

Tinti, Elisa

From: Morell, Jeffrey
Sent: Wednesday, June 03, 2020 3:18 PM
To: Scott-Childress, Reynolds; Worthington, Rita; Tallerman, Donald; O'Reilly, Patrick
Cc: Tinti, Elisa; Shaut, Andrea
Subject: Fwd: Laws & Rules

Good afternoon,

Below is the response from the Buildings Director Steve Knox regarding the issue of building permits that will be on our agenda this month as old business titled "Building/Zoning Laws."

Thank you,
Jeffrey

Jeffrey Ventura Morell
Ward 1 Alderman, City of Kingston

Sent from my iPhone

Begin forwarded message:

From: "Knox, Stephan" <sknox@kingston-ny.gov>
Date: June 2, 2020 at 1:16:01 PM EDT
To: "Morell, Jeffrey" <ward1@kingston-ny.gov>
Subject: RE: Laws & Rules

Jeffrey,
I was not in yesterday so I'm playing catch up today.

Regarding the Harvey's complaint about my decision on the building permit status of the ICC, normal process permits an interested party to appeal a decision to the ZBA. The Harvey's had in fact done so and pulled their appeal two days before it was scheduled to be heard. This act cost the City funds for advertising the meeting and a fee for setting up the virtual meeting. The Harvey's then contacted the Department of State Office of Building Standards seeking to go around the ZBA process and were told that it was a local matter that should be addressed through local process. Now they are attempting to challenge the decision by way of the Laws and Rules Committee.

My decision was made with respect to both parties and with fairness in mind. Following a review of a number of files, conversations with current staff and speaking with former inspectors, no one could remember an instance when a permit had been invalidated for this reason. Building Safety issued 1350 permits last year and we have no mechanism to alert us when each permit has reached the six months' revocation limit. The recognition of a permit's potential invalidation date is only the first step in the process. An actual inspection of the premises would be needed to verify the presence or absence of construction work. I am of the belief that this code, if strictly enforced, would overwhelm the capacity of the department and frankly is not necessary.

Stephan Knox, Director
Building Safety & Zoning Enforcement

845-331-1217
sknox@kingston-ny.gov

-----Original Message-----

From: Morell, Jeffrey
Sent: Monday, June 1, 2020 2:33 PM
To: Knox, Stephan
Subject: Laws & Rules

Hi Steve,

As you may already know, the issue of the building permit for the ICC on Abeel Street was discussed at our last Laws & Rules meeting. What we were interested in is specifically the part of Local Law chapter 172-5 Building Permits, which calls for revoking a permit if no work has taken place on the site after 6 months.

In your letter to the developers, you mentioned that you found no previous instance of its enforcement and therefore you determined that it would be unfair and arbitrary to enforce it in this instance. Can you please expand on why you reached that conclusion? At the committee we discussed the fact that maybe it hadn't been enforced in the past because a similar issue had never been reported before.

Otherwise if you have determined that this portion of the code is not enforceable and puts extra burden on your department, we could discuss amending the code accordingly.

I look forward to hearing from you.

Thank you,
Jeffrey

Jeffrey Ventura Morell
Ward 1 Alderman, City of Kingston

Sent from my iPhone

h+p

From: Owen D. Harvey [<mailto:owen@mhinvest.com>]
Sent: Wednesday, April 22, 2020 12:59 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Subject: [EXTERNAL EMAIL] A matter for Laws & Rule discussion

Dear President Shaut:

On March 10th, 2020, the City's Director of Building Safety & Zoning Enforcement wrote of City Code, Chapter 172, Article 172-5: I to a property owner about their building permit, "While the aforementioned Article exists, a review of building department files has not revealed an instance of its usage. It is the Building Department's position that it would be unfair to arbitrarily enforce said Article by invalidating building permit #19564 at this time." **Why does the City of Kingston have laws on its books that it won't enforce?**

Prior to this letter, on February 25th, 2020, the Director of Building Safety & Zoning Enforcement explained, "I have spoken with all the departments involved with this project and gathered the info I need. I will be meeting with the Mayor on Friday to go over what actions will be taken." This Executive administration decision has implications for the legislative authority of the Common Council and needs to be examined. Therefore, we request that the matter be placed on the upcoming agenda for the Laws & Rules Committee of the Common Council to discuss.

While the issue of "usage" would seem to be immaterial to the job of enforcing the code regardless of when it became law, the fact that the code in this instance was enacted less than two years ago (in late 2018) underlines something of note. Requiring historical instances of usage as a criteria for enforcement would mean that any new or modified ordinance, rule, regulation and local law put forth by the Common Council and approved by the mayor would be unenforceable because there would be no instances of "usage." New codes could never meet this criteria, as with Chapter 172. The same is true of codes which are updated, since they obviously would have no precedent of usage either.

We respectfully request that the Council investigate and review this matter at the next meeting of the Laws & Rules Committee.

Sincerely,
Hillary and Owen Harvey
JoAnne Myers
Rebecca Martin
Lynn Woods
Deanna Baum
Barbara Scott
Tanya Garment
Sarah Wenk
Susan Piperato
Julie Hedrick
Peter Wexler

Documentation available upon request.

