

February 10, 2021

Via E-mail: ward3@kingston-ny.gov
Reynolds Scott-Childress, Chairman
City of Kingston Finance and Audit Committee
420 Broadway
Kingston, New York 12401

Re: Proposed Transfer of Property at 21 N Front Street (the “Property”)
To the Kingston Local Development Corporation (“KLDC”)

Dear Chair Scott-Childress and Members of the Committee:

I am writing on behalf of several property owners within the Uptown neighborhood of the City of Kingston. We understand that the Finance and Audit Committee (“Committee”) will be discussing a proposed transfer of the above-referenced, city-owned Property to the KLDC at no cost to facilitate the development of the Kingstonian project (the “Kingstonian”). If permitted, this conveyance would result in the elimination of an existing public parking lot and the construction of an inadequate replacement of those parking spaces in the form of a private parking garage. Our clients are concerned about the negative effects of this transfer including the loss of publicly available parking spaces, loss of public parkland, and the giveaway of taxpayer-owned land to a developer.

As you are aware, pursuant to New York State Not-for-Profit Corporation Law § 1411(d) and City of Kingston Code § 106-1, the City must find that property is not needed for a public purpose before it may transfer its property to a local development corporation. The Property at issue, however, *is* needed for a public purpose – parking. The Property provides vital public parking for Uptown Kingston, an area which the Common Council has acknowledged already lacks sufficient public parking. The Kingstonian will result in a net loss of publicly available parking spaces within Uptown Kingston. Despite claims to the contrary by the Kingstonian’s proponents, simple math demonstrates that, after accounting for the parking spaces to be used by the Kingstonian’s tenants and occupants, there will be fewer remaining publicly available parking spaces in the Kingstonian’s parking garage than exist now at the Property. For further detail regarding the City’s own parking requirements and the net negative effect of the Project on available parking, see the attached letter previously submitted to the Committee. As the Property is necessary for an important public purpose, parking, the City cannot make the necessary findings under State law or its own Code to permit the conveyance of the Property to the KLDC.

The Property also serves a second public purpose as a public park (the “Park”). The Park contains a passive recreation area with playground grounds painted on the ground, several picnic tables, a sitting wall and landscaping. Parks and open spaces serve an important public purpose in

urban areas by providing resting spots, gathering spaces and a place to recreate. Open air spaces are especially important during the pandemic when employees, restaurant customers and apartment dwellers are seeking outdoor spaces to gather and eat. The City cannot plausibly find that the Park does not serve a public purpose and is therefore prohibited from conveying the Property to the KLDC.

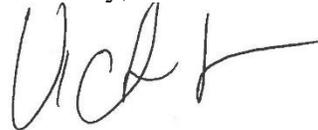
Even if, for the sake of argument, the City could find that the Park does not serve a public purpose, the City is still prohibited from conveying the Property to the KLDC. Specifically, section 1411(d) of the NPCL prohibits the City from conveying any land that is “inalienable as a forest preserve or a parkland.” The issue of whether the Park constitutes inalienable parkland is currently pending before the Ulster County Supreme Court and any action to convey the Property before this issue is decided would open the City to further legal action.

It is apparent that the City is seeking to convey the Property to the KLDC in order to do what it is otherwise prohibited from doing, conveying a city-owned parking lot to a private developer for free. The City must fulfill its obligations to its taxpayers and negotiate a fair price for the Property. See City of Kingston Code § 106-1. We believe that doing so would require, at minimum, an appraisal of the fair market value of the Property. The City has assessed the Property at \$724,000 and its fair market value is likely significantly higher since the pandemic has caused Ulster County to have the fastest rising property values in the Country.

Given that the Project will actually reduce publicly available parking and frustrate the Property’s public purposes, the City cannot justifiably claim that the conveyance of the Property will be paid back in the form of public benefits. Moreover, any alleged public benefits have already been presented by the developers as the basis for grants and PILOTs worth tens of millions of dollars and zoning amendments custom-tailored to allow the Kingstonian. After everything the City and its residents have given and will give up to indulge the Kingstonian, the City must ensure that it receives fair compensation before handing over City-owned, publicly-utilized Property to private developers.

Please be guided accordingly.

Sincerely,



Victoria L. Polidoro

Cc: Mayor Steve Noble
Dan Gartenstein, Esq.
Aldерwoman Andrea Shaut