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Building Safety Division  
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Mark Brown, Fire Chief



Tom Tiano, Deputy Chief  
Joe Safford, Zoning Officer

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**CITY OF KINGSTON ZONING BOARD OF APPEALS**  
**MEETING MINUTES**  
**DATE: July 8, 2016**

Board Members Present: James Rodden, Chairman, Brian Cafferty, Anthony Argulewicz, Andrew Champ-Doran, Joseph Fitzgerald

Board Members Absent: Donald Mapes

Staff Present: Joseph Safford, Clerk of the Zoning Board, Julie Smith, Clerk for the Building Safety Division, Deputy Chief Thomas Tiano, Kevin Bryant, Corporation Counsel

General Notes: James Rodden, Chairman read the introduction into the minutes. Called the meeting to order at 5:35P.M.

Item #1: #100 Lucas Ave. USE VARIANCE to operate a small business. Manufacturing custom neon art pieces at the location, a use currently not allowable in an R-1zone. Congregation AHavath Israel Inc., Owner/Applicant

Discussion:

Dan LeFevre 283 Mountain Road, Shokan representing the applicant. Rebecca Balzac, President, 100 Lucas Ave.

James Rodden – Can you give us brief description about the application.

Rebecca Balzac – We are facing a hardship the zoning laws have changed since the congregation moved in the 1960's as for the congregation itself it has been dwindling in size 3<sup>rd</sup> year certainly since IBM left. The demographics in Kingston altered dramatically the building itself has deteriorated and has gotten older with more need of repair we have been facing for about 2 years the fact that we simply don't have the resources to maintain the building and we don't expect to have the resources any time soon. Our congregation size that we are in fact

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don't use most of the building for all of those reasons we have decided the best bet for our congregation is to move to a smaller place and hopefully to sell the building.

Dan LeFevre – Previously they had Bard College looking at it but decided the renovation cost was too high.

Rebecca Balzac – We started this process two (2) years ago we started discussing selling the building to (inaudible) up the road to use it for a school unfortunately their offer was sufficiently way below market value and the congregation ultimately rejected the offer we then received an offer from Bard. Bard came in and did multiple inspections, they came back with the retro fitting and upgrade repair was too much, that was almost a year ago August or September 2015 and this is the only firm offer that we have had.

Dan LeFevre – We had one other bid seven (7) other people looking one offer Hasidic and they needed to purchase surrounding homes and they didn't think they could get it. Then when we met Matt thinking of a very large building on a residential zone on a county road low impact it just seemed worth coming and talking about the fact that the building was there before zoning and maybe when zoning came in they should of made a commercial building awful large building for a residential area we are asking for the variance to allow him to do an artesian shop.

James Rodden – How long did you say the building was on the market?

Dan LeFevre – Just for us 7 months.

James Rodden – Other than this 3 or 4 up to 7?

Dan LeFevre – Mostly religious organizations.

James Rodden – That was other than Bard? The applicant looking now? You have had activity in 7 months?

Anthony Argulewicz – Do you have someone that we can ask question of in terms of what is going into the building. What the manufacturing will be?

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James Rodden – I would hope that the applicant would come forward.

Dan LeFevre - It is artisan manufacturing a group of people. It isn't like production.

Anthony Argulewicz – It says small business manufacturing on our sheet.

James Rodden – We would really like to hear from the applicant himself so we understand what his intent is I am sure the public is interested so we have a better opportunity to be able to evaluate this thing. So if you folks have anything else to add or if there are any more questions.

Brian Cafferty – I just want to point out that because the purchaser of the building is purchasing this building through Westwood Metes and Bound Realty and I am a member under the circumstances I have to recuse myself from the conversation and the vote.

James Rodden – We still have a quorum so we thank you for coming forward with that anything else from the Board thank you. Could we please have the applicant come forward.

Applicant asked the Chairman to approach and show them material that they brought of their work.

Matthew Dillin & Erica Dibress

James Rodden – You are the potential purchaser of the property?

Matthew Dillin – That is correct

James Rodden – You tell us what about this piece of property makes it viable for the type of manufacturing that you are going to do.

Matthew Dillin – We are looking to relocate from Brooklyn to uptown Kingston. It is important to us to be in walking distance or biking distance to the trail ways station so that will determine the area that we are looking for property in this is the only building on the market in all of Kingston that actually meets the needs of what we are looking forward as far as space and

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structure access for loading and a little bit of outdoor space in order to have a garden in an area where we could eat lunch outside together as employees part of our interest to relocating to Kingston is our love and appreciation for the beauty around that is important to us. The building is solid block concrete structure which is suffering from its mechanical infrastructure but the structural building itself is very sound. What we do is bend tubing we don't manufacture the tubing the tubing comes to us we bend it and shape it into forms for artists and designs and then we assemble fixtures. Books are showing the works that we do are shown internationally we did a large project last year. We have been commuting back and forth from the City to do this work we would really like to have roots more in Kingston we love the community and we love the blend of healing and creative that O+ festival is based on. Very similar to our business because we are a small business manufacturing is the term that is best applied through Zoning but if I could rewrite zoning I would describe us as artisans we don't manufacture the glass itself we don't use furnaces we absolutely don't use asbestos or lead in the work we do. We work with (inaudible) very small amounts in a very small canister we use a (inaudible) router basic tools that would be in any assembly shop including screw guns, hand saw, air compressors stuff like that.

James Rodden – Is there a noise level that we should be concerned with? The cutting bending and the construction you do.

Matthew Dillin – With the structure of the building absolutely not we are currently in a multi-tenant building and we have architects right above us with 4' of wood between us and the office previously there were residential people living with in the building they are currently building 30 story mixed use apartment building on top of the building that we are currently in so we are used to working in tight quarter with neighbors as I expressed earlier we consider our neighbors to be our greatest asset and that is what I am most sad about.

James Rodden – In the heating process is there any open flame?

Matthew Dillin – There are open flames we use four (4) different types of torches they use a combo of air under a low pressure high volume and natural gas we heat an area no larger than 16" at a time and we work it by hand.

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James Rodden – What kind of volume of chemicals argon the gases and stuff you will you keep stocked.

Matthew Dillin – We keep less gas on stock inert gases than you would find in an hardware store filing a helium balloon one of those tanks of helium at the hardware store contains more gas than we have used in whole 16+ years we have been in business they come in very small cylinders this is a years' worth of gas it isn't even a high pressure cylinder neon gas is the 5<sup>th</sup> most common element in our atmosphere.

James Rodden – Do you wear some type of scuba protection to protect you from the air?

Matthew Dillin – No

James Rodden – No omission that the neighbors would have to worry about.

Matthew Dillin – The biggest concern that has been brought up in some of the tubes we use there is a small amount of mercury. That makes the blue color that mercury one/one hundredth less than is in a house hold thermometer and it is the same quantity that is in the compact florescent builds you get in the hardware store. We use an incredibly low volume of that we store about 4ozs.

James Rodden – Hours of operation?

Matthew Dillin – 8:00AM – 6:00PM, Monday – Friday. We close the studio every other Friday in the summer to give the people time off. Occasionally we do rush projects that require later hours. Again all the work we do happens with in the building and it is a solid block concrete block building we are not people who produce large amount of noise.

James Rodden – One (1) part time employee?

Matthew Dillin – Not sure where that came from. Right now there are about a dozen of us. The most we would have is 15 people. The space is a good deal larger than the space we currently occupy in Brooklyn. Someone has also asked about the expansion I would love for a business to thrive in Kingston we in no means plan to have more than 15 people.

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James Rodden – I must say off the record I really appreciated your opening and your respect for Kingston and your neighbors it was a really nice presentation talking about this area we thank you for that and thank you for what you offered up and now I would ask the Board if they have any questions?

Anthony Argulewicz – You mentioned that the tools are delivered. What size trucks and how often are your deliveries.

Matthew Dillin – The majority of our deliveries come from UPS or FedEx or a panel van. We do manufacture art work so occasionally we have pick up from art handlers the location we are in now has no access for tractor trailers so in the last 15 years in business we never once had pick ups by a tractor trailer the largest vehicle 14' box truck and we have a service van and delivery van we use.

Anthony Argulewicz – How many times a day would the truck being delivering generally.

Matthew Dillin – Usually 1-3 deliveries from a common carrier in a day and the van would be in and out once a day. Every week or every other week we have a pickup with a larger art handing van.

Anthony Argulewicz – What are your plans for the parking lot in the back. I took a ride into the complex and saw a large parking lot in the back and I saw a lot of fencing around many of the neighbor's yard what would your plans be in terms of the parking lot in the back.

Matthew Dillin – For now there wouldn't be any. Focus is on the building we would love to return that to an organic garden down the road I do know through talking with the folks earlier that the gate needs to remain in place for potential fire trucks to get through. I would like to bring up because there has been some misinformation and concerns the gate is not really access it is not on the parcel that is for sale and absolutely will not be used I believe it needs to remain in place for the Fire Department but if it was up to us we would turn it into a garden it is not something that is our first focus.

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Anthony Argulewicz – In terms of fencing that is around that would you have any plans of putting additional fencing?

Matthew Dillin – It wasn't on our agenda but if that was something people requested then we would absolutely be open to doing that assisting not our intentions.

Erica Dibress – We would like to plant more trees to create more of an enclosure for more privacy but that came up in conversation if that is something they like and causes more shade not a problem. We believe in cultivating beauty and nature and we have three (3) boys they are probably the nosiest thing we are bringing with us. The little one is very excited about the playground we would to keep that as intact as we can as long they are healthy and there are trees that aren't going to damage anyone's property. We would like to cultivate more.

Matthew Dillin – In all fairness one of the most beautiful things about the property that grandmothers tree out front that is gorgeous there are not a lot of trees that size and age in Kingston. It is an incredible thing to have nearby. We feel like it is a real asset.

Anthony Argulewicz – Thank you.

James Rodden – Any other questions from the Board?

Andy Champ-Doran – What are your plans for ventilation?

Matthew Dillin – That would be something we need to review with the building department as what they feel is required for the space. In our location where we have been operating for the last decade all we have is a through the wall vent it runs with a ½ horsepower motor and we rarely use it. Mostly around heat that we are concerned about ventilating because we do have burners and in the summer time it gets hot but that is something the Building Department will need to have a conversation about what is required. We wouldn't have any intention on adding ventilation that would be exhausting anything in one area. If required, would go up through the ceiling in that space. There is a lot of existing ventilation, there is an incredible kosher kitchen in there that has an Ansell system that would need to come out at some point, not planning on keeping the kitchen. There is some ventilation in place right now.

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Andy Champ-Doran – Hazardous materials you mentioned mercury. Broken glass do you get that?

Matthew Dillin – Glass is in small tubes we get all the glass recycled all contained in recycling bins we work with aluminum sheet in small quantities about 10 sheets a month 4 x 8 sheets and we do almost of our packing within Friday (inaudible) cardboard we shifted away from poly stream about 8 years ago in order to create packaging 99% recyclable so we do use a decent amount of tri cardboard we use some poly urethane foam for packing but pretty minimal and we work with some standard sheathing material and MDL plywood some acrylic like plexiglas nothing that has any level of toxicity.

Andy Champ-Doran – Fluorescent powders?

Matthew Dillin – Do you mean the transformers for the tubes?

Andy Champ-Doran – No fluorescent powders.

Matthew Dillin – The powders are already inside the tubes when we get them so we don't work with the phosphor at all the tubing come coated in it. Phosphors are earth elements they are not in any significant quantity to pose any kind of toxic levels and we aren't manufacturing them we are getting tubes that are already manufactured.

Andy Champ-Doran – So you don't keep the MDS on hand?

Matthew Dillin – We keep them yes on hand for the latex paint but no not for anything relating to the gases are inert and they MSDS sheets relate to the neon that is used for refrigeration and they talk about burns from the gases being pressurized but we don't keep it in a pressurized way that would be used for refrigeration we keep it in low pressure only. Even if we opened this tank it would take a minute or 2 for the gas to dissipate.

Andy Champ-Doran – Parking?

Matthew Dillin – There is way too much parking there are about 10 of us and most of us don't have cars which is why the proximity to the bus is important we would be looking probably at

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parking right up adjacent top loading in and out the west side. 5 or 10 parking spots up front and we have no plans for the parking area.

James Rodden – Any other questions from the Board.

Matthew Dillin – Just want to make sure on our survey that back parcel has been sold it is not part of what we are operating on the gate needs to stay in place.

Andy Champ-Doran – Are you talking about the one listed as lot #1?

Matthew Dillin – Yes. I know there was some confusion around that I want to clear that for the record. Not separate parcels not part of the discussion.

James Rodden – Anything else? Thank you.

Public hearing:

In favor of the application:

Michelle Rissolo – 91 Lucas Avenue  
Directly across the street. We have many businesses in the area we have right behind me an insurance company approximately 60 people work there. We have Lucas Avenue Pet Supply. We have a funeral home, we have Pest Master we have several attorneys, dentists we have family court along the way to have a manufacturing facility such as this were it is not going to impact the environment and sounds like it isn't going to impact on the traffic in the area this would be suitable for this facility I do have some concerns. Everyone has a sign to represent their business this is going to be neon manufacturing just making sure we aren't going to have a neon light?

James Rodden – the Planning Board will address that but I am sure Matthew will respond.

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Matthew Dillin – We don't intend on offending any of the neighbors so any signage would it would be in collaboration with what the neighbors are okay with and approved by the Planning Board. There currently isn't a plan in place.

Michelle Rissolo – Property tends to be a cut through to Lucas Avenue to the cul de sac are you going to allow people to cross through the property.

Matthew Dillin – I didn't know that and I know there is a gate there. I can discuss with the Building Department to see if the gate can remain locked as long as the Fire Department has a key we do not want people driving through the property.

Michelle Rissolo – There are many children that go to Edson and the middle school a lot of those children cut through.

James Rodden – They have expressed their desire to meet the needs of the community getting a lock and if this passes through Zoning it has to go through Planning and those questions will be addressed.

Brad Will – 140 Main Street

A good point was made all of the businesses that are there that is what makes the City diversity I understand this is a variance is a zoning issue but I also think there should be some flexibility in its interruption it is also critical I do know Matt and Erica they are wonderful people there are very responsible. I have seen the work they have done it is very beautiful bringing something like this to the neighborhood would only be an asset. I also have a lot of respect for all the neighbors that are here. Also (inaudible) the canister is tiny that is a whole years worth we aren't looking at heavy duty manufacturing I think it is appropriate for the site. I think with all of the employees work there that is a benefit to Kingston the businesses they are going to have lunch at, shopping at...

Heather Morrison – 137 Emerson Street

The synagogue is in my back yard. I wasn't sure before I came here. I have been convinced by Matthew and Erica I think they will be good neighbors. I do appreciate them. I do think it will be a nice addition to the neighborhood. I have a few questions. With the variance change the

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regulations for the neighborhood? If there variance is denied does the City have any ability to review if a religious organization were to come in like a Hasidic organization?

James Rodden – Counsel?

Joseph Safford – It is zoned R-1 and the zoning will remain R-1 specifically if another religious organization wanted to open a new congregation or a church they would be able to that is an allowable use in the R-1 the issue is to use it for another use which is what you want to do. The variance is specific to your business for lite bright neon. It would not allow you to ultimately so what it says since the building is so much larger than the building that you are coming from you can't bring other businesses in there it just your business. You can't sublet the basement for office space. Everything in the R-1 remains the same as far as the lot coverage, set back regulations, all of the things that are there so in the future if you wanted to do something else you would still be governed by the same zoning laws that govern all of the neighbors around you that is not going to change.

MJ Darling – 360 Linderman Avenue

Really want to thank both of you for taking the time to answer the questions today. If shows a lot (inaudible) is a variance different that a permanent rezoning? Yes should they leave this property it returns to...

James Rodden – The variance is specific to that address?

Anthony Argulewicz – She asked if it would revert back to religious once given a variance my understanding is it stays with the property it will be a business.

James Rodden – But it still remains an R-1.

Anthony Argulewicz – Right but another business could go in there. It is my understanding?

James Rodden – Joe can explain that the only operation that can take place in that building is the Neon Lite.

\*\*\* Can't understand what is being said \*\*\*

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MJ Darling – You made a very good point there are many small businesses one I want to bring your attention to is Pest Master they store chemicals on their property that are in greater volumes than what they will be using. They employ 6 to 10 employees who use a very small parking lot. They have no impact on the traffic characteristics of the area and they have brought positivity to the area.

Anthony Argulewicz – I think we need to clarify her question. The variance stipulates that basically their manufacturing can go there another company they sell and another company moves in and manufactures something far different they have to come back for that variance. Because it is granted variance for manufacturing we stipulate that another type of manufacturing cannot go in there if they move.

James Rodden – Even if another company comes in to do the same thing it is just going to be granted.

Anthony Argulewicz – Even if they did the same thing that was a good question.

Dale Thompson – 100 Johnston Avenue

Adjacent to the parking lot behind the synagogue when we first heard about this we were defiantly against it but we have done a lot of research on it we watched videos online and went to the Building Department and talked to them about it and we feel very confident that this company will be an asset to our community they are very environmental conscience. They don't deal with anything that is dangerous to the surrounding homes and people it is going to be a positive thing. It is better to have a business there and someone who cares about the property and takes care of it than having a building that is falling down around us. As far as the parcels are concerned I assume you own all of that. You have no intentions on breaking them up and selling them?

Matthew Dillin – Absolutely not. I would like to reiterate our concern really has to do with the inside of the building we are concerned about the neighbors.

Dale Thompson – We all cut through we are hoping you would continue to allow us.

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Not in favor of the application:

Bill Brown – 108 Lucas Avenue

Read a letter into minutes (email attached 6/21/16 Reverend Louis Zeppone and Ancieto America)

Elga Antonsen Brown – 108 Lucas Avenue

People of the Planning Board having this hearing. This morning I was sitting feeling the breeze on my back porch we are at 108 Lucas Avenue. One of the things I thought about was the fact that I learned that in the process of making neon signs that the temperature anything about 1,000 degrees the poisons that are released with are carbon dioxide and a few others. Asbestos lead and mercury I am sure you all know about the mad hatter even a tiny amount of mercury can become air borne once it is released into the atmosphere we have a zoo and children. We have children that cross that property all artists that are creative love their work and in doing so there is a certain amount of denial about the dangers of what they work with we have a lot of denial in our country and this is the time we need to have some honesty and another thing I noticed that this will put this land this precious land on the tax roll and that for I am sure the City would love but there is something more to be considered that land originally was a place where children from the Montessori school and I think that them trying to sell it for 7 months are so desperate that they don't think about what kind of business they are putting in there or any business they are putting in there or any business and change to a manufacturing zone. I am not so certain that once it is in the manufacturing zone that will be the end of it. So therefore I respectfully do not want us to open the door to any manufacturing in this area. Let someone who has an idea of putting in a school with children there. We always loved hearing the sound of children.

Kate McBride – 97 Johnston Avenue

I would like to respectfully request that there seems to be a lot of people that are uncertain some people just changed their mind right now and meeting these very nice people they have to be here of course they are looking for something I think that people who live in the area really need more time. I would ask that you guys not make a decision tonight I understand there are some issues with the notifications that the gate has changed on more than one occasion. There are people that aren't here that should be here we were just notified this week. If a decision is going to be made tonight that you would table the application so we could gather more

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information even the buyer himself didn't know what happens there every single day. There are a lot of questions and research that need to be done and we need to know more about the chemicals. I request you postpone the decision tonight.

Nancy Ward – 97 Johnston Avenue

I just wanted to say I grew up a few blocks away on Valentine Avenue. I bought my house 25 years ago. I bought in that neighborhood because it was a quiet cull de sac kind of street it was next to a house of worship. I didn't buy a house next to a manufacturing for a specific reason our property values will go down it is not even about what he manufactures I don't care what kind of business he had I request that we don't have any manufacturing there. I saw one Hasidic backed out because there weren't houses available but she also said there was another Hasidic group that was a back buyer so it isn't like the place isn't going to sell. It has only been on the market for 7 months. In this market that isn't long. I am wondering if his employees are from his business in Brooklyn or are there jobs being brought to Kingston? When they do leave they change it to their needs a specification is going to be set up not like a synagogue or a house of worship. I am also concerned in the event of a fire what kind of dangers do the chemicals he houses pose? I did (inaudible) I did see a lovely article that referred to him as the King of Neon which in my thought would suggest that some of the works that he did were a lot bigger than just small custom pieces of work for artists. He is here because he does want the answer that he wants my feeling is I bought a residential home in a residential neighborhood and this is how I would really like it to stay because I can't afford to move.

Fred Webster – 30 Plymouth Avenue

Express my admiration for what this company does they are very artistic successful that has no bearing on why we are here 2 years ago I did a lot of research on Kingston I spent a lot of money on my house and I spent a lot more money improving it and it is directly across from me and we have no intention of selling but in the event we do intend to sell or had to sell we are sacrificing our market value for the gain of the current owners of the property they are basically throwing us under the bus I have no problem with the company I understand what they are doing I understand why they want to relocate but that doesn't change the fact that this organization is trying to throw this residential community under the bus for their own gain and I am opposed to that from the stand point of the value of our properties, completion of the neighborhood. Yes there are some commercial businesses close to Plymouth Avenue but there is no manufacturing. Zoning exists for a reason it is our duty as citizen of the City that we

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uphold zoning if we don't have rules or regulations we have nothing because every resident in this community is going to suffer in terms of property values not matter how many improvements. No matter how much this company is environmentally conscious. I think they are but this not the point I welcome them as neighbors but I would welcome them as neighbors in a commercially zoned property. I think it is personally the existing owner of this property have put us in this position they are throwing us under the bus.

Unsure of the application:

Ralph Smith – 45 Plymouth Avenue

My concern is the variance and how long would it last? I think that you discussed that but for this business alone the variance could be there if they sold or moved it would revert back to current R-1 for the property am I correct?

Anthony Argulewicz – I am going to be truthful Mr. Chairman I really need further clarification on that legally. That is not my impression that it would revert back also under the assumption that once a variance is granted that it is granted for the property we need a firm statement from legal counsel. I don't want to see people leave here with misinformation .

Kevin Bryant – Area variance goes with the property that is not what is being requested they are requesting a use variance for a specific use to him. Wouldn't go to the business wouldn't go to the next business. Someone else wants to buy it they would have to come back and do the same thing.

Ralph Smith – Thank you. I like what he says but now days it is hard to believe people because nationwide people say things that you want to hear but they are not followed up afterwards my concern is. I love your proposal I think it would be good for the property. Are you truthful enough to follow through that is a concern. The other is if this is not granted the property is still looking for a buyer I am concerned about what other buyer might be interested in purchasing or using the property they might not be as environmentally friendly and as nice as these people like I say I am caught if I say I don't want the change in the R-1 zone and this is rejected then the synagogue will come back with something. That something else might be worse. I am still undecided but if they follow through with what they say they will go I am in factor if it goes to the waste side I don't know what is going to happen to the property.

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James Rodden – Not in my backyard syndrome this is not the place for this. I know that there are a lot of concerns it is good to have it go someplace else. It is 100 Lucas Avenue and that is what we have to focus on.

Ralph Smith – That is fine I understand that my problem is okay they look like they would be good tenants however. I have reason to believe the synagogue might have other people in mind that might not be as good a tenant.

Martha Hill – 65 Plymouth Avenue

I am not as affected as some of my neighbors I do appreciate the potential buyers came tonight and answered all of our questions the Board asked good questions I am still concerned about the environmental impact hearing tonight for the first time the use of chemicals I f (inaudible) main concern is the impact of our property values it seems to be a quiet business could be something else comes in that could be nosier with more of an impact (inaudible)

Donald Bluth – 99 Lucas Ave.

Still residential? Number of employees? Would like there to be a limit on their employees (inaudible)

James Rodden – He feels nothing more than 16 are acceptable for what he wants to do.

Jessica Smith – 96 Johnston Avenue

Directly behind. I do have a few concerns. I hope tonight isn't the night you decide. It seems a little rushed. There are many vacant businesses and open spaces for rent. Why does this factory want to buy this synagogue? It is such a large lot. I think there is more to this story. A guy squeezed a house right next to me, said he was going to live in it, he built the modular in a week and the next week he flipped it. Sometimes we don't always say the truth. Is there going to be a farm built? How are you going to prevent people from going into your garden? Seems like there is more to this. He wasn't even sure that people walk through their everyday. Any artist every artist that I have ever met in my life displays their work and if you have big work you can't tell me that you aren't going to display it outside? Clearly this being a synagogue there will need to be some construction exteriorly and interiorly. How long will that take?

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Ben Compain –

Bought the house to raise a family. I am concerned about the health of my family my children specifically and the effect on the property values in the neighborhood. I certainly don't want to be forced to move out of the neighborhood. I have personal experience working with a company that was involved with a mercury spill a very small amount. I know the damage that can do it is concerning to me. If the variance is granted will it limit the size of the manufacturing? I understand they are small and want to stay small but if you will have a larger building and as you make more money plans could change. In the variance will limit the size and type of manufacturing that they do I understand they have pre made material. They will cut costs to produce it there. I had no notice of this it has been done very quietly.

James Rodden – I don't think this has been done quietly this is the second meeting because the mailings I believe every property was notified.

Ben Compain – that is incorrect because I never received anything I was approached by a neighbor 2 days ago.

James Rodden – Your property doesn't touch the property line.

James Rodden – We will discuss that tonight.

Ben Compain – I am in favor of small business they seem like very nice people. Plans change that is my concern.

Anthony Argulewicz – I just want to say one thing I really take exception to hearing that something is being put over or doing it quietly we all assembled several weeks ago to have this hearing back then and we were here for 5 minutes upon advice from Counsel we all left because certified letters had not been sent out as a required by Zoning law so to say we are going to put something over or do this quietly is really an insult when we sat her ready to have a meeting and we put our time in and came and we are here again tonight after certified letters were sent out. I take exception to that.

James Rodden – Explained to Mr. Compain why he was not notified.

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Rebecca Balzac – I just wanted to address some of the concerns that were raised one of the concerns raised was about kids walking through the property. Up until a year ago we had 2 staff members that were in part time they were in fairly regular during the week and the offices in the building overlooks the parking lot so people walking through would happen every now and then but not a regular occurrence and appears that it has increased because there are no cars in the parking lot so people realize there is a concern I think having people there on a regular basis would actually stop that behavior. Another point I wanted to address is the Montessori school, they left almost 2 years ago they were very behind on their rent so they left and the fact is our finances are such that if they building doesn't sell we will most likely be out of business and out of money in 2 years at a maximum. It is an old building and requires substantial repairs and we are crossing our fingers that we don't have a major repair that needs to be addresses my treasurer has also said we are one repair before we are out of business so I appreciate the concerns that are being raised about the land values and about what else might happen but it would seem to be much worse to run the risk of having a vacant building just sitting there it would be a shame and I just want to say to the people who have raised the questions about why were are doing this. Officially we have been trying to sell this for a couple of years we have a Board member who is a real estate agent who really has had his ear to the ground it wasn't listed so we didn't have the outreach then like we do now.

James Rodden – Your application said listed since March 2015 that is certainly an honest attempt.

Joseph Fitzgerald – I have had some opportunity to do some catering at the premises. Congregation has diminished but how many people would get for a party.

Rebecca Balzac – we could easily get 100 server hall holds over 200 people. Event 6 years ago 200 people easily 100-150 people.

Unsure of name – I am also a small business owner on Prince Street I have 15 employees very similar in size business and we live and work in the community with residential on either side we do furniture manufacturing much louder messier great relationship with the community the neighbors love us I have been in Kingston for 20 years I have seen buildings being torn down for Walgreens. I would love to see them in Kingston.

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Someone in the audience – How many properties are actually adjacent to the synagogue property?

Julie Smith – 35 letters were sent.

Wayne Smith – Johnston Avenue

This is a family neighborhood you are going to break that up. There are so many empty building in this area not sure why you have to come here.

Hank Thompson – 100 Johnston Avenue

Adjacent to the back of the parking lot. I have done research. I was originally opposed than I switched. We talk about house evaluations my fear is that the synagogue will become an abandoned building. This has become a meeting place for some illicit acts in the parking lot. So that will dramatically affect on our property values. We have had to contact the Police a few times.

Rosemary Lewis – 35 Plymouth Avenue

The buyer expressed that he wasn't really sure about some of the changes that have to be made. He would have to check with the Building Department. Does the variance get granted before the Building Department approval?

James Rodden – Not sure what changes you are referring too.

Rosemary Lewis – He was talking about the exhaust fans he would need to install fire safety equipment and his answer was he need to check with the Building Department.

James Rodden – We have the opportunity to make an up or down decision on whether to grant this request all of the principal and all of the questions that have been asked as far as lighting, security, and exhaust fans will be dealt with through Planning we only have the opportunity to make one or two decisions use or area.

Rosemary Lewis – So you can say yes?

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James Rodden – We can grant this but it doesn't make it official until they have been through the Planning Board.

Rosemary Lewis – If he sells the business does it have to come back to here or not?

James Rodden – It is specific to that business as stated.

Allison Darling – 99 Johnston Ave.

I came in against the application. I have had most of my questions answered. I am mostly concerned about the property values.

Anthony Argulewicz – To Rebecca since part of use variance involves reasonable return on property. One consideration whether reasonable return can be gained from the current use and zoning use. I am looking at the financials that were provided estimated no mortgage on the building really expenses are oil, electric etc... they seem to add up to about \$10,000/yr is that correct?

Rebecca Balzac – I would put the number... I don't have the figures in front of me.

Anthony Argulewicz – I can read them to you if you would like?

Monthly heat - \$2,000/yr  
Sewer/water - \$100/month  
Monthly electric - \$450.00  
Insurance - \$550

My math tells me about \$10,000 year.

Dan LeFevre – Fuel oil is about \$2,000/month even those numbers are lower compared to other businesses they don't have any income coming in the have only 10 members.

Anthony Argulewicz – I am just telling you what was on the paper.

Dan LeFevre – That was a mistake.

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Anthony Argulewicz - \$2,000/month \$22,000/year for heat

James Rodden – We have the number presented. \$925.39/month \$1,867.00/year  
Dan that was a mistake.

Andy Champ-Doran – Matthew previous statement the seller said that Bard College was looking at the property and decided not to because it would too much to renovate how much are your repair/renovations going to be.

Matthew Dillin – I would like to have a more accurate figure for you but \$50,000-\$100,000. The heating bill for 2 years \$15,000 the boiler is very old something we have a contractors that we are looking into and I stated the exterior of the building is in good shape the boiler and air conditioner are long gone. We are in the process of this I didn't know I needed this information. Ball Park \$50,000-\$100,000

Andy Champ-Doran – Is this going to affect the purchase?

Matthew Dillin – Yes if we can't afford it we aren't going to buy it. It is contingent on us being successfully operational. My understanding is that it part of the concern of the seller that someone needs to put some money into it or it just needs to get knocked down something else goes there. I would hope to turn it into more a temple than it even is right now. They haven't been able to maintain it with the lack of resources.

Andy Champ-Doran – What I am trying to get at is if you can't after all of this and you find out you can't afford it than this whole thing could fall through.

Matthew Dillin – It sure could and I sure the heck hope that doesn't happen. The future is uncertain. I can only speak for where we are at the moment and our intention is to upgrade that building and maintain it in order for us to be successful. We are still learning more and I have learned more tonight for the board and neighbors I am grateful.

James Rodden – Anyone else?

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Decision: The use variance was granted with the following stipulations:

1. No more than 20 employees total
2. Hours of operation are 8:00AM – 6:00PM, Monday – Friday
3. Glass tubes to be delivered only no manufacturing of glass tubing on site.
4. No more than 5 deliveries a day.

(JR, JF, AA, – yes      ACD – no )

James Rodden – Closed the meeting at 8:00PM