

KINGSTON FORWARD

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FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

for the

FORM-BASED CODE REZONING OF THE CITY OF KINGSTON, NY

***(An Analysis of Proposed City Code Chapter 405 – The
Kingston Form Based Code: Version 3.0, of November 2022)***

Project Location:

City of Kingston, Ulster County, New York

SEQRA Lead Agency:

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Prepared on behalf of the City of Kingston Common Council by:



Date of Lead Agency DGEIS Acceptance: March 7, 2022

Date of Public Hearing: March 23, 2023

Date of Close of DGEIS Public Comment Period: April 10, 2023

Acceptance of this FGEIS July 11, 2023



Steve Noble, Mayor

The adoption of the proposed Form-Based Code Rezoning (the proposed action), for which this SEQRA process was based can be found on the project website (<https://engagekingston.com/kingston-forward>) or a copy is available for viewing at the City of Kingston City Hall in the Office of the City Clerk: 420 Broadway, Kingston, NY 12401.

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1. Public Hearing Transcript from public hearing held March
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1.0 INTRODUCTION

The City of Kingston is located in Ulster County, in the Hudson Valley region of New York State. The purpose of this Final Generic Environmental Impact Statement (FGEIS) is to formally respond to public comments received during the public comment period of the Draft Generic Environmental Impact Statement (DGEIS) in association with the City of Kingston’s proposed adoption of a new City of Kingston Form Based Code (FBC) and Zoning Map (DGEIS Appendix A). The proposed action being evaluated is the adoption of:

- The City of Kingston Form Based Code (FBC) which updates and replaces the City’s existing Chapter 405 Zoning regulations and procedures.
- An updated Zoning Map referred to as the “Regulating Map” that updates and replaces the City’s existing zoning map by introducing new transect zoning districts.

Pursuant to Article 8 of the Environmental Conservation Law of the State of New York, Title NYCRR, Part 617 (SEQR), all agencies are required to “determine whether the actions they directly undertake, fund or approve may have a significant impact on the environment, and, if it is determined that the action may have a significant adverse impact, prepare or request an environmental impact statement.”

In accordance with Section 617.10 of SEQR, the Final Generic Environmental Impact Statement (FGEIS) is a required document of this process. It can be described as a formal required response to public comments received during the public comment period on the DGEIS, which addressed the adoption of the new City of Kingston Form Based Code (FBC) zoning law (described in SEQR as the “Proposed Action”). The public comment period for the DGEIS formally begins with the Positive Declaration for the Proposed Action, and ends 10 days after the close of the public hearing for the DGEIS, or a specific date specified by the Lead Agency, whichever is longer. The Lead Agency is required to prepare a FGEIS within 45 days of the close of the public hearing. There is no public hearing requirement on the FGEIS, however the Lead Agency is required to allow 10 days for review and response by all involved and interested agencies before adopting a Findings Statement, which closes SEQR, and the Lead Agency is free to go forward with the Proposed Action of adopting the proposed FBC into law.

It is the responsibility of the City of Kingston Common Council as Lead Agency to oversee GEIS completion. While no agency other than City Council can approve or directly undertake this Action; through the coordinated review process, multiple involved agencies and the public will have an opportunity to comment on the Action. Simultaneous with the public comment period and hearing, there will be notification provided to any involved and interested parties that any document prepared in fulfillment of SEQR is available for their review and comment. Inclusive of this, there will be formal referrals of the new proposed zoning code to the City Planning Board, City Landmarks Preservation Commission, the local entity that provides for consistency determinations of actions that may affect the City’s Local Waterfront Revitalization Program (LWRP), and it will be referred to the Ulster County Planning Board under the required GML-239 Review. In addition, the code will require review under Certified Local Government (CLG) agreements with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP). (See letter from OPRHP dated April 6 in Appendix B).

Procedural History

The City Council conducted the following steps per SEQRA Regulations 6 NYCRR Part 617 regulations:

- On April 5, 2022, the City Common Council:
 - Declared their intent as Lead Agency for the action and a coordinated review was carried out with identified involved and interested agencies.
 - Completed Parts 1, 2, and 3 of a Full Environmental Assessment Form (FEAF), and determined the Action is a legislative action and, thus, declared the City Common Council as Lead Agency.
 - Classified this Project as a Type 1 Action in accordance with SEQRA regulation NYCRR 617.4(b)(2), since the adoption of the Form Based Code (FBC), is a type of zoning, with prescribed land use components and/or recommend zoning changes covering 25 or more acres.
 - The City Council reviewed the FEAF as part of making a SEQRA Determination of Significance and issued a Positive Declaration specifically determining that a Generic Environmental Impact Statement (GEIS) is required for the analysis of the proposed FBC.
 - Public involvement was ensured during the process through timely publications in the Environmental Notice Bulletin (ENB) and local newspaper of a notice for: the Positive Declaration; the release of a Draft Scoping Document; and for identification of the intent to hold a scoping session and receive comments on the Draft Scoping Document.
 - A Draft Scoping Document was issued and a date was set for the Public Scoping Session.
 - Distribution of a notice of the Public Scoping Session went to potentially involved and interested agencies and adjacent jurisdictions, and such determinations were published in the Environmental Notice Bulletin (ENB) and local newspaper.
- On April 21, 2022, the Common Council:
 - Conducted a Public Scoping Session in Kingston City Hall over publicly accessible teleconferencing software. There were four (4) commentors at that meeting and multiple written communications received after the meeting.
 - Public comments, both written and in-person at the scoping meeting were received on the Draft Scoping Document up through May 2, 2022.
- On June 7, 2022, the Common Council:
 - Adopted by resolution the Final Scoping Document. This Final Scope was subsequently distributed to all involved and interested entities and posted to the Environmental Notice Bulletin (ENB) and the City's website. See DGEIS Appendix B for the Final Scoping Document.
- On March 7, 2023, the Common Council:
 - Accepted by resolution the DGEIS for public review.

- Set the public hearing date for the DGEIS for March 23, 2023.
- Set the close of the public comment period on April, 10, 2023.
- On March 23, 2023, the Common Council:
 - Held the public hearing on the DGEIS.

The full scope of the public engagement process for the proposed zoning code is detailed in Section 2 of the DGEIS.

On May 31, 2023

- The City Council's determined that this FGEIS adequately responds to all public comments received during the public comment period for the DGEIS. A tabular list of all comments received are included in Section 3 of this document, and in the Appendix. The FGEIS must be prepared within 45 days of the close of the Public Comment on the DGEIS, or within 60 days of the filing of the DGEIS, whichever occurs later. There is a 10-day comment period allowed by state law after the FGEIS is formally filed with involved and interested agencies to allow them to comment on the FGEIS. The FGEIS is not subject to public comment, however this document will be available to the public so that they can review the responses to their comments submitted during the public comment period.

The final step in the SEQRA process is the preparation and adoption of the Findings Statement. The purpose of the findings statement is to formally declare the findings of the Lead Agency regarding the mitigation proposed in the DGEIS, with modifications, if necessary. The close of the SEQRA process would allow the Kingston Common Council, the Lead Agency in this review, to adopt the FBC.

The City will post all mandatory submittals and documents required to support the SEQRA process online at the **Engage Kingston Website** <https://engagekingston.com/kingston-forward>, and also provide a copy for public review at the Clerk's Office.

The Council would like to acknowledge that it received a number of comments regarding the Proposed Zoning at a public hearing held February 18, 2023, shortly before the acceptance of the DGEIS. Although the Council is not required to respond formally to the comments from this public hearing in the FEIS, the Council appreciates the public input received and is in the process of reviewing the comments, and is seriously considering modifications of the proposed zoning changes as a result of the public comments. A record of the public comments is on file at with the City and can also be found on <https://engagekingston.com/kingston-forward>,

2.0 SUMMARY PROJECT DESCRIPTION

The City of Kingston plans to replace its existing zoning with a Form Based Code (FBC). The City's 'Kingston Forward: Citywide Rezoning' project website for this rezoning is at: <https://engagekingston.com/kingston-forward>

A Form Based Code focuses primarily on the physical form of development (rather than land use) and can be used to implement a desired community vision. Land uses are still regulated, but more flexibility on use is built into the code, and the rules are based on context – the type of place or environment you are trying to create. Form Based Codes make development more predictable, promote better design, and are simpler, so it is easier for people to use the code and understand what it allows.

The existing zoning is outdated and focuses on regulating uses (less so than design and impacts) and it is characterized as auto-oriented and conducive to sprawl. Kingston's existing zoning law dates from the 1960's. It has been amended in pieces and can be confusing and unclear. The existing zoning does not align well with Kingston's historic building tradition, when a large number of existing, highly characteristic and uniquely positioned and grouped buildings were established prior to the advent of zoning. The existing zoning is organized in a way that it often provides for large setbacks between streets and buildings, which has provided an auto-orientation, with associated requirements for substantial parking areas that are emblematic of isolated buildings surrounded by pavement with proportionately large lot and yard areas and not conducive to people walking from one place to another without getting in a car. Moreover, aspects of the existing zoning code are organized in a way that is not aligned to meet current community needs and values.

The proposed zoning standards are oriented to guiding the physical form of development and providing for design-based planning with replication and enhancement of context and traditional patterns of building. The FBC is also oriented to providing for complete streets that link and relate well with a flexible mix of uses, and which aid in advancing multi-modalism, with more ability for people to walk, bicycle, or use transit, as well as automobiles. In addition, the proposed FBC addresses a variety of community needs, including the necessity for greater housing options to service the many different needs that extend across this City.

The FBC focuses on guiding the physical pattern of land use as a means to implement the community vision for growth. This Form Based Code is graphically rich, which aids in its ease of use and interpretation. This FBC is also organized to make development more predictable and provide for better design outcomes.

FBC Overview

In order to guide the physical form of development, the FBC will prescribe details of development by addressing factors such as:

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

In this way, the FBC regulates the location, design, construction, alteration, occupancy, and the use of structures along with the use of land. The FBC provides a detailed set of development standards, guidelines, and procedures that will result in compact and walkable mixed-use development using regulations and regulating plans that pay particular attention to the intended form and character of different locations in Kingston. Included in the FBC is specific transect regulations and a corresponding spatial Regulating Map that will prescribe the Transect District assignments, and which will be supplemented by a Special Districts & Parks Map and a Special Requirements Map that also compose the spatially assigned framework of regulations.

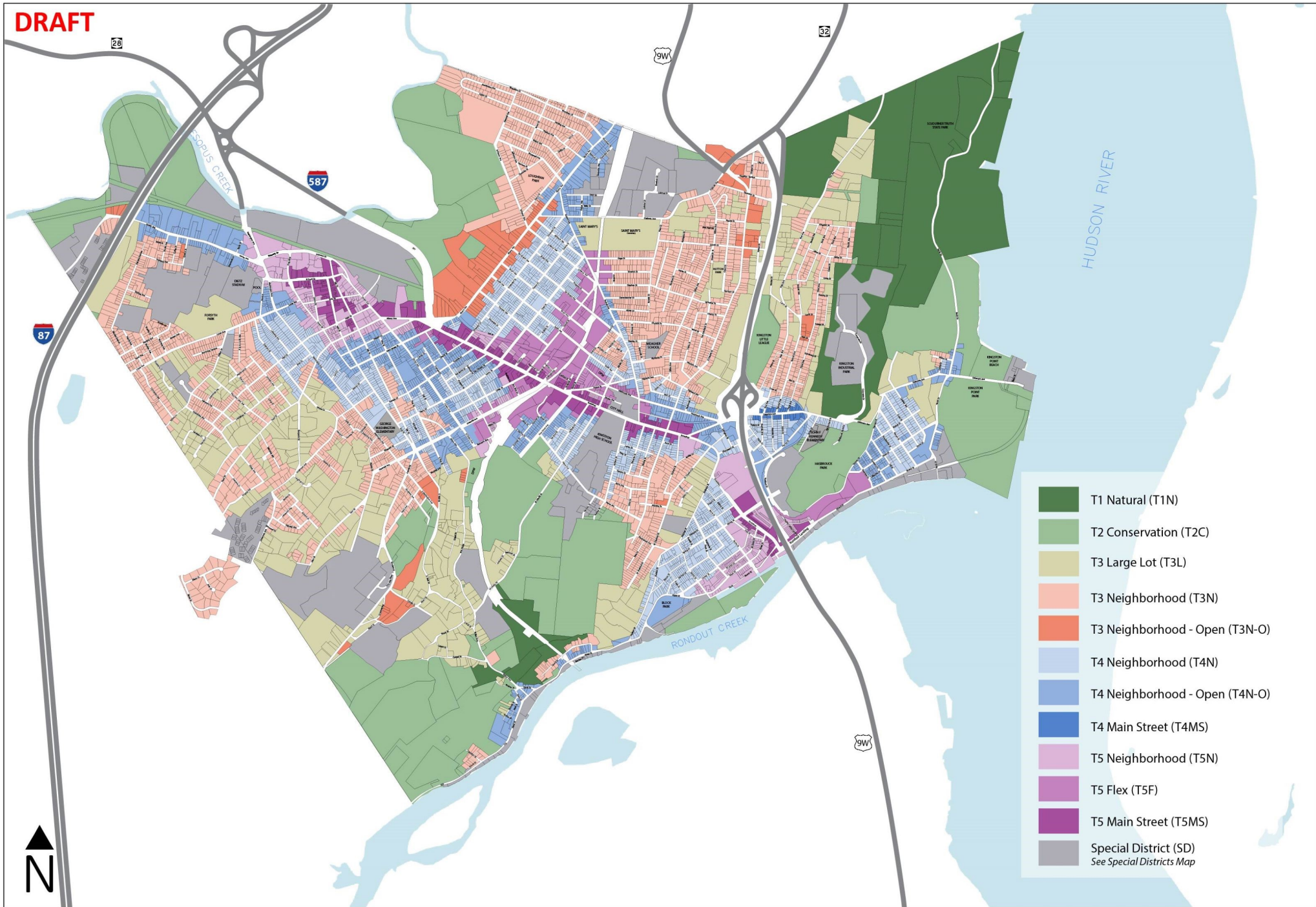
A Transect approach is a planning strategy that seeks to organize the elements of urbanism - building, lot, land use, street, and all other physical elements of the human habitat - in ways that preserve the integrity of different types of urban and rural environments. In other words, the organizing principle for the FBC is based on a hierarchy of places from the most urban to the most rural.

The designation of each transect zone along this transect hierarchy is determined by the type of place being maintained, evolved, or transformed, and then by the form and intensity of development. The transect zones are used to reinforce existing, or to create new, walkable, mixed-use environments. Secondly, this FBC will regulate uses that are carefully chosen to maximize compatibility between uses and the envisioned physical form of each transect zone. The intent of this FBC, then, is also to create a well-functioning public realm across Kingston's diverse neighborhoods. The FBC zoning is also intended to aid City-scale growth and advance goals for mixed-uses, affordable housing, walkable streets, preservation and enhancement of community character, economic growth, compatible infrastructure, and long-term sustainability.

The FBC's Transect Zones guide future development in the City using the following principles of each zone:

- **T5 Main Street (T5MS):** The intent of this transect zone is to create a walkable, vibrant, urban main street serving multiple neighborhoods and the City with commercial, retail, entertainment and civic uses, public transportation, and small-to-large footprint, medium-to-high density Building Types.
- **T5 Flex (T5F):** This transect zone provides an urban form that can accommodate a diverse range of uses and Building Types, including some light industrial as well as live/work combinations, to reinforce the pattern of existing walkable neighborhoods and to encourage revitalization and investment.
- **T5 Neighborhood (T5N):** This transect zone provides a variety of housing choices, in small-to-large footprint, medium-to-high density Buildings, which reinforce the walkable nature of a neighborhood, support neighborhood-serving retail and service uses adjacent to the zone and supports public transport.
- **T4 Main Street (T4MS):** This transect zone intends to create a walkable, vibrant urban main street serving multiple neighborhoods with commercial, retail, entertainment and civic uses, public transportation, and small-to-medium footprint, medium-to-high density Building Types.
- **T4 Neighborhood & T4 Neighborhood-Open (T4N & T4N-O):** This transect zone intends to provide a variety of housing choices, in small-to-medium footprint, medium-to-high density Building Types, which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation alternatives. An Open Sub-Zone provides the same building form but allows for a more diverse mix of uses.

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- **T3 Neighborhood & T3 Neighborhood-Open (T3N & T3N-O):** The intent of this transect zone is to protect the integrity of existing, small-to-medium lot detached homes and reinforce their role within walkable neighborhoods and to allow new neighborhoods with this component. An Open Sub-Zone provides the same building form but allows for a more diverse mix of uses.
- **T3 Large Lot (T3L):** The intent of this transect zone is to protect the integrity of existing medium-large lot detached homes and reinforce their role within the City.
- **T2 Conservation (T2C):** This transect zone protects the integrity of existing natural land and areas of steep slopes and natural vegetation with low density detached homes, and reinforce their role in the City.
- **T1 Natural (T1N):** This transect zone ensures the preservation of open spaces and natural resources.
- **Special District Waterfront (SD-W/ SD-WMU), Commercial (SD-C), Multifamily (SD-MF), Flex (SD-F), and Institutional (SD-I):** The intent of this Special District transect zone, with multiple subparts, is to facilitate coastal area development that is compatible with policy standards, plus for the other portions to allow for existing drivable commercial, multifamily, institutional, and industrial/flex use areas, thereby enabling their continuing role within the City, and thereby preventing non-conforming lots, buildings and uses.

The minimum open space requirements and transect assignments of the FBC will guide development to generally reinforce the ‘Priorities for Protection’ as per an Open Space Vision set forth in the City’s 2019 Open Space Plan. These priority locations cover: 1.) The Hudson River, Shoreline and Uplands, 2.) The Rondout Creek Corridor, Shoreline and Uplands, and 3.) The Esopus Creek Corridor and Lowlands.

Furthermore, the City’s Comprehensive Plan and Local Waterfront Revitalization Program (LWRP) are advanced through the FBC’s instructing of compatible and resilient waterfront development. It does so within the associated Transects and Special Districts on the greater Strand and along the Rondout as well as by the Hudson River between Kingston Point Park and Sojourner Truth State Park.

The FBC aims to incrementally achieve new development in a form that is compact and compatible with historic development patterns. It also focuses on quality design and enhancing community character.

Overall, the Transect Districts criteria and associated regulating standards allow a high mix of uses. They particularly are organized to channel growth into T5 and T4 zones and generate growth in the housing supply. Meanwhile, on a city-scale, the FBC’s standards and guidelines reinforce the open and natural character of three landscape-level Priority Conservation Areas. At the same time, the FBC facilitates quality and characteristic onsite buildouts by regulating building placements and providing site arrangements that are well-organized.

The FBC will support additional usable open space, generate strong building to street relationships, and achieves development patterns amenable to multimodal transport. Moreover, the FBC bulk regulations and architectural standards will aid placemaking, and structure growth that is compatible with existing form. The design-based placemaking that will be fostered is a mitigation measure that will prevent negative

impacts to arise due to the alteration in the scale of building, or the patterns of building and massing that may accompany FBC adoption.

For a more detailed description of the Proposed Action please see the Section 3.0 of the DGEIS, accepted March 7, 2023. This document is available online at the *Engage Kingston Website* <https://engagekingston.com/kingston-forward>

Mitigation Measures examined under the DGEIS

The DGEIS examination of the extent that utilizing the FBC's standards and techniques could result in potential adverse impacts that would be greater than, or potentially more impactful than, what may arise under the existing zoning. As the DGEIS works through specified subject matter that has been identified for analysis in the adopted Scoping Document, there are comparisons of factors like future Building Area, Lot Coverage and new Residential Units, under existing versus proposed zoning criteria.

The DGEIS identifies and evaluates the following potential adverse environmental impacts associated with the proposed adoption of the FBC, and includes a summary of the current status and discussion of potential impacts to and mitigation measures for each of the following: geology, soils and topography; plants and animals; water resources; open space and recreation; land use and zoning; historic and archaeological resources; socioeconomics; multimodal transportation and parking; consistency with community character; energy use, air resources and noise; community services and infrastructure; and consistency with community plans.

There is a full summary of the proposed mitigation measures in Section 6.6 Program Implementation of the DGEIS. That summary covers the mitigation presented across the 12 categories of analysis contained in Section 4.0 Existing Conditions, Potential Impacts & Mitigation

3.0 COMMENTS AND RESPONSES

This section provides a response to all comments received during the Public Comment Period on the DGEIS for the Kington Form Based Zoning proposal as required by SEQRA. The Public Comment period on the DGEIS started on March 7, 2023 with the acceptance of the DGEIS for public review, through April 10, 2023. The public hearing for the DGEIS was held on March 23, 2023 and the public comment period closed on April 11, 2023

Comments are required to be addressed whether they are submitted as verbal comments at the public hearing or by letter to the Lead Agency. A list of commentors is included in the table below, and the original documents (transcript of the Public Hearing or copy of the original letter) is included in Appendix B of this document. All comments are indexed to reflect where a response to the comment can be found. For example, if the commentor made a comment referring to Zoning, or section 4.5 of the DGEIS, the comment would be found in Section 3.5 of this FGEIS.

| Table 1 | | | |
|---|-------------|---|--------------|
| Public Hearing Comments and Correspondence Received on the DGEIS | | | |
| During the Public Comment Period (March 7 to April 11, 2023) | | | |
| Type* | Date | Commentor | Pages |
| WC | 2/1/23** | Robert Leibowitz, AICP, Principal Planner, Ulster County Planning Board/ Ulster County Planning | 4pp |
| PH | 3/23/23 | Nanette Bourne, Principal, NHB Planning Group | - |
| PH | 3/23/23 | Eileen Katasky | - |
| PH | 3/23/23 | Cheryl Schneider | - |
| PH | 3/23/23 | Tanya Garment | - |
| WC | 3/23/23 | Eileen Katasky | 4pp |
| WC | 4/10/23 | Nanette Bourne, NHB Planning Group, LLC | 6pp |
| WC | 4/6/23 | Sara McIvor, Historic Site Restoration Coordinator, NY State Parks, Recreation & Historic Preservation | 2pp |
| Type* | Date | Commentor | Pages |
| WC | 4/10/23 | Bartek Starodaj, Director, City Office of Housing Initiatives | 2pp |
| WC | 4/11/23** | Suzanne Cahill, Planning Director, on behalf of Historic Landmarks Preservation Commission | 9pp |
| WC | 4/19/2023 | Suzanne Cahill, Planning Director on behalf of the Kingston Planning Board | |
| WC | 3/24/23 | Sarah Wenk | 1pp |
| WC | 4/9/23 | Rebecca Martin | 1pp |
| WC | 4/10/23 | Giordano Rodriquez | 1pp |
| WC | 4/10/23 | Michael Kordansky | 1pp |

*Acronyms in column: PH=Commenter made comments at the Public Hearing, WC=Written Comment.

**The comment letters were made outside the public comment period but included as a courtesy because they were originally listed as an involved or interested agency.

Comments are organized by topic in the same order that they are presented in the DGEIS. Repeated comments are only responded to once, however, all comments will have an index number.

3.1 Geology, Soils & Topography (Section 4.1 of the DGEIS)

No comments were received for this section of the GDEIS.

3.2 Plants & Animal Resources (Section 4.2 of the DGEIS)

No comments were received for this section of the GDEIS.

3.3 Water Resources (Section 4.3 of the DGEIS)

No comments were received for this section of the GDEIS.

3.4 Open Space & Recreation (Section 4.4 of the DGEIS)

No comments were received for this section of the GDEIS.

3.5 Land Use & Zoning (Section 4.5 of the DGEIS)

Comment 1: Ulster County Planning

The Ulster County Planning Department (UCPD) congratulates the city for undertaking this effort to update its zoning code and its decision to do so using a form-based code. In our reviews of zoning statutes, we have consistently urged communities to craft legislation that provides more certainty, is easy to understand for local officials, applicants, and the public alike, creates a broader class of “as of right” uses, and is adaptable to change. The form-based format and the City’s proposal of it meet those essential provisions. We note the inclusion of graphics to explain the differences between the transects and the clear language associated with each. Both will serve the City well in obtaining desired outcomes as the code is implemented.

The Board is supportive of the major elements of the proposed code. The use of transects links well with the Ulster County Community Design Manual. The areas chosen for the transects are contextual to existing land uses in the City and the design and architectural standards will help ensure that new development also compliments the City’s built environment down to the smaller details.

Version 3.0 of the draft code incorporated many of the UCPB’s staff’s comments, particularly our suggestion to embrace greater density and building heights in the Cornell/Broadway areas and the proportional increase for affordable housing set-asides for larger projects with set thresholds. The Code, by removing the “ownership” language from its regulation of short-term rentals, provides a creative way to regulate these in compliance with the recent Hignell-Stark v. The City of New Orleans decision.

The County Planning Board continues to offer its support for the proposed legislation and offers the following comments building off the Board’s staff’s previous comments. (Ulster County Planning)

Response: Thank you for your comment.

Comment 2: Ulster County Planning

Lighting

The UCPB acknowledges that the form-based code will be utilizing lighting levels by transect, but notes that in some instances the Code will allow the use of “partially shielded light fixtures.”

Required Modifications

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

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

Comment 3: Ulster County Planning

405.21 P Telecommunication Facilities

The code’s telecommunication standards lack the detail typically found for the regulation of these facilities. We have previously provided several samples of local wireless statutes for consideration that we have reviewed and supported previously as being compliant with federal regulations and providing the necessary analysis, particularly as it relates to demonstrating need and minimizing visual impacts. We also call attention to the most recent court case of the ExteNet vs. the Village of Flower Hill.

Additionally, this is an opportunity to consider these facilities in a context-based style and to include them from a visual impact/design style within each transect.

Required Modifications

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

Response: The recommended modification has been incorporated into the updated draft of the code.

Comment 4: Ulster County Planning

Referrals to Ulster County Planning

The latest version of the form-based code has responded to staff comments and corrected its references to refer to General Municipal law 239 L through M and the Ulster County Administrative Code. However, the City’s draft code now contains a verbatim version of the UCPBs “Referral Exception Agreement, Schedule B”. As the Ulster County Planning Board updates this agreement on a semi-regular basis in response to

the evolution of the land use review process, as part of its agreements with Planning, Zoning, and local governing bodies throughout the county, it is not recommended this be included in the Code.

Required Modification

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

Response: The recommended modification has been incorporated into the updated draft of the code.

Comment 5: Ulster County Planning:

Auto-Oriented Uses

UCPB staff recommended the form-based code include a building-type standard that addressed auto-oriented services. The response received stated that “per 405.16.E. There are additional standards in 405.20.I intended to address auto-oriented services.” Our reading of this section failed to note any standards.

Required Modification

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

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

Comment 6: Ulster County Planning

Parking

Parking requirements found in most current zoning statutes reflect the auto-centric thinking from the 1970s. Communities are exploring new ways to meet mobility demands that include fewer cars, more bikes, complete streets, and transit-oriented development. The UCPB understands that other U.S. Cities have accomplished the abolition of parking minimums which in turn helps to reduce the costs of development, places existing parking at a premium and helps to encourage alternative modes of transportation. There is, however, another trend that focuses on the flexibility that includes shared parking, allowing on-street parking to count towards meeting parking requirements, locational and/or peak hour premium parking, as well as recognition of the context of older development with the use of liner buildings and parking garages as described in this draft code.

Required Modifications

The UCPB recommends, however, that a developer should be responsible to meet the basic parking needs of the intended use, utilizing the flexibility methods mentioned above. Where basic needs cannot be met options are available to the developer such as a payment in lieu whereby the City moves to expand municipal parking or has shared use agreements with landowners whose parking exceeds their needs. Finally, certain classes of uses can be given a pass on parking such as reusing existing buildings, affordable

housing, and/or transit-oriented development. To establish basic needs the City could use the ITE Parking Generation manual or developer/city parking studies for similar uses.

Response: This change would unnecessarily complicate the form-based code. The removal of minimum parking requirements is consistent with the goals of the form-based code to encourage housing affordability, walkability, and small business development.

Comment 7: Ulster County Planning

Required Submissions

A form-based code requires a more complete understanding of the submittals to the reviewing body so that an understanding is reached quickly as to compliance with the Code. In addition, today's technology offers a great deal more opportunity to understand impacts that may occur to surrounding land uses, community character, etc. The technology also provides better communication when explanations are needed for orientation purposes or on how the changes will impact items such as access, historic resources, or even migratory travel corridors.

Required Modification

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

“Aerial photo base map with site plan overlay. Aerial photos at a minimum of 50 cm resolution showing existing conditions shall be provided such as but not limited to aerial photos obtainable on Ulster County Parcel Viewer, NYS DEC Natural Resources Mapper, Google Earth, or others. (Can be obtained free of charge online from several sources).”

Response: The recommended modification to require aerial photography has been incorporated into the updated draft of the code.

Comment 8: Ulster County Planning:

Affordable Housing

The Code now incorporates staff's comments regarding increasing the proportion of rental units set aside for affordable housing as well as for fluctuations in an affordable housing unit resident's salary. However, the need for affordable housing should also include homeownership that may be in the form of townhouses or condominiums as well as single-family units and these remain unaddressed.

Required Modifications

The Board recommends that the standard for affordable set-asides be expanded to require new developments slated for sales (non-rental) such as condominiums or townhouses. The threshold for for-sale

units should be designed so that the mortgage plus insurance payments are no more than thirty percent of the purchaser's gross annual income.

Response: Based on the feedback given to the City of Kingston Common Council by the City of Kingston's Corporation Counsel, the City of Kingston City Council will not be expanding the standard for affordable set-asides to include sales (non-rental) development.

Comment 9: Ulster County Planning

Accessory Dwelling Units

Accessory Dwelling units are an excellent means to allow existing housing stock to work harder as well as provide affordability in new construction. UCPB staff strongly supported version 2.0 of the draft zoning statute including the prohibition on ADUs from being utilized as short-term rentals.

Required Modifications

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

Response: The recommended modification has been incorporated into the updated draft of the code.

Comment 10: Ulster County Planning

Waterfront Overlay Standards

The proposed waterfront overlay standards reflect the broad understanding and considerable effort that the city has put forth on planning for its Rondout Waterfront and regulating the uses along it. That said, Esopus Creek waterfront deserves that same level of concern and protection and should be added to this district. While the UCPB understands and strongly supports Esopus Creek as not being an area of urban development like that of the Rondout, the "D. Development Standards" with exceptions of the allowable use types in D.4 and D.6 appear to be the only standards that would appear inappropriate or unnecessary for the Esopus Creek area. The other standards, however, have relevance and should apply equally to Esopus.

Required Modifications

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

Response: The recommended modification has been incorporated into the updated draft of the code.

Comment 11: Ulster County Planning

Billboards – Advisory Comments

The UCPB is pleased to see that version 3.0 of the draft has been amended to consider roof signs that operate as off-premises signs shall be treated as billboards. The UCPB still recommends the City put in place a process of amortization, over a period (10 years for example) to eventually remove all billboards (and roof signs) from the City as nonconforming uses.

Response: The City of Kingston City Council will not be putting in place a process for amortization specific to existing billboards at this time.

Comment 12: E. Katatsky, WC

Page 59 [61] Figure 20: Public Input regarding goals most important to them.

Considerable space using a very large diagram showing large and small green circles which are purported to indicate the “desires” of the participants is used.

This diagram and assumptions drawn are based on a very small sampling of participants. Remember, these samplings were done during the Pandemic when few folks were willing or able to participate.

This is a completely unscientific sampling of our community and property owners.

How many participants were there and how many were residents, developers, business, or property owners?

Therefore, this illustration should be omitted. The prominently placed illustration would imply a majority opinion. It does not. Not only was this early Charette held during the Pandemic, very few folks understood the seriousness of these early meetings and participation was limited. I have the sense that these early meetings seem to have driven the narrative for the FBC.

The larger question might be, what influence did this small unscientific sampling of unknow individuals have on the overall direction ultimately taken by the consultants and City officials in forming this proposed code?

I regret to say that I feel the direction of the study and resulting V.3 of the FBC are not based on the true needs and desires of the majority of the property owner and residents.

I have asked repeatedly that a direct mailing should have gone to residents and property owners of the City of Kingston. More direct outreach would have been simple to do.

When canvased at the small charette style meetings, I don't believe that participants really understood the impact of their answers...I can't imagine in their wildest dreams they might think Walkability included streets cluttered with trucks, cars and other vehicles, commercial buildings and multiplexes towering over individual homes, nor did they imagine Urbanization of their neighborhoods.

Response: Public input on the proposed Form-Based Code took place not just during the Charette period but at each and every stage of the code drafting process both in-person and virtually. For example, many input events, including neighborhood open houses, took place once the first draft of the Form-Based Code was released. The public had the opportunity to comment on the first two drafts of the zoning code. Significant changes to the zoning code were made in response to these comments. These changes were published on the City's Engage Kingston platform.

Comment 13: E. Katatsky, WC:

In reviewing the “definition of the T3 and T3 Neighborhood Open which reads: “The intent of this transect zone is to protect the integrity of existing, small-to-medium lot detached homes and reinforce their role within walkable neighborhoods and to allow new neighborhoods with this component. An Open Sub-Zone provides the same building form but allows for a more diverse mix of uses”. The definition in itself seems contradictory...how is it possible to “reinforce” the role and at the same time allow for a more diverse mix

of uses? This would allow a ranch style single family home next to a small multiplex with up to 6 apartments towering over it with no regard for the peace and open space of the single-family residence. And with no off-street parking requirement there is the added bonus of vehicles of every description cluttering the streets, impeding the work of DPW, first responders, and the very walkers and bike riders you hope to encourage.

Response: The impacts on previously existing development, including single-family homes, would be examined on a case-by-case basis, and visual impacts would be studied under SEQRA to ensure the protection of surrounding properties. As stated in Section 4.7 of the DGEIS, currently 5 percent of the population living in the city does not have a car, many sources of data support the assertion that many city households would prefer living in areas where walking and mass transit is convenient. This is not to say that some will still choose to rely on personal cars, especially those living in single-family homes. In this version of the code, storage of personal cars is driven by market considerations instead of a per-dwelling calculation. Building height is limited to 2.5 stories in the T3N district and one bonus story is permitted for affordable units in T3N-O. Lot coverage is limited to 50% in T3N and T3N-O districts further reducing development potential in these districts.

Comment 14: E. Katatsky, WC:

P69 [71], 4.5.3: Community Input

“The FBC has evolved based on the extensive public feedback received on the versions prior to FBC Draft 3.0. This Draft 3.0 is highly consistent with the very large volume of community input received during various diagnostic processes carried out earlier in this project. Based on these community consultations and input gathering, extensive feedback received was used to identify and analyze opportunities and issues to consider, and address, as part of refining and calibrating this new comprehensive zoning law.”

From my personal experience, I find this statement to be exaggerated and the majority of the homeowners are not engaged or simply uninformed about this important life changing issue

For instance, when residents were asked during early Charettes, “would you like the city to be more walkable?”, it would sound like a perfectly reasonable idea.

In their wildest dreams did participants think the simple concept of “walkability” would lead to urbanization of whole neighborhoods, commercial buildings on a residential street, avenues clogged with vehicles, single family homes next to small or large multiplexes possibly towering over their homes right next door?

Off street parking requirements have been practically eliminated. One reason was given that more parking lots create more runoff. This could be corrected through the use of more permeable materials. Another reason given was to slow down traffic. Certainly, there are many other ways to promote safe streets with less visual and physical impact to residents.

I was watching recently a YouTube board meeting where it was discussed that over 400 vehicles were in violation during a recent Snow Emergency issued by our mayor. How are we to deal with the unintended consequences of no requirement for off street parking?

The outreach for “best ideas” was limited and as a result, misleading to those who would have appreciated the positive changes represented in the proposed draft of the Form Based Code.

Response: Public input on the proposed Form-Based Code took place not just during the Charette period but at each and every stage of the code drafting process. The input process included broad visioning statements to encourage Kingston residents to think about what kind of policy priorities they would have for a new zoning code. However, as the drafting process went forward, the questions being asked and the type of public feedback given became much more specific.

Comment 15: N. Bourne (NBH) PH, WC

The Gridics study calculates the potential build out under current zoning by calculating the full build out of the 7,334 non-excluded parcels, and I'm quoting from page 9 of the Gridics study, they do this as if each parcel can be developed to its maximum potential and does not take into consideration existing built structures, specific environmental constraints or market demand.

So, the analysis does not calculate a reasonable filled build-out, but calculates what would happen if every lot in the city were developed to its maximum. And my concern is whether this approach overestimates what could be built under existing zoning and then underestimates the difference between existing zoning and the full buildout.

Response: The Gridics study is a professional study based on reasonable assumptions, and their experience and knowledge of buildout potential of communities, and is a generic evaluation of the potential impact of the change in the zoning code. Any changes to properties would be required to submit an application to the Planning Board, and would be required to analyze the potential impacts of their project under SEQRA as required by law.

Comment 16: R. Iannucci, WC

We appreciate the good progress that has been made in each and every draft. However, we still have legitimate concerns, especially with the creation of the new waterfront district first arising in this Draft #3.

Before addressing our concerns, we support the Payment in Lieu provision that was added in Section 405.19. This will help incentivize the development of our Waterfront.

This provision is very much needed in the SD-W/SD-WMU area, where some of the parcels are very narrow and economically feasible housing development will therefore be a challenge. This allowance for Payment in Lieu will help alleviate that. Please note that we are the largest single stakeholder in the SD-W/SD-WMU district. I am a proud Kingston resident since 2005.

Response: Thank you for your comment.

Comment 17: R. Iannucci, WC

Zoning Draft #3 Issues and Proposed Solutions1. ISSUE: The SD-W and SD-WMU designations are very confusing. Why do we have two zoning designations for every single parcel on the waterfront, one of which (SD-W) is of limited use?

· The SD-W designation and the SD-WMU waterfront overlay district is very confusing. As of right we are extremely limited in how much we can build and what we can build on the waterfront.

· For example in SD-W (the entire waterfront designation) we are not allowed to build residential, retail, lodging or any commercial use whatsoever as of right.

· *Only through the complex SD-WMU overlay process, can we build these things and first it requires approval through a major site plan.*

· *This is a step backwards. It is off putting to potential investors or joint venturers.*

SOLUTION: SD-W is redundant/unnecessary and should be removed. Allow the SD-WMU uses as of right especially housing!

Response: The SD-W is consistent with the standards under existing zoning. The SD-WMU is an overlay that incentivizes property owners to provide required public access to the waterfront in exchange for greater massing, height, and mix of uses. A property owner can choose which standard they could follow.

Comment 18: R. Iannucci, WC

ISSUE: Height limitations in the SD-WMU District:

· *In the more favorable SD-WMU district, it caps the waterfront at 3 stories max then adds some other incentive programs to achieve 1-2 stories.*

· *In order to justify the cost and expense to build significant waterfront development we should be allowed a minimum of 4 stories as of right. Then add open space and affordable housing bonuses on top of this. We are already committing to a public access walkway and numerous sight path easements. The public will be able to enjoy the waterfront at significant cost and expense to any development project. We should be rewarded with more height as of right.*

SOLUTION: Increase the As of Right height to 4 stories in the SD-WMU district.

Response: The addition of an as of right story would impact the rights of the community to see views of the waterfront from other areas in the City, and the visual impact was carefully considered prior to making this determination. A property owner has an “as of right” height of 3 stories in the SD-WMU district but has the option of achieving 4 stories via a one-story bonus height.

Comment 19: R. Iannucci, WC

ISSUE: Onerous Setback Requirements in SD-WMU will inhibit feasible development

· *Many of the waterfront lots are narrow. SD-WMU has 15'-25' front setbacks this is too onerous.*

SOLUTION: Please make front setbacks as minimal as possible.

Response: A setback is desired to provide space for pedestrian circulation and planting/landscaping (street trees), given the intensity of development allowed and the narrow existing street right-of-way. Per the feedback received, the minimum dimension has been reduced to 10' in the latest code draft..

Comment 20: R. Iannucci, WC

ISSUE: All permitted “commerce” development with uses over 10,000 SF require a special permit.

· *This adds another layer of restriction and complexity to any large scale development and nullifies the point of having the as of right uses.*

· *Based on this restriction, the spectacular Cornell Building would require a special permit to be put to any productive end use. These restrictions are only going to hamper these waterfront properties from being put to a beneficial end use.*

SOLUTION: Restriction should be removed or increase the Square Foot applicability to at least 40,000 sq ft.

Response: These footprint provisions were formed in part based on the historic footprint of the Cornell building. Under the FBC provisions, special considerations are required to allow commercial development within a larger footprint building. This is to encourage a walkable environment and support other goals of the form-based code. Based on further analysis of the footprint of historic warehouses in the area, this requirement has been adjusted to 15,000 SF in the SD-WMU in the updated draft of the code to support new buildings at a similar scale as the Cornell Building.

Comment 21: R. Iannucci, WC

ISSUE: Repeated references pushing a nature based shoreline technique is inconsistent with the well-established position of the City, Stakeholders and Public for a hard steel bulkhead along the Kingston Waterfront.

Current Draft #3 text:

“Nature-based shoreline stabilization and restoration techniques should be utilized where feasible with future waterfront development. Nature-based shorelines help protect against erosion, provide habitat for aquatic species, improves water quality, and can outperform hardened shorelines during storm events. Where nature-based shorelines are not practical, bulkheads and other hardened shoreline designs may be utilized.”

· *Adding "where feasible" to the above text in Section 4.36, is just muddying the waters. The issue of a hard steel bulkhead v natural shoreline has been studied for many years in Kingston by multiple different organizations, public agencies, and city planning. They have all come to the same conclusion: we need a hard bulkhead on the Rondout Creek to make it suitable for development.*

· *Moreover, a Steel Bulkhead is required by the DEC to act as a cap for contaminated landfill to prevent leaching into the Creek. As designed, the steel bulkhead will also serve as a flood wall to reduce the flood risk to the East Strand community. The Army Corps of Engineers has endorsed this approach.*

SOLUTION: Remove reference to nature-based shoreline.

Response: The City would like to encourage nature-based shorelines, when possible, since the benefit to the community and the environment would be significant if it could be achieved where practical. However, the development of hard bulkheaded is not precluded in any way by the provisions of this zoning code.

Comment 22: R. Iannucci, WC

ISSUE: The parking demand reduction strategy requirement for large sites is too complicated and onerous. Housing should be prioritized. In addition, we request relief from the special use requirement for surface parking

SOLUTION: Please simplify.

Response: The intention of the FBC is to minimize parking and encourage other modes of mobility (walking, biking, transit), and allow the development of parking based on analysis of the market demand. Surface parking, if not properly located and shielded from view of pedestrians, can detract from the public realm, necessitating additional review.

Comment 23: S. Wenk, WC

My only comment on this is that I am strongly opposed to the Payment in Lieu of Affordable Housing offered to developers. Without a lot more detail on how this plan would work - what the payments would be, how they would be used to build affordable housing, etc. - I can't believe this will be a good thing for the people of Kingston. Don't let developers decide who gets to live where.

Response: Thank you for your comment. The zoning recognizes that some developers will either be unable or unwilling to comply with the affordability requirement by creating affordable units on-site. Those developers, too, must support affordable housing and will be allowed to do so by making a financial contribution to a dedicated, affordable housing reserve fund. As stated in the zoning code, the Common Council will have to approve each payment in lieu request using agreed-upon criteria.

Comment 24: R. Martin, WC

A Payment-in-Lieu-of Affordable Housing ("PILOAH") is included in the Kingston Form Based Code 3.0, page 114. The PILOAH wasn't in the 2.0 version or 2.0 public comments. Where did it come from?

Did/does the city staff or Kingston Common Council as Lead Agency:

a) Request a PILOAH and Affordable Housing Fund in the Form-Based-Code as a placeholder before policies are clearly defined?

b) It may be in the developer's best interest, but does the council feel it is in the public's best interest to allow a developer a PILOAH to avoid having to include affordable housing units in a new project?

Response: There were many other changes between the 2.0 and 3.0 drafts, including to the Inclusionary Zoning Standards, based on public input received and further staff and consultant review. While the form-based code references the affordable housing fund, such a fund and its requirements would need to be created separate from the current zoning effort. Funds received into an affordable housing fund could be used for anti-displacement efforts and/or to incentivize development that targets 0-80% AMI households.

Comment 25: G. Rodriguez, WC

I am writing to express my support for the proposal to construct a hard steel bulkhead along the East Strand of Kingston, NY, as well as my endorsement of Zoning Draft #3. I believe that both initiatives will help to stabilize and develop the area, and bring great benefits to the community and local economy.

With regards to the hard steel bulkhead proposal, I agree that it is necessary to contain the contaminated landfill and rising water levels, and to stabilize the land. I also think that this is a step forward, as it is consistent with the well-established position of the City, Stakeholders, and Public for a hard steel bulkhead.

Response: Thank you for your comment.

Comment 26: G. Rodrieguez, WC

Moving on to Zoning Draft #3, I would like to comment on some key bullet points. I support the payment in lieu of affordable housing option for developers, as it can either provide affordable housing or capital to enhance the City, benefiting the community either way.

Response: Thank you for your Comment

Comment 27: G. Rodrieguez, WC

Regarding the onerous and restrictive process to redevelop larger sites like the Cornell Building, I agree that all permitted commerce development with uses over 10,000 SF requiring a special permit is limiting. It would be beneficial to allow at least 40,000 SF without the need for a special permit.

Response: Thank you for your comment. Also See Comment 20 in this Section.

Comment 28: G. Rodrieguez, WC

The confusing and limiting waterfront designation SD-W and SD-WMU are also a concern. I believe that it is essential to allow residential, retail, lodging, and other commercial use as of right on the Waterfront without a complex major site plan process.

Response: Thank you for your comment. Also See Comment 17 in this Section.

Comment 29: G. Rodrieguez, WC

The height limitations in the SD-WMU district and onerous setback requirements are also restrictive. I support the request for four stories as of right, as some waterfront parcels are narrow. Additionally, I believe that 10' front setbacks are more feasible, rather than the current 15'-25' requirements.

Response: Please refer comments 18 and 19 in this section of the FEIS.

Comment 30: Kingston Historic Landmarks Preservation Council, WC

The HLPC notes that the Common Council should also be looking at Chapter 264 of the City Code to recognize inconsistencies with new language as being presented in the FBC.

Response: Chapter 264 contains additional standards for the Stockade Historic District, including a provision for building height (“Because of the visual importance of the Old Dutch Church Steeple, no new structure may rise within the Stockade Area above the base of the steeple, which is 62 feet above curb level”) and guidance for determining the appropriateness of building materials, site design and landscaping. Per Sec 264-8 Relation to Zoning, the provisions of Chapter 264 as well as Chapter 405 (Zoning) shall remain in force in the Stockade District unless there is a conflict, in which case the provisions of Chapter 264 shall apply. Therefore, new language in Chapter 405 does not impact the applicability of Chapter 264.

Comments 31 through 36 address Article 4: Section 405.14 Architectural and Site Design Standards (Page 4.24) of the Proposed FBC Version 3, which was included in the DGEIS and is available on the City’s **Engage Kingston Website** <https://engagekingston.com/kingston-forward>.

Comment 31: Kingston Historic Landmarks Preservation Council, WC

B. APPLICABILITY (Page 4.24)

** 1. MODIFY 2nd sentence - The Architectural Standards, as identified in paragraphs E, G, H, I, J and K, of this Section, are encouraged (but not required) for Detached House, Carriage House, Duplex or Cottage Court Building Types. Design of structures should be compatible with the surrounding neighborhood, not necessarily discouraging other styles.*

Response: In the updated draft of the code, the first sentence is suggested to instead state “The Architectural Standards of Sec 405.14.C through 405.14.G are encouraged (but not required) for Detached House, Carriage House, Duplex or Cottage Court Building Types.” The intent is to exempt smaller building types with less impact of public spaces from the detailed architectural regulations that might be onerous for small property owners. Sec H (building height) should apply to all buildings. As stated in 405.14.B.3 below, Sec I, J, K are intended to apply for all site plan applications.

The second sentence has been added to the updated draft of the code. Comment 32: Kingston Historic Landmarks Preservation Council, WC

E. BUILDING WALL MATERIALS & MASONRY DETAILING

** 1. (f)- COMMENT - Understand this for some commercial structures, but this maybe shouldn't apply to all building types mentioned under B. above... both vinyl and aluminum are a mainstay type of material to use. Naturally there are other materials you could use in place of vinyl or aluminum clapboard, such as actual wood or maybe a hardiplank or other composite. Think it would be a mistake to prevent the everyday homeowner from being able to use those materials. Alternative materials can be expensive. Also, if you are in a situation where you're putting an addition on a house, would this prevent the use of trying to match materials?*

Response: See above comment – these standards would not be required for individual homeowners of Detached House, Carriage House, Duplex or Cottage Court buildings.

Comment 33: Kingston Historic Landmarks Preservation Council, WC

** 1. (g) QUESTION - There are outdoor malls and other shopfronts in the area that use EIFS. If any of them need repair or need to be modified, would this prevent that from happening?*

Response: No, these structures will be existing non-conforming buildings, which can be maintained/repaired, just not improved in a way that increases the non-conformance (for example, could not add more EIFS where it did not already exist).

Comment 34: Kingston Historic Landmarks Preservation Council, WC

G. BUILDING DETAILS

**1. Roofs and Parapets (Page 4.29)*

(g) This section references a sign panel allowed in a raised parapet section. There is no correlating standards on size, design etc., in the sign standard section. What regulates this? Materials? Illumination? Size?

Response: This will be regulated as a “wall sign” in the signage standards (Sec 405.17).

Comment 35: Kingston Historic Landmarks Preservation Council, WC

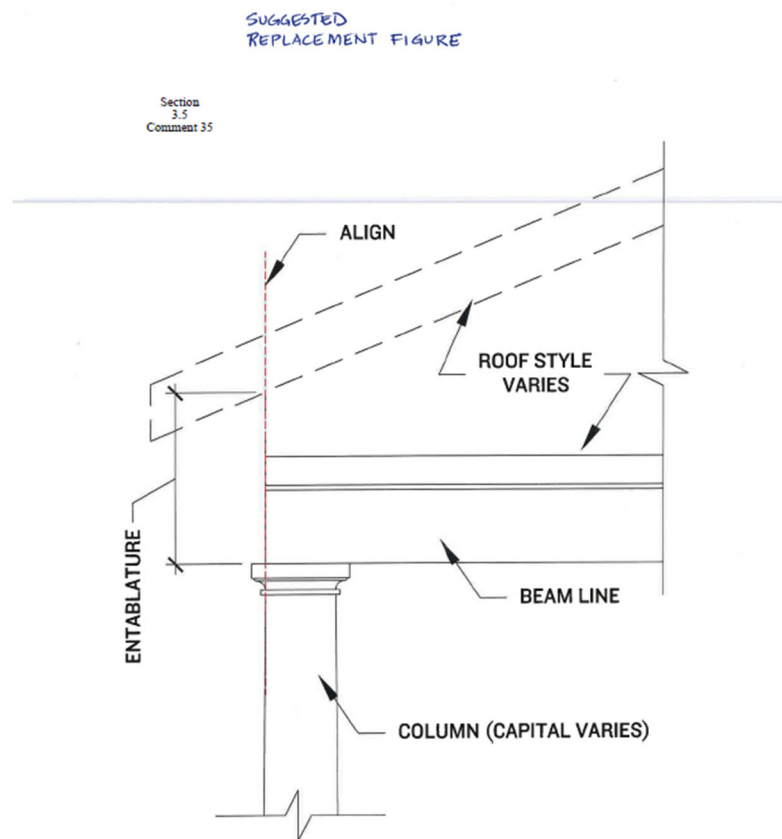
**4. Columns (Page 4.30)*

(b) All columns shall be spaced at regular intervals, to the greatest extent possible, and shall create openings....

(c) The HLPC wants to recognize that there may be an appropriate occasion to make use of a "Faux" column which would not be a structural element of the building design.

(d) The HLPC members note that the alignment as shown in Figure 405.G.4.d, has the potential for the column capital to hold water, snow, ice, and debris, ultimately causing rot possibility. The HLPC questions if the figure is a "Blow-up" of Figure 405.14.G.4.c (above it), then without the roof detail, gives rise to more questions/interpretations. HLPC Provides Alternative Figure for consideration [following this page], which would require some minor notes for clarification.

General Comment - Consideration should be given to removing the negative figure examples and just having the acceptable figures shown to avoid confusion.



Response: The caption to these diagrams has been edited to explain that a projecting cornice, as shown in Fig 405.14.G.4.c, could be added to protect a column from rain, snow and ice. In addition, flashing is commonly used to mitigate any negative impacts from the elements on exposed façade components frontage features. The negative figure examples show common errors or mis-interpretations of the text that we have found helpful to point out. There is nothing in the code that requires a column to be structural, but it should appear as if it could be structural.

Comment 36: Kingston Historic Landmarks Preservation Council, WC

H. BUILDING HEIGHT (Page 4.31)

**1. COMMENT - The HLPC recognizes this as different from the present definition. The concern is that with the new wording the roof could potentially present a greater visual impact.*

**3. Measuring STORIES: (a) A STORY is measured from finished floor level to the surface of the floor or eave of roof above....*

Response: The suggested text edit has been made in the updated draft of the code.

Note: Comments 37 through 39 address Article 4: Section 405.17 Signage Standards (Page 4.41) of the Proposed FBC Version 3, which was included in the DGEIS and is available on the City's **Engage Kingston Website** <https://engagekingston.com/kingston-forward>.

Comment 37: Kingston Historic Landmarks Preservation Council, WC

- *ADD Signage Regulations that govern the installation of signs both under and along the "Pike Plan" structure on North Front and Wall Streets in the Stockade District. [The suggested figure is on the following page, suggested regulations are below:]*

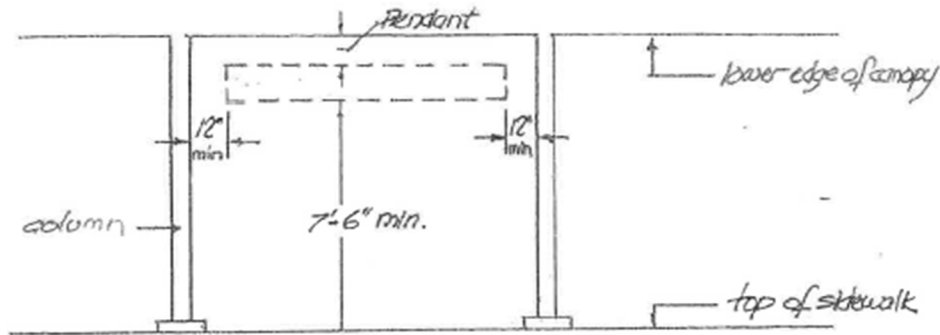
GUIDELINES FOR THE INSTALLATION OF SIGNS ON OR

UNDER THE PIKE PLAN CANOPIES

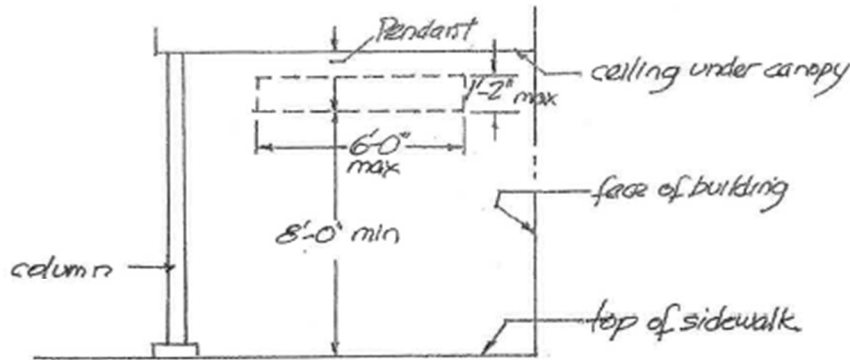
- *These guidelines shall apply only to businesses which occupy the ground or street levels of the buildings in the area. All business or office occupying the upper levels of any building in the area may be identified and located solely by a sign or plaque beside the door which permits access to such an establishment.*
- *Each business shall be entitled to two (2) signs to identify and locate its establishment, i.e., one (1) on the front of the canopy parallel to the street, and one (1) under the canopy perpendicular to the street.*
- *Flashing, moving or intermittently illuminated signs or advertising signs are prohibited.*
- *No internally lighted or neon signs are permitted.*
- *All signs shall be constructed of wood, with painted or applied lettering, or lettering may be routed. No metal or plastic signs permitted.*
- *Lettering must conform to style of middle 1800's or early 1900's.*
- *Minimum and maximum distances and dimensions are graphically displayed on the following page.*

PIKE PLAN CANOPIES
(WALL STREET AND NORTH FRONT STREET)
UPTOWN URBAN RENEWAL PROJECT NYR-121

SIGN ON FACE OF CANOPY (PARALLEL TO STREET)



SUBPENDED SIGN UNDER CANOPY (PERPENDICULAR TO STREET)



NOTES:

- All signs shall be pendant, except those applied to facia
- Size and shape of signs are not fixed but shall fit within limits indicated by dotted lines
- Drawings above are not to scale

Response: The suggested text and diagrams have been included in the updated draft of the code.

Comment 38: Kingston Historic Landmarks Preservation Council, WC

E. PEDESTRIAN-ORIENTED SIGNS

**5. Pedestrian-Oriented Standards:*

Page 4.43 - b. Projecting Signs (vii) This statement needs to be related to the following paragraph c. Marquee Signs, as it speaks to "A projecting marquee "Confusing and difficult to interpret. Is this meant to regulate the perpendicular element as shown in the photo with "c. Marquee Signs"? The dimensional height would not lend itself to thinking in that regard. Under "c. Marquee Signs" The HLPC questions if the intent is to regulate only the horizontal element as shown in the accompanying photograph? The width, height and quantity specifications would lend one to interpret it that way. Basically- Marquee signage needs to be re-worked for clarity and straight forward interpretation.

Page 4.44 - h. Sidewalk Signs - ADD (vii) Sidewalk Signs shall be appropriately secured and anchored in place in a manner suitable to the Department of Public Works.

Response: The marquee sign is the sign over the entrance. A projecting marquee sign would be a type of projecting sign, regulated by item vii in “projecting signs” above. The definitions clarify which rules apply: A projecting sign is a type of building sign that projects outward from the facade, typically at a ninety-degree angle; A marquee is a sign attached to the top or the face of a permanent roof-like structure constructed over a ground floor main entrance.

The suggested edit to sidewalk signs has been included in the updated draft of the code.

Comment 39: Kingston Historic Landmarks Preservation Council, WC

H. ICONIC SIGNS (Page 4.45) TYPO- ICONIC SIGNS such as barber poles, shall be permitted as long as they comply with the otherwise applicable

Response: The suggested edit has been included in the updated draft of the code.

Note: Comments 40 through address Article 8: Section 405.26 L. Historic Landmarks Preservation Commission (Page 8. 24) of the Proposed FBC Version 3, which was included in the DGEIS and is available on the City’s **Engage Kingston Website** <https://engagekingston.com/kingston-forward>.

Comment 40: Kingston Historic Landmarks Preservation Council, WC

2. Membership qualifications. (Page 8.24)

** Change the current third sentence to read "All other members shall be residents..... "*

6. Powers and duties. (Page 8.24)

** To insert the following language as identified in red here in (a) (ii) "To review all applications for building permits, all outwardly physical installations and all appeals and applications transmitted to the Building Safety Officer which may affect any landmark or Landmark (L) District, and to make..... 405.26.J.1.c. This provision shall exempt all in-kind restoration/rehabilitation work, painting using historic color collection palettes, minor modifications or alterations to the exterior, signage when in compliance with the regulations herein, as determined by the Planning Administrator to be suitable for a determination of impact issued on an administrative level.*

Comment 41: Kingston Historic Landmarks Preservation Council, WC

7. Landmark or Landmark District designation procedure. (Page 8.25)

* (f) The HLPC questioned the method of ratification by the Common Council needed.

Recommend changing the second sentence to remove certain language as follows: "The designation shall be effective upon ratification ~~through ordinance~~ by the Common Council.

8. Landmarks and Landmark(L) Districts. (Page 8.26)

* (a) (ii) The Stockade Area of Kingston, New York, consisting of eight blocks bounded by Clinton Avenue, Main Street, Green Street and North Front Street, together with protective perimeter, is the site of the stockade *ordered* built by Peter Stuyvesant in 1658 and successive extensions under English rule. In this area there were two *conflicts with Esopus Lenni Lenape people Indian massacres*, one in 1659-60 and one in 1663-64, as well as the location of the founding of the first government of the State of New York in 1777 and burned by the British that same year. *This area contains architecture dating back to the 17th and 18th Century including the corner of Crown and John Streets with four pre-Revolutionary stone houses, one on each corner of the intersection. In addition to the distinctive pre-Revolutionary stone houses, the district has 19th Century structures in Federal Period, Greek Revival, Italianate and Second Empire and Queen Anne styles as well as the mid-19th Century stone Old Dutch Church, a National Landmark.*

* (a) (ii) (2) TYPO - This area contains architecture.....And cultural organizations of the past.

* (a) (iii) The Rondout Landmark District consisting of the area as shown on the Regulating Map *and described as: The Rondout Historic District encompasses the area sloping down to and featuring the waterfront on Rondout Creek. Rondout was rapidly transformed from farmland into a thriving maritime village after the opening in 1828 of the Delaware and Hudson Canal with its terminus here. Plentiful jobs on the canal, in boatyards and shipping, in industries such as brick and cement manufacturing as well as bluestone, drew a melting pot of immigrants whose imprint is still visible in the rich legacy of commercial buildings, cast-iron storefronts, homes and churches in the district despite losses due to urban renewal in the 1960's.*

* (a) (iv) The Fair Street Landmark District consisting of the area as shown on the Regulating Map *and described as: Starting in the mid-19th Century, a long line of distinguished residences representing several architectural styles were erected along Fair Street extending out from the Stockade District as affluent people began moving out from the 'Stockade District and building substantial structures. The tree-shaded street has significant examples of the Italianate, Second Empire, Queen Anne, and Colonial Revival architecture.*

* (a) (v) The Chestnut Street Historic District consisting of the area shown on the Regulating Map *and described as: The district encompasses both West and East Chestnut Streets offering splendid examples of various architectural styles including Italianate, French Second Empire, Queen Anne, Colonial Revival, and Italian Renaissance many set on expansive lawns. In the 19th Century, on West Chestnut Street at the top of the hill above Rondout, several of the most affluent and powerful business people in Rondout built large homes, some with magnificent views of the Hudson River and Catskill Mountains.*

Comment 42: Kingston Historic Landmarks Preservation Council, WC

* (b) (ii) (4) Maintenance. "Preventive maintenance is required in order to assure that these buildings, spaces, elements and details are preserved. ~~Failure to provide this~~ Deliberate neglect and/or lack of preventive maintenance *that presents an issue of public safety or rapid deterioration of a structure shall be a violation of this article.*

9. Review Procedure.

ADD (e) It shall be the further duty of the Commission to exercise judgement in accord with the guidance of the US Secretary of the Interior Standards for Rehabilitation.

Response: The suggested edits have been included in the updated draft of the code.

Comment 43: Kingston Planning Board, WC

Note: Comments 43 address Section 405.16 Parking Standards of the Proposed FBC Version 3, which was included in the DGEIS and is available on the City's **Engage Kingston Website** <https://engagekingston.com/kingston-forward>.

1. *Lodging should have .5 parking spaces per room with a minimum of 2 spaces (Roll Call - ALL Yes – Carried)*
2. *1, 2, 3 family residential housing should have a 1 parking space minimum per unit (Roll Call- AH – No; ALL others yes, carried)*
3. *Residential with ADU's in the T3 districts should be required to have 1 space per unit plus 1 space per ADU (Roll Call -ALL Yes - Carried)*
4. *When consideration is given to recognizing the use of on street parking regulations, developers should be required to provide a calculation of demand for on street parking and availability demonstrated. (Roll Call -ALL Yes - Carried)*
5. *There should be a review of the existing on street parking laws to identify where potential parking may be available to add to the overall numbers, i.e.- where handicap parking may no longer be used, requiring alternate side or limit on length of time vehicles may remain on a street without moving. (Roll Call -ALL Yes - Carried)*

Response: The removal of minimum parking requirements for transect districts in the zoning code is consistent with the goals of the form-based code to encourage housing affordability, walkability, and small business development. We agree that as part of a parking demand reduction and supply strategy, developers should be required to calculate potential parking demand and how they will meet and/or reduce that demand.

Comment 44: Kingston Planning Board, WC

Note: Comments 44 address Parking Demand Reduction Strategy (Section 405.16 C. 3.) of the Proposed FBC Version 3, which was included in the DGEIS and is available on the City's **Engage Kingston Website** <https://engagekingston.com/kingston-forward>.

The following recommendations are made:

1. *The word "Reduction" should be removed from the title as the purpose of this exercise is to determine the parking demand necessary to support a proposal and not necessarily reduce a number of spaces as this new code is already greatly reducing parking requirements. (Roll Call -ALL Yes - Carried)*
2. *The thresholds which are contained in this Section should be reduced as follows:*
3. *"include Principal Building(s) with a single building footprint of 10,000 5,000 square feet or greater and/or a total gross floor area that exceeds \$50,000 10,000 square feet." The Board makes this recommendation based on their experience and knowledge of the reviews which they regularly*

undertake and what they believe to be a more appropriate measure for parking assessment. (Roll Call - ALL Yes - Carried)

4. *The Board recognizes that there is language already being contemplated which would provide the Planning Board to require a Parking Demand Strategy for projects that fall under the above thresholds with a Majority vote. The Planning Board supports this language being submitted in the Code text. (Roll Call - ALL Yes - Carried)*
5. *The Planning Board would support a "Payment in lieu of off-street Parking" system be established where the City would be able to accumulate funds to create new or improve existing public parking facilities. This fund should be for capital improvement only and not be used for administration or operation expenses. (Roll Call - RJ - No; ALL Others - Yes - Carried)*
6. *Parking Dimensional Standards (Section 405.16. D.) It would be recommended that the dimensional standards as they are shown in the table also be diagrammed out. The Board believes that a figure would be a means of understanding layout configurations. (Roll Call - ALL Yes - Carried)*

Response: One of the goals of the study is to encourage building owners to seriously consider potential strategies to reduce parking demand on their site. Thus, we suggest retaining the word "reduction" in the title. However, we agree that another intent is to help the owner determine demand, thus we have added the word "supply" into the title. Since the Planning Board has the power to require the parking study of any major site plan, the requirement to lower the thresholds is not necessary.

A payment in lieu system would require the reintroduction of parking minimums.

The Common Council agrees with adding the parking dimensional standards and this modification has been made.

Comment 45: Kingston Planning Board, WC

SD WATERFRONT - *The Planning Board discussed and was of the opinion that more focus needs to be considered on views from existing neighborhoods and public access:*

1. *Buildings in SD waterfront should be limited to 3 stories with a 1 story bonus, with the Height Overlay boundary remaining as is. (Roll Call - ALL Yes - Carried)*
2. *It was noted that parking under buildings is not included in height. It would be the recommendation of the Board that parking below a structure be included within the overall height as is done in the other transects. (Roll Call - ALL Yes - Carried)*
3. *Parking underneath should be included as a building story and should have a commercial/shopfront along the street. (Roll Call - ALL Yes - Carried)*

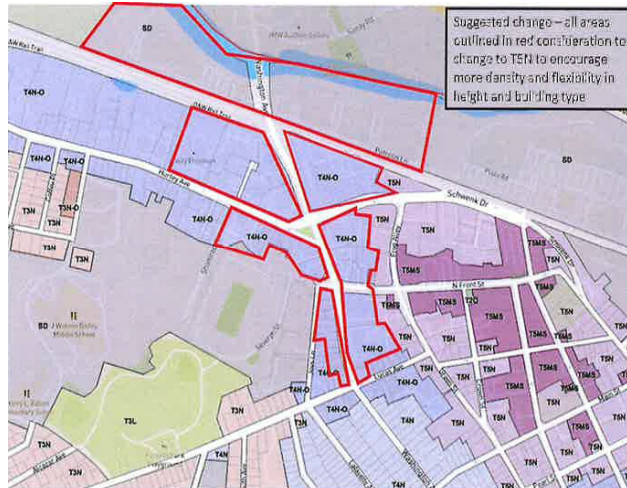
Response: Buildings in the SD Waterfront are limited to 2.5 stories, buildings in the SD-Waterfront Mixed Use are limited to 3 stories with potential for one story bonus.

The form-based code architectural standards would ensure that any such underneath parking or temporary use would be compatible with the streetscape with screening / liner requirements. Property owners could have the option to put in non-residential/commercial uses below the minimum flood elevation. The intent is to ensure that property owners aren't necessarily penalized for meeting the flood elevation requirements.

Comment 46: Kingston Planning Board, WC

DENSITY

1. *Regulating Map - The Board discussed Washington Avenue as a "Gateway" into the city and also as an area that could withstand higher densities. They also took note that in making a recommendation for increased density that there are architectural standards now incorporated and they also recognized the proximity of the Stockade Historic District in Uptown Kingston. By providing areas that would be suited to development, the pressure to have impacts on the historic areas is reduced. Looked at the increased density, heights and coverage from the city line into Lucas Avenue. See map below identifying the areas and transect changes. (Roll Call - ALL Yes - Carried)*



2. *Uses in the T3N areas - Limit of up to two units maximum, including ADU's in T3N transects. (Roll Call - AH-No; WP, RJ, MG, SN, VA, CP – Yes - Carried)*

Response: The current T4N-O designation would still allow for this area to have greater density and to become a gateway district. One additional concern is that this portion of Washington Ave is in the 100 and 500-year flood zones. However, the Common Council generally agrees with the intent of increasing density in this area and have extended the T5N designation down N. Front to the intersection of Washington Ave and along Drive/Washington Ave. to extend the existing T5N district that borders the core business district.

A change limiting uses in T3N areas of up to two units maximum would be in opposition to the goal of the form-based code to increase housing choice. In the T3N areas, the form-based standards would ensure that any development will not be out of character with what already exists.

Comment 47: Kingston Planning Board, WC

ARCHITECTURAL

The Board recognizes the benefit of this new section to the code and finds that the work is thorough and provides guidance for developers and review agencies. One issue was identified as lacking: Accessory Dwelling Units (ADU's) should have design guidelines and should fit with the character of the neighborhood and the architecture of the existing property. (Roll Call - ALL Yes - Carried)

Response: The form-based code already includes form standards for the ADUs (setback, height, and sq ft requirements). It is not clear what kind of additional design guidelines the Board recommends, but additional design guidelines are not necessary and could only discourage the development of ADUs.

Comment 47: Kingston Planning Board, WC

USES

1. *Corner Stores - Remove corner stores as allowed use in T3N Transects. (Roll Call - AH - No; ALL Others Yes - Carried)*
2. *ALTERNATIVES which were also discussed were read and voted on with no discussion:*
 - *Require any Corner Store Use requiring Special Use Permit Review, (Roll Call AH No; ALL Others - Yes - Carried)*
 - *Rename the use category "Corner Store" to "Neighborhood Business" (Roll Call ALL Yes - Carried)*
 - *Modify Definition "CORNER STORE NEIGHBORHOOD BUSINESS A small-format commercial or mixed-use building that provides a retail or service commerce use designed intended to serve residents of the surrounding neighborhood with day-to-day, recurring needs, on the ground floor; with residential or office uses above may be located on a ground or an upper floor. A corner store does not have to be located on a corner lot. See Sec 405.12.L and 405.21.F." (Roll Call - ALL Yes - Carried)*
3. *Extend Shopfront District along vacant parcel in front of Hudson Valley Landing (along the East Strand) (Roll Call - ALL Yes - Carried)*

Response Corner stores in T3N are consistent with the form-based code goals and have numerous historic precedents in many neighborhoods. The standards for corner stores, such as hours of operation and square footage maximums, will ensure there is minimal impact to surrounding uses.

The Common Council agrees with the name change the and change in definition as proposed and this modification has been made.

The Common Council agrees to extend the Shopfront District overlay to along the vacant parcel in front of Hudson Valley Landing.

3.6 Historic & Archeological Resources (Section 4.6 of the DGEIS)

Comment 1: N. Bourne, (NBH) PH, WC)

First, the analysis in the DGEIS is based upon a standalone land use study done by Gridics, which is at Appendix 3 in the DGEIS. The DGEIS is the backbone of the analysis, and it analyzes all of the parcels within the city and calculates the existing, and proposed zoning capacity under the proposed form-based code.

However, the Gridics study appears to exclude from its analysis the 502 parcels within historic designation, and the 46 parcels eligible for an historic designation. This is in on page 6 in the in the Appendix.

This would appear to exclude both the Stockade district and the Rondout District from the analysis of impacts. Even though the Stockade District is proposed to be within the T 5 transect district where the DGIS notes on page 133, that the higher level of form base code, influenced growth will generally be directed to occur within cores where T-5 and T-4 are centered. The Gridics study also appears to analyze potential growth for residential uses, but does not analyze the potential growth for non-residential uses. And I wonder, was this intentional?

Response: The parcels within the historic designation, and those eligible for a historic designation are protected from demolition (in favor of rehabilitation) by the City of Kingston Zoning Code under Article IX Historic Landmarks Preservation Commission, which includes a number of provisions that protect historic resources, including emergency designation powers for those properties already identified as historic, provisions to address demolition by neglect, and a requirement for review of any proposed changes to property that are historic, especially those properties within the Rondout and Stockade Districts. As this study is a generic examination of the impacts of the zoning code, it was **not feasible** to assume that all properties that had historic designation would be allowed to be developed at a maximum potential using methods used by Gridics in the GDEIS. In addition, the City of Kingston is a member of the New York State's Certified Local Government program, which requires honoring agreements with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) if the code is modified to reduce protection to historic resources within the city (See letter in Appendix B from the OPRHP dated April 6th, 2023.). In accordance with their agreements under the CLG program, the City of Kingston is required to consult with OPRHP to ensure any proposed changes are in keeping with the model law and intent of the CLG program.

Since the Landmarks law is not changing, the likely scenario would be that the historic resources would continue to be protected, and changes would be allowed under the current historic preservation design guidelines, even if the use would change. As a result, they were eliminated from Gridics study. Any changes would be required to be studied on a case-by-case basis, and would require approvals from the Kingston Landmark Commission, and more specific environmental study would be required under SEQRA once with City received development proposals.

Comment 2: N. Bourne (NBH) WC

In addition, the FBC proposes to designate the Stockade District to be within the T5 Transect District and the DGEIS notes that "The higher level of FBC-influenced growth will generally be directed to occur within cores where T5 and T4 are centered" (DGEIS p. 133 and Zoning Potential Analysis, Appendix 3 pp. 5-6). Yet, the Stockade District has been excluded from the Gridics land use analysis. If this is intentional, an explanation and rationale should be provided.

Response: The location of the Stockade District within the T-5 district, will allow the Planning Board to consider appropriate infill on properties that are considered "non-contributing resources" within the district, and consideration of the visual impact of proposed projects would be considered under the SEQRA process if they are adjacent or nearby contributing resources, If proposals include a landmarked building, would require review under Article IX Historic Landmarks Preservation Commission as noted in Response to Comment in this section.

Comment 3: N. Bourne (NBH), WC

The adopted Scope state that the DGEIS will include correspondence from SHPO. What is the status of a review by SHPO/OPRHP? And will this correspondence be forthcoming?

Response: The OPRHP submitted a letter reviewing the DGEIS and zoning code dated April 6, 2023 and is included in Appendix B of this document.

Comment 4: N.Bourne (NBH), WC

The adopted scope states that the DGEIS will include data and impact analysis of Archaeological resources. What is the status of this analysis?

Response: See Response to Comment 1 in this section.

Comment 5: N. Bourne (NBH), WC

There is a description of the proposed design treatment for historic properties within the Impact Analysis sub-section, but no analysis of impacts to historic properties or historic districts. In fact, in the Potential Impacts sub-section there is no mention of either the Stockade Historic District or the Rondout Historic District. Is this intentional?

Response: This section would apply to all the historic districts and landmarked buildings in the City Kingston.

Comment 6: N.Bourne (NBH), WC

Within the Mitigation sub-section there is a section pertaining to the Rondout Area and Waterfront Area but nothing on the Stockade Historic District. Is this intentional?

Response: Yes, the narrative under the subheadings in this section is meant to call out specific needs for these two districts, however, narrative in Section 4.6.2. Mitigation Measures would also apply to other historic districts within the City and would include the Rondout Area and Waterfront Area.

Comment 7: N.Bourne (NBH), WC

Please clarify the meaning of the following sentence:

Historic and Archaeological Resources – p. 72

“Typical stresses or threats that affect potential historic resources and their preservation are inappropriate or incompatible development inconsistent with design standards and/or nearby historic resources, demolition, as was common during the urban renewal era in Kingston, and failure by owners to follow design standards, resulting in code compliance issues and/or diminution of the cultural resource or resources affected. The economic effects of these stresses and threats can be significant as inconsistent actions can result in degradation of cultural resources and the historic building fabric of the City. Owners of National and State Historic Register listed properties may qualify for historic tax credits, which can help pay for qualifying improvements and preserve community character.”

Response: This is meant to be a general statement of conditions of historic buildings prior to the protections offered by the City of Kingston’s participation in the CLG program and adoption of Article IX, Landmark preservation Commission, although qualification for historic tax credits would still apply.

Comment 8: N.Bourne (NBH), WC

Please clarify the meaning of the following sentence:

Historic and Archaeological Resources – p. 73

“There are allowed height increases in buildings under the FBC compared with existing zoning. Enabling additional increments of height is generally expected to provide for compatible scale relationships between a new building and potential historic structures or the patterns among sets of buildings within a preservation district. Yet, is a completely appropriate for the HLPC to consult the Secretary of the Interior’s Standards for Historic Preservation, or other sources, to evaluate the effects of changes in height and scale and in defining best practices which may be stipulated in order to mitigate the potential for environment effects from new or rehabilitated building.”

Response: When considering the height of buildings proposed to be built adjacent to historic districts or buildings, the Historic Landmark Preservation Commission would likely consult the Secretary of the Interior’s standards for Historic Preservation, or other appropriate sources, such as the Landmark Code, other officially adopted requirements and guidance documents available to Landmark Preservation Commission to evaluate the impacts of the of the proposed buildings on the historic district or landmarked buildings, as required by the local law and agreements as part of the CLG program, and make recommended changes to mitigate any potential impact.

Comment 9: N. Bourne (NBH), WC

Please clarify the meaning of the following sentence:

Historic and Archaeological Resources – p. 75

“When there is HLPC jurisdiction and potential concerns about the impact of a proposed site-specific development due to a proposed addition of height to a new or rehabilitated building, it can be appropriate for the HLPC to call for generating what is akin to a Historic Structure Report, or a Conditions Assessment Report. Such tools would serve as a preservation and rehabilitation report prepared by a qualified professional. They can provide an organized profile of property, including buildings, and would identify, describe, and evaluate the existing condition of historic structure(s) and the associated environment. It could present analysis with recommendations for the potential treatment of proposed building, when there are concerns for how such actions can be structured to fit and blend proposed growth with area historic form and scale. Landmarks Preservation Commission.”

Response: Any project that includes a building within a historic district or designated as a Historic Landmark in the City of Kingston can be subject to a structural assessment, similar to a “Historic Structure Report,” or “Conditions Assessment Report.” (Examples of these reports are available through the HLPC). If the proposal includes an increase in height or involves rehabilitation, this report must be prepared by a qualified individual. Ideally, the report should include a profile of the property and describe all buildings, and would at minimum identify, describe, and evaluate existing historic structures on the property and the surrounding environment and concerns for each building. This report can also propose potential recommended actions to remediate those concerns, describe ways the proposed project is compatible with the historic buildings on site or other buildings adjacent to the project, or how the project can be modified to be compatible. This assessment would include an assessment of form and scale.

Comment 10: S. McIvor (OPRHP)

We note that the City of Kingston includes numerous individually eligible or listed resources and historic districts eligible or listed in the State and National Registers of Historic Places, along with historic resources that are potentially eligible and require further research to complete the evaluation process.

Therefore, under SEQRA, our office as subject matter experts have reviewed the proposed project, and offer the following comments regarding potential impacts to architectural or archaeological resources:

1. Kingston has been a member of New York State's Certified Local Government (CLG) program since 1986, and at that time the City and our office entered into an agreement binding both parties to a set of responsibilities in regard to the program. Per the CLG agreement and CLG rules and regulations, before amending the local legislation or implementing regulations, the local government is required to consult with the OPRHP to ensure any proposed changes are in keeping with the model law and intent of the CLG program. This is a separate review from SEQRA. Please contact Linda Mackey, CLG Coordinator, with questions. She can be reached at 518-268-2148 or linda.mackey@parks.ny.gov.

Please be aware that if this project will involve state or federal permits, funding or licenses it may be subject to a more rigorous review by those agencies and this office for impacts to historic and archaeological resources under Section 106 of the National Historic Preservation Act or Section 14.09 of the NYS Parks, Recreation and Historic Preservation Law.

Response: No changes are proposed to the Article IX: Landmark and Historic Preservation Commission, and the City intends on honoring all CLG agreements, rules and regulations. The Common Council looks forward to your full review of the proposed FBC, which was included in DGEIS as Appendix 1.

3.7 Socioeconomics (Section 4.7 of the DGEIS)

Comment 1: E. Katatsky, PH

Today it occurred to me about taxes, And I hadn't thought about this until now, and forgive me if my thoughts aren't very clear. But we have homestead and non-homestead and it seems that homestead right now carries most of the burden of the tax for the city of Kingston. And of course, there is a differential because of the value per 1,000 for homestead versus non-homestead. But still, the homestead carries the burden. If your home is devalued because of certain structures that are built near you, and your assessment should change. This is a concern, not only for mortgage holders, but for people who...it's a concern for the homeowner. And if indeed, you must continue to pay taxes and the building next door has a consideration for affordable housing and has a tax benefit...will the Homestead structures have to pick up the difference?

And so this is something that I've just thought of today, and I hope I would like some clarity on what will happen with the assessments as a multi-use structures are integrated into our single family neighborhoods. So I feel great concern about how this will play out, and I would like some clarity from the City as to how they see this going forward.

Response: The Common Council finds no evidence to support a claim that the form-based code would cause a devaluation of existing structures. The form-based code intent is that any new development is complementary to existing structures and uses.

Comment 2: C. Schneider, PH

My name is Cheryl Schneider. I love Kingston. It's been sort of the center of my universe for almost 30 years. I think the allocations for affordable housing are horribly under resourced. I think the concept should be flipped. I'd like to see 90% of the new housing that's built in the city be affordable housing, and I want to address what HUD is calling affordable housing, because, according to HUD, affordable housing has extremely low, very low. low-, and moderate-income levels. And right now, in the Kingston metropolitan

statistical area which the city of Kingston is a part of, because of the influx of extremely higher-incomed people over the last several years, our median income has gone up to \$96,000 for a family of 4.

Now, the problem with the allocations, according to HUD, is that they use low and moderate income now for all the funding coming out of Freddie Mac, and all the language in all the housing initiatives is calling affordable housing low income and moderate income.

But here's the problem. I just did some numbers: low income for a family of 4 is \$49,000 a year to \$77,000 a year.

And that is extremely high for what I know to be the incomes of families who are struggling just to be able to keep the lights on.

We have a housing crisis. The city established an ETPA, but we need more affordable housing. So, because of the influx of more affluent homeowners and renters, the demand pushed up the rents. People who have lived here their whole lives or long term cannot afford to live here, and the HUD definitions that we're using are way too high for affordable housing, and we are allocating way too little of the housing for that we can afford.

It destroys the consistency and character of our community, of our Kingston that we've known and loved. People are leaving in droves. I know of a woman and her mom, who will be homeless as of tomorrow. They've lived here her whole life. She grew up here as a child. She went to school here. She's been active in a community ever since, so I mean, and that's just one story.

This has to stop if we want to have a community that has character where we know each other, where we have safety, because the community has a character that we all love...then we have to stop building for the rich and making an enabling people to get very wealthy off of real estate. Thank you very much.

Response: Figure 32 and 33 in Section 4.7.1 of the GDEIS provides census information for the median income households in Kingston, the first is unadjusted, and the second figure is adjusted for inflation, and expands on the current status of housing and affordability. The Common Council agrees that while it appears that median income increased overall, once numbers are adjusted for inflation, many households, especially low income who live in rentals could not keep up with rates of inflation between 2010 and 2018 and lost spending power, and this trend has, unfortunately, continued. Section 4.7.3 states that the infill development encouraged by the FBC will create a more highly diversified supply of housing in and across the city. It is organized so that more housing can be created than is feasible under existing zoning. This should mean that there will, over time, be a greater diversity of housing stock and unit sizes, with more overall units, as well as better affordability. This will translate into housing options and price stability and housing choices for peoples from varied income backgrounds and with different housing needs and interests.

Comment 3: B. Starodaj (OHI)

As the Director of Housing Initiatives for the City of Kingston, I support the proposed Form-Based Code. As I provided in my testimony to the Common Council on February 13, 2023, the new zoning code will:

- *Encourage housing choice and affordability by legalizing housing types such as duplexes, triplexes, quads, and accessory dwelling units.*

- *Reduce barriers to the construction of housing by relaxing or eliminating parking, setback, and minimum lot size requirements.*

Therefore, this zoning reform effort is essential to solving the City's ongoing housing crisis. In this context, I offer the following comments on the DGEIS:

1. On page 74 in the Proposed Zoning Buildout Analysis, the DGEIS claims that "If there is a greater potential supply of overall building space, this should mean there is generally less demand per unit of building. It should influence...more affordability of property, including residential units." There is significant academic research from other municipalities that supports this claim and a related claim that traditional zoning laws have been an instrument of exclusion. The DGEIS should reference this research. This includes:

- a. "Zoning and the Cost of Housing: Evidence from Silicon Valley, Greater New Haven, and Greater Austin" Robert C. Ellickson*
- b. "The Impact of Building Restrictions on Housing Affordability" Edward L. Glaeser and Joseph Gyourko*
- c. "Eliminating Exclusionary Land Use Regulations Should be the Civil Rights Issue of Our Time" Michael Stegman*
- d. "The Emergence of Exclusionary Zoning Across American Cities" Tianfang Cuie.*
"Ending Exclusionary Zoning in New York City's Suburbs" Noah Kaziz
- f. "Racial Enclaves and Density Zoning: The Institutionalized Segregation of Racial Minorities in the United States" Jonathan Rothwell.*

Response: Thank you for your comment.

Comment 4: R. Martin, WC

In the Form-Based-Code, Affordable and Workforce Housing is stated to be between 80 - 120% AMI. How does the new code plan to incorporate residents/families living here now who are Low Income (51-80%) Very Low Income (31-50% AMI) and Extremely Low Income (0-30% AMI)?

Response: The zoning code can have a broader impact on affordable housing availability at various AMI levels by removing barriers to constructing housing and providing requirements and incentives for affordability with new development. However, zoning itself is one part of the city's approach for increasing housing affordability and especially for encouraging the development of housing affordable to low-income, very low income, and extremely low-income households, which should also include actions and policies beyond the zoning code. Understanding the desire to increase the amount of affordable housing required, the code's requirements attempt to balance the need for requiring affordable and workforce housing without discouraging new development. The code requires an evaluation of these standards every two years. Please reference Section 405.19 (B) 4 of Version 3 of the FBC available on **Engage Kingston Website** <https://engagekingston.com/kingston-forward>

Comment 5: R. Martin, WC

Ulster County rather than City of Kingston AMI are guiding affordable/workforce housing in the Form Based Code. It states in the code that HUD does not pull out numbers just for Kingston and/or in an effort to "simplify". Is the Kingston Common Council, as lead agency of this review, confident that HUD does not publish AMI levels for Kingston, and especially post-pandemic data?

Response: HUD publishes AMI figures for the Kingston, NY MSA, which includes Ulster County. Please reference: <https://www.huduser.gov/portal/datasets/il/il2022/2022summary.odn>

3.8 Multimodal Transportation & Parking (Section 4.8 of the DGEIS)

Comment 1: E. Katatsky, WC

In conclusion, I wish to respectfully remind the Common Council that there are some of us who will be relying more on vehicles and less on walking and biking. There is a segment of our population who are aging in place, dependent on others and will find a walkable and bikeable City but a dream as we become more dependent on vehicles. Also, let us not forget we live in a four-season environment where walking and biking are not always possible.

Response: See Section 3.5, Comment 13.

Comment 2: N. Bourne, WC

The data generated in the Potential Zoning Analysis (Gridics, Appendix 3) is neither referenced nor used in the discussion of potential impacts from the full buildout of the FBC. This includes the potential for a 15% increase in the built area (existing zoning capacity-built area = 74,061,946 sf; proposed zoning capacity built area = 5,077,538 sf) and a 37% increase in the proposed capacity of dwelling units (current zoning capacity dwelling units = 12,074; proposed zoning capacity dwelling units = 16,531). Again, does the calculation of the existing zoning capacity-built area overestimate the potential for building out under existing zoning? The rationale, accuracy and use of these figures should be provided.

Response: As explained on page 65 of the DGEIS, future capacity was calculated based on allowable yield as currently regulated by zoning, and possible building footprints that would be allowed under the current provisions and provided as a conservative analysis as required by SEQRA, since residential units are in demand, and have the most potential to require more services. For example, in Table 4, in the current O-1 Limited Office district, only 1 unit would be allowed on the property under certain circumstances, but a single residential unit would not be 6865 square feet, and part of this development footprint represents non-residential use.

Comment 3: N. Bourne, WC

The chapter states that the potential impact of implementing the FBC is “35% fewer auto trips” (p. 105). However, this conclusion is based on data derived from a study conducted by NRDC of a “dense project in downtown Atlanta.” Please explain the relevance and applicability of this study to potential impacts of the FBC on the City of Kingston.

Response: Section 4.7.1 supports trends that would lead to a walkable community, since 6% of households do not own cars and 30% only own 1 car. The referenced study was used as an example to show that increasing density generally supports fewer automobile trips traveled. There are other more general studies to support the idea that increased density and mixed-use development can support an environment that reduces Vehicle Miles Traveled. See this summary of other state and national-level studies on the issue: https://ww2.arb.ca.gov/sites/default/files/2020-06/Impacts_of_Residential_Density_on_Passenger_Vehicle_Use_and_Greenhouse_Gas_Emissions_Policy_Brief.pdf.

Comment 4: N. Bourne, WC

The impact and mitigation sections as well as the mitigation section describes the proposed intent and purpose of the FBC along with specific elements designed to implement the purpose and intent but does not appear to explain how the following statement was arrived at.

“Overall, the FBC provides for a better transport environment compared with existing zoning (and subdivision standards). There is diminished potential for undesirable transport impacts due to an orientation to multimodalism and the requirements that street designs provide for complete streets which reflect the corresponding land use density and context, including in the highest-order centers and the main arteries, such as along Broadway.” p. 110

Response: This statement is intending to convey that the complete streets focus of the street design standards, which are intended to make it easier to walk, bike or use transit, reduce the need to drive for all trips, and thus reduce negative transportation impacts that are commonly associated with increased vehicular traffic.

Comment 5: N. Bourne, WC

It would be beneficial if the DGEIS provided either a qualitative or quantitative assessment of the capacity of the Multi-Modal Transportation Parking system in the T4 and T5 transects, based on the following section of the DGEIS:

“The higher level of FBC-influenced growth will generally be directed to occur more within cores, where T5 and T4 are centered. There could be a particular need to provide long term and site-specific planning to ascertain the feasibility for infrastructure to service growth in these locations.” p. 133

Response: Without any specific development proposals before the City it is hard to predict specific infrastructure and transportation needs for these sites without proposals. The uniqueness of a form-based code is its flexibility to allow development to fit into the existing environment, allowing for density when it is beneficial to the community. The city regards examining the feasibility as one that requires the involvement of the development community and the residents once the zoning is adopted. Additionally, all projects are required to be examined under their own SEQRA process to provide assurance to the community that sufficient infrastructure exists.

3.9 Consistency with Community Character (Section 4.9 of the DGEIS)

No comments were received for this section of the GDEIS.

3.10 Energy Use, Air Resources & Noise (Section 4.10 of the DGEIS)

No comments were received for this section of the GDEIS.

3.11 Community Services & Infrastructure (Section 4.11 of the DGEIS)

Comment 1: E. Katatsky, WC

Also, I wish to bring to your attention that our aging infrastructure may not handle the proposed increased use. Our precious water supply, stormwater system, sewage collection and treatment systems are in constant need of upgrading or maintenance.

For instance, I have been told by a gas foreman for Central Hudson that our street has low gas pressure.... how do we expect to accommodate additional housing if we are unable to provide this resource and others without interruption?

The FBC may be putting the cart before the horse with regard to infrastructure.

Response: Increased density, where it can be accommodated, is also an opportunity to upgrade infrastructure systems that currently do not have enough users to fiscally support it. When specific proposals come before the Planning Board, applicants will be required to demonstrate how services would be provided, and the Form Based Code provides flexibility in terms of density and site planning to ensure that basic needs are safely met. More generally, any additional development in the city will happen over a period of time. During this period, it can be expected that the city will continue to make upgrades to essential infrastructure.

Comment 2: T. Garment, PH

I wanted to address infrastructure costs and managing them. I'm glad that it's addressed here in in one of the mitigations that's listed. We have been subsidizing basically sprawl development of the properties....the properties that will now be in the large lot and the conservation areas. They will not lose the character, the feel of being outside the buildings, the way that the buildings will be built will maintain a context-sensitive environment. But it will allow for more use of the buildings. And that in turn will help to support the infrastructure for those places. And then, in the more densely populated areas...making more use of that, too, will also support the heavier use on the infrastructure right now as it is, if you think about like, say, in the large lot areas where there's one large house. Maybe not that many people living in it. No mix of uses, mostly single family.

Think of that with the same size block as it is now. And if it was, some of them were a couple of families sharing it. Maybe one of them had offices on the bottom floor. Maybe one of them was having an accessory dwelling unit built in. That would be more tax income from those same lots that are there. You'd still have the same experience of walking on the street.

But you'd be able to pay for the same amount of trees, the same amount of sidewalk, the same amount of sewer lines that run underneath, the same amount of lighting. All that stuff costs money as we have been doing now, we've basically been subsidizing the sprawl of single family only neighborhoods and their trips that they take to get to the stores.

Response: Thank you for your comment. What you are describing is the ability to share infrastructure and reduced overall costs of taxes because there are more families and businesses using the same public infrastructure, which the DEIS discusses in Section 4.7.

Comment 3: N. Bourne, WC

Other than the following mention in the “Growth Inducing Impacts (Section 6.2) there is no mention of potential impacts of the FBC on school capacity or the capacity of other community services.

“With increased population, there could be growth in the absolute number or proportion of the community that comprises school children.” p.150 [of the GDEIS]

Response: The total number of students attending the Kingston School District was reported on the New York State education website as 6056 students in 2021, which is approximately 25% of the total population of Kingston. If this percentage is applied to children living in occupied households in Kingston in Figure 35 of the DGEIS, it translates into .64 school aged children per household (6056 units divided by 9361 occupied units). On page 70 of the DGEIS, the narrative states that the current build-out scenario of the current zoning code is 12,074, and the FBC full build out scenario would be 16,531 housing units, for a difference of 4457 units, and would result in an additional 2852 students (4457 x .64 students per household with rounding).

However, this comparison does not account for the additional 2713 potential units that would be permitted under current zoning, and therefore, is not reflective of the maximum number of students that could be attending the school, if full buildout and occupancy of housing units could be achieved under current zoning. Therefore, if maximum number of units under current zoning were built and occupied, the school would have an additional 1736 children in the school for a total of 7792 students, and correspondingly, the total number of units under the FBC would be approximately 10,644 total students if all units were built out.

An examination of the number of children per classroom, indicated that capacity exists within the current system to accommodate new students, since the School District has lower than average students per classroom rates. The average class size reported in the elementary school is 15-18 students, in the middle school was 18 students, and the high school was 18-24, with most classes having less than 20 students. The School District reported that expenditures per student was \$24,219.

Because birth rates and persons per household have been declining overall, this translates into less children enrolled in the public school system for most areas, and this trend is likely to continue. In support of this claim see the following article: <https://hudsonvalleyone.com/2023/03/13/census-bureau-reveals-decline-in-school-enrollment-local-districts-deeply-impacted/>. New development that occurs as a result of the FBC would most likely be accommodated in the beginning because of the existing available capacity. Because the development is denser, it would be reasonable to assume that schools would also benefit from new tax base that would result from new construction, which would likely yield more taxes than current zoning, and provide opportunities to add classrooms to accommodate new students as a result of adopting the FBC.

The School District planning efforts include a process of notification of applications that include housing built within its district boundaries to allow them to adjust capacity when necessary and would occur as a normal part of the review process.

Comment 4: N. Bourne, WC

Please explain the apparent inconsistency in these two sentences.

“The proposed Transect Districts allow a greater mix of uses, particularly in the T4 and T5 zones, focusing on building form rather than land use to bring about compatibility between existing development and potential future improvements.” p. 144 [of the DGEIS]

“The higher level of FBC-influenced growth will generally be directed to occur within cores, where T5 and T4 are centered. There could be a particular need to provide long term and site-specific planning to ascertain the feasibility for infrastructure to service growth in these locations.” p. 133 [of the DGEIS]

Response: The first statement is saying that T4 and T5 is where the greatest intensity of development and mix of uses is found, consistent with existing development. The second statement is acknowledging that since T4 and T5 are the areas where the greatest intensity of development is allowed, there would be a need to evaluate infrastructure needs to support future additional growth in these areas.

Comment 5: N. Bourne, WC

Please identify potential issues concerning water supply data and water service issues with respect to the adoption of the FBC – existing conditions, potential impacts and mitigation.

Response: A description of the water supply was provided in Section 4.11.1, 4.11.2, and 4.11.3. Also see Response to Comment 6 in this section.

Comment 6: N. Bourne, WC

This section suggests that there may be a concern for the short- and long-term capacity of the water supply system to meet the demand given recent drought conditions. Is this true?

“Analysis for dam work in 2019 showed potential for temporary issues with water supply in conjunction with construction, such as if there were drought conditions. In fact, in 2022 KWD implemented emergency water restrictions due to ongoing construction and drought conditions. While there are interim system limitations imposed while Cooper Lake capital improvements are finished, in the long term, the water supply will not pose a near term upper limit on growth.” p. 127

Response: Once the capital improvements for Cooper Lake are finished (they are scheduled to be finished this year), as stated in the DGEIS, available water supply will not pose a near term upper limit on growth. Because of the need for efficiency in terms of costs and current regulations governing water supply, development needs for additional water supply (and delivery systems, as well as other infrastructure needs) are often negotiated with Planning Board during the development process and are part of an environmental review of projects before the board. Future development of systems is only generally examined at this level in a generic review of the impacts since they are dependent on applicant project needs and locations of the system. These cannot be accurately predicted. The analysis prepared by Gridics is sufficiently conservative to anticipate the most likely intensive buildout scenario for a generic review of the impacts of the code. And finally, buildout of the zoning district would not occur at once, allowing time for future infrastructure needs to be addressed and costs to be negotiated.

Comment 7: N. Bourne, WC

Has an analysis been completed regarding the capacity of the water and distribution system to meet the proposed increase in the proposed zoning-built area as well as the proposed zoning number of dwelling units – particularly in the T4 and T5 transects where...

“The higher level of FBC-influenced growth will generally be directed to occur within cores, where T5 and T4 are centered. There could be a particular need to provide long term and site-specific planning to ascertain the feasibility for infrastructure to service growth in these locations.” p. 133 [of the DGEIS]

Response: See Response to Comment 6 in this section.

Comment 8: N. Bourne, WC

The impacts section recognizes that there would be water capacity issues if the FBC were to be built out, but the Mitigation Measures section does not identify needed mitigation other than “Any Major Site Plan for site-specific development should be assessed for its site-specific impact on water and sewer systems, the CSO, and stormwater system. It can be appropriate to require mitigation of impacts. Furthermore, any project receiving development approval involving substantial reconstruction should have to define whether her is a lead service line that currently exists that should be remediated.” p. 135 [of the DGEIS]

Response: See Response to Comment 6 in this section

Comment 9: N. Bourne, WC

The infrastructure analysis excludes non-residential development under the FBC. Shouldn't this section also include the following related to non-residential development?

| <i>Use</i> | <i>Buildout</i> | <i>Demand</i> | <i>Supply</i> |
|------------|-----------------|---------------|---------------|
|------------|-----------------|---------------|---------------|

Response: See Response to Comment 6 in this section.

Comment 10: N. Bourne, WC

Please clarify the meaning of the following sentence:

Community Services & Infrastructure – p. 135 [137]

“Any Major Site Plan for site-specific development should be assessed for its site-specific impact on water and sewer systems, the CSO, and stormwater system. It can be appropriate to require mitigation of impacts. Furthermore, any project receiving development approval involving substantial reconstruction should have to define whether her is a lead service line that currently exists that should be remediated.”

Response: Site Plan Applications submitted to the City would be subject to a site-specific examination of the potential environmental impacts, and to ensure that sufficient capacity existed to support the use in terms of all supporting infrastructure, such as water, sewer, the CSO, and ability of the stormwater system to handle increased development coverage on the site. Any project with substantial reconstruction of water systems will also be required to determine whether service is being provided a lead service line that should be replaced.

3.12 Consistency with Community Plans (Section 4.12 of the DGEIS)

Comment 1: M. Kodransky, WC

I'm writing to share comments regarding the parking provision in the draft form-based code. Removing all parking minimum requirements for new or refurbished developments is a step in the right direction to guide Kingston's smart growth. It is especially notable given the impact it will have to keep construction costs down. With the cost-of-living crisis, it will also allow other types of uses to contribute toward the tax base without trickling down to residents, visitors and consumers in the way of more expensive goods and services. Such a measure would serve to address Kingston's climate emissions (40% of which stem from transportation according to the 2030 Climate Action Plan), remove barriers and cost burdens on context sensitive development, allow more housing production with mixed-uses and support the multi-modal vision for the regional economy.

Thank you for the opportunity to comment on the parking approach in the draft environmental impact analysis, which echoes many best practices from around the country and will enable desirable policy outcomes expressed by participants throughout the in-person Kingston Forward workshops.

Response: Thank you for your comment.

3.13 Alternatives (Section 5.0 of the DGEIS)

Comment 1: N. Bourne, WC

It would be beneficial if the No Action analysis included data in the Zoning Potential Analysis (Gridics, Appendix 3) that identifies:

Current Zoning Capacity Build Area – 74,061,946 sf

Current Zoning Capacity Footprint Area – 33,493,751 sf

Current Zoning Capacity Dwelling Units – 12,074

Response: An Explanation of how the data was derived is located on Page 65 of the DGEIS. Also see Section 3.8 of this GFEIS, Comment 2.

Comment 2: N. Bourne, WC

Why is there no analysis of infrastructure capacity impacts for existing versus proposed FBC as stated in the adopted Scope ("This standard basis for comparison will address the potential impacts of growth under current zoning." 5.0 Project Alternatives)?

Response: Section 4.11.2 discusses the potential impacts of the FBC buildout based on a likely most intensive buildout scenario developed by Gridics, and includes estimates of the need for water and sewer. Section 6.2 of the DGEIS discusses the possibility of the potential growth impacts of adopting the Form-Based zoning code on a generic level. Once projects are presented to the City under the revised code, a discussion of the actual needs for individual projects would be part of the required SEQRA review. Also see Response to Comment 6 in Section 3.11 of this FGEIS.

Comment 3: B.Starodaj (OHI), WC

This zoning reform is being considered during a time of unprecedented growth in housing prices in Kingston. This must be referenced on page 154 in the discussion of the No Action.

Response: Thank you for your comment. This statement is incorporated by reference.

3.14 Higher Densities in T4 & T5 Transects (Section 5.2 of the DGEIS)

3.15 Growth Inducing Impacts (Section 6.2 of the DGEIS)

Comment 1: N. Bourne, WC

The Scope states that "... this section will assess the potential for economic or other direct or indirect changes that may occur due to land development...it will review the possibility of new or disproportional demands for government services and the possibility of less housing affordability, along with the need for and ways to attenuate potential issues." Where is this analysis?

Response: A discussion of Existing conditions of Housing Costs and General Housing Affordability starts on page 83 of the DGEIS, and the potential impacts of adopting the FBC starts on page 90 of the DGEIS.

3.16 Cumulative Impact (Section 6.3 of the DGEIS)

No comments were received for this section of the DGEIS.

3.17 Irreversible & Irretrievable Resource Commitments (Section 6.4 of the DGEIS)

No comments were received for this section of the DGEIS.

6.5 Identified Unavoidable Adverse Impacts (Section 6.5 of the DGEIS)

No comments were received for this section of the DGEIS.

6.6 Program Implementation (Section 6.6 of the DGEIS)

No comments were received for this section of the DGEIS.

7.0 Other Comments

This comment section is reserved for those items that are related to general comments related to SEQRA Processing, and the Public Hearing process.

Comment 1:

As a general comment, the maps included with the online version of the DGEIS are distorted when enlarged on a computer. Most are unreadable. Hard copies were only available for viewing in person at the City Hall. It would have been helpful for those with serious interest in this process to be able to attain a copy

for their own use. Please be mindful that not everyone is able to come to City Hall for such a review. (Eileen Katatsky, WC)

Response: Thank you for your comment. As stated in the comment above, physical copies of the DGEIS were available at City Hall to complement the online versions available on the City of Kingston's website.

Comment 2:

I was asked to review the DGEIS for the form-based code, and would like to present some general comments this evening, and I'll follow up with some more specific comments in writing, following this meeting. And first of all, let me state up front that my client supports the city's transition to a form-based code that will enable big ideas and encourage new investment in the city.

It's my client's expectation that the proposed form-based code will make it possible for a new respect for the unique character of the city, and cultivate the preservation and enhancement of the many distinct neighborhoods in the city of Kingston.

And, in addition, we appreciate the considerable time given to us by the city's staff and their consultants. Throughout this process, as we watch the form-based code evolve, and it's within this spirit that we provide the following comments. (Nanette Borne, PH transcript.)

Response: Thank you for your comment.

KINGSTON FORWARD

PRESERVATION • PROGRESS • EQUITY



**Draft Generic Environmental Impact Statement for the
Form-Based Code Rezoning of the City Of Kingston, NY**

Appendix #2

Public Comments



RECOMMENDATION

Elisa Tinti, City Clerk
City of Kingston
420 Broadway
Kingston, N.Y. 12401

REFERRAL NO: 2023-012

DATE REVIEWED: 2/1/2023

Re: Kingston Forward Draft 3.0 – Zoning Map and Statute Amendments

Summary

The City is conducting a complete overhaul of its zoning regulatory structure through the development of a form-based code and accompanying regulating maps that will divide the City into “transects” and will have an additional regulatory framework established with overlays for specific, locationally related, regulations and activities that they will be requiring.

The following materials were received for review:

- Referral Form
- Coversheet
- Committee Report
- Draft Rezoning Version 3.0
- Memo from Housing Initiative
- Regulating Map
- Resolution 23 of 2023
- Special Districts and Parks Map
- Special Requirements Map
- Street Types Map
- Floodplain Map
- Email from Elisa Tinti
- Resolution of Referral

Discussion

The Ulster County Planning Department (UCPD) congratulates the city for undertaking this effort to update its zoning code and its decision to do so using a form-based code. In our reviews of zoning statutes, we have consistently urged communities to craft legislation that provides more certainty, is easy to understand for local officials, applicants, and the public alike, creates a broader class of “as of right” uses, and is adaptable to change. The form-based format and the City’s proposal of it meet those essential provisions. We note the inclusion of graphics to explain the differences between the transects and the clear language associated with each. Both will serve the City well in obtaining desired outcomes as the code is implemented.

The Board is supportive of the major elements of the proposed code. The use of transects links well with the Ulster County Community Design Manual. The areas chosen for the transects are contextual to existing land uses in the City and the design and architectural standards will help ensure that new development also compliments the City’s built environment down to the smaller details.

Version 3.0 of the draft code incorporated many of the UCPB’s staff’s comments, particularly our suggestion to embrace greater density and building heights in the Cornell/Broadway areas and the proportional increase for affordable housing set-asides for larger projects with set thresholds. The Code, by removing the “ownership”

Section
3.5
Comment 1

*2023-012 Form-Based Code
Zoning Staute and Map Amendments*

language from its regulation of short-term rentals, provides a creative way to regulate these in compliance with the recent Hignell-Stark v. The City of New Orleans decision.

The County Planning Board continues to offer its support for the proposed legislation and offers the following comments building off the Board’s staff’s previous comments.

Recommendations

Lighting

The UCPB acknowledges that the form-based code will be utilizing lighting levels by transect, but notes that in some instances the Code will allow the use of “partially shielded light fixtures.”

Section
3.5
Comment 2

Required Modifications

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

405.21 P Telecommunication Facilities

The code’s telecommunication standards lack the detail typically found for the regulation of these facilities. We have previously provided several samples of local wireless statutes for consideration that we have reviewed and supported previously as being compliant with federal regulations and providing the necessary analysis, particularly as it relates to demonstrating need and minimizing visual impacts. We also call attention to the most recent court case of the ExteNet vs. the Village of Flower Hill.

Section
3.5
Comment 3

Additionally, this is an opportunity to consider these facilities in a context-based style and to include them from a visual impact/design style within each transect.

Required Modifications

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

Referrals to Ulster County Planning

The latest version of the form-based code has responded to staff comments and corrected its references to refer to General Municipal law 239 L through M and the Ulster County Administrative Code. However, the City’s draft code now contains a verbatim version of the UCPBs “Referral Exception Agreement, Schedule B”. As the Ulster County Planning Board updates this agreement on a semi-regular basis in response to the evolution of the land use review process, as part of its agreements with Planning, Zoning, and local governing bodies throughout the county, it is not recommended this be included in the Code.

Section
3.5
Comment 4

Required Modification

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

Auto-Oriented Uses

UCPB staff recommended the form-based code include a building-type standard that addressed auto-oriented services. The response received stated that “per 405.16.E. There are additional standards in 405.20.I intended to address auto-oriented services.” Our reading of this section failed to note any standards.

Section
3.5
Comment 5

2023-012 Form-Based Code
Zoning Staute and Map Amendments

Required Modification

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

Parking

Section
3.5
Comment 6

Parking requirements found in most current zoning statutes reflect the auto-centric thinking from the 1970s. Communities are exploring new ways to meet mobility demands that include fewer cars, more bikes, complete streets, and transit-oriented development. The UCPB understands that other U.S. Cities have accomplished the abolition of parking minimums which in turn helps to reduce the costs of development, places existing parking at a premium and helps to encourage alternative modes of transportation. There is, however, another trend that focuses on the flexibility that includes shared parking, allowing on-street parking to count towards meeting parking requirements, locational and/or peak hour premium parking, as well as recognition of the context of older development with the use of liner buildings and parking garages as described in this draft code.

Required Modifications

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

Required Submissions

Section
3.5
Comment 7

A form-based code requires a more complete understanding of the submittals to the reviewing body so that an understanding is reached quickly as to compliance with the Code. In addition, today’s technology offers a great deal more opportunity to understand impacts that may occur to surrounding land uses, community character, etc. The technology also provides better communication when explanations are needed for orientation purposes or on how the changes will impact items such as access, historic resources, or even migratory travel corridors.

Required Modification

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

“Aerial photo base map with site plan overlay. Aerial photos at a minimum of 50 cm resolution showing existing conditions shall be provided such as but not limited to aerial photos obtainable on Ulster County Parcel Viewer, NYS DEC Natural Resources Mapper, Google Earth, or others. (Can be obtained free of charge online from several sources).”

2023-012 Form-Based Code
Zoning Staute and Map Amendments

Affordable Housing

Section
3.5
Comment 8

The Code now incorporates staff’s comments regarding increasing the proportion of rental units set aside for affordable housing as well as for fluctuations in an affordable housing unit resident’s salary. However, the need for affordable housing should also include homeownership that may be in the form of townhouses or condominiums as well as single-family units and these remain unaddressed.

Required Modifications

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

Accessory Dwelling Units

Section
3.5
Comment 9

Accessory Dwelling units are an excellent means to allow existing housing stock to work harder as well as provide affordability in new construction. UCPB staff strongly supported version 2.0 of the draft zoning statute including the prohibition on ADUs from being utilized as short-term rentals.

Required Modifications

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

Waterfront Overlay Standards

Section
3.5
Comment 10

The proposed waterfront overlay standards reflect the broad understanding and considerable effort that the city has put forth on planning for its Rondout Waterfront and regulating the uses along it. That said, Esopus Creek waterfront deserves that same level of concern and protection and should be added to this district. While the UCPB understands and strongly supports Esopus Creek as not being an area of urban development like that of the Rondout, the “D. Development Standards” with exceptions of the allowable use types in D.4 and D.6 appear to be the only standards that would appear inappropriate or unnecessary for the Esopus Creek area. The other standards, however, have relevance and should apply equally to Esopus.

Required Modifications

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

Billboards – Advisory Comments

Section
3.5
Comment 11

The UCPB is pleased to see that version 3.0 of the draft has been amended to consider roof signs that operate as off-premises signs shall be treated as billboards. The UCPB still recommends the City put in place a process of amortization, over a period (10 years for example) to eventually remove all billboards (and roof signs) from the City as nonconforming uses.

Reviewing Officer



Robert A. Leibowitz, AICP
Principal Planner

I am Eileen Katatsky. My husband and I live at 209 N Manor Ave, Kingston.

I wish to submit the follow comments and concerns regarding the DGEIS / Rezoning for the City of Kingston:

Section
7.0
Comment 1

1. As a **general comment**, the maps included with the online version of the DGEIS are distorted when enlarged on a computer. Most are unreadable. Hard copies were only available for viewing in person at the City Hall. It would have been helpful for those with serious interest in this process to be able to attain a copy for their own use. Please be mindful that not everyone is able to come to City Hall for such a review.
2. **Page 59 Figure 20**: Public Input regarding goals most important to them.

Section
3.5
Comment 12

Considerable space using a very large diagram showing large and small green circles which are purported to indicate the “desires” of the participants is used.

This diagram and assumptions drawn are based on a very small sampling of participants. Remember, these samplings were done during the Pandemic when few folks were willing or able to participate.

This is a completely unscientific sampling of our community and property owners.
How many participants were there and how many were residents, developers, business or property owners?

Therefore, this illustration should be omitted. The prominently placed illustration would imply a majority opinion. It does not. Not only was this early Charette held during the Pandemic, very few folks understood the seriousness of these early meetings and participation was limited. I have the sense that these early meetings seem to have driven the narrative for the FBC.

The larger question might be, what influence did this small unscientific sampling of unknow individuals have on the overall direction ultimately taken by the consultants and City officials in forming this proposed code?

I regret to say that I feel the direction of the study and resulting V.3 of the FBC are not based on the true needs and desires of the majority of the property owner and residents.

I have asked repeatedly that a direct mailing should have gone to residents and property owners of the City of Kingston. More direct outreach would have been simple to do.

When canvased at the small charette style meetings, I don't believe that participants really understood the impact of their answers...I can't imagine in their wildest dreams they might think Walkability included streets cluttered with trucks, cars and other vehicles, commercial buildings and multiplexes towering over individual homes, nor did they imagine Urbanization of their neighborhoods.

3. In reviewing the “**definition of the T3 and T3 Neighborhood Open** which reads:

Section
3.5
Comment
13

*“The intent of this transect zone is to protect the integrity of existing, small-to-medium lot detached homes and **reinforce their role** within walkable neighborhoods and to allow new neighborhoods with this component. An Open Sub-Zone provides the same building form but allows for a more diverse mix of uses.”*

The definition in itself seems contradictory...how is it possible to “reinforce” the role and at the same time allow for a more diverse mix of uses? This would allow a ranch style single family home next to a small multiplex with up to 6 apartments towering over it with no regard for the peace and open space of the single-family residence. And with no off-street parking requirement there is the added bonus of vehicles of every description cluttering the streets, impeding the work of DPW, first responders, and the very walkers and bike riders you hope to encourage.

4. P69, 4.5.3: Community Input

*“The FBC has evolved based on the extensive public feedback received on the versions prior to FBC Draft 3.0. This Draft 3.0 is highly consistent with the **very large volume of community input** received during various diagnostic processes carried out earlier in this project. Based on these community consultations and input gathering, extensive feedback received was used to identify and analyze opportunities and issues to consider, and address, as part of refining and calibrating this new comprehensive zoning law.”*

From my personal experience, I find this statement to be exaggerated and the majority of the homeowners are not engaged or simply uninformed about this important life changing issue

For instance, when residents were asked during early Charettes, “would you like the city to be more walkable?”, it would sound like a perfectly reasonable idea.

In their wildest dreams did participants think the simple concept of “walkability” would lead to urbanization of whole neighborhoods, commercial buildings on a residential street, avenues clogged with vehicles, single family homes next to small or large multiplexes possibly towering over their homes right next door?

Off street parking requirements have been practically eliminated. One reason was given that more parking lots create more runoff. This could be corrected through the use of more permeable materials. Another reason given was to slow down traffic. Certainly, there are many other ways to promote safe streets with less visual and physical impact to residents.

I was watching recently a YouTube board meeting where it was discussed that over 400 vehicles were in violation during a recent Snow Emergency issued by our mayor. How are we to deal with the unintended consequences of no requirement for off street parking?

The outreach for “best ideas” was limited and as a result, misleading to those who would have appreciated the positive changes represented in the proposed draft of the Form Based Code.

5. INFRASTRUCTURE:

Also, I wish to bring to your attention that our aging infrastructure may not handle the proposed increased use. Our precious water supply, stormwater system, sewage collection and treatment systems are in constant need of upgrading or maintenance.

For instance, I have been told by a gas foreman for Central Hudson that our street has low gas pressure.... how do we expect to accommodate additional housing if we are unable to provide this resource and others without interruption?

The FBC may be putting the cart before the horse with regard to infrastructure.

In conclusion, I wish to respectfully remind the Common Council that there are some of us who will be relying more on vehicles and less on walking and biking. There is a segment of our population who are aging in place, dependent on others and will find a walkable and bikeable City but a dream as we become more dependent on vehicles.

Also, let us not forget we live in a four-season environment where walking and biking are not always possible

It would not be in our collective best interest to modify our entire zoning code. A more incremental approach might be a better fit for our City. Your decision has great impact and will become your legacy.

There are many good ideas which could have emerged with a less experimental and extreme code change

Respectfully submitted,
Eileen Katatsky
March 23, 2023

Section
3.11
Comment 1

Section
3.8
Comment 1

NHB Planning Group, LLC

April 10, 2023

The Honorable Steve Noble, Mayor
of the City of Kingston, and
Members of the City Council
City of Kingston
420 Broadway
Kingston, NY 12401

RE: Comments on Draft Generic Environmental Impact Statement (DGEIS) of Form Based Code

Dear Mayor Noble and Members of the City Council:

On behalf of William Gottlieb Real Estate (WGRE), the following comments are being provided on the Draft Generic Environmental Impact Statement (DGEIS) for the proposed Form Based Code. First of all, let me state up front that my client supports the City's transition to a Form Based Code (FBC) that will enable "big ideas" and encourage new investment in the City. It is my client's expectation that the proposed Form Based Code (FBC) will make possible a new respect for the unique character of the City of Kingston and cultivate the preservation and enhancement of the many distinct neighborhoods in the City.

In addition, we appreciate the considerable time given to us by the City's staff and consultants throughout this process as we watched the Form Based Code evolve.

It is within this spirit that we provide the following comments.

General DGEIS Comment

1. The analysis in the DGEIS is based upon a stand-alone land use study done by Gridics that is included in Section 7.0 of the DGEIS in Appendix 3. The Gridics study is the backbone of the analysis in the DGEIS in that it analyzes all of the parcels within the City and calculates the capacity of what could have been built under existing zoning and then calculates the capacity of what could be developed under the proposed FBC. The Gridics study appears to exclude from its analysis the 502 parcels with an historic designation and the 46 parcels eligible for an historic designation ("Gridics" Appendix 3, p. 6). What are the impacts of excluding the Stockade Historic District and the Rondout Historic District from the analysis of impacts?

In addition, the FBC proposes to designate the Stockade District to be within the T5 Transect District and the DGEIS notes that "*The higher level of FBC-influenced growth will generally be directed to occur within cores where T5 and T4 are centered*" (DGEIS p. 133 and *Zoning Potential Analysis, Appendix 3 pp. 5-6*). Yet, the Stockade District has been excluded from the Gridics land use analysis. If this is intentional, an explanation and rationale should be provided.

2. Why does the DGEIS identify the potential growth in residential uses but not for non-residential uses?

Section
3.6
Comment 1

Section
3.6
Comment 2

4.5 Land Use and Zoning

Section
3.5

1. The Gridics study calculates the Current Zoning Analysis and Potential Zoning Analysis by taking the full build out of the 7,334 non-excluded parcels under existing zoning and then calculates the full build out under the proposed FBC zoning. This approach would maximize what could be built under existing zoning without adjusting for a “reasonable full-build-out.” Wouldn’t this methodology significantly overestimate what could have been built under existing zoning and then underestimate the difference, or the delta, between existing zoning and what could be developed under the proposed FBC?

“The zoning potential is calculated as if each parcel can be developed to its maximum potential and does not take into consideration existing built structures, specific environmental constraints, or market demand.” Gridics, p.9

4.6 Historic and Archaeological Resources

Section
3.6
Comment 1

1. In Section 4.6 - Historic & Archaeological Resources in the DGEIS, the four (4) formally designated historic districts/areas in the City of Kingston are identified in Existing Conditions but there does not appear to be an analysis of potential land use impacts to their historic resources in the Impacts section.

Section
3.6
Comment 3

2. The adopted scope states that the DGEIS will include correspondence from SHPO. What is the status of a review by SHPO/OPRHP? And will this correspondence forthcoming?

Section
3.6
Comment 4

3. The adopted scope states that the DGEIS will include data and impact analysis of Archaeological resources. What is the status of this analysis?

Section
3.6
Comment 5

4. There is a description of the proposed design treatment for historic properties within the Impact Analysis sub-section, but no analysis of impacts to historic properties or historic districts. In fact, in the Potential Impacts sub-section there is no mention of either the Stockade Historic District or the Rondout Historic District. Is this intentional?

Section
3.6
Comment 6

5. Within the Mitigation sub-section there is a section pertaining to the Rondout Area and Waterfront Area but nothing on the Stockade Historic District. Is this intentional?

4.8 Multi Modal Transportation and Parking

Section
3.8
Comment 2

1. The data generated in the Potential Zoning Analysis (Gridics, Appendix 3) is neither referenced nor used in the discussion of potential impacts from the full buildout of the FBC. This includes the potential for a 15% increase in the built area (existing zoning capacity built area = 74,061,946 sf; proposed zoning capacity built area = 85,077,538 sf) and a 37% increase in the proposed capacity of dwelling units (current zoning capacity dwelling units = 12,1074; proposed zoning capacity dwelling units = 16,531). Again, does the calculation of the existing zoning capacity built area overestimate the potential for building out under existing zoning? The rationale, accuracy and use of these figures should be provided.

Section
3.8
Comment 3

2. The chapter states that the potential impact of implementing the FBC is “35% fewer auto trips” (p. 105). However, this conclusion is based on data derived from a study conducted by NRDC of a “dense

NHB Planning Group, LLC

project in downtown Atlanta”. Please explain the relevance and applicability of this study to potential impacts of the FBC on the City of Kingston.

3. The impact and mitigation sections as well as the mitigation section describes the proposed intent and purpose of the FBC along with specific elements designed to implement the purpose and intent but does not appear to explain how the following statement was arrived at.

Section
3.8
Comment 4

“Overall, the FBC provides for a better transport environment compared with existing zoning (and subdivision standards). There is diminished potential for undesirable transport impacts due to an orientation to multimodalism and the requirements that street designs provide for complete streets which reflect the corresponding land use density and context, including in the highest-order centers and the main arteries, such as along Broadway.” p. 110

4. It would be beneficial if the DGEIS provided either a qualitative or quantitative assessment of the capacity of the Multi Modal Transportation Parking system in the T4 and T5 transects, based on the following section of the DGEIS:

Section
3.8
Comment 5

“The higher level of FBC-influenced growth will generally be directed to occur more within cores, where T5 and T4 are centered. There could be a particular need to provide long term and site-specific planning to ascertain the feasibility for infrastructure to service growth in these locations.” p. 133

4.11 Community Services and Infrastructure

1. Other than the following mention in the “Growth Inducing Impacts (Section 6.2) there is no mention of potential impacts of the FBC on school capacity or the capacity of other community services.

Section
3.11
Comment 3

“With increased population, there could be growth in the absolute number or proportion of the community that comprises school children.” p.150

2. Please explain the apparent inconsistency in these two sentences.

“The proposed Transect Districts allow a greater mix of uses, particularly in the T4 and T5 zones, focusing on building form rather than land use to bring about compatibility between existing development and potential future improvements.” p. 144

Section
3.11
Comment 4

“The higher level of FBC-influenced growth will generally be directed to occur within cores, where T5 and T4 are centered. There could be a particular need to provide long term and site-specific planning to ascertain the feasibility for infrastructure to service growth in these locations.” p. 133

3. Please identify potential issues concerning water supply data and water service issues with respect to the adoption of the FBC – existing conditions, potential impacts and mitigation.

Section
3.11
Comment 5

4. This section suggests that there may be a concern for the short- and long-term capacity of the water supply system to meet the demand given recent drought conditions. Is this true?

Section
3.11
Comment 6

“Analysis for dam work in 2019 showed potential for temporary issues with water supply in conjunction with construction, such as if there were drought conditions. In fact, in 2022 KWD

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implemented emergency water restrictions due to ongoing construction and drought conditions. While there are interim system limitations imposed while Cooper Lake capital improvements are finished, in the long term the water supply will not pose a near term upper limit on growth.” p. 127

Section 3.11
Comment 7

5. Has an analysis been completed regarding the capacity of the water and distribution system to meet the proposed increase in the proposed zoning-built area as well as the proposed zoning number of dwelling units – particularly in the T4 and T5 transects where...

“The higher level of FBC-influenced growth will generally be directed to occur within cores, where T5 and T4 are centered. There could be a particular need to provide long term and site-specific planning to ascertain the feasibility for infrastructure to service growth in these locations.” p. 133

Section 3.11
Comment 8

6. The impacts section recognizes that there would be water capacity issues if the FBC were to be built out, but the Mitigation Measures section does not identify needed mitigation other than “Any Major Site Plan for site-specific development should be assessed for its site-specific impact on water and sewer systems, the CSO, and stormwater system. It can be appropriate to require mitigation of impacts. Furthermore, any project receiving development approval involving substantial reconstruction should have to define whether there is a lead service line that currently exists that should be remediated.” p. 135

Section 3.11
Comment 9

7. The infrastructure analysis excludes non-residential development under the FBC. Shouldn't this section also include the following related to non-residential development?

| <u>Use</u> | <u>Buildout</u> | <u>Demand</u> | <u>Supply</u> |
|------------|-----------------|---------------|---------------|
|------------|-----------------|---------------|---------------|

5.0 Alternatives

1. It would be beneficial if the No Action analysis included data in the Zoning Potential Analysis (Gridics, Appendix 3) that identifies:

Current Zoning Capacity Build Area – 74,061,946 sf
Current Zoning Capacity Footprint Area – 33,493,751 sf
Current Zoning Capacity Dwelling Units – 12,074

Section 3.13
Comment 1

Section 3.13
Comment 2

2. Why is there no analysis of infrastructure capacity impacts for existing versus proposed FBC as stated in the adopted Scope (“This standard basis for comparison will address the potential impacts of growth under current zoning.” 5.0 Project Alternatives)?

6.2 Growth Inducing Impacts

Section 3.15
Comment 1

1. The Scope states that “... this section will assess the potential for economic or other direct or indirect changes that may occur due to land development...it will review the possibility of new or disproportional demands for government services and the possibility of less housing affordability, along with the need for and ways to attenuate potential issues.” Where is this analysis?

Miscellaneous

Please clarify the meaning of the following sentences:

1. Historic and Archaeological Resources – p. 72

“Typical stresses or threats that affect potential historic resources and their preservation are inappropriate or incompatible development inconsistent with design standards and/or nearby historic resources, demolition, as was common during the urban renewal era in Kingston, and failure by owners to follow design standards, resulting in code compliance issues and/or diminution of the cultural resource or resources affected. The economic effects of these stresses and threats can be significant as inconsistent actions can result in degradation of cultural resources and the historic building fabric of the City. Owners of National and State Historic Register listed properties may qualify for historic tax credits, which can help pay for qualifying improvements and preserve community character.”

Section
3.6
Comment 7

2. Historic and Archaeological Resources – p. 73

“There are allowed height increases in buildings under the FBC compared with existing zoning. Enabling additional increments of height is generally expected to provide for compatible scale relationships between a new building and potential historic structures or the patterns among sets of buildings within a preservation district. Yet, is a completely appropriate for the HLPC to consult the Secretary of the Interior’s Standards for Historic Preservation, or other sources, to evaluate the effects of changes in height and scale and in defining best practices which may be stipulated in order to mitigate the potential for environment effects from new or rehabilitated building.”

Section
3.6
Comment 8

3. Historic and Archaeological Resources – p. 75

“When there is HLPC jurisdiction and potential concerns about the impact of a proposed site-specific development due to a proposed addition of height to a new or rehabilitated building, it can be appropriate for the HLPC to call for generating what is akin to a Historic Structure Report, or a Conditions Assessment Report. Such tools would serve as a preservation and rehabilitation report prepared by a qualified professional. They can provide an organized profile of property, including buildings, and would identify, describe, and evaluate the existing condition of historic structure(s) and the associated environment. It could present analysis with recommendations for the potential treatment of proposed building, when there are concerns for how such actions can be structured to fit and blend proposed growth with area historic form and scale. Landmarks Preservation Commission.”

Section
3.6
Comment 9

4. Community Services & Infrastructure – p. 135

“Any Major Site Plan for site-specific development should be assessed for its site-specific impact on water and sewer systems, the CSO, and stormwater system. It can be appropriate to require mitigation of impacts. Furthermore, any project receiving development approval involving substantial reconstruction should have to define whether there is a lead service line that currently exists that should be remediated.”

Section
3.11
Comment 10

NHB Planning Group, LLC

Thank you in advance for your responses to the above comments.

With regards,

A handwritten signature in blue ink that reads "Nanette H. Bourne". The signature is written in a cursive style and is positioned above a light gray rectangular box.

*Nanette H. Bourne, Principal
NHB Planning Group, LLC
16 Hemlock Place
New Rochelle, NY 10805
Nanette@nhb-planning.com*



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

April 6, 2023

Bartek Starodaj
Director of Housing Initiatives
City of Kingston
420 Broadway
Kingston, NY 21401

Re: SEQRA
City of Kingston - Citywide Rezoning
22PR02583

Dear Bartek Starodaj:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted documents under the State Environmental Quality Review Act (SEQRA) as requested. These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (NY Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR § 617).

We note that the City of Kingston includes numerous individually eligible or listed resources and historic districts eligible or listed in the State and National Registers of Historic Places, along with historic resources that are potentially eligible and require further research to complete the evaluation process. Therefore, under SEQRA, our office as subject matter experts have reviewed the proposed project, and offer the following comments regarding potential impacts to architectural or archaeological resources:

1. Kingston has been a member of New York State's Certified Local Government (CLG) program since 1986, and at that time the City and our office entered into an agreement binding both parties to a set of responsibilities in regard to the program. Per the CLG agreement and CLG rules and regulations, before amending the local legislation or implementing regulations, the local government is required to consult with the OPRHP to ensure any proposed changes are in keeping with the model law and intent of the CLG program. This is a separate review from SEQRA. Please contact Linda Mackey, CLG Coordinator, with questions. She can be reached at 518-268-2148 or linda.mackey@parks.ny.gov.

Please be aware that if this project will involve state or federal permits, funding or licenses it may be subject to a more rigorous review by those agencies and this office for impacts to historic and archaeological resources under Section 106 of the National Historic Preservation Act or Section 14.09 of the NYS Parks, Recreation and Historic Preservation Law.

New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation, Peebles Island, PO Box 189, Waterford, New York 12188-0189
(518) 237-8643 • <https://parks.ny.gov/shpo>

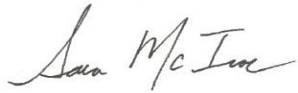
Section
3.6

Comment 10

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

If you have any questions, you can call or e-mail me at the contact information below.

Sincerely,

A handwritten signature in cursive script that reads "Sara McIvor".

Sara McIvor
Historic Site Restoration Coordinator
518-268-2127 | sara.mcivor@parks.ny.gov

cc: S. Cahill – City of Kingston

CITY OF KINGSTON

Office of Housing Initiatives

Bartek Starodaj, Director



Steven T. Noble, Mayor

April 10, 2023

Members of the City Council
City of Kingston
420 Broadway
Kingston, NY 12401

Re: Comments on Draft Generic Environment Impact Statement

The following comments are being provided on the Draft Generic Environmental Impact Statement (“DGEIS”) for the proposed Form-Based Code.

As the Director of Housing Initiatives for the City of Kingston, I support the proposed Form-Based Code. As I provided in my testimony to the Common Council on February 13, 2023, the new zoning code will:

- Encourage housing choice and affordability by legalizing housing types such as duplexes, triplexes, quads, and accessory dwelling units.
- Reduce barriers to the construction of housing by relaxing or eliminating parking, setback, and minimum lot size requirements.

Therefore, this zoning reform effort is essential to solving the City’s ongoing housing crisis. In this context, I offer the following comments on the DGEIS:

Section 3.7
Comment 3

1. On page 74 in the Proposed Zoning Buildout Analysis, the DGEIS claims that “If there is a greater potential supply of overall building space, this should mean there is generally less demand per unit of building. It should influence...more affordability of property, including residential units.” There is significant academic research from other municipalities that supports this claim and a related claim that traditional zoning laws have been an instrument of exclusion. The DGEIS should reference this research. This includes:
 - a. “Zoning and the Cost of Housing: Evidence from Silicon Valley, Greater New Haven, and Greater Austin” Robert C. Ellickson
 - b. “The Impact of Building Restrictions on Housing Affordability” Edward L. Glaeser and Joseph Gyourko
 - c. “Eliminating Exclusionary Land Use Regulations Should be the Civil Rights Issue of Our Time” Michael Stegman
 - d. “The Emergence of Exclusionary Zoning Across American Cities” Tianfang Cui
 - e. “Ending Exclusionary Zoning in New York City’s Suburbs” Noah Kaziz
 - f. “Racial Enclaves and Density Zoning: The Institutionalized Segregation of Racial Minorities in the United States” Jonathan Rothwell

Section 3.13
Comment 3

2. This zoning reform is being considered during a time of unprecedented growth in housing prices in Kingston. This must be referenced on page 154 in the discussion of the No Action

CITY OF KINGSTON
Office of Housing Initiatives

Bartek Starodaj, Director



Steven T. Noble, Mayor

Alternative. For instance, see recent data on home prices in the Kingston area from the National Association of Realtors: <https://cdn.nar.realtor/sites/default/files/documents/2022-q3-local-market-reports-ny-kingston-12-21-2022.pdf>

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bartek Starodaj". The signature is fluid and cursive.

Bartek Starodaj
Director of Housing Initiatives
City of Kingston, New York

Official Comments on Kingston Zoning Draft #3

From: Robert Iannucci (rob@clocktowerproperties.com)

To: emtinti@kingston-ny.gov; clocktowerpropertiesoffice@gmail.com

Date: Friday, February 17, 2023 at 11:16 AM EST

February 17, 2023

**Responsive Comments from Historic Kingston Waterfront Revival on Zoning Draft #3:
Proposed New Zoning for the City of Kingston**

Section
3.5
Comment 16

We appreciate the good progress that has been made in each and every draft. However, we still have legitimate concerns, especially with the creation of the new waterfront district *first arising* in this Draft #3.

Before addressing our concerns, we support the Payment in Lieu provision that was added in Section 405.19. This will help incentivize the development of our Waterfront.

This provision is very much needed in the SD-W/SD-WMU area, where some of the parcels are very narrow and economically feasible housing development will therefore be a challenge. This allowance for Payment in Lieu will help alleviate that.

Please note that we are the largest single stakeholder in the SD-W/SD-WMU district. I am a proud Kingston resident since 2005.

Zoning Draft #3 Issues and Proposed Solutions

1. ISSUE: *The SD-W and SD-WMU designations are very confusing. Why do we have two zoning designations for every single parcel on the waterfront, one of which (SD-W) is of limited use?*

Section
3.5
Comment 17

- The SD-W designation and the SD-WMU waterfront overlay district is very confusing. As of right we are extremely limited in how much we can build and what we can build on the waterfront.
- For example in SD-W (the entire waterfront designation) we are not allowed to build residential, retail, lodging or any commercial use whatsoever as of right.
- Only through the complex SD-WMU overlay process, can we build these things and first it requires approval through a major site plan.
- This is a step backwards. It is off putting to potential investors or joint venturers.

SOLUTION: SD-W is redundant/unnecessary and should be removed. Allow the SD-WMU uses as of right especially housing!

2. ISSUE: *Height limitations in the SD-WMU District:*

Section
3.5
Comment 18

- In the more favorable SD-WMU district, it caps the waterfront at 3 stories max then adds some other incentive programs to achieve 1-2 stories.

- In order to justify the cost and expense to build significant waterfront development we should be allowed a minimum of 4 stories as of right. Then add open space and affordable housing bonuses on top of this. We are already committing to a public access walkway and numerous sight path easements. The public will be able to enjoy the waterfront at significant cost and expense to any development project. We should be rewarded with more height as of right.

SOLUTION: Increase the As of Right height to 4 stories in the SD-WMU district.

3. **ISSUE:** *Onerous Setback Requirements in SD-WMU will inhibit feasible development*

Section 3.5
Comment 19

- Many of the waterfront lots are narrow. SD-WMU has 15'-25' front setbacks this is too onerous.

SOLUTION: Please make front setbacks as minimal as possible.

4. **ISSUE:** *All permitted “commerce” development with uses over 10,000 SF require a special permit.*

Section 3.5
Comment 20

- This adds another layer of restriction and complexity to any large scale development and nullifies the point of having the as of right uses.
- Based on this restriction, the spectacular Cornell Building would require a special permit to be put to any productive end use. These restrictions are only going to hamper these waterfront properties from being put to a beneficial end use.

SOLUTION: Restriction should be removed or increase the Square Foot applicability to at least 40,000 sq ft.

5. **ISSUE:** *Repeated references pushing a nature based shoreline technique is inconsistent with the well-established position of the City, Stakeholders and Public for a hard steel bulkhead along the Kingston Waterfront.*

Section 3.5
Comment 21

Current Draft #3 text:

Nature-based shoreline stabilization and restoration techniques should be utilized where feasible with future waterfront development. Nature-based shorelines help protect against erosion, provide habitat for aquatic species, improves water quality, and can outperform hardened shorelines during storm events. Where nature-based shorelines are not practical, bulkheads and other hardened shoreline designs may be utilized.

- Adding "where feasible" to the above text in Section 4.36, is just muddying the waters. The issue of a hard steel bulkhead v natural shoreline has been studied for many years in Kingston by multiple different organizations, public agencies, and city planning. They have all come to the same conclusion: we need a hard bulkhead on the Rondout Creek to make it suitable for development.

- Moreover, a Steel Bulkhead is required by the DEC to act as a cap for contaminated landfill to prevent leaching into the Creek. As designed, the steel bulkhead will also serve as a flood wall to reduce the flood risk to the East Strand community. The Army Corps of Engineers has endorsed this approach.

SOLUTION: Remove reference to nature based shoreline.

Section
3.5
Comment 22

6. ISSUE: The parking demand reduction strategy requirement for large sites is too complicated and onerous. Housing should be prioritized. In addition we request relief from the special use requirement for surface parking

SOLUTION: Please simplify.

We appreciate your consideration.

Cordially,

Robert Iannucci
Historic Kingston Waterfront Revival
108 E Strand
Kingston, NY 12401

From: [Starodaj, Bartek](#)
To: [Roth, Susan E.](#)
Subject: FW: [EXTERNAL EMAIL] Public comment
Date: Wednesday, May 10, 2023 2:49:20 PM

Comment #1

From: Sarah Wenk <smwenk2@gmail.com>
Sent: Friday, March 24, 2023 1:41 PM
To: Starodaj, Bartek <bstarodaj@kingston-ny.gov>
Subject: [EXTERNAL EMAIL] Public comment

Hi,

Section 3.5
Comment 23

My only comment on this is that I am strongly opposed to the Payment in Lieu of Affordable Housing offered to developers. Without a lot more detail on how this plan would work - what the payments would be, how they would be used to build affordable housing, etc. - I can't believe this will be a good thing for the people of Kingston. Don't let developers decide who gets to live where.

Sarah Wenk

From: [Starodaj, Bartek](#)
To: [Roth, Susan E.](#)
Subject: FW: [EXTERNAL EMAIL] Public Comment Period, DGEIS: Kingston Forward/Citywide Rezoning
Date: Wednesday, May 10, 2023 2:49:19 PM

Comment #2

From: Kingston Citizens <ourcitizens@gmail.com>
Sent: Sunday, April 9, 2023 12:41 PM
To: Starodaj, Bartek <bstarodaj@kingston-ny.gov>
Cc: Tanya Garment <tanyagarment@gmail.com>; Lynn Eckert <millseckert@gmail.com>; Jennifer O'Donnell <jenniferodonnell2018@gmail.com>; Sarah Wenk <smwenk2@gmail.com>; Marissa Marvelli <marissa.marvelli@gmail.com>; Giovanna Righini <grighini@verizon.net>
Subject: [EXTERNAL EMAIL] Public Comment Period, DGEIS: Kingston Forward/Citywide Rezoning

Bartek,

Below are questions for the record re: housing and the [Form Based Code/DGEIS process for public comment that closes Monday, April 10.](#)

Thanks.

1. In the Form-Based-Code, Affordable and Workforce Housing is stated to be between 80 - 120% AMI. How does the new code plan to incorporate residents/families living here now who are Low Income (51-80%) Very Low Income (31-50% AMI) and Extremely Low Income (0-30% AMI)?

2. Ulster County rather than City of Kingston AMI are guiding affordable/workforce housing in the Form Based Code. It states in the code that HUD does not pull out numbers just for Kingston and/or in an effort to "simplify". Is the Kingston Common Council, as lead agency of this review, confident that HUD does not publish AMI levels for Kingston, and especially post-pandemic data?

Section 3.5
Comment 23

Section 3.7
Comment 5

3. A Payment-in-Lieu-of Affordable Housing (“PILOAH”) is included in the [Kingston Form Based Code 3.0, page 114](#). The PILOAH wasn't in the 2.0 version or 2.0 public comments.

Section 3.5
Comment 24
(both questions)

Where did it come from?

4. Did/does the city staff or Kingston Common Council as Lead Agency:

a) Request a PILOAH and Affordable Housing Fund in the Form-Based-Code as a placeholder before policies are clearly defined?

b) It may be in the developer's best interest, but does the council feel it is in the public's best interest to allow a developer a PILOAH to avoid having to include affordable housing units in a new project?

--

Rebecca Martin

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Facebook: <https://www.facebook.com/KingstonCitizens>

Twitter: <https://twitter.com/KingCitizens>

From: [Starodaj, Bartek](#)
To: [Roth, Susan E.](#)
Subject: FW: [EXTERNAL EMAIL] Zoning comments
Date: Wednesday, May 10, 2023 2:49:19 PM

From: Giordano Rodriguez <gio@hvwatersports.com>
Sent: Monday, April 10, 2023 12:27 PM
To: Starodaj, Bartek <bstarodaj@kingston-ny.gov>
Subject: [EXTERNAL EMAIL] Zoning comments

Dear Bartek Starodaj,

I am writing to express my support for the proposal to construct a hard steel bulkhead along the East Strand of Kingston, NY, as well as my endorsement of Zoning Draft #3. I believe that both initiatives will help to stabilize and develop the area, and bring great benefits to the community and local economy.

Section 3.5
Comment 25

With regards to the hard steel bulkhead proposal, I agree that it is necessary to contain the contaminated landfill and rising water levels, and to stabilize the land. I also think that this is a step forward, as it is consistent with the well-established position of the City, Stakeholders, and Public for a hard steel bulkhead.

Moving on to Zoning Draft #3, I would like to comment on some key bullet points. I support the payment in lieu of affordable housing option for developers, as it can either provide affordable housing or capital to enhance the City, benefiting the community either way.

Section 3.5
Comment 26

Regarding the onerous and restrictive process to redevelop larger sites like the Cornell Building, I agree that all permitted commerce development with uses over 10,000 SF requiring a special permit is limiting. It would be beneficial to allow at least 40,000 SF without the need for a special permit.

Section 3.5
Comment 27

The confusing and limiting waterfront designation SD-W and SD-WMU are also a concern. I believe that it is essential to allow residential, retail, lodging, and other commercial use as of right on the Waterfront without a complex major site plan process.

Section 3.5
Comment 28

The height limitations in the SD-WMU district and onerous setback requirements are also restrictive. I support the request for four stories as of right, as some waterfront parcels are narrow. Additionally, I believe that 10' front setbacks are more feasible, rather than the current 15'-25' requirements.

Section 3.5
Comment 29

In conclusion, I fully support the hard steel bulkhead proposal and Zoning Draft #3. I believe that they will bring great benefits to the community and local economy, and I urge the Zoning Department to approve both initiatives. Thank you for your time and consideration.

Section 3.5
Comment 25

From: [Starodaj, Bartek](#)
To: [Roth, Susan E.](#)
Subject: FW: [EXTERNAL EMAIL] Comments on Kingston Forward DGEIS
Date: Wednesday, May 10, 2023 2:49:19 PM

Comment #4

From: Michael Kodransky <mkodransky@protonmail.com>
Sent: Monday, April 10, 2023 11:23 PM
To: Starodaj, Bartek <bstarodaj@kingston-ny.gov>
Subject: [EXTERNAL EMAIL] Comments on Kingston Forward DGEIS

Section 3.12
Comment 1

Dear Bartek,

I'm writing to share comments regarding the parking provision in the draft form-based code. Removing all parking minimum requirements for new or refurbished developments is a step in the right direction to guide Kingston's smart growth. It is especially notable given the impact it will have to keep construction costs down. With the cost-of-living crisis, it will also allow other types of uses to contribute toward the tax base without trickling down to residents, visitors and consumers in the way of more expensive goods and services. Such a measure would serve to address Kingston's climate emissions (40% of which stem from transportation according to the 2030 Climate Action Plan), remove barriers and cost burdens on context sensitive development, allow more housing production with mixed-uses and support the multi-modal vision for the regional economy.

Thank you for the opportunity to comment on the parking approach in the draft environmental impact analysis, which echoes many best practices from around the country and will enable desirable policy outcomes expressed by participants throughout the in-person Kingston Forward workshops.

All my best,
Michael Kodransky
Ward 7

Sent with [Proton Mail](#) secure email.

CITY OF KINGSTON
Heritage Area & Historic Landmarks Preservation Commissions
planning@kingston-ny.gov



Suzanne Cahill, Planning Director

Steven T. Noble, Mayor

April 11, 2023

Ald. At Large A. Shaut, President Common Council
City of Kingston
City Hall
420 Broadway
Kingston, New York 12401

Re: RECOMMENDATION of Historic Landmarks Preservation Commission
City of Kingston Proposed Form Based Code

Dear Pres. Shaut:

On behalf of the Historic Landmarks Preservation Commission (HLPC), I am herewith submitting the HLPC Recommendation to the Common Council, which was unanimously approved at the regular meeting held on April 6, 2023. The Commission wishes to thank those who spent the time and effort on drafting the document. Two workshop sessions were held, focusing on various elements of the proposed code and maps, to present the comments in a cohesive statement.

Please direct any questions to this office.

Respectfully,

Suzanne Cahill
Planning Director

Cc: S. Noble, Mayor
B. Starodaj, Dir. Housing Initiatives
M. Grunblatt, HLPC Chairman
Ald. R. Worthington, W4, HLPC Liaison/ Chair. L&Rs

**CITY OF KINGSTON HISTORIC LANDMARKS PRESERVATION COMMISSION
DECISION DOCUMENT**

PLACE: CITY OF KINGSTON HLPC MEETING Common Council Chambers DATE: 4/6/23

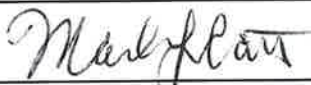




ITEM # 13 APPLICANT: _____

ADDRESS AND SBL: Form Based Code DISCUSSION

| | |
|--|---|
| SEQRA DECISION: MOTION BY: _____ SECONDED BY: _____ Type I Action: <input type="checkbox"/> Negative Declaration of Environmental Significance: <input type="checkbox"/> Type II Action: <input type="checkbox"/> Conditioned Negative Declaration: <input type="checkbox"/> Unlisted Action: <input type="checkbox"/> Seek/Designate Lead Agency: _____ Positive Declaration of Environmental Significance: <input type="checkbox"/> Scoping: <input type="checkbox"/> EIS: <input type="checkbox"/> FINAL DECISION: MOTION BY: <u>NM</u> SECONDED BY: <u>RT</u> | RECEIVED: RECEIVED BY City Clerk: DATE _____ TIME _____ Date: <u>9/23/23</u> |
|--|---|

OTHER APPROVALS: ZBA UCPB PB HAC LWRP Consistency CC

CONDITIONS: (Use Other Side if More Information Is Needed)
 Adopt Recommendation as Written on Attached Page 5
of Final
 Move - Include Pike Plan continue as current - Attached
 Update Figures AS DISCUSSED and in final Notes - Attached
 Recommended figure to replace

| MEMBERS | Absent/Present | SIGNATURE | YES | NO | RECUSED |
|--------------------------|--|--|-------------------------------------|--------------------------|--------------------------|
| Mark Grunblatt, Chairman | <input type="checkbox"/> / <input checked="" type="checkbox"/> |  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Andrea Puetz, Architect | <input type="checkbox"/> / <input checked="" type="checkbox"/> |  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vacant | <input type="checkbox"/> / <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Nettie Morano | <input type="checkbox"/> / <input checked="" type="checkbox"/> |  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kevin McEvoy | <input type="checkbox"/> / <input checked="" type="checkbox"/> |  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Robert Tonner | <input type="checkbox"/> / <input checked="" type="checkbox"/> |  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vacant | | | | | |
| TOTAL | <u>0/5</u> | | <u>5</u> | <u>-</u> | <u>-</u> |

City of Kingston Historic Landmarks Preservation Commission

Recommended Comments on the Proposed Form Based Code

April 6, 2023

Section
3.5
Comment 30

General Note: The HLPC notes that the Common Council should also be looking at Chapter 264 of the City Code to recognize inconsistencies with new language as being presented in the FBC.

Background: The Historic Landmarks Preservation Commission (HLPC) met in 2 workshop sessions to discuss the proposed Form-Based Code (FBC) for the City of Kingston. The dates for those sessions were February 9, 2023 and March 9, 2023. Each session was designed to cover specific sections of the FBC which are directly involving or related to the duties of the HLPC. The following bullets represent the findings and comments on the FBC as adopted:

Article 4: Section 405.14 Architectural and Site Design Standards (Page 4.24)

B. APPLICABILITY (Page 4.24)

* 1. MODIFY 2nd sentence – The Architectural Standards, *as identified in paragraphs E, G, H, I, J and K, of this Section*, are encouraged (but not required) for Detached House, Carriage House, Duplex or Cottage Court Building Types. *Design of structures should be compatible with the surrounding neighborhood, not necessarily discouraging other styles.*

E. BUILDING WALL MATERIALS & MASONRY DETAILING

* 1. (f) – COMMENT - Understand this for some commercial structures, but this maybe shouldn't apply to all building types mentioned under B. above... both vinyl and aluminum are a mainstay type of material to use. Naturally there are other materials you could use in place of vinyl or aluminum clapboard, such as actual wood or maybe a hardiplank or other composite. Think it would be a mistake to prevent the everyday homeowner from being able to use those materials. Alternative materials can be expensive. Also, if you're in a situation where you're putting an addition on a house, would this prevent the use of trying to match materials?

* 1. (g) QUESTION - There are outdoor malls and other shopfronts in the area that use EIFS. If any of them need repair or need to be modified, would this prevent that from happening?

G. BUILDING DETAILS

* 2. Roofs and Parapets (Page 4.29)

- (g) This section references a sign panel allowed in a raised parapet section. There is no correlating standards on size, design etc., in the sign standard section. What regulates this? Materials? Illumination? Size?

* 4. Columns (Page 4.30)

- (b) All columns shall be spaced at regular intervals, *to the greatest extent possible*, and shall create openings....

Section
3.5
Comment 31

Section
3.5
Comment 32

Section
3.5
Comment 33

Section
3.5
Comment 34

Section
3.5
Comment 35

Section 3.5
Comment 35
(Cont.)

- (c) The HLPC wants to recognize that there may be an appropriate occasion to make use of a “Faux” column which would not be a structural element of the building design.

- (d) The HLPC members note that the alignment as shown in Figure 405.G.4.d, has the potential for the column capital to hold water, snow, ice, and debris, ultimately causing rot possibility. The HLPC questions if the figure is a “Blow-up” of Figure 405.14.G.4.c (above it), then without the roof detail, gives rise to more questions/interpretations. *HLPC Provides Alternative Figure for consideration, which would require some minor notes for clarification.*

General Comment – Consideration should be given to removing the negative figure examples and just having the acceptable figures shown to avoid confusion.

H. BUILDING HEIGHT (Page 4.31)

* 1. COMMENT – The HLPC recognizes this as different from the present definition. The concern is that with the new wording the roof could potentially present a greater visual impact.

* 3. Measuring STORIES: (a) A STORY is measured from finished floor level to the surface of the floor or *eave of* roof above.....

Article 4: Section 405.17 Signage Standards (Page 4.41)

- ADD Signage Regulations that govern the installation of signs both under and along the “Pike Plan” structure on North Front and Wall Streets in the Stockade District. Regulations attached.

E. PEDESTRIAN-ORIENTED SIGNS

* 5. Pedestrian-Oriented Standards:

- Page 4.43 – b. Projecting Signs (vii) This statement needs to be related to the following paragraph c. Marquee Signs, as it speaks to “A projecting marquee.....” Confusing and difficult to interpret. Is this meant to regulate the perpendicular element as shown in the photo with “c. Marquee Signs”? The dimensional height would not lend itself to thinking in that regard. Under “c. Marquee Signs” The HLPC questions if the intent is to regulate only the horizontal element as shown in the accompanying photograph? The width, height and quantity specifications would lend one to interpret it that way. Basically – Marquee signage needs to be re-worked for clarity and straight forward interpretation.

- Page 4.44 – h. Sidewalk Signs – ADD *(vii) Sidewalk Signs shall be appropriately secured and anchored in place in a manner suitable to the Department of Public Works.*

H. ICONIC SIGNS (Page 4.45) TYPO – ICONIC SIGNS such as barber poles, shall be permitted as long as they comply with the *otherwise* applicable

Article 8: Section 405.26 L. Historic Landmarks Preservation Commission (Page 8.24)

2. Membership qualifications. (Page 8.24)

* Change the current third sentence to read “All *other* members shall be residents.....”

6. Powers and duties. (Page 8.24)

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Comment 36

Section 3.5
Comment 37

Section 3.5
Comment 38

Section 3.5
Comment 39

Section 3.5
Comment 40

Section
3.5
Comment 40
(Cont.)

* To insert the following language as identified in red here in (a) (ii) "To review all applications for building permits, *all outwardly physical installations* and all appeals and applications transmitted to the Building Safety Officer which may affect any landmark or Landmark (L) District, and to make.....405.26.J.1.c. *This provision shall exempt all in-kind restoration/rehabilitation work, painting using historic color collection palettes, minor modifications or alterations to the exterior, signage when in compliance with the regulations herein, as determined by the Planning Administrator to be suitable for a determination of impact issued on an administrative level.*

7. Landmark or Landmark District designation procedure. (Page 8.25)

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3.5
Comment 41

* (f) The HLPC questioned the method of ratification by the Common Council needed. Recommend changing the second sentence to remove certain language as follows: "The designation shall be effective upon ratification ~~through ordinance~~ by the Common Council.

8. Landmarks and Landmark(L) Districts. (Page 8.26)

* (a) (ii) The Stockade Area of Kingston, New York, consisting of eight blocks bounded by Clinton Avenue, Main Street, Green Street and North Front Street, together with protective perimeter, is the site of the stockade *ordered* built by Peter Stuyvesant in 1658 and successive extensions under English rule. In this area there were two *conflicts with Esopus Leni Lenape people Indian massacres*, one in 1659-60 and one in 1663-64, as well as the location of the founding of the first government of the State of New York in 1777 and burned by the British that same year. *This area contains architecture dating back to the 17th and 18th Century including the corner of Crown and John Streets with four pre-Revolutionary stone houses, one on each corner of the intersection. In addition to the distinctive pre-Revolutionary stone houses, the district has 19th Century structures in Federal Period, Greek Revival, Italianate and Second Empire and Queen Anne styles as well as the mid-19th Century stone Old Dutch Church, a National Landmark.*

* (a) (ii) (2) TYPO – This area contains architecture And cultural organizations of the past.

* (a) (iii) The Rondout Landmark District consisting of the area as shown on the Regulating Map *and described as: The Rondout Historic District encompasses the area sloping down to and featuring the waterfront on Rondout Creek. Rondout was rapidly transformed from farmland into a thriving maritime village after the opening in 1828 of the Delaware and Hudson Canal with its terminus here. Plentiful jobs on the canal, in boatyards and shipping, in industries such as brick and cement manufacturing as well as bluestone, drew a melting pot of immigrants whose imprint is still visible in the rich legacy of commercial buildings, cast-iron storefronts, homes and churches in the district despite losses due to urban renewal in the 1960's.*

* (a) (iv) The Fair Street Landmark District consisting of the area as shown on the Regulating Map *and described as: Starting in the mid-19th Century, a long line of distinguished residences representing several architectural styles were erected along Fair Street extending out from the Stockade District as affluent people began moving out from the Stockade District and building substantial structures. The tree-shaded street has significant examples of the Italianate, Second Empire, Queen Anne, and Colonial Revival architecture.*

* (a) (v) The Chestnut Street Historic District consisting of the area shown on the Regulating Map *and described as: The district encompasses both West and East Chestnut Streets offering splendid*

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3.5
Comment 41
(Cont.)

examples of various architectural styles including Italianate, French Second Empire, Queen Anne, Colonial Revival, and Italian Renaissance many set on expansive lawns. In the 19th Century, on West Chestnut Street at the top of the hill above Rondout, several of the most affluent and powerful business people in Rondout built large homes, some with magnificent views of the Hudson River and Catskill Mountains.

Section
3.5
Comment 42

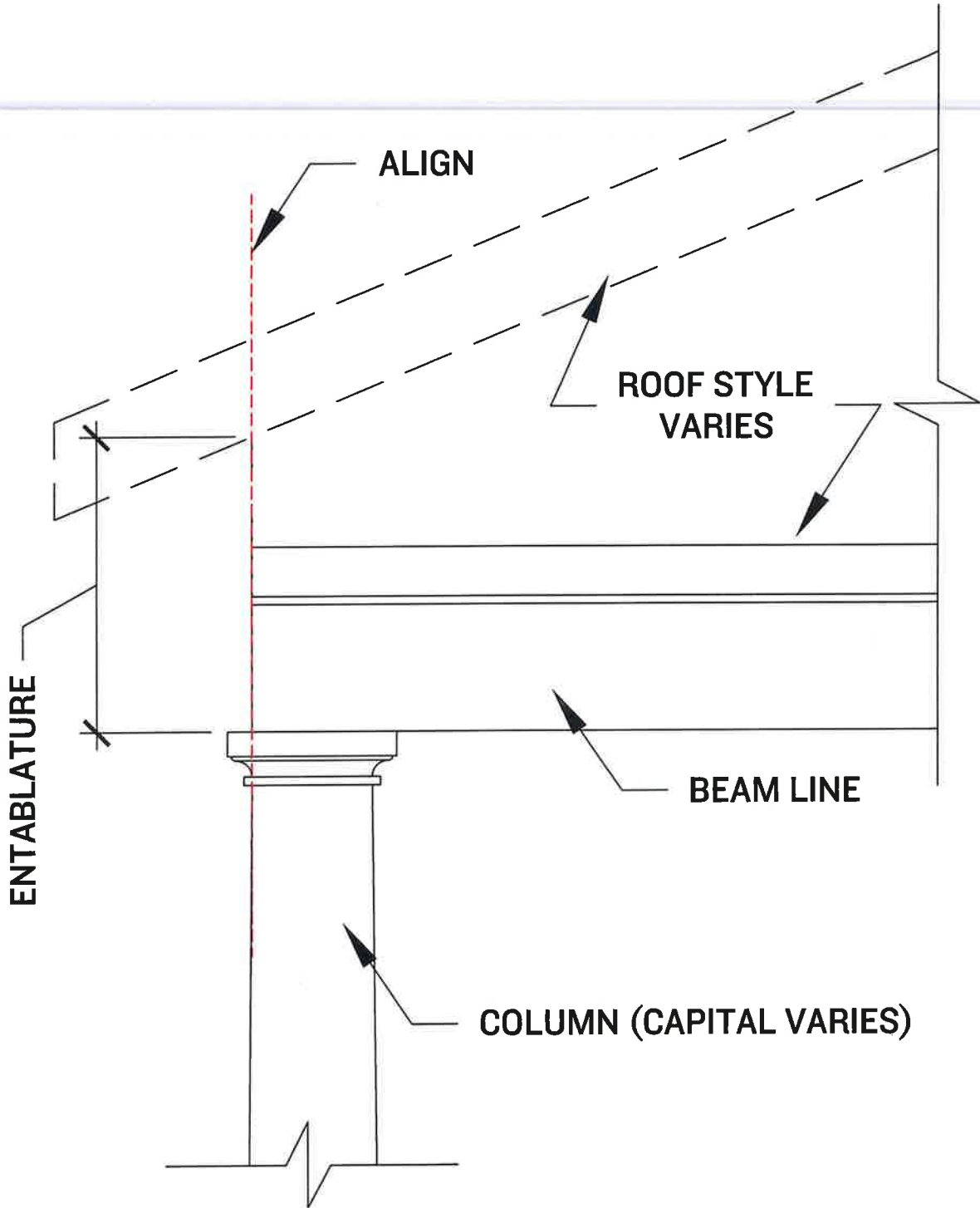
* (b) (ii) (4) Maintenance. "Preventive maintenance is required in order to assure that these buildings, spaces, elements and details are preserved. ~~Failure to provide this~~ *Deliberate neglect and/or lack of preventive maintenance that presents an issue of public safety or rapid deterioration of a structure shall be a violation of this article.*

9. Review Procedure.

* ADD (e) *It shall be the further duty of the Commission to exercise judgement in accord with the guidance of the US Secretary of the Interior Standards for Rehabilitation.*

SUGGESTED
REPLACEMENT FIGURE

Section
3.5
Comment 35



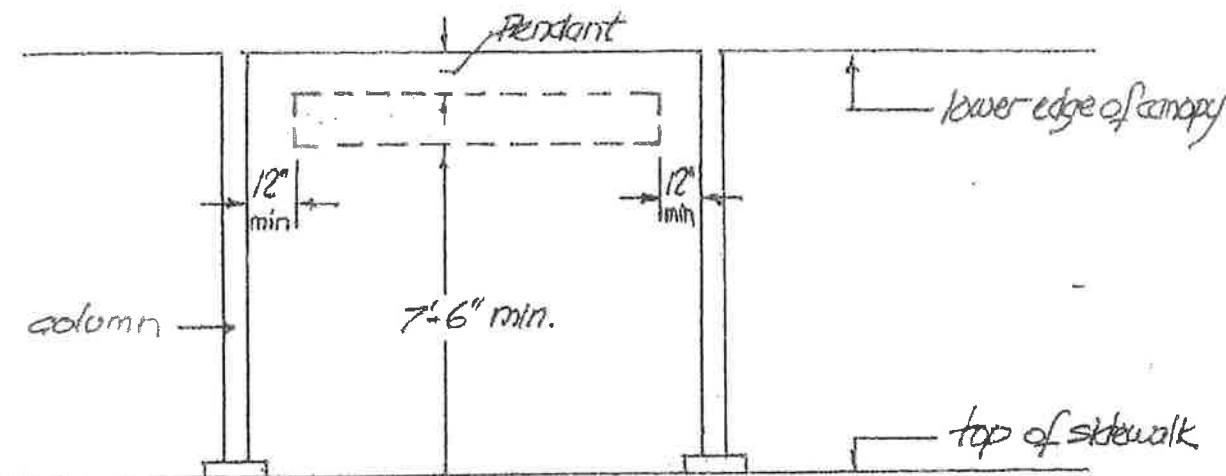
GUIDELINES FOR THE INSTALLATION OF SIGNS ON OR UNDER THE PIKE PLAN CANOPIES

1. These guidelines shall apply only to businesses which occupy the ground or street levels of the buildings in the area. All business or office occupying the upper levels of any building in the area may be identified and located solely by a sign or plaque beside the door which permits access to such an establishment.
2. Each business shall be entitled to two (2) signs to identify and locate its establishment, i.e. one (1) on the front of the canopy parallel to the street, and one (1) under the canopy perpendicular to the street.
3. Flashing, moving or intermittently illuminated signs or advertising signs are prohibited.
4. No internally lighted or neon signs are permitted.
5. All signs shall be constructed of wood, with painted or applied lettering, or lettering may be routed. No metal or plastic signs permitted.
6. Lettering must conform to style of middle 1800's or early 1900's.
7. Minimum and maximum distances and dimensions are graphically displayed on the following page.

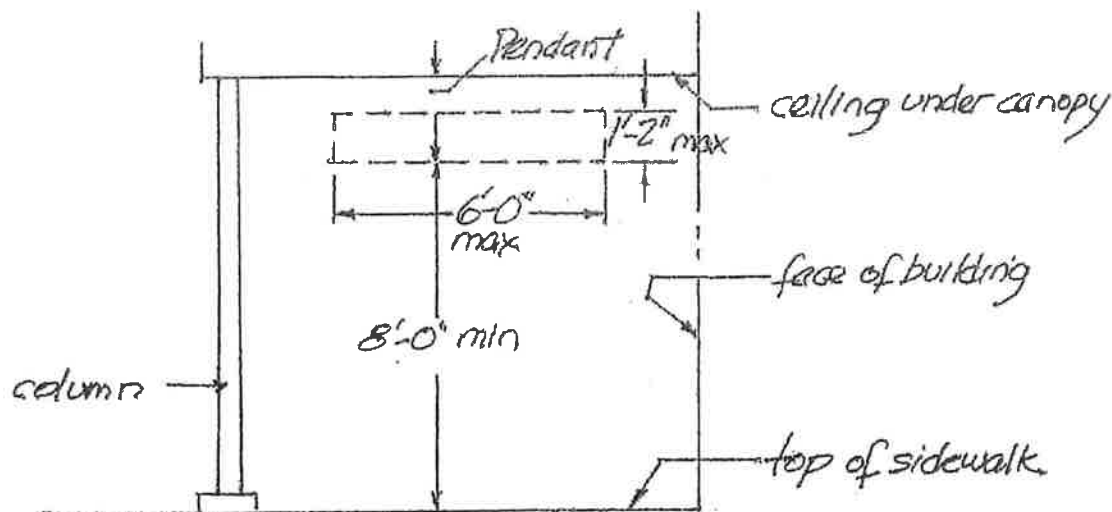
Section
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Comment 37

PIKE PLAN CANOPIES
(WALL STREET AND NORTH FRONT STREET)
UPTOWN URBAN RENEWAL PROJECT NYR-121

SIGN ON FACE OF CANOPY (PARALLEL TO STREET)



SUBPENDED SIGN UNDER CANOPY (PERPENDICULAR TO STREET)



NOTES:

- All signs shall be pendant, except those applied to facia
- Size and shape of signs are not fixed but shall fit within limits indicated by dotted lines
- Drawings above are not to scale

CITY OF KINGSTON

Kingston Planning

planning@kingston-ny.gov



Suzanne Cahill, Planning Director
Kyla Dedea, Assistant Planner

Steven T. Noble, Mayor

April 19, 2023

Ald. At Large A. Shaut, President Common Council
City of Kingston
City Hall
420 Broadway
Kingston, New York 12401

Re: RECOMMENDATION of City of Kingston Planning Board
City of Kingston Proposed Form Based Code

Dear Pres. Shaut:

On behalf of the City of Kingston Planning Board, I am herewith submitting their Recommendation to the Common Council, which was approved at the regular meeting held on April 17, 2023. The Board recommendation comes after holding 4 separate workshop sessions to go over the entire document.

The attached is the meeting minute summarization with the individual recommendations identified in the decision portion. If you have any questions, please do not hesitate to ask our office for clarification.

Respectfully,

Suzanne Cahill
Planning Director

Cc: S. Noble, Mayor
B. Starodaj, Dir. Housing Initiatives
W. Platte, Chairman
Ald. R. Worthington, W4, Chair. L&R
Ald. Olivieri, PB Liaison

ZONING REFERRALS:

Item 17: Form Based City-wide Zoning Code RECOMMENDATION on Proposed Form-Based Zoning Code – City-wide Application to Common Council. SEQR Determination. City of Kingston, applicant.

DISCUSSION: Chairman Platte opened with a brief statement on the background.

Background: The original referral was by CC Resolution #23 of 2023, dated January 11, 2023. Due to the complexity and significant amount of information to be reviewed, the Planning Board held 4 workshop sessions focusing on various areas of the proposed FBC in order to encompass a comprehensive review. The workshops were scheduled on the following dates: January 23, 2023, February 6, 2023, February 28, 2023, and March 30, 2023. Additionally, the Board submitted a written request to the Common Council asking for an extended period of review time, beyond the 45 days as identified in the Code. No objection to the request has been returned.

He noted that at the last Workshop session of March 30, 2023, Board members reviewed in a “wrap-up” type format all of the comments which had been collected over the prior sessions and went through, making final drafted comments on both the Regulating Map and the FBC Text.

Staff stated they have provided the notes of that meeting, adding some alternates that had been identified and Chairman Platte asked if they should go through individually. Staff instructed the Board to take each item separately and to also use a roll call vote to identify the consensus of the Board. Staff further noted that no further comments have been returned for incorporation and have done some additional research which is reflected in the notes. “Leave As Is” is always an option that is not written with every section but is an alternative.

Decision: Chairman Platte asked the Board for any additional comments, hearing none, he proceeded to read through the list.

PARKING STANDARDS (Section 405.16) –

- Lodging should have .5 parking spaces per room with a minimum of 2 spaces (Roll Call – ALL Yes - Carried)
- 1, 2, 3 family residential housing should have a 1 parking space minimum per unit (Roll Call- AH – No; ALL others yes, carried)
- Residential with ADU’s in the T3 districts should be required to have 1 space per unit plus 1 space per ADU (Roll Call – ALL Yes - Carried)
- When consideration is given to recognizing the use of on street parking regulations, developers should be required to provide a calculation of demand for on street parking and availability demonstrated. (Roll Call – ALL Yes - Carried)
- There should be a review of the existing on street parking laws to identify where potential parking may be available to add to the overall numbers, i.e.- where handicap parking may no

longer be used, requiring alternate side or limit on length of time vehicles may remain on a street without moving. (Roll Call – ALL Yes - Carried)

- Parking Demand Reduction Strategy (Section 405.16 C. 3.)- The following recommendations are made:
 - o The word “Reduction” should be removed from the title as the purpose of this exercise is to determine the parking demand necessary to support a proposal and not necessarily reduce a number of spaces as this new code is already greatly reducing parking requirements. (Roll Call – ALL Yes - Carried)
 - o The thresholds which are contained in this Section should be reduced as follows: *“.....include Principal Building(s) with a single building footprint of ~~10,000~~ 5,000 square feet or greater and/or a total gross floor area that exceeds ~~50,000~~ 10,000 square feet.”* The Board makes this recommendation based on their experience and knowledge of the reviews which they regularly undertake and what they believe to be a more appropriate measure for parking assessment. (Roll Call – ALL Yes - Carried)
 - o The Board recognizes that there is language already being contemplated which would provide the Planning Board to require a Parking Demand Strategy for projects that fall under the above thresholds with a Majority vote. The Planning Board supports this language being submitted in the Code text. (Roll Call – ALL Yes - Carried)
 - o The Planning Board would support a “Payment in lieu of off-street Parking” system be established where the City would be able to accumulate funds to create new or improve existing public parking facilities. This fund should be for capital improvement only and not be used for administration or operation expenses. (Roll Call - RJ – No; ALL Others - Yes – Carried)
- Parking Dimensional Standards (Section 405.16. D.) It would be recommended that the dimensional standards as they are shown in the table also be diagramed out. The Board believes that a figure would be a means of understanding layout configurations. (Roll Call – ALL Yes - Carried)

Section
3.5
Comment 44

SD WATERFRONT – The Planning Board discussed and was of the opinion that more focus needs to be considered on views from existing neighborhoods and public access:

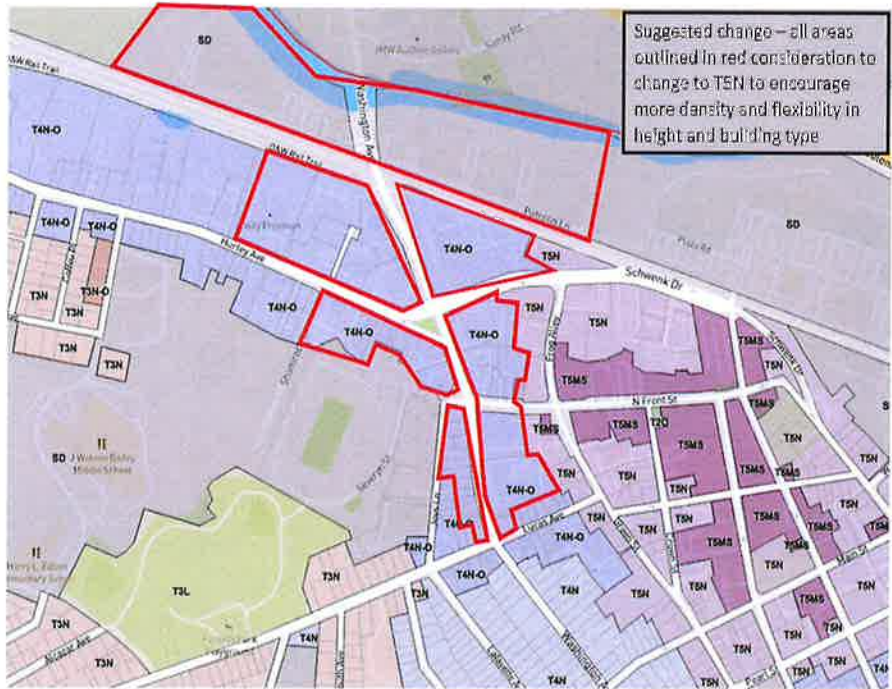
- Buildings in SD waterfront should be limited to 3 stories with a 1 story bonus, with the Height Overlay boundary remaining as is. (Roll Call – ALL Yes - Carried)
- It was noted that parking under buildings is not included in height. It would be the recommendation of the Board that parking below a structure be included within the overall height as is done in the other transects. (Roll Call – ALL Yes - Carried)
- Parking underneath should be included as a building story and should have a commercial/shopfront along the street. (Roll Call – ALL Yes - Carried)

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3.5
Comment 45

DENSITY

Section 3.5
Comment 46

- Regulating Map – The Board discussed Washington Avenue as a “Gateway” into the city and also as an area that could withstand higher densities. They also took note that in making a recommendation for increased density that there are architectural standards now incorporated and they also recognized the proximity of the Stockade Historic District in Uptown Kingston. By providing areas that would be suited to development, the pressure to have impacts on the historic areas is reduced. Looked at the increased density, heights and coverage from the city line into Lucas Avenue. See map below identifying the areas and transect changes.



(Roll Call – ALL Yes - Carried)

- Uses in the T3N areas – Limit of up to two units maximum, including ADU’s in T3N transects. (Roll Call – AH-No; WP, RJ, MG, SN, VA, CP – Yes – Carried)

ARCHITECTURAL The Board recognizes the benefit of this new section to the code and finds that the work is thorough and provides guidance for developers and review agencies. One issue was identified as lacking:

Section 3.5
Comment 47

- Accessory Dwelling Units (ADU’s) should have design guidelines and should fit with the character of the neighborhood and the architecture of the existing property. (Roll Call – ALL Yes - Carried)

USES

- Corner Stores – Remove corner stores as allowed use in T3N Transects. (Roll Call – AH – No; ALL Others Yes – Carried)
 - o **ALTERNATIVES** which were also discussed were read and voted on with no discussion:
 - Require any Corner Store Use requiring Special Use Permit Review, (Roll Call – AH- No; ALL Others – Yes – Carried)
 - Rename the use category “Corner Store” to “Neighborhood Business” (Roll Call – ALL Yes - Carried)
 - Modify Definition “~~CORNER STORE~~ **NEIGHBORHOOD BUSINESS** A small-format commercial or mixed-use building that provides a retail or service commerce use *designed* intended to serve residents of the surrounding *neighborhood with day-to-day, recurring needs*, on the ground floor; *with* residential or office uses *above may be located on a ground or an upper floor*. A corner store does not have to be located on a corner lot. See Sec 405.12.L and 405.21.F.” (Roll Call – ALL Yes - Carried)

- Extend Shopfront District along vacant parcel in front of Hudson Valley Landing (along the East Strand) (Roll Call – ALL Yes - Carried)

Section
3.5
Comment 47