

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) 569-0188

MINUTES
ARCHITECTURAL REVIEW COMMISSION
Meeting of January 14, 2020

The monthly meeting of the City of Newburgh Architectural Review Commission (“ARC”) was held on Tuesday, January 14, 2020 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
Jim Hoekema
Reggie Young

Absent: Christopher Hanson
James Kelly

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

Minutes of the December 10, 2019 Meeting

Mr. Hoekema moved to approve the minutes from the December 10, 2019 meeting as submitted.
Mr. Wilkinson seconded the motion.
The motion passed unanimously.

OLD BUSINESS

AR 2019-84

Applicant: Eulogio Santiago
Owner: 209 North Miller Realty Partners, LLC
Location: 209 North Miller Street

Returning for a determination on the windows.

Eulogio Santiago, Applicant, appeared before the Board on behalf of the property owner.

The Applicant said he submitted revised window specifications for consideration. He said the proposed windows are aluminum-clad windows.

The Chairperson confirmed the proposed windows are tilt windows.

Mr. Wilkinson said the revised submission does not specify the material of the proposed windows to be aluminum clad windows. He asked if the proposed windows will be aluminum windows or aluminum clad windows.

The Applicant said he called the manufacturer and asked for a spec sheet of the proposed windows. He said he submitted what was provided to him.

Mr. Wilkinson confirmed the proposed windows will be painted in a dark bronze. He asked if they will fit the full window opening.

The Applicant agreed and said the windows are custom fitted. The windows will be installed to fit the opening from masonry to masonry.

The Chairperson asked for additional information on the installation process.

The Applicant said measurements will be provided to the manufacturer for the full masonry opening of the window and the manufacturer will provide windows that match those specifications.

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 per the revised submission.

Ms. Basch seconded the motion.

The motion passed unanimously via roll-call vote.

PUBLIC HEARINGS

AR 2019-90

Applicant: Chris Schuck
Owner: Habitat for Humanity of Greater Newburgh
Location: 114 William Street

Application to install new windows and door; repair/replace the cornice and porch steps and paint the modifications using colors from the Benjamin Moore Historic Color palette.

Chris Schuck, Construction Manager from Habitat for Humanity of Greater Newburgh, appeared before the Board on behalf of the property owner.

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

- Installing new windows;
- Painting the building using colors from the Benjamin Moore Historic Color palette;

- Replacing existing concrete stop in-kind;
- Proposed renovations will be similar to renovation at 118 William Street.

Ms. Basch asked the Applicant to clarify the existing condition of the building.

The Construction Manager said he provided two (2) photographs of the property to showcase the property before and after the lead abatement. He said the intent is to keep the natural look of the brick and match the look of the building as close as possible to 118 William Street.

Ms. Basch confirmed the proposed windows will be Weathershield, wood-clad windows painted Huntington beige.

Mr. Young asked for the material of the entry door.

The Construction Manager said the proposed entry door will be a Fiberglass Thermatru S296 4-panel 2-lite door painted Fairmont Green. He said it is the same door as 118 William Street.

Ms. Basch asked for the window configuration.

The Construction Manager said the windows will be 2/2 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 said the installed windows on 118 William Street do not extend the length of the full window opening.

The Construction Manager said those windows had a previously existing wooden fill-in and the new windows were installed to fit that opening.

Mr. Wilkinson asked if the entry door transom will be preserved.

The Construction Manager said they can preserve or replace the transom if requested.

Mr. Young said he prefers that the original transom is saved.

Ms. Basch said the transom appears to have half of the glass installed.

The Construction Manager said he can fill in the missing portion of the glass transom.

Mr. Wilkinson said there are inconsistencies between the line drawing and the building at 118 William Street. He said a note could be added to the plan to clarify that the woodwork at 114 William will match the style of 118 William Street.

The Construction Manager said he is able to reduce the fill-in on the windows.

Mr. Young said that modification to the windows is welcomed.

Ms. Basch said the previously existing horizontal board on the building hid the arch above the door. She asked if that board will be re-installed.

The Construction Manager said the intent is to match the building at 114 William Street to the building at 118 William Street. He said the arch will not be hidden from view. He said he does not have an issue with adding a note to the plan.

Mr. Young said the existing frame around the building number should be maintained. He said the sash and the mullion on the transom should be preserved.

The Construction Manager agreed to repair/replace the existing transom.

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

- Archway around entry door and existing transom to be retained;
- Install a third window with panels and trim and an overhang on the first floor so as to match the look of the first floor at 118 William Street;
- Fill-in at the top of the second floor windows will be hidden from view by the existing arch.

Ms. Basch seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-91

Applicant: Jonathan Kim and Han Byul Ru

Owner: Jonathan Kim and Han Byul Ru

Location: 44 Carson Avenue

Application to install a new fence on the front and rear of the building.

Jonathan Kim, property owner, appeared before the Board.

The property owner said the intent is to install two (2) fences on the property.

The Chairperson asked if the proposed fence on the rear of the property would be visible from the street.

The property owner said the proposed fence on the rear of the property is not visible from the street.

The Chairperson confirmed the proposed gate on the front of the building would be four (4) feet high by three (3) feet wide.

Mr. Wilkinson asked if the gate would have an arched top and if the balusters on the fence would match the balusters at 48 Carson Avenue. He asked if there were any other modification on the property other than the fence additions.

The property owner said the gate would have a flat top and the balusters would match the submitted spec sheet of the fence. He said no other modification to the property are proposed at this time.

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.

Mr. Hoekema seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-92

Applicant: Ruben Galan Perez

Owner: Ofelia Perez

Location: 13 South Johnston Street

Application to ratify and complete the existing cornice and paint the building using colors from the Decoplast color palette.

Ruben Galan Perez, Applicant, appeared before the Board.

The Applicant said the cornice of the building was in disrepair and, in his opinion, necessitated immediate replacement to avoid collapse onto the public street and a potential lawsuit. He said during the replacement process, Code Compliance issued a stop work order and at that time, informed him that ARC approval was required in order to continue work on the exterior of the building. He said he was unaware ARC approval was required for the exterior and he is appearing before the Board to request ratification of the completed work and approval to finish the remaining portion of the cornice. He said the cornice was replaced with a Styrofoam product and the building was painted to match the building colors at 159 Ann Street.

Mr. Wilkinson asked if the original cornice was torn off.

The Applicant said the cornice was in disrepair and necessitated removal.

Mr. Wilkinson said it is hard to understand how the property owner did not know that ARC approval was required. He asked for the Applicant's relationship to the property owner.

The Applicant said the property owner is his mother and that the property was purchased approximately 10 years ago. He said Code Compliance was different back then.

Mr. Wilkinson asked how no one could realize that ARC approval was required after 10 years of property ownership.

The Applicant said no one was aware.

Mr. Young said the windows are not original to the building. He asked if they were replaced.

The Applicant said those windows were replaced prior to the purchase of the building.

Mr. Wilkinson asked if plywood was added to the cornice.

The Applicant said the cornice was replaced using pressure treated plywood and 2x4 framing. He said the coating is a Styrofoam product to prevent leaks.

Mr. Young said the original cornice looked different.

Mr. Wilkinson said the existing cornice does not match the original cornice and does not capture the panel molding or the large corbels and brackets. He said he is unsure if the Styrofoam product used for the cornice is appropriate. He said he has not personally inspected the existing building and would like to table the application.

Mr. Young said he cannot believe the existing door is the original door to the building either. He said the door must have been replaced recently.

The Applicant said the building used to have a vinyl door.

Mr. Young said the replacements on the building would not have met the East End Historic District Design Guidelines and would not have been approved by the ARC.

Ms. Des Cognets asked if the proposed work is complete.

The Applicant said the window frames and lintels are painted and the cornice work on the front of the building is complete. He asked if the painted colors are acceptable.

Ms. Des Cognets said she is more concerned over the style of the replaced cornice and not the painted color of the building.

Mr. Young asked for photographs of the building that display the conditions of it just after the purchase. He said the existing door is not the original door and the configuration of the windows would have been 6/6.

The Applicant said he cannot speak to what was done to the property prior to the purchase but he does have pictures of the building when it was purchased. He said he could replicated the cornice at 159 Ann Street if necessary.

Ms. Des Cognets said the preference is to restore the cornice back to its original condition.

Ms. Basch said the Board would like to bring out the individual style of 13 South Johnston Street and not compare it to a cornice on another building. She said the application should be tabled and the Applicant should research the original look of the building and return with a revised plan.

The Applicant said he has drawings provided by the Project Architect, AJ Coppola, with photographs of the property taken at the time of purchase. He said providing that information to the Board is not an issue.

Mr. Wilkinson said if the Project Architect was involved in the project, there is no reason why the property owner was not aware that ARC approval would be required for exterior modifications.

The Applicant said he cannot speak on the events of the past and said if the Board wants the original cornice back, he can make that happen.

Mr. Wilkinson said the Applicant should return with additional details on the drawings.

Ms. Des Cognets said the Applicant should also provide photographs of the original look of the building when it was purchased.

The application was tabled and the public hearing was kept open until the next ARC meeting. The Applicant was informed to submit revised details and photographs in order to attend the next ARC meeting on February 11, 2020.

AR 2019-93

Applicant: Virgilio Cruz and Martha Cruz

Owner: Virgilio Cruz and Martha Cruz

Location: 80 Overlook Place

Application to ratify the existing fence in front of the building.

The Applicant did not appear at the meeting. The application was tabled until the next ARC meeting on February 11, 2020.

AR 2019-94

Applicant: Orange Agency
Owner: 119 Broadway Newburgh Inc.
Location: 119 Broadway

Application to remove the existing awning and paint a sign on the building.

Sonia Abrams from Orange Agency, Applicant, appeared before the Board on behalf of the property owner.

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

- Existing awning was ratified by the ARC approximately 10 years ago;
- Fulfilling promise to apply to the ARC to replace the current awning;
- Proposing to remove the existing awning and paint a sign on the building and the sides of the building.

Ms. Basch confirmed the sign will be flat against the building.

Ms. Des Cognets asked if the siding was made out of vinyl.

The Applicant said the siding is made out of aluminum. She said they are proposing to paint the surrounding siding and brick in Gale Force SW 7605 (Sherwin Williams).

Mr. Young asked if there is anything behind the existing awning. He asked if the brick will also be painted.

The Applicant said the brick will be painted to match the siding. She said a steel track is behind the awning but it was never utilized.

Ms. Des Cognets asked if the Applicant was opposed to removing the existing siding.

The Applicant said she does not know what's behind the existing siding but she is willing to remove it to expose the brick, provided that the property owner is in agreement.

Ms. Basch asked if the side door will be painted to match the new color.

The Applicant said everything currently painted beige on the first floor will be painted Gale Force SW 7605 (Sherwin Williams).

Mr. Young recommended removing the siding above the awning as well and on both sides of the building in order to expose the brick.

Mr. Hoekema commended the Applicant for staying true to her promise.

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, subject to the following conditions:

- Applicant has the option to remove the existing aluminum siding on the first floor of the building to expose the brick and color match it to the rest of the building.

Ms. Basch seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-95

Applicant: Jonelle Segre

Owner: 321 Liberty St. LLC

Location: 319 Liberty Street (f.k.a. 319-321 Liberty Street)

Application to install a sign on the building.

Jonelle Segre, Applicant, appeared before the Board on behalf of the property owner.

The Applicant said the intent is to install a banner on the façade of the building for her business.

The Chairperson asked for the duration of the banner on the building.

The Applicant said she intends to leave the banner on the building for at least one (1) year. She said the intent is to install a different sign later.

Mr. Hoekema said the submitted rendering of the sign appears to be warped and not a true indication of the size and dimensions of the sign.

The Applicant said the banner is 8 feet wide and 3 feet long. She said the submitted photograph depicts the design of the banner she intends to install. She said the rendering was provided to show the location of the banner on the building.

The Chairperson confirmed the submitted photograph is the proposed sign to be submitted for review later.

Mr. Young said he is uncomfortable approving a vinyl banner when the Board recently denied the installation of a vinyl banner on Broadway.

The Applicant said she reviewed the East End Historic District Design Guidelines and found that the vinyl banner was consistent with the regulations.

Mr. Hoekema confirmed the banner will be installed with a wooden frame around it that is fastened to the building.

The Chairperson read the sign guidelines from the East End Historic District Design Guidelines for the benefit of the public and the Applicant.

The Assistant Corporation Counsel clarified that the City Code does not distinguish a sign from a banner. He said regulations regarding temporary signs may be found in Chapter 250 of the City Code. He said permits for temporary signs authorize the erection of said signs and their maintenance for a period not exceeding 30 days. He said there is no mention of temporary signs in the East End Historic District Design Guidelines and the Board. He said the Board should use the current Code language as guidance for what constitutes a “temporary” sign. He also said the Board could not put a time limitation on how long the sign approval would last.

The Applicant said the sign is flat and it will not cover up any architectural features of the building.

Ms. Des Cognets said she is concerned how the wooden frame will be attached to the building.

The Applicant said the frame has not been procured and may be removed if requested.

Ms. Des Cognets said the vinyl material is not mentioned in the East End Historic District Design Guidelines but natural materials are preferred. She said she is not enthusiastic about vinyl products but she is taking into consideration the costs of installing a new sign.

Mr. Young said he is hesitant to set a precedent for the Board.

Ms. Des Cognets said she understands the concern but the Board must take into consideration the context of the application in making any determination.

Mr. Young asked if the Applicant is willing to replace the banner after one (1) year.

The Applicant said she would be happy to replace the banner after a year.

Ms. Basch said the Applicant is taking a leap of faith in starting her business and one (1) year should be sufficient time to look for a replacement sign. She said the Board may not condition any sign approval based on a removal of the sign later. She said given the considerations and the Applicant’s intent, she is favor of approving the sign.

The Applicant agreed to remove the banner and replace it with a different sign after one (1) year.

The Chairperson said the removal understanding is non-binding.

The Assistant Corporation Counsel clarified that in approving the sign, the Board is approving a permanent sign. He said the Board may not require the Applicant to remove the sign later.

The Applicant said she understands and committed to replacing the sign after one (1) year.

The Chairperson said the new sign later should be made out of wood with gooseneck lights pointed downwards above the sign.

Mr. Hoekema asked if the white board above the entry door will be covered by the banner.

The Applicant said there are security cameras installed on the white board and she cannot cover it.

Mr. Wilkinson said he is concerned that the banner installation will damage the brick.

The Applicant said she will fasten the banner to the building so as not to damage the brick.

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, subject to the following conditions:

- Vinyl sign must be stretched on the frame and affixed to the building so as not to flap in the wind or wrinkle;
- The Board encourages the Applicant to replace the sign with a wooden sign later.

Ms. Basch seconded the motion.

The motion passed unanimously via roll-call vote.

Jeff Wilkinson recused himself from application AR 2019-96.

AR 2019-96

Applicant: Newburgh Community Land Bank Inc.

Owner: Newburgh Community Land Bank Inc.

Location: 104 Washington Street

Application to demolish the building.

Lisa Daily, Chairperson of the the Newburgh Community Land Bank, Applicant, appeared before the Board.

The Applicant said she is the Chairperson of the Newburgh Community Land Bank Inc. and the Chairperson of the City of Newburgh Planning Board. She said she is appearing before the ARC in her capacity as the Chairperson of the Newburgh Community Land Bank Inc.

The Applicant said the intent is to obtain approval to demolish the building at 104 Washington Street. She said a previous attempt to salvage the building has failed and the building will warrant immediate demolition.

The Assistant Corporation Counsel said the last time the property was discussed by the Board was in October, 2017. He said at that time, the previous Applicant proceeded to obtain the necessary approvals from the Land Use Boards in order to construct a new building inside the shell of the building at 104 Washington Street. He said unfortunately that project failed despite the best efforts of the previous Applicant. He said since then, the building has deteriorated significantly according to the Building Inspector's comment letter.

The Applicant said the Newburgh Community Land Bank Inc. intends to distribute a request for proposal ("RFP") to develop the property with a preference to salvage the building if possible.

Mr. Hoekema confirmed the Board approved the previous application at 104 Washington Street but the execution ultimately failed.

Mr. Young said he has seen the building and only a shell of the original building remains. He asked what would happen if the building is approved for demolition.

The Applicant said if the Board approves the demolition, the Newburgh Community Land Bank Inc. will send an RFP to the public and one (1) proposal will be approved from the applications they receive. She said the Newburgh Community Land Bank Inc. will oversee the project to ensure the appropriate regulations are followed but they cannot force a specific project on any developer. She said the developer must abide by the existing City of Newburgh Zoning Code.

The Assistant Corporation Counsel said when a demolition application is presented to the Board, the Board must consider if it warrants immediate removal due to public health, safety, or welfare concerns. He said the building may be in such a significant state of disrepair that collapse is imminent and poses a safety concern for the public. He said in that case, the only reasonable course of action would be to demolish the building. He said in the alternative, for demolition applications that appear to be non-imminent, the Board may consider a plan to demolish the building in connection with a new rehabilitation plan.

Mr. Young said the concern appears to be imminent but he is hesitant to approve the demolition because new proposals are seldom historically appropriate as they could be. He said new buildings should have brick facades and not concrete.

The Assistant Corporation Counsel said the Board should first limit any discussion to the demolition of the existing building and the imminence of collapse. He said concerns over new developments may be discussed later depending on the Board's initial determination with respect to imminence of collapse.

The Applicant said she understands the concern of the Board and said the Newburgh Community Land Bank Inc. can add recommendations to the RFP.

Mr. Hoekema said the Applicant should look to salvage as much material as possible from the property.

The Applicant agreed but said they need to confirm if the materials are salvageable.

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 said the Board was hoping the previous Applicant succeeded in their project.

The Applicant said the Newburgh Community Land Bank Inc. waited as long as possible until it had no choice but to reclaim the property at 104 Washington Street.

Ms. Des Cognets said in review of the Building Inspector's comment letter, the building does not appear to necessitate an emergency demolition. She said there should be enough time to market the building for rehabilitation purposes.

The Applicant said a shell of the building is left on the property. She said consultations with architects determined that the most reasonable option would be to demolish the remnants.

The Chairperson said every effort should be made to salvage structural pieces of the building.

The Chairperson moved to approve the application as submitted, subject to the following recommendations:

- The Applicant is strongly encouraged to salvage materials where possible in order to reuse at a later date or have available for other projects in the East End Historic District;

Mr. Young seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2019-97

Applicant: Carmen R. Warren

Owner: Carmen R. Warren

Location: 15 East Parmenter Street

Application to replace all of the windows on the property.

The Secretary said the Applicant requested to table the application.

The application was tabled until the next ARC meeting.

With no further business to discuss, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

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