

**CITY OF NEWBURGH
ARCHITECTURAL REVIEW COMMISSION**

Michele Basch, Chairperson
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**MINUTES
ARCHITECTURAL REVIEW COMMISSION
Meeting of
February 14, 2017**

The monthly meeting of the City of Newburgh Architectural Review Commission was held on Tuesday, February 14, 2017 at 7:30 p.m. at the Activity Center, 401 Washington St. Newburgh, NY 12550.

Members Present: Richard E. Rosencrans, Acting Chairperson
Christopher Hanson
Jeff Wilkinson
Hannah Walsh
Jim Hoekema

Members Excused: Michele Basch
Isaac Diggs

Also Present: Michelle Kelson, Corporation Counsel
Omar E. 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 January 10, 2017 Meeting

Mr. Hanson made a motion to approve the minutes from the January 10th 2017 meeting as submitted.

Mr. Wilkinson seconded the motion.

The motion was approved 5-0.

CONSENT AGENDA

AR 2017-02

17 Lutheran Street

To paint the exterior of the property in Benjamin Moor Historic Colors as follows:

- Entry door/door buck and window casings on the front, and the window cases on the side of the property in HC-30 Philadelphia Cream
- Concrete walls on the side and rear of the property in HC-109 Sussex Green
- Metal handrails located in the front in PM-9 Black

Applicant/ Owner: Chad A. Vazquez

Mr. Hanson made a motion to approve the consent agenda as submitted.
Mr. Wilkinson seconded.
The motion was approved 5-0.

PUBLIC HEARINGS

AR 2017-03 11 Bush Avenue
To install two parking strips.
Applicant/Owner: Brian Fernandez

Brian Fernandez appeared before the board for approval of a driveway similar to 1 Farrell Avenue. Mr. Hanson asked if there was a curb cut and Mr. Fernandez replied that he was unable to receive a direct answer as to the standards. Ms. Kelson clarified that the curb cut standards can be found in the City Code, Section 263-5 (C) and stated that the curb cuts must comply with the City's Sidewalks Standards and referred Mr. Fernandez to Assistant Fire Chief William Horton.

The Chairperson opened the public hearing.

Bryan Flannery, 5 Norton Street, voiced three concerns and read a letter which is incorporated by reference.

The public hearing was closed.

The board discussed the concerns raised during the public hearing with the applicant and decided to incorporate them as conditions for approval.

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

Mr. Hanson made a motion to assume SEQRA negative declaration.
Ms. Walsh seconded the motion
The motion was carried unanimously.

Mr. Wilkinson moved to approve the application with the following conditions: the length of the two concrete strips will extend beyond the front of the house to allow a vehicle to park along the side; the pavement shall match the City sidewalks standards and specifications for installation and curb cut; and the apron may not extend beyond curb and to allow proper drainage.

Ms. Walsh seconded the motion.

The motion was approved 5-0.

OLD BUSINESS

AR 2016-21 14 Johnston Street
To demolish the property.
**Applicant/Owner: Mill Street Partners/ Newburgh
Commercial Development Corp.**

Hannah Walsh disclosed conflict of interest as a result of public opposition to the Project and recused 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 and introduced his team for the record. The last appearance before the Board was in December due to a lack of a quorum at the January 10th ARC meeting. The Board had asked two questions. The first concerned the contextual analysis submitted to SHPO and the second concerned the efforts to incorporate the building into the development. Claudia Cooney, Vice President/Director Cultural Resources at AKRF, Inc. was present to answer questions regarding the contextual analyses approved by SHPO and Magnus Magnusson, AIA, LEED AP was also present to answer questions regarding the efforts to incorporate the building into the redevelopment.

Mr. Cooper stated that he had just been informed of a potential conflict of interest regarding Mr. Hoekema and his opposition to the project prior to becoming a board member. After a discussion, Mr. Hoekema stated that he can fairly and impartially review the application on its merits.

The Planning Board finished the SEQRA review of the project and issued site plan approval. SHPO has approved the demolition of the building due to the deteriorated condition. The building is unstable, and there is significant fire and water damage. There have been significant façade changes throughout the years and the building has little historical value. The alternatives analyses conclude that the renovation costs far outweigh the return on investment and is enough to warrant a hardship. Evidence demonstrates that the proposed building would be compatible with the overall character of the neighborhood as it received approval from SHPO and the ARC in 2014 when it first issued the COA for the project. Under statutory requirements SHPO stated that because of the buildings deteriorated condition there would be no overall impact if the building was demolished. In addition, the building was evaluated as a stand-alone building and not as a part of the entire project. Mill Street Partners submitted alternatives analysis and 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.

Mr. Rosencrans stated that the ARC cannot vote on a project where the applicant is not the owner of the property. Ms. Kelson clarified that although Mill Street Partners may not be the owner, they are a proper applicant as a contract-vendee and sufficient documentation has been provided to allow the applicant to act on behalf of the owner.

Ms. Cooney came before the board and addressed the architecture of the building. She stated that the building is not individually significant because there are more of its type in the city and it has no particularly distinctive features. The City listed 14 Johnston Street as a filler building in the 1980's as an old building with unsuitable alterations and poor exterior integrity. In its current situation, the building has lost a lot of architectural integrity, historical integrity and context of setting, the building has been altered and there is no architectural importance on the interior. The applicant has looked at four different alternatives and found no feasible way to incorporate the building into the redevelopment. At the request of the ARC, the applicant has considered preserving the façade and keeping a portion of the building by encapsulating it in the new development. Those options do not work financially, and encapsulating the building is not historically appropriate. She stated that the applicant is not averse to preserving the building but due to the condition, the small footprint of the building, as well as its location relative to the new development, and the cost to reuse the building, preservation does not work. She noted that

SHPO only asked for digital photographs and a very brief history of the building and it is the very first time they have not asked for the full historic archival mitigation.

Mr. Hanson stated that he takes objection on demolishing a building based on its individual significance. He referenced how Café Machiatto was once three walls with trees growing on the inside and now is a vital part of Newburgh. He stated that as an expert on the subject, he is offended by the appraisal numbers presented and that although the board will make its review based on those numbers. He mentioned that appraisal numbers are subjective and that the same expert can showcase three different appraisals on the same project.

Mr. Magnusson came before the Board to present the alternatives analyses. The project is a new state-of-the-art apartment building intended for working families and it will be an income qualified project. He stated that the previous ARC unanimously approved the project and noted how enthusiastic they were on the project and that all the proposals are physically possible but due to financial reasons they are not feasible. He then gave a brief explanation of the previously submitted analysis. He showcased how the façade of 14 Johnston Street could be incorporated into the redevelopment at the request of the ARC. However, problems arose due to the location of the façade being ten feet from the proposed redevelopment and the window locations and the floor levels not matching the new floor levels. Another approach taken was to cut off the last ten feet of 14 Johnston Street and incorporate most of the building. However, due to the floor levels being off, a ramp would be needed to connect it to the hallway of the new building and among other operational burdens, both approaches were deemed too costly in the analyses.

Mr. Rosencrans noted that in the most inexpensive scenario, if 14 Johnston Street were to be preserved, the applicant would have to wait thirty to forty years before seeing a return on the investment.

Mr. Cooper stated that because the ARC does not have a full board, he would like to review the current positions of the board members present.

Mr. Wilkinson stated he has reviewed the application and although he has some concerns it ultimately comes down to SHPO. He will vote yes basing his approval on the submitted materials by the applicant and he feels that as a professional, the applicant has done his job. In addition, he would like to see some form of agreement on the salvage materials and to incorporate those materials into the new building, possibly in the lobby as per Mr. Diggs.

Mr. Hoekema will also vote in favor of the applicant, he referenced SHPO as one of the reasons. His only concern is with the demolition occurring before the project is fully funded and approved. The Applicant clarified that the demolition will not occur until the project receives a building permit.

Mr. Rosencrans stated that the requirements of SHPO and the board have been met and that the salvaged materials must be donated to a not for profit organization. The Applicant clarified that it is already under an MOA agreement with SHPO. He noted that in terms of salvaging the building, the board cannot compare this building to other buildings and that each application must stand on its own merit. He will vote yes with no reasonable cause otherwise.

Mr. Hanson stated that he will vote yes and that he has stated all his other concerns.

Mr. Hoekema moved to approve the demolition under the condition that the building will not be demolished until the necessary funding, building permit(s) and other applicable documents are obtained.

Mr. Rosencrans seconded the motion.

The motion was approved 4-0

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

Attachments – Letter from Brian Flannery

Brian Flannery 5 Norton Street

I want to comment on three things...

First:

This is another Building Department issue. The driveway as rendered in the application does not conform to the City of Newburgh zoning code. According to the zoning code, the parking area is to the side of the building. *[In other words, the driveway as proposed was much too short. I was able to clarify my point by means of a visual aid: the applicant's drawing.]*

Second:

The ARC-approved driveway at 1 Farrell Street that the applicant referenced is on level ground. In contrast, the property at 11 Bush Avenue slopes to the left (if one is standing in front of the property). Therefore, it may be necessary to regrade the property or build a retaining wall. If this is necessary, there are sections in the Colonial Terraces Design Guidelines regarding "Regrading" and "Retaining Walls."

Third:

When the ARC approved the driveway for 1 Farrell Street, it stipulated that the curb cut include a pipe for drainage. This is because there is a problem on Farrell Street where property-owners put in driveways in such a way that they blocked the flow of water along the stone [street] gutters en route to drainage basins. This damming effect created pools of water that are a potential breeding ground for mosquitos and therefore a health hazard.