
GUIDANCE FOR TESTIMONY

Proposed Central Hudson Gas Regulating Substation in Kingston, NY.



Prepared by Hone Strategic LLC

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1. Introduction

This report contains information pertaining to the proposed Central Hudson gas regulating station at 245 Washington Avenue in Kingston, New York. It was prepared by Hone Strategic LLC to provide guidance for community members on the proposed action. It contains recommendations on the planning review process and background regarding gas regulating stations.

2. Project Information

Applicant: Central Hudson Gas & Electric

Proposal: Special permit to install gas regulating station

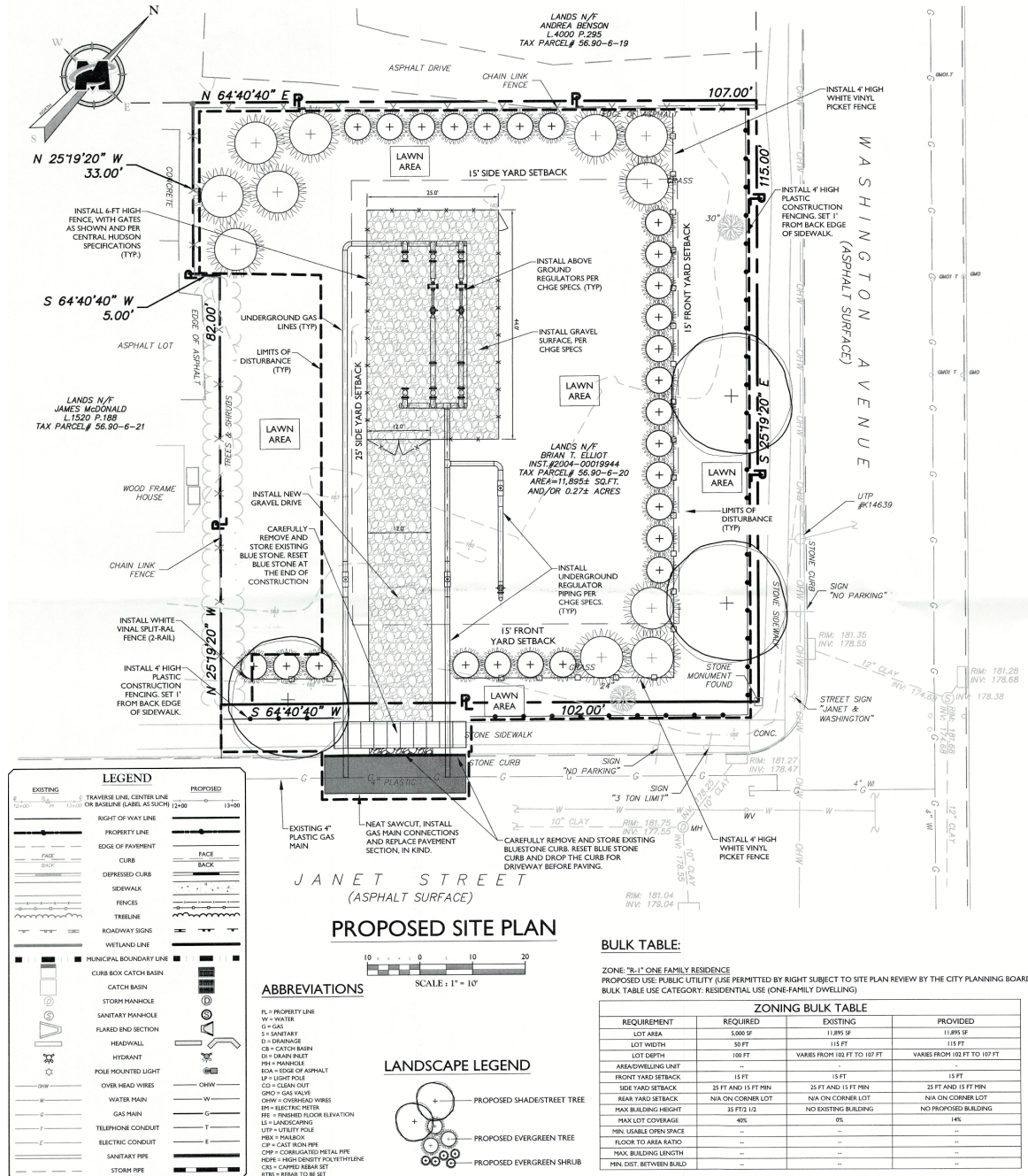
Address: 245 Washington Ave., Kingston, NY 12401 (shown below with red circle at the corner of Janet Street). Section/Block/Lot: 56.90-6-20.

Zoning: R-1, One-Family Residence



Site Plan

The proposed site plan dated 6/20/2017 was posted on the City of Kingston's website.¹ It shows landscaping, setbacks, fencing, and other measures intended to mitigate the visual impact.



¹https://www.kingston-ny.gov/filestorage/8399/17321/17323/18339/Proposed_Site_Plan_062017.pdf

Kingston's Zoning and Requirements for Special Permits

The site is located in a district **zoned as R-1, One-Family Residence District** ([City of Kingston E-Code, § 405-11](#)). A special permit (also called a “special use permit”) is intended to **“take into consideration the public health, safety and and shall prescribe appropriate conditions and safeguards”** to insure the accomplishment of specific objectives. According to the zoning of R-1 districts, unit substations and other utility installations are subject to the issuance of a special permit by the Planning Board in accordance with the provisions of § 405-32 of the zoning ordinance. (See Appendix A for the full text.) Here are the most relevant objectives:

- “That the proposed use is of such location, size and character that, in general, it will be **in harmony with the appropriate and orderly development of the district** in which it is proposed to be situated and **will not be detrimental to the orderly development of adjacent properties** in accordance with the zoning classification of such properties.”
- “The location and height of building, the location, nature and height of wall and fence and the nature and extent of screening and landscaping on the site shall be such that **the use will not hinder or discourage the appropriate development** and use of adjacent land and buildings or diminish the value thereof.”
- And that “it shall be **the duty of the Planning Board to attach such conditions and safeguards** as may be required in order that the results of its actions may, to the maximum extent possible, further the general objective of this chapter. The board may require that special permits be periodically renewed.”

Public Notice Published in *Daily Freeman*, 7/3/2017

According to NYS General City Law (GCL) § 27-b, a special permit is subject to a public hearing, which must be published, decided, and filed as follows. “Public notice of said hearing shall be **printed in a newspaper of general circulation in the city at least five days prior to the date** thereof. The authorized board shall decide upon the application within sixty-two days after the hearing. The time within which the authorized board must render its decision may be extended by mutual consent of the applicant and the board. The decision of the authorized board on the application after the holding of the public hearing shall be filed in the office of the city clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.”

The City of Kingston regularly follows this procedure. On July 3, 2017, the following notice was printed in the *Daily Freeman*:

KINGSTON PLANNING BOARD NOTICE OF PUBLIC HEARING, CITY OF

KINGSTON PLANNING BOARD NOTICE OF PUBLIC HEARING CITY OF KINGSTON Notice is hereby given that the Planning Board of the City of Kingston will hold a public hearing on Monday, July 10, 2017 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York at 6:00 P.M. on the following applications: #31 N. Front Street SPECIAL PERMIT renewal to convert storage space to 2 apartments. SBL 48.314-2-3.120. SEQR Determination. Zone C-2, MUOD, Heritage Area, Stockade Historic District Ward 2. Turu Illgen Architect PLLC/architect; Wild Lee, LLC/owner. #346 Broadway SPECIAL PERMIT to establish an apartment on the second floor.. SBL 56.26-11-9. SEQR Determination. Zone C-2, MUOD, HAC. Ward 9. Alseen LLC/Jessica Meyer; applicant/owner. #115 Abeel Street SPECIAL PERMIT RENEWAL for a mixed use building in the RT zone. SBL 56.43-2-29.120. SEQR Determination. Zone RT, Rondout Historic District, HAC. Ward 9. Stefan Bohdanowycz; applicant/owner. #76-88 Spring Street SPECIAL PERMIT AMENDMENT for 12 apartments. SBL 56.42-10-8. SEQR Determination. Zone RT. Rondout Historic District. Heritage Area. Ward 8. Lloyd Levi; applicant/owner. **#245 Washington Avenue SPECIAL PERMIT to install a gas regulating station. SBL 56.90-6-20. SEQR Determination. Zone R-1. Ward 3. Central Hudson Gas & Electric; applicant/owner.** #243 Hurley Avenue SPECIAL PERMIT to install a 1,555.2kWDC Community Solar Array. SBL 47.70-1-6. SEQR Determination. Zone C-3. Ward 1. Hudson Solar/applicant; St. Clara's Church of God, Inc./owner. #101 Abeel Street SPECIAL PERMIT for 5 residential units. SBL 56.43-2-30. SEQR Determination. Zone RT. Ward 8. Donskoj & Company; applicant/owner. #32 Abeel Street SITE PLAN to construct a 16,213, sf community center. SBL 56.43-5-35.100. SEQR Determination. Zone RT, Rondout Historic District, HAC, LWRP. Ward 8. Irish Cultural Center Hudson Valley Inc.; applicant/owner. All persons desiring to review said applications may visit the Planning Office in City Hall during regular business hours and may be heard by the Planning Board at the time and place aforementioned public hearing. Please advise the Kingston Planning Office, twenty-four hours in advance, should special assistance be required. Kingston Planning Board Suzanne Cahill #1372759.

Role of the Ulster County Planning Board

Municipalities are required to “refer” certain projects to the Ulster County Planning Board (UCPB) for its review. NYS General Municipal Law 239-I “...authorizes the County Planning Board to review proposed actions for inter-community or county-wide considerations (UCPB, [Land Use Referral Guide](#), 2013). ”

According to the New York State Department of Transportation (NYSDOT), Washington Avenue is a NYS Route. Therefore, as the UCPB is authorized to review projects within 500 feet of the right of way of county or state roads, this project is subject to UCPB review. Although General Municipal Law allows the UCPB to enter into agreements with municipalities to exempt certain actions from the referral process, **this specific proposal does not meet standard for local zoning actions that are exempt from review.** This means that the City of Kingston must refer the proposal to the UCPB. Relevant considerations include:

-
- **Compatibility** of various land uses with one another
 - **Protection of community character** as regards to predominant land uses, population density and relation between residential and non-residential areas
 - **Community appearance**
 - Such other matters as may relate to the public convenience, to governmental efficiency and to the **achieving and maintaining of a satisfactory community environment**

“Table 2” below provides a summary of all actions requiring review by the Ulster County Planning Board. Specifically, it shows that “Actions Subject to Referral” such as special permits (column 1) include those within 500 feet of a “Right-of-Way of county or state road” (UCPB, [Land Use Referral Guide](#), 2013, p. 6).

Notice Requirements to County Planning Board

In addition to the requirement of **publication in the newspaper at least 5 days before a public hearing for a special permit**, the state mandates that county planning boards must be notified:

“At least ten days before such hearing, the authorized board shall mail notices thereof to the applicant and to the county planning board or agency and regional planning council, as required by section two hundred thirty-nine-m of the general municipal law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision two of section two hundred thirty-nine-m of the general municipal law.” (NYS Department of State Division of Local Government Services, [“Guide to Planning and Zoning Laws of New York State. James A. Coon Local Government Series.”](#) § 27-b(7), p. 14.)

Recommendation: Due Process in City of Kingston Planning Board Review

As of this report, we verified that the Ulster County Planning Board has not been notified of this action. **We recommend a postponement of the review and decision based on the requirement to refer to the UCPB and provide proper notification** (at least 10 days) of the public hearing as required by New York State planning and zoning laws.

Table 2: Summary of UCPB Land Use Referral Authority

Actions Subject to Referral	In accordance to NYS General Municipal Law Sections 239-m and -n and in accordance to Ulster County Charter Section C-51 A.	In accordance to Ulster County Charter Section C-51 B.
Municipal Comprehensive Plans	<u>The UCPB has the authority to render the following recommendations:</u>	<u>The UCPB has the authority to render the following recommendations:</u>
Zoning Code or Map Enactment or Amendments	<ul style="list-style-type: none"> • No County Impact • Approve • Required Modifications • Disapprove 	Advisory Opinions Only
Site Plan Review	<u>Within Five Hundred Feet of:</u>	<u>Outside Five Hundred Feet of GML Designated Boundaries:</u>
Subdivisions	<ul style="list-style-type: none"> • Village, City, Town boundary* 	Same as for GML 239-m and -n
Special Permits	<ul style="list-style-type: none"> • Boundary of county or state park or other recreation area* 	
Area Variances	<ul style="list-style-type: none"> • Right-of-Way of county or state road* 	
Use Variances	<ul style="list-style-type: none"> • Right-of-Way of stream or drainage channel owned by the County or within established channel lines; 	
Other Special Authorizations	<ul style="list-style-type: none"> • Boundary of county or state owned land on which public buildings or institutions reside* • Boundary of a farm operation located in an Agricultural District per Article 25-AA of Ag and Markets Law 	
	*Existing or Proposed	

Referral Exceptions for Land Use Actions Deemed Not to Have a County-Wide Impact by the UCPB

General Municipal Law allows the UCPB to enter into agreements with municipalities to exempt certain actions from the referral process. Currently, the UCPB has existing agreements that exempt residential side-yard and rear-yard set back area variances as well as front-yard residential fence height area variances from being referred.

After review of its referral recommendations over the last 5 years the UCPB has concluded that additional local zoning actions are not likely to have a county-wide impact and should also be exempt from review. **Table 3** is a Referral Submittal Reference Matrix of actions that the UCPB has deemed not required to be referred.

To utilize Table 3 a community must enter into an agreement with the UCPB to do so. A sample resolution and agreement can be found in the appendices of this guide.

3. What Are Gas Regulating Stations?

Natural gas moves through a community's distribution system in pipelines of varying diameters and at varying pressures. Gas regulating stations protect the pipeline system and ensure it operates safely by reducing the pressure as the gas flows further into the system, similar to the way an electric transformer steps down voltage to a level suitable for residential use.

Generally speaking, the closer natural gas gets to a customer, the smaller the pipe diameter is, and the lower the pressure. Every regulator station contains safety devices to ensure that the pipe downstream (closer to homes and end users) cannot be over-pressured. These safety devices can include additional regulators, relief valves and remote monitoring equipment, all of which require ongoing maintenance by Central Hudson.

Gas regulating stations supply pressure gas downstream to mains that ultimately deliver gas to each user. As the gas moves through the service line, it passes through a regulator at the meter to reduce pressure so that when a gas furnace or stove is turned on, the gas safely ignites in its familiar clean, blue flame.

Regulator stations are a necessary part of the pipeline system that brings gas safely to the end users for household equipment such as stoves, appliances and heating units. Utilities are required by federal regulation² to inspect and test these stations throughout the year to verify they are:

- in good mechanical condition;
- adequate in capacity and reliability of operation;
- set to function at the correct pressure; and

² These guidelines were summarized by Atlanta Gas Light (see <http://watersideinfo.com/wp-content/uploads/2011/08/System-and-Regulator-Station-Safety-final-8-18-11.pdf>) The full array of regulations under 49 CFR 192 address the transportation of natural and other gas by pipeline: minimum Federal safety standards (For the full list of regulations, see Pipeline and Hazardous Materials Safety Administration (PHMSA) is a U.S. Department of Transportation agency that develops and enforces regulations for the safe, reliable, and environmentally sound operation of the nation's 2.6 million mile pipeline transportation system and the nearly 1 million daily shipments of hazardous materials by land, sea, and air. PHMSA comprises two safety offices, the Office of Pipeline Safety and the Office of Hazardous Materials Safety.
<https://www.phmsa.dot.gov/portal/site/PHMSA/menuitem.a0b7d0f8cb4ece087f97dff6e90d8789/?vgnnextoid=9574d7dcb2588110VgnVCM1000009ed07898RCRD&vgnnextchannel=9574d7dcb2588110VgnVCM1000009ed07898RCRD&baseReg=192>.

properly installed and protected from vehicular traffic, dirt, liquids, icing and other conditions that might prevent proper operation.

According to a 2011 City of Kingston report evaluating the waterfront's "Brownfield Opportunity Area," a Central Hudson property, where a former coal gasification plant and gas regulating station, was identified with a moderate to high risk of environmental contamination based on current or past commercial or industrial uses. The property was placed under a "consent order" by the NYS Department of Environmental Conservation (NYS DEC) in 2008. A consent order is issued in situations involving violations of statutes, regulations, permits, and authorizes the NYS DEC commission "to assess penalties, require corrective or remedial actions, and modify, suspend, or revoke permits." The study estimated that cleanup of these would be in excess of \$250,000 to \$500,000 per property.³

Recent History of Central Hudson Gas Regulating Station Inspections

A 2014 Central Hudson Gas and Electric audit of field and construction activities by staff of the New York State Department of Public Service (DPS), Office of Electric, Gas, and Water (DPS Audit Staff) found "instances of non-compliance where CHGE failed to adhere to the requirements of 16 NYCRR Parts 255 and 261" (NYS environmental law). See Appendix B, for excerpts of the violations cited in the May 24, 2017 [letter to Mr. Paul Haering](#), Senior Vice President of Engineering and System Operations, Central Hudson Gas & Electric Corporation. That audit found 30 High Risk violations, 50 "Other Risk" violations, and 4 "Area of Concerns."

Here is an example of such "High Risk" violations cited in Kingston:

- Leak Instrument Calibration

Central Hudson - Kingston failed to conform to CHGE Gas Operating and Maintenance Procedure Number 220: Calibration, Servicing, and Inspection of Gas Test, Detection and Monitoring Equipment, Revision 1, dated 5/2/06, section: Calibration Testing of Gas Detecting Instruments, subsection: A. Calibration Frequency, states Combustible Gas Indicators (CGI) are to be calibrated "Monthly."

The following are examples where Central Hudson's procedure was not followed:

³The Chazen Companies, "City of Kingston, NY Waterfront Brownfield Opportunity Area Step 2 Nomination" (2007). <https://kingston-ny.gov/filestorage/8463/8511/8682/8690/KingstonBOA-Step2-Narrative-April2011.pdf>

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- Serial #525306 - Records indicate that this GMI was calibrated on 8/13/14 and 10/1/14, but not calibrated in September 2014. As of the date this audit was conducted, 3/2/15, there is no documentation to support compliance. CHGE failed to conduct and/or document a monthly calibration of this instrument. (NRA- HR#IOa)
 - Serial #21657 - Records indicate that this GMI was calibrated on 3/4/14 and 5/13/14, but not calibrated in April 2014. As of the date this audit was conducted, 3/2/15, there is no documentation to support compliance. CHGE failed to conduct and/or document a monthly calibration of this instrument. (NRA- HR#IOb)
 - Serial #530832 - Records indicate that this GMI was calibrated on 9/21/14 and 11/6/14, but not calibrated in October 2014. As of the date this audit was conducted, 3/2/15, there is no documentation to support compliance. CHGE failed to conduct and/or document a monthly calibration of this instrument. (NRA - HR#IOc)

- Service Regulator, Vent, and Valve

Central Hudson - Kingston failed to conform to CHGE Gas Operating and Maintenance Procedure Number 170: Combined Inspection of Company- Owned Gas Service Equipment, Revision 2, dated 2/3/ 11, section: Frequency, states "A combined inspection shall be performed on the following occasions: A) Each time a new service regulator and/or meter is installed and activated; B) Any time a meter is changed (however, in the case of a multiple meter installation, the inspection does not need to be performed unless the meter closest and to the right of the regulator is changed); C) Any time a service that has been inactive for a period of two or more years is reactivated; D) At least once every 20 years on the regulator in a multiple meter set. Note: the meter account closest and to the right of the regulator is used to document this inspection."

The Please see Appendix B for the facsimile of this document or [view the original](#).

Recommendations: Maintaining Safety at Regulator Stations

The Central Hudson audit is an example of public monitoring of these facilities. This background also reveals the need for ongoing monitoring to reduce such risks, of which citizens should be aware.

Residents and others concerned with the safety of gas regulating stations should **request that Central Hudson Gas & Electric (CHGE) provide detailed maintenance programs and written assurance of frequent monitoring.** As an example from the 2014 audit (above), citizens can learn about the need for including "monthly calibration" in conformance with current CHGE Gas Operating and Maintenance Procedures (in this example, Number 220, Calibration, Servicing, and Inspection of Gas Test, Detection and Monitoring Equipment. In the case of "Service Regulator, Vent, and Valve," this example suggests a "combined inspection shall be performed on the following occasions:

A) Each time a new service regulator and/or meter is installed and activated; B) Any time a meter is changed; C) Any time a service that has been inactive for a period of two or more years is reactivated; and D) At least once every 20 years on the regulator in a multiple meter set. There are numerous examples of the proper maintenance and inspection in the documents linked in **Appendix B**. These are just a few examples to cite.

This is **not a comprehensive nor scientific overview of the requirements**. It is **intended to show citizens the value of obtaining and reviewing the materials available through the relevant agencies that regulate this sector** as well as taking the opportunity to review **materials submitted to the planning board** when there is concern about a particular project or action.

4. Best Practices for Gas Regulating Stations

In addition to the recommendations above, citizens should be aware of the following recommendations provided as best practice by the International Facilities Corporation ["Environmental, Health, and Safety Guidelines for Gas Distribution Systems"](#) (IFC, World Bank Group, 2007).

"Community health and safety hazards associated with the construction and operation of gas distribution systems include public exposure to gas leaks and explosions." This publication provides the following guidelines:

Public exposure to gas leaks and explosions

The presence of gas distribution systems within populated areas may expose the public to hazards from gas leaks and explosions. Gas leakage may result from accidental rupture of pipelines during installation and repair or from contact during excavation unrelated to the gas system. **Gas utility operators should inform and advise affected communities, schools, businesses / commercial facilities, and residents about the potential hazards** presented by gas infrastructure. Gas distribution system operators should **establish an emergency preparedness and response plan** and communicate this plan to the public as necessary.

As part of the plan, gas system operators should implement a telephone notification system to respond to reports of leaks or questions of general safety from the affected community and other interested parties.⁴ Operators should also provide a pipe location service to assist outside contractors and the general public to determine the location of gas infrastructure prior to construction works proximate to gas pipelines.

Emissions and Effluent Guidelines

Although there are no significant point source emissions or effluents for the gas distribution sector, fugitive emissions (from city gate and regulating stations, underground piping, and third party damage) from gas distribution systems constitute a significant portion of the overall atmospheric losses from the natural gas transmission and distribution industry. **Gas distribution system operators should conduct volume reconciliation programs** as an indicator of leakages by comparing delivered gas amounts against sales to customers.

Operators should also **implement inspection and maintenance programs** to maintain and upgrade infrastructure and minimize fugitive gas emissions.

Environmental Monitoring

Environmental **monitoring programs for this sector should be implemented to address all activities that have been identified to have potentially significant impacts** on the environment, during normal operations and upset conditions. Environmental monitoring activities should be based on direct or indirect indicators of emissions, effluents, and resource use applicable to the particular project.

Monitoring frequency should be sufficient to provide representative data for the parameter being monitored. Monitoring should be conducted by trained individuals following monitoring and record-keeping procedures and using properly calibrated and maintained equipment. Monitoring data should be analyzed and reviewed at regular intervals and compared with the operating standards so that any necessary corrective actions can be taken. Additional guidance on applicable sampling and analytical methods for emissions and effluents is provided in the [General EHS Guidelines](#).

Occupational Health and Safety Guidelines

Occupational health and safety performance should be evaluated against internationally published exposure guidelines, of which examples include the

⁴ Central Hudson has a system that allows the public to call with reports of leaks (<https://www.cenhud.com/smellgas>).

Threshold Limit Value (TLV®) occupational exposure guidelines and Biological Exposure Indices (BEIs®) published by American Conference of Governmental Industrial Hygienists (ACGIH), the Pocket Guide to Chemical Hazards published by the United States National Institute for Occupational Health and Safety (NIOSH), Permissible Exposure Limits (PELs) published by the Occupational Safety and Health Administration of the United States (OSHA), Indicative Occupational Exposure Limit Values published by European Union member states,¹³ or other similar sources.

Please see the IFC above referenced document for additional OSHA issues, including **Accident and Fatality Rates** and **Occupational Health and Safety Monitoring**.

Aesthetic Concerns

Finally, aesthetic concerns about regulator stations are typically mitigated with walls, fencing and landscaping around these facilities. Citizens should request detailed information about these and request that these basic amenities be incorporated into the project and regularly maintained.

Furthermore, a review of the other gas regulating stations in Kingston should incorporate the recommendations in this report. See Appendix C for a map and list of these.

Appendix A: Kingston Zoning Special Permit Regulations

Chapter 405. Zoning

Article V. Supplementary Regulations

§ 405-32. Special permits.

On application and after public notice and hearing, the Planning Board may authorize, by resolution, the issuance of a special permit only for those uses in a district where this chapter requires such a permit. In authorizing the issuance of a special permit, the Board shall take into consideration the public health, safety and welfare and shall prescribe appropriate conditions and safeguards to insure the accomplishment of the following objectives. Unless otherwise provided, all special permits shall be valid for a period determined by the Board.

A. Objectives.

- (1) That all proposed structures, equipment or material shall be readily accessible for fire and police protection.
- (2) That the proposed use is of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
- (3) That, in addition to the above, in the case of any use located in or directly adjacent to a residential district:
 - (a) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or incongruous with said residential district or conflict with the normal traffic of the neighborhood.
 - (b) The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of screening and landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or diminish the value thereof.

B. Procedure. The procedure for a special permit shall be the same as set forth in the General City Law § 27-b. [Amended 12-16-1999 by L.L. No. 2-2000; approved 1-3-2000]

C. Application. Every application for a special permit shall be submitted in two copies and shall contain the relevant items outlined in § 405-30F, as determined during the presubmission conference.

D. Except as to special permits issued pursuant to § 405-27.1, in authorizing the issuance of a special permit, it shall be the duty of the Planning Board to attach such conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the general objectives of this chapter. The Board may require that special permits be periodically renewed. Such renewal shall be granted following due public notice and hearings and may be withheld only upon a determination that such conditions as may have been prescribed by the Board in conjunction with the issuance of the original permit have not been, or are no longer being, complied with. In such cases, a period of 60 days shall be granted the applicant for full compliance prior to the renovation of said permit. Any use for which a special permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:
[Amended 8-7-2012, approved 8-9-2012]

- (1) The provision in this chapter under which such permit was issued is still in effect.
- (2) Such permit was issued in conformity with the provisions of this chapter.
- (3) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.
- (4) All applicable provisions of this chapter not otherwise varied by the special permit approval are adhered to.

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- E. No special permit shall be authorized for any activity in an L Landmark Overlay District until such application shall have been referred to the Landmark Preservation Commission in accordance with the site plan procedure outlined in § 405-30D.
- F. Mixed Use Overlay District.
[Added 8-7-2012, approved 8-9-2012^[1]]
- (1) Any special permit issued pursuant to § 405-27.1 (Mixed Use Overlay District) shall initially be issued for a period of one year. The Planning Board shall have the authority to renew the permit for such period as it determines.
 - (2) Renewal of the permit issued pursuant to § 405-27.1 may be denied upon a determination that the conditions set forth in the permit have not been complied with, on account of violations of the New York State Uniform Fire Safety and Building Code or for reasons of public safety. With respect to special permits issued pursuant to § 405-27.1, the Planning Board need not provide a period of time for the applicant to comply with the conditions of the permit, to cure violations of the New York State Uniform Fire Safety and Building Code and/or matters affecting public safety.
- [1] *Editor's Note: This ordinance also provided for the redesignation of former Subsection F as Subsection G.*
- G. Any person or persons, jointly or severally aggrieved by any decision of the Planning Board concerning review of a special permit, may bring a proceeding to review in a manner provided by Article 78 of the Civil Practice Law and Rules in a court of record on the ground that such decision is illegal, in whole or in part.

Appendix B: 2014 Central Hudson Audit Excerpts

*** ATTACHMENT B ***

One violation of 255.603(d), which states “Each operator shall satisfactorily conform with the program submitted.”

The following are cited as examples where this requirement was not met:

- Leak Instrument Calibration

Central Hudson – Kingston failed to conform to CHGE Gas Operating and Maintenance Procedure Number 220: Calibration, Servicing, and Inspection of Gas Test, Detection and Monitoring Equipment, Revision 1, dated 5/2/06, section: Calibration Testing of Gas Detecting Instruments, subsection: A. Calibration Frequency, states Combustible Gas Indicators (CGI) are to be calibrated “Monthly.”

The following are examples where Central Hudson’s procedure was not followed:

- Serial #525306 – Records indicate that this GMI was calibrated on 8/13/14 and 10/1/14, but not calibrated in September 2014. As of the date this audit was conducted, 3/2/15, there is no documentation to support compliance. CHGE failed to conduct and/or document a monthly calibration of this instrument. **(NRA – HR#10a)**
- Serial #21657 – Records indicate that this GMI was calibrated on 3/4/14 and 5/13/14, but not calibrated in April 2014. As of the date this audit was conducted, 3/2/15, there is no documentation to support compliance. CHGE failed to conduct and/or document a monthly calibration of this instrument. **(NRA – HR#10b)**
- Serial #530832 – Records indicate that this GMI was calibrated on 9/21/14 and 11/6/14, but not calibrated in October 2014. As of the date this audit was conducted, 3/2/15, there is no documentation to support compliance. CHGE failed to conduct and/or document a monthly calibration of this instrument. **(NRA – HR#10c)**

— Service Regulator, Vent, and Valve

Central Hudson – Kingston failed to conform to CHGE Gas Operating and Maintenance Procedure Number 170: Combined Inspection of Company-Owned Gas Service Equipment, Revision 2, dated 2/3/11, section: Frequency, states “A combined inspection shall be performed on the following occasions: A) Each time a new service regulator and/or meter is installed and activated; B) Any time a meter is changed (however, in the case of a multiple meter installation, the inspection does not need to be performed unless the meter closest and to the right of the regulator is changed); C) Any time a service that has been inactive for a period of two or more years is reactivated; D) At least once every 20 years on the regulator in a multiple meter set. Note: the meter account closest and to the right of the regulator is used to document this inspection.”

Appendix C: Map and List of Gas Regulating Stations in Kingston, NY

The parcels shown in orange on this map are listed in the chart below.



Section/Block/Lot	Parcel_Address	Use	Acres
48.70-1-34	268-272 Hurley Ave	Elec Trans Imp	0.42
48.83-6-1	1 Ulster St	Pub Util Vac	0
48.16-5-8	546-564 First Ave	Elec-Substation	2.6
56.90-6-20	245-251 Washington Ave	Res vac land	0
48.70-1-4	P 474 O&w Lines	Pub Util Vac	3.7
56.36-1-18	298-322 R E Strand St	Gas Meas Sta	1.6
56.48-1-2	433-455 Boulevard	Pub Util Vac	1.71
48.70-1-9	267-271 Hurley Ave	Pub Util Vac	0

48.82-1-32.200	338-342 R Foxhall Ave	Gas Meas Sta	0
48.82-1-32.100	338-342 Foxhall Ave	Pub Util Vac	0
48.314-1-2	REAR Frog Aly	Elec-Substation	0
56.28-3-24	198-204 North St	Gas Meas Sta	0.35
56.41-2-10	232-234 Wilbur Ave	Pub Util Vac	0
56.41-2-9	236-242 Wilbur Ave	Pub Util Vac	0
57.21-1-1	49-51 Delaware Ave	Gas Meas Sta	0
56.26-6-49	102-112 Jansen Ave	Elec-Substation	0
56.50-3-11	305 Abeel St	Pub Util Vac	0
56.32-6-29	302-320 S Wall St	Elec-Substation	0.77
39.1-2-10.120	Hallihan Hill Rd	Pub Util Vac	0.7
39.3-2-31.100	off Hallihan Hill Rd	Elec-hydro	43.7