



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
May 8, 2017
Common Council Chambers – 6:00 PM**

NOTES: (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings were conducted prior to the Planning Board discussions with the applicant(s) and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary recusal, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on May 8, 2017 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne D. Platte Jr.

BOARD/ALTERNATES PRESENT: Wayne Platte, Chairman, Charles Polacco, Vice-Chairman, MaryJo Wiltshire, Matthew Gillis, Jamie Mills and William Tubby.

BOARD/ALTERNATES ABSENT: Robert Jacobsen

OTHERS PRESENT: Suzanne Cahill, Planning Director; Kyla Haber, Assistant Planner; Tom Tiano, Deputy Chief BSD, Daniel Gartenstein, Asst. Corporation Counsel.

GENERAL NOTES:

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers

REGULAR BUSINESS:

Item #1: Open Public Speaking (6:00P.M. – 6:15 P.M.)

Lawrence McCauley – 132 Andrew Street – (Item #13 – 300 Flatbush Avenue) – Opposed to the project proposed for 300 Flatbush. It is a strain on the existing infrastructure.

Patrick O'Reilly – 322 Clifton Avenue – (Item #13 – 300 Flatbush Avenue) – There have been a number of trucks in the street in recent weeks opening up manholes and sending equipment into the sewer. He had water in his toilet overflow onto the floor. Allowing additional sewer flow will be a nightmare for the owners.

William Carey – Hoffman Street, Alderman Ward 5 – (Item #13 – 300 Flatbush Avenue) – RUPCO does nice work. There is an opportunity for the corner to be zoned commercial which would add increased tax dollars and increase property values. The fund balance is stronger than ever before and there is an increased interest in Kingston.

Maryann Mills – 61 Tammany Street, Alderwoman Ward 7 – (Item #13 – 300 Flatbush Avenue) – She submitted 2 documents in response to Michael Moriello’s response to her original questions. The first was additional questions, the second was minutes from the UC Economic Development Agency’s meeting discussing the sale of 300 Flatbush Avenue.

Fred Heppner – 61 Tammany Street – (Item #13 – 300 Flatbush Avenue) – There are concerns with the sewer. The original proposal was to connect to Flatbush but that was a problem, then the sewer was thought to be an 8 inch line and now it was found to have a portion that is 6 inches. A 6 inch sewer line is not adequate when a private residence is required to have a 4 inch line. Another employee for DPW told him that he never heard the generator run in the pump house. The Planning Board is not getting all the information.

Matt Colangelo – 84 Glen Street – Instead of Landmark Place it should be called Question Mark Place. There are a lot of questions including the sale of the property from Ulster County to RUPCO. This sale took place behind closed doors. Also, the rezoning could have happened to make the site more marketable.

Vincent Rua – (Item #13 – 300 Flatbush Avenue) – Is against the proposed use. This is a great location. There is a lack of transparency with this organization. Who will actually own the Alms House? RUPCO could sell the property and the tax credits and the PILOT. Past history of the Lace Mill shows that it is owned by Lace Mill Ltd. Partnership. On RUPCO’s Federal form, the Lace Mill is not listed. Their non-profit annual revenue has increased a lot from year to year with over 1.1 million in 2015. There comes a point when a non-profit is no longer a non-profit. There are better uses for this property.

Karen Vetere – Lives around the corner. There is a lot of low income housing in the neighborhood. The Lace Factory floors had to be redone because of lead that no one looked into. Taxes and assessments go up and the City approves PILOT agreements. RUPCO doesn’t care about poor people, she cares more about poor people because she gives money, they only give everyone else’s money.

Lei Isaacs – (spoke about 200 North, not on the agenda) – The Planning Board has not reviewed the concerts proposed at the Hutton Brickyard. The Corporation Counsel said that concerts were part of the approval for the flea market that means that they approved everything that could happen there.

Maryann Parker – Belvedere Street – (Item #13 – 300 Flatbush Avenue) – She does not agree with RUPCO and what they do. Infrastructure is a problem. RUPCO should be required to have an agreement to use union labor.

No one else spoke and Chairman Platte closed the public speaking portion of the meeting.

Item #2: Adoption of the April 10, 2017 Planning Board minutes and the notes from Planning Board Site Visit to 122 Clinton Avenue (4-26-17)

Discussion: Chairman Platte asked if everyone had time to review the minutes and the notes. The Board agreed that they reviewed the notes and had no changes.

Decision: The Board voted unanimously to adopt the April 10, 2017 Planning Board Meeting minutes and the notes from the April 26, 2017 site visit to 122 Clinton Avenue. (WP, MW, CP, MG, JM – yes)

PUBLIC HEARINGS:

Item #3: #85 & 87 Abeel Street & 70 W Union Street SPECIAL PERMIT RENEWAL to operate a Bed & Breakfast. SBL 56.43-2-20 & 21 & 56.43-2-10. SEQR Determination. Zone RT, HAC, Rondout Historic District. Ward 8. Tamara Ehlin; applicant/owner.

Discussion: No one spoke at the public hearing. Tamara Ehlin was present at the meeting. The application is to renew the special permit to operate a bed and breakfast in an existing 2 family home on Abeel Street. The name of the B&B is called “The Forsyth.” The application was on the April 2017 agenda, however, due to a conflict with the Jewish holiday, the applicant could not be present at the meeting.

The original proposal included plans for the owner to live in the smaller unit and renovate the larger unit into a 4 room B&B. Renovations are complete and the B&B has been in operation with no issues. J. Gagliardi, BSD, contacted the Planning Office on April 21, 2017 to say that she had inspected the building and that there were no issues.

During the original review, the owner was provided section 405-45 of the zoning code specifying the requirements of Bed & Breakfast. Compliance with this section will remain a condition of all future renewals.

The Board discussed a term for the special permit. Zoning code section 405-45(B)(1) requires annual renewals of the special permit by the Planning Board.

The applicant received a waiver from the Planning Board due to the lack of parking on the B&B lot and the inability to create parking as a primary use on a lot.

Board Policies - #5 – gravel parking maintained as originally developed, #6 – signature on final plans, #7 – approvals valid for 1 year with conditions met within that year, #10 – banners and flags prohibited with the exception of grand openings, #14 – Dig Safely contacted for any ground disturbance, #22 – carbon monoxide detectors required, #23 – protection and maintenance of bluestone sidewalks.

A determination of environmental significance was considered. Because the project involves no changes, it was categorized as a Type II Action under 6NYCRR Part 617.5 (c) (20), and therefore is predetermined by New York State to have no environmental impact and no SEQR review of the Board is required.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the special permit renewal for a period of 1 year, expiring on May 8, 2018, with all original conditions carried forward. (WP, MW, CP, MG, JM – yes)

Item #4: #685 Broadway SPECIAL PERMIT renewal for auto sales and repairs. SBL 56.92-3-21. SEQR Determination. Zone C-2, Heritage Area. Ward 4. Dago A. Meraz; applicant/owner.

Discussion: No one spoke at the public hearing. Dago Meraz was present at the meeting. The proposal is for the renewal of a special permit to operate auto sales and a repair shop. The original permit was issued in May 2004 for auto repair. During the renewal in 2005, the permit was expanded to include auto sales. The most recent renewal was in April 2015 for a period of 2 years.

There have been no changes to the permit since the previous meeting. The Board should confirm that the hours of operation are Mon-Fri., 8:00AM-5:00PM and Sat. from 9:00AM-3:00PM. Mr. Meraz is the owner/operator with two additional employees.

The applicant has been made aware of the ordinance which requires vehicles stored for repair to remain a maximum of one week and have a valid registration. No junk cars are allowed to be stored on site. This will continue to be a condition of any future renewal.

Staff reviewed the Building Safety Division complaint history. In June 2014, the BSD inspected the property and found excessive tires in the rear yard. The issue was resolved and closed that same month.

Board Policies #10- The use of banners, flags or string devices, such as lights, flags etc.... are expressively prohibited, and #11- Signage, whether temporary or permanent, placed with the windows of a business, shall be limited to twenty percent (20%) of the total window area, must be carried over from the original approval.

A term for the special permit was discussed. There is no limit on the term for this type of business. The most recent renewal was for 2 years. Given the type of use, the Board agreed to renew the permit for two years.

A determination of environmental significance was considered. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit renewal for a period of 2 years, expiring on May 8, 2019, with all original conditions carried forward. (WP, MW, CP, MG, JM – yes)

Item #5: #336 Broadway SPECIAL PERMIT renewal to operate an automotive repair facility. SBL 56.26-11-12. SEQR Determination. Zone C-2. Heritage Area. Ward 9. Robert Kerrigan; applicant/owner.

Discussion: No one spoke at the public hearing. The applicant was not present at the meeting. The proposal is to renew a special permit for operation of an automotive repair business. Auto repair is only allowed in a C-2 zone by special permit. The permit was initially approved in Dec. 2002 and has been renewed periodically for 2 and 3 year terms. The most recent renewal was in May 2015 for a period of two years.

Staff informed the Board that the applicants are not proposing any changes to the permit. Chairman Platte asked if there were any concerns from the Board or if they felt comfortable on a decision without the applicant present. The Board agreed that they did not have any concerns at this time. Staff stated that there were no issues listed with the Building Safety Division and there was only one alarm call with the Police Department.

A term for the special permit was discussed. The previous term was for a period of two years. The Board agreed to renew the permit for another 2 year term considering the site location along a main route.

A determination of environmental significance was discussed. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit renewal for a period of 2 years, expiring on May 8, 2019, with all original conditions carried forward. (WP, MW, CP, MG, JM – yes)

Item #6: #122 Clinton Avenue SPECIAL PERMIT to operate a Rooming/Boarding House with 6 bedrooms housing up to 12 residents. SBL 56.92-4-48. SEQR Determination. Zone R-2. Ward 4. Rev. Darlene Kelley/applicant; Clinton Avenue Methodist Church/owner.

Discussion: No one spoke at the public hearing. Reverend Darlene Kelley was present at the meeting to represent the application.

The application is for a special permit to operate a boarding house. The boarding house will be located in the section of the building formerly occupied by the parsonage.

The Board visited the site on April 25, 2017. Chairman Platte thanked Rev. Kelley for letting the Board tour the site. The Board visited during lunchtime so that they could see the operations of the soup kitchen as well as the space to be dedicated to the boarding house.

There are 6 bedrooms in the structure and 3 bathrooms. 4 bedrooms and 2 bathrooms are located on the second floor and 2 bedrooms and 1 bathroom are located on the ground floor. A seventh room will be used for an office for the managers/staff. Reverend Kelley indicated that she plans to allow both men and women occupy the house but that they will be located on different floors. She reiterated that there will be no children or families.

Photos of the interior have been provided.

The house will be staffed on a 24/7 basis with trained staff. The staff will be stationed within the house in an office. They will not be living on site, there will be more than one staff person to cover different shifts. Applicants are working with SAFECO on an alarm system for the entire building, including the church. The boarding house will have locking doors for resident privacy but there are master keys for staff to access the rooms.

The church also operates a soup kitchen on the premises and will provide meals to the residents of the boarding house. C. Polacco asked whether the residents will have access to the kitchen after hours. Rev. Kelley said that the boarding house will be closed off from the rest of the church but that if residents are hungry, staff will be there to get them a small snack or drink.

At the April 2017 meeting, the Board reviewed copies of draft resident agreements, rules of conduct, and discharge plans. The residents will also be responsible for setting goals. There was much discussion on who would reside in the boarding house and whether there would be provisions for persons to be removed if they do not abide by the rules or cause problems within the house. Rev. Kelley noted that if they would attempt to circumvent the problem, but if it became a routine matter then they would work to find the resident a better form of housing to meet their needs and provide the support needed.

Residents will be placed in the house when they are identified as needing assistance but have reached a point where they are not active addicts. Rev. Kelley anticipates residents to stay within the house for 3-4 months to about 1 year. She feels that there is a need to provide a stable place to live for a long enough period that they will then be able to live on their own.

Transportation will likely be a mix of medical transport for doctor appointments, volunteers, and the City bus system. The location allows for people to walk to and from local appointments.

A soup kitchen and a warming station operate on the site as part of the church. Ulster County funds the warming station for certain months of the year so that there is a place in the county for people to find shelter in the cold months. After the winter months, the warming center is closed. The soup kitchen operates year round.

Aside from the Ulster County funded warming station, the facility operates solely through the church and private donations. The applicants applied this year for Community Development Block Grant money for bathroom renovations but that money has not been awarded yet. During the site visit by the Board they were able to see the bath facility that would be renovated.

A copy of the requirements for rooming/boarding houses, were provided to the applicants. The following requirements are listed in Section 405-12 (B)(2) and will be part of the final decision to be followed:

(a) No rooming house or boardinghouse which furnishes rooming or boarding accommodations for hire within the same shall exist or be maintained within the City without a special permit, which shall be issued by the Planning Board of the City of Kingston, as hereinafter provided.

(b) No special permit shall be issued hereunder and any special permit heretofore or hereafter issued shall be subject to revocation, unless the applicant or holder of such permit fully complies with the following requirements:

[1] The applicant shall be the individual owner of such premises.

[2] At the time of the issuance of such special permit and at all times when said premises are used as a rooming house or boardinghouse, the owner thereof shall maintain his residence in and shall actually reside in said premises or there shall be a permanent resident of the City of Kingston who shall be the resident agent responsible for the management of the rooming house or boardinghouse.

[3] The maximum number of roomers or boarders shall be 12 and the maximum number of rooms shall be 10.

[4] There shall be no more than two people occupying a room as a roomer or boarder, and such room shall have a minimum of 80 square feet of floor space per occupant.

[5] Rooming houses and boardinghouses legally operating with a special permit at the time of the adoption of this chapter, as amended, which may be nonconforming uses under this chapter shall be entitled to the issuance of a special permit under compliance with all of the provisions of this chapter, except Subsections B(2)(b)[1], [2], [3] and [4] of this subsection, upon applications made prior to and for the permit year December 31, 1994. After said date, no special permit shall be issued to any applicant unless such applicant fully complies with all of the provisions of this chapter, including said Subsections B(2)(b)[1], [2], [3] and [4] of this subsection.

[6] All rooming houses and boardinghouses shall be heated by a central heating plant or permanently installed electric baseboard panel heating. No portable heating units are allowed.

[7] No cooking or storage of foodstuffs shall be permitted in any room other than a kitchen.

[8] In all parts of such building, artificial lighting shall be provided by means of electric current and each electric circuit shall be provided with a circuit breaker or fuse which shall meet the requirements of the New York Board of Fire Underwriters. Each new application shall be accompanied by a New York Board of Fire Underwriters' certificate. This certificate shall not be more than one year old. Thereafter, on renewal applications, a current New York Board of Fire Underwriters' certificate shall be required at least once each five years. Any fees involved in obtaining this current New York Board of Fire Underwriters' certificate shall be borne by the applicant.

[9] No sinks shall be installed or used in any sleeping room, but basins shall be permitted for personal washing and shaving. Such basins, however, shall not be used for washing of clothes and dishes or any unsanitary purposes.

[10] Bathroom facilities shall be maintained for the owner-occupant separate and apart from bathroom facilities for the roomers and boarders.

[11] The owner or resident agent of every rooming house and boardinghouse shall change supplied bed linens and towels therein at least once each week or prior to the letting of any room to any occupant. The owner or resident agent shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

[12] All garbage and kitchen wastes in every rooming house and boardinghouse shall be immediately deposited in suitable covered receptacles which shall be disposed of as needed in such a way as not to be or become offensive or unsanitary.

[13] All sleeping rooms shall be numbered with raised figures not less than three inches in height placed on the outside of the door to each room, and no two rooms shall bear the same number.

[14] Each and every floor on which rooms are occupied by roomers and boarders shall be equipped with a fire extinguisher in good working condition readily accessible for use at all times and approved by the Fire Prevention Bureau of the City of Kingston.

[15] No room shall be occupied by roomers or boarders in the third floor or attic of any dwelling unless the building complies fully with the New York State Multiple Residence Law. In a wood-frame dwelling, no room shall be occupied by roomers or boarders in the third floor or attic.

[16] Off-street parking must be provided on the premises at the rate of one space per occupant based on maximum possible occupancy, plus one space for each employee.

[17] All rooming houses and boardinghouses with special permits shall be subject to inspections at all reasonable hours by properly authorized representatives of the City of Kingston. Failure to comply with this provision shall constitute grounds for immediate revocation of the permit.

[18] Every rooming house and boardinghouse and every part of the premises shall be at all times kept clean and free from dirt, filth and rubbish and in a sanitary condition. Cleaning and renovation shall be secured as may be ordered by the Building Safety Division of the Fire Department.

[19] No sign shall be erected that identifies or advertises the use of the rooming house or boardinghouse for such purpose.

[20] Said use shall conform and be maintained in harmony with the overall character and appearance of the surrounding neighborhood.

[21] No rooming house or boardinghouse permitted pursuant to this subsection shall be located less than 1,200 feet from an existing rooming house or boardinghouse.

[22] No rooming house or boardinghouse permitted pursuant to this subsection shall be located less than 1,200 feet from an existing bed and breakfast.

(c) Any person maintaining such a rooming house or boardinghouse shall keep upon such premises a register showing the names of all persons residing or living in or upon said premises, as well as the room occupied by each and shall exhibit the same to any member of the Police Department or the Fire Department of the City or his deputy, or any member of the Building Safety Division of the Fire Department of the City of Kingston, at any reasonable time upon demand, and the failure to so exhibit the same shall constitute a violation and be punished in accordance with § 405-52.

(d) For rooming houses and boardinghouses only, there shall be an annual special permit fee as set forth in the fee schedule to be established by resolution of the Common Council of this City, per building plus a charge per room as set forth in the fee schedule to be established by resolution of the Common Council of this City for each room over four rooms per building which is used as an accommodation for hire. The fee for any special permit required by the provisions of this chapter shall be at the levels fixed from time to time by resolution of the Common Council of the City of Kingston or by local law.

(e) No special permit shall be issued or renewed for a longer period than one year, and all permits shall expire one year following the date of issuance. All applications, properly filled out, must be filed with the Planning Board of the City of Kingston at least 30 days prior to the expiration of the previous special permit or 30 days before the applicant intends to commence operations. The fee for the issuance of a special permit hereunder or for subsequent renewals thereof is hereby established for the whole or part of the calendar year.

(f) Every applicant of a rooming house or boardinghouse shall submit with his application to the Planning Board the following information which is to be filed both with the City Clerk and the Fire Officer:

[1] The name, address and phone number of the owner or operating agency of the rooming house or boardinghouse.

[2] The name, address and phone number of the permanent resident of the City of Kingston who shall be the resident agent responsible for the management of said rooming house or boardinghouse.

[3] A description of the property by street number, the number of apartments in each rooming house or boardinghouse, the number of rooms in each apartment, the number of rooms for sole occupancy and the maximum possible occupancy.

[4] The number of persons occupying each room and/or apartment.

[5] A plan or diagram of the lot containing the rooming house or boardinghouse and of each floor in the building, showing all dimensions, doors, windows, closets, water closets, bathrooms, staircases and means of exit.

[6] Proof of annual inspection by the Ulster County Department of Health.

A term for the special permit was discussed. The zoning code limits the term to a 1 year maximum.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the special permit for a rooming/boarding house for a period of 1 year, expiring on May 8, 2018, with the following conditions: compliance with section 405-12(B)(2), installation of a Knox Box for emergency access, as well as Board Policies #6 & 19. (WP, CP, MW, MG, JM – yes)

Item #7: #22 West Pierpont & 72 Wurts Street LOT LINE REVISION of the Lands of Ciro Interrante the St Marks AME Church. SBL 56.35-2-38 & 56.35-2-37. Zone RT, Rondout Historic District. Ward 9. Ciro Interrante/applicant; Ciro Interrante & St. Marks AME Church/owners.

Discussion: No one spoke at the public hearing. Ciro Interrante was present at the meeting to represent the application. The application is to seek a lot line revision with the adjacent church property to allow the residence additional room for parking. The revision will transfer 2050.6 sf from 72 Wurts Street to 22 W. Pierpont. The setbacks in the RT zone are 0 or 6ft, there is not issue created by the change in property boundaries.

C. Interrante stated that there is an existing driveway that encroaches onto the church's property. The lot line change will rectify the encroachment.

The lot line deletion does not become final until it is filed with the Ulster County Clerk. The Ulster County Real Property Tax Agency will not make changes to the City's assessment maps until the map and new deeds are filed.

Written descriptions will need to be submitted and reviewed by staff. 5 paper copies and 1 mylar copy will need to be submitted for signature by the Board chairman. These maps will need to be signed by the owners of both parcels.

Board Policy #6 will need to be signed by the owner.

The application is considered an Unlisted Action under SEQR. A determination of environmental significance will need to be rendered.

Decision: The Board voted unanimously to render a Negative Declaration of Environmental Significance and to approve the lot line revision with the following conditions: written descriptions submitted and reviewed by staff, including Board Policy #6, 5 paper copies and 1 mylar copy signed by the owners of both properties submitted to the Planning Office for the Board Chairman's signature, filing of final maps and deeds with the Ulster County Clerk. (WP, MW, CP, MG, JM – yes)

Item #8: #508 Broadway SPECIAL PERMIT to operate a club. SBL 56.25-4-34. SEQR Determination. Zone C-2, BOD. Ward 5. Tamara Taylor/applicant; Saunders Holdings LLC/owner.

NOTE: A partner in the ownership of the building has submitted an email statement to the Planning Office. Due to the lack of an application and the owner's statement that the use is not permitted, the item is removed from discussion.

"Subject: #508 Broadway SPECIAL PERMIT

Saunders Holding LLC is the owner of the Millard Building located at Broadway and Grand Street and we are in receipt of your letter regarding #508 Broadway Special Permit application. We as the landlord are not interest in any type of "club" being locate in our building and do not grant permission to any of our tenants to operate any type of "club" or social gatherings.

Joe Flynn
Partner
Saunders Holding LLC
845-564-8800"

Decision: The item was removed from the agenda due to the absence of a full application signed by the property owner. (WP, JM, MW, CP, MG – yes)

Item #9: #65-85 East Strand SITE PLAN/SPECIAL PERMIT to construct a mixed use building. SBL 56.43-7-37. SEQR Determination. Zone RLC, HAC, LWRP. Ward 8. Kingston Waterfront LLC; applicant/owner.

Public Hearing: Chairman Platte opened the public hearing. Barbara Scott – 17 Presidents Place – requested that the plans be posted on the City website so that the public would have the opportunity to comment on the plans. She also had questions about the company. The address listed is within a housing project and was incorporated in 2016. She would like to know more about the company.

Hillary Harvey – 26 Abeel Street – She would have liked to hear the Planning Board’s questions first but the Board procedures don’t allow for discussion and presentation by the applicants prior to the public hearing. This parcel is completely green right now. This section of East Strand gets flooded and with this large building, it will add additional stormwater. She would like to know what stormwater measures will be taken. Also, the plans show an accessory parking lot that would fall near the 9w Bridge next to the Greenline, she is curious of ownership and whether this is a situation of parking as a primary use?

Tanya Garment – 122 Wurts Street – The visuals that were provided look a little suburban. The plans include a highly visual parking area from the road and the head of the Greenline Trail. She feels that there should be high standards for this area.

Seeing no additional speakers, Chairman Platte closed the public hearing.

Discussion: The proposal includes construction of a mixed use building containing commercial space on the ground floors and apartments on the second floor.

D. Larios explained the plans to the Board. The property is in the floodplain which requires the applicants to raise the new building above the base flood elevation. He pointed out where the parking would be for the building. M. Wiltshire questioned the amount of parking as it relates to the size of the building, stating that the area is already at capacity, especially on weekends, and that new commercial space would add an additional burden on the area. She asked how many commercial spaces would be included within the building. The applicants stated that they did not know the occupancy or the breakdown of commercial spaces at this time. She noted that the plans suggest a possible restaurant and other spaces that would add significantly to the parking need. Calculations done by staff result in 36 parking spaces shown on the plans, 7 of which are shown as compact car spaces. The residential portion of the building requires 28 spaces (4 for studios, 12 for 1 bedrooms, 12 for 2 bedrooms). The commercial space would require 39.2 spaces based on 1 per 300sf. The total requirement is 67.2 spaces. The RLC district specifically states that the parking requirements need to be satisfied as a condition of the special permit. A variance will be required, unless the Board feels a waiver can be issued.

There will be 11,760sf of commercial spaces and 18 apartments; 4 studio, 8 one-bedroom, and 6 two-bedroom units.

J. Hurwitz explained that the plan is to construct one building on the site with a mix of commercial and residential. M. Wiltshire asked him to clarify the number of buildings because the site plan looks as though there are 2 buildings being proposed. J. Hurwitz explained that the ground floor contains an opening between two sections of the building but the 2nd floor will span the entire length. This and the fact that the upper level will extend 14ft. beyond the ground floor, will create an outdoor plaza.

J. Hurwitz added that they are proposing 4000sf of solar panels on the roof of the building. The building will be shaped in an “L” and the eastern side will step back from the street.

W. Platte asked for additional photo simulations to give a better idea of how the building will fit in to the surrounding neighborhood.

D. Larios said that they have a lot of additional information to put together. The applicants will meet with staff to discuss refuse, signage, elevations, utility connections, stormwater, cross easements, traffic, recreation fee, other approvals, etc.

K. Haber asked the applicants to clarify the ownership of the proposed project as it relates to the surrounding apartments. D. Larios said that the owners of this parcel also bought the rental units known as “Hudson Valley Landing”.

Decision: The Board voted unanimously to table the application. (WP, CP, MW, MG, JM – yes)

NEW BUSINESS:

Item #10: #22 West Pierpont SITE PLAN to create a 3rd apartment. SBL 56.35-2-38 & 56.35-2-37. Zone RT, Rondout Historic District. Ward 9. Ciro Interrante/applicant; Ciro Interrante & St. Marks AME Church/owners.

Discussion: Ciro Interrante was present at the meeting. He explained that he is seeking approval to create a 3rd apartment in a 2-family structure. The structure contains an area that was identified as an illegal office space. He plans to convert this space to the 3rd apartment. He explained that he purchased the house and renovated the first two units which are now occupied by his daughters.

While residential uses would typically not come before the Planning Board, due to the project location in the RT, it is required because the change of use is also an increase in intensity of use.

The first floor will be a 3 bedroom apartment and the second floor will have a 2-bedroom unit and a new 1-bedroom unit. Each floor is approximately 1600sf. According to the assessment records, the entire building is 3208sf.

The applicant is applied for a lot line revision (item #7) with the neighboring church in order to rectify the driveway encroaching on the neighboring property. The driveway will not be able to fit the required number of parking spaces which was calculated to be 6 spaces. Calculations were based on the zoning code which specifies 1 space per 2 or more bedroom apartment, 1.5 for 1 bedroom). Staff asked the applicant if he had any intentions of widening the driveway to accommodate more vehicles. The applicant said that due to retaining walls limiting the expansion, he is not planning to add any additional spaces. Staff advised the applicant that he will need to obtain a variance from the parking requirement due to the lack of adequate off street parking.

The applicant stated that he is aware that the Historic Landmarks Preservation Commission will need to approve any exterior changes to the property and that he submitted an application because he plans on painting the exterior.

The project was considered a Type II action under SEQR 617.5(c)(9) “construction of expansion of a sing, two, or three family residence...”

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the site plan to construct a 3rd apartment with the following conditions: issuance of a variance from the parking requirement, approval from the Historic Landmarks Preservation Commission for exterior changes, and Board Policy #6 – signature on final plans. (WP, MW, CP, MG, JM – yes)

OLD BUSINESS:

Item #11: #642 Abeel Street SITE PLAN for a scrap metal recycling business. SBL 56.57-3-7. SEQR Determination. Zone RF-R. Ward 9. W Kingston Recycling Corp; applicant/owner.

Discussion: Guido Corietze was present at the meeting. The application is to seek approval to move an existing mobile office from one area on the site to another. The business has been in operation for a number of years but there had not been a site plan established in the past.

G. Corietze explained that the reason for moving the shed is to allow better flow for customers that visit the site. Vehicles enter the site to be weighed, drop materials, and then bring the car outside of the gate to the parking area on the opposite side of the roadway. Then they have to walk back in to the fenced area to collect payment. C. Polacco said that he has been to the site and agrees that it is difficult for patrons, they have to walk across the entry where vehicles are coming in and out. G. Corietze said that the new location would allow patrons to collect payment for their scrap metal without having to reenter the gated area.

The hours of operation are Monday – Friday from 7am-5pm and Saturdays from 7am-2pm. The applicant supplied copies of Refrigeration Recovery Certification, DEC registration as an electronic waste collection site, a business certification from the NYS Department of Tax and Finance, an Official Business Certificate from the DMV, and a petroleum bulk storage certificate.

An existing conditions site plan was provided as part of the application. The plan was completed by Praetorius and Conrad PC in December 2012. The applicants have indicated that the DEC requires a plan to be submitted as part of the approval and ongoing inspection process.

No other site conditions will change as a result of the office relocation.

Board Policy #6 has been signed in the application.

This application can be considered a Type II action under SEQR, section 6NYCRR Part 617 of the SEQR Law 617.5 (c) (7) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4000 square feet of gross floor area”.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the site plan to relocate the shed/office for the existing scrap metal business with the following conditions: submission of final plans showing the new location of the shed, and Board Policy #6 – signature of the owner on the final plans. (WP, JM, MW, CP, MG – yes)

Item #12: #49-57 Cornell Street SITE PLAN to establish a retail component and outside storage area for a landscaping business. SBL 56.25-3-30.110. SEQR Determination. Zone M-2. Ward 6. Avery Nimblette; applicant/owner.

Discussion: Avery Nimblette was present at the meeting. The application is to seek approval to establish a retail business as part of an already operating landscaping business with only office functions. The owner purchased the building and has been utilizing the space as offices for his landscaping business. Now he would like to keep paver and bluestone product on site and allow patrons to see inventory.

W. Platte reminded the Board that the applicant was present at the April 2017 Planning Board Meeting but that because there were questions regarding survey map submitted and a signed map in the file, the application was tabled. Staff confirmed that the map that the applicant submitted was the most current version of the map and was the one most recently filed with the UC Clerk.

A. Nimblette said that he would like to remove the existing chain link fence and replace it with new black chain link. He would like the fencing to enclose the entire rear yard. The parking area for patrons will not be fenced. S. Cahill said that she had been by the site and that there is a lot of chain link in the area. The Board agreed that the black chain link is more aesthetically pleasing because it blends better into the surroundings. A. Nimblette said that he likes this option because it is affordable and secure. S. Cahill said that the applicant will not be permitted to add barbed wire without obtaining a variance from the Zoning Board of Appeals. The owner did not indicate that he would be interested in barbed wire.

W. Platte also mentioned that the Board requested that the applicant add landscaping to the site. S. Cahill questioned the inclusion of landscaping on the site through the use of planters. She said that the owner would be able to showcase his work and add interest to the site at the same time. A. Nimblette agreed that he would add landscaped planters along Cornell Street. He did not want to add any landscaping in the rear because it would limit the placement of his products.

The business operates between 8am-5pm with 2-4 employees.

The following Board Policies should be included in the decision: #4 & 4a – lighting levels between 1-5 footcandles and corrections if needed, #5 – maintain gravel parking area, #6 – owner signature & #10 – banners and flags prohibited.

Parking is based on square footage. Retail requires 1 space per 300sf. The building is approximately 1056sf which will require 3.5 spaces. There is ample parking on the site to meet the requirement and plans show that 4 parking spaces will be designated.

The application can be considered a Type II action under SEQR, section 6NYCRR Part 617 of the SEQR Law 617.5 (c) (7) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4000 square feet of gross floor area...”.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the site plan for retail sales and storage of landscaping materials with the following

conditions: landscaping details and area to be paved submitted to staff, and Board Policies #4 & 4a – lighting levels between 1-5 footcandles and corrections if needed, #5 – maintenance of gravel parking area, #6 – owner’s signature & #10 – banners and flags prohibited except for 30 day grand opening. (WP, MG, MW, CP, JM – yes)

Item #13: #300 Flatbush Avenue SITE PLAN/SPECIAL PERMIT to create 66 residential units. SBL 48.74-3-14.100. SEQR Determination. Zone RR. Ward 6. RUPCO, Inc./applicant; Ulster County Economic Development Alliance Inc./owner.

Note: M. Gillis recused himself based on a prior contribution to RUPCO.

Discussion: Joseph Eriole, RUPCO, Michael Moriello, attorney, and Dennis Larios, engineer, were present at the meeting.

S. Cahill explained that the applicants prepared responses to questions submitted by Ald. Mills at the April 2017 Planning Board Meeting. M. Moriello prepared a written response to each question. He read the statements submitted by Ald. Mills and briefly explained the applicants’ responses/position. W. Platte acknowledged receipt of both documents as being added to the record.

D. Larios told the Board that the questions that have arisen with regard to the sewer connection have been discussed. D. Larios was present at the site when staff from various City Departments met to look at the pump station and the street. Those present included R. Swenson, City Engineer; Alan Adin, Engineering Technician, Joe Chenier, Supt. DPW, Lou Fabiano, Working Supervisor DPW, Allen Winchell, Sr. Plant Operator, WWTP, and Kyla Haber, Assistant Planner. A. Winchell tested and confirmed that the generator was in working order. Documentation of the pump station was provided showing the running time each day. J. Chenier wanted the sewer camera to inspect the sewer prior to any additional flow being added. Arold Construction inspected the pipe with a camera and provided video and documentation of the condition. R. Swenson, City Engineer, prepared a memo to the Board which was circulated via email prior to the meeting. The memo conclusions and recommendations stated that the wastewater from this site be directed away from Flatbush Avenue and pumped to Manhole #7 (approximately 280ft south of the Meade Street MH #7, and approximately 980ft. south of Flatbush Avenue). He also concluded that this approach is satisfactory and that it would not significantly impact the sanitary sewer system of the City of Kingston, He also stated in the memo that the Lincoln Street pump station has ample capacity to accommodate the additional estimated flow of 8,170 gallons per day from the project.

At the April, 2017 Planning Board Meeting, the Board voted to adopt a resolution declaring themselves Lead Agency in the SEQR review. The Board also reviewed Part 2 of the Full Environmental Assessment Form question by question identifying any issues that are considered to have the potential to have a Moderate to Large Impact on the environment.

Chairman Platte mentioned also that the applicant, in response to the public concerns, have amended the occupancy program for the site to all seniors. J. Eriole confirmed, but did note that RUPCO stands behind the provision of their mission to provide for quality housing for all segments of the population.

The Board asked for clarification on the next steps of the review. S. Cahill stated that the Planning Board is being asked to consider issuance of the Negative Declaration of Environmental Significance. A form of resolution was provided and is supplemented with other studies that the applicants have completed as part of their review. Among these are the archeological, traffic, storm water, landscaping, elevations, site plans etc., all of which are annexed and part of any decision, If the Board votes to issue the Negative Declaration of Environmental Significance the SEQR review would come to a close for the project as currently presented and the Common Council would be able to consider the zoning change. The Planning Board would then move on to reviewing the Site Plan/Special Use Permit and HLPC will review for all exterior modifications and the new construction. Both the Common Council and the Planning Board will need to hold public hearings.

Chairman Platte asked the Board to consider the prepared Negative Declaration. Discussion on his motion was made and C. Polocco stated that he still had concerns with the sanitary sewer. J. Mills added that she also had concerns with the sanitary sewer. Chairman Platte called for vote by individual. C. Polocco voted no, W. Platte voted yes, M. Wilshire voted yes, J. Mills voted no, and W. Tubby voted yes, vote carried 3-2 for a negative declaration and the resolution was adopted. Staff will now prepare and circulate the decision as well as file with other agencies and publish with the ENB.

Decision: The Board voted to adopt a Negative Declaration of Environmental Significance. (WP, MW, WT – yes; CP, JM – no)

Adjourn.

May 8.2017Minutes