

## **LAWS & RULES COMMITTEE MEETING**

**Wednesday, August 21st, at 6:30 PM.**

1. Sidewalk Cafe Code Amendment - Alderman Tierney
2. Proposed Administrative Code Revisions re: CoK's Planning Board - B. Graves-Poller
3. Legislative Procedures - B. Graves-Poller
4. Designating Temple Emanuel a Local Landmark - S. Cahill
5. Designating 54 W. Chester St. a Local Landmark - S. Cahill
6. Designating the Wilbur Local Landmark District - S. Cahill
7. Revisions to Sect. 405.26 (L) HLPC of the Form-based code and remove Sect. 264 - S. Cahill
8. Re-Establish City Code Sect. 360- Exemptions for Historic Properties - S. Cahill

## **OLD BUSINESS**

1. Council Rules-Modification of Rules, Zoom public speaking- President Shaut

①

(L+R)

**Tinti, Elisa**

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**From:** Shaut, Andrea  
**Sent:** Monday, August 5, 2024 6:04 AM  
**To:** Tinti, Elisa  
**Subject:** Fw: Executive Order- Sidewalk Cafe Code  
**Attachments:** Executive Order Sidewalk Cafe Code.pdf

Hi Elisa,

Can you add this to my communications folder, including the attached Executive Order?

Thank you,

Andrea Shaut

Council President, City of Kingston

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**From:** Tierney, Michael <Ward2@kingston-ny.gov>  
**Sent:** Tuesday, July 30, 2024 11:51 AM  
**To:** Shaut, Andrea <ashaut@kingston-ny.gov>; Graves-Poller, Barbara <BGraves@kingston-ny.gov>  
**Subject:** Fw: Executive Order- Sidewalk Cafe Code

Hello President Shaut & Counsel Graves-Poller:

I would like to introduce a communication to make this change permanent. Is there a specific process that needs to be taken to amend the code or is it the same as any other communication?

MT

Michael Tierney  
Alderman, Ward 2  
Ward2@kingston-ny.gov  
845-768-6781  
Finance & Audit Committee  
Community Development & Housing Committee

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**From:** Verspoor, Roy <rverspoor@kingston-ny.gov>  
**Sent:** Friday, July 26, 2024 11:00 AM  
**To:** Executive Orders <ExecutiveOrder@kingston-ny.gov>  
**Cc:** Knox, Stephan <sknox@kingston-ny.gov>; Graves-Poller, Barbara <BGraves@kingston-ny.gov>; Jankowski, Matthew <mjankowski@kingston-ny.gov>  
**Subject:** Executive Order- Sidewalk Cafe Code

Good Morning,

# CITY OF KINGSTON

## Office of the Mayor

mayor@kingston-ny.gov

Steven T. Noble  
Mayor



### **EXECUTIVE ORDER**

**Issued July 26th, 2024**

In order for Outdoor Dining to continue effectively, a section of language in our Sidewalk Café Code needs to be reworked.

Therefore, I, Steven T. Noble, Mayor of the City of Kingston, by the power vested in me by the Charter of the City of Kingston declare:

**Effective immediately, Kingston City Code section 346-3.I "In the event that the sidewalk cafe/outdoor seating will be operating in a rental space, the operator must submit with the site plan a written consent from the owner of the property" will be suspended.**

Sincerely,

Steven T. Noble  
Mayor

STN:rjv

(L+R)

**CITY OF KINGSTON**  
Office of Corporation Counsel  
bgravcs@kingston-ny.gov

Steven T. Noble, Mayor



Barbara Graves-Poller, Corporation Counsel

July 29, 2024

Alderwoman at Large Andrea Shaut, President  
City of Kingston Common Council  
City Hall - 420 Broadway  
Kingston, NY 12401

Re: Proposed Administrative Code Revisions related to the City of Kingston's Planning Board


Dear President Shaut,

I write to ask that you place two potential changes to Chapter 96 of the City's Administrative Code on the next Laws & Rules Committee agenda.

- The first change would revise §§ 96-1 and 96-14 to i) require that one voting member and one alternate member of the Planning Board rent, not own, their primary residence at the time of their appointment to the Board; and ii) provide that Board vacancies shall be filled in a manner that ensures the presence of a voting renter on the Board. This proposal responds to recommendations from the Fair Housing Justice Center and aligns with changes other municipalities have made to incorporate divergent perspectives into planning discussions. *See generally* N.Y. Dept. of State Div. of Local Gov. Servs., "Planning Board Overview," <https://perma.cc/H5JT-WC3S> (discussing opportunity to uplift agricultural concerns by dedicating planning board seat to someone involved in agricultural pursuits).
- The second recommended change would amend City of Kingston Code §96-2, in accordance with Art. 12-A §235 of the New York General Municipal Law, to provide Planning Board members with a small stipend (between \$100-200, or any other amount the Council deems appropriate) to defray the technology, transportation, and potential childcare costs of Board service, thereby encouraging participation by Kingston residents for whom such incidental expenses may be burdensome.

Although I have had preliminary discussions about this communication with the City's Planning Director, Suzanne Cahill, her input is essential to implementing these recommendations. I, therefore, encourage the Council to invite her to any discussion placed on the Committee's agenda. Matt Jankowski will attend the August 21<sup>st</sup> meeting, and my office will submit a draft resolution at least 48-hours in advance of the discussion. If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

  
\_\_\_\_\_  
Barbara Graves-Poller  
Corporation Counsel

3

L+R

CITY OF KINGSTON  
Historic Landmarks Preservation Commission  
planning@kingston-ny.gov



Suzanne Cahill, Planning Director

Steven T. Noble, Mayor

July 29, 2024

Andrea Shaut, President  
City of Kingston Common Council  
City Hall - 420 Broadway  
Kingston, NY, 12401

Re: Designating 243 Albany Avenue (Temple Emanuel; SBL: 48.317-1-10) a Local Landmark

Dear President Shaut:

We are pleased to advise that the Historic Landmarks Preservation Commission (HLPC) conducted a public hearing and discussion on March 7, 2024, to obtain comment on designating 243 Albany Avenue (Temple Emanuel) as a Local Landmark in the City of Kingston.

The Local Landmarking process for 243 Albany Avenue was initiated at the request of the Congregation Emanuel of the Hudson Valley (CEHV), the property owner, seeking to preserve and restore their Mid-Century religious structure for the community. During the Public Hearing, the property owners voiced their support for local landmark status and preservation. No other comments were received.

Following the close of the public hearing, the HLPC reviewed the materials submitted and voted unanimously to recommend 243 Albany Avenue to the Common Council for local designation. Local designation is an honorific title and protective measure granted to structures that meet one or more of the four criteria in Section 405.26.L (HLPC) of the Form Based Zoning Code.

The City of Kingston is fortunate to have a rich stock of historic and culturally significant structures, streetscapes, and places. Approximately 700 properties are historically designated (either local, State, or National Registers) throughout the City, representing approximately 8% of the city's 8,657 total parcels. The HLPC and the Planning Department view landmarking as an important tool for City residents to preserve meaningful structures for generations to come.

We ask that you forward this to the appropriate committee for review and consideration. A Draft Committee Report and the Historic and Cultural Resource Evaluation Prepared for 243 Albany Avenue is attached. Please do not hesitate to reach out with any questions or comments that arise.

Respectfully submitted,

Suzanne Cahill, Planning Director

Ethan Dickerman, Historic Preservation Administrator

CC: S. Noble, Mayor  
E. Tinti, City Clerk  
J. Edwards, Ald Ward 4, HLPC Liaison  
M. Tierney, Ald. Ward 2

**THE CITY OF KINGSTON COMMON COUNCIL**

**LAWS & RULES  
COMMITTEE REPORT**

DEPARTMENT: Planning - HLPC

DATE: July 29, 2024

**Description:**

Designate 243 Albany Avenue (Temple Emanuel SBL 48.317-1-10) as a Locally Designated Landmark in the City of Kingston.

Signature: \_\_\_\_\_

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

Action Required: \_\_\_\_\_

SEQRA Decision:

Type I Action \_\_\_\_\_

Type II Action X 617.5(c)(3B)

Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Michele Hirsch, Chairman, Ward 9		
Reynolds Scott Childress, Ward 3		
Sara Pasti, Ward 1		
Teryl Mickens, Ward 2		
Robert Dennison, Ward 6		

# **Historic & Cultural Resource Evaluation: Temple Emanuel**

243 Albany Avenue  
Kingston, NY 12401  
SBL: 48.317-1-10

Prepared for the Historic Landmarks Preservation Commission, Kingston NY

By

Ethan P. Dickerman, HPA

24 January 2024

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**Background on Designation:** At the request of the Board of Trustees of Congregation Emanuel of the Hudson Valley in December of 2023, the City of Kingston's Historic Preservation Administrator undertook this Cultural & Historic Resource Evaluation for the purpose of elevating Temple Emanuel to local landmark status. The Board also seeks a State & National Register listing for the structure.

**Summary:** Temple Emanuel is a synagogue owned and operated by Congregation Emanuel of the Hudson Valley (CEHV) at 243 Albany Avenue in Kingston, NY. The 243 Albany Avenue site is the third, most recent, and still active, synagogue used by CEHV and was built between 1958 and 1959, with renovations and additions between 2003 and 2005. The structure falls under the category of Mid-Century Modern Religious Architecture and is the only structure of its kind within the City of Kingston.

### **A Brief History of Congregation Emanuel of the Hudson Valley:**

On June 6<sup>th</sup>, 1854, a group of Jewish residents in the Rondout Village established Temple Emanuel Congregation and incorporated with the Ulster County Clerk's Office (Emanuel Church, 1854). The congregation's early members were German immigrants who arrived in the 1840s "seeking a better life away from post-revolutionary antisemitism" (CEHV, 2014:13), who initially settled in NYC and later moved to Rondout (CEHV, 1959: 11). Between 1853 and 1861 the congregation operated out of the homes of its members, with Alexander Adler's home serving as the initial meeting place (CEHV, 1959: 11; 1970:4). In 1861, a synagogue was built at the corner of Post and West Union Street for the congregation (CEHV, 1959: 11).

In the 1880s, a new wave of Jewish immigrants from central and eastern Europe arrived fleeing "oppressive conditions" at the hands of the Austrian-Hungarian and Russian Empires – many of these new residents of Rondout formed Congregation Agudis Achim, while some joined Temple Emanuel (CEHV, 2014:13). 1889 saw the two congregations merge and a considerable growth in the number of congregates, such that the congregation needed to rent the Methodist Church on West Union Street (CEHV, 1959: 11). While it is unclear when CEHV joined the Reformed Judaism movement, it is speculated that this occurred in the late 19<sup>th</sup>-century at the same time as its popularity grow more broadly (The Pluralism Project, 2020).

Around the time CEHV rented the Rondout Methodist Church, the congregation started plans to purchase land from the Estate of Thomas Cornell and construct a new synagogue to accommodate their needs (CEHV, 1959: 11; 1970: 4). Completion and dedication Congregation Emanuel's synagogue at 50 Abeel Street took place on September 14<sup>th</sup>, 1892 (CEHV, 1959: 11-12). CEHV operated at 50 Abeel Street between 1892 and 1959 (see Appendix I, Figures 1-2) (CEHV, 1959: 11-14; 1970: 5), at which time it began religious services and an educational program at 243 Albany Avenue. Acquisition of 243 Albany Avenue and the construction of the new temple took place between 1956 and 1958, with the support of a \$250,000.00 professional fundraising campaign (CEHV, 1959: 14).

### **A Brief Site History:**

The land that Temple Emanuel stands on was the traditional homelands of the Esopus Indians from time immemorial. In the late 1800s and early 1900s, the land belonged to the estate of Thomas Cornell (Estate of Thomas Cornell, 1950; Sandborn, 1950). In 1956, Congregation Emanuel purchased 243 Albany Avenue from the estate of Louise M. Klock for \$15,000.00 (CEHV, 1959: 13)

on which stood a substantial three-story Greek Revival mansion (see Appendix I, Figures 3-4) (City of Kingston Assessor: 1950). If adjusted for inflation, this sale would be \$171,686.19 in 2023 (US Bureau of Labor Statistics, Inflation Calculator).

In 1957, CEHV hired Arthur Silver, AIA, a NYC based architect to design an impressive and symbolically adorned temple in the Mid-Century Modern design (see Appendix I, Figures 5-7) (CEHV, 1959: 13). According to a 2018 Queens Modern article by Frampton Tolbert:

“...Arthur Silver was born in the Bronx in 1924 and received his architecture degree from Carnegie Institute of Technology in 1950. After graduation he worked for two Frank Lloyd Wright acolytes, Pittsburgh architect Peter Berndtson from 1950 to 1951 and New York architect Edgar Tafel from 1951 to 1953. By 1953, he had set up his own firm [1]. During his career he designed several synagogues, including Queens Chamber Award-winner Bay Terrace Jewish Center in 1963. He also received an award from the Long Island Association for Commerce & Industry for his design of Lawrence, New York’s Brandeis School in 1965. He seems to have had a connection with the Hudson Valley, completing commissions for a synagogue in Kingston, church in Woodstock, and restoration project in Kingston during his career. According to his obituary, later in life he transitioned to graphic arts, teaching at Long Island University [2] (Tolber, 2018).”

Larsen-Johansen served as the project’s general contractor (see Temple Emanuel Lobby plaque) with the ground broken on March 16<sup>th</sup>, 1958 (CEHV: 1970) and was dedicated on May 15<sup>th</sup>, 1959 (CEHV: 2005). Kurt Matzdorf, an acclaimed metalsmith, and founder of the SUNY New Paltz metals program, designed and produced the religious symbols that adorn the structure’s eastern façade along with other religious symbols within the sanctuary (Mark Grunblatt, personal communication, 2024). Matzdorf was born in Lowery Saxony in 1922 and relocated to England in 1939 on a *Kindertransport*, who became known later in life for his metal work and “modern interpretations of ritual synagogue object and Judaica” (Jüdisches Museum Berlin).

Between 2004 and 2005, the building received a \$2.1 million dollar remodel that included repairs to the sanctuary’s ceiling which fell circa October 2003 (Mark Grunblatt, personal communication, 2024). The Cantor John Park Memorial Chapel was added at this time and Rabbi Bloom Memorial Hall was renovated too (CEHV, 2005: 1). CEHV hired Liscum McCormack VanVoorhis, LLP of Poughkeepsie, NY to oversee the renovations (CEHV, 2014:15; Liscum McCormack VanVoorhis, 2003). Cantor John Park bequest substantial funds for the construction of a Chapel which occupies 860 square feet directly west of the lobby and south of Rabbi Bloom Hall. The chapel features back-lit stained-glass planes designed by CEHV member Carol Pepper-Cooper and Paul R. Cooper and made of glass imported from Germany (CEHV, 2005: 1). Rededication of Temple Emanuel was on November 11<sup>th</sup>, 2005.

As of 2024, Congregation Emanuel of the Hudson Valley is 170 years old and its house of worship at 243 Albany Avenue is 66 years old. Temple Emanuel is significant for its role as a house of worship in the City of Kingston. Architecturally, the structure is the only Mid-Century Modern religious structure of its kind and the only example of Arthur Silver, AIA’s work in the City of Kingston. While most of the structure’s exterior (south, west, and north faces) and interior (hallways, utility rooms, offices, and school rooms) is modest and utilitarian in form and material, the Temple’s Street Liscum McCormack VanVoorhis face, south and north sides (extending back 50 feet), lobby, sanctuary, and Cantor John Park Memorial Chapel contain materials, colors, and symbols of religious significance.

## Exterior Architectural Description:

*See Appendix II, Figures 8 through 16, and Appendix III - IV, Figures 21 through 25.*

**East Elevation (Street Front):** Temple Emanuel is situated 100 ft west of Albany Avenue with a substantial lawn/green space. The building's face is characterized by two prominent features:

- i. First, a partially enclosed (on the south, north, and west sides) outer courtyard leading to the main entrance composed primarily of glass framed aluminum panels. Centrally located within the courtyard is a tree and two memorial benches. This courtyard section is approximately one story in height.
- ii. Second, a sanctuary that is equivalent to two stories in height. The sanctuary's face is tri-partite, with the central portion gently projecting eastward like the bow of a ship and is comprised of naturally colored (beige) cast stone panels vertically oriented, creating the linear illusion of additional height. Centrally located on this wall are large brass symbols designed and produced by Kurt Matzdorf (Mark Grunblatt, personal communication, 2024). City of Kingston Building Department records suggested a fire exit and staircase was added to the north side of the bow between 1975 and 1985, and which is now screened by shrubbery.

Two, full height, hexagonal blue ceramic coated breeze block screen walls flank either side of the cast stone bow, behind which are clear glass windows belonging to the sanctuary. Each screen is 9' 10" wide and framed by columns made of the same cast stone panels as featured on the bow. Green, blue, yellow, and red glass panels are irregularly set within the breeze blocks to create a unique visual and experiential design akin to a prism within the sanctuary. This screen is backlit at night to emphasize the prism effect. A 4 ft deep void (2-3 ft wide void on the structure's sides) exists between the screen's interior and the sanctuary's clear glass panel windows.

**South Elevation:** The structure's south wall is defined by three sections. The blue hexagonal breeze block wall with the courtyard partition wall in the foreground characterizes easternmost 50 feet. This breezeblock wall is broken into sections approximately 9' 10" wide with each interruption comprised of tan vertically oriented solid masonry panels. Tan common bricks are the primary material laid in running bond pattern across the partition wall and the remaining south wall of the structure. Toward the western end of the south wall is a two-story aluminum framed glass entryway to a staircase and hallway.

**West Elevation:** Temple Emanuel's western elevation is two stories in height. It is characterized by beige common brick laid in running bond. The west face of the structure serves as classrooms, resulting in the presence of large 1/1 aluminum-framed glass windows across the ground floor. Similar windows run across the second floor except for the southernmost twenty feet. The bathrooms located here resulted in the architect incorporating an internal window system screened by a perforated brick wall.

**North Elevation:** The north face is characterized by blue hexagonal breezeblocks for the easternmost 50 feet. This feature is broken into sections approximately 9' 10" wide with each interruption comprised of tan vertically oriented solid masonry panels. Tan common bricks are the primary material laid in running bond pattern across remainder of the north wall of the structure, with exception to a large section approximately midway down the north face that is aluminum-framed glass panels to allow light into the Rabbi Bloom Hall. Toward the western

end of the south wall is a two-story aluminum framed glass entryway to a staircase and hallway – the opposite end of the same hallway detailed in the South Elevation.

### **Interior Architectural Description:**

*See Appendix II, Figures 17 through 20, and Appendix III - IV, Figures 21 through 25.*

**Sanctuary:** The sanctuary's interior is roughly 43ft wide (N-S) by 40ft long (E-W) not including the bimah and choir which extend the space by roughly another 20ft. The ceiling height is approximately 15 ft. The space is defined by a central pathway leading west to east flanked by refined oak pews angled inward towards the bimah (central axis). Secondary pathways exist on the south and north side of the pews. The north, south, and two portions of the east wall (divided by the arch) are clear glass panels allowing the congregation to view the breezeblock and multicolored panes from the interior.

At the sanctuary's eastern end is a 4ft high bimah. The eastern wall of the bimah is tripartite in form – with a central door to the ark adorned with bronze and enamel plaques designed and made by Kurt Matzdorf representing the 12 tribes designed by Kurt Matzdorf (Mark Grunblatt & Jeff Greenberg, personal communication, 2024), and which is flanked by vertical louvers that serve as a screen for the choir. Matzdorff also produced the candelabra and other religious artifacts located on the bimah (Jeff Greenberg, personal communication, 2024). The sanctuary's western wall is moveable, allowing the space to be linked with the Rabbi Bloom Memorial Hall. The sanctuary's ceiling dates to 2003 because of the original ceiling's collapse that same year (Mark Grunblatt, personal communication, 2024).

**Lobby:** Temple Emanuel's lobby is a four-sided interior space, situated west of the outer courtyard. A glass partition wall separates the lobby from, while still making the court courtyard and front lawn visible. Positioned here is the circa 1890 stained-glass window, in the style of Louis Comfort Tiffany, from the former temple at 50 Abeel Street that was reacquired by CEHV in the late 20<sup>th</sup>-century. The northern and southern walls are running bond tan brick. The northern wall is divided by three double door wide openings into the Rabbi Bloom Hall and the sanctuary, while the southern wall contains single wide openings into a coat room and office spaces. Arthur Silver, AIA's 1957 plans identify a proposed inner courtyard that would have occupied approximately the western 3<sup>rd</sup> of the lobby. No evidence exists that this inner courtyard was constructed – suggesting that the 1950s Building Committee requested its removal. In its place, was an expanded kitchen and pantry, which were renovated and turned into the Cantor John Park Memorial Chapel in the 2003-5.

**Chapel:** The Cantor John Park Memorial Chapel was constructed circa 2003-5 at the bequest of Cantor John Park. It is a roughly 22ft wide (N-S) and 30ft long (E-W) place of worship with an approximately 15ft high recessed step ceiling featuring skylights. Blond triangular interlocking panels comprise the chapel's north wall. Similar paneling is present on the south wall up to 4ft in height. Back-lit stained-glass planes designed by CEHV member Carol Pepper-Cooper and Paul R. Cooper and made of glass imported from Germany (CEHV, 2005: 1). The west wall contains two closet spaces and a means of egress. In the chapel's northeast corner is the ark. Four Matzdorf panels depicting the musicians of the bible adorn the inside of the ark's doors (Jeff Greenberg, personal communication, 2024). The chapel's east wall also has a yellow and blue stained-glass window into the lobby, followed by the entryway doors.

### **Conclusion & Significance Statement:**

This local landmark designation evaluation was undertaken at the December 2023 request of CEHV to ensure its protection and local recognition as historically significant house of worship and for its architectural significance. Temple Emanuel is significant as the most current house of worship owned and occupied by Congregation Emanuel – a Jewish congregation with roots in the Rondout Village dating back to the 1840s. Since its conception, CEHV has maintained its vital role to the area's Jewish residents in the form of community cohesion, education, and a support network. Temple Emanuel (243 Albany Ave) was built in 1957 by CEHV and designed by a regionally significant architect, Arthur Silver, who designed other religious structures in Long Island and Woodstock, NY. Today, CEHV leads the Interfaith Council which brings various local denominations together, along with sponsoring town halls and candidate debates, and holds world-class speakers (Jeff Greenberg, personal communication, 2024).

Silver's design incorporated Mid-Century Modern design elements in the form of materials, treatments, proportions, and patterns with the most significant being the blue hexagonal breeze block screen that encased the sanctuary. The inclusion of colored glass inserts into the blocks, along with them being back lit, creates a phenomenological prism effect inside the sanctuary – a design unique among religious sites in the area. While the structure has undergone some renovations (like the addition of the chapel) to ensure its continued usability for CEHV, overall, the structure maintains a high degree of integrity across its exterior, lobby, and sanctuary. Taken together, Temple Emanuel of 243 Albany Avenue is worthy of local landmark designation under **Criteria C** of the **National Register of Historic Places**, which recognizes it as "embodying the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction."

\*\*\*

- **Property Owner/S:** Congregation Emmanuel of the Hudson Valley
- **Address:** 243 Albany Avenue, Kingston, New York, 12401
- **Email:** [info@cehv.org](mailto:info@cehv.org)
- **Phone number:** 845-338-4271

## Works Referenced:

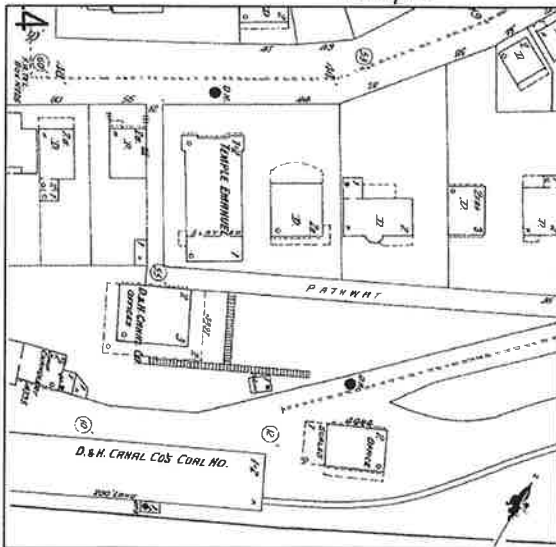
- "Arthur Silver Obituary (2010) - New York, NY - New York Times - Legacy.Com." Legacy.com, January 24, 2010. <https://www.legacy.com/us/obituaries/nytimes/name/arthur-silver-obituary?id=28249938>.
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- Congregation Emanuel of the Hudson Valley. *Temple Emanuel's 160th Anniversary: Commemorative Journal L'dor Vador*. Kingston, New York: Congregation Emanuel of the Hudson Valley, June 7<sup>th</sup>, 2014.
- Congregation Emanuel of the Hudson Valley. *Temple Emanuel, Kingston, New York: \$250,00 New Building Fund Campaign*. Kingston, NY 12401: 243 Albany Ave, circa 1957.
- Congregation Emanuel of the Hudson Valley. *Temple Emanuel Closeout (Misc. AIA & Warranty)*. Congregation Emanuel of the Hudson Valley. Circa 2005.
- Estate of Thomas Cornell. *Map of Lands of the Estate of Thomas Cornell in the City of Kingston, Ulster County, NY*. Ulster County Clerk's Office. June 6<sup>th</sup>, 1950.  
<https://www.searchiqs.com/NYULS/ImageViewerMP.aspx?CustomView=Search%20Results&SelectedDoc=L|4605818&SelectedRowIndex=13>
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- Liscum McCormack VanVoorhis, Architecture, Planners, Interiors. *Temple Emanuel – Proposed Chapel 243 Albany Ave, Kingston, NY*. Liscum McCormack VanVoorhis, Architecture, Planners, Interiors. 181 Church Street Poughkeepsie, NY, 12601. September 12<sup>th</sup>, 2003.
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## Appendix I: Historical Photographs & Maps

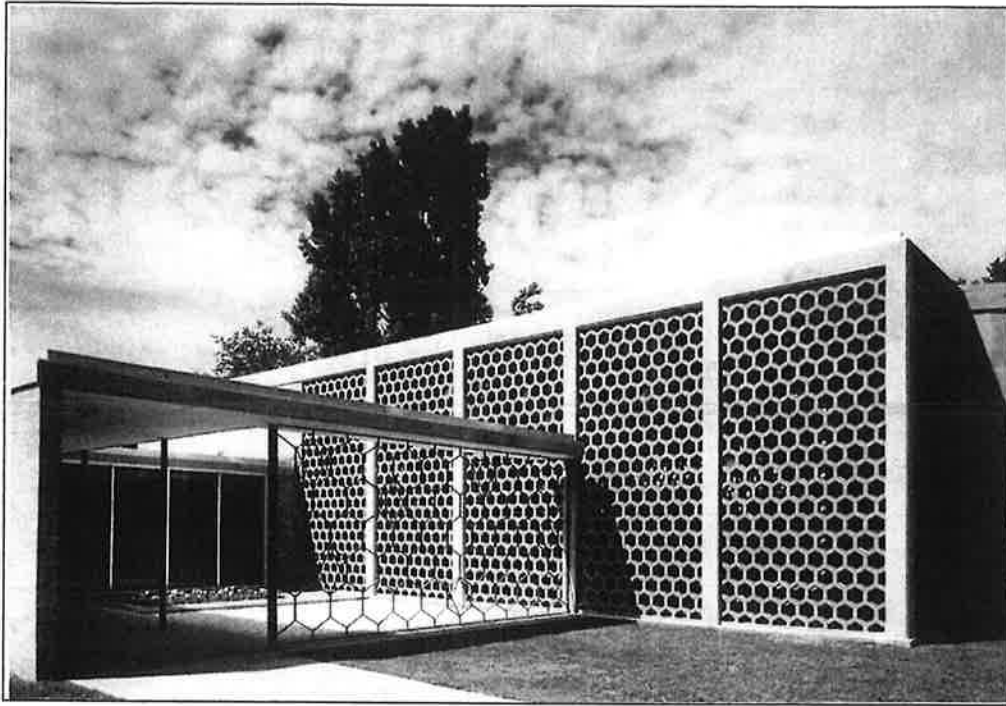


**Left, Figure 1:** Historic image of 50 Abeel Street, former site of Congregation Emanuel, pre 1959. Courtesy of Congregation Emanuel of the Hudson Valley. **Right, Figure 2:** September 2023 Google street view of 50 Abeel Street. *Note: The original stained glass window was purchased back by CEHV and now resides in Temple Emanuel's lobby.* Sourced from Google Maps, 2024.

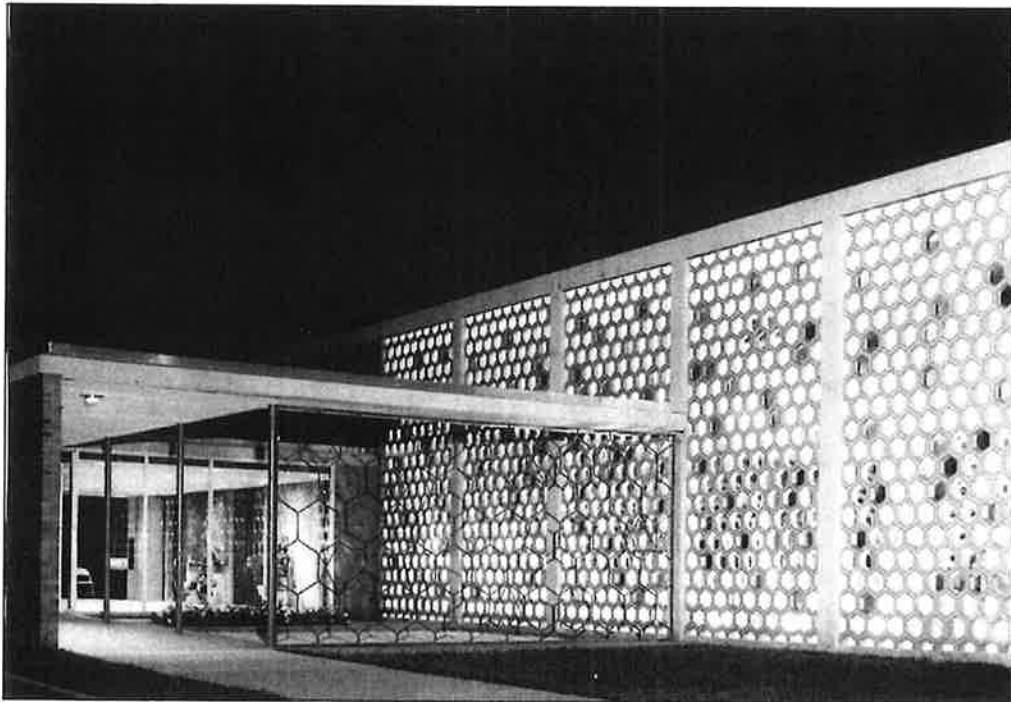


**Figure 3:** Feature of 1899 Sandborn Fire Insurance map identify 50 Abeel Street Temple Emanuel. Courtesy of City of Kingston, Planning Office. **Figure 4:** Image of Louise M. Klock mansion that stood at 243 Albany Avenue prior to the construction of Temple Emanuel. Courtesy of the City of Kingston's Assessor's Office.





**Figure 5:** Circa 1959 northwestward daytime photograph of Temple Emanuel. Courtesy of Friends of Historic Kingston, Gift of Renee Silver, window of Arthur Silver.

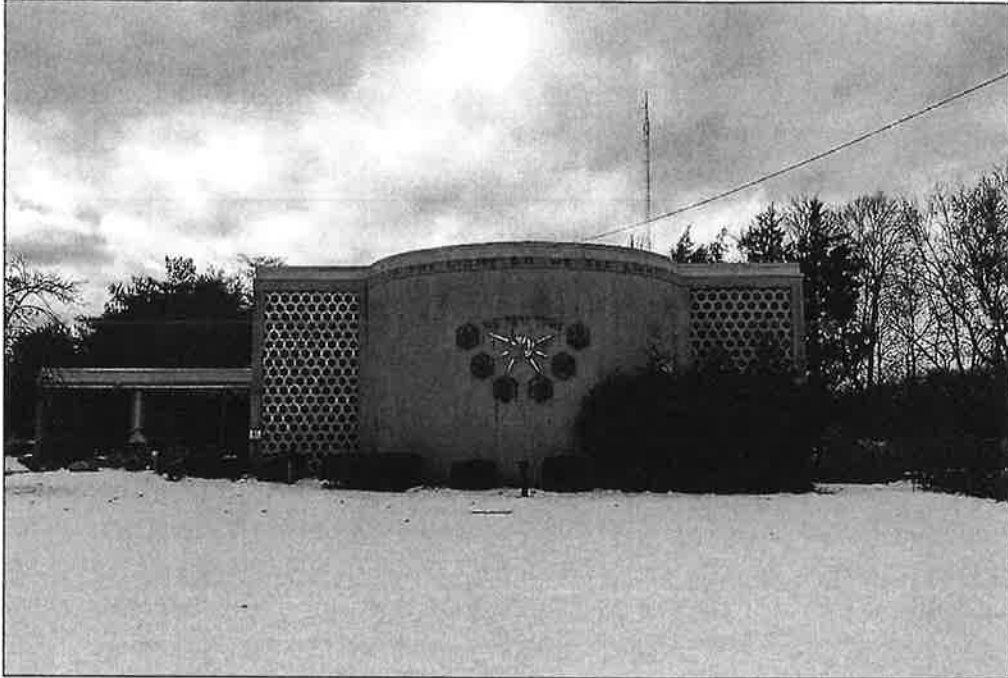


**Figure 6:** Circa 1959 northwestward nighttime photograph of Temple Emanuel. Courtesy of Friends of Historic Kingston, Gift of Renee Silver, window of Arthur Silver.

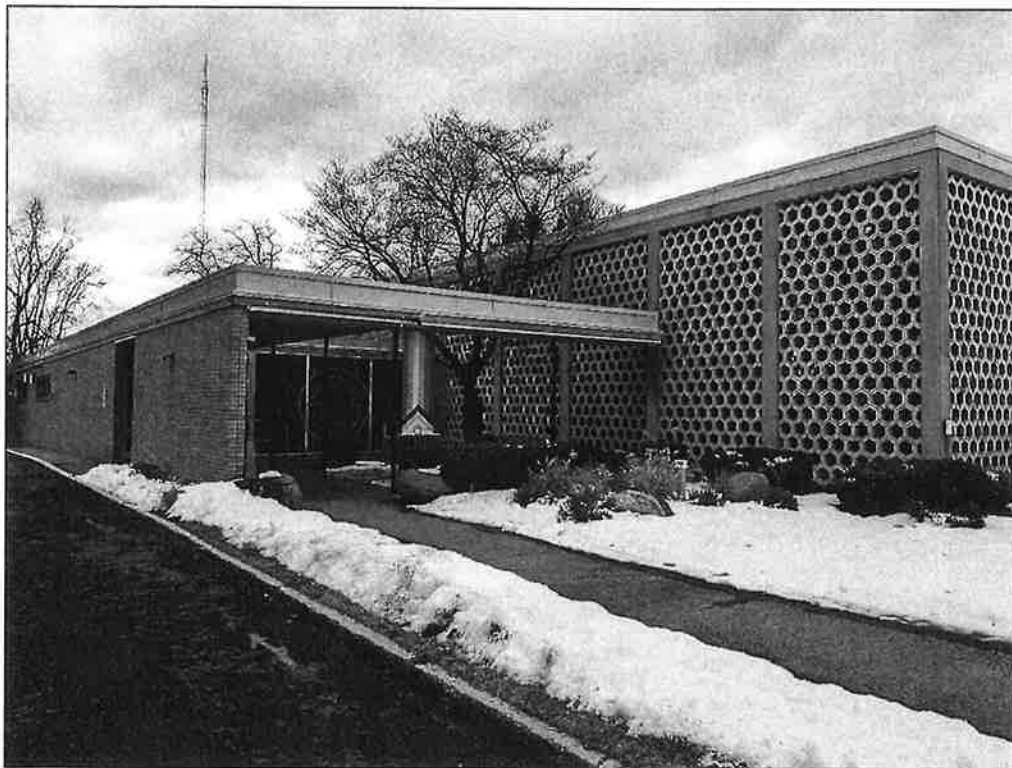


**Figure 7:** Circa 1959 daytime interior photograph (looking eastward) of worship hall within Temple Emanuel. Courtesy of Friends of Historic Kingston, Gift of Renee Silver, window of Arthur Silver.

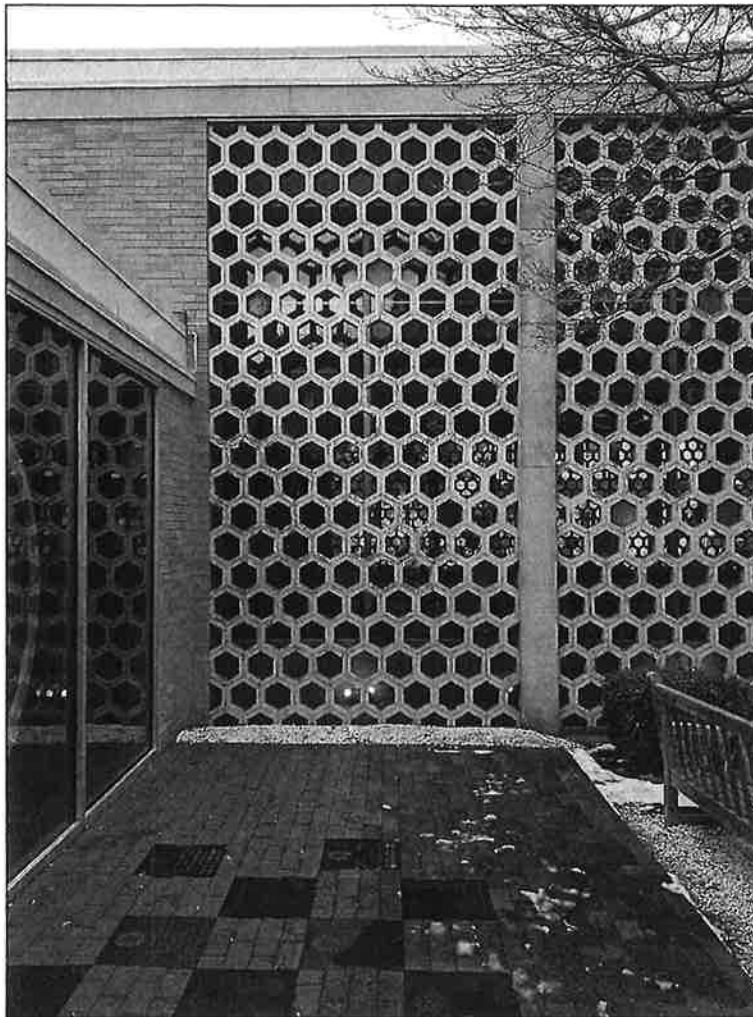
Appendix II: Site Photographs as of January 2024



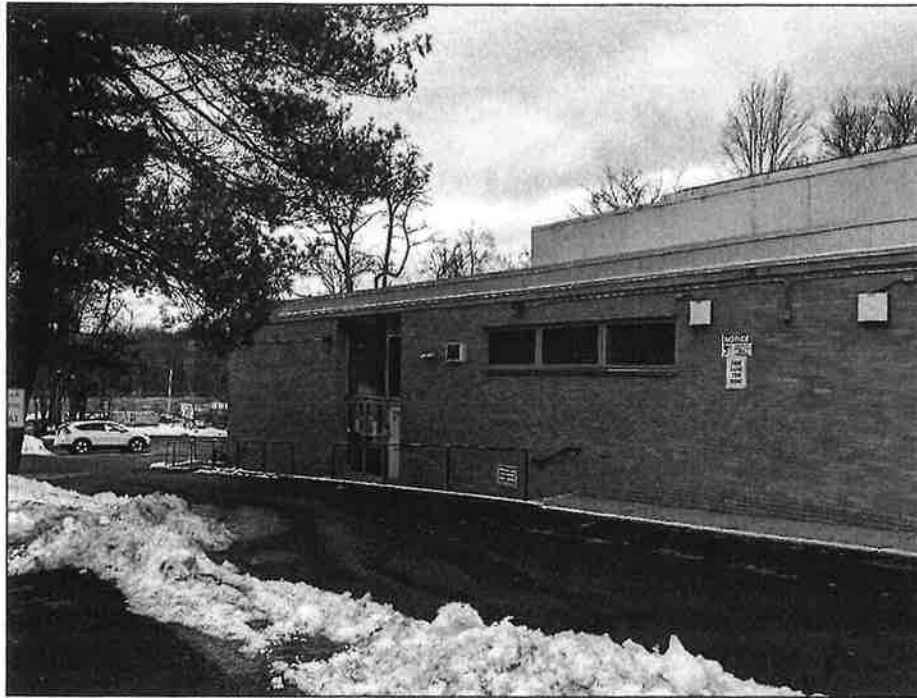
**Figure 8:** Westward view of Temple Emmanuel. Photograph by Ethan Dickerman, HPA, 2024.



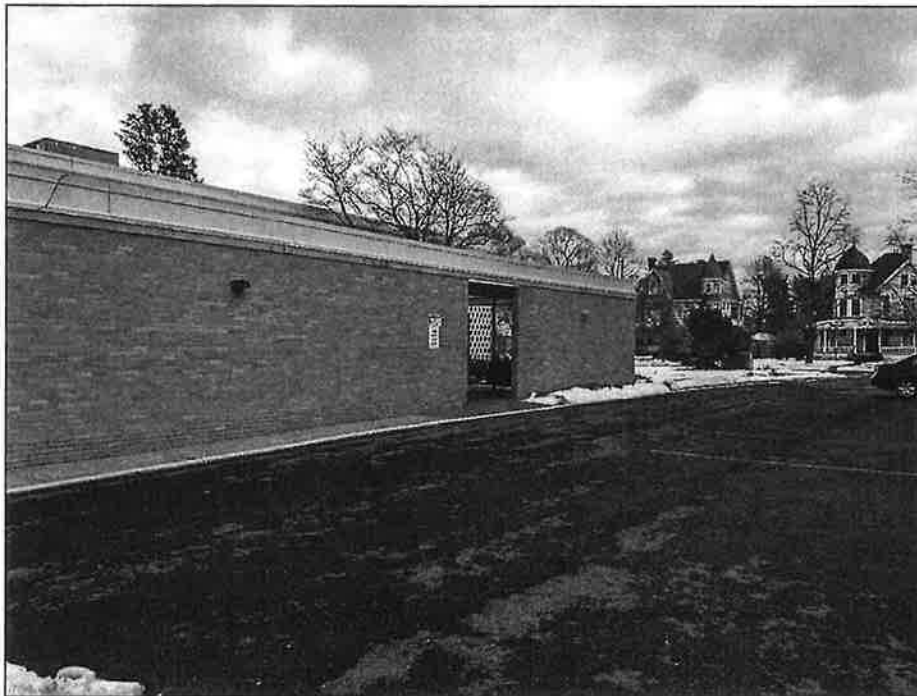
**Figure 9:** Northwestward view of Temple Emanuel's entrance, outer courtyard, and breezeblock screen. Photograph by Ethan Dickerman, HPA, 2024.



**Figure 10:** Northward view of Temple Emanuel's breezeblock screen within the outer courtyard. Note the multicolored glass inserts within the blue hexagonal blocks and the lamps for backlighting. Photograph by Ethan Dickerman, HPA, 2024.



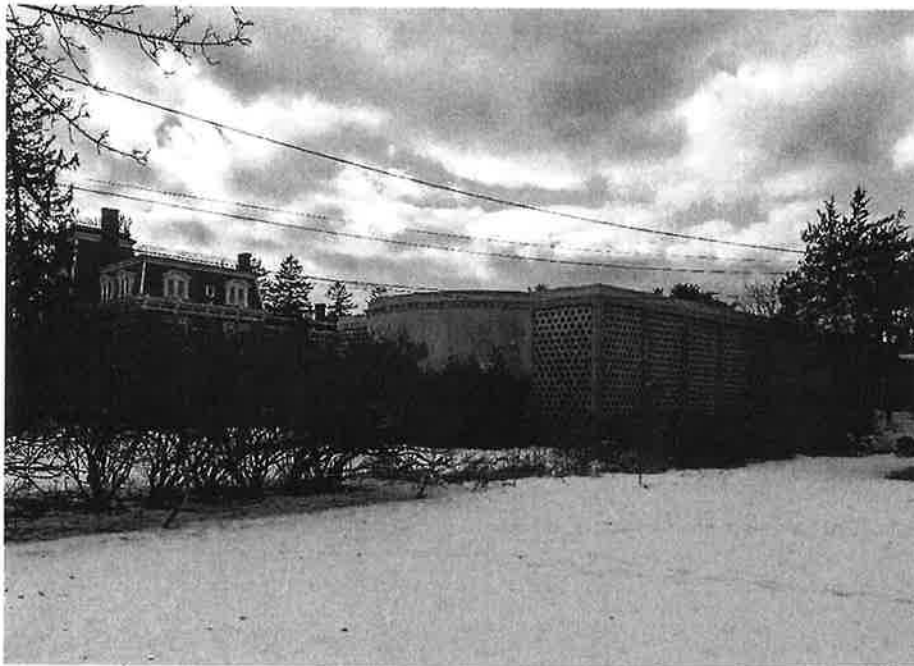
**Figure 11:** Northwestward view of Temple Emanuel's south face. Photograph by Ethan Dickerman, HPA, 2024.



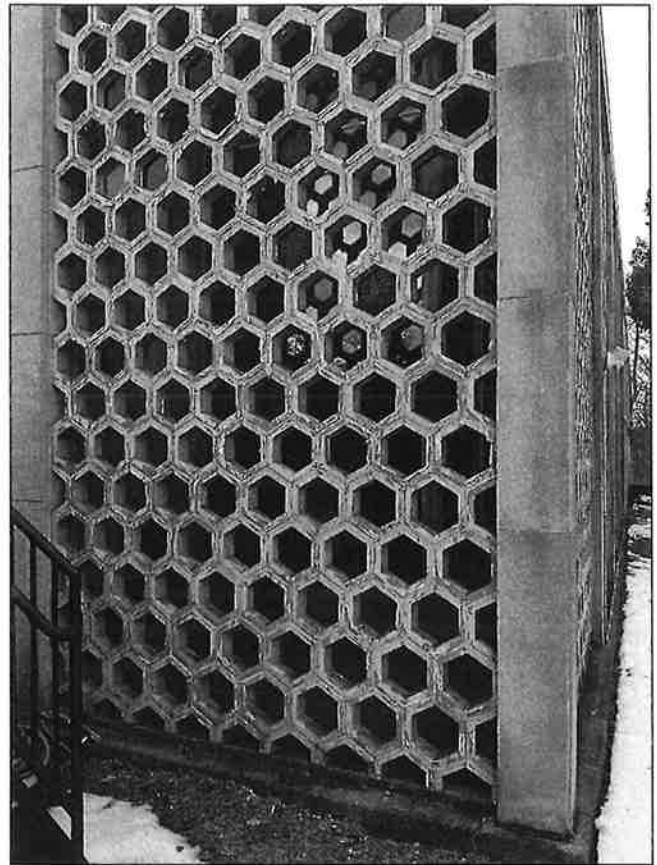
**Figure 12:** Northeastward view of Temple Emanuel's south face. Photograph by Ethan Dickerman, HPA, 2024.



**Figure 13:** Eastward view of Temple Emanuel's west face with windows and playground representing the educational side of the structure. Photograph by Ethan Dickerman, HPA, 2024.



**Figure 14:** Southwestward view of Temple Emanuel as taken from the sidewalk along Albany Avenue. Note the blue breezeblock screen wrapping around the structure's face and running approximately 40ft westward. Photograph by Ethan Dickerman, HPA, 2024.



**Left, Figure 15:** Image of fire exit installed on the eastern (Albany Ave) face following the 2003-5 renovations and which is screened by shrubbery. Photography by Ethan Dickerman, HPA, 2024.  
**Right, Figure 16:** Close-up photograph of blue hexagonal breezeblock screen highlighting varies degrees of decay. Photography by Ethan Dickerman, HPA, 2024.

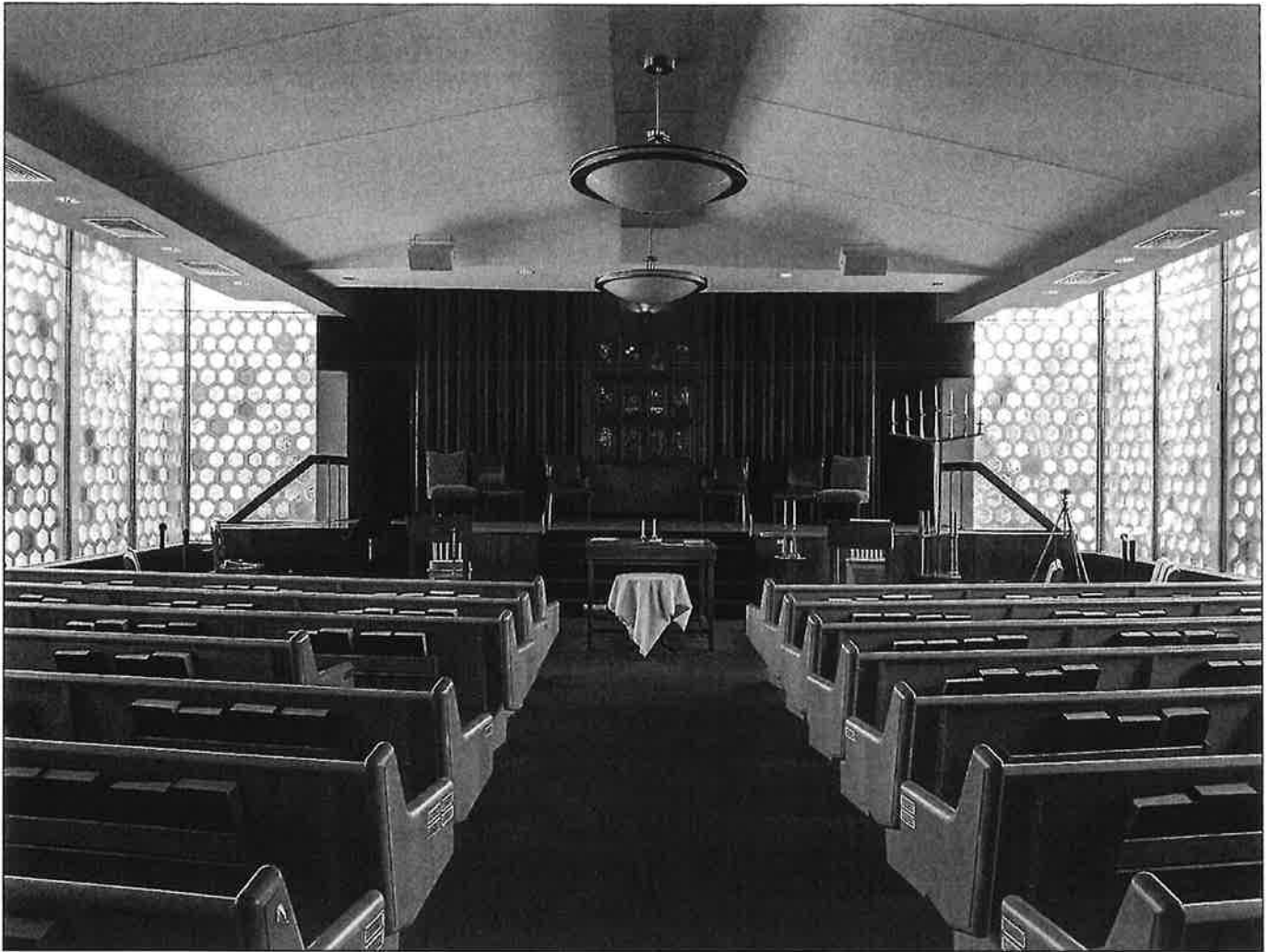


**Figure 17:** Westward image of the lobby. Photography by Ethan Dickerman, HPA, 2024.

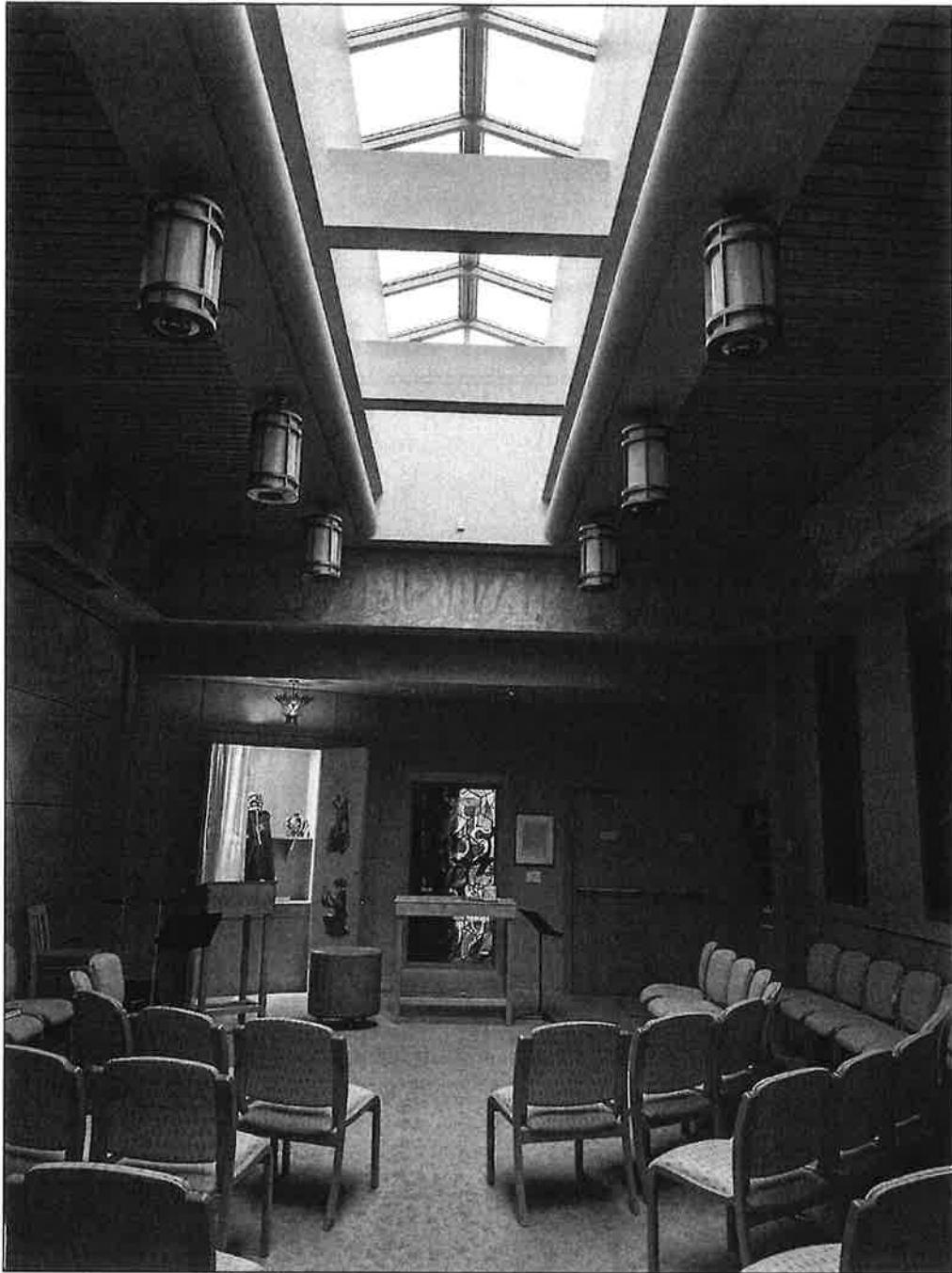


**Figure 18:** Eastward image of the lobby. Note the stained-glass window taken from the 50 Abeel Street Synagogue. Photography by Ethan Dickerman, HPA, 2024.





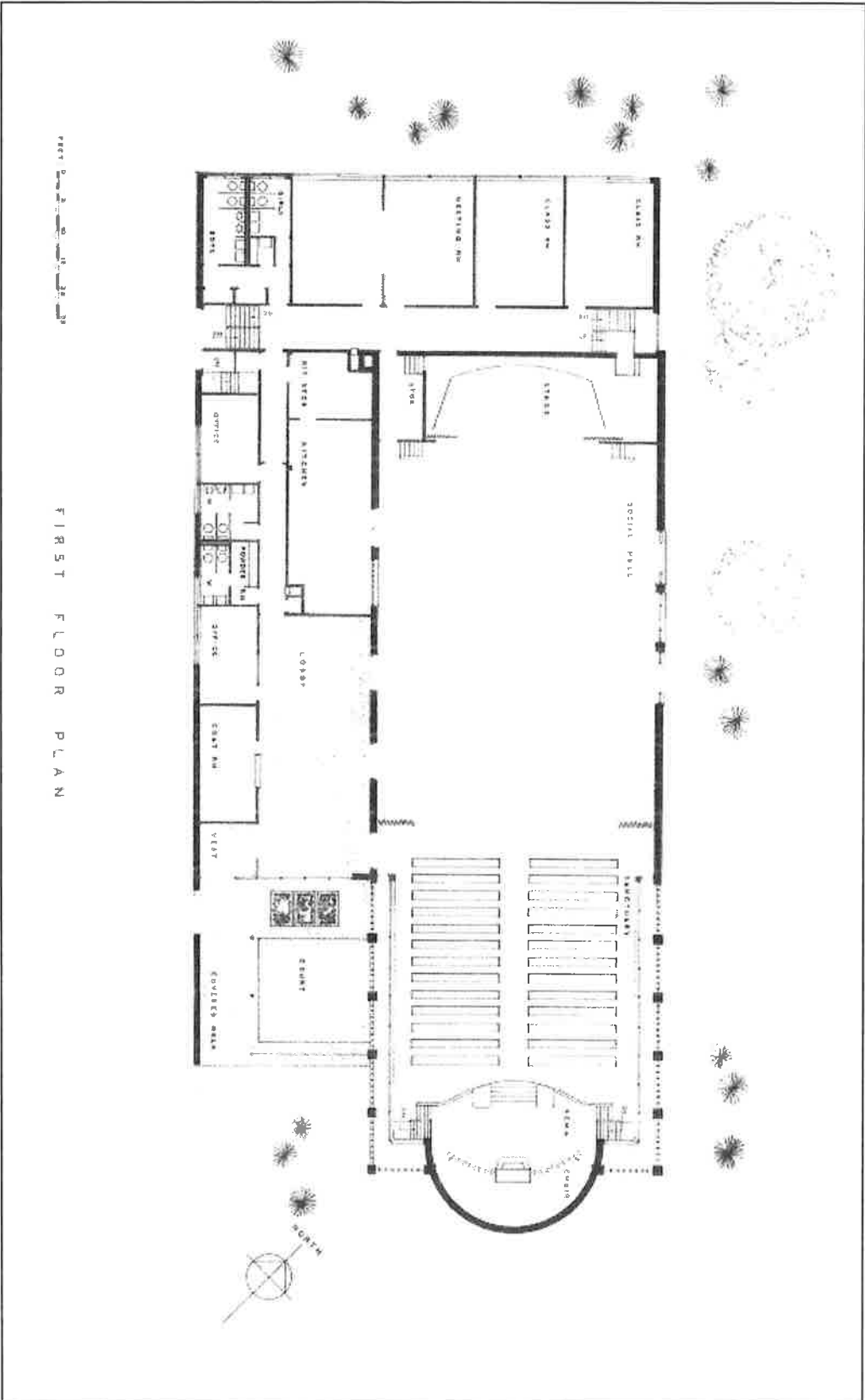
**Figure 19:** Eastward image of primary worship hall. Photography by Ethan Dickerman, HPA, 2024.

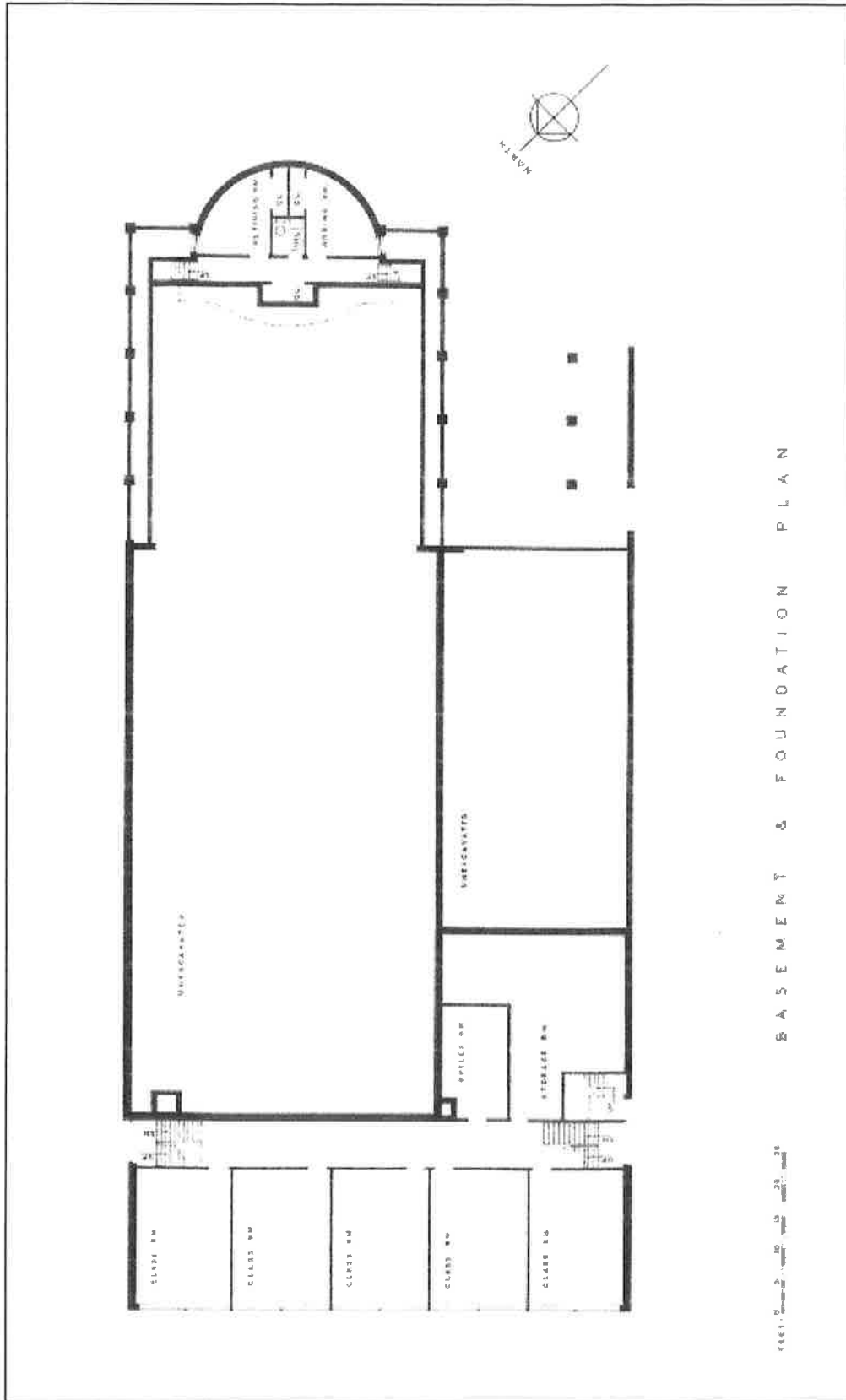


**Figure 20:** Eastward photograph of Cantor John Park Memorial Chapel. Photograph by Ethan Dickerman, HPA, 2024.



Figure 22: Temple Emanuel first floor plan circa 1957 by Arthur Silver, window of Renee Silver, gift of Renee Silver, window of Arthur Silver. Courtesy of Friends of Historic Kingston, Gift of Renee Silver, window of Arthur Silver.





**Figure 23:** Temple Emanuel basement & foundation plan circa 1957 by Arthur Silver. Courtesy of Friends of Historic Kingston, Gift of Renee Silver, widow of Arthur Silver.

Appendix IV: 2003 Plans by Liscum McCormack VanVoorhis, Architecture, Planners, Interiors

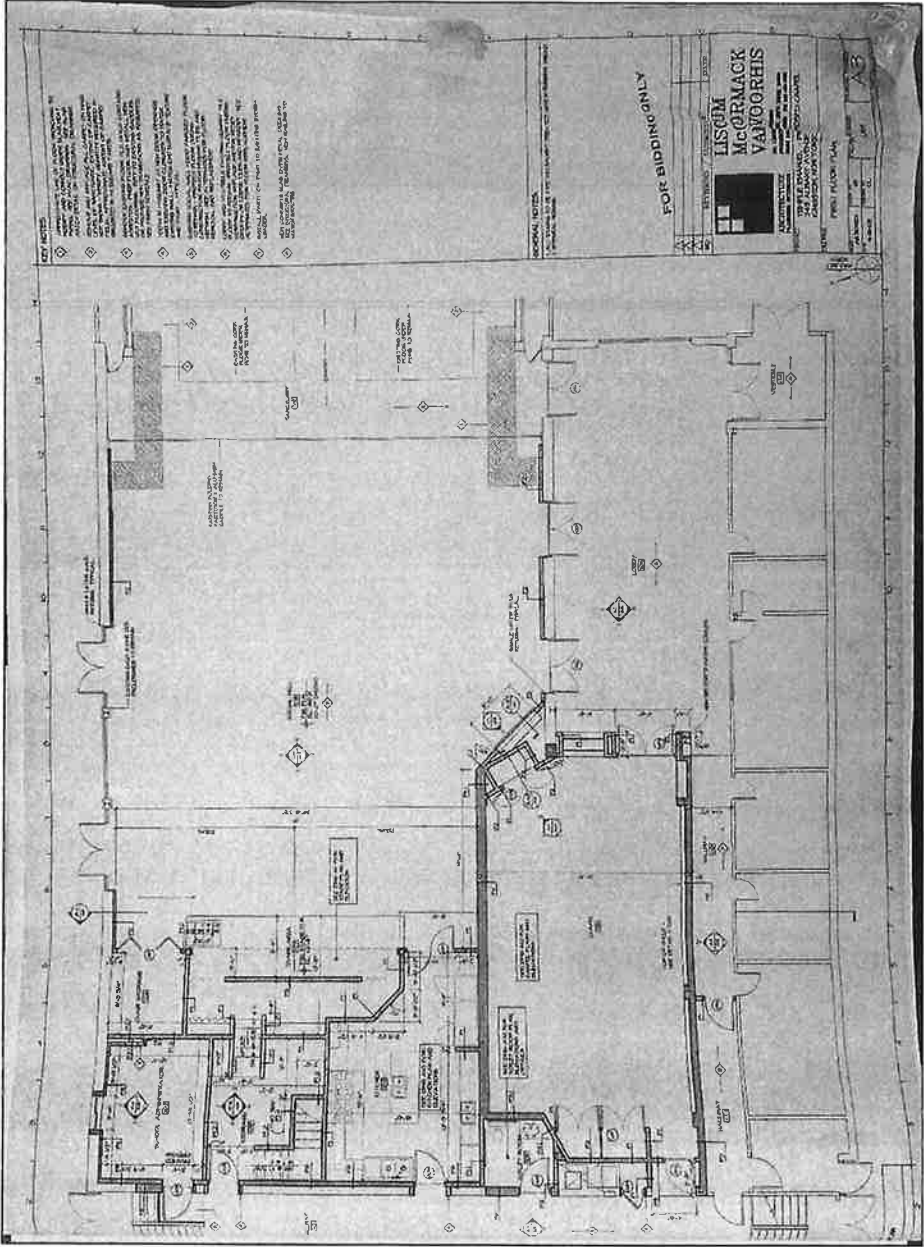
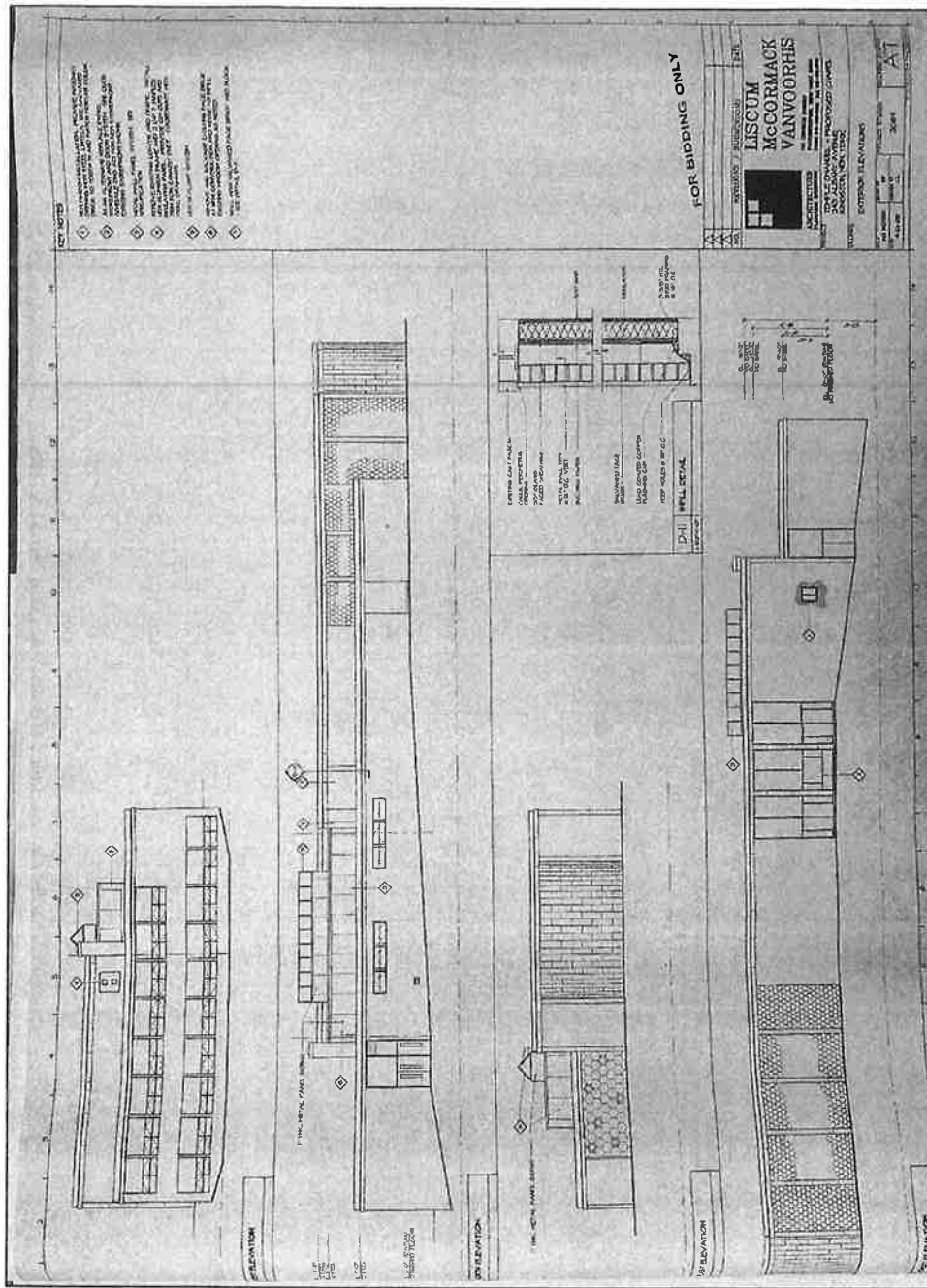


Figure 24: Liscum McCormack VanVoorhis first floor plans for Temple Emanuel, dated 2003. Courtesy of Congregation Emanuel of the Hudson Valley.



**Figure 25:** Liscum McCormack VanVoorhis exterior elevations for Temple Emanuel, dated 2023. Courtesy of Congregation Emanuel of the Hudson Valley.

4

(L+R)

CITY OF KINGSTON  
Historic Landmarks Preservation Commission  
planning@kingston-ny.gov



Suzanne Cahill, Planning Director

Steven T. Noble, Mayor

July 29, 2024

Andrea Shaut, President  
City of Kingston Common Council  
City Hall - 420 Broadway  
Kingston, NY, 12401

Re: Designating 54 W. Chester Street (SBL: 56.34-8-43) a Local Landmark

Dear President Shaut:

We are pleased to advise that the Historic Landmarks Preservation Commission (HLPC) conducted a public hearing and discussion on March 7, 2024, to obtain comment on designating 54 West Chester Street as a Local Landmark in the City of Kingston.

The Local Landmarking process for 54 W. Chester Street was initiated at the request of the property owners, Josephine Reina and Brenda Seller, seeking to preserve and restore their rental structure. During the Public Hearing, the property owners voiced their support for landmarking the structure and preservation. No other comments were received.

Following the close of the public hearing, the HLPC reviewed the materials submitted and voted unanimously to recommend 54 W. Chester Street to the Common Council for local designation. Local designation is an honorific title and protective measure granted to structures that meet one or more of the four criteria in Section 405.26.L (HLPC) of the Form Based Zoning Code.

The City of Kingston is fortunate to contain a rich stock of historic and culturally significant structures, streetscapes, and places. Approximately 700 properties are historically designated (either local, State, or National Registers) throughout the City, representing approximately 8% of the city's 8,657 total parcels. The HLPC and the Planning Department view landmarking as an important tool for City residents to preserve meaningful structures for generations to come.

We ask that you forward this to the appropriate committee for review and consideration. A Draft Committee Report and the Historic and Cultural Resource Evaluation Prepared for 54 W. Chester Street is attached. Please do not hesitate to reach out with any questions or comments that arise.

Respectfully submitted,

Suzanne Cahill, Planning Director

Ethan Dickerman, Historic Preservation Administrator

CC: S. Noble, Mayor  
E. Tinti, City Clerk  
J. Edwards, Ald Ward 4, HLPC Liaison  
M. Hirsch, Ald. Ward 9



**THE CITY OF KINGSTON COMMON COUNCIL**

**LAWS & RULES  
COMMITTEE REPORT**

DEPARTMENT: Planning - HLPC

DATE: July 29, 2024

**Description:**

Designate 54 West Chester Street (SBL 56.34-8-43) as a Locally Designated Landmark in the City of Kingston.

Signature: \_\_\_\_\_

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

Action Required:

SEQRA Decision:

Type I Action \_\_\_\_\_

Type II Action X 6/7.5(c)(3B)

Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Michele Hirsch, Chairman, Ward 9		
Reynolds Scott Childress, Ward 3		
Sara Pasti, Ward 1		
Teryl Mickens, Ward 2		
Robert Dennison, Ward 6		

**Historic & Cultural Resource Evaluation:  
54 W Chester Street**

*(Owned and Brenda Seller Trustee of the Reina Fam Trust)*

54 W. Chester Street  
Kingston, NY 12401  
SBL: 56.34-8-43

Prepared for the Historic Landmarks Preservation Commission, Kingston NY

By

Ethan P. Dickerman, HPA

20 February 2024

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## **Acknowledgements**

This evaluation is the culmination of a joint effort and support from several historically minded individuals and organizations. Thanks to the City of Kingston's Planning and Assessor Departments for sharing their street files, Sanborn maps, Codwise Maps, photographs, and other records. Thanks to Brenda Seller for initiating this landmarking process, for answering questions, and providing the Historic Preservation Administrator with access to the property during research.

**Background on Designation:** At the request of the Brenda Seller on December 13<sup>th</sup>, 2023, the City of Kingston's Historic Preservation Administrator undertook this Cultural & Historic Resource Evaluation for the purpose of elevating 54 W. Chester Street to local landmark status.

**Summary:** 54 W. Chester is a multi-unit residential property located on the east side of W. Chester street mid-way between the intersection of Bond St and Chester and the intersection of Trenton Street and W. Chester Street. The structure was built circa 1895 and received minor alterations since. The structure falls under the category of modest late Victorian architecture and complements other homes along West Chester of the period that retain a high degree of integrity.

**A Brief History West Chester Street:**

According to former Kingston Historian Edwin R. Ford, in 1892 Kingston Mayor David Kennedy devised a plan whereby all streets that crossed Broadway would be split into East and West (Ford, 2010: 313,). Once divided, the parcels along each street were numbered increasingly the away they are from Broadway (Ford, 2010: 313).

Ford tells that East and West Chester Street were named for "Hannah C. Chester, the daughter of Rev. Dr. John Chester" and wife of "Jonathan H. Hasbrouck, the first son of Abraham Bruyn Hasbrouck and Julia Frances Ludlum. Julia was the daughter of Judge Gabriel Ludlum, who owned many acres of land in the area" (2010: 313-314).

The 1870 Beers County Atlas (see Appendix I, Figure 1) visualizes West Chester as a developing street with several small dwellings built near Broadway and larger landholdings to the west by J.S. McEntee and Mrs. Has [Hasbrouck] (Beers, 1870). By the turn of the 20<sup>th</sup> century, the street saw greater development to the west as McEntee and Hasbrouck's lands were divided and sold off.

**A Brief History of 54 W. Chester Street:**

*See appendix I, Figures 1 through 7.*

54 W. Chester was likely built by George Maurice & Anna E Decker circa 1895 for them and their children (at least three), as evidenced by the substantial increase in property value between 1889 when they purchased the land and when they sold the property in 1897. According to George and Anna's gravestone in Wiltwyck Cemetery, he was born in 1843 and died in 1915 and Anna lived from 1843 until 1919 (FindAGrave, 2019).

The 1860, 1880, and 1900 Federal Censuses and the 1875 and 1905 NYS Censuses inform us that George M. Decker worked as a printmaker for the local newspaper. After the Decker's sold the property, it passed through several owners (see table below for more information), who each owned the property for about 8 to 10 years. Several of the owners may have been related as the indentures record the transfers as only costing \$1.00. In 1970, the property was purchased by Thomas and Josephine Reina, the parents of the current owner, Brenda Sellers, the latter of whom grew up in the house and now operates it as a rental property.

The following is a chain of titles for 54 W. Chester Street detailing its history.

Date	Grantor (Owner/Seller)	Grantee (Buyer)	Price
1870	According to the 1870 Beers Atlas of Ulster, 54 W. Chester was part of a larger parcel owned by Mrs. HAS (likely Abraham Bruyn Hasbrouck and Julia Ludlum Hasbrouck (Ford, 2010:313).		N/A
1889.12.26	Henry A. Wolfer	George M. & Anna E. Decker	\$166.00
1897.10.30	George M. & Anna E. Decker	Frances A. & Harry M. Deane	\$3,100.00
1898.9.15	Frances A. & Harry M. Deane	Thomas W. Wadesworth	\$3,500.00
1918.12.30	Thomas W. Wadesworth	Louise W. Patchen	\$1.00
Date Unclear	Rondout Saving's Bank assumes ownership of the property		
1920.1.5	Rondout Savings Bank	James J. & Mary A. McGrath	\$1.00
1927.1.10	James J. McGrath	Agnes McGrath	\$1.00
1935.7.1	Agnes McGrath	Clemetine Mary Ford	\$1.00
1946.1.11	Clemetine Mary Ford	Robert J. & Florence M. Brauer	\$1.00
1947.5.7	Robert J. & Florence M. Brauer	John A. & Cornelia G. Klarick.	\$4311.96
1970.8.12	John A. & Cornelia G. Klarick.	Thomas T. & Josephine C. Reina	\$11,500
1990.4.25	Josephine C. Reina assumes sole ownership of 54 W. Chester Street.		\$0.00
2018.2.15	54 W. Chester Street placed under the ownership of Brenda Seller, as Trustee of the Reina Family Trust.		\$0.00

**Exterior Architectural Description:**

*See Appendix II, Figures 8 through 10.*

**West Elevation (Street Front):** 54 W. Chester Street is a modest late Victorian 2 and ½ story three bays dwelling with a full raised porch overlooking W. Chester Street. The structure is painted white with black soffits and fascia. The roof's ridge runs parallel with W. Chester Street except for the southern recessed bay which supports a street-facing gable, creating an asymmetric West face. Atop the recessed bay is a street facing gable with a single square, black-painted window supported by corbels. The central bay is defined by the first-floor entrance and a second story window, while the north bay is defined by a flat wall with two pairs of windows per floor. The structure presents 1/1 white vinyl replacement windows, but which are consistent with the structure's windows in 1950. Black shutters were added sometime between 1950 and the 1960s.

The structure retains its decorative Victorian porch with turned columns brackets, railings, and framing. Foral details are visible in the woodwork over the porch's entrance. Beneath the porch is a lattice screen. The structure also retains its original multi-color and multi-pane transom window over the entryway. A late storm door covers the entrance, and it is unclear if the primary door is original to the structure. The structure appears to have asbestos siding, which was installed sometime during or before the 1950s, as evidenced by its presence on the Assessor's 1950 Property Record Card. Evidence of the original clapboard siding exists on the southern bay where a piece of the asbestos siding broke away.

**North Elevation:** The north face of 54 W. Chester Street is also a gable end. On the east side of the first floor, there is a 1/1 window with black shutters, adjacent further to the east is the structure's porch. On the west side of the 1<sup>st</sup> floor is a small bay with no windows and a small asphalt roof. The second story is a flat wall characterized by two 1/1 windows with black shutters. Two small black painted windows (or vents) are visible in the north gable end.

**South Elevation:** The south elevation is characterized by a largely blank wall covered in asbestos shingle siding painted white. A single centrally located 1/1 window with black shutters is present on the first floor. The second floor has no windows. The attic (south gable end) shows a pair of black vent windows like those on the structure's north gable end. A small chimney is present at the structure's ridge one foot north of the eave.

**East Elevation (Rear):** Per city landmark code, the exterior of structures not visible from the public right of way are not subject to HLPC review. As such, a close inspection of the structure's rear was not deemed necessary for this evaluation.

**Interior Architectural Description:**

Per city landmark code, the interior of structures is not subject to landmarking. Additionally, as a private dwelling an evaluation is deemed unnecessary.

**Conclusion & Significance Statement:**

This local landmark designation evaluation was undertaken at the December 2023 request of Brenda Sellers to ensure its protection and local recognition as an architectural significant dwelling at 54 W. Chester Street that retains a high degree of integrity. 54 W. Chester Street was constructed circa 1895 by George M. & Anna E. Decker as their personal dwelling. It is unclear when the structure became a multiunit dwelling but appears to have been owner occupied for much of its life. As of 2024, the structure serves as an income-producing rental property.

54 W. Chester Street is a modest late Victorian multi-unit dwelling located on the east side of W. Chester Street mid-way between Bond St & Augusta Street. The structure retains decorative woodwork posts and framing supporting the front porch. A two-story

recessed bay supports two corbels and a street facing gable (with a multi-pane attic window is present). An intact multi-colored glass transom window remains over the front entrance. Evidence of the original clapboard siding beneath the existing asbestos shingle siding can be seen on the structure's southwestern corner. 54 W. Chester Street is one of a dozen contiguous late 19<sup>th</sup>-century Victorian dwellings (and parcels) on the street, mid-way between Bond St and August St, that could constitute a local historic district. One notable example being 53 W. Chester St, the former home of Emily Hoysradt, an artist who painted murals within the Gov. Clinton Hotel (Rhoads, 2003: 126). Additional research into the historical and architectural significance of these contiguous structures is warranted to determine, at minimum, local historic district eligibility, and potentially National Historic District Eligibility.

While the 54 W. Chester Street has undergone some modifications (like the replacement of most wooden sash windows with vinyl windows and the presence of asbestos shingle siding), overall, the structure maintains a high degree of integrity across its exterior and is a good candidate for continued preservation and data-informed restoration to free any remaining features that are presently obscured by the late addition siding. Taken together, 54 W. Chester Street is worthy of local landmark designation under **Criteria C** of the **National Register of Historic Places**, which recognizes it as "embodying the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction."

\*\*\*

- **Property Owner/S:** Brenda Seller Trustee of the Reina Fam Trust
- **Address:** 15 Brigham Street, Kingston, NY 12401
- **Email:** [reinaandco@yahoo.com](mailto:reinaandco@yahoo.com)
- **Phone number:** 914-523-8082

#### **Works Referenced:**

Beers, F.W. County Atlas of Ulster, New York. Walker & Jewett, New York, NY. 1875.

Codwise, George Wallace. Official Map of the City of Kingston, NY. Board of Public Works. 1914.

Rhoads, William Bertolet, and James Bleecker. *Kingston, New York: The Architectural Guide*. Hensonville, NY: Black Dome Press, 2003.

Find a Grave, database and images

([https://www.findagrave.com/memorial/204651890/g\\_maurice-decker](https://www.findagrave.com/memorial/204651890/g_maurice-decker): accessed February 20, 2024), memorial page for G. Maurice Decker (1843–1915), Find a



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Ulster County, New York, Deed Book: 54 W. Chester Street, Kingston, NY. 25 April 1990.

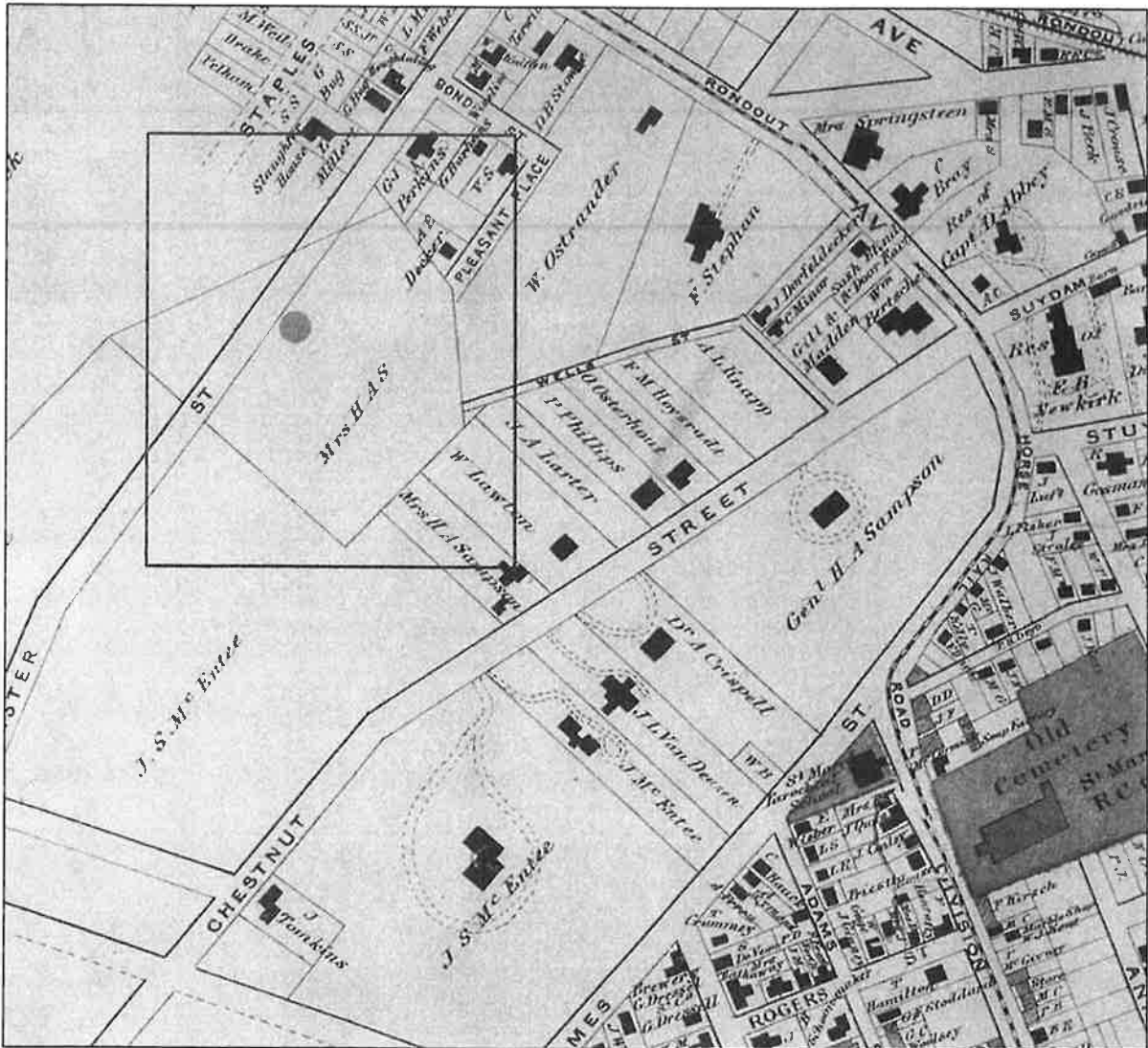
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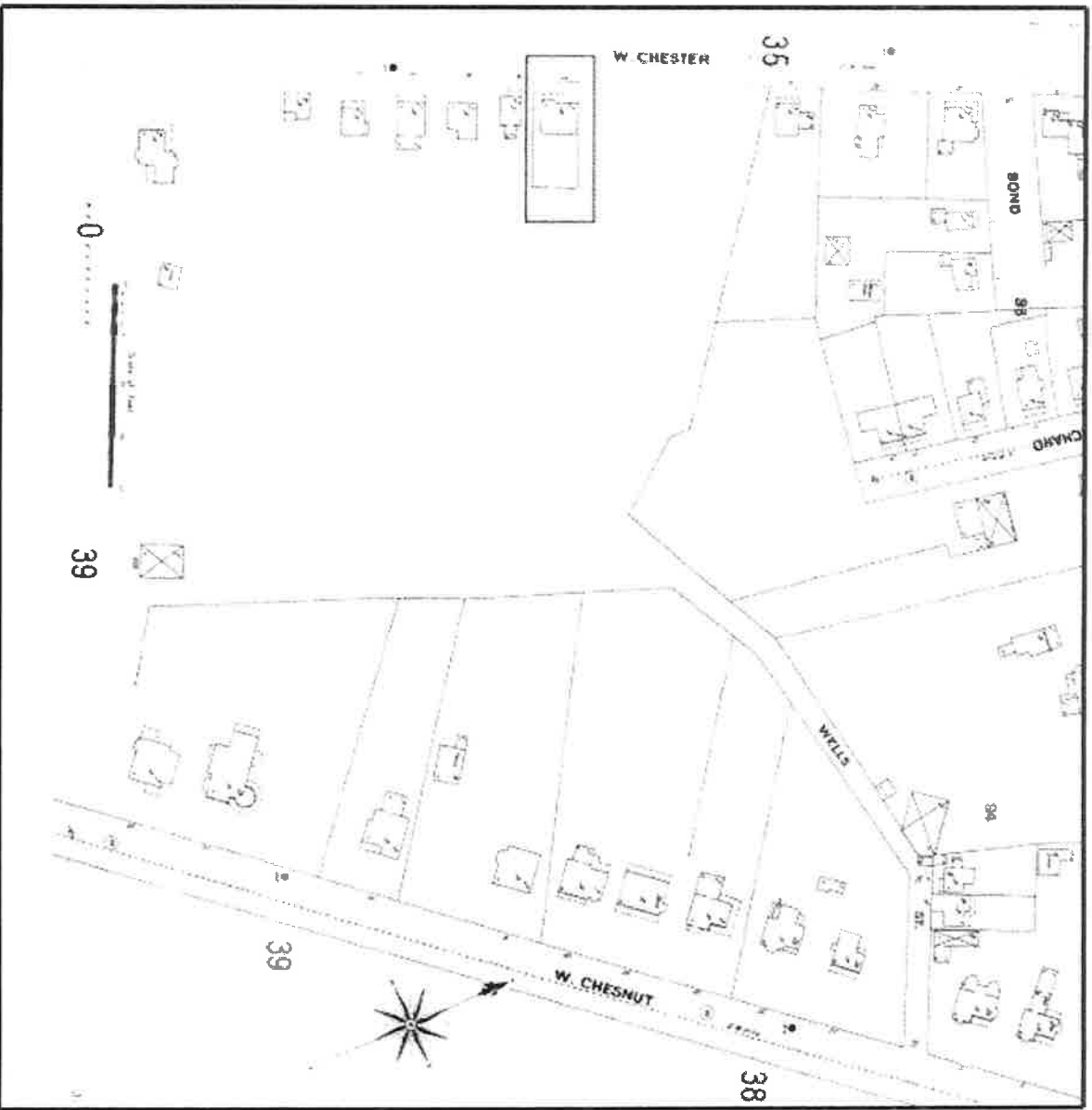
"United States Census, 1880", FamilySearch  
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(<https://www.familysearch.org/ark:/61903/1:1:MP1R-9BD>: Tue Oct 03 23:19:22 UTC 2023), Entry for George M Decker and Anna E Decker, 1910.

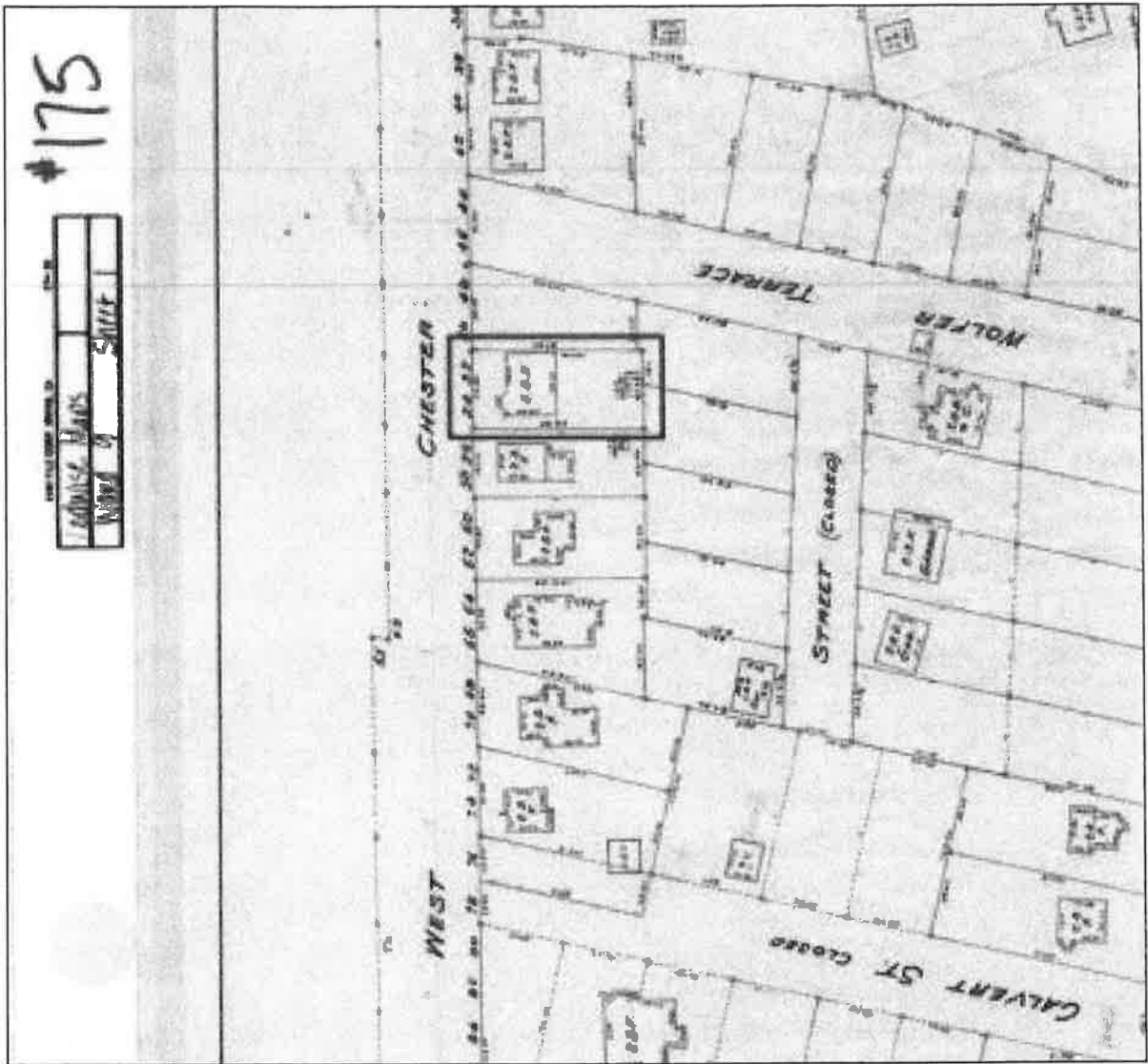
**Appendix I: Historical Photographs & Maps**



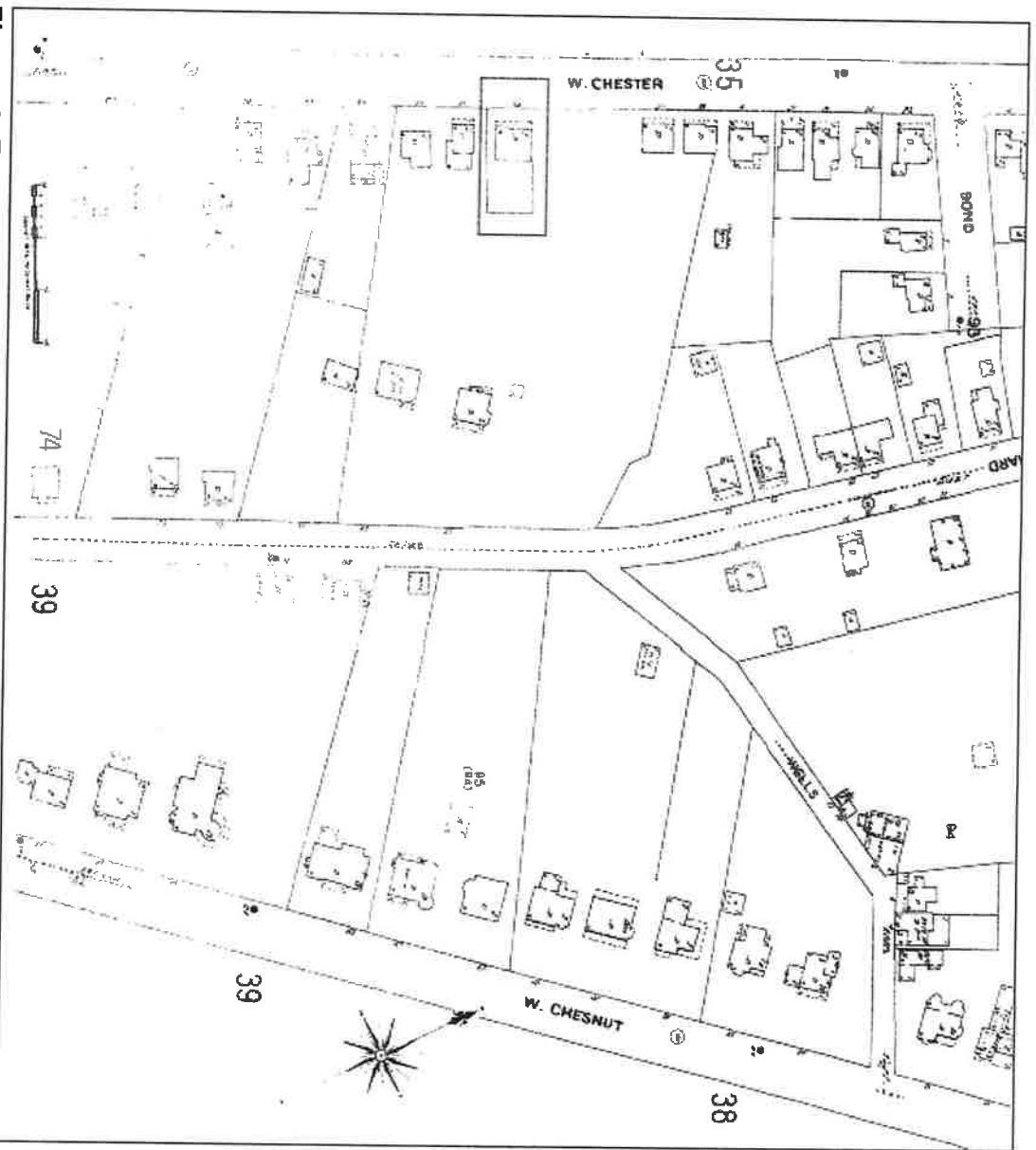
**Figure 1:** Feature of the Beers Ulster County Atlas of 1870 with edits by Ethan Dickerman, HPA. Note: The red line identifies the property of Mrs. HAS [Hasbrouck] and the green dot identifies the approximate location of the 54 W. Chester Street dwelling. Courtesy of the City of Kingston Planning Department, 2024.



**Figure 2:** Feature of the Sanborn Fire Insurance map of 1889 with edits by Ethan Dickerman, HPA, identifying 54 W. Chester Street. Map courtesy of the City of Kingston Planning Department, 2024.



**Figure 3:** Feature of the Codwise map of Kingston page 175 with edits identifying 54 W. Chester St. Courtesy of the City of Kingston Assessor's Office, 2024.



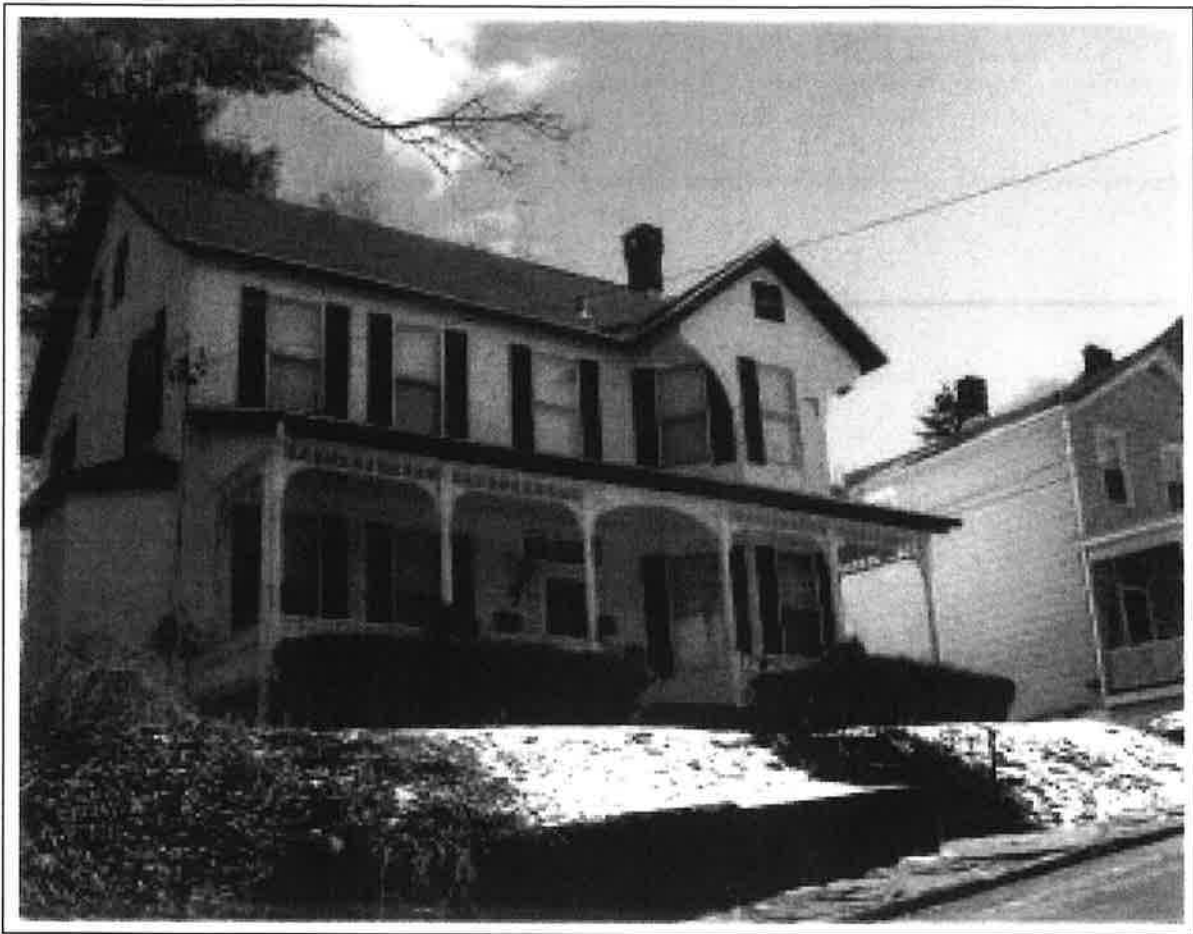
**Figure 4:** Feature of the Sandborn Fire Insurance map of 1957 with edits by Ethan Dickerman, HPA, identifying 54 W. Chester Street. Map Courtesy of the City of Kingston Planning Department, 2024.



**Figure 5:** Circa 1950 photograph of 54 W. Chester Street sourced from the City of Kingston's Property Record Card. Courtesy of the City of Kingston's Assessor Office, 2024.



**Figure 6:** Circa 1960s photograph of 54 W. Chester Street. Courtesy of the City of Kingston's Assessor Office, 2024.



**Figure 7:** Circa 2000 photograph of southward facing view of 54 W. Chester Street. Courtesy of the City of Kingston's Assessor Office, 2024.



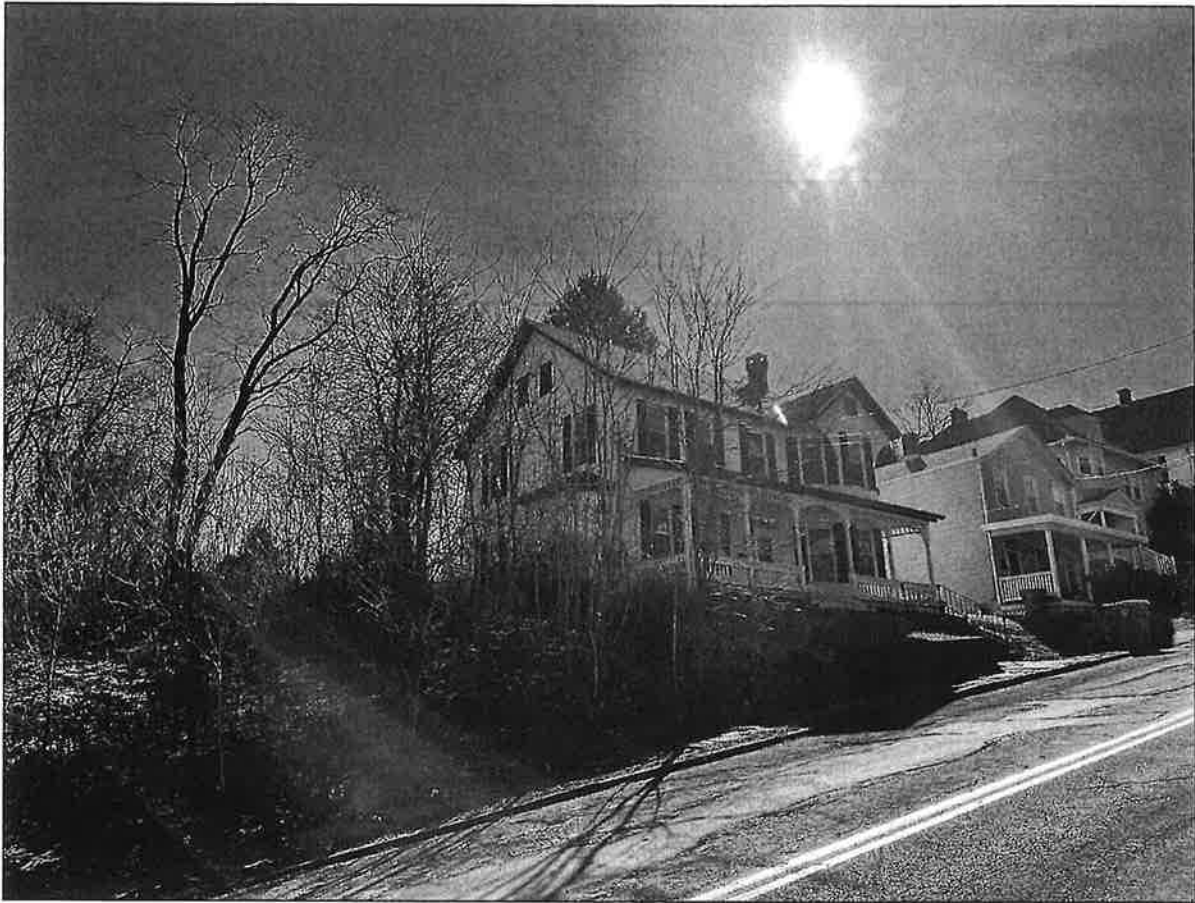
Appendix II: Site Photographs as of January 2024



**Figure 8:** Eastward view of 54 W. Chester Street. Photography by Ethan Dickerman, HPA, 2024.



**Figure 9:** Northeastward view of 54 W. Chester Street. Photography by Ethan Dickerman, HPA, 2024.



**Figure 10:** Southeastward view of 54 W. Chester Street. Photography by Ethan Dickerman, HPA, 2024.

5

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# CITY OF KINGSTON Historic Landmarks Preservation Commission

planning@kingston-ny.gov



Suzanne Cahill, Planning Director

Steven T. Noble, Mayor

July 29, 2024

Andrea Shaut, President  
City of Kingston Common Council  
City Hall - 420 Broadway  
Kingston, NY, 12401

Re: Designating the Wilbur Local Landmark District  
(See attached Boundary Map)

Dear President Shaut:

We are pleased to advise that the Historic Landmarks Preservation Commission (HLPC) conducted a public hearing on July 10, 2024, to obtain comment on designating a portion of the Wilbur neighborhood as the Wilbur Local Landmark (Historic) District in the City of Kingston. The proposed district was identified in the 2023 Intensive Level Historic and Cultural Resource Survey of Ponckhockie and Wilbur by AHRS, LLC, and refined by the NYS Department of State in December of 2023.

The Local Landmarking process for Wilbur is being pursued at the request of the neighborhood property owners/residents, who have signed a supporting petition in accordance with the City Code. They are seeking to preserve their community and to begin the process of State and National Register listing to secure access to the Rehabilitation Tax Credit Programs. During the Public Hearing, Alderwoman Hirsch and one local resident voiced support for local landmark status and preservation. No other comments were received.

Following the close of the public hearing, the HLPC reviewed the materials submitted and voted unanimously to recommend the proposed Wilbur Local Landmark District to the Common Council for designation. Local designation is an honorific title and protective measure granted to structures that meet one or more of the four criteria in Section 405.26.L (HLPC) of the Form Based Zoning Code.

The City of Kingston is fortunate to have a rich stock of historic and culturally significant structures, streetscapes, and places. Approximately 700 properties are historically designated (either local, State, or National Registers) throughout the City, representing approximately 8% of the city's 8,657 total parcels. The HLPC and the Planning Department view landmarking as an important tool for City residents to preserve meaningful structures for generations to come.

We ask that you forward this to the appropriate committee for review and consideration. A Draft Committee Report along with the HLPC Resolution and Map is attached. Please do not hesitate to reach out with any questions or comments that arise.

Respectfully submitted,

Suzanne Cahill, Planning Director

Ethan Dickerman, Historic Preservation Administrator

CC: S. Noble, Mayor  
E. Tinti, City Clerk  
J. Edwards, Ald Ward 4, HLPC Liaison  
M. Hirsch, Ald. Ward 9

**THE CITY OF KINGSTON COMMON COUNCIL**

**LAWS & RULES  
COMMITTEE REPORT**

DEPARTMENT: Planning - HLPC

DATE: July 29, 2024

**Description:**

. Designate portion of the Wilbur Neighborhood as shown on attached map and property listing as a Locally Designated Landmark District in the City of Kingston.

Signature: \_\_\_\_\_

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

Action Required:

SEQRA Decision:

Type I Action \_\_\_\_\_

Type II Action X 617.5(c)(3B)

Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Michele Hirsch, Chairman, Ward 9		
Reynolds Scott Childress, Ward 3		
Sara Pasti, Ward 1		
Teryl Mickens, Ward 2		
Robert Dennison, Ward 6		

**CITY OF KINGSTON HISTORIC LANDMARKS PRESERVATION COMMISSION  
DECISION DOCUMENT**

PLACE: CITY OF KINGSTON HLPC MEETING - Common Council Chambers DATE: 10 July 2024

ITEM # 2 APPLICANT: City of Kingston, applicant/ multiple property owners

ADDRESS AND SBL: Wilbur Neighborhood; Multiple Addresses and SBLs

SEQRA DECISION: MOTION BY: <u>KM</u> SECONDED BY: <u>NM</u> Type I Action: <input type="checkbox"/> Negative Declaration of Environmental Significance: <input type="checkbox"/> <i>(unanimous)</i> Type II Action: <input checked="" type="checkbox"/> Conditioned Negative Declaration: <input type="checkbox"/> SEQR Reg: <u>617.5 (c) (38)</u> Unlisted Action: <input type="checkbox"/> Seek/Designate Lead Agency: _____ Positive Declaration of Environmental Significance: <input type="checkbox"/> Scoping: <input type="checkbox"/> FIS: <input type="checkbox"/> FINAL DECISION: MOTION BY: _____ SECONDED BY: _____	<p align="center"><b>RECEIVED:</b></p> <p align="center">Received By City Clerk:</p> <p align="center"><b>RECEIVED BY</b></p> <p align="center">DATE</p> <p align="center">TIME</p> <p align="right"><i>7/17/2024</i></p> <p align="right"><i>(Signature)</i></p>
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OTHER APPROVALS: ZBA  UCPB  PB  HAC  LWRP Consistency  CC

CONDITIONS: (Use Other Side if More Information Is Needed)

*AP KM - Hearing closed - All yes*

*Resolution - MG-Moham - KM-Second*

*Read into Record -*

MEMBERS	Absent/Present	SIGNATURE	YES	NO	RECUSED
Mark Grunblatt, Chairman	<input type="checkbox"/> / <input checked="" type="checkbox"/>	<i>Mark Grunblatt</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andrea Puetz, Architect	<input type="checkbox"/> / <input checked="" type="checkbox"/>	<i>Andrea Puetz</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/> / <input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nettie Morano	<input type="checkbox"/> / <input checked="" type="checkbox"/>	<i>Nettie Morano</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin McEvoy	<input type="checkbox"/> / <input checked="" type="checkbox"/>	<i>Kevin McEvoy</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert Tonner	<input checked="" type="checkbox"/> / <input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant					
<b>TOTAL</b>			<b>4</b>	<b>-</b>	<b>-</b>

RESOLUTION OF THE HISTORIC LANDMARKS PRESERVATION COMMISSION (HLPC) OF THE CITY OF KINGSTON, NEW YORK, RECOMMENDING THE COMMON COUNCIL DESIGNATE A LOCAL LANDMARK DISTRICT IN THE WILBUR NEIGHBORHOOD AREA

MOTION: MARK GRUNBLATT, CHAIRMAN

SECOND: KEVIN MCEVOY, COMMISSIONER

WHEREAS, in 2021, a NYS Office of Parks Recreation and Historic Preservation (OPRHP) Certified Local Government Grant funded an Intensive-Level Historic Resources and Building Survey of the Wilbur and Ponckhockie Neighborhoods conducted by Archaeology and Historic Resource Services, LLC. (AHRs); and

WHEREAS, the work completed by AHRs delineated a potential Wilbur National Historic District, and was reviewed by OPRHP in December of 2023, to further refine the proposed boundaries of the Wilbur Historic District; and

WHEREAS, the OPRHP issued a formal Determination of Eligibility Document registered on the State Cultural Information System that identifies the areas as meeting Criteria A and Criteria C of the National Register of Historic Places; and

WHEREAS, City Staff and HLPC Commissioners further reviewed the proposed boundaries to include 19 Dunn Street (SBL: 56.57-2-26.100), as a contributing structure to the district; and

WHEREAS, the City and HLPC conducted two neighborhood meetings in Wilbur to educate, answer questions, and provide assistance to property owners in the area about the benefits of and review processes associated with historic districting; and

WHEREAS, the residents supporting the establishment of the Wilbur Historic District seek designation to ensure the neighborhood's preservation and to secure access to funding opportunities set aside by the local, state, and federal governments to assist owners of historic properties; and

WHEREAS, the residents of the proposed district are pursuing Local Landmark Districting as a first step towards State and National Register District listing; and

WHEREAS, the HLPC in accordance with Section 405.26.L.7 (Landmark or Landmark District designation procedure) secured sufficient signatures to hold a Public Hearing on the proposed Wilbur Local Landmark District; and

WHEREAS, according to Section 405.26. L notifications of the proposed Public Hearing were posted in the City's Newspaper and sent by Certified Mail letters of notice to all property owners within the proposed district; and

WHEREAS, the HLPC held a Public Hearing, on July 10, 2024, at City Hall, and the HLPC heard favorable comment from 2 speakers, to recommend to the Common Council the creation of the Wilbur Local Landmark District, as delineated (Reference Attachment A); and

WHEREAS, the HLPC finds that the proposed action is considered a Type II Action under 6 NYCRR, Part 617.5 (c) (38) and is predetermined not to have a significant impact on the environment and is precluded from environmental review under Environmental Conservation Law, Article 8.

NOW, THEREFORE, BE IT RESOLVED BY THE HISTORIC LANDMARKS PRESERVATION COMMISSION OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. Recommends that the City of Kingston's Common Council designate the area outlined in "Attachment A" of this resolution as the WILBUR LOCAL LANDMARK DISTRICT.

SECTION 2. That the Common Council incorporate the following Wilbur District Description and Statement of Significance under the City of Kingston Form Based Zoning Code as Section 405.26.L.8 a. vi.:

"vi. Wilbur Local Landmark District is in a low-lying area surrounded by riverine hills at the confluence of the Twaalfskill Brook (now covered) and Rondout Creek 2.5 miles west of the Hudson River. Pre-European the Esopus band of the Algonquin speaking Lenape people resided on the lands that comprise Wilbur. In the 17<sup>th</sup>-century, Dutch settlers recognized the area as a useful port and initially named it Twaalfskill Landing. By the early 1800s, Twaalfskill Landing served as a key port for shipping locally produced flour from a nearby gristmill. In 1828, the newly completed Delaware and Hudson Canal advanced Wilbur into a receiving point for goods traveling from Eddyville (to the West) via the Rondout Creek. At Twaalfskill Landing, laborers transferred export commodities to larger boats sailing out via the Hudson. The rise of the steamboat service between Twaalfskill Landing and New York City around 1829 amplified the community's growth. In 1836, Abijah Smith, an early landholder, laid out a formal plan for Wilbur's streets which remain today. Around the same time, the community adopted the name Wilbur.

By the mid-19<sup>th</sup>-century, bluestone quarrying emerged as a locally viable building and export material which was primarily shipped out of the port at Wilbur. In the 1840s, Wilbur businessman Ezra Fitch founded a business dedicated to shipping bluestone that later expanded to include the sale of finished bluestone products. Fitch's Bluestone Company, on the banks of the Rondout Creek, was the hamlet's largest employer fueling economic prosperity. By 1850, the Fitch Bluestone Company was the world's largest bluestone exporter. Rival bluestone companies operated in Wilbur at this time, along with hotels, cement quarries, and mills. Wilbur's commercial properties were built closer to the creek and along Wilbur Avenue, while the working-class dwellings occupied side streets. Later houses built on the hamlet's western hill include the home of William B. Fitch, a relative of Ezra Fitch, who later led the company. In 1872, Wilbur merged with the Villages of Kingston and Rondout to form the City of Kingston. Development within the district persisted into the 1880s, with the Church of the Holy Name on Fitch Street in 1885. By this time, however, the popularity of Portland cement superseded demand for bluestone. In 1890, the Fitch Bluestone Company closed extinguishing new construction in Wilbur for the next several decades.





The Wilbur Local Landmark District's historic and cultural resources reflect the Federal, Italianate, and Gothic Revival styles and include residences, commercial buildings, a firehouse, and a church. The district's period of significance extends from 1836 to 1890, reflecting the community's development and peak which embeds the district with a distinct built environment that meets Criteria A and C of the National Register of Historic Places. The Wilbur Local Landmark District's boundary incorporates the



hamlet laid out in 1836 by Abijah Smith, and as listed on the City's Regulating Map. This includes the National Register-listed Fitch Bluestone Company Office Building; all buildings on Davis, Dunn, Burnett, Fitch, and Duflon Streets; the buildings on the west side of Abeel Street between Davis Street and parcel 56.57-2-3.100; and the buildings on Wilbur Avenue between Abeel Street and parcel 56.49-3-1."

**SECTION 3.** Per Section 405.26.L.7.f. of the City's Form Based Zoning Code, the Wilbur Local Landmark District shall have interim protection under the Historic Landmarks Preservation Commission.

**SECTION 4.** This resolution shall take effect immediately and remain in full effect upon adoption by the Common Council.

MEMBERS	PRESENT	SIGNATURE	YES	NO	RECUSE
Mark Grunblatt, Chair	✓		✓		
Andrea Puetz, Architect	✓		✓		
Kevin McEvoy	✓		✓		
Robert Tonner					
Nettie Morano	✓		✓		
Vacant					
Vacant			✓		

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APPROVED this 10th day of July 2024:



Mark Grunblatt, Esq., Chairman  
Historic Landmarks Preservation Commission

Attachment A:

# PROPOSED WILBUR HISTORIC DISTRICT



**Properties included within the Wilbur Local Landmark District:**

<b>#</b>	<b>Parcel Address</b>	<b>Parcel</b>
1	587 Abeel St	56.57-2-11
2	41 Burnett St	56.57-2-19
3	14 Davis St	56.49-3-6
4	15 Dunn St	56.57-2-25.100
5	19 Dunn St	56.57-2-26.100
6	29 Burnett St	56.57-2-21
7	33-37 Burnett St	56.57-2-20
8	27-31 Fitch St	56.57-2-17
9	23 Fitch St	56.57-2-16
10	19 Davis St	56.57-2-33
11	609 Abeel St	56.57-2-8
12	611-633 Abeel St	56.57-2-5.100
13	13 Wilbur Ave	56.57-2-28
14	567 Abeel St	56.57-2-31
15	19 Burnett St	56.57-2-23
16	23 Burnett St	56.57-2-35
17	1 Fitch St	56.57-2-14
18	577 Abeel St	56.57-2-30
19	22 Davis St	56.49-3-4
20	5-15 Burnett St	56.57-2-24.100
21	540 Abeel St	56.57-3-11.210
22	543 Abeel St	56.49-3-7
23	35 Duflon St	56.57-2-18
24	25-27 Burnett St	56.57-2-22.100
25	18 Davis St	56.49-3-5
26	5 Wilbur Ave	56.57-2-29
27	34 Davis St	56.49-3-3
28	559 Abeel St	56.57-2-32
29	599 Abeel St	56.57-2-10
30	607 Abeel St	56.57-2-9
31	7 Burnett St	56.57-2-13
32	26 Wilbur Ave	56.49-3-2
33	16 Wilbur Ave	56.57-2-34
34	3 Dunn St	56.57-2-12
35	11 Fitch St	56.57-2-15

CITY OF KINGSTON  
Historic Landmarks Preservation Commission

planning@kingston-ny.gov



Suzanne Cahill, Planning Director

Steven T. Noble, Mayor

July 31, 2024

Andrea Shaut, President  
City of Kingston Common Council  
City Hall - 420 Broadway  
Kingston, NY, 12401

Re: Recommended Revisions to Section 405.26.L: Historic Landmarks Preservation Commission of the Form Based Code and Remove Section 264 "Historic and Architectural Design Districts" from the City Administrative Code.

Dear President Shaut:

The Planning Department and Historic Landmarks Preservation Commission (HLPC) are submitting a request for consideration of recommended revisions to Section 405.26.L: Historic Landmarks Preservation Commission of the Form Based Code; and to subsequently remove Section 264 from the City Code, which is defunct and non-enforceable. City Staff and the HLPC have reviewed these sections of the code to identify unclear, redundant, and outdated language. The attached document provides updates to our code that reflect contemporary preservation ordinances throughout NYS.

The Historic Landmarks Preservation Commission was established in 1966 to protect and preserve the city's rich stock of historic structures and initially focused primarily on the Stockade area. Since the 1970s, the mission of the HLPC and enabling code expanded to reflect the community's broader history and geographical scope. In 2023, the new Form Based Zoning Code provided City Staff and the HLPC with the opportunity to evaluate the existing code and put forward the new language and revisions that would position it well into the future.

We ask that you forward this to the appropriate committee for review and consideration. A Draft Committee Report and the Proposed Zoning Language for Section 405.26.L is attached. Please do not hesitate to reach out with any questions or comments that arise.

Respectfully submitted,

Suzanne Cahill, Planning Director

Mark Grunblatt, Esq. Chair of the HLPC

CC: S. Noble, Mayor  
B. Graves-Poller, Corp. Counsel  
E. Tinti, City Clerk  
E. Dickerman, Historic Preservation Admin.  
J. Edwards, Ald Ward 4, HLPC Liaison

**THE CITY OF KINGSTON COMMON COUNCIL**

**LAWS & RULES  
COMMITTEE REPORT**

DEPARTMENT: Planning - HLPC

DATE: July 31, 2024

**Description:**

Update Section 405.26.L: Historic Landmarks Preservation Commission as amended in the attached code language; and  
Remove Section 264 "Historic and Architectural Design Districts" from the City's Administrative Code.

Signature: \_\_\_\_\_

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

Action Required:

SEQRA Decision:

Type I Action

Type II Action

Unlisted Action

Negative Declaration of Environmental Significance:

Conditioned Negative Declaration:

Seek Lead Agency Status:

Positive Declaration of Environmental Significance:

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Michele Hirsch, Chairman, Ward 9		
Reynolds Scott Childress, Ward 3		
Sara Pasti, Ward 1		
Teryl Mickens, Ward 2		
Robert Dennison, Ward 6		

**RECOMMENDED BY THE Historic Landmarks Preservation Commission at the June 6, 2024, Meeting**

**Suggested Updates to Section 405.26.L:**  
**Historic Landmarks Preservation Commission**

**Proposed edits after HLPC discussion in April and June 2024.**

**Recommendation 1:** Drop all of Section 264 of the City Administrative Code as its content is updated and incorporated cohesively into Section 405.26.L: HLPC of the City's Form Based Zoning Code.

**1. Creation & Purpose.** The Common Council ("Council") finds that there exists within the City of Kingston ("City") places, sites, structures, and buildings of historic, cultural, or architectural significance, antiquity, uniqueness of exterior design or construction, which should be conserved, protected, and preserved to maintain the architectural character of the City, to contribute to the aesthetic value of the City and to promote the general good, welfare, health and safety of the City and its residents.

The Council hereby creates the "Historic Landmarks Preservation Commission of the City of Kingston" ("HLPC"). The purpose of the HLPC is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and use of buildings, structures, signs, features, improvements, sites, and areas within the city that reflect special elements of the City's historical, architectural, cultural, economic, or aesthetic heritage for the following reasons:

- (a) To foster public knowledge, understanding, and appreciation in the beauty and character of the city and in the accomplishments of its past.
- (b) To ensure the harmonious, orderly, and efficient growth and development of the city.
- (c) To enhance the visual character of the city by encouraging new design and construction that complements the City's historic buildings.
- (d) To protect and promote the economic benefits of historic preservation to the city, its inhabitants and visitors.
- (e) To protect property values in the city.
- (f) To promote and encourage continued private ownership and stewardship of historic structures.
- (g) To identify as early as possible and resolve conflicts between the preservation of historic landmarks/districts and alternative land uses.
- (h) To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

**2. Enabling Authority.** Pursuant to Article 5, § 96-a\*2; Article 5-G, Article 5-J and Article 5-K, § 119-dd of the General Municipal Law; Article 14 of the Parks, Recreation and Historic Preservation Law; and § 10 of the Municipal Home Rule Law; it is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the cultural, economic and general welfare of the public.

**3. Commission Composition, Appointment, Terms, & Compensation.**

- (a) **Membership:** The HLPC shall consist of seven (7) members. The City Historian shall serve the HLPC in an advisory capacity.
- (b) **Appointments:** Members of the HLPC shall be appointed by the Mayor. No person appointed to the commission can also serve as a member of the City's Council or Zoning Board of Appeals.
- (c) **Term of Office:** Terms of office shall be three years, which shall be so arranged that approximately 1/3 of the terms shall expire each year. Upon adoption of this article, present members shall serve until the expiration of their terms. Members of the HLPC may be reappointed for succeeding terms.

- (d) Qualifications: To the extent possible, HLPC members shall be required to have the following expertise:
  - i. One shall be a licensed practicing architect;
  - ii. One shall be an owner of a City designated building or an Owner in a City Historic District;
  - iii. All others shall be residents of the City of Kingston and possess a demonstrated interest in and commitment to the field of historic preservation as evidenced by involvement in a local, state, or national historic preservation group; employment; education; historic property ownership, or volunteer activity in furtherance of historic preservation;
- (e) Vacancies: Vacancies occurring in the HLPC other than by expiration of term of office shall be filled by appointment of the Mayor. Any such appointment shall be for the unexpired portion of the term of the replaced member, and the appointment must be made in accordance with the criteria established above for original appointments.
- (f) Reappointment: Members of the HLPC may be reappointed for succeeding terms, providing that they continue to meet the criteria laid out in Section 3d.
- (g) Compensation: Members shall serve without compensation.
- (h) Training and attendance requirements:
  - i. Each member of the HLPC shall complete, at a minimum, four (4) hours of training each year designed to enable such members to more effectively carry out their duties. Such training shall be approved by the Planning Director and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
  - ii. To be eligible for reappointment to the HLPC, a member shall have completed the training approved by the Planning Director.
  - iii. No decision of the HLPC shall be voided or declared invalid because of a failure to comply with this subdivision.

#### **4. Organization.**

- (a) Chairperson; designation and duties.
  - i. The HLPC shall designate its Chairperson and Vice-Chairperson by vote of an affirmative majority of the members of the full HLPC membership base.
  - ii. All meetings of the HLPC shall be held at the call of the chairperson and at such other times as the HLPC may determine by affirmative vote.
- (b) Staff person: The City of Kingston's Planning Department shall employ a staff person to serve as the HLPC Secretary and Community Liaison.
- (c) Quorum: A simple majority shall be four (4) HLPC members and shall constitute a quorum for the transaction of business.
- (d) Costs of operation; budget requests. The cost of the operation of the HLPC shall be funded by the City. The HLPC shall submit its budget request for appropriations to the Planning Director, annually, to be submitted to the Mayor, as part of the annual budget review process.

**5. Records and Annual Report.** The HLPC shall maintain a record, which shall be open to the public view, of its resolutions, proceedings, and actions. The vote or failure to vote of each member shall be recorded. The concurring affirmative vote of a majority of the full HLPC shall constitute approval of plans before it for review or for the adoption of any resolution, motion, or other action of the HLPC. The HLPC shall make such recommendations to the Council as it deems necessary to carry out the purposes of this Chapter.

#### **6. Powers and Duties.**

- (a) The HLPC shall have the following powers and duties:

- i Review any local laws or regulations, including existing landmarks or historic preservation laws or regulations in the City, and recommend to the Council any changes and amendments thereto;
  - ii Recommend to the Council additional regulations to be adopted that may be necessary for the commission to conduct its business, consistent with the scope and intent of this code;
  - iii Recommend to the Council specific criteria for regulations to be adopted that identify and catalogue significant historic landmarks, and from time to time advise it on suggested changes thereto;
  - iv Maintain an inventory of locally designated historic resources or districts within the city and publicize the inventory;
  - v Recommend to the Council additional criteria to be adopted for use when evaluating applications for a Certificate of Appropriateness
  - vi Recommend to the Council proposals for the acquisition of preservation easements or other interests in real property;
  - vii Report on matters referred to the HLPC by the Council. The Council may by resolution provide for the referral to the HLPC for a report on any matter or class of matters that impact the municipality's landmarks preservation laws, policies, regulations, or administrative processes before final action is taken thereon by the Council or other office of said City having final authority over said matter. The Council may further stipulate that final action thereon shall not be taken until the HLPC has submitted its report thereon, or has had a reasonable time, to be fixed by the Council in said resolution, to submit the report.
  - viii The HLPC may make such investigations and studies of matters relating to the protection, enhancement, perpetuation and restoration of landmarks as the HLPC may, from time to time, deem necessary or appropriate for the effectuation of the purpose of this article and may submit reports and recommendations as to such matters to the mayor and other agencies of the City government. In making such investigations and studies, the HLPC may hold such public hearings as it may deem necessary or appropriate.
- (b) Administrative Reviews. In accordance with the regulations adopted by the Council for landmarks and historic preservation purposes, the HLPC shall:
- i Evaluate each application for a Certificate of Appropriateness; approve, approve with modifications, or deny any proposal for exterior changes to a designated individual landmark or property within a designated historic district resulting from any such application;
  - ii Evaluate each application for an economic hardship and; approve, approve with modifications, or deny any such application;
  - iii Evaluate each application for a Certificate of Appropriateness for demolition, removal or relocation and; approve, approve with modifications, or deny any such application;
  - iv Empower the HLPC staff to evaluate, without public hearing, each application for ordinary maintenance and repair of historic resources, properties or landmarks and; approve, approve with modifications, or deny any such applications;
  - v Perform other functions that the Council may designate.
- (c) To recommend to the Council that it establish certain Individual Landmark, Interior Landmark, Scenic Landmark, or Landmark (L) Districts. A Landmark or Landmark (L) District may be or may include an exterior or publicly accessible interior and may include areas comprising all or a portion of:
- i One or more City blocks;
  - ii One or both sides of a street;
  - iii One or more plots of unimproved land;
  - iv Any other real property.
- (d) At its discretion and with the property owner's consent, to cause to be prepared and placed upon or near any Landmark or Landmark (L) District a suitable plaque declaring that fact.



## 7. Landmark or Landmark District designation procedure.

- (a) The HLPC shall consider for a Landmark or Landmark District designation real property proposed by motion of any HLPC member or by owner of such property or by written request signed by 10 residents of the City of Kingston.
- (b) The criteria for the designation of landmarks shall particularly favor such designation where the proposed
  - i. Landmark or Landmark District:
    - 1. Individual Landmark: The criteria for the designation of landmarks shall particularly favor such designation where the proposed landmark meets one or more of the following:
    - 2. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community;
    - 3. Is identified with historic personages or with important events in national, state or local history;
    - 4. Embodies distinguishing characteristics of an architectural-type specimen, inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship; or
    - 5. Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized.
  - ii. Landmark District: The HLPC may delineate a group of properties within the City as an historic district if a majority of properties therein meets one or both of the following:
    - 1. Contain properties which meet one or more of the criteria for designation as a landmark and which may have within its boundary's other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district; and
    - 2. Constitute a unique section of the city by reason of possessing those qualities that would satisfy such criteria.
- (c) Interior Landmark: The HLPC may delineate the interior of a property as an interior landmark if such interior has special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the village, town, city, state, or nation and:
  - i. it is customarily open or accessible to the public; or
  - ii. that such interior landmark is supported by the property owner or by signed support of 25 city residents
- (d) Scenic Landmark: The HLPC may delineate a landscape feature or group of features if:
  - i. it is customarily open or accessible to the public; or
  - ii. that such scenic landmark is supported by the property owner or by signed support of 10 city residents
- (e) Recommendations for designation must be accompanied by historical and architectural information as is required by the HLPC to make an informed recommendation concerning the application, together with any fee set by the council.
- (f) The boundaries of each landmark, interior landmark, scenic landmark, or historic district shall be specified in detail with reference to the tax map identification number and shall be filed, in writing, in the City Clerk's office and there made available for review by the public.
- (g) Ordinarily, properties that have been constructed within the past fifty (50) years are not considered eligible for delineation under this landmark's preservation local law or local law adopted by the City governing board. However, such properties will qualify if they are:
  - i. Integral parts of historic districts that meet the criteria for designation; or
  - ii. If they are properties of exceptional importance.
- (h) The HLPC shall hold a public hearing to consider all proposals for the designation of any property as a landmark. The HLPC and any other interested parties may solicit expert testimony and offer other evidence relevant to the designation of the proposed landmark.

- (k) Notice of a proposed designation, including any amendment, shall be sent by the HLPC by regular mail or personal delivery to the last owner of record, as the names and addresses shall appear on the records of the Assessor of the City of Kingston, briefly describing the proposal for designations and the date, time and location of the public hearing by the HLPC to consider the proposed designation. The notice required hereunder shall be sent at least 14 days prior to the public hearing. Once the HLPC has issued notice of a proposed designation, no building permits or demolition permits shall be issued by the building safety officer until the HLPC has made its decision.
- (l) The HLPC shall also cause notice of the proposed designation to be published at least once, at least 14 days prior to the public hearing, in a newspaper having general circulation in the City of Kingston.
- (m) Following the public hearing, the HLPC shall forward to the Council and to the proper owners its recommendations concerning designation of a landmark or a Landmark District. The designation shall be effective upon ratification by the Common Council. Pending ratification, the proposed landmark or Landmark District shall have interim protection.

8. **Demolition of a Non-Landmarked Historic Property & Emergency Designation.**

(a) Purpose: This Section establishes HLPC review procedures for non-landmarked historic properties for which demolition permits have been applied.

(b) Applicability:

- i. This Section applies to the demolition of properties that are not designated local Protected Sites or contributing properties within a designated Preservation District but are listed in or have been determined eligible for the State or National Register of Historic Places or are enumerated as eligible for local designation in the City of Kingston's inventory of historic properties. This inventory may be amended to include additional historic properties. The inventory shall be filed in the Office of the City Clerk and the Building Safety Division, and available for public review in the Planning Office.
- ii. Where the Director of Building Safety and Chief of the Fire Department have determined that a property presents an imminent danger or hazard to public health, safety and welfare, the following review procedure shall be considered waived.

(c) Procedure:

- i. The Building Safety Division shall forward to the HLPC and its staff any application for the partial or full demolition of a non-designated historic property.
- ii. Staff Review: Staff shall review the application for a demolition permit and prepare a staff assessment for the HLPC. Staff shall notify the owner in writing that the HLPC will be reviewing the application and property.
- iii. Review and Decision: The HLPC shall review the demolition of a non-landmarked historic property application as follows:
  - 1. The HLPC shall evaluate the property according to the criteria for designation enumerated in Section 405.26.L. 7. a-f.
  - 2. The HLPC shall determine the following:
    - a. If the HLPC deems a property ineligible for designation as a Protected Site or as a contributing property within a Preservation District, they shall submit its determination of ineligibility to the applicant and appropriate City department.
    - b. If the HLPC deems a property eligible for designation as a local landmark or as part of a Landmark District, they shall submit its preliminary determination of eligibility in writing to the applicant/owners (if known) and Council, together with notice of its finding of need for immediate designation of a landmark or Landmark (L) District. The HLPC shall also forward to the Building Safety Division copies of its finding of need for immediate designation, and, in that case, such recommendations shall be deemed to be in full force and effect, pending public hearing, HLPC recommendation and final action by the Council, and the Building Safety officer shall perform their respective functions and duties as

though the recommendations of the HLPC were adopted in their entirety by the Council. A designation by the HLPC on a finding of immediate need shall be effective from the date of mailing or personal delivery of the notice of designation to the owner of the property (if known) in the same manner as the notice requirements of Subsection (c) hereof and shall expire ~~90~~ 120 days thereafter if the Council shall have failed to act within said period. The notice shall specify the recommendations of the HLPC, its reasons therefore and the right of appeal as contained in § 405.26.L.14.

## **9. Landmarks and Landmark (L) Districts.**

(a) Legislative intent. The purpose of this section is to provide for the promotion of the educational, cultural, economic, and general welfare of the public through the protection, enhancement, perpetuation and preservation of landmarks and Landmark (L) Districts. The legislative body declares that it is in the public interest to ensure that the distinctive landmarks and Landmark (L) District shall not be injuriously affected, that the value to the community of those buildings having architectural and historical worth shall not be impaired and that said districts be maintained and preserved to promote their use of the education, pleasure, and welfare of the citizens of the City of Kingston and others.

- i. **The Kingston Stockade Historic District** consists of an area delineated on the City's Regulating map and includes the site of the Stockade ordered built by Peter Stuyvesant (the last director-general of the colony of New Netherland) in 1658 and which remained a protective fortification after the English gained control of the colony. The Stockade District was an integral area during two conflicts between the Dutch and the Esopus Lenni Lenape people, one in 1659-1660 and one in 1663 - 1664. In 1777, the State of New York held its first constitutional convention in the Stockade District's Senate House; later that year the British burned a majority of the Stockade, and other sites in Kingston. The Stockade contains architecture dating back to the 17th and 18th Centuries including the corner of Crown and John Streets with four pre-Revolutionary stone houses, one on each corner of the intersection. Centrally located in the district is the Ulster County Court House, where in 1828, Sojourner Truth became the first black woman to win a court case to recover her son who was illegally sold into slavery in Alabama. In addition to the distinctive pre-Revolutionary stone houses, the district contains 19th Century Federal Period, Greek Revival, Italianate, Second Empire, and Queen Anne structures as well as the mid-19th Century stone Old Dutch Church, a National Landmark.
  1. The Kingston Stockade District represents a locally and nationally important heritage area relative to the Dutch and English Colonial periods and is delineated on the Regulating Map and is declared to be a Landmark District (and a Historic and Architectural Design Overlay District).
  2. The Kingston Stockade District contains 300 years of architecture and cultural resources, and new development must not be allowed to erode the best of the architectural spaces and cultural organizations of the past.
- ii. **The Rondout-West Strand Historic District** consists of the area delineated on the City's Regulating Map. The Rondout-West Strand Historic District encompasses the area sloping down to and featuring the waterfront on Rondout Creek. The Rondout Village rapidly transformed from farmland into a thriving maritime community after the Delaware and Hudson Canal opened with its terminus here in 1828. By the mid-19<sup>th</sup> century, jobs on the canal, in boat manufacturers, shipping, brickmaking, cement manufacturing, and bluestone quarrying industries, drew immigrants with diverse backgrounds whose imprints remain visible throughout the district's structures. The Rondout-West Strand District contains a rich stock of commercial buildings, cast-iron storefronts, homes, and churches despite losses due to urban renewal in the 1960's. The Rondout-West Strand Historic District is important because it is the remaining vestige of the thriving port town that supported the economy of the area for close to eighty years. The local trading and industrial activities and the workers and businessmen who lived in this area changed Kingston from a small, rural community to a thriving transportation and industrial center for the

mid-Hudson Valley. On a larger scale, because of its unique export products, Rondout was an equal to any of the commercial cities along the Hudson between Albany and New York City.

- iii. The **Fair Street Historic District** consists of the area delineated on the City's Regulating Map. By the mid-19th Century, several affluent Kingstonians moved out of the Stockade District to establish grand homes in exclusive middle- and upper-class neighborhoods. The Fair Street Historic District represents this shift with a contiguous line of distinguished residences extending southeastward from the Stockade District to Henry Street. This tree-shaded historic district contains notable examples of Italianate, Second Empire, Queen Anne, and Colonial Revival architecture.
- iv. The **Chestnut Street Historic District** consists of the area delineated on the City's Regulating Map. The Chestnut Street Historic District contains a significant concentration of intact, fashionable residences which reflect the prosperity and taste of middle- and upper -class residents of 19<sup>th</sup> and early 20<sup>th</sup>-century Rondout & Kingston. The Chestnut Street Historic District's period of significance spans the period of ca. 1855 and 1919, which coincides with Kingston and Rondout's growth as a shipping and manufacturing center. This grouping of substantial frame and masonry residences represents the most intact collection of middle-and upper-class residences in Kingston and includes several exceptional illustrations of the mid-19<sup>th</sup>-century Hudson Valley picturesque taste in architectural design and placement of buildings in the landscape. The Buildings in the historic district exhibit a wide range of styles popular during this period, including Italianate, French 2<sup>nd</sup> Empire, Queen Anne, Colonial Revival, and Tudor Revival styles, and one residence which illustrates the influence of the Arts & Crafts movement; the historic district also contains one modest late 19<sup>th</sup>-century Gothic style church. The Chestnut Street Historic District recalls Kingston and Rondout's period of prosperity as a major Hudson River port and manufacturing center.

(b) Applicability and Guidelines. This section shall apply to all buildings, structures, outbuildings, walls, fences, steps, topographical fixtures, earthworks, landscaping, paving and signs of a landmark or Landmark District. No changes in any exterior architectural feature, including but not limited to, construction, reconstruction, alteration, restoration, removal, demolition or painting, shall be made except as hereinafter provided. To assist in the conservation action, several specific guidelines are included:

- i. Stockade Steeple Height Restriction: Because of the visual importance of the Old Dutch Church steeple, no new structure may rise within the Stockade District above the base of the steeple, which is 62 feet above the curb level.
- ii. Landmark & Landmark District Façade Materials: Façade materials must conform with § 405.14. A-K of the City's Zoning Code. The HLPC may require restoration and construction projects conform with the district's historical conditions and the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- iii. Site Design. Building setbacks must conform with the criteria laid out in § 405, Article 3: Transect Standards and § 405.13. A-B (Frontage Types) of the City's Form Based Zoning Code unless otherwise waived or modified as prescribed under the Code. The HLPC shall evaluate new construction in relation to the existing streetscape and provide recommendation to the agency reviewing any modification or waiver for new buildings to be set behind existing building lines to give emphasis to existing structures of historic or aesthetic merit or to allow for suitable landscaping. The new construction shall be compatible with the district in which it is located.
- iv. Landscaping and Paving. Landscaping must conform with § 405.14.K of the City's Form Based code. The HLPC shall provide a recommendation to the agency reviewing any modification or waiver on requests under the requirements in § 405.14.K that do not conform with existing or historical landscape features submitted in documentation to the HLPC. Landscaping may be required by the HLPC and is deemed an important element of site development.
  - 1 Evergreen materials may be required for screen functions.

- 2 Recommendations may be made to the HLPC by a landscape architect or designer approved by the HLPC.
- 3 Bluestone shall be prescribed for sidewalks, with brick as a secondary material.
- 4 Maintenance of plant material shall be the responsibility of the owner, including responsibility to keep growth trimmed and trained, to meet the Code requirements.
- v. Parking. Parking areas shall conform with § 405.16. A-F of the City's Form Based Code. The HLPC shall provide recommendation to the agency reviewing any modification or waiver on requests under the requirements in § 405.16. A-F that do not conform with existing or historical parking features submitted in documentation to the HLPC.
- vi. Maintenance. Preventive maintenance is required in order to assure that these buildings, spaces, elements and details are preserved. Deliberate neglect and/or lack of preventative maintenance that presents an issue of public safety or rapid deterioration of a structure shall be a violation of this article.

#### **10. Review Procedure for a Certificate of Appropriateness**

- (a) No person shall carry out any exterior or historically designated publicly visible interior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property within a Landmark District nor shall any person make any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the historic district without first obtaining a Certificate of Appropriateness from the HLPC and a notification to the applicant to obtain a building permit, if necessary. A Certificate of Appropriateness does not obviate the need for a building permit or any other permits from relevant agencies.
- (b) Review Criteria. In making such determinations, the HLPC shall consider:
  - i. The effect of the proposed work in changing, destroying or affecting the exterior features of the landmark or Landmark (L) District upon which such work is to be done;
  - ii. The relationship between the results of such work and the exterior architectural features of other neighboring improvements;
  - iii. The factors of aesthetic, historical and architectural values and significance, architectural style, design, arrangement, texture, material and color;
  - iv. The special character and aesthetic interest that any structure involved adds to the area; and;
  - v. The difficulty or impossibility of reproducing any feature or structure involved because of its design, texture, material, position, or detail.
- (c) All applications shall be considered by the HLPC on at least the following points, these points to be used as a basis, where relevant, for establishing relationships to the external features of buildings in the immediate neighborhood: The building height in relation to surrounding buildings; the relationship to nearby roof shapes; the relationship between the width to height of the street-facing facade; the size, proportion and spacing of openings within the facade and elevations exposed to view; the rhythm of spacing of buildings and building elements on the street; the design and placement of entrances and projections; the relationships of materials, textures and colors; the relationship of architectural details; the continuity of walls; the relationship of landscape elements; the appropriateness of hardscaping; and the effect on existing or historically significant spaces.
- (d) It shall be the further duty of the HLPC to exercise judgment in accord with the basis of decisions stated herein and maintain the desirable character of the Landmark or Landmark District and prevent construction, reconstruction, alteration or demolition out of harmony with existing buildings insofar as character, material, color, line and detail are concerned, and thus to prevent degeneration of property, to safeguard public health, promote safety and preserve the beauty of the character of the landmark or Landmark District.

- (e) It shall be the further duty of the HLPC to exercise judgement in accord with the guidance of the US Secretary of the Interior Standards for Rehabilitation, and/or the Secretary of the Interiors other Standards when deemed necessary by the HLPC.

**11. Certificate of Appropriateness for Changes to Landmarks**

- (a) The Certificate of Appropriateness required by this section shall be in addition to, and not in lieu of, any building permit that may be required by any other ordinance of the City of Kingston, New York. In the event of overlapping reviews, the most restrictive review shall apply.
- (b) Prior to the commencement of any work requiring a Certificate of Appropriateness, the owner shall file an application for a Certificate of Appropriateness which shall be made, on forms prescribed, with supporting documentation to the HLPC and shall contain the following:
  - i. The name, address, telephone number and signature of the applicant.
  - ii. The name, address, telephone number and signature of the owner.
  - iii. The location and photographs of the building, structure, or land; the exterior architectural features which are proposed to be changed.
  - iv. The plans & elevations of the proposed change.
  - v. A perspective or rendering, if required by the commission.
  - vi. Site plan or plot plan with north arrow, title, scale, legend, adjacent property owners.
  - vii. Samples of colors or materials to be used in the proposed change.
  - viii. Where the proposed change includes signs or lettering, all dimensions and colors, a description of materials to be used and the method of illumination, if any, and showing the location on the building or property.
  - ix. Whatever additional information the HLPC deems necessary to evaluate the application.
  - x. The HLPC reserves the right to waive any of the above requirements if deemed unnecessary.
- (c) Prior to submitting a formal application, the applicant or their representative may meet with the HLPC and/or its staff to informally discuss plans for alterations of exterior features. To avoid unnecessary expense and delay, a sketch or schematic design for the construction, alteration or repair of any regulated activity may be presented to the HLPC. A preliminary design should show the relation to adjacent structures and spaces. The HLPC may advise or recommend alteration and changes to the application.
- (d) Procedure to be followed for a Certificate of Appropriateness
  - i. Within a reasonable time after a completed formal application is filed with the HLPC, but in any event within 90 days after such filing or within such further time as the applicant may, in writing, allow; the HLPC shall conduct a public meeting to approve or deny the application or approve the application with modifications. Opportunity shall be provided to proponents and opponents to provide comments to the HLPC on each proposal under consideration.
  - ii. All decisions of the HLPC shall be in writing. A copy shall be sent to the applicant and a copy filed with the City Clerk and Building Safety Division for public inspection. The HLPC decision shall state the reasons for denying or modifying any application. Approval to proceed will be documented by the issuance of a Certificate of Appropriateness. The conditions upon which the Certificate of Appropriateness is issued will be stated, in writing. During work upon any Certificate of Appropriateness, if a modification is sought, such must be approved by an amended Certificate of Appropriateness issued by the HLPC. Compliance will be necessary to obtain a final certification of occupancy or certificate of compliance from the Building Safety Division. The Certificate of Appropriateness shall be valid for one year. At all times during this term, the Certificate of Appropriateness shall be prominently posted in public view pursuant to local law governing building permit posting.
- (e) Inspection. If, upon inspection of work, the Building Safety Division determines that the work is not in conformity with the Certificate of Appropriateness, the Commission shall be notified. No certificate of occupancy or certificate of compliance shall be issued thereupon until the work is altered to be in conformity with an authorized Certificate of Appropriateness.

## **12. Hardship:**

- (a) An applicant whose Certificate of Appropriateness for a proposed demolition or alteration has been denied must first appeal to the HLPC for relief on the grounds of hardship. To prove the existence of hardship, the applicant shall establish that:
  - i. The hardship shall not be self-inflicted.
  - ii. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
  - iii. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
  - iv. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- (b) **Hardship Application Procedure.**
  - i. After receiving written notification from the HLPC of the denial or approval with modifications of a Certificate of Appropriateness, and no later than 60 days from the date of said notice, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the HLPC makes a finding that a hardship exists. The HLPC may hold a public hearing on the hardship application, at which an opportunity will be provided for the proponents and opponents of the application to present their views.
  - ii. The applicant shall consult in good faith with the HLPC, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.
  - iii. All decisions of the HLPC shall be in writing. A copy shall be sent to the applicant and a copy filed with the City Clerk's office for public inspection. The HLPC decision shall state the reasons for granting or denying the hardship application.
  - iv. In the event of the HLPC's denial based on hardship application, the applicant may appeal to the City of Kingston Zoning Board for review of said application, applying Landmark Ordinance criteria, as defined by Section 405.26.L.14 of this code.

## **13. Ordinary Maintenance and Repair Requirement: Demolition by Neglect:**

- (a) Ordinary maintenance; repair.
  - i. Nothing in this local law shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a historic landmark or property within a historic district that does not involve a change in design, building materials, color, or outward appearance.
  - ii. The commission may evaluate and decide, without public hearing, whether proposed work constitutes ordinary maintenance and repair or requires a Certificate of Appropriateness.
- (b) Interiors: Every owner or person in charge of an improvement to an interior landmark shall keep in good repair:
  - i. all portions of such interior landmark and
  - ii. all other portions of the improvement which, if not so maintained, may cause or tend to cause the interior landmark contained in such improvement to deteriorate, decay, or become damaged or otherwise to fall into a serious state of disrepair.
- (c) Every owner or person in charge of a scenic landmark shall keep in good repair and safe condition, all portions thereof.
- (d) Demolition by Neglect: In its review to determine that demolition by neglect is occurring and upon consultation with the Building Safety Division, the HLPC shall consider all the foregoing criteria and shall also attempt to confer with the owner or person in charge of the real property concerned. It shall also review any communication it shall receive which indicates that demolition by neglect is or may be occurring in any landmark or Landmark District. If the HLPC finds that such demolition is or may be taking place, it shall direct a letter to the Building Safety Division to notify the owner or person in charge of this finding, stating the reasons therefor and requesting that the owner or person in charge immediately take appropriate steps to cause such demolition to cease, and to confer with the HLPC in connection therewith.

Should the owner or person in charge fail to satisfy the HLPC that all necessary steps are or will be promptly taken, the HLPC shall request the Building Safety Division to notify the Corporation Counsel of the City and request the consideration of the proceedings pursuant to § 405.26.J.4.d hereof.

- (e) No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the HLPC, produce a detrimental effect upon the character of the property itself. Maintenance shall be required, consistent with the Property Maintenance Code of NYS, Fire Code of NYS, and Building Code of NYS and all other applicable local regulations. Examples of prohibited disrepair include, but are not limited to:
- i. deteriorated or crumbling exterior plasters, mortar, cementitious materials;
  - ii. deteriorated or inadequate foundation and facades;
  - iii. defective or deteriorated flooring or floor supports or any structural floor members of insufficient size to carry imposed loads with safety;
  - iv. deteriorated walls or other vertical structural supports that split, lean, list, buckle, or otherwise appear compromised;
  - v. members of ceilings, roofs, ceiling and roofs and other associated structure which sag, split or buckle due to defective material or deterioration or are of insufficient size to carry imposed loads;
  - vi. ineffective or inadequate waterproofing of exterior walls, exterior chimneys, roofs, foundations or floors, including windows or doors, which may cause or tend to cause deterioration, decay or damage;
  - vii. defective or insufficient weather protection for roofs, foundation or exterior wall covering, including lack of paint or weathering due to lack of paints or sealants or other protective covering, which may cause or tend to cause deterioration, decay or damage;
  - viii. fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety;
  - ix. any fault or defect in the building or structure which renders it not properly weathertight or otherwise compromises the life and character of the building or structure.

#### **14. Enforcement.**

- a. All work performed pursuant to a Certificate of Appropriateness and/or building permit issued under this article shall conform to any requirements included therein. It shall be the duty of the building inspector to periodically inspect any such work to assure compliance with the certificate and all applicable law. In the event that the building inspector finds that work is not being performed pursuant to said Certificate of Appropriateness or building permit, it shall notify the owner or person in charge of this building, stating the reasons therefor and requesting that the owner or person in charge immediately take appropriate steps to conform to said Certificate of Appropriateness or building permit and to confer with the HLPC in connection therewith. Should the owner or person in charge fail to satisfy the HLPC that all necessary steps are or will be immediately taken, the HLPC shall request the Building Safety Division to take appropriate action.
- b. Any owner or person in charge of a property who demolishes, alters, constructs, or permits a designated property to fall into a serious state of disrepair in violation of this local law in the absence of a Certificate of Appropriateness a finding of economic hardship, or other approval by the HLPC, may be required by the HLPC to restore the property and its site to its appearance prior to the violation.
- c. If, in the judgment of the HLPC, a violation of this code exists that will result in a detrimental effect upon the life and character of a designated historic resource, landmark, property or on the character of a historic district as a whole, the commission shall notify the building inspector. If, upon investigation, the building inspector finds non-compliance with the requirements of the Property Maintenance Code of NYS, Fire Code of NYS, Building Code of NYS, Residential Code of NYS, and the Existing Building Code of NYS, or any other applicable law or regulation, the building inspector shall order such remedies as are necessary and consistent with this local code and shall provide written notice thereof to the commission.



- d. Similarly, should both a Certificate of Appropriateness and a building permit be issued, the building safety officer shall have all powers conferred upon him pursuant to the Zoning Ordinance to enforce the Certificate of Appropriateness, including, but not limited to, stop-work orders.
- e. Penalties. A violation of this local law is deemed an offense punishable by a fine as determined by the Building Safety Division of the City of Kingston.

**15. Appeals.** Any party aggrieved by a hardship action of the commission, as determined under Section 405.26. L. 11, may, within 60 days of said hardship decision, file a written appeal to the City's Zoning Board of Appeals for review of the decision. If the party is denied by the Zoning Board of Appeals, then the aggrieved party may seek Article 78 Appellate review which shall be based on the same record that was before the commission and using the same criteria in the city code.

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**CITY OF KINGSTON**  
**Historic Landmarks Preservation Commission**  
planning@kingston-ny.gov



Suzanne Cahill, Planning Director

Steven T. Noble, Mayor

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July 29, 2024

Andrea Shaut, President  
City of Kingston Common Council  
City Hall - 420 Broadway  
Kingston, NY, 12401

Re: Re-Establish City Code Section 360 – Exemptions for Historic Properties

Dear President Shaut:

The Planning and Assessor Departments write to you today seeking to re-establish **§ 360: Article VI Exemptions for Historic Properties** of the city's municipal tax code.

The original Local Law was initially adopted by the Common Council in 1998, and then readopted in 2004. That expired in 2009 and has since been dormant. During the time that the law was in existence, 10 projects took advantage of the program.

Although the pioneer legislation limited the timeframe for each round to 5 years, there is no legislative requirement to set a term. The intent of this law is to incentivize the rehabilitation and preservation of the city's rich historic resources via a graduated tax exemption linked to the increase in assessed value of the rehabilitated property, as enabled by NYS laws.

Readoption of this program would make the tax incentive accessible to nearly 700 historically designated properties throughout the City, representing approximately 8% of the city's 8,657 total parcels.

Viewed as an investment in the community, tax incentivized preservation programs time proven tools used to benefit historic resources, community heritage/s, and community identities across New York State and the Country.

We ask that you forward this to the appropriate committee for review and consideration. Once you have assigned the review to a committee, we will prepare and provide the appropriate Committee Report. Please do not hesitate to reach out with any questions or comments that arise.

Respectfully submitted,

Suzanne Cahill, Planning Director

Daniel Baker, City Assessor

CC: S. Noble, Mayor  
B. Graves-Poller, Corp. Counsel  
J. Tuey, Comptroller  
E. Tinti, City Clerk  
E. Dickerman, Historic Preservation Admin.  
J. Edwards, Ald Ward 4, HLPC Liaison

**THE CITY OF KINGSTON COMMON COUNCIL**

**LAWS & RULES  
COMMITTEE REPORT**

DEPARTMENT: Planning - HLPC

DATE: July 29, 2024

**Description:**

Re-establish Section 360: Article VI Exemptions for Historic Properties of the City's Administrative Code, as provided with updated language attached hereto.

Signature: \_\_\_\_\_

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

Action Required:

SEQRA Decision:

Type I Action \_\_\_\_\_

Type II Action X 617.5(c)(33)

Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Michele Hirsch, Chairman, Ward 9		
Reynolds Scott Childress, Ward 3		
Sara Pasti, Ward 1		
Teryl Mickens, Ward 2		
Robert Dennison, Ward 6		

EDITS PROVIDED FOR DISCUSSION

~~J~~January ~~5~~July 24, 2024

**ARTICLE VI Exemptions for Historic Properties**

[Adopted 12-7-2004 by L.L. No. 5-2004, approved 12-29-2004]

*Editor's Note: Former Art. VI, Exemption for Historic Properties, adopted 6-2-1998 by L.L. No. 2-1998, approved 6-10-1998, expired in June 2003.*

**§ 360-35. Legislative intent.**

- A. This real property tax exemption for historic properties is being enacted in order to achieve the following goals:
- (1) to increase incentives for property owners in historic districts to invest in the upkeep and rehabilitation of properties;
  - (2) to provide an incentive for the restoration and rehabilitation of commercial structures which qualify as landmarks in order to provide financial advantages, not available elsewhere in the City at this time, which may help to attract and retain businesses in the City of Kingston;
  - (3) to assist homeowners who are interested in restoring their own properties, but may not be able to afford to do so when faced with potential increases in taxation as the result of alterations which would qualify for this exemption;
  - (4) to provide financial incentives for investment in low-income residential neighborhoods which may contain landmarked buildings or districts designated within the area;
  - (5) and to provide a concrete benefit to offset the possible financial disadvantage of owning historically or architecturally significant properties which are subject to the regulation of the City's Historic Landmarks Preservation Commission.
- B. The City of Kingston real property tax exemption for historic properties is intended to apply to alterations or rehabilitations of historic property as authorized pursuant to §§ 96-a and 119-aa through 119-dd of the General Municipal Law and § 444-a of the Real Property Tax Law and all other powers granted to the City of Kingston to provide such exemptions.
- C. This article is intended to create a real property tax exemption that preserves or increases the historic character of real property located within the City of Kingston.

**Commented [SC1]:** Reformatted to provide better readability

**§ 360-36. Exemption granted.**

Real property listed on the State and/or National Registers of Historic Places and/or Locally Designated properties and/or properties within Locally Designated Historic Districts or National Historic Districts within the City of Kingston which is altered or rehabilitated subsequent to the effective date of this article shall be exempt from City real

**Commented [SC2]:** Updated to include State and to also differentiate and incorporate districts.

property and special ad valorem levies, subject to and in accordance with the schedule set forth in Subsection A and conditions outlined in Subsection B and § 360-37.

A. Historic property which shall be defined hereafter shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule:

Year of Exemption	Percentage of Exemption
1	100%
2	100%
3	100%
4	100%
5	100%
6	80%
7	60%
8	40%
9	20%
10	0%

B. No such exemption shall be granted for such alterations or rehabilitation unless all of the following criteria are met:

1. Such property must be historic, which shall mean that the property has been designated as a local landmark and/or is listed on the State and/or National Registers of Historic Places or is a property that is located in and contributes to the character of a locally, state or nationally designated historic district, which conforms with § 96-a or § 119-dd of the General Municipal Law.
2. Alteration or rehabilitation of exteriors of historic property must meet guidelines and review standards established in the local preservation law.
3. Alterations and rehabilitation of exteriors are approved by the City's Historic Landmarks Preservation Commission prior to commencement of work.
4. Alteration or rehabilitation must be for the purpose of historic preservation. For purposes of qualifying for a real property tax exemption pursuant to this local law, alterations and rehabilitation shall be deemed to be for the purpose of historic preservation if it involves ~~only exterior work~~ that enhances the structural stability or structural-historic integrity of the property.
5. Alterations or rehabilitation must be commenced subsequent to the effective date of this article.

Commented [SC3]: New language, expanded and more specific

**§ 360-37. Application procedure; approval; assessment roll.**

This exemption shall be granted only by application of the owner or owners of such historic real property on a form prescribed by the State Equalization and Assessment Board. The application shall be filed with the City Assessor on or before the appropriate taxable status date covering City real property. Such exemptions shall be granted where the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this

section. The Assessor shall approve such application and such property shall thereafter be exempt from taxation and special ad valorem levies for City real property taxation as provided in the schedule established in § 360-36A of this article commencing with the assessment roll prepared on the basis of the taxable status date referred to in this section of this article. The assessed value of any exemption granted pursuant to this section shall be entered by the Assessor on the assessment roll with the taxable property, with the amount of the exemptions shown in a separate column.

**§ 360-38. Expiration.**

[This article shall- remain active from the date of effectiveness in perpetuity, unless modified or repealed by further local law of the Common Council of the City of Kingston]

**§ 360-39. When effective.**

This article shall take effect immediately and shall apply to assessment rolls completed on or after such effective date.

**Commented [SC4]:** As there is no requirement to have any term associate with the legislation, we are asking that this language be modified to only expire with legislation repealing the local law.

**Kingston Historic Property & HLPC Review Statistics**

<b>Kingston Historic Properties &amp; HLPC Review Statistics</b>	
<b>Number of parcels in Kingston as of last evaluation in 2020.</b>	8,657
<b>Number of historic properties in Kingston, NY, as of December, 2023</b>	Approximately 700 (8% of total)
<b>Number of properties to benefit if Wilbur &amp; Ponckhockie become historic districts</b>	964 (11% of total)
<b>Number of properties reviewed by the HLPC in 2023</b>	70
<b>Number of properties that took advantage of the local historic preservation tax exemption between 1998 and 2009</b>	10  <i>*This low number is likely due to a lack of community outreach/education for the program when it was active.</i>

**Example Process:** 248 West Chestnut Street (no longer standing) seeks to rehabilitate their newly purchased and badly degraded dwelling. Included in the project is the in-kind replacement of the slate roof and restoration of the original wooden windows.

- Existing Assessed Value: \$750,000.00
- Estimated cost: \$250,000.00.
- Estimated Post project assessed value: TBD by Assessor

To qualify for the historic preservation tax exemption the property owners must do the following:

1. Connect with the Historic Preservation Administrator, prior to the commencement of work.
2. Develop a detailed scope of work.
3. Come before and receive approval by the Historic Landmarks Preservation Commission prior to the commencement of work.
4. Once approved, the owners must fill out Form RP-444-a9/08, accessible from the Historic Preservation Administrator and/or the City Assessor. The HLPC's Preservation Notice of Action, approving the proposed work, must be attached to the form.
5. The City Assessor will determine the post project assessed value and oversee the 10-year graduated tax exemption.

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UK

**CITY OF KINGSTON**  
**Office of Corporation Counsel**  
bgraves@kingston-ny.gov



Steven T. Noble, Mayor

Barbara Graves-Poller, Corporation Counsel

July 17, 2024

Alderwoman at Large Andrea Shaut, President  
City of Kingston Common Council  
City Hall - 420 Broadway  
Kingston, NY 12401

Re: Maintaining accurate, publicly accessible records of Common Council legislation

Dear President Shaut,

Earlier this month, my office learned that General Code (<https://www.generalcode.com/>), which maintains publicly accessible versions of the City's Charter and Administrative Code, had not received copies of any local laws enacted this year. This is an issue my office has encountered in the past and one that frustrates Administrative Code enforcement. Missteps in legislative action reporting are compounded by the lack of readily accessible, text-searchable archives of Common Council resolutions. To my knowledge, the Council has no system in place to periodically ensure that its legislation has been properly recorded; nor have conversations about improving online access to Council resolutions advanced since my office raised this issue earlier in the year. Given the importance of maintaining accurate and publicly available archives of legislative action, I ask that you please place discussion of these issues on the agenda for the next regularly scheduled Laws & Rules Committee meeting. Although I will be away on August 21<sup>st</sup>, someone from my office will be available to discuss these issues with the Committee and the City Clerk. If you have any questions in advance, please do not hesitate to contact me.

Respectfully submitted,

Barbara Graves-Poller  
*Corporation Counsel*



OLD BUSINESS

6

L+R

**Tinti, Elisa**

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**From:** Shaut, Andrea  
**Sent:** Thursday, June 27, 2024 10:35 PM  
**To:** Tinti, Elisa  
**Subject:** Can you please include this email in my communication folder? THANK YOU!

Dear Members of Laws & Rules,

Due to last month's disgusting display of racist and antisemitic language used during the public speaking portion of our Common Council meeting, I am calling on the committee to discuss options for moving forward. Although reported as a 'zoom bombing,' this is not an accurate depiction of what occurred. We did have a horrific 'zoom bomb' back in 2021, after which we immediately altered our platform. Our current system was our solution, which has protected and benefited our community until last month. Unfortunately, the bad actors entered our meeting the same way all of our Zoom public speakers enter, by accessing our information on the city's website. Just like our regular speakers, they were called on one by one and only given access to speak when their name was called. Because they followed our standard process, and Zoom has confirmed that the platform and system we use have the lowest security risk, I believe we need to examine our process. I am offering four suggestions for your consideration. However, I look forward to a conversation with you all. Perhaps there is another way that I have not considered that could work.

1. All Zoom speakers must be on camera. This will eliminate anonymity and make it harder for folks to hide their statements behind a screen. This also does not significantly hinder why we opted to continue virtual comment post-COVID to allow for greater accessibility. Folks can remain home and participate in local government.
2. Our CouncilRules state that virtual speakers must sign up by emailing the City Clerk by noon on the meeting day. Admittedly, I can adhere to this rule more. I am unsure if this will affect our situation because bad actors can learn and adhere to this rule. However, it does add an extra hoop to jump through that our community members could adjust to, but perhaps bad actors from outside our community would either not be aware of it, or they would not want to do the extra step.
3. The Council can opt to end public comment through Zoom. The in-person comment period will remain the same. If folks cannot make it to City Hall, they can email us their written comments.
4. Do nothing and leave the Zoom public portion as we have been operating. The City Clerk and I will do our best to handle any inappropriate speech if it happens again.

I look forward to discussing this issue with you, and I want to thank you for your hard work and dedication to serving Kingston.

Respectfully,

Andrea Shaut

Council President, City of Kingston