



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
September 17, 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 September 17, 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, Jamie Mills, Bridget Smith Bruhn and Kevin M. Roach.

BOARD/ALTERNATES ABSENT: Robert Jacobsen.

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

NOTE: Chairman Platte noted a request from board members to engage in a confidential communication with counsel. Meeting was briefly adjourned for that purpose.

OLD BUSINESS:

Preface: Chairman Platte made a motion to re-open the August 20, 2018 Special Planning Board meeting, noting that the only Board members that are eligible to deliberate and vote on the newly drafted resolution are those members that were present and voted at the August 20 Planning Board Meeting. R. Jacobsen is not present, therefore, W. Platte, C. Polacco, J. Mills, and B. Smith Bruhn will be asked to consider and vote on the resolution. It was also mentioned that the new resolution had been forwarded to all members via email for preliminary review JM – 2nd. All in favor (WP, JM, CP, BSB – yes)

Item #1: #300 Flatbush Avenue SITE PLAN/SPECIAL PERMIT to create 66 residential units. SBL 48.74-3-14.100. Zone R-6. Ward 6. RUPCO, Inc.; applicant/owner.

At the August 20, 2018 Planning Board meeting, the Board voted 3-2 (WVP, RJ – Yes; JM, CP, and BSB – No) .not to adopt the resolution to approve the site plan/special permit. A resolution has been prepared and circulated for the Board’s consideration to formally deny the site plan/special permit creating 66 residential units. The prepared resolution states that the Board is denying the application based on each members statement of reasons set forth at this meeting. This reasoning will become part of the official record of the Planning Board.

Chairman Platte read into the record the resolution titled “Resolution of the City of Kingston Planning Board Denying the Site Plan/Special Permit for Landmark Place #300 Flatbush Avenue. (See resolution under decision section)

Chairman Platte asked for a motion. J. Mills motioned to approve the resolution to deny the Site Plan/Special Permit. Second by Bridget Smith Bruhn. Chairman Platte asked for a roll call vote.

C. Polacco vote yes to accept the resolution to deny. He stated that he has concerns that have not been satisfactorily answered about density, zoning and infrastructure issues of the plan.

J. Mills – Voted yes to accept the resolution for denial for the following reasons:
She voted no on the SEQR review. She believes there are significant environmental impacts that this project will have on the neighborhood.
Accessibility of the campus, it is an isolated campus, based on our comprehensive plan we are supposed to promote walkability and bikeability, neither of which this site allows for.
Overall building design of the new building, again the comprehensive plan states that we need to maintain and promote traditional architectural form consistent with existing neighborhoods, the new building design does not agree with that.
Finally, for zoning issues with the suggestion of commercial uses on this site.

Bridget Smith Bruhn – Voted yes to accept the resolution to deny
She stated, during the public hearing and the written comment, she listened to all the information presented
She took time to look over and study all documentation provided to the Board. After all this she took an analysis of the presented information and the reason she voted no was because of the zoning and environmental issues with the project.

Wayne Platte – Votes no on the resolution to deny because he felt that the application as presented complied with the City Zoning Law and also fell within the parameters of what the Planning Board is allowed to consider.

W. Platte announced that the resolution is adopted 3-1.

Decision: The Board voted 3-1 to adopt the resolution to denying the site plan/special permit for Landmark Place #300 Flatbush Avenue as follows. (JM – Motion, BSB – 2nd, CP – yes; WP – no)



Resolution of the City of Kingston Planning Board
Denying the Site Plan/Special Permit for Landmark Place
#300 Flatbush Avenue (SBL 48.74-3-14.100)

RECEIVED:
RECEIVED BY DS
DATE 9/19/18
TIME 11:00 AM

Motion By: Samie Mills

Second By: Bridget Smith Bruhn

WHEREAS, RUPCO (the Applicant) has submitted a complete application to the City of Kingston Planning Board, to create 66 residential units, 34 of which proposed to be located in an existing building and 32 constructed within a new building, and received a zoning change of the 14.9 acre parcel from RR One-Family Residence to R-6 Multiple Residence District and (the Action); and

WHEREAS, the project location #300 Flatbush Avenue, Kingston, New York (SBL 48.74-3-14.100): and

WHEREAS, the complete set of plans submitted include:

- T01 - Title Sheet, 6/26/18
- Cover Sheet, 6/26/18
- C101 - Existing Conditions, revised 6/18
- C102 - Site Layout Plan, revised 6/18
- C103 - Utility Plan, revised 6/18
- C104 - Stormwater and Grading Plan, revised 6/18
- C105 - Erosion & Sediment Control Plan, 2/17
- C106 - Details, 2/17
- C107 - Details, 2/17
- C108 - Stormwater Details, 6/17
- L-100 - Landscaping Plan, 6/26/18
- L-200 - LightSpec, 6/26/18
- A101 - Existing Floor Plans, 6/26/18
- A102 - Existing Floor Plans, 6/26/18
- A103 - Existing Floor Plans, 6/26/18
- A104 - Proposed Floor Plans, 6/26/18
- A105 - Proposed Floor Plans, 6/26/18
- A106 - Proposed Floor Plans, 6/26/18
- A201 - Existing Elevations, 6/26/18
- A201.1 - Existing Elevations, 6/26/18
- A202 - Existing Elevations, 6/26/18
- A203 - Existing Elevations, 6/26/18
- A204 - Existing Elevations, 6/26/18
- A205 - Alms House Existing Porch Elevations, 6/26/18
- A206 - Existing Sections, 6/26/18
- B101 - Boiler House Floor Plans, 6/26/18
- B201 - Boiler House: Elevations 6/26/18
- B202 - Boiler House: Elevations 6/26/18
- C01 - Brick Cottage: Existing Floor Plans 6/26/18
- C201 - Brick Cottage: Existing Exterior Elevations
- C202 - Brick Cottage: Existing Sections, 6/26/18

- G101 – Brick Garage: Existing Floor Plans 6/26/18
- G201 – Brick Garage: Existing Elevations 6/26/18
- N101 – New Building: First and Second Floor Plans, 6/26/18
- N102 – New Building: Second and Third Floor Plans, 6/26/18
- N103 – New Building: Fourth Floor and Roof Plan, 6/26/18
- N201 – New Building: East and West Elevations, 6/26/18
- N202 – New Building North and South Elevations and Building Section, 6/26/18
- N301 – New Building: Wall Section, 6/26/18
- S101 – Stone Garage: Existing Floor Plans, 6/26/18
- S201 – Stone Garage: Existing Elevations, 6/26/18

WHEREAS, a public hearing was held on February 28, 2017 and a second public hearing was held on March 19, 2018 with a continued hearing through the April 17, 2018 Planning Board meeting and written comments accepted until April 30, 2018; and

WHEREAS, The Board reviewed all plans submitted, supporting documentation, public record and comment, the Common Council resolution to rezone and Ulster County Planning Board comments, and

WHEREAS, the Planning Board adopted a Negative Declaration of Environmental Significance on May 8, 2017; and

WHEREAS, on August 20, 2018, the Board voted 3-2 not to adopt the resolution to approve the site plan/special permit; and

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

Section 1: The Board hereby denies the Site Plan/Special Permit for 66 residential units and commercial space in two buildings for reasons stated during a regular meeting of the Kingston Planning Board on September 17, 2018 included as part of the record.

Section 2: That this resolution shall take effect immediately.

MEMBERS	Absent/Present	SIGNATURE	YES	NO	ABSTAIN
WAYNE PLATTE	___/___✓	<i>Wayne D. Platte Jr.</i>		X	
CHARLES POLACCO	___/___✓	<i>Charles Polacco</i>	X		
MARYJO WILTSHIRE	___/___✓				
ROBERT JACOBSEN	✓/___				
MATTHEW GILLIS	___/___✓				
JAMIE MILLS	___/___✓	<i>Jamie Mills</i>	✓		
BRIDGET SMITH BRUYN	___/___✓	<i>Bridget Bruyn</i>	✓		per conversation BSB 9/18/18
KEVIN M. ROACH	___/___✓				

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

9/17/18
Date

ADJOURN: W. Platte motion to adjourn the August 20, 2018 Special Planning Board Meeting. JM – 2nd. All in favor (WP, JM, CP, BSB).

REOPEN: W. Platte motioned to re-open the September 17, 2018 meeting of the Planning Board. C. Polacco seconded. All in favor.

REGULAR BUSINESS:

Item #2: Open Public Speaking (15 minutes)

Owen Harvey – 26 Abeel Street read the following statement and submitted copies to the Board.

I am here tonight to testify that the ICC excavation has adversely impacted me. Your decision has led to my home being assessed by the City at significantly less than it was last year, distressing the equity value of my home, which has a negative impact on my ability to proactively keep up with the maintenance of my historical home. Your decision has created a safety and welfare hazard next to my home. I have 2 young children and your decision has negatively impacted their safety and welfare where the applicant has created a hazard along our property line. Your decision on the ICC has turned Company Hill Path into an ongoing safety hazard that has required the continuous intervention of the DPW to repair. Your decision has led to the destruction of both private and public property in my neighborhood. Your decision has impacted my ability to raise a family safely on our property and for my children to enjoy the linear park that is Company Hill Path.

On July of 2017, the Planning Board determined that the ICCHV application for 32 Abeel Street would not have a significant adverse effect on the environment and that a preparation of an Environmental Impact Statement would not be required. As we have all witnessed, and now known as fact, the Board's determination was flawed, and can be characterized as not meeting the criteria of "a hard look". Despite the best efforts of the residents of the community in asking the Board to take seriously the potential impacts this project would have on safety and welfare concerns as well as environmental impacts, their advocacy for a positive declaration was ignored and now the residents of the Rondout have been tasked to tolerate the environmental hazard your approval has permitted to occur, a hazard that jeopardizes their safety and welfare which you were tasked to be advocates for, not against. The safety and welfare of residents is now in constant jeopardy due to actions taken by this board to not prioritize responsible and safe development.

In your SEQR Review, the Board claims:

- *The proposed action will not cause significant adverse environmental impacts on the land... Site excavation will be controlled and managed, noting that the majority of excavated material will be removed from the site... During site construction, best management practices for erosion and sedimentation control, as identified in the NYS Standards and Specifications for Erosion and Sediment Control (latest Edition), will be employed to control and minimize site grading and drainage conditions. Based on the foregoing, impacts to the small area of site steep slopes and bedrock outcropping are not anticipated to be adversely significant.*
 - **My Note:** As we now know, best management practices for erosion and sediment control were not implemented. The failure of the applicant, the ICCHV, to follow these best practices led to the destruction of both private and public property. Company Hill Path was and is repeatedly turned into a safety hazard, even as recently as last week, because of the erosion occurring at the site caused by the applicant's flawed excavation.
- *The proposed action will not cause direct adverse environmental impact on water, wetlands and related resources, plants and animals, or associated habitat areas, nor on agricultural resources.*

There are no water bodies, streams or wetlands on the project site or on immediately adjacent property. No work is proposed in or adjacent to a water body, stream or wetland. The Rondout Creek is to the southeast of the subject property separated by the Company Hill Path, other municipal sidewalk, street and public parking lot, as well as the Maurice Hinchey Promenade and docks.

- **My Note:** As we now know, after the heavy rains last week, runoff from the site did reach the Rondout Creek, again because of the poor erosion mitigation efforts being implemented by the applicant, the ICCHV. Again, creating both an environmental issue and safety issue for the residents of our community.
- *The proposed action will not cause adverse environmental noise, odor or lighting impacts. Potential temporary noise impacts may be apparent during the short-term duration of construction but same will be minimized to the extent practicable and limited to permissible work hours as authorized by the City of Kingston Building Department and the City Noise Ordinance.*
 - **My Note:** During the excavation of their site, the applicant, the ICCHV, repeatedly violated the City Noise Ordinance 300-5 2(a) where the operation of equipment used for drilling is not permitted Between the hours of 6:00 p.m. and 8:00 a.m. on weekdays or at any time on Sundays/weekends or holidays. When these violations were first reported to the police and building department they were ignored. It was left to residents to foil the city departments to see if the applicant had permission to begin work before 8 am and work on weekends. When our foil returned a “no”, it was only then that the applicant was forced to obey the ordinance. The applicant, the ICCHV, knowingly violated this ordinance, creating great stress on the residents of the community. Aside from this Noise Violation, the applicant also repeatedly parked illegally on Abeel Street during the excavation. Parking in front of fire hydrants as well as blocking residents’ driveways with unattended trucks. These actions were reported to the building department as well as to the Police Department.
- *The proposed action will not cause adverse environmental impacts on historic resources. The site is located within the Rondout West Strand Historic District, a National Register-listed historic resource (90NR01103)*
 - **My Note:** Well, we now know that isn’t true do to the consistent damage done to Company Hill Path.
- *The proposed action will not cause adverse environmental impacts on recreation or open space resources.*
 - **My Note:** Again, Company Hill Path is a public linear park that this project has negatively impacted.
- *The proposed action will not cause adverse environmental visual or community character impacts.*
 - **My Note:** The Board was asked by the community to ask the applicant if they had the necessary funding for this project before granting them approval. The board denied the community this request and now the visual and community character has been negatively impacted by your decision.

So in reviewing the Board’s SEQR, I think it is clear that the ICCHV application needs to have SEQR reopened and this Board needs to declare a positive determination and that an Environmental Impact Statement needs to be prepared in reviewing this project.

The Applicant, the ICCHV, has demonstrated through its actions and indifference to the safety and welfare of the community that it is incapable of continuing with this project without the oversight a

positive declaration carries with it. The residents of the community deserve this oversight and protection, something this Board was unwilling to recognize previously.

Before this Board is an opportunity to prioritize the safety and welfare of the community alongside responsible development. I ask you to forget about whatever your motivations were in your earlier decision. It is through this opportunity of correction that you can work to rebuild the lost trust your previous determination has caused which has manifested itself as a giant hole in the RT -District.

My ask is that now that the applicant has permitted the expiration of their site plan approval, that you re-open SEQR Review and require a supplemental environmental impact review.

It is only after a proper Environmental Impact Review that the Site Plan should be revisited. If SEQR seems too onerous for this Board as exemplified in your earlier decision, than take the necessary step of NOT naming yourself lead agency. Regarding your Site Plan Approval, having the existing SEQR process as a basis for your Approval can only mean that it is equally flawed.

Again- now that the applicant has permitted the expiration of their Site Plan Approval, we seek that the Board take this opportunity to re-open SEQR and initiate the complete supplemental environmental impact review this proposal requires.

Thank you for your time.
Owen D. Harvey
26 Abeel Street

Deanna Baum – 42 Abeel Street – neighbor to the ICCHV
Sustained physical damage to her property and endured dangerous conditions including trespassing, loss of use and enjoyment of her property, loss of property values. Company Hill path was compromised and left unsafe. Excavation took place right up to the property line and caused damage to her property. There is a difference in grade between her property and the ICC property which was not considered during the ICC review. No efforts were made by the ICC to address the issues until the violations were issued and the site plan lapsed. She is urging the Planning Board to reopen the SEQR review and to consider the comments by HLPC and the Ulster County Planning Board. The neighbors of this project are relying on the Planning Board.

Bruce Mclean – Madison Avenue – Roosevelt Park – He doesn't understand why the top elected official who claims to be an environmentalist and his wife, an environmental educator, have not made a comment on this environmental disaster. The silence is deafening. The fact that this project was started without a building permit or excavation permit is also troubling. He can remember many sidewalk permits being issued and have talked to members of the building department who have said that excavation permits are required. It is troubling that the request which used for a questionable frontage issue, the Company Hill Path, for zoning approval has now been compromised at least twice and continues to erode under the surface. This is from the hammering of the rock has created cracks underneath the surface and although silt fences hold back some of the water but others pass under the fence. Eventually, the path will collapse. The cost associated with multiple cleanup efforts by the City.
The fact of the matter is, there is no parking. The White Eagle and St. Mary's Hall have parking. People are on the Rondout on weekends driving around looking for a place to park and they

leave because there are none. Can you imagine what it will be like when there is a 171 seat theater? The Planning Board has a 2nd chance to correct a wrong decision.

Barbara Scott – Read a section from the “Notice of Violation” issued by the City Engineer on August 13, 2018 and submitted copies to the Board. The notice stated that during a site visit on August 9, 2018 the following conditions were found:

- No stabilized construction entrance
- Silt fence not fully embedded
- Un-treated drainage migrating off-site and causing erosion to Company Hill Path
- Perimeter fencing at adjacent property lines is not stable and does not provide fall protection
- Un-stabilized slope along property lines
- Sidewalk trip hazards due to heavy vehicle displacement of sidewalk panels
- Driveway at #42 is unprotected at top of slope to excavation
- “IT Cable” riser broken at pole

Go back to the SEQR and consider this project new, knowing what we know now.

Hillary Harvey, 26 Abeel Street – Read the following statement and submitted copies to the Board. She stated that is covering the meeting for Radio Kingston but is not reporting on this item.

Hillary Harvey, 26 Abeel Street

Last Monday, September 10th, the City Engineer Ralph Swenson told the Common Council at Caucus that the City of Kingston is a responsible for the MS4. They give annual reports to the DEC, and they are audited on an annual basis by the DEC. So they have responsibilities for enforcement.

Ralph Swenson said he’s been advocating since 2010 that the Building Department add a couple boxes to check on their permit process where they would have to install erosion and sediment control, and the Building Department would inspect whether it was installed according to the plan, and then the project could proceed with construction of foundations where the soil would be disturbed. But the Engineering Department has not be notified that construction is happening when soil is being disturbed. They just happen upon projects.

Ralph Swenson said that in the case of the ICC, they happened upon the project, and Alan wrote up a list outlining the issues and sent them along to the Building Department, expecting them to issue a violation or at least get some corrective action. All of this is recorded, obviously. You know me.

So I think this points to the fact that the decisions made by this Planning Board did not include input from the City Engineer, did not include considerations of the City’s responsibility for the MS4 and its liability in cases where a construction site does not contain storm water runoff on site. For example, the ICC applied hydro-seeding on Friday, September 7th, and then the rain washed it away. The nearby Rondout Creek is under the jurisdiction of the DEC.

Being an MS4 requires more scrutiny for a project, and the time for the engineer’s review should have been during the environmental review, and the review should have included the impact of excavation and construction. And it’s clear that it didn’t.

I’ve owned homes on the Rondout since 2009, and Company Hill Path has never been this bad after a rain storm. Has DPW needed to be called to rebuild the path after every rain storm like it has been since the ICC did their excavation? It’s clear now that this excavation and construction has had an adverse environmental impact on the Rondout.

This Board should reopen the SEQR review and require a supplement environmental impact review, and this Board should get the City Engineer involved in reviewing this project.

Thank you for your consideration.

Susan Piperato, 24 Hone Street – Since moving to the Rondout in 2004 she’s been taking walks on Company Hill Path to the waterfront almost every day. She moved to the area because she liked the area and the history. The ICC site is an eyesore. The runoff is not only affecting the path, it is also affecting the parking lot across the street, creating fissures in the pavement. If the situation is not rectified soon, she’s not sure what it will look like after the winter. She has friends and family throughout the County that read about this project in the Freeman and ask her what is going on at the site. She tells them what she knows and none of it makes any sense. The only thing that she knows is that the City Engineer has issued a violation after the last storm. The only way to move forward is to deny the extension and reopen the SEQR review. We need this project to be handled professionally.

Tanya Garment, 102 Wurts Street – This is a chance to get a handle on the ICC site. If the Planning Board issued a Positive Declaration, they could have had a say in how this project is handled. We don’t have a lot of oversight as it is. We have an abundance of information now. If you decide to extend the permit, I hope that there is a whole lot of talking and explaining why this would happen to the public. I have not come across any reason why you would extend the approval. You have the ability to oversee the demolition as it is now. Right now, there is no legal standing. There is legislation before the Council to regulate excavation and give us some teeth in court. The MS4, we are required to have standards in how we treat this kind of thing.

Joe DiFalco, 66 Glen Street – Has an institutional knowledge of construction for 40 years. The Irish Cultural Center does not have funding. How could the Planning Board approve the project without proof of funding? The sediment and fractures in the bedrock will only get worse in the winter. Water is the only known thing to destroy things. This is what happens to glaciers, water gets in and destroys them. Another project with problems is 20 Cedar Street (Energy Square) is being built on unstable ground. It is going to settle and sink. There is a better way to do construction and a better way to do that foundation. Company Hill Path is a disgrace. He was down there Friday and he saw the damage. The secondary wall is falling down. Rocks are rolling down. He has been keeping track of this. You can tell what the rocks that have moved recently are. Cedar Street is inferior workmanship, there is a better way.

Chairman Platte stated that we are treating the ICC as a new application and we are not planning to take any action on the application at this meeting.

Item #3: Adoption of the July 16, 2018 and the August 20, 2018 Planning Board Minutes.

Discussion: Chairman Platte asked the Board if they had the opportunity to review the minutes and if there were any corrections proposed.

Decision: The Board voted unanimously to adopt the July 16, 2018 and the August 20, 2018 meeting minutes. (WP – motion, JM – 2nd, MW, CP, MG – yes)

PUBLIC HEARINGS:

Item #4: **194 & 198 Abeel Street** LOT LINE DELETION of the Lands of Abeel LLC. SBL 56.50-6-13 & 14. SEQR Determination. Zone RF-R. Ward 8. Abeel LLC; applicant/owner.

Discussion: No one spoke at the public hearing. Michael Bernholz, owner, was present at the meeting.

M. Bernholz stated that when he purchased the properties, the survey map and deed describes the parcels as one, however, Ulster County Real Property identifies two tax parcels. The application is for deletion of the lot line between two tax parcels. A survey, previously prepared for Timothy & Linda Smythe by Gerald F. Brandt, dated July 8, 1996 was presented to the Board for consideration. S. Cahill stated that the owner will have to have the map recertified with signature blocks for both the Board Chairman and the owner.

The resultant parcel will be .437 acres. The property will be more conforming than the current configuration.

The applicant is aware that 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 maps are filed.

The owner has a deed already filed with the combined descriptions. Written descriptions are not required but will need to be confirmed that there are no changes with the new maps. 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.

The application was 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: new survey submitted with signature blocks for the owner and Chairman, Board Policy #6 – signature of owner. (WP, MW, CP, MG, JM – yes)

Item #5: **#82 John Street** SPECIAL PERMIT RENEWAL to operate a bar and bookstore in an existing building. SBL 48.330-3-15. SEQR Determination. Zone C-2, Stockade Historic District, HAC Rough Draft Bar & Books Inc/applicant; Nablia-Gerlad, LLC/owner.

Tanya Garment, 102 Wurts Street, spoke at the public hearing. She commended the business owners stating that this business is a great addition to the neighborhood. She said that the applicants are very welcoming and that they have a variety of wonderful events.

Discussion: Amanda & Anthony Stromoski were present at the meeting. Chairman Platte asked them how the business was going so far. The applicants stated that it has been going better than expected. They said that the only change is that they are opening earlier for coffee.

The application is to renew the special permit for a bookstore and bar in an existing historic building on the corner of Crown Street and John Street. The zoning code requires a special permit to operate a drinking establishment in the C-2 zone.

The business opened in November 2017 operating as a coffee shop, bookstore, and bar/café. The hours of operation are 9am-11pm six days a week. This is noted as being extended hours from the original plan of 11am-11pm due to the business being well received by the community. Also, they have increased the number of employees to 6 part time workers with plans to add employees in the next few months.

Staff stated that there are no complaints or issues with the Building Safety Division or the Police Department.

A term for the special permit was discussed. The application is considered a special permit as a drinking establishment. There is no time limit for the permit. The business received an initial term of 1 year in 2017. Staff would recommended increasing the term to three (3) years, with all conditions carried. The Board agreed.

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 renew the special permit for a term of 3 years, expiring on September 17, 2021, with all original conditions carried forward. (WP, MG, MW, CP, JM – yes)

Item #6: #356 Broadway SPECIAL PERMIT RENEWAL to operate a rooming house. SBL 56.43-8-61.1. SEQR Determination. Zone C-2, MUOD, HA. Ward 9. TVG Group LLC; applicant/owner.

Discussion: No one spoke at the public hearing. Trevonne Gilliard was present at the meeting. The property was purchased in April 2015 by the current owner. The current owner renewed the special permit which is required for continuation of the Boarding House use. Approval was received in September 2015. The Planning Board most recently renewed the permit on September 18, 2017 for a period of 1 year.

The applicant stated during the original review that occupancy is limited to 1 person per room.

There have been no issues or complaints filed with the Building Safety Division since the previous renewal. The applicant has an inspection set with the Building Department but it did not take place prior to the meeting. Staff recommended that this be a condition of renewal. The Police incident report was reviewed by the Board and there were no significant issues identified.

Compliance with Zoning Code Section 405-12(B)(2) for Rooming/Boarding Houses is required and should be carried forward as a condition of renewal. During the original approval, the owner was provided this list and confirmed that the requirements will be met with the exception of supplying and changing bedlinens. The tenants are responsible for their own bedding. The structure is not owner occupied. The current owner is landlord registered with the BSD. The name and contact number of the resident agent will need to be submitted to the Planning Office and Building Safety Division as a condition of renewal.

There is parking in the rear of the building accessed from Jansen Avenue. There is a requirement for 5 parking spaces to accommodate the 5 rooms based on single occupancy.

A term for the special permit was discussed. The applicant requested a longer term, however, the zoning code requires rooming houses to be renewed annually at a maximum. The Board agreed to a 1 year term.

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 to approve the special permit renewal for a period of 1 year, expiring on September 17, 2019, with all original conditions carried forward and the receipt of a favorable inspection from the Building Safety Division. (WP – motion, JM – 2nd, MW, CP, MG – yes)

Item #7: #76-88 Spring Street SPECIAL PERMIT RENEWAL for 12 apartments. SBL 56.42-10-8. SEQR Determination. Zone RT. Rondout Historic District. Heritage Area. Ward 8. Lloyd Levi; applicant/owner.

Tanya Garment, 102 Wurts Street, stated that the owner is in court proceedings regarding renovations to the building and that he has shown disdain for the process. He removed all the doors and windows on the front of the building and did work that did not comply with the building permit.

Holly Christiana lives in the Rondout and drives by this location daily. She said that she is grateful that someone is trying to fix this building which has been deteriorating for a number of years.

Discussion: Chairman Platte explained that owner is in court proceedings with the City of Kingston and that Corporation Counsel recommends tabling the application until the matter is resolved.

Decision: The Board voted unanimously to table the application pending court proceedings. (WP – motion, CP – 2nd, MW, MG, JM – yes)

Item #8: #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.

Tanya Garment, 102 Wurts Street, said that this project is in a historic district and that the applicant did not go the HLPC when they started the project. She feels that just because someone is renovating a building, does not mean that it is right. There are historic standards and the City of Kingston has these standards because they feel that it is important to preserve these structures. She disagreed with a statement that W. Platte made a previous meeting where

he said that the building looked nice. She does not think that the storefront renovations are attractive.

Discussion: Chairman Platte explained that this project has been going back and forth with the Building Department and asked T. Tiano, Deputy Chief in charge of BSD to give the Board an update.

DC T. Tiano explained to the Board that there had been work done to the storefront without Building Permits and without approvals from HLPC. Last year, the owner met with HLPC and there was consensus on a plan to modify the exterior. Work began two months ago and has consisted of a number of discussions between his department, the owner, and contractors working on the project. He explained that it has been a struggle throughout the process but that work seems to be proceeding in the right direction. He informed the Board that the owner has made many improvements to the building over the years. Before he purchased the property, the building was in significant danger of falling down with a giant hole in the roof and only framing holding it up. He said that the apartments that were created are beautiful and that the owner deserves credit for that. He asked that the Board table the application because the owner seems to move forward every time his application is going to be reviewed by the Board.

Decision: The Board voted unanimously to table the application for 1 month to allow for the Building Safety Division and the Historic Landmarks Preservation Commission issues to be satisfied. (WP – motion, CP – 2nd, MW, MG, JM – yes)

NEW BUSINESS:

Item #9: #20 Cedar Street SITE PLAN/SPECIAL PERMIT AMENDMENT to the approved plan. SBL 56.109-4-2.100. SEQR Determination. Zone O-2, Mixed Use Overlay District. Ward 4. RUPCO; applicant/owner.

NOTE: Matthew Gillis recused himself from deliberations based on previous profession dealings with RUPCO.

Discussion: Scott Dutton, architect, and Charles Snyder, RUPCO, were present at the meeting. The application is for an amendment to the approved site plan/special permit. S. Dutton handed out a copy of the approved site plan and a copy of the proposed site plan with highlighted changes. The applicants are proposing a minor amendment for Energy Square project to provide a driveway connection to Iwo Jima Lane from the parking lot for egress only and to close off the through connection with the Dunkin Donuts property.

S. Dutton stated that the new proposed egress on Iwo Jima is a result of a series of architectural reviews throughout the review process. He said that other reviewers suggested the change and that the applicants and he agreed that it would be an improvement. He said that closing the connection to Dunkin Donuts would eliminate through traffic. The previous plans showed this connection but there is no formal agreement with Dunkin Donuts. If in the future, the plan changes, they will come back with another amendment.

There are no other changes proposed to the approved site plan. Construction at the site has commenced and Scott Dutton said that it has been going very smoothly.

The Planning Board issued a Negative Declaration of Environmental Significance on October 13, 2015. The Board discussed whether this change to circulation is significant enough to cause reopening of the SEQR decision to request additional information or mitigation. S. Dutton said that he believes this will create a minimal, if any, increase in traffic onto Iwo Jima. The curb cut will be for egress only and will be under the covered parking lot which will likely be less attractive to people leaving the site. The Board agreed that this did not warrant additional consideration of the Neg. Dec.

Decision: The Board voted unanimously to render a Negative Declaration of Environmental Significance and to approve the site plan/special permit amendment, dated 9/17/18, with all original conditions carried forward. (WP – motion, JM – 2nd, MW, CP, BSB – Yes)

Item #10: #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: Kevin Roach recused himself due to dealings with the ICCHV.

Discussion: Robert Carey and William Kearney of the ICCHV, and Mark Tiano, project engineer, were present at the meeting.

Chairman Platte advised that it is the position of the City at this time, that we are treating the site plan approval as expired and therefore this item as a new application. The PB acknowledges the circumstances that have arisen since the approval, specifically with regard to excavation of the site and that the applicants are working with the City Engineer and the Building Safety Division and are continuing to remedy the problems that are occurring.

W. Platte also recognized that the applicants have submitted documentation requesting an extension. He stated that the applicants have the opportunity to submit in writing why they feel the extension should be considered and that written request will be reviewed by the City and a decision will be rendered by the next meeting. This will pass through the City's Corporation Counsel. W. Platte asked that the Board consider holding a public hearing on the project.

He added that the counsel for the opponents will also be given the opportunity to weigh in on the extension/new application and that their counsel will be given copies of the correspondence pertaining to this matter and that this information will be exchanged with both sides.

W. Platte asked if the applicants wanted to provide an update on the site work. M. Tiano stated that the applicants and their team were working closely with the City Engineer and that they have implemented erosion and sediment control measures that are continually being maintained. M. Tiano stated that silt fence has been added as per the site plan that was approved and that the applicants have been working with the City to revise those plans based on current patterns

of erosion and runoff that are taking place. He added that there have been a few unfortunate storms that have occurred during this time period and that this will require ongoing upkeep. S. Cahill, stated that the applicants are aware that with every storm event that occurs, there is a requirement for maintenance. M. Tiano agreed that a plan for maintenance has been submitted to the City as well and that the site will continue to be evaluated.

W. Platte asked if any members wanted to discuss the idea of another public hearing for the project. No one had any comments. He stated that over the next month, the City will be awaiting a response from Mr. Pordy and that the item will be on the October agenda.

Decision: The Board voted unanimously to table the application for one month and to reopen the public hearing at the October Planning Board meeting. (WP, MG, MW, CP, JM – yes; KR – recuse)

OTHER:

S. Cahill reminded the Board of the upcoming site visit to the Business Park on September 24th at 4pm.

WP – motion to adjourn 2nd – MG, all in favor.