



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
July 10, 2017
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 recusal, 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 July 10, 2017 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/ALTERNATES PRESENT: Wayne Platte, Chairman, Charles Polacco, Vice-Chairman, MaryJo Wiltshire, Jamie Mills, and William Tubby.

BOARD/ALTERNATES ABSENT: Robert Jacobsen, Matthew Gillis.

OTHERS PRESENT: Suzanne Cahill, Planning Director; Kyla Haber, Assistant Planner; Tom Tiano, Deputy Chief BSD, Daniel Gartenstein, Asst. Corporation Counsel.

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.)

Chairman Platte opened the open public speaking portion of the meeting.

Merle Bronstein – Owner of Armadillo Restaurant on Abeel Street – Questioned whether 115 Abeel Street. What would be in the commercial space on the ground floor? How will parking be handled for the site? W. Platte explained that the application is a renewal and that parking had already been discussed and a waiver issued by the Board. He added that the Board was

unaware of the ground floor tenant and that the Board would be discussing it when the item came up.

Joseph Marchetti – 15 Ravine Street – Spoke about Item #10 – 32 Abeel Street – He said that he needed to leave early but wanted to say something about item 10. There are conflicting biases. There are concerns about parking in the area. He has lived in his house for many years and there had been a vacant building across the street that he despised because it was dilapidated and covered in vines with birds flying in and out. After years he realized that he had become comfortable with the building. He liked that there was no change. When the building began to undergo renovations it actually bothered him. He realized that the renovations were not the problem, he was the problem because he didn't want change. He urged the people against the ICCHV to give it a chance and you may actually be happy.

Tanya Garment – 102 Wurts Street – Spoke about Item #14 – 65-85 East Strand – At the previous meeting, the Board talked about parking. Parking is the least of the problem. The project needs to go before the Ulster County Planning Board and the Heritage Area Commission. The Board needs to look at the architecture being proposed and the other projects that have been designed by this architect. Will this building add to the neighborhood? The building is elevated from the street. People walking by can't see into the windows from the street. This building looks like a strip mall. What will the back of the building look like?

Chairman Platte closed the public speaking portion of the meeting.

Item #2: Adoption of the June 12, 2017 Planning Board minutes.

Discussion: Chairman Platte asked if there were any corrections to the minutes. The Board proposed no changes.

Decision: The Board voted unanimously to adopt the minutes of the June 12, 2017 Planning Board Meeting. (WP, CP, MW, JM, WT – yes)

PUBLIC HEARINGS:

Item #3: #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.

Discussion: No one spoke at the public hearing. Lee Thompson was present at the meeting. The application is to renew the special permit for two, 1-bedroom apartment units on the 2nd and 3rd floors of a commercial building in the Mixed Use Overlay District. The building is located adjacent to the former parking garage site. The ground floor of the building is occupied by a restaurant and pub.

L. Thompson said that there is a new business on the ground floor and it is no longer called Uncle Willie's but that the business is operating under the same license.

L. Thompson explained that they have not begun work in the apartments. The next step would be to begin work on the exterior. Windows are proposed for the front and rear upper floors. He said that they had waited to begin work to see if there were any plans developing for the parking garage.

A term for the special permit was discussed. The Board agreed to issue a 1 year term to allow for work to commence on the building.

Board Policy #6 will need to be signed on the plans.

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

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit renewal for a period of 1 year expiring on July 10, 2018 with all original conditions carried forward and the condition that a Knox Box be added to the exterior of the building to allow for emergency access by the Fire Department. (WP, JM, MW, CP, WT – yes)

Item #4: **#346 Broadway** SPECIAL PERMIT renewal 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.

Discussion: No one spoke at the public hearing. Jessica Myer was present at the meeting. She explained that she is the new owner of the property but that she wants to continue the special permit.

The special permit is for a 2 bedroom apartment on the upper floor of a 2 story building on Broadway. The applicant purchased the building in February 2017.

J. Myer explained that the apartment lacks a kitchen. There is a kitchen in the lower level but she plans to add a kitchen to the second floor to create a contained apartment unit. She has not begun the work yet.

The new owner was informed that she would need to file landlord registration with the Building Safety Division. An inspection will be required.

The Board waived the parking requirement for the building under previous applications based on the proximity to the municipal parking lot on Broadway. The requirement for a 2 bedroom unit is 2 parking spaces.

A term for the special permit was discussed. The Board agreed to a 1 year term.

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 is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 1 year, expiring on July 10, 2018, with all original conditions carried forward and the condition that the owner file landlord registration with the Building Safety Division. (WP, WT, MW, CP, JM – yes)

Item #5: **#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.

Discussion: No one spoke at the public hearing. Stephan Bohdanowycz was present at the meeting.

The application is for a special permit to re-establish and operate a mixed use building at 115 Abeel Street. The special permit was approved February 2012 for 6 months. The permit then expired in August 2012. The owner reapplied and was approved in December 2016.

At the December 2016 Planning Board meeting, the owner was working on compliance with the Historic Landmarks Preservation Commission. Assist. Corp. Counsel, D. Gartenstein explained that the applicant has been working with HLPC and that they are moving forward to a solution. He was confident that the issues would be worked out at the next meeting.

W. Platte asked what the plans are for the ground floor commercial space. The applicant said that he had no tenant at this time.

The application is considered a special permit under section 405-19(C) (1) which states that the Planning Board can issue a special permit in areas outside of the Broadway/West Strand area for mixed uses mentioned in subsection B(1) “if the proposed use will be compatible with the surrounding neighborhood...” Subsection B(1) allows the following uses on the ground floor: 1) retail stores and banks, 2) personal service establishments, 3) professional, governmental and business offices, 4) libraries, museums and galleries, 5) restaurants, 6) theaters, dance and art studios and membership clubs, 7) assembly, finishing, processing, or production of goods to be sold on premise.

The building is currently landlord registered with the BSD.

The Board considered a term for renewal of the special permit. They agreed to a 1 year term and to review in one year to determine the progress.

A determination of environmental significance was considered. 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 is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 1 year, expiring on July 10, 2018 with all original conditions carried forward including final approval from Historic Landmarks Preservation Commission. (WP, JM, MW, CP, WT – yes)

Item #6: #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.

Discussion: No one spoke at the public hearing. Lloyd Levi and Charles Wesley PE were present at the meeting. C. Wesley explained that L. Levi purchased the house in June 2017 and that he would like to change the approved plans to allow for a different internal layout and focus on some additional improvements to the exterior.

The original approval was issued on November 14, 2016.

C. Wesley explained that the new owner would like to renovate the building into 12 apartments, however, he would like to change the configuration to add an additional floor to the ground floor apartments. The new configuration would include 6 apartments with access off of Spring Street. These units would occupy the 2nd and 3rd floors of the building. The other six units would be accessed primarily from the parking area in the rear of the building. These units would include the basement, ground floor, and 1st floor of the building. The owner plans to completely renovate the interior with upscale fixtures and energy efficient appliances.

The exterior of the building will be refinished and renovated in an effort to return it to its original appearance. C. Wesley presented a historic photo of the property to show that the front porches (Spring Street) were once individual porches. L. Levi would like to return the Spring Street façade to individual porches. He would also like to reconstruct the porches in the rear of the building and add iron railings and period style lighting. Each unit in the rear would have their own garden courtyard area. 18 parking spaces will remain in the parking lot.

The applicant is aware that exterior changes will need to be approved by the Historic Landmarks Commission and the Heritage Area Commission.

A new term was discussed. The previous term, issued in November 2016 was for 1 year. The Board agreed to a 1 year term.

All original conditions should be carried forward: a recreation fee of \$12,000 submitted to the Parks and Recreation Department prior to the issuance of a building permit, a Knox Box installed on the building for emergency access by the Fire Department, and Board Policies #4, 4a, 5, 6, 7, 12, 18, 18a, 22, 23.

The Planning Board issued a Negative Declaration of Environmental Significance during the original approval in November 2016. This amendment would not exceed any identified thresholds as set forth in the final SEQR decision and therefore no further review will be required.

Decision: The Board voted unanimously to approve the special permit renewal for a period of 1 year to expire on July 10, 2018 with all original conditions carried forward: a recreation fee of \$12,000 submitted to the Parks and Recreation Department prior to the issuance of a building permit, a Knox Box installed on the building for emergency access by the Fire Department, and Board Policies #4, 4a, 5, 6, 7, 12, 18, 18a, 22, 23. The Board also issued the following conditions based on the amendment: landscaping plans and lighting details submitted to staff, exterior changes approved by Historic Landmarks Preservation Commission and the Heritage Area Commission. (WP, WT, MW, CP, JM – yes)

Item #7: **#245-251 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.

Discussion: W. Platte explained that the applicants requested that the application be tabled, however, the item had already been advertised as a public hearing. W. Platte opened the public hearing.

Felipa Gaudet - 127 Pearl Street

1. According to the plans, the structure looks like the pipes will be about 30 feet long and two feet in diameter. That is big and I wonder how much volume and pressure the pipes will be made to take. I also am concerned about the potential releasing of gasses (regularly scheduled or inadvertent) from a structure of this size in a densely populated residential neighborhood.
2. What is the potential power of an explosion from a structure of this size?
3. Washington Avenue is a major thoroughfare for emergency responders. In the event of an explosion at the site or other emergency, this may seriously compromise an emergency response and evacuation.
3. While the rendering shows little visual impact, I would like to see the views from Janet Street and Washington Avenue (centered in front of the property, not off to the side). From the angle the rendering was made, the beautiful tree and its shade covers most of the project area. This will not be the case other viewpoints, nor will those leaves exist from October to April. (Nor are we guaranteed that Central Hudson won't cut it down when they dig into the earth due to potential damage to the root structure or convenience.) The rendering does not attempt to show the six-foot chain link fencing with an extra foot of barbed wire that will surround the structure inside the property nor does it show the driveway. What would a rendering that contains more accurate details (according to their plans) look like? What would the signage look like? We would like that to be available to the public online at least two weeks before the next meeting so the residents can view it. Also, how tall will the pipes be? (I did not see that information in the plans.)
4. We are concerned about the balance between light pollution, shrubs that provide a visual barrier for the structure and openness of the site and having an area that could be a potential site for people to sleep in corners, engage in undesirable or illegal activity, as well as it being a potential site for people to be pulled into and attacked.
5. According to a neighbor on Janet Street, the house that had burned in that location was leveled and buried in that location. When you look at the ground, there are mini sink holes, as happens when structures are burned and buried. Is the ground stable enough for that project? What types of environmental hazards are contained in the soil, as most of the houses in

this area either have had or currently have lead paint and contaminated soil from the paint degrading over time. Will any hazards be introduced into the air when Central Hudson digs?

6. How will the vibration of the trucks and busses impact the structure? Our house shakes from them (and our windows rattle) pretty regularly and I wonder what the impact will be on a gas pipe.

7. This is a densely populated residential neighborhood on a major thoroughfare and does not make sense to house a project of this size. We are in support of the upgrading and improvements in the gas infrastructure in our city, but we do not think that this location is suitable due to the potential risks to the residents. We would like to see other sites explored, as other locations not far from this one contain commercial - not residential - structures and are less dense.

Art Haber – 20 Janet Street – The property consists of buried debris from the house that used to be on the property. There are sink holes on the property from settling debris. On Emerson Street where there is one of these it constantly smells like gas and the paint is chipped. Central Hudson does not take care of their properties.

Zoe Randal – 142 Pearl Street – The proposed plan is in the middle of a residential district. She has lived through sink holes on Washington Avenue and traffic being redirected. She is concerned with the infrastructure in the area and with the aesthetics. How will this proposal effect property values? Central Hudson should be asked to find another location.

Chairman Platte closed the public hearing.

Decision: The Board voted unanimously to table the application at the request of the applicant and forward the comments received to the applicant. (WP, CP, MW, JM, WT – yes)

Item #8: #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.

Discussion: No one spoke at the public hearing. A representative from Hudson Solar and James Childs of St. Clara's/Pointe of Praise, were present at the meeting.

Hudson Solar explained that the application is to seek approval for a community solar installation on vacant land next to Pointe of Praise Church. A site plan and aerial view of the property were provided showing the area where installation will take place. The panels will be surrounded by a 6' perimeter fence. Electric line will be buried until it reaches a new customer owned pole which will meter the electric production. Overhead lines will connect to an existing Central Hudson pole.

The project narrative states "Grid-tied solar electric project to include installation of new 3-phase electric service, 4320 solar panels, and 36 inverters enclosed in fencing over 5.94 acres of the parcel. Total rated power is 1,555.2kW. The project will be constructed in accordance with all applicable codes. The project is not expected to create any full-time jobs after completion of construction. Activity to and from the site will be extremely limited and will be conducted via existing roads to the parcel. Construction is expected to commence shortly after obtaining all

necessary City of Kingston and Central Hudson G&E approvals. Once begun, actual construction is expected to be completed in approximately 100 days. Hudson Solar is a local engineering, procurement, and construction firm that specializes in the installation of grid-tied solar electric systems. Hudson Solar has been operating since 2003.”

The applicant explained that community solar allows for members of the public to buy into panels and receive credits on their utility bill. Pointe of Praise Church will receive credits with this system. There will also be a certain amount that are offered to low/moderate income residents.

Hudson Solar will design and build the system and will be responsible for operating and maintaining the system. The panels will be owned by those who buy into the system.

The site is currently scrub brush. There will need to be some clearing. S. Cahill asked if there were any concerns regarding the floodplain. Hudson Solar responded that they did not have any concerns. The panels are meant to withstand weather conditions. The system will be 2 feet above ground at its lowest point.

The installation will consist of pressing steel posts for the panels. There will be electrical and mechanical work and fence work. Minimal construction and disturbance will take place. There will be additional work and approvals that will need to be done through Central Hudson.

No lighting is proposed. The array will not be visible from any residential area and will need minimal servicing. The system will be monitored over the internet.

The Board discussed a term for the special permit. S. Cahill asked whether there was a lease between the property owner and Hudson Solar. The applicants agreed that there was a lease agreement for 25 years. The Board agreed to issue a 3 year lease to allow for the system to gain approvals and construction to take place.

This was considered an Unlisted Action under SEQR. A determination of environmental significance was discussed.

Decision: The Board voted unanimously to render a Negative Declaration of Environmental Significance and to approve the special permit for a 1,555.2kWDC community solar array for a period of 3 years, expiring on July 10, 2020. (WP, WT, MW, CP, JM – yes)

Item #9: **#101 Abeel Street** SPECIAL PERMIT for 5 residential units. SBL 56.43-2-30. SEQR Determination. Zone RT. Ward 8. Donskoj & Company; applicant/owner.

Discussion: George Donskoj and Mark Grunblatt, attorney, were present at the meeting. M. Grunblatt explained that the applicant is applying to re-instate a special permit for 5 residential units. He explained to the Board that a special permit was issued in April 1986 with the condition that an off street parking lot be constructed at 67-69 West Union Street. This condition was met, however, in 1996, the special permit lapsed, the building changed ownership and the parking lot was sold separately. The current owner is now listing the building for sale

with 5 apartment units. The Building Safety Division became aware and referred the owner to the Planning Board to request approval for the units.

The 5 residential units are on the second floor of the building ranging from approximately 500sf – 650sf. The ground floor is commercial space which is currently set up as a gallery.

The parking requirement is based on number of bedrooms within the apartments. One bedroom units require 1.5 spaces (6 spaces); two bedroom units require 2 spaces (2 spaces). The ground floor commercial requires 1 space per 300sf (12 spaces). The total number of parking spaces is required to be 20.

M. Grunblatt explained that there is a second means of egress from the 2nd floor but that the staircase is on the neighboring property, under the same ownership. He requested that the Board include a condition that the properties be sold together. S. Cahill explained that there is no way to monitor such a condition. S. Cahill asked that a formal recorded easement be provided to allow for the egress, or that the properties be combined into one which would negate the need for an easement. D. Gartenstein advised the Board that the issue of the easement needs to be rectified and that he would recommend that the Board not approve the permit until a solution is presented.

Decision: The Board voted unanimously to table the application until the issue of the easement for secondary means of access was determined. (WP, CP, MW, JM, WT – yes)

Item #10: #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.

Discussion: Chairman Platte opened the public hearing.

Rose Bonchek – She has volunteered for this organization from the beginning and has no doubt that they will do an excellent job. The AOH organizes many events and carries them out with no issues. There will not be any problems with this center. She is a working theater director and there is no theater between Poughkeepsie and Woodstock. Theater, arts and culture bring people and economic benefits to the area. A new theater would improve local businesses and help to identify us as a community.

Owen Harvey – 26 Abeel Street – Wanted to reiterate points delivered by Greenplan and Fitzpatrick Engineering. The Planning Board needs to issue a Positive Declaration under SEQR, there is no basis for a Negative Declaration. The application does include proper safety analysis or a thorough assessment of other venues that would degrade operational efficiency. There is no properly conducted parking study or traffic study. There continues to be harm to neighboring land uses. The Broadway West Strand area does not allow for radio stations, drinking establishments, unenclosed uses. Unenclosed roof requires a variance. A radio station would require a variance because it is only permitted in the light manufacturing districts by special permit. A drinking establishment is only allowed outside of the Broadway West Strand area. Restaurants are allowed but they are only allowed to serve beverages, drinking establishments are allowed to serve alcoholic beverages. The request for a parking waiver does not include the

requirements listed in the zoning code. The applicant did not demonstrate that they are unable to meet the parking requirement because of an existing building, topography, or other physical feature. Their inability to meet this parking requirement is self-created due to the size of the structure. Included a map of the RT District. Abeel, between Broadway and Wurts Street is not within the area of the Broadway West Strand area.

Kate Cook – Gave her time to Katy Dwyer.

Merle Bornstein – Joanne Myers asked her to speak – White elephant in the room is parking. This has created a divisive line between friends. This affects Ward 8 and the people on Abeel Street. We all know that people have had a hard time parking to get to her restaurant. The parking situation is not caused by the ICC but it is a City problem. She would love to see the City address this. There are 3 buildings on Abeel Street alone are on this agenda. There is a small municipal lot on Abeel Street that her customers and many others use. This lot is overused. She is concerned about losing her business. The City told Mike Piazza that he could not continue a drinking establishment at the former Bridgewater because it was a residential district. The Noah Hotel property should be made into a City parking lot.

Kevin Ginty – Lives in Woodstock but owns a building at 60 Pearl Street with his daughter. There is a parking problem but it is a City function and a City problem. His building was originally on N. Front Street but he moved to Pearl because of the parking problem. There are many restaurants uptown without any parking and now new hotels with no parking. The Hudson River Maritime Museum has no parking. There is a new building proposed on East Strand, where will they park. This is where the ICC belongs, there is a long history of Irish history here. UPAC has no parking. The City needs to decide whether it is going to put its head in the sand.

Jim Carey – President of AOH of Ulster County representing about 300 members – Bill Fitzgerald couldn't be here tonight because he is in a hospital. He asked me to come to City Hall and say something about the ICC.

Pat Clausi – We have the right to move ahead with our cultural center. No one teaches Irish history in school. There has been lots of talk about drunken Irishmen. When has the AOH not worked with the City of Kingston? The AOH has always worked for the betterment of Kingston.

Katie Dwyer – 95 Madison Avenue – (submitted written statement read at the hearing) I am here to express my support of the building of the Irish Cultural Center Hudson Valley at 32 Abeel Street. I'd like to address 3 issues that are used as arguments against the project: Location, size, and parking.

Location – I keep hearing that this is the “Right projects, wrong location.” This is absolutely the right location. Here's why: 1) history – the Rondout area was once known as “New Dublin” because of the mostly Irish D&H Canal dock workers that grew up on the hillside. A cultural center should be building in an area that possesses the history which that cultural center seeks to preserve. 2) the events – Ulster County's largest Irish events of the year are held on the Kingston waterfront. The Shamrock Run & St. Patrick's Day Parade both culminate at Broadway and West Strand, and the Hooley on the Hudson exclusively takes place there. The

location of these Irish events make 32 Abeel the right location for the Irish Cultural Center. 3) The neighborhood – this is not an exclusively residential area of the RT District. In the two blocks of Abeel between Broadway and Hone Street are a florist, a salon, a restaurant, an active garage, two B&B's, an art gallery, and not long ago, a bar and restaurant and before that, a nightclub. There are numerous businesses being operated out of homes on Abeel Street, plans for commercial space in 115 Abeel, and 101 Abeel is for sale as a commercial use building. Adding the ICC at 32 Abeel Street will help the flow from Broadway up Abeel Street, encouraging foot traffic to places like the Armadillo. The ICC is a prime example of an in-fill project.

Size – The proposed ICC building is only a two story building with what is known as a walk out or daylight basement because the building is being constructed on a slope. The height at grade from the first floor to the roof line conforms to and is under the code requirement at 34 feet, between the ICC property and the adjoining properties. The ICC building will visually be shorter than the residence at 26 Abeel Street next door.

Parking – Not a single other business along the Rondout area of Broadway, West Strand, or Abeel Street provides on-site parking for customers. The ICC will provide some on-site parking plus even more parking in their additional lot pending Common Council's approval of parking on accessory lots citywide, a decision which will be a benefit for so many other businesses. This is an old code which has no discernable modern purpose. In fact, the apartments at 50 Abeel are already using a lot across the street as parking for their residences. Additionally, consideration is being given for the owners of 2 boutique hotels in uptown Kingston to allow use of an accessory parcels for parking pending issuance of a variance from the zoning board, and there's a proposal of Kingston Waterfront LLC on the East Strand which plans on using an accessory parcel for parking. This Planning Board made the right call and waived the parking requirement for so many other projects throughout the City such as: Brunette, The Forsyth, Art Bar, and the expansion of Little Italy. And, every new business in Uptown Kingston that had a change of use had its parking requirements waived, such as Boitson's, the Frogmore (now Redwood), Two Ravens, and The Senate Garage. Thanks in part to these waivers in the Uptown area, there has been much revitalization. The downtown area of Kingston is one of the City's business centers. We must champion development, which will in turn, inspire the City to find new ways to address parking. In conclusion, I encourage this Planning Board to consider the facts: this location is the right location for the Irish Cultural Center to be built, the size of the building does not exceed the height requirement, and the center will be providing more parking than any other business in the area.

Tamara Ehlin – Forsyth B&B owner at 85 Abeel Street – Bought building a year and a half ago and received a parking waiver of 2 spaces. Parking is challenging. People circling the block looking for parking spaces will affect the neighborhood. Children play in the street, people walk. This amount of traffic will change the neighborhood. She made an investment in the Rondout. Until additional parking is approved, this project should not be approved. Foot traffic of people walking to and from their cars does not happen.

Cassandra Burke – She is concerned about the process. Reports were submitted today and additional public comments and information were submitted. The Board should have time to review this information before making a decision.

Tom Hoffay – Worked with the ICC from the beginning. Katy Dwyer summed it up perfectly. There will always be another comment, at some point you will need to make a decision. Parking is an issue for the City but people park their cars and walk. This is economic development.

Judith Emilie – Giving her time to Hillary Harvey.

Hillary Harvey – She is speaking on behalf of a group of people, 31 letters were sent. Other approvals have not been issued yet. The Planning Board would be premature in issuing a decision because Historic Landmarks hasn't issued a decision yet and the Company Hill Path construction work would need approval by the Common Council. Serious concerns about the construction and the excavation and rock hammering or blasting. On Abeel Street, there is a construction area fenced off currently and she is afraid that the construction of the ICC could be a danger to children and traffic. Adequate consideration of the noise, traffic, and safety during the construction should be studied and the Board should not take the applicant's word for it. The Lead Agency should formulate its own vision for the project and be proactive rather than reactive. Greg Swanzey and Perkins and Will wrote to this Board in disagreement with the applicant's interoperation of the BOA. Last month the applicant's attorney told the Board that the decision of the court was to uphold the Zoning Board decision, however, Judge Mott issued in his decision that uses such as the drinking establishment were still to be determined. When the HAC said that the building should be reduced in size, the building was about 1000ft smaller than it is now. The applicant claims that building is within keeping with the neighborhood, however, visibility studies that were requested last fall from HLPC and were not received. Parking requirements were listed under the UCPB required modification, which if the Planning Board wishes to override, will require a majority plus one. Submitted a separate analysis of parking and traffic completed by Fitzpatrick. Review of the applicants FEAF did not identify process of traffic analysis. This Board is tasked to determine whether there is one or more adverse environmental impacts, she has submitted many. If the Board votes on a SEQR decision, the only responsible decision is to issue a positive declaration. This block of Abeel Street is zoned residential.

Tanya Garment – Issuing a Positive Declaration could offer a way for the Board to obtain more information and be a partner in the development of the project. Obtaining a permit for blasting is quite simple, but if a Pos Dec is issued, more information can be requested. Creating parking is not the answer but a shuttle will not work either. If a Pos Dec is issued, maybe the applicant can contribute to the bus system. Shuttle will bring people in and bring them out without contributing to the neighborhood.

Deana Baum – 42 Abeel Street – Part time resident and owner of the property adjacent to the proposed ICC. This project needs additional planning. The size of the building is not in character with the neighboring properties. The setbacks are not consistent with neighboring properties. There is a possibility of blasting which is a concern to property owners. Does this project have the money to move forward? Is it sustainable? The Irish Cultural Center in Utica sat for years without any progress. Utilities were installed, signage was put on the property and trees were removed without any approvals. Will there be blasting? The balconies and patios are very large.

Jim Rodden – 8th Ward Alderman candidate – Chairman of the ZBA – There have been many arguments and they have not changed throughout this process. His father and 5 uncles worked on the boats. They asked why this project doesn't move to the Business Park. They would have a view of the Rondout and Hudson without any impact to neighbor or any concern about noise.

Zoe Randall – She keeps a boat in Kingston. She could move the boat but she enjoys the area. She doesn't want to see lighting installed, or cobble stone added to Company Hill Path.

Joe DiFalco – 66 Glen Street – Parking is an issue. Imagine Mariners Harbor on the hill. They should move to another location. Other locations have been suggested but they don't want to relocate.

Chairman Platte closed the public hearing.

Ronald Pordy, attorney, Brad Will, architect, Mark Tiano, Engineer, Matt Rudikoff, planner, were present at the meeting.

R. Pordy went through each of the questions and responses in Part 2 and 3 of the FEAF with the Board members. Issues that have been regularly expressed were replied to and it was noted that responses have been submitted.

W. Platte polled the Board if they were comfortable with voting on the SEQR Determination. He stated that the members have received a lot of information and comments throughout the process and have reviewed the information submitted. He said that he felt that delaying the decision would solve nothing else but to delay the decision. He asked the Board whether they were ready to vote. Board members present agreed that they were ready for the Chairman to call for a vote.

Decision: The Board voted unanimously to adopt a resolution to issue a Negative Declaration of Environmental Significance. (WP, MW, CP, JM, WT – yes)

NEW BUSINESS:

Item #11: **#2 South Prospect Street** SITE PLAN to create a mixed use maker space for creative arts and light manufacturing. SBL 56.33-2-19 & 20. SEQR Determination. Zone O-2. Ward 5. RUPCO/applicant; Alex Stein/owner.

Discussion: Charles Snyder, RUPCO and Scott Dutton, architect, were present at the meeting.

S. Dutton explained that RUPCO is purchasing the building with plans to continue the use of the building as light manufacturing but to divide the space in to individual "maker" spaces. He explained that the building has had years of deferred maintenance that needs to be addressed. The building needs a new roof along with many other upgrades.

S. Cahill asked about the use of the baseball field and playground by the City of Kingston. C. Snyder said that there is an existing agreement and that RUPCO plans to work with the City to continue the public use.

The project has been individually listed on the National Register of Historic Places. All repairs to the exterior will undergo review and approval by the SHPO.

The project is considered a Type I action under SEQR. A resolution was prepared for the Planning Board to seek Lead Agency.

Decision: The Planning Board voted unanimously to adopt a resolution to seek Lead Agency Status in the SEQR review. (WP, MW, CP, WT, JM – yes)

OLD BUSINESS:

Item #12: **#41 Pearl Street** SITE PLAN to establish a 14 room hotel. SBL 48.331-6-11. SEQR Determination. Zone O-2, Fair Street Historic District, Heritage Area, Ward 2. Hudson Valley Development Kingston; applicant/owner.

Discussion: S. Dutton, Architect, was present at the meeting to represent the owner. The application is to establish a 14 room boutique hotel in an existing building at the corner of Fair Street and Pearl Street. The O-2 Limited Office zone does not list hotel as an allowable use. The owner applied for and received a use variance from the ZBA on May 16, 2017 to allow for the use. The ZBA also issued a parking variance at the same time.

This location will be used in conjunction with the 10 room hotel at 301 Wall Street. 14 rooms will be located at this address. Central services will be provided off site at 301 Wall Street. Guests will check in at 301 Wall Street. Valet parking will be provided at an offsite location owned by the applicant. K. Haber asked whether there will be 24hr service at the 301 Wall Street hotel in case the guests at either location have an issue. S. Dutton said that 301 Wall Street will have 24hr service and will respond immediately to any request made from 41 Pearl.

The parking requirement for the site is 1 space per guest room plus one space per 600sf of space outside of guest rooms, corridors and equipment storage areas. There is limited space on site. As stated, the Zoning Board of Appeals issued a variance from the required parking with the condition that offsite valet parking will be provided unless guests “self-park” offsite. No guest parking will be allowed onsite. S. Dutton said that the owner will be using off street parking at an alternate area. Staff requested a parking plan to show that there is adequate parking for the hotel as well as the uses of the property that will provide the parking. This will be provided to staff.

The applicants submitted a survey map of the property as well as elevations and floor plans. These plans show that a small addition with a staircase will be added to the third floor to allow for a second means of egress. The addition will be constructed to match the existing building. There are no other exterior changes proposed.

The project is located in the locally designated Fair Street Historic District. Approvals from the Historic Landmarks Preservation Commission (approved as submitted July 6, 2017) and Heritage Area Commission (approved June 28, 2017 with the condition that signage return). The application was referred to the UCPB and issues are discussed below.

The Board reviewed the Ulster County Planning Board comments with the applicant. The applicant and the Board concurred with the recommendations.

- Parking – proof of adequate parking at offsite location and an easement or deed restriction tying the parcels together for long term. (Applicant will submit a plan)
- ZBA referral for variance (Issued by the ZBA in May 2017 for parking with condition of agreement)
- 24/7 security on site – this will be met with the physical presence of a person on site at 41 Pearl. Employee will be onsite at 301 Wall Street. Security measures will be taken through smart technology access.

Decision: The Board voted unanimously to approve the site plan for a 14 room hotel with the following conditions: approval of signage coming back to the Board, installation of a Knox Box for emergency access, proof of off street parking accommodations with a legal agreement for spaces in a form approved by the City Corporation Counsel, and approval by the Historic Landmarks Preservation Commission and the Heritage Area Commission. The Board also voted unanimously to concur with the Ulster County Planning Board comments. (WP, CP, MW, JM, WT – yes)

Item #13: **#609 Broadway SPECIAL PERMIT** to renovate an existing building with ground floor commercial and 8 residential units above. SBL 56.109-3-17. SEQR Determination. Zone C-2, MUOD, BOD. Ward 4. LA 609 Broadway; applicant/owner.

Discussion: Scott Dutton, architect was present at the meeting. He explained that the application was reviewed and that he had not returned with progress in a few months because they were trying to obtain SHPO approval to move the building toward being designated historic. He explained that the State previously had the building listed as ineligible but that he believes they are close to obtaining designation.

The proposal is to completely renovate an existing building. The ground floor will remain as commercial space while the upper floors will be reconfigured to reduce the number of apartment units from 11 apartments to 8.

During previous reviews, it was discussed that the fire escape on the north side of the building will be removed. A new fire escape will be added to the south side of the building where it will be less visible. The existing alleyway to the south will be enclosed creating a gallery/lobby that connects the rear parking lot to Broadway. This will create an “interior street” that will allow for access to commercial spaces that were previously only accessible from the rear. The Board asked whether anything will be done to the side of the building facing the Broadway Commons area. S. Dutton said that because the City is unsure of the future of the site, they will not be making any changes to that side of the building at this time. They may rethink this in the future.

Parking – There is a reduction in the number of apartments and therefore a reduction in the overall parking requirement and no variance or waiver is required.

Recreation Fee – The Board agreed to require an \$8000 recreation fee based on \$2000 per unit with the first 4 being exempt. Said fee must be paid prior to a building permit being issued.

The project falls in the mixed use overlay district. The residential component requires a special permit by the Planning Board. The Board agreed to a 2 year term.

Decision: The Board voted unanimously to render a Negative Declaration of Environmental Significance and to approve the special permit for a period of 2 years, expiring on July 10, 2019, with the following conditions: a recreation fee of \$8000 paid to the Parks & Recreation Department prior to the issuance of a building permit, the installation of a Knox Box for emergency access by the Fire Department, approval by the Heritage Area Commission for any exterior changes, and Board Policy #6 signature on final plans. (MW, JM, WP, CP, WT – yes)

Item #14: **#65-85 East Strand** SITE PLAN/SPECIAL PERMIT to construct a mixed use building. SBL 56.43-7-37. SEQR Determination. Zone RLC, HAC, LWRP. Ward 8. Kingston Waterfront LLC; applicant/owner.

Discussion: Dennis Larios, PE and Joseph Hurwitz, Architect, were present at the meeting. The proposal includes construction of a mixed use building containing commercial space on the ground floor and residential apartments on the second floor.

There will be 11,760sf of commercial spaces and 18 apartments; 4 studio, 8 one-bedroom, and 6 two-bedroom units.

J. Hurwitz presented a revised elevation. He explained that the building will be brick in keeping with the materials in the neighborhood. M. Wiltshire asked him to explain the layout of the building. She added that she would like to see alternate views because it is difficult to determine what the materials are and how the building will fit into the site. In general, the Board agreed that visual simulations should be provided and would be beneficial, asking that the applicant provide different views of the building as well as depictions of how the building will be positioned from the street. D. Larios responded to public comment about the height and noted that the project building was elevated due to flood plain issues. He also stated that he would further respond to other questions which were raised. J. Hurwitz noted that there was a plaza effect, which not only addressed the floodplain, but also considered suitable ADA access for individuals. It would provide a mixed opportunity space.

D. Larios stated that he had included additional plans with the most recent submission. These include:

- 1 of 7 Existing Conditions
- 2 of 7 Preliminary Site Plan
- 3 of 7 Utility plan
- 4 of 7 Landscaping and Lighting Plan
- 5 of 7 Details
- 6 of 7 Details
- 7 of 7 Details

D. Larios presented documentation that all parking requirements can be met by using the existing surplus parking in the development behind the proposed building as well as construction of a few small parking areas within that site. There will be no need for a waiver or

a variance. S. Cahill explained that cross easements will be required for access, utilities, parking and possibly others once final design plans are provided.

Staff advised the Board that the plans need to be referred to the Ulster County Planning Board. The applicants are planning to return to the Board in September.

Decision: The Board voted unanimously to table the application and refer it to the Ulster County Planning Board. (WP, CP, MW, JM, WT – yes)

DISCUSSION:

Item #15: **#200 North Street** DISCUSSION of future uses for the property. SBL 48.84-1-4. SEQR Determination. Zone RRR, RF-H, Heritage Area and Coastal Zone. Ward 8. North Street Brick Works LLC; applicant/owner.

Discussion: Kevin McManus was present at the meeting. He explained that the owners are looking to begin the discussion about future uses of the property.

The owner would like the next phase of the site to include adaptive re-use of several of the existing structures and the construction of one new building. The concept is to make the site more conducive to music events and private events such as weddings, anniversary parties, and camping. To accomplish this; a small hospitality component would be added. This would include 10-20 hotel rooms and some common amenities such as a lounge and meeting room. The plan also proposes the construction of a single family home at the entrance of the property to function as a property caretaker's cottage. K. McManus also said that the owner would like to include a "glamping" component which is basically camping with each site set up with individual tent like structures. Glamping is a combination of the words "glamour" and "camping."

K. McManus said that they put together a master plan for the site but anything beyond the first phase will be dependent on the market. The master plan is an overall goal for the future of the property. It includes a restaurant, hotel-spa, pier and marina, retail space, covered event space, and a limited residential component.

Staff explained that discussion will need to take place with the Zoning Enforcement Officer and the Building Department regarding some of the proposed uses. A formal application will need to be filed for the next phase of the plan.

K. McManus indicated that they would be looking to submit back to the Board for the September meeting.

Decision: No decision was made. A formal application has not been filed at this time.