

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

Michele Basch, Chairperson
Omar E. Balbuena-Palma, Secretary
Phone: (845) 569-7380 Fax: (845) 569-9700

MINUTES
ARCHITECTURAL REVIEW COMMISSION
Meeting of September 10, 2019

The monthly meeting of the City of Newburgh Architectural Review Commission (“ARC”) was held on Tuesday, September 10, 2019 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
James Kelly
Jim Hoekema
Reggie Young (arrived at 6:38 p.m.)

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

Minutes of the August 13, 2019 Meeting

Mr. Hanson moved to approve the minutes from the August 13, 2019 meeting as submitted.
Ms. Basch seconded the motion.
The motion passed unanimously.

CONSENT AGENDA

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

AR 2019-63

Applicant: John Prokosch
Owner: Pro 13 Properties LLC & Zucker Joanna & Arnold I
Location: 79 Liberty Street

Application to paint the exterior of the building using colors from the Sherwin Williams Historic color palette.

Mr. Kelly moved to approve the Consent Agenda as submitted.
Ms. Basch seconded the motion.
The motion passed unanimously.

OLD BUSINESS

AR 2019-22

Applicant: Berg + Moss Architects PC
Owner: B&S Fortune Realty LLC
Location: 300 Liberty Street

Application to replace the entry door.

Jon Moss, Applicant from Berg + Moss Architects PC, appeared before the Board on behalf of the property owner.

The Applicant said the intent is to replace the existing door on the building and add sidelights to the entry. He said the modifications will be painted Kendall Charcoal HC-166 (Benjamin Moore).

The Chairperson confirmed glass sidelights will be added per the submitted drawing.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Mr. Hanson moved to approve the application as submitted.

Mr. Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-55

Applicant: Philippe Pierre
Owner: Lower Broadway Development, LLC
Location: 96 Broadway

Mr. Wilkinson recused himself from application AR 2019-55.

Application to install a fence.

Philippe Pierre, Applicant, appeared before the Board on behalf of the property owner.

The Applicant returned for a determination on the fence. He asked to add a gate at 98 Broadway for security reasons.

The Chairperson confirmed the fence will be a six (6) foot tall fence with a gate, made out of cedar. She confirmed the fence will be set back approximately four (4) feet from the property line.

Ms. Des Cognets said she appreciates the revised detail and said the Board has made exceptions for privacy/security reasons before. She said the proposed shrubs in front of the gate should provide adequate screening.

Mr. Hanson confirmed the empty lot is part of the same parcel of 96 Broadway. He asked for the long term plan of the lot.

The Applicant said the empty lot will serve as a patio to the business for the foreseeable future.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

The Chairperson asked if the intent of the fence is temporary or permanent.

The Applicant said the fence will be permanent.

The Chairperson asked if the fence will be painted.

The Applicant said the fence will not be painted but he is aware he must return if he decides to paint the fence.

Mr. Young moved to approve the application as submitted with the following conditions:

- Install an unpainted six (6) foot tall wooden cedar fence and gate with a four (4) foot setback next to the building per applications specs.
- Fence must be screened with a privet hedge.

Mr. Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

PUBLIC HEARINGS

AR 2019-64

Applicant: Richard Fracasse
Owner: 45-47 Grand Street Realty, LLC
Location: 45-47 Grand Street

Application to ratify an entry ramp.

Richard Fracasse, Applicant, appeared with Alec Galli, Project Architect, before the Board on behalf of the property owner.

The Project Architect said the Applicant purchased the building and, after Senator Skoufis and Assemblyman Jacobs moved in as tenants, realized the building required a ramp to become ADA

compliant. He said rather than wait for a potential lawsuit, the Applicant installed a ramp. He then received a violation notice because the ramp was constructed without a building permit and without ARC approval. He said the intent now is to ratify the existing ramp.

Mr. Wilkinson asked if the ramp conforms to ADA specifications.

The Project Architect said it meets the regulations.

The Applicant said the only alternative is to cut into the existing granite sidewalk.

Mr. Kelly said he prefers an alternative material for the ramp.

Mr. Wilkinson said a dyed concrete could have been used.

The Applicant said he understands the concern but in six (6) months or a year, the current color of the ramp will settle and match the current color of the existing sidewalk. He said he has a limited amount of workspace and modifying the ramp could cause tripping hazards.

Mr. Wilkinson said he is not open to approving the ramp as is.

Mr. Young said he understands the reason for the ramp but it looks completely out of place within the East End Historic District.

Ms. Des Cognets said the Applicant should look into the Streetscape Standards for the Historic District to replace the ramp/sidewalk.

The Applicant said the options in the Streetscape Standards are not viable because there is no existing Bluestone on the property now and it would not be a suitable material for the limited space. He asked for a different option if not concrete.

The Assistant Corporation Counsel said there is an option to install dyed concrete per the Streetscape Standards.

The Applicant said he is open to addressing the situations as fast as possible because he already spent approximately \$14,000 in legal fees to get Senator Skoufis in the building. He asked what else the Board is looking for in order to approve the ramp.

Mr. Wilkinson said he could use dyed concrete for the ramp per the Streetscape Standards.

The Project Architect said the ramp may be grinded down and then dyed but over time, it is subject to crack. He said the Applicant was motivated to install the ramp to avoid a lawsuit that could potentially cost him over a million dollars.

Mr. Hanson said historic buildings have historic exemptions to the building code so long as a reasonable effort was made. He said this protects property owners from lawsuits.

The Chairperson read the East End Historic District Design Guidelines for Accessibility Ramps aloud for the benefit of the public and Applicant.

The Applicant asked if he agreeing to dyed concrete would be sufficient for approval.

Mr. Hanson asked if there is an alternative entrance to the building.

The Applicant said there was not an alternative based on the layout of the property and ADA regulations.

Mr. Hanson said as soon as winter arrives, the existing ramp will be destroyed.

Mr. Kelly said a symmetrical ramp could be cut into the sidewalk.

Mr. Young said bluestone may be added to the site and angled into the building.

The Project Architect said adding bluestone would be reasonable if there was any existing bluestone on site but there is no existing bluestone anywhere on site.

Mr. Hanson said dyed concrete may be used in lieu of bluestone but it must color match the existing sidewalk. He said the Applicant has a few options available with regards to the ramp design.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Mr. Wilkinson said the ramp is a small project and a conditional approval is not out of the question. He said conditional approval depends on what the Applicant is willing to commit to.

The Applicant said there is a limited amount of space available and he does not want to spend thousands of dollars on the project. He said he is willing to work with the ARC provided the approval is reasonable and conforms to the Building Code.

The Board discussed alternative options for the ramp with the Applicant.

The Project Architect said they are under a time constraint to resolve the issue before their next court hearing.

The Assistant Corporation Counsel said the Applicant will be given an opportunity to remediate. He said the Applicant may research alternative options and then resubmit revised details for consideration at the next ARC meeting.

The Chairperson said it is better to adjourn the application and have the Applicant resubmit revised drawings after consulting the Building Department to ensure it meets the Building Code.

The Application was tabled and the Applicant was informed to submit revised plans for consideration at the next ARC meeting on October 8, 2019.

AR 2019-65

Applicant: Reggie Young
Owner: William Cappelletti
Location: 159 Broadway

Mr. Young recused himself from application AR 2019-65.

Application to install a new double-door, new signs, new light fixtures and paint the exterior of the building.

Reggie Young, Applicant, appeared before the Board on behalf of the property owner.

The Applicant said he would like to table the door portion of the application in light of recent discussion regarding ADA compliance. He said he would like to obtain approval for new signs, light fixtures and paint.

Ms. Basch confirmed a salvaged antique metal bracket mount will be used for the blade sign and the proposed colors for the exterior are Bottle Green 3022 (Fine Paints of Europe), Coach Green 3088 (Fine Paints of Europe) and Wooden Shoes 2029 (Fine Paints of Europe).

The Applicant said the blade sign will be painted in Wooden Shoes 2029 (Fine Paints of Europe).

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Mr. Wilkinson confirmed three (3) Carson L-Arm light fixtures from Rejuvenation will be installed above the lights.

Mr. Hanson moved to approve the application as submitted, subject to the following condition:

- Applicant must return for a determination regarding the door portion of the application.

Mr. Hoekema seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-66

Applicant: David Katina
Owner: SH Newburgh Ventures LLC
Location: 155-159 Ann Street

Application to ratify a door and siding.

David Katina, Applicant, appeared before the Board on behalf of the property owner.

The Applicant said the intent is to ratify the existing siding and door at 155-159 Ann Street. He said the alleyway used to be a gathering area for illegal activity on the block. After numerous police phone calls and complaints from the neighbors, he took it upon himself to block the alleyway for safety reasons. He said he was unaware the property was within the East End Historic District until a violation was issued.

Mr. Young confirmed the panel above the siding was not modified.

Mr. Hanson asked if the Applicant considered installing a metal gate.

The Applicant said a metal gate is not sufficient to deter crime in the area.

Mr. Wilkinson said the existing modification looks completely out of place.

Mr. Kelly said the alleyway used to be a carriage entryway. He suggested installing a carriage door or a metal gate.

Ms. Basch clarified that a large double door or a full wrought iron gate would be more appropriate to the area. She asked if the Applicant considered installing motion activated lights.

The Applicant said he tried installing lights to no effect. He asked if there is a cost effective solution available with a working door for access because installing a metal gate will cost him approximately \$3,000.

Mr. Kelly said the Applicant may choose to install a 19th century wooden barn double-door and keep one of the doors permanently closed. He said they are more economical.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Ms. Basch said the Applicant should review his options and return with a different proposal for review.

The Application was tabled and the Applicant was informed to submit revised information for consideration at the next ARC meeting on October 8, 2019.

AR 2019-67

Applicant: Ian MacDonald
Owner: Ian MacDonald
Location: 271 Third Street

Application to replace six (6) windows on the façade.

Ian MacDonald, property owner, appeared before the Board.

The property owner said the intent is to replace six (6) existing windows on the façade. He said the windows will be Anderson 400-series Woodwright double hung wood windows painted Terratone.

Mr. Hanson confirmed the windows will be 1/1 windows with no dividers.

Mr. Young asked if the windows will fit into the existing original window jams or go from brick to brick.

The Applicant asked for a clarification.

Mr. Hanson said the Andersen Woodwright do not extend from brick to brick.

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.

Mr. Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-68

Applicant: David Obrien
Owner: 13 Liberty, LLC
Location: 13 Liberty Street

Application to install a new storefront, main entry door and paint the exterior of the building using colors from the Sherwin Williams color palette.

David Obrien, Applicant, appeared before the Board on behalf of the property owner along with Floyd Johnson.

The Applicant said the proposal is to renovate the building and install a new storefront.

Ms. Basch confirmed there are no existing windows on the first floor and they will be adding storefront windows.

Mr. Kelly asked if there was any details on the proposed transom and double door for the storefront.

The Applicant said there are no details currently available. He will return with revised drawings for consideration. He said the intent is to install a storefront similar to the storefront next door.

Mr. Wilkinson said it appears the double door is made out of metal and suggested additional details on the storefront should be provided to clarify.

Mr. Kelly said he has no concern regarding the proposed residential entry.

Mr. Wilkinson asked if the second or third story windows will be replaced.

The Applicant said there is no intention of replacing the second or third story windows at this time. He submitted a color packet for consideration (which was made part of the record) and said 13 Liberty Street will be painted using colors from the Sherwin Williams color palette per the submitted drawing. He said 11 Liberty Street is under the same ownership and is a mirror building to 13 Liberty Street. He requested the Board to approve painting the building at 11 Liberty Street to match the colors of 13 Liberty Street.

Mr. Wilkinson asked if the intent at 11 Liberty Street is to create a storefront to match 13 Liberty Street.

The Applicant said there is no intention to construct a storefront at 11 Liberty Street.

Mr. Young confirmed the intent for 11 Liberty Street is for painting only. He asked the Applicant to try to salvage the original storefront façade at 13 Liberty Street.

Mr. Des Cognets said she has no issues regarding the residential entry area of 13 Liberty Street.

Ms. Basch said she has no issue approving the colors at 11 Liberty Street if they match the colors at 13 Liberty Street.

Mr. Kelly asked if there was any intention to repair/replace the cornice.

The Applicant said they are intending the repair the wooden cornice in-kind.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Mr. Wilkinson moved to approve the application as submitted, subject to the following conditions:

- Repair/replace the wooden cornice in-kind;
- Install a new residential entry per application specs;
- Paint the exterior of 13 Liberty Street using colors from the Sherwin Williams color palette per application specs.
- Paint the exterior of 11 Liberty Street to match the color palette at 13 Liberty Street;

Ms. Basch seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-69

Applicant: Daniel Guarnaccia

Owner: Daniel Guarnaccia

Location: 2 Lilly Street

Application to replace the roof and storm door; install a fence and re-paint the exterior of the building.

Daniel Guarnaccia, property owner, appeared before the Board with James Guarnaccia.

The property owner said the intent is to replace the storm door, install a new powder white fence and replace the roof at 2 Lilly Street with asphalt shingles.

Mr. Kelly confirmed the neighbor next door has asphalt shingles on their roof and the intent is to match the roof.

Mr. Hanson asked for the details on the door color.

The property owner said they will color match the storm door to the rest of the building. He said they would like to remove the vinyl siding around the entry door to expose the screen porch underneath.

Mr. Young confirmed the existing entry is not original and it was enclosed by vinyl siding.

Mr. Hanson said the vinyl siding was installed poorly and does not match the rest of the siding on the building.

Mr. Young said half of the screen porch was lost and now the roof is going to be lost as well. He asked if the property owner considered installing slate shingles.

Mr. Guarnaccia said they purchased the property for approximately \$70,000 and have already budgeted more than \$140,000 on the project. He said they are well beyond their initial budget and installing a slate roof would cost an additional \$18,000. That charge would put them far over budget. He said he understands the position of the Board, but the roof has massive holes on it as shown by the pictures he submitted and it needs to be addressed quickly to avoid leaks and further damage to the building.

Mr. Hanson said buildings in the Colonial Terraces Design District sell for approximately \$170,000 to \$205,000. He said requiring the property owner to install a \$40,000 slate roof is not a reasonable ask from a financial standpoint. He said it is more reasonable to have a property owner save the building instead of waiting for someone to restore the original roof.

Mr. Young said the buildings will eventually sell for \$300,000. He said the Board should stop looking at cost as opposed to restoration.

Mr. Hanson said the influx of people/investors to Newburgh has not driven the value/sell price of these buildings. He said at this time it is not reasonable to require a property owner to install a slate roof especially if it will cost approximately 25% of the building's value.

Mr. Guarnaccia said the property owner intends to live in the building as opposed to a contractor/investor who seeks to rent the place out.

Mr. Young asked for clarification on home ownership as it pertains to the Board.

The Assistant Corporation Counsel said the Board may not to consider home ownership versus rental as a factor in its consideration.

Mr. Wilkinson said purchasing the slate roof is worth it in the end. He said the property owner should obtain different quotes from contractors who specialize in slate roofs. He said slate roofs are repairable most of the time.

Mr. Guarnaccia said due to the terms of the mortgage by their Federal Housing Administration lender, they are required to go through their contractor for any work on the building. He said they must pay out of pocket for any additional costs not quoted by their contractor.

Mr. Hanson asked if they have looked into obtaining tax credits.

Mr. Guarnaccia said he was not aware of the tax credits and said he will look into it.

Mr. Wilkinson said he would be happy to approve an asphalt shingle roof but he would like to see a quote from a specialist in slate roofing stating that the existing roof is not repairable.

Ms. Des Cognets said the Board may consider the application as a hardship application. She said the property owner has done their due diligence in trying to repair the roof.

The Chairperson said she is not opposed to the asphalt shingles and said she is comfortable approving composite slate shingles.

Mr. Young said he is comfortable approving composite slate shingles.

Mr. Guarnaccia said he is not opposed to repairing the slate roof or installing composite slate shingles. He said the terms of the mortgage and the out of pocket costs limit his options. He said the roof is prone to leakage, there is still much interior work left and the Board meets once a month. He asked for a clear direction forward to avoid delaying the project and risking additional damage to the building.

Ms. Des Cognets said the applicant should be given the option to install a composite roof.

Mr. Wilkinson agreed and said the property owner should look into repairing the slate roof.

The Assistant Corporation Counsel clarified that replacing the roof in-kind does not require review by the Board.

Mr. Hoekema asked if the Board was comfortable approving the proposed fence.

Mr. Guarnaccia said the proposed fence would match the existing fence and it will be painted powder white to match the house.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Mr. Guarnaccia said he is open to saving money and is willing to look at the different costs for the roof repair/replacement.

Mr. Wilkinson moved to approve the application as submitted, subject to the following conditions:

- Remove existing vinyl siding and door on the porch entry and restore the original screen porch with a new wooden screen door, painted white;
- Install a six (6) foot tall wooden fence and gate, painted Powder Sand, in front of the driveway that closes the gap between the building and existing fence;
- Applicant has the following options with respect to the existing slate roof:
 - Remove the slate roof and install asphalt shingles;
 - Remove the slate roof and install composite slate shingles;
 - Repair/replace the slate roof in-kind;
- The Applicant is urged, but not required, to repair/replace the slate roof in-kind.

Ms. Basch seconded the motion

The motion passed unanimously via roll-call vote.

With no further business to discuss, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

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