

**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) 569-7380

**MINUTES
ARCHITECTURAL REVIEW COMMISSION
Meeting of
January 10, 2017**

The monthly meeting of the City of Newburgh Architectural Review Commission was held on Tuesday, January 10, 2017 at 7:30 p.m. at the Activity Center, 401 Washington St. Newburgh, NY 12550

Members Present: Richard E. Rosencrans, Acting Chairperson
Michele Basch
Isaac Diggs
Hannah Walsh

Members Excused: Brigidanne Flynn
Christopher Hanson
Jeff Wilkinson

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

The meeting was called to order at 7:30 p.m. after a quorum was confirmed.

Minutes of the December 13, 2016 Meeting

Mr. Diggs made a motion to approve the minutes from the December 13th meeting as submitted. Ms. Basch seconded the motion.

The motion was approved 4-0

PUBLIC HEARINGS

AR 2016-74 24 South Miller Street
To erect a 5' ft. privacy fence on the side of the property line painted in Benjamin Moore HC-74.
Applicant/Owner: Nathan Litwin/ Habitat for Humanity of Greater Newburgh, Inc.

Nathan Litwin appeared before the board representing Habitat for Humanity of Greater Newburgh, Inc. and gave a brief overview of his application, to erect a five-foot-tall fence in Benjamin Moore HC-74. He clarified that the line of the fence at the highest point would be five-feet.

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

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

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

Ms. Basch moved to accept the application AR 2016-74 for 24 South Miller Street to erect a five-foot privacy fence, as written.
Mr. Diggs seconded the motion.

The motion was approved 4-0.

AR 2016-75 26 South Miller Street
To erect a 5' ft. privacy fence on the side of the property line painted in Benjamin Moore HC-74.
Applicant/Owner: Nathan Litwin/ Habitat for Humanity of Greater Newburgh, Inc.

Nathan Litwin remained before the board representing Habitat for Humanity of Greater Newburgh, Inc. Mr. Litwin noted that the project would be substantially the same as his application for 24 South Miller Street.

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

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

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

Mr. Diggs moved to accept the application for AR 2016-75 for 26 South Miller Street, to erect a five-foot privacy fence, as submitted.
Mr. Basch seconded the motion.

The motion was approved 4-0.

AR 2016-76 22 South Miller Street
To erect a 5' ft. privacy fence on the side of the property line painted in Benjamin Moore HC-74.
Applicant/Owner: Nathan Litwin/ Habitat for Humanity of Greater Newburgh, Inc.

Nathan Litwin remained before the board representing Habitat for Humanity of Greater Newburgh, Inc. Mr. Litwin noted that the project would be substantially the same as his application for 26 South Miller Street.

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

Ms. Basch made a motion to assume SEQRA lead agency.

Mr. Diggs seconded the motion.

The motion was carried unanimously.

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

Ms. Walsh seconded the motion

The motion was carried unanimously.

Mr. Diggs moved to accept the application for AR 2016-76 for 22 South Miller Street, to erect a five-foot privacy fence, as submitted.

Mr. Basch seconded the motion.

The motion was approved 4-0.

AR 2016-77

81 Liberty Street/WH

To add new hand rails on the side of the property.

Applicant/Owner: John C. Powell

John C. Powell appeared before the board. He clarified that the metal pipe handrails have already been erected and that they are the same as the handrails in front of the building. He stated that he placed the rails immediately for safety reasons, citing tenant disabilities. Ms. Basch noted the dangers of slipping and suggested to cap the open pipes.

The Chairperson opened the public hearing.

Jerome Oaddams, 38 Beacon Street, spoke in support of the application.

Scott Miles, 38 Beacon Street, expressed support for the application.

The public hearing was closed.

Ms. Basch made a motion to assume SEQRA lead agency.

Mr. Diggs seconded the motion.

The motion was carried unanimously.

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

Ms. Basch seconded the motion

The motion was carried unanimously.

Mr. Diggs moved to accept the application as submitted with the addition that the applicant cap the rails.

Mr. Walsh seconded the motion.

The motion was approved 4-0.

AR 2016-71**326 Liberty Street**

To restore property exterior including structural shoring, repairing of the roof, replacing damaged wood siding, installing new windows and painting exterior.

Applicant/Owner: Thomas Dodd

Christopher Berg appeared before the board on behalf of Mr. Dodd who was not able to attend. He gave a brief history of the property. He stated that no historical analysis was possible due to insufficient former material, but they will do their best to repair what is currently existing and do any replacements as close to the original. There are no original windows left and he is proposing six over six wooden double-hung windows and mentioned that there is a possibility to add windows on the north end of the building. The front door will not contain any glazing and be a solid door painted in Benjamin Moore CW-330 semi-gloss. The existing metal roof will be removed and repaired where possible, and they will add: new 3/4" sheathing as required, 40 oz. builders felt and cedar shakes. The existing flat stock trim will be restored. The board noted the importance and recommended to preserve the difference of the building, Mr. Berg agreed.

The Chairperson opened the public hearing.

Michael Lebron, 36 Cooper Square, New York, asked that if there is enough of the building left to salvage. The board clarified that if the building was not salvageable, then the applicant must return to the board for new approval.

The public hearing was closed.

Ms. Basch made a motion to assume SEQRA lead agency.

Ms. Walsh seconded the motion.

The motion was carried unanimously.

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

Ms. Basch seconded the motion

The motion was carried unanimously.

Ms. Basch moved to accept the application to restore the property exterior, including structural shoring, repairing of the roof, replacing damaged wood siding with wood siding, with wood clabbord on one side and shingles on the other, installing new wooden windows and painting the exterior in Benjamin Moore: CW-675 semi-gloss, CW-630 semi-gloss, and CW-330 semi-gloss. The windows on the front and back of the first floor will be eight over eight and in the second floor front they will be six over six and in the second floor back they will be eight over eight. There will be a flat border around the exterior of each window. The door will be a wood panel door painted in Benjamin Moore CW-330 semi-gloss, and will utilize the metal front door latch and metal strap hinges as submitted in the application.

Mr. Diggs seconded the motion.

The motion was approved 4-0.

AR 2016-72**30 Chambers Street**

To repair/replace damaged brick, repoint exterior masonry, repair and paint cornice and install new windows.

Applicant/Owner: Thomas Dodd

Christopher Berg remained before the board on behalf of Mr. Dodd. He gave a brief overview of the project and mentioned that there currently are no windows, that the doors are covered by a piece of plywood and that the bricks will need to be restored. He noted that he could not find any historical photographs of the property and that the chimney will be kept. New six over six, aluminum clad, wooden, double-hung windows will be installed and the bricks will remain unpainted after the paint is removed. The board cautioned Mr. Berg on power washing the historical bricks, and asked whether the applicant has considered lighting in addition to the street lamp and if the applicant would consider a wooden door. Mr. Berg responded that there will be lighting from the inside and that will illuminate the outside through the glass and that he was unsure if Mr. Dodd would be open to using a wooden door. Mr. Berg clarified that the second door would fall under the same address but in a different unit. The board requested more details on the project.

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

Ms. Basch made a motion to assume SEQRA lead agency.

Mr. Diggs seconded the motion.

The motion was carried unanimously.

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

Mr. Rosencrans seconded the motion

The motion was carried unanimously.

Mr. Diggs moved to accept the application to repair and replace the damaged brick, repoint exterior masonry, repair and paint the cornice and wait for further details outlining any window specs, door specs and lighting effects for a later time.

Ms. Walsh seconded the motion.

The motion was approved 4-0.

AR 2016-73

243 Third Street

To install new windows, remove/repair and restore cornice, remove existing horizontal siding and replace with new concrete plank siding.

Applicant/Owner: Coppola Associates/ Rafiq A. Majeed

AJ Coppola appeared before the board representing Rafiq A. Majeed. The applicant is proposing an in-kind restoration of the exterior. The cornice and trim are going to be repaired and replaced in-kind. The windows are going to be one over one Pella, aluminum clad, double-hung windows. The siding in the back and front will be replaced by four-inch concrete lap siding painted in Benjamin Moore Edgecomb Gray HC-173. The building will be painted in Benjamin Moore colors as depicted in the application.

Mr. Diggs mentioned that in the photograph of the rear elevation and side, the window openings seem to be bigger than the drawings depict and if there's a plan to change the window openings.

Mr. Coppola responded that in the floor plan, the elevations match and in the back, there will be a reduction from three to two single windows with brick wall on the center and on the sides of the rear elevation, there will be one single window. He then asked Mr. Majeed if he considered placing three windows across the back wall instead of two for more light and after a discussion, Mr. Majeed agreed.

Ms. Walsh mentioned that on the rear elevation of the basement picture there seemed to be windows at one time and Mr. Coppola clarified that there may have been but moving forward there will be concrete foundation with brick side walls. She went on to note that on the picture of the middle window of the right-side elevation there seems to exist one double window and if possible to keep the window as is instead of replacing it with two smaller windows; Mr. Majeed agreed.

Ms. Basch asked if the front door can be salvaged, Mr. Majeed responded that it cannot be repaired but an attempt will be made to salvage it. Mr. Coppola stated that the door can be replaced with fiberglass after reassuring the board that it is an approved material.

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

Ms. Basch made a motion to assume SEQRA lead agency.

Ms. Walsh seconded the motion.

The motion was carried unanimously.

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

Ms. Basch seconded the motion

The motion was carried unanimously.

Mr. Diggs moved to accept the application as submitted with the exception of adding the third window to the rear elevation per floor, maintaining the middle window on the right-side elevation as is, replacing the front door in-kind with a fiberglass door or possibly salvaging the door and replacing the windows with aluminum clad one over one Pella units

Mr. Rosencrans seconded the motion.

The motion was approved 4-0.

AR 2016-70

8 Bay View Terrace

To replace second floor porch roof and rails, replace windows, add second entry door to separate upper and lower units, replace lattice, repair roof, and replace siding.

Applicant/Owner: Frances Dunston/ 8 Bay View Terrace LLC.

Frances Dunston, representing 8 Bay View Terrace LLC. accompanied by Jeffrey Dunston appeared before the board. Ms. Dunston gave a brief overview of her application. They are proposing to replace the first and second floor of the porch. The product they are using is a structural post with vinyl covering. There was a conversation regarding vinyl and alternatives. Ms. Basch clarified that vinyl cannot be approved and recommended using wood. The board stated that the applicant must return with a new submission for the porch. Mr. Dunston mentioned that after examining the extent of damage on the roof it is not possible to repair and they have looked at slate architectural shingles for replacement. Mr. Diggs asked if the wood siding could be restored, Mr. Dunston responded that they are not opposed but that it would

depend on the damage and how cost-effective the repair could be. He noted that the existing windows are vinyl and will be replaced by one over one wood composite single hung windows. In addition, the two windows located on the first floor and second floor will be widened by a foot, and the third-floor windows will be left as-is. Ms. Basch mentioned wood or metal clad windows are acceptable. The door on the second floor is going to be made of wood and glass with the same existing design.

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

Ms. Basch made a motion to assume SEQRA lead agency.

Ms. Walsh seconded the motion.

The motion was carried unanimously.

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

Ms. Basch seconded the motion

The motion was carried unanimously.

Ms. Basch moved to approve the replacement of windows with wood or metal clad, one over one windows. They will be increased in size by a foot each to keep them in symmetry. The door on the second floor will also be increased in size by a foot and will also be made of wood and glass and it will be the same design as is currently there. The window on the second floor that is set-in a bit will also be increased by a foot. There will be no change in design to the third-floor windows but they will be replaced. The roof will be replaced as indicated in the application with architectural shingles. The applicant is to come before the board with new submissions regarding the full porch, stairway, front door, any painting colors, and plans for the siding. Mr. Diggs seconded the motion.

The motion was approved 4-0.

AR 2016-78

279 Grand Street

To repair front and rear window and floor sills, remove exterior entrance door, custom reconstruct front and rear existing windows, repair entrance steps, repair bluestone retainers, replace roof with new shingles.

Reset/repoint rear bricks, build rear porch for first and second level.

Applicant/Owner: Michael Lebron/ Dwellstead, Inc.

Michael Lebron appeared before the board representing Dwellstead, Inc. and gave a brief overview of the property. The property is in a distressed condition and the roofing is new but it may not be consistent with the original features of the building. Mr. Lebron is proposing to replace the roof with slate shingles or solar shingles. Removing the paint and gently power washing the façade then repainting with the colors as shown in the application. The windows will be restored and be six over six. The canopy will be removed and stored as it does not seem to be an original. Mr. Lebron clarified that the windows are currently six over six and that they will be restored where possible. The eaves under the roof will match the smaller eaves over the center window. He stated that the existing brick needs work and if they are stable they will be parged to match the brownstone steps.

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

Ms. Basch made a motion to assume SEQRA lead agency.

Ms. Walsh seconded the motion.

The motion was carried unanimously.

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

Mr. Rosencrans seconded the motion

The motion was carried unanimously.

Ms. Basch moved to repair the front windows and floor sills. To remove completely the current front door and repairing the in-set door as the new front door. The bluestone retainers will be repaired and replaced, the eaves under the roof will match the smaller eaves over the center window, the paint colors of the front of the building will be in Benjamin Moore HC-27, and the trim in HC-50 and CW-25. The canopy will be removed, and the two sides of the front door steps will be parged to match the color of the front door steps. The door below the stairs will be replaced and the windows will be replaced or repaired where possible, to be wooden six over six and match the slightly arched architecture of the window frame. The railings on the stairs and in the front of the lot will be repaired or replaced to match the existing railing. The downspout, the roof and wrought iron grill are to be discussed in a following meeting. The board noted that the rear does not fall under the jurisdiction of the Architectural Review Commission.

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.

A letter was submitted by the applicant for adjournment because there was not going to be a quorum for a vote.

With no further business to discuss the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Omar Balbuena-Palma
Secretary to the Land Use Boards

Attachments – Letter from Mill Street Partners



January 10, 2017

David J. Cooper
Jody T. Cross ◦
Michael J. Cunningham ◡
Marsha Rubin Goldstein
Helen Collier Mauch ◡
Zachary R. Mintz ◦
Matthew R. Pisciotta ◡
Daniel M. Richmond
Kate Roberts
Brad K. Schwartz
Lisa F. Smith ◦
David S. Steinmetz ◡
Michael D. Zarin

◡ Also admitted in D.C.
◦ Also admitted in CT
◡ Also admitted in NJ

Via Electronic Mail

Chairwoman Brigidanne Flynn and Members
of the City Architectural Review Commission
City of Newburgh
City Hall
83 Broadway
Newburgh, New York 12550

Re: Mill Street Partners, LLC – Mid-Broadway Redevelopment Opportunity

Chairwoman Flynn and the Members of the Architectural Review Commission:

As you know, this firm represents Mill Street Partners, LLC (“Mill Street”), the Preferred Developer selected by the City of Newburgh (“City”) for the Mid-Broadway Redevelopment Project (“Project”) at the property adjacent to Broadway, Johnston Street and Lander Street (“Site”).

This matter is on your Commission’s Agenda for the Regular Meeting scheduled to occur later tonight. We have been informed that due to the absence of three (3) Commission Members, as well as the recusal of a fourth Commission Member, there will not be a quorum to continue your Commission’s review of Mill Street’s Application tonight.

As you are likely aware, The City and Mill Street are Parties to a Development Agreement, wherein this Application was deemed a “Priority Project” in the City. See Development Agreement, dated October 23, 2012 (as amended through June 16, 2016) § 3.02. Various milestones and deadlines were included in the Development Agreement in order to ensure that the Parties meet their respective obligations to “successfully consummate the [Project].” See id. § 1.04. To this end, Mill Street agreed to diligently pursue “all local governmental approvals.” See id. § 1.07. The City, in turn, agreed that it would “promptly review” any Application submitted by Mill Street. See id. § 5.01. Such duty includes assuring that its Land Use Boards are properly staffed, and able to proceed in an efficient review of Mill Street’s Application.

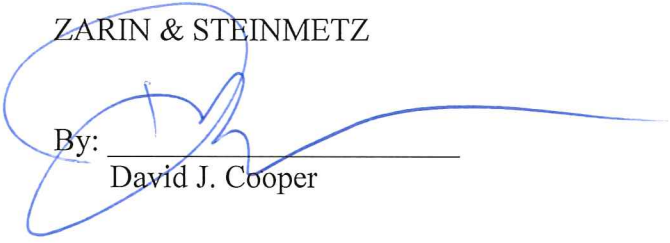
It is our understanding that the lack of a quorum precludes your Commission from even hearing Mill Street’s Application during tonight’s meeting, let alone voting on it. Accordingly, Mill Street respectfully requests that your Commission schedule a Special Meeting

later this month where all members of your Commission are present in order to continue the review of this Application.

We look forward to appearing before your Commission. In the interim, should your Commission require any further information prior to this meeting, please do not hesitate to contact us.

Respectfully submitted,

ZARIN & STEINMETZ

By: 

David J. Cooper

cc (via email):

Omar E. Balbuena-Palma

Alexandra Church, AICP

Michelle Kelson, Esq.

Mill Street Partners