

CITY OF KINGSTON

Historic Landmarks Preservation Commission

Steven T. Noble, Mayor



Deputy Chief Tom Tiano, Secretary

May 10, 2018

Alderman Bill Carey
Laws & Rules Committee
City of Kingston Common Council
101 Hoffman Street
Kingston, NY 12401

Re: Draft Legislation for the Merging of the HLPC and HAC

To Alderman Carey and members of the Laws & Rules Committee:

We members of the Historic Landmarks Preservation Commission appreciate your committee's efforts to improve the city's review procedures for historic resources and we thank you for this opportunity to share our thoughts about the matter.

We know firsthand the weaknesses of the existing law and we support the goal of streamlining our review process with that of the Heritage Area Commission as long as the intent and procedural tools of both are retained. However, the new draft legislation as proposed by the City's corporation counsel includes amendments to HLPC's procedures that undermine its mission. They include:

- Imposes a 45-day deadline on the HLPC to render a decision on a completed application. Some applications are more complex than others and the commission must request additional information during the course of its review. A 62 day-period is appropriate and matches other boards' enabling laws.
- Removes emergency designation procedures. Acknowledging that Kingston's current inventory of landmarks and historic districts does not reflect the totality of resources worthy of preservation, this tool grants a potential landmark a temporary reprieve from demolition while its significance is assessed. As with non-emergency designations, HLPC recommendations are submitted to the Common Council, the owner is notified, and a public hearing is held. Temporary protection expires after 90 days if the Council fails to act.
- Removes interim protection for proposed landmarks and districts. Currently, when the HLPC proposes to designate a historic building or neighborhood, it schedules a public hearing and notifies the owners. Once such notice is issued, all affected properties are granted interim protection until the designation is ratified by the Common Council. Eliminating this protection

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will afford disgruntled owners the opportunity to demolish or drastically alter a historic resource before it can be designated.

- Removes clear language regarding compliance with a Preservation Notice of Action. At present, work to a protected property that does not conform to the conditions set by a Preservation Notice of Action can have its Certificate of Occupancy or Certificate of Compliance withheld by the Building Safety Division. It is the most effective means of enforcing the decisions of the commission. The proposed legislation eliminates this. Instead, it seems to leave enforcement at the discretion of the “City Fire Officer,” who will “take appropriate action.”
- Gives the Planning Board supremacy in decisions regarding the appropriateness of scale and massing of new construction. For a new building in a historic district, the current review procedure stipulates that the commission consider its harmony with its neighbors and specifically, its overall height, roof massing, the relationship between the width to height of the front elevation and its overall height, and the rhythm of spacing of buildings, among other design details factors. Our decisions, which are guided by the Secretary of the Interior’s Standards for Historic Preservation, seek to ensure that there is a balance between differentiation and compatibility in new construction in order to maintain the historic character and identity of the district—regardless of a parcel’s maximum allowable floor-area-ratio. The proposed legislation would force HLPC decisions regarding appropriateness to be subservient to another citizen-governed board’s findings. Kingston’s current zoning, widely believed to be insufficient for today’s planning standards, does not provide a consistent foundation for preservation-minded decision-making.
- Coordinated Planning Board and Historic Preservation Review. We agree that coordinated review is beneficial for all. However, as mentioned in the previous paragraph, the criteria considered by the HLPC differs from that of site plan review. When does architectural design review take place? Does the Planning Board participate? How is this done in other communities? At present, the HLPC encourages applicants to appear before us for a pre-application meeting to discuss their projects informally. Perhaps this could be made a standard procedure prior to site plan review for new construction in historic districts or on Landmark-designated sites.

The City of Kingston is obligated by its agreement with New York State to involve the State Historic Preservation Office (SHPO) in any amendments to our preservation ordinance. We urge your committee to confer with SHPO at the earliest stage possible to ensure Kingston continues as a Certified Local Government, which makes us eligible for grant opportunities, technical support, and commissioner training through the NYS

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Office of Parks, Recreation, and Historic Preservation.

Prior to the introduction of this draft legislation, the members of the HLPC had been studying Preservation Model Law, developed by the Preservation League and the NYS Historic Preservation Office, as the basis for updating our existing ordinance. While the law stipulates no additional powers to HLPC, it does provide much clearer language and terms. We are attaching the Model Law here for your reference. It will be discussed in detail at the upcoming preservation forum on Monday May 14, 6:00-8:00pm at City Hall. We encourage all council members to attend.

The drafting of Kingston's earliest preservation procedures in the late 1960s and early 1970s was a collaborative effort between the Landmarks Commission and the Laws & Rules Committee. We welcome a continuation of that tradition today.

Sincerely,

Marissa Marvelli, Vice Chair

Mark Grunblatt, Chair

Historic Landmarks Preservation Commission

Enc. NYS Preservation Model Law (July 2014 version)
Chap. 405, Article IX of City of Kingston's Administrative Code

Cc: Mayor Steve Noble
Alderwoman Andrea Shaut, Ward 9
Alderman Jim Noble
Alderman Reynolds Scott-Childress, Ward 3
Kevin Bryant, Corporation Counsel
Linda Mackey, CLG administrator for SHPO