

**CITY OF NEWBURGH
ARCHITECTURAL REVIEW COMMISSION**

Richard E. Rosencrans, Jr. Acting Chairperson
123 Grand Street, Newburgh, N.Y. 12550

Omar Balbuena-Palma, Secretary
Phone: (845) 569-7354

**MINUTES
ARCHITECTURAL REVIEW COMMISSION**

The monthly meeting of the City of Newburgh Architectural Review Commission was held on
Tuesday, December 13, 2016 at 7:30 p.m. at the Activity Center,
401 Washington St. Newburgh, NY 12550

Members Present: Richard Rosencrans, Acting Chairperson
Christopher Hanson
Jeff Wilkinson
Isaac Diggs
Hannah Walsh

Members Excused:
Michele Basch
Brigidanne Flynn

Also Present: Michelle Kelson, Corporation Counsel
Jeremy Kaufman, Assistant Corporation Counsel
Eliana Diaz, Administrative Assistant to the City Manager
Omar Balbuena-Palma, Secretary to the Land Use Boards

The meeting was called to order at 7:35 p.m. after a quorum was confirmed.

Minutes of the November 16, 2016 Meeting

Mr. Rosencrans made a motion to approve the minutes from the November 16, 2016 meeting as submitted.

Mr. Diggs seconded the motion.

The motion was approved 5-0

PUBLIC HEARINGS

AR 2016-41

15 Liberty Street

To amend the COA issued previously for painting only to include the replacement of the storefront door on the property.

Applicant/Owner: John Bonhomme

Mr. Wilkinson recused himself from the application.

John Bonhomme appeared. He proposed a renovation of the façade of the property. The beams will be moved from the center to the side and install a picture window for the proposed use as an art gallery. Repairs and painting are completed.

The Chairperson opened the public hearing. There was no one present to speak for or against this application. The public hearing was closed.

Mr. Diggs made a motion to assume SEQRA lead agency.

Mr. Hanson seconded the motion.

The motion was carried unanimously.

Mr. Hanson made a motion to assume SEQRA negative declaration for lead agency.

Mr. Diggs seconded the motion

The motion was carried unanimously.

Mr. Diggs moved to amend the approved COA to permit moving the door to the center as submitted in the application. Mr. Hanson seconded the motion

Mr. Hanson seconded the motion.

The motion was approved 4-0.

AR 2016-51

2 Liberty Street

To restore the property in-kind with historical details.

Applicant/Owner: John Bonhomme

John Bonhomme and Jeff Wilkinson appeared. The proposal is to restore the corner storefront with masonry repair at the front. Window repairs, two-over-two Jeld-Wen wood units, square windows, arch openings. The existing upper cornice crown will be matched and replicated. A window is proposed to be added to add more value to the property. The configuration of the building would be apartment spaces on the top and commercial use at the ground floor. Historic photographs of the building have not been found by the architect. Isaac Diggs asked if there were any plans to make renovations to the yard on the property. There are no defined plans, if in the future there were plans the applicant would come back before the board to present a fence application.

The Chairperson opened the public hearing.

Stuart Sachs, 28 Lander Street, spoke in support of the application.

The public hearing was closed

Mr. Hanson made a motion to assume SEQRA lead agency.

Mr. Diggs seconded the motion.

The motion was carried unanimously.

Mr. Hanson made a motion to assume SEQRA negative declaration for lead agency.

Mr. Diggs seconded the motion
The motion was carried unanimously.

Mr. Hanson moved to accept the application as presented with the use of a wood two-over-two Jeld-Wen arch windows with windows on the south elevation that are square top.
Mr. Diggs seconded the motion.

The motion was approved 4-0.

AR 2016-53 53 Beacon Street
To rehab the exterior of the property.
Applicant/Owner: Joshua Mousseau/ Newburgh Land Bank

Joshua Mousseau and Jeff Wilkinson, architect appeared. The applicant is in the process of purchasing the property from the Land Bank.

Corbels that are missing are being restored. The windows are square framed with an arch on the upper sash. The masonry will be repainted in HC-83 on the body and the trim & accent color will be HC-166. The front porch will be repaired and the door will be restored accordingly with the original standards. The foot rail assembly of the baluster, the hand rail and sub rail are specified in the architectural renderings submitted by Mr. Wilkinson. The back is not visible from a public street. The roof is almost flat with very little pitch.

The Chairperson opened the public hearing.

Stuart Sachs, 28 Lander Street, expressed support for the application.

The public hearing was closed

Mr. Diggs made a motion to assume SEQRA lead agency.
Mr. Hanson seconded the motion.
The motion was carried unanimously.

Mr. Hanson made a motion to assume SEQRA negative declaration for lead agency.
Mr. Diggs seconded the motion
The motion was carried unanimously.

Mr. Diggs moved to approve the application as submitted to rehab the exterior of the property as detailed in the application.
Mr. Hanson seconded the motion.

The motion was approved 4-0.

AR 2016-54 44 Carson Avenue
To renovate front porch and façade.
Applicant/Owner: Shay Sellars

Shay Sellars & Jeff Wilkinson appeared before the board. The Applicant proposes to restore the porch and façade. The porch will be rebuilt with a more historical set of front stairs. The details and configuration are provided in the architectural renderings submitted by the architect. The balusters are to be cedar and the railings in mahogany. The windows will remain with no plans to replace them. The basement windows will be repainted. Mr. Diggs asked if there were any plans to provide lighting on the property. There will be a downward facing sconce where existing outlet for is located.

The Chairperson opened the public hearing.

Stuart Sachs, 28 Lander Street, spoke in support of the application.

The public hearing was closed

Mr. Hanson made a motion to assume SEQRA lead agency.

Mr. Diggs seconded the motion.

The motion was carried unanimously.

Mr. Hanson made a motion to assume SEQRA negative declaration for lead agency.

Mr. Diggs seconded the motion

The motion was carried unanimously.

Mr. Hanson moved to accept the application as submitted with a down facing sconce light, double door replacement and rebuilding of front porch stairs.

Mr. Diggs seconded the motion.

The motion was approved 4-0.

OLD BUSINESS

AR 2016-21

14 Johnston Street

To demolish property

Applicant: Mill Street Partners

Owner: Newburgh Commercial Development Corp.

Hannah Walsh disclosed conflict of interest as a result of public opposition to the Project and recuses herself from the application.

David Cooper, Esq., Zarin & Steinmetz, appeared. The Applicant is seeking the COA for the demolition of the property at 14 Johnston Street. The Planning Board recently finished the SEQRA review of the project and issued site plan approval. The ARC can issue a certificate of appropriateness. SHPO has approved the demolition of the building due to the deteriorated condition. The Applicant last appeared before the Board in June of this year. This building is unstable, and there is significant fire and water damage. There have been significant façade changes throughout the years. A similar application was submitted to SHPO because this is a

state funded project. Data concerning value of the property was submitted to the members of the board. The property is owned by Newburgh Commercial Development Corp., which does not have a positive return on investment. The building was evaluated as a standalone building and not as a part of the entire project. Mill Street Partners submitted alternatives analysis based on the questions that were posed by a member of the board in a previous meeting. Mr. Cooper stated that the hardship evaluation provided to the board is based on the requirements of the ARC regulations. Mr. Cooper stated that what the board needs is to base its decision on objective criteria.

Ms. Kelson advised the Board that there was no obligation to vote on this project at this meeting.

Mr. Cooper asked who would pay for additional research if the Board required more proof supporting the application. Mr. Diggs stated that there is no creative effort to salvage this property and only are numbers and other points to justify the demolishing of the building. Magnus Magnuson, Designer of Magnusson Architecture and Planning, PC, looked at two approaches to incorporate the building. First, to leave it and build around but the cost was too high and adversely impacted the design of the new building. The second approach would incorporate the building into the new design but the floor levels are off because the new construction is at a grade level and the old building has a stoop. Preserving the façade is costly and infeasible. Mr. Wilkinson asked if the tax credits were included in the evaluation of the hardship. The Planning Board did not ask for the evaluation of 14 Johnston Street. Mr. Rosencrans questioned why there were no comparative analysis of the estimates provided even though SHPO did evaluate the building. Mr. Cooper asked if the commission typically required multiple analyses. Corporation Counsel stated that historically the commission has not required applicants to submit multiple analyses. The City Planner, has been in contact with Weston Davey, Historic Site Restoration Coordinator of SHPO, regarding the building, the site and the overall plan.

Mr. Cooper requested notification of the public hearing to be issued. Corporation Counsel stated that the public hearing was adjourned from the previous meeting and remains open.

The Chairperson opened the floor to comments from the public.

Bill Kanye, 71 Liberty Street, questioned the profit margin and return on investment and economic hardship. He believes the building can be preserved and fit into the overall project, recommends a second look. In addition, if the project is not sold to the party expressing economic hardship, then how can it be separated from the overall project.

Jeff Wilkinson asked where the standards of the COA can be found. Corporation Counsel summarized the code specifically, Section 300-41(C), (D) and (E). Section 300-41 contains an appeal procedure based solely on economic hardship.

Stuart Sachs, 28 Lander Street, spoke against the application and read a letter which is incorporated by reference.

Drew Kartiganer, owner of buildings adjacent to the site, feels that there is no need to rush the process. Financing is not in place. There is no site control. The development agreement expired as of October 2016, and Mr. Kartiganer requested the Board table the application.

Brendan Murney, 933 73rd Street, read a letter from Michael Lebron, resident of 279 Grand Street, which is incorporated by reference.

The public hearing was closed

David Cooper mentioned that the LDA is still in place which requires expeditiously obtaining all approvals and funding. In order to obtain funding Applicant must have all approvals including the ARC COA. The empirical data before the board is that the building costs \$200,000 but will cost much more to renovate and maintain. The analysis provided to the Board is the same as submitted to SHPO. If the City continues delaying the process, then there will be problems with the LDA.

Mr. Wilkinson requested the square footage of the property (approximately 3400 square feet). Keeping 14 Johnston Street would constitute a loss of eight units in the new development. Mr. Hanson noted that the building is the last remaining building on the block. Mr. Diggs stated that he does not see any good faith attempt at preservation in the applicant's submission and would welcome suggestions on how to preserve and renovate the building rather than demolish it. Mr. Hanson supported the request for good faith proposals for preserving and incorporating the building.

Mr. Cooper stated that you cannot redevelop the property without the redevelopment of the entire site. A gut renovation of the property is not feasible therefore demolition would be the alternative. Magnus Magnusson stated that the economics proved to be financial burdens on this project. The incorporation of the building is not feasible and to save the façade is not financially feasible. Mr. Diggs would like to see the plans and the process of how those conclusions were reached. Patrick Normoyle stated that they can bring to the next ARC meeting options and alternatives analysis. Jeff Wilkinson referenced the repurposing of the materials from the building if demolished. Patrick Normoyle stated that they had been in contact with Nate Litwin from Habitat from Humanity who has specifically requested 300 bricks in good standing and other materials.

In addition, the applicant offered to memorialize the building as they have done in other projects such as the one in Middletown. Mr. Diggs requested that the applicant develop creative alternatives to provide a compromise between the two parties.

Mr. Rosencrans moved to table application to the month of January.

Mr. Diggs seconded.

The motion passed 4-0

With no further business to discuss the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Omar Balbuena-Palma
Secretary to the Land Use Boards

Attachments – Letter from Mr. Sachs
Letter from Mr. Lebron

FROM

MICHAEL LEBRON
279 Grand Street
Newburgh NY 12550
36 Cooper Square
Suite 7F
New York, NY 10003
917-743-7568

TO

ARCHITECTURAL REVIEW COMMITTEE
City Hall
83 Broadway
4th Floor
Newburgh, NY 12550
845-569-7322

RE

Proposed demolition of historic building at mid-Broadway by Mill Street Partners

Dear ARC members:

I think that it is inappropriate to permit Mill Street Partners to raze the historic building at this location:

- Mill Street has been tasked to consider including the historic building as part of their development. Mill Street has to date made no good faith effort to do so in order to help preserve the historic fiber of the Historic District. The law guiding the Historic District prefers restoration and inclusion of historic structures, and specifically burdens any attempt to tear down historic buildings. As a creative person myself, it is not hard for me to conceive of a development plan that would integrate this building into it.

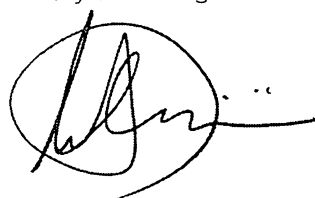
I think that it is premature to permit Mill Street Partners to raze the historic building at this location:

- A compelling argument is made that Mill Street has no standing before the ARC because their contract with the City expired October 2106.
- Mill Street does not have a current ARC approval of their plans.
- Mill Street does not have financing in place, and it is not clear that they will ever get that financing. If they walk away, the city will have lost another viably salvageable structure for no good reason.
- They do not have control of the site: why should they be afforded this "courtesy" when they have not reciprocated in a manner that would have already led to city council approval of the development of the site in its totality by now?

Demolition of this building will not take much time so it won't cause significant delay. *If anything, Mill Street has only itself to blame for the longer delays they themselves have caused by not designing and submitting a plan that the city can whole-heartedly get behind.*

I propose that the ARC table the motion to demolish this building until the City has approved Mill Street development of this site pursuant to approved financing and plans.

Very Best Regards —

A handwritten signature in black ink, appearing to read 'Michael Lebron', enclosed within a circular scribble.

Michael Lebron

Stuart Sachs
28 Lander Street
Newburgh, NY 12550

December 12, 2016

Letter to ARC in opposition to demolition permit for 14 Johnston Street.

Dear Chair, and members of the ARC,

Mill Street Partners has asked this Commission for permission to demolish a contributing structure in the Newburgh Historic District. I ask you to table this motion until all their approvals and due diligence are complete. Right now, this is not so.

This type of application is burdened in several ways, as the law clearly has a strong preference for the restoration and adaptive reuse of historic structures, rather than their destruction. The law was passed to protect something that we value very highly, the history, and integrity of our Nation's Art and Cultural Legacy.

Why do we care about historic structures? When asked about the birth of Historic Preservation many will bring up the Demolition of Penn Station. The Original McKim Mead and White building was a stunning landmark by renowned architects, and now exists only in pictures and the memories of those lucky enough to have walked the grand halls. In arguing for it's demolition, the developer of Madison Square Garden, which replaced this glorious gateway to New York City with an ugly large development and no pleasurable entrance to the City, and no beauty except that the developer, Irving Felt, made buckets of dough. Felt stated that "...the gain from the new buildings and sports center would more than offset any aesthetic loss". Now, this sounds a bit like the claims our friends at Mill Street are making... Felt continued, "Fifty years from now, when its time for [the new Madison Square Garden] to be torn down, there will be a new group of architects who will protest." Well, he was wrong, and wrong again. So resoundingly wrong that this lives forever in the pantheon of self serving nonsense. We all recognize that a gem was lost to greed, false utility, and shortsightedness. Now 54 years have passed, and we still mourn the loss of history, and beauty. Madison Square Garden will finally be torn down in favor of a new and once again grand entrance to the City. Does anybody remember the designer of MSG? I think not, but every year since this mindless destruction has weighed on urban planners worldwide.

In Newburgh, we realize, of course, that the Historic Preservation movement started a century earlier, right here, in Newburgh when the State of NY purchased Washington's HQ at the nation's first site for Historic Preservation. Newburgh was the seat of the revolution, the cradle of modern Democracy, and it was also the birth of our understanding of historic preservation.

I ask the ARC to Table this request because Mill Street has 5 strong problems with their application. These should be resolved before the ARC considers this application. Further, because of the irretrievable nature of demolition, I advise the ARC to receive any objections to this statement in writing before considering or dismissing my arguments. I believe each argument is necessary and sufficient reason to postpone any decision. If they can solve the objections, and have all their approvals and funding in place, the ARC can always act at that time. No need to rush this, especially because of the past experience on that very site. A decade ago, the entire block of Broadway, and hundreds of feet up Lander and Johnston was populated with typical buildings of the architectural vernacular in the Historic District. Brick buildings, detailed window arches, mansard roofs. These

buildings were all demolished because a proposed development needed them out of the way, tore them down, and then... it turned out that the project really didn't have its approvals. The historic buildings were ripped out of the historic district in haste by a developer who never got the approvals. Same thing here. Slow down, take a breath, and table this application. If it becomes essential, you can vote on it at that time, but for now, the only responsible path is to table.

My 5 objections are as follows:

1. Mill Street has no standing before the ARC because their contract with the City expired October 2106. October 26, 2015, the City Council voted a 1 year extension of the Development contract. At the Council meeting moments before the vote, Council Member Mejia asked the Corporation Council "When does the 1 year start?" Corporation Council Kelson responds that the year starts as soon as the document is executed, "...maybe tomorrow." Council member Mejia is heard saying, "okay." After the vote, the Council for Mill Street is heard saying "Thank you." The importance of this exchange is that everybody in the room, all the Council members, the Corporation Council, the City Manager, and Council for Mill Street all agreed on the terms, a vote was taken, and all were satisfied that it was known and fair. So, whether the Clerk stamped the document on the 27th or the 28th, either way, the contract expired over 6 weeks ago. This exchange can be found on the City's youtube channel. <https://www.youtube.com/watch?v=uSNr0MDACk0> at time 1:50:15 – 1:51:45. The clarity of this exchange is indisputable if you watch the video. So I urge you to table, and I urge you to insist that any suggestion to the contrary be submitted in writing and included in your minutes the Open Meeting Law requires that.
2. Mill Street does not have a current ARC approval of their plans. The certificate of appropriateness (COA) that was issued Jan, 2014 was invalidated 2 years ago by ch 78 legal action that threw out and invalidated the special permit issued by the City Council. Even without the law suit, the COA, almost three years old now, would have expired without the issuance of a work permit.
3. In June, the ARC directed Mill Street to consider including the historic building as part of their development. Mill Street has included no such plans, no good faith effort, no attempt to preserve the fiber of the Historic District. The law guiding the Historic District prefers restoration and inclusion of historic structures, and specifically burdens any attempt to tear down historic buildings. It is difficult to conceive that they cannot spend small portion of their expected \$7 million in profit, perhaps 1 or 2 percent to restore this building. It would be well spent stabilizing and including this structure as part of their project. This is a common and rewarding practice that is encouraged and required in historic districts around the world. I note a recent Whole Foods development in Brooklyn at 3rd Ave and 3rd street. The developer originally requested a demo permit, that was denied, and their development agreement was contingent on their restoration of the historic building. That was done, Whole Foods is open, and doing very well, and they gained community favor and support by including the restoration of the historic building. Notable other projects is the Renovation of the Morgan Library by Renzo Piano, which successfully married a glass curtain wall to the Historic McKim building. The Hearst Magazine building was built by Joseph Urban, in 1928, but when the magazine offices were expanded, Sir Norman Foster retained the original historic facade and built a steel and glass tower within. Villard Houses built by McKim Mead and White, were slated for demolition by Developer Harry Helmsley, but NYC's Landmarks Commission (their ARC) denied the demolition, and required that the developer include the building in the glass and steel

development attached to the structure. Despite the ordinary quality of the Emery Roth and Sons addition, the historic structure remains as an exquisitely restored gem among the towers in Mid Town Manhattan. I.M. Pei did not recommend the demolition of the Louvre, but instead designed a wonderful entrance that tied together 800 years of architecture using the most modern materials, and the oldest of forms. Surely Mill Street Partners could stretch their creative brain centers ever so much and conceive a way to include the historic structure in the new development. I recommend that you table this application of destruction in favor of historic inclusion.

4. Mill Street does not have financing in place. It is premature to allow the destruction of this historic structure when Mill Street does not even have their financing in place. Many of us will recall a previous developer who demolished a dozen or more historic structures on this very site, and then guess what, SUNY chose a different site, so the development did not happen AND we lost many historic vernacular structures. There is a significant question about whether they will be able to obtain financing, so Johnny Cochran might say: if the financing is not in place, then you must table this disgrace!
5. They do not have site control, and are unlikely to get it given various fundamental problems with their proposal. If and when they gain site control, then the ARC can consider their application. There is no need to rush the demolition of this building. Without site control, I urge you to table this request now.

If Mill Street is able to complete 1-5, then the ARC should consider this application seriously. Until then, I suggest this proposal be laid upon the table. A demo permit, if appropriate and warranted, can be issued quickly, and would not hold them up. Do no harm. No damage should be done to the historic district until and unless all approvals are in, and there is no other option.

Respectfully submitted,

Stuart Sachs