

CITY OF KINGSTON

Zoning Board of Appeals

Steven T. Noble, Mayor
Brian Cafferty, Chair



Eric Kitchen, Zoning Officer
Amee Peterson, Clerk

Minutes January 11, 2024

Present: Brian Cafferty, Chair; Mary Neubauer, Board Member; Anthony Tampone, Board Member;
Matt Jankowski, Asst. Corp. Council; Stephen Knox, Director Building Safety;

1. The meeting was called to order at 6:06 p.m.
2. Motion to approve the minutes of the October meeting, Anthony. Seconded by Mary. Motion passed unanimously.
3. New Business:

Applicant: Owner/Applicant: Ben Seldon
79 – 83 Green Street, Kingston, NY 12401
Kingston, NY 12401
Zone T-5N
Ward: 2
SBL: 56.90-4-14

The application is in response to a code violation.

Ben: acquired building a year ago. In rough shape – had tenants that they shouldn't have. Spent a substantial amount of money rehabbing.

There were 25 units total: 6 boarding rooms one bedroom– efficiency units.

There were 16 boarding house rooms – increased to 19 rooms.

Acquired building in February 2022.

Contacted B S for building permit after work was done.

Brian Cafferty: This is not an area variance; this is a use variance.

Anthony: You signed the document stating

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Applicant needs to demonstrate that he cannot realize a reasonable rate of return.

Must prove that he absolutely needs to add the three (3) additional rooms.

AT: various uses in T5

Most flexible use of the districts.

Includes:

Character uses – Planning Dept determines if it fits the character of the neighborhood

Residential

Lodging of every single type

Outdoor entertainment

Meeting space

Office space

No auto oriented or adult use

A change of use – expand the number of boarding rooms.

A use of a boarding house is only 10 rooms.

Alternative use is going to be a barrier.

Proving that reasonable rate of return or self-created hardship.

Must prove that you did the best you could and cannot realize a reasonable rate of return.

Brian – if it went back to the way it was, is it unrealistic to expect a reasonable rate of return?

Here are your options:

Withdraw application

Go back and engage in exercises to prove reasonable rate of return.

Anthony: are you registered with HCR? Has HCR approved? You can't evict, change rents bc it's an ETPA building.

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Applicant is withdrawing.

Table :pending receipt of withdrawal. Anthony, Mary second
Motion carried unanimously.

Motion to adjourn, Anthony; second Mary

1. Benefits sought can be achieved by some other methods feasible for applicant to pursue other than the variance – code exists that allows applicant to meet the needs – no variance needed
2. Variance is substantial – style and height were substantial particularly
3. There is an adverse effect to the neighborhood. If granted, blocks view of traffic at intersection.
4. Hardship is self-created.

Motion to deny the application for a variance: Motion by Anthony, seconded by Mary. Motion carried unanimously.

5. Motion to Adjourn – 6:56 p.m. – Anthony Tampone, seconded by Mary Neubauer. Motion carried unanimously.

