

## Tinti, Elisa

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**From:** Starodaj, Bartek  
**Sent:** Wednesday, May 24, 2023 11:08 AM  
**To:** Shaut, Andrea; Alderman; Tinti, Elisa; Smith, Summer  
**Cc:** Graves-Poller, Barbara; Amy Groves  
**Subject:** RE: Special Laws & Rules meeting  
**Attachments:** Zoning Referral Comments.xlsx; Resolution x of 2023 - Form-Based Code Adoption.docx; Resolution X of 2023 - FGEIS Rezoning.docx

Dear Common Council,

Please see below for materials related to this special Laws & Rules Meeting:

- I am attaching a rundown of the comments received from the City of Kingston Planning Board, the Ulster County Planning Board, and the Historic Landmarks Preservation Commission along with a formal response and a description if the comment was accepted, partially accepted, or rejected. I had previously presented these responses during the Laws & Rules meeting held on April 19.
- The final draft of the zoning code can be found [here](#). This includes the changes made as a result of the referral comments and the official public comment period that closed on February 18. All changes from the 3.0 draft are highlighted in orange.
- The Final Generic Environmental Impact Statement ("FGEIS") can be found [here](#). This includes the comments and responses received during the public comment and public hearing period for the Draft Generic Environmental Impact Statement.
- Proposed resolutions for the adoption of the zoning code and the FGEIS.

I look forward to discussing these items with the Committee next Wednesday. I will be posting these items on Engage Kingston shortly.

Finally, several of you have sent me a few recent articles that relate to our zoning effort. I thought I would share them here:

- "Granny flats' play surprising role in easing California's housing woes" <https://www.washingtonpost.com/business/2023/05/21/adu-granny-flat-california-housing-crisis/> (about how accessory dwelling units in California are helping the state to meet affordable housing goals)
- "Tiny Homes for the Formerly Homeless" <https://www.nytimes.com/2023/05/03/style/seattle-homeless-tiny-homes.html> (about a program in Seattle that builds accessory dwelling units for unhoused residents)
- "This little-known rule shapes parking in America. Cities are reversing it" <https://www.cnn.com/2023/05/20/business/parking-minimums-cars-transportation-urban-planning/index.html> (about recent cities that have removed their mandatory parking requirements and a new federal bill that would eliminate parking requirements for certain projects)
- "More flexible zoning helps contain rising rents" <https://www.pewtrusts.org/en/research-and-analysis/articles/2023/04/17/more-flexible-zoning-helps-contain-rising-rents> (describing research on how zoning reform has slowed rent growth)

Thank you, and I look forward to our meeting. I'd be happy to answer any and all questions beforehand.

Bartek Starodaj

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**From:** Shaut, Andrea <ashaut@kingston-ny.gov>

**Sent:** Monday, May 22, 2023 7:58 AM

**To:** Alderman <Alderman@kingston-ny.gov>; Starodaj, Bartek <bstarodaj@kingston-ny.gov>; Tinti, Elisa <emtinti@kingston-ny.gov>; Smith, Summer <ssmith@kingston-ny.gov>

**Cc:** Graves-Poller, Barbara <BGraves@kingston-ny.gov>

**Subject:** Special Laws & Rules meeting

Good morning,

I am hereby calling a Special Laws & Rules meeting for **Wednesday May 31<sup>st</sup> at 7pm**. This meeting is to discuss the Kingston Forward zoning. This meeting is crucial for all members of the council (including non-Laws & Rules members) to be aware of the project, to ask any outstanding questions, and to help you cast an informed vote. This project will impact the entire city for years to come. Please attend prepared.

Elisa - can you please add this email as the agenda item, along with anything Bartek sends out?

Summer - can you please create a Facebook event?

Thank you!

Kindly yours,

Andrea Shaut

Council President, City of Kingston

**Agency      Category**

Ulster County    Lighting

Ulster County    Telecommunication Facilities

Ulster County    Administrative (referrals)

Ulster County    Building Types (Auto-oriented uses)

Ulster County    Parking

Ulster County    Required Submissions

Ulster County    Housing

Ulster County    Accessory Dwelling Units

**Ulster County Waterfront Overlay Standards**

## Recommendation

The UCPB recommends all fixtures be fully shielded as a requirement and that the City considers becoming an International Dark Sky Community to reduce the light pollution created in the County's most urbanized area,

At a minimum, the Code should require consideration of visual impacts associated with wireless facilities and their placement as freestanding vs. on-building. A focus on utilizing existing structures and/or buildings to host such facilities is recommended. As a policy, the County Planning Board has favored multiple facilities at lower heights or just above the tree line rather than larger facilities that create a greater visual impact.

The verbatim language of the existing Referral Exception agreement between the City Planning and Zoning Board should be removed and replaced with a reference to the most recent agreement allowing it to be changed without amending the Code.

The UCPB continues to recommend the addition of a building type that is context-sensitive to the transects that allow "auto-oriented" uses and examples of designs for these uses be included within the statute. In other words, requirements of placement of parking, fueling stations, and drive-thru lanes where they are allowed should be clearly defined via an image(s). The standard should strongly provide that additional curb cuts for drive-thrus and/or other multi-curb cut proposals be discouraged.

The UCPB recommends, however, that a developer should be responsible to meet the basic parking needs of the intended use, utilizing the flexibility methods mentioned above. Where basic needs cannot be met options are available to the developer such as a payment in lieu whereby the City moves to expand municipal parking or has shared use agreements with landowners whose parking exceeds their needs. Finally, certain classes of uses can be given a pass on parking such as reusing existing buildings, affordable housing, and/or transit-oriented development. To establish basic needs the City could use the ITE Parking Generation manual or developer/city parking studies for similar uses.

The City should take a hard look at the submittal requirements to ensure that the issues discussed above can be visualized in submittals. The Town of Rochester offers an example (below) that includes the use of high-resolution aerials combined with site plans. Other additions could be required drone flights, and photo simulations, particularly in historic districts or when a height bonus is being considered. Having these upfront ensures a more comprehensive understanding of the context of the submission which is critical when utilizing a form-based code. Other considerations would be a requirement to provide a written narrative of the proposal with highlights as to how it meets the design guidelines and other portions of the code.

The Board recommends that the standard for affordable set-asides be expanded to require new developments slated for sales (non-rental) such as condominiums or townhouses. The threshold for for-sale units should be designed so that the mortgage plus insurance payments are no more than thirty percent of the purchaser's gross annual income.

The original language in the Code that provided a prohibition for their use as STRs on all newly constructed ADUs going forward should be reinstated to allow ADUs to meet their intended purpose consistent with the goals found in 405.18.A.

The two waterfronts are recommended to be included in the waterfront overlay district with D.4 and D.6 only applicable to the Rondout Creek area. The Board would note that the City's Open Space Plan identifies this area as one that should be conserved as open space and includes recommendations for trail locations all along it. The proposed code should not ignore the recommendations in this adopted plan.

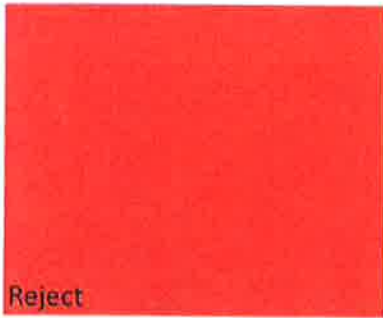
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**Justification**

Planning Board and Planning Department should retain discretion over which standard to apply based on the context, and this kind of discretion would be appropriate in the context of a site plan approval process. In other words, there might be scenarios in which partially shielded fixtures would be appropriate and so it would be overly restrictive to only give the fully shielded option in the zoning code. The City could consider becoming an International Dark Sky Community, but this would happen as part of a separate approval process because it should be up to the Common Council.

We have made changes to the Telecommunication Facilities section that incorporate these minimum requirements.

We have made the appropriate changes.

Auto-oriented uses are regulated by supplemental use standards, rather than building type. To address this comment, a new diagram has been included in Sec 405.20.I.

This change would unnecessarily complicate the form based code. The removal of minimum parking requirements is consistent with the goals of the form-based code to encourage housing affordability, walkability, and small business development. It is also consistent with the City of Kingston's Comprehensive Plan to envision "a new multi-modal transportation paradigm that encourages healthy, active living, promotes transportation options and independent mobility, increases community safety and access to community destinations, businesses, and healthy food, reduces environmental impact, mitigates climate change, and supports greater social interaction and community identity."

We have taken another look at our required submittals, we agree with the inclusion of an aerial map with site plan overlay.

After receiving legal advice on administrative obstacles and legal risks associated with the recommendation, the City decided not to implement that recommendation at this time.

This original language prohibiting short-term rentals in accessory dwelling units has been reinstated.

The Esopus and Rondout Creek areas are fundamentally different areas, given that the Rondout is a working waterfront. Nonetheless, we have taken another look at the waterfront overlay standards applicable to the Rondout Creek area and applied some of these requirements to the Esopus Creek area.