



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
February 19, 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. (4) Jamie Mills voted in place of Robert Jacobsen until item #13 when she exited the meeting and Kevin Roach voted for the remaining items.

A meeting of the City of Kingston Planning Board was held on February 19, 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 Wayne D. Platte Jr.

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

BOARD/ALTERNATES ABSENT: Robert Jacobsen.

OTHERS PRESENT: Suzanne Cahill, Planning Director, Kyla Haber, Assistant Planner, Kevin Bryant, Corporation Counsel, and Ald. Reynold Scott-Childress, Common Council Liaison.

GENERAL NOTES:

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers
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) Open public speaking is limited to 2 minutes per individual on 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 and open public speaking is not

Christine Schrader – 18 Ora Place – There is a business at 26 Downs Street that has a neon sign business, then they added a café, now they have a yoga studio and a gallery for the neon signs. There is a huge parking problem as a result of this. There are so many cars that emergency vehicles cannot get down the street on Ora Place because of cars parked on the street. This is a safety problem and she has been to the Mayor and other departments about the problem. She has spoken to the aldermen and feels that nothing is being done. Now there is going to be a walkway. People are parking all over including in front of the fire hydrant. There is also a mosque which has a lot of cars during services. The traffic and parking is dangerous.

Owen Harvey – 26 Abeel Street – Speaking about 32 Abeel Street – Reiterates that he would like the Board to consider reopening SEQR. He feels that the previous determination by the Board stating that there would be no negative environmental impact proved to be false. This is a new opportunity to reopen SEQR. This Board was aware that this property was not included in the Brownfield Opportunity Area SEQR.

Lin Wood – Regarding 32 Abeel Street – She agrees with the previous speaker. Company Hill Path wall is mostly gone and completely destroyed. This is a historic landmark in Kingston and is to be the front door to the ICCHV. This is going to be an issue during the tourist season. This needs to be fixed and it has been months. It needs to be fixed. The Planning Board should do something.

Vincent Rua – 214 West Chestnut – down the street from 106 W Chestnut – At the last meeting, the developer stated that he pays a lot in property taxes. He is speaking in support of the application to approve 106 West Chestnut Street but he believes it should be with the number of rooms and tenants specified in the code. It is his understanding that the PB asked for guidance from Corp Counsel as to what the ZBA granted as part of the variance. He thought it would be useful in reviewing what the ZBA did as was recorded in his notes of the meeting. The applicants asked for a use variance for a boutique hotel, when he was told that this was not possible, he then asked for a boarding house. In the course of this discuss, the attorney for the applicant asked for a waiver from the restriction on the number of rooms, the number of tenants and the requirement of keeping the list of tenants. The ZBA told them that this would not be considered and denied them. The ZBA then issued a use variance and a variance from the parking requirement. The ZBA then said that the Planning Board may waive the requirements as they see fit for purposes of receiving a special permit. The Planning Board should make the same determination as the ZBA and if the permit is granted, the list of requirements should be included including the number of rooms being limited to 10 and the number of tenants to 12.

Leo Schupp – 39 Dietz Court – Speaking about 106 West Chestnut – Thinks he speaks for most of his neighbors in that they oppose this application for a 39 person boarding house. The applicants made some comments at the previous meeting including in reference to the blotter incident report, the applicants say that things happen at other properties as well. This is true but a facility like this has more than others. It was also stated that this structure has always been home to more than just a regular family. This is true but not more than 5 families of 6 or 7 and another family of 6 crammed in a garage. This garage was previously approved for a

caretaker which should continue or better yet, be demolished for parking. At previous meetings we were told that there was only enough room in the driveway for one car but recently, there were 3 cars and the shuttle bus. The maintaining of a register of residents is not unconstitutional, many hotels and motels do it. Inspections are not an intrusion, they are a fact of life for many businesses. These requirements are meant to protect the health and safety. The applicant complained that his taxes were so high as opposed to the others in the neighborhood, the primary reason is likely that others are not operating a business out of their homes. If this is approved, the use would be a legal boarding house and will increase the value of this property while decreasing the value of others in the neighborhood. This property owner is in the rears on paying the property tax for this property.

Neil Grover – 112 West Chestnut Street – Regarding 106 West Chestnut – Remind the Board that the Board is tasked with reviewing project that are a benefit or a detriment to the community and are in keeping with the City plan. He hopes that the Board will keep within its purview of land use law. If you approve an annually renewed permit with the regulations intact, and the applicant feels that he has a case against the decision because he will not be able to reap as much benefit, they he can pursue that argument. These regulations have been in place for a long time before this application and the City is not legally bound to

Barbara Scott – 66 Spruce Street – Speaking about the ICCHV – There is no information on how funding will take place.

Joe DiFalco – 66 Glen Street – If the Board gives permission for the ICCHV to move forward, the State is in a shortfall, there will be no money from the State to fund this project. If Company Hill Path is historic, it should be protected.

Tanya Garment – 102 Wurts Street – Regarding Item #6 – 76-88 Spring Street, known as Tubby Row – At a previous meeting, the Planning Board tabled the application due to pending litigation. Things that were presented at the HLPC and HAC meetings were not done exactly as were presented. It is unclear at this time, whether that litigation has been resolved or whether it is still pending.

Alan Baer – Item # 6 - #76-88 Spring Street – Alan Baer read a letter on behalf of the Historic Landmarks Preservation Commission – In September 2017, the HLPC reviewed the application for a Preservation Notice of Action for exterior work to this important example of affordable workers housing built in 1870 in the then prevailing Second Empire style by the Tubby family. At that time, the applicant described in great detail a faithful restoration which was illustrated with measured drawings. They issued approval for the work. In June 2018, members of the HLPC received frantic calls from neighbors of the project reporting that workers were removing the tall French windows and double leaf wood and glass doors from the first floor of the Spring Street façade. Such changes were not mentioned in the application review. This is not a case of ignorance because the applicants knew that approval was needed for exterior changes. This is not a case of financial hardship either since the property is listed on the National Register of Historic Places as a contributing resource in the Rondout West Strand Historic District and located in a qualifying census tract, making it eligible for the NYS and Federal commercial rehabilitation tax credit to offset expense associated with restoration work. It is understood that the Corp. Counsel's Office has been pursuing legal action to rectify this violation. The

HLPC asks that the Planning Board continue to table the application until the matter is settled and the windows and doors are restored.

Item #2: Adoption of the January 22, 2019 Planning Board Minutes.

Discussion: Chairman Platte asked if everyone had an opportunity to read the minutes and if there were any proposed corrections. No one had any comments.

Decision: The Board voted unanimously to approve the January 22, 2019 minutes. (WP, CP, MW, MG, JM – yes)

PUBLIC HEARINGS:

Item #3: #53 Wiltwyck Avenue SPECIAL PERMIT RENEWAL for art studio and gallery. SBL 48.318-5-4. SEQR Determination. Zone R-2. Ward 6. Louis E. Gnida & Talya Baharal-Gnida; applicant/owner.

Discussion: No one spoke at the public hearing. Louis E. Gnida & Talya Baharal-Gnida were present at the meeting. The owners are painters and have been using the space as their own studio.

Chairman Platte welcomed the applicants and asked how the operations were going at the site. The applicants said that there were no issues and that the neighbors have been happy to have them there.

The applicants are renewing their application to continue use of the building formerly occupied by the Church of the Nazarene, as an art studio and gallery. The original application was in February 2017, then again in February 2018 for a period 1 year.

The owners have had showings at the gallery in coordination with the First Saturday event. The space does not operate as a gallery except during scheduled showings.

Staff explained that the owners were requesting an increased term. They were hoping that renewals would not be necessary in the future. The Board discussed a term for the use and decided to increase the term to 3 years.

Variances – Two area variances were applied for and received on March 21, 2017. The variances received include an area variance from section 405-12(B)(4) – “art galleries on lots having an area of 20,000sf, provided that no building is erected nearer than 25ft to any street or property line” and a variance from the required off street parking 6 spaces required, 0 spaces provided.

A determination of environmental significance was discussed. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and therefore was 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 3 years, expiring on February 19, 2022 with all original

conditions carried forward. If ownership changes, the new owner would return to the Board for the special permit. (WP, MG, MW, CP, JM – yes)

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

Discussion: No one spoke at the public hearing. Maria Dijk was present at the meeting. The application is to renew the special permit for a Bed & Breakfast/Inn. The B&B/Inn took the place of the owner's artist studio on the ground floor. The special permit was first approved on January 13, 2014 for a 1 year term and has been approved annually with the most recent renewal in February 2017 for a period of 1 year.

Bed & Breakfasts are allowed by special permit in the Rondout Historic District but require annual renewals. There have been no complaints to the Planning Office and no issues are listed with the Building Safety Division.

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

Police incident reports were requested. KPD informed the Planning Office that there have been no incidents within the past year at this location.

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 no further review 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 1 year, expiring on February 19, 2019, with all original conditions carried forward. (WP, MG, MW, CP, JM – yes)

Item #5: #245 Washington Avenue SPECIAL PERMIT RENEWAL for a gas regulating station. SBL 56.90-6-20. SEQR Determination. Zone R-1. Ward 3. Central Hudson Gas & Electric; applicant/owner.

Discussion: No one spoke at the public hearing. Anthony Moran, attorney for Central Hudson, was present at the meeting. The application is for renewal of the special permit to operate a gas regulating station. Since the original permit was originally approved in February 2018.

W. Platte asked the applicant about the regulator on Emerson Street. A. Moran said that the regulator was removed and the space was filled. The new regulator is up and running and all conditions have been met. The original conditions included: removal of existing underground facility and restoration of the area on Emerson Street, all landscaping to be maintained at the new location on a regular basis, screening maintained and replaced if necessary, sidewalks along the street will be maintained in kind or improved and kept clear, any and all changes will be brought back to the Board for review and consideration, above ground piping will be wrapped

to assist with sound attenuation, and Board Policies #5 – maintenance of driveways, 6 – signature on plans, 14 – dig safely, 19 – compliance with noise ordinance, 23 – preserve and maintain bluestone sidewalks.

The Board discussed a term for the permit. The applicants requested that the term for the special permit be issued to run with the use of the property. Staff agreed that because the use as a public utility would not be denied by the Board in the future without cutting off service to residents, that the term should be indefinite. A. Moran said that if the Board feels in the future that the terms of the special permit are not being met, the Building Department could enforce the conditions and require them to be addressed. The Board agreed to issue the permit for the life of the use.

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) with no further review required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit with all original conditions carried forward and the term to be without expiration as long as the use remains a public utility. (WP, JM, CP, MG, CP – yes)

Item #6: #76-88 Spring Street SPECIAL PERMIT RENEWAL for 12 apartments. SBL 56.42-10-8. SEQR Determination. Zone RT. Rondout Historic District. Heritage Area. Ward 8. Lloyd Levi; applicant/owner.

Discussion: Chairman Platte opened the public hearing.

T. Garment spoke during the open public speaking at the beginning of the meeting regarding this item.

Alan Baer read a letter on behalf of the Historic Landmarks Preservation Commission – In September 2017, the HLPC reviewed the application for a Preservation Notice of Action for exterior work to this important example of affordable workers housing built in 1870 in the then prevailing Second Empire style by the Tubby family. At that time, the applicant described in great detail a faithful restoration which was illustrated with measured drawings. They issued approval for the work. In June 2018, members of the HLPC received frantic calls from neighbors of the project reporting that workers were removing the tall French windows and double leaf wood and glass doors from the first floor of the Spring Street façade. Such changes were not mentioned in the application review. This is not a case of ignorance because the applicants knew that approval was needed for exterior changes. This is not a case of financial hardship either since the property is listed on the National Register of Historic Places as a contributing resource in the Rondout West Strand Historic District and located in a qualifying census tract, making it eligible for the NYS and Federal commercial rehabilitation tax credit to offset expense associated with restoration work. It is understood that the Corp. Counsel's Office has been pursuing legal action to rectify this violation. The HLPC asks that the Planning Board continue to table the application until the matter is settled and the windows and doors are restored.

Chairman Platte closed the public hearing.

Charles Wesley was present at the meeting to represent the owner. W. Platte stated that the matter of the exterior renovations had been in court. C. Wesley said that the decision had not been made yet regarding the exterior changes but that the owner is aware that when the decision is made, they will need to comply with the Court decision. C. Wesley added that he did not feel that this should affect the special permit because the court matter is a separate issue.

The renewal is for a special permit for 12 apartments. The original approval was issued on November 14, 2016.

W. Platte advised the applicant of the issue with the recreation fee. The Building Permit was issued in January 2018 for renovations of the 12 units. The \$12,000 recreation fee was supposed to be paid prior to the issuance of the Building Permit. This was likely an oversight by the applicant and the BSD. The Planning Office spoke with the Building Department and advised them that the fee was outstanding, there will be no Certificate of Occupancy issued until the fee is paid to the Recreation Department. C. Wesley said that there is already a CofO issued for 3 of the units but that he would advise the owner of the need to pay the fee. He said that he was unaware of this issue.

A term was discussed. M. Wiltshire said that she would like to see a shorter term due to the outstanding issues with the HLPC and the recreation fee. She suggested a 6 month term. The Board agreed.

The Planning Board issued a Negative Declaration of Environmental Significance during the original approval in November 2016. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 6 months, expiring on August 19, 2019 with the following conditions: \$12,000 recreation fee paid to the Parks and Recreation Department prior to the issuance of a Certificate of Occupancy, determination of the HLPC litigation to be followed, and all original conditions carried forward. (WP, MW, CP, MG, JM – yes)

Item #7: #327 Broadway SPECIAL PERMIT RENEWAL to operate a gasoline station. SBL 56.34-4-17. SEQR Determination. Zone C-2. Ward 9. Navjot Realty LLC; applicant/owner.

Discussion: No one spoke at the public hearing. Ranvir Singh was present at the meeting. The application is for a special permit renewal to operate a gas station in the C-2 Zone. The project was originally approved in 1995 and has since been renewed. The most recent renewal was in November 2016 for a period of two years.

The Board noted that there are no outstanding complaints with the Building Safety Division and no police reports for the past year with KPD.

All original conditions of approval should be carried forward with this renewal approval. The following Board policies #11 (Signage within windows and temporary signage limited to 20% of

total window area; #6, (applicant's certification) and #13 (If changes to the contact individual's name, mailing address or phone number the planning office must be notified within 30 days) will remain on the plan.

A term for the special permit was discussed. Previous terms ranged from 6-months to two years. The applicant requested a longer term. Staff noted that overall the site has been well taken care of with no complaints. The owner has continued to improve the site aesthetically and has worked, with success, to address past complaints of excessive noise and police calls. The Board agreed to increase the term to 3 years.

A determination of environmental significance was discussed. Because the project involves no changes, it was categorized as a Type II Action under 6NYCRR Part 617.5 (c) (20), and therefore is predetermined by New York State 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 3 years, expiring on February 19, 2021 with all original conditions carried forward. (WP, MW, CP, MG, JM – yes)

Item #8: #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: Chairman Platte opened the public hearing. The owner, Jaqueline Lambert's two sons spoke at the public hearing.

Mr. Lambert – Stated that his mother picks him up every day from basketball and that as he rides home he sees homeless people on the street that have nowhere to go. He sees a need to find and create housing for people. Originally his mother wanted to open a shelter but she is pursuing a boarding house.

Mr. Lambert – Said that he sees the need for the boarding house. He sees that there are a lot of people that don't have a home and family and that this house could help a few people.

The applicant is seeking approval to operate a Boarding House in the R-2 zone. There are 5 rooms within the house proposed to be rented.

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.

Staff informed the Board that the parking for the site has not been confirmed. The Building Department also needs to look at the space to determine adequacy. The parking requirement is 1 space per occupant based on maximum occupancy, plus 1 space per employee. If there are 5 rooms with a maximum of 2 people per room, the use would require 11 spaces. Staff questioned

the ability to fit 11 spaces in the rear yard. The applicant has said that there is space to create parking and that the driveway extends through to the yard.

The Board questioned whether the applicant had any experience in this type of business. She said that she has rented rooms before but that she has not run a boarding home. She said that she plans on cooking meals and being onsite every day. The Board questioned whether there will be any rules or agreements with the tenants. She said yes but could not elaborate at this time. J. Mills asked how it would be handled if a resident came home intoxicated. J. Lambert said that they would be allowed to stay if they were not causing an issue.

The applicant has been made aware that the change in use to a boarding house will likely change the assessment to non-homestead which would have an effect on the taxes for the property.

Decision: The Board voted unanimously to table the application. The applicant should contact the office to discuss setting up a meeting and visit to the property. (WP, CP, MW, MG, JM – yes)

OLD BUSINESS:

Item #9: #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.

Discussion: Robert Carey, William Kearney, and Mark Tiano were present at the meeting. At the December meeting, the Board spoke to the applicants and the City Engineer regarding the storm water and erosion issues that had occurred on the site and the measures that had been taken to mitigate the issues. John Schultheis, City Engineer, explained to the Board that it was his belief that the plan was adequate but that the implementation, procedures and maintenance were inadequate at times.

S. Cahill confirmed that Mark Tiano has been working with John Schultheis, the City Engineer, on a final stormwater plan.

Planning staff met with the City Engineer, DPW Superintendent, Corporation Counsel and the Building Department to discuss the project. Staff suggests that the Planning Board consider the following conditions with any approval:

- 120 day approval to obtain a building permit, construction drawings still need to be submitted for review and approval by the Building Department
- Submission of a Performance Bond, in the amount of \$200,000 prior to obtaining a building permit. It is noted that this amount was approved and then re-certified by the current City Engineer. However, when initially approved the applicant submitted a letter of credit, which was intended to be converted to a Performance Bond.

The Board reviewed the applicants' responses to the UCPB comments. W. Platte read M. Tiano's responses into record, these will be submitted to the UCPB.

Mark J. Tiano, P.E.
352 Old Stage Road
Saugerties, NY 12477
tianom@yahoo.com
845-417-1745

January 21, 2019

Irish Cultural Center of the Hudson Valley
84 Clifton Avenue
Kingston, NY 12401

RE: Irish Cultural Center of the Hudson Valley (ICCHV) – Site Plan
Ulster County Planning Board Recommendations January 2019

Dear ICCHV:

I have reviewed the comments submitted in the Ulster County Planning Board's recommendation letter dated January 2, 2019. The comments that pertain to the site plans, that I have prepared, appear to have already been addressed. Below are my responses to their comments on the specific sections of the plans:

Stormwater:

- The existing stormwater condition has been addressed with the City.
- The stormwater mitigation during the construction phase is addressed on Sheet 6.
- The permanent stormwater management practices are addressed on Sheet 8 and pertinent details are included on Sheet 9.

Company Hill Path:

- The proposed path improvements and access opening to the property are called out on Sheet 2.
- The detail for permeable pavers to be used on the path is included on Sheet 7.
- There is existing lighting on path.
- The southern entrance lighting will be located on the building.

Parking:

- The traffic flow direction within the parking lot was previously reversed to better suit shuttle busses passengers being picked up and dropped off (door opens on right side of shuttle).
- Turning templates were used to verify the shuttle bus movements within parking lot.

Signage Details:

- The signing plan for parking lot is on Sheet 2

If you need additional information or have any questions, please feel free to contact me at 845.417.1745, or via email at tianom@yahoo.com.

Chairman Platte read a resolution into record for the Boards consideration.

Decision: The Board voted unanimously to adopt the following resolution:

Resolution of the Planning Board of the City of Kingston, New York
Site Plan Approval
Irish Cultural Center of Hudson Valley Inc. West Strand
at 32 Abeel Street - SBL: 56.43-5-35.100

February 19, 2019

RECEIVED:

RECEIVED BY *DS*

DATE *2/20/19*

TIME *12:50 PM*

Motion By: *Wayne Platte*

Second By: *Mary Jo Withshire*

WHEREAS, the Planning Board of the City of Kingston ("Planning Board"), located in Ulster County, New York, is considering resubmittal of a Site Plan Application previously approved on April 16, 2018 and request for Parking Waiver from the Irish Cultural Center of Hudson Valley, Inc. ("ICCHV"), a 501(c)3 not-for-profit organization ('property owner' and 'applicant') for approval to construct a 16,213 square foot Irish Cultural Center ("ICC Facility")

WHEREAS, the subject property is approximately 0.43 acres (West Strand at 32 Abeel Street, SBL 56.43-5-35.1-00) fronting the West Strand to the southeast and Abeel Street to the northwest, abutting the West Strand's historic Company Hill Path, a pedestrian right of way abutting and overlooking the West Strand and Rondout Creek; and

WHEREAS, the subject property is located within the West Strand subarea of the City of Kingston's (RT) Rondout Landmark (L) Zoning District, the Rondout-West Strand Historic District (listed on the National Register of Historic Places), a designated Coastal Area and within the Hudson Riverport Vision plan (which includes the Kingston Waterfront Brownfield Opportunity Area Plan); and

WHEREAS, the ICCHV Facility includes a 166 seat theater (with an additional 5 handicapped seating spaces), film and music program space, art studio and exhibition gallery, dance studio, recording studio, multi-purpose social area, a flex performance space including an 80 seat restaurant area serving food and beverages (including alcoholic beverages) along with a teaching kitchen, as well as green roof gardening and learning opportunity area not to be used as a rooftop patio or private event space, and a ticket booth and small accessory retail space (gift shop) included on the ground floor; and

WHEREAS, no zoning variances are requested; and

WHEREAS, a minimum of 55 off-street parking spaces are required. Eight (8) spaces are proposed to be constructed on-site. The applicant seeks a permissible waiver for the balance of the minimum required off-street parking spaces pursuant to Kingston Zoning §405.34H. The ICCHV Facility also proposes and commits to provide a remote parking shuttle bus service during operations of higher volume; and

WHEREAS, the proposed action was classified a Type I Action pursuant to SEQR 6 NYCRR Part 617 due to the site location within the Rondout-West Strand Historic District, for which a coordinated environmental review in accordance with SEQR 6 NYCRR Part 617 was conducted with the Planning Board serving as Lead Agency; and

WHEREAS, on July 10, 2017, the Planning Board, as Lead Agency, issued a SEQR Determination of Non-significance (Negative Declaration) for the proposed Type I action; and

WHEREAS, the Kingston Heritage Area Commission reviewed the project and issued a Coastal Consistency Approval in September 2016; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (NYSOPHRP) has reviewed the proposal and issued an opinion in December of 2016; and

WHEREAS, the ICCHV Facility building underwent review by the Kingston Historic Landmarks Preservation Commission and, on March 8, 2018, the City of Kingston Zoning Board of Appeals reversed the September 25, 2017 decision of the Kingston Historic Landmarks Preservation Commission denying the issuance of a Preservation Notice of Action and caused the issuance of the Preservation Notice of Action to the ICCHV in satisfaction of the City of Kingston Zoning Code §405-64; and

WHEREAS, the determination of the City Code Enforcement was affirmed by the Honorable Judge Mott of Ulster County on May 9, 2017; and

WHEREAS, the Planning Board considered the proposed action at numerous meetings and duly noticed public hearings held for the Planning Board to discuss and evaluate the proposed action for compliance to the requirements and standards for Site Plan Approval and Parking Waiver, and to hear and consider

involved and interested agency (including the Heritage Area Commission's Coastal Consistency Review under the LWRP and the Ulster County Planning Board's (UCPB) Review and Recommendations pursuant to General Municipal Law Section 239m-n) and public verbal and written comments; and

WHEREAS, various project revisions have been made by the applicant addressing Planning Board, community, involved and interested agencies, public written and verbal commentary.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the City of Kingston hereby resolves as follows:

SECTION 1: The ICCHV Facility consists of a multi-faceted facility with integrated use components that are permitted within the established West Strand Zoning subarea, subject to Site Plan Approval, which site use is consistent with Kingston Zoning §405-19.8(1)(a) and (b), the project site's (RT) Rondout (L) Landmark Zoning District classification, and the City's Comprehensive Plan; and City of Kingston Planning Board.

SECTION 2: It is evident from various planning documents including the City's Local Water Revitalization Plan (LWRP), the Hudson Riverport Implementation Plan (HRPIP) which includes the Brownfield Opportunity Area (BOA) Implementation Plan, that the City has determined that redevelopment of this portion of Kingston is its objective and the ICCHV Facility project is specifically identified as an expected development project in said plans; and

SECTION 3: The applicant will address again issues as set forth in the most recent comment of the UCPB review of 1/2/19 to satisfaction of the Planning Staff; and

SECTION 4: The site development includes an enhancement to the abutting historic Company Hill Path pedestrian right of way, which serves as a continuation of sidewalk and pedestrian right-of-way forming a part of West Strand Street leading to the southeasterly edge of the subject property and the facility's new main entrance fronting the West Strand, with the careful dismantling and stockpiling of the existing retaining wall stones for reconstruction of the retaining wall incorporated into an overall path design with railings and lighting to address public safety concerns. The reconstruction of the wall and path improvements serving the site have been reviewed and accepted by NYS OPRHP; and

SECTION 5: The site development and use operations of the ICCHV Facility were determined not to result in significant adverse environmental impacts, as detailed in the Planning Board's July 10, 2017 Lead Agency SEQR Negative Declaration, hereby incorporated herein by reference; and

SECTION 6: The ICCHV Facility and its site development comply with all applicable Kingston Zoning lot, bulk and Site Plan development requirements, and no zoning variances are requested or needed; and

SECTION 7: Kingston Zoning §405-34J(1) lists a parking standard for 'Cultural Center' at '1 space per 300 square feet of gross floor area,' which results in a minimum of 55 required off street parking spaces for the ICCHV Facility. Project parking will be addressed by a combination of constructed on-site parking, nearby municipal parking lots within the immediate site area (consistent with a requested waiver as is permissible pursuant to Kingston Zoning §450-34H and which is similar to that granted to numerous other projects within the City) and local on-street parking during periods of most normal non-peak demand. The ICCHV Facility will include a remote parking shuttle bus service during peak demand operations. The ICCHV Facility development includes the construction of eight (8) on-site off-street parking spaces to be located at the grade level accessed via Abeel Street. The balance of 47 spaces are hereby waived in accordance with Kingston Zoning §405-34H given the proximity to multiple City public parking lots, area on street parking and the ICCHV Facility remote parking shuttle bus service to be provided during higher volume events as detailed in the project application materials and the July 10, 2017 Planning Board Lead Agency Negative Declaration; and

SECTION 8: During any and all site construction, best management practices for erosion and sedimentation control, as identified in the NYS Standards and Specifications for Erosion and Sediment Control (latest Edition), will be employed to control and minimize site grading and drainage conditions. Any future material removal of will be accomplished without the need for blasting. Should site blasting become necessary, the City will be notified and all blasting requirements and protocols will be conducted in compliance with Chapter L66 (Blasting) of the Code of the City of Kingston; and City of Kingston Planning Board Irish Cultural Center of Hudson Valley; and

SECTION 9: A new Storm Water Pollution Prevention Plan (SWPPP) will be submitted to the City of Kingston Engineer within thirty (30) days of this conditional decision for approval. All elements will be carried forward in terms of reporting and routine inspections as required by Codes; and

SECTION 10: The current Letter of Credit (LOC) will be transferred over to a formal Performance Bond, approved by the City of Kingston Corporation Counsel in the amount of \$200,000 within thirty (30) days of this resolution; and

SECTION 11: The applicant shall confirm with the City Engineer, the City Department of Public Works the ownership of the sanitary sewer system and storm water utility locations prior to making any connections or proposals for submission of building permits; and

SECTION 12: That the applicant shall repair and replace the stone retaining wall and pathway of Company Hill Path to assure safe and useable passage of this asset, along their abutting property along with any other issues that may result as a defect of construction or protection on their work by the general public at all times; and

SECTION 13: Upon full consideration of the above, the City of Kingston Planning Board hereby determines that the application for Site Plan Approval and Parking Waiver as described herein is consistent with the provisions and policies of Chapter 405 (Zoning) of the Code of the City of Kingston and standards for issuance of Site Plan Approval, and hereby grants Site Plan Approval and a Parking Waiver as proposed by the ICCHV; and consistent with the provisions and policies of Chapter 405 (Zoning) of the Code of the City of Kingston and standards for issuance of Site Plan Approval, and hereby grants Site Plan Approval and a Parking Waiver as proposed by the ICCHV; and

SECTION 14: The Planning Board has relied upon the facts and information contained in the application for Site Plan Approval and its corresponding record file regarding the project, as well as discussions with and mitigation measures and project changes as proposed by the applicant and detailed in the submitted Site Plan documents, in granting this Site Plan Approval; and

SECTION 15: This Resolution, as adopted herein, is hereby authorized to be filed as required within five (5) days of issuance in the Office of the Kingston City Clerk, as well as in the Planning Board's record files; and

SECTION 16: In accordance with Kingston Zoning S405-30E, the Site Plan Approval granted herein shall be valid for a period of 120 days from the date of this Resolution for the purpose of obtaining a Building Permit. Failure to secure a Building Permit during this period shall cause this Site Plan Approval to become null and void. Upon application, the Planning Board may extend the time limit on the validity of this Site Plan Approval to not more than two (2) years from the date of the original approval; and

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately

MEMBERS	Absent/Present	SIGNATURE	YES	NO	RECUSE
WAYNE D. PLATTE	— / ✓	<i>Wayne D. Platte</i>	✓		
MARYJO WILTSHIRE	— / ✓	<i>Maryjo Wiltshire</i>	✓		
CHARLES POLACCO	— / ✓	<i>Charles Polacco</i>	✓		
ROBERT JACOBSEN	✓ / —				
MATTHEW GILLIS	— / ✓	<i>M</i>	✓		
JAMIE MILLS	— / ✓	<i>Jamie Mills</i>	✓		
KEVIN M. ROACH	— / ✓	<i>Resc</i>			
VACANT	— / —				
TOTAL					

Item #10: #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: MaryJo Wiltshire recused herself due to her family relationship with J. Sangi's ex-wife and children.

Discussion: W. Platte reminded that the application was tabled at the last meeting. He invited Stephen Knox, Director of Building Safety and Zoning up to the table.

Chairman Platte asked S. Knox some of the questions that were discussed at the previous meeting. The question of the square footage of the cottage. NYS requires 70sf for 1 person and 50sf per person if more than 1. One bedroom in the cottage is shy of allowing 4 people to reside, this would need to be reduced by one.

Another question is regarding the 3rd floor bedroom as it connects to the fire escape, the question is whether you can go through a bedroom to access a fire escape. S. Knox said that code says that you are not supposed to have to go through a bedroom or a room that can be locked to access a fire escape. There was conversation about installation of a sprinkler system which would alleviate the requirement for a fire escape from the 3rd floor. J. Sangi stated that he would like to do this within a year's time. Currently, S. Knox would recommend no door on that room. J. Sangi said that there is no lock on that bedroom and that everyone that is rented that room knows that there is no lock. S. Cahill said that when the Board visited that room, the door was locked and the Board was unable to view the room. J. Sangi said that this was not possible and that there was no lock on the door. He argued that if the knob was turned, the board would have known that there was no lock. W. Platte questioned S. Knox in that if the lock were not on the door, would the emergency exit through a bedroom meet the code? S. Knox said that he believed that it would. He added that he would like to see the number of beds reduced by 1 so that there were only 3 beds. He said that there was a 2:30 appointment to meet at the site but that the applicant was unable to meet so S. Knox was unable to see the space. S. Knox said that he would like to visit the space before he made a recommendation on the number of people in the room. W. Platte added that if he were living in that room, he would like some security and the ability to lock the door. J. Sangi said that the place is all men and that it is like a college dorm. The room has never had a lock and it has never been an issue. There were discussions on the variances.

W. Platte asked S. Cahill to confirm that the parking requirement has been waived by the Zoning Board of Appeals. She agreed that this was the case. W. Platte asked about the bus on site. J. Sangi said that the bus is never ever not in the driveway. It is only parked in the driveway. W. Platte asked if they received a variance from the requirement of having only 2 people per room.

S. Knox said this was an occupancy R-2, longer term, non-transient, the requirement of the number of people is based on square footage. The bedrooms are required to be 50sf per person. Previous building safety personnel had been in the rooms before. S. Knox thought at it was 35 people. L. Walter said that it was 39. S. Knox said that he may have miscalculated based on the request for the number of people to be removed.

L. Walter said that the cottage requirement for 4 people is 200sf. The cottage has a bedroom that is shy of this requirement but there is other living space in the building. S. Knox said that the code requirement does not take into account, the other spaces in the calculation. L. Walter

said that this room is not significantly smaller. He asked the Board to consider excusing the 20ft that they are short. As far as the 3rd floor, when you go in the door, the exit to the fire escape is to the right, there is no bed between the door and the fire escape. He would ask the Board not to require a bed to be removed.

J. Mills said that she would not feel comfortable allowing an emergency exit through a bedroom whether the door is locked or unlocked. Something could fall in front of the door and block it. It is a huge safety concern. She also agrees that the cottage should be required to meet the building code requirement for square footage and that the Board should not waive this requirement.

L. Walter said that there is also a main staircase from the 3rd floor. W. Platte suggested weighing a decision until the Building Department can go in and inspect the building.

L. Walter added that the bus is parked in the driveway but it does occasionally stop and pick up and drop off on the street. He submitted a copy of the rules that the occupants need to sign when they reside there. He also submitted building and fire inspection reports that have been submitted over the years.

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

NEW BUSINESS:

Item #11: #693 Broadway SITE PLAN to renovate and construct an addition on an existing building. SBL 56.92-3-20. Zone C-2, Broadway Overlay District. Ward 4. Radio Kingston Corporation; applicant/owner.

Discussion: Jimmy Buff and Kristen Thorne of Radio Kingston, and John Storyk, project architect were present at the meeting. The application is to renovate the rear building and an addition to the main building. Plans drawn by John M. Storyk, RA were submitted for review, dated 6/26/18.

J. Storyk explained the project to the Board. The plans show that the basement of the 2 story garage will be storage and mechanicals. The first floor will be a community room, podcast studio, and bathroom. Half of the second story will be usable space to hold additional storage while the other half is open to the floor below.

The main building will have a new 2 story addition. There is a deck that already exists on the site that is very small, and is ample for only 2 persons. This will be on an addition that was added in the past.

W. Platte asked about the community room. There will be performances but only during regular business hours. The space has been sound proofed. There will not be nighttime concerts or performances.

The Board discussed parking. T. Tiano, DC of Building Safety Division reviewed the distance in the past and confirmed that the property is within 400ft of the municipal lot. The applicants

were encouraged to look to other property owners to share parking when needed. The Board agreed to waive the parking requirement. J. Buff said that there is a possibility for using parking next to the Chinese Food Restaurant. Meraz has also been welcomed to them using his lot.

The following Planning Board Policies should be considered: #4 & 4a – lighting levels between 1-5 footcandles and adjustments if necessary, #6 – signature on plans, #10 – banners and flags prohibited except for grand opening, #14 – dig safely, #19 – compliance with noise ordinance, #23 – bluestone sidewalk protected during construction, #25 – installation of knox box, #26 – building permit within 120 days unless extended by the board.

This is considered an Unlisted Action under SEQR. A determination of Environmental Significance was discussed.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the site plan with the following conditions: Board Policy # 4, 4a, 6, 10, 19, 22, 23, 25, and 26. The Board also voted to waive the parking requirement based on proximity to a municipal parking lot.

Item #12: #200 North Street SITE PLAN 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: Stuart Messinger, PE, Chazen Engineers and Kristina Dousharm and Zach Hall were present at the meeting. The applicants presented the plans for the amendment to the site plan. They explained that the owner is proposing the following changes: the property entrance at North Street will include a new wall and gate, adding a new parking area that will serve the previously approved glamping site, improving and expand those sites including water and sewer, and provide miscellaneous improvements to pedestrian safety and site security. The narrative goes on to describe these improvements in more detail:

The North Street entrance – to improve operations during events, the submitted plans propose a new temporary guardhouse that will be built on a utility trailer, a new sliding gate at the location of the existing swinging gate to facilitate snow removal, and a small rejection turn-around. Also proposed are new landscaping elements, a brick gate wall, pedestrian paths and signage.

Proposed Glamping Parking Lot – A new 42 space parking lot, accessed from North Street is proposed to service the glamping sites. C. Polacco questioned the location of the parking lot in relation to the public street. K. Dousharm said that the parking lot would be on the west side of the street with a crossing to the right.

Glamping – Improvements are proposed to the existing glamping area including new water, sewer and electrical infrastructure. An expansion of the glamping site is proposed to the west of North Street and accessed by an existing path. The site will have an additional 7 guest units. In the future, further expansion is proposed to the west, which includes an additional 35 guest

units. The Board questioned whether the more substantial sites, with water and sewer, would be year round. The applicants were unsure what the schedule would be.

Miscellaneous Improvements – The existing security fence and path to the Kingston Point Beach are proposed to be relocated further south. At the existing western parking lot “A”, a pedestrian path is proposed to improve operations and pedestrian safety.

Staff explained that they have been looking into the status of North Street. The street is public but was closed by executive order under previous administrations in the 80’s. There are public street lights on the street beyond the fence. At this time, various departments including Corporation Counsel, the Engineering Office, Community Development and others, have discussed the use of the street. During previous closures, the street was considered unsafe, however, at this time, the applicants are using it to access their property. The brick wall and fence being proposed, as well as some of the other site changes are in the public right of way, which has a variable width of between 50’-60’. The road will also ultimately be used to access the promenade and open space. Lastly, it is part of the Empire State Trail system. Discussions will need to take place regarding public access and site improvements along the street. The applicants stated that they are not changing the location of the gate, just replacing it with something new.

The applicants have requested that the Board consider the SEQR review for the total of the information submitted although they are seeking site plan approval for only the first phase.

Staff has prepared a resolution to seek lead agency. Chairman Platte read the resolution into record.

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

NOTE: Jamie Mills exited the meeting, Kevin Roach took over as voting member for the remaining items.

Item #13: #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: The applicants have requested that the application be tabled. They plan to return to the Board for site plan review and a lot line revision.

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

Item # 14: #779 Broadway SITE PLAN to create a café and office space. SBL 56.92-1-32.100. SEQR Determination. Zone C-2, BOD. Ward 4. People’s Place/applicant; Kingston Self Help Center Inc./owner.

Discussion: Christine Hein and Sonia Lemus of Peoples Place and Chris Bick of Wright Architecture were present at the meeting.

Christine Hein and Chris Bick explained the project. The proposal includes construction of a café and office space in an existing building.

The Peoples Place Café will be located at 779 Broadway. It will be approximately 1300sf. There will be seating for 32-39 people depending on the Building Department guidelines. The remainder of the space, formerly occupied by City Styles, will be an 856sf office or retail space.

The café will be an eatery open for continental breakfast and lunch. It will be open to the public from 8:30am – 1pm and will be staffed by 2 part time chefs, 1 full time supervisor, and at least 6 volunteers daily. The planning committee includes 4 restaurateurs with over 140 years' experience, they also have a board member well versed in building construction that has lent his expertise.

C. Hein explained that they are creating a “community café”, the idea has been done in many other places throughout the country. The focus of the café is described as providing healthy meals to individuals or families who are experiencing either food insecurities, financial stresses or are in need of social contact. What is unique about a community café is that it is open to everyone and everyone is encouraged to come. The participation of the entire community is key to creating a stigma free environment. This is what differentiates it from a soup kitchen. There will be no charge for any food or drink offered at the Peoples Place Café, however, those with financial means could offer a donation in lieu of paying a set price. Our goal is to make the café a pleasant environment for anyone to dine. C. Polacco asked if it is a restaurant or a soup kitchen. C. Hein said that it is neither, it is a community café, open to the entire community.

C. Hein said that Peoples Place did not originally intend to start operating a food service entity but it became a topic of discussion when they learned that the only soup kitchen in Kingston, Caring Hands, was closing daily service. In Ulster County, there are only 3 soup kitchens and none are located in Kingston, nor do they operate every day. There may be a takeout option also.

The applicants said that they plan to design the space in a bright modern style, very clean and uncluttered. They are working with Wright Architecture which has experience in what they were looking for.

They anticipate serving between 20-30 people at breakfast and 40-60 people at lunch. Daily activities include chopping vegetables for soups and salads, roasting and slicing meats for sandwiches, and preparing sandwiches and soups. Setting up condiments, napkins, flatware, etc. Picking up donations and receiving donations. Going through the donations and preparing them for distribution. Serving guests at the counter, sweeping and mopping floors, wiping down counters and cleaning the kitchen and restroom daily. Disposing of all garbage daily.

Refuse and recycling are handled through a private hauler with dumpsters on site. They utilize one day a week pickup and will see if there is an increased need once they are up and running.

Projected opening date is May 2019. The contractors are prepared to begin work as soon as permits are granted. Rental space will be done at the same time. They hope that this will be an

office space but it could also be a storefront and potentially be an income source to supplement the café.

Signage was discussed. C. Hein said that the signage will be in the window but that they may use the existing sign that City Style used.

The parking requirement for restaurants is 1 space per 3 seats or 1 space per 100sf, whichever is greater. There are 39 seats/ 1300sf requiring 13 spaces. The rentable space requires 1 space per 300sf which means an additional 3 spaces are needed. C. Bick said that they did a calculation on the number of spaces required for the entire building and the total is 44 space. There are a total of 47 spaces with 3 ADA spaces in the parking lot.

C. Polacco said that he needed to see the space. He reviewed photos and was familiar with the building but wanted to visit the site before he felt comfortable voting. Other Board members felt comfortable with a vote.

The project is 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 site plan for the community café and storefront rental space. (WP, MG, MW, KR – yes; CP – no)