

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

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MINUTES
ARCHITECTURAL REVIEW COMMISSION
Meeting of March 12, 2019

The monthly meeting of the City of Newburgh Architectural Review Commission (“ARC”) was held on Tuesday, March 12, 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 (arrived at 6:38 p.m.)
Hannah Des Cognets
Jim Hoekema
James Kelly

Members Absent: Isaac Diggs

Also Present: Jeremy Kaufman, Assistant Corporation Counsel (arrived at 6:49 p.m.)
Omar E. Balbuena-Palma, Secretary to the Land Use Boards

Minutes of the January 8, 2019 Meeting

Mr. Hanson moved to approve the minutes from the January 8, 2019 meeting as submitted.
Mr. Kelly seconded the motion.
The motion was approved unanimously.

CONSENT AGENDA

AR 2019-09

Applicant: Tamsin Hollo
Owner: Tamsin Hollo
Location: 120 First Street

Application to paint the building using colors from the BEHR and Sherwin Williams color palette.

AR 2019-10

Applicant: Fidelity Real Estate Management
Owner: Marlon Wilson
Location: 61 Courtney Avenue

Application to ratify the existing paint on the building and repaint it using colors from the Benjamin Moore Historic Color palette.

AR 2019-11

Applicant: Alan Liani
Owner: 8183 William LLC
Location: 81-83 William Street

Application to paint the building using colors from the Benjamin Moore Historic Color palette.

Ms. Basch moved to approve the Consent Agenda.

Ms. Des Cognets seconded the motion.

The motion passed unanimously.

AMENDMENT REQUEST

Ms. Des Cognets recused herself from the Board for application AR 2016-31.

AR 2016-31

Applicant: Hannah Des Cognets (f.k.a. Hannah Walsh)
Owner: Hannah Des Cognets (f.k.a. Hannah Walsh)
Location: 18 Lander Street

Amendment request to revise the windows and exterior plan.

Hannah Des Cognets, property owner, appeared before the Board.

Ms. Des Cognets said she received approval for 18 Lander Street in 2016 when she was not a member of the Board. She said the decision letter included replacing the windows, an exterior courtyard and cedar cladding on the lower portion of the building. She said the intent is to amend the type of windows and remove the courtyard and cladding work until a later date. She said the initial cost estimates had to be drastically revised after discussions with the Building Inspector and an architect. She said the courtyard and subsequent cladding are still a vital part of her vision but need to be delayed due to financial considerations. She said the contractor she hired ignored her instructions and ordered/installed vinyl Jeld-Wen windows with a black exterior. She said the upper windows are 1/1 and the bottom windows are 6/6 except the two (2) northern windows on the east façade that are 4/4. She said a lawyer advised her only option was to file a claim and proceed to small claims court but it would cost as much, if not more than, new windows and it

would significantly delay the project. She said she is stuck because financing a court case or paying for an entirely new set of windows is not feasible. She said after reviewing the East End Historic District Guidelines, she concluded that the ARC may approve the windows without detriment to the historic district. She said 18 Lander Street is listed as a “non-contributing” building in the East End Historic District survey and is neighbored to the south and west by vacant lots and faces a municipal parking lot to the east. She said the only adjacent historic building is a row house to the north.

Jeff Wilkinson arrived to the ARC meeting at 6:38 p.m.

The owner said due to the modern, industrial character of the building and the lack of significant immediate historical context, the windows suit the building and do not detract from the character of the historic district.

Mr. Hanson said there are two (2) buildings on the property. He clarified that the proposed work pertains to the building directly in front of Lander Street and not the building on the rear of the lot. He confirmed the owner will submit a separate application for that building.

The owner said the Building Inspector will not issue a Certificate of Occupancy until all of the conditions of the ARC decision letter are addressed. She said those conditions include the proposed work to the courtyard and subsequent cladding. She said the work cannot be completed and she is requesting to remove the courtyard and cladding as a condition from the decision letter.

Ms. Basch said she has no issue in removing the courtyard and cladding from the decision letter. She asked for the intent of the rear building on the lot.

The owner said that building will be renovated as part of a separate application. She said the windows are mostly steel frame windows that will be repaired and the majority of the building will be renovated as is.

Mr. Kelly moved to approve the amendment request as submitted.

- Remove exterior courtyard and cedar cladding as a condition of the existing Certificate of Appropriateness (see Decision AR 2016-31);
- Accept the black vinyl Jeld-Wen windows currently installed on the building.

Ms. Basch seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2018-48

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

Amendment request to ratify the replaced windows.

Amber France, Property Owner, appeared before the Board.

The owner requested to amend the decision letter for 53 Benkard Avenue in order to ratify custom vinyl windows installed on the building. She said the approved wood windows require several weeks to arrive and are not financially feasible. She said Hudson Windows and Siding quoted her \$7,400 for just the front windows; Anderson declined to provide a quote because they determined it would not be economical for a rental property and Home Depot's Jeld-Wen quote was approximately \$650 per window. She said Jeld-Wen windows have a 12 week lead time that would have left the property exposed for too long. She said the property has been broken into and she needed to get windows installed immediately for safety reasons and for weather protection.

Mr. Wilkinson said the installed windows look inappropriate to the building.

The owner submitted pictures for consideration (which were made part of the record) and said the contractor installed a wooden trim above the frame of the windows in order to hide the fact that vinyl windows are installed.

Ms. Basch said the windows will warp over time and will require replacements sooner rather than later.

Ms. Des Cognets confirmed the vinyl windows are paintable.

Mr. Wilkinson said vinyl windows are a temporary fix because they do not last long. He said the wooden trim reduces the window opening by approximately four (4) inches.

Mr. Hanson agreed that it is a significant reduction in glazing.

Ms. Des Cognets said she understands the guidelines but the ARC must look at the context of the application before it. She said the owner is submitting a hardship application and is making a good faith effort to address the ARC guidelines.

Mr. Wilkinson said the owner could have installed alternative windows that satisfy the ARC guidelines. He said he sympathizes with the owner but he is in a difficult position.

The Assistant Corporation Counsel arrived to the ARC meeting at 6:49 p.m.

Ms. Basch confirmed the owner was unable to obtain different windows at a more reasonable price. She read the East End Historic District Guidelines and said darker windows are preferred. She asked if the ARC may condition future window replacements as wood windows.

The Assistant Corporation Counsel said an owner is allowed to replace a window in-kind without approval Certificate of Appropriateness. He clarified that replacing “in-kind” means replacing a window with the exact type of window in the same material type, in the exact configuration, in the exact window opening. He said that if the ARC approves vinyl windows now, any future replacements will allow for vinyl windows of the same type, configuration, shape, etc..

Mr. Hanson said the issue lies with applicant’s returning to the ARC and not complying with the Guidelines in the first place.

Mr. Wilkinson said they already spoke to the owner about the windows at a previous ARC meeting and he feels pressured to make a decision.

Ms. Basch agreed and said that the context is important because the owner has made a good faith effort to abide by the guidelines.

Ms. Des Cognets asked what would happen if the ARC denied the request.

The Assistant Corporation Counsel said if the request is denied, the owner must then reapply to replace the windows and obtain ARC approval. In the event the owner does not obtain ARC approval, the Building Department will issue a violation for non-compliance with the ARC mandate and the owner will be subject to fines, which accrue at \$250 per day until the owner cures the violation.

Ms. Basch confirmed six (6) vinyl windows are installed and they can hold paint.

The owner said the manufacturer informed her that the windows can hold paint.

Mr. Kelly said the owner should provide a letter/document from the manufacture confirming the claim.

Ms. Des Cognets agreed and said it is a good compromise.

Mr. Hanson said painting the windows in a darker color would better fit the neighborhood.

Ms. Basch moved to approve the amendment request, subject to the following conditions:

- Accept the vinyl windows currently installed on the building;
- Vinyl windows must be painted a darker color and the wooden trim covering the windows must be removed;
- Applicant has up to one (1) calendar month to submit a letter/form from manufacturer that states the installed vinyl windows can be painted;

- Applicant is strongly encouraged though not required to replace the vinyl windows with wood windows at a later date.

Mr. Kelly seconded the motion.

The motion passed 5-1 via roll-call vote (Mr. Wilkinson voted against the application).

OLD BUSINESS

AR 2018-26

Applicant: Milton Stubbs, Pastor
Owner: A.M.E. Zion Church of Newburgh
Location: 111 Washington Street

Application to demolish the church.

Pastor Milton Stubbs and Reverend Julius Walls appeared, both representing the property owner.

Reverend Walls submitted a summary of the Unified Funding 2017 Project Awards (which was made part of the record) for consideration. He gave a brief overview of the application and highlighted the following:

- Total annual income for fiscal 2018 after expenses is approximately \$5,000;
- Unified Funding Awards data show that six (6) residential unit buildings may receive financial support but anything below that is not attempted;
- The Church requests approval to demolish the building based on economic hardship per §300-42 of the City Code;
- New building will be constructed that incorporates elements of the existing church;
- Demolition will not commence until the Building Department approvals are obtained for construction of the modern church;

Reverend Walls said they appeared two (2) times before the ARC after their initial presentation. He highlighted the discussion of those meetings:

- May 8, 2018 ARC Meeting;
 - Concept plan of building submitted with the Church in the center around a 6-story building;
 - Explained the difficulty in obtaining tax credits and funding;
- November 13, 2018 ARC Meeting
 - Addressed concerns from the Board for the concept plan and reduced the building height to a 4-story building;
 - Modern church fits within the neighborhood and incorporates church façade and salvaged features such as: doors, bells etc.;

Reverend Walls said the Newburgh Preservation Association submitted a letter at the previous ARC meeting noting that the AME Zion Church used Frederick Douglass's appearance to

commemorate the passing of the 15th amendment. Reverend Walls clarified that Mr. Douglas spoke at 111 Washington Street but the building he spoke in is no longer in existence.

Ms. Basch asked what is to be done about the building to the east of 111 Washington Street (a/k/a the Parsonage). She said the owner has not mentioned any information regarding that building.

Mr. Wilkinson clarified that the application as presented requires the demolition of the building next door. He said the Applicant has not submitted any information regarding the other building.

Mr. Kelly said asked why the application did not include information regarding the secondary building.

Reverend Walls said it was an oversight on his part. He clarified that they are seeking approval to demolition both buildings.

Mr. Wilkinson confirmed the intent is to completely demolish both buildings and re-use components in the new construction.

Ms. Basch asked if the public may comment.

The Assistant Corporation Counsel said at the May 8, 2018 ARC meeting, the public hearing was opened and closed. He said the Board elected to hold a second public hearing because of the number of people who expressed a wish to speak. He said the advice is leave the public hearing closed, as the public has had an opportunity to be heard on the application, but the Board is free to act as it wishes.

Ms. Basch read a letter from the applicant dated January 24, 2019. She highlighted the following:

- The church structure remains sound and serviceable after 113 years of continuous use;
- Newburgh congregation worshipping since 1827;
- Current site of the 5,000 sq. ft. sanctuary acquired in 1837;
- No mortgage on property;
- Additional vacant parcel of 5,000 sq. ft. acquired in 2017 from the City of Newburgh.

Reverend Walls said the structure cannot be preserved because the building cannot be maintained. He said the congregation is falling away because the structure puts too much burden on the congregation and the ability to attract new congregates is not there with this structure. He said the structure will disappear unless the ARC or someone else purchases it and maintains it but then that would mean that the congregation is no longer able to worship on its land/property.

Mr. Hanson said the Applicant's situation is no different than other residents in the City.

Reverend Walls said there's a difference in terms of the church.

Mr. Hanson said he owns a property in the East End Historic District. He said the description provided by the applicant describes most buildings in the East End Historic District. He said if he cannot maintain his property, he would have to sell it to someone who could. He said the ARC's

duty is to protect the buildings and the numbers provided by the Applicant are estimates written down on a piece of paper.

Reverend Walls clarified that the numbers provided are from the contractor and the project Architect.

Ms. Basch said she agreed with the Applicant when he said at the previous ARC meeting that the church gains its force from its congregation and its people. She said people can move and their belief moves with them, and it is not necessary that the congregation worship in that area in order to preserve their faith.

Reverend Walls said that is a major statement.

Ms. Basch agreed and said it is also a true statement. She said many people moved around during wars.

Reverend Walls said it is a major statement on the Chairpersons part to say lightly that a congregation who worshipped at 111 Washington Street for 197 years can be moved.

Mr. Hanson and Ms. Basch said the statement is not said lightly.

Mr. Hanson said any resident in the City would be under the same position.

Reverend Walls asked under what circumstances the ARC would approve a demolition under the City Code.

Mr. Hanson said any resident under the same circumstance could be allowed to demolish a building to construct a multi-story building in which they could use State funds rather than keeping it what it is. He said the City of Newburgh has a Historic District that is set in place to review these applications. The only reason there is a Historic Newburgh left is because of these protections. He said allowing buildings to be demolished without strong review defeats the very purpose that the Board was created for.

Reverend Walls said there are certain circumstances in the City Code that allows the ARC to approve a demolition in the Historic District. He said if this weren't the case, there would be no option available for demolition in the City Code and they would not be presenting before the Board. He said when the Board mentioned selling the property, is now talking about changing the congregation and the nature of the congregation and being able to worship in the land they choose. He said if the Church was sold, the new Owner would be confronted with the same difficulty they are facing. He said selling the building in its current condition would place a burden on the price of the Church which would then diminish the congregation's ability to relocate.

Mr. Kelly asked if the Church purchased the lots from the City with the intent to develop a 52 apartment residence.

Reverend Walls said the Church purchased the lots with the intent to develop the property.

Ms. Des Cognets asked how 50 residential units could fit on the lots.

Reverend Walls said there are 31 units proposed and the lot to the east is approximately 2,500 sq. ft. The lot to the west is approximately 5,000 sq. ft. He said they will request area variances for the application.

Mr. Kelly said he measured out the westernmost lot and obtained a total of 10,500 sq. ft. and a lot of that size may have a minimum of 10 units. He said he has a difficult time approving the application under economic hardship if there is sufficient room available next door for a potential solution. He said in this case, the church and the Parsonage may be saved. He said this possibility has not been sufficiently explored and he cannot grant approval.

Reverend Walls said they provided to the Board what was asked of them and they have showed what they were going to construct.

Ms. Des Cognets said she wants to consider the application but the lack of information surrounding the project makes it difficult to consider. She said she wants fully understand the process for the final plan.

Mr. Wilkinson said the ARC should be included as part of the SEQRA process before the Planning Board.

The Assistant Corporation Counsel said the ARC is part of the SEQRA process for this application. He said the Board must act as lead agency for the demolition application and consider the environmental impacts of the project. He said if the Board were to approve the demolition, the Applicant would be required to obtain approvals by the Planning Board, likely the Zoning Board of Appeals, and the ARC for exterior designs. He said by virtue of the way the City Code and the SEQRA requirements interplay, there would have to be an additional SEQRA analyses as part of any new construction. He said it is up to this Board to determine how much detail it is looking for under the circumstances and to give the applicant direction accordingly.

Ms. Des Cognets confirmed the Board can request specific details from the Applicant.

The Assistant Corporation Counsel said the Board has articulated its concerns to the Applicant at previous meetings, but is free to continue those concerns if it believes the applicant has not satisfied the concerns.

Mr. Hoekema asked if the Applicant constructs the new additions to the church, where would the primary source of revenue/profit come from.

Reverend Walls said there is no profit to be gained. He said they are utilizing state tax credits to build affordable housing. He said state tax credits will help build the church. He said although the structure remains sound and serviceable, it does not mean the structure is okay. He said the structure requires significant amount of money to repair but it still functions in the meantime. He said the proposed model works because the repair expense will be eliminated and adding new uses

such as daycare/childcare will bring in some revenue to cover daily costs since housing does not deliver profits.

Mr. Wilkinson said the conversation is straying too far away from the purview of the Board. He said the City Code charges the ARC to exercise aesthetic judgment so as to maintain the character of the historic and architectural design districts and to prevent construction, reconstruction, alteration or demolition which would be out of harmony with the style, materials, colors, line and details of same. He said the City Code gives the responsibility for reviewing proposed changes to buildings and issuing Certificates of Appropriateness to the ARC.

The Assistant Corporation Counsel said the Board is generally charged with reviewing all manner of exterior modifications and demolitions within the Historic District, but in this case, there are additional considerations that need to be taken into account by the Board pursuant to the Code. He said the Board has an obligation to consider economic hardship, and not just aesthetic design. He said the Board must consider the economic factors, and the remaining factors in Chapter 300, Article 6, before making a determination.

The Assistant Corporation Counsel also cautioned the Board not to consider any religious elements of the application, as that is wholly improper. There may be positive or negative effects of a decision simply because the church is the applicant, but those effects are not for consideration.

Reverend Walls said he provided the Board the information that was requested and said they will be incorporating elements of the existing church in the new construction.

Mr. Wilkinson said he shocked that the Parsonage was not mentioned in the application at all and now the applicant is asking for that consideration some 9 months later. He said there are still options available to make the project work, but the numbers do not make sense to him and both buildings are not in a tear down condition.

Reverend Walls said he is the chairperson of a loan committee for the Leviticus fund, which funds RUPCO projects. He said they are not using it exclusively as a sanctuary. He said that is why they are not considering this option. He said the church intends to preserve their ability to worship and grow the congregation. He said this option changes the nature of the church. He asked if the purview of the Board is just the exterior.

The Assistant Corporation Counsel clarified that the Board is charged with review of exterior modification proposed in the Historic District in most of the applications. He said in this case, where demolition of a contributing historic structure is proposed, there are other factors the Board is charged with considering.

Reverend Walls said there are some options to obtain funding to maintain the building but they either change the nature of the church or its ability to own the building. He said they are trying to maintain the building as is in the new development.

Ms. Basch said there are people in the audience that would like to comment on the application. She said she would like to open the public hearing.

The Assistant Corporation Counsel reiterated his previous advice about the public hearing, and added that any decision to re-open the public hearing or leave it closed must be a collective Board decision.

Ms. Des Cognets said the Board has a massive agenda and they should limit the public comment to those who have not spoken yet.

Mr. Wilkinson said the comments should be limited to three (3) minutes.

Mr. Hoekema moved to open the public hearing to allow comment from people who have not commented on the application.

Mr. Hanson seconded the motion.

Judy Thomas, 32 Benkard Avenue, said she appreciates the interest in developing the lots. She said that there are ways to incorporate the existing structure with the additional lots that will generate revenue. She said the Applicant owns a lot of land and the options should be clearly considered.

Ben Brandt, 327 Liberty Street, said he is an advocate for the Parsonage next to the church. He said the Applicant has a lot of real estate available and is confused that they are bring forth a hardship application before the Board. He said the two lots are an asset to the church and should be explored further. He said all things considered, he is not in favor of the application.

Hannah Brook, resident of Newburgh, said there should be an option available that satisfies everyone. She said the church should be preserved and additional time should be given to look for a win-win scenario.

Corey Allen, 358 N. Montgomery Street, said he has lived in the City for 41 years. He spoke in favor of the application. He said no one knows the history of the Church. He said if the church were to collaborate with a business, it would cease to be a church. He said he grew up attending the church at 111 Washington Street and no one in the public has even set foot inside the building. He said the congregation needs a home and the Board should allow them to develop their building.

The Chairperson closed the public hearing.

Ms. Basch asked for a straw poll vote from the Board members.

Mr. Hoekema asked if the Board can conditionally approve the project pending additional details on the development.

Ms. Basch and Mr. Wilkinson said no.

Mr. Wilkinson said he wants to see architectural drawings of what is proposed.

Mr. Hanson said he feels under pressure to review the application as if they are against or for the congregation. He said that is not the business of the Board. He said they review each application the same and give no preference. He said the Board deliberates on approval to demolish a shell of a building; in this case, they are discussing demolishing one contributing structure.

Mr. Wilkinson and Ms. Basch clarified that there are actually now two structures under consideration for demolition.

Mr. Hanson said the question seems to be framed as if it's whether the Board like AME Zion or not. He said that question has nothing to do with their decision. He said who owns the structure is not the concern of the Board. He said he does not see enough justification to tear down an existing, in-use historic structure and if there were a more inclusive plan that doesn't require demolition the Church. He said he would vote against demolition the Church.

Mr. Kelly and Ms. Basch agreed.

Mr. Wilkinson said he feels the same way and there may be an architectural solution. He said there is nothing personal at all and he cannot vote in favor of the application as presented.

Mr. Hoekema agreed.

Ms. Des Cognets said the Board is tasked with preserving structures and feels there is a win-win scenario but she cannot vote in favor of the application.

The Assistant Corporation Counsel said the project is an unlisted action under SEQRA with respect to demolition. He said the Board should declare lead agency and issue a negative declaration. He said that but for the building's location in the Historic District, it would be an unlisted action. The proposed falls well below the Type I thresholds listed in the SEQRA rules and regulations.

Mr. Wilkinson requested the Full EAF from the Secretary to the Land Use Boards and reviewed the EAF.

Ms. Basch said the application does not include both structures in the EAF.

The Assistant Corporation Counsel said he understands but despite the addition of the second structure and assuming an amended EAF to include that information, the application would still fall well below Type I thresholds.

Mr. Wilkinson said the Planning Board should be lead agency.

The Assistant Corporation Counsel said the Planning Board cannot be lead agency on the current application because there is no application pending before it, nor is the Planning Board an interested or involved agency.

Ms. Basch moved to declare the Planning Board Lead Agency pursuant to SEQRA.
Mr. Hanson seconded the motion.
The motion passed unanimously.

Mr. Hanson moved to issue a Negative Declaration pursuant to SEQRA.
Mr. Kelly seconded the motion.
The motion passed unanimously.

Ms. Basch moved to approve the application as submitted.
Mr. Hanson seconded the motion.
The motion was defeated unanimously via roll-call vote.

AR 2018-71

Applicant: Martin Estrella
Owner: 31 Benkard Avenue LLC
Location: 31 Benkard Avenue

Application to repair/replace the windows, doors, and rear decks; to remove the existing paint on the brick; and repaint the building.

Martin Estrella, applicant, appeared before the Board.

The applicant said he is returning to the ARC to obtain approval to renovate the corner building at 31 Benkard Avenue. He gave a brief overview of the project and highlighted the following:

- Intent is to restore the building as originally constructed;
- Addressed window concerns of the Board with SHPO;
- Windows are aluminum clad DR300 from Trimline;
- Front steps will be rebuilt using brick and bluestone;
- Replacing vestibule door with antique wooden door;
- Rear doors to be repaired;
- Repointing brick;
- Fencing on the rear blocks the view of the rear door/window.
- Infill door opening on the side of the building and rear of the building with brick to install two (2) windows

Mr. Hanson asked for the location of the replacement windows on the side of the building.

The Applicant said they are noted in the submitted drawings.

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.

- Infill door opening on the side of the building and rear of the building with brick to install two (2) windows per application specs;
- Install aluminum clad windows DR300 from Trimline per application specs;
- Front steps will be rebuilt using brick and bluestone;
- Repoint the brick;
- Repair/replace storefront windows, cornice, rear deck, chimney, roof, shingle siding, and bluestone sills all per application specs;
- Replace vestibule door with an antique wooden door per application specs.

Mr. Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2018-75

Applicant: SASRE Properties LLC

Owner: Nina Abney Chanel

Location: 12 Forsythe Place

Application to replace the windows, doors, rear deck and replace the exterior shingles with wooden slats.

Shayla Sellars, construction manager for SASRE Properties LLC, appeared before the Board representing the property owner.

The construction manager submitted window details for consideration (which were made part of the record) and gave a brief review of the project:

- Remove the deteriorated cedar shingles and install cedar horizontal wood slats;
- Replace all windows and doors;
- Install a new rear deck to replace the existing deck.

The construction manager said the price of the windows may be similar to restoring the windows. She said the rear doors are already in place, she said they are looking to replace the type of doors. She said the rear deck will be modified to be 1/1.

Ms. Basch asked what the intent for the windows is.

The construction manager said the existing windows may be restored depending on the price. She said replacing the windows cost approximately \$825 per window and she is requesting approval to replace the windows with aluminum clad 3/1 black windows as a backup. She said the rear contains two windows that are apart from each other and the intent is to remove them and install aluminum-clad casement windows.

Ms. Basch confirmed the rear of the property abuts the dividing line of the Historic District.

Mr. Wilkinson said the application details have vastly improved and he has 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. Wilkinson moved to approve the application as submitted per the revised drawings.

- Remove the deteriorated cedar shingles and install cedar horizontal wood slats;
- Replace all windows and doors;
- Install a new rear deck to replace the existing deck.

Mr. Hanson seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-01

Applicant: SASRE Properties, LLC. (Shayla Sellars)

Owner: Andrew G. Murphy

Location: 47 S. Miller Street

Returning for a determination regarding the deck rebuild, the windows under the deck; the window on the southeast corner, the light fixtures and the doors.

Andrew Murphy, property owner, appeared before the Board.

The property owner gave a brief overview of the project and highlighted the following:

- Deck is in complete disrepair and needs to be rebuilt;
- 6/6 window in the alley is in good condition and will be removed and donated;
- Stairway to be rebuilt with landing at the bottom;
- Paint listed on the drawings;
- Gate to be rebuilt at bottom of landing;
- Entry door will be made of wood;
- Adding exterior lighting;

Mr. Wilkinson said they are reviewing a handful of items that were leftover from the previous meeting. He said the door, exterior lights and the deck rebuild were addressed in the Applicant's submission.

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 per the revised drawings.

- Remove and donate the 6/6 window in the southeast corner;
- Rebuild the deck;
- Install light fixtures and replace the doors;

Mr. Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-02

Applicant: Luis Gualpa

Owner: Luis Gualpa

Location: 380 Liberty Street

Returning for a determination regarding the door.

Luis Gualpa, Property Owner, appeared with Hector Gualpa, who acted as Luis Gualpa's translator, before the Board.

Mr. Wilkinson said the Applicant is returning for a determination on the door.

Hector Gualpa said an update with door specifications was submitted for review and he brought hardcopies for reference. He said the door will be painted Black Mocha PPU24-01 (BEHR).

The Board reviewed the door packet with the Applicant and determined FCM101 and FCM101SL should be installed.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Mr. Kelly moved to approve the application subject to the following conditions:

- Replace entry doors with FCM101 with side panel FC101SL per application specs painted Black Mocha PPU24-01 (BEHR).

Ms. Basch seconded the motion.

The motion passed unanimously via roll-call vote.

PUBLIC HEARINGS

AR 2019-04

Applicant: Wolfe Scandinaro
Owner: M&N Newburgh Development LLC
Location: 141 Chambers Street

Application to replace ten (10) windows and the front door.

Gary Beck from Z3 Consultants Inc. appeared on behalf of the Property Owner.

Mr. Beck said a proxy statement should have been submitted earlier authorizing him to appear on behalf of the property owner. He said the intent for the property is to replace the door and 10 windows.

The Secretary to the Land Use Boards said the submitted proxy statement was for Wolfe Scandinaro only.

Ms. Basch asked if Board may proceed with discussing the application and condition any approval on submitting the appropriate proxy statement.

The Assistant Corporation Counsel said it is up to the Board to decide, but a proxy statement will be required prior to the release of any written Board decision.

Mr. Wilkinson asked if there is a façade drawing.

Mr. Beck said there was no façade drawing. He said the proposed windows were approved at 66 Johnston Street. He said the door will be replaced with a mahogany door.

Mr. Kelly said the existing door is in terrible condition and the original door is narrower than normal.

Ms. Basch said the proposed doors do not match the historic character of the building.

Mr. Beck said the proposed door is the property owner's first choice. He said they are open to alternative options.

Ms. Basch confirmed that the windows can hold paint.

Mr. Wilkinson said he is open to approving composite windows, such as Marvin Integrity windows or clad wood windows. He asked for a façade drawing of the replacements.

Mr. Beck said he can obtain a façade drawings. He asked if the installed windows had to be removed because the owner purchased the rest to match.

Mr. Kelly asked if there was a hardship tied into the request.

Mr. Beck said there is a financial cost associated.

Ms. Des Cognets requested photos to show which windows were already installed.

The Assistant Corporation Counsel said the photos should be time-stamped to clearly show the windows were present prior to purchase of the property.

Mr. Beck requested to table the application and return the next month with additional information.

The Application was tabled and the Applicant was informed to submit additional information for consideration for the next Board meeting on April 9, 2019.

AR 2019-05

Applicant: Janet Martinez

Owner: Janet Martinez

Location: 12 Lilly Street

Application to replace the roof.

Janet Martinez, property owner, appeared before the Board.

The owner said her slate roof was damaged and the intent is to replace the entire roof per consultations with different contractors. She said the quotes she received were \$18,000 for a slate shingle roof or \$9,000 for an architectural roof. She said she does not have sufficient funds to replace the roof with slate shingles and is requesting approval for the architectural roof. She said the proposed roof would look identical to the existing roof and the Board may refer to the roof at 2 Lilly Street for comparison.

Ms. Basch asked how much of the roof is being replaced.

The owner said one (1) section of the entire roof will be replaced.

Mr. Wilkinson clarified the property is located in the Colonial Terraces Design District. He encouraged the owner to obtain quotes from a contractor that specializes in slate roofing. He said a slate roof can be repaired in sections.

Mr. Hanson said individual tiles in a slate roof can be repaired.

Mr. Kelly suggested getting a second opinion on fake slate. He said the cheapest option would be to spot repair the shingles.

The owner said she had contractors repair some shingles and she was advised that she would have to replace the roof soon.

Mr. Kelly said he has experience in repairing slate roofs and a good repair job can last quite a few amount of years.

The owner said she is not familiar with the repair process.

Mr. Wilkinson said general contractors are not well versed in slate roof repair.

Ms. Basch confirmed approximately one-third of the roof is damaged/falling apart.

Mr. Hanson said the owner should obtain a quote from a slate specialist for the roof.

Ms. Des Cognets said the owner may look at the fake slate roof at 297 Grand Street, for example.

The owner said she will research and obtain a quote from a slate roofer.

The Application was tabled and the Applicant was informed to submit additional information for consideration for the next Board meeting on April 9, 2019.

AR 2019-06

Applicant: Juwel Isaac
Owner: J. Isaac & Associates, LLC
Location: 43 Beacon Street

Application to replace the windows and doors; rebuild the porches; install light fixtures; repoint the brick; repair/replace the roof, cornice, vinyl siding and paint the exterior using colors from the Benjamin Moore color palette.

Juwel Isaac appeared before the Board on behalf of the property owner, J. Isaac & Associates, LLC, along with Chris Berg, of Berg Moss Architects, project architect.

Ms. Isaac said the intent is convert the use of the building into a three-family dwelling. She said the exterior will require renovation and the project architect will go over the specifics.

The project architect said 43 Beacon Street is on the corner of Liberty Street and Beacon Street. He gave an overview of the project and highlighted the following:

- Porch on Liberty Street will be replaced;
- Porch on Beacon Street will be repaired;
- Repair/replace existing membrane roof in-kind;
- Damaged fascia and soffit to be repaired/replaced in-kind;
- Chimney to be repointed and repaired;
- Vinyl siding to be repaired/replaced in-kind;
- Window trims and sills to be repaired/replaced in-kind;
- Install light fixtures;

- Repair/replace the doors in-kind;
- Paint using colors from the Benjamin Moore color palette.

Ms. Basch clarified that some windows can be repaired and the ones that are in not repairable will be replaced with aluminum-clad windows.

Mr. Wilkinson said the project looks great and he has no comments on the application.

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.

- Repair/replace porch on Liberty Street and Beacon Street per application specs;
- Repair/replace roof per application specs;
- Damaged fascia and soffit to be repaired/replaced in-kind;
- Chimney to be repointed and repaired;
- Vinyl siding to be repaired/replaced per application specs;
- Window trims and sills to be repaired/replaced per application specs;
- Install light fixtures per application specs;
- Repair/replace the doors in-kind;
- Paint the modifications using colors from the Benjamin Moore color palette per application specs.

Mr. Hanson seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-07

Applicant: Alexa Beckhan
Owner: Hudson Todd LLC
Location: 254 Liberty Street

Application to install new doors, Hardie Plank siding and windows with a cement-board trim; repair/replace the cornice and rebuild the porch and porch steps.

Howard Bowen, construction manager, appeared on behalf of the Property Owner.

The construction manager said the owner was called out of town and could not appear before the Board.

The Secretary to the Land Use Boards said the submitted proxy statement was for Alexa Beckham.

Ms. Basch said the construction manager must submit a proxy statement as soon as possible.

The construction manager gave a brief overview of the project and highlighted the following:

- Intent is to restore building to its original condition;
- Installing new half lite, 2 panel door;
- Installing new siding, cement-board trim, front steps, railing, windows, lattice screen;
- Repair/replacing the porch and cornice;

Ms. Basch confirmed the porch rebuild will duplicate the existing columns. She asked for more information regarding the windows.

The construction manager said the windows are paintable fiberglass windows.

Mr. Wilkinson said the drawings are satisfactory.

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.

- Rebuild the porch per application specs;
- Repair/replace cornice brackets and porch columns to match original;
- Install new siding, cement-board trim, entry door, front steps, railing, windows, and lattice screen, all per application specs;

Mr. Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-08

Applicant: Z3 Consultants Inc.
Owner: M & N Newburgh Dev. LLC
Location: 66 Johnston Street

Application to ratify the existing guardrail and gate.

Gary Beck from Z3 Consultants Inc. appeared on behalf of the property owner.

Mr. Beck said a 42-inch tall wooden guardrail painted to match the stairs with a gate was installed on the front of 66 Johnston Street. He said the guardrail was needed to obtain a Certificate of Occupancy.

Ms. Basch confirmed the guardrail is already installed.

Ms. Des Cognets said a two (2) inch difference from the East End Historic District guidelines is not a deal breaker for her.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Mr. Kelly moved to approve the application as submitted.

- Ratify the existing 42-inch tall wooden guardrail with a gate that matches the front stairs and landing per application photo.

Ms. Basch seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-12

Applicant: Robin Hayes

Owner: Liberty 42 LLC

Location: 42 Liberty Street

Application to widen one window on the first floor; replace the doors and storefront windows; install a sign; repair/replace the sidewalk and create a sloped cement entrance.

Robin Hayes, applicant, appeared before the Board representing the property owner, with Cathy Erenzo.

Ms. Erenzo submitted revised details for consideration (which were made part of the record) and said the amendments to the application are shown in red. She said they will not be discussing the sidewalk proposal at this time.

The Board reviewed the revised details.

Mr. Wilkinson said the garage doors look interesting.

Ms. Erenzo said they found a tenant for the storefront on Liberty Street and the tenant wants to extend his coffee roasting business to the garage on S. William Street (rear of the building at 42 Liberty Street). She said a Building Permit application was submitted and mentioned replacing the garage doors. She said the type of replacement doors were not specified during that time but now they are before the Board to request approval for glass doors per the revised details.

Ms. Basch asked if the garage doors are the only approval requested from the Board.

Ms. Erenzo said they intend to replace the front door next to the storefront windows with a Masonite Full Lite clear glass door painted Urbane Bronze. She said the other modification was to replace and increase the window opening of the smaller window to the right of the storefront windows. She said the width would remain the same but the height would increase to match the other storefront windows.

Ms. Basch clarified that the increase to the window opening will match the storefront window on the left side of the replaced door.

Ms. Erenzo said they are also proposing to install a sign on the front of the building.

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, subject to the following conditions:

- Replace the garage doors with glass doors per the revised details;
- Replace the front door with a Masonite Full Lite clear glass door painted Urbane Bronze per application specs;
- Install a sign above the storefront door per application specs.

The Applicant was informed to return to the next ARC meeting for a determination regarding the remaining the sidewalk.

Ms. Basch seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-13

Applicant: Ilana Garcia

Owner: Ilana Garcia & Christopher Turgeon

Location: 48 Carson Avenue

Application to install a 48", wrought iron-style fence made of aluminum and painted black.

Ilana Garcia, Property Owner, appeared before the Board.

Ms. Garcia submitted additional details for consideration (which were made part of the record). She said the intent is to install a 48-inch, wrought iron-style fence made of aluminum and painted black in front of 48 Carson Avenue. She said the fence will have an alternating arrangement of square and pressed point pickets approximately 36 feet in length.

The Assistant Corporation Counsel said the City Code with respect to fences that are not in the East End Historic District or Colonial Terraces District allows a fence to be a maximum of six (6) feet tall generally. Fences up to eight (8) feet tall may be allowed by the Building Inspector for security reasons in some circumstances.

Ms. Des Cognets said a 480inch fence is acceptable to her.

Mr. Wilkinson confirmed the fence style will be taken from the Eastern Ornamental Aluminum Fence catalogue.

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.

- Install a 48-inch, wrought iron-style fence made of aluminum and painted black (E04200-BK) with a matching gate (EOFG44200A-BK) from the Eastern Ornamental Aluminum Fence Catalogue in the front of the building per application specs;

Mr. Kelly seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-14

Applicant: Will Wade

Owner: J.W. Wade, LLC

Location: 63 Liberty Street

Jeff Wilkinson recused himself from the Board for application AR 2019-14.

Application to construct a new storefront; install a signboard; replace the residential entry door; and paint the modifications using colors from the Benjamin Moore historic color palette.

Will Wade, Applicant, appeared before the Board representing the Property Owner with Jeff Wilkinson, project architect.

The applicant said the intent is to modify the first floor residential appearance into a commercial look.

The project architect said the building originally had a storefront. He gave a brief overview of the project and highlighted the following:

- Remove existing doors, siding, alarm and standpipe;
- Installing new hanging sign, copper flat seam roof, corbels, sign board, building number lettering, storefront windows and doors;
- Existing brick to be scraped/repointed and cleaned;
- Widen existing bluestone steps to accommodate new entry door;

The applicant said the brick will be exposed.

Mr. Hanson confirmed the brick is behind the siding on the building.

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.

- Remove existing doors, siding, alarm and standpipe per application specs;
- Install new hanging sign, copper flat seam roof, corbels, sign board, building number lettering, storefront windows and doors per application specs;
- Existing brick to be scraped/repointed and cleaned;
- Widen existing bluestone steps to accommodate new entry door per application specs;
- Paint the modifications using colors from the Benjamin Moore Color palette per application specs.

Ms. Basch seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-15

Applicant: Phoebe Sudrow
Owner: Phoebe Sudrow
Location: 95 Liberty Street WH

Application to replace the windows, porch, steps, and front retaining wall; install new balcony handrails; and paint the modifications using colors from the Benjamin Moore color palette.

Phoebe Sudrow, property owner, appeared before the Board with Ben Fiering.

The owner said the intent is to renovate the building at 95 Liberty Street WH. She provided a picture for reference (which was made part of the record) for a retaining wall. She gave a brief overview of the project and highlighted the following:

- Replace windows with Andersen E-series double hung windows;
- Repair/replace the front porch and install appropriate lattice;
- Paint the modifications Everard Blue CW-575 (Benjamin Moore);
- Replace small retaining wall with interlocking blocks;
- Repairing porch steps to be uniform in size;
- Installing new windows on the party wall on the north side.

Ms. Des Cognets confirmed the railing on the balcony will be removed as part of the application.

Mr. Kelly confirmed the windows will be 1/1 and the height of the retaining wall will be approximately two (2) feet tall.

Mr. Fiering said the door on top will be sealed.

Ms. Des Cognets asked for additional details for the porch columns.

Mr. Fiering said he can provide additional details for the columns.

Mr. Wilkinson said he would like a complete baluster detail.

Mr. Kelly said the building was designed as part of a row of houses, but it appears the remaining buildings were never constructed.

Mr. Fiering asked what type of column is preferable.

Mr. Kelly said either type of turned columns or Tuscan columns are acceptable.

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 partially approve the application subject to the following conditions:

- Repair porch steps to be uniform in size per application specs;
- Replace small retaining wall with interlocking blocks per application specs;
- Replace front windows only per application specs;
- Paint the modifications Everard Blue CW-575 (Benjamin Moore);

The Applicant was informed to return to the next ARC meeting for a determination regarding the remaining windows and the porch.

Ms. Des Cognets seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-16

Applicant: Paulien Lethen
Owner: Paulien Lethen
Location: 85 Lander Street

Application to install a porch, new windows, doors; and to renovate the exterior.

Paulien Lethen, property owner, appeared before the Board with Philip Bell, project engineer from Bell Engineering, PLLC.

The Project Engineer submitted revised elevations and photographs for consideration by the Board (which was made part of the record). He gave a brief overview of the application and highlighted the following:

- Interior of the building is gutted;
- Proposing a full structure inside the brick;
- Matching building style next door;
- Matching porch on 44 Carson Street;
- Painting the porch Heaven on Earth 1661 (Benjamin Moore);
- Replacing the soffit and gutter in-kind;
- Restoring transom;
- Replacing doors and painting them black;
- Installing 2/2 Jeld Wen double hung 2500 series windows;

Mr. Kelly said the building originally had a double door.

Mr. Hanson said a true divided light window with a black trim is preferable.

Ms. Basch confirmed the windows in the drawing are not curved top windows. She read the window replacement guidelines for the benefit of the Applicant.

The owner said she will look into the price to see if she can obtain curved top windows.

Mr. Wilkinson said the façade at a minimum, should have curved top windows.

The project engineer said he will provide photographs of the window frames from the inside of the building.

Mr. Hoekema said he would like the window details provided on the drawings.

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 partially approve the application subject to the following conditions:

- Install new porch painted Heaven on Earth 1661 (Benjamin Moore) that matches porch style of 44 Carson Street per application photo;
- Install salvaged door with sidelights painted black per application specs;
- Replace the soffit and gutter in-kind;
- Restore the original transom;
- Install new rail/fencing to the apartment below the porch that matches the existing railing.

The Board informed the Applicant that the door below the porch is not visible from the street and does not require approval. The Applicant was informed to return to the next ARC meeting for a determination regarding the windows.

Mr. Hanson seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-17

Applicant: Drew Kartiganer
Owner: Liberty Works LLC
Location: 103 Liberty Street

Application to install new sandstone colored windows.

Drew Kartiganer, applicant, appeared before the Board representing the property owner.

The applicant said he submitted a Building Permit application for repair work at 103 Liberty Street and he was forwarded to the ARC for approval by the Building Inspector. He said the intent is to install new Anderson 400 series windows.

Mr. Wilkinson confirmed the windows will be 1/1 desert tan colored windows.

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.

- Replace windows with desert tan 1/1 Anderson 400 series windows per application specs.

Mr. Hanson seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-18

Applicant: Sigler Henderson Studio (Paul Henderson)
Owner: Catherin Hunsburger
Location: 133 Third Street

Application to replace two (2) windows; install a new gate, light fixtures and doors; construct a separate entrance with steps and retaining wall to the garden apartment; repair the porch and garage structure; and paint the building using colors from the Benjamin Moore color palette.

Paul Henderson, applicant, appeared before the Board representing the property owner.

The applicant gave a brief overview of the project and highlighted the following:

- Replacing the windows;
- Repair/replace the porch and installing a porch roof;
- Reconstructing damaged façade of former garage with brick piers;
- Installing new wooden doors painted Coventry Gray HC-169 (Benjamin Moore) to create a garden gate;
- Installing new light fixtures, concrete retaining wall and steps to garden apartment;
- Painting Cornice in Hale Navy HC-154 (Benjamin Moore) and window sills/lintels in Coventry Gray HC-169 (Benjamin Moore);

Mr. Kelly said the building was constructed circa 1870.

Ms. Basch confirmed the windows will be 1/1 vinyl clad windows and the columns and rails will be made of wood.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Mr. Kelly moved to approve the application as submitted.

- Replace the windows per application specs;
- Repair/replace the porch and install a porch roof per application specs;
- Reconstruct damaged façade of former garage with brick piers per application specs;
- Install new light fixtures, concrete retaining wall, steps to the garden apartment and wooden doors painted Coventry Gray HC-169 (Benjamin Moore) per application specs;
- Paint cornice in Hale Navy HC-154 (Benjamin Moore) and window sills/lintels in Coventry Gray HC-169 (Benjamin Moore).

Ms. Basch seconded the motion.
The motion passed unanimously via roll-call vote.

Habitat for Humanity/Newburgh Enlarged City School District Project

The Assistant Corporation Counsel said the Newburgh Enlarged City School District in collaboration with Habitat for Humanity is proposing an art project for the properties located at 114, 116, 118, 122, 124, 126, and 128 William Street and gave a brief description of the project.

He submitted a draft resolution for consideration (which was made part of the record).

The Board reviewed the proposal and voted unanimously in support of project.

With no further business to discuss, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

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