



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
December 17, 2018
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. (4) Jamie Mills voted in the absence of Matthew Gillis.

A meeting of the City of Kingston Planning Board was held on December 17, 2018 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 Charles Polacco.

BOARD/ALTERNATES PRESENT: Wayne Platte, Chairman, Charles Polacco, Robert Jacobsen, Mary Jo Wiltshire, Jamie Mills, and Kevin M. Roach.

BOARD/ALTERNATES ABSENT: Matthew Gillis and Bridget Smith Bruhn.

OTHERS PRESENT: Suzanne Cahill, Planning Director, Kyla Haber, Assistant Planner, and Daniel Gartenstein; Assistant 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
6. Open public speaking is the first item under REGULAR BUSINESS on the agenda. If the public wishes to speak about an item listed as a public hearing on tonight's agenda, please wait for that item to be called. Comments made during official public hearings, become part of the official record for that project.

REGULAR BUSINESS:

Item #1: Open Public Speaking (15 Minutes Allotted) This is for any planning related topic. If the public wishes to speak about an item listed as a public hearing on tonight's agenda, please wait for that item to be called. Comments made during official public hearings, become part of the official record for that project.

No one spoke during the open public speaking. Chairman Platte closed the open speaking.

Item #2: Adoption of the November 19, 2018 Planning Board Minutes.

Discussion: Chairman Platte asked the Board if they had reviewed the minutes from the November 19, 2018 Planning Board meeting and if there were any changes proposed. No one proposed any changes.

Decision: The Board voted unanimously to adopt the November 19, 2018 Planning Board Minutes. (WP, MW, CP, RJ, JM – yes)

PUBLIC HEARINGS:

Item #3: #256 Washington Avenue SPECIAL PERMIT RENEWAL to operate a residential care/assisted living facility. SBL 56.90-4-36. SEQR Determination. Zone R-2. Ward 2. Stockade Group, LLC; applicant/owner.

Discussion: No one spoke at the public hearing. Mary Chisolm was present at the meeting. The application is for renewal of a special permit for the operation of a residential care/assisted living facility known as Chiz's Heart Street. The location operated for years as "Washington Manor". The application was last renewed in November 2017 for 1 year.

The project narrative states that the facility has 6 employees; 4 part time and 2 full time. They serve 3 meals a day to the roughly 40-45 occupants. All rooms are cleaned and laundry done by the employees.

The original permit was issued in October 2003. In 2006 the operations expanded into the "annex building". W. Platte asked if the annex was still being used as part of the facility. M. Chisolm said that it was.

Police Reports and Building Safety Inspections were requested. BSD had not been to the property yet to inspect. The Board asked staff to follow up with the agencies to see if there were any issues.

The Board discussed a term for the Special Permit; zoning section 405-12(B)(11) states that residential care/assisted-living facilities shall not be issued or renewed for a period longer than 1 year. A contact name and number should be provided to the Board to maintain a current record of whom is the immediate party to reach for any issue. All original conditions will be carried forward.

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, NYCRR Part 617.5 (c) (20) and does 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 with all original conditions carried forward and confirmation from the Building Safety Division and the Kingston Police Department that there are no issues. (WP, CP, MW, RJ, JM – yes)

Item #4: #22 Livingston Street SPECIAL PERMIT RENEWAL to operate a child daycare in the existing Immanuel Lutheran Church. SBL 56.35-3-4. SEQR Determination. Zone R-2. Ward 8. Cheryl Demuth/applicant; Immanuel Lutheran Church/owner.

Discussion: No one spoke at the public hearing. Cheryl Demuth was present at the meeting. The application is for renewal of a special permit to operate a child day care center in an existing church building. The original application and approval were in December 2009 with the most recent renewal in 2013 for 5 years. The center, Livingston Street Early Childhood Community, Inc. is a non-profit daycare program located at the 20 Livingston Street Immanuel Lutheran Church.

The applicant confirmed that the hours of operation, number of children and age range remain the same: Monday through Friday from 8AM-5:30PM, for eighteen children ages 3-5 years. The original permit was for a maximum of 18 students but the number has increased to 37 with an additional classroom added. However, the applicant submitted an updated NYS Office of Children and Family Services permit with the increased capacity of up to 37 to support the change.

There have been no changes to the exterior or interior and no issues have been brought forward by the Building Safety or Police Department.

As per Section 405-12 (B) (3) Nursery or preschool educational establishments or day-care centers are allowed by special permit and subject to the following requirements under Section 405-9B (3) of the code, the Board should confirm these requirements are met;

- (a) The applicant shall have obtained all licenses, certifications or approvals that may be required by federal, state or local law.
- (b) For each child registered, there shall be a minimum of 35 feet of floor space exclusive of halls, bathrooms and kitchens.
- (c) For each child enrolled, there shall be provided not less than 75 square feet of usable exterior open space. The Planning Board may authorize the substitution of interior space available for recreation purposes if it determines that the aggregate space to be provided is adequate.
- (d) No permanently installed play equipment shall be located in any required front or yard.
- (e) Any outdoor play area shall be located either not nearer than 30 feet from any lot in an RRR through R-3 District or shall be screened therefrom by a device found sufficient by the Planning Board to ensure visual and auditory privacy to such adjacent properties.

The following Board Policies were part of the original approval and should be carried forward: #6, (Applicant Certification Sign on Final Plans); #7 & 7a, (Active Application); #10- (Banners, flags etc prohibited); #13- (Contact information current); and #12, (Dumpsters, during normal business hours).

A term for the special permit will need to be set. There is no term limit on this type of use. The most recent term was for 5 years with no issues and no complaints. Staff would recommend another 5 year term.

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, NYCRR Part 617.5 (c) (20) and does 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 5 years with all original conditions carried forward. (WP, RJ, MW, CP, JM – yes)

Item #5: #14-18, 20-26 & 30 Ringtop Road. LOT LINE REVISION of the Lands of Larry Quick Jr. SBL 56.31-4-34, 33 & 24. SEQR Determination. Zone RRR. Ward 3. Larry Quick Jr.; applicant/owner.

Discussion: No one spoke at the public hearing. Larry Quick was present at the meeting. He explained that the proposal is to revise the lot lines between 3 properties under the same ownership.

L. Quick explained that he wanted to revise the lines to better align with the topography and physical improvements on the property. Staff told him that there did not appear to be any issues with the layout, however, the maps submitted were on 8.5x11 paper and staff was unable to read any of the dimensions. The owner will need to supply the office with larger, scaled copies of the lot line revision maps to ensure that the lots meet the lot and bulk requirements. The Zoning Enforcement Officer will need to review and determine if any area variances are needed.

The Board should advise the applicant that the lot line deletion 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 will need to be submitted and reviewed by the Planning Office. If the Board finds the deletion acceptable, 5 paper copies and 1 mylar copy will need to be submitted for signature by the Board chairman. These maps will need to be signed by the owner prior to submission.

Board Policy #6 will need to be signed by the owners. This block will need to be expanded to provide for all property owners.

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

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the lot line deletion subject to submission of larger, scaled maps for review of lot and bulk requirements, determinations by the Zoning Enforcement Officer on whether area variances are required, final descriptions, and 5 paper copies and 1 Mylar copy signed by the owner and the Board Chairman for filing. (WP, CP, MW, RJ, JM – yes)

Item #6: #702 Broadway SPECIAL PERMIT RENEWAL for 6 residential units use in the C-2/MUOD. SBL 56.25-1-9.100. SEQR Determination. Zone C-2/Mixed Use Overlay District HAC. Ward 2. Mohammed Alshaary/applicant; Morning Tree Corp./owner.

Discussion: No one spoke at the public hearing. Mohammed Alshaary was present at the meeting. The application is for a special permit renewal for residential use in the C-2/Mixed Use Overlay District. The initial application was approved in April 2008. The most recent renewal was approved in October 2017 for a period of 1 year.

Since the previous meeting, the applicant has paid the recreation fee of \$4000 and has obtained a building permit to begin cleaning out the structure. The applicant has stated that he is moving forward with the renovations after many years of renewals without progress. The time spent was to obtain funding for the project.

The Board asked when he planned to complete the renovations. M. Alshaary said that he is unsure how long the renovations will take. There is a lot of work to be done.

The Elmendorf Street building will house 4 apartment units and 1 storefront. Three of the apartments will be two-story with separate entrances. The 4th apartment will be a studio on the second story above a storefront. Approved plans and elevation drawings are on file and the applicant has not stated that there are any changes to the original conditions.

The applicant and his family live in one of the units above the corner store. M. Alshaary no longer operates the convenience store, he now rents to another operator. He resides in one of the apartments over the convenience store.

A term for the permit will need to be discussed. Section 405-32 of the Zoning Code was amended in August 2012 to allow the Board the ability to renew special permits in the MUOD for such a period as it determines after an initial 1 year term. Staff would recommend that the Board approve a 1 year term.

Board Policies: 4 & 4a – lighting levels; 6 – signature; 11 – limited window signage; 12 – emptying dumpster between regular business hours; 18 – recreation fee; 19 – noise permit & 22 – carbon monoxide detectors. A Knox Box should also be added to the current decision renewal.

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 by the Board is 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 6 months with all original conditions carried forward and the inclusion of a Knox Box on the building for emergency access by the Fire Department. (WP, RJ, MW, CP, JM – yes)

Item #7: #106 West Chestnut Street SPECIAL PERMIT to operate a Boarding House. SBL 56.34-11-22. SEQR Determination. Zone R-1. Ward 9. Chestnut Hill NY Inc.; applicant/owner.

NOTE: MJ Wiltshire recused herself from the discussion do to relations with one of the managers; K. Roach took her place in the discussion.

Discussion: W. Platte opened the public hearing.

Leo Schupp read the following statement into record.

December 17, 2018

12/17/18
PBM -
read aloud

Good evening Mr. Chairman and members of the board, my name is Leo Schupp, and I reside at 39 Dietz Ct.

The narrative contained within the application for 106 W Chestnut St to operate as a rooming and boarding house states that it will have an "all inclusive daily program for our guests to enjoy and participate in." It goes on to say it will be a 365 day 24 hour operation, talks a little about employees, and mentions the background of the operator, Mr. Sangi, saying that he has over 40 years of experience in this field owning and operating at one time all of the boarding homes in Kingston.

I would be interested in knowing if the applicant is the same Joseph Sangi, or Joseph San Giovanni that has operated similar establishments in Florida and New Hampshire. If so, there are concerns about past performance.

As a resident of both the city of Kingston and the neighborhood, I have concerns about the use of this property as a rooming and boarding house, an unlicensed rehabilitation facility of the applicants own design as he speaks about in the application , or anything other than what the properties in an R1 zone are supposed to be.

The ZBA may have declared that the granting of their variance will not be a detriment to the neighborhood, but they are wrong, and those of us who live here know it.

For some perspective, imagine ten families living within the confines of a lot about a quarter acre in size. That is a lot of people in a small area without any excess space to buffer or mitigate spillover of the effects that come with that kind of density. Now think of it in terms of a non stop enterprise. That is a lot of traffic and commotion. A lot of cigarette smoke, and the potential for a lot of different problems.

We have witnessed the effects of such high density. There is a lot of noise and there is language that would make most people uncomfortable. In addition to there being a large number of vehicles that seem to be associated with the property, there is now a shuttle bus there too.

The applicant is asking for waivers from several requirements that are in place to regulate and control what is a very intense use in a small area in the midst of an R1 neighborhood.

He wishes to have up to 40 people living in an old three story frame structure that sits on a small lot squeezed in amongst its neighbors. He is proposing that you allow him to do this by waiving a third of the requirements governing rooming and boarding houses.

He wants to have more than two people per room and less than an 8 x10 area per occupant. He would like permission to have boarders on the third floor of this frame structure. He wants relief from the off street parking requirement which to my understanding would be over 40 spaces. He also doesn't want to be subject to inspections or keep a register of residents as outlined in the ordinance. In addition he wants the distance between a rooming and boarding house and an existing B&B to be waived. I don't even know if you can do that.

By themselves, any one of these requests is significant, but taken together, they are enormous and would not only contribute to a deleterious effect on the neighborhood, but would make it impossible for the authorities to protect not only the neighborhood, but the people residing within the property at 106 W. Chestnut St. as well.

It is for these reasons that I am asking you to deny this special permit request.

David Gordon, attorney representing Leo Schupp, resident of 39 Dietz Court, and Peter Neal Grover, resident of 112 West Chestnut Street, submitted the following statement for the record and summarized the statement to the Board during the public hearing.

DAVID K. GORDON

Attorney and Counselor at Law

Rec'd 12/17/18

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December 17, 2018

Hon. Wayne Platte, Jr., Chairman
City of Kingston Planning Board
420 Broadway
Kingston, NY 12401

Re: Application for special permit - 106 West Chestnut Street

Dear Mr. Platte and Members of the Board:

This office represents Leo Schupp, who resides at 39 Dietz Court, and Peter Neal Grover, who resides at 112 West Chestnut Street. Both of them own homes adjacent to the proposed boarding house at 106 West Chestnut Street (the "Property").

My clients urge the Planning Board to deny the special permit, or failing that, to strictly regulate the proposed use to protect the neighborhood from the manifold problems the boarding house operation imposes. This commercial use is far too intense and disruptive for an otherwise quiet, residential neighborhood.

Background

The Property includes a three-story house of 3,813 square feet as well as a one-story garage of 625 square feet on a lot of 0.23 acre. The home has 14 bedrooms. The applicant is seeking permits for a 39-bed boarding house. In addition to the boarders, there would be on-site staff, bringing the occupancy to 40 or more.

The serious disruption this operation will cause is based on experience. The applicant has been operating a boarding house on the Property in recent years, and it has caused severe impacts to the neighborhood.

Police are regular visitors given the incidence of illegal activities on the site. Police records show 28 calls to the Property in the past year, including 10 calls that occurred during overnight hours between 8 PM and 8 AM. The reasons for the calls included assault, larceny, harassment, and "man with gun/knife."

The noise from the boarding house (as well as from the police calls) is also a significant impact in an otherwise quiet neighborhood. Transient boarders can be heard in the house and in the yard, or congregating in the street. Conversations and exclamations emanate from the house and grounds into the night hours, often including obscene language. The sheer number of boarders exacerbates the volume, and the din damages the neighbors' quality of life.

The neighborhood is affected by on-street parking from boarders and their guests, and taxi traffic transporting those who do not drive. Cigarette smoke emanates into neighbors' properties, and litter is left in the street.

ZBA Variance

Although the Property lies within the R-1 district, the ZBA granted a use variance allowing a boarding house "in accordance with the special permit provisions applicable in an R-2 zone." ZBA Resolution, October 11, 2018. The Planning Board must now apply the boarding house regulations to this site and application.

Although the variance allows a boarding house use, it does not mean that the current use should be allowed to continue as currently configured. It is incumbent on the Planning Board to carefully assess the impacts and impose appropriate limitations and controls before allowing any future boarding house use.

1. The Planning Board must apply the zoning code's protective requirements for boarding houses to avoid further injury to the neighborhood and the public.

The zoning code for the R-2 district establishes a detailed set of requirements for any boarding house to receive a special permit. § 405-12(B)(2). Among these are 22 specific requirements.

First, the limits on number of boarders set by the zoning code should be enforced. The code prescribes a maximum of 12 boarders in a maximum of 10 rooms. § 405-12(B)(2)(b)[3]. It limits occupancy to two people per room, with rooms having at least 80 square feet per occupant. § 405-12(B)(2)(b)[4]. In the current (and applied-for) use of the Property, these limits are egregiously flouted. The proposal is for 39 boarders – more than three times the legal limit. Given the proposal for 14 bedrooms (two above the limit), 11 of the 14 rooms (79 percent of the rooms) would violate the code.

The code also places limitations on occupancy of third floors, presumably for fire safety purposes. It states that in a wood frame dwelling, like the main home on the Property, there shall be no boarder occupancy in the third floor. § 405-12(B)(2)(b)[3]. The safety of the occupants of the building demands strict application of this provision.

To preserve the character of the neighborhood, the code prohibits boarding houses less than 1,200 feet from a bed and breakfast. § 405-12(B)(2)(b)[22]. It also requires adequate off-street parking. § 405-12(B)(2)(b)[16]. These parameters should also be enforced.

Additionally, the code's requirements for recordkeeping and inspection should be applied as written. § 405-12(B)(2)(b)[17], 12(B)(2)(c).

The code has a number of other requirements, including that the applicant be the "individual owner of the premises," § 405-12(B)(2)(b)[1] and that s/he or an agent live on

the premises. § 405-12(B)(2)(b)[1], [2]. All of these are critical given the history of mismanagement and nuisance that the boarding house operation has caused.

Incredibly, the applicant is requesting waivers from many of these provisions, including the basic public safety guarantees of maximum occupancy, confinement of boarders to the lower two floors and others. These provisions are essential to protect the neighborhood and safeguard the residents within the building. Needless to say, the applicant's request to waive these requirements should be dismissed out of hand. The Board's job, especially in issuing a special permit, is to protect the public, not to maximize the profits of an applicant with a history of causing nuisances.

2. The Planning Board must conduct environmental review as required by SEQRA.

It is essential that the Planning Board conduct a complete environmental review under the State Environmental Quality Review Act (SEQRA). SEQRA requires the Board to take a "hard look" at all actions that might cause a significant adverse impact to the environment, including the local community and quality of life. The Board should consider the evidence of environmental effects that have already been manifested through the existing boarding house use and require an environmental impact statement.

Conclusion

The current boarding house at 106 West Chestnut Street is a nuisance to the residential community. Its continuance should only be allowed, if at all, by a special permit carefully crafted to protect the community from the abuses that are already occurring and will otherwise continue. The applicant's history of violating the law and abusing its neighbors provides compelling evidence that the permit should be denied or permitted, if at all, only under the most careful and strict regulation.

Respectfully submitted,



David K. Gordon

The following statement was read Donna Ford Grover. A written copy of her statement was submitted to the Planning Board. She also submitted a copy of a statement from her neighbor.

12/17/18
PBR

I have lived at 112 West Chestnut Street since 2001. At the time we purchased our home, there was not a 30-bed boarding house next door. In fact, the boarding house that was run by Louise Campos at the time was within the city's specifications for a boarding house. There were approximately 12 developmentally disabled young men who lived there. The house and its inhabitants fit perfectly into our quiet neighborhood. The noisiest time of the day was when they gathered across the street from our house in the morning to catch the Gateway bus to work. Louise lived with her family in the house next door to 106. She employed caregivers and cooks who lived in the small cinderblock building adjacent to the house. We got to know the young men who lived there as well as their families, who often visited the house. When Louise sold the property, things changed overnight. We literally woke one morning to find two women drinking bottles from paper bags while sitting on our children's swing set. The developmentally disabled young men were driven from the house as it was no longer safe for them. We could no longer enjoy sleeping with our windows open because of noise that went on all night and the smoke from the dozens of cigarette smokers gathered right below our bedroom window. When I contacted the city in regards to the abrupt change in the status of the house, I got no reply. However, a couple of years ago when the city and two judges all deemed that the place had been operating illegally, I felt somewhat vindicated. But here we are again.

It is clear from the city's description of a boarding house and how it should operate that the boarding house should leave the most minimal imprint upon the residential area in which it resides. As you can see from the photographs I have attached, the current footprint of 106 is rather large. Parking is an issue. Without off street parking for the "guests" at 106, our

portion of West Chestnut street is unsafe to travel. 106 is situated at the narrowest part of West Chestnut Street. The excess of cars on the street causes poor visibility. One of the vehicles associated with 106, a green truck sits most days at the corner of Orchard Street and West Chestnut blocking the view of oncoming traffic from any vehicle wishing to turn onto West Chestnut from Orchard. For the three vehicles I own as well as any visitors I may have there is never any off-street parking near my house. In fact, one vehicle sat in front of my house for 6 months with an expired registration. Despite the fact that my alderman, Mr. Gartenstein and the Chief of Police having full knowledge of this vehicle, there it sat unmolested while other such vehicles in violation of vehicle laws on my street were appropriately ticketed or towed. I understand that I cannot keep others from parking in front of my house, yet, it is strange that none of the "guests" of 106 ever park in front of their residence. To add to the clogged nature of this end of the street there is a city bus as well as school buses that make a stop in this area daily.

The application that has been submitted states over and over that the impact of this property is minimal. How can the presence of thirty or so adults with vehicles be minimal? For instance, the application states that there are no visitors allowed but that does not mean there are no visitors. The "guests" and their friends gather outside of the property. One of the more popular spots is the wall, just below my driveway in front of the property that was one the Black Lion. These gatherings are loud, sometimes accompanied with music from car radios. In the mornings empty bottles, and other garbage are left behind. This is quite a popular spot with the "guests" from 106. The foot and automobile traffic produced by each "guest" and

plus their visitors needs to be considered. Even if each “guest” has one friend stop by that is an additional thirty people. How can this number on a daily basis not impact the environment?

Not only does the city’s configuration of what a legal boarding house is protects the neighborhoods but it is clear that these regulations are in place to protect the people who have no other choice for housing. The assigned number of inhabitants prevents overcrowding and most importantly, the unannounced inspections insures that the residents are getting the exact type of living situation as prescribed by the city’s document. The applicant at 106 wants to have all of these important restrictions waived. In the application Mr. Sangi states that he has 40 years of experience running boarding homes. These forty years are marked with legal issues regarding his facilities. Now, I do believe that people can overcome their past and can be rehabilitated. But the narrative of Mr. Sangi’s past winds its way through this current application. In 1992, Mr. Sangi owned Victoria Park Residence and was charged with elderly abuse, medical neglect, financial abuse of the elderly and culpable negligence. Among the problems the state found upon inspection was bad record keeping and crowding—housing more than the 12 people it was licensed to serve at one time. In his application today, he would like you to waive the roster of residents he would be required to keep, the inspections and most importantly the limit on the number of people he can house. He is asking to literally fill his house to the rafters. Although 1992 seems like a long time ago, it would seem that Mr. Sangi wishes to operate today in a fashion similar to then. Also troubling is the mention in his narrative of a proposed program. In his application Mr. Sangi states that “Training and self-help programs on premises including 12 step Meetings and Group instruction that assist our residents in staying sober throughout their lives.” Although in theory I do think the idea of a

sober living facility is a good one, Mr. Sangi claimed to operate such a facility in New Hampshire. In 2004 was charged with 11 theft charges alleging he charged patients and their families for drug and alcohol treatment that he never delivered. This is all important because here we are in 2018 and it would appear that he wishes to do the same thing.

I would like you to dismiss this application. But if you must grant it, all of the laws as written need to be applied to this. None of them should be waived. Some of the most vulnerable people in our community will seek housing there and it is important that they be protected. There is no rational, moral or legal reason to permit the operation of 106 outside the constraints of city law.

Thank you, members of the committee for your time and service.

Donna Ford Grover

Peter Neal Grover – resident of 112 West Chestnut Street – wanted to speak to the Board about the environmental impacts that this house have on the neighborhood. When he first moved in, the property was a 12 resident house. The caretakers did well managing the property. There was one thing that this residence had in common with the neighbors and that was that the residents went to sleep at night. The management of the house changed and the number of people doubled. The noise increased and we no longer knew the neighbors. Mary Chisolm took over and some of the residents changed. She was actively seeking residents who were abused at the hands of others. We made her aware that smoking on the property had created a constant second hand smoke problem for neighbors. My 17 year old son was born in 2001 and has grown up with second hand smoke from the neighboring property. He has asthma, which has affected his ability to play sports and ambitions in pursuing sports related activities. He had been to a cardiopulmonary specialist who cited environmental issues, particularly second hand smoke. The number of residents has continued to increase. There were eventually over 30 people and Mary “Chiz” Chisolm made the statement that she would never turn anything away. Kingston’s sewer system connection was eventually unable to handle the sewage coming from the structure which resulted in a new line being run. The line that was abandoned does still serve his house. Traffic has been an issue. At any given hours, people are walking down the middle of the street.

Visual impact include highly constant activity with floodlights, poor painting, and artificial flowers. This house does not fit in with the neighboring Victorian houses. The Academy lofts were created in a way to fit in with the neighboring residents. It is difficult to see on the street due to the number of cars. The Coach House Players adds to the lack of parking and traffic issues. The City needs to have access to records to look at how the number of people increased. The Boarding House regulations were created bfor a reason and they should be considered in the decision. Contrary to what the ZBA said, this is a new impact. I hope that you will not grant the permit at all but if you do overlook the environmental issues, please do not issue any of the waivers from the zoning code.

Bethany Hamilton made the following statement to the Board. (A copy was submitted for the record)

Rec'd 12/17/18
PBmtg
SC

12/17/18

City of Kingston Planning Board

Dear Members of the Board,

We are writing in regard to the matter of 106 West Chestnut Street. We own 102 West Chestnut, which is immediately next door to 106. We are concerned about multiple environmental impacts that are occurring in our neighborhood, and will only worsen as a result of increased residency at 106 West Chestnut.

We have noticed the following environmental impacts:

- Multiple vehicles parked on the street that severely limit visibility for surrounding driveways and intersection.
- Multiple instances of vehicles stopped or parked in front of our driveway entrance, thereby blocking our access.
- Taxis and other vehicles honking repeatedly at various times of day and night.
- Further noise pollution ^{includes} multiple and constant outdoor conversations; announcements over a P.A. system, as well as piped music over the same system. These disruptions make it difficult for surrounding houses to enjoy their own outdoor space.

- Multiple smokers creating^{constant} air pollution again makes enjoying outdoor space difficult for neighbors
- 9 refuse containers lining their house/driveway that have caused^{cause} visual^{negative} disturbance^{impact}, will be a smell/odor problem in warm weather, and contribute to an existing pest problem.
- The presence of constant unknown people, either on foot or ~~in~~^{on} vehicles, makes it extremely difficult to feel comfortable and safe in this residential (R1) zone. In one instance, we had a strange woman in our yard, threatening our dogs, while clearly unstable and yelling loudly at 106. This is just one of many instances of this type of disturbance.
- These, and other, environmental impacts have negatively impacted our property value. During spring 2018, we placed our home on the market. Comps to our house were \$370,000. We were forced to list ours for \$330,000 because of the boarding house next door. We accepted an offer from a young family who was excited about ~~the~~^{our} house and its location - they looked forward to raising their children here. As they were having the house inspected, there was a disturbance at 106. ~~to notify the police~~ The family rescinded their offer and cited this commotion as the reason - they no longer felt confident^{that} this is a family-friendly neighborhood. All feedback ~~for~~ from other reactors was consistent - "great house, worried about neighbors".
- Finally, there are multiple fire, police, & EMS responses to the house^{at 106} on a regular basis.

These existing environmental impacts will only increase. ^{This board does not deny this special permit, but if you don't, please follow the laws of the city of Kingston} if the laws governing boarding houses in the City of Kingston are waived or granted variance. We encourage you to consider the well-being of the West Chestnut neighborhood as you consider this matter.

Sincerely,


Amanda N. Schmidt


Bethany Hamilton

Owners of 102 West Chestnut Street

Sari Ruff – Resident of 99 West Chestnut – I have a small child and I am not confident in the safety. Parking is an ongoing issue and she wanted to submit some photos of the parking problem.

Andy Champ-Duran – former member of the Zoning Board of Appeals from 2014-2017 – submitted copies of various documents. During his time on the ZBA he did some research about 106 W. Chestnut. He submitted an AP report of an issue in Florida where Mr. Sangi was accused of neglecting a woman in a nursing home that he owned. The woman suffered from bedsores so bad and was not given proper treatment. Mr. Sangi left Florida and moved to New Hampshire and changed his name to Mr. Sangiovani. Mr. Sangiovani was indicted on 15 counts of fraud or theft by deception. He was convicted. The second document is the order for return of property. While serving his prison term, he incorporated tri-serendipity. You heard from neighbors how good this home was as a home of 12 people. There is a letter from a resident complaining of bedbugs. Mr. Sangi responded to the complaint by kicking the person out. Mr. Sangi denied the person his dialysis machine. He gave himself fake certifications. A. Champ Duran said that his son and a friend were accosted by a resident. The person said that they were putting the devil into them in that building. When he was an actor he was told by a producer “don’t tell me, show me”. What has Mr. Sangi shown us, he has shown that he will do what he wants, he has a variance for 30 people, and he will have 42. He will put people in the ceiling. Take a look at the 4th document which lists the zoning law for a boarding house. The ZBA issued a variance, but please make sure he follows all of the requirements of the R-2.

Mark Mally, a resident and volunteer at 106 West Chestnut, both of which he is very proud of. He is upset to hear that so many of the speakers are not speaking under oath and what you are hearing is a lot of unsubstantiated facts. If they were under oath they would be committing perjury. One of the things about living in the house is the respect. This home is beautiful inside and out. He has witnessed many people with their shoulders up and chin up. People care more about safety and security. There are a lot of rules. People respect one another. We have too many volunteers at times, because so many are willing. The culture of the whole place is wonderful. He feels very blessed to be a resident.

Don Brenner (unsure of name) – resident – feels very lucky to be a resident of this home and would like to reiterate what Mr. Malik said about the respect for the place and each other. He is a volunteer there and it is one of the pleasures in his life. Mr. Sangi has been open and has been forthcoming. He feels very comfortable there. There is structure in the house. People are there to help. Some of the descriptions that people have given are not accurate. He again would like to say that he feels lucky to live there.

Joseph Sangi, owner, and Lanny Walter, attorney for the applicant, were present at the meeting. L. Walter gave the Board a history of the project and what has taken place since J. Sangi has been involved in the project. The City decided that the facility Mr. Sangi was operating was not sufficiently identical to what had been run in the structure previously. In the past the owners were asked to file a special permit. The application was rejected as a pre-existing use. By the time the attorney became involved, the courts had reduced the number of occupants to 7. This was not a viable number. Many people that come to the building, come through DSS. DSS pays \$14.86 a night. Mr. Sangi asked him to apply to federal court to help the place in operation under the fair housing act and the disability act. Under both administrations have tried to

expand the rights of people with disabilities. The goal is to create a place where people with disabilities can live comfortably. Many people that come to 106 West Chestnut don't want to be there really but they come to try to get themselves together to move on to their own apartment. Very few have vehicles. They have limited income. They take advantage of public transportation and taxis. Some do have vehicles. When the federal litigation started is ask the judge in Syracuse to grant a temporary restraining order and a preliminary injunction. There was a decision to allow Mr. Sangi to continue operating. There were a number of people at the hearing including the City's Corporation Counsel, outside counsel, member of the ZBA and residents of the structure. Members of the ZBA have visited the site. It is a very beautiful building. Mr. Sangi then proceeded to increase the number of people after the temporary restraining order. The City inspectors have determined that 39 people can live within the structure. They have determined that there are enough rooms and space within the rooms to accommodate 39 people. There are fire escapes, there have been fire inspections. The City and the applicants were encouraged by the Federal Court to try to resolve the dispute. Tri-serendipity was created by others, it is only recently that Chestnut Hill was established. We thought that applying for a variance was a waste of time. The Court has adjourned the temporary restraining order and has asked for monthly reports. We have been working through the variance. The building is in an R-1 zone but the zoning board was creative in making the decision that the structure follow the R-2 Boarding House section requiring a special permit. Most of the requirements are not being asked for waivers. Most people don't realize that there have been 39 people living in the structure for months. The purpose of the federal suit, they are there voluntarily. They are trying to resolve this matter. The ZBA found that there are no other economically viable uses for the property. We are hoping that the PB will allow him to operate in a way that is viable. 12 people and 8 rooms is not going to cut it. We need to have a number approaching 39 residents. The 3rd floor is not a violation of the multiple dwelling regulations. The requirement to keep registration of people is not something that should be included. Giving people the right to come in and inspect is not consistent with the rights of the people that live here. We are looking to resolve this matter without going back to Federal Court. But if we have to, we will go back to the Court.

W. Platte said that he would ask the applicants to respond to the comments that were given tonight. He is proposing to keep the public hearing open for a month. The public hearing will be closed before the next Planning Board meeting. L. Walter requested that the comments be sent to him. The Board also asked for a site visit. The Planning Office will work with the applicants and the Board to find a date and time.

My building exceeds the requirements of the building code with regard to the occupancy. No other boarding home in Kingston exceed the requirement.

Decision: The Board voted unanimously to table the application with the public hearing remaining open for 1 month (30 days). The Planning Office will work with the applicants to set up a site visit to the property. (WP, RJ, CP, JM, KR – yes; MW – recused)

OLD BUSINESS:

W. Platte announced that Common Council Liaison, Rennie Scott Childress was present.

Item #8: #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. Ward 8. Irish Cultural Center Hudson Valley Inc.; applicant/owner.

NOTE: Kevin Roach recused himself do to dealings with the ICCHV.

Discussion: W. Platte invited City Engineer, John Shulteis to the table. Bill Kearney, Brian Divine and Robert Carey were present at the meeting.

W. Platte said that at the previous meeting, the applicants were asked to submit updates to their Stormwater plan, a site plan with new dates, payment for outstanding DPW and Site Plan fees and we asked that the City Engineer attend the meeting. S. Cahill said that the outstanding fees were paid and the new plans were submitted with updated dates.

S. Cahill asked the City Engineer if he had reviewed the Stormwater management plan for the original application and whether he felt that it was adequate. She said that the question before the Board is whether the management plan was flawed or whether the implementation of the plan by the developer was the reason for the erosion issues. J. Shulteis said that he had reviewed the plans submitted and that it is his determination that the procedures and management of the plans and the maintenance of the measures were inadequate at times.

Brian Divine questioned the failures that happened at the site. He acknowledged that failures had happen some time ago, but asked said that since the mitigation measures were put into place, there have been no additional issues. B. Carey said that that they worked according to the plan but that the enormous amount of rain caused issues.

S. Cahill asked R. Carey to explain what had been happening at the site. R. Carey said, they performed the excavation with a volunteer subcontractor. Then when it rained they realized that a lot of water drained from the neighbor's property onto the site. We worked with our engineer and I think we have it to a point where it's stabilized. R. Jacobsen asked J. Shulteis if the plans were sufficient at this time and that measures are in place so that moving forward, there will be no issues. J. Shulteis said that the plan is adequate if it is implemented properly and maintained. These measures are temporary with a lifetime measured in months. These are no permanent, silt fence will fall down. Things need to be maintained on a regular basis and monitored.

W. Platte asked about the performance bond is in place. S. Cahill said that right now we have a letter of credit. The City Engineer will review the numbers and the applicants will need to submit a performance bond.

S. Cahill asked if J. Shulteis had any other concerns at this time. He replied that he did not.

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

Item 9: #394-400 Foxhall Avenue SITE PLAN AMENDMENT to approved plan for construction of a 2 ½ story mixed use building. SBL 48.302-4-21.100. SEQR Determination. Zone NB & M-1. Ward 6. Janet and Jim Nelson; applicant/owner.

Discussion: Paul Jankovitz, project architect, and Janet Nelson, owner, were present at the meeting. The owner had done work to the site during construction that did not conform to the approved site plan including changing the use from mixed use with an office space to a strictly residential building. After being contacted by the Planning Office and advised that changes to the plan required an application for an amendment, the owner appeared before the Board at the November 2018 PB Meeting. The Board requested changes to the landscaping plan including removal of the fence along the front of the property and the addition of trees to the Foxhall Avenue streetscape. P. Jankovitz presented a revised plan and explained that changes were made to the plans after discussing tree types with Augustine Nursery. The owner is proposing to remove the section of fence along the front of the building and to use lilac trees and Rose of Sharon bushes. S. Cahill said that she felt that Rose of Sharon bushes could cause an issue for visibility in and out of the site. She also requested the use of a variety of trees along the front, possibly alternating types. The Board also questioned an area shown as having gravel. P. Jankovitz said that there is a bus stop in front of the property and that children congregate in an area between this complex and the neighboring gas station. The owner is proposing a gravel area for the children to stand. The Board questioned the use of the gravel. K. DeDea questioned how gravel would be contained to avoid washing onto the sidewalk. M. Wiltshire said that she would like to see pavers be used instead of gravel. R. Jacobsen said that he would also like to see grass along this area and along the area with the trees. P. Jankovitz said that he would change the plans to reflect this change.

The owner had also been required to obtain a use variance from the Zoning Board of Appeals. This was granted at the December 2018 ZBA meeting. The Board advised the applicants that the additional residential unit would require an additional recreation fee.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the site plan amendment with the following conditions: a \$3000 recreation fee submitted to the Parks and Recreation Department, installation of street trees and lawn along Foxhall Avenue, the addition of porous pavers and grass areas in place of the gravel between this property and the gas station, Board Policy #6 signed on the final plans, and all original conditions. (WP, MW, CO, RJ, JM – yes)

The following are the original conditions from the March 2017 PB approval:

The Board voted unanimously to render a negative declaration of environmental significance and to approve the site plan with the following conditions: a lot line deletion application approved by the City of Kingston Planning Board and final maps and deeds filed with the County Clerk's Office, stormwater collection approved by the City Engineer, a recreation fee of \$6000 paid to the Parks and Recreation Department prior to the issuance of a building permit, installation of a Knox Box on the building for emergency access by the Fire Department, as well as, Board Policies 4, 4a, 6, 12, 14, 14a. The Board also voted to concur with the following Ulster County Planning Board comments. 1) Lighting Details – A lighting plan was submitted. P. Jankovitz stated that the lighting levels will comply with the IES recommendations. 2) Signage – All signage will conform to the zoning code 3) Fencing Details – Fencing details have been added to the plan. 4) Pedestrian Access – A sidewalk has been added to the plans to connect the project to the existing sidewalk. 5) Vehicular Access – The plans have been adjusted to limit and allow right hand ingress only at the entrance nearest the intersection. 6) Stormwater – The City Engineer is reviewing the plans for the catch basins. Final signoff is required.

NEW BUSINESS:

Item #10: #105 Mary's Avenue SITE PLAN AMENDMENT to the approved site plan to construct an addition to the hospital campus. SBL 56.41-3-1.110. SEQR Determination. Zone O-2 & RRR. Ward 9. Health Alliance of the Hudson Valley; applicant/owner

Note: Jamie Mills recused herself due to a working relationship with the hospital.

Discussion: Robert Ross, Executive VP of Northern Region, Westchester Medical Center, Joe Marsciovete, COO of HAHV, and Dennis Larios, project engineer, were present at the meeting. In the audience was Tom Brunelle Interim CEO of Health Alliance Hudson Valley, and Jerry Herington of HAHV.

D. Larios explained that the hospital is returning before the Board with a number of modifications to the approved plans. The plans were approved in March 2017 with an extension in March 2018 granting to March 2019.

R. Ross said that the changes that are being made are due to the direction that healthcare is going. These renovations will bring the Health Alliance to one hospital on one campus which is necessary. The plan includes a 79,000 sf 2 story addition and a 48,000 renovation of the existing space. This brings new technology and services. This plan includes a new emergency, ICU and birthing center. Most of the acute rehab is being done as an outpatient service which is resulting in a reduction of these beds. A new birthing center will be created with 7 procedure rooms. He stated that they have been working with the Department of Health and are awaiting their approval.

The following amendments were proposed. D. Larios presented plans to illustrate the changes.

- Elimination of two medical/surgical nursing units from the new construction. This was made possible because they will be renovating existing space/capacity on the Mary's Avenue campus instead. This changes allows them to remove the top two stories from the prior 4 story tower.
- The building footprint has been reduced slightly, but remains substantially the same.
- The ambulance and emergency department drive-up area has been changed slightly to eliminate a concrete deck approach and substitute this with conventional fill, sub-base and pavement
- Retaining walls along the west side of the emergency department area have been replaced with 3:1 earthen slope. The slope is to be landscaped. (Staff appreciates the removal of hardscape, but is looking for a final landscape plan for this area)

The changes to the building were made in consultation with the NYS Department of Health.

During construction, the Mary's Avenue entrance will become the main entrance.

S. Cahill said that she had spoken with the City Engineer about the changes and asked whether there were any concerns. J. Shulteis did not have any issues.

M. Wiltshire asked about the 20 bed reduction was related to acute rehab. R. Ross said that they are seeing a decline in this service. We are growing our outpatient service as a result of this

change. Because of this, we are able to convert 2 person rooms to single occupancy. Acute rehab is when a patient receives a service and then would typically be transferred for rehab within the hospital. This service is becoming increasingly an outpatient service.

D. Larios said that reduction in the number of floors will eliminate the need for 2 new water services from Mary's Avenue. This would have been a difficult addition. The changes to the plan and the reduction of floors eliminates the need which is a benefit of the new plans.

The Board asked whether the addition being added is being constructed in a way that would allow for additional floors in the future. The applicants said that it would not be sufficient for additional floors, however, the existing hospital can be additionally renovated to allow for an increase in space and services. This is something that could be considered if the need is there.

The Board discussed the removal of the helipad. The applicants said that the hospital is working with other property owners to utilize off sight helipads. J. Marsciovete said that the helicopters are used to take patients to other hospitals for increased level of care if necessary. The helipad is used approximately 2-3 times per month.

A determination of environmental significance was discussed. Under the original approval, the Board issued a Negative Declaration of Environmental Significance. The changes to the site plan, staff believes, reduce the impacts. Staff prepared a resolution for consideration to reaffirm the Negative Declaration.

Decision: The Board voted unanimously to adopt a resolution reaffirming the Negative Declaration of Environmental Significance and to approve the site plan modification as presented with all original conditions carried forward. (WP, KR, RJ, MW, CP – yes; JM – recuse)

Item #11: #9-17 & 21 North Front Street and 51 Schwenk Drive and a portion of Fair Street Extension LOT LINE DELETION of the Lands of Herzog's Supply Company and the City of Kingston. SBL 48.80-1-25, 26 & 24.120. SEQR Determination. Zone C-2, Mixed Use Overlay District, Stockade Historic District. Kingstonian Development, LLC/ applicant; Herzog's Supply Co. Inc. & City of Kingston/owner.

Discussion: The applicants requested that the application be tabled.

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

Item #12: #9-17 & 21 North Front Street and 51 Schwenk Drive and a portion of Fair Street Extension SITE PLAN/SPECIAL PERMIT to construct a Mixed Use building with a 420 car garage, 129 apartments, 32 hotel rooms, and 8000sf of retail space. SBL 48.80-1-25, 26 & 24.120. SEQR Determination. Zone C-2, Mixed Use Overlay District, Stockade Historic District. Kingstonian Development, LLC/ applicant; Herzog's Supply Co. Inc. & City of Kingston/owner.

Discussion: The applicants requested that the application be tabled.

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

ADDITIONAL:

S. Cahill asked if there were 2 board members who would like to sit and review all Board policies for accuracy or changes to assist with presenting a formal proposal. Due to the holidays and busy schedules, S. Cahill suggested that she would send out a poll and see if there were any members and dates in 2019.

Dec 17., 2018 MINUTES