



**CITY OF KINGSTON PLANNING BOARD  
MEETING MINUTES  
October 15, 2018  
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 October 15, 2018 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, Robert Jacobsen, Charles Polacco, Mary Jo Wiltshire, Bridget Smith Bruhn and Kevin M. Roach.

**BOARD/ALTERNATES ABSENT:** Jamie Mills

**OTHERS PRESENT:** Suzanne Cahill, Planning Director, Kyla Haber, Assistant Planner, and Daniel Gartenstein; Assistant 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

Chairman Platte announced that the Kingstonian project would not be presented at this meeting. A special meeting has been scheduled for October 23rd at the LGBTQ Center on Wall Street. The Planning Board has been invited to attend that meeting but it is informational only and not a formal meeting.

**REGULAR BUSINESS:**

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

No one spoke at the open public speaking. Chairman Platte closed the public speaking portion of the meeting.

**Item #2:** Adoption of the September 17, 2018 Planning Board Minutes.

**Discussion:** W. Platte asked the Board members if everyone had time to review the minutes and if there were any changes. No one proposed any changes.

**Decision:** The Board voted unanimously to adopt the minutes from the September 17, 2018 Planning Board meeting. (WP, MG, CP, MW, RJ – yes)

### PUBLIC HEARINGS:

**Item #3:** **#53 & 57 Arlmont Street** LOT LINE DELETION of the Lands of Sean and Cheryl A. Alger. SBL 56.39-4-10 & II. SEQR Determination. Zone R-1. Ward 3. Sean & Cheryl Alger; applicant/owner.

**Discussion:** No one spoke at the public hearing. Michael Vetere III, Licensed Surveyor was present at the meeting to represent the application.

M. Vetere III explained that Cheryl Alger is deceased and that her name would be coming off of the deed and the final map. The application is to delete the lot line between two parcels under the same ownership. A “Map Showing Lot Line Deletion” was prepared by Michael F. Vetere, Jr. LS. PLLC, dated September 11, 2018.

The lots to be combined will total .232 acres. One of the lots contains a house (.174 acres) and the other is vacant (.058 acres). The combined lots exceed the zoning requirement of 50’ x 100’ for the R-1 zone.

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 the Planning Office, along with 5 paper copies and 1 mylar to be submitted for signature by the Board chairman. These maps will need to be signed by the owner prior to submission. In this case the ownership record will also need to be recorded to remove the one deceased owner.

Board Policy #6 will need to be signed by the owner. This block will need to be expanded to provide for all property owners.

The application is considered an Unlisted Action under SEQR. A determination of environmental significance was discussed.

**Decision:** The Board voted unanimously to render a negative declaration of environmental significance and to approve the lot line deletion with the following conditions: written descriptions submitted to the Planning Office, and Board Policy #6 – signature of owner on the plans. (WP, CP, MW, RJ, MG – yes)

**Item #4:** #79 Wurts Street SPECIAL PERMIT RENEWAL/AMENDMENT to operate a Bed & Breakfast and increase the number of rooms to 4. SBL 56.42-7-8.100. SEQR Determination. Zone RT, HAC. Ward 9. Peter & Julie Wetzler; applicant/owner.

**Discussion:** No one spoke at the public hearing. Peter Wetzler was present at the meeting.

P. Wetzler explained that he is renewing his permit but that he would like to add an additional room to rent as part of the B&B. The plans submitted under the original approval, October 16, 2013, showed 3 bedrooms and 2 bathrooms to be used for the B&B. The most recent application includes a request for a 4th room to be added for rent. The applicant stated that this room also contains a bathroom and that it was the room that he and his wife lived in. Staff asked if they are still residing in the home. P. Wetzler said that they were in a different room but that they still reside in the home. The previous renewal was in October 2017 for 1 year, per the Zoning Code. Photos and a drawing of the additional room have been provided for review.

W. Platte asked how business was going. P. Wetzler said that it has been going well and that he is happy that there are other B&B's in the neighborhood that he can work with to accommodate visitors that he cannot accommodate himself.

A condition of all renewals is compliance with zoning code section 405-45 which lists requirements for Bed-and-breakfast establishments:

- 1- B&B shall be the primary residence of the owner-operator with no other use allowed
- 2- Maximum length of stay for any for guest shall be 7 consecutive days and in no way shall be used as a boarding/rooming house as in section 405-12(B)(2)
- 3- No cooking facilities shall be permitted in any rented room
- 4- Two off-street parking spaces shall be established, on premise, for the residence with an additional off-street space for each room rented.
- 5- Maximum number of rooms rented is 4 unless the structure/parcel is deemed sufficient to contain more
- 6- One non-illuminated sign, free standing or attached shall be permitted not to exceed 2sf and not to include the word "hotel" or "motel."
- 7- Manual outward modification of the structure may be made only if changes are compatible with the character of the neighborhood and intent of the zoning district
- 8- The architectural integrity and arrangement of the interior space must be maintained and the number of guests rooms shall not be increased except as may be required to meet the health, safety and sanitation requirements.

A term for the special permit was discussed. The term for B&B's are limited to 1 year maximum. The Board agreed to continuing the 1 year term, with all original conditions being carried forward, including compliance with §405-45.

The application is considered an Unlisted Action under SEQR. A determination of environmental significance was considered.

**Decision:** The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 1 year with all original conditions carried forward

including compliance with Zoning Code section 405-45 Bed & Breakfasts. (WP, RJ, MW, CP, MG – yes)

**Item #5:** #20 Cedar Street SITE PLAN/SPECIAL PERMIT RENEWAL to construct a mixed use building. SBL 56.109-4-2.100. SEQR Determination. Zone C-2, Mixed Use Overlay District. Ward 4. RUPCO; applicant/owner.

NOTE: Matt Gillis recused himself based on prior dealings with RUPCO. Bridget Smith Bruhn, as alternate sat.

**Discussion:** Charles Snyder, RUPCO and Scott Dutton, architect, were present at the meeting. The application is for renewal of a special permit to construct and ultimately operate a mixed use building in the O-2 zone. The permit was originally approved in December 2015.

The approval included demolition of the former “Mid City Lanes” bowling alley to construct a multi-story, mixed use development. Demolition is complete. The plans include a multi-level, 3, 4, and 5 story building with 57 residential units on the upper floors and ground floor commercial space. Previous to the review, the applicants were granted a zoning amendment to change the property from an O-2 Limited Office District to a C-2 Central Commercial District on November 10, 2015.

Site work is well underway. C. Snyder and S. Dutton stated that they are looking at December 2019 for a potential date of completion.

The Board discussed a term for the special permit. Scott Dutton asked the Board to consider a 24 month term to allow for completion of the building.

**Decision:** The Board voted unanimously to render the action a Type II under SEQR and to renew the special permit for a period of 2 years, expiring on October 15, 2020 with all original conditions carried forward. (WP, RJ, CP, MW, BSB – yes; MG – recused)

**Item #6:** #380 Foxhall Avenue SPECIAL PERMIT RENEWAL to establish an automotive repair facility. SBL 48.302-5-10. SEQR Determination. Zone NB. Ward 6. Timothy Halpin; applicant/owner.

**Discussion:** No one spoke at the public hearing. Tim and Tammy Halpin were present at the meeting.

The application is to renew the special permit for Tim’s Auto, a full service automobile repair station. The permit was first issued in October 2010 with the most recent renewal in October 2015 for a period of 3 years.

The business was approved to operate 6 days a week from 8am-6pm. The applicant is currently licensed by New York State.

The application is a special permit under section 405-15(C)(7) which states “a businesses or professional offices scaled primarily to serve the immediate neighborhood.” Special permits require regular renewals and can be revoked if issues and complaints arise on a regular basis. The Planning Office has not received any complaints since the previous renewal.

The owner has kept the site well maintained over the past year with no complaints to the Planning Office or Building Department. S. Cahill asked the applicants about the landscaping that was approved during the initial site plan review. Tammy Halpin said that the landscaping has been very difficult because of the location because people back into the planters and run them over. The Board agreed that this is a difficult intersection to maintain. Tim Halpin said that Central Hudson has been digging up the Flatbush side of the property for gas lines.

A term for the special permit will need to be set. There is no set term for this type of permit. The most recent permit was issued for 3 years. The Board voted to continue the 3 year term.

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 the action a Type II under SEQR and to approve the special permit for a period of 3 years with all original conditions carried forward. (WP, RJ, MW, CP, MG – yes)

**Item #7:** #672 Broadway SPECIAL PERMIT RENEWAL to establish 6 residential units on the upper floors in the Mixed Use Overlay District. SBL 56.25-1-18. SEQR Determination. Zone C-2, MUOD, HAC. Ward 4. John Stavros/applicant; Ramona 009 Productions Inc./owner.

**Discussion:** No one spoke at the public hearing. John Stavros was present at the meeting.

The application is for a special permit to establish 6 residential units on the 2<sup>nd</sup> and 3<sup>rd</sup> floors of a building in the C-2, Mixed Use Overlay District. The most recent renewal was approved in September 2017.

The owner said that all work within the building is complete and that he received a Certificate of Occupancy. J. Stavros is residing in one of the units. Two of the other units are occupied by the manager of the gallery and a school teacher.

Payment in lieu of parkland – The \$4000 fee for the residential units has been paid.

A term for the permit was discussed. The Board agreed to extend to a 5 year term for the special permit.

This is considered an Unlisted Action under SEQR. 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 the action a Type II under SEQR and to approve the special permit for a period of 5 years, expiring on October 15, 2023 with all original conditions carried forward and the condition that if ownership changes, the new owner would need to return to the Board. (WP, RJ, MW, CP, MG – yes)

**Item #8:** #261 Flatbush Avenue SPECIAL PERMIT/SITE PLAN to install a wireless service facility/communication tower. SBL 48.74-4-31. SEQR Determination. Zone RR. Ward 7. Cellco Partnership d/b/a Verizon Wireless/applicant; John & Tirzah Sheehy/owner.

Chairman Platte opened the public hearing.

Alderman O'Reilly spoke at the hearing. He represents the Ward that the cell tower is being proposed. He is interested in knowing how much radiation is emitted from these types of towers. He said that there are already cell towers on top of the neighboring water tower and that this would be in addition to those. Also, he is interested in the visual of the tower and how it would look from the surrounding neighborhoods. He said that there are beautiful views in that area and he would like to know how these views would be affected.

Barbara Stempke, of Ward 9, follows the issues of cell towers and smart meters. There are 18 smart meters on her apartment building for all of the units. There are 39 cell towers in Kingston right now. She doesn't understand the need for another cell tower. She has a Verizon cell phone and there has never been an issue with service. She read through the application and does not see a reason for another tower. She sent Sue and Kyla an email today that was shared with the Board. There is electromagnetic radiation which is a health hazard to humans and animals. Cell companies are all about making money but these towers are making people sick. Look at information about the health effects. There is peer reviewed science out there. The FCC says that these are safe but no science has been done to prove this. What they are claiming is non-science, this is based on a probe being put on a 200lb man for 5 minutes, not long term exposure. There are neighborhoods and bees in the neighborhood. All over the U.S. there are people like her going to Planning Boards to talk about these issues. There is low income housing in the neighborhood, this could be considered environmental racism.

Jack Sheehy, the owner of the property, spoke during the hearing. He said that he felt the need to respond to the previous speaker's statement. He is not a racist. He does not own a cell phone but his wife and daughter own cell phones. He feels that it is important for people to be able to connect and that these types of things are necessary. It is not a racist thing or an electrical thing.

Tayna Garment, 102 Wurts Street – She said that she thinks that Barbara Stempke meant to say that this is an environmental justice issue, not racism. Because there is a very large population of people that make under a certain amount of the money and the association is that people of color are still marginalized. This is a health issue. At this point the application is being considered an Unlisted Action. The Board and the Planning Office should take their time with this proposal and allow the public to learn about this and what is being proposed.

Chairman Platte if there were any other speakers and no one came forward. The hearing was not closed and would remain open until the November Planning Board meeting.

**Discussion:** Scott Olsen, Esq. and Michael Crosby, Verizon Wireless Radio Frequency Engineer, were present at the meeting.

Scott Olsen, attorney for Young Sommer. We do have a need for a new facility in this area. Exhibit 5 demonstrates what our network is and what the need is based on capacity. Originally we approached the owners (City) of the water tower. This is a tall tower and would be consider colocation which is preferred in the industry because there are already cell structures there. The Water Board did not approve the use of the lower because of the limited space and the maintenance of the tower. After that meeting we still needed a site so we looked at other sites in the area. We looked at a total of 9 other sites. Some people said no, they did not want to lease property. Exhibit 6 shows other properties that were approached.

S. Cahill asked if this tower would replace other towers. S. Olsen said no, this additional unit is necessary based on capacity issues.

S. Olsen responded to comment stating that there is no radiation emitted from the cell tower. The information travels in radio frequency, not electromagnetic radiation.

R. Jacobsen asked if the Town of Ulster water tower was considered. It was noted that the tower was located in close proximity and might also provide the height advantage. The applicants said that they would look into whether this was considered and prepare a response. M. Crosby said that there are other small cell units in the Town of Ulster. There is only one tower in the City of Kingston.

There will be no lighting except for a light on the platform to be used only when service crews are needed at night.

The applicants said that there is no regular noise, however, there is a generator which would be tested periodically. This would run automatically at times to test that it is working. S. Cahill asked how often they would anticipate the site would be serviced. The applicants said that it would be approximately 3 times per year or less unless there was an issue that required additional service.

W. Platte informed the applicants that barbed wire requires a variance from the Zoning Board of Appeals. S. Olsen said that the barbed wire is usually included as part of the standard plan but that he would speak to his clients and that the plan would likely be amended to remove the barbed wire.

The applicants said that the site is wooded and that the base of the structure would not be seen from the road. S. Cahill discussed a balloon test to illustrate what would be seen above the tree line. R. Jacobsen also asked for visuals to show what the tower would look like above the tree line. M. Crosby said that the structure would be approximately 2 feet wide at the top of the tower. Another Board member asked about the towers that look like trees. The applicants said

that in order to accommodate the tree branch look, the tower would need to be taller than the surroundings.

**Decision:** The Board voted unanimously to table the application and refer it to the Ulster County Planning Board. Staff will work with the applicants on preparation of visual simulations as well as a balloon test to show the height of the tower. The public hearing will remain open until the November Planning Board meeting. (WP, MW, CP, RJ, MG – yes)

**Item #9:** #32 Abeel Street SITE PLAN to construct a 16,213 sf community center. SBL 56.43-5-35.100. SEQR Determination. Zone RT, Rondout Historic District, HAC. Ward 8. Irish Cultural Center Hudson Valley Inc.; applicant/owner.

Note: The Board met with Corporation Council prior to the 32 Abeel Street discussion. K. Roach recused himself from the meeting with Council and the discussion on Item #9.

Chairman Platte opened the public hearing.

Barbara Scott – 66 Spruce Street – Read from attorney Warren Replansky's letter. Board members stated that they did receive and read Mr. Replansky's letter. B. Scott said that she wished to read portions. This project was designated as Type I under SEQR, which means that it is likely that it will have an adverse impact on the environment. Every agency other than the Planning Board expressed serious concerns about this project and its size. The UCPB recognized the need for a full environmental impact review. The Negative Declaration stated that the project would not have a negative effect. After approval, the ICC did not obtain a building permit within 120 days nor did they ask for an extension. Corp Counsel stated that the applicants should be required to file a new application. Without a building permit, the ICC began excavation, without any regard to the neighboring properties. The negative declaration was based on claims from the applicants that the construction would follow all plans and pertinent laws. They stated that during site construction, best management practices for erosion and sediment control would be employed. The ICC has created so much havoc during the excavation phase, it is clear that the ICC cannot be trusted to carry out this project which will likely take a couple of years to complete. The Planning Board has the authority to rescind the SEQR determination. The Planning Board should work with the Engineering Office and others to ensure that the project does not impact the neighborhood.

Lynn Wood – 43 Hone Street – Lives a few houses from the ICC site. She walks her dog and has lived there 22 years. Yes, it is true that the Company Hill path erodes periodically when it rains, but now, without the hill gone, you are having incredible erosion. There was an article in the Kingston Times, the ICC was quoted as saying that it is their understanding that Company Hill Path has experienced water runoff before.... Exactly, that is why I think there should have been a Positive Declaration. It is insane what is going on. The neighboring property on the left is washing away, she is worried about the house coming down. The pattern here is heavier rainfall. This hill is under duress, and now that the rock is gone it is more concerning. She is very concerned as a resident and neighbor. She was away when the project was approved. She was against the size, but it was approved and she expected to see it built. Now I'm hearing that the permit expired and it was an oversight. There have been so many red flags, and now it's a siren.

There are really hard questions. If she was a neighbor she would be thinking lawsuit. We all want the best for our City.

Susan Piperato – Lyn Wood has articulately expressed her concerns as well. She too believes that the damage is not because of the rainfall, it's because of the excavation. She walks Company Hill Path several times a week. It is at best, hideous looking and embarrassing. The one good thing about this is that it has brought everyone together in the neighborhood. The same rules that apply to everyone should apply to these applicants. Please consider reopening SEQR and not renewing the permit, and including the City Engineer in every aspect of this project.

Lin Herring – Walks her dogs up and down Company Hill Path and she has seen waterfalls coming off of Company Hill Path. She ran into a contractor one day that said they were excavating for free. She feels like this is a DIY project and this is a huge project. The whole path is coming down into the street. She is also concerned about parking. Where are these cars going to go? Please consider every aspect of this and how it is effecting the neighborhood. It is not the right place for something this big.

Barbara Stempke – lives on West Chestnut Street – She is a school teacher and a neighbor but she could have told you that all these problems would have happened and they happened.

Tanya Garment – 102 Wurts Street – this is a large project. The City is getting a lot of large projects and more are going to come because it's an awesome place. This is a vibrant and walkable community. Development is coming and not because we bend over backward. We don't have the right oversight. Big projects need more oversight because they come with pressure, financial pressure, and political pressure. This Irish Cultural Center could be a great thing for the community but it is a big project and we need more oversight. Please consider a Pos. Dec. because this project does need more oversight. We will get better and better developers because we will have high standards.

Brian Devine – AOH member – Supports the ICCHV project and hope you will consider allowing the project to go forward. The ICC failed to secure the building permit within 120 days, this was an oversight, a horrible oversight. We appreciate the time, energy and expense that the City and Planning Board have put into this project. This oversight was not done with malintent. You have heard that our project has cause permanent erosion and runoff. This is not true, much of the damage that has happened is a result of unusually high rain events that have happened over the summer. We have been working with the City Engineers and Public Works to rectify all issues and have submitted a plan to mitigate all of these. Once this project is underway, and we are able to install the proper NYS code compliant plumbing and drainage systems, the runoff and water problems will be addressed. Until that time, we know we must be vigilant. This is the same project that was approved. Delaying this project is in no one's best interest. The City of Kingston is aware of the trials and tribulations as you are in Supreme Court defending your proper decisions.

Chairman Platte stated that the public hearing will be left open.

Discussion: Robert Carey and Bill (William) Kearney, ICC representatives, and Mark Tiano, project engineer, were present at the meeting.

Chairman Platte stated that it has been acknowledged that the ICC has taken measures to mitigate the site issues of runoff and erosion. He advised the applicants that the Planning Board is treating this as a new application. He stated that we have received a letter from Mr. Ron Porby, ICCHV attorney, regarding the request for renewal. W. Platte asked T. Tiano, BSD Deputy Chief, to explain the background of the building permit application within the 120 day timeframe.

T. Tiano, Deputy Chief of the BSD – several weeks after PB site plan approval, the BSD received an application for a building permit for construction, however, at that time, there were no plans submitted. T. Tiano did request plans from the applicant, and R. Carey responded that the plans were not ready at this time. Mr. Carey asked about digging the hole for the foundation. T. Tiano stated that at that time, there were no requirements for a permit to dig a hole. After the digging began, there were issues with erosion and runoff on the site. City Engineers, and DPW have been to the site several times, but there were never any plans submitted to the Building Safety Division for a building permit.

W. Platte stated that it is his feeling that the statute with regard to obtaining a building permit is clear. The code does not say that it needs to be applied for, it states that the permit needs to be obtained. The permit was not obtained within the 120 days. R. Jacobsen stated that it is important to put on the record that there have been other applicants that have not met the 120 timeframe and they have had to come back to the Board.

W. Platte stated that he still supports this project. He read the following resolution:



Resolution of the City of Kingston Planning Board requiring that the Irish Cultural Center Hudson Valley submit a new Site Plan Application (SBL 56.43-5-35.100)

Motion By: Wayne Platte

Second By: Chuck Polacco

WHEREAS, ICCHV (the Applicant) received site plan approval on April 16, 2018 for a 16,213sf Irish Cultural Center located at 32 Abeel Street, Kingston NY 12401 (SBL56.43-5-35.100); and

WHEREAS, the approval contained a number of conditions; and

WHEREAS, one of the conditions stated "In accordance with Kingston Zoning S405-30E, the Site Plan Approval granted herein shall be valid for a period of 120 days from the date of this Resolution for the purpose of obtaining a Building Permit. Failure to secure a Building Permit during this period shall cause this Site Plan Approval to become null and void. Upon application, the Planning Board may extend the time limit on the validity of this Site Plan Approval to not more than two (2) years from the date of the original approval"; and

WHEREAS, the 120 days expired without securing the required building permit, resulting in the application being deemed null and void, and

WHEREAS, the applicants did not file for an extension of the site plan within the 120 day timeframe.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF KINGSTON PLANNING BOARD, AS FOLLOWS:

- Section 1: The Board hereby determines that the site plan approval has expired
- Section 2: The Board directs that the written request for an extension filed by the applicants will be treated as a new application for site plan approval.
- Section 3: That documents, submissions, and comments previously made or received, and factual determinations of this Board which have been previously rendered, will remain part of this Board's record and will continue in full force and effect, except insofar as circumstances have changed since the granting of the previous site plan approval.
- Section 4: That this resolution shall take effect immediately.

MEMBERS	Absent/Present	SIGNATURE	YES	NO	ABSTAIN
WAYNE PLATTE	<u>1</u> ✓	<i>Wayne D. Platte</i>	✓		
CHARLES POLACCO	<u>1</u> ✓	<i>Chuck Polacco</i>	✓		
MARYJO WILTSHIRE	<u>1</u> ✓	<i>Maryjo Wiltshire</i>	✓		
ROBERT JACOBSEN	<u>1</u> ✓	<i>[Signature]</i>	✓		
MATTHEW GILLIS	<u>1</u> ✓	<i>[Signature]</i>	✓		
JAMIE MILLS	✓ <u>1</u>				
BRIDGET SMITH BRUYN	<u>1</u> ✓		✓		
KEVIN M. ROACH	<u>1</u> ✓	Recuse	5	-	-

Wayne D. Platte  
Wayne D. Platte Jr., Planning Board Chairman

10/15/18  
RECEIVED: Date

Updated information submitted as part of the new application will be referred to the Ulster County Planning Board.

S. Cahill asked the Board to consider a special meeting. The Board did not feel that a special meeting would be needed because there is work to be done between the regular meeting dates.

**Decision:** The Board voted unanimously to adopt the resolution of the City of Kingston Planning Board requiring that the ICCHV submit a new application. (WP, CP, MW, RJ, MG, BSB – yes; KR – recuse)

**Item #10:** #2-36 S Prospect & 2 South Prospect LOT LINE REVISION of the Lands of Prospect & Green LLC. SBL 56.33-2-19 & 20. SEQR Determination. Zone O-2. Ward 5. Prospect & Green LLC; owner; City of Kingston, applicant.

**Discussion:** No one spoke at the public hearing. Planning staff explained that the proposal is to revise the lot line to separate off Barmann Park and turn it over to the City of Kingston.

The properties currently consist of two separate parcels. The lot line revision is being proposed to include the paved parking lot on the Lot 1 property utilized as “The Metro”. Lot 2 will consist of the park property which contains the baseball field, basketball court, and playground. Lot 1 will be 2.951 acres after the revision. Lot 2 will be 1.730 acres.

It is noted that the City of Kingston Parks and Recreation Department currently maintain the recreational areas. Also, the City’s Parks and Recreation has a \$50K grant that will be used for a design/build to replace the existing play structure(s). This is anticipated to take place in the next year.

The lot line revision 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 the Planning Office. 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 owner prior to submission.

Board Policy #6 will need to be signed by the owners. This block will need to be expanded to provide for all property owners.

This is an Unlisted Action under SEQR. A determination of environmental significance was considered.

**Decision:** The Board voted unanimously to render a negative declaration of environmental significance and to approve the lot line revision with written descriptions being submitted to the Planning Office for review. (WP, MW, CP, RJ, MG – yes)

**NEW BUSINESS:**

**Item #11:** #80 Smith Avenue SITE PLAN review for renovations to site to establish used car sales. SBL 48.82-1-9. SEQR Determination. Zone C-3. Ward 5. James V. LaVolpe; applicant/owner.

**Discussion:** Michael Vetere Jr., Land Surveyor, was present at the meeting. He presented a site plan, dated September 12, 2018, to the Board explaining that the property had originally been approved for auto repair about 8 years ago was changed to operate as a bottle return business. The current application is to obtain approval for the bottle return.

M. Vetere Jr. stated that he and J. LaVolpe met with City staff to go over issues at the site. The plans reflect the changes that will be made to clean the site up and complete some onsite maintenance. The plan shows items to be removed including a box truck, truck trailer, and site trailer. The plans also show landscaping along Grand Street consisting of boxwood shrubs. All landscaping will need to be maintained into the future. The plan also notes that the concrete sidewalk will be repaired, barbed wire along the fence will be removed, and the frame overhang will be restored.

M. Vetere Jr. stated that the operations of the business are very simple. Bottles are brought into the building and handed across the counter. They are sorted into barrels and then stored until a truck is filled and they are removed from the site.

Board Policy #6 will need to be signed by the owner. Other Board Policies that will apply are: #4 & 4a – lighting levels between 1-5 footcandles and corrections if problems arise, #10 – banner and flags are prohibited, #11 – window signage limited to 20%, #19 – compliance with the noise ordinance, #25 – installation of a Knox box.

The project is considered an Unlisted Action under SEQR. A determination of environmental significance was considered.

**Decision:** The Board voted unanimously to render a negative declaration of environmental significance and to approve the site plan for the bottle return business as submitted with the following conditions: Board Policies #4, 4a, 6, 10, 11, 19, 25, and a Knox Box being added to the building for emergency access by the Fire Department. (WP, CP, MW, RJ, MG – yes)

#### OLD BUSINESS:

**Item #12:** #115 Abeel Street SPECIAL PERMIT RENEWAL for a mixed use building in the RT zone. SBL 56.43-2-29.120. SEQR Determination. Zone RT, Rondout Historic District, HAC. Ward 9. Stefan Bohdanowycz; applicant/owner.

**Discussion:** The owner was not present at the meeting. W. Platte asked T. Tiano, Deputy Chief of the Building Safety Division to give an update on the ongoing issues with the building permits and the Historic Landmarks Preservation Commission. T. Tiano said that the owner has made the changes to the façade to comply with the HLPC approval and has addressed the building permit issue to the satisfaction of the Building Safety Division.

The Board discussed a term for the permit and agreed to renew it for 1 year.

A determination of environmental significance was discussed. Because the project involves no changes, it can be 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 renew the special permit for a period of 1 year, expiring on October 15, 2019, with all original conditions carried forward. (WP, CP, MW, RJ, MG – yes)

#### **ELECTION OF BOARD MEMBER:**

**Discussion:** Staff advised the Board that they would need to vote on a Board member to sit on the Land Bank Board of Directors. Matthew Gillis told the Board that he was interested. Charles Polacco said that he was interested but that he would defer to Matt.

**Decision:** The Board voted unanimously to support Matthew Gillis to the Land Bank Board. (WP, RJ, MW, CP, BSB – yes; Matthew Gillis – abstain)