



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
February 8, 2016
Common Council Chambers – 6:00 PM**

NOTES: (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings were conducted prior to the Planning Board discussions with the applicant(s) and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary abstention, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on February 8, 2016 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne D. Platte Jr.

BOARD/ALTERNATE MEMBERS PRESENT: Wayne D. Platte Jr., Chairman, John Dwyer Jr, Vice Chairman, Charles Polacco, Robert Jacobsen, Jonathan Korn, Jamie Mills and William Tubby.

BOARD/ALTERNATE MEMBERS ABSENT: Mary Jo Wiltshire.

OTHERS PRESENT: Suzanne Cahill, Planning Director and Kyla Haber, Assistant Planner, Ald. Lynn Eckert, Common Council Liaison.

GENERAL NOTES:

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers

REGULAR BUSINESS:

Item #1: Open Public Speaking (6:00P.M. – 6:15 P.M.)

No one spoke at the open public speaking. Chairman Platte closed the public speaking portion of the meeting.

Item #2: Adoption of the January 11, 2016 Planning Board minutes.

Discussion: Chairman Platte asked the Board if they had time to review the minutes and if there were any comments or corrections. The Board agreed that there were no changes.

Decision: The Board voted unanimously to adopt the minutes from the January 11, 2016 Planning Board Meeting. (WP, RJ, JD, CP, JK – yes)

PUBLIC HEARINGS:

Item #3: **#90 & 92-94 Prince Street** LOT LINE DELETION of the Lands of Game Development LLC. SBL 56.26-9-2.1 & 37. SEQR Determination. Zone C-3. Ward 5. Game Development LLC; applicant/owner.

Discussion: Chairman Platte opened the public hearing. He explained that the public hearing was for the lot line deletion application. The Planning Board would not be discussing the use of the building at this time. He stated that if or when the application is back before the Board, the public will have another opportunity to speak.

Mark Reiker spoke at the public hearing. He asked why the Planning Board is making the applicant get a lot line deletion when he owns both properties and doesn't need to. W. Platte explained that the applicant requested the lot line deletion, not the Board. M. Reiker then went on to say that when he was working in the Building Safety Division, they did not allow churches in commercial districts. There are churches on Broadway that cause issues for restaurants and bars that want to get liquor licenses. Chairman Platte thanked Mr. Reiker.

Dr. Adam Soyer, owner, Christopher Zell, surveyor, and Michael Morriello, attorney, were present at the meeting. C. Zell presented a map of lot line deletion, dated January 12, 2016. C. Zell explained that the application is to combine 2 properties under the same ownership. The current configuration includes Lot 1 with an area of .085 acres containing a 1-story brick building and Lot 2 with an area of .122 acres containing a blacktop parking lot. The reason for the deletion is to create one lot with both the brick building and the parking on a single parcel.

Staff noted in preliminary comments that this action is appropriate as it is a commercial building with a separated parking lot. To preserve the connection is protecting any future use of the building.

The applicant was advised that the lot line revision does not become final until it is filed with the Ulster County Clerk. The Ulster County Real Property Tax Agency will not make changes to the City's assessment maps until the map and new deeds are filed.

Written descriptions were requested. 5 paper and 1 mylar copy will need to be submitted for signature by the Board chairman. The maps submitted for signature need to be signed by the property owner(s).

The application was considered an Unlisted Action under SEQR. A determination of environmental significance was discussed. M. Morriello submitted documentation prior to the meeting regarding segmentation of the SEQR review. Staff and Corporation Counsel agreed that in this case, the lot line deletion would be considered a separate SEQR review. In this case, the lot line deletion is encouraged to allow for the parking and the building to be on one lot for any future use or sale of the property.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the lot line deletion with the following conditions: written descriptions submitted to staff for review, and Board Policy #6 – signature on final plans. (WP, CP, JD, RJ, JK – yes)

Item #4: #131 Fair Street SPECIAL PERMIT renewal to operate a 5 room Bed & Breakfast in an existing structure. SBL 56.107-3-4. SEQR Determination. Zone R-2/Fair Street Historic District. Ward 5. Alicja Kowalska; applicant/owner.

Discussion: No one spoke at the public hearing. Alicja Kowalska was present at the meeting. The application is to renew the special permit for a 5 room Bed & Breakfast in the R-2 zone. The application was originally approved in October 2010 and has been renewed annually since with the most recent renewal in February 2015.

The Board asked if there were any changes to the permit or the business. A. Kowalska stated that everything is the same. The Board asked how business is going. She answered that the winter months are slow. She said that the Tea Room is slow also. S. Cahill asked if there was any way that the City could assist in marketing or any other way. A. Kowalska responded that she advertises and that the reality is that winter is just a slow time of year. She did not think that there was anything that the City could do.

Bed & Breakfasts are allowed by special permit in the Fair Street Historic District as long as they meet the requirements listed in Section 405-45. The applicant has confirmed that she meets the requirements.

W. Platte asked if there were any issues after the initial application when neighbors expressed concern about people parking on the street. A. Kowalska stated that there have been no issues. She said after she was open and operating, she had not heard anything negative from any neighbors.

There are no outstanding issues or complaints listed with the Building Safety Division.

A term for the special permit was discussed. By Code, annual renewal is the maximum term, requiring public hearings. The Board agreed to maintain the one year term.

A determination of environmental significance will need to be rendered. Because the project involved no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, NYCRR Part 617.5 (c) (20) and does not require a determination as such.

Decisions: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit renewal for the 5 room bed and breakfast with all original conditions carried forward. (WP, RJ, JD, CP, JK – yes)

Item #5: #88 Abeel Street (90 Abeel Street) SPECIAL PERMIT renewal to operate a Bed & Breakfast. SBL 56.43-5-4. SEQR Determination. Zone RT, Rondout Historic District, HAC. Ward 8. Maria and Hendrik Dijk; applicant/owner.

Discussion: No one spoke at the public hearing. Maria Dijk was present at the meeting. The application is to renew the special permit for a Bed & Breakfast/Inn. The B&B/Inn took the place of the owner's artist studio on the ground floor. The special permit was first approved on January 13, 2014 for a 1 year term. The most recent renewal was in February 2015.

The applicant had been supplied a copy of the requirements for Bed & Breakfasts (Zoning Code under section 405-45) prior to the original review.

W. Platte asked how the Bed & Breakfast was doing. M. Dijk stated that it has been doing well.

The Board discussed a term. Bed & Breakfasts are allowed by special permit in the Rondout Historic District but require annual renewals.

The following Board Policies were applied to the original approval: #6 – signature on plans; #10 – banners and flags are prohibited; #11 – window signage limited to 20%; #23 – bluestone sidewalk maintained and protected.

A determination of environmental significance will need to be rendered. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, NYCRR Part 617.5 (c) (20) and did not require a determination as such.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to renew the special permit for a period of 1 year to expire on February 8, 2017 with all original conditions carried forward. (WP, JK, CP, JD, RJ – yes)

Item #6: #672 Broadway SITE PLAN/SPECIAL PERMIT to establish ground floor commercial space, construct a 1 story addition to the rear of the building, and to establish 6 apartments on the 2nd and 3rd floors. SBL 56.25-1-18. SEQR Determination. Zone C-2, MUOD, HAC. Ward 4. John Stavros/applicant; Ramona 009 Productions, Inc./owner.

Discussion: No one spoke at the public hearing. S. Cahill explained that the applicants requested that the application be tabled to allow them time to make some additional changes to the plans.

Decision: The Board voted unanimously to table the application. (WP, RJ, JD, CP, JK – yes)

Item #7: #104 Smith Avenue SPECIAL PERMIT renewal to establish a 72 unit senior housing project with commercial space. SBL 48.82-1-7. Ward 5. Zone M-2, Mixed-Use Overlay Zone. SEQR Determination. Never More Now Corp., Owner; Birchez Associates, LLC applicant.

Discussion: No one spoke at the public hearing. Nadine Carney, Peak Engineering, was present at the meeting to represent the applicant.

The application is to renew the special permit for a 72 unit senior housing complex on the corner of Bruyn Avenue and Cornell Street. The project will consist of two structures, the historic brick structure near the railroad tracks, and a new building with frontage on Cornell

Street and Bruyn Avenue. The new structure will contain retail/commercial, off street parking along with other site improvements, such as landscaping, lighting etc.

N. Carney stated that there are no changes to the original plan.

The Board asked what is delaying the project. N. Carney said that the delay is because of funding.

The Board discussed a term for the permit. They agreed to a 1 year term. R. Jacobsen asked how long the Board would continue to renew the special permit without any progress. W. Platte said that he would suggest renewal for 1 more year and then discuss the future. R. Jacobsen said that he was not advocating for denial but that he would like to see some progress on the site. The site could use some clean up. Many other properties in the neighborhood have been cleaned up and renovated and this site is could use some maintenance. The Board agreed.

Staff provided the Board with the data on the police incident reports for the last year. There were 14 incidents listed with KPD over the past year 9 of which are alarm calls. Last year there were 21 incidents listed with the Kingston Police Department, 13 of which were alarm calls. J. Dwyer asked N. Carney if she knew what was causing the alarm calls. She did not know what caused them. W. Platte said that they get occasional calls at the Fire Department but not many.

A determination of environmental significance was discussed. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review of the Board was required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to renew the special permit for a period of 1 year to expire on February 8, 2017 with all original conditions carried forward, as well as, overall cleanup of the site and staff follow-up with the Police Department on the number of alarm calls. (WP, RJ, JD, CP, JK – yes)

AMENDMENT:

Item #8: #85 & 87 Abeel Street & 70 W Union Street REQUEST for amendment to approved plan to include a parking waiver. SBL 56.43-2-20 & 21 & 56.43-2-10. SEQR Determination. Zone RT, HAC, Rondout Historic District. Ward 8. Tamara Ehlin/applicant; Merle Borenstein/owner.

Note: Robert Jacobsen and Jonathan Korn abstained from the discussion and the vote due to conflicts during real estate dealings.

Discussion: Tamara Ehlin was present at the meeting. K. Haber explained that the special permit application was approved at the January 2016 Planning Board Meeting but that at that time, the applicant had proposed to accommodate 6 parking spaces on the 3 properties. In discussing the use of the vacant lot for parking, a number of issues came up including the use of Forsyth Alley for access, installation of a curb cut, removal of the bollards to allow for access, and a use variance to allow for parking as a primary use. The applicant plans to purchase the

property but wants some assurance that the approvals are in place for the use. T. Ehlin added that there are 2 concerns that she has with the use of the vacant lot for parking, the first is the safety of the access if Forsyth Alley is opened up and the second is that aesthetically, she would like to keep the lot as a garden area and keep the existing mature tree.

The applicant is requesting a waiver for 2 of the 6 required parking spaces. She will still be able to accommodate 4 off street parking spaces that would be accessed from West Union Street. The Board agreed that they had no problem with the waiver. The Planning Board has the ability to waive parking based on proximity to municipal parking lots.

Decision: The Board voted unanimously to approve the parking waiver request for 2 spaces based on the proximity to municipal parking lots. (WP, JM, JD, CP, WT – yes; RJ, JK – abstain)

ELECTION OF OFFICERS:

Chairman Platte called for a vote on the offices of Chairman and Vice-Chairman. The Board unanimously voted to re-elect Wayne D. Platte Jr. as Chairman and John Dwyer Jr. as Vice-Chairman. W. Platte and J. Dwyer abstained from the vote. (JK, WT, CP, RJ, JM – yes)