

**RESOLUTION 191 OF 2024**

**A RESOLUTION OF THE CITY OF KINGSTON ADOPTING THE ULSTER COUNTY 2024 HAZARD MITIGATION PLAN, DATED MAY 10 2024**

Sponsored By: Laws & Rules Committee: Alderman Hirsch, Scott-Childress, Pasti, Dennison, Mickens

**WHEREAS** the City of Kingston recognizes the threat that natural hazards pose to people and property within the City of Kingston; and

**WHEREAS** the City of Kingston has prepared a multi-hazard mitigation plan, hereby known as the Ulster County 2024 Hazard Mitigation Plan, dated May 10, 2024 in accordance with the Disaster Mitigation Act of 2000; and

**WHEREAS** the Ulster County 2024 Hazard Mitigation Plan, dated May 10, 2024, identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in City of Kingston from the impacts of future hazards and disasters; and

**WHEREAS** adoption by the City of Kingston demonstrates their commitment to hazard mitigation and achieving the goals outlined in the Ulster County 2024 Hazard Mitigation Plan, dated May 10, 2024.

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

**Section 1.** In accordance with (local rule for adopting resolutions), the City of Kingston adopts the Ulster County 2024 Hazard Mitigation Plan, dated May 10, 2024. This plan, approved by the community, may be edited or amended after submission for review, but will not require the community to re-adopt any further iterations. This only applies to this specific plan and does not absolve the community from updating the plan in 5 years.

Submitted to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

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

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

Adopted by Council on \_\_\_\_\_, 2024



**THE CITY OF KINGSTON COMMON COUNCIL**

**LAWS & RULES  
COMMITTEE REPORT**

DEPARTMENT: FIRE

DATE: OCTOBER 16, 2024

**Description:**

A RESOLUTION OF THE CITY OF KINGSTON ADOPTING  
THE ULSTER COUNTY 2024 HAZARD MITIGATION PLAN, DATED  
MAY 10, 2024. PLEASE SEE ATTACHED.

Signature \_\_\_\_\_

Motion by RSC

Seconded by TM

Action Required: \_\_\_\_\_

**SEQRA Decision:**

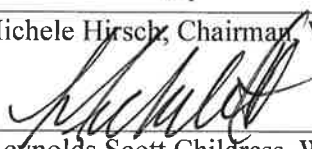
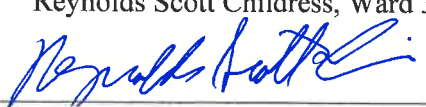
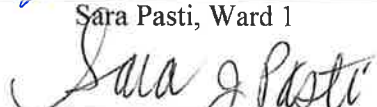

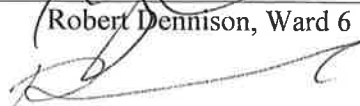
- Type I Action \_\_\_\_\_
- Type II Action \_\_\_\_\_
- Unlisted Action \_\_\_\_\_

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

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

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

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

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



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF KINGSTON ADOPTING THE ULSTER COUNTY 2024 HAZARD MITIGATION PLAN, DATED MAY 10 2024**

WHEREAS the City of Kingston recognizes the threat that natural hazards pose to people and property within the City of Kingston; and

WHEREAS the City of Kingston has prepared a multi-hazard mitigation plan, hereby known as the Ulster County 2024 Hazard Mitigation Plan, dated May 10, 2024 in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS the Ulster County 2024 Hazard Mitigation Plan, dated May 10, 2024, identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in City of Kingston from the impacts of future hazards and disasters; and

WHEREAS adoption by the City of Kingston demonstrates their commitment to hazard mitigation and achieving the goals outlined in the Ulster County 2024 Hazard Mitigation Plan, dated May 10, 2024.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF KINGSTON, NY THAT:**

Section 1. In accordance with (local rule for adopting resolutions), the City of Kingston adopts the Ulster County 2024 Hazard Mitigation Plan, dated May 10, 2024. This plan, approved by the community, may be edited or amended after submission for review, but will not require the community to re-adopt any further iterations. This only applies to this specific plan and does not absolve the community from updating the plan in 5 years.

ADOPTED by a vote of \_\_\_\_ in favor and \_\_\_\_ against, and \_\_\_\_ abstaining, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By: \_\_\_\_\_

(print name)

ATTEST: By: \_\_\_\_\_

(print name)

APPROVED AS TO FORM: By: \_\_\_\_\_

(print name)



2

# CITY OF KINGSTON

## Office of the Mayor

mayor@kingston-ny.gov

Steven T. Noble  
Mayor



---

September 27th, 2024

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

Re: Ulster County 2024 Hazard Mitigation Plan Adoption

Dear President Shaut,

I recommend the Common Council adopt the updated Ulster County 2024 Hazard Mitigation Plan. The Kingston-specific part of the UC plan is attached here, along with a draft resolution. Please note that this resolution is drafted in the format that FEMA has required, so it should not be modified. Fire Chief Chris Rea and Sustainability Coordinator and Project Manager Julie Noble coordinated this effort and will be available any questions the council may have at the appropriate committee meeting.

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

Respectfully Submitted,

Steven T. Noble  
Mayor







## 9.8 CITY OF KINGSTON

This section presents the jurisdictional annex for the City of Kingston that provides resources and information to assist public and private sectors to reduce losses from future hazard events. This annex is not guidance of what to do when a disaster occurs. Rather, this annex concentrates on actions to reduce or eliminate damage to property and people that can be implemented prior to a disaster. Information presented includes a general overview of the municipality, who in the City participated in the planning process, an assessment of the City of Kingston’s risk and vulnerability, the different capabilities used in the City, and an action plan that will be implemented to achieve a more resilient community.

### 9.8.1 Hazard Mitigation Planning Team

The City of Kingston identified the hazard mitigation plan (HMP) primary and alternate points of contact and developed this plan over the course of several months with input from many City departments, including the building department. The Sustainability Coordinator and Fire Chief represented the community on the Ulster County Hazard Mitigation Plan Planning Partnership, Steering Committee, and supported the local planning process requirements by securing input from persons with specific knowledge to enhance the plan. All departments were asked to contribute to the annex development through reviewing and contributing to the capability assessment, reporting on the status of previously identified actions, and participating in action identification and prioritization.

The following table summarizes municipal officials that participated in the development of the annex and in what capacity. Additional documentation on the municipality’s planning process through Planning Partnership meetings is included in Volume 1, Section 3 (Planning Process) and Appendix B (Meeting Documentation).

Table 9.8-1. Hazard Mitigation Planning Team

Primary Point of Contact	Alternate Point of Contact
Name/Title: Julie Noble, Sustainability Coordinator Address: 19 East O’Reilly Street, Kingston, NY 12401 Phone Number: 845-481-7339 Email: <a href="mailto:julielnoble@kingston-ny.gov">julielnoble@kingston-ny.gov</a>	Name/Title: Chris Rea, Fire Chief Address: 19 East O’Reilly Street, Kingston, NY 12401 Phone Number: 845-331-1507 Email: <a href="mailto:crea@kingston-ny.gov">crea@kingston-ny.gov</a>
<b>NFIP Floodplain Administrator</b>	
Name/Title: Steve Knox, Local Floodplain Administrator/Director of Building Safety and Zoning Enforcement Address: 5 Garraghan Drive, Kingston NY 12401 Phone Number: 845-331-1217 Email: <a href="mailto:sknox@kingston-ny.gov">sknox@kingston-ny.gov</a>	
<b>Additional Contributors</b>	
Name/Title: Suzanne Cahill, Planning Director Method of Participation: Provided key input in the planning process	
Name/Title: John Schultheis, City Engineer Method of Participation: Provided key input in the planning process	
Name/Title: Matt Dysard, Water Department Superintendent Method of Participation: Provided key input in the planning process	
Name/Title: Ryan Coon, Deputy Superintendent Dept of Public Works Method of Participation: Provided key input in the planning process	
Name/Title: Egidio Tinti, Police Chief Method of Participation: Provided key input in the planning process	
Name/Title: Steve Noble, Mayor Method of Participation: Provided key input in the planning process	
Name/Title: Ruth Ann Frank, Director of Grants Management Method of Participation: Provided key input in the planning process	





### 9.8.2 Municipal Profile

---

The City of Kingston is in the eastern portion of Ulster County on the Hudson River. The City consists of 8.8 square miles, 7.5 of which are land and 1.3 of which are water. The City of Kingston is the county seat of Ulster County and was the first capital of the State of New York. Kingston was founded by Dutch settlers in 1652 and has served throughout its history as an important hub of regional transportation. The City has three major neighborhoods: The Uptown Stockade Area, The Midtown Area, and The Downtown Waterfront Area. The Stockade District is an eight-block area that is the original site of the 17<sup>th</sup>-century Dutch settlement. The Midtown Area is home to the Ulster Performing Arts Center and the historic City Hall and was the site of industrial development in the early 20<sup>th</sup> century. The Downtown area is a mix of newer development and sensitive natural landscapes as the Rondout Creek empties into the Hudson River.

According to the U.S. Census, the 2020 population for the City of Kingston was 24,069, a 0.7 percent increase from the 2010 Census (23,893). Data from the 2020 American Community Survey 5-year Estimates indicate that 5.2 percent of the population is 5 years of age or younger, 14.5 percent is 65 years of age or older, 14.4 percent have disabilities, and 18.6 percent are below the poverty threshold. 1.2 percent of households are non-English speaking. Communities must deploy a support system that enables all populations to safely reach shelters or to quickly evacuate a hazard area.

### 9.8.3 Jurisdictional Capability Assessment and Integration

---

The City of Kingston performed an inventory and analysis of existing capabilities, plans, programs, and policies that enhance its ability to implement mitigation strategies. Volume 1, Section 6 (Mitigation Strategy) describes the components included in the capability assessment and their significance for hazard mitigation planning. The jurisdictional assessment includes the following types of municipal capabilities:

- Planning, legal, and regulatory capabilities
- Development and permitting capabilities
- Administrative and technical capabilities
- Fiscal capabilities
- Education and outreach capabilities
- Classification under various community mitigation programs
- Adaptive capacity to withstand hazard events

For a community to succeed in reducing long-term risk, hazard mitigation must be integrated into the day-to-day local government operations. As part of the hazard mitigation analysis, planning/policy documents were reviewed, and each jurisdiction was surveyed to obtain a better understanding of their progress toward plan integration. The updated mitigation strategy provided an opportunity for the City of Kingston to identify opportunities for integration of mitigation concepts that can be incorporated into municipal procedures.

#### Planning, Legal, and Regulatory Capability and Integration

---

Planning and regulatory capabilities are plans, policies, codes, and ordinances that prevent and reduce the impacts of hazards. The table below summarizes the regulatory tools that are available to the City of Kingston. The comment field provides information as to how the capability integrates hazard mitigation and risk reduction.



Table 9.8-2. Planning, Legal, and Regulatory Capability and Integration

	Is this plan/policy in place? (Yes/No)	Citation and Effective Date (code chapter or name of plan, date of enactment or plan adoption)	Authority (local, county, state, federal)	Individual / Department / Agency Responsible
<i>Codes, Ordinances, &amp; Regulations</i>				
Building Code	Yes	2020 NYS Code	State and Local	Director Building and Zoning
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i> NYS Energy Stretch Code has been adopted and is being enforced citywide.				
Zoning/Land Use Code	Yes	Chapter 405, Adopted August, 2023	Local	ZEO/ Zoning Board
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i> The Code provides for enhanced protections and oversight, offering a flood hazard overlay district along with appropriate regulatory features, and large lot standards along with providing for conservation districts, natural areas, open space standards that go beyond our current regulations. Areas beyond what people recognize as the "waterfront" (Rondout and Hudson) are recognized for potential risks of development and addressed accordingly. The Zoning Chapter ensures protection of health and people by encouraging and discouraging specific uses for areas.				
Subdivision Ordinance	Yes	Chapter 74, Adopted August 7, 1984	Local	Planning
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i> The regulations as they stand now have to work in coordination with the current zoning statutes in effect. The Planning Board has the ability to also engage professional consultants to advise on improving certain standards. Recognizing land constraints and character, along with historical and other overlying factors, the Planning Board would limit development areas to avoid risk of development under subdivision.				
Site Plan Ordinance	Yes	Chapter 347, Adopted December 7, 2004	Local and County	Planning
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i> The Planning Board can impose conditions on development, require site plan improvements to address storm and other weather-related influences and ensure that projects compensate to mitigate risks identified. Restrict building in certain areas, on steep slopes, reduce/limit removal of mature vegetation etc.. Building construction is addressed to avoid property loss.				
Stormwater Management Ordinance	Yes	Chapter 353, Adopted December 5, 2007	Local	City Engineer (primary) & Planning
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i> Establishes minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the community. Provides for oversight and design review of all stormwater control measures and erosion control with BMP's required and followed. Establishes long-term responsibilities for structural and non-structural components. Applicability is for ALL land development activities, with limited exemptions identified. Legislation contains specific performance and design criteria.				
Post-Disaster Recovery/ Reconstruction Ordinance	No	-	-	-
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i>				
Real Estate Disclosure	Yes	Property Condition Disclosure Act, NY Code - Article 14 §460-467	State	NYS Department of State, Real Estate Agent
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i> In addition to facing potential liability for failing to disclose under the exceptions to "caveat emptor," a home seller must make certain disclosures under the law or pay a credit of \$500 to the buyer at closing. While the PCDA requires a seller to complete a standardized disclosure statement and deliver it to the buyer before the buyer signs the final purchase contract, in practice, most home sellers in New York opt not to complete the statement and instead pay the credit.				
Growth Management	No	-	Local	-
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i>				
Environmental Protection Ordinances	Yes	Chapters 373 , Adopted April 4, 1995	Local	Tree Commission/ Planning/DPW
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i>				





	Is this plan/policy in place? (Yes/No)	Citation and Effective Date (code chapter or name of plan, date of enactment or plan adoption)	Authority (local, county, state, federal)	Individual / Department / Agency Responsible
<p>The City of Kingston Tree Commission actively seeks to monitor the urban forest. Kingston has a Street Tree Ordinance and has a city-wide inventory. The city just recently secured a grant that will allow for the hiring of a FT Urban Forester to aid in programs specifically designed to improve the urban green landscape and to consider green methods for address environmental issues such as stormwater run-off. Administering tree maintenance and planting programs helps in preserving the landscape and minimizing damage during storm events. Educating the public on the importance of trees in the community and working to encourage BMP's will also diminish risk.</p> <p>The City of Kingston has a newly adopted FBC which recognizes development and site constraints. Sensitivity to ecologically sensitive areas and features are to be considered in new development proposals.</p> <p>The city has an Open Space Plan which has been officially recognized as part of the overall Comprehensive Plan for Kingston. This document will assist in defining and guiding development in certain areas.</p>				
Flood Damage Prevention Ordinance	Yes	Chapter 405, Adopted August 7, 1984	Federal, State, County and Local	City of Kingston
<p><i>How has or will this be integrated with the HMP and how does this reduce risk?</i></p> <p>It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to: (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; (4) control filling, grading, dredging and other development which may increase erosion or flood damages; (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and; (6) qualify and maintain for participation in the National Flood Insurance Program.</p>				
Wellhead Protection or Water Restrictions	Yes	Chapter 395, Adopted December 16, 1999	Local	KWD and Water Board
<p><i>How has or will this be integrated with the HMP and how does this reduce risk?</i> The Water Board can establish restrictions to the use of city water. In the event of significant shortfall of precipitation, major leak, system failure, or excessive consumption beyond the capacity of the system, etc. The Department has two stages of restrictions limiting water usage and requiring customers to reduce average consumption.</p>				
Emergency Management Ordinance	No	-	-	-
<p><i>How has or will this be integrated with the HMP and how does this reduce risk?</i></p>				
Climate Change Ordinance	No	-	-	-
<p><i>How has or will this be integrated with the HMP and how does this reduce risk?</i></p>				
Other	No	-	-	-
<p><i>How has or will this be integrated with the HMP and how does this reduce risk?</i></p>				
<p><b>Planning Documents</b></p>				
Comprehensive / Master Plan	Yes	CP Adopted 2016, Amended 2020	Local	Planning
<p><i>How has or will this be integrated with the HMP and how does this reduce risk?</i> The City Adopted "Kingston 2025" in 2016. The document recognized physical constraints and areas not suitable for intense development due to flood hazards, wetlands, steep slopes, as well as low lying areas along tidal frontages.</p> <p>Both the Climate Action Plan and the Planning For Rising Waters documents are recognized for the content and guidance for promoting sustainable development and mitigating losses from rising sea levels. Kingston2025 recognizes the land use policies identified and notes their value to future land use planning. It contains multiple recommendations relevant to Hazard Mitigation planning including a long-term waterfront resiliency plan, ensuring that future zoning designations consider the increasing risks and vulnerability of flooding and sea level rise, use of natural buffers and green shoreline techniques, provide for building and zoning codes which increase resiliency, are cost effective and socially equitable, among others.</p> <p>Among the goals of the Comprehensive Plan are promoting sustainability, preservation of constrained lands for open space, agricultural uses, or low-density development, improve public infrastructure and incorporate green methods to accommodate. It is important to note that open spaces were recognized not only on outlying permitter areas, but also within the community as valuable natural resources and habitats.</p> <p>In November of 2020, the city adopted the Open Space Plan and made it part of the Comprehensive Plan document with the objectives to improve water quality, reduce flood damage, maintain habitats, reduce noise pollution, improve air quality, enhance recreation, protect scenic resources, and strengthen property values. Goals of the plan include planting street trees, adding acreage of open space protected lands, increasing public access along waterways, establishing community gardens,</p>				



Section 9.8: City of Kingston

	Is this plan/policy in place? (Yes/No)	Citation and Effective Date (code chapter or name of plan, date of enactment or plan adoption)	Authority (local, county, state, federal)	Individual / Department / Agency Responsible
restoration of stream corridors to more natural conditions, among a few, with some already having been accomplished or underway. Most importantly, the Open Space Plan recognizes that the community system requires balancing, it speaks to conservation development and development transfer strategies.				
Capital Improvement Plan	Yes	Kingston Capital Improvement Plan (2020-2025)	Local	Comptroller
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i> A Capital Improvement Plan reduces the potential impact of natural hazards by creating a structure in which risks are identified and then prioritized for mitigation by means of capital improvements.				
Disaster Debris Management Plan	No	-	-	-
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i>				
Floodplain Management or Watershed Plan	Yes	Rondout Creek Watershed Management Plan (2015)	Local	City Engineer
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i> This plan addresses stormwater management, flood mitigation, erosion control and consideration of changing conditions in the Watershed.				
Stormwater Management Plan	Yes	City of Kingston Stormwater Management Plan, May 2010	Local	City Engineer
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i> These regulations stipulate thresholds for and actions required for managing stormwater in land developments within Kingston. The regulations minimize the risk for damage due to flooding and erosion.				
Open Space Plan	Yes	Open Space Plan, (Nov 2020)	Local	Planning/ CAC
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i> In November of 2020, the city adopted the Open Space Plan and made it part of the Comprehensive Plan document with the objectives to improve water quality, reduce flood damage, maintain habitats, reduce noise pollution, improve air quality, enhance recreation, protect scenic resources, and strengthen property values. Goals of the plan include planting street trees, adding acreage of open space protected lands, increasing public access along waterways, establishing community gardens, restoration of stream corridors to more natural conditions, among a few, with some already having been accomplished or underway. Most importantly, the Open Space Plan recognizes that the community system requires balancing, it speaks to conservation development and development transfer strategies.				
Urban Water Management Plan	No	-	-	-
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i>				
Habitat Conservation Plan	Yes	Comp Plan, Open Space Plan, Natural Resources Inventory	Local	Parks and Rec/ Planning
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i> See discussions above				
Economic Development Plan	Yes	Strategic Community & Economic Development Plan "SCED Plan" (HV Pattern for progress);	Local	Grants Administration/ Engineering
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i> The SCED Plan presents a status update for the strategies set forth by the Comprehensive Plan as well as detailed action plans for prioritized strategies. Action steps are categorized as Research and Planning; Resources, Support, Financing; Communication & Education; Administer Financing; and Enact and Implement. "The SCED Plan and the action plans included within may be used as a tool for grant writers, developers, community and economic development agencies, and non-profits as a resource to evidence alignment and consistency for new programs, initiatives, and projects."				
Community Wildfire Protection Plan	No	-	-	-
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i>				
Community Forest Management Plan	Yes	City-Wide Street Tree Inventory, 2019	Local	Planning
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i> The City of Kingston presently has a Tree Commission which oversees and manages the urban forest, as it is present in City Parks and along city streets. The code does not provide management or oversight review of privately owned property. A city-wide street tree inventory is maintained and				





	Is this plan/policy in place? (Yes/No)	Citation and Effective Date (code chapter or name of plan, date of enactment or plan adoption)	Authority (local, county, state, federal)	Individual / Department / Agency Responsible
<p>was completed in 2019. Since then, the city has undertaken priority street tree removal through a grant program funded by the DEC. We have followed that with a street tree planting program. The code, as presently written, places the responsibility for maintain the street trees on the abutting property owners. If private owners wish to remove, prune or plant a new tree within the adjacent public ROW they first seek out permission from the Tree Commission. The Commission has also become more active in reviewing municipal projects when the city is undertaking reconstruction of streets. They have reviewed projects in front of the Planning Board to provide advisory opinion.</p>				
Transportation Plan	Yes	Transit Integration Study (2017), Uptown Stockade Area Transportation Plan (2009), City/Town Quiet Zone and Pedestrian Safety and Mobility Plan (2006)	Local/County/State	Engineering/ NYS DOT
<p><i>How has or will this be integrated with the HMP and how does this reduce risk?</i> Most questions here may pertain more to NYSDOT, not the City, as NYSDOT is typically responsible for the routes carrying the highest traffic counts, higher speeds, and more regionally significant routes. In Kingston, most of our streets are on a grid pattern such that if a blockage occurs in one part of the network, there are usually easy detours.</p>				
Agriculture Plan	No	-	-	-
<p><i>How has or will this be integrated with the HMP and how does this reduce risk?</i></p>				
Climate Action/ Resiliency/ Sustainability Plan	Yes	December 2021	Local	City
<p><i>How has or will this be integrated with the HMP and how does this reduce risk?</i> The City of Kingston has a strong record as a municipality leading on sustainability and has demonstrated an ongoing commitment to climate action progress and greenhouse gas (GHG) emissions reductions. In 2010, the City of Kingston leveraged state funding to commission an initial 10-year Climate Action Plan (CAP 2020). CAP 2020 aimed to reduce emissions by 20% by 2020 and was primarily focused on municipal-level actions and impacts. Over the last decade, the City of Kingston drove forward a variety of critical climate action and sustainability initiatives and have an updated Climate Action Plan 2030 (Dec 2021) to guide work for the next 10 years.</p>				
Tourism Plan	No	-	-	-
<p><i>How has or will this be integrated with the HMP and how does this reduce risk?</i></p>				
Business/ Downtown Development Plan	Yes	City of Kingston Uptown Stockade Business District: NYS DRI Strategic Investment Plan, March 2018 and City of Kingston Economic Recovery Plan 2022	Local	Grants Management/ ARPA Manager
<p><i>How has or will this be integrated with the HMP and how does this reduce risk?</i> Both plans outline strategies for assessing and addressing needs of businesses in Kingston; including how to address the negative economic impacts caused by public health emergencies, supporting the public health response, and providing resources to businesses to maintain positive economic growth.</p>				
Other (for example NYRCR, etc.)	No	-	-	-
<p><i>How has or will this be integrated with the HMP and how does this reduce risk?</i></p>				
<p><b>Response/Recovery Planning</b></p>				
Comprehensive Emergency Management / Emergency Operations Plan	Yes	Kingston Fire Dept. Disaster Management Plan	City of Kingston	Kingston Fire
<p><i>How has or will this be integrated with the HMP and how does this reduce risk?</i> The plan provides a coordinated and comprehensive response to disasters including mobilization of the appropriate resources given the scope and location.</p>				
Continuity of Operations Plan	No	-	-	-
<p><i>How has or will this be integrated with the HMP and how does this reduce risk?</i></p>				



	Is this plan/policy in place? (Yes/No)	Citation and Effective Date (code chapter or name of plan, date of enactment or plan adoption)	Authority (local, county, state, federal)	Individual / Department / Agency Responsible
Substantial Damage Response Plan	No	-	-	-
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i>				
Threat & Hazard Identification & Risk Assessment (THIRA)	No	-	-	-
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i>				
Post-Disaster Recovery Plan	No	-	-	-
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i>				
Public Health Plan	No	-	-	-
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i>				
Other	Yes	City of Kingston Flood Preparedness Guide & Evacuation Plan (2020)	Local	Sustainability/ Fire
<i>How has or will this be integrated with the HMP and how does this reduce risk?</i> The City's Flood Preparedness Guide and Evacuation Plan contains important information about preparing for and staying safe during and recovering from flooding. It includes a map of flood prone areas and provides information on emergency shelters and pets, and how to prepare a flood emergency kit.				

### Development and Permitting Capability

The table below summarizes the capabilities of the City of Kingston to oversee and track development.

**Table 9.8-3. Development and Permitting Capability**

Indicate if your jurisdiction implements the following	Yes/No	Comment
Do you issue development permits? <ul style="list-style-type: none"> <li>If you issue development permits, what department is responsible?</li> <li>If you do not issue development permits, what is your process for tracking new development?</li> </ul>	Yes	The Building Safety Division is responsible for all building inspection and permitting in the City of Kingston.
Are permits tracked by hazard area? (For example, floodplain development permits.)	Yes	The floodplain area is tracked.
Do you have a buildable land inventory? <ul style="list-style-type: none"> <li>If you have a buildable land inventory, please describe</li> </ul>	No	-
Describe the level of build-out in your jurisdiction.	N/A	Not available at this time

### Administrative and Technical Capability

Administrative and technical capabilities include boards, commissions, departments, staff and consulting services, along with the related skills and tools, that can be used for mitigation planning and the implementation of specific mitigation actions. The table below summarizes potential staff and personnel resources available to the City of Kingston and their current responsibilities that contribute to hazard mitigation.





Table 9.8-4. Administrative and Technical Capabilities

Resources	Available? (Yes/No)	Comments (available staff, responsibilities, how its related to hazard mitigation)
<b>Administrative Capability</b>		
Planning Board	Yes	The Planning Board undertakes reviews of site plans, subdivisions, special permits, and curb cut requests. The Board also makes recommendations to the Common Council on rezoning applications for both map changes and text amendments and provides zoning variance recommendations upon the request of the ZEO. The Board is a five-person board with 3 alternates. Staff to the Planning Board is responsible for meeting with applicants and/or their designated representative to discuss the process and information needed to make submissions.
Zoning Board of Appeals	Yes	The Zoning Board ensures that the zoning code is followed. They also are responsible for variance appeals in the City.
Planning Department	Yes	Planning Office assists outside agencies, professionals, applicants with project submissions and reviews. Often guidance and referrals are provided. Works with other city agencies to provide SEQR assistance
Mitigation Planning Committee	No	-
Environmental Board/Commission/Conservation	Yes	<p>This board, consisting of Kingston residents, with its advisory capacity, will:</p> <ul style="list-style-type: none"> <li>• Advise the Planning Board, Executive Branch, Common Council, and other City agencies and departments to ensure sound environmental decisions are made;</li> <li>• Coordinate with City of Kingston boards, commissions, and local community groups and organizations, which have an impact on the environment;</li> <li>• Coordinate with regional environmental boards, commissions and organizations to advocate for the protection of Kingston’s environment on regional issues;</li> <li>• Shepherd environmental concerns from the public and consider courses of action;</li> <li>• Advocate for the protection of Kingston’s natural resources through the Open Space Plan, Open Space Index and Natural Resources Inventory;</li> <li>• Provide environmental expertise and technical assistance on municipal environmental initiatives.</li> </ul>
Open Space Board/Committee	Yes	Conservation Advisory Council acts in this capacity; Community Preservation Fund Advisory Group may be developed to serve in this role also.
Economic Development Commission/Committee	Yes	With great cooperation from our Ulster County Economic Development team, we can help you make the right move to Kingston. Whether you wish to bring your family or business to Kingston or would like to develop a site in our great community, let us help make your move a great success. We are always ready and available to give our assistance to our existing business community. Please contact us to see what we can do to help with any of your company’s needs or concerns.
Public Works/Highway Department	Yes	Public Works Administration ensures the safe and smooth operation of its various divisions. It plans, budgets and coordinates projects with other City Departments and sections. All excavation permits, sidewalk permits, curb cut permits and work orders are issued through this division. The





Resources	Available? (Yes/No)	Comments (available staff, responsibilities, how its related to hazard mitigation)
		City of Kingston Department of Public Works is headed by the Superintendent of Public Works, who oversees a workforce of approximately 71 persons. The Department is divided into nine primary divisions.
Construction/Building/Code Enforcement Department	Yes	The Building Safety Division is responsible for all building inspection and permitting in the City of Kingston. The Kingston Building Safety Division is responsible for the enforcement of the New York State Uniform Fire Prevention and building Code within the City of Kingston. The offices of the Building Safety Division are located at the rear of the Rondout Fire Station at 5 Garraghan Drive.
Emergency Management/Public Safety Department	Yes	The City of Kingston has a full time Fire Department and a full time Police Department with approximately 130 employees between the two Departments. The Fire Department is responsible for emergency response during hazard events.
Maintenance programs to reduce risk (stormwater maintenance, tree trimming, etc.)	Yes	Water Department: Among other responsibilities, the Board sets Department policy and establishes all rules and regulations which it deems essential to the protection of the public interest in the management of the Water Department as defined by the Kingston City Charter.
Mutual aid agreements	Yes	DPW, Police and Fire have mutual aid agreements with other local jurisdictions
Other	Yes	Floodplain Manager
<b>Technical/Staffing Capability</b>		
Planners or engineers with knowledge of land development and land management practices	Yes	Planning Director and Assistant Planner are available to work directly with individuals that are considering development projects. Able to refer matters to others related agencies as needed. Will guide the review process to ensure that measures are incorporated in design and implementation.
Engineers or professionals trained in building or infrastructure construction practices	Yes	The City Engineer and Planning Director have extensive background in implementing capital projects across the City. They were among key staff who participated in the creation of the new zoning code, which provides the road map for future and development and considers land management practices.
Planners or engineers with an understanding of natural hazards	Yes	Planning and engineering departments include staff with experience in addressing damages caused by natural hazards that informs consideration of potential future risks
Staff with expertise or training in benefit/cost analysis	No	-
Professionals trained in conducting damage assessments	No	-
Personnel skilled or trained in GIS and/or Hazards United States (HAZUS) – Multi-Hazards (MH) applications	Yes	There are a handful of staff trained in GIS but not in HAZUS or MH.
Environmental scientist familiar with natural hazards	Yes	Sustainability Coordinator
Surveyor(s)	No	-
Grant writer(s)	Yes	Current Grants Management department has two grant-writers with strong experience with federal grant applications including FEMA, but not specifically in HMA grant applications other than to consider whether existing projects meet eligibility requirements. Additional staff outside of the department also have strong grant-writing/management skills. Multiple waterfront planning projects have been funded through the NYS DEC, EFC and DOS. A current DOT RAISE-funded project includes components that will address flooding issues that impact roadways and construction of a





Resources	Available? (Yes/No)	Comments (available staff, responsibilities, how its related to hazard mitigation)
		cantilevered boardwalk designed to respond to future climate change and seal-level rise.
Resilience Officer	Yes	Sustainability Coordinator serves as defacto Resilience Officer
Other (this could include stormwater engineer, environmental specialist, etc.)	Yes	Sustainability Coordinator; Environmental Specialist

**Fiscal Capability**

Fiscal capabilities include access to or eligibility to use funding resources for hazard mitigation. The table below summarizes financial resources available to the City of Kingston.

**Table 9.1-5. Fiscal Capabilities**

Financial Resources	Accessible or Eligible to Use? (Yes/No)	Comments (relation to hazard mitigation)
Community development Block Grants (CDBG, CDBG-DR)	Yes	No additional details at this time
Capital improvements project funding	Yes	No additional details at this time
Authority to levy taxes for specific purposes	Yes	No additional details at this time
User fees for water, sewer, gas or electric service	Yes	No additional details at this time
Impact fees for homebuyers or developers of new development/homes	Yes	No additional details at this time
Stormwater utility fee	No	-
Incur debt through general obligation bonds	Yes	No additional details at this time
Incur debt through special tax bonds	No	-
Incur debt through private activity bonds	No	-
Withhold public expenditures in hazard-prone areas	No	-
Other federal or state Funding Programs	No	-
Open Space Acquisition funding programs	No	-
Other (for example, Clean Water Act 319 Grants [Nonpoint Source Pollution])	No	-

**Education and Outreach Capability**

Education and outreach capabilities include programs and methods already in place that could be used to support implementation of mitigation actions and communicate hazard-related information.

**Table 9.8-6. Education and Outreach Capabilities**

Outreach Resources	Available? (Yes/No)	Comment
Public information officer or communications office	Yes	Communications Office
Warning Systems / Services (mass notification system, outdoor warning signals, etc.)	Yes	Swift911, NYAlert
Personnel skilled or trained in website development	Yes	IT Department and Communications
Hazard mitigation information available on your website	Yes	Disaster Preparedness and Recovery: List of Emergency Services, Food Pantries, etc.
Social media for hazard mitigation education and outreach	Yes	Webpage on Disaster Recovery and Preparedness, also regular social media posts





Outreach Resources	Available? (Yes/No)	Comment
Citizen boards or commissions that address issues related to hazard mitigation	Yes	Climate Smart Kingston Commission and Conservation Advisory Council, and Heritage Area Commission
Natural disaster/safety programs in place for schools	Yes	The City of Kingston’s Parks and Recreation Department offers residents and visitors a variety of Environmental Education opportunities, including experiences and programming through the Forsyth Nature Center, one of the only municipal nature centers in New York State. Kingston’s Environmental Education program offers both indoor and outdoor experiences for school and youth groups, as well as adults, plus summer camps and a summer Junior Naturalist Program.
Does the jurisdiction have any public outreach mechanisms / programs in place to inform citizens on natural hazards, risk, and ways to protect themselves during such events? • If yes, please describe.	Yes	Disaster Preparedness and Recovery: List of Emergency Services, Food Pantries, etc. on website and in social media; Swift911 system of alerts

### Community Classifications

The table below summarizes classifications for community programs available to the City of Kingston.

Table 9.8-7. Community Classifications

Program	Participating? (Yes/No)	Classification (if applicable)	Date Classified (if applicable)
Community Rating System (CRS)	No	-	-
Building Code Effectiveness Grading Schedule (BCEGS)	No	-	-
Public Protection (ISO Fire Protection Classes 1 to 10)	Yes	3	2017
New York State Department of Environmental Conservation (NYSDEC) Climate Smart Community	Yes	Silver	May 28, 2020
StormReady Certification	No	-	-
Firewise Communities classification	No	-	-
Other	No	-	-

### Adaptive Capacity

Adaptive capacity is defined as “the ability of systems, institutions, humans and other organisms to adjust to potential damage, to take advantage of opportunities, or respond to consequences” (IPCC 2014). Each jurisdiction has a unique combination of capabilities to adjust to, protect from, and withstand a future hazard event, future conditions, and changing risk. The table below summarizes the adaptive capacity for each identified hazard of concern and the jurisdiction’s capability to address related actions using the following classifications:

- Strong: Capacity exists and is in use.
- Moderate: Capacity might exist; but is not used or could use some improvement.
- Weak: Capacity does not exist or could use substantial improvement.

Table 9.8-8. Adaptive Capacity

Hazard	Adaptive Capacity – Strong/Moderate/Weak
Dam Failure	Moderate
Drought	Moderate
Extreme Temperature	Moderate





Hazard	Adaptive Capacity – Strong/Moderate/Weak
Flood	Moderate
Hazardous Materials	Moderate
Landslide	Moderate
Pandemic	Moderate
Severe Storm	Strong
Severe Winter Storm	Strong
Utility Failure	Moderate
Wildfire	Moderate

### 9.8.4 National Flood Insurance Program (NFIP) Compliance

This section provides specific information on the management and regulation of the regulatory floodplain, including current and future compliance with the NFIP. The Floodplain Administrator is responsible for maintaining this information and is listed in the Hazard Mitigation Planning Team table at the beginning of this annex.

#### NFIP Statistics

The following table summarizes the NFIP statistics for the City of Kingston.

**Table 9.8-9. NFIP Summary**

Municipality	# Policies	# Claims (Losses)	Total Loss Payments	# RL Properties (FMA definition)	# RL Properties (NFIP definition)	# SRL Properties
City of Kingston	68	91	\$1,450,718.21	0	17	1

Source: FEMA 2023

Notes:

RL Repetitive Loss

SRL Severe Repetitive Loss

- RL FMA Definition - Any insurable building that has incurred flood-related damage on two occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event.
- RL NFIP Definition - Any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978.

#### Flood Vulnerability Summary

The following table provides a summary of the NFIP program in the City of Kingston.

**Table 9.8-10. NFIP Compliance in the Jurisdiction**

NFIP Topic	Comments
<b>Flood Vulnerability Summary</b>	
Describe areas prone to flooding in your jurisdiction. <ul style="list-style-type: none"> <li>• Do you maintain a list of properties that have been damaged by flooding?</li> </ul>	Several flood prone areas exist including, the Rondout which winds its way along Abeel Street and the Strand. This area consists of residential, commercial, and mixed used structures as well as marinas with docks. The North Street area meanders along the Hudson River coastline with residential, commercial, and park land areas. Finally, the uptown Kingston Plaza area along Plaza Road and Hurley Road which consists of largely commercial properties. While





NFIP Topic	Comments
	we are aware of the properties that have encountered past flooding, no formal list of solely those properties exists.
Do you maintain a list of property owners interested in flood mitigation? <ul style="list-style-type: none"> <li>How many homeowners and/or business owners are interested in mitigation (elevation or acquisition)?</li> </ul>	No information on parties interested in flood mitigation of properties within SFHA's has been compiled.
Are any RiskMAP projects currently underway in your jurisdiction? <ul style="list-style-type: none"> <li>If so, state what projects are underway.</li> </ul>	There are currently no RiskMap projects being conducted.
How do you make Substantial Damage determinations? <ul style="list-style-type: none"> <li>How many were declared for recent flood events in your jurisdiction?</li> </ul>	Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. The level of damage is determined by Building Safety inspectors. No substantial damage determinations have been made recently.
How many properties have been mitigated (elevation or acquisition) in your jurisdiction? <ul style="list-style-type: none"> <li>If there are mitigation properties, how were the projects funded?</li> </ul>	Since 2018, no properties have been mitigated through elevation or acquisition to my knowledge.
Do your flood hazard maps adequately address the flood risk within your jurisdiction? <ul style="list-style-type: none"> <li>If not, state why.</li> </ul>	The City of Kingston uses the most current FEMA flood maps available which addresses the municipalities risk areas fairly accurately.
<b>NFIP Compliance</b>	
What local department is responsible for floodplain management?	The Department of Building Safety and Zoning Enforcement is responsible for floodplain management for the City of Kingston.
Are any certified floodplain managers on staff in your jurisdiction?	There are currently no certified floodplain managers on staff at Building Safety, but we are ready and willing to be trained.
Do you have access to resources to determine possible future flooding conditions from climate change?	The City of Kingston issued a report on the present and future vulnerability to flooding, storm surge and sea level rise in August 2013. In October of 2017, The City of Kingston and three other Hudson River communities, met to discuss progress in implementing flood task force recommendations and explore additional actions to increase flood resiliency. The City maintains functional relationships with the NYS DEC, Hudson River Estuary Program, Scenic Hudson, Cornell university, and others to take pro-active steps with respect to the safety and longevity of our neighborhoods.
Does your floodplain management staff need any assistance or training to support its floodplain management program? <ul style="list-style-type: none"> <li>If so, what type of assistance/training is needed?</li> </ul>	Local training opportunities for floodplain management certification, developing in a floodplain, and retrofitting existing structures would benefit our staff.
Provide an explanation of NFIP administration services you provide (e.g. permit review, GIS, education/outreach, inspections, engineering capability)	In keeping with the requirements of the City's Flood Overlay District, NYS Uniform Building Codes, and CFR, Appendix E, Section 60.3, applications for permits for any construction or development within a SFHA or Floodway must meet the minimum requirements of each regulatory agency. Building Safety reviews all building permits and floodplain development permits prior to any activity commencing in effective areas. Building Safety and the Engineering Department conduct pre-site, progress, and final inspections to confirm compliance before issuing certificates of compliance or occupancy.
How do you determine if proposed development on an existing structure would qualify as a substantial improvement?	Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the





NFIP Topic	Comments
	start of construction of the improvement. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The AHJ will use City assessment values and actual itemized costs estimates, submitted by property owners, to assist with the determination.
What are the barriers to running an effective NFIP program in the community, if any?	Costs are always the largest barriers to these types of programs along with the practicality of retrofitting existing structures to comply with required codes.
Does your jurisdiction have any outstanding NFIP compliance violations that need to be addressed? • If so, state the violations.	I am aware of no outstanding NFIP compliance violations.
When was the most recent Community Assistance Visit (CAV) or Community Assistance Contact (CAC)?	N/A
What is the local law number or municipal code of your flood damage prevention ordinance? • What is the date that your flood damage prevention ordinance was last amended?	405-26 Flood Hazard Overlay district, LL#8, 08/13/2009
Does your floodplain management program meet or exceed minimum requirements? • If exceeds, in what ways?	The City of Kingston's floodplain management program meets the minimum requirements of CFR, Appendix E, 60.3
Are there other local ordinances, plans or programs (e.g. site plan review) that support floodplain management and meeting the NFIP requirements? For instance, does the planning board or zoning board consider efforts to reduce flood risk when reviewing variances such as height restrictions?	Has LWRP- updated zoning code to include resiliency
Does your community plan to join the CRS program or is your community interested in improving your CRS classification?	No

### 9.8.5 Growth and Development Trends

Understanding how past, current, and projected development patterns have or are likely to increase or decrease risk in hazard areas is a key component to appreciating a jurisdiction's overall risk to its hazards of concern. Table 9.8-11 and Table 9.8-12 summarize recent and expected future development trends, including major residential/commercial development and major infrastructure development.

**Table 9.8-11. Building Permits Issued for New Construction, 2017 to 2022**

Type of Development	2017		2018		2019		2020		2021		2022	
Number of Building Permits for New Construction Issued Since the Previous HMP* (within regulatory floodplain/ Outside regulatory floodplain)												
	Total	Within SFHA	Total	Within SFHA	Total	Within SFHA	Total	Within SFHA	Total	Within SFHA	Total	Within SFHA
Single Family	0	0	2	0	2	0	2	0	2	0	2	0
Multi-Family	1	0	0	0	0	0	1	0	0	0	0	0
Other (commercial, mixed-use, etc.)	0	0	4	1	3	0	2	0	2	1	3	0
<b>Total New Construction Permits Issued</b>	<b>1</b>	<b>0</b>	<b>6</b>	<b>1</b>	<b>5</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>5</b>	<b>0</b>

SFHA Special Flood Hazard Area (1% flood event)

\* Only location-specific hazard zones or vulnerabilities identified.





**Table 9.8-12. Recent and Expected Future Development**

Property or Development Name	Type	Location (address and/or block and lot)	Known Hazard Area(s)	Description/ Status of Development
<b>Recent Major Development and Infrastructure from 2017 to Present</b>				
Health Alliance Hospital Mary's Ave Campus	Services	105 Marys Avenue, Kingston, NY 12401	Wildfire Interface, Hazmat Rail Buffer, Hazmat Road Buffer, Tier II, Steep Slope	Completed
Higginsville Station	Commercial	79 Hurley Avenue, Kingston, NY 12401	Wildfire Interface, 100 Floodplain, 500 Floodplain, Hazmat Road Buffer, Steep Slope	Under Construction
<b>Known or Anticipated Major Development and Infrastructure in the Next Five (5) Years</b>				
615 Broadway	Mixed Use	615 Broadway, Kingston, NY 12401	Wildfire Interface, Hazmat Rail Buffer, Hazmat Road Buffer, Tier II, Steep Slope	Pending
Golden Hill	Residential	56.40—19.310	Wildfire Intermix, Hazmat Road Buffer, Steep Slope	Approved
Hutton Brickyard	Commercial	200 North Street, Kingston, NY 12401	Wildfire Interface, Wildfire Intermix, 100 Floodplain, 500 Floodplain, Hazmat Road Buffer, Hazmat Pipe Buffer, Tier II, SLOSH Category I, SLR Hazard Area, Steep Slope	Pending
Kingston Meadows	Residential	R191-199 Hurley Avenue, Kingston, NY 12401	100 Floodplain, 500 Floodplain, Hazmat Road Buffer, Tier II, Steep Slope	Approved
The Barrel Factory	Mixed Use	48.82-1-7.200	Wildfire Interface, Hazmat Rail Buffer, Hazmat Road Buffer, Tier II, Steep Slope	Pending
The Kingstonian	Mixed Use	21 North Front Street, Kingston, NY 12401	Wildfire Interface, 100 Floodplain, 500 Floodplain, Hazmat Road Buffer, Tier II, Steep Slope	Approved

**9.8.6 Jurisdictional Risk Assessment**

The hazard profiles in Volume 1, Section 5 (Risk Assessment) provide detailed information regarding each plan participant’s vulnerability to the identified hazards. Section 5.1 (Methodology and Tools) and Section 5.3 (Hazard Ranking) provide detailed summaries for the City of Kingston’s risk assessment results and data used to determine the hazard ranking discussed later in this section.

Hazard area extent and location maps provided below illustrate the probable areas impacted within the jurisdiction based on the best available data at the time of the preparation of this plan and are adequate for planning purposes. Only maps for those hazards that can be identified clearly using mapping techniques and technologies and for which the City of Kingston has significant exposure are provided. The maps show the location of potential new development, where available.





Figure 9.8-1. City of Kingston Dam Inundation and Flood Hazard Area Extent and Location Map

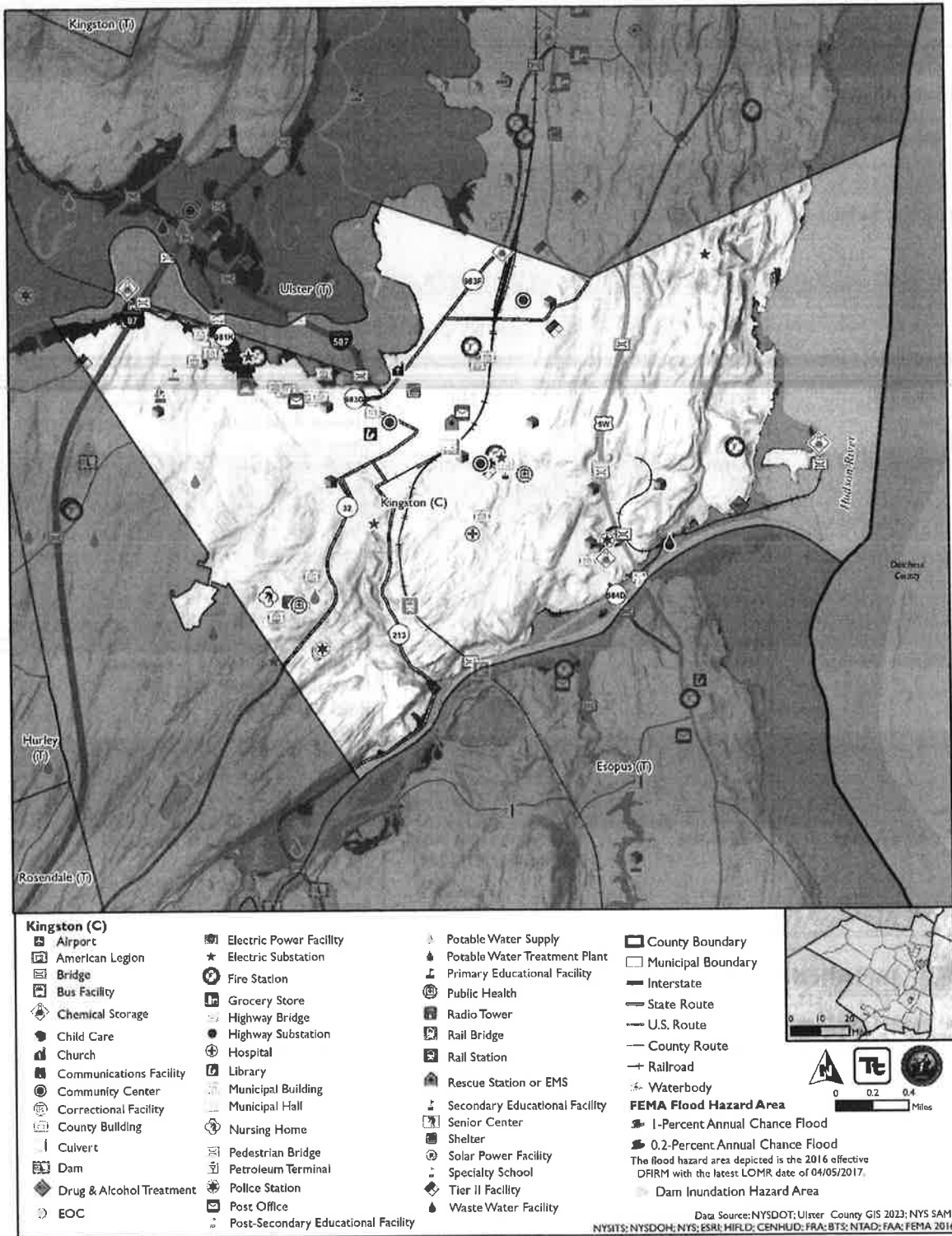






Figure 9.8-2. City of Kingston Hazardous Materials Hazard Area Extent and Location Map

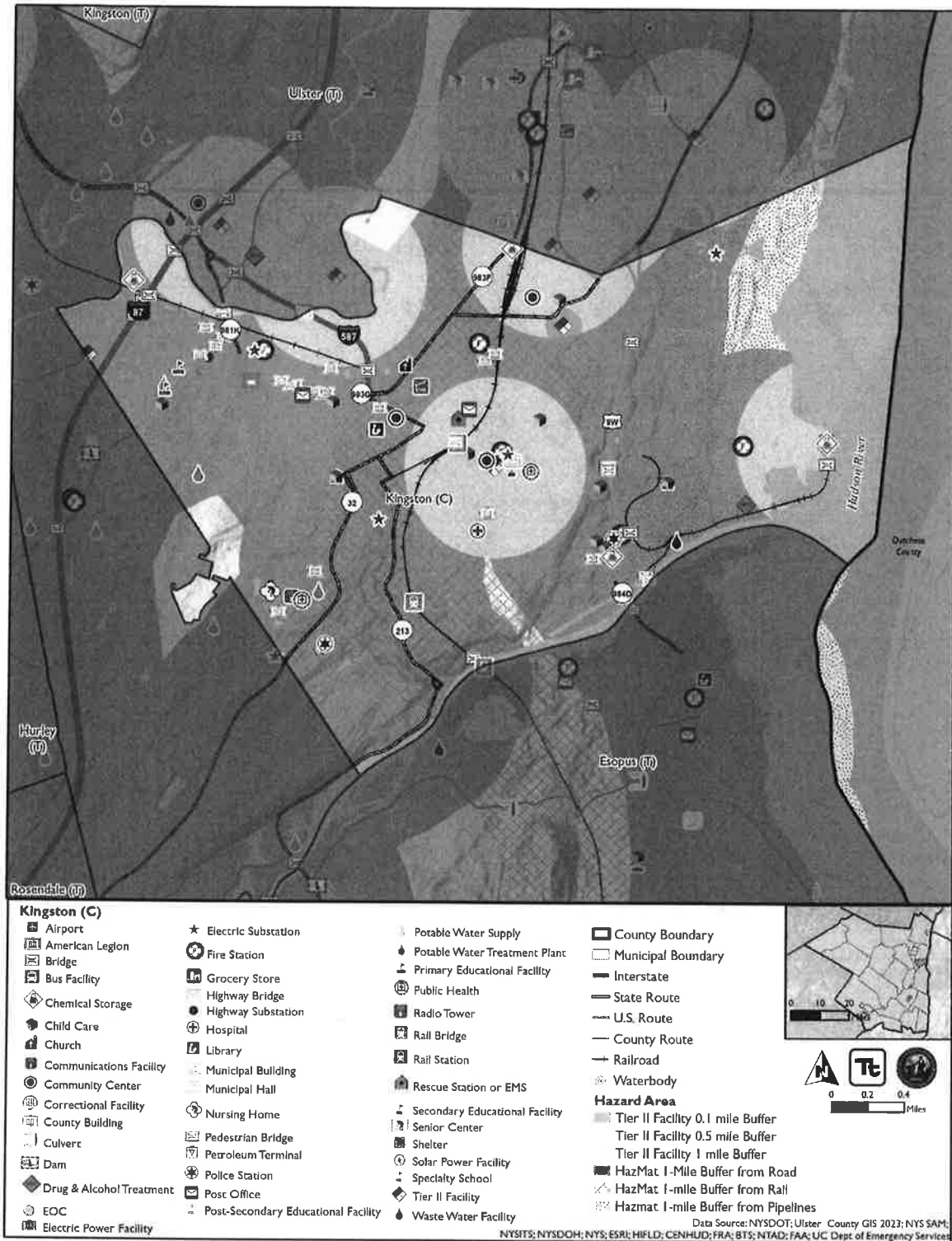




Figure 9.8-3. City of Kingston Surges and Sea Level Rise Hazard Area Extent and Location Map

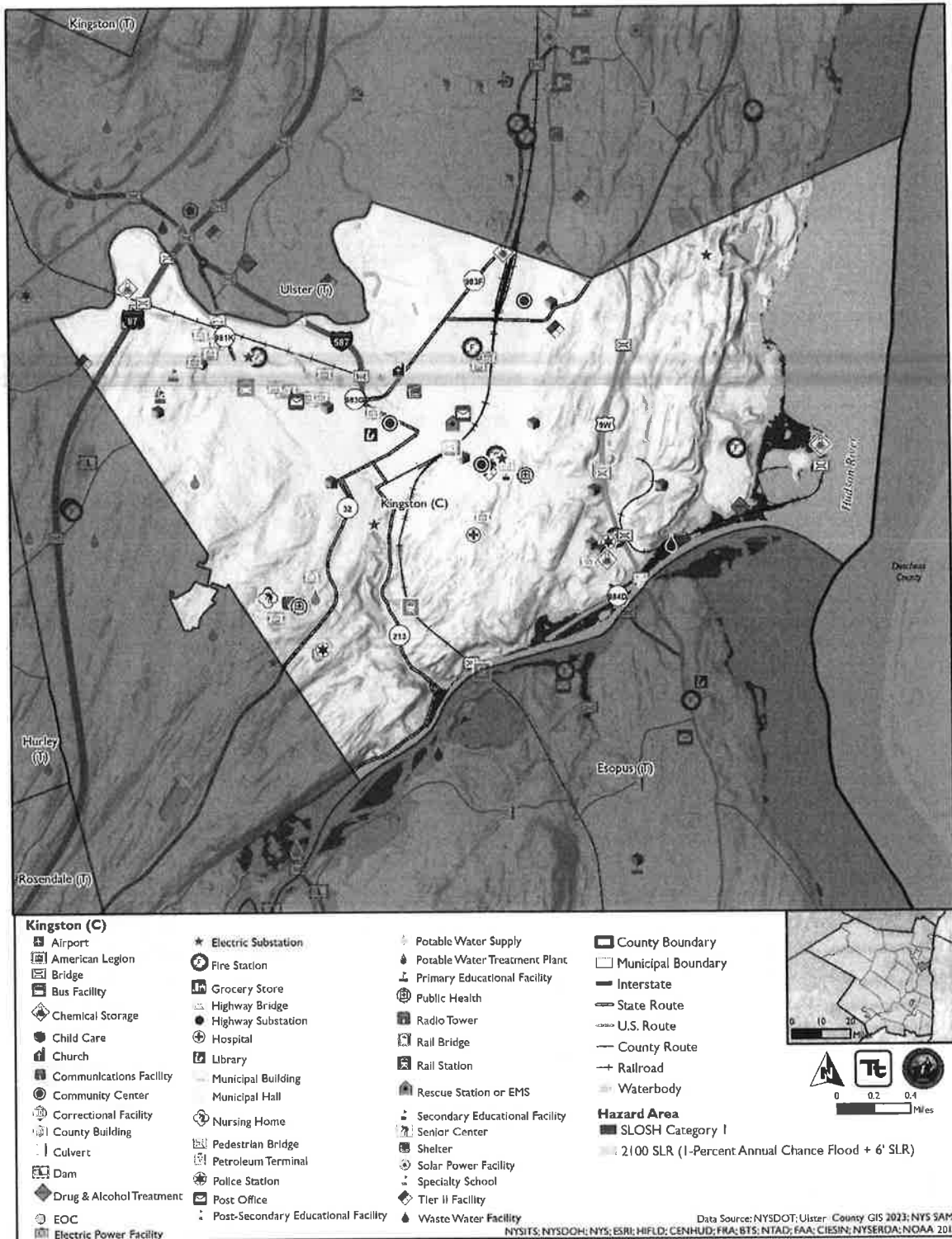
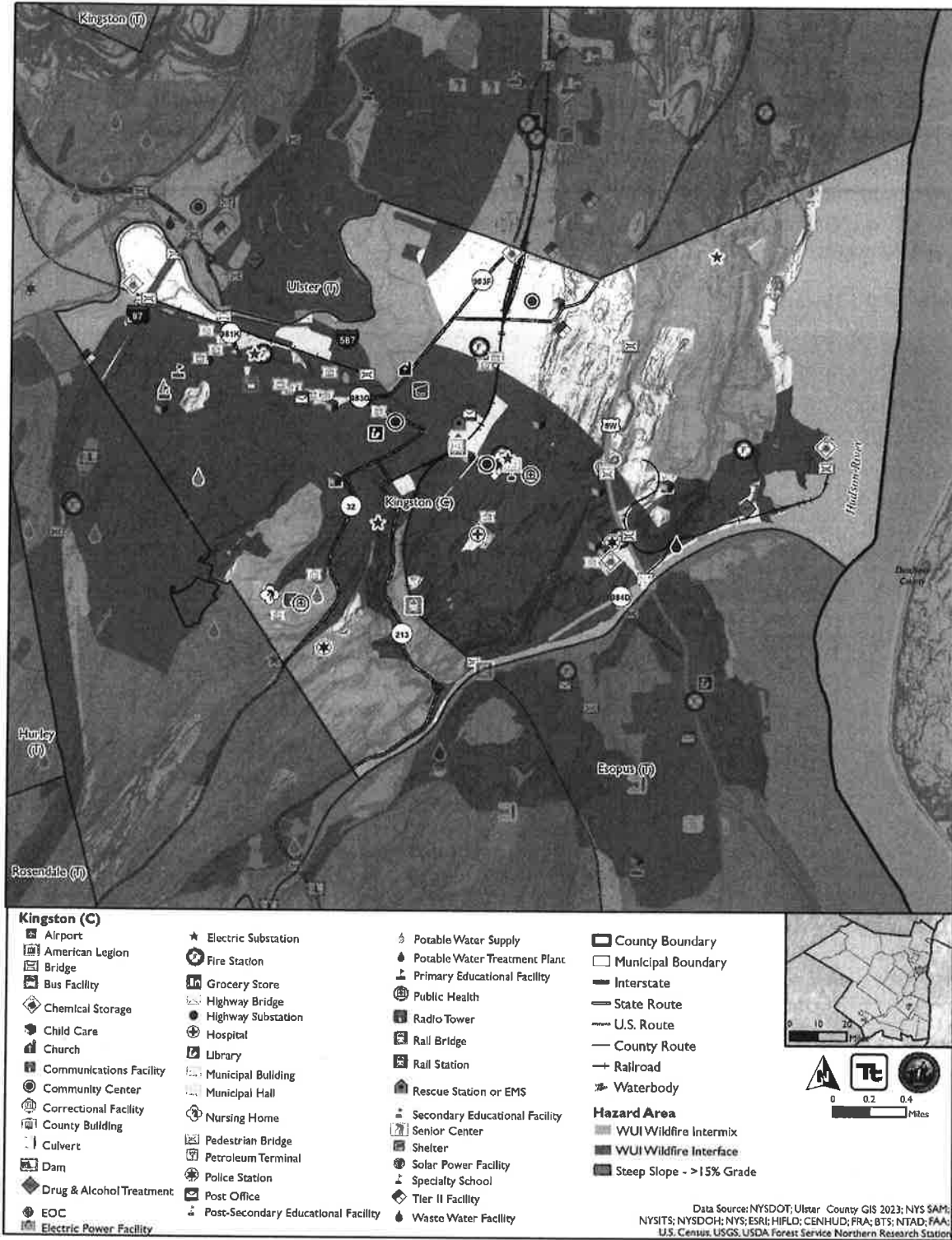




Figure 9.8-4. City of Kingston Steep Slope and Wildfire Hazard Area Extent and Location Map





**Hazard Event History**

Ulster County has a history of natural and non-natural hazard events, as detailed in Volume I, Section 5 (Risk Assessment). A summary of historical events is provided in each of the hazard profiles and includes a chronology of events that have affected the County and its municipalities.

The City of Kingston’s history of federally declared (as presented by FEMA) and significant hazard events [as presented in NOAA-National Centers for Environmental Information (NCEI)] is consistent with that of the County. Table 9.8-13 provides details regarding municipal-specific loss and damages the City experienced during hazard events since the last hazard mitigation plan update. Information provided in the table below is based on reference material or local sources. Refer to Section 5.4 (Hazard Profiles) for details on hazard events.

**Table 9.8-13. Hazard Event History**

Dates of Event	Event Type (Disaster Declaration if applicable)	County Designated?	Summary of Event	Municipal Summary of Damages and Losses
January 10, 2017	Strong Wind	No	A cold front moved through Ulster County bringing strong, gusty winds to the area. Wind speeds ranged from 40 to 60 mph.	The City did not incur any additional damages or losses.
March 14, 2017	Severe Winter Storm (DR-4322)	Yes	A coastal storm impacted the region from March 14 <sup>th</sup> through the 16 <sup>th</sup> , bringing heavy snowfall and blizzard conditions. A state of emergency was declared for New York State and truck bans were implemented for area interstates.	The City did not incur any additional damages or losses.
August 18, 2018	Flash Flood	No	A line of showers and thunderstorms brought heavy rainfall and led to flash flooding in Ulster County. Damages included flooded roadways, downed trees, and utility line damages.	The City did not incur any additional damages or losses.
January 20, 2020 – Present	Covid-19 Pandemic (DR-4480) (EM-3434)	Yes	Between March 1, 2020 and February 3, 2023, Ulster County reported 54,783 confirmed cases of COVID-19, and 414 total fatalities.	Reported damage totaled \$348,435.30 mainly for Vaccination Site OT for Police and Fire.
December 25, 2020	Flood	No	Heavy rain fell over the area during Christmas, causing flooding across Ulster County.	One lane of Route 214 was washed out near the Greene/Ulster County line, resulting in a road closure. A complete rebuild of the roadway was required. One lane of alternating traffic was opened on the 26th between Moggre Road in Ulster County.



Dates of Event	Event Type (Disaster Declaration if applicable)	County Designated?	Summary of Event	Municipal Summary of Damages and Losses
				Property damage totaled \$75,000.
March 12-13, 2021	Strong Winds	No	Strong winds impacted Ulster County, with gusts of up to 55 mph. This led to downed trees and power lines, damaging vehicles and trees.	The City did not incur any additional damages or losses.
June 8, 2021	Lightning	No	Showers and thunderstorms impacted Ulster County, bringing between 1.5 and 2.5 inches of rain. Lightning struck a home in Ulster County, causing a fire.	The City did not incur any additional damages or losses.
September 1-3, 2021	Hurricane Ida (EM-3572) (DR-4615)	Yes	Hurricane Ida made its way up the east coast, through New York City and up through Ulster County. The county experienced heavy rainfall which left many streets, fields and farms flooded.	Hurricane Ida made its way up the east coast, through New York City and up through Ulster County. The county experienced heavy rainfall which left many streets, fields and farms flooded.
April 7-8, 2022	Flood	No	<p>Heavy rain and widespread flooding hit eastern New York State, bringing rainfall totals of up to 4.5 inches. This heavy rainfall led to over a dozen rivers to exceed minor flood stage with a few rivers reaching moderate flood stage.</p> <p>Numerous roads were closed throughout Ulster County, some of which occurred in Marbletown, Kingston, Saugerties, Stone Ridge, Rosendale, Gardiner, Wawarsing and New Paltz. Basement flooding was also reported in Stone Ridge. Property damage totaled \$50,000.</p>	<p>Numerous roads were closed throughout Ulster County, some of which occurred in Marbletown, Kingston, Saugerties, Stone Ridge, Rosendale, Gardiner, Wawarsing and New Paltz. Basement flooding was also reported in Stone Ridge. Property damage totaled \$50,000.</p>
July 13, 2022	Tornado	No	<p>A supercell thunderstorm resulted in multiple severe wind damage reports over Ulster and Dutchess Counties during the evening of Wednesday July 13, 2022. Additionally, the supercell resulted in a tornado and macroburst in Ulster County near Kingston, NY.</p> <p>In Ulster County, the tornado moved southeast to just west of the NY State Thruway crossing a subdivision where it uprooted</p>	The City did not incur any additional damages or losses.





Dates of Event	Event Type (Disaster Declaration if applicable)	County Designated?	Summary of Event	Municipal Summary of Damages and Losses
			and snapped trees, displaced a car canopy and removed some shingles from a house. Many homes were damaged by fallen trees. Aerial photos showed a swath of downed trees from a second vortex which moved along the northeast edge of the subdivision. Property damage totaled \$28,000.	

Notes:

- EM Emergency Declaration (FEMA)
- FEMA Federal Emergency Management Agency
- DR Major Disaster Declaration (FEMA)
- N/A Not applicable

**Hazard Ranking and Vulnerabilities**

The hazard profiles in Volume 1, Section 5 (Risk Assessment) have detailed information regarding each plan participant’s vulnerability to the identified hazards. The following summarizes the City of Kingston’s risk assessment results and data used to determine the hazard ranking.

**Hazard Ranking**

This section provides the community specific identification of the primary hazard concerns based on identified problems, impacts and the results of the risk assessment as presented in Volume 1, Section 5 (Risk Assessment). The ranking process involves an assessment of the likelihood of occurrence for each hazard; the potential impacts of the hazard on people, property, and the economy; and community capabilities to address the hazard and changing future climate conditions. Mitigation action development uses the inputs from the evaluation to target those hazards with highest level of concern.

As discussed in Volume 1, Section 5.3 (Hazard Ranking), each participating jurisdiction has differing degrees of risk exposure and vulnerability compared with the County as a whole. Therefore, each jurisdiction ranked the degree of risk to each hazard as it pertains to their community. The table below summarizes the hazard risk/vulnerability rankings of potential natural hazards for the City of Kingston. The City of Kingston reviewed the County hazard risk/vulnerability risk ranking table and individual results to reflect the relative risk of the hazards of concern to the community.

During the review of the hazard/vulnerability risk ranking, the City indicated the following:

- Flood – adjusted the ranking from low to medium due to repetitive and regular tidal flooding on Rondout Waterfront
- Wildfire – adjusted the ranking from high to low as the urban areas have no history or record of wildfires nor does the forest cover present a risk.

**Table 9.8-14. Hazard Ranking Input**

Hazard	Ranking
Dam Failure	Low





Hazard	Ranking
Drought	Medium
Extreme Temperature	Medium
Flood	Medium
Hazardous Materials	Low
Landslide	Low
Pandemic	Medium
Severe Storm	High
Severe Winter Storm	High
Utility Failure	Medium
Wildfire	Low

Note: The scale is based on the hazard rankings established in Volume 1, Section 5.3 (Hazard Ranking) and modified as appropriate during review by the jurisdiction

Critical Facilities

NYSDEC Statute 6 CRR-NY 502.4 sets forth floodplain management criteria for State projects located in flood hazard areas. The law states that no such projects related to critical facilities shall be undertaken in a SFHA unless constructed according to specific mitigation specifications, including being raised 2-feet above the Base Flood Elevation (BFE). This statute is outlined at <http://tinyurl.com/6-CRR-NY-502-4>. While all vulnerabilities should be assessed and documented, New York State places a high priority on exposure to flooding. Critical facilities located in an SFHA, or having ever sustained previous flooding, must be protected to the 0.2-percent annual chance flood event or worst damage scenario. For those that do not meet these criteria, the jurisdiction must identify an action to achieve this level of protection (NYS DHSES 2017).

The table below identifies critical facilities in the community located in the 1-percent and 0.2-percent floodplain and presents Hazus-MH estimates of the damage and loss of use to critical facilities as a result of a 1-percent annual chance flood event.

Table 9.8-15. Potential Flood Losses to Critical Facilities

Name	Type	Exposure		Addressed by Proposed Action	Already Protected to 0.2% Flood Level (describe protections)
		1% Event	0.2% Event		
Adirondack Transit Lines, Inc.	Chemical Storage	-	X	2024-City of Kingston-015	-
Bus Facility	Bus Facility	-	X	2024-City of Kingston-015	-
Electric Substation	Electric Substation	X	X	2024-City of Kingston-015	-
Kingston Fire Dept 2	Fire Station	X	X	2024-City of Kingston-015	-
Kingston PT Terminal	Waste Water Facility	X	X	2024-City of Kingston-015	-
Kingston WWTF	Waste Water Facility	X	X	2024-City of Kingston-015	-
Public Health Clinic - Kingston	County Building	-	X	2024-City of Kingston-015	-
Ulster County Board of Elections	County Building	-	X	2024-City of Kingston-015	-

Source: Ulster County, GIS 2023





In addition to critical facilities that are exposed to flooding, the following high hazard dams are located in or could impact the City of Kingston:

- Sturgeon Pool Dam

### **Identified Issues**

After review of the City of Kingston's hazard event history, hazard rankings, jurisdiction specific vulnerabilities, hazard area extent and location, and current capabilities, the City of Kingston identified the following vulnerabilities within their community:

- The USGS Rondout Stream Gage is no longer functioning and is decertified, and the City does not have a reliable gage within the municipality to determine accurate and live flood levels to be able to issue timely flood warnings to residents and businesses. The City does use the Stevens Flood Advisory System to monitor flood forecasts and then alerts emergency personnel and the most at risk stakeholders, and will alert the public if need be.
- There is risk in the Broadway underpass due to downstream pipe size or condition in the Greenkill Avenue deep storm line. This line has been impossible to inspect due to depth and base flow. A more extensive effort involving bypass pumping is needed to make accurate video inspection of the line.
- There are undersized piping and culverts in streets and backyard areas with constrained open channels to the Esopus Creek. A study was performed with State assistance which identified the specific actions that are needed to alleviate flooding issues. Easements will be needed in some cases for private property.
- There are overtopped roadway due to three undersized culverts along Twaalfskill Creek, including S.Wall, Chapel and Brook Streets.
- The City's 18 pump stations have varying degrees of resiliency against flooding, loss of electric power, and pump failure. Additional reliability measures are needed to prevent loss of utility service, sewage overflow, health, and environmental hazards.
- There are numerous critical facilities in the City that do not have generators or any form of backup power and cannot perform continuity of operations during power outages.
- The Esopus Creek Levee at Kingston Plaza is decertified and has no management plan developed to indicate City and DEC responsibilities.
- There is variability in composition and integrity in the bulkhead along Rondout Creek between the 9W bridge to the lighthouse which has led to more frequent inundation. This also threatens a wastewater treatment plan which is located in a low-lying area beyond the bulkhead.
- There is a City water transmission line located at a stream crossing across from Sawkill Road in the Town of Ulster that is visible and vulnerable to the elements and residents. If the water pipe is damaged, it will affect the City's water supply.
- The Andy Murphy Neighborhood Center is a designated Red Cross Emergency Shelter that has no generator, showers and requires HVAC upgrades in order to be able to fully operate as an emergency shelter. The County also has elected to use the shelter as their backup shelter.
- The City has experienced numerous water system failures due to transportation accidents that have impacted the water treatment plant and pipes associated with it leaving some residents with no access to potable water.





- The City experiences poor cell services in areas which makes it hard to communicate and receive emergency notifications when the power is out. This also inhibits communication between municipalities, the County and with residents.
- The City experiences limited communication capabilities throughout the County which inhibits emergency response capabilities as well as communication between various departments in the Town and neighboring jurisdictions.
- The City has 17 repetitive loss properties and one severe repetitive loss property. Some structures were built without flood design standards. These properties require mitigation to prevent future losses and prevent loss of life and property damage. Progress has been made on elevating buildings and reconstructing new buildings that are more resistant to flooding.
- The following critical facilities are municipally owned and located in the special flood hazard area:
  - Adirondack Transit Lines, Inc.
  - Bus Facility
  - Electric Substation
  - Kingston Fire Dept 2
  - Kingston PT Terminal
  - Kingston WWTF
  - Public Health Clinic - Kingston
  - Ulster County Board of Elections

### **9.8.7 Mitigation Strategy and Prioritization**

This section discusses past mitigations actions and status, describes proposed hazard mitigation initiatives, and prioritizes actions to address over the next five years.

#### **Past Mitigation Initiative Status**

The following table indicates progress on the community’s mitigation strategy identified in the 2018 HMP. Actions that are in progress are carried forward and combined with new actions as part of this plan update and are included in the tables with prioritization. Previous actions that are now on-going programs and capabilities are indicated as such and previously presented in the ‘Capability Assessment’ earlier in this annex.



Table 9.8-16. Status of Previous Mitigation Actions

Project	Hazard(s) Addressed	Brief Summary of the Original Problem	Responsible Party	Status (In Progress, Ongoing, No Progress, Complete)	Evaluation of Success (if project status is complete)		<ol style="list-style-type: none"> <li>Next Steps Project to be included in 2024 HMP or Discontinue</li> <li>If including action in the 2024 HMP, revise/reword to be more specific (as appropriate).</li> <li>If discontinue, explain why.</li> </ol>
					Cost	Level of Protection	
1	Flood	Overtopping of roadway due to undersized culverts, debris blockage of culverts and pond outlet structures to block	Engineering, Public Works	Ongoing Capability	-	-	<ol style="list-style-type: none"> <li>Discontinue</li> <li>-</li> <li>This is now ordinary maintenance. Based on our last 5 year experience the culvert replacement is no longer a priority. We believe past problems were mainly due to debris blocking culvert inlet</li> </ol>
2	Flood	Flooding of Broadway underpass due to damaged / crushed pipe in the YMCA / Jacob's Valley area	Engineering, Public Works	In Progress	-	-	<ol style="list-style-type: none"> <li>Include in the 2024 HMP The work in Jacob's valley was completed in 2019. However, there is remaining risk in the underpass due to downstream pipe size or condition in Greenkill Avenue deep storm line. This line has been impossible to inspect due to depth and base flow. A more extensive effort involving bypass pumping is needed to make accurate video inspection of this line</li> <li>-</li> <li>-</li> </ol>
3	Flood	Damaged / undersized storm drain piping	Engineering	Complete	200,000	10-year est	<ol style="list-style-type: none"> <li>Discontinue</li> <li>-</li> <li>Hurley Avenue was completed in 2020. The other locations are no longer considered high-priority locations based on the 5-year maintenance experience</li> </ol>
4	Flood	Undersized piping and culverts in street and backyard areas, constrained open channels	Engineering, Public Works	In Progress	-	-	<ol style="list-style-type: none"> <li>Include in the 2024 HMP Study performed with State assistance identified the specific actions needed. Cost estimate \$4-5M for all work. Easements needed in some cases, however city traditionally does not want to own drainage infrastructure on private property. Funding is needed, not in place. Bridge NY (culvert program) may be a source</li> <li>-</li> <li>-</li> </ol>





Section 9.8: City of Kingston

Project	Hazard(s) Addressed	Brief Summary of the Original Problem	Responsible Party	Status (In Progress, Ongoing, No Progress, Complete)	Evaluation of Success (if project status is complete)		<ol style="list-style-type: none"> <li>Next Steps Project to be included in 2024 HMP or Discontinue</li> <li>If including action in the 2024 HMP, revise/reword to be more specific (as appropriate).</li> <li>If discontinue, explain why.</li> </ol>
					Evidence of Success	Cost	
5 Stream stabilization at Twaalfskill Creek adjacent to Wilbur Ave/Chapel St. to prevent reoccurrence of erosion that cause road to slide into creek and threatens water and sewer lines	Erosion	Loss of roadway due to streambank scour	Engineering	Complete	Evidence of Success	-	<ol style="list-style-type: none"> <li>Discontinue</li> <li>-</li> <li>Lower Wilbur project was completed (gabion and box culvert) around 2010. See new project 6 for remaining Twaalfskill Creek work.</li> </ol>
					Level of Protection	-	
					Damages Avoided; Evidence of Success	-	
6 Replace 3 culverts, Twaalfskill Creek (S. Wall, Chapel, and Brook Streets)	Flood	Overtopping roadway due to undersized culverts	Engineering	In Progress	Cost	-	<ol style="list-style-type: none"> <li>Include in the 2024 HMP</li> <li>Culvert NY grant was applied for late 2022. Waiting to see if awarded for some or all of project</li> <li>-</li> </ol>
					Level of Protection	-	
					Damages Avoided; Evidence of Success	-	
7 Sewage Pump Station Resiliency project	Loss of utility service, sewage overflow, health and environmental hazards	City's 18 pump stations have varying degrees of resiliency against flooding, loss of electric power, and pump failure. Additional reliability measures are needed	Engineering	In Progress	Cost	-	<ol style="list-style-type: none"> <li>Include in the 2024 HMP City has been awarded an EFC BPG (Engineering Planning Grant) to allow us to prepare a preliminary engineering study. We expect to complete the study in 2023. Once complete, we will have a more detailed problem statement, scope of future work, and cost estimates. This information would be used for future detailed design and construction documents for the highest priority pump stations. Construction is likely 2025 or later</li> <li>-</li> <li>-</li> </ol>
					Level of Protection	-	
					Damages Avoided; Evidence of Success	-	





**Additional Mitigation Efforts**

In addition to the mitigation initiatives completed in Table 9.8-16, the City of Kingston identified the following mitigation efforts completed since the last HMP:

- None Identified

Since the adoption of the County’s first HMP, the City of Kingston has made significant mitigation progress in the following areas:

- None Identified

**Proposed Hazard Mitigation Initiatives for the HMP Update**

The City of Kingston participated in a mitigation action workshop in June 2023 and was provided the following FEMA publications to use as a resource as part of their comprehensive review of all possible activities and mitigation measures to address their hazards; FEMA 551 ‘Selecting Appropriate Mitigation Measures for Floodprone Structures’ (March 2007) and FEMA ‘Mitigation Ideas – A Resource for Reducing Risk to Natural Hazards’ (January 2013).

The table below indicates the range of proposed mitigation action categories. Both the four FEMA mitigation action categories and the six CRS mitigation action categories are listed in the table to further demonstrate the wide-range of activities and mitigation measures selected.

**Table 9.8-17. Analysis of Mitigation Actions by Hazard and Category**

Hazard	FEMA				CRS					
	LPR	SIP	NSP	EAP	PR	PP	PI	NR	SP	ES
Dam Failure	-	X	-	X	X	-	-	-	-	X
Drought	-	X	-	X	X	-	-	-	-	X
Extreme Temperature	-	X	-	X	X	-	-	-	-	X
Flood	-	X	-	X	X	-	-	-	X	X
Hazardous Materials	-	X	-	X	X	-	-	-	-	X
Landslide	-	X	-	X	X	-	-	-	-	X
Pandemic	-	X	-	X	X	-	-	-	-	X
Severe Storm	-	X	-	X	X	-	-	-	X	X
Severe Winter Storm	-	X	-	X	X	-	-	-	X	X
Utility Failure	-	X	-	X	X	-	-	-	X	X
Wildfire	-	X	-	X	X	-	-	-	-	X

Note: Mitigation categories are described below the Mitigation Initiatives Table (Table 9.8-18).

The table below summarizes the specific mitigation initiatives the City of Kingston would like to pursue in the future to reduce the effects of hazards. The initiatives are dependent upon available funding (grants and local match availability) and may be modified or omitted at any time based on the occurrence of new hazard events and changes in municipal priorities.



Table 9.8-18. Proposed Hazard Mitigation Initiatives

Project ID	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Yes/No	Estimated Timeline	Lead and Support Agencies	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	SIP	PR
2024-City of Kingston -001	USGS Stream Gage System at Rondout Creek	2, 4	Flood, Severe Storm, Severe Winter Storm	<p><b>Problem:</b> The USGS Rondout Stream Gage is no longer functioning and is decertified, and the City does not have a reliable gage within the municipality to determine accurate and live flood levels to be able to issue timely flood warnings to residents and businesses. The City does use the Stevens Flood Advisory System to monitor flood forecasts and then alerts emergency personnel and the most at risk stakeholders, and will alert the public if need be</p> <p><b>Solution:</b> The City will coordinate with USGS to install a new flood gage at the Rondout Creek to give real time information about upstream information.</p>	No	Less than 2 years	Public Works, County Emergency Manager, USGS	\$5,000	The City will be better notified of flooding events before they become a significant issue.	USGS, FMA, HMGP	High	SIP	PR
2024-City of Kingston -002	Alleviate flooding at the Broadway underpass, Susan Street area	2, 4	Flood, Severe Storm, Severe Winter Storm	<p><b>Problem:</b> There is risk in the Broadway underpass due to downstream pipe size or condition in the Greenkill Avenue deep storm line. This line has been impossible to inspect due to depth and base flow. A more extensive effort involving bypass pumping is needed to make accurate video inspection of the line.</p> <p><b>Solution:</b> The City will conduct a study to achieve a more extensive evaluation of the Greenkill storm line including bypass pumping in order to be able to fully inspect the line. Once the problem is determined, the City will obtain funding to fix the Greenkill Avenue</p>	Yes	Less than 5 years	Engineering, Public Works	TBD after extensive study is completed	The City will experience less flooding at the Broadway underpass.	HMGP, FMA, BRIC	High	SIP	SP





Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	(Yes/No)	Estimated Timeline	Lead and Support Agencies	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority			
			storm line in the most cost-effective way.										
2024-City of Kingston -003	2	Flood, Severe Storm, Severe Winter Storm	<p><b>Problem:</b> There are undersized piping and culverts in streets and backyard areas with constrained open channels to the Esopus Creek. A study was performed with State assistance which identified the specific actions that are needed to alleviate flooding issues. Easements will be needed in some cases for private property.</p> <p><b>Solution:</b> The City will acquire funding to apply the needed actions that were identified in the study that was performed with the State to the undersized culverts. The City will also draft easements for the areas that contain private property in order to fully mitigate the flooding issues.</p>	Yes	No	Less than 5 years	Engineering, Public Works	\$5 Million	The City will experience less flooding along the Esopus Creek	Bridge NY, FMA, BRIC, HMGP, Bridge NY	High	SIP	SP
2024-City of Kingston -004	2	Flood, Severe Storm, Severe Winter Storm	<p><b>Problem:</b> There are overtopped roadway due to three undersized culverts along Twaalfskill Creek, including S. Wall, Chapel and Brook Streets.</p> <p><b>Solution:</b> The City will conduct a study to determine the proper size and composition of new culverts along the Twaalfskill Creek and will acquire funding to install new properly sized culverts.</p>	No	No	Less than 5 years	Engineering, Public Works	TBD after study	The City will experience reduced flooding and overtopped roadways due to undersized culverts.	Bridge NY, FMA, HMGP, BRIC	High	SIP	SP
2024-City of Kingston -005	2, 4	Flood, Utility Failure	<p><b>Problem:</b> The City's 18 pump stations have varying degrees of resiliency against flooding, loss of electric power, and pump failure. Additional reliability measures are needed to prevent loss of utility</p>	Yes	No	5 years	Engineering, Public Works	TBD after engineering study	The City will have more reliable and further protected	FMA, HMGP, BRIC	High	SIP	SP





Section 9.8: City of Kingston

Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	(Yes/No)	Estimated Timeline	Lead and Support Agencies	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority				
			<p>service, sewage overflow, health, and environmental hazards</p> <p><b>Solution:</b> The City has been awarded an EFC EPG (Engineering Planning Grant) to prepare a preliminary engineering study. The City expects to complete the study in 2024. Once complete, the City will become more knowledgeable about the detailed problem, scope of future work, and cost estimates. This information would be used to develop future detailed design and construction documents for the highest priority pump stations and the City will apply for funding in order to fund the design and construction portion of the project. Construction is likely 2025 or later.</p>					sewage pump stations.						
2024-City of Kingston -006	Critical Facility Generator Study and Implementation	1, 2	<p>Dam Failure, Drought, Extreme Temperature</p> <p>Flood, Hazardous Materials, Landslide, Pandemic, Severe Storm, Severe Winter Storm, Utility Failure, Wildfire</p>	<p><b>Problem:</b> There are numerous critical facilities in the City that do not have generators or any form of backup power and cannot perform continuity of operations during power outages.</p> <p><b>Solution:</b> The City will conduct a study to determine what facilities need generators and will then conduct a generator study to determine the size and capacity of the generator that each building needs to operate during power outages. The City will then acquire funding for the implementation of generators and will perform routine maintenance on the generators.</p>	Yes	No	Less than 5 Years	Engineering, Public Works	TBD after generator study	The City's critical facilities will be able to perform continuity of operations during power outages.	HMGP, FMA, BRIC	High	SIP	ES





Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	(Yes/No)	Estimated Timeline	Lead and Support Agencies	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	SIP	PR
2024- City of Kingston -007 Esopus Creek Levee at Kingston Plaza Management and Certification	2	Flood, Severe Storm, Severe Winter Storm	<b>Problem:</b> The Esopus Creek Levee at Kingston Plaza is decertified and has no management plan developed to indicate City and DEC responsibilities.  <b>Solution:</b> The City will obtain a portable flood protection pump and will support a study to investigate how they can recertify the Levee. The City will also work with the DEC to develop an Emergency Management Plan that dictates the responsibilities of the City and the DEC.	No	Less than 5 years	DEC, Engineering, Public Works	TBD after recertification study	The City will have a recertified levee and a management plan that will dictate the responsibilities of the DEC and the City	FMA, BRIC, HMGP	High	SIP	PR
2024- City of Kingston -008 Replace and elevate Creekside bulkhead along Rondout Creek	4	Flood, Severe Storm, Severe Winter Storm	<b>Problem:</b> There is variability in composition and integrity in the bulkhead along Rondout Creek between the 9W bridge to the lighthouse which has led to more frequent inundation. This also threatens a wastewater treatment plan which is located in a low-lying area beyond the bulkhead.  <b>Solution:</b> An engineering study has been performed that suggests elevating and reengineering the structure to withstand increasing high tide and inundation events.	Yes	Less than 5 years	Engineering, Public Works,	10 Million	The City will experience less inundation in low lying areas located near Rondout Creek.	FMA, HMGP, BRIC	High	SIP	SP
2024- City of Kingston -009 Scour protection at Esopus Creek Crossing Water Transmission Line (Drinking water pipe protection project)	2, 4	Drought, Wildfire	<b>Problem:</b> There is a City water transmission line located at a stream crossing across from Sawkill Road in the Town of Ulster that is visible and vulnerable to the elements and residents. If the water pipe is damaged, it will affect the City's water supply	Yes	Less than 5 years	Engineering, Public Works	TBD after Study	The City will protect the drinking supply from Esopus Creek Crossing	FMA, HMGP, BRIC	High	SIP	SP







Section 9.8: City of Kingston

Year	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Status		Estimated Timeline	Lead and Support Agencies	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	ES	SIP
					Yes	No								
				<b>Solution:</b> The City will support an engineering study with support from the Town of Ulster to reinforce and disguise infrastructure to ensure it is not vulnerable to the elements or residents										
2024- City of Kingston -010	Andy Murphy Neighborhood Center Emergency Shelter Enhancement Project	1, 2	Dam Failure, Drought, Extreme Temperature  Flood, Hazardous Materials, Landslide, Pandemic, Severe Storm, Severe Winter Storm, Utility Failure, Wildfire	<b>Problem:</b> The Andy Murphy Neighborhood Center is a designated Red Cross Emergency Shelter that has no generator, showers, and requires HVAC upgrades in order to be able to fully operate as an emergency shelter. The County also has elected to use the shelter as their backup shelter.  <b>Solution:</b> The City will acquire funding to determine the feasibility of installing showers, a generator and upgrading the HVAC system in order to be able to operate at full capacity as the County backup emergency shelter facility.	Yes	No	Less than 5 Years	Planning Board, Public Works, County Emergency Manager	>\$300,000	The City and County will have a fully operational emergency shelter.	ESG, HMGP	High	ES	EA P
2024- City of Kingston -011	Potable water portable booster pump	2	Drought, Wildfire	<b>Problem:</b> The City has experienced numerous water system failures due to transportation accidents that have impacted the water treatment plant and pipes associated with it leaving some residents with no access to potable water.  <b>Solution:</b> The City will acquire a portable potable water booster pump to use during water system failure events.	Yes	No	Less than 5 years	Public Works, Engineer	>\$10,000	The City will be able to supply potable water to residents during water facility interruptions.	HMGP	High	ES	SIP
2024- City of	Cell Tower Installation	2	Dam Failure, Drought,	<b>Problem:</b> The City experiences very poor cell service on Grandview Ave which makes it hard to communicate	Yes	No	Less than 5 years	Public Works, Engineer,	TBD after the study	The City will be able to communicate	HMGP, BRIC	High	ES	SIP P R





Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	(Yes/No)	Estimate & Timeline	Lead and Support Agencies	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority			
Kingston-012			<p>Extreme Temperature</p> <p>Flood, Hazardous Materials, Landslide, Pandemic, Severe Storm, Severe Winter Storm, Utility Failure, Wildfire</p> <p>when the power is out. This also inhibits communication between municipalities, the County and with emergency responders.</p> <p><b>Solution:</b> The City will conduct a study to determine where additional communication towers need to be located in order for the City to have cell service throughout the entirety of its boundaries. The City will then acquire funding to purchase and install cell towers. Emergency Responders, residents, the City and the County will have the ability to contact one another in emergency situations and power outages.</p>			Ulster County		with emergency responders and other municipalities.					
2024-City of Kingston-013	Radio Towers	2	<p>Dam Failure, Drought, Extreme Temperature</p> <p>Flood, Hazardous Materials, Landslide, Pandemic, Severe Storm, Severe Winter Storm, Utility Failure, Wildfire</p> <p><b>Problem:</b> The City experiences limited communication capabilities throughout the County which inhibits emergency response capabilities as well as communication between various departments in the City and neighboring jurisdictions.</p> <p><b>Solution:</b> The City will assist the County in a radio tower study to ensure that the entirety of the County has service with radio tower implementation. The City will then acquire funding for any radio towers that are needed in the City limits.</p>	Yes	No	Less than 5 years	Engineering, Public Works, Ulster County	TBD after study	Better communication for emergency responders	HMGP, BRIC	High	SIP	ES
2024-City of Kingston-014	Repetitive Loss Mitigation	2	<p>Flood, Severe Storm, Severe</p> <p><b>Problem:</b> The City has 17 repetitive loss and one severe repetitive loss property. Many of these structures were built without flood design</p>	No	No	Less than 5 Years for Outreach	Floodplain Administrator, Public Works,	TBD after mitigation measure is identified	Eliminates flood damage to homes and residents,	FEMA HMGP and FMA, BRIC, local	High	SIP	SP





Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	(Yes/No)	Estimated Timeline	Lead and Support Agencies	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority
			<p>Winter Storm</p> <p>standards. These properties require mitigation to prevent future losses and prevent loss of life and property damage. Progress has been made on elevating buildings and reconstructing new buildings that are more resistant to flooding.</p> <p><b>Solution:</b> The City will conduct outreach to the RL/SRL property owners and provide information on mitigation alternatives. After preferred mitigation measures are identified, collect required property-owner information, and develop a FEMA grant application and BCA to obtain funding to implement acquisition/purchase/moving/elevating residential homes in the flood prone areas that experience frequent flooding (high risk areas).</p>			Engineering, Property Owners		creates open space for the municipality increasing flood storage.	cost share by residents	
2024-City of Kingston -015	1, 2	Flood	<p><b>Problem:</b> The following critical facilities are municipally owned and located in the special flood hazard area:</p> <ul style="list-style-type: none"> <li>Adirondack Transit Lines, Inc</li> <li>Bus Facility</li> <li>Electric Substation</li> <li>Kingston Fire Dept 2</li> <li>Kingston PT Terminal</li> <li>Kingston WWTF</li> <li>Public Health Clinic - Kingston</li> <li>Ulster County Board of Elections</li> </ul> <p><b>Solution:</b> The City will conduct a feasibility assessment to determine what additional floodproofing</p>	Yes	Within 5 Years	Floodplain Manager, Public Works, Engineer	TBD by feasibility assessment	Ensures continuity of operations of critical facilities	FEMA HMGP and BRIC, USDA Community Facilities Grant Program, Emergency Management Performance Grants (EMPG) Program, Town Budget	High





Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	(Yes/No)	Estimated Timeline	Lead and Support Agencies	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority
			measures are needed at the critical facilities to protect each to the 500-year flood level. Options include: <ul style="list-style-type: none"> <li>• Elevation of facility</li> <li>• Floodproofing of facility</li> <li>• Mobile flood barriers</li> </ul> Once the most cost-effective option is identified, the City will carry out the option.							

Notes:

Not all acronyms and abbreviations defined below are included in the table.

Acronyms and Abbreviations:

- CAV Community Assistance Visit
- CRS Community Rating System
- DPW Department of Public Works
- EHP Environmental Planning and Historic Preservation
- FEMA Federal Emergency Management Agency
- FPA Floodplain Administrator
- HMA Hazard Mitigation Assistance
- N/A Not applicable
- NFIP National Flood Insurance Program
- OEM Office of Emergency Management

Potential FEMA HMA Funding Sources:

- FMA Flood Mitigation Assistance Grant Program
- HMGF Hazard Mitigation Grant Program
- BRIC Building Resilient Infrastructure and Communities Program

Timeline:

The time required for completion of the project upon implementation.

Cost:

The estimated cost for implementation.

Benefits:

A description of the estimated benefits, either quantitative and/or qualitative.

Critical Facility:

Yes  Critical Facility located in 1% floodplain

Mitigation Category:

- Local Plans and Regulations (LPR)—These actions include government authorities, policies or codes that influence the way land and buildings are being developed and built.
- Structure and Infrastructure Project (SIP)—These actions involve modifying existing structures and infrastructure to protect them from a hazard or remove them from a hazard area. This could apply to public or private structures, as well as critical facilities and infrastructure. This type of action also involves projects to construct manmade structures to reduce the impact of hazards.
- Natural Systems Protection (NSP)—These are actions that minimize damage and losses, and also preserve or restore the functions of natural systems.
- Education and Awareness Programs (EAP)—These are actions to inform and educate citizens, elected officials, and property owners about hazards and potential ways to mitigate them. These actions may also include participation in national programs, such as StormReady and Firewise Communities.

CRS Category:

- Preventative Measures (PR)—Government, administrative or regulatory actions, or processes that influence the way land and buildings are developed and built. Examples include planning and zoning, floodplain local laws, capital improvement programs, open space preservation, and storm water management regulations.
- Property Protection (PP)—These actions include public activities to reduce hazard losses or actions that involve (1) modification of existing buildings or structures to protect them from a hazard or (2) removal of the structures from the hazard area. Examples include acquisition, elevation, relocation, structural retrofits, storm shutters, and shatter-resistant glass.





- *Public Information (PI)*—Actions to inform and educate citizens, elected officials, and property owners about hazards and potential ways to mitigate them. Such actions include outreach projects, real estate disclosure, hazard information centers, and educational programs for school-age children and adults.
- *Natural Resource Protection (NR)*—Actions that minimize hazard loss and also preserve or restore the functions of natural systems. These actions include sediment and erosion control, stream corridor restoration, watershed management, forest and vegetation management, and wetland restoration and preservation.
- *Structural Flood Control Projects (SP)*—Actions that involve the construction of structures to reduce the impact of a hazard. Such structures include dams, setback levees, floodwalls, retaining walls, and safe rooms.
- *Emergency Services (ES)*—Actions that protect people and property during and immediately following a disaster or hazard event. Services include warning systems, emergency response services, and the protection of essential facilities.

The prioritization criteria provided in Volume 1 Section 6 (Mitigation Strategy) identify 14 evaluation/prioritization criteria to complete the prioritization of mitigation initiatives. For each new mitigation action, a numeric rank is assigned (-1, 0, or 1) for each of the 14 evaluation criteria to assist with prioritizing actions as ‘High’, ‘Medium’, or ‘Low.’ The table below provides a summary of the prioritization of all proposed mitigation initiatives for the HMP update.

Table 9.8-19. Summary of Prioritization of Actions

Project Number	Project Name			Cost-Effectiveness	Technical	Political	Legal	Fiscal	Environmental	Social	Administrative	Multi-Hazard	Timeline		Objectives	Total	High / Medium / Low
2024-City of Kingston-001	USGS Stream Gage System at Rondout Creek	1	1	1	1	1	1	0	1	1	1	1	1	1	0	12	High
2024-City of Kingston-002	Alleviate flooding at the Broadway underpass, Susan Street area	1	1	1	1	1	1	0	1	1	1	1	1	1	0	12	High
2024-City of Kingston-003	Replace four sections of culverts on Main St, Mt. View and Lucas Ave area to Esopus Creek due to undersized	1	1	1	1	1	1	0	1	1	1	1	1	1	0	12	High
2024-City of Kingston-004	Replace three culverts, Twaalfskill Creek (S. Wall, Chapel, and Brook Streets)	1	1	1	1	1	1	0	1	1	1	1	1	1	0	12	High
2024-City of Kingston-005	Sewage Pump Station Resiliency project	1	1	1	1	1	1	0	1	1	1	1	1	1	1	13	High
2024-City of Kingston-006	Critical Facility Generator Study and Implementation	1	1	1	1	1	1	0	1	1	1	1	1	1	1	13	High
2024-City of Kingston-007	Esopus Creek Levee at Kingston Plaza Management and Certification	1	1	1	1	1	1	0	1	1	1	1	1	1	1	13	High
2024-City of Kingston-008	Replace and elevate Creekside bulkhead along Rondout Creek	1	1	1	1	1	1	0	1	1	1	1	1	1	1	13	High



Project Number	Project Name			Cost-Effectiveness	Technical	Political	Legal	Fiscal	Environmental	Social	Administrative	Multi-Hazard	Timeline		Objectives	Total	High / Medium / Low
2024-City of Kingston-009	Scour protection at Esopus Creek Crossing Water Transmission Line (Drinking water pipe protection project)	1	1	1	1	1	1	0	1	1	1	1	1	1	0	12	High
2024-City of Kingston-010	Andy Murphy Neighborhood Center Emergency Shelter Enhancement Project	1	0	1	1	1	1	0	1	1	1	1	1	1	0	11	High
2024-City of Kingston-011	Potable water portable booster pump	1	1	1	1	1	1	0	1	1	1	1	1	1	1	12	High
2024-City of Kingston-012	Cell Tower Installation	1	1	1	1	1	1	0	1	1	1	1	1	1	1	13	High
2024-City of Kingston-013	Radio Towers	1	1	1	1	1	1	0	1	1	1	1	1	1	1	13	High
2024-City of Kingston-014	Repetitive Loss Mitigation	1	1	1	1	1	1	0	1	0	0	1	0	1	1	10	High
2024-City of Kingston-015	Critical Facilities Flood Protection	1	1	1	1	1	1	0	1	1	1	0	0	1	1	11	High

Note: Volume 1, Section 6 (Mitigation Strategy) conveys guidance on prioritizing mitigation actions. Low (0-4), Medium (5-8), High (9-14).



**RESOLUTION 192 OF 2024**

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,  
NEW YORK, DECLARING INTENT TO SEEK LEAD AGENCY UNDER STATE  
ENVIRONMENTAL QUALITY REVIEW (SEQR) FOR A PROJECT TO  
DEMOLISH THE PIKE PLAN CANOPIES LOCATED ON WALL STREET AND  
NORTH FRONT STREET**

Sponsored By: Laws & Rules Committee: Alderman Hirsch, Scott-  
Childress, Pasti, Dennison, Mickens

**WHEREAS**, the City proposes to demolish the Pike Plan canopies which are owned by the City and located on Wall Street and North Front Street (the “Project”), and

**WHEREAS**, after reviewing 6 NYCRR 617.4, and as required by 6 NYCRR 617.6(a)(1)(a)(iv), the City has initially preliminarily identified that the Project is an Unlisted action under SEQR (6 CRR NY 617), and

**WHEREAS**, although not required for an Unlisted Action, the City has determined that a Full Environmental Assessment Form (“Full EAF”) should be prepared, and the City will prepare a Full EAF summarizing potential environmental impacts that may result from the Project, and

**WHEREAS**, notwithstanding that 6 NYCRR 617.6 does not require coordinated review for Unlisted Actions, the City nevertheless intends to seek lead agency status under SEQR and to conduct a coordinated review of the Project with all potentially involved and interested agencies for the purpose of making a determination of the environmental impact and significance of the Project, and any other SEQR requirements necessitated thereby, and

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

**SECTION 1.** That the Common Council of the City of Kingston hereby declares intent to be lead agency under SEQR (6 CRR-NY 617.6) with respect to the SEQR review for the Project

**SECTION 2.** That the Common Council of the City of Kingston hereby directs the coordinated review of the project by interested agencies to commence and that necessary steps are taken to prepare lead agency notices with the necessary attachments and materials to circulate to the potentially involved and interested agencies in compliance with 6 NYCRR 617.6





**SECTION 3.** This resolution shall take effect immediately.

Submitted to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

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

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

Adopted by Council on \_\_\_\_\_, 2024



**THE CITY OF KINGSTON COMMON COUNCIL**

**LAWS & RULES  
COMMITTEE REPORT**

DEPARTMENT: Engineering DATE: October 16, 2024

**Description:**

The City Engineer requests the Common Council to consider and adopt a resolution declaring its intent to seek lead agency status for the action, under the State Environmental Quality Review Act (SEQRA).

Signature \_\_\_\_\_

Motion by RSC

Seconded by SP

Action Required:

SEQRA Decision:  
 Type I Action         
 Type II Action         
 Unlisted Action       

Negative Declaration of Environmental Significance:       

Conditioned Negative Declaration:       

Seek Lead Agency Status:   x  

Positive Declaration of Environmental Significance:       

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



RESOLUTION \_\_\_ of 2024

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, DECLARING INTENT TO SEEK LEAD AGENCY UNDER STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) FOR A PROJECT TO DEMOLISH THE PIKE PLAN CANOPIES LOCATED ON WALL STREET AND NORTH FRONT STREET

Sponsored by: Laws and Rules Committee Aldermen:

**WHEREAS**, the City proposes to demolish the Pike Plan canopies which are owned by the City and located on Wall Street and North Front Street (the “Project”), and

**WHEREAS**, after reviewing 6 NYCRR 617.4, and as required by 6 NYCRR 617.6(a)(1)(a)(iv), the City has initially preliminarily identified that the Project is an Unlisted action under SEQR (6 CRR NY 617), and

**WHEREAS**, although not required for an Unlisted Action, the City has determined that a Full Environmental Assessment Form (“Full EAF”) should be prepared, and the City will prepare a Full EAF summarizing potential environmental impacts that may result from the Project, and

**WHEREAS**, notwithstanding that 6 NYCRR 617.6 does not require coordinated review for Unlisted Actions, the City nevertheless intends to seek lead agency status under SEQR and to conduct a coordinated review of the Project with all potentially involved and interested agencies for the purpose of making a determination of the environmental impact and significance of the Project, and any other SEQR requirements necessitated thereby, and

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

**SECTION 1.** That the Common Council of the City of Kingston hereby declares intent to be lead agency under SEQR (6 CRR-NY 617.6) with respect to the SEQR review for the Project

**SECTION 2.** That the Common Council of the City of Kingston hereby directs the coordinated review of the project by interested agencies to commence and that necessary steps are taken to prepare lead agency notices with the necessary attachments and materials to circulate to the potentially involved and interested agencies in compliance with 6 NYCRR 617.6

**SECTION 3.** This resolution shall take effect immediately.

Submitted to the Mayor this \_\_\_\_\_ day  
of \_\_\_\_\_ 2024

Approved by the Mayor this \_\_\_\_\_ day  
of \_\_\_\_\_ 2024

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

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



Adopted by Council on \_\_\_\_\_, 2024





CITY OF KINGSTON

jschultheis@kingston-ny.gov

John M. Schultheis, P.E., City Engineer



Steven T. Noble, Mayor

September 26, 2024

Andrea Shaut., Alderman-At-Large, President of the Common Council  
Kingston City Hall  
420 Broadway  
Kingston, New York 12401

RE: Removal of Pike Plan Canopies

Dear President Shaut:

I am requesting that the Common Council pass a resolution declaring its intent to seek SEQR lead agency status to allow us to begin a coordinated review on the removal of the Pike Plan Canopies. Based on our review thus far, the project is expected to be an unlisted action. We will be providing you a draft resolution and other materials in advance of Committee and Council review.

I ask you to assign this to the appropriate committee for discussion and action.

Respectfully,

John M. Schultheis, P.E.  
City Engineer

Cc: Steve Noble, Mayor  
Ed Norman, Superintendent, Department of Public Works



**RESOLUTION 193 OF 2024**

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,  
NEW YORK, AUTHORIZING THE MAYOR TO ACQUIRE REAL PROPERTY  
AND TO EXPEND FUNDS FOR THE CENTRAL FIRE STATION  
REPLACEMENT PROJECT AND TO EXECUTE ANY AND ALL RELATED  
DOCUMENTS**

Sponsored By: Finance/Audit Committee: Alderman Scott-Childress, Tierney, Andrews, Schabot, Pasti

**WHEREAS**, the City of Kingston will acquire the property located at 18-30 East O'Reilly Street for the purposes of establishing a replacement Central Fire Station

**WHEREAS**, the city will design improvements to the property and buildings on this site

**WHEREAS**, the action is categorized under 6 NYCRR, Part 617.5 as Type II.

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

**SECTION 1.** The Mayor of the City of Kingston is hereby authorized to execute all needed documents to acquire the real property and to enter into a contract for design of needed improvements, and to expend funds for these purposes.

**SECTION 2.** This resolution shall take effect immediately.

Submitted to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

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

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

Adopted by Council on \_\_\_\_\_, 2024





THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER \_\_\_\_\_ CONTINGENCY TRANSFER \_\_\_\_\_ TRANSFER x
AUTHORIZATION x BUDGET MODIFICATION \_\_\_\_\_ BONDING REQUEST x
CLAIMS \_\_\_\_\_ ZONING \_\_\_\_\_ OTHER \_\_\_\_\_

DEPARTMENT: Engineering DATE: 10/9/2024

For the planned acquisition of a building located at 18-30 East O'Reilly Street, a resolution authorizing the Mayor to execute all documents for the acquisition, and authorizing the Mayor to execute a contract for design of a fire station on this site.

The design and acquisition are a Type 2 action under SEQRA.

Authorizing a bond resolution for \$1.25 million for these purposes.

Estimated Financial Impact: \$ 1,250,000.00

Signature \_\_\_\_\_

Motion by DA

Seconded by MT

Action Required:

SEQRA Decision:
Type I Action \_\_\_\_\_
Type II Action x
Unlisted Action \_\_\_\_\_

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

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

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

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

Table with 3 columns: Committee Vote, YES, NO. Rows include Reynolds Scott-Childress, Sara Pasti, Michael Tierney, Bryant Drew Andrews, and Steven Schabot, all with checkmarks in the YES column.



12

F+A

**Mesches, Sue**

---

**From:** Schultheis, John  
**Sent:** Thursday, September 26, 2024 3:43 PM  
**To:** Shaut, Andrea  
**Cc:** Noble, Steve; Tuey, John; Rea, Chris; Gates, Justin; Scott-Childress, Reynolds; Tinti, Elisa; Mesches, Sue  
**Subject:** Communication for October Finance - Central Fire Station  
**Attachments:** Communication 9-26-24 Central Fire.pdf; Finance and Audit Committee Report 9.4.2024.docx; Resolution-ExpendFunds and Acquire.docx

Hi President Shaut-

Please see attached communication, draft resolution, and committee report related to this project and land acquisition. Please let me know if there are any questions.

Thank you,

John M. Schultheis, P.E.  
City Engineer  
City of Kingston  
Engineering Department  
City Hall  
420 Broadway  
Kingston, New York 12401

**m) 845-416-0026 (no texts to this number please)**  
**o) 845-334-3967**

[jschultheis@kingston-ny.gov](mailto:jschultheis@kingston-ny.gov)





RESOLUTION \_\_\_ of 2024

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING THE MAYOR TO ACQUIRE REAL PROPERTY AND TO EXPEND FUNDS FOR THE CENTRAL FIRE STATION REPLACEMENT PROJECT AND TO EXECUTE ANY AND ALL RELATED DOCUMENTS

Sponsored by: Finance and Audit Committee Aldermen: Scott-Childress, Pasti, Tierney, Andrews and Schabot

WHEREAS, the City of Kingston will acquire the property located at 18-30 East O'Reilly Street for the purposes of establishing a replacement Central Fire Station

WHEREAS, the city will design improvements to the property and buildings on this site

WHEREAS, the action is categorized under 6 NYCRR, Part 617.5 as Type II.

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

SECTION 1. The Mayor of the City of Kingston is hereby authorized to execute all needed documents to acquire the real property and to enter into a contract for design of needed improvements, and to expend funds for these purposes.

SECTION 2. This resolution shall take effect immediately.

Submitted to the Mayor this \_\_\_\_ day  
of \_\_\_\_\_ 2024

Approved by the Mayor this \_\_\_\_ day  
of \_\_\_\_\_ 2024

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

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

Adopted by Council on \_\_\_\_\_, 2024



CITY OF KINGSTON

jschultheis@kingston-ny.gov

John M. Schultheis, P.E., City Engineer



Steven T. Noble, Mayor

September 26, 2024

Andrea Shaut., Alderman-At-Large, President of the Common Council  
Kingston City Hall  
420 Broadway  
Kingston, New York 12401

RE: Central Fire Station

Dear President Shaut:

We appeared before the Finance and Audit committee in August to introduce this project, which will include acquisition, partial demolition, and re-construction of the building located at 18-30 E. O'Reilly Street to create facility to house the Central Fire Station.

This request is for the Common Council to authorize the Mayor to execute any and all documents as needed to acquire the real property, and to proceed with design of the building upgrades, repairs, or replacement. The estimated cost for the acquisition and design is \$1,250,000.

Please forward this request for discussion and action at the Finance and Audit meeting scheduled for October 9. A committee report is attached. The comptroller would prepare a bond resolution following this meeting.

Respectfully,

John M. Schultheis, P.E., City Engineer

c.: Mayor Steven T. Noble  
Comptroller John Tuey  
Chief Chris Rea  
Justin Gates, Engineering Technician  
Rennie Scott Childress, Chair Finance and Audit  
Elisa Tinti, City Clerk



RESOLUTION <sup>194</sup> \_\_\_ OF 2024.

BOND ORDINANCE DATED NOVEMBER 12, 2024.

AN ORDINANCE AUTHORIZING FINANCING FOR THE PURCHASE OF A BUILDING AT 18-30 E. O'REILLY STREET AND ENGINEERING/DESIGN COSTS TO CONVERT BUILDING INTO A FIRE STATION IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,250,000, AND AUTHORIZING THE ISSUANCE OF UP TO \$1,250,000 BONDS OF SAID CITY TO PAY COSTS THEREOF.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, by the favorable vote of not less than two-thirds of all members of said Council, as follows:

Section 1. The purchase of a building at 18-30 E. O'Reilly Street and engineering/design costs to convert said building into a fire station, in and for the City of Kingston, Ulster County, New York, including incidental costs in connection therewith, is hereby authorized at a maximum estimated cost of \$1,250,000.

Section 2. **SEQRA DETERMINATION:** It is hereby determined that the aforesaid purpose constitutes a Type II Action as defined under regulations of the State of New York, promulgated under the State Environmental Quality Review Act, which, by definition, will not have a significant adverse impact upon the environment.

Section 3. The plan for the financing thereof is by the issuance of up to \$1,250,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, to be allocated \$650,000 for the building purchase and \$600,000 for engineering and design; provided, however, that the amount of bonds ultimately to be issued shall be reduced by the amount of grants and/or gifts received therefor; and

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years for the building and five years for the engineering/design costs, pursuant to subdivisions 11 and 62, respectively, of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. The faith and credit of said City of Kingston, Ulster County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 7. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the



Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 8. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this Bond Ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 11. The Mayor is hereby authorized to execute contracts in furtherance of the purpose set forth herein.

Section 12. This ordinance, which takes effect immediately, shall be published in summary form in The Daily Freeman, the official newspaper of said City hereby designated for such purpose, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.





The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_

The ordinance was thereupon declared duly adopted.

\* \* \* \* \*



CERTIFICATION

STATE OF NEW YORK    )  
                                  ) ss.:  
COUNTY OF ULSTER    )

I, the undersigned Clerk of the City of Kingston, in the County of Ulster, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 12th day of November, 2024.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Common Council of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Common Council.
5. That all members of the Common Council of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (*the meeting at which the proceeding was adopted*) was caused to be given PRIOR THERETO in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

**POSTING** (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this \_\_\_\_ day of November, 2024.

\_\_\_\_\_  
City Clerk

(CORPORATE SEAL)



LEGAL NOTICE OF ESTOPPEL

The bond ordinance, a summary of which is published herewith, has been adopted on November 12, 2024, and the validity of the obligations authorized by such ordinance may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Kingston, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the ordinance summarized herewith is available for public inspection during regular business hours at the Office of the City Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Kingston, New York,  
November 12, 2024.

\_\_\_\_\_  
City Clerk

**BOND ORDINANCE DATED NOVEMBER 12, 2024.**

**AN ORDINANCE AUTHORIZING FINANCING FOR THE PURCHASE OF A BUILDING AT 18-30 E. O'REILLY STREET AND ENGINEERING/DESIGN COSTS TO CONVERT BUILDING INTO A FIRE STATION IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,250,000, AND AUTHORIZING THE ISSUANCE OF UP TO \$1,250,000 BONDS OF SAID CITY TO PAY COSTS THEREOF.**

Specific object or purpose:	The purchase of a building at 18-30 E. O'Reilly Street and engineering/design costs to convert said building into a fire station
Maximum Estimated Cost:	\$1,250,000
Period of probable usefulness:	Thirty years for building purchase; five years for engineering/design
Amount of obligations to be issued:	\$1,250,000 bonds
SEQRA Status:	Type II Action

Such ordinance pledges the full faith and credit of the City to the payment of the obligations authorized to be issued and delegates to the City Comptroller, the Chief Fiscal Officer, the power to authorize the issuance of and to sell such obligations. Additionally, such ordinance contains the estoppel clause provided for by Section 80.00 of the Local Finance Law and authorizes such ordinance, after taking effect to be published in summary form in the official newspaper, together with a notice of the City Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.





Orrick, Herrington & Sutcliffe LLP  
51 West 52nd Street  
New York, NY 10019-6142

+1 212 506 5000

orrick.com

Thomas E. Myers

E tmyers@orrick.com

D +1 212 506 5212

F +1 212 506 5151

October 22, 2024

**VIA E-MAIL (jtuey@kingston-ny.gov)**

Mr. John Tuey  
City Comptroller  
City of Kingston  
City Hall, 420 Broadway  
Kingston, New York 12401

Re: City of Kingston, Ulster County, New York  
Purchase of Building at 18-30 E. O'Reilly Street - \$1,250,000 Bonds  
Orrick File: 42394-2-524

Dear John:

We are enclosing draft proceedings of the Common Council containing a bond ordinance in connection with the above matter.

If the ordinance meets with the approval of the Common Council, please have it adopted by a super majority vote; that is a vote of at least two-thirds of the total voting strength of the Council.

As soon as possible after the adoption of such ordinance, the enclosed summary Legal Notice of Estoppel should be published in full in the official newspaper designated for this purpose.

As soon as available, please furnish us with the following via e-mail, followed up with originals by mail:

1. An **ORIGINALLY** certified copy of the enclosed bond ordinance, showing the vote taken thereon.
2. An **ORIGINAL** printer's affidavit of publication of the summary Legal Notice of estoppel from the official newspaper.

With best wishes,

Very truly yours,

*Tom*

Thomas E. Myers

TEM/es

Enclosures

cc: Natalie Kikel (nkikel@kingston-ny.gov)  
Patrick Massa (pmassa@kingston-ny.gov)  
Crystal Knox (cknox@kingston-ny.gov)  
Janet Higgins (jhiggins@kingston-ny.gov)





**BOND ORDINANCE**

At a regular meeting of the Common Council of the City of Kingston, Ulster County, New York, held at Common Council Chambers, City Hall, 420 Broadway, in said City, on the 12th day of November, 2024, at \_\_\_\_\_ o'clock P.M., Prevailing Time.

The meeting was called to order by \_\_\_\_\_, and upon roll being called, the following were

PRESENT:

ABSENT:

The following ordinance was offered by Alderman \_\_\_\_\_, who moved its adoption, seconded by Alderman \_\_\_\_\_, to wit:



**RESOLUTION 195 of 2024**

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,  
NEW YORK, AUTHORIZING THE PURCHASE OF SEVEN (7) PARCELS  
FROM KINGSTON WILDERNESS, LLC AND AUTHORIZING THE ISSUANCE  
OF A BOND IN THE AMOUNT OF \$435,000 TO PURCHASE SAID PARCELS**

Sponsored By: Finance/Audit Committee: Alderman: Scott-  
Childress, Tierney, Andrews, Schabot, Pasti

**WHEREAS**, a request has been made authorizing the purchase of seven (7) parcels from Kingston Wilderness, LLC; and

**WHEREAS**, authorizing the issuance of a bond in the amount of \$435,000 to purchase the seven (7) parcels.

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

**SECTION 1.** That the Common Council of the City of Kingston authorizes the purchase of seven (7) parcels from Kingston Wilderness, LLC known as:

800-868 Abeel Street, City of Kingston, Tax Map No. 56.56-1-6  
Rear Abeel Street, City of Kingston, Tax Map No. 56.56-1-7  
Mason Hill, City of Kingston, Tax Map No. 56.57-1-20  
663-701 Abeel Street. City of Kingston, Tax Map No. 56.57-1-22.111  
Route 213, Town of Ulster, Tax Map No. 56.14-2-13  
Route 213, Town of Ulster, Tax Map No. 56.14-2-112  
25-27 Burnett Street, City of Kingston, Tax Map No. 56.57-2-22.100

**SECTION 2.** That the Common Council of the City of Kingston authorizes the issuance of a bond in the amount of \$435,000 to purchase the above parcels from Kingston Wilderness, LLC

**SECTION 3.** That the Common Council of the City of Kingston authorizes the Mayor to execute all documents associated with the purchase of the seven (7) parcels from Kingston Wilderness, LLC

**SECTION 4.** This resolution shall take effect immediately.



Submitted to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

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

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

Adopted by Council on \_\_\_\_\_, 2024



195

THE CITY OF KINGSTON COMMON COUNCIL  
FINANCE/AUDIT  
COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER \_\_\_\_\_  
AUTHORIZATION X  
CLAIMS \_\_\_\_\_

CONTINGENCY TRANSFER \_\_\_\_\_  
BUDGET MODIFICATION \_\_\_\_\_  
ZONING \_\_\_\_\_

TRANSFER \_\_\_\_\_  
BONDING REQUEST X  
OTHER \_\_\_\_\_

DEPARTMENT: MAYOR DATE: 10-9-24

**Description:**

Authorize Mayor Noble to sign all documents associated with the purchase of the 7 parcels from Kingston Wilderness LLC., as well as authorize the issuance of a bond in the amount of \$435,000 to purchase the parcels.

Estimated Financial Impact: \$435,000 Signature [Signature]

Motion by MT

Seconded by SS

Action Required:

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Reynolds Scott-Childress, Chairman, Ward 3 <u>[Signature]</u>	✓	
Michael Tierney, Ward 2 <u>[Signature]</u>	✓	
Bryant Brew Andrews, Ward 7 <u>[Signature]</u>	✓	
Steve Schabot, Ward 8 <u>[Signature]</u>	✓	
Sara Pasti, Ward 1 <u>[Signature]</u>	✓	





3

# CITY OF KINGSTON

## Office of the Mayor

mayor@kingston-ny.gov



Steven T. Noble  
Mayor

September 27th, 2024

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

Re: Purchase of Real Property: Kingston Wilderness

Dear President Shaut,

In 2017, the City of Kingston began the process of developing a Natural Resources Inventory and Open Space Index for the entire city. The goal of this data-collection effort was to better understand what natural resources existed in the city so that informed planning decisions could be made with regard to future growth and the conservation of these elements which are considered assets to the city. The 2019 Open Space Plan identified several actions to address resource conservation in three notable significant natural areas of Kingston, one of which is the upland area surrounding the Rondout Creek, now known in the Plan as Rondout Uplands. The plan included conservation targets, one of which was for 60 acres of permanently protected land in the uplands along the Rondout over the next 10 years.

To date, the City has worked closely with the Kingston Land Trust to begin to conserve lands in that priority area. See attached. By 2024, the KLT has preserved 20 acres of land at the Red Fox Ravine on Wilbur Ave and 38 acres of land on Mason Hill. Further, the City prioritized surplus property conservation in 2023 to protect 12 acres of land along the Twaalfskill and Wilbur Avenue.

To continue to expand on the strategy for the responsible stewardship of these important resources for future generations, in order to protect the visual aesthetic quality of the city, to maintain clean drinking water, protect natural habitats, provide recreational opportunities and position the city to mitigate impacts from future climate change trends, the City is poised to purchase the largest open space tract of land in the Rondout Uplands, which has recently become available for sale. The land, which comprises 7 parcels with combined area of 70 acres, is for sale by Kingston Wilderness, LLC.

Tax Map No. 56.56-1-6  
Tax Map No. 56.56-1-7  
Tax Map No. 56.57-1-20  
Tax Map No. 56.57-1-22.111  
Tax Map No. 56.14-2-13  
Tax Map No. 56.14-2-12  
Tax Map No. 56.57-2-22.100

800-868 Abeel Street, City of Kingston  
Rear Abeel Street, City of Kingston  
Mason Hill, City of Kingston  
663-701 Abeel, City of Kingston  
Route 213, Town of Ulster  
Route 213, Town of Ulster  
25-27 Burnett Street, City of Kingston



Two separate appraisals have been conducted on behalf of the City, both of which determined the land's Highest and Best Use is to "remain mostly vacant and be used for recreational purposes".

The City has been in communication with the Seller and, consistent with both appraisals, have agreed upon a purchase price of \$840,000, contingent on the following:

- 1) Satisfactory Phase 1 Environmental Assessment
- 2) Title Search
- 3) City of Kingston Common Council Approval
- 4) Scenic Hudson Board Approval

The City would intend to take full title of these properties and dedicate as parkland and funding for this fee simple acquisition would be paid for by Common Council approval of a bond. Scenic Hudson is working to commit a 50% contribution of \$420,000 for the acquisition.

The amount requested of the Common Council is \$435,000 which includes \$15,000 for closing and due diligence costs. If the City of Kingston voters approve the Community Preservation Fund Real Estate Transfer tax, this bond and future improvements to the site could be paid off by using the Community Preservation Fund.

I will be joined by our partners at Scenic Hudson as well as Julie Noble, the Sustainability and Project Manager for the City to be able to discuss this acquisition in detail, including how the anticipated Community Preservation Fund could be used to pay off this bond. I have attached a signed offer agreement for your approval.

Respectfully Submitted,



Steven T. Noble  
Mayor



**Aerial Photograph of Property Appraised with Tax Map Overlay**



Photographs (see following pages)



**CITY OF KINGSTON**  
**Office of Corporation Counsel**

bgraves@kingston-ny.gov



Steven T. Noble, Mayor

Barbara Graves-Poller, Corporation Counsel

---

**OFFER TO PURCHASE REAL PROPERTY**

This agreement is made between City of Kingston, New York, called Purchaser, and Kingston Wilderness LLC, called Seller.

Purchaser agrees to purchase from Sellers all land and appurtenances associated thereto, located in Ulster County, New York, having the legal address of NYS Route 213/Abeel St, Kingston, New York, 12401, Ulster County SBL #56.57-1-20 & 22.111, #56.56-1-6 & 7, #56.14-2-12 & 13, #56.57-2-22.100.

The agreed-to purchase price is \$840,000 to be paid on or about November 26th, 2024.

This offer is subject to approval by the City of Kingston Common Council.

This offer is further subject to the following terms and conditions:

Clear Title: Sellers shall convey clear, marketable, and insurable title for the aforementioned property, free from encumbrances except taxes for the current year, which are to be prorated.

Seller has not granted any option to purchase the property therein, any right of first refusal or right of first offer to purchase the property therein.

Due Diligence Period and Due Diligence

During the period commencing on the date hereof and ending on the sixtieth (60th) day following The date hereof (the "Due Diligence Period"), Purchaser shall have the right to have the Premises inspected during reasonable hours, after reasonable notice to seller, to obtain inspection reports with respect to the Premises, and to otherwise conduct due diligence, at Purchaser's sole cost and expense, including the following upon all of which Purchaser's obligations to close shall be contingent:


- a. Satisfactory Phase I Environmental Assessment
- b. Title Search
- c. City of Kingston Common Council approval
- d. Scenic Hudson Board Approval






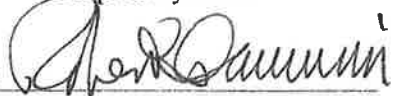
The undersigned hereby acknowledge and agree to execute a formal contract of sale to be prepared by the Sellers' attorney and approved by Purchaser's attorney.


Offer By Purchaser

By:   
Mayor Steven T. Noble  
Date: 9/25/24

Purchaser's  
Attorney   
9/25/24

Accepted By Seller

By:   
Date: 9/25/24

Seller's  
Attorney   
9/25/24



RESOLUTION <sup>19<sup>6</sup></sup> OF 2024.

BOND ORDINANCE DATED NOVEMBER 12, 2024.

AN ORDINANCE AUTHORIZING FINANCING FOR THE PURCHASE OF LAND IN THE RONDOUT UPLANDS FROM KINGSTON WILDERNESS, LLC IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$855,000, AND AUTHORIZING THE ISSUANCE OF UP TO \$435,000 BONDS OF SAID CITY TO PAY COSTS THEREOF.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, by the favorable vote of not less than two-thirds of all members of said Council, as follows:

Section 1. The purchase of 70 acres of land in the Rondout Uplands from Kingston Wilderness, LLC in and for the City of Kingston, Ulster County, New York, including incidental costs in connection therewith, is hereby authorized at a maximum estimated cost of \$855,000.

Section 2. The plan for the financing thereof is by the issuance of up to \$435,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, with the balance of \$420,000 to be paid from Scenic Hudson.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 19(a) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Kingston, Ulster County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 7. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.



Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this Bond Ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 10. The Mayor is hereby authorized to execute contracts in furtherance of the purpose set forth herein.

Section 11. This ordinance, which takes effect immediately, shall be published in summary form in The Daily Freeman, the official newspaper of said City hereby designated for such purpose, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.



The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_  
Alderman \_\_\_\_\_ VOTING \_\_\_\_\_

The ordinance was thereupon declared duly adopted.

\* \* \* \* \*









LEGAL NOTICE OF ESTOPPEL

The bond ordinance, a summary of which is published herewith, has been adopted on November 12, 2024, and the validity of the obligations authorized by such ordinance may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Kingston, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the ordinance summarized herewith is available for public inspection during regular business hours at the Office of the City Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Kingston, New York,  
November 12, 2024.

\_\_\_\_\_  
City Clerk

**BOND ORDINANCE DATED NOVEMBER 12, 2024.**

**AN ORDINANCE AUTHORIZING FINANCING FOR THE PURCHASE OF LAND IN THE RONDOUT UPLANDS FROM KINGSTON WILDERNESS, LLC IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$855,000, AND AUTHORIZING THE ISSUANCE OF UP TO \$435,000 BONDS OF SAID CITY TO PAY COSTS THEREOF.**

Specific object or purpose:	The purchase of 70 acres of land in the Rondout Uplands from Kingston Wilderness, LLC
Maximum Estimated Cost:	\$855,000
Period of probable usefulness:	Twenty years
Amount of obligations to be issued:	\$435,000 bonds/balance of \$420,000 to be paid from Scenic Hudson

Such ordinance pledges the full faith and credit of the City to the payment of the obligations authorized to be issued and delegates to the City Comptroller, the Chief Fiscal Officer, the power to authorize the issuance of and to sell such obligations. Additionally, such ordinance contains the estoppel clause provided for by Section 80.00 of the Local Finance Law and authorizes such ordinance, after taking effect to be published in summary form in the official newspaper, together with a notice of the City Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.



**BOND ORDINANCE**

At a regular meeting of the Common Council of the City of Kingston, Ulster County, New York, held at Common Council Chambers, City Hall, 420 Broadway, in said City, on the 12th day of November, 2024, at \_\_\_\_\_ o'clock P.M., Prevailing Time.

The meeting was called to order by \_\_\_\_\_, and upon roll being called, the following were

PRESENT:

ABSENT:

The following ordinance was offered by Alderman \_\_\_\_\_, who moved its adoption, seconded by Alderman \_\_\_\_\_, to wit:



196



Orrick, Herrington & Sutcliffe LLP  
51 West 52nd Street  
New York, NY 10019-6142

+1 212 506 5000  
orrick.com

Thomas E. Myers  
E tmyers@orrick.com  
D +1 212 506 5212  
F +1 212 506 5151

October 22, 2024

VIA E-MAIL (jtuey@kingston-ny.gov)

Mr. John Tuey  
City Comptroller  
City of Kingston  
City Hall, 420 Broadway  
Kingston, New York 12401

Re: City of Kingston, Ulster County, New York  
Land Purchase - \$435,000 Bonds  
Orrick File: 42394-2-523

Dear John:

We are enclosing draft proceedings of the Common Council containing a bond ordinance in connection with the above matter.

If the ordinance meets with the approval of the Common Council, please have it adopted by a super majority vote; that is a vote of at least two-thirds of the total voting strength of the Council.

As soon as possible after the adoption of such ordinance, the enclosed summary Legal Notice of Estoppel should be published in full in the official newspaper designated for this purpose.

As soon as available, please furnish us with the following via e-mail, followed up with originals by mail:

1. An **ORIGINALLY** certified copy of the enclosed bond ordinance, showing the vote taken thereon.
2. An **ORIGINAL** printer's affidavit of publication of the summary Legal Notice of estoppel from the official newspaper.

With best wishes,

Very truly yours,

Thomas E. Myers

TEM/es  
Enclosures

cc: Natalie Kikel (nkikel@kingston-ny.gov)  
Patrick Massa (pmassa@kingston-ny.gov)  
Crystal Knox (cknox@kingston-ny.gov)  
Janet Higgins (jhiggins@kingston-ny.gov)





**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,  
NEW YORK, AMENDING THE LANGUAGE OF CHAPTER 346 OF THE CODE  
OF THE CITY OF KINGSTON – SIDEWALK CAFES**

Sponsored By: Laws & Rules Committee: Alderman:  
Hirsch, Scott-Childress, Pasti, Mickens,  
Dennison

**WHEREAS**, Chapter 346 of the Code of the City of Kingston addresses Sidewalk Cafes; and

**WHEREAS**, a request has been made to amend Section 346-3(1) of the City of Kingston Code; and

**WHEREAS**, the amendment of the language of Section 346-3(1) is in the best interests of the City of Kingston.

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

**SECTION 1.** That the Common Council of the City of Kingston hereby authorizes the amendment of the language of Section 346-3(1), repealing the language in Section 346-3(1) and replacing the language therein to read as follows:

In the event that the sidewalk café/outdoor seating will be operating in a rental space, the operator must submit with the site plan a written consent from the property owner” will be suspended.

**SECTION 2.** This Ordinance as amended shall read as per the attached.

**SECTION 3.** All Ordinances and parts thereof inconsistent herewith are hereby repealed.

**SECTION 4.** This Ordinance shall take effect immediately after the passage, approval, and publication as provided by law.

Submitted to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

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

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

Adopted by Council on: \_\_\_\_\_



197

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES  
COMMITTEE REPORT

DEPARTMENT: \_\_\_\_\_

DATE: 10/16/24

Description:

AN ORDINANCE AMENDING THE LANGUAGE IN  
CHAPTER 346 OF THE CODE OF THE CITY OF KINGSTON -  
SIDEWALK CAFES. AMMENDED AS ATTACHED.

Signature \_\_\_\_\_

Motion by RSC

Seconded by TM

Action Required:

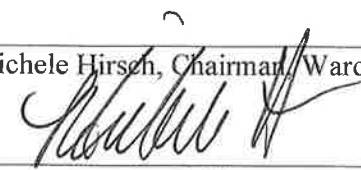
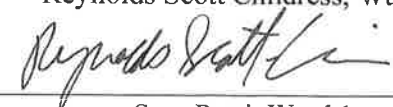

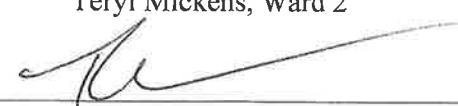

SEQRA Decision:  
Type I Action \_\_\_\_\_  
Type II Action \_\_\_\_\_  
Unlisted Action \_\_\_\_\_

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

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

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

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

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



CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

Steven T. Noble  
Mayor



**EXECUTIVE ORDER**

**Issued July 26th, 2024**

In order for Outdoor Dining to continue effectively, a section of language in our Sidewalk Café Code needs to be reworked.

Therefore, I, Steven T. Noble, Mayor of the City of Kingston, by the power vested in me by the Charter of the City of Kingston declare:

**Effective immediately, Kingston City Code section 346-3.1 "In the event that the sidewalk cafe/outdoor seating will be operating in a rental space, the operator must submit with the site plan a written consent from the owner of the property" will be suspended.**

Sincerely,

Steven T. Noble  
Mayor

STN:rjv



**RESOLUTION \_\_\_ OF 2024  
OF THE COMMON COUNCIL OF  
THE CITY OF KINGSTON, NEW YORK**

**Ordinance: Sidewalk Cafes**

**AN ORDINANCE AMENDING THE LANGUAGE IN CHAPTER 346 OF THE  
CODE OF THE CITY OF KINGSTON - SIDEWALK CAFES**

Sponsored By: Laws & Rules Committee: Alderman Hirsch,  
Pasti, Mickens, Scott-Childress, Dennison

**WHEREAS**, Chapter 346 of the Code of the City of Kingston addresses  
Sidewalk Cafes; and

**WHEREAS**, a request has been made to amend Section 346-3(I) of the City of  
Kingston Code; and

**WHEREAS**, the amendment of the language of Section 346-3(I) is in the best  
interests of the City of Kingston; and

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

**SECTION 1.** That the Common Council of the City of Kingston authorizes the  
amendment of the language of Section 346-3(I), repealing the language in Section 346-  
3(I) and replacing the language therein to read as follows:

In the event that the sidewalk cafe/outdoor seating area will be extending onto a  
neighboring property, the operator must submit with the site plan the written consent of  
the neighboring property owner and tenant.

**SECTION 2.** The Ordinance as amended shall read as per the attached.

**SECTION 3.** All Ordinances and parts thereof, inconsistent herewith are  
hereby appealed.

**SECTION 4.** This ordinance shall take effect immediately after the passage,  
approval, and publication as provided by law.

Submitted to the Mayor this \_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, 2024

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, 2024

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

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





## Chapter 346

### SIDEWALK CAFES<sup>1</sup>

§ 346-1.	Purposes.	§ 346-4.	Penalties for offenses.
§ 346-2.	Definitions.	§ 346-5.	Revocation for cause.
§ 346-3.	General regulations.		

**[HISTORY: Adopted by the Common Council of the City of Kingston 10-2-2012, approved 10-3-2012; amended in its entirety 4-5-2022, approved 4-6-2022. Subsequent amendments noted where applicable.]**

---

#### § 346-1. Purposes.

The sidewalk cafe/outdoor seating regulations as established in this chapter are designed to allow sidewalk cafes/outdoor seating on private and public property in locations where they are determined to be appropriate by the City and to promote and protect the public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- A. To provide adequate space for pedestrians on the sidewalk adjacent to the sidewalk cafes, and to insure access to adjacent commercial and retail uses.
- B. To promote sidewalk cafes/outdoor seating as useful and properly planned visual amenities which better relate to the streetscape.
- C. To promote the desirable use of land and buildings and thereby protect the City's tax revenue.

#### § 346-2. Definitions.

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

##### OUTDOOR DINING AREAS —

- A. An outdoor dining area, located on public property, which is public through dedication or easement, or public right-of-way that provides waiter or waitress service and contains tables, chairs, railings and may contain planters. "Outdoor dining" is defined as an open air space without a fixed roof (besides a temporary or seasonal awning or cover). All roadway and sidewalk seating elements must be removed when a City agency, utility company, or other contractor needs to access the space for installation or repair. This includes, but is not limited to, tents, barriers, tables, chairs, and portable heaters.
- B. In addition, roadway seating elements need to be removed during the snow season when roadway dining is suspended. Roadway and sidewalk seating elements must also be removed to facilitate routine and emergency tree work, regardless of whether the City has provided advanced noticed for emergency work.

---

1. Editor's Note: This chapter was originally adopted as Ch. 366 but was renumbered in order to retain the alphabetical organization of the Code.



and Safety Department. The operator must provide such information as requested by the Director of the Building and Safety Department, including but not limited to the number of proposed tables, the linear square footage of the proposed outdoor cafe and a map showing the design and location of all temporary structures such as retractable awnings, planters, landscaping, tables, chairs, umbrellas and other equipment, as well as lighting and electrical outlet locations. The owner must also indicate whether alcoholic beverages will be prepared and/or served within the proposed outdoor dining area.

- I. In the event that the sidewalk cafe/outdoor seating area will be extending onto a neighboring property, the operator must submit with the site plan the written consent of the neighboring property owner and tenant.
- J. If the Director of the Building and Safety Department disapproves the site development plan or determines not to issue the license, he shall state his reason for his determination in a letter to the applicant. The applicant may then petition the Common Council to be heard.
- K. Hours.
  - (1) Sidewalk cafe/outdoor seating shall close operation by 10:00 p.m. Any requests for later hours will require a noise permit from the Planning Department as well as approval from the Mayor.
  - (2) Outdoor dining areas placed in parking spots must be used a total of six hours per day and at least five days per week for permanent placement. If the outdoor dining area in a parking spot is used less than six total hours per day and five days a week, the furnishings should be removed when not in use.
- L. License to operate sidewalk cafes shall not be granted absent proof that the operator has set aside a minimum of 36 inches of clear distances, exclusive of the area occupied by the sidewalk cafe, free of all obstructions (such as trees, parking meters, utility poles, etc.) in order to allow adequate pedestrian and/or wheelchair movement. Outdoor dining areas should not extend more than seven feet from the sidewalk and must maintain a two-foot distance from parking space wheel stops on either side.
- M. The applicant shall be responsible for delineating the cafe/outdoor seating area by setting up a barrier such as planters or a railing to physically separate patrons from pedestrian traffic.
- N. No structure or enclosure to accommodate the storage of accumulated garbage may be erected or placed adjacent to or separate from the sidewalk cafe on public property.
- O. A sidewalk cafe/outdoor seating shall not interfere with any public service facility, including, but not limited to, bus stops, lampposts, fire hydrants, lighting fixtures, mailboxes, public benches, or telephones located on the sidewalk.
- P. Furnishings and structures.
  - (1) Furnishings of all sidewalk cafes/outdoor seating shall be readily removable, including but not limited to all lights, tables, railings, heaters and umbrellas. Furnishings may not be attached to the sidewalk or to any other public property, either in a permanent or temporary manner. Tables and chairs must be removed or secured in place when not in use.
  - (2) Umbrellas and tents should not be used during inclement weather, such as high wind conditions. Structures or additions of any kind may not be bolted down or drilled into the roadway or sidewalk. Structures, tents, or umbrellas may not block any right-of-way signs or street regulation signs.



- U. The sidewalk cafe/outdoor seating permit must be prominently displayed by the permit holder in a publicly visible location.

**§ 346-4. Penalties for offenses.**

Any person who shall violate any of the provisions of this chapter shall be liable to prosecution in the City Court and/or any court of competent jurisdiction and shall, upon conviction thereof, be liable for a fine of up to \$250. Each and every day such violation continues shall be deemed a separate violation.

**§ 346-5. Revocation for cause.**

Any license granted under the provisions of this chapter may be suspended or revoked by the Director of the Building and Safety Department for cause. The licensee may request a hearing before the Director of the Building and Safety Department or his designee within five days of receipt of notice of suspension or revocation. Any such hearing shall be held after reasonable written notice by the Director of the Building and Safety Department to the licensee of the violations, and the licensee shall have the right to be represented by counsel, present evidence on his or her behalf and confront the evidence against him or her. Cause for revocation or suspension of a temporary license shall be any condition that may endanger the health and safety of the public.



**RESOLUTION 198 of 2024**

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, SCHEDULING A PUBLIC HEARING PURSUANT TO SECTION 405.26 RECOMMENDING REVISIONS TO SECTION 405.26 L OF THE FORM BASED CODE OF THE CITY OF KINGSTON**

Sponsored By: Laws & Rules Committee: Alderman:  
Hirsch, Scott-Childress, Pasti, Mickens,  
Dennison

**WHEREAS**, a request has been made to schedule a public hearing before the Laws & Rules Committee pursuant to Section 405.26 recommending revisions to Section 405.26L of the Form Based Code of the City of Kingston; and

**WHEREAS**, a request has also been made to direct the City Clerk to publish the notice for the Public Hearing in the official newspaper of the City of Kingston; and

**WHEREAS**, the amendment of the language of Section 405.26 L is in the best interests of the City of Kingston.

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

**SECTION 1.** That the Common Council of the City of Kingston hereby authorizes the scheduling of a public hearing recommending revisions to Section 405.26L of the Form Based Code of the City of Kingston for Thursday, November 7, 2024 at 6:30 PM before the Laws & Rules Committee.

**SECTION 2.** That the City Clerk of the City of Kingston is directed to publish the notice for the public hearing in the official newspaper of the City of Kingston.

**SECTION 3.** That this resolution shall take immediately.

Submitted to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

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

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

Adopted by Council on: \_\_\_\_\_





198

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES COMMITTEE REPORT

DEPARTMENT: LAWS + RULES

DATE: 10/16/24

Description:

A MOTION TO SCHEDULE A PUBLIC HEARING PURSUANT TO 405.26 MS ON THE RECOMMENDED REVISIONS TO SECTION 405.26L: HISTORIC LANDMARKS PRESERVATION COMMISSION OF THE ZONING BASED CODE AND DIRECT THE CITY CLERK TO PUBLISH NOTICE IN THE OFFICIAL NEWSPAPER OF THE CITY THE DATE AND TIME THURSDAY, NOVEMBER 7, 2024 AT 6:30PM BEFORE THE LAWS + RULES COMMITTEE.

Signature \_\_\_\_\_

Motion by RD

Seconded by RSC

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:

Table with 3 columns: Committee Vote, YES, NO. Rows include Michele Hirsch, Reynolds Scott Childress, Sara Pasti, Teryl Mickens, and Robert Dennison, all with checkmarks in the YES column.



# REFERRAL RESPONSE



## ULSTER COUNTY PLANNING BOARD

General Municipal Law of New York State

Article 12B

Sections 239-1 and 239-m

Referral Number

2024126

**Municipality** Kingston City  
**Referring Agency** Local Governing Body  
**Type of Referral** Zoning Statute Amendment

Local File Number

**Name of Applicant** City of Kingston Common Council  
**Name of Project** HLPC Zoning Amendment  
**Project Location** Citywide  
**Description** Text revision to 405.261: Historic Landmarks Preservation Commission

**UCPB Decision**

**No County Impact**

See Attachments

Referral Officer

Representing the Ulster County Planning Board

**Date Received** 8/29/2024  
**Date Reviewed** 9/4/2024  
**Form Date** 9/5/2024  
**Status** Reviewed



# FINAL ACTION REPORT FORM



**Per GML 239-m and -n FINAL ACTION REPORTS ARE REQUIRED TO BE SUBMITTED WITHIN THIRTY DAYS AFTER FILING**

Complete the local agency final action box, add the local file number, include any required submittals, and sign the form

**Name of Project:** HLPC Zoning Amendment

**Referral Number:** 2024126

**UCPB Decision:** No County Impact

## Local Agency Final Action:

Approve      Disapprove     

**Member Vote:** Yes:  No:

County Planning Board Decision - Reviewed no County Impact

Concurs with County Planning Board Modifications or Disapproval

Contrary to County Planning Board Modifications or Disapproval (see required submittals if checked)

Required Submittals Attached

Resolution Attached

## Required Submittals:

Within thirty days after final action, the referring body must file a report of the final action it has taken with the UCPB. A referring body that acts contrary to a recommendation of modifications or disapproval of a proposed action shall set forth the reasons for the contrary action in such report attached to this form.

**Local File Number:**

**Municipality:** Kingston City

**Referring Agency:** Local Governing Body

**Type of Referral:** Zoning Statute Amendment

**Name of Applicant:** City of Kingston Common Council

**Project Location:** Citywide

**Description:** Text revision to 405.261: Historic Landmarks Preservation Commission

**Local Officer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## ~ For Ulster County Planning Board Use Only ~

### Local Board Decision:

**Original Date Received:** 8/29/2024

**Original Review Date:** 9/4/2024

**Final Action Date Received:**

**Status:** Reviewed

### Return Form to:

Referral Officer  
Ulster County Planning Board  
Box 1800 Kingston, N.Y. 12402

Need Help? Telephone: 340-3340

Form Revised 09/26/2000 UCPB

UCPB Date Stamp



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF  
KINGSTON, NEW YORK, UPDATING AND REVISING SECTION 405.26  
L "HISTORIC LANDMARKS PRESERVATION COMMISSION"**

Sponsored By: Laws & Rules Committee: Aldermen:  
Hirsch, Tierney, Pasti, Mickens

**WHEREAS**, a request has been made to update and revise Section 405.26 L:  
Historic Landmarks Preservation Commission to the City of Kingston's Administrative  
Code; and

**WHEREAS**, it is in the best interests of the City to update and revise Section 405.26  
L: Historic Landmarks Preservation Commission to the City of Kingston's  
Administrative Code.

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

**SECTION 1.** That the Common Council of the City of Kingston authorizes  
updating and revising The City of Kingston's Administrative Code Section 405.26  
L: Historic Landmarks Preservation Commission as attached hereto.

**SECTION 2.** All ordinances and parts thereof, inconsistent herewith, are  
hereby repealed.

**SECTION 3.** This ordinance shall take effect immediately after passage,  
approval and publication as provided by law.

Submitted to the Mayor this \_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, 2024

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, 2024

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

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

Adopted by Council on \_\_\_\_\_, 2024





CITY OF KINGSTON  
Historic Landmarks Preservation Commission

planning@kingston-ny.gov



Suzanne Cahill, Planning Director

Steven T. Noble, Mayor

July 31, 2024

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

Re: Recommended Revisions to Section 405.26.L: Historic Landmarks Preservation Commission of the Form Based Code and Remove Section 264 "Historic and Architectural Design Districts" from the City Administrative Code.

Dear President Shaut:

The Planning Department and Historic Landmarks Preservation Commission (HLPC) are submitting a request for consideration of recommended revisions to Section 405.26.L: Historic Landmarks Preservation Commission of the Form Based Code; and to subsequently remove Section 264 from the City Code, which is defunct and non-enforceable. City Staff and the HLPC have reviewed these sections of the code to identify unclear, redundant, and outdated language. The attached document provides updates to our code that reflect contemporary preservation ordinances throughout NYS.

The Historic Landmarks Preservation Commission was established in 1966 to protect and preserve the city's rich stock of historic structures and initially focused primarily on the Stockade area. Since the 1970s, the mission of the HLPC and enabling code expanded to reflect the community's broader history and geographical scope. In 2023, the new Form Based Zoning Code provided City Staff and the HLPC with the opportunity to evaluate the existing code and put forward the new language and revisions that would position it well into the future.

We ask that you forward this to the appropriate committee for review and consideration. A Draft Committee Report and the Proposed Zoning Language for Section 405.26.L is attached. Please do not hesitate to reach out with any questions or comments that arise.

Respectfully submitted,

Suzanne Cahill, Planning Director

Mark Grunblatt, Esq. Chair of the HLPC

CC: S. Noble, Mayor  
B. Graves-Poller, Corp. Counsel  
E. Tinti, City Clerk  
E. Dickerman, Historic Preservation Admin.  
J. Edwards, Ald Ward 4, HLPC Liaison



**RECOMMENDED BY THE Historic Landmarks Preservation Commission at the June 6, 2024, Meeting**

**Suggested Updates to Section 405.26.L:**  
**Historic Landmarks Preservation Commission**

**Proposed edits after HLPC discussion in April and June 2024.**

**Recommendation 1:** Drop all of Section 264 of the City Administrative Code as its content is updated and incorporated cohesively into Section 405.26.L: HLPC of the City's Form Based Zoning Code.

**1. Creation & Purpose.** The Common Council ("Council") finds that there exists within the City of Kingston ("City") places, sites, structures, and buildings of historic, cultural, or architectural significance, antiquity, uniqueness of exterior design or construction, which should be conserved, protected, and preserved to maintain the architectural character of the City, to contribute to the aesthetic value of the City and to promote the general good, welfare, health and safety of the City and its residents.

The Council hereby creates the "Historic Landmarks Preservation Commission of the City of Kingston" ("HLPC"). The purpose of the HLPC is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and use of buildings, structures, signs, features, improvements, sites, and areas within the city that reflect special elements of the City's historical, architectural, cultural, economic, or aesthetic heritage for the following reasons:

- (a) To foster public knowledge, understanding, and appreciation in the beauty and character of the city and in the accomplishments of its past.
- (b) To ensure the harmonious, orderly, and efficient growth and development of the city.
- (c) To enhance the visual character of the city by encouraging new design and construction that complements the City's historic buildings.
- (d) To protect and promote the economic benefits of historic preservation to the city, its inhabitants and visitors.
- (e) To protect property values in the city.
- (f) To promote and encourage continued private ownership and stewardship of historic structures.
- (g) To identify as early as possible and resolve conflicts between the preservation of historic landmarks/districts and alternative land uses.
- (h) To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

**2. Enabling Authority.** Pursuant to Article 5, § 96-a\*2; Article 5-G, Article 5-J and Article 5-K, § 119-dd of the General Municipal Law; Article 14 of the Parks, Recreation and Historic Preservation Law; and § 10 of the Municipal Home Rule Law; it is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the cultural, economic and general welfare of the public.

**3. Commission Composition, Appointment, Terms, & Compensation.**

- (a) **Membership:** The HLPC shall consist of seven (7) members. The City Historian shall serve the HLPC in an advisory capacity.
- (b) **Appointments:** Members of the HLPC shall be appointed by the Mayor. No person appointed to the commission can also serve as a member of the City's Council or Zoning Board of Appeals.
- (c) **Term of Office:** Terms of office shall be three years, which shall be so arranged that approximately 1/3 of the terms shall expire each year. Upon adoption of this article, present members shall serve until the expiration of their terms. Members of the HLPC may be reappointed for succeeding terms.



- (d) Qualifications: To the extent possible, HLPC members shall be required to have the following expertise:
  - i. One shall be a licensed practicing architect;
  - ii. One shall be an owner of a City designated building or an Owner in a City Historic District;
  - iii. All others shall be residents of the City of Kingston and possess a demonstrated interest in and commitment to the field of historic preservation as evidenced by involvement in a local, state, or national historic preservation group; employment; education; historic property ownership, or volunteer activity in furtherance of historic preservation;
- (e) Vacancies: Vacancies occurring in the HLPC other than by expiration of term of office shall be filled by appointment of the Mayor. Any such appointment shall be for the unexpired portion of the term of the replaced member, and the appointment must be made in accordance with the criteria established above for original appointments.
- (f) Reappointment: Members of the HLPC may be reappointed for succeeding terms, providing that they continue to meet the criteria laid out in Section 3d.
- (g) Compensation: Members shall serve without compensation.
- (h) Training and attendance requirements:
  - i. Each member of the HLPC shall complete, at a minimum, four (4) hours of training each year designed to enable such members to more effectively carry out their duties. Such training shall be approved by the Planning Director and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
  - ii. To be eligible for reappointment to the HLPC, a member shall have completed the training approved by the Planning Director.
  - iii. No decision of the HLPC shall be voided or declared invalid because of a failure to comply with this subdivision.

#### **4. Organization.**

- (a) Chairperson; designation and duties.
  - i. The HLPC shall designate its Chairperson and Vice-Chairperson by vote of an affirmative majority of the members of the full HLPC membership base.
  - ii. All meetings of the HLPC shall be held at the call of the chairperson and at such other times as the HLPC may determine by affirmative vote.
- (b) Staff person: The City of Kingston's Planning Department shall employ a staff person to serve as the HLPC Secretary and Community Liaison.
- (c) Quorum: A simple majority shall be four (4) HLPC members and shall constitute a quorum for the transaction of business.
- (d) Costs of operation; budget requests. The cost of the operation of the HLPC shall be funded by the City. The HLPC shall submit its budget request for appropriations to the Planning Director, annually, to be submitted to the Mayor, as part of the annual budget review process.

**5. Records and Annual Report.** The HLPC shall maintain a record, which shall be open to the public view, of its resolutions, proceedings, and actions. The vote or failure to vote of each member shall be recorded. The concurring affirmative vote of a majority of the full HLPC shall constitute approval of plans before it for review or for the adoption of any resolution, motion, or other action of the HLPC. The HLPC shall make such recommendations to the Council as it deems necessary to carry out the purposes of this Chapter.

#### **6. Powers and Duties.**

- (a) The HLPC shall have the following powers and duties:



- i Review any local laws or regulations, including existing landmarks or historic preservation laws or regulations in the City, and recommend to the Council any changes and amendments thereto;
  - ii Recommend to the Council additional regulations to be adopted that may be necessary for the commission to conduct its business, consistent with the scope and intent of this code;
  - iii Recommend to the Council specific criteria for regulations to be adopted that identify and catalogue significant historic landmarks, and from time to time advise it on suggested changes thereto;
  - iv Maintain an inventory of locally designated historic resources or districts within the city and publicize the inventory;
  - v Recommend to the Council additional criteria to be adopted for use when evaluating applications for a Certificate of Appropriateness
  - vi Recommend to the Council proposals for the acquisition of preservation easements or other interests in real property;
  - vii Report on matters referred to the HLPC by the Council. The Council may by resolution provide for the referral to the HLPC for a report on any matter or class of matters that impact the municipality's landmarks preservation laws, policies, regulations, or administrative processes before final action is taken thereon by the Council or other office of said City having final authority over said matter. The Council may further stipulate that final action thereon shall not be taken until the HLPC has submitted its report thereon, or has had a reasonable time, to be fixed by the Council in said resolution, to submit the report.
  - viii The HLPC may make such investigations and studies of matters relating to the protection, enhancement, perpetuation and restoration of landmarks as the HLPC may, from time to time, deem necessary or appropriate for the effectuation of the purpose of this article and may submit reports and recommendations as to such matters to the mayor and other agencies of the City government. In making such investigations and studies, the HLPC may hold such public hearings as it may deem necessary or appropriate.
- (b) Administrative Reviews. In accordance with the regulations adopted by the Council for landmarks and historic preservation purposes, the HLPC shall:
- i Evaluate each application for a Certificate of Appropriateness; approve, approve with modifications, or deny any proposal for exterior changes to a designated individual landmark or property within a designated historic district resulting from any such application;
  - ii Evaluate each application for an economic hardship and; approve, approve with modifications, or deny any such application;
  - iii Evaluate each application for a Certificate of Appropriateness for demolition, removal or relocation and; approve, approve with modifications, or deny any such application;
  - iv Empower the HLPC staff to evaluate, without public hearing, each application for ordinary maintenance and repair of historic resources, properties or landmarks and; approve, approve with modifications, or deny any such applications;
  - v Perform other functions that the Council may designate.
- (c) To recommend to the Council that it establish certain Individual Landmark, Interior Landmark, Scenic Landmark, or Landmark (L) Districts. A Landmark or Landmark (L) District may be or may include an exterior or publicly accessible interior and may include areas comprising all or a portion of:
- i One or more City blocks;
  - ii One or both sides of a street;
  - iii One or more plots of unimproved land;
  - iv Any other real property.
- (d) At its discretion and with the property owner's consent, to cause to be prepared and placed upon or near any Landmark or Landmark (L) District a suitable plaque declaring that fact.





## 7. Landmark or Landmark District designation procedure.

- (a) The HLPC shall consider for a Landmark or Landmark District designation real property proposed by motion of any HLPC member or by owner of such property or by written request signed by 10 residents of the City of Kingston.
- (b) The criteria for the designation of landmarks shall particularly favor such designation where the proposed
  - i. Landmark or Landmark District:
    - 1. Individual Landmark: The criteria for the designation of landmarks shall particularly favor such designation where the proposed landmark meets one or more of the following:
      - 2. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community;
      - 3. Is identified with historic personages or with important events in national, state or local history;
      - 4. Embodies distinguishing characteristics of an architectural-type specimen, inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship; or
      - 5. Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized.
  - ii. Landmark District: The HLPC may delineate a group of properties within the City as an historic district if a majority of properties therein meets one or both of the following:
    - 1. Contain properties which meet one or more of the criteria for designation as a landmark and which may have within its boundary's other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district; and
    - 2. Constitute a unique section of the city by reason of possessing those qualities that would satisfy such criteria.
- (e) Interior Landmark: The HLPC may delineate the interior of a property as an interior landmark if such interior has special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the village, town, city, state, or nation and:
  - i. it is customarily open or accessible to the public; or
  - ii. that such interior landmark is supported by the property owner or by signed support of 25 city residents
- (f) Scenic Landmark: The HLPC may delineate a landscape feature or group of features if:
  - i. it is customarily open or accessible to the public; or
  - ii. that such scenic landmark is supported by the property owner or by signed support of 10 city residents
- (g) Recommendations for designation must be accompanied by historical and architectural information as is required by the HLPC to make an informed recommendation concerning the application, together with any fee set by the council.
- (h) The boundaries of each landmark, interior landmark, scenic landmark, or historic district shall be specified in detail with reference to the tax map identification number and shall be filed, in writing, in the City Clerk's office and there made available for review by the public.
- (i) Ordinarily, properties that have been constructed within the past fifty (50) years are not considered eligible for delineation under this landmark's preservation local law or local law adopted by the City governing board. However, such properties will qualify if they are:
  - i. Integral parts of historic districts that meet the criteria for designation; or
  - ii. If they are properties of exceptional importance.
- (j) The HLPC shall hold a public hearing to consider all proposals for the designation of any property as a landmark. The HLPC and any other interested parties may solicit expert testimony and offer other evidence relevant to the designation of the proposed landmark.



- (k) Notice of a proposed designation, including any amendment, shall be sent by the HLPC by regular mail or personal delivery to the last owner of record, as the names and addresses shall appear on the records of the Assessor of the City of Kingston, briefly describing the proposal for designations and the date, time and location of the public hearing by the HLPC to consider the proposed designation. The notice required hereunder shall be sent at least 14 days prior to the public hearing. Once the HLPC has issued notice of a proposed designation, no building permits or demolition permits shall be issued by the building safety officer until the HLPC has made its decision.
- (l) The HLPC shall also cause notice of the proposed designation to be published at least once, at least 14 days prior to the public hearing, in a newspaper having general circulation in the City of Kingston.
- (m) Following the public hearing, the HLPC shall forward to the Council and to the proper owners its recommendations concerning designation of a landmark or a Landmark District. The designation shall be effective upon ratification by the Common Council. Pending ratification, the proposed landmark or Landmark District shall have interim protection.

8. **Demolition of a Non-Landmarked Historic Property & Emergency Designation.**

(a) Purpose: This Section establishes HLPC review procedures for non-landmarked historic properties for which demolition permits have been applied.

(b) Applicability:

- i. This Section applies to the demolition of properties that are not designated local Protected Sites or contributing properties within a designated Preservation District but are listed in or have been determined eligible for the State or National Register of Historic Places or are enumerated as eligible for local designation in the City of Kingston's inventory of historic properties. This inventory may be amended to include additional historic properties. The inventory shall be filed in the Office of the City Clerk and the Building Safety Division, and available for public review in the Planning Office.
- ii. Where the Director of Building Safety and Chief of the Fire Department have determined that a property presents an imminent danger or hazard to public health, safety and welfare, the following review procedure shall be considered waived.

(c) Procedure:

- i. The Building Safety Division shall forward to the HLPC and its staff any application for the partial or full demolition of a non-designated historic property.
- ii. Staff Review: Staff shall review the application for a demolition permit and prepare a staff assessment for the HLPC. Staff shall notify the owner in writing that the HLPC will be reviewing the application and property.
- iii. Review and Decision: The HLPC shall review the demolition of a non-landmarked historic property application as follows:
  - 1. The HLPC shall evaluate the property according to the criteria for designation enumerated in Section 405.26.L. 7. a-f.
  - 2. The HLPC shall determine the following:
    - a. If the HLPC deems a property ineligible for designation as a Protected Site or as a contributing property within a Preservation District, they shall submit its determination of ineligibility to the applicant and appropriate City department.
    - b. If the HLPC deems a property eligible for designation as a local landmark or as part of a Landmark District, they shall submit its preliminary determination of eligibility in writing to the applicant/owners (if known) and Council; together with notice of its finding of need for immediate designation of a landmark or Landmark (L) District. The HLPC shall also forward to the Building Safety Division copies of its finding of need for immediate designation, and, in that case, such recommendations shall be deemed to be in full force and effect, pending public hearing, HLPC recommendation and final action by the Council, and the Building Safety officer shall perform their respective functions and duties as



though the recommendations of the HLPC were adopted in their entirety by the Council. A designation by the HLPC on a finding of immediate need shall be effective from the date of mailing or personal delivery of the notice of designation to the owner of the property (if known) in the same manner as the notice requirements of Subsection (c) hereof and shall expire ~~90~~ 120 days thereafter if the Council shall have failed to act within said period. The notice shall specify the recommendations of the HLPC, its reasons therefore and the right of appeal as contained in § 405.26.L. 14.

## 9. Landmarks and Landmark (L) Districts.

(a) Legislative intent. The purpose of this section is to provide for the promotion of the educational, cultural, economic, and general welfare of the public through the protection, enhancement, perpetuation and preservation of landmarks and Landmark (L) Districts. The legislative body declares that it is in the public interest to ensure that the distinctive landmarks and Landmark (L) District shall not be injuriously affected, that the value to the community of those buildings having architectural and historical worth shall not be impaired and that said districts be maintained and preserved to promote their use of the education, pleasure, and welfare of the citizens of the City of Kingston and others.

- i. The **Kingston Stockade Historic District** consists of an area delineated on the City's Regulating map and includes the site of the Stockade ordered built by Peter Stuyvesant (the last director-general of the colony of New Netherland) in 1658 and which remained a protective fortification after the English gained control of the colony. The Stockade District was an integral area during two conflicts between the Dutch and the Esopus Lenni Lenape people, one in 1659-1660 and one in 1663 - 1664. In 1777, the State of New York held its first constitutional convention in the Stockade District's Senate House; later that year the British burned a majority of the Stockade, and other sites in Kingston. The Stockade contains architecture dating back to the 17th and 18th Centuries including the corner of Crown and John Streets with four pre-Revolutionary stone houses, one on each corner of the intersection. Centrally located in the district is the Ulster County Court House, where in 1828, Sojourner Truth became the first black woman to win a court case to recover her son who was illegally sold into slavery in Alabama. In addition to the distinctive pre-Revolutionary stone houses, the district contains 19th Century Federal Period, Greek Revival, Italianate, Second Empire, and Queen Anne structures as well as the mid-19th Century stone Old Dutch Church, a National Landmark.
  1. The Kingston Stockade District represents a locally and nationally important heritage area relative to the Dutch and English Colonial periods and is delineated on the Regulating Map and is declared to be a Landmark District (and a Historic and Architectural Design Overlay District).
  2. The Kingston Stockade District contains 300 years of architecture and cultural resources, and new development must not be allowed to erode the best of the architectural spaces and cultural organizations of the past.
- ii. The **Rondout-West Strand Historic District** consists of the area delineated on the City's Regulating Map. The Rondout-West Strand Historic District encompasses the area sloping down to and featuring the waterfront on Rondout Creek. The Rondout Village rapidly transformed from farmland into a thriving maritime community after the Delaware and Hudson Canal opened with its terminus here in 1828. By the mid-19<sup>th</sup> century, jobs on the canal, in boat manufacturers, shipping, brickmaking, cement manufacturing, and bluestone quarrying industries, drew immigrants with diverse backgrounds whose imprints remain visible throughout the district's structures. The Rondout-West Strand District contains a rich stock of commercial buildings, cast-iron storefronts, homes, and churches despite losses due to urban renewal in the 1960's. The Rondout-West Strand Historic District is important because it is the remaining vestige of the thriving port town that supported the economy of the area for close to eighty years. The local trading and industrial activities and the workers and businessmen who lived in this area changed Kingston from a small, rural community to a thriving transportation and industrial center for the



- mid-Hudson Valley. On a larger scale, because of its unique export products, Rondout was an equal to any of the commercial cities along the Hudson between Albany and New York City.
- iii. The **Fair Street Historic District** consists of the area delineated on the City's Regulating Map. By the mid-19th Century, several affluent Kingstonians moved out of the Stockade District to establish grand homes in exclusive middle- and upper-class neighborhoods. The Fair Street Historic District represents this shift with a contiguous line of distinguished residences extending southeastward from the Stockade District to Henry Street. This tree-shaded historic district contains notable examples of Italianate, Second Empire, Queen Anne, and Colonial Revival architecture.
  - iv. The **Chestnut Street Historic District** consists of the area delineated on the City's Regulating Map. The Chestnut Street Historic District contains a significant concentration of intact, fashionable residences which reflect the prosperity and taste of middle- and upper -class residents of 19<sup>th</sup> and early 20<sup>th</sup>-century Rondout & Kingston. The Chestnut Street Historic District's period of significance spans the period of ca. 1855 and 1919, which coincides with Kingston and Rondout's growth as a shipping and manufacturing center. This grouping of substantial frame and masonry residences represents the most intact collection of middle-and upper-class residences in Kingston and includes several exceptional illustrations of the mid-19<sup>th</sup>-century Hudson Valley picturesque taste in architectural design and placement of buildings in the landscape. The Buildings in the historic district exhibit a wide range of styles popular during this period, including Italianate, French 2<sup>nd</sup> Empire, Queen Anne, Colonial Revival, and Tudor Revival styles, and one residence which illustrates the influence of the Arts & Crafts movement; the historic district also contains one modest late 19<sup>th</sup>-century Gothic style church. The Chestnut Street Historic District recalls Kingston and Rondout's period of prosperity as a major Hudson River port and manufacturing center.
- (b) Applicability and Guidelines. This section shall apply to all buildings, structures, outbuildings, walls, fences, steps, topographical fixtures, earthworks, landscaping, paving and signs of a landmark or Landmark District. No changes in any exterior architectural feature, including but not limited to, construction, reconstruction, alteration, restoration, removal, demolition or painting, shall be made except as hereinafter provided. To assist in the conservation action, several specific guidelines are included:
- i. Stockade Steeple Height Restriction: Because of the visual importance of the Old Dutch Church steeple, no new structure may rise within the Stockade District above the base of the steeple, which is 62 feet above the curb level.
  - ii. Landmark & Landmark District Façade Materials: Façade materials must conform with § 405.14. A-K of the City's Zoning Code. The HLPC may require restoration and construction projects conform with the district's historical conditions and the Secretary of the Interior's Standards for the Treatment of Historic Properties.
  - iii. Site Design. Building setbacks must conform with the criteria laid out in § 405, Article 3: Transect Standards and § 405.13. A-B (Frontage Types) of the City's Form Based Zoning Code unless otherwise waived or modified as prescribed under the Code. The HLPC shall evaluate new construction in relation to the existing streetscape and provide recommendation to the agency reviewing any modification or waiver for new buildings to be set behind existing building lines to give emphasis to existing structures of historic or aesthetic merit or to allow for suitable landscaping. The new construction shall be compatible with the district in which it is located.
  - iv. Landscaping and Paving. Landscaping must conform with § 405.14.K of the City's Form Based code. The HLPC shall provide a recommendation to the agency reviewing any modification or waiver on requests under the requirements in § 405.14.K that do not conform with existing or historical landscape features submitted in documentation to the HLPC. Landscaping may be required by the HLPC and is deemed an important element of site development.
    - 1 Evergreen materials may be required for screen functions.





- 2 Recommendations may be made to the HLPC by a landscape architect or designer approved by the HLPC.
- 3 Bluestone shall be prescribed for sidewalks, with brick as a secondary material.
- 4 Maintenance of plant material shall be the responsibility of the owner, including responsibility to keep growth trimmed and trained, to meet the Code requirements.
- v. Parking. Parking areas shall conform with § 405.16. A-F of the City's Form Based Code. The HLPC shall provide recommendation to the agency reviewing any modification or waiver on requests under the requirements in § 405.16. A-F that do not conform with existing or historical parking features submitted in documentation to the HLPC.
- vi. Maintenance. Preventive maintenance is required in order to assure that these buildings, spaces, elements and details are preserved. Deliberate neglect and/or lack of preventative maintenance that presents an issue of public safety or rapid deterioration of a structure shall be a violation of this article.

#### **10. Review Procedure for a Certificate of Appropriateness**

- (a) No person shall carry out any exterior or historically designated publicly visible interior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property within a Landmark District nor shall any person make any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the historic district without first obtaining a Certificate of Appropriateness from the HLPC and a notification to the applicant to obtain a building permit, if necessary. A Certificate of Appropriateness does not obviate the need for a building permit or any other permits from relevant agencies.
- (b) Review Criteria. In making such determinations, the HLPC shall consider:
  - i. The effect of the proposed work in changing, destroying or affecting the exterior features of the landmark or Landmark (L) District upon which such work is to be done;
  - ii. The relationship between the results of such work and the exterior architectural features of other neighboring improvements;
  - iii. The factors of aesthetic, historical and architectural values and significance, architectural style, design, arrangement, texture, material and color;
  - iv. The special character and aesthetic interest that any structure involved adds to the area; and;
  - v. The difficulty or impossibility of reproducing any feature or structure involved because of its design, texture, material, position, or detail.
- (c) All applications shall be considered by the HLPC on at least the following points, these points to be used as a basis, where relevant, for establishing relationships to the external features of buildings in the immediate neighborhood: The building height in relation to surrounding buildings; the relationship to nearby roof shapes; the relationship between the width to height of the street-facing facade; the size, proportion and spacing of openings within the facade and elevations exposed to view; the rhythm of spacing of buildings and building elements on the street; the design and placement of entrances and projections; the relationships of materials, textures and colors; the relationship of architectural details; the continuity of walls; the relationship of landscape elements; the appropriateness of hardscaping; and the effect on existing or historically significant spaces.
- (d) It shall be the further duty of the HLPC to exercise judgment in accord with the basis of decisions stated herein and maintain the desirable character of the Landmark or Landmark District and prevent construction, reconstruction, alteration or demolition out of harmony with existing buildings insofar as character, material, color, line and detail are concerned, and thus to prevent degeneration of property, to safeguard public health, promote safety and preserve the beauty of the character of the landmark or Landmark District.



- (e) It shall be the further duty of the HLPC to exercise judgement in accord with the guidance of the US Secretary of the Interior Standards for Rehabilitation, and/or the Secretary of the Interiors other Standards when deemed necessary by the HLPC.

**11. Certificate of Appropriateness for Changes to Landmarks**

- (a) The Certificate of Appropriateness required by this section shall be in addition to, and not in lieu of, any building permit that may be required by any other ordinance of the City of Kingston, New York. In the event of overlapping reviews, the most restrictive review shall apply.
- (b) Prior to the commencement of any work requiring a Certificate of Appropriateness, the owner shall file an application for a Certificate of Appropriateness which shall be made, on forms prescribed, with supporting documentation to the HLPC and shall contain the following:
  - i. The name, address, telephone number and signature of the applicant.
  - ii. The name, address, telephone number and signature of the owner.
  - iii. The location and photographs of the building, structure, or land; the exterior architectural features which are proposed to be changed.
  - iv. The plans & elevations of the proposed change.
  - v. A perspective or rendering, if required by the commission.
  - vi. Site plan or plot plan with north arrow, title, scale, legend, adjacent property owners.
  - vii. Samples of colors or materials to be used in the proposed change.
  - viii. Where the proposed change includes signs or lettering, all dimensions and colors, a description of materials to be used and the method of illumination, if any, and showing the location on the building or property.
  - ix. Whatever additional information the HLPC deems necessary to evaluate the application.
  - x. The HLPC reserves the right to waive any of the above requirements if deemed unnecessary.
- (c) Prior to submitting a formal application, the applicant or their representative may meet with the HLPC and/or its staff to informally discuss plans for alterations of exterior features. To avoid unnecessary expense and delay, a sketch or schematic design for the construction, alteration or repair of any regulated activity may be presented to the HLPC. A preliminary design should show the relation to adjacent structures and spaces. The HLPC may advise or recommend alteration and changes to the application.
- (d) Procedure to be followed for a Certificate of Appropriateness
  - i. Within a reasonable time after a completed formal application is filed with the HLPC, but in any event within 90 days after such filing or within such further time as the applicant may, in writing, allow; the HLPC shall conduct a public meeting to approve or deny the application or approve the application with modifications. Opportunity shall be provided to proponents and opponents to provide comments to the HLPC on each proposal under consideration.
  - ii. All decisions of the HLPC shall be in writing. A copy shall be sent to the applicant and a copy filed with the City Clerk and Building Safety Division for public inspection. The HLPC decision shall state the reasons for denying or modifying any application. Approval to proceed will be documented by the issuance of a Certificate of Appropriateness. The conditions upon which the Certificate of Appropriateness is issued will be stated, in writing. During work upon any Certificate of Appropriateness, if a modification is sought, such must be approved by an amended Certificate of Appropriateness issued by the HLPC. Compliance will be necessary to obtain a final certification of occupancy or certificate of compliance from the Building Safety Division. The Certificate of Appropriateness shall be valid for one year. At all times during this term, the Certificate of Appropriateness shall be prominently posted in public view pursuant to local law governing building permit posting.
- (e) Inspection. If, upon inspection of work, the Building Safety Division determines that the work is not in conformity with the Certificate of Appropriateness, the Commission shall be notified. No certificate of occupancy or certificate of compliance shall be issued thereupon until the work is altered to be in conformity with an authorized Certificate of Appropriateness.



**12. Hardship:**

- (a) An applicant whose Certificate of Appropriateness for a proposed demolition or alteration has been denied must first appeal to the HLPC for relief on the grounds of hardship. To prove the existence of hardship, the applicant shall establish that:
  - i. The hardship shall not be self-inflicted.
  - ii. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
  - iii. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
  - iv. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- (b) **Hardship Application Procedure.**
  - i. After receiving written notification from the HLPC of the denial or approval with modifications of a Certificate of Appropriateness, and no later than 60 days from the date of said notice, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the HLPC makes a finding that a hardship exists. The HLPC may hold a public hearing on the hardship application, at which an opportunity will be provided for the proponents and opponents of the application to present their views.
  - ii. The applicant shall consult in good faith with the HLPC, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.
  - iii. All decisions of the HLPC shall be in writing. A copy shall be sent to the applicant and a copy filed with the City Clerk's office for public inspection. The HLPC decision shall state the reasons for granting or denying the hardship application.
  - iv. In the event of the HLPC's denial based on hardship application, the applicant may appeal to the City of Kingston Zoning Board for review of said application, applying Landmark Ordinance criteria, as defined by Section 405.26.L.14 of this code.

**13. Ordinary Maintenance and Repair Requirement; Demolition by Neglect:**

- (a) Ordinary maintenance; repair.
  - i. Nothing in this local law shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a historic landmark or property within a historic district that does not involve a change in design, building materials, color, or outward appearance.
  - ii. The commission may evaluate and decide, without public hearing, whether proposed work constitutes ordinary maintenance and repair or requires a Certificate of Appropriateness.
- (b) Interiors: Every owner or person in charge of an improvement to an interior landmark shall keep in good repair:
  - i. all portions of such interior landmark and
  - ii. all other portions of the improvement which, if not so maintained, may cause or tend to cause the interior landmark contained in such improvement to deteriorate, decay, or become damaged or otherwise to fall into a serious state of disrepair.
- (c) Every owner or person in charge of a scenic landmark shall keep in good repair and safe condition, all portions thereof.
- (d) Demolition by Neglect: In its review to determine that demolition by neglect is occurring and upon consultation with the Building Safety Division, the HLPC shall consider all the foregoing criteria and shall also attempt to confer with the owner or person in charge of the real property concerned. It shall also review any communication it shall receive which indicates that demolition by neglect is or may be occurring in any landmark or Landmark District. If the HLPC finds that such demolition is or may be taking place, it shall direct a letter to the Building Safety Division to notify the owner or person in charge of this finding, stating the reasons therefor and requesting that the owner or person in charge immediately take appropriate steps to cause such demolition to cease, and to confer with the HLPC in connection therewith.



Should the owner or person in charge fail to satisfy the HLPC that all necessary steps are or will be promptly taken, the HLPC shall request the Building Safety Division to notify the Corporation Counsel of the City and request the consideration of the proceedings pursuant to § 405.26.J.4.d hereof.

- (e) No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the HLPC, produce a detrimental effect upon the character of the property itself. Maintenance shall be required, consistent with the Property Maintenance Code of NYS, Fire Code of NYS, and Building Code of NYS and all other applicable local regulations. Examples of prohibited disrepair include, but are not limited to:
- i. deteriorated or crumbling exterior plasters, mortar, cementitious materials;
  - ii. deteriorated or inadequate foundation and facades;
  - iii. defective or deteriorated flooring or floor supports or any structural floor members of insufficient size to carry imposed loads with safety;
  - iv. deteriorated walls or other vertical structural supports that split, lean, list, buckle, or otherwise appear compromised;
  - v. members of ceilings, roofs, ceiling and roofs and other associated structure which sag, split or buckle due to defective material or deterioration or are of insufficient size to carry imposed loads;
  - vi. ineffective or inadequate waterproofing of exterior walls, exterior chimneys, roofs, foundations or floors, including windows or doors, which may cause or tend to cause deterioration, decay or damage;
  - vii. defective or insufficient weather protection for roofs, foundation or exterior wall covering, including lack of paint or weathering due to lack of paints or sealants or other protective covering, which may cause or tend to cause deterioration, decay or damage;
  - viii. fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety;
  - ix. any fault or defect in the building or structure which renders it not properly weathertight or otherwise compromises the life and character of the building or structure.

#### **14. Enforcement.**

- a. All work performed pursuant to a Certificate of Appropriateness and/or building permit issued under this article shall conform to any requirements included therein. It shall be the duty of the building inspector to periodically inspect any such work to assure compliance with the certificate and all applicable law. In the event that the building inspector finds that work is not being performed pursuant to said Certificate of Appropriateness or building permit, it shall notify the owner or person in charge of this building, stating the reasons therefor and requesting that the owner or person in charge immediately take appropriate steps to conform to said Certificate of Appropriateness or building permit and to confer with the HLPC in connection therewith. Should the owner or person in charge fail to satisfy the HLPC that all necessary steps are or will be immediately taken, the HLPC shall request the Building Safety Division to take appropriate action.
- b. Any owner or person in charge of a property who demolishes, alters, constructs, or permits a designated property to fall into a serious state of disrepair in violation of this local law in the absence of a Certificate of Appropriateness a finding of economic hardship, or other approval by the HLPC, may be required by the HLPC to restore the property and its site to its appearance prior to the violation.
- c. If, in the judgment of the HLPC, a violation of this code exists that will result in a detrimental effect upon the life and character of a designated historic resource, landmark, property or on the character of a historic district as a whole, the commission shall notify the building inspector. If, upon investigation, the building inspector finds non-compliance with the requirements of the Property Maintenance Code of NYS, Fire Code of NYS, Building Code of NYS, Residential Code of NYS, and the Existing Building Code of NYS, or any other applicable law or regulation, the building inspector shall order such remedies as are necessary and consistent with this local code and shall provide written notice thereof to the commission.





- d. Similarly, should both a Certificate of Appropriateness and a building permit be issued, the building safety officer shall have all powers conferred upon him pursuant to the Zoning Ordinance to enforce the Certificate of Appropriateness, including, but not limited to, stop-work orders.
  - e. Penalties. A violation of this local law is deemed an offense punishable by a fine as determined by the Building Safety Division of the City of Kingston.
15. **Appeals.** Any party aggrieved by a hardship action of the commission, as determined under Section 405.26. L. 11, may, within 60 days of said hardship decision, file a written appeal to the City's Zoning Board of Appeals for review of the decision. If the party is denied by the Zoning Board of Appeals, then the aggrieved party may seek Article 78 Appellate review which shall be based on the same record that was before the commission and using the same criteria in the city code.



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF  
KINGSTON, NEW YORK, UPDATING AND REVISING SECTION 405.26  
(L) “HISTORIC LANDMARKS PRESERVATION COMMISSION”**

Sponsored By: Laws & Rules Committee: Aldermen:  
Hirsch, Scott-Childress, Pasti, Mickens,  
Dennison

**WHEREAS**, a request has been made to update and revise Section 405.26 (L):  
Historic Landmarks Preservation Commission to the City of Kingston’s Administrative  
Code; and

**WHEREAS**, a public hearing was held on November 7, 2024, to obtain comment  
on updating and revising Section 405.26 (L) “Historic Landmarks Preservation  
Commission”; and

**WHEREAS**, it is in the best interests of the City to update and revise Section 405.26  
(L): Historic Landmarks Preservation Commission to the City of Kingston’s  
Administrative Code; and

**WHEREAS**, the Common Council finds that the proposed action is considered a  
Type II Action under 6 NYCRR, Part 617.5 (c) (26).

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

**SECTION 1.** That the Common Council of the City of Kingston authorizes  
updating and revising The City of Kingston’s Administrative Code Section 405.26  
(L): Historic Landmarks Preservation Commission as attached hereto.

**SECTION 2.** All ordinances and parts thereof, inconsistent herewith, are  
hereby repealed.

**SECTION 3.** This ordinance shall take effect immediately after passage,  
approval and publication as provided by law.



Submitted to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

---

Elisa Tinti, City Clerk

---

Steven T. Noble, Mayor

Adopted by Council on \_\_\_\_\_, 2024



199

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES  
COMMITTEE REPORT

DEPARTMENT: PLANNING

DATE: 10/26/24

Description:

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NY UPDATING AND REVISING SECTION 405.26 L " HISTORIC LANDMARKS PRESERVATION COMMISSION.

Signature \_\_\_\_\_

Motion by SP

Seconded by RSC

Action Required:

SEQRA Decision:

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

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

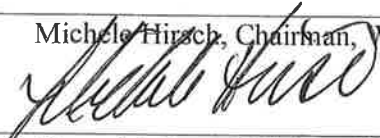
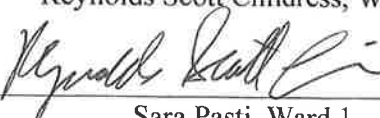
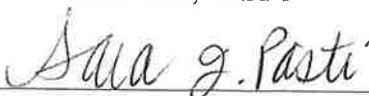
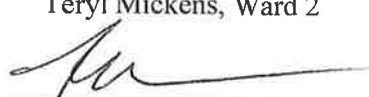
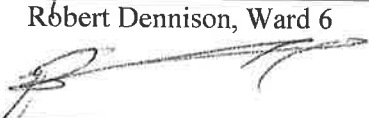
Unlisted Action \_\_\_\_\_

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

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

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

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

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





# CITY OF KINGSTON

## Office of Planning

planning@kingston-ny.gov

Suzanne Cahill, Planning Director



Steven T. Noble, Mayor

September 18, 2024

Andrea Shaut, President  
City of Kingston Common Council  
City Hall – 420 Broadway  
Kingston, NY 12401

Re: Recommended Revisions to Section 405.26(L) Historic Landmarks Preservation Commission of the Form Based Code.

Dear President Shaut:

At the September 16, 2024 Planning Board Meeting, the City of Kingston Planning Board reviewed the proposed language to amend Section 405.26(L) Historic Landmarks Preservation Commission of the Form Based Code and voted unanimously to recommend adoption of the amendment as submitted.

Please contact our office with any questions.

Sincerely,

Suzanne Cahill, Planning Director

CC: Elisa Tinti, City Clerk  
Michelle Hirsch, Ward 9  
Sara Pasti, Ward 1



9

# REFERRAL RESPONSE



## ULSTER COUNTY PLANNING BOARD

General Municipal Law of New York State  
Article 12B  
Sections 239-1 and 239-m


**Referral Number** 2024126

**Municipality** Kingston City **Local File Number**   
**Referring Agency** Local Governing Body  
**Type of Referral** Zoning Statute Amendment

**Name of Applicant** City of Kingston Common Council  
**Name of Project** HLPC Zoning Amendment  
**Project Location** Citywide  
**Description** Text revision to 405.261: Historic Landmarks Preservation Commission

**UCPB Decision** No County Impact

**See Attachments**

**Referral Officer**   
Representing the Ulster County Planning Board

**Date Received** 8/29/2024  
**Date Reviewed** 9/4/2024  
**Form Date** 9/5/2024  
**Status** Reviewed



**RECOMMENDED BY THE Historic Landmarks Preservation Commission at the June 6, 2024, Meeting**

**Suggested Updates to Section 405.26.L:**  
**Historic Landmarks Preservation Commission**

**Proposed edits after HLPC discussion in April and June 2024.**

**Recommendation 1:** Drop all of Section 264 of the City Administrative Code as its content is updated and incorporated cohesively into Section 405.26.L: HLPC of the City's Form Based Zoning Code.

**1. Creation & Purpose.** The Common Council ("Council") finds that there exists within the City of Kingston ("City") places, sites, structures, and buildings of historic, cultural, or architectural significance, antiquity, uniqueness of exterior design or construction, which should be conserved, protected, and preserved to maintain the architectural character of the City, to contribute to the aesthetic value of the City and to promote the general good, welfare, health and safety of the City and its residents.

The Council hereby creates the "Historic Landmarks Preservation Commission of the City of Kingston" ("HLPC"). The purpose of the HLPC is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and use of buildings, structures, signs, features, improvements, sites, and areas within the city that reflect special elements of the City's historical, architectural, cultural, economic, or aesthetic heritage for the following reasons:

- (a) To foster public knowledge, understanding, and appreciation in the beauty and character of the city and in the accomplishments of its past.
- (b) To ensure the harmonious, orderly, and efficient growth and development of the city.
- (c) To enhance the visual character of the city by encouraging new design and construction that complements the City's historic buildings.
- (d) To protect and promote the economic benefits of historic preservation to the city, its inhabitants and visitors.
- (e) To protect property values in the city.
- (f) To promote and encourage continued private ownership and stewardship of historic structures.
- (g) To identify as early as possible and resolve conflicts between the preservation of historic landmarks/districts and alternative land uses.
- (h) To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

**2. Enabling Authority.** Pursuant to Article 5, § 96-a\*2; Article 5-G, Article 5-J and Article 5-K, § 119-dd of the General Municipal Law; Article 14 of the Parks, Recreation and Historic Preservation Law; and § 10 of the Municipal Home Rule Law; it is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the cultural, economic and general welfare of the public.

**3. Commission Composition, Appointment, Terms, & Compensation.**

- (a) **Membership:** The HLPC shall consist of seven (7) members. The City Historian shall serve the HLPC in an advisory capacity.
- (b) **Appointments:** Members of the HLPC shall be appointed by the Mayor. No person appointed to the commission can also serve as a member of the City's Council or Zoning Board of Appeals.
- (c) **Term of Office:** Terms of office shall be three years, which shall be so arranged that approximately 1/3 of the terms shall expire each year. Upon adoption of this article, present members shall serve until the expiration of their terms. Members of the HLPC may be reappointed for succeeding terms.



- (d) Qualifications: To the extent possible, HLPC members shall be required to have the following expertise:
  - i. One shall be a licensed practicing architect;
  - ii. One shall be an owner of a City designated building or an Owner in a City Historic District;
  - iii. All others shall be residents of the City of Kingston and possess a demonstrated interest in and commitment to the field of historic preservation as evidenced by involvement in a local, state, or national historic preservation group; employment; education; historic property ownership, or volunteer activity in furtherance of historic preservation;
- (e) Vacancies: Vacancies occurring in the HLPC other than by expiration of term of office shall be filled by appointment of the Mayor. Any such appointment shall be for the unexpired portion of the term of the replaced member, and the appointment must be made in accordance with the criteria established above for original appointments.
- (f) Reappointment: Members of the HLPC may be reappointed for succeeding terms, providing that they continue to meet the criteria laid out in Section 3d.
- (g) Compensation: Members shall serve without compensation.
- (h) Training and attendance requirements:
  - i. Each member of the HLPC shall complete, at a minimum, four (4) hours of training each year designed to enable such members to more effectively carry out their duties. Such training shall be approved by the Planning Director and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
  - ii. To be eligible for reappointment to the HLPC, a member shall have completed the training approved by the Planning Director.
  - iii. No decision of the HLPC shall be voided or declared invalid because of a failure to comply with this subdivision.

#### **4. Organization.**

- (a) Chairperson; designation and duties.
  - i. The HLPC shall designate its Chairperson and Vice-Chairperson by vote of an affirmative majority of the members of the full HLPC membership base.
  - ii. All meetings of the HLPC shall be held at the call of the chairperson and at such other times as the HLPC may determine by affirmative vote.
- (b) Staff person: The City of Kingston's Planning Department shall employ a staff person to serve as the HLPC Secretary and Community Liaison.
- (c) Quorum: A simple majority shall be four (4) HLPC members and shall constitute a quorum for the transaction of business.
- (d) Costs of operation; budget requests. The cost of the operation of the HLPC shall be funded by the City. The HLPC shall submit its budget request for appropriations to the Planning Director, annually, to be submitted to the Mayor, as part of the annual budget review process.

**5. Records and Annual Report.** The HLPC shall maintain a record, which shall be open to the public view, of its resolutions, proceedings, and actions. The vote or failure to vote of each member shall be recorded. The concurring affirmative vote of a majority of the full HLPC shall constitute approval of plans before it for review or for the adoption of any resolution, motion, or other action of the HLPC. The HLPC shall make such recommendations to the Council as it deems necessary to carry out the purposes of this Chapter.

#### **6. Powers and Duties.**

- (a) The HLPC shall have the following powers and duties:





- i Review any local laws or regulations, including existing landmarks or historic preservation laws or regulations in the City, and recommend to the Council any changes and amendments thereto;
  - ii Recommend to the Council additional regulations to be adopted that may be necessary for the commission to conduct its business, consistent with the scope and intent of this code;
  - iii Recommend to the Council specific criteria for regulations to be adopted that identify and catalogue significant historic landmarks, and from time to time advise it on suggested changes thereto;
  - iv Maintain an inventory of locally designated historic resources or districts within the city and publicize the inventory;
  - v Recommend to the Council additional criteria to be adopted for use when evaluating applications for a Certificate of Appropriateness
  - vi Recommend to the Council proposals for the acquisition of preservation easements or other interests in real property;
  - vii Report on matters referred to the HLPC by the Council. The Council may by resolution provide for the referral to the HLPC for a report on any matter or class of matters that impact the municipality's landmarks preservation laws, policies, regulations, or administrative processes before final action is taken thereon by the Council or other office of said City having final authority over said matter. The Council may further stipulate that final action thereon shall not be taken until the HLPC has submitted its report thereon, or has had a reasonable time, to be fixed by the Council in said resolution, to submit the report.
  - viii The HLPC may make such investigations and studies of matters relating to the protection, enhancement, perpetuation and restoration of landmarks as the HLPC may, from time to time, deem necessary or appropriate for the effectuation of the purpose of this article and may submit reports and recommendations as to such matters to the mayor and other agencies of the City government. In making such investigations and studies, the HLPC may hold such public hearings as it may deem necessary or appropriate.
- (b) Administrative Reviews. In accordance with the regulations adopted by the Council for landmarks and historic preservation purposes, the HLPC shall:
- i Evaluate each application for a Certificate of Appropriateness; approve, approve with modifications, or deny any proposal for exterior changes to a designated individual landmark or property within a designated historic district resulting from any such application;
  - ii Evaluate each application for an economic hardship and; approve, approve with modifications, or deny any such application;
  - iii Evaluate each application for a Certificate of Appropriateness for demolition, removal or relocation and; approve, approve with modifications, or deny any such application;
  - iv Empower the HLPC staff to evaluate, without public hearing, each application for ordinary maintenance and repair of historic resources, properties or landmarks and; approve, approve with modifications, or deny any such applications;
  - v Perform other functions that the Council may designate.
- (c) To recommend to the Council that it establish certain Individual Landmark, Interior Landmark, Scenic Landmark, or Landmark (L) Districts. A Landmark or Landmark (L) District may be or may include an exterior or publicly accessible interior and may include areas comprising all or a portion of:
- i One or more City blocks;
  - ii One or both sides of a street;
  - iii One or more plots of unimproved land;
  - iv Any other real property.
- (d) At its discretion and with the property owner's consent, to cause to be prepared and placed upon or near any Landmark or Landmark (L) District a suitable plaque declaring that fact.



## 7. Landmark or Landmark District designation procedure.

- (a) The HLPC shall consider for a Landmark or Landmark District designation real property proposed by motion of any HLPC member or by owner of such property or by written request signed by 10 residents of the City of Kingston.
- (b) The criteria for the designation of landmarks shall particularly favor such designation where the proposed
  - i. Landmark or Landmark District:
    - 1. Individual Landmark: The criteria for the designation of landmarks shall particularly favor such designation where the proposed landmark meets one or more of the following:
      - 2. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community;
      - 3. Is identified with historic personages or with important events in national, state or local history;
      - 4. Embodies distinguishing characteristics of an architectural-type specimen, inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship; or
      - 5. Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized.
  - ii. Landmark District: The HLPC may delineate a group of properties within the City as an historic district if a majority of properties therein meets one or both of the following:
    - 1. Contain properties which meet one or more of the criteria for designation as a landmark and which may have within its boundary's other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district; and
    - 2. Constitute a unique section of the city by reason of possessing those qualities that would satisfy such criteria.
- (e) Interior Landmark: The HLPC may delineate the interior of a property as an interior landmark if such interior has special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the village, town, city, state, or nation and:
  - i. it is customarily open or accessible to the public; or
  - ii. that such interior landmark is supported by the property owner or by signed support of 25 city residents
- (f) Scenic Landmark: The HLPC may delineate a landscape feature or group of features if:
  - i. it is customarily open or accessible to the public; or
  - ii. that such scenic landmark is supported by the property owner or by signed support of 10 city residents
- (g) Recommendations for designation must be accompanied by historical and architectural information as is required by the HLPC to make an informed recommendation concerning the application, together with any fee set by the council.
- (h) The boundaries of each landmark, interior landmark, scenic landmark, or historic district shall be specified in detail with reference to the tax map identification number and shall be filed, in writing, in the City Clerk's office and there made available for review by the public.
- (i) Ordinarily, properties that have been constructed within the past fifty (50) years are not considered eligible for delineation under this landmark's preservation local law or local law adopted by the City governing board. However, such properties will qualify if they are:
  - i. Integral parts of historic districts that meet the criteria for designation; or
  - ii. If they are properties of exceptional importance.
- (j) The HLPC shall hold a public hearing to consider all proposals for the designation of any property as a landmark. The HLPC and any other interested parties may solicit expert testimony and offer other evidence relevant to the designation of the proposed landmark.



- (k) Notice of a proposed designation, including any amendment, shall be sent by the HLPC by regular mail or personal delivery to the last owner of record, as the names and addresses shall appear on the records of the Assessor of the City of Kingston, briefly describing the proposal for designations and the date, time and location of the public hearing by the HLPC to consider the proposed designation. The notice required hereunder shall be sent at least 14 days prior to the public hearing. Once the HLPC has issued notice of a proposed designation, no building permits or demolition permits shall be issued by the building safety officer until the HLPC has made its decision.
- (l) The HLPC shall also cause notice of the proposed designation to be published at least once, at least 14 days prior to the public hearing, in a newspaper having general circulation in the City of Kingston.
- (m) Following the public hearing, the HLPC shall forward to the Council and to the proper owners its recommendations concerning designation of a landmark or a Landmark District. The designation shall be effective upon ratification by the Common Council. Pending ratification, the proposed landmark or Landmark District shall have interim protection.

8. **Demolition of a Non-Landmarked Historic Property & Emergency Designation.**

(a) Purpose: This Section establishes HLPC review procedures for non-landmarked historic properties for which demolition permits have been applied.

(b) Applicability:

- i. This Section applies to the demolition of properties that are not designated local Protected Sites or contributing properties within a designated Preservation District but are listed in or have been determined eligible for the State or National Register of Historic Places or are enumerated as eligible for local designation in the City of Kingston's inventory of historic properties. This inventory may be amended to include additional historic properties. The inventory shall be filed in the Office of the City Clerk and the Building Safety Division, and available for public review in the Planning Office.
- ii. Where the Director of Building Safety and Chief of the Fire Department have determined that a property presents an imminent danger or hazard to public health, safety and welfare, the following review procedure shall be considered waived.

(c) Procedure:

- i. The Building Safety Division shall forward to the HLPC and its staff any application for the partial or full demolition of a non-designated historic property.
- ii. Staff Review: Staff shall review the application for a demolition permit and prepare a staff assessment for the HLPC. Staff shall notify the owner in writing that the HLPC will be reviewing the application and property.
- iii. Review and Decision: The HLPC shall review the demolition of a non-landmarked historic property application as follows:
  - 1. The HLPC shall evaluate the property according to the criteria for designation enumerated in Section 405.26.L. 7. a-f.
  - 2. The HLPC shall determine the following:
    - a. If the HLPC deems a property ineligible for designation as a Protected Site or as a contributing property within a Preservation District, they shall submit its determination of ineligibility to the applicant and appropriate City department.
    - b. If the HLPC deems a property eligible for designation as a local landmark or as part of a Landmark District, they shall submit its preliminary determination of eligibility in writing to the applicant/owners (if known) and Council, together with notice of its finding of need for immediate designation of a landmark or Landmark (L) District. The HLPC shall also forward to the Building Safety Division copies of its finding of need for immediate designation, and, in that case, such recommendations shall be deemed to be in full force and effect, pending public hearing, HLPC recommendation and final action by the Council, and the Building Safety officer shall perform their respective functions and duties as



though the recommendations of the HLPC were adopted in their entirety by the Council. A designation by the HLPC on a finding of immediate need shall be effective from the date of mailing or personal delivery of the notice of designation to the owner of the property (if known) in the same manner as the notice requirements of Subsection (c) hereof and shall expire 90 120 days thereafter if the Council shall have failed to act within said period. The notice shall specify the recommendations of the HLPC, its reasons therefore and the right of appeal as contained in § 405.26.L. 14.

## 9. Landmarks and Landmark (L) Districts.

(a) Legislative intent. The purpose of this section is to provide for the promotion of the educational, cultural, economic, and general welfare of the public through the protection, enhancement, perpetuation and preservation of landmarks and Landmark (L) Districts. The legislative body declares that it is in the public interest to ensure that the distinctive landmarks and Landmark (L) District shall not be injuriously affected, that the value to the community of those buildings having architectural and historical worth shall not be impaired and that said districts be maintained and preserved to promote their use of the education, pleasure, and welfare of the citizens of the City of Kingston and others.

i. The **Kingston Stockade Historic District** consists of an area delineated on the City's Regulating map and includes the site of the Stockade ordered built by Peter Stuyvesant (the last director-general of the colony of New Netherland) in 1658 and which remained a protective fortification after the English gained control of the colony. The Stockade District was an integral area during two conflicts between the Dutch and the Esopus Lenni Lenape people, one in 1659-1660 and one in 1663 - 1664. In 1777, the State of New York held its first constitutional convention in the Stockade District's Senate House; later that year the British burned a majority of the Stockade, and other sites in Kingston. The Stockade contains architecture dating back to the 17th and 18th Centuries including the corner of Crown and John Streets with four pre-Revolutionary stone houses, one on each corner of the intersection. Centrally located in the district is the Ulster County Court House, where in 1828, Sojourner Truth became the first black woman to win a court case to recover her son who was illegally sold into slavery in Alabama. In addition to the distinctive pre-Revolutionary stone houses, the district contains 19th Century Federal Period, Greek Revival, Italianate, Second Empire, and Queen Anne structures as well as the mid-19th Century stone Old Dutch Church, a National Landmark.

1. The Kingston Stockade District represents a locally and nationally important heritage area relative to the Dutch and English Colonial periods and is delineated on the Regulating Map and is declared to be a Landmark District (and a Historic and Architectural Design Overlay District).

2. The Kingston Stockade District contains 300 years of architecture and cultural resources, and new development must not be allowed to erode the best of the architectural spaces and cultural organizations of the past.

ii. The **Rondout-West Strand Historic District** consists of the area delineated on the City's Regulating Map. The Rondout-West Strand Historic District encompasses the area sloping down to and featuring the waterfront on Rondout Creek. The Rondout Village rapidly transformed from farmland into a thriving maritime community after the Delaware and Hudson Canal opened with its terminus here in 1828. By the mid-19<sup>th</sup> century, jobs on the canal, in boat manufacturers, shipping, brickmaking, cement manufacturing, and bluestone quarrying industries, drew immigrants with diverse backgrounds whose imprints remain visible throughout the district's structures. The Rondout-West Strand District contains a rich stock of commercial buildings, cast-iron storefronts, homes, and churches despite losses due to urban renewal in the 1960's. The Rondout-West Strand Historic District is important because it is the remaining vestige of the thriving port town that supported the economy of the area for close to eighty years. The local trading and industrial activities and the workers and businessmen who lived in this area changed Kingston from a small, rural community to a thriving transportation and industrial center for the





- mid-Hudson Valley. On a larger scale, because of its unique export products, Rondout was an equal to any of the commercial cities along the Hudson between Albany and New York City.
- iii. The **Fair Street Historic District** consists of the area delineated on the City's Regulating Map. By the mid-19th Century, several affluent Kingstonians moved out of the Stockade District to establish grand homes in exclusive middle- and upper-class neighborhoods. The Fair Street Historic District represents this shift with a contiguous line of distinguished residences extending southeastward from the Stockade District to Henry Street. This tree-shaded historic district contains notable examples of Italianate, Second Empire, Queen Anne, and Colonial Revival architecture.
  - iv. The **Chestnut Street Historic District** consists of the area delineated on the City's Regulating Map. The Chestnut Street Historic District contains a significant concentration of intact, fashionable residences which reflect the prosperity and taste of middle- and upper-class residents of 19<sup>th</sup> and early 20<sup>th</sup>-century Rondout & Kingston. The Chestnut Street Historic District's period of significance spans the period of ca. 1855 and 1919, which coincides with Kingston and Rondout's growth as a shipping and manufacturing center. This grouping of substantial frame and masonry residences represents the most intact collection of middle- and upper-class residences in Kingston and includes several exceptional illustrations of the mid-19<sup>th</sup>-century Hudson Valley picturesque taste in architectural design and placement of buildings in the landscape. The Buildings in the historic district exhibit a wide range of styles popular during this period, including Italianate, French 2<sup>nd</sup> Empire, Queen Anne, Colonial Revival, and Tudor Revival styles, and one residence which illustrates the influence of the Arts & Crafts movement; the historic district also contains one modest late 19<sup>th</sup>-century Gothic style church. The Chestnut Street Historic District recalls Kingston and Rondout's period of prosperity as a major Hudson River port and manufacturing center.
- (b) Applicability and Guidelines. This section shall apply to all buildings, structures, outbuildings, walls, fences, steps, topographical fixtures, earthworks, landscaping, paving and signs of a landmark or Landmark District. No changes in any exterior architectural feature, including but not limited to, construction, reconstruction, alteration, restoration, removal, demolition or painting, shall be made except as hereinafter provided. To assist in the conservation action, several specific guidelines are included:
- i. Stockade Steeple Height Restriction: Because of the visual importance of the Old Dutch Church steeple, no new structure may rise within the Stockade District above the base of the steeple, which is 62 feet above the curb level.
  - ii. Landmark & Landmark District Façade Materials: Façade materials must conform with § 405.14. A-K of the City's Zoning Code. The HLPC may require restoration and construction projects conform with the district's historical conditions and the Secretary of the Interior's Standards for the Treatment of Historic Properties.
  - iii. Site Design. Building setbacks must conform with the criteria laid out in § 405, Article 3: Transect Standards and § 405.13. A-B (Frontage Types) of the City's Form Based Zoning Code unless otherwise waived or modified as prescribed under the Code. The HLPC shall evaluate new construction in relation to the existing streetscape and provide recommendation to the agency reviewing any modification or waiver for new buildings to be set behind existing building lines to give emphasis to existing structures of historic or aesthetic merit or to allow for suitable landscaping. The new construction shall be compatible with the district in which it is located.
  - iv. Landscaping and Paving. Landscaping must conform with § 405.14.K of the City's Form Based code. The HLPC shall provide a recommendation to the agency reviewing any modification or waiver on requests under the requirements in § 405.14.K that do not conform with existing or historical landscape features submitted in documentation to the HLPC. Landscaping may be required by the HLPC and is deemed an important element of site development.
    - 1 Evergreen materials may be required for screen functions.



- 2 Recommendations may be made to the HLPC by a landscape architect or designer approved by the HLPC.
- 3 Bluestone shall be prescribed for sidewalks, with brick as a secondary material.
- 4 Maintenance of plant material shall be the responsibility of the owner, including responsibility to keep growth trimmed and trained, to meet the Code requirements.
- v. Parking. Parking areas shall conform with § 405.16. A-F of the City's Form Based Code. The HLPC shall provide recommendation to the agency reviewing any modification or waiver on requests under the requirements in § 405.16. A-F that do not conform with existing or historical parking features submitted in documentation to the HLPC.
- vi. Maintenance. Preventive maintenance is required in order to assure that these buildings, spaces, elements and details are preserved. Deliberate neglect and/or lack of preventative maintenance that presents an issue of public safety or rapid deterioration of a structure shall be a violation of this article.

#### **10. Review Procedure for a Certificate of Appropriateness**

- (a) No person shall carry out any exterior or historically designated publicly visible interior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property within a Landmark District nor shall any person make any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the historic district without first obtaining a Certificate of Appropriateness from the HLPC and a notification to the applicant to obtain a building permit, if necessary. A Certificate of Appropriateness does not obviate the need for a building permit or any other permits from relevant agencies.
- (b) Review Criteria. In making such determinations, the HLPC shall consider:
  - i. The effect of the proposed work in changing, destroying or affecting the exterior features of the landmark or Landmark (L) District upon which such work is to be done;
  - ii. The relationship between the results of such work and the exterior architectural features of other neighboring improvements;
  - iii. The factors of aesthetic, historical and architectural values and significance, architectural style, design, arrangement, texture, material and color;
  - iv. The special character and aesthetic interest that any structure involved adds to the area; and;
  - v. The difficulty or impossibility of reproducing any feature or structure involved because of its design, texture, material, position, or detail.
- (c) All applications shall be considered by the HLPC on at least the following points, these points to be used as a basis, where relevant, for establishing relationships to the external features of buildings in the immediate neighborhood: The building height in relation to surrounding buildings; the relationship to nearby roof shapes; the relationship between the width to height of the street-facing facade; the size, proportion and spacing of openings within the facade and elevations exposed to view; the rhythm of spacing of buildings and building elements on the street; the design and placement of entrances and projections; the relationships of materials, textures and colors; the relationship of architectural details; the continuity of walls; the relationship of landscape elements; the appropriateness of hardscaping; and the effect on existing or historically significant spaces.
- (d) It shall be the further duty of the HLPC to exercise judgment in accord with the basis of decisions stated herein and maintain the desirable character of the Landmark or Landmark District and prevent construction, reconstruction, alteration or demolition out of harmony with existing buildings insofar as character, material, color, line and detail are concerned, and thus to prevent degeneration of property, to safeguard public health, promote safety and preserve the beauty of the character of the landmark or Landmark District.



- (e) It shall be the further duty of the HLPC to exercise judgement in accord with the guidance of the US Secretary of the Interior Standards for Rehabilitation, and/or the Secretary of the Interiors other Standards when deemed necessary by the HLPC.

**11. Certificate of Appropriateness for Changes to Landmarks**

- (a) The Certificate of Appropriateness required by this section shall be in addition to, and not in lieu of, any building permit that may be required by any other ordinance of the City of Kingston, New York. In the event of overlapping reviews, the most restrictive review shall apply.
- (b) Prior to the commencement of any work requiring a Certificate of Appropriateness, the owner shall file an application for a Certificate of Appropriateness which shall be made, on forms prescribed, with supporting documentation to the HLPC and shall contain the following:
  - i. The name, address, telephone number and signature of the applicant.
  - ii. The name, address, telephone number and signature of the owner.
  - iii. The location and photographs of the building, structure, or land; the exterior architectural features which are proposed to be changed.
  - iv. The plans & elevations of the proposed change.
  - v. A perspective or rendering, if required by the commission.
  - vi. Site plan or plot plan with north arrow, title, scale, legend, adjacent property owners.
  - vii. Samples of colors or materials to be used in the proposed change.
  - viii. Where the proposed change includes signs or lettering, all dimensions and colors, a description of materials to be used and the method of illumination, if any, and showing the location on the building or property.
  - ix. Whatever additional information the HLPC deems necessary to evaluate the application.
  - x. The HLPC reserves the right to waive any of the above requirements if deemed unnecessary.
- (c) Prior to submitting a formal application, the applicant or their representative may meet with the HLPC and/or its staff to informally discuss plans for alterations of exterior features. To avoid unnecessary expense and delay, a sketch or schematic design for the construction, alteration or repair of any regulated activity may be presented to the HLPC. A preliminary design should show the relation to adjacent structures and spaces. The HLPC may advise or recommend alteration and changes to the application.
- (d) Procedure to be followed for a Certificate of Appropriateness
  - i. Within a reasonable time after a completed formal application is filed with the HLPC, but in any event within 90 days after such filing or within such further time as the applicant may, in writing, allow; the HLPC shall conduct a public meeting to approve or deny the application or approve the application with modifications. Opportunity shall be provided to proponents and opponents to provide comments to the HLPC on each proposal under consideration.
  - ii. All decisions of the HLPC shall be in writing. A copy shall be sent to the applicant and a copy filed with the City Clerk and Building Safety Division for public inspection. The HLPC decision shall state the reasons for denying or modifying any application. Approval to proceed will be documented by the issuance of a Certificate of Appropriateness. The conditions upon which the Certificate of Appropriateness is issued will be stated, in writing. During work upon any Certificate of Appropriateness, if a modification is sought, such must be approved by an amended Certificate of Appropriateness issued by the HLPC. Compliance will be necessary to obtain a final certification of occupancy or certificate of compliance from the Building Safety Division. The Certificate of Appropriateness shall be valid for one year. At all times during this term, the Certificate of Appropriateness shall be prominently posted in public view pursuant to local law governing building permit posting.
- (e) Inspection. If, upon inspection of work, the Building Safety Division determines that the work is not in conformity with the Certificate of Appropriateness, the Commission shall be notified. No certificate of occupancy or certificate of compliance shall be issued thereupon until the work is altered to be in conformity with an authorized Certificate of Appropriateness.



## **12. Hardship:**

- (a) An applicant whose Certificate of Appropriateness for a proposed demolition or alteration has been denied must first appeal to the HLPC for relief on the grounds of hardship. To prove the existence of hardship, the applicant shall establish that:
  - i. The hardship shall not be self-inflicted.
  - ii. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
  - iii. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
  - iv. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- (b) **Hardship Application Procedure.**
  - i. After receiving written notification from the HLPC of the denial or approval with modifications of a Certificate of Appropriateness, and no later than 60 days from the date of said notice, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the HLPC makes a finding that a hardship exists. The HLPC may hold a public hearing on the hardship application, at which an opportunity will be provided for the proponents and opponents of the application to present their views.
  - ii. The applicant shall consult in good faith with the HLPC, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.
  - iii. All decisions of the HLPC shall be in writing. A copy shall be sent to the applicant and a copy filed with the City Clerk's office for public inspection. The HLPC decision shall state the reasons for granting or denying the hardship application.
  - iv. In the event of the HLPC's denial based on hardship application, the applicant may appeal to the City of Kingston Zoning Board for review of said application, applying Landmark Ordinance criteria, as defined by Section 405.26.L.14 of this code.

## **13. Ordinary Maintenance and Repair Requirement; Demolition by Neglect:**

- (a) Ordinary maintenance; repair.
  - i. Nothing in this local law shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a historic landmark or property within a historic district that does not involve a change in design, building materials, color, or outward appearance.
  - ii. The commission may evaluate and decide, without public hearing, whether proposed work constitutes ordinary maintenance and repair or requires a Certificate of Appropriateness.
- (b) Interiors: Every owner or person in charge of an improvement to an interior landmark shall keep in good repair:
  - i. all portions of such interior landmark and
  - ii. all other portions of the improvement which, if not so maintained, may cause or tend to cause the interior landmark contained in such improvement to deteriorate, decay, or become damaged or otherwise to fall into a serious state of disrepair.
- (c) Every owner or person in charge of a scenic landmark shall keep in good repair and safe condition, all portions thereof.
- (d) Demolition by Neglect: In its review to determine that demolition by neglect is occurring and upon consultation with the Building Safety Division, the HLPC shall consider all the foregoing criteria and shall also attempt to confer with the owner or person in charge of the real property concerned. It shall also review any communication it shall receive which indicates that demolition by neglect is or may be occurring in any landmark or Landmark District. If the HLPC finds that such demolition is or may be taking place, it shall direct a letter to the Building Safety Division to notify the owner or person in charge of this finding, stating the reasons therefor and requesting that the owner or person in charge immediately take appropriate steps to cause such demolition to cease, and to confer with the HLPC in connection therewith.





Should the owner or person in charge fail to satisfy the HLPC that all necessary steps are or will be promptly taken, the HLPC shall request the Building Safety Division to notify the Corporation Counsel of the City and request the consideration of the proceedings pursuant to § 405.26.J.4.d hereof.

- (e) No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the HLPC, produce a detrimental effect upon the character of the property itself. Maintenance shall be required, consistent with the Property Maintenance Code of NYS, Fire Code of NYS, and Building Code of NYS and all other applicable local regulations. Examples of prohibited disrepair include, but are not limited to:
- i. deteriorated or crumbling exterior plasters, mortar, cementitious materials;
  - ii. deteriorated or inadequate foundation and facades;
  - iii. defective or deteriorated flooring or floor supports or any structural floor members of insufficient size to carry imposed loads with safety;
  - iv. deteriorated walls or other vertical structural supports that split, lean, list, buckle, or otherwise appear compromised;
  - v. members of ceilings, roofs, ceiling and roofs and other associated structure which sag, split or buckle due to defective material or deterioration or are of insufficient size to carry imposed loads;
  - vi. ineffective or inadequate waterproofing of exterior walls, exterior chimneys, roofs, foundations or floors, including windows or doors, which may cause or tend to cause deterioration, decay or damage;
  - vii. defective or insufficient weather protection for roofs, foundation or exterior wall covering, including lack of paint or weathering due to lack of paints or sealants or other protective covering, which may cause or tend to cause deterioration, decay or damage;
  - viii. fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety;
  - ix. any fault or defect in the building or structure which renders it not properly weathertight or otherwise compromises the life and character of the building or structure.

#### **14. Enforcement.**

- a. All work performed pursuant to a Certificate of Appropriateness and/or building permit issued under this article shall conform to any requirements included therein. It shall be the duty of the building inspector to periodically inspect any such work to assure compliance with the certificate and all applicable law. In the event that the building inspector finds that work is not being performed pursuant to said Certificate of Appropriateness or building permit, it shall notify the owner or person in charge of this building, stating the reasons therefor and requesting that the owner or person in charge immediately take appropriate steps to conform to said Certificate of Appropriateness or building permit and to confer with the HLPC in connection therewith. Should the owner or person in charge fail to satisfy the HLPC that all necessary steps are or will be immediately taken, the HLPC shall request the Building Safety Division to take appropriate action.
- b. Any owner or person in charge of a property who demolishes, alters, constructs, or permits a designated property to fall into a serious state of disrepair in violation of this local law in the absence of a Certificate of Appropriateness a finding of economic hardship, or other approval by the HLPC, may be required by the HLPC to restore the property and its site to its appearance prior to the violation.
- c. If, in the judgment of the HLPC, a violation of this code exists that will result in a detrimental effect upon the life and character of a designated historic resource, landmark, property or on the character of a historic district as a whole, the commission shall notify the building inspector. If, upon investigation, the building inspector finds non-compliance with the requirements of the Property Maintenance Code of NYS, Fire Code of NYS, Building Code of NYS, Residential Code of NYS, and the Existing Building Code of NYS, or any other applicable law or regulation, the building inspector shall order such remedies as are necessary and consistent with this local code and shall provide written notice thereof to the commission.



- d. Similarly, should both a Certificate of Appropriateness and a building permit be issued, the building safety officer shall have all powers conferred upon him pursuant to the Zoning Ordinance to enforce the Certificate of Appropriateness, including, but not limited to, stop-work orders.
  - e. Penalties. A violation of this local law is deemed an offense punishable by a fine as determined by the Building Safety Division of the City of Kingston.
- 15. Appeals.** Any party aggrieved by a hardship action of the commission, as determined under Section 405.26 L. 11, may, within 60 days of said hardship decision, file a written appeal to the City's Zoning Board of Appeals for review of the decision. If the party is denied by the Zoning Board of Appeals, then the aggrieved party may seek Article 78 Appellate review which shall be based on the same record that was before the commission and using the same criteria in the city code.

