



CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
April 15, 2019
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 April 15, 2019 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 MEMBERS/ALTERNATES PRESENT: Wayne D. Platte, Jr., Chairman, Charles Polacco, Vice Chair, MaryJo Wiltshire, Jamie Mills, and Kevin M. Roach.

BOARD MEMBERS/ALTERNATES ABSENT: Robert Jacobsen and Matt Gillis,

OTHERS: Suzanne Cahill; Planning Director, Kyla DeDea; Assistant Planner, Ald. Reynolds Scott-Childress; Common Council Liaison; 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- all limited to 2 minutes) Open public speaking 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.

Vince Rua resident of West Chestnut Street – Speaking about 106 West Chestnut Street – For the record he requested that S. Cahill invite the Chair of the ZBA to the Planning Board meeting to clarify the variance that was adopted by that Board. There is a difference of opinion between the ZBA Chair and the Daily Freeman and the Corporation Counsels Office. He has spoken to both A. Argulewicz, Chair of the

ZBA, and D. Gartenstein, Corp Counsel, to get a better understanding. T. Argulewicz said that the Board granted a variance to allow for the boarding house use but did not waive the number of tenants or rooms or people per room. Any comment on the third floor usage. The answer was no. Did they waive the reporting requirements? T. Argulewicz said no. Corp. Counsel said at a meeting that the ZBA did give a variance from the requirements as well as the use. The Daily Freeman wrote that the Planning Board was given the authority by the ZBA to waive the requirements if they saw fit. He submitted a copy of the resolution by the ZBA and a copy of the article in the Daily Freeman. The ZBA only granted a variance to have a boarding home, they did not waive the requirements in the zoning code regulating boarding homes. He asks that the Board consider inviting the the Chair of the ZBA to the Planning Board meeting to explain their decision.

Martin Malik – resident of 106 West Chestnut – The residents are grateful to the Board for considering this application. He also thanked Mr. Sangi for working so hard to make this happen and for disregarding the comments from the public. He is happy that 106 West Chestnut is a safe haven and a beacon of hope for the residents that live there.

Hillary Harvey – Resides at 26 Abeel Street – Read the following statement to the Board.

Public Comment for the Planning Board Meeting, April 15, 2019

My name is Hillary Harvey, and I live adjacent to the Irish Cultural Center on Abeel Street.

On Saturday, I was gardening in my yard when my 7-year-old son walked over to the construction fencing that the Irish Cultural Center put up on our shared property line. He stood there for just a moment before the ground dropped out from underneath him. Luckily, he was able to catch himself and scramble back up. It's about a 15 foot drop down to the ICC's pit, so my son could have gotten really hurt. Obviously, we are very upset.

Without any retaining walls, terracing that conforms to OSHA standards, or stabilized fencing on our side of the ICC's property, my property is collapsing. The ICC does no regular maintenance at the site. The silt fencing sags, the neighboring properties erode, and they haven't been back to do any work since the City Engineer cited them for violations last summer and forced them to add protections for 42 Abeel Street last summer/fall.

At your December 17th, 2018 meeting, City Engineer John Shulteis told you: **The plan is adequate if it is correctly maintained and implemented, and any of these measures are temporary measures with lifetimes measured in months. For example, a silt fence doesn't last for years and years. It has a tendency to fall down. You can't just install it and forget about it.**

After that, at your February meeting, despite our pleas for a positive declaration in SEQR, you determined that the ICC would have no environmental impact on our neighborhood.

I'm here to remind you that you decided that the Irish Cultural Center would have no environmental impact on the community. Even after they let their site plan approval lapse this year, and the City Engineer cited them with violations which caused degradation to the City property at Company Hill Path and to my neighbors' house at 42 Abeel Street, you decided that you did not need to re-evaluate any of your determinations on this application, including your SEQR review.

This site needs retaining walls and permanent, stabilized fencing. The construction fencing is not inserted into the ground, but weighted, and now floating in places.

Now I understand that you think I deserve whatever I get because I bought this property after the ICC bought theirs. And I understand that some of you have personal connections to the project applicants, that your parents donate to their organization, that you work for the city who defends this project whole heartedly.

But I am a mother, a home owner, and a tax payer in this city for the past decade. And the Planning Board is tasked with ensuring the safety and welfare of city residents. Your decisions have an impact on the safety of my children. What are you going to do to protect my children?

Neil Grover – 112 West Chestnut – Spoke about 106 West Chestnut – There is a zoning code and there are specific requirements for a Boarding House. It specifically says that the applicant should be the individual owner of the premise, not a limited liability company. The zoning code should not be adjusted for one person. Mr. Sangi, although he says he pays more taxes than the neighborhood, is 3 years behind on his taxes. Something doesn't seem right.

Leo Schupp – Spoke about 106 West Chestnut Street – As of noon time today, the draft resolution was not available. A board that is charged with overseeing development is disregarding what lawmakers found important. This is law that was put in place for everyone. You are relying heavily on advice from Corp. Counsel. Has anyone reached out to the ZBA or the NYS Council of Mayors to find out if you have the power to impose or not impose portion of the code. He would hope that there is at least mention in the resolution limiting the number of a residents to less than what is being asked in addition to requiring that they meet state building code. If you adopt any resolution stripping away the regulations listed in the zoning code, you will be setting a dangerous precedence citywide. It seems that the City would like this issue to go away because of the federal lawsuit. For this reason, he is suggesting that Chairman Platte recuse himself because of his affiliation with the Fire Department and the Building Department and the likelihood that he had involvement with this property over the years. He asked that the Board impose all regulations and restrictions listed in the code.

Owen Harvey – Lives at 26 Abeel Street – Spoke about 32 Abeel Street – Lives next to the ICC pit. It is difficult for him to find a place of forgiveness, it is difficult to forgive what the City and this Board permitted to happen to his son. He is angry and frustrated. Your actions led this to occurring. The safety his children is paramount and what happened the other day is inexcusable. Repeatedly he has come before this Board as a father and asked you to take into consideration the young children that live next to this property. The requests were ignored. The City is being asked to react to your poor oversight. Your unwillingness to understand what this project could cause has now jeopardized the safety of his children. This is before the project has even begun. Who knows what other issues will arise when the construction actually begins because of this Board's disinterest in the project. This Board is supposed to look out for the safety and welfare of the community. Now he knows that this Board is not even able to protect a 7 year old child. Today, he simply wants the Board to know that when Board members are out and they see him and his partner Hillary and their son Ignatius you should know that your actions almost killed this little boy.

Lynn Woods – 43 Hone Street – Was at the Harvey's home yesterday and the hole is very large and deep and is an incredible hazard. She urged the Board to take quick action to ensure that the land is made safe. Also, Company Hill Path is still a mess and the Planning Board included fixing this in their decision. We are getting to the tourist season and it is very visible. The history of Company Path included Mayor Sottile making a park on Company Hill Path. The trail system in Kingston includes this as one of the first trails in Kingston. This has been a mess for almost a year now.

Item #2: Adoption of the March 18, 2019 Planning Board Minutes.

Discussion: Chairman Platte asked the Board if they had time to review the minutes. The Board agreed and proposed no changes.

Decision: The Board voted unanimously to adopt the March 18, 2019 Planning Board Minutes. (WP, MW, CP, JM, KR – yes)

PUBLIC HEARINGS:

Item #3: #57-73 Summer Street SPECIAL PERMIT RENEWAL for a Community Residence. SBL 56.33-3-1. SEQR Determination. Zone R-1. Ward 5. United Cerebral Palsy of Ulster County, Inc.; applicant/owner.

Discussion: No one spoke at the public hearing. Gerard Norman, CEO of United Cerebral Palsy of Ulster County was present at the meeting. The application is for a renewal of the current special permit to operate a Community Residence, housing 14 individuals and operated by United Cerebral Palsy of Ulster County. There have been no changes in the use of the facility since the original permit was issued in June 1989. The agency has been operating a residential program at this location since 1981. The most recent Planning Board review was 2017 with a renewal granted for the maximum period of two years.

The applicant confirmed that there have been no changes to the permit.

There were no issues listed with the Building Safety Division.

The Board had no additional questions for the applicant. Under the City Zoning Ordinance, Community Residences are subject to the requirements outlined in Section 405-9 B (7). One requirement is that the home be registered with the City Clerk. The following information is required to be filed with the City Clerk and kept up to date; 1- The name of the operating agency; 2- The name(s) of the resident supervisor; 3- The maximum number of persons that will live in the facility; 4- The appropriate licenses and certifications.

A term for the special permit was discussed. The Zoning Ordinance limits the maximum term for agency group homes/community residences to a period of two (2) years. The Board agreed to continue the maximum 2 year term.

A determination of environmental significance was discussed. Because the project involves no change and is purely an 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 renew the special permit for a period of two years, expiring on April 15, 2021 with all original conditions carried forward. (WP, CP, MW, JM, KR – yes)

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

Discussion: No one spoke at the public hearing. Alicja Kowalska was present at the meeting. The application is to renew the special permit for a 5 room Bed & Breakfast in the R-2 zone. The application was originally approved in October 2010 and has been renewed annually with the most recent renewal in 2018.

The applicant stated that she is still operating a Tea Room out of the home as part of the B&B. The tea room offers teas and small sandwiches/snacks for patrons and small parties. The

applicant applied for and received a variance for the use as a tea room. The web site states that the tea room is available. <http://akingstonbedandbreakfast.com/>

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

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

A term for the special permit renewal for the 5 rooms will need to be set. By Code, annual renewal is the maximum term, requiring public hearings. The Board should discuss maintaining the one 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, 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 one year, expiring on April 15, 2020 with all original conditions carried forward. (WP, KR, CP, MW, JM – yes)

Item #5: #85 & 87 Abeel Street & 70 W Union Street SPECIAL PERMIT RENEWAL to operate a Bed & Breakfast. SBL 56.43-2-20 & 21 & 56.43-2-10. SEQR Determination. Zone RT, HAC, Rondout Historic District. Ward 8. Tamara Ehlin; applicant/owner.

Discussion: No one spoke at the public hearing. Tamara Ehlin was present at the meeting. The application is to renew the special permit to operate a bed and breakfast in an existing 2 family home on Abeel Street. The name of the B&B is called “The Forsyth.”

T. Ehlin explained that there is a change to the permit since the original approval. The barn on West Union Street which was originally included in the Planning Board decision as 2 parking spaces, has been renovated into a fifth space for rent. The applicant had received a Building Permit to install a bathroom. Staff advised the applicant before the meeting that because the building is situated on a separate tax lot but it is used as part of the B&B, it is recommended that the applicant consider deleting the property line between the 85 Abeel Street and 70 W. Union Street lots and create one parcel with a 5 room B&B. T. Ehlin said that she had planned to combine the parcels but had not gotten around to it yet. She agreed that she will begin the process. W. Platte stated that the Board would look at approval for the 4 room B&B and that the 5th room would return with an amended application and a lot line deletion.

Due to the addition of the rental space in an area previously included as 2 parking spaces, the Board must consider increasing the parking waiver or requiring a parking variance to be obtained. This will be considered under the amendment but T. Ehlin provided a letter from the neighbor that offered the use of 3 spaces. The neighbor has 3 units requiring 6 spaces and his lot contains 9.

During the original review, the owner was provided section 405-45 of the zoning code specifying the requirements of Bed & Breakfast

Term – A term for the special permit was discussed. Zoning code section 405-45(B)(1) requires annual renewals of the special permit by the Planning Board. The Board agreed to the 1 year term.

Board Policies - #5 – gravel parking (if proposed) maintained as originally developed, #6 – signature on final plans, #7 – approvals valid for 1 year with conditions met within that year, #10 – banners and flags prohibited with the exception of grand openings, #14 – Dig Safely contacted for any ground disturbance, #22 – carbon monoxide detectors required, #23 – protection and maintenance of bluestone sidewalks.

The application is considered a Type II Action under SEQR. No further review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to renew the original special permit for 4 units period of one year, expiring on April 15, 2020 with all original conditions carried forward. The addition of the 5th rental room and a lot line deletion will return to the Board for review and approval. (WP, KR, CP, MW, JM – yes)

Item #6: #200 North Street SITE PLAN/SPECIAL PERMIT AMENDMENT to include landscaping parking, changes to campsites, and other pedestrian and security accommodations. SBL 48.84-1-4. SEQR Determination. Zone RF-H and RRR, Heritage Area and Coastal Zone. Ward 9. North Street Brick Works, LLC/applicant/owner.

Discussion: No one spoke at the public hearing. The applicants were not present. Staff informed the Board that a resolution had been prepared for the Board's consideration declaring themselves Lead Agency in the SEQR review.

Chairman Platte read the resolution into record.

Decision: The Board voted unanimously to adopt the resolution declaring themselves Lead Agency in the SEQR review. WP, MJW, CP, JM, KR – yes)

Item #7: #69 Spring Street SPECIAL PERMIT RENEWAL for a 2-room bed and breakfast. SBL 56.42-7-14. SEQR Determination. Zone RT, Rondout West Historic District. Ward 8. Maribel Rodriguez; applicant /owner.

Discussion: No one spoke at the public hearing. Maribel Rodriguez was present at the meeting.

The proposal is to renew a special permit for a 2-bedroom bed and breakfast, "Bells Inn". The original permit was granted in February 2004 and has been renewed annually ever since.

A parking variance, granted in March 2004, is carried forward with the use of the property pending no changes.

M. Rodriguez said that her business has been doing well but that it has dropped because of Air B&B's and competition.

There are no recent complaints listed with the Building Safety Division.

There were no incidents listed with KPD for the past year.

A term for the special permit was discussed. The Zoning Ordinance stipulates that special permits for B&B's are subject to annual renewal. The Board agreed to continuing the 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 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 for a period of 1 year, expiring on April 15, 2020, with all original conditions carried forward. (WP, JM, MW, CP, KR – yes)

OLD BUSINESS:

Item #8: #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.

Discussion: Joseph Sangi and Lanny Walter, attorney for the applicant, were present at the meeting. A resolution had been drafted for consideration. The resolution included the items discussed at the March 2019 Planning Board meeting.

Chairman Platte asked the Board members if they had any additional items that they wanted to discuss. The applicants were provided a copy of the resolution.

J. Mills said that she had thought about this application and the existing regulations and that she feels that it is important to follow the regulations listed in the zoning code. She said that if the Board and the City feel that there are certain regulations that are unreasonable, the Common Council should address them and amend the code. She said that she feels that by not imposing the sections of the code that exist, it is opening a Pandora's Box for all other applications that come before the Board.

C. Polacco asked how many people are living in the building. Staff stated that the applicant is requesting permission for 39 people which is the number currently living on site with an operating permit from 2013. After inspection by the Building Safety Division, the applicant was told that 1 person from the "cottage" should be removed because the room does not meet the square footage requirement. The total would 38 people maximum.

Chairman Platte read the resolution into record for the Board to consider.

Decision: The Board voted to adopt the resolution to approve the special permit to operate a boarding house for up to 38 people, for a period of 1 year expiring on April 15, 2020, with the conditions set forth in the resolution. (WP, KR, CP – yes; JM – no)



Resolution of the City of Kingston Planning Board
Approving the Site Plan/Special Permit for ~~56.34-11-22~~
#106 West Chestnut (SBL56.34-11-22)

RECEIVED:
RECEIVED BY DS
DATE 4/16/19
TIME 10:50 AM

Motion By: Wayne
Second By: Karla Roach

WHEREAS, Chestnut Hill NY Inc. (the Applicant) has submitted a complete application to the City of Kingston Planning Board, to operate a Boarding Home, which will be located in two existing buildings on the grounds of 106 West Chestnut Street; and

WHEREAS, the project is located at #106 West Chestnut Street, Kingston, New York (SBL 56.34-11-22); and

WHEREAS, the property was granted a use variance and area variance by the Zoning Board of Appeals on October 11, 2018 which provided, in relevant part that "the applicant is granted a use variance to operate a Boarding Home in accordance with the special permit provision applicable in the R-2 zone on such terms and conditions as approved by the Planning Board. The applicant is further granted a variance from such requirements set forth in section 405-12(B)(2) and section 405-12(3) as deemed appropriate by the Planning Board"; and

WHEREAS, the ZBA determined that the Code reasonably requires an operator of a boarding home to secure a special permit, and squarely places jurisdiction over special permits in the Planning Board; and

WHEREAS, the ZBA considered the general sections of the Code regarding special permits for all properties in the City (section 405-32), as well as the section regarding special permits specifically for Boarding Homes (section 405-12(B)(2)); and

WHEREAS, the ZBA determined that by granting a variance from section 405-12(B)(2), but deferring to the Planning Board's more general authority under section 405-32, the Planning Board can continue to "take into consideration the public health, safety and welfare" and can prescribe "appropriate conditions and safeguards to insure the accomplishment" of the specific objectives set for the 405-32(A)(1-3); and

WHEREAS, the applicant was granted a use variance to operate a boarding home in accordance with the special permit provisions applicable in an R-2 zone, on such terms and conditions as approved by the Planning Board; and

WHEREAS, the applicant was further granted a variance from such requirements set forth in section 405-12, as deemed appropriate by the Planning Board in its consideration and determination regarding the application for a special permit.

WHEREAS, the Planning Board held a public hearing on the project on December 17, 2018 remaining open for written comments for 30 days. Comments are available by FOIL in the office.

WHEREAS, the Board reviewed all plans submitted, supporting documentation, public record and comment, having duly deliberated; and

WHEREAS, the Board having considered and addressed each of the requirements set forth in the City of Kingston Code Section 405-12 to determine what, if any conditions to impose on the property pursuant to its general Special Permit authority set forth in City Code 405-32 and:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF KINGSTON PLANNING BOARD, AS FOLLOWS:

Section 1: The Board has thoroughly reviewed all documentation and public comment.

Section 2: The Board votes to approve the Site Plan/Special Permit for a Boarding Home located at 106 West Chestnut Street on the following terms and conditions, pursuant to its authority vested under City Code Section 405.32

Section 3: The Board votes that the property owner shall comply in all respects with the New York State Building Code and Electrical Code and all relevant local laws outside of those specifically listed in the use and area variances; and

Section 3: The Board imposes the following conditions on the special permit, which, upon renewal may be expanded on after consideration by the Board and with cause:

- At the time of the issuance of such special permit and at all times when said premises are used as a rooming house or boardinghouse, the owner thereof shall maintain his residence in and shall actually reside in said premises or there shall be a permanent resident of the City of Kingston who shall be the resident agent responsible for the management of the rooming house or boardinghouse.
- Occupancy limits will comply with all relevant NYS codes and local codes pertaining to the use and occupancy including, but not limited to, Building Codes, Electrical Codes and Multiple Dwelling codes.
- All rooming houses and boardinghouses shall be heated by a central heating plant or permanently installed electric baseboard panel heating. No portable heating units are allowed.
- No cooking or storage of foodstuffs shall be permitted in any room other than a kitchen.
- No sinks shall be installed or used in any sleeping room, but basins shall be permitted for personal washing and shaving. Such basins, however, shall not be used for washing of clothes and dishes or any unsanitary purposes.
- The owner or resident agent of every rooming house and boardinghouse shall change supplied bed linens and towels therein at least once each week or prior to the letting of any room to any occupant. The owner or resident agent shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- All garbage and kitchen wastes in every rooming house and boardinghouse shall be immediately deposited in suitable covered receptacles which shall be disposed of as needed in such a way as not to be or become offensive or unsanitary.
- All sleeping rooms shall be numbered with raised figures not less than three inches in height placed on the outside of the door to each room, and no two rooms shall bear the same number.
- Each and every floor on which rooms are occupied by roomers and boarders shall be equipped with a fire extinguisher in good working condition readily accessible for use at all times and approved by the Fire Prevention Bureau of the City of Kingston.
- Third floor occupancy is permitted as long as it is in compliance with New York State Multiple Residence Law and Building Codes.
- The van must be parked in the driveway except when being used for drop off or pick up of residents. Parking for the remainder of the building received a variance from the ZBA.
- Inspections of the property by the Building Department are required as part of the special permit process and will be done at a minimum of once per year. Additional inspections may be required by the Building Department or other agencies outside of the permit renewal.
- Every rooming house and boardinghouse and every part of the premises shall be at all times kept clean and free from dirt, filth and rubbish and in a sanitary condition. Cleaning and renovation shall be secured as may be ordered by the Building Safety Division of the Fire Department.
- No sign shall be erected that identifies or advertises the use of the rooming house or boardinghouse for such purpose.
- Said use shall conform and be maintained in harmony with the overall character and appearance of the surrounding neighborhood.
- Compliance with the Noise Ordinance
- Installation of a Knox Box for emergency access by the Fire Department.
- Refuse pickup by a private hauler

Section 4: That this resolution shall take effect immediately.

MEMBERS	Absent/Present	SIGNATURE	YE S	NO	ABSTAIN
WAYNE PLATTE	1 ✓	<i>Wayne D. Platte</i>	✓		
CHARLES POLACCO	1 ✓	<i>Charles Polacco</i>	✓		
MARYJO WILTSHIRE	1 ✓	Recused			✓
ROBERT JACOBSEN	✓ 1				
MATTHEW GILLIS	✓ 1				
JAMIE MILLS	1 ✓	<i>Jamie Mills</i>		✓	
KEVIN M. ROACH	1 ✓	<i>Kevin M. Roach</i>	✓		

Wayne D. Platte

 Wayne D. Platte Jr., Planning Board Chairman

³ / ¹ / ¹
 4/15/19

 Date

Item #9: #65 John Street & 42 Crown Street LOT LINE REVISION of the Lands of Gerald Celente. SBL 48.331-1-22 & 23. SEQR Determination. Zone C-2, Stockade Historic District. Ward 2. Gerald Celente; applicant/owner.

Discussion: Scott Dutton, architect, and Ron Pordy, attorney, were present at the meeting. R. Pordy explained that the application is for a lot line revision between two properties under the same ownership. The purpose of the revision is to add additional outdoor space to the 65 John Street building for purposes of seating for the restaurant use. This property is also on the agenda as a site plan for creation/expansion of a restaurant.

The new lot line will allow for 65 John Street to include 6,555sf of area. This will result in 65 John Street being 8,440sf and 42 Crown Street being 7,081sf. There are no minimum lot size requirements for the C-2 zone.

The applicants are aware 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. The Board also informed the applicants that a minimum of 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.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the lot line revision as submitted. (WP, MJW, CP, JM, KR – yes)

Item #10: #65 John Street & 42 Crown Street SITE PLAN to establish a restaurant and outside seating. SBL 48.331-1-22 & 23. SEQR Determination. Zone C-2, Stockade Historic District. Ward 2. Gerald Celente; applicant/owner.

Discussion: Scott Dutton, architect, and Ron Pordy, attorney, were present at the meeting. The site plan is to establish a restaurant in an existing building. The application also includes a proposed addition and an outdoor seating area.

The project narrative stated that the restaurant and bar will be open 7 days a week from 11am to approximately 10pm on weekdays and later on weekends. Lunch and dinner will be served. It is anticipated that there will be 3-5 employees per shift.

S. Dutton explained that the plans include an addition to the rear of the building. The addition will include a lot of glass facing the street and the end of the wall will be stone façade. S. Dutton explained that the owner has applied for historic designation for the building and that there is consideration as to whether they will see Historic Tax Credits. S. Dutton said that this would increase the timeline for construction because there is an increased review for tax credits. He and R. Pordy requested that if the Board approved the project, to consider issuing a longer approval time for the application to remain valid. It will take longer than 120 days to obtain a building permit.

In addition to the site layout, interior floor plans and elevations were submitted as well. The interior floor plans show that a bar will be near the street entrance with seating throughout the building and a kitchen in the rear.

There is no parking on site. R. Porady said that they are requesting that the Board consider a waiver of 36 parking spaces with approximately 20 seasonal spaces associated with the outdoor dining. The location is within 400ft of the municipal parking lots. The Board also considered that the building is directly across from the UC parking lot which allows for parking after hours and on weekends. The Board agreed to issue the parking waiver.

Referral was made to the Ulster County Planning Board. The Board was advised that the County returned a No County Impact decision.

The project was also referred to both the HLPC (approved with certain conditions) and the HAC (approved as submitted).

Refuse will be removed by a private hauler.

R. Porady provided documentation regarding the designation of the application as a Type II action under SEQR 617.5(c)(9) and therefore it is predetermined to have no negative environmental impact and no further review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the site plan with the following conditions: documentation of the easement between the two properties, refuse pickup by a private hauler, installation of a Knox Box, completion and filing of the lot line revision prior to construction, and a valid approval for 1 year in order to apply for a building permit. The Board also voted to waive the parking requirement for the use which included 36 parking spaces and 20 seasonal parking spaces. (WP, MW, CP, JM, KR – yes)

Item #11: #59 Greenkill Avenue SITE PLAN to construct a second story on an existing building. SBL 56.109-4-29. SEQR Determination. Zone O-2, MUOD. Ward 4. Greenkill News LLC (John Hallstein) applicant/owner.

Discussion: Scott Dutton, project architect, was present to represent the owner. The application is to add an 1859sf second story addition onto an existing building on Greenkill Avenue.

S. Dutton explained that the owner recently purchased the building because he is working on a lot of construction projects in Kingston and would like to have an office closer to his work. He presented the elevations floor plans to the Board. The elevations show that the second story will be recessed with an area around the perimeter for a deck. The ground floor is brick and will remain as is. For the time being with some general cleanup. The second story will have a metal standing seam siding. The floor plans show that the spaces will be divided into offices. There is no residential proposed for the building at this time.

A parking calculation was completed showing a need for 19 spaces based on the calculation for office. S. Dutton explained that the building will realistically have about 4 people working and much of the space will be dedicated to work space for woodworking and material storage. The owner also owns the adjacent lot which has historically been used as a parking lot for this building. It is completely paved and no changes are proposed at this time.

The Board asked about the streetscape. S. Dutton said that there were no plans to add any landscaping at this time but that the owner is doing general cleanup of the site. He said that he is a gardener and bee keeper and that he would likely be open to adding some landscaping. The Board required that the applicant submit a landscaping plan to the Planning Office for review.

The application was referred to the Ulster County Planning Board for review. The recommendation came back as “No County Impact”.

Board Policies #6 – signature, #10 – use of banners and flags is prohibited except for 30 day grand opening, #11 – signage limited to 20% of window coverage, #19 – compliance with noise ordinance, #24 – compliance with code section 358-9 regarding obstructions/projections onto City ROW.

The action was considered a Type II action under SEQR 617.5(c)(9) and therefore is predetermined to have no negative environmental impact and no further review of the Board is required.

Decision: The Board voted unanimously to render the action a type II under SEQR and to approve the site plan to construct a second story addition for use as additional office space with the following conditions: review of signage, installation of a Knox Box, and a landscaping plan submitted to the Planning Office. (WP, CP, MW, JM, KR – yes)

Item #12: #34 Franklin Street SPECIAL PERMIT to establish a Boarding House. SBL 56.93-2-6. SEQR Determination. Zone R-2. Ward 4. Jaqueline Lambert: applicant/owner.

Discussion: Jaqueline Lambert was present at the meeting. The application is for approval to operate a Boarding House in the R-2 zone. Staff explained to the Board that in conversation with the Building Department they were advised that the Building Department had been to the site and that the maximum number of residents is limited to 5 people. J. Lambert has been advised of this number and asked about renting a room on the ground floor. Staff suggested that the applicant seek approval for the 5 people and that additional room requests could be considered upon renewal of the special permit. There had been some complaints from neighbors in the past about the number of people living in the house and therefore it was recommended to keep the number to 5 to allow for the boarding house to be established. If there are no issues, the number could be revisited in the future.

The Planning Office provided section 405-12(B)(2) of the zoning code which lists the requirements for Boarding Houses. 405-12(B)(2)(b)[2] states that the owner must reside in the house or have a resident agent responsible for management. The applicant has stated that she does not live there but that she will be on premises 8 hours a day cooking meals and maintaining

the home. She stated in her narrative that she will have 1 employee residing in the home, present and managing when she is not there.

The parking requirement of 1 space per occupant based on maximum occupancy, plus 1 space per employee. If there are a maximum of 5 residents the use would require 6 spaces. These spaces would be located in the rear yard. The Board discussed adding a gravel area for parking rather than paving the backyard. The applicant agreed that she would accommodate the 6 spaces with gravel.

The applicant had been made aware that the change in use to a boarding house will likely change the assessment to non-homestead which will likely have an effect on the taxes for the property. The Board confirmed that she understood that this will change. J. Lambert said yes.

A term was discussed for the special permit. Staff advised the Board and the applicant that there is a limit of 1 year for a boarding house. The Board agreed to the 1 year term.

The application was considered an Unlisted Action under SEQR, a determination of Environmental Significance was discussed.

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 April 15, 2020, with the following conditions: compliance with zoning code section 405-12(B)(2) of the zoning code, a resident manager with contact information submitted to the Planning Office, a gravel parking area with details submitted to the Planning Office, as well as, Board Policies #5, 6, 19. (WP, KR, MW, CP, JM – yes)

Item #13: #107 & 119 Dewitt Street LOT LINE REVISION of the Lands of Dennis J. and Valerie J. Connors. SBL 56.49-3-35.100 & 35.200. SEQR Determination. Zone R-1. Ward 9. Dennis and Valerie Connors; applicants/owners.

Discussion: Staff explained that the application will need to be tabled again because there are still questions and conflicting information regarding the end of Dewitt Street.

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