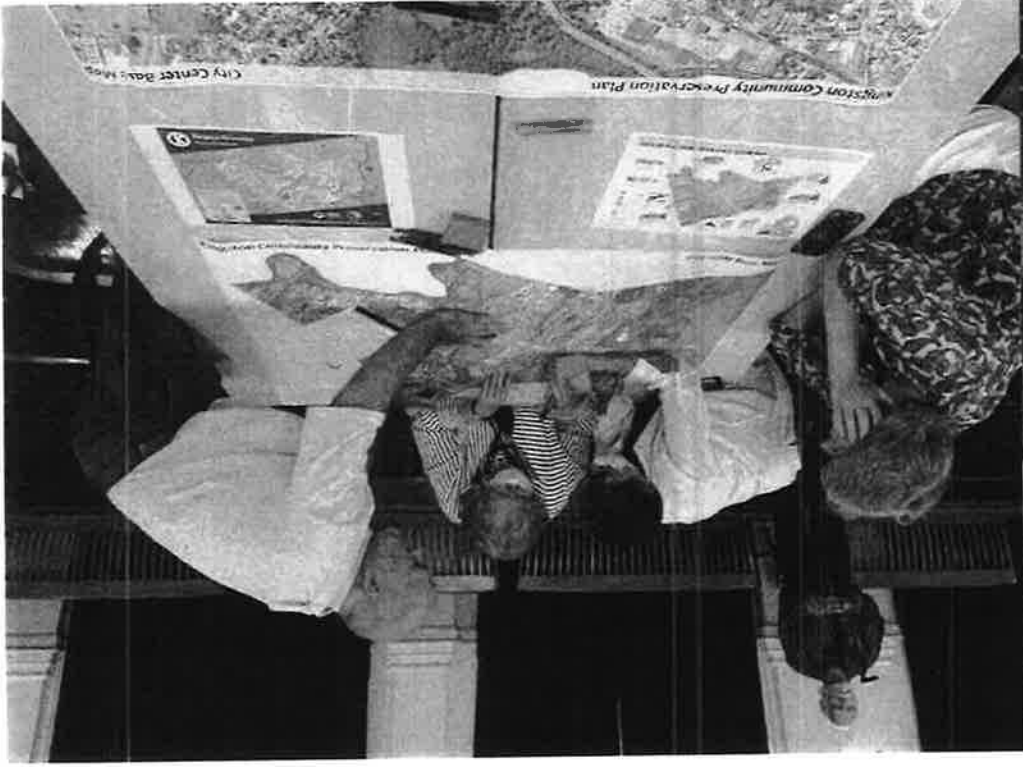
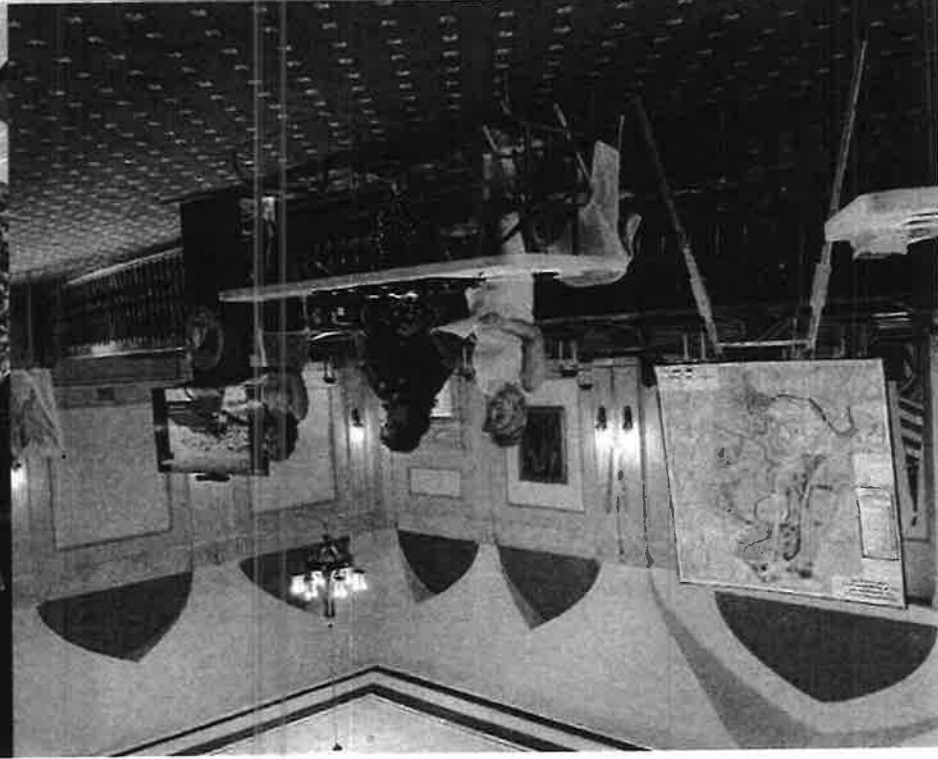
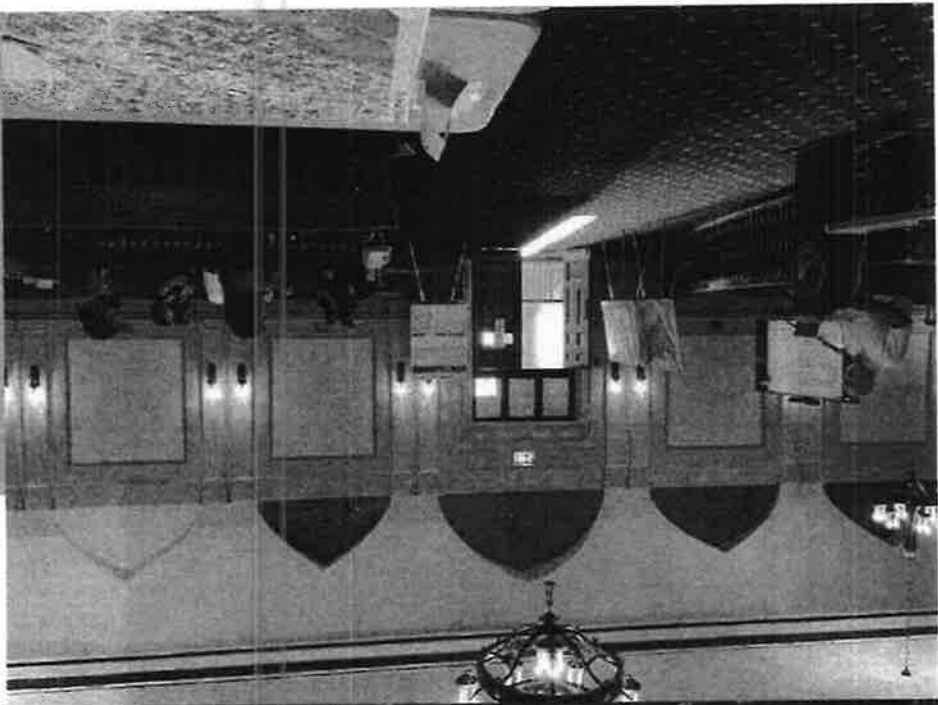
Public outreach overview



Public meeting #1
Summer 2022

Public Meeting #1

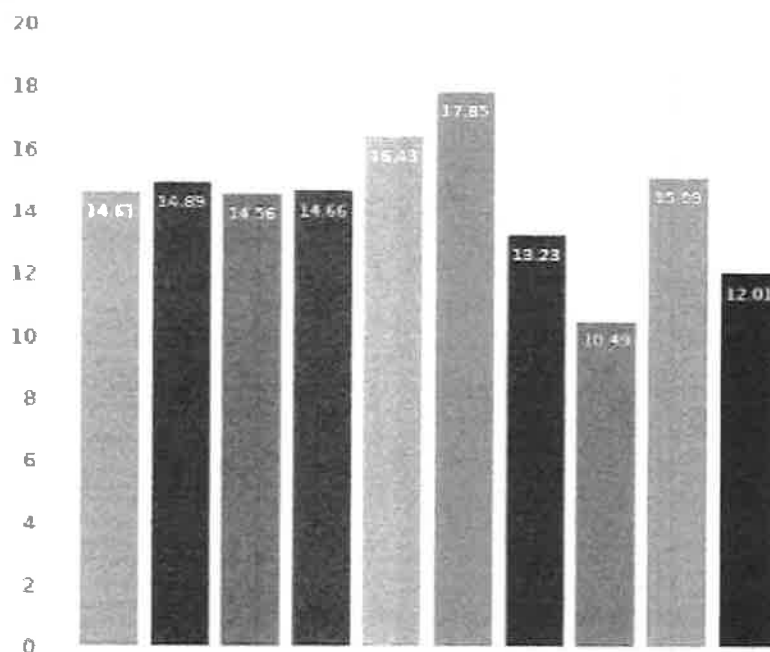
Summer 2022



Survey Results

Help us by allocating 100 points to the categories below. Please distribute your points amongst the resource categories you feel are most important for preservation and/or expansion. You may choose to put all 100 of these points into one category, split them between 2 (i.e., 50 points each in 2 categories) or 3 or 4 or more categories and so on for any combination totaling 100 points. Note: total points must equal 100.

Answered: 143 Skipped: 0



- Parks
- Recreational trails
- Public access to water resources
- Ecological storm water management areas
- Nature preserves and open spaces
- Historic and/or cultural sites and places
- Viable agricultural land/ areas for community gardens
- Land with scenic vistas
- Forested lands
- Floodplains

Kingston NY Community Preservation Plan – Priority Parcel Scoring

Water & Wetland Resources - Prioritization Scoring Criteria

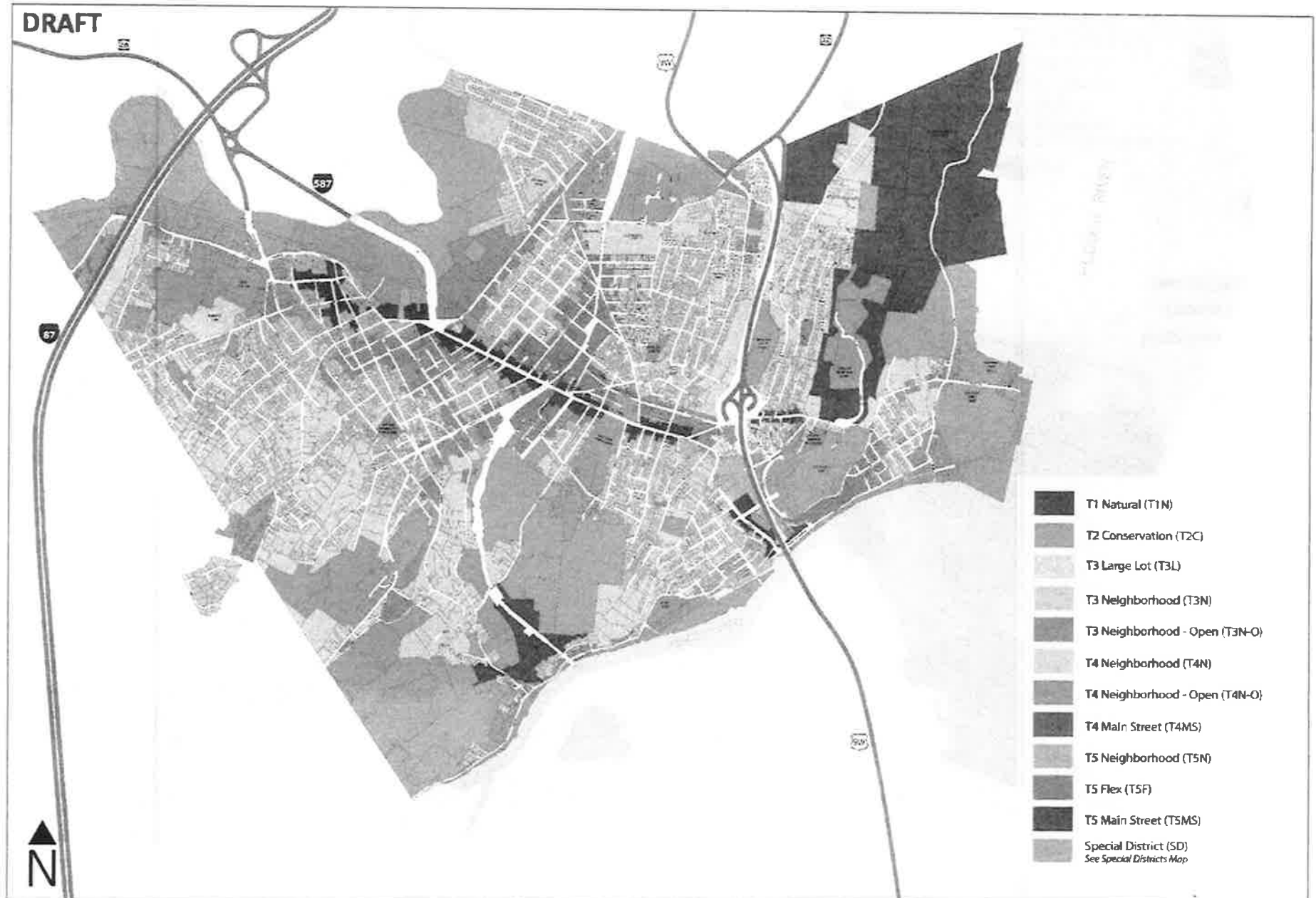
Feature	Points	Notes
NYSDEC Wetlands and 100' regulated buffer area	5 points	NYSDEC wetlands are important to water quality due to their size (10+ acres).
National Wetland Inventory wetlands and 100' buffer (outside NYSDEC)	3 points: $\leq 100'$ from DEC Wetland 2 points: $> 100'$ from DEC Wetland	NWI wetlands within 100' of DEC wetland are considered contributing to the NYSDEC network, regardless of size and thus also receive 3 points.
Other wetlands and hydric soils	2 points	
Scenic Hudson ELAMM tidal wetland data	4 points: "Resilient" wetlands 4 points: "New wetlands" 1 point: "New wetland conflict" <i>Conflict refers to areas that are currently developed</i>	Scenic Hudson modeled future wetlands based on sea level rise models and classified areas that would lose wetlands (loss), maintain wetlands (resilient), and gain wetlands (new or new with conflict). Areas that will maintain wetlands or are areas that could support future wetlands are most important in terms of climate resiliency.
Riparian buffers	3 points	Important for habitat and stream water quality
Surface waters and streams	3 points: within 100' of Class AA or A 2 points: from 100-200' of Class AA or A 2 points: all non-AA/A surface waters and/or within 100' of Class B, Class C(T) or (TS) 1 point: within 100' of Class C 1 pt - within 50' of all others	For area of overlapping water buffers the highest order buffer is used. Buffer areas are not "double counted." Since riparian areas are a more defined type of buffer, the riparian score supersedes the stream buffer score in areas of overlap.
Floodplains	1 point: floodplain areas outside of other water buffer zones	
Unconfined aquifers	1 point	Potential drinking water source, susceptible to contamination
Vernal pools	3 points: Vernal pool plus 300' buffer	

Priority Parcel Scoring

Scoring categories included in the draft Kingston Community Preservation Plan include:

- Water
- Ecological
- Cultural & Recreational
- Agricultural

DRAFT

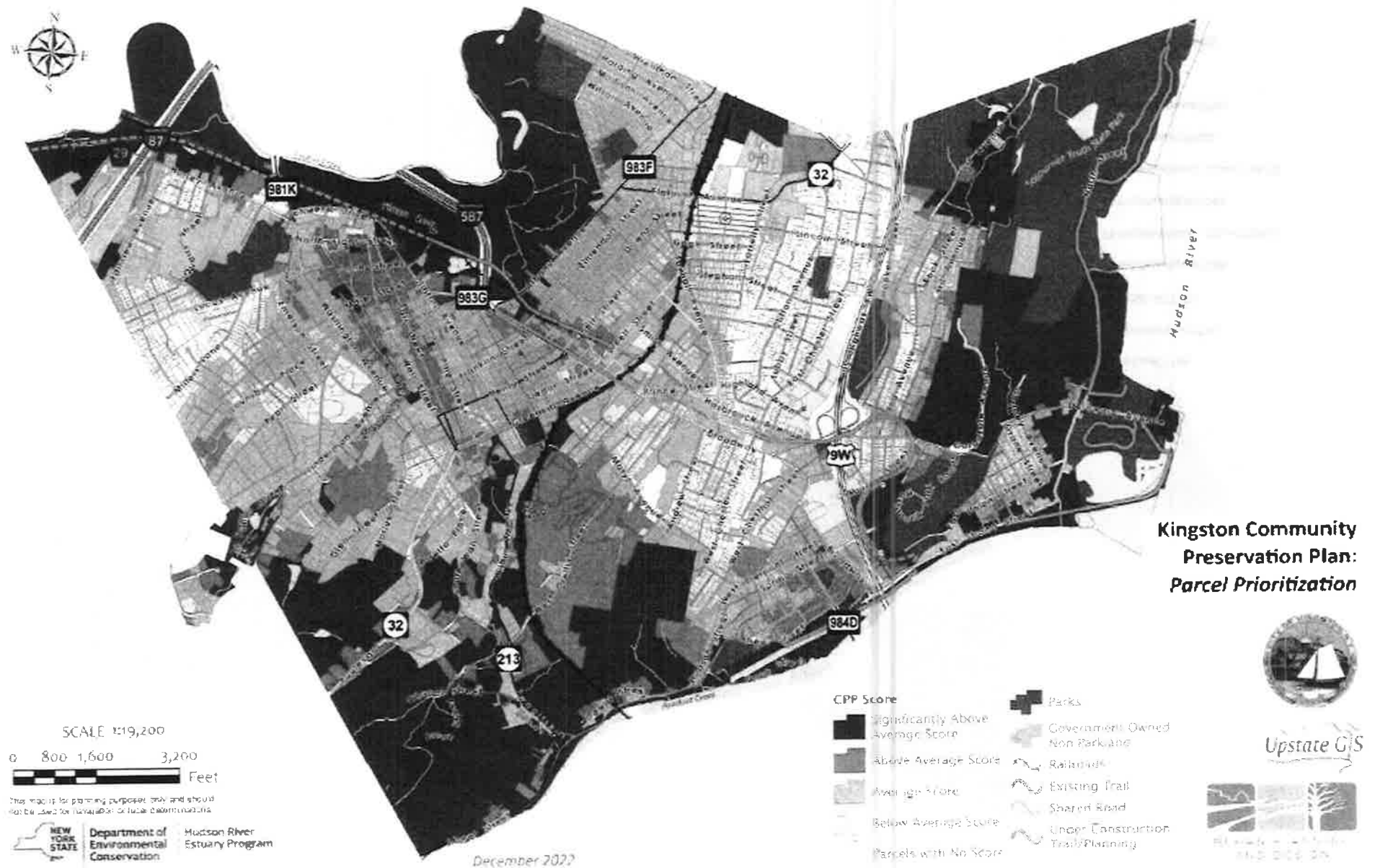


COMMUNITY REVIEW DRAFT 3.0

REGULATING MAP

KINGSTON FORWARD

City of Kingston CPP Scores



CPP Scores Legend from Map

CPP Score



Significantly Above
Average Score



Above Average Score



Average Score



Below Average Score



Parcels with No Score



Parks



Government Owned
Non-Parkland



Railroads



Existing Trail



Shared Road



Under Construction
Trail/Planning



Plan appendix includes
maps/scoring
4 Sub Resource Subcategories:

- Water and Wetlands
- Agricultural
- Ecological
- Cultural & Recreational.





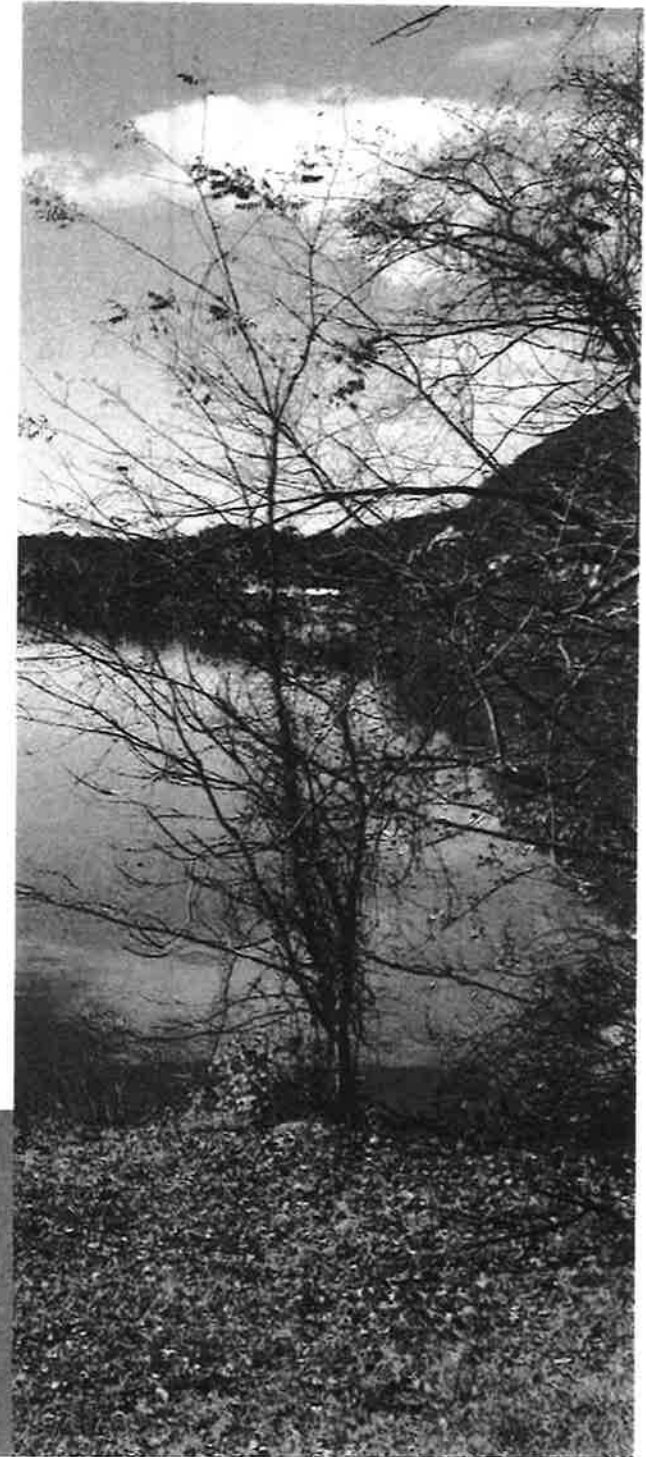
Evaluation of Alternative Land Use Controls and Strategies to Protect Community Character

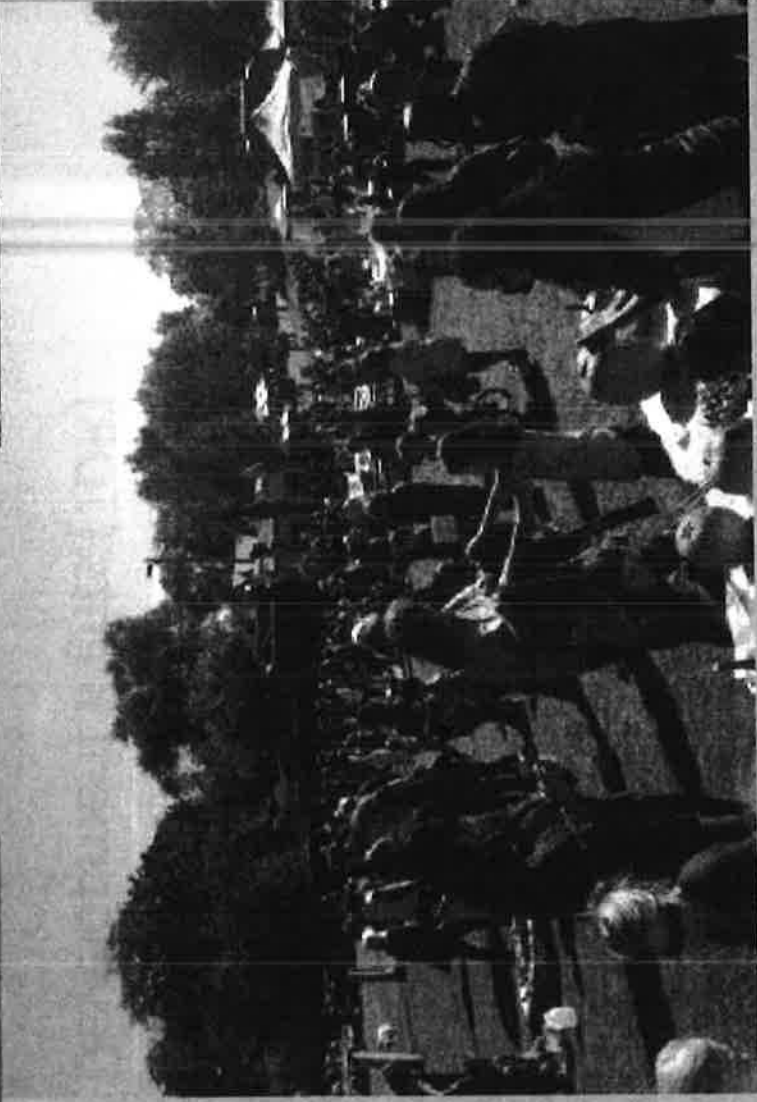
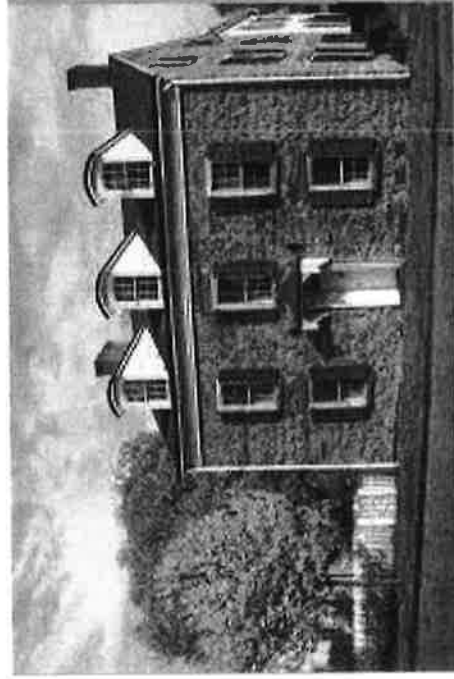
1. Tax Abatement/Incentives
2. Site Plan Review
3. Stormwater Management
4. Conservation Advisory Council, Historic Landmarks Preservation Commission and Heritage Area Commission
5. Tree Commission
6. Zoning Law

The Plan includes an assessment of each alternative's effectiveness for community preservation.



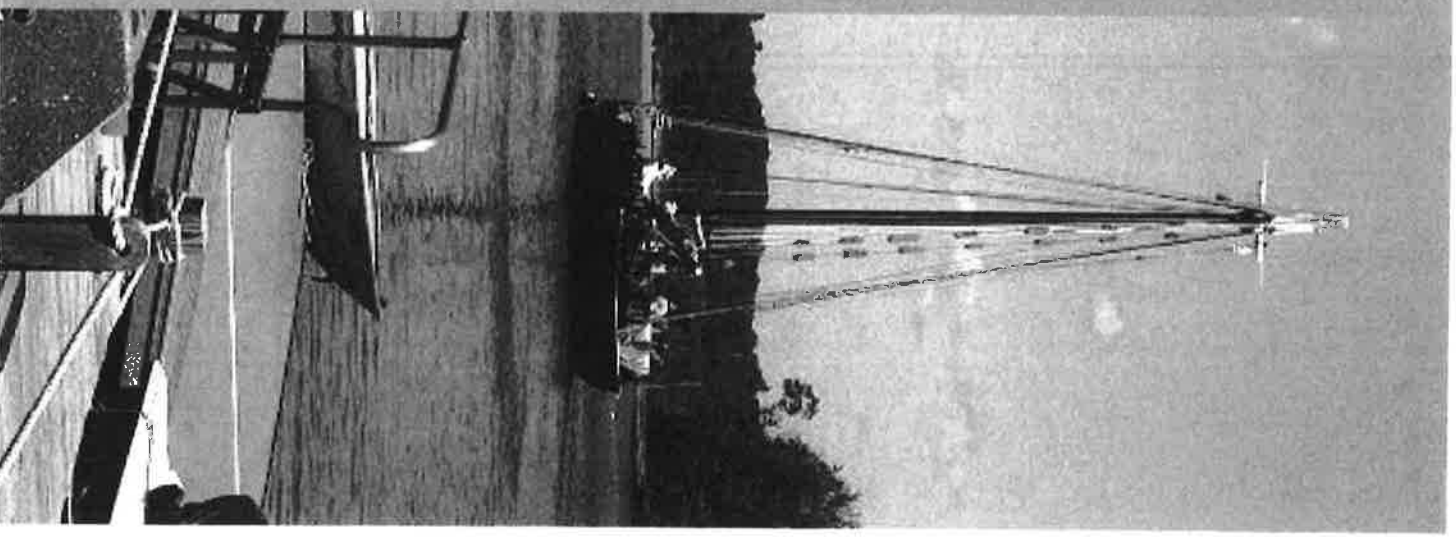
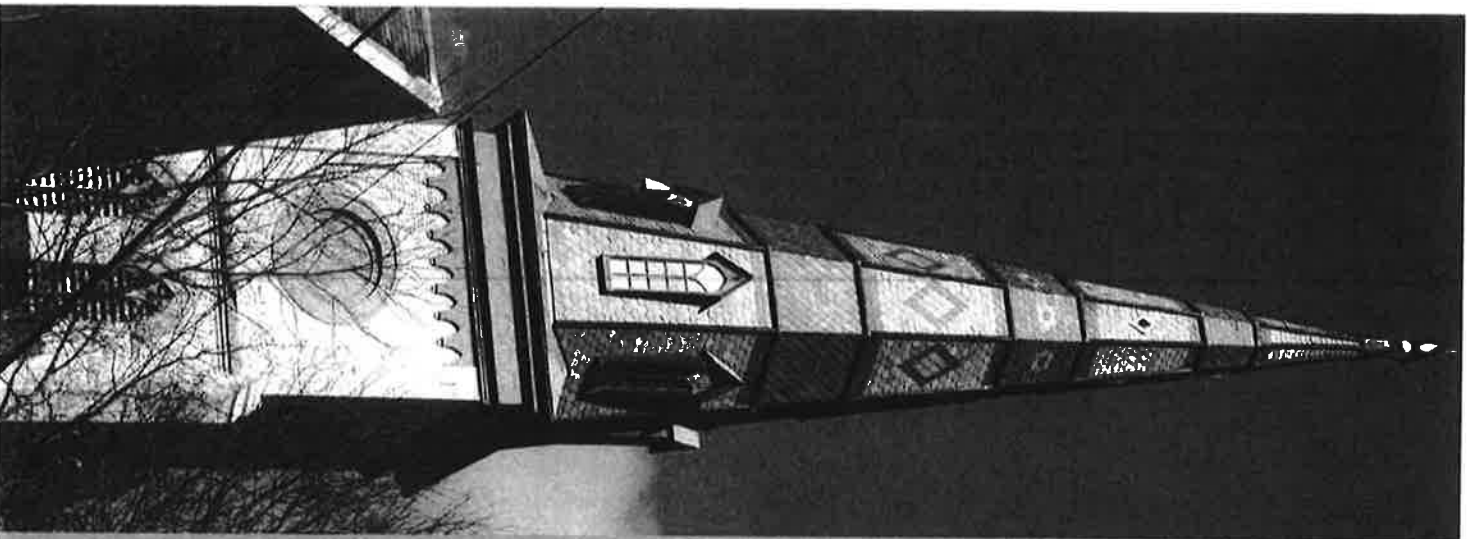
7. Rondout Creek and Hudson Riverfront Districts Incentive Zoning
8. Flood Hazard Overlay District
9. Traditional Neighborhood Development Overlay District (TNDOD)
10. Broadway Overlay District
11. Cluster Development
12. Fee Simple Acquisition
13. Private Land Conservation Strategies
 - Conservation Easements
 - Purchase of Development Rights (PDR)
 - Transfer of Development Rights (TDR)





The Draft Plan will be finalized for review and adoption by the Common Council

After adoption of the
Plan—a unique
funding option
would be available for
community approval



Community Preservation Fund (CPF)

- After adoption of the Community Preservation Plan, the establishment of this fund by the City would be the next important step.
- The Community Preservation program is voluntary as funds can only be used to acquire properties or easements from willing landowners.

Community Preservation Fund (CPF)

- A public referendum would allow Kingston voters to decide whether to approve establishing the fund would come from a Real Estate Transfer Tax (RETT).
- Allows for open space protection and historic preservation without increasing taxes for residents.

IN CONCLUSION

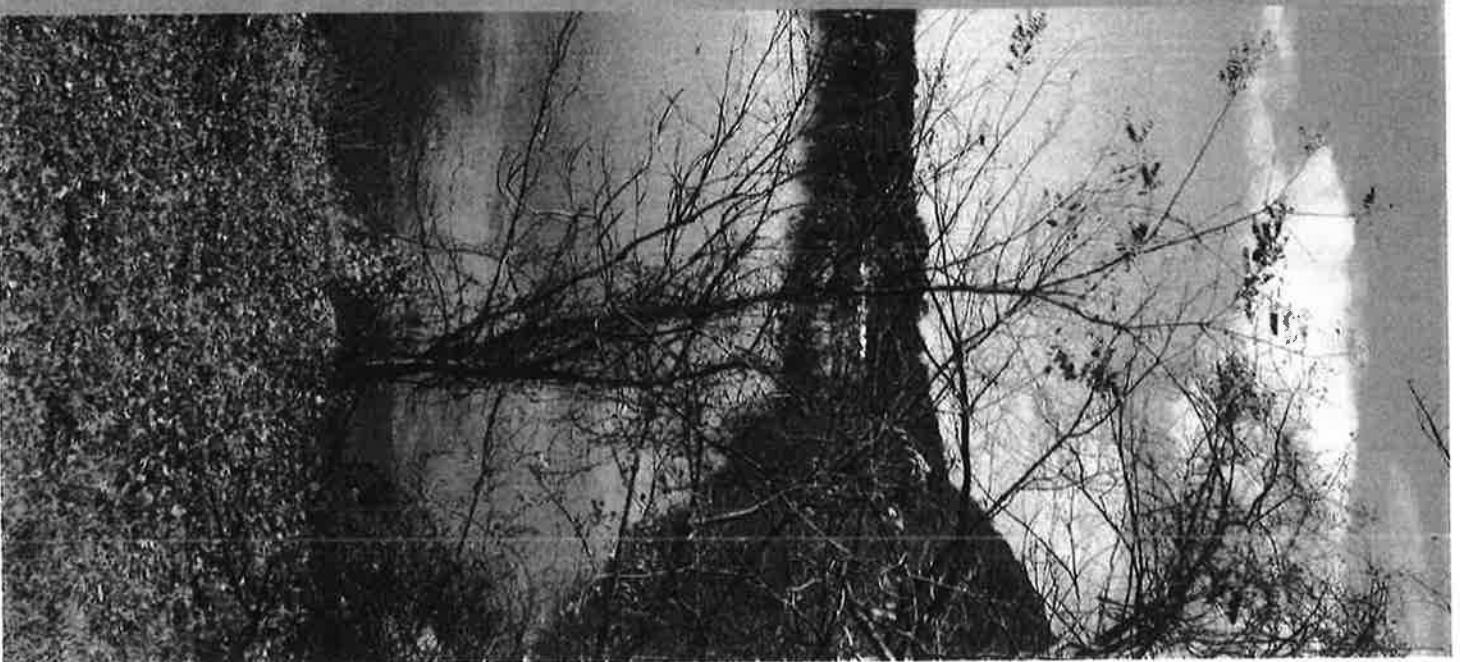
This Community Preservation Plan is based on the principal that landowners would continue to be recognized for their important role in the preservation of the natural and cultural resources that add to quality of life in Kingston.



Landowners are the stewards of the properties that provide preservation values to the community. It is also recognized they have fiduciary responsibilities and financial needs inherent in their land and buildings.



This plan offers the community a tool box to collaborate with local landowners and provides a wide range of alternative strategies to help those who are interested in preserving the natural and cultural resources for both current and future generations that make the City a great place to live.



We are
grateful to
be part of
Team
Kingston--
Thanks to
each of
you!



OLD BUSINESS

Tinti, Elisa

LTR

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

Good morning,

Please include the following email in my communications folder.

Thank you,

Andrea Shaut

Council President, City of Kingston

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

Dear President Shaut,

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

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

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

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

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

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

Sincerely yours,

Reynolds J. Scott-Childress

Alderman, Ward 3

City of Kingston

(845) 392-2919 mobile