

**CITY OF KINGSTON**  
Kingston Fire Department  
Building Safety Division  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

---

**CITY OF KINGSTON ZONING BOARD OF APPEALS**  
**MEETING MINUTES**  
**DATE: April 19, 2016**

Board Members Present: James Rodden, Chairman, Brian Cafferty, Anthony Argulewicz, Andrew Champ-Doran.

Board Members Absent: Donald Mapes, Joseph Fitzgerald.

Staff Present: Deputy Chief Thomas Tiano, Joseph Safford, Clerk of the Zoning Board, Julie Smith, Clerk of the Building Safety Division, Kevin Bryant, Corporation Counsel.

General Notes: James Rodden, Chairman read the introduction into the minutes. Called the meeting to order at 6:50P.M.

Item #1: #1-11 Summer Street AREA VARIANCE for the enlargement of a storage shed. From sections 405-10B(6b) and 405-47A(1). The required setback distance and for the enlargement of a pre-existing non-conforming structure. YMCA – Ulster Youth Build, Applicant/Owner

Discussion :

Andy Champ Doran – Excuse me Mrs. Landi I am sorry about your loss. As you know your husband and I have had some very strong disagreements on a lot of issues and I feel I can be impartial and fair in hearing this case. But I would like to offer you the opportunity to ask me to recuse myself if you would like.

Bonnie Landi – I have no problem what you feel as objective is nothing to hide here it is a simple request for the program.

Andy Champ Doran – Thank you very much.

**CITY OF KINGSTON**  
**Kingston Fire Department**  
**Building Safety Division**  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

---

James Rodden – Ok give us a quick summary of what you would like to do and why?

Bonnie Landi – The particular building that we are talking about is on the YMCA property. The YMCA is the lead agent and the owner of the Youth Building Program. We have been working with the area where the shed is for a few years we have storage there. We keep our files that we need to maintain for the government in case we are audited and tools and major equipment. We are in the process of a significant house rehab that will be a value to the City. We are buying new equipment we would like to store it in there without having it cramped. We use it as training space and we bring young people in and show them the tools let them see what they are going to be doing. We basically need this to increase the size of the storage which we need and the YMCA has been using the space for their storage as well so it impacts things we need. There is a copy of the plan and the construction coordinator wants to take it down to rebuild it correctly.

James Rodden – The new construction will mega size what you have now this will satisfy your needs for future growth? Couple years?

Bonnie Landi – Yes maybe longer if we grow bigger we might need something bigger.

Anthony Argulewicz – The variance is from what to what?

James Rodden – Supposed to be 50' they have 41'.

Anthony Argulewicz – Property goes back to the trees to the fence?

Bonnie Landi – Yes

Andy Champ Doran – Very straight forward. I have nothing to ask.

Brian Cafferty – Shouldn't be an issue We are talking about a difference of 9'? That's all I need to clarify.

Nobody spoke at the public hearing.

**CITY OF KINGSTON**  
**Kingston Fire Department**  
**Building Safety Division**  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

---

Decision: The area variance was granted (JR, BC, AA, ACD – yes)

Item #2: #101-107 Greenkill Ave. USE VARIANCE for a sensory deprivation center. From section 405-23. The permitted use to operate a personal service establishment. Michael Piazza, Applicant/Owner. Olga Schoonmaker is at the meeting.

Discussion :

James Rodden – Special Permit was issued to Olga Schoonmaker by the Planning Board. Ok give us a quick summary of what you would like to do and why?

Olga Schoonmaker – I am the owner of the Sensory Deprivation Center. The Center will have 2 tanks it is meditation experience you can float in 10” of water that is completely saturated with epsom salt which means floating without any effort on top of the water there is no light or sound coming in so free of all sensory inputs provides relaxation meditation, muscle relaxation and chronic pain relief. There are 2 tanks 1 person in the tanks at a time. The experience lasts about one hour. The client will be there two hours. There will not be a lot of traffic.

James Rodden – Can you tell us if this is an open area or closed room and managed by an attendant?

Olga Schoonmaker – There will be one attendant in the space, not in the tank, but around. The tank is about 5’x8’ built for one person. The room itself around the tank is just slightly larger than the tank just enough for a shower and floor space.

James Rodden – Age limit?

Olga Schoonmaker – There is no actual age limit. Anyone under 16 will have to have adult supervision at all times.

James Rodden – Anyone not familiar I have a magazine that has an article about the program.

Anthony Argulewicz – How much money per hour?

Olga Schoonmaker - \$65/hr.

**CITY OF KINGSTON**  
Kingston Fire Department  
Building Safety Division  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

---

Andy Champ Doran – You are not a membership club?

Olga Schoonmaker – you can join and come in monthly and float depending on what membership you want to purchase.

Andy Champ Doran – The question is are you strictly a membership club.

Olga Schoonmaker – No not strictly a membership club anybody can come by appointment.

Brian Cafferty – Hyper Saline solution that creates buoyancy. So when that medium has to be changed out what is the procedure? Are there any issues with dumping that down the sewer system?

Olga schoonmaker – Much like a pool it is not dumped out after each use it is filtered through a pool size filter after each use all the water gets filtered 3xs and also dosed with hydrogen peroxide. The levels are monitored throughout the day by the attendant.

Brian Cafferty – That is how you keep it clean but ultimately when you have to dispose?

Olga Schoonmaker – Planning Board did look into that and it does not cause any negative effects.

James Rodden – The solution is very similar to a swimming pool set up salt water pool set up.

Olga Schoonmaker – This is much saltier then that. This is a different type of salt then in a pool.

James Rodden – By appointment only?

Olga Schoonmaker – Yes

Nobody spoke at the public hearing.

Decision: The use variance was granted (JR, BC, AA, ACD – yes)

**CITY OF KINGSTON**  
**Kingston Fire Department**  
**Building Safety Division**  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

---

Item #3: #95 Gross St. AREA VARIANCE to construct a single family home. From section 405-11D. Plans to build a single family residence on an under sized parcel. Ulster County Habitat for Humanity, Applicant / David Bersak, Owner.

Discussion:

James Rodden - Give us a summary of what you are doing?

John Lavalley - My name is John Lavalley I am from the Habitat for Humanity Board of Directors. David Bersak has authorized me to represent him at this meeting. Mr. Bersak will be conveying this property to us once we have approval to build a single family home.

James Rodden - City owned property down near the Kennedy school off of Delaware Ave. Any other information other than Mr. Bersak building a home?

John Lavalley – Mr. Bersak is not building the home we are building the home. Mr. Bersak is conveying the property to Ulster County Habitat free of charge.

James Rodden – The lot square footage is a little undersized? When do you folks think you will be going into construction?

John Lavalley – It would be our next build we currently are finishing one on E. Chester Street that has 4 or 5 weeks to go. This would immediately follow that. We have some other lots in the City but we prefer to use this one.

Anthony Argulewicz – What is the square footage of the house?

John Lavalley – 1250sq ft. that is a standard habitat home. 3 bedroom and 1 bathroom

Anthony Argulewicz – The house on E. Chester looks very nice.

**CITY OF KINGSTON**  
**Kingston Fire Department**  
**Building Safety Division**  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

---

James Rodden – Same style as E. Chester?

John Lavallo – Very similar we try to have it that the homes are in compliance with other homes in the area.

James Rodden – You have applicants prepared to take ownership?

John Lavallo – 10 applicants hopefully one of them will qualify.

Brian Cafferty – the lot is in general just under the required square footage? The location of house will meet all side and front setbacks.

John Lavallo – Yes

Anthony Argulewicz – That land is pretty sloped.

John Lavallo – Yes we will be building the way your zoning is done it is so many feet back or in line with the rest of the homes. So if we go in line with the rest of the homes. The drop off allows us to do a walk out basement which is what we did on Henry Street 3 years ago.

James Rodden – The required is 5,000sqft this lot is 4,791sqft. About 300sqft short. The house is going to be 20' W x 37'D.

Brian Cafferty – It meets the coverage?

Joe Safford – Yes. It is well within the lot coverage. It falls within all of the required setbacks the only issue is the lot size.

Anthony Argulewicz – I couldn't locate the lot because the houses aren't numbered it is across from the parking lot?

John Lavallo – No. It is between 2 existing homes just before the main entrance to JFK.

**CITY OF KINGSTON**  
Kingston Fire Department  
Building Safety Division  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

---

Nobody spoke at the public hearing.

Decision: The area variance was granted (JR, BC, AA, ACD – yes)

Item #4: 120 Ringtop Rd. AREA VARIANCE addition to the existing home. From section 405-9D. Would like to build an addition on the front of their home to add dimension and curb appeal. They are requesting a variance from the required front yard set-back. Nathaniel Horowitz . Applicant/Owner

Discussion:

Nathaniel Horowitz – the house was for sale the water department came through and cut all of the trees. So we weren't able to sell because no one wanted to live next to the water tower we are now going to stay there and do a renovation. It is a straight ranch so we want to add dimension to the house to bring about curb appeal. We thought it was going to be living space now looks like a front porch but we are right on setback currently of 30' our architect is asking for a 12' setback of the 30'. So it would go from 30' to 18'.

James Rodden – I was up at the property I saw your fence line trying to figure out how far in the front yard you would extend. You have a spot where you have dug something is that where it is going?

Nathaniel Horowitz – That is a tree we took out. There used to be a flag pole in the front walk way it is going to go out from there. The flagpole is on the plan. It is going to come out about 12'. There will be a dormer above it. The roof line will change we were going to use this as living space but we will be adding too much house.

James Rodden – You won't have any additional living space?

Nathaniel Horowitz – Yes

Anthony Argulewicz – you don't have the house across?

**CITY OF KINGSTON**  
Kingston Fire Department  
Building Safety Division  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

---

Nathaniel Horowitz – Darlings old house is diagonal and there is a garage 20’ back where we are coming would be similar setback.

Anthony Argulewicz – inaudible

Nathaniel Horowitz – No we have the water tower and forever wild area diagonal is a house and we showed them the plans they are in favor of what we are doing. I have some plans if you want to see.

Andrew Champ-Doran – You are also the last house in the cul-de-sac we are on the City line. The lot across the street is actually the Town of Ulster. The house is City of Kingston but where the tennis courts are is the Town of Ulster.

Brian Cafferty – Addition is in the front of the house? How far out would the addition be in relationship to your neighbors?

Nathaniel Horowitz – There is a map in the packet that shows.. (showing and explaining the map)

James Rodden – There is no initial impact next door across the street the tennis court are across from the property Darlings house is East. Their house really doesn’t face the Darlings house.

Brian Cafferty – I am looking at it from the street on google no I see there is nothing.

Nathaniel Horowitz – Yes it is very private. That is why we like it.

Brian Cafferty – My concern was that if it was in a line of houses that it would break that line.

Nobody spoke at the public hearing.

Decision: The area variance was granted (JR, BC, AA, ACD – yes)



**CITY OF KINGSTON**  
**Kingston Fire Department**  
**Building Safety Division**  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

---

Item #5 : 134 Downs St. AREA VARIANCE from section 405-34J to reduce the number of required off street parking spaces from 6 to 2 to operate a boarding house with 5 residents.  
Tammy Kuchark Applicant / Owner

Tammy Kuchark – I live in Saugerties my daughter and I purchased the house in 2009 and we bought it with the purpose of renting out rooms to affordable housing for the people in the City of Kingston. We have been doing it without an issue for a while. They did an inspection because we were collecting individual rent we always called it a shared house. We never tried to hide anything. Because we do collect individual rent we are applying for a boarding house. The majority of the people don't drive they can't ever afford a car. They pay \$275 - \$350/per month for everything except for food. We do have 2 people that work and have a vehicle and we have parking for them. So we are looking for a variance or something to say we will not have more than 2 people at a time with a vehicle.

James Rodden – You are saying you wouldn't rent to me because I have a car?

Tammy Kuchark – Yes because we have been full. Since 2009 there has never been more than 2 people with a vehicle. We don't take people with pets so the rules are what they are.

James Rodden – There is ample street parking.

Tammy Kuchark – We did take part of the fence down to allow for that. Don't do anymore and we offered to take the garage down which would not be a great idea because of the lead.

James Rodden – I saw your report.

Tammy Kuchark – We really like what we are doing we will do whatever we need to do to make it work. We are prepared to say no more than 2.

**CITY OF KINGSTON**  
**Kingston Fire Department**  
**Building Safety Division**  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

---

James Rodden – Are your clientele pretty much turn over?

Tammy Kuchark – No actually we have had someone there for 4 years, 3 years, 1 year and his brother just moved in. We are picky on who we take. It isn't like we have to be selective it is word of mouth it just works.

James Rodden – It isn't like an overnight transient?

Tammy Kuchark – No

Anthony Argulewicz – In order to have 5 you currently have 5 residents? So the zoning requires 6 spots off street.

Tammy Kuchark – Not sure where the 6 comes from we have 4 rooms. Each person has their own room. One room is for a couple.

Anthony Argulewicz – Zoning requires 6 spaces so the variance reduces to 2 spaces. Julie I know you said that “no approval from Planning would make this application null and void”

Julie Smith – They did receive their special permit contingent on the parking variance from this board.

Brian Cafferty – So a special use permit has been issued for a boarding house?

Julie Smith – Yes last week.

Brian Cafferty – So you are ready to operate the boarding house?

Tammy Kuchark – It is like a family environment when people hear boarding house they have a different idea.

**CITY OF KINGSTON**  
Kingston Fire Department  
Building Safety Division  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

---

Anthony Argulewicz – If the variance is not granted then the number of residents would have to be reduced?

Tammy Kuchark – I wouldn't have it without the variance we would have to shale the entire yard and it would take away from the neighborhood.

Brian Cafferty – You just brought up an interesting point so you are saying there is a potential to have 6 parking spaces?

Tammy Kuchark – Not really.

Brian Cafferty – Because your variance is self-created first of all for asking for a special use permit for a boarding house and therefore needing 6 parking spaces and asking for a variance there is a couple of challenges with regard to issuing the variance one of the criteria that it not be self-created situation. This is a self-created situation that is problematic I am just talking out loud about what I am thinking and I want you to hear what my concerns are. The other concern is that the variance is significant it 66% reduction of the parking.

Tammy Kuchark – A lot of the houses only have on street parking. Because it is a boarding house that we need those parking spots everyone else parks on the street because that is the neighborhood the issue is there are no vehicles.

Brian Cafferty – It is hard for me to understand how you are going to tell someone that has a car you can't rent here.

Tammy Kuchark – How do you tell someone if they have a dog they can't? If it is an environment when children aren't allowed. People that come to me excepting of what it is to begin with.

Anthony Argulewicz – By definition you are a boarding house. By virtue of that you have to have a special permit and meet the requirements one of which is onsite parking. By virtue of you saying I am going to have a boarding house you then need to make some kind of accommodation to meet all the criteria. Unless you are going to meet it or you aren't going to

**CITY OF KINGSTON**  
**Kingston Fire Department**  
**Building Safety Division**  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

---

have a boarding house do you have enough room on your property to create 4 more parking spaces.

Tammy Kuchark – A total of 6?

Anthony Argulewicz – Well you have 2?

Tammy Kuchark – Right a total of 4 or more?

Anthony Argulewicz – You said it is cost.

Tammy Kuchark – It isn't the cost it is the look of the area in taking away from that.

Brian Cafferty – You are taking away from your yard.

Tammy Kuchark – Then it will be an issue of getting the cars in and out. So could we physically do it?

Kevin Bryant – It is my understanding that this is an opportunity for you guys to listen to the information necessary for you to make a decision. So I wouldn't necessarily look to have dialogue back and forth I would say have questions and then utilize the information to make your decision.

Anthony Argulewicz – My question was do you have room on your property to create 4 more parking spaces? That is my question.

Kevin Bryant – That was pretty clear that they would have to create..

Anthony Argulewicz – I still haven't heard yes or no on that.

Tammy Kuchark – The Board of Health is saying...

**CITY OF KINGSTON**  
Kingston Fire Department  
Building Safety Division  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

---

James Rodden – I believe the attorney is saying we are not here to offer up a solution we are only here to hear your case and we have to go by the guidelines of a use or area variance to make the best decision for that request we can sit here and say you can park sideways that is not our position we are not going to give them a solution we are only going to working by the guideline we have to be careful when we start saying you could do this or that.

Andy Champ Doran – Part of the standard that is if I am not mistaken is there another way to achieve it without granting the variance?

James Rodden – That is their opportunity but it isn't our position to give them a solution.

Anthony Argulewicz – I don't want to give them the impression that I am offering anything.

Tammy Kuchark – I am confused I am not getting any offering of any information.

Anthony Argulewicz – You know the property.

Tammy Kuchark – No we don't have it and that is the reason why we are here.

Andy Champ Doran – Do you someone living on site?

Tammy Kuchark – Ms. Kuchark has information for Julie that Tom requested 2 people that live there that act as the house manager that have access to everything they call us if anything is wrong and we also have what is called a resident agent that lives in the City of Kingston that they have contact with that is responsible to come over. I am there at the house 4x's a week anyway making sure everything is okay. It's not like we aren't involved.

Nobody spoke at the public hearing.

Decision: The area variance was granted for 3 parking spaces. The garage will be used as parking. (JR, BC, AA, ACD – yes)

**CITY OF KINGSTON**  
**Kingston Fire Department**  
**Building Safety Division**  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

---

Item #6: 95 Tammany St. AREA VARIANCE from section 405-10D to place a 10x20 shed on the property line. Required 6' Proposed 0'. Kareem Washington, applicant/owner

Kareem Washington – I am looking to put up a 10x20 shed which is a pre-built shed that you can get from Brad's Barns. Place it on the right side of property on the property line would actually be about a 1' off the property line. The reason I need more space is I have kids we have power wheels, dirt bikes a lot of that stuff is in my garage and I have a motorcycle and motorcycle lift that is in my garage so I want to move that stuff out and put it in the shed. The reason I choose that side is because on the left side there is a hill and there is also a swing set and next to the swing set is a 2 trees and the back side is the dojo place with another hill. Easy access to get the motorcycles out.

James Rodden – you have a shed on the property now that you will be replacing? (looking at the plot plan) the trailer is where you want the shed?

Kareem Washington - The shed is in the rear of my house behind my garage but you will see it.

James Rodden – Not along the fence line?

Kareem Washington – Right where my garage is to the right behind my garage. Not in front at least from the street side to the back of the shed 40-50' off of the street.

James Rodden – partially blocked?

Kareem Washington – Yes on the right hand side I have a trailer on the right side of the driveway. My driveway has 4 spaces. The trailer is off the blacktop in the grass it is directly behind that into my back yard.

Anthony Argulewicz – you have another shed?

Kareem Washington – The shed when I bought the house had lawn mowers in it.

**CITY OF KINGSTON**  
Kingston Fire Department  
Building Safety Division  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

---

Anthony Argulewicz - Have you talked to your neighbor about this?

Kareem Washington – Yes. Tom Spada is on the right he has no problem.

Andy Champ Doran – Did you get his permission to maintain your shed from his property ?  
Right up to the line? You will have to maintain that side of the shed.

Kareem Washington – yes

Andy Champ Doran – Do you have an easement?

Kareem Washington – No

James Rodden – Julie did you notify the neighbors?

Julie Smith – Yes

James Rodden – I guess since they aren't here they are ok with it.

Brian Cafferty – There is no room to move the shed from the property boundary? There is no  
room in the yard? To meet the 6' setback?

Kareem Washington – I can but then the shed would be behind my house off set from the  
property. If I move the shed from here (looking at the map) 6' in from the line the shed would  
be directly behind my garage and there is a window in my garage I would look out the garage  
window and look at the side of the shed. I could put it in the middle of the yard but would be  
offset this is the perfect place so my kids can play in the back yard.

Nobody spoke at the public hearing.

Decision: The area variance was granted (JR, BC, AA, ACD – yes)

James Rodden – Closed the meeting at 8:17P.M.

**CITY OF KINGSTON**  
Kingston Fire Department  
Building Safety Division  
ttiano@kingston-ny.gov

Steven T. Noble, Mayor  
Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer