

Tinti, Elisa

LR

From: Pasti, Sara
Sent: Friday, November 1, 2024 12:51 PM
To: Tinti, Elisa
Cc: Shaut, Andrea
Subject: Fw: Communication re Proposed Amendment to Section 310 of the City Code
Attachments: Chapter 310 Parks and Recreational Facilities General Rules and Regulations MMJ edit 10-28-24.docx

Dear Elisa,

Here is a second communication I sent to President Shaut yesterday for which I forgot to copy you—sorry about that!

Thank you for including this in the list of committee communications for this month.

Let me know if you have any questions.

Sincerely,

Sara

Sara Pasti
Ward 1 Alderwoman
Kingston Common Council
(845) 392-2519

From: Pasti, Sara <Ward1@kingston-ny.gov>
Sent: Thursday, October 31, 2024 3:20 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Cc: Jankowski, Matthew <mjankowski@kingston-ny.gov>
Subject: Communication re Proposed Amendment to Section 310 of the City Code

Dear President Shaut,

Please accept this message as a communication to be placed on the agenda of the appropriate committee. I am requesting an amendment to Section 310 of the City of Kingston Code that governs rules and regulations related to Parks and Recreational Facilities. The purpose of the amendment is to bring the Code into alignment with park rules that prohibit overnight park usage.

A copy of the Code Section 310, showing suggested amendments from Matthew Jankowski (copied here) is attached.

Thank you for your consideration of this request. I will send background information in a separate email.

Please let me know if you have any questions.

Sincerely,

Sara Pasti

Sara Pasti

Ward 1 Alderwoman
Kingston Common Council
(845) 392-2519

offense shall be punishable by a fine of up to \$100 and the second offense shall be punishable by a fine of up to \$300 or up to fifteen days in a jail term, or both.

(b) In addition to the penalties set forth herein, vehicles in violation of §310-4 may be subject to removal under the direction of the Police Department of the City of Kingston.

§ 310-7. Special hours for certain events or functions. [Amended 8-1-2006, approved 8-3-2006]

Notwithstanding any other provisions herein, the public shall have the right to remain in the parks or other facilities of the City of Kingston when special events or functions are held thereat, and if the affair or function is not concluded until after the closing hours as fixed herein, it shall be lawful for the general public to be there; provided, however, that they leave the parks or other facilities within a reasonable length of time after the conclusion of the affair or function referred to herein.

§ 310-8. Posting of signs.

Appropriate signs establishing the hours for the opening and closing of such parks and public facilities shall be conspicuously posted in said parks and other facilities before the effective date of this article for those facilities now in operation and, hereafter, prior to the opening of any such park or other recreational facility.

ARTICLE I

General Rules and Regulations

[Adopted 8-7-1984 by L.L. No. 3-1984, approved 8-28-1984, as Ch. 84, Art. I, of the 1984 Code]

§ 310-1. Legislative determination; compliance required.

It is hereby declared, pursuant to the authority created by the City Charter¹ of the City of Kingston, the General Municipal Law of the State of New York, the City Home Rule Law and the General City Law of the State of New York, that the establishment and maintenance of proper rules and regulations for the use and enjoyment of the parks, bathing beaches, skating rinks, bathing pools and other recreational facilities of the City of Kingston are essential to the public welfare. Therefore, the provisions hereinafter prescribed to provide appropriate rules and regulations for the proper use and enjoyment of the aforesaid facilities are enacted, and their necessity in the public interest is hereby declared a matter of legislative determination. Except as herein otherwise provided, there shall be official hours for the opening and closing of the parks and other recreational facilities referred to herein, and the use by any person or persons of said parks or said recreational facilities at any other time is absolutely prohibited.

§ 310-2. Hours of operation. [Amended 8-5-1986; approved 8-7-1986]

The parks and other recreational facilities in the City of Kingston shall be opened no earlier than 7:00 a.m. and shall be closed no later than dusk each day. As used in this section, "dusk" shall be defined as 1/2 hour after sunset.

§ 310-3. Enforcement.

- (a) The jurisdiction over all of said parks and other facilities herein referred to shall reside in the Superintendent-Director of Parks/ Recreation of the City of Kingston, who shall have the power to enforce the rules and regulations herein provided for.
- (b) Authorized enforcement officers, including Law enforcement and parking enforcement officers, may issue tickets and enforce violations of the rules and regulations contained in this Chapter.

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§ 310-4. Use during closed hours.

- (a) It shall be unlawful for any person or any vehicle to loiter in or to pass through, on foot or by means of any vehicle, any of the parks or other facilities herein referred to at any time other than the time officially permitted within such park or such facility.
- (b) Only vehicles authorized by the Director of Parks/Recreation may remain parked, at any time outside the hours of operation for the park or recreational facility. All other vehicles are prohibited from parking, or otherwise being left unattended, in a City park or recreation facility outside the hours of operation.

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§ 310-5. Glass containers. [Added 8-1-2006, approved 8-3-2006]

It shall be unlawful for any person(s) to bring into, or possess in, any City park glass containers of any type or size at any time.

§ 310-6. Penalties for offenses. [Amended 8-1-2006, approved 8-3-2006; 5-1-2012, approved 5-2-2012]

(a) The violation of any of the provisions of this article shall be a violationmisdemeanor, for which the first

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1. Editor's Note: The Charter is included in Part I of this Code.

(L+R)

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



Suzanne Cahill, Planning Director

Steven T. Noble, Mayor

October 22, 2024

Ald. At Large Andrea Shaut, President
City of Kingston Common Council
City Hall – 420 Broadway
Kingston, NY 12401

Re: Petition to Designate the Pike Plan Canopy a Local Landmark
Negative Recommendation of the Historic Landmarks Preservation Commission

Dear Pres. Shaut:

This is to advise you that at the October 10, 2024, meeting of the Historic Landmarks Preservation Commission (HLPC), the matter of the petition filed by William Gottlieb Management Co., LLC, and City Resident Petitioners, to designate the structure along North Front and Wall Streets, locally known as "The Pike Plan" as a landmark was reviewed. It is recognized that the petition was filed with the HLPC on August 6, 2024, as an "Emergency Petition for Landmark Status", under Section 405.26.L.7 of the City's Form Based Code.

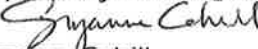
The Commission undertook the necessary notification and posting requirements, holding a public hearing on September 11, 2024, where oral testimony and written comment were received and discussed, with the hearing held open for written comment through September 30, 2024. Additionally, written reports of professional consultants, engaged by the petitioner, and one hired by the HLPC, along with an internal review report from the City Historic Preservation Administrator were considered.

At the meeting of October 10, 2024, the Commission members hosted a comprehensive discussion on the matter; including reviewing all materials, comments and the particulars of the code requirements that must be considered when determining whether landmark status is warranted. Ultimately, the HLPC unanimously endorsed the attached resolution which states reasons why the canopy should not be designated a landmark and encourages the city to remove the canopy and restore both the North Front and Wall Streetscapes.

I respectfully ask that this matter be referred to the appropriate Council Committee for final decision.

Please feel free to contact this office with any questions you may have regarding the review process. All materials taken into consideration are available for review on the city website, and the meetings were recorded and can be viewed on the city YouTube channel.

Respectfully submitted,


Suzanne Cahill
Planning Director


Cc: S. Noble, Mayor
B. Graves-Poller/M. Jankowski, Corporation Counsel Office
E. Tinti, City Clerk
M. Grunblatt, HLPC Chairman
E. Dickerman, HPA

CITY OF KINGSTON HISTORIC LANDMARKS PRESERVATION COMMISSION
DECISION DOCUMENT

PLACE: CITY OF KINGSTON HLPC MEETING - Conference Room 1 DATE: 10 October 2024

ITEM # 6 APPLICANT: William Gottlieb Management Co., LLC (WGM) & City of Kingston Resident-Petitioners; City of Kingston, owner.

ADDRESS AND SBL: Multiple Addresses & SBLs

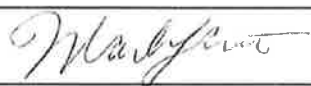

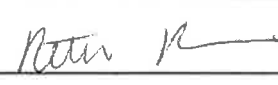
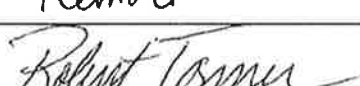
SEQRA DECISION: MOTION BY: <u>AP</u> SECONDED BY: <u>RT</u>		Received By City Clerk:  RECEIVED RECEIVED BY Date:
Type I Action: <input type="checkbox"/>	Negative Declaration of Environmental Significance: <input type="checkbox"/> <u>Unanimous</u>	
Type II Action: <input checked="" type="checkbox"/>	Conditioned 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"/> EIS: <input type="checkbox"/>	
FINAL DECISION: MOTION BY: <u>MA</u> SECONDED BY: <u>NM</u>		DATE TIME

OTHER APPROVALS: ZBA ☐ UCPB ☐ PB ☐ HAC ☐ IWRP Consistency ☐ CC ☐

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

See attached resolution of the HLPC.

The HLPC shall send formal commentary to SHPO regarding the 3rd-party Determination of Eligibility application submitted by the petitioners, as attached and executed. *(RT-Muhon, NM 2nd - all yes to submittal)*

MEMBERS	Absent/Present	SIGNATURE	YES	NO	RECUSED
Mark Grunblatt, Chairman	<input type="checkbox"/> <input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andrea Puetz, Architect	<input type="checkbox"/> <input checked="" type="checkbox"/>		<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"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin McEvoy	<input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Remote</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert Tonner	<input type="checkbox"/> <input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant					
TOTAL	<u>0/5</u>		<u>5</u>	<u>-</u>	<u>-</u>

RESOLUTION OF THE HISTORIC LANDMARKS PRESERVATION COMMISSION (HLPC) OF THE CITY OF KINGSTON, NEW YORK, RECOMMENDING AGAINST THE DESIGNATION OF THE PIKE PLAN CANOPY AS A LOCAL LANDMARK IN THE KINGSTON STOCKADE LOCAL, STATE, AND NATIONAL HISTORIC DISTRICT

MOTION: Mark Gumboldt

SECOND: Neah Morano

RECEIVED BY

DATE

TIME

RECEIVED

10/15/24
3:00m

WHEREAS, on August 6, 2024, William Gottlieb Management Co., LLC ("WGM") and their representatives filed a petition with the Historic Landmarks Preservation Commission ("HLPC") with 37 signers, out of which 15 were confirmed Kingston residents, requesting the Pike Plan Canopy ("Canopy") along portions of North Front and Wall Streets be designated a local landmark according to Section 405.26.L. 7 of the City's Form Based Zoning Code ("FBC"); and

WHEREAS, the petition seeks emergency designation of the Pike Plan Canopy as a landmark on the basis that it exemplifies the broad cultural, political, economic and social history of the City of Kingston, and the Pike Plan is identified with historic personages or with important events; and

WHEREAS, the petition incorporated two professional preservation reports, one by Walter R. Wheeler of Hartgen Archaeological Associates, Inc., and another by Kerri Culhane, Ph.D., which claimed the Canopy met:

1. Section 405.26.L.7 of the FBC Criteria for landmarks; and
2. Criterion A, B, C of the National Register of Historic Places (NR); and
3. the NR's 50-year age guideline; and

WHEREAS, the HLPC engaged Neil Larson of Neil Larson and Associates: Historic Preservation and Planning Services, Inc., an independent preservation consultant, to review the submitted materials and produce its own report on the Canopy's eligibility for local landmark status; and

WHEREAS, pursuant to Section 405.26.L 7 of the FBC, the HLPC notified the petitioners and affected property owners by certified mail, and posted notice in the local newspaper on August 19, 2024, of a public hearing to be held on September 11, 2024; and

WHEREAS, the HLPC held a public hearing on September 11, 2024, at which written comment received prior to and at the hearing was recorded, along with the oral testimony of the public; and

WHEREAS, at the public hearing several property owners along North Front and Wall Street's spoke explaining reasons why the canopy would not be eligible for landmark status, including:

- a) The Canopy is a new reconstruction and compromises the historic integrity of buildings.
- b) The Canopy lacks integrity of design by John Pike because of previous alterations in 2010-2011.
- c) The Canopy damages the designated structures to which it is affixed.
- d) The Canopy hinders the ability for pedestrians to experience the intended design of the district buildings and is an inappropriate structure for the character of the KSHD.

WHEREAS, at the September 11, 2024, meeting, the HLPC voted to table a decision on the petition, pending receipt of a report by the City's consultant, and leaving the Public Hearing open to accept additional written comments until September 30, 2024;

WHEREAS, two additional written comments regarding the matter were received prior to close of business on September 30, 2024, and recorded; and

WHEREAS, on September 20, 2024, the City's preservation consultant submitted their professional report, which was posted on the City website, concluding the following:

- A. The Canopy only meets Criterion A (Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community) of Section 405.26.L.7.b.i of the FBC for its association with Kingston's Urban Renewal Era;
- B. The Canopy only meets Criterion A of the National Register for its association with the Urban Renewal Era;
- C. The Kingston Stockade Historic District's National Register nomination paperwork and local landmark district description in Section 405.26.L.8.ii of the FBC should be updated to expand its Statement of Significance (SOS) and the Period of Significance (POS) up to, at least, 1975 to include Kingston's Urban Renewal Era and the Pike Plan Canopy as a 'Contributing Structure' within the district;
- D. The Canopy only meets three (3) out of the seven (7) aspects of the National Register's Integrity Test and acknowledges that the Pike Plan Canopy's integrity is substantially compromised disqualifying the structure from the National Register and local landmark designation; and

WHEREAS, the City of Kingston's Historic Preservation Administrator prepared an independent report dated September 27, 2024, which was posted to the City website, that concludes the following:

- A. Historical and contemporary photographs of North Front and Wall Street's demonstrate, beyond doubt, the substantial alterations to the Canopy since its completion in 1976, including the original structure's temporary removal, subsequent reconstruction with new fabric, loss of character defining features, and addition of inappropriate modern features during the City-led reconstruction between 2010-2011;
- B. The New York State Historic Preservation Office, the Ulster County Planning Board, and the National Trust for Historic Preservation's Main Street America program all recognized the Canopy as inappropriate in the KSHD and supported plans for its removal as recently as 2009, and that discussions for the Canopy's removal date back to the 1980s.
- C. That the report concurs with the findings of the 1989 "HISTORIC REHABILITATION AND STREETScape DESIGN PLAN FOR THE STOCKADE AREA NATIONAL REGISTER HISTORIC DISTRICT, KINGSTON, NEW YORK" by Crawford & Stearns, Architects, & Preservation Planners, PLLC, that the Pike Plan Canopy's construction and presence is a violation of standards #2, #3, #4, #5, #6, probably #7, and #10 of the Secretary of the Interior's Standards for Rehabilitation.

- D. The majority of the property owner's along North Front and Wall Streets were in opposition to landmarking the Canopy.

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.

WHEREAS, the HLPC has considered all submissions and comments submitted in this proceeding and has considered the criteria under FBC §405.26.L.7.b, together with all other relevant information, in making a determination and recommendation to the Common Council.

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

SECTION 1. The HLPC recommends to the Common Council that the August 6, 2024, petition submitted by William Gottlieb Management Co., LLC (WGM) requesting an emergency local landmark designation for the Pike Plan be denied based on the following findings:

- A. That pursuant to Section 405.L.7.b of the FBC, the criteria under which the request should be evaluated, the HLPC finds:

- (i) *"Exemplifies or reflects the broad culture, political, economic, or social history of the nation, state, or community,"* As noted in the reports by Walter R. Wheeler, Kerri Culhane, Ph.D., and Neal Larson, the structure can be linked to Kingston's Urban Renewal Era (Larson, 2024: 7). However, the Urban Renewal Era on the national, state, and local level was exemplified by seizing and demolishing large swaths of private and public property for the purpose of modernizing and improving aging infrastructure. In contrast, the "Pike Plan", was a limited project seeking to promote retail business in uptown Kingston. This limited project and goal by no means exemplifies or reflects the "broad culture, political, economic, or social history of the nation, state, or community". It affected limited properties in a two-block area for the purpose of competing with retail malls. Although the building of the canopies falls under urban renewal, it does not broadly exemplify or reflect the Urban Renewal Era. The HLPC finds that there are other building and housing projects within the City of Kingston that would be more appropriate and better exemplify this period, should the city wish to designate a landmark for this purpose.
- (ii) *"Is identified with historic personages or with important events in national, state or local history;"* – The HLPC finds that this criterion is not met based on the report by Neal Larson, which demonstrated that *"A far more comprehensive biography and review of his artistic and architectural output is needed for such an evaluation"* must occur to determine John Pike's significance and if the Canopy is an appropriate landmark to link to his contributions to society (Larson, 2024: 7-8). As reflected in the materials submitted, John Pike was an accomplished artist who was known for his work in watercolor painting. He was neither a resident of Kingston nor did he have any known connection to the City of Kingston other than submitting the sketch which was picked as the basis for the canopy design.

- (iii) *"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"* - The HLPC finds that this criterion is not met based on the report by Neal Larson, which demonstrated that the Pike Plan Canopy was *"not unprecedented, but not a common solution"* as an architectural form, and that the design is not directly associated with the American Bicentennial Celebration of 1976 (Larson, 2024: 7). The original design, which in itself deviated from that which was submitted by John Pike, was significantly altered when the majority of the canopies were reconstructed in 2010-2011,
- (iv) *"Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized."* - The HLPC finds that this criterion is not met based on the report by Neal Larson, which *"...demonstrated that the Pike Plan, which no longer embodies critical features of [John Pike's] design, is the most appropriate resource to associate him with"* (Larson, 2024: 7). Furthermore, John Pike was recognized as a painter and not recognized for any works as *"a master builder, designer or architect"*.

- B. That pursuant to Section 405.26.L.7.e of the FBC, the public commentary solicited by the HLPC from North Front and Wall Street owners and non-owners demonstrated significant reasons, why the canopy should not be designated a landmark, and encouraged the city to remove the Canopy and restore the North Front and Wall Streetscapes. These reasons included:
 - a. The Canopy is a new reconstruction and compromises the historic integrity of buildings.
 - b. The Canopy ~~is a~~ lacks integrity of design by John Pike because of previous alterations in 2010-2011.
 - c. The Canopy damages the designated structures to which it is affixed.
 - d. The Canopy hinders the beauty of the existing buildings and is an inappropriate structure for the character of the KSHD.
 - e. *"...the current structure, bears no resemblance to the former Pike Plan....it retains little to any of the architectural integrity of the original structure.... the roof and cornices... make up 90% of what you see. All that was removed and replaced"* and *"The canopies are not only a non-contributing structure to the historic streetscape, but they are also a major detractor to the inherent architecture of the historic buildings themselves. The canopies are physically damaging the buildings and virtually make it impossible for the building owners to fully restore their facades."*
- C. That pursuant to Section 405.26.L.7.e of the FBC, the Pike Plan reports solicited by the HLPC from the City's consultant and the Historic Preservation Administrator demonstrated beyond a doubt that substantial alterations in the past to the Canopy weakened its integrity thereby disqualifying it from local landmark designation.

SECTION 2. The HLPC concurs with the 1989 Crawford & Stearns report finding that the Pike Plan Canopy's construction between 1973 and 1979 violated numbers 2, 3, 4, 5, 6, probably 7, and 10 of the Secretary of the Interior's Standards for Rehabilitation for the individual row buildings along N. Front and Wall Street and the two streetscapes.

SECTION 3. Based on the violations of the Secretary of the Interior's Standards for Rehabilitation, the HLPC supports removal of the Pike Plan, but prefaces said support upon the creation of a robust historical data driven streetscape design plan informed by the 1989 Crawford & Stearns report that follows the Secretary of the Interior's Standards and the National Park Service's Technical Preservation Briefs, and includes consultation

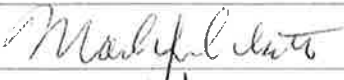

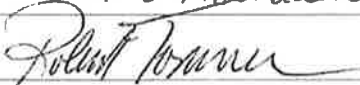
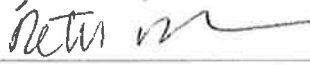
with the State Historic Preservation Office and all abutting property owners along canopy on North Front and Wall Streets.

SECTION 4: That pursuant to Section 405.26.L.6 of the FBC, the Commission shall review and issue Preservation Notices of Actions for any future streetscape rehabilitation design plans and proposals for individual properties prior to the commencement of work.

SECTION 5: That pursuant to Section 405.26.L.7.f of the FBC, a copy of this resolution shall be forwarded to the Kingston Common Council, along with the petition and supporting documents, for final consideration and action.

SECTION 6: Based on the findings of this resolution, Section 405.26.L.7.f of the FBC's interim protections for pending landmarks are not applicable to the Pike Plan Canopy.

SECTION 7. This resolution shall take effect immediately.

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

APPROVED this 10th day of October 2024:



Mark Grunblatt, Esq., Chairman
Historic Landmarks Preservation Commission

