

MINUTES
ARCHITECTURAL REVIEW COMMISSION
Meeting of August 13, 2019

The monthly meeting of the City of Newburgh Architectural Review Commission ("ARC") was held on Tuesday, August 13, 2019 at 6:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, NY 12550.

Members Present: Michele Basch, Chairperson
Jeff Wilkinson
Hannah Des Cognets
James Kelly
Jim Hoekema
Reggie Young (arrived at 6:38 p.m.; left at 7:37 p.m.)

Members Absent: Christopher Hanson

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

Minutes of the July 9, 2019 Meeting

Mr. Hoekema moved to approve the minutes from the July 9, 2019 meeting as submitted.

Mr. Kelly seconded the motion.

The motion was approved unanimously.

CONSENT AGENDA

AR 2019-61

Applicant: Keith Hills
Owner: Diane Hills
Location: 8 Farrington Street

Application to paint the exterior of the building using colors from the Benjamin Moore Historic color palette.

Mr. Kelly moved to approve the Consent Agenda as submitted.

Mr. Hoekema seconded the motion.

The motion passed unanimously.

PUBLIC HEARINGS

Mr. Young arrived to the meeting at 6:38 p.m.

AR 2019-56

Applicant: Lawrence Smith
Owner: Lawrence Smith
Location: 144 Johnston Street

Application to replace the exterior windows.

Lawrence Smith, property owner, appeared before the Board.

The property owner said the intent is to replace the existing vinyl windows in-kind.

The Assistant Corporation Counsel said the Board should review the submitted application and determine if the proposed windows are in-kind. He said in-kind replacements are subject to review by the Board, but if the Board determines that the proposed windows are not in-kind, they should discuss the application with the property owner.

The Chairperson said she has no reason to believe the proposed windows are not in-kind.

Mr. Kelly asked why photographs of nearby buildings were submitted.

The property owner said the pictures show that other buildings in the neighborhood have the same type of proposed windows installed.

The Chairperson said although the Board cannot prevent the installation of vinyl windows since they are considered an in-kind replacement, she said vinyl windows are not durable and will likely require replacement after approximately 10 years. She asked if the property owner purchased the windows already.

The property owner said he purchased the windows but they are not installed.

Mr. Kelly said the property owner should look to install wooden windows at some point in the future.

The property owner was informed to obtain a building permit from the Building Department for the in-kind replacements.

AR 2019-57

Applicant: Jeff Wilkinson
Owner: 194 Lander LLC
Location: 194 Lander Street

Mr. Wilkinson and Mr. Kelly recused themselves from application AR 2019-57.

Application to replace the roof and door; restore the wood sash, cornice, front steps and paint the exterior using colors from the Benjamin Moore Historic Color palette.

Jeff Wilkinson, Project Architect, appeared before the Board representing the property owner.

The Project Architect gave a brief overview of the application and highlighted the following:

- Repairing original windows;
- Repainting original door and window trim;
- Repointing the brick and restoring the brownstone;
- Replacing the bottom steps of the porch with bluestone treads and risers;
- Installing a new entry double-door made out of wood;
- Installing a new flat roof;
- Restoring wooden cornice and painting it Revere Pewter HC-172 (Benjamin Moore);
- Installing carriage house shingles on the top floor.

The Chairperson asked if there were any comments on the application. She said she had no comments.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Mr. Young moved to approve the application as submitted.

Ms. Des Cognets seconded the motion

The motion passed unanimously via roll-call vote.

AR 2019-58

Applicant: Tamsin Hollo
Owner: Tamsin Hollo
Location: 18 Benkard Avenue

Application to replace the front porch; repoint the masonry; repair the windows and paint the exterior using colors from the Sherwin Williams color palette.

The Applicant was not present upon first call of the application.

AR 2019-59

Applicant: Empire Solar Solutions, LLC
Owner: David Berger
Location: 144 Washington Street

Application to install a solar panel on the roof.

Erin McConnell from Empire Solar Solutions, LLC, Applicant, appeared before the Board on behalf of the property owner.

The Applicant said the intent is to install a new solar array on the roof. She said the project would entail replacing the roof with charcoal colored GAF Timberline HD shingles for structural support. She said 18 solar panels will be installed in the front of the building and 10 in the rear for a total of 28 solar panels. She said the meter would be installed in the basement or in a location either not visible or barely visible from the street.

Mr. Wilkinson confirmed the total system size is for 9.1 Kilowatts.

The Applicant said the panels would provide sufficient energy to power the building. She said the panels are made using non-reflective glass.

Mr. Wilkinson said the front of the building has a lot of proposed panels. He asked if the Applicant considered transferring panels to the rear.

The Applicant said they considered additional solar panels on the rear but decided against doing so because less panels in the front would look unpleasant.

Mr. Kelly said the East End Historic District Design Guidelines (“Guidelines”) discourage installing highly visible solar panels from the public rights-of-way. He said the application before the Board has three (3) visible sides from the public rights-of-way and if the solar panels are installed, they will be visible from all three (3) sides.

Ms. Des Cognets said she understands the concern but solar panels will need to be accommodated in the East End Historic District to promote green energy and less reliance on fossil fuels. She said page 21 of the Guidelines gives the Board discretion for approval in residential areas since it states that solar panels “may” be disallowed under certain circumstances.

Mr. Kelly said the building was constructed around 1830 and is one of the last remaining structures from that time period. He asked if the solar array could be installed on the rear garage.

The Applicant said the rear garage is completely obstructed by trees. She said utilizing the garage would require the removal of several trees.

Mr. Wilkinson said solar panels are becoming increasingly desirable and for the good of the environment, the Board should be a little more flexible. He said technology continues to evolve

and it won't be long until solar architectural shingles are produced. He said these solar panels are not permanent since they will require replacement after 30 years.

Mr. Young said if they approve this application, everyone will want approval for solar panels facing the street.

The Chairperson read the solar panel Guidelines for the benefit of the Applicant and public. She asked if the Board has previously approved solar panels in the front of a building.

Mr. Hoekema said the Board has approved at least one application but the solar panels were not as visible.

Mr. Kelly asked if the Applicant considered installing ground-mounted solar panels. He said the 50x100 feet lot should have sufficient room to accommodate ground-mounts.

The Applicant said ground-mounted solar panels would be even more difficult because they trigger setback compliance and are more expensive. She said there may not be sufficient room on the property due to the existing trees, so solar panels on the roof would probably be required. She said the solar panels would not bother the neighbors since the building next door is vacant.

Mr. Wilkinson said it would be better if the solar panels were installed on the roof and not the ground.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Ms. Basch moved to approve the application as submitted.

Mr. Hoekema seconded the motion

The motion passed 5-1 (Mr. Kelly voted against the application).

AR 2019-60

Applicant: Vivint Solar

Owner: River Valley Homes LLC

Location: 478 Liberty Street

Application to install a solar panel on the roof.

Max Gioia from Vivint Solar, Applicant, appeared before the Board on behalf of the property owner.

The Applicant said the building is a two-story building and the intent is to install a solar array on the roof. He said the proposed solar panel installation would be slightly visible from the public rights-of-way.

Mr. Wilkinson confirmed the kilowatt system size is for 7.875 kilowatts. He asked if the roof will be replaced.

The Applicant said they are not proposing to replace the roof.

Mr. Wilkinson said he is unsure if the roof will be able to sustain the solar array.

Ms. Des Cognets asked if the Board had any jurisdiction over the structural integrity of the roof.

The Assistant Corporation Counsel said the Board may only consider the exterior look of the proposed panel array. Code Compliance is tasked with ensuring the roof is structurally sound to support the panels. He said the Applicant would probably need to submit an engineer's report about the durability of the roof.

The Applicant said he submitted the certification to Code Compliance but he does not have a copy readily available.

Mr. Kelly said the roof looks to be in poor condition.

Mr. Wilkinson said the roof will require an engineer's certification.

The Applicant said if the roof requires replacement, they will return for approval by the Board.

Mr. Wilkinson confirmed the solar panels wrap around the roof of the building.

Mr. Kelly said the solar panels will hardly be visible from the street.

The Chairperson said the solar panels are visible from Mount Saint Mary's college.

Mr. Hoekema said the solar panels will hardly be visible from the street.

The Chairperson said there are no proposed solar panels in the front of the building. She said whether or not the roof can support the panels is not under the Board's purview. She clarified if roof replacement is required, the Applicant must return for approval.

Mr. Wilkinson asked if a suggestion may be added to the decision letter for Code Compliance to review the structural integrity of the roof.

The Assistant Corporation Counsel said the recommendation may be added to the decision letter, but it will be advisory only.

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 subject to the following condition:

- Applicant must submit documentation from a New York State Certified Engineer that confirms the roof is structurally sound to support the lifetime weight of the proposed solar panels.

Mr. Young seconded the motion.

The motion passed unanimously via roll call vote.

AR 2019-58

Applicant: Tamsin Hollo

Owner: Tamsin Hollo

Location: 18 Benkard Avenue

Application to replace the front porch; repoint the masonry; repair the windows and paint the exterior using colors from the Sherwin Williams color palette.

The property owner appeared upon second call of the application.

The property owner said the intent is to restore the front porch of the building, repair the windows and paint the exterior using colors from the Sherwin Williams color palette.

Mr. Kelly asked if the intent is to restore or replace the porch.

The property owner said the intent is to restore the porch in order to make the structure stable. If any elements could not be stabilized, they would be replaced. She said turned posts will be added to the top of the steps and the existing door will not be changed. She said the intent is to maintain the cement steps.

Mr. Hoekema confirmed the roof will also be repaired/replaced if necessary.

The Chairperson asked if the steps next to the porch will be removed.

The property owner confirmed the steps leading downstairs will remain.

The Chairperson confirmed the windows will be repaired and repainted.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Ms. Des Cognets moved to approve the application as submitted.
Ms. Basch seconded the motion.
The motion passed unanimously via roll-call vote.

OLD BUSINESS

RUPCO Projects

The Assistant Corporation Counsel said application numbers AR 2019-31 through AR 2019-42 are part 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 the applications together.

Jeff Wilkinson recused himself from Application AR2019-31 through AR2019-42.

AR 2019-31

Applicant: RUPCO
Owner: Newburgh Community Land Bank Inc.
Location: 35 Dubois Street

Application to construct a new three-story apartment building.

AR 2019-32

Applicant: RUPCO
Owner: Newburgh Community Land Bank Inc.
Location: 37 Dubois Street

Application to construct a new three-story apartment building.

AR 2019-33

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

Application to construct a new three-story apartment building.

AR 2019-34

Applicant: RUPCO
Owner: Newburgh Community Land Bank Inc.
Location: 42 Lander Street

Application to construct a new three-story apartment building.

AR 2019-35

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

Application to construct a new three-story apartment building.

AR 2019-36

Applicant: RUPCO
Owner: Newburgh Community Land Bank Inc.
Location: 44 Lander Street

Application to construct a new three-story apartment building.

AR 2019-37

Applicant: RUPCO
Owner: Newburgh Community Land Bank Inc.
Location: 215 First Street

Application to construct a new three-story apartment building.

AR 2019-38

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

Application to construct a new three-story apartment building.

AR 2019-39

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

Application to construct a new three-story apartment building.

AR 2019-40

Applicant: RUPCO
Owner: Newburgh Community Land Bank Inc.
Location: 122 Lander Street

Application to construct a new three-story apartment building.

AR 2019-41

Applicant: RUPCO
Owner: Newburgh Community Land Bank Inc.
Location: 118 Lander Street

Application to construct a new three-story apartment building.

AR 2019-42

Applicant: RUPCO
Owner: Newburgh Community Land Bank Inc.
Location: 114 Lander Street

Application to construct a new two-story apartment building.

AJ Coppola, Project Architect, and Chuck Snyder, RUPCO, appeared before the Board.

The Project Architect said application numbers AR 2019-31 through AR 2019-42 are for new construction and gave an overview of the project. He highlighted the following:

- Housing and Community Renewal (“HCR”) application filed on December 2018;
- Project awarded funding in May 2019;
- Project scope has grown to include 24 properties;
- Properties set to close and begin construction around March 2020;
- 22 buildings will have 61 apartments;
- Submitted revised drawings for 12 new construction buildings;
- Historic Preservationist assisted in historic color scheme for buildings;
- Revisions include a variation of colors, porch styles and architectural features;
- Same brick color proposed for all new construction buildings;
- Provided photographs of 10 buildings for rehabilitation;
- Rehabilitation buildings will be repainted where appropriate;
- Requesting approval on revised drawings for the 12 buildings and feedback on rehabilitation.

Mr. Young said he would prefer a flat roof instead of the “raised” look at the top of the window bay.

The Project Engineer said he understands the concern but it is too late in the project process to change the design of the building that dramatically.

Mr. Young excused himself and left the meeting at 7:37 p.m.

The Chairperson confirmed all of the proposed windows will be Pella aluminum clad windows. She requested a copy of the color palette for the project.

The Project Engineer submitted the Benjamin Moore Historic Color brochure for consideration (which was made part of the record).

Mr. Kelly asked if 116 Lander Street will be painted and if the slate roofs found at 98 Lander Street and 197 First Street will be replaced with slate.

The Project Engineer clarified that the rehabilitation buildings will be repainted only if there is existing paint; otherwise, they will be left unpainted. He said the slate roofs will be replaced with slate. He said the Project Contractor goes to great lengths to obtain the necessary materials.

Mr. Kelly asked if the verge board on the buildings will be removed/recreated.

The Project Engineer said the verge board will be recreated. He said the National Park Service informed them that any loss of historic content on the rehabilitation buildings may jeopardize the issuance of tax credits. He said the carriage house at 98 Lander Street is not usable/repairable and will be removed.

Ms. Des Cognets commended the Applicant for addressing some concerns of the Board. She asked if 114 Lander Street and 122 Lander Street will have the cornice angled away from the roof of the window bay or if they will be straightened.

The Project Engineer said those two (2) buildings showcase the incorrect cornice look. He said the cornice will be revised to a simplified straight look.

Ms. Des Cognets asked if the entry style of attached buildings could be changed to match and have different entry styles only when buildings are not attached.

The Project Engineer said he can accommodate the request if that is a concern of the Board.

Mr. Hoekema said he is comfortable with the proposed entry styles because they give a unique individuality to the buildings.

Mr. Kelly said the entry styles are a matter of opinion but he is comfortable with the proposed entry styles.

Ms. Des Cognets said she prefers a matching entry style to attached buildings.

Mr. Snyder said he was under the impression that the Board wanted to accentuate the individuality of each building.

The Chairperson clarified that the buildings should be unique but they should not overpower the rest of the buildings.

Mr. Kelly said the buildings should be unique but they should maintain a modern look with the least amount of ornaments.

Mr. Snyder confirmed the buildings are a nod to the past in proportion but not in ornamental style.

Ms. Des Cognets asked if the brick apron at the bottom of the new buildings may be removed.

The Project Engineer said he likes the brick apron and said it serves a practical purpose.

Mr. Kelly said he is in favor of removing the brick apron but is not against leaving it on if it has a practical application.

Mr. Snyder said the brick apron is the best solution since the Project Engineer is hesitant to replace the brick apron with hardie board for a variety of reasons.

With respect to application AR 2019-31 for 35 Dubois Street

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Ms. Basch moved to approve the application as submitted.

Mr. Hoekema seconded the motion.

The motion passed unanimously via roll-call vote.

With respect to application AR 2019-32 for 37 Dubois Street

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Ms. Basch moved to approve the application as submitted.

Mr. Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

With respect to application AR 2019-33 for 39 Dubois Street

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Ms. Basch moved to approve the application as submitted.

Ms. Des Cognets seconded the motion.

The motion passed unanimously via roll-call vote.

With respect to application AR 2019-34 for 42 Lander Street

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Ms. Basch moved to approve the application as submitted.

Mr. Hoekema seconded the motion.

The motion passed unanimously via roll-call vote.

With respect to application AR 2019-35 for 33 Lander Street

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Ms. Basch moved to approve the application as submitted.

Mr. Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

With respect to application AR 2019-36 for 44 Lander Street

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Ms. Basch moved to approve the application as submitted.

Ms. Des Cognets seconded the motion.

The motion passed unanimously via roll-call vote.

With respect to application AR 2019-37 for 215 First Street

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Ms. Basch moved to approve the application as submitted.

Mr. Hoekema seconded the motion.

The motion passed unanimously via roll-call vote.

With respect to application AR 2019-38 for 135 Lander Street

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Ms. Basch moved to approve the application as submitted.

Mr. Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

With respect to application AR 2019-39 for 133 Lander Street

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Ms. Basch moved to approve the application as submitted.

Ms. Des Cognets seconded the motion.

The motion passed unanimously via roll-call vote.

With respect to application AR 2019-40 for 122 Lander Street

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

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

- Cornice at the top of the bay window will continue the “straight” look from the bay.

Ms. Des Cognets seconded the motion.

The motion passed unanimously via roll-call vote.

With respect to application AR 2019-41 for 118 Lander Street

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Ms. Basch moved to approve the application as submitted.

Mr. Hoekema seconded the motion.

The motion passed unanimously via roll-call vote.

With respect to application AR 2019-42 for 114 Lander Street

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

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

- Cornice at the top of the bay window will continue the “straight” look from the bay.

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 8:02 p.m.

Respectfully submitted,

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