

CITY OF NEWBURGH
ARCHITECTURAL REVIEW COMMISSION
123 Grand Street, Newburgh, New York 12550

Michele Basch, Chairperson
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MINUTES
ARCHITECTURAL REVIEW COMMISSION
Meeting of September 11, 2018

The monthly meeting of the City of Newburgh Architectural Review Commission (“ARC”) was held on Tuesday, September 11, 2018 at 6:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, NY 12550.

Members Present: Michele Basch, Chairperson
Christopher Hanson
Jeff Wilkinson
Hannah Des Cognets
Jim Hoekema

Members Absent: Isaac Diggs
James Kelly

Also Present: Jeremy Kaufman, Assistant Corporation Counsel
Omar E. Balbuena-Palma, Secretary to the Land Use Boards

Minutes of the August 14, 2018 Meeting

Ms. Basch moved to approve the minutes from the August 14, 2018 meeting as submitted.
Mr. Hoekema seconded the motion.
The motion was approved unanimously.

CONSENT AGENDA

AR 2018-53

Applicant: Eli Vaknin
Owner: Otherside Properties LLC
Location: 383 Liberty Street

Returning for a determination regarding the paint color.

Mr. Hoekema moved to approve the consent agenda as submitted.
Mr. Hanson seconded the motion.
The motion passed unanimously.

OLD BUSINESS

AR 2018-48

Applicant: Amber France
Owner: Amber France
Location: 53 Benkard Avenue

Returning for a determination regarding the porch and railing.

The Applicant was not present when the application was called and the application was tabled.

AR 2018-58

Applicant: David A Herring III
Owner: David A Herring III
Location: 119 First Street

Returning for a determination regarding the pergola.

David Herring, Property Owner, and Tiffany Buxton, Project Designer, appeared before the Board.

The Project Designer said the design and dimensions of the pergola were submitted for review. She said the proposed pergola is 24x18x10 and will be made from 2x10 pressure treated wood on 6x6 columns.

Ms. Basch confirmed the pergola will be painted black.

Mr. Hanson clarified a clear corrugated plastic will cover the slats to protect the customers from rain.

Mr. Wilkinson said the Building Department will determine the location of the pergola and the grill ventilation system. He confirmed the pergola will be 10 feet high.

Ms. Basch moved to approve the application as submitted.

- Install 24x18x10 wood pergola with corrugated slats above using 2x10 pressure treated wood with dig footings for 6x6 columns
- Pergola will be painted Black HC-190 (Benjamin Moore)

Mr. Hanson seconded the motion.

The motion passed unanimously via roll-call vote.

PUBLIC HEARINGS

AR 2018-18

Applicant: David Edward Fishel
Owner: David Edward Fishel
Location: 199 South Street

Application to replace all the windows; repair/replace the brick, cornice and paint the building using colors from the Benjamin Moore color palette.

David Fishel, Property Owner, appeared before the Board. The Owner said he submitted revised details for consideration and said the vinyl windows were changed to black Anderson Woodwright 1/1 windows. He said the storefront windows will be custom-built insulated windows with aluminum and wood details for the framing.

Mr. Wilkinson confirmed the previously proposed grids on the storefront were removed and the Owner will comply with the City of Newburgh Streetscape Standards.

The Owner said stamped concrete will be used for the sidewalk per the standards.

Ms. Des Cognets clarified there is no proposed fencing on the project.

The Owner said the fence on the rendering is for decoration only and is not part of the project.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Mr. Hoekema moved to approve the application as submitted.

- Install large custom-built insulated glass windows with aluminum and wood details for framing on the first floor accented in Amherst Gray HC-167 (Benjamin Moore) and Heritage Red HC-181 (Benjamin Moore)
- Install Andersen Woodright 400 series, 1/1 double-hung, black-colored windows on the remaining window openings
- Repair/replace the damaged or missing fascia and corbels painted Kendall Charcoal HC-166 (Benjamin Moore)
- Paint the north, east, and south sides of the first floor brick in Platinum Gray HC-179 (Benjamin Moore)
- Sidewalk repair/replacement must follow the City of Newburgh Streetscape Standards

Mr. Hanson seconded the motion.

The motion passed unanimously via roll call vote.

AR 2018-56

Applicant: Ellen Sigunick
Owner: Glebe House, LLC
Location: 84 Clinton Street

Application to remove the existing chain link driveway entrance gate and install an automatic gate with a separate pedestrian door and a fence along the driveway.

Ellen Sigunick, Applicant, and Hannah Vaughn, Project Designer appeared before the Board.

The Applicant said the intent is to replace the existing chain link fence. She said the Project Designer submitted fence details for consideration.

The Project Designer said a six (6) foot tall dual swing steel gate will be installed because a single swing gate on the property will block the sidewalk.

Mr. Wilkinson confirmed the steel gate is patina with a clear coat.

The Project Designer said the adjacent entry door will be made from Cor-Ten steel with a rusted look.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Mr. Hoekema moved to accept the application as submitted.

- Replace existing chain link fence with a dual swing steel gate and Cor-Ten steel door per application specs

Ms. Basch seconded the motion.

The motion passed unanimously via roll-call vote.

The Assistant Corporation Counsel said application numbers AR 2018-57 through AR 2018-61 are parts of a project commonly referred to as RUPCO Project Phase II. He said a representative of the Property Owner, Newburgh Community Land Bank (“Land Bank”), will present these applications. He said AJ Coppola, Project Architect, will present four (4) applications and Mr. Wilkinson will present one (1) application of the overall project now. He said Jeff Wilkinson will recuse himself from all applications related to the Land Bank due to a financial interest with the Land Bank. He said Ms. Des Cognets purchased a property from the Land Bank and asked if she received any financial benefit or made any promises with respect to the purchase.

Ms. Des Cognets confirmed there she received no financial benefit from the Land Bank, has no financial interest in the Land Bank, and has neither made nor received any promises to/from the Land Bank.

The Assistant Corporation Counsel asked Ms. Des Cognets if she can be a fair and impartial reviewer of all the applications from the Land Bank.

Ms. Des Cognets said she will be a fair and impartial reviewer of the applications presented by the Land Bank.

The Assistant Corporation Counsel said SEQRA requires the City of Newburgh Land Use Boards to consider the environmental impacts of an entire project/proposal and not just an individual portion of the project that might be before a particular land use board. He said most of the projects reviewed by the ARC have not required SEQRA analysis due to relatively recent case law. However, based on an advice memo from the Corporation Counsel's office that recommends the ARC conduct a SEQRA analysis in demolition applications, coupled with the scope of the overall RUPCO project, a SEQRA analysis is warranted for the projects being presented. He said the Phase II project involves 23 parcels separated into various applications. He said five (5) of the applications will be presented before the ARC for this meeting, with others projected for presentation in the coming months.

The Assistant Corporation Counsel explained the concept of "segmentation" as it applied to SEQRA. He said segmentation is defined as the division of the environmental review of an action so that various activities or stages are addressed collectively and not as independent, unrelated activities needing individual determinations of significance. He said the Board should consider the environmental impacts of the entire Phase II project even though the Board may only be required to consider a portion of the individual parcel projects.

The Assistant Corporation Counsel explained what a "significant" environmental impact meant for SEQRA. He said that a Type I action, by comparison example, were project types that are defined as likely that there would be a significant environmental impact on the environment. He said that Type I actions were outlined and defined in the SEQRA rules and regulations. He cited the following examples from the rules and regulations that were Type I actions:

1. Adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district;
2. Construction of new residential units that meet or exceed the following thresholds:
 - a. 10 units in municipalities that have not adopted zoning or subdivision regulations;
 - b. 50 units not to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
 - c. in a city, town or village having a population of less than 150,000, 250 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
3. Activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds:
 - a. a project or action that involves the physical alteration of 10 acres;

- b. a project or action that would use ground or surface water in excess of 2,000,000 gallons per day;
- c. parking for 1,000 vehicles;
- d. in a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area;

He said the Board is obligated to ask questions of all the Phase II projects in the context of assessing the environmental impact. He said the Board should make a finding for each application after a public hearing.

Ms. Des Cognets asked if a coordinated review is required with the other Land Use Boards.

The Assistant Corporation Counsel said some of the applications will require additional approvals by the other Land Use Boards, but Corporation Counsels determined that a coordinated review for the project is not required. He said the Board must conduct a SEQRA analyses for applications that involve demolition and the Applicant must provide a construction plan in connection with the demolition, per the City Code.

AR 2018-57

Applicant: RUPCO
Owner: Newburgh Community Land Bank Inc.
Location: 39 Dubois Street

Application to demolish the building.

AR 2018-58

Applicant: RUPCO
Owner: Newburgh Community Land Bank Inc.
Location: 33 Lander Street

Application to demolish the building.

AR 2018-59

Applicant: RUPCO
Owner: Newburgh Community Land Bank Inc.
Location: 133 Lander Street

Application to demolish the building.

AR 2018-60

Applicant: RUPCO
Owner: Newburgh Community Land Bank Inc.
Location: 135 Lander Street

Application to demolish the building.

AJ Coppola, Project Architect, Burke Blackman from the Newburgh Community Land Bank, and Emily Hamilton from RUPCO, all appeared before the Board.

The Project Architect said application numbers AR 2018-57 through AR 2018-60 are for demolition of the building currently on those properties and gave a brief overview of the project. He presented a layout of the project (which was made part of the record) and highlighted the following:

- Phase I began in 2014 and consisted of renovating 15 buildings to create 41 apartments for affordable housing
- Buildings are certified Leadership in Energy and Environmental Design (“LEED”)
- Phase I costs were approximately \$12 million (about \$285 thousand per dwelling)
- Project was partially funded by the low-income housing tax credit (LIHTC) program and the Historic Tax Credit (HTC) program
- Phase I will be completed by Fall 2018
- Phase II of the RUPCO project has begun for 23 buildings and approximately 63 apartments (11 buildings will be renovated, and 12 buildings will be new construction)
- Phase II buildings have been abandoned for decades
- Buildings will be handicapped-accessible (existing buildings will be lowered for accessibility)
- RUPCO is unable to salvage all the buildings and is requesting to demolish some buildings to mitigate the costs
- One (1) additional application will be submitted for demolition at a future date
- 98 Lander Street will be renovated at a cost of approximately \$1 million
- Eight (8) applications have already been submitted to the Zoning Board of Appeals (“ZBA”), and four (4) of those applications have already received approval
- Buildings for demolition lack historic content
- Provided layout of new construction
- Applicant will return at a later date with elevation drawings for proposed buildings and existing buildings

Mr. Blackman submitted engineering reports for 39 Dubois Street, 33 Lander Street, 133 Lander Street, and 135 Lander Street (which were made part of the record). He said all the buildings are in poor condition and the Land Bank did not receive many requests to purchase.

The Project Architect said demolition approval is requested because the existing buildings are collapsing, and construction of new buildings is significantly less expensive than rehabilitating the buildings. He said new buildings will be constructed later.

Mr. Blackman said he can provide financial information on the market value and costs of rehabilitation and new construction.

Mr. Hanson said he understands the overall project, but he is only concerned with the properties on the agenda. He said buildings like 99 Liberty Street were once considered unsalvageable, but the Property Owner was able to salvage that building. He said he will require additional time to review the engineering reports and his determination is based on whether the Applicant has explored all possibilities to salvage the building.

The Project Architect said he was involved in salvaging 99 Liberty Street and understands the concern. He said the buildings before the Board do not contribute significantly to the Historic District and are very expensive to renovate.

Mr. Hanson said the applications do not show the buildings in terrible condition. He said his home was in worse condition and he was able to salvage the building. He said the engineering reports state that salvaging the building is possible. He said that the presentation should be more relevant to the application. He said the history of the RUPCO project does not influence his decision and additional information addressing the criteria for demolitions per §300-42 of the City Code should be submitted.

Ms. Des Cognets said the Applicant requested demolition due to financial reasons and verbally addressed some of the Boards concerns. She said the Applicant should submit written information for the record and review the criteria for a hardship application.

The Assistant Corporation Counsel said the Applicant should address the considerations found in § 300-42(B).

Ms. Basch said the Applicant did great work on renovating the existing buildings in Phase I of the RUPCO project. She said additional information should be provided to the Board for consideration and asked if the proposed buildings will be different from the adjacent buildings in the neighborhood.

The Project Architect said the buildings will be three (3) story buildings and will blend into the neighborhood.

Ms. Basch said she is concerned the proposed buildings will not match the historical significance of the existing buildings.

Mr. Hanson said a financial analysis should be provided to determine the feasibility of renovating the existing buildings.

Mr. Blackman said renovation costs are high due to the condition of the building and the removal of asbestos in the buildings. He said he will submit the financial analyses for review at the following Board meeting.

Ms. Basch said the other buildings proposed for renovation should also be taken into consideration.

The Assistant Corporation Counsel asked which of the five (5) buildings for demolition have asbestos or require asbestos remediation.

Mr. Blackman said 39 Dubois Street, 133 Lander Street and 135 Lander Street have asbestos. He said he does not know if 35 Dubois street or 33 Lander Street have asbestos.

Mr. Hanson clarified the Applicant did not market the properties using real estate publications that approximately 95% of buyers use.

Mr. Blackman said the properties were marketed according to the Land Bank standards.

Ms. Des Cognets asked for the Land Banks marketing standards.

Mr. Blackman said the Land Bank obtained 102 properties and 61 properties have already been sold. He said of the 41 remaining properties, 35 properties are scheduled for renovation and approximately 20 buildings are part of the RUPCO Phase II project. He said the Land Bank is a non-profit organization specifically established under New York State Law to deal with abandoned properties and are marketed differently.

The Assistant Corporation Counsel confirmed the total size of the RUPCO Phase II project is approximately five (5) acres with build out of about 65 apartment units. He asked the Applicant for the totals of water usage, parking spaces and gross floor area for the entire Phase II project.

The Project Architect said approximate usage of 6,400 gallons of water per day, approximately 130 parking spaces, and approximately 65,000 feet of gross floor area.

The Assistant Corporation Counsel said those figures, if accurate, are well below the Type I action thresholds for SEQRA.

The Chairperson opened the public hearing for applications AR 2018-57 through AR 2018-60

There was no one present for or against the applications.

Applications AR 2018-57 to AR 2018-60 were tabled and the public hearing kept open until the following Board meeting. The Applicant was advised to submit additional information for the October 9, 2018 meeting.

AR 2018-61

Applicant: Jeff Wilkinson
Owner: Newburgh Community Land Bank Inc.
Location: 168 Lander Street

Application to repair/replace the windows and the cornice; install a wooden entry door and a new porch; clean/repoint masonry and paint the building using colors from the Benjamin Moore Historic color palette.

Jeff Wilkinson, Project Architect, appeared before the Board on behalf of the Land Bank.

The Project Architect said the intent is to renovate 168 Lander Street and gave an overview of the project. He highlighted the following:

- Building is one of ten rowhouses
- Replace existing stoop with wooden stoop painted Newburyport Blue HC-155 (Benjamin Moore)
- Install a new mahogany bi-swing wooden entry door with glass and wood panels
- Repair/replace covered windows and top floor windows with new arched top 2/2 wooden windows painted Newburyport Blue HC-155 (Benjamin Moore)
- Install a new mahogany bi-swing wooden entry door with glass and wood panels
- Clean/repoint masonry
- Repair/replace cornice in-kind and paint Newburyport Blue HC-155 (Benjamin Moore)
- Adding light fixture above entry door
- Brownstone arches will be restored

Mr. Hanson confirmed the front porch spindles will be made out of cedar wood.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Mr. Hoekema moved to approve the application as submitted.

- Repair/replace covered windows and top floor windows with new arched top 2/2 wooden windows painted Newburyport Blue HC-155 (Benjamin Moore)
- Replace existing stoop with wooden stoop painted Newburyport Blue HC-155 (Benjamin Moore) per application specs
- Clean/repoint masonry
- Repair/replace cornice in-kind and paint Newburyport Blue HC-155 (Benjamin Moore)
- Install a new mahogany bi-swing wooden entry door with glass and wood panels
- Install sub-fascia light fixture mounted at ceiling of entry door

Mr. Hanson seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2018-48

Applicant: Amber France
Owner: Amber France
Location: 53 Benkard Avenue

Returning for a determination regarding the porch and railing (second call).

Amber France, Property Owner, appeared before the Board. The Owner said she is returning for a determination regarding the porch and railing part of her application.

The Assistant Corporation Counsel read the comments of the August 14, 2018 ARC meeting for the 53 Benkard Avenue.

Ms. Basch confirmed the steps will be made from wood.

Mr. Wilkinson confirmed the rail will be made from wood with 2x2 balusters with newel posts.

Mr. Hanson confirmed the handrail and foot rail will be capped.

Ms. Basch moved to approve the application subject to the following conditions:

- Remove existing porch
- Construct a new wooden porch with perpendicular access from the sidewalk per application specs
- Install a wooden handrail with 2x2 balusters, four inches apart and 4x4 wooden newel posts
- Handrail and foot rail must be capped
- Paint the porch and railing Hunter Green 2041-10 (Benjamin Moore)

Ms. Des Cognets seconded the motion.

The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Omar E. Balbuena-Palma
Secretary to the Land Use Boards