

## **LAWS & RULES**

**Wednesday May 18 6:30pm.**

- 1 – Juneteenth City Holiday – Mayor Noble
- 2 – Certificate of Need Ambulance – Mayor Noble
- 3 – Open Meeting Law Legislation – Mayor Noble
- 4 – Zoning Re-write Final Scoping Document – B. Starodaj
- 5 – Record of Activities for the Standard Work Day – E. Tinti
- 6 – Establishment of an Marijuana Regulation and Taxation Act (MRTA)  
Taskforce/Focus Group – President Shaut
- 7 Commissioner of Deeds- E. Tinti

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CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov



Steven T. Noble  
Mayor

April 30th, 2022

Honorable Andrea Shaut  
President/Alderman-at-Large  
Kingston Common Council  
420 Broadway  
Kingston, NY 12401

Re: Juneteenth City Holiday

Dear President Shaut,

The Juneteenth (June 19th) Holiday commemorates the emancipation of enslaved African-Americans in the United States. It is one of the longest-running holidays in the United States. President Biden recognized Juneteenth as a Federal Holiday in 2021, and New York State recognized Juneteenth as a State Holiday in 2020.

The City of Kingston should follow suit and officially recognize the importance of celebrating and commemorating the Juneteenth Holiday by adopting it as an official City Holiday and have it added to the CSEA Holiday Schedule per the attached MOA.

Thank you in advance for your consideration. If you have any further questions, please do not hesitate to contact me.

Respectfully submitted,

Steven T. Noble  
Mayor

STN:rjv

**THE CITY OF KINGSTON COMMON COUNCIL**

**LAWS & RULES  
COMMITTEE REPORT**

DEPARTMENT: Mayor

DATE:

Description:

RESOLUTION TO APPROVE MEMORANDUM OF AGREEMENT RELATED TO JUNETEENTH HOLIDAY.

Signature: \_\_\_\_\_

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

Action Required:

SEQRA Decision:

Type I Action \_\_\_\_\_

Type II Action \_\_\_\_\_

Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Rita Worthington, Ward 4, Chairman		
Barbara Hill, Ward 1		
Carl Frankel, Ward 2		
Rennie Scott-Childress, Ward 3		
Michael Olivieri, Ward 7		

**SIDE MEMORANDUM OF AGREEMENT (SMOA)**  
by and between  
**CITY OF KINGSTON (CITY)**  
the  
**CIVIL SERVICE EMPLOYEES ASSOCIATION, LOCAL 1000 AFSCME,**  
**AFL-CIO, KINGSTON CITY UNIT #8951 AND**  
**ULSTER COUNTY LOCAL #856 (CSEA)**

WHEREAS, the City and the CSEA are parties to a Collective Bargaining Agreement (CBA) which expired on December 31, 2021; and

WHEREAS, Article 4 of the Collective Bargaining Agreement covers Holidays with Pay; and

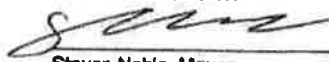
WHEREAS, beginning in 2022, the City intends to adopt Juneteenth as a recognized paid holiday for the City, consistent with Federal and State designations and its CSEA employees; and

NOW, THEREFORE, the City of Kingston and CSEA in consideration of the mutual promises and covenants set forth herein, hereby stipulate and agree as follows:


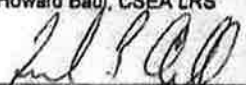
1. For the calendar year 2022, Juneteenth shall be a paid holiday added to the celebrated paid holidays, pursuant to Article 4 of the Collective Bargaining Agreement, and will be observed consistent with the Federal Holiday Schedule. In 2022, this day shall be Observed on June 20<sup>th</sup>.
2. During future contract negotiations, the parties shall negotiate how the Juneteenth Holiday shall be implemented in the successor agreement for the years beyond 2022.
3. This Memorandum of Agreement shall be without precedent except to enforce its specific terms and shall not constitute a past practice and is subject to ratification by the City.

IN WITNESS WHEREOF, the Memorandum of Agreement is executed as of this \_\_\_\_ day of April 2022.

**CITY OF KINGSTON**

 4/25/22  
Steven Noble, Mayor Date

**CSEA, LOCAL 1000, AFSCME, AFL-CIO, KINGSTON CITY UNIT #8951, ULSTER COUNTY LOCAL #856**

 4/26/22  
Howard Bauj, CSEA LRS Date  
 4/25/22  
Dan Quesnell, Unit President Date

2

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov



Steven T. Noble  
Mayor

L+R

April 30th, 2022

Honorable Andrea Shaut  
President/Alderman-at-Large  
Kingston Common Council  
420 Broadway  
Kingston, NY 12401

Re: Certificate of Need of Ambulance

Dear President Shaut,

The City recently began to lay the foundation to offer a new Co-Response Mental Health Services as part of the recently submitted Community Development Block Grant, which would allow a Kingston Fire Department EMT and a Mental Health Worker to assist those in crisis in our community. This will include both on-site services as well as transportation to the appropriate mental health facility for those who need that level of support. In order to properly provide these services the Common Council will need to request a Certificate of Need issued by the State. I have included draft language with this letter.

Thank you in advance for your consideration. If you have any further questions, please do not hesitate to contact me.

Respectfully submitted,

Steven T. Noble  
Mayor

STN:rjv

COUNCIL RESOLUTION # \_\_\_\_ OF 2022

By Councilor \_\_\_\_\_

**WHEREAS** the City Council has determined that it would be in the best interest of the citizens of Kingston to receive the best possible EMS response, medical transportation and ambulance services available to the City as to ensure that the citizens are receiving the best care possible; **and**

**WHEREAS** the Mayor and the Fire Chief have examined the current delivery of the aforementioned service and have determined it would be beneficial to the citizens of Kingston for the City to obtain its own authority to provide emergency medical services of all types, including first response, ambulance and advanced life support first response; **now, therefore,**

**BE IT RESOLVED** by the City Council of the City of Kingston, New York that the City, having determined the need for high quality, reliable, rapidly delivered, and state of the art emergency medical services, hereby establishes under the provisions of Section 3008(7)(a) of the NYS Public Health Law an ambulance service to meet the determine need; and

**BE IT FURTHER RESOLVED** that the area to be served will be within the confines of the City of Kingston; and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized and directed upon having established a viable, well-integrated, financially and operationally stable ambulance service, to apply to the New York State Department of Health for Certification of the City's new ambulance service and insure compliance of such service with the applicable provisions of New York State Law and Regulations to submit an application to the New York State Department of Health to obtain a Municipal Certificate of Need; and

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

Seconded by Councilor \_\_\_\_\_

**THE CITY OF KINGSTON COMMON COUNCIL**

**LAWS & RULES  
COMMITTEE REPORT**

DEPARTMENT: Mayor

DATE:

Description:

REQUEST FOR COMMON COUNCIL TO OBTAIN A CERTIFICATE OF NEED FROM NEW YORK STATE FOR AMBULANCE SERVICE IN THE CITY OF KINGSTON.

Signature: \_\_\_\_\_

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

Action Required:

SEQRA Decision:

Type I Action \_\_\_\_\_

Type II Action \_\_\_\_\_

Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Rita Worthington, Ward 4, Chairman		
Barbara Hill, Ward 1		
Carl Frankel, Ward 2		
Rennie Scott-Childress, Ward 3		
Michael Olivieri, Ward 7		

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**Tinti, Elisa**

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**From:** Noble, Steve  
**Sent:** Friday, April 29, 2022 1:03 PM  
**To:** Shaut, Andrea  
**Cc:** Tinti, Elisa; Graves-Poller, Barbara  
**Subject:** Communication Related to Open Meetings Law

President Shaut,

I respectfully request that you accept this late communication to allow us to bring forward the necessary Open Meetings Law legislation that will now be required as part of the newly adopted State Budget, which set June 8<sup>th</sup> as the sunset of the Covid Open Meetings Law exemptions. I am working with Corporation Counsel's office to draft the appropriate language to review and will provide that to the Committee prior to the May Laws and Rules Meeting.

Respectfully Submitted,

-Steve

Steven T. Noble  
Mayor, City of Kingston  
420 Broadway  
Kingston, NY 12401  
845-334-3902  
[www.kingston-ny.gov](http://www.kingston-ny.gov)



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L+R

# CITY OF KINGSTON

## Office of Housing Initiatives

Bartek Starodaj, Director



Steven T. Noble, Mayor

April 28, 2022

Ald. At Large Andrea Shaut, President  
City of Kingston Common Council  
City Hall - 420 Broadway  
Kingston, NY 12401

Re: Kingston Forward (Citywide Comprehensive Zoning Re-write) Consideration of Final Scoping Document

Dear President Shaut,

As you are aware, the City is currently undergoing a rezoning process. The new Form-Based Code will seek to encourage future redevelopment in an organized manner and further the goals and vision that continue to be gathered as part of a citywide public outreach process. Pursuant to 6 NYCRR Part 617, the State Environmental Quality Review Act (SEQRA), the City, through our consultants, will prepare a Generic Environmental Impact Statement (GEIS) to evaluate potential adverse environmental impacts associated with the Adoption of a new Zoning Code (the "Action"). As part of this process, there is a need to establish a final written scoping document that will guide the specific content and topics analyzed in the GEIS. The purpose of this correspondence is to request placing consideration of the revised scoping document on the next Laws & Rules Committee meeting agenda.

Once the public comment period closes and we summarize public feedback received, I will send you an updated version of the scoping document, in the form of a proposed final written scoping document that the Laws & Rules Committee can review and consider for its readiness for adoption by the full Common Council. We previously prepared a draft scoping document for consideration by the Common Council on March 16, 2022. Approval of this scoping document will allow us to begin formulating the GEIS. A public comment period on the scoping document opened on April 5, 2022 and will close on May 2, 2022. Additionally, a public scoping session hearing was held on April 21, 2022.

If you have any questions, please do not hesitate to contact me. I ask that you please forward this communication to the next regularly scheduled Laws & Rules Committee for consideration.

Respectfully submitted,  
Bartek Starodaj  
Director of Housing Initiatives

Cc: Steve T. Noble, Mayor  
S. Cahill, Planning Director  
E. Tinti, City Clerk  
Ald. R. Worthington, W4, Chair L&R's  
B. Graves-Poller, Corporation Counsel

RESOLUTION \_\_\_\_ of 2022

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, ADOPTING A FINAL SCOPING DOCUMENT IN CONNECTION WITH THE KINGSTON FORWARD REZONING PROJECT UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) PROCESS**

Sponsored by: Laws & Rules Committee Aldermen: Alderman Worthington, Hill, Frankel, Scott-Childress, Davis, Olivieri

**WHEREAS**, the City of Kingston Common Council is undertaking a project to rewrite the City's zoning code, as form based zoning, to describe the desired form and character for future improvements and preservation throughout the City called Kingston Forward (the "Project"); and

**WHEREAS**, by Resolution 58 of 2022, the Common Council declared themselves Lead Agency in the environmental review of the Project and determined that the Project is a Type I Action under SEQRA; and

**WHEREAS**, by Resolution 59 of 2022, the Common Council has determined that the proposed Project may result in a potential significant adverse impact and therefore requires a Positive Declaration; and

**WHEREAS**, the Common Council must following the Scoping process outlined under Part 617.8 of SEQRA to identify the issues that must be addressed in the Draft Generic Environmental Impact Statement ("DGEIS");

**WHEREAS**, the City's consultants have prepared a Final Written Scoping Document to identify the potential significant adverse impacts and have taken into account public comments in the process of preparing the Final Scope.

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

**SECTION 1:** Pursuant to Part 617 of the implementing regulations pertaining to SEQRA, the Kingston Common Council hereby adopts a Final Scope Document and directs the City's Consultants to begin the process of creating the DGEIS;

**SECTION 2:** That this resolution shall take effect immediately.

Submitted to the Mayor this \_\_\_\_ day  
of \_\_\_\_\_ 2022

Approved by the Mayor this \_\_\_\_ day  
of \_\_\_\_\_ 2022

\_\_\_\_\_  
Elisa Tinti, City Clerk

\_\_\_\_\_  
Steven T. Noble, Mayor

Adopted by Council on \_\_\_\_\_, 2022

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES  
COMMITTEE REPORT

DEPARTMENT: HOUSING

DATE: May 18, 2022

Description

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK,  
ADOPTING A FINAL SCOPING DOCUMENT IN CONNECTION WITH THE KINGSTON  
FORWARD REZONING PROJECT UNDER THE STATE ENVIRONMENTAL QUALITY  
REVIEW ACT (SEQRA) PROCESS**

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

Action Required:

SEQRA Decision:

Type I Action \_\_\_\_\_

Type II Action \_\_\_\_\_

Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Rita Worthington, Ward 4, Chairman		
Barbara Hill, Ward 1		
Carl Frankel, Ward 2		
Rennie Scott-Childress, Ward 3		
Michael Olivieri, Ward 7		

- PROPOSED -

# STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

## DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT FINAL SCOPING DOCUMENT

Prepared for:  
**KINGSTON FORWARD: FORM-BASED CODE REZONING  
CITY OF KINGSTON, NY**

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<b>Name of Action:</b>	Kingston Forward: Citywide Form-Based Code Rezoning
<b>Location of Action:</b>	City of Kingston, Ulster County, New York
<b>SEQR Status:</b>	Type 1 Action
<b>Lead Agency:</b>	City of Kingston Common Council City Hall 420 Broadway Kingston, NY 12401
<b>Lead Agency Contact:</b>	Bartek Starodaj, Director of Housing Initiatives City Hall 420 Broadway Kingston, NY 12401 (845) 334-3962 <i>bstarodaj@kingston-ny.gov</i>
<b>Date of Scoping Document:</b>	May 9, 2022
<b>Public Scoping Session Held:</b>	April 21, 2022

### PROJECT CONSULTANTS:

**Dover, Kohl & Partners**  
**Laberge Group**  
**Hall Planning & Engineering**  
**GRIDICS**

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## **A. OVERVIEW**

Per the New York State Environmental Quality Review Act (SEQRA) NYCRR 617, and specifically per regulation 617.8(a), the primary goals of scoping are to focus the EIS (Environmental Impact Statement) on potentially significant adverse impacts and to eliminate from consideration those impacts that are irrelevant or not significant. Scoping is required for all EISs (except for supplemental EISs), and may be initiated by the lead agency or project sponsor.

This Final Scoping Document outlines how the project sponsor and designated Lead Agency, the City of Kingston Common Council, will prepare a Draft Generic Environmental Impact Statement (DGEIS) that comprehensively evaluates a new Form-Based Code (FBC) rezoning for the City of Kingston. This scoping document identifies the Action, environmental topics that will be analyzed, and the associated source information. The document defines the organization and level of analysis that must be presented in the Draft GEIS.

The proposed FBC is intended to replace the existing zoning standards, which are auto-oriented and conducive to sprawl, with new zoning standards that guide the physical form of development. The FBC focuses primarily on guiding the physical pattern of land use as a means to implement the community vision for growth. Form-Based Codes that are graphically rich are organized to make development more predictable and provide for better design outcomes.

The City of Kingston Common Council on April 5, 2022 declared itself Lead Agency and acknowledged that the Form-Based Code, which will regulate land use throughout the City, is a Type I Action. The Common Council determined that a Draft GEIS was appropriate to provide for the environmental review of this action.

### **1.0 Proposed Action Description**

The City of Kingston's existing zoning ordinance dates from the 1960's. It has been amended in pieces and can be confusing and unclear. The existing zoning does not align well with Kingston's historic building tradition ; a number of buildings were established prior to the current zoning standards which are auto-oriented and conducive to sprawl. Moreover, other aspects of the existing zoning code are organized in a way that is not aligned to meet current community needs and values. Therefore, a new Chapter 405 Form Based Code is proposed to replace the existing zoning standards of the City of Kingston in order to guide the physical form of development.

The FBC will prescribe details of development by addressing factors such as:

- Relationships of buildings to streets and open space;
- Height, massing and groupings of buildings;
- Architectural design; and
- Layouts of complete multimodal streets with quality designs that fit with land use.

In this way, the Kingston Form-Based Development Code regulates the location, design, construction, alteration, occupancy, and use of structures along with the use of land. This Chapter will be legally enforceable.

The FBC will provide a detailed set of development standards and procedures that will result in compact and walkable development using regulations and plans that pay particular attention to the intended form and character

of places in Kingston. Included in the FBC will be specific regulations and a corresponding spatial Regulating Plan map that will prescribe the Transect/ Special District assignments. A Transect approach is a planning strategy that seeks to organize the elements of urbanism - building, lot, land use, street, and all other physical elements of the human habitat - in ways that preserve the integrity of different types of urban and rural environments. In other words, the organizing principle for the Chapter is based on a hierarchy of places from the most urban to most rural. The designation of each such transect zone along this transect hierarchy is determined by the type of place being maintained, evolved, or transformed and then by the form and intensity of development. The transect zones are used to reinforce existing or to create new walkable, mixed-use environments. Secondly, this Chapter will regulate uses that are carefully chosen to maximize compatibility between uses and the envisioned physical form of each transect zone. The intent of this Chapter is also to create a well-functioning public realm across Kingston's diverse neighborhoods.

The FBC-centered zoning is also intended to aid City-scale growth and advance goals for mixed-uses, affordable housing, walkable streets, preservation and enhancement of community character, economic growth, compatible infrastructure and long-term sustainability. The density allocated using the code centers on the cores in Uptown, Midtown, the Rondout and along the Broadway corridor; generally there are lower land densities in the surroundings. The location of this proposed action is the whole of the City of Kingston, Ulster County, NY.

## 2.0 State Environmental Quality Review Act (SEQRA) Process

In commencing the environmental impact review process for the Project, the City conducted a series of procedural steps in accordance with SEQRA and its implementing regulations:

- On April 5, 2022 the City Common Council:
  - Completed Parts 1, 2, and 3 of a Full Environmental Assessment Form (FEAF): [www.kingston-ny.gov/filestorage/8399/10476/11808/11810/March\\_2022\\_Laws\\_%26\\_Rules\\_Communications.pdf](http://www.kingston-ny.gov/filestorage/8399/10476/11808/11810/March_2022_Laws_%26_Rules_Communications.pdf).
  - Determined the Action is a legislative action and declared City Common Council as Lead Agency.
  - Classified this Project as a Type 1 Action in accordance with SEQRA regulation NYCRR 617.4 (b)(2), since the adoption of the Form Based Code (FBC), is a type of zoning, with prescribed land use components and/or recommended zoning changes covering 25 or more acres.
  - Reviewed the FEAF as part of making a SEQRA Determination of Significance and issued a Positive Declaration specifically determining that a Generic Environmental Impact Statement (GEIS) is required for the analysis of the proposed FBC.
  - Issued a Draft Scoping Document and set the date for a Public Scoping Session as shown below.
  - Caused distribution of a notice of the Public Scoping Session to potentially involved and interested agencies and adjacent jurisdictions.
  - Caused publication of a notice for Positive Declaration, release of the Draft Scoping Document, plus intent to hold a scoping session and receive comments on the Draft Scoping Document in the Environmental Notice Bulletin (ENB) and local newspaper.
- On April 21, 2022 a Public Scoping Session was held in Kingston City Hall over publicly accessible teleconferencing software.
- Written public comments were received on the Draft Scoping Document up through the May 2, 2022 limit.

This Final Scoping Document will be distributed to all Involved and Interested entities. Once it is adopted and in

its final form, it will be the responsibility of the Lead Agency to oversee the GEIS completion. While no agency other than the City of Kingston Common Council is able to approve or directly undertake this Action, multiple parties will have an opportunity to comment on the Action through the coordinated review process. This includes the Ulster County Planning Board which, per NY State General Municipal Law §239-m, will be formally referred a submission on the GEIS and Form Based Code Zoning Amendments.

The purpose of this Scoping Document is to define environmental issues that will be addressed in the Draft GEIS. Based upon public review and comment and coordination with agencies, on the Draft Scoping Document, the Lead Agency has prepared and adopted this Final Scoping Document on which the Draft GEIS will be based. This Final Scoping Document lays out the necessary information that must be assembled and analyzed in the Draft GEIS in order to evaluate potential impacts, alternatives, and mitigation measures. The Draft GEIS will contain all requisite content, including as per provisions of SEQRA NYCRR 617.8 through 617.10. It will also include a cover sheet, table of contents, and an executive summary.

Based on the anticipated Final GEIS and Findings Statement, it is probable that the Lead Agency and/or other land use permitting and approval entities could use the SEQRA documentation for the purposes of subsequent SEQRA administration. That may involve the review of individual land development applications which meet Type I or Unlisted Action thresholds.

### **3.0 Involved & Interested Agencies**

The Lead Agency and entity that is able to approve and adopt the FBC is the City of Kingston Common Council. Other agencies that may have influence upon the adoption of the FBC and/or which may have a future permit, approval and/or funding role regarding implementation of actions arising in conjunction with the FBC, include but are not limited to:

- City of Kingston Planning Board
- City of Kingston Heritage Area Commission
- City of Kingston Landmarks Preservation Commission
- City of Kingston Board of Water Commissioners
- City of Kingston Local Development Corporation
- City of Kingston Zoning Board of Appeals
- City of Kingston Parks & Recreation Commission
- City of Kingston Conservation Advisory Commission
- City of Kingston; Climate Smart Kingston Commission
- City of Kingston Live Well Commission
- City of Kingston Complete Streets Advisory Council
- City of Kingston Arts Commission
- City of Kingston Community Development Advisory Board
- City of Kingston Tree Commission
- City of Kingston Public Works Commission
- Ulster County Planning Board
- Ulster County Department of Public Works
- Ulster County Industrial Development Agency



- Ulster County Transportation Council
- Hudson Valley River Greenway
- New York (NY) State Department of State
- NY State Department of Environmental Conservation
- NY State Department of Transportation
- NY State Office of Parks, Recreation & Historic Preservation - State Historic Preservation Office (SHPO).
- Kingston Land Trust
- Kingston Housing Authority
- Hudson Valley Regional Council
- Rural Ulster Preservation Co – RUPCO
- Sustainable Hudson Valley.

#### **4.0 Input Obtained & Considered in Preparing this Scope**

Extensive reconnaissance and community outreach informed organization of this scoping document. These steps have helped generate background and input used to identify topics to analyze within this environmental analysis.

On September 20 and 21, 2021 the project consultant conducted walking tours and initial stakeholder meetings to assess community conditions. Prior to visiting, the consultants reviewed existing community policies, including the 2025 Comprehensive Plan (2018), Chapter 405 ‘Zoning’, the full City Code, plus subject-specific plans like the City’s 2019 Open Space Plan. While onsite, the consultants toured the City and documented existing conditions. Factors reviewed included: land use, community appearance, street conditions, infrastructure, natural environment, and others. Also, this team held meetings with city staff, elected leaders, community activists, and regional officials to examine issues and opportunities and setup for a multi-day information gathering Charrette.

The Kingston Forward Charrette on November 4 to 10, 2022 was a major source of community participation and input regarding topics of interest and potential environmental significance in relation to the rezoning. The Charrette was organized so the consultants were available during a sizable span of time for one-on-one consultation with any interested parties. The Charrette was comprised of multiple location tours, along with general public and subject-specific interested party meetings. These meetings explored and delved into community needs, land use, and development-related issues and subject dimensions; they assessed how these and other factors may influence and relate to the form-based code rezoning.

One major product was a ‘Charrette Summary’ draft of December 14, 2021. Besides introducing the project, it presents the major subjects (“big ideas”) that were identified, plus case studies and analysis covering five areas of the City, while discussing the role of street design in the FBC. All Charrette proceedings were documented and included online at: <https://engagekingston.com/13267/widgets/39485/documents/26442>. Interested party consultations were also conducted which included two opinion surveys administered to gather feedback on rezoning. The queries captured respondents’ input on topics and their relative agreement with test statements.

On February 23, 2022, a public meeting explored interests related to Hurley and Albany Avenues areas and approaches in the FBC. Likewise, on February 24, 2022 another public meeting examined the waterfront and how the FBC may be used to advance development in and around it. There were three online opinion surveys used to gather public input on the potential rezoning of these locations and documentation describing the questions and results are as follows: i.) Community Impact Summary for Albany Avenue, Hurley Avenue, and The Rondout Waterfront <https://engagekingston.com/13267/widgets/39485/documents/29171>. ii.) Kingston Forward Community Meeting - Albany and Hurley Avenues <https://engagekingston.com/13267/widgets/39485/documents/28490>. iii.) Kingston Forward Community Meeting- <https://engagekingston.com/13267/widgets/39485/documents/28491>.

A Common Council Laws & Rules Committee meeting on March 16, 2022 reviewed an earlier draft scope prior to Common Council's formal release and request for public comment.

A Public Scoping Session was held on April 21, 2022. There were four (4) commentors at that meeting and two written communications were received after the meeting. All of the comments obtained during the scoping meeting and in writing (through May 2, 2022) that are relevant to the preparation of the DGEIS are summarized in Appendix 1 – SEQRA Public Scoping Comments for City of Kingston – Kingston Forward: Form-Based Code Rezoning.

## **B. GEIS TABLE OF CONTENTS**

### **1.0 Executive Summary**

This will provide a brief overview of the Action, its geographic location, and the purpose of the DGEIS. It will include a brief description of the Form-Based Code purpose and components, as well as the way this environmental document is organized. It will discuss approvals and reviews needed to adopt the FBC and implement future land use regulation. It will address how the Action relates to future development. There will be a listing of significant potential beneficial and adverse impacts, a description of mitigation measures proposed, as well as alternatives considered. There also will be identification of involved and interested agencies and an overview of public outreach generated during the SEQRA process, including specifically during preparation and consideration of the DGEIS.

### **2.0 Overview of Purpose & Procedural History**

This will build on the Executive Summary by describing the legislative process for FBC adoption and how the environmental documentation, including the DGEIS, will present environmental impact analysis of the proposed Form Based Code adoption and implementation per the adopted written scope. There will be description of how topics will be organized for analysis in the DGEIS, so as to examine types and characteristics of potential impacts and to consider potential mitigation measures.

The procedural steps undertaken in accordance with SEQRA and its implementing regulations will be defined. It will address the final written scope, its point of adoption and identify an Appendix containing this document. It will describe the content requirements and process steps to prepare the DGEIS, inclusive of the steps needed for the Lead Agency to determine whether the DGEIS is adequate with respect to its scope and content. It will discuss how the public comment period may be structured, inclusive of a public hearing.

### **3.0 Description of Proposed Action**

This more detailed overview of the Action will describe proposed Chapter 405: Form Based Code and its component Articles. It will address attributes of any attendant regulating, special requirements, or street types plans that are assigned boundaries and form a basis for land use regulation and the codification, design and improvements of streets within different locations of the City.

### **4.0 Existing Conditions, Potential Impacts & Mitigation**

For each subject proposed to be addressed in the Draft GEIS, there will be reasonably detailed descriptions of baseline existing conditions, the types of impacts that may arise, and the identification of mitigation measures that have been initially identified to reduce or eliminate potential for adverse environmental effects from future development.

#### 4.1 Geology, Soils & Topography

**Existing Conditions:** The Draft GEIS will portray a map that depicts patterns of slope and it will discuss attributes of soils and geology as these may relate to future site preparation/ development. This will include descriptions of the general pattern of bedrock and surficial geology consisting of the unconsolidated materials atop bedrock, plus descriptions of predominant soil types and attributes. While this FBC will not involve modifications to City Code Chapter 353 ‘Stormwater Management and Erosion and Sediment Control’, it will identify how it relates to the future regulation of land use. Portions of the City Code regulating building on higher slopes will also be described, as well as recommendations for more porous materials to be used in specific instances

**Potential Impact:** FBC implementation could result in impacts to geology, soils, and topography (e.g., construction could increase the extent of impervious surfaces, building below grade could interface with ground water levels, or land use occurring on steeper slopes could result in potentially more impactful cuts and fills or influence down-gradient runoff). Analysis will examine how these factors could change compared with what is allowed under existing zoning. Since there are some thin soils, and limestone geology is prevalent around Kingston, the patterns of area development facilitated within Transects and Special Districts will be considered for how these may generate different potential transmission of stormwater into the ground than is occurring now under existing zoning.

**Information Necessary to Address the Impact:** FBC transect standards applicable in locations of steeper slopes will be presented in a large-scale map to aid assessment of aggregate potential for land use change in these spots. There will also be presentation of Administrative Standards applicable to characterizing site conditions as well as transect regulating standards that may influence future land use in locations with steeper slopes. The City’s Natural Resource Inventory, 2018 will be relied on for depictions of geology and soils. Generalized City-scale data on soils types and properties will be derived from the US Dept. of Agriculture’s Natural Resources Conservation Service Web Soil Survey/ Soil Survey of Ulster County, NY.

**Identification of Mitigation Measures:** There will be evaluation of the extent that best practices are applied in the FBC to help avoid or minimize potential for undesirable impacts to arise in conjunction with development that occurs in locations with steeper slopes, due to the water table, or due to changes in impervious cover. There will be analysis of potential for FBC guidelines or standards to provide for landscaping, tree planting and incentivize the pervious and porous surface treatments to help prevent erosion and aid groundwater quality. There will also be examination of ways the FBC can be modified to provide steep slope regulation.

#### 4.2 Plants & Animals Resources

**Existing Conditions:** Characterization of the City’s natural resource environment will be derived from the 2020 Open Space Plan and its attendant Natural Resource Inventory (OSP/NRI). The Draft GEIS will describe general habitats and locations with higher known biodiversity.

**Potential Impact:** This will analyze how building under the FBC may generate potential to change the extent or composition of flora and fauna. It will analyze potential for change in the levels of tree/ forest cover (including street trees). It will examine the potential for designs advanced under the FBC to encroach upon natural resources and habitats, including existing regulated streams, stream banks, wetlands, or other open space and habitat areas through consultation with the Open Space Plan/ NRI.

**Information Necessary to Address the Impact:** Using data in the OSP/ NRI will enable discussion of the potential for the FBC to allow growth in relation to wetlands (including those that are NYSDEC-defined 12.4 acres or more

and associated buffers), regulated streams, or other higher priority habitat areas. Information for this discussion may also be derived from NYSDEC's Environmental Resource Mapper, and through the use of streams, regulated wetland, and National Wetland Inventory data available through the NYS GIS Clearinghouse. Plus, there will be formal consultations with the NYSDEC Division of Fish and Wildlife's NYS Natural Heritage Program and the US Fish & Wildlife Service to identify the potential presence of important habitats or particular protected species.

**Identification of Mitigation Measures:** The FBC transect bulk and design regulating standards will be assessed for the degree that these generically prompt threshold developments to practicably avoid sensitive resources. Moreover, there will be consideration of whether new building allowed under the FBC could generate any different potential impacts to ecology, habitats, and species compared with what would be possible under existing zoning. This will include examination of the general effects in areas currently classified as generally lower density, like in one family residence districts. The environmental review documentation will identify and discuss how future site-specific development may be structured to apply best practices and minimize potential for undesirable severe impacts to habitats during construction and based on site designs per the regulating plans, standards and guidance provided in the FBC.

#### 4.3 Water Resources

**Existing Conditions:** A brief description will characterize the physical location and layout of water environment features in the city, inclusive of: streams, surface waters, wetlands, floodplains, Federal Emergency Management Agency Special Flood Hazard Areas including 500-year Floodplain (zones C & X), and any regulated buffers of such features.

**Potential Impact:** The administration of development review has potential to provide for the identification/characterization of natural elements of sites that may be preferable to conserve. This will discuss how the FBC, submission of applications, and administration of development review coming under it may provide for the identification/ characterization of natural elements of sites that may be preferably conserved, or how it may encourage infill and adaptive reuse on already built and disturbed areas to protect the above identified water resources. It will evaluate potential for new construction to affect water bodies within a designated coastal zone, which is the Waterfront Revitalization Area per the current Local Waterfront Revitalization Plan (LWRP).

**Information Necessary to Address the Impact:** The FBC administrative protocols(the section in the FBC that describes the organization of the development review process applications), the process tracks, and submission requirements applicable to development activity coming under the FBC will be analyzed. Secondary source map information and data tables will be used to depict the locations and quantify the potential for impacts from development occurring per the FBC throughout the City. Information of this discussion may also be derived from NYSDEC's Environmental Resource Mapper, and data available through the NYS GIS Clearinghouse.

**Identification of Mitigation Measures:** There will be discussion of allowing the use of green stormwater infrastructure within designated open space at sites, as well as ways the code will guide or specify its overall use. The analysis will examine the potential to promote porous/ permeable landscaping surfaces and the use of landscaping to aid attenuation of storm flows and ambient water quality. The FBC regulations will be assessed to assure thresholds practicably avoid sensitive resources. The environmental review documentation shall identify and discuss how future site-specific development may be structured to apply best practices for the minimization of potential impacts to water resources. Applicable Local and State coastal consistently principals will be reviewed in relation to the FBC to aid in coastal area development and resource management.

#### 4.4 Open Space & Recreation

**Existing Conditions:** This section will describe how Zoning and the Subdivision law influence the provision of onsite open space and recreation opportunities during development. Through reference to the community's adopted 2019 Open Space Plan (inclusive of the Natural Resources Inventory of 2018) and its 2015 Parks & Recreation Master Plan, there will be a limited description of the inventory of public lands dedicated for open space or parks use, inclusive of existing trails. The same sources will be consulted to describe the general mix of these resources. Open space and parks depictions will be shown on a basic map included in this section.

**Potential Impact:** There will be analysis of how future growth under the FBC relates to and may impact the demand for public parks and open space. This will provide a general examination of the relationship of the location and density of growth to different types of open space assets. Open Space Types will be described including the FBC Dimensional objectives for them. There will also be analysis of Open Space standards, including for Minimum Public Open Space, and examination of Definitions, including for Agriculture. The GEIS will discuss Natural and Conservation Transect assignments made on the Regulating Plan plus ways that Large Site Standards will regulate a minimum T1 Natural Zone allocation, or guide open space layouts. There will be identification of suitability factors and the Zones where urban agriculture will be allowed, along with a description of the siting criteria associated with that general type of use.

**Information Necessary to Address the Impact:** Data and maps will depict parks, and existing public off-street non-motorized trail footprints, as well as distances of  $\frac{1}{4}$  to  $\frac{1}{2}$  mile around them. Civic/ Civic Support use and other recreation standards and guidelines presented in the FBC will be described, including: open space and trail design standards; open space types and required dimensions; and how objectives for open space and greenway development vary by transect. Existing zoning and subdivision policies will provide a basis for comparisons and zoning prescriptions in the Comprehensive Plan and the Kingston Urban Agriculture Planning and Zoning Studies, Phases 1 & 2, respectively from 2014 & 2017.

**Identification of Mitigation Measures:** The enhancement and development of parks and green spaces and advances in walkability are goals embodied in the FBC. The Draft GEIS will assess how the FBC provides for space set asides and development of open space and recreation options. It will examine ways that siting prescriptions will influence potential open space accessibility, layout, and visual qualities, based on factors such as prescriptions for building siting in relation to open space amenities. It will include an examination of how the FBC provides for connecting development sites to trails. Likewise, recommendations in the Open Space Plan and Parks & Recreation Master Plan will be evaluated for the extent that the FBC will address and forward identified community objectives. There will be analysis of potential additional augmentation of urban agriculture Definitions and the possibility of enabling this use in multiple transects. The Comprehensive Plan, LWRP, 2014 BOA Phase III, A Community-Driven Conceptual Plan for the Kingston Greenline, 2014, and the aforementioned plans will be analyzed to identify up to two case examples of open space improvements, identified as desirable, that could conceivably come forward as part of property development subject to zoning and that may be examined to test the feasibility in relation to guidance within the proposed FBC.

#### 4.5 Land Use & Zoning

**Existing Conditions:** Existing zoning and land development regulations will be briefly described. This will cover procedural thresholds, process requirements, and a general examination of the permitted uses. An aggregate examination of general zoning and associated land use will be provided using parcel characteristics. This will be used to generically model and calculate the general overall development potential in each existing zoning district.

This general buildout analysis under existing zoning will be contained in a stand-alone report by Gridics which will be positioned as an appendix to the DGEIS. Findings from it will be summarized and discussed in this section of the DGEIS. Comprehensive Plan guidance for the zoning update will be highlighted.

**Potential Impact:** Building potential under existing zoning will be compared with a generic examination of growth possible under the proposed FBC. This buildout examination will address how development may vary from what is possible under existing zoning. There will be examination of the prescriptions within the FBC's regulating plans and transects standards. This will include a review of the applicable building layout criteria, maximum and minimum scale, setbacks, and building placement requirements. There will be discussion of the buildout yield in terms of the total future building in square feet, dwelling units, and dwelling units per acre. Lot coverage will also be presented citywide.

**Information Necessary to Address the Impact:** The FBC focuses on generating a desired physical form of development (more than it regulates land use). The FBC will present rules for creating and replicating context. Design and impact standards in the FBC will be assessed for how they guide building placement, massing, and scale, and cause or reinforce placemaking. The FBC will also be analyzed for how it is organized to advance form and pattern objectives in particular transects. The regulating plan's and special requirement plan's maps and spatial arrangements will be analyzed, as will the detailed transect standards in the FBC. There will be analysis of general standards, covering parking and signage. There will be reviews of: Building Frontage Types; Build-to-Zones; Frontage/ Property Line requirements; Lot standards; Front, Side and Rear Setbacks; Building First and Upper Floor Heights; and building width requirements. Besides the above noted buildout, the existing zoning will be referenced to describe some existing sections of code – as each relates to the current zoning code, current design standards and the City's desired future form. The buildout analysis will rely on real property data, parcel-level land use and assessment records, and New York State Geographic Information System (GIS) Clearinghouse source data.

**Identification of Mitigation Measures:** The altogether the new FBC's Definitions and standards will be generally described and compared for how they enable, frame, or constrain building and site development and influence building form and patterns of land use. There will be a review of how requirements may affect the regulatory process and address goals and issues, such as identified in the Comprehensive Plan or in public input gathered during earlier stages of the project. There will be an assessment of how the FBC provides for mixed-use, compact, and efficient patterns of building. Comparisons of the potential development will be used to examine how policy standards are intended to influence the form and density of building in each transect, generate or replicate context, or overcome sprawl, advance placemaking, and generate desired onsite building and space relationships.

#### **4.6 Historic & Archeological Resources**

**Existing Conditions:** A summary of the City's existing historic and archeologic resources will be derived from existing resources. This will include attributes and identification of features of any existing Landmark Preservation District. Information will be utilized from the local Landmark Preservation Commission on Landmarked properties; Archaeological Sensitive Areas per NYS Cultural Resource Information System (CRIS); National Landmark Districts that are listed on the National Register of Historic Places, as well as National Landmarks, State Register of Historic Places listings, plus buildings potentially eligible for listing on the State Register of Historic Places; and documentation on the City's New York State Urban Heritage Area.

**Potential Impact:** The re-zoning aims to create zoning standards that better fit the City's historic settlement patterns to encourage historic preservation, reuse, and compatible infill and investment. Standards will be developed that will enhance building-to-street relationships and historic qualities. The Draft GEIS will examine the potential

impacts to sites containing in-ground cultural resources, as well as the ability of future land uses to potentially alter or contrast with buildings and structures that may be designated as historic resources or which may have potential to be designated historic or cultural resources. Future land use activity that would not adhere to review protocols, defined standards, and practice prescriptions could disrupt in-ground resources, potentially alter settings or site integrity, and would be inconsistent with Federal, NYS and Local Historic Preservation Law.

**Information Necessary to Address the Impact:** A letter from NY State Office of Parks, Recreation & Historic Preservation will ascertain identified and potentially listed districts and properties and Archaeological Sensitive Areas. There will also be goals excerpted from readily obtained locally adopted preservation plans. A formal cultural resource investigation, or citywide Phase 1A survey, will not be conducted. Rather there will be discussion of thresholds for when analytical investigation like a Phase 1A/ Phase 1B study may be warranted, or when a historic property or potential historic property written resource analysis performed by a qualified professional may be called for as part of subsequent applications for site-specific development that may surpass identified thresholds. The analysis can identify and discuss potential resource areas and buffers, studies, inventories, and reasonably assimilate data that can aid in screenings for the potential presence of historic and pre-historic sites and buffers, identify potential sensitivity of resources, and establish process for defining potential historic and cultural resources to identify whether certain types of analysis may be warranted during subsequent site-specific development.

**Identification of Mitigation Measures:** The FBC will maintain and support existing historic districts and designations. The FBC will provide standards that guide growth to enable new development to be in character with traditional urban building form (the character examination for existing and potential historic resources will be in this section of the DGEIS and will not be replicated in the Consistency with Community Character section). Future structures will be guided in their development to compliment placemaking and aid the conservation of historic and cultural resources. The Draft GEIS will review existing or proposed procedures for screenings and when an assessment or analysis of the potential future impact of development is appropriate on a site-specific basis. It will identify possible forms of mitigation existing in City policy and new prescriptions, inclusive of any special requirements. It will identify resource studies or best practices as a basis for regulating property development to avoid potentially adverse degradation. The FBC design standards and proposed regulating plans will be analyzed for how they could impact historic and architectural resources. There will be examination of how four FBC proposed Historic Districts will be regulated compared with existing zoning, Article IX Historic Landmarks Preservation Commission. There will be a limited assessment provided to identify whether new proposed policy layouts generally adhere with the Model Landmarks Preservation Local Law for New York State Municipalities, 2014 by New York State Office of Parks, recreation and Historic Preservation.

#### **4.7 Socioeconomics**

**Existing Conditions:** A basic and concise description of local population, housing, and the economic base will be assembled to describe the social and economic setting and its potential for change. The snapshot will rely on secondary sources to document features of population and change. It will discuss the current housing mix and general density; factors affecting housing needs, affordability, and market conditions; and the features of the local economy and labor conditions.

**Potential Impact:** This will consider how housing demand, affordability and economic factors may change with FBC implementation. It will consider how and where the FBC provides for increased housing density. Since national and regional economy and other conditions influence the local environment, there may be anecdotal and qualitative analysis of possible impacts.

**Information Necessary to Address the Impact:** Data sources covering housing conditions will likely be sourced from the County, as contained in the 2021 Ulster County Housing Action Plan. There would also be reliance on State and Federal Sources for population, housing, income and employment data using US Census-derived 2010 and 2020 10-year population counts and other possible factors as available based on its American Community Survey 5-year estimates.

**Identification of Mitigation Measures:** Analysis can address how development under new zoning may influence housing types, mix, overall supply and affordability. There can also be examination of how goals and objectives for community and economic development in plans and policies, particularly the Comprehensive Plan, may be advanced through FBC implementation.

#### **4.8 Multimodal Transportation & Parking**

**Existing Conditions:** Multimodal transportation system conditions will be described to generate a context for evaluating changes in future conditions. There will be a basic description of the network with a limited description of the roadways and hierarchy, including the identification of Arterial and Collector Streets, descriptions of block perimeters, intersection density, and general grid characteristics. It will also characterize pedestrian, bicycle, and transit usage, mix, and environment features, inclusive of describing the locations and basic features of non-motorized trails. This will include descriptions of general transport safety, as this relates to walkers and bicyclists. There will also be definition of existing City Code policies influencing the establishment of parking, the layout or modification of public streets, and onsite circulation system arrangements. The current Complete Streets policy adopted will be described.

**Potential Impact:** There will be discussion regarding how transportation components of the FBC will provide for walking, biking, driving, and using transit. This will include qualitative discussion of the how the potential spatial pattern and future level of growth may influence various modes, as the rezoning could generate substantial increases in activity in different modes of transport, above present levels, or in a way that generates new demand for transportation facilities, or services, which could alter traffic and the patterns of movement of people and goods within the city. There will be an examination of how changes in the FBC could influence changes in the transport safety environment. This shall include describing prescribed street types and intersection characteristics and treatments, site-level layouts, parking standards, and influences on vehicle speeds, as well as how the grid may develop and evolve, including the development of a system of non-motorized trails. Analysis of the FBC street design standards and intersection design guidance will touch-on the interaction of non-motorized trails with streets.

**Information Necessary to Address the Impact:** There will not be a transportation study generated for this analysis. There will be citation of prior City or regional plans, plus extraction of some data and descriptions from City plans or studies by the Ulster County Transportation Council (UCTC). Traffic safety data from the UCTC will be relied on to qualitatively examine crash rates, crash severity and potential for change based on FBC standards. The FBC policy prescriptions for street, parking, and onsite multimodal transport system design will be analyzed for how walkability and “bikeability” is brought forth through prescriptions for block sizes, requirements for street modification, establishment of curb cuts, walking and universal accessibility, transit use, onsite vehicular and bicycle parking, integration of transit access, opportunity for electric vehicle charging, and the provision for drop-offs and deliveries.

**Identification of Mitigation Measures:** There will be identification of whether and how prescriptions for transportation development in the comprehensive plan, or other City policies, will be advanced. There will also be identification of potential to achieve specific improvements in transport infrastructure called for in the FBC’s text,



numeric and graphic standards. Discussion will examine how lower vehicle speeds and more complete streets can be achieved with better walking and bicycling access. The discussion of multimodal change will analyze proposals that will influence the grid layout and intersection density and the pattern and features present in individual streets and intersections. It will also analyze how the design of transport elements at the property level will influence multimodalism, safety, accessibility and land use. The Street Design Standards will be examined for whether any additional guidance should be provided in the text for the specification of Bicycle Treatments and Parking using On-street Lanes, as well as for use by the Zoning Administrator and City Engineer in determining the desired typical cross-sections on either side of a particular street segment or as would be allowed at particular locations thereon.

#### **4.9 Consistency with Community Character**

**Existing Conditions:** Natural and manmade features contribute to the Kingston community's sense of place. These include visual aspects, such as landscape, buildings and structures. It also includes open space and the civic environment and services. There will be a concise synopsis of goals and objectives in the Comprehensive plan, Open Space plan, and LWRP that aim to sustain or enhance character. There also will be discussion of the ways current lighting is regulated to enable comparison with any new efforts to manage it and spillage of light.

**Potential Impact:** There will be analysis of ways the FBC provides for changes in land use, density, services, and aesthetics through examination of code criteria/ standards. It will include discussion of the proposed changes in the general heights and scales of buildings. One focus will be on the role of form and design standards and the ways they may regulate the appearance of building and site development from existing streets, as well as within new Large Sites considering guidance in the FBC for establishing an assigned Natural Zone, Transect Organization, block and street organization, and the specification for transitions between transects. It will analyze how the FBC provides for blending growth on Broadway and provides for the integration of new building in parts of City south and east of Mid-town that may be viewable from the Hudson River, its eastern shoreline, and the Rondout Creek. It will also address any new lighting guidelines, standards, or thresholds introduced within the FBC.

**Information Necessary to Address the Impact:** Analysis on whether and how the FBC will be consistent with or impact architectural and landscape character and building form and scale will rely on the proposed Transect Form standards and General Standards, inclusive of Building Type Standards, Architectural Elements, and Signage Standards. There can also be comparison, often qualitative, with how such standards may influence community goals and objectives. This will include descriptions of findings on preferences for community appearance, form and design derived from five (5) public opinion surveys. Two were administered in conjunction with the Charrette and the others were used to gather input on the Albany Avenue, Hurley Avenue and the Waterfront. There will be consideration of how and where growth could occur. It will be compared with a buildout under existing zoning and will be analyzed to evaluate the character effects upon public resources and the potential for displacement of low-, moderate- or middle-income persons/ households. Besides using local plans, this discussion will touch on Scenic Areas of Statewide Significance attributes (identified for the Esopus/Lloyd and Estate District) and will be briefly described using the 1993 Scenic Area of Statewide Significance report by NY Dept. of State Division of Coastal Resources. There will also be reference to The Community Design Manual by Ulster County Planning Board, 2017.

**Identification of Mitigation Measures:** The assessment will consider potential zoning adjustments in order to achieve appealing character in new development. There will be examination of building and façade requirements and how design standards are proposed to generate sense of place and compatible character, including architectural arrangements involving window, door, wall texture, wall variegation, and building arrangements. There will be discussion of proposed streetscape design criteria, regulation of signage, stipulations for open space and other space set asides and for onsite landscaping. FBC Street Design Standards will be analyzed to assess how Tree Planting

Style advances natural character, the Open Space Plan goal to add street trees, and the 2018 Tree Management Plan objective for an uneven-aged distribution of trees at the street, neighborhood, and citywide. The need for additional lighting regulations will be considered through assessment of how the FBC changes existing policies.

#### **4.10 Energy Use, Air Resources & Noise**

**Existing Conditions:** Relying on data in City plans, a summary shall be provided of land use, building, transport, and built-environment factors that are influenced by zoning, that are not addressed in other parts of the scoping document, and which influence the community-level use of energy, air quality and noise. This may include brief descriptions of power systems, infrastructure, building density and mixed-use, and zoning policies. Prescriptions for comprehensive plan implementation of zoning measures that may influence the use of energy, air resources, emissions and noise which might relate to standards or actions in the FBC shall also be described. This will include a brief review of the City's current solar permitting law. It will describe data on characteristics of building performance and available energy mix, through the Comprehensive Plan or the adopted Climate Action Plan. It will describe targeted zoning change objectives from the Comprehensive Plan and the Climate Action Plan.

**Potential Impact:** There will be examination of how the re-zoning process integrates Smart Growth principles by considering the principles embodied in the New York State Smart Growth Public Infrastructure Policy Act. There will be basic analysis of whether and how community-wide or per capita energy use, air emissions and general noise conditions may change under the FBC rezoning.

**Information to Address the Impact:** As identified elsewhere in this section, the City's 2030 Climate Protection Plan, the open space plan, and sources like the Mid-Hudson Region Sustainability Plan (and the draft A Regional Climate Action Strategy for New York's (Mid) Hudson Valley by Mid-Hudson Regional Coalition, coordinated by: Sustainable Hudson Valley with assistance from: Hudson Valley Regional Council), could be consulted for data. This should include data on energy consumption and goals and objectives for tree planting (2018 Tree Management Plan). It will enable an assessment of how the FBC standards may provide for targeted and designed changes in land use, building, transport, the built environment, and the forms and levels of energy use.

**Identification of Mitigation Measures:** Discussions will evaluate how land use change could impact energy distribution and consumption. There will be an examination of how proposed code strategies will influence reduced energy demand and consumption through its stipulations that cause or incentivize more efficient land use, multimodal transport, vehicle electrification, high efficiency and green construction, or other undefined actions (promotion or use of EnergyStar and/or USGBC LEED rating standards and criteria). It will examine the possibility of adding incentives within zoning for the incorporation of renewable energy systems and for improving energy-efficiency of buildings. There will be analysis of whether Stretch Energy Code provisions can be referenced in zoning and if there can be a requirement to convert a building to use renewable energy. It will explore the feasibility of using zoning to provide the infrastructure necessary to accommodate electric vehicles. FBC standards will be analyzed for how they provide for tree planting, landscaping, and building development guidelines that aid temperature mitigation and urban heat island effects along with associated public health risks. There will be examination of using zoning to incentivize other land use and construction practices that promote energy and/or land use efficiency.

#### **4.11 Community Services & Infrastructure**

**Existing Conditions:** This will generally describe the extent and capacity of existing infrastructure services (water, sewer, wastewater treatment and stormwater).

**Potential Impact:** There will be an examination of public service impacts in Kingston that may be caused by changes in the future land use enabled by the FBC development program. It will examine how the FBC may cause development authorization to connect with or modernize aspects of infrastructure. There will be analysis as to whether there is adequate drinking water supply available to serve future growth. There will not be any new primary studies, rather the focus is on accessing readily available descriptions to show service availability, infrastructure conditions, and generically assess how new growth could impact respective services.

**Information Necessary to Address the Impact:** Secondary source engineering and mapped data, as available, will depict service locations and respective capacities. Existing codes and any new FBC policies influencing access, use, and improvement of infrastructure will be discussed for how these requirements may provide for compliance in order for connections to be made. The general safe yield of the water system will be defined through a request for this data from the Water Commissioner.

**Identification of Mitigation Measures:** There will be examination into how FBC-influenced growth may relate to Inflow and Infiltration (I&I) in City sewers. This section will examine ways in which zoning can stipulate mitigation to plan, design, or construct upgrades which can help reduce I&I and conserve system capacity (addressing sewer connections at the point of development). There may be prescriptions for water conservation measures in a development that promote as low as practicable demand for water, in turn helping to minimize the conveyance of sanitary flows and treatment. Finally, there will be an examination of best practices that can be applied for maintaining infrastructure conditions using zoning.

#### **4.12 Consistency with Community Plans**

**Existing Conditions:** This will discuss major goals and land use objectives in the 2025 Comprehensive Plan. There will be identification and descriptions of goals in major local subject-specific plans, including: the 2030 Climate Action Plan; the City Local Waterfront Revitalization Plan (LWRP) and implementation documents, the Brownfield Opportunity Area (BOA) Step 3 Final Implementation Plan (Riverport BOA); the Open Space Plan; the Parks & Recreation Master Plan; and the Downtown Revitalization Plan.

**Potential Impact:** This section will address the potential for the FBC to advance the goals and objectives within these plans. This will include how the FBC relates to placemaking, housing supply, community and economic development, waterfront consistency, physical form and potential new development.

**Information Necessary to Address the Impact:** The content relied on will comprise of existing plans and policy standards along with the FBC standards. There will also be data compiled in order to fill-in a Coastal Assessment Form as per City Code Chapter 398.

**Identification of Mitigation Measures:** This will examine whether tactics should be added to the FBC to aid multi-modalism and traffic calming, reinforcement of sense of place, housing choices and economic development.

### **5.0 Project Alternatives**

The following alternative approaches and variations will be discussed:

#### **5.1 No Action**

This standard basis for comparison will address the potential impacts of growth under current zoning.

## **5.2 Higher Densities in T4 & T5 Transects**

This scenario will assess impacts that could arise if there are higher building construction allowances with one additional story more in T4 and T5 than is in the baseline FBC. It will discuss altered supplemental transect district dimensional criteria, involving variables such as lot coverage, other lot standards, or building form dimensions.

## **6.0 Summary of Impacts & Mitigation**

### **6.1 Overview**

This section of the Draft GEIS will review and reiterate the findings of the above categorical analysis and discuss other types of effects that must be addressed per the SEQRA rules for preparing an environmental impact statement.

### **6.2 Growth Inducing Impacts**

This section will assess the potential for economic or other direct or indirect changes that may occur due to land development enabled under this Action. It will review the possibility of new or disproportional demands for government services and the possibility of less housing affordability, along with the need for and ways to attenuate potential issues.

### **6.3 Cumulative Impact**

This will consider potential for impacts to be experienced due to additive or synergistic effects. It will consider how background traffic, demand for public services, economic conditions, and environmental conditions could combine with the any adverse impacts that may arising due to the zoning change and the ways to minimize or avoid any such impacts. The potential for changes in the surface or ground water quality and the exacerbation of the urban heat island effects will be examined. It will include generic modeling using the buildout analysis, comparing the potential change in aggregated site coverage with what is possible under existing zoning.

### **6.4 Irreversible & Irretrievable Resource Commitments**

This will address resource commitments due to the Action which cannot be avoided.

### **6.5 Identified Unavoidable Adverse Impacts**

This covers the potential for severe impacts to arise due to Action implementation.

### **6.6 Program Implementation**

This will summarize growth impacts expected as part of FBC implementation. The basis for this description will be a highly simplified citywide estimate of the total square footage of new buildings that is generically expected to be achievable per a building model of the growth expected under proposed zoning and which can be compared with that which could be expected under existing zoning. The general estimated potential level of building in each existing zone and each new proposed transect or special district will also be presented, although these factors are not comparable with one another. This section will identify mitigation, thresholds, and addresses whether and how land development carried out in conformance with the adopted FBC, Draft GEIS, Final GEIS, and Findings Statement may require limited SEQRA review. It will also provide guidance on the types and scales of development for which supplemental environmental assessment, or a supplemental EIS, could be called for under Zoning, such as within Historic Districts or in the Waterfront Overlay.

## 7.0 Draft GEIS Appendices

This section identifies information planned for inclusion in an Appendix rather than the main body of the Draft GEIS. These may contain data and information used in preparing the Draft GEIS and project documentation. Additional studies or process documentation may be included in the Appendix. Documents anticipated for inclusion in the Appendix are:

- Form Based Code
- Final Adopted Scope
- Buildout Analysis
- Draft Scope and appurtenant information
- Documentation of ‘public participation’, such as from 2021 Charrette, or other outreach and public comments.

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**City of Kingston –  
Kingston Forward: Form-Based Code Rezoning Project**

**FINAL SCOPING DOCUMENT**

**Appendix 1:**

**SEQRA PUBLIC SCOPING COMMENTS  
FOR CITY OF KINGSTON –  
KINGSTON FORWARD: FORM-BASED  
CODE REZONING**

**SEQRA Scoping Public Comments From  
April 21 Public Scoping Session and Written  
Public Comments Received**

Appendix 1: SEQRA PUBLIC SCOPING COMMENTS FOR CITY OF KINGSTON – KINGSTON FORWARD: FORM-BASED CODE REZONING

Individual	Comment Origin	Comments	Treatment
		EK1: On the possible elimination of off-street parking, consider the impacts of on-street parking - vehicles parked on the street impede the work of the Department of Public Works	The Street Design Standards Mitigation text was augmented in order to provide an examination and possible augmentation of the Form Based Code as it relates to Parking in On-street Lane. The routine maintenance of public works is not related to zoning and the effects imparted by any policy changes are considered minor.
A Eileen Katatsky	Scoping Session		
Eileen Katatsky	Scoping Session	EK2: Added structures and roofs and non-permeable surface will add to run-off and strain aging infrastructure, especially our water treatment plants. Recent flooding events are a warning. Consideration should be given to permeable driveways and parking lots for new construction.	This is addressed in cumulative impact section.
Eileen Katatsky	Scoping Session	EK3: Water supply should be considered because usage is likely to increase.	This objective was added to Community Services and Infrastructure section
Eileen Katatsky	Scoping Session	EK: Increasing density will impact open space, clean air, natural ecosystems, and wildlife that should be protected alongside a renewed commitment to historic preservation.	This topics are addressed in the updated scoping document.
Eileen Katatsky	Scoping Session	EK5: Growth will change the character of the city	The objective to analyze this potential impact will be covered in the section on Consistency with Community Character.
			There is a detailed description of input obtained during preparation of the scope, as this informs the identification of potentially significant issues. The action description was updated in the scoping document
B Victoria Polidoro	Scoping Session and written piece 5/2	See attached correspondence 'Re: Scoping Document', May 2, 2022, by Victoria Polidoro.	
C Stefan Saffer	Scoping Session	General comment on how the issue of 'cultural development' will be included in the draft.	
			The involved agencies are now explicitly identified in the Scope. The interested agencies list is expanded upon, with notation added that this interested entities is used for information, but it is not definitive and could be augmented during SEQRA administration.
D Kevin O'Connor	Scoping Session	Involved and interested agencies should be split so that involved agencies involved in actual permitting and decision-making are separate from the Interested agencies	
		AI1: I did read the document online and I wasn't sure in there if there would be restrictions on types of energy allowed. If it is going to be like NYC where it will restrict energy to be only electricity I do have concerns because in that last ice storm if it were not for our wood stove and the generator, we would have literally frozen in the four days of ice storm. I think with high electricity rates and all that is going on in the world it would be a mistake to restrict energy sources and tell people you have to rely on electricity in new buildings and revisions in older ones. How are we generating that electricity reliably and economically.	The proposed zoning code will be analyzed for how it may promote clean energy and energy efficiency, but it is not expected existing zoning or proposed zoning will regulate chimneys and fireplaces, so this comment is termed as minor or no impact and is not addressed in the Scope.
E Allison Irwin	Scoping Session	AI2: I also saw something further down which seemed to talk about restrictions in use of water?	
Allison Irwin	Scoping Session		
Conservation Advisory			
F Committee (CAC)	Written piece 5/1	See written attachment	
CAC		Commented [1]: Define Transect.	See Proposed Action Description
CAC		Commented [2]: It would be helpful to have had the EAF available when making scoping comments. Is the EAF available?	See hyperlink added to the Scope
CAC		Commented [3]: Include Kingston Conservation Advisory Commission; Kingston Land Trust; Climate Smart Kingston	See Involved and Interested Agencies Section
CAC		Commented [4]: Conservation Advisory Council and Climate Smart Kingston Commission are the two City boards omitted.	Added and overall set expanded
CAC		Commented [5]: Please differentiate between involved and interested agencies. This information should be on the EAF.	Done
CAC		Commented [6]: Include recommendations for more porous materials to be used in specific instances here and/or in codes? Keyed to maps of geology, soils and topography.	Draft Final Scope edited to include recommendations for more porous materials.
CAC		Commented [7]: Porous materials for paving.	This is addressed
CAC		Commented [8]: This section only discusses steep slopes. Include information on geology, soils and impervious cover. Include karst topography.	Addressed.
CAC		Commented [9]: Define transect	Added.
CAC		Commented [10]: Will cumulative effect of increased impervious cover be mitigated?	This was added to Cumulative Impact section.
CAC		Commented [11]: Can the FBC encourage landscaping efforts using native plantings re pollinator gardens mentioned above.	FBC to encourage green infrastructure best practices inclusive of, but not limited to native plantings or pollinator gardens
CAC		Commented [12]: Clarify language. Perhaps make this paragraph more than one sentence.	Done.
CAC		Commented [13]: Will only regulated wetlands and streams be considered? What about smaller wetlands and watercourses?	smaller wetlands and watercourses may preferably be conserved depending on discussion in the Open Space Plan.
CAC		Commented [14]: incomplete sentence.	This is modified.
CAC		Commented [15]: Add NYSDEC New York Natural Heritage Program and other divisions and programs	Natural Heritage is added, although this is implicit.
			Consultation reports from NYSDEC & USFWS typically detail the existing Significant Natural Communities (rare or high-quality wetlands, forests, grasslands, ponds, streams, and other types of habitats, ecosystems, and ecological areas) and Rare Plants and Rare Animals (generalized locations of animals and plants that are rare in New York State, including but not limited to those listed as Endangered and Threatened).
CAC		Commented [16]: Will this include information on small habitats in smaller lots, such as pollinator gardens and street and yard trees?	text augmented.
CAC		Commented [17]: What are FBC regulating standards?	insertion made
CAC		Commented [18]: add habitats to this phrase	

Appendix 1: SEQRA PUBLIC SCOPING COMMENTS FOR CITY OF KINGSTON – KINGSTON FORWARD: FORM-BASED CODE REZONING

Individual	Comment Origin	Comments	Treatment
CAC		Commented [19]: Mitigation measures should include the goal of increasing, or at the very least avoiding reducing, the number of trees, especially mature ones.	Yes, that is the goal behind minimizing the potential for undesirable severe impacts to habitats.
CAC		Commented [20]: What does "based on design" mean?	This was clarified.
			Plants and Animals Resources include both Terrestrial and aquatic species. This section focuses only on the impacts to species, not specifically on the impact to the quantity or quality of the water resource. For Existing Conditions, the Water Resources section shall numerically discuss surface and subterranean waters separate from the species that inhabit these waters.
CAC		Commented [21]: How does this section correlate with discussion of waterbodies in section 4.2?	clarified
CAC		Commented [22]: does edge refer to banks or to riparian areas?	This part of 4.4. is clarified.
CAC		Commented [23]: This phrase could also be applied to section 4.2	This is explained.
CAC		Commented [24]: What are the administrative protocols?	
		Commented [25]: This paragraph seems to refer only to the coastal zone, but should refer to other waterbodies and sources of information such as OSP and NRI. Kingston has a Local Waterfront Revitalization Plan (LWRP), it should be mentioned here as a source of information. LWRP is mentioned in 4.12	Edit made. Extent of analysis modified.
CAC		Commented [26]: This paragraph only mentions the coastal Zone? What about other waterbodies?	This was adjusted.
			A City Community Preservation Plan has not been publicly released in Draft form. Likewise, a Pedestrian & Bicycle Master Plan is still under development. Since neither is publicly released even in draft form, it is not possible to use either.
CAC		Commented [27]: To the extent possible include the Community Preservation Plan and Pedestrian and Bicycle Master Plan within scope for open space and recreation review. These projects are running concurrently with Kingston Forward.	Trails has been added into Existing Conditions.
CAC		Commented [28]: add trails for non-motorized transportation. "dedicated for open space, parks and trails.	
		Commented [29]: Please include urban agriculture as within scope. This review could include identification of areas suitable for urban agriculture and language for the regulating design manual covering urban agriculture. The Kingston Urban Agriculture Planning and Zoning Studies Phase 1 and 2 (Jennifer Schwartz Berkly O'Donnell, principal author) should be reviewed as within scope for this topic.	These modifications are incorporated.
			The sentence is adjusted. The section will generally rely on the NRI; yet, it is unclear what is map promoted for use. The Open Space Plan will be used to aid analysis, as this source is more recent.
CAC		Commented [30]: unclear sentence. I have suggested an alternative. Playgrounds at schools are also included. Refer to Park Potential map: <a href="https://www.kingstonny.gov/filestorage/8399/8491/8495/10452/COK_OS.L.M">https://www.kingstonny.gov/filestorage/8399/8491/8495/10452/COK_OS.L.M</a> [1a]	
CAC		Commented [31]: unclear sentence. I have suggested an alternative. Playgrounds at schools are also included. Refer to Park Potential ... [2]	This comment is unclear.
			The section will generally rely on the NRI. Yet, it is unclear what map the commentor promotes for use. It is beyond the general feasibility of this zoning analysis to provide detailed identification of school and the playgrounds at them.
CAC		Commented [32]: What is meant by recreation assets? Passive and active recreation? Ball fields, tennis and pickle ball courts, swimming?	The potential to assign and forecast different types of open space that may be developed as active versus passive is not a subject that can be addressed within generic analysis as this level of detail would require extensive time and funding that is not available within the current project budget and guidance on this is not provided in the comprehensive plan.
			The reference to Greenline is removed and terminology is clarified.
CAC		Commented [33]: Please differentiate between passive and active recreation in the scoping document in the review..	
CAC		Commented [34]: Greenline not mentioned in introduction to 4.4. There are other trails in Kingston that are not in the Greenline.	
			A Community-Driven Conceptual Plan for the Kingston Greenline, 2014 appears focused on trail design and development itself, it does not appear relevant to adjacent site interconnections and development and there do not appear to be other Greenline studies on the City or KLT websites that cover such topics. The 'Design Guide - Empire State Trail', 2017, does not relate to development on property under zoning; rather, it addresses treatments for Trail development itself, so this study is not germane.
CAC		Commented [35]: Regarding the Greenline, the Greenline management plan should be reviewed as within scope together with any Empire State Trail guidelines available and guidelines for projects associated with the Greenline such as the Hasbrouck parklet. If not already available from the City, Greenline information can be obtained from Kingston Land Trust.	
CAC		Commented [36]: This map should be included in information necessary to address the impact: It shows Park Potential, areas >1/4 miles from park: <a href="https://www.kingstonny.gov/filestorage/8399/8491/8495/10452/COK_OSIMaps_PARKPOT.pdf">https://www.kingstonny.gov/filestorage/8399/8491/8495/10452/COK_OSIMaps_PARKPOT.pdf</a>	The NRI is referenced.
CAC		Commented [37]: Add connecting trails	The examination of mitigation will include an examination of how the FBC provides for connecting development sites to trails.
CAC		Commented [38]: Would this include a build out analysis under both existing zoning and FBC?	There will be a buildout under existing zoning and the proposed FBC.
CAC		Commented [39]: Please include as within scope whether and/or to what extent portions of the existing zoning code such as the bulk regulations or otherwise may be incorporated into the FBC or regulating design plan.	The scope was provided with text adjustment. This is a zoning upgrade.



**Appendix 1: SEQRA PUBLIC SCOPING COMMENTS FOR CITY OF KINGSTON – KINGSTON FORWARD: FORM-BASED CODE REZONING**

Individual	Comment Origin	Comments	Treatment
		Commented [40]: Please consider adding a review of NYS model certified local government law within scope for historic preservation with a view towards using such to replace or amend historic preservation sections in Sections 405 (zoning) and 264 (historic) of City Code. Regarding archeology, if not already included as part of the review, please include the archeological survey for the City done by Dr. Joseph Diamond which should be reviewed as within scope together with other archeological reviews conducted as part of various SEQRA project reviews if not already included. Consider as within scope how the Broadway overlay presently reviewed by Heritage Area Commission will be treated. Discuss as within scope, whether the FBC will include standards for historic architectural review.	Model law comparison touched on and archeological screenings are inherent in SEQRA reviews.
CAC		Commented [41]: I believe this means that a letter from NYSOPRHP will be requested. NOT to.	Noted. Duly corrected
CAC		Commented [42]: Suggest making this into 3 separate sentences.	Noted. Adapted to 2 sentences.
CAC		Commented [43]: be specific on sources to be used	2015-2019 ACS, 2020 Decennial Redistricting Data, Ulster County Housing Action Plan
CAC		Commented [44]: Does this refer to 2020 census?	Yes, U.S. Census 2020 Decennial Redistricting Data
CAC		Commented [45]: Please include as within scope and expand upon in detail any proposals to mitigate affordable housing issues presently affecting the community and that may arise as part of the FBC process.	
CAC		Commented [46]: As stated in comments on recreation, please include information for review as within scope from the Pedestrian and Bicycle Master Plan project to the extent possible.	The Pedestrian and Bicycle Master Plan is not yet available to the public, since it's in draft development, there can not be reliance on this.
CAC		Commented [47]: Include descriptions of non motorized vehicle trails and integration with streets and roads.	The section was augmented to provide for descriptions of the locations and basic features of non-motorized trails.
CAC		Commented [48]: Complete streets information available from the City of Kingston should be included for review as within scope.	The Complete Streets policy adopted will be described.
CAC		Commented [49]: include interaction of non-motorized vehicle trails with streets.	There will be analysis of the FBC street design standards and intersection design guidance will touch-on the interaction of non-motorized trails with streets.
CAC		Commented [50]: What is meant by lighting thresholds? Do these thresholds include prevention of night sky light pollution?	This text was clarified
CAC		Commented [51]: Agreed. Specifically light pollution should be assessed with a view to reducing it wherever possible.	Limited text was added.
CAC		Commented [52]: Not sure what these standards are, so cannot evaluate if these are sufficient sources of information. Are there existing plans and studies that address community character? such as Comp Plan? Open space Plan? Historic Preservation? Street Tree Inventory?	Additions and clarifications were made.
CAC		Commented [53]: Does streetscape design include street trees?	Street trees are now addressed.
CAC		Commented [54]: Sources of energy is rapidly changing with solar power and future ban on use of fossil fuels and possible adaption of Community Choice Aggregation. No mention is made of renewable clean energy. No mention of electric vehicle infrastructure.	It seems that CCA is outside the purview of the zoning's prescriptions, but there are text additions to analyze the use of sustainable practices and objectives within zoning, including EV infrastructure and renewable energy.
CAC		Commented [55]: What is meant by environmental features?	The text is clarified.
CAC		Commented [56]: Specifically list plans: 2020 Open Space Plan and its attendant Natural Resource Inventory (OSP/NRI). Kingston 2030 Climate Action Plan, etc.	This is done; NRI is considered part of the OSP.
CAC		Commented [57]: The Mid-Hudson Region Sustainability Plan was published in 2013. A Regional Climate Action Strategy has been drafted: it is being coordinated by Hudson Valley Regional Council and Sustainable Hudson Valley. <a href="https://sustainhv.org/wpcontent/uploads/2022/04/A-Regional-Climate-Action-Strategy-for-New-York%E2%80%99s-Mid-Hudson-Valley-complete-040122.pdf">https://sustainhv.org/wpcontent/uploads/2022/04/A-Regional-Climate-Action-Strategy-for-New-York%E2%80%99s-Mid-Hudson-Valley-complete-040122.pdf</a>	Added the draft, but it may be presented as recommendations if it is not being formally considered for adoption by a regional entity or jurisdiction.
CAC		Commented [58]: The City of Kingston has a tree inventory and management plan. These are key sources of information and should be cited here and other relevant sections. See <a href="https://kingstonny.gov/Trees">https://kingstonny.gov/Trees</a> for links to: Street Tree Inventory Summary Report, Park Tree Inventory Summary Report, Management Plan.	Done
CAC		Commented [59]: what about renewable clean energy use? Goals and objectives for converting to renewable clean energy.	Done
CAC		Commented [60]: Name some of these sources	See modification.
CAC		Commented [61]: suggest being more specific on types of sewers	There is differentiation of sanitary and storm sewers as may indirectly relate to zoning regulation.
CAC		Commented [62]: Suggest to include green infrastructure stormwater management	We will be pushing best practices in FBC, we are not writing a storm water code but we will be using green features and infrastructure for stormwater management
CAC		Commented [63]: Unclear what is meant by this sentence. conserving water resources?	This is update
CAC		Commented [64]: Include other plans including OSP and 2030 Climate Action Plan. Are there economic development plans or strategies?	Done
CAC		Commented [65]: Define what T4 and T5 are	We have presented this in the Proposed Action description
CAC		Commented [66]: suggest adding impervious surfaces as a specific impact as impervious surfaces affect water quality and heat island effect.	
CAC		Commented [67]: Is this a build out analysis? A build out analysis may be informative?	
CAC		Commented [68]: Please include thresholds for supplemental reviews (SEIS) subsequent to the FGEIS and findings within scope of review.	

May 2, 2022

*Via E-mail: bstarodaj@kingston-ny.gov*

Bartek Starodaj  
Director of Housing Initiatives  
City of Kingston  
420 Broadway  
Kingston, NY 12401

Re: Scoping Document  
Draft Generic Environmental Impact Statement ("DGEIS")  
Kingston Rezoning 2022

Dear Mr. Starodaj:

Please accept these written comments as part of the public hearing record on the Scoping Document for the DGEIS for the pending rezoning initiative. As previously stated during the public hearing on April 21, 2022, this firm represents William Gottlieb Management Co., Inc., ("WGM") a large landowner in Uptown Kingston who seeks to work collaboratively with the City in the rezoning process.

While we understand the City's eagerness to move the rezoning process forward, the public comment on the draft Scoping Document is premature and deprives the public of the opportunity to meaningfully participate in the process. The State Environmental Quality Review Act ("SEQRA") evaluates the impacts of proposed actions. An "action" is defined to include:

- (2) Agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions; and
- (3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment. 6 NYCRR § 617.2(b)

Scoping means "the process by which the lead agency identifies the potentially significant adverse impacts related to the **proposed action** . . . ." 6 NYCRR § 617.2(ag) (emphasis added). A scoping document **must include a brief description of the proposed action**. 6 NYCRR § 617.8(e) (emphasis added).

The City has not yet identified the proposed action which is to be studied in the Scoping Document and does not expect to release the amendments until several weeks after the end of the public comment period on the Scoping Document. It is not possible to formulate comments on the adequacy of the Scoping Document without understanding the breadth of the underlying

zoning amendments. Further, a Scoping Document which does not include a description of the proposed action is incomplete.

The SEQRA scoping process has six objectives. As set forth below, the proposed Scoping Document does not satisfy any of them.

1. Focus the Environmental Impact Statement ("EIS") on the potentially significant adverse environmental impacts. Without understanding the proposed action, it is not possible to identify potentially significant adverse impacts.
2. Eliminate non-significant and non-relevant issues. Again, without identifying the proposed action, it is not possible to identify irrelevant issues.
3. Identify the extent and quality of information needed. This is incomplete without an understanding of the proposed action. For example, without understanding if density is being increased, it is not possible to know whether a transportation study is needed.
4. Identify the range of reasonable alternatives to be discussed. Without an understanding of the "baseline FBC," it is not known whether additional alternatives should be reviewed.
5. Provide an initial identification of mitigation measures. While mitigation measures are generally discussed, they cannot be fully identified until the action is identified.
6. Provide the public with an opportunity to participate in the identification of impacts. As stated above, the premature public comment period has deprived the public of any meaningful participation in the scoping process.

The public comment period on the Scoping Document must be extended to at least two weeks *after* the draft zoning amendments have been released to allow all interested persons the opportunity to review and formulate comments.

Thank you for your consideration and we look forward to providing substantive comments on the draft Scoping Document at a future date.

Sincerely,

A handwritten signature in black ink, appearing to read 'Victoria L. Polidoro', with a stylized flourish at the end.

Victoria L. Polidoro

Cc: Amy Groves, Dover Kohl (via e-mail)  
Barbara Graves-Poller, Esq. Corporation Counsel (via e-mail)  
Common Council (via e-mail)

**KINGSTON CONSERVATION ADVISORY COUNCIL MAY 2, 2022**

Emilie Hauser (Chairperson), Kevin McEvoy, Theodore Griese, Helen Atkinson, Anita Collins

**The CAC is pleased to provide our comments and suggested edits.**

THIS DOCUMENT USES COMMENT BUBBLES AND SUGGESTED  
EDITS TO COMMENT ON THE THE DRAFT GENERIC  
ENVIRONMENTAL IMPACT STATEMENT DRAFT SCOPING  
DOCUMENT Prepared for: KINGSTON FORWARD: FORM-BASED CODE  
REZONING CITY OF KINGSTON

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**STATE ENVIRONMENTAL QUALITY REVIEW ACT  
(SEQRA)**

**DRAFT GENERIC  
ENVIRONMENTAL IMPACT  
STATEMENT DRAFT SCOPING  
DOCUMENT**

**Prepared for:  
KINGSTON FORWARD: FORM-BASED CODE  
REZONING CITY OF KINGSTON, NY**

**Date of Draft Scoping Document:**

April 5, 2022

**Public Scoping Session To Be Held:**

April 21, 2022

**Public Comments Must Be Submitted By:**

May 2, 2022

## **PROJECT CONSULTANTS:**

**Dover, Kohl &  
Partners  
Laberge  
Group  
Hall Planning &  
Engineering  
GRIDICS**

The table of contents and other content has been removed to reduce the size of the document-  
CAC.

## **OVERVIEW**

This Draft Scoping Document outlines how the project sponsor and designated Lead Agency, the City of Kingston Common Council, will prepare a Draft Generic Environmental Statement (DGEIS) that comprehensively evaluates a new Form-Based Code (FBC) rezoning for the City of Kingston. This document identifies the Action, environmental topics that will be analyzed, it defines the organization and level of analysis that must be presented in the Draft GEIS, and the associated source information.

The proposed FBC is intended to replace the existing zoning standards, which are auto-oriented and conducive to sprawl, with new zoning standards that guide the physical form of development. The FBC focuses primarily on guiding the physical pattern of land use as a means to implement the community vision for growth. Form-Based Codes that are graphically rich are organized to make development more predictable and provide for better design outcomes.

The City of Kingston Common Council on April 5, 2022 declared itself Lead Agency and acknowledged that the Form-Based Code that will regulate land use throughout the City is a Type I Action, and determined that a Draft GEIS was appropriate to provide for the environment review of this action.

## Proposed Action Description

The City of Kingston's existing zoning ordinance dates from the 1960's. It has been amended in pieces and it can be confusing and unclear. The existing zoning does not align well with Kingston's historic building tradition, whereby buildings were established prior to the current zoning standards which are auto-oriented and conducive to sprawl. Moreover, there is a problem in that other aspects of the existing zoning are organized in a way that it is not aligned to meet current community needs and values. Therefore, a new Chapter 405 Form Based Code is proposed to replace the existing zoning standards of the City of Kingston in order to guide the physical form of development.

The FBC will prescribe details of development by addressing factors such as:

- \* Relationships of buildings to streets and open space;
- \* Height and massing and groupings of buildings;
- \* Architectural design; and
- \* Layouts of complete multimodal streets with quality designs and that fit with land use.

Included in the FBC will be specific regulations and a corresponding spatial Regulating Plan map that will prescribe the Transect/ Special District assignments. The FBC-centered zoning is also intended to aid City-scale growth and advance goals for mixed-uses, affordable housing, walkable streets, preservation and enhancement of community character, economic growth, compatible infrastructure and long-term sustainability.

Commented [1]: Define Transect.

The location of this proposed action is the whole of City of Kingston, Ulster County, NY.

## State Environmental Quality Review Act (SEQRA) Process

As part of commencing the environmental impact review process for the Project, the City conducted a series of procedural steps in accordance with SEQRA and its implementing regulations. On April 5, 2022 the City Common Council:

- Completed the Part 1, Part 2 and Part 3 of a Full Environmental Assessment Form (EAF).
  - Determined the proposed action was a legislative action and the City Common Council was declared Lead Agency.
  - Classified this Project as a Type 1 Action in accordance with acres SEQRA regulations NYCRR 617.4 (b)(2) which identifies the adoption of the Form Based Code (FBC), which is a type of zoning, with prescribed land use components and/or recommendations for zoning changes to 25 or more acres as a Type 1 action.
  - Further reviewed the Full EAF as part of making a SEQRA Determination of Significance. Accordingly, the City Common Council, approved the EAF and determined and issued a Positive Declaration. This Positive Declaration specifically determined that a Generic Environmental Impact Statement (GEIS) is required for the proposed FBC.
  - Issued a Draft Scoping Document and set the date for a Public Scoping Session (meeting) on April 21, 2022 in Kingston City Hall (and over publicly accessible Zoom teleconferencing software).
- Established that public comments on the Draft Scoping Document will be accepted until May 2, 2022.

**Commented [2]:** It would be helpful to have had the EAF available when making scoping comments. Is the EAF available?

This Final Scoping Document will be distributed to all Involved and Interested entities. It is now the responsibility of the Lead Agency to oversee GEIS completion. While no agency other than the City of Kingston Common Council is able to approve or directly undertake this Action, through the coordinated review process multiple parties will have an opportunity to comment on the Action. This includes Ulster County Planning which, per NY State General Municipal Law §239-m, will be formally referred a submission on the GEIS and Form Based Code Zoning Amendments.

A notice of the Public Scoping Session will be distributed to potentially involved and interested agencies and adjacent jurisdictions. A notice for Positive Declaration, the release of the Draft Scoping Document, plus intent to hold a scoping session and receive comments on the Draft Scoping Document will also be published in the Environmental Notice Bulletin (ENB) and the local newspaper. Any comments received during the scoping meeting and in writing (through May 2, 2022) that are relevant to the preparation of the DGEIS will be summarized.

The purpose of this Draft Scoping Document is to define environmental issues that will be addressed in the Draft GEIS. Following public review and comment and coordination with

interested agencies, the Lead Agency will prepare and adopt a Final Scoping Document on which the Draft GEIS will be based. The Final Scoping Document will lay out the necessary information that must be assembled and analyzed in the Draft GEIS in order to evaluate potential impacts, alternatives, and mitigation measures. The Draft GEIS will contain all requisite content, including as per provisions of SEQRA NYCRR 617.8 through 617.10. This will include a cover sheet; table of contents; and an executive summary.

## Involved & Interested Agencies

The agency that is able to approve and adopt the FBC is the City of Kingston Common Council. Other potentially involved and interested agencies may have influence upon the adoption of the FBC and/or which may have a future permit, approval and/or funding role regarding implementation of actions arising in conjunction with the FBC, include but are not limited to:

- City of Kingston Planning Board
- City of Kingston Heritage Area Commission
- City of Kingston Landmarks Preservation Commission
- City of Kingston Board of Water Commissioners
- City of Kingston Local Development Corporation
- City of Kingston Zoning Board of Appeals
- City of Kingston Parks & Recreation Commission
- Ulster County Planning Board
- Ulster County Department of Public Works
- Ulster County Industrial Development Agency
- Ulster County Transportation Council
- Hudson Valley River Greenway
- New York (NY) State Department of State
- NY State Department of Environmental Conservation
- NY State Department of Transportation
- NY State Office of Parks, Recreation & Historic Preservation - State Historic Preservation Office (SHPO).

**Commented [3]:** Include Kingston Conservation Advisory Commission; Kingston Land Trust; Climate Smart Kingston

**Commented [4]:** Conservation Advisory Council and Climate Smart Kingston Commission are the two City boards omitted.

**Commented [5]:** Please differentiate between involved and interested agencies. This information should be on the EAF.

# DRAFT GEIS TABLE OF CONTENTS

## Executive Summary



## 1.0 Overview of Purpose

## 2.0 Description of Proposed Action

## 3.0 Procedural History

## 4.0 Existing Conditions, Potential Impacts & Mitigation

For each subject proposed to be addressed in the Draft GEIS, there will be reasonably detailed descriptions of baseline existing conditions, the types of impacts that may arise, and the identification of mitigation measures that have been initially identified to reduce or eliminate potential for adverse environmental effects from future development.

### 4.1 Geology, Soils & Topography

**Existing Conditions:** The Draft GEIS will portray a map that depicts patterns of slope and it will discuss attributes

of soils and geology as these may relate to future site preparation/ development. Portions of the City Code regulating building on higher slopes will also be described.

**Potential Impact:** FBC implementation could result in impacts to geology, soils, and topography (e.g., construction could increase the extent of impervious surfaces, building below grade could interface with ground water levels, or land use occurring on steeper slopes could result in potentially more impactful cuts and fills or influence down-gradient runoff).

**Anticipated Information Necessary to Address the Impact:** FBC transect standards applicable in locations of steeper slopes will be presented in a large-scale map to aid assessment of aggregate potential for land use change in these spots. There will also be presentation of Administrative Standards applicable to characterizing site conditions as well as transect regulating standards that may influence future land use in locations with steeper slopes.

**Commented [6]:** Include recommendations for more porous materials to be used in specific instances here and/or in codes? Keyed to maps of geology, soils and topography.

**Commented [7]:** Porous materials for paving.

**Commented [8]:** This section only discusses steep slopes. Include information on geology, soils and impervious cover. Include karst topography.

**Commented [9]:** Define transect

**Initial Identification of Mitigation Measures:** There will be evaluation of the extent that best practices are applied in the FBC to help avoid or minimize potential for undesirable impacts to arise in conjunction with development that occurs in locations with steeper slopes, or due to the water table, or due to changes in impervious cover.

**Commented [10]:** Will cumulative effect of increased impervious cover be mitigated?

## 4.2 Plants & Animals Resources

**Existing Conditions:** Characterization of the City natural resource environment will be derived from the 2020 Open Space Plan and its attendant Natural Resource Inventory (OSP/NRI). The Draft GEIS will describe general habitats and locations with higher known biodiversity.

**Commented [11]:** Can the FBC encourage landscaping efforts using native plantings re pollinator gardens mentioned above.

**Potential Impact:** This will analyze how building under the FBC may generate potential to change the extent or composition of flora and fauna, levels of tree/ forest cover, or conceivably enable encroachment upon natural resources and habitats, that constitute buffers or involve banks or are by the edges of streams, wetlands or other open space and habitat areas that are preferable conserved.

**Commented [12]:** Clarify language. Perhaps make this paragraph more than one sentence.

**Anticipated Information Necessary to Address the Impact:** Using data in the OSP/ NRI will enable discussion of the potential for the FBC to allow growth in relation to wetlands, including those that are NYSDEC-defined 12.4 acres or more and associated buffers; regulated streams, or other higher priority. Information for this discussion may also be derived from NYSDEC's Environmental Resource Mapper, and data available through the NYS GIS Clearinghouse, plus there will be formal consultations with the NYSDEC and the US Fish & Wildlife Service to identify the potential presence of important habitats or particular protected species.

**Commented [13]:** Will only regulated wetlands and streams be considered? What about smaller wetlands and watercourses?

**Commented [14]:** incomplete sentence.

**Commented [15]:** Add NYSDEC New York Natural Heritage Program and other divisions and programs

**Commented [16]:** Will this include information on small habitats in smaller lots, such as pollinator gardens and street and yard trees?

**Initial Identification of Mitigation Measures:** The FBC regulating standards will be assessed for the degree that these generically prompt threshold developments to practicably avoid sensitive resources. Moreover, there will be consideration of whether new building that could happen under the FBC could generate any different potential impacts to ecology and species compared with what would be possible under existing zoning. The environmental review documentation will identify and discuss how future site-specific development may be structured to apply best practices and minimize potential for undesirable severe impacts to habitats to arise during construction and based on designs.

**Commented [17]:** What are FBC regulating standards?

**Commented [18]:** add habitats to this phrase

**Commented [19]:** Mitigation measures should include the goal of increasing, or at the very least avoiding reducing, the number of trees, especially mature ones.

**Commented [20]:** What does "based on design" mean?

## 4.3 Water Resources

**Existing Conditions:** A brief description will characterize the water environment in the city, inclusive of: streams, surface waters, wetlands, floodplains, Federal Emergency Management Agency Special Flood Hazard Areas including 500-year Floodplain (zones C & X), and any regulated edges of such features.

**Commented [21]:** How does this section correlate with discussion of waterbodies in section 4.2?

**Commented [22]:** does edge refer to banks or to riparian areas?

**Potential Impact:** This will discuss how the FBC and the submission of applications and the administration of development review coming under it may provide for the identification/characterization of natural elements of sites that may be preferably conserved, or how it may encourage infill and adaptive reuse on already built and disturbed areas to protect water resources. It will also evaluate potential for new construction to affect water bodies within a designated coastal zone.

**Anticipated Information Necessary to Address the Impact:** The FBC administrative protocols will be analyzed. Secondary source map information and data tables will be used to depict the locations and quantify the potential for impacts from development occurring per the FBC in the coastal zone.

**Initial Identification of Mitigation Measures:** Applicable Local and State coastal consistently principals will be reviewed under the FBC to aid coastal area and resource management.

#### 4.4 Open Space & Recreation

**Existing Conditions:** This part will describe, through reference to the community's adopted 2020 Open Space Plan and its 2015 Parks & Recreation Master Plan, an inventory of public lands dedicated for open space or parks use. It may rely on the same sources to describe the mix of these resources and parks may be shown on a basic map included in this section. It may rely on the same sources to describe the mix of these resources. Parks, playgrounds and open space may be shown on a basic map included in this section.

**Potential Impact:** There will be analysis of how future growth under the FBC relates to and may impact the demands for public parks and open space. This may include relationship of growth to different types of recreation assets.

**Anticipated Information Necessary to Address the Impact:** Data and maps will depict parks and Kingston Greenline footprints as well as distances of ¼ to ½ mile around them. Civic/ Civic Support use and other recreation standards presented in the FBC will be described, including: open space and trail design standards; open space types and required dimensions; and how objectives for open space and greenway development vary by transect.

**Initial Identification of Mitigation Measures:** The enhancement and development of parks and green spaces and advances in walkability are goals embodied in the FBC. The Draft GEIS will assess how the FBC provides for space set asides and development of recreation options. Likewise, recommendations in the Open Space Plan and Parks & Recreation Master Plan will

**Commented [23]:** This phrase could also be applied to section 4.2

**Commented [24]:** What are the administrative protocols?

**Commented [25]:** This paragraph seems to refer only to the coastal zone, but should refer to other waterbodies and sources of information such as OSP and NRI. Kingston has a Local Waterfront Revitalization Plan (LWRP), it should be mentioned here as a source of information. LWRP is mentioned in 4.12

**Commented [26]:** This paragraph only mentions the coastal Zone? What about other waterbodies?

**Commented [27]:** To the extent possible include the Community Preservation Plan and Pedestrian and Bicycle Master Plan within scope for open space and recreation review. These projects are running concurrently with Kingston Forward.

**Commented [28]:** add trails for non-motorized transportation. "dedicated for open space, parks and trails.

**Commented [29]:** Please include urban agriculture as within scope. This review could include identification of areas suitable for urban agriculture and language for the regulating design manual covering urban agriculture. The Kingston Urban Agriculture Planning and Zoning Studies Phase 1 and 2 (Jennifer Schwartz Berky O'Donnell, principal author) should be reviewed as within scope for this topic.

**Commented [30]:** unclear sentence. I have suggested a an alternative. Playgrounds at schools are also included. Refer to Park Potential map: [https://www.kingston-ny.gov/filestorage/8399/8491/8495/10452/COK\\_Q](https://www.kingston-ny.gov/filestorage/8399/8491/8495/10452/COK_Q) ... [1]

**Commented [31]:** unclear sentence. I have suggested a an alternative. Playgrounds at schools are also included. Refer to Park Potential ... [2]

**Commented [32]:** What is meant by recreation assets? Passive and active recreation? Ball fields, tennis and pickle ball courts, swimming?

**Commented [33]:** Please differentiate between passive and active recreation in the scoping document in the review..

**Commented [34]:** Greenline not mentioned in introduction to 4.4. There are other trails in Kingston that are not in the Greenline.

**Commented [35]:** Regarding the Greenline, the Greenline management plan should be reviewed as within scope together with any Empire State Trail ... [3]

**Commented [36]:** This map should be included in information necessarto address the impact: It shows Park Potential, areas >1/4 miles from ... [4]

**Commented [37]:** Add connecting trails

be evaluated for the extent that the FBC will address and forward identified community objectives.

#### 4.5 Land Use & Zoning

**Existing Conditions:** Existing zoning and land development regulations will be described. This will cover procedural thresholds and process requirements, and examine permitted uses and the general overall development potential in each existing zoning district.

**Commented [38]:** Would this include a build out analysis under both existing zoning and FBC?

**Potential Impact:** Building potential under existing zoning will be compared with a generic examination of growth possible under the proposed FBC. The examination will address how development may vary from what is possible under existing zoning by examining the prescriptions within the regulating plans and transects standards, including

by reviewing the applicable building layout criteria, maximum and minimum scale, setbacks, and building placement requirements.

**Anticipated Information Necessary to Address the Impact:** The FBC focuses on generating a desired physical form of development (more than it regulates land use). The FBC will present rules for creating and replicating context. Design and impact standards will be assessed for how they guide building placement, massing, and scale, and cause or reinforce placemaking. The FBC will also be analyzed for how it is organized to advance form and pattern objectives in particular transects. The regulating plan map's transect spatial arrangements will be analyzed as will the detailed transect standards in the FBC. There will be analysis of general standards, covering parking and signage. There will be reviews of: Building Frontage Types; Build-to-Zones; Frontage/ Property Line requirements; Lot standards; Front, Side and Rear Setbacks; Building First and Upper Floor Heights; and building width requirements.

**Commented [39]:** Please include as within scope whether and/or to what extent portions of the existing zoning code such as the bulk regulations or otherwise may be incorporated into the FBC or regulating design plan.

**Initial Identification of Mitigation Measures:** Definitions and standards will be compared for how these enable, frame, or constrain building and site development and influence building form and patterns of land use. There will be a review of how requirements may affect regulatory process and address goals and issues. There will be an assessment of how the FBC provides for mixed-use, compact, and efficient patterns of building. Comparisons of the potential development possible will be used to examine how policy standards are intended to influence the form and density of building in each transect, generate or replicate context, or overcome sprawl, advance placemaking, and generate desired onsite building and space relationships.

**Commented [40]:** Please consider adding a review of NYS model certified local government law within scope for historic preservation with a view towards using such to replace or amend historic preservation sections in Sections 405 (zoning) and 264 (historic) of City Code. Regarding archeology, if not already included as part of the review, please include the archeological survey for the City done by Dr. Joseph Diamond which should be reviewed as within scope together with other archeological reviews conducted as part of various SEQRA project reviews if not already included. Consider as within scope how the Broadway overlay presently reviewed by Heritage Area Commission will be treated. Discuss as within scope, whether the FBC will include standards for historic architectural review.

#### 4.6 Historic & Archeological Resources

**Existing Conditions:** A summary of the City's existing historic and archeologic resources will be derived from existing resources. Utilized, will be information from the local Landmark Preservation Commission on Landmarked properties; Archaeological Sensitive Areas per NYS Cultural Resource Information System (CRIS); National Landmark Districts that are listed on the National Register of Historic Places, as well as National Landmarks, State Register of Historic Places listings, plus buildings potentially eligible for listing on the State Register of Historic Places; and documentation on the City's New York State Urban Heritage Area.

**Potential Impact:** The re-zoning aims to create zoning standards that better fit the City's historic settlement patterns to encourage historic preservation, reuse, and compatible infill and investment. Standards will be developed to enhance building-to-street relationships and historic qualities. The Draft GEIS will examine the potential impacts to sites containing in-ground cultural resources, as well as the ability of future land uses to potentially alter buildings and structures that may be designated as historic resources or which may have potential to be designated historic or cultural resources. Future land use activity that would not adhere to review protocols, defined standards, and practice prescriptions could disrupt in-ground resources, potentially alter settings or site integrity, and would be inconsistent with Federal, NYS and Local Historic Preservation Law.

**Anticipated Information Necessary to Address the Impact:** A letter to NY State Office of Parks, Recreation & Historic Preservation will ascertain identified and potentially listed districts and properties and Archaeological Sensitive Areas. There will also be goals excerpted from readily obtained locally adopted preservation plans. A formal cultural resource investigation, or citywide Phase 1A survey, will not be conducted. Rather there will be discussion of thresholds for when analytical investigation like a Phase 1A/ Phase 1B study may be warranted, or when a historic property or potential historic property written resource analysis performed by a qualified professional, may be called for as part of subsequent applications for site-specific development that may surpass identified thresholds. This way, the analysis can identify and discuss potential resource areas and buffers, studies,

Commented [41]: I believe this means that a letter from NYSOPRHP will be requested. NOT to.

inventories, and reasonably assimilate data that can aid in screenings for the potential presence of historic and pre- historic sites and buffers, identify potential sensitivity of resources, and establish process for defining potential historic and cultural resources, and their general significance, to identify whether certain types of analysis may be warranted during subsequent site-specific development.

**Initial Identification of Mitigation Measures:** The FBC will maintain and support existing historic districts and designations. The FBC will provide standards that guide growth to enable new development to be in character with the traditional urban building form. Future structures will be guided in their development to complement placemaking and aid the conservation of historic and cultural resources. The Draft GEIS will review existing or proposed procedures for screenings and when an assessment or analysis of the potential future impact

of development is appropriate on a site-specific basis. It will identify possible forms of mitigation existing in City policy and new prescriptions, inclusive of any special requirements. It will identify resource studies or best practices as a basis for regulating property development to avoid potentially adversely degraded. The FBC design standards and proposed regulating plans will be analyzed for how standards could impact historic and architectural resources.

#### 4.7 Socioeconomics

**Existing Conditions:** A basic and concise description of local population, housing, and the economic base will be assembled to describe the social and economic setting and potential for change in it. The snapshot will rely on secondary sources to document features of population and change, and ~~it~~ will discuss the ~~discuss~~ housing mix and factors affecting housing needs, affordability, and market conditions. It will discuss, as well as the features of the local economy and labor conditions.

**Commented [42]:** Suggest making this into 3 separate sentences.

**Potential Impact:** This will consider how housing demand, affordability and economic factors may change with FBC implementation. Since national and regional economy and conditions influence the local environment, there may be anecdotal and qualitative analysis of possible impacts.

**Anticipated Information Necessary to Address the Impact:** Data sources covering housing conditions may often source from the County, such as contained in the 2021 Ulster County Housing Action Plan. There would also be reliance on State and Federal ~~s~~Sources for population, housing, income and employment data, particularly using US Census-derived sources like the 10-year counts and what is available in the American Community Survey.

**Commented [43]:** be specific on sources to be used

**Commented [44]:** Does this refer to 2020 census?

**Initial Identification of Mitigation Measures:** Analysis can address how development under new zoning may influence housing types, mix, overall supply and affordability. There can also be examination of how goals and objectives in community and economic development in various community plans and policies may be advanced through FBC implementation.

**Commented [45]:** Please include as within scope and expand upon in detail any proposals to mitigate affordable housing issues presently affecting the community and that may arise as part of the FBC process.

**Commented [46]:** As stated in comments on recreation, please include information for review as within scope from the Pedestrian and Bicycle Master Plan project to the extent possible.

**Commented [47]:** Include descriptions of non motorized vehicle trails and integration with streets and roads.

**Commented [48]:** Complete streets information available from the City of Kingston should be included for review as within scope.

#### 4.8 Multimodal Transportation & Parking

**Existing Conditions:** Multimodal transportation system conditions will be described to generate a context for evaluating changes in future conditions. There will be a basic description of the network with a limited description of the roadways and hierarchy, with identification of Arterial and Collector Streets, descriptions of block perimeters, intersection density, and general grid characteristics. It will also characterize pedestrian, bicycle, and transit usage, mix, and environment features. This will include descriptions of general transport safety, as this relates to walkers and bicyclists. There will also be definition of existing City Code policies influencing the establishment of parking, or the layout or modification of public streets, or onsite circulation system arrangements.

**Potential Impact:** There will be discussion regarding how transportation components of the FBC will provide for walking, biking, driving, and using transit. This will include qualitative discussion of the how the potential spatial pattern and future level of growth may influence various modes, as the rezoning could generate substantial increases in activity in modes of transport, above present levels, or in a way that generates new demand for transportation facilities, or services, which could alter traffic and the patterns of movement of people and goods within the city. There will be an examination of how changes in the FBC could influence changes in the transport safety environment. This shall include describing prescribed street types and intersection characteristics and treatments, site-level layouts, parking standards, and influences on vehicle speeds, as well as how the grid may develop and evolve, including with the development of a system of non-motorized trails.

**Anticipated Information Necessary to Address the Impact:** There will not be a transportation study generated, but there may be citation of prior City or regional plans, plus extraction some data and descriptions from City plans or studies by the Ulster County Transportation Council (UCTC), inclusive of the Draft City of Kingston Bicycle & Pedestrian Master Plan, provided that a public release of that document is made available prior to the final adoption of a Scoping Document. Traffic safety data from the City and UCTC will be relied on to qualitatively examine crash rates and severity and the potential for change. The FBC policy prescriptions for street and onsite multimodal transport system design, as well as the provision of parking, will be analyzed for how walkability and bicycle-ability is brought forth through prescriptions for block sizes, requirements for street modification, establishment of curb cuts, in terms of providing for walking and universal accessibility, transit use, plus in terms of how there is provision of onsite vehicular and bicycle parking, integration of transit access, opportunity for electric vehicle charging, and the provision for drop-offs and deliveries.

**Initial Identification of Mitigation Measures:** There will be identification of whether and how prescriptions for transportation development in the comprehensive plan, or other City policies, will be advanced. There will also be identification of potential to achieve specific improvements in transport infrastructure called for in the FBC's text, numeric and graphic standards. Discussion will examine how lower vehicle speeds and more complete streets can be achieved, with better walking and bicycling access. The discussion of multimodal change will analyze proposals that will influence the grid layout and intersection density and the pattern and features present in individual streets and intersections as well as how the design of transport elements at the property level will influence multi-modalism, safety, accessibility and land use.

**Commented [49]:** Include interaction of non-motorized vehicle trails with streets.

#### **4.9 Consistency with Community Character**

**Existing Conditions:** Natural and manmade features contribute to the Kingston community's sense of place. These include visual aspects, like landscape, buildings and structures. It also includes the natural and civic environment, and even services. There will be a concise synopsis

of goals and objectives in various local plans that aim to sustain~~aim~~-sustain or enhance character. There also will be discussion of ways lighting is regulated now to enable comparison with any new efforts to manage it.

**Potential Impact:** There will be analysis of ways the FBC provides for changes in land use, density, services, and aesthetics through examination of code criteria/ standards. One main focus will be on the role of form and design. ~~It yet,~~ it will also address any new lighting thresholds.

**Anticipated Information Necessary to Address the Impact:** Analysis on whether and how the FBC will be consistent with or impact architectural and landscape character and building form and scale will rely on the proposed standards, plus there can be comparison, often qualitative, with how such standards may influence community goals and objectives. There will be consideration of how and where growth could occur compared with that possible under existing zoning in order to evaluate the character effects upon public resources such as parks, or the potential for displacement of low-, moderate- or middle-income persons/ households.

**Initial Identification of Mitigation Measures:** There will be examination of building and façade requirements and how design standards are proposed to generate sense of place and compatible character, including through architectural arrangements involving window, door, wall texture, wall variegation, and building arrangements (like for steps, doorways, porches, canopies, cornices, courts and forecourts). Here likewise will be discussion of proposed streetscape design criteria, regulation of signage, stipulations for open space and other space set asides and providing for onsite landscaping.

#### 4.10 Energy Use, Air Resources & Noise

**Existing Conditions:** Relying on data in City plans, a summary of land use, building, transport and built- environment factors influence on community-level use of energy, air quality and noise will be provided. This may include brief descriptions of power systems, infrastructure, and policies and programs that may influence these environmental features and which might relate to standards or actions in the FBC.

**Potential Impact:** There will be basic analysis of whether and how community-wide or per capita energy use, air emissions and general noise conditions may change under the FBC rezoning.

**Anticipated Information Necessary to Address the Impact:** City climate plans, the open space plan, and sources like the Mid-Hudson Region Sustainability Plan, could be consulted for data, ~~such as like~~ on energy consumption, and goals and objectives for tree planting and

**Commented [50]:** What is meant by lighting thresholds? Do these thresholds include prevention of night sky light pollution?

**Commented [51]:** Agreed. Specifically light pollution should be assessed with a view to reducing it wherever possible.

**Commented [52]:** Not sure what these standards are, so cannot evaluate if these are sufficient sources of information. Are there existing plans and studies that address community character? such as Comp Plan? Open space Plan? Historic Preservation? Street Tree inventory?

**Commented [53]:** Does streetscape design include street trees?

**Commented [54]:** Sources of energy is rapidly changing with solar power and future ban on use of fossil fuels and possible adaption of Community Choice Aggregation. No mention is made of renewable clean energy. No mention of electric vehicle infrastructure.

**Commented [55]:** What is meant by environmental features?

**Commented [56]:** Specifically list plans: 2020 Open Space Plan and its attendant Natural Resource Inventory (OSP/NRI). Kingston 2030 Climate Action Plan, etc.

**Commented [57]:** The Mid-Hudson Region Sustainability Plan was published in 2013. A Regional Climate Action Strategy has been drafted: it is being coordinated by Hudson Valley Regional Council and Sustainable Hudson Valley. <https://sustainhv.org/wp-content/uploads/2022/04/A-Regional-Climate-Action-Strategy-for-New-York%E2%80%99s-Mid-Hudson-Valley-complete-040122.pdf>

**Commented [58]:** The City of Kingston has a tree inventory and management plan. These are key sources of information and should be cited here and other relevant sections. See <https://kingston-ny.gov/Trees> for links to: Street Tree Inventory Summary Report, Park Tree Inventory Summary Report, Management Plan.

**Commented [59]:** what about renewable clean energy use? Goals and objectives for converting to renewable clean energy.



will enable assessment of how the FBC standards may provide for designed changes in land use, building, transport and the built environment.

**Initial Identification of Mitigation Measures:** Discussions will evaluate how land use change could impact energy distribution and consumption. There will be examination of how code strategies proposed will influence reduced energy demand/ consumption, through its stipulations that cause or incentivize more efficient land use, multimodal transport and vehicle electrification, high efficiency construction, or other undefined actions like promotion or use of EnergyStar and/or USGBC LEED rating standards and criteria.

#### 4.11 Community Services & Infrastructure

**Existing Conditions:** This will generally describe extent and capacity of existing infrastructure services (drinking water, stormwater, sanitary and combined sewers, wastewater treatment and stormwater flow and green infrastructure).

**Potential Impact:** There will be examination of public service impacts in Kingston that may be caused by changes in the future land use enabled by the FBC development program. It will examine how the FBC may cause development authorization to connect with or modernize aspects of infrastructure. There will not be new primary studies, but rather the focus is on accessing readily available descriptions to show service availability, infrastructure conditions, and generically assess how new growth could impact respective services.

**Anticipated Information Necessary to Address the Impact:** Secondary source engineering and mapped data, as available, will depict services locations and respective capacities. Existing codes and any new FBC policies influencing access, use, and improvement of infrastructure will be discussed for how these requirements may provide for compliance in order for connections to be made, like with sewers.

Commented [60]: Name some of these sources

**Initial Identification of Mitigation Measures:** There will be FBC-influenced growth may relate to Inflow and Infiltration (I&I) in City stormwater, sanitary and combined sewers and stipulate mitigation to plan, design, or construct upgrades which can help reduce I&I and conserve system capacity. Likewise, there may be prescriptions for water conservation measures in development to promote as low as practicable demand and conveyance system flows. Finally, there will be examination of best practices that can be applied for conserving resources and managing infrastructure facilities.

Commented [61]: suggest being more specific on types of sewers

Commented [62]: Suggest to include green infrastructure stormwater management

Commented [63]: Unclear what is meant by this sentence. conserving water resources?

#### 4.12 Consistency with Community Plans

**Existing Conditions:** This will discuss major goals and land use objectives in the 2020 Comprehensive Plan. There will also be identification and consultation of major local subject specific plans, including the City Local Waterfront Revitalization Plan (LWRP), plus all its aligned implementation documents.

**Commented [64]:** Include other plans including OSP and 2030 Climate Action Plan. Are there economic development plans or strategies?

**Potential Impact:** This part will address potential for the FBC to advance goals and plan objectives. This will include how it relates to placemaking, housing supply, community and economic development, waterfront consistency, and physical form and the appearance of potential new development.

**Anticipated Information Necessary to Address the Impact:** Content relied on will comprise existing plans and policy standards and the FBC standards. There will also be data compiled in order to fill-in a Coastal Assessment Form as per City Code Chapter 398.

**Initial Identification of Mitigation Measures:** This will examine whether tactics should be added to the FBC to aid multi-modalism and traffic calming, reinforcement of sense of place, housing choices and economic development.

## 5.0 Project Alternatives

The following alternative approaches and variations will be discussed:

### 5.1 No Action

This standard basis for comparisons will address the potential impacts of growth under current zoning.

### 5.2 Higher Densities in T4 & T5 Transects

**Commented [65]:** Define what T4 and T5 are

This scenario will assess impacts that could arise if there are higher building construction allowances with one additional story more in T4 and T5 than is in the baseline FBC. It will discuss altered supplemental transect district dimensional criteria involving variables like lot coverage, other Lot Standards, or Building Form dimensional changes.

## 6.0 Summary of Impacts & Mitigation

### 6.1 Overview

This part of the Draft GEIS will review and reiterate the findings of the above categorical analysis plus it will discuss other types of effects that ~~must be addressed~~ must-addressed as follows per the SEQRA rules for preparing an environmental impact statement.

## 6.2 Growth Inducing Impacts

This part will assess potential for economic or other direct or indirect changes that may occur due to land development enabled under this Action. It will review the possibility of new or disproportional demands for government services and the possibility of less housing affordability and the need for and ways to attenuate potential issues.

## 6.3 Cumulative Impact

This will consider potential for impacts to be experienced due to additive or synergistic effects. It will consider how background traffic, demand for public services, impervious surfaces, economic, or environmental conditions could combine with effects arising due to the zoning change to cause adverse effects and it will discuss ways to minimize or avoid any such impacts.

**Commented [66]:** suggest adding impervious surfaces as a specific impact as impervious surfaces affect water quality and heat island effect.

## 6.4 Irreversible & Irretrievable Resource Commitments

This will address resource commitments due to the Action that cannot be avoided.

## 6.5 Identified Unavoidable Adverse Impacts

This covers potential for severe impacts to arise due to Action implementation.

## 6.6 Program Implementation

This will summarize growth impacts expected as part of FBC implementation. It identifies mitigation, thresholds and addresses whether and how land development carried out in conformance with the adopted FBC, Draft GEIS, Final GEIS, and Findings Statement may require limited SEQRA review.

**Commented [67]:** Is this a build out analysis? A build out analysis may be informative?

**Commented [68]:** Please include thresholds for supplemental reviews (SEIS) subsequent to the FGEIS and findings within scope of review.

## Draft GEIS Appendices

This section identifies information planned for inclusion in an Appendix rather than the main body of the Draft GEIS. These may contain data and information used in preparing the Draft GEIS, or project documentation. Additional studies or process documentation may be included in the Appendix. Documents anticipated for inclusion in the Appendix are:

- Form Based Code
  - Draft Scope and appurtenant information
  - Final Adopted Scope
  - Documentation of 'public participation', such as from the 2021 Charrette, or various other aspects from outreach and public comments.

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unclear sentence. I have suggested a an alternative. Playgrounds at schools are also included. Refer to Park Potential map: [https://www.kingston-ny.gov/filestorage/8399/8491/8495/10452/COK\\_OSIMaps\\_PARKPOT.pdf](https://www.kingston-ny.gov/filestorage/8399/8491/8495/10452/COK_OSIMaps_PARKPOT.pdf)

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unclear sentence. I have suggested a an alternative. Playgrounds at schools are also included. Refer to Park Potential map: [https://www.kingston-ny.gov/filestorage/8399/8491/8495/10452/COK\\_OSIMaps\\_PARKPOT.pdf](https://www.kingston-ny.gov/filestorage/8399/8491/8495/10452/COK_OSIMaps_PARKPOT.pdf)

**Page 8: [3] Commented [35] Kevin McEvoy 4/29/2022 4:02:00 PM**

Regarding the Greenline, the Greenline management plan should be reviewed as within scope together with any Empire State Trail guidelines available and guidelines for projects associated with the Greenline such as the Hasbrouck parklet. If not already available from the City, Greenline information can be obtained from Kingston Land Trust.

**Page 8: [4] Commented [36] Emilie Hauser 4/25/2022 11:36:00 AM**

This map should be included in information necessarto address the impact: It shows Park Potential, areas >1/4 miles from park: [https://www.kingston-ny.gov/filestorage/8399/8491/8495/10452/COK\\_OSIMaps\\_PARKPOT.pdf](https://www.kingston-ny.gov/filestorage/8399/8491/8495/10452/COK_OSIMaps_PARKPOT.pdf)

6

LIR

# CITY OF KINGSTON

## Office of the City Clerk & Registrar of Vital Statistics

cityclerk@kingston-ny.gov

Steven T. Noble, Mayor  
Elisa Tinti, City Clerk & Registrar



Deidre Sills, Deputy Clerk  
Susan Mesches, Deputy Registrar

April 26, 2022

President of the Council  
Honorable Andrea Shaut  
420 Broadway  
Kingston, New York 12401

Dear President Shaut,

The 2022 Record of Activities for the Standard Work Day of elected officials who are enrolled in the New York State retirement system is due to the State Comptroller no later than July 31, 2022. Please accept this communication for review by the Laws & Rules Committee for its May meeting.

Thank you,  
Elisa Tinti

A handwritten signature in cursive script, appearing to read "Elisa Tinti", is written below the typed name.

6  
**Tinti, Elisa**

L+R

**From:** Shaut, Andrea  
**Sent:** Friday, April 29, 2022 9:22 AM  
**To:** Worthington, Rita; Tinti, Elisa  
**Cc:** Graves-Poller, Barbara  
**Subject:** Communication - Laws & Rules

Dear Rita,

After our discussions with Corporation Counsel, I would like the Laws & Rules committee to consider passing a resolution to start a 'Focus Group' or 'Taskforce' for the recent passage of the Marijuana Regulation and Taxation Act (MRTA). This group would be made up of citizens selected through an application process and selected by the Common Council and the mayor; however, it would not be an advisory board as defined in our City Charter, nor would it be a decision-making body. The group's purpose would be to help the city to proactively address issues that may arise from the passage of the MRTA in a fair and equitable way. The Laws & Rules committee should consider how many members, how many appointed by council and how many appointed by the mayor, and the terms of membership, as well as anything else the committee and/or Corporation Counsel deems necessary.

Elisa – can you place this in my communication folder? I will be assigning this to May's Laws & Rules committee for their consideration. Thank you.

Very Respectfully,

Andrea Shaut

Council President, City of Kingston

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**Tinti, Elisa**

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**From:** Tinti, Elisa  
**Sent:** Thursday, May 12, 2022 11:55 AM  
**To:** Shaut, Andrea  
**Subject:** Late Communication

Dear President Shaut,

Please accept this late communication for Laws & Rules which is time sensitive. The current City of Kingston Commissioner of Deeds is set to expire on June 30, 2022. Historically this list has included City of Kingston employees from various departments who may be required to use this as a function as a part of their job performance, as well as members of the Common Council, Ulster County Legislature and Kingston Housing Authority. Thank you for your time and attention to this matter.

Sincerely,  
Elisa Tinti

*Elisa Tinti*

City Clerk and Registrar  
City of Kingston

(845) 334-3914 Office  
(845) 334-3918 Fax

[Kingston City Clerk Webpage](#)





THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES  
COMMITTEE REPORT

DEPARTMENT: City Clerk

DATE: 5/16/2022

Description:

Resolution to establish Commissioner of Deeds list  
effective 7/1/2022-6/30/2024

Signature: \_\_\_\_\_

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

Action Required:

SEQRA Decision:

Type I Action \_\_\_\_\_

Type II Action \_\_\_\_\_

Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Rita Worthington, Chairperson		
Barbara Hill, Ward 1		
Carl Frankel, Ward 2		
Rennie Scott-Childress, Ward 3		
Michael Olivieri, Ward 7		