

Kingston Conservation Advisory Council
Kingston 2025 Comprehensive Plan Comments
Submitted 3/26/15

General: The Kingston Conservation Advisory Council has read and reviewed, in its entirety, the Draft Kingston 2025 Comprehensive Plan. Previous comments on behalf of the CAC were also submitted during the Steering Committee review process. Upon review, with the incorporation of the suggestions below, the Kingston CAC is pleased with the Comprehensive Plan as a Draft to be presented to the public, as we feel it captures the general environmental concerns, sustainability principles and guidelines for our city. We commend the Comprehensive Plan Steering and Advisory Committee, the Consultants and the Planning Department on the extensive work that has been done to date on crafting this document. We have included, below, our comments for this Draft, to be considered by the Steering Committee and Consultants for incorporation into the Final Draft.

1. List eleven goals in the introduction
2. Acknowledgment Page: Spell out the names of organizations/ departments. For example Supt. DPW: Superintendent of Dept. of Public Works.
3. Provide a suggested citation.
4. Page 4. Third paragraph: replace Community Development Agency with Department of Economic Development
5. Page 9:

COMMENT: Instead of Physically Constrained Land, this section should cover Open Space. Also sometimes the term environmentally constrained is used, be consistent. Environmentally constrained lands implies contamination or brownfields.

Suggested changes in **green** regular font.

The City has several areas that are not suitable for intensive future development. This principally involves existing flood hazard areas, wetlands, steep slopes, as well as floodplains and low-lying areas along the Esopus Creek tidal Hudson River and Rondout Creek. Not surprisingly, most of these lands have remained generally undeveloped. One exception to this, is the flood hazard area along the Hudson River and Rondout Creek, where water access first fueled water-dependent industry, and later transitioned to the current mix of restaurant, entertainment, recreational and cultural uses alongside remnant industry and brownfields.

Where existing areas remain underdeveloped in these regions of the City, the City should consider significantly restricting future development. Generally, significantly physically constrained lands would best be limited to use for agriculture, open space, recreation, and rural-density or clustered residential sites. Physically constrained lands are shown in Figure 6 as the gray hatched areas.

COMMENT: What is meant by further exploration in the following sentence?

Further exploration of these physically constrained areas is likely not necessary as these areas are generally undeveloped and not suited for future development.

6. **Vision (p. 12):** The plan should include language referencing Kingston as a model for small cities as discussed by Kingston Mayor Shayne Gallo's statement in the forward of Tidal Flooding Task Force

Report “The City was selected to participate in this pilot effort because of the actions we are taking to respond to climate change by adopting the “Climate Smart and Green Jobs Community” pledge and becoming a New York State “Climate Smart Community”.

7. Page 16: Plan Overview:

Suggested changes in **green** non-italicized font.

*Open spaces and natural resources should not be limited to outlying areas; **however**, there are valuable **open spaces**, natural resources and habitats throughout the City, and efforts to preserve **them these natural resources** are vital. They provide the City with biological, ecological, aesthetic, recreational **and agricultural** value as well as opportunities for groundwater recharge and erosion control. The City should seek to identify and prioritize the preservation of important open spaces **and** natural resources through acquisition, appropriate zoning and regulation, and partnering with land trusts and other not-for-profits.*

8. Page 17: Goal 1: Promote a Sustainable Citywide Land Use Policy

Add an Objective on Open Space.

Objectives only cover mixed use cores (1.1), sustainable practices (1.2), urban agriculture (1.3), aesthetic and culture (1.4). Open space is an important component of sustainability and land use policy; it should be called out as an objective.

Suggested wording: Objective 1.5: Protect open space resources and conserve natural resources.

Instead of listing strategies, refer to the chapter on open space.

9. Page 18

Objective 1.2: Promote sustainable practices and green technologies in any proposed redevelopment consistent with Climate Smart Communities Certification Program;

COMMENT: What is meant by redevelopment? This objective should not be limited to “redevelopment”.

Revise: Promote sustainable practices and green technologies consistent with Climate Smart Communities Certification Program;

This would cover energy conservation, renewable energy, low impact development green infrastructure techniques, complete streets and more.

Strategies: there are state and county mechanisms that provide incentives and financing mechanisms for energy conservation and alternative energy for both residential and commercial properties. NYSERDA offers an array of opportunities through Energy Smart and Green Jobs Green New York.

The On-Bill Recovery Financing Program allows homeowners and small businesses to finance energy improvements through a charge on the utility bill. Repayment amount is based on projected savings on energy. <http://www.nyserda.ny.gov/All-Programs/Programs/On-Bill-Recovery-Financing-Program>
The Energize NY Benefit Financing Program is an Ulster County sustainable energy loan program which provides loans to businesses for energy improvements; the loan is paid back on their property tax bill. <http://ulstercountyny.gov/sites/default/files/Local%20Law%20No.%206%20of%202014.pdf>

10. Open Space Resources Goal 3 Pages 26 to 28

This chapter should be informed by the following documents found at: <http://www.kingston-ny.gov/nri> and the map of significant habitats should be included as a figure.

- *Significant Habitats in Selected Areas of the City of Kingston* (2013) by Hudsonia, Ltd.
- *Preliminary Natural Resource Review* (2013), by E. Hauser and Conservation Advisory Council
- *Kingston Habitat Summary: Natural Areas and Wildlife in Your Community* (2014) by Laura Heady

COMMENT: Revise order (and content) of objectives and revise numbering of strategies accordingly.
Goal 3: *Preserve constrained lands as open space, agriculture or very low-density residential clustered development as appropriate;*
Objective 3.1: *Promote open space preservation throughout the City, but especially in outlying areas;*
Objective 3.2: *Identify and protect scenic views as seen from roadsides, parks, waterfronts, and other areas frequented by the public.*
Objective 3.3: *Promote protection and conservation of physically constrained lands and important natural resources;*

SUGGESTED REVISED TEXT

Goal 3: Preserve open space, limit development on environmentally/ physically constrained lands; protect important natural resources and habitats and provide for recreational and urban agriculture in these areas as appropriate.

Objective 3.1 (formerly 3.3.4) *Develop and adopt a Natural Resources Inventory and Open Space Plan. The City of Kingston Conservation Advisory Council has begun the process of inventorying sensitive natural features such as habitats, flood zones, surface waters, geology, agricultural lands, forests, soils, and ecologically sensitive areas. The City should complete the NRI and develop an Open Space Plan that provides recommendations for priority areas for open space preservation through public purchase, purchase by institutional land trust, or through low-impact uses such as parks and low-intensity agriculture. Additionally, existing zoning should be reconsidered in light of the Natural Resources Inventory and the Open Space Plan and incorporated into the Comprehensive Plan by reference.*

*Strategy 3.1.1 Consider lowering density for residential development of remaining outlying undeveloped or underdeveloped areas to 2-3 acres per lot **or clustered development***

Strategy 3.1.2
Promote urban agriculture (see separate chapter)

COMMENT: Provide recommendations on how to acquire open space for Strategy 3.1.3

Objective 3.2: (Formerly 3.3) *Promote protection and conservation of environmentally constrained lands and important natural resources;*

Strategy 3.2.1: Enact a Hillside Protection Zoning Provision. Steep slope zoning regulations reduce runoff, soil loss, and erosion on sensitive slopes, by limiting the impacts of development on steep slopes and sensitive lands. The varied terrain in parts of Kingston, such as the different elevations along Wilbur Avenue, require revised standards for building on slopes. Construction on steep slopes greater than 15 percent and less than 25 percent should be minimized, and construction on slopes of 25 percent or greater should be avoided as much as possible.

Strategy 3.2.2: Continue to promote narrow widths for rural roads in the City. There is little need to build the City's outlying rural roads as full-32' wide or greater paved roads. The City should continue to maintain these roads at a maximum of twenty-four feet wide with soft shoulders to maintain the character of outlying areas, reduce storm water runoff, reduce maintenance costs, reduce storm water runoff, and consume less energy to construct and maintain.

Strategy 3.2.3: Enact Surface Water Protection Regulations. In order to protect water quality and various water-dependent habitats, the City should consider the creation of a buffer requirement around surface water resources including streams, wetlands and vernal pools. Currently, the NYS DEC requires a 100-foot buffer around NYSDEC-regulated wetlands but other resources do not require such protection. A 50- to 100- foot buffer should be considered with dense vegetation requirements, particularly if a proposed use has an increased likelihood of impacting water quality.

Strategy 3.2.4 Prohibit new development in floodplains

Strategy 3.2.5 (formerly 3.2.1)

Support the City's Tree Commission's efforts to ensure the sustainable management of the City's trees, maintain "Tree City USA" designation and develop a comprehensive Urban Forestry Master Plan.

~~Objective 3.2:~~ **Objective 3.3:** *Identify and protect scenic views as seen from roadsides, parks, waterfronts, and other areas frequented by the public.*

COMMENT: Regarding Open Space, it is appreciated that a section is devoted to this important topic in the comprehensive plan. The Kingston Conservation Advisory Council is presently engaged in preparation of a Natural Resources Inventory (NRI). Including maps and text from the Kingston Habitat Summary prepared by Hudson River Estuary Program (HREP) and Habitat Mapping done by Hudsonia for the Kingston Conservation Advisory Council could be useful as these are intended for use in preparing the NRI.

Regarding specific open space areas the following should be discussed as candidates to remain open space as either all or a significant portion of each are identified as constrained in the Kingston 2025 Constrained Lands Map and are covered in the Hudsonia Kingston Habitat Mapping referring to general areas of Kingston, to wit:

1. "East": Delaware Forest & Hudson River areas partly earmarked for open space preservation through the Hudson Landing environmental review but also including other constrained areas at Hutton Brickyard and several municipal owned parcels including Hasbrouck Park and open space areas to the north of the park.
2. "South": Twaafskill, Wilbur, Lawton Park, Fly Mt, some areas of which were once parkland or proposed for parkland in the 1961 plan.
3. "West": Esopus Creek previously studied in 2009 as part of the Hudsonia Biodiversity Training. There is also mention of an Esopus Creek trail in the comp plan draft at Strategy 9.6.4 while the O&W Rail Trail goes near to the Esopus as referenced on the Greenline map on page 15.

Regarding the Constrained Lands Map at the end of the draft plan, it should be noted that additional constraints besides flood plains, steep slopes and wetlands shown, habitat areas, karst geology and Native American archeology should be included.

Protecting these areas discussed above is consistent with language in the draft plan text and GEIS discussion on page 28, however as noted in the discussion text, zoning changes may be necessary for general land use to be consistent with the constrained lands map shown in the draft plan.

11. Strategy 4.1.1: Support the establishment of Kingston as a Rail Trail hub for Ulster County's system of rail trails by creating linear parks and implementing Kingston Greenline Conceptual plans. (p. 29)

Strategy 5.2.8: Implement the recommendations of the Kingston Greenline Conceptual Plan to convert abandoned railroad beds to multi-use trails providing off-road pedestrian and cyclist routes throughout the City. (p 43)

The recommendations of the Kingston Greenline Conceptual Plan are in the process of being implemented as part of the Kingston Connectivity Project and by Kingston Land Trust.

12. Page 35: Define what is meant by "moving the city forward" in Objective 4.13
Objective 4.13: Work with partners to offer a comprehensive array of support services to businesses and investors who are committed to moving the City forward.

13. Strategy 6.1.7, Ensure that the Greenline provides entryways into the City's Historic Districts (p. 48);

Kingston Land Trust and its associated Rail Trail Committee have already discussed connectivity to historic districts, as connectivity is one of the key features of the Greenline. The Rondout section of the Greenline is within walking distance of the Rondout Historic District, the East Chester St. section is close to Chestnut Street Historic District and the Uptown section runs close to the Stockade District while the various proposed Wallkill Valley sections come close to Fair St. District. The several portions of the Greenline cross or are within the Heritage Area.

14. Pages 51 to 53 Public Facilities -

Goal 7: Be proactive rather than reactive in improving public infrastructure including City streets, water and wastewater infrastructure, as well as enhanced park facilities;

REVISION:

Goal 7: Be proactive rather than reactive in improving and maintaining public infrastructure including city buildings, streets, sidewalks, bridges, water, stormwater and wastewater infrastructure, park facilities, and shoreline protection.

Public infrastructure also includes private owned utilities: electricity, natural gas, cable television, telephone, fiber optic systems, Internet providers and wifi. Acknowledge this.

Regarding infrastructure and resiliency, a discussion including both water supply and waste water infrastructure should be included in the comprehensive plan. Improving and maintaining public infrastructure including city buildings, streets, sidewalks, bridges, water, stormwater and wastewater infrastructure, park facilities, and shoreline protection should be a priority with an implementation strategy. Add objectives and strategies which address the following:

- a. Reducing flooding of streets, yards and basements by the using landscape green infrastructure;
- b. De-certification of levee along Esopus Creek;
- c. Drinking water supply and distribution system;
- d. Municipal buildings and their energy use;
- e. Shoreline protection along Rondout Creek using nature based methods where reasonable;
- f. Recognition of Esopus Creek as an inland waterway and the possibility of establishing a Local Waterfront Revitalization Plan for Esopus Creek;
- g. Bridge and culvert repair and rehabilitation; and
- h. Private owned utilities, including but not limited to, electricity, natural gas, cable television, telephone, fiber optic systems, Internet providers and wifi.

The introductory paragraphs do not describe the content of the rest of the chapter. There is a paragraph on flooding, but this is not addressed under objectives or strategies.

Objective 7.1: Improve the operation of the wastewater treatment system to reduce combined sewer overflows and safeguard the infrastructure from current flooding and future surge and sea level rise;

Strategy 7.1.2: Implement and improve the Long Term Control Plan so that combined sewer overflows are reduced.

COMMENT: Check the LTCP so be sure that it is not in conflict with using green infrastructure as discussed in Strategy 7.1.3 to 7.5

Strategy 7.1.3: Reduce stormwater, erosion, upland flooding and combined sewer overflows through green infrastructure, low-impact development and best stormwater management practices. **Landscape scale green infrastructure including large forests, meadows, wetlands, floodplains and riparian buffers should be retained where feasible in order to naturally store, infiltrate and treat stormwater runoff. (Refer to chapter on Open Space).**

Implementation of low-impact development practices incorporate a number of ~~less intrusive measures~~ proactive measures to allow precipitation to infiltrate into the ground instead of running off into storm or combined sewers. These measures include street trees, rain gardens, bioswales, green roofs, and on-site storage and use of stormwater for irrigation.

Strategy 7.1.4: Promote ~~natural~~ **native** vegetation, swales, rain gardens, and similarly environmental conscious landscape practices, **through volunteer efforts, incentives and zoning ordinances should be revised to require such practices in connection with industrial, commercial and multifamily development (i.e., exempting single family and two-family homes).** **Natural Native** vegetation is especially important, as it requires less watering and pesticides for its care.

COMMENT: A green infrastructure study would show where in the sewersheds LID practices would help with reduction of flow to combined sewers. The zoning or incentives should be focused on properties that will achieve specific objectives for CSO or other objectives, not just on industrial, commercial and multifamily development.

Generic Environmental Impact Discussion: The proposed recommendations to remedy existing sewage plant overflows and reduce flows into the combined sanitary/storm sewer will result in significant environmental benefits to the Rondout Creek and Hudson River as well as fiscal benefits to the City.

Objective 7.2: Improve the condition and appearance of the City's roadways and sidewalks;

COMMENT: refer to transportation section

Discuss how urban forestry and street trees can help achieve objective 7.2.

Objective 7.3: Increase the access and maintenance of neighborhood parks and recreation facilities;

Comment: Refer to Parks and Recreation Master Plan. (this is referenced, as Strategy 7.3.1)

Strategy 9.5.3: Promote uniform streetscape improvements throughout Uptown. ...This character could be exploited and the setting made even more dramatic than it already is by installing authentic gas lamps at appropriate locations near the districts oldest buildings....

Gas lamps, though authentic, are energy intensive. Explore the use of energy efficient LEDs that look like old lamps for a similar effect.

15. Objective 9.6: Improve the connections physically and in character between Kingston Plaza and Uptown, Strategy 9.6.2, 9.6.3 (p 78-79)

Discuss the implications of Army Corps decertification of the levee.

16. Strategy 9.6.4: Esopus Creek Trail (p 79)

Discussion of Esopus Creek proposed trail should be also referenced under open space (SEE ABOVE 3.3.4)

17. Goal 10: Encourage vibrant mixed-use land use patterns in Rondout centered around waterfront access, restaurants and tourist attractions, and active recreation; (p81)

Consider for consistency to the extent possible within concurrent timeframes, the Brownfield Opportunity Area GEIS presently in progress.

18. *Goal 11: Encourage development of a new Hudson Landing mixed-use area consistent with the Hudson Landing Design Manual (p85);*

The Generalized Land Use Map in the draft plan shows the Hutton Brickyard in the Hudson Landing Mixed Use Area but there is no reference in the text to include this site in this core area.

The Constrained Lands Map at end of the draft plan indicates constrained lands at the Hutton Brickyard including severe slopes and flood plains at undeveloped municipal owned properties adjoining or near to the Hudson Landing open space preservation areas. These areas are shown on the generalized Land Use Map as Tech Park and Landing Mixed Use Core. In addition to the steep slopes and floodplains shown, additional steep slopes exist at the north end of the brickyard site adjoining Hudson Landing, while Figure 3.5.2 and Appendix F of the Sailors Cove DEIS contain wetlands maps showing additional constraints at the Hutton Brickyard in the center of the site and near to the Hudson River. These indicate approximately 16 acres of wetlands. Furthermore, the steep slope areas are stated to host Native American archeology sites. The wetlands are mapped in *Significant Habitats in Selected Areas of the City of Kingston* (2013 by Hudsonia).

Additional offshore site constraints include historic barges and submerged aquatic vegetation (SAV beds) making the site unsuitable for a marina. Land and offshore constraints at the Hutton Brickyard should be mentioned in the text.

Inclusion of the Hutton Brickyard in the Landing Mixed Use Core, including a recommendation to extend the design standards and regulating design manual from Hudson Landing, should be mentioned in the text for the Brickyard areas. Also mentioned should be the re-development potential with additional recommendations to preserve certain historic features deemed eligible for the National Historic Register such as the iron Lidgerwood crane (Structure L in Appendix K Sailors Cove DEIS Historic Resource Inventory) and certain significant buildings. The SHPO Inventory Forms included in the previous environmental review of the Sailors Cove project in Appendix K can provide detailed information or otherwise can be obtained through SHPO directly. Recommendations for consistent zoning changes should be made as well for all parcels discussed above.