

MINUTES
Zoning Sub-Committee
City of Kingston
April 19, 2017

Present: Dan Shuster, James Noble, Sue Cahill, Kyla Haber, Hayes Clement, Lee Molyneaux, Wayne Platte, Pat Murphy, Joe Safford, Julie Smith, Tom Tiano, Dan Gartenstein, Bernie Matthews, Cassandra Burke, Mark Grunblatte, Clark Richters (video), Tanya Garment

A. Discussion on proposed combination of Landmarks Preservation and Heritage Area Commission and reorganization and clarification of functions and responsibilities.

- A memo was circulated to the committee prior to the meeting titled “Combined Historic Preservation/Landmarks Commission” dated April 10, 2017. The committee agrees that combination of the commissions is a positive change. D. Shuster explained that the number of members on the committee is proposed to be 9 with 3 alternates. Committee members felt that the new commission should be required to follow the same requirements as the Planning and Zoning Boards which include 4 training hours per year and attendance at a minimum number of meetings. H. Clement asked if S. Cahill had spoken to the Department of State to confirm that there were no issues in combining the Boards. This was already confirmed with the State Office of Parks, Recreation, and Historic Preservation. S. Cahill said that she did speak with DOS and that there were no issues. M. Grunblatt added that if the Boards are combined, the Certified Local Government requirements would still apply.
- Discussion took place on whether there should be an appealing body to deal with appeals of the new HLPC/HAC commission. D. Shuster said that the NYS Model law includes an appeal to the local governing body as an option to an Article 78. M. Grunblatt and H. Clement felt that there should not be an appealing body and that the code should remain with the only appeal being an Article 78. They felt that the only way to appeal a Planning Board and Zoning Board decision would be an Article 78 and that this commission should not be different. D. Gartenstein said that he would have an issue defending decisions in an Article 78 proceeding that was allowed under building code and the zoning code but that the HLPC/HAC voted against. He felt that there should be an inclusion of an appeal and that the appeal should be to the Mayor. Members of the committee felt that it is important for the Board to remain unpolitical and that if the Mayor were the appeal route, everyone who received an unfavorable decision would go to him to get it overturned. It was suggested that the appeal board be a combination of members of the Planning, Zoning, and the new HLPC/HAC commission. It was brought up that the HLPC/HAC member would have to recuse themselves because they would have been part of the decision. T. Argulewicz said that he would be concerned with a combination board because members of Zoning and Planning might not have expertise in historic preservation. It was ultimately decided that an appeals board should be included but that the Mayor should not be the sole person.

B. Further discussion of options for affordable housing regulations

1. Elaborate on Specific Intent of Regs
2. More options to meet affordable housing goals

- a. Require payment in lieu for 5-10 unit developments – D. Shuster asked if the group believed that there should be a provision for payment before a developer hit the 10 unit threshold. H. Clement felt that the threshold should stay to 10 units. D. Shuster said that he offered this as an option to help spread responsibility.
- b. Increase percentage of units eligible for payment in lieu – D. Shuster said that K. Haber had emailed about this after the last meeting. The current language allows someone to offer payment in lieu of 25% of the units. He suggested that this could be raised to 50%. K. Haber also asked how these percentage numbers would work when a person only had 10 units, 1 of which was affordable, the payment of lieu would only be for a ¼ of the unit. T. Argulewicz suggested a table (i.e. 10-15 units requires x number of affordable units with x% of a buyout, 16-20 units requires....). C. Burke suggested raising the required percentage to 20% of the units saying that this could help create affordable housing and could also make the percentages work better.
- c. Allow for construction of units off site to satisfy requirements for affordable housing – the committee agreed that this would be difficult to administer and keep track of and that it could create a situation where affordable units were not built in equal geographic areas. It was decided not to include this provision.
- d. Allow a combination of techniques to satisfy the requirement.

C. Discussion of comments re: environmental and natural resource regs. – this agenda item was not discussed.

D. Discussion of proposed “zoning primer” to be completed after zoning amendments are completed – D. Shuster explained that this would be a less detailed, easy to understand handout with photos and sketches to highlight the requirements.

E. Set date for meeting to afford interest groups to speak – Sue will look at the municipal calendar and send out a poll to pick a date.

F. Question/Answer – T. Garment asked if the zoning code would continue to change after adoption. She feels that the code should be a form based code. She reference the code adopted in Buffalo. D. Shuster said that the only place where form based code is being proposed is in midtown. T. Garment feels that this is not a true form based code and that it should be expanded. She does not feel that the zoning code is changing enough from the current version. T. Argulewicz said that he feels that a lot of significant changes have been made.

Adjourn.