

**CITY OF NEWBURGH
ARCHITECTURAL REVIEW COMMISSION**

Michele Basch, Chairperson
123 Grand Street, Newburgh, N.Y. 12550

Omar E. Balbuena-Palma, Secretary
Phone: (845) 569-7380

MINUTES
ARCHITECTURAL REVIEW COMMISSION
Meeting of June 13, 2017

The monthly meeting of the City of Newburgh Architectural Review Commission was held on Tuesday, June 13, 2017 at 6:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, NY 12550.

Members Present: Michele Basch, Chairperson
Christopher Hanson
Hannah Walsh
Jim Hoekema
Isaac Diggs
Jeff Wilkinson
James Kelly
Kent Diebolt (Alternate)

Members Absent: Richard Rosencrans

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

The meeting was called to order at 6:40 p.m. after a quorum was confirmed.

Minutes of the May 9, 2017 Meeting

Mr. Hoekema made a motion to approve the minutes from the May 9th, 2017 meeting as submitted.
Mr. Hanson seconded the motion.

The motion was approved 6-0.

CONSENT AGENDA

AR 2017-35 38 Spring Street
To paint the exterior of the building in Benjamin Moor Historic Colors.
Applicant/ Owner: Luke Pontifell / Hudson Valley Paperworks

Mr. Diggs moved to approve the consent agenda application as submitted.
Mr. Hanson seconded the motion.
The motion was approved 6-0.

PUBLIC HEARINGS

AR 2016-27

47-49 Liberty Street

To amend a previously issued COA to change the replacement windows.

Applicant/ Owner: Shayla Sellars / 47-49 Liberty Street LLC

Mr. Wilkinson recused himself from the application.

Shayla Sellars appeared before the Board. She said the previously-approved windows are out of her budget and she proposes to change the type of windows from Anderson 400 series to Anderson 200 series.

Mr. Hanson said that the rear façade windows are not visible from the street and the board has no jurisdiction to approve the proposed vinyl windows. He said the windows may be more expensive but with historical tax credits, over time, the difference could be minimal. He said the board could not approve vinyl windows.

Ms. Basch agreed and said that they could approve, wood, clad or composite windows. She said they would add more value and last longer than vinyl windows.

Ms. Sellars said the historical tax credits do not work with her development schedule and is not a feasible option.

Mr. Basch clarified that the approved CoA allows for an alternative window type and it may work with her budget.

Ms. Sellars agreed to research pricing and requested to table her application.

The board agreed to table her application.

AR 2017-28

71 Liberty Street

To replace the rear deck railing.

Applicant/ Owner: William J Conyea / NYMA Holding Inc.

William Conyea appeared before the Board. He said 6 inches of the proposed railing are visible from the street, which is what triggered ARC review.

Mr. Hanson said the top of the railing would be visible from the street and has no issue with the post underneath because it will not be visible from the street.

Mr. Wilkinson said that the Applicant may choose to replace the spindles with round or square top spindles.

Ms. Basch agreed and said she is comfortable with letting the Applicant choose either of the two proposed colors (Sherwin Williams SW 2850 or SW 2849).

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

Mr. Hanson moved to assume SEQRA lead agency.

Mr. Diggs seconded the motion.

The motion was carried unanimously.

Mr. Hanson moved to issue a negative declaration.

Mr. Diggs seconded the motion.

The motion was carried unanimously.

Mr. Hanson moved to approve the application as submitted with the option of choosing round or square top spindles and the option of either proposed color.

Mr. Diggs seconded the motion.

The motion was approved 7-0.

AR 2017-29

20 Farrell Street

To install a fence.

Applicant/ Owner: Lora Juncaj / Ilari Group Realty Corp.

Lora Juncaj appeared before the Board. She proposed to install a fence on her property to keep people from dumping garbage. She said the rest of the properties have chain link fences and she is proposing to extend what is currently existing.

Mr. Diggs said that the fence would be 150 feet long and understands her concerns, however they cannot approve chain link fencing in front of the street.

The Applicant said that she doesn't understand why she can't extend the fence to keep a consistent look and said she has doubt about whether she even requires ARC approval.

The Assistant Corporation Counsel said the ARC can only approve what the applicant submitted. If she disputes that her property exists within the Historic Distric and is subject to ARC approval, there is a procedure to appeal that determination.

Mr. Hanson said that she can research wooden fences.

Mr. Wilkinson said that they cannot allow the fence as proposed and requested the Applicant to come back with a wooden alternative.

Ms. Basch requested for the Applicant to return with a spec sheet for a wooden fence.

The Applicant agreed to research wooden fencing and return at the next ARC meeting.

The board tabled the application for the next ARC meeting.

AR 2017-30

7 S Lander Street

To paint and add signage to the exterior and change the windows

Applicant/ Owner: Luke Pontifell / Hudson Valley Paperworks

Christopher Berg appeared representing Hudson Valley Paperworks. He said the Applicant will repaint the brick the same color. The windows will be aluminum clad wooden windows. New window openings will be added as depicted in the drawings. The Applicant said that they prefer the new windows to be square top as the arch top windows are expected to be too expensive.

Ms. Basch said to not power wash the brick and clarified that the Applicant will carefully remove the existing paint as per National Park Service guidelines. She said the brick color will be Benjamin Moore HC-50.

Mr. Kelly asked about the landscaping details. The Applicant said the parking lot will be gravel and that the trees referenced on the Site Plan lie outside of the property lines.

The Applicant said that they have no plans to modify or replace the existing chain link fence. The barn door will be painted in Benjamin Moore HC-34.

Mr. Hoekema said he is comfortable letting the applicant choose either a square top or arch top for the new windows.

Ms. Basch said that the size and location of the wooden sign is acceptable and that the building will have gooseneck lighting.

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

Mr. Hanson moved to assume SEQRA lead agency.

Mr. Hoekema seconded the motion.

The motion was carried unanimously.

Mr. Hanson moved to issue a negative declaration.

Mr. Hoekema seconded the motion.

The motion was carried unanimously.

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

- Brick will be repaired and the paint removed as per National Park Service guidelines
- Brick will be painted in Benjamin Moore HC-50 Georgian Brick Red. Window openings will be added on the second floor, 1 to the South, 2 to the West and 2 to the East.
- New window openings will be either square top or arch top. The remaining windows with the arch tops will be repaired.
- Door on the west end will be closed up
- Barn door will be painted in Benjamin Moore HC-134 Tarrytown Green.
- Signs will be made of wood and be 2 ½ foot square to the right and left of the door, with one sign hanging to the side of the building with a straight metal bracket.
- Gooseneck lighting will be added to the building.

The applicant will return for the spotlight and lettering of the sign.

Mr. Hoekema seconded the motion.

The motion was approved 7-0.

The Applicant agreed to return with additional details for the sign and spotlight.

AR 2017-20

46 Chambers Street

To replace the windows, repoint the brick and add lighting to the exterior.

Applicant/ Owner: Paulien Lethen

Paulien Lethen appeared before the Board. She would like to repoint the brick, add lighting to the front, replace the windows in-kind, and paint the windows black.

Mr. Wilkinson said the drawings provided contradict the picture shown as an in-kind replacement and requested to see additional details regarding the windows. He said the proposed Anderson 400 windows may not be tall enough to fit the window openings and suggested commercial windows like Marvin or Weathershield may be more appropriate for the building. He said the metal egress stairs need additional details and to designate the masonry repair as per national park services or SHPO.

Mr. Diebolt requested to see pictures of the existing windows that the boards cover up and a sketch of the dimensions.

Mr. Kelly agreed and asked to see pictures of the grill pattern from the inside.

Mr. Diggs said the applicant needs to return with additional details regarding which of the 3 separate window types will be used based on the existing window, the designation of masonry repair, additional details on the emergency exits specifically the materials and specifications.

Mr. Kelly said to examine the front windows to verify that they have not been modified and cut out to appear like the side windows.

Ms. Basch said that will need additional details on the application and informed the applicant to return to the next ARC meeting.

The Applicant agreed to update the application details and return to the ARC meeting in July.

AR 2017-31

159 Lander Street

To install a fence.

Applicant/ Owner: Robert & Erika Urie

Erika Norton Urie appeared before the Board. She wanted to install a fence on the property, 48 inches high. The fence on the street side will be aluminum Newcastle II style. On the side and rear of the property, she proposed a chain link fence, due to illegal dumping, security reasons and for financial reasons. The chain link fence on the back of the property will connect to an existing chain link fence and she will plant shrubs to cover the fence.

Mr. Diggs said that they are not able to approve chain link fences.

Mr. Wilkinson suggested planting Arborvitae hedges as a cost-effective method to prevent illegal dumping. He finds no issue with the Newcastle II fence proposed.

Ms. Walsh said chain-link fencing can be approved in rear yard areas but they must be screened with plantings from public view.

Ms. Basch said the Newcastle II fence is acceptable but understands that the Applicant needs to protect her property and she is willing to consider the protective chain link fence if there is an agreement to completely cover the chain link fence and maintain it as required.

The Applicant said that if the chain link is approved, she can place the greenery to cover the fence immediately.

Mr. Wilkinson suggested that a temporary fence be placed on the lot to allow for greenery to grow then have the fence removed when the greenery is fully grown. He said the temporary fence can be placed on the lot line and once the adjacent property is developed, it could provide the protection she seeks.

The Applicant said that although she would like to, she said that greenery will not deter people from illegal dumping on her property.

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

Mr. Hanson moved to assume SEQRA lead agency.

Mr. Hoekema seconded the motion.

The motion was carried unanimously.

Mr. Hanson moved to issue a negative declaration.

Mr. Hoekema seconded the motion.

The motion was carried unanimously.

Ms. Walsh moved to approve the application with the following conditions:

- Black aluminum Newcastle II style fencing along the street side with the setbacks as proposed in the drawings
- Galvanized chain link fencing to run along the side and rear of the property, which must also be fully obscured with plantings. The plantings and the chain link fence will be installed/planted at the same time.

Ms. Basch seconded the motion.

The motion was approved 7-0.

AR 2017-32

263 Liberty Street

To replace the windows.

Applicant/ Owner: Home Depot USA Inc. / Geneva Wirth

Harold Middleman, contractor from Home Depot, appeared along with Geneva Wirth before the Board. The Applicant proposed to replace all of the windows on the façade and said that it is a financial burden to replace all of the windows with wooden windows. The Applicant requested approval of vinyl windows and said that the current windows are a danger as they can be easily pushed out.

Mr. Wilkinson said that they cannot approve vinyl windows as per the guidelines.

The Applicant asked whether the Board could approve an alternative window type and suggested Anderson 100 windows on the front of the house which follows the same grid pattern. The exterior will be white.

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

Mr. Hoekema moved to assume SEQRA lead agency.

Mr. Hanson seconded the motion.

The motion was carried unanimously.

Mr. Hoekema moved to issue a negative declaration.

Mr. Hanson seconded the motion.

The motion was carried unanimously.

Mr. Wilkinson moved to approve the application with the following conditions: the windows will be Anderson 100 units to follow the original grill pattern. The windows will be painted white.

Ms. Walsh seconded the motion.

The motion was approved 7-0.

AR 2017-33

61 Chambers Street

To demolish the building.

Applicant/ Owner: Robert Fontaine

Robert Fontaine appeared before the Board. He said he would like to save the building but has no choice but to demolish the building for safety reasons.

Mr. Wilkinson said he inspected the site and says the building is clearly buckled and is too expensive to salvage. He requested to salvage as much materials from the building where possible.

The Applicant agreed and said the corbels are in good shape as well as some brick.

Mr. Diebolt said the building is noncontributing as there are no adjacent buildings left.

The Assistant Corporation Counsel read section 300-40(e) of the City Code. He also referred the Board to the letters submitted by William Horton and the Applicant's engineer, both of which were made part of the record. The Board reviewed the considerations before making their determination.

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

Mr. Hanson moved to assume SEQRA lead agency.

Mr. Diggs seconded the motion.

The motion was carried unanimously.

Mr. Hanson moved to issue a negative declaration.

Mr. Hoekema seconded the motion.

The motion was carried unanimously.

Mr. Kelly moved to approve the application with the following condition: to salvage as much material as possible to reuse in future projects or to have available for other projects in the Historic District.

Mr. Diggs seconded the motion.

The motion was approved 7-0.

AR 2017-34

90 Broad Street

To paint the building and replace the front door and windows.

Applicant/ Owner: George McMahon and Ashley F Lyon

Ms. Walsh recused herself from the application.

Ashley Lyon appeared before the Board. She proposed to paint the building in Benjamin Moore colors, replace the door, and replace the windows in-kind with wooden Marvin, double-hung ultrex with an acrylic finish. The 1st floor windows will be 1/1, the 2nd floor windows will be 12/1 and the 3rd floor windows will have 2, 6/1 with one, 12/1 window in the center. The windows will be painted in Stone White. She said she is having a difficult time locating the exact door shown in the original pictures of the building, but will seek to obtain an identical alternative.

Mr. Kelly suggested a Dutch door may be a better alternative for the door.

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

Mr. Hanson moved to assume SEQRA lead agency.

Mr. Hoekema seconded the motion.

The motion was carried unanimously.

Mr. Hanson moved to issue a negative declaration.

Mr. Hoekema seconded the motion.

The motion was carried unanimously.

Mr. Hanson moved to approve the application as submitted with the following condition, the applicant has the option of installing a multi-paned, glass-top Dutch door.

Mr. Diggs seconded the motion.

The motion was approved 6-0.

Ms. Basch moved to change the start time of all ARC meetings to 6:30 p.m. beginning on July 11th, 2017.

Mr. Hanson seconded the motion.

The motion was carried unanimously.

With no further business to discuss the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

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