

CITY OF NEWBURGH
ARCHITECTURAL REVIEW COMMISSION
123 Grand Street, Newburgh, New York 12550

Michele Basch, Chairperson
J.K. Gentile, Secretary
Phone: (845) 569-7383

MINUTES
ARCHITECTURAL REVIEW COMMISSION
Meeting of November 14, 2023

The monthly meeting of the City of Newburgh Architectural Review Commission (“ARC”) was held on Tuesday, November 14, 2023, at 6:30 p.m. at the Activity Center, 401 Washington Street, Newburgh, New York 12550.

Members Present: Michele Basch, Chairperson
Michael Buonanno
Carson Carter
Kate Flanagan
James Kelly (departed the meeting 9:02 p.m.)
Gregory Nato

Absent: Chris Hanson
Schnekwa McNeil

Also Present: Jeremy Kaufman, Assistant Corporation Counsel
J.K. Gentile, Secretary to the Land Use Boards

Meeting called to order at 6:39 p.m.

CONSENT AGENDA

AR 2023-124

Applicant: Michael Mamiye
Owner: Nutopia Development, LLC
Location: 140 Third Street

Application to paint using colors from the Benjamin Moore Historic Color palette.

AR 2023-125

Applicant: Michael Mamiye
Owner: Nutopia 152 Third LLC
Location: 152 Third Street

Application to paint using colors from the Benjamin Moore Historic Color palette.

AR 2023-126

Applicant: Ian McDonald
Owner: Ian McDonald
Location: 271 Third Street

Application to paint using colors from the Benjamin Moore Historic Color palette.

AR 2023-127

Applicant: Eli Vaknin
Owner: 11 Liberty LLC
Location: 11 Liberty Street

Application to paint using colors from the Benjamin Moore Historic Color palette.

AR 2023-128

Applicant: William Quiroz
Owner: 215 S William Street LLC
Location: 215 South William Street

Application to paint using colors from the Benjamin Moore Historic Color palette.

Kate Flanagan moved to approve AR2023-124, AR2023-125, AR2023-126, and AR2023-127 of the Consent Agenda as submitted.

The Chairperson seconded the motion.

The motion passed unanimously via roll-call vote.

Kate Flanagan moved to remove AR2023-128 from the Consent Agenda and place the application on a regular agenda for further consideration.

The Chairperson seconded the motion.

The motion passed unanimously via roll-call vote.

OLD BUSINESS

Applicant: Yisroel Ostreicher
Owner: Yisroel Ostreicher
Location: 55 Lander Street

Returning for determination to install new windows, install new door and paint using colors from the Benjamin Moore Historic Color palette.

Mr. Ostreicher appeared before the Board and gave an update on the application. He said instead of a fiberglass door he has selected a wood door for consideration. He said he has provided exact

measurements of the window frame, and the window arch will be filled with a PVC composite white flat casing.

Ms. Flanagan asked if there are plans to paint the front door.

Mr. Ostreicher said he has not selected a color and will return to the Board with a color.

James Kelly moved to approve the application as submitted.

The Chairperson seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2023-111

Applicant: Deborah Brown
Owner: Deborah Brown and Saul Brown
Location: 165 Grand Street

Returning for determination to install new windows, install new doors, install new gutter, repair/replace siding, repair/reinstall trim, restore/repoint chimney, repair/repoint brick, repair/restore front entry stairs, restore dormer and trim, and paint using colors from the Benjamin Moore and Colonial Williamsburg Historic Color palette.

James Kelly recused himself from the application.

Jeff Wilkinson and Saul Brown appeared before the Board.

Mr. Wilkinson provided clarification on the front door, garden floor entry and windows as requested by the Board at the last meeting.

Kate Flanagan moved to approve the application as submitted.

Carson Carter seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2023-077

Applicant: Rochel Ellis-Smith
Owner: Amelia Realty LLC
Location: 8 Bay View Terrace

Returning for determination to install a new roof, install a new gutter system, install new siding, install a new porch, install new windows, install a new front door and paint.

Rochel Ellis-Smith and Rigoberto Martinez of Nash Construction appeared before the Board.

Ms. Ellis Smith spoke about the current roof work performed. She said the Building Department issued a building permit to address structural supports and the roof is a structural element.

The Chairperson said that exterior, street facing modifications on property located within the East End Historic District are required for review and approval by the Architectural Review Commission before obtaining a building permit.

The Assistant Corporation Counsel said that any structural supports to preserve the integrity of the structure and any temporary shoring measures to prevent collapse are handled through the Building Department. He said the Architectural Review Commission reviews the exterior design elements in the plan set. If approved, the plan set then can move to the Building Department for permit review and approval. He said there are ways to address temporary shoring to prevent collapse with the Building Department that do not address exterior design.

The Chairperson read aloud the information reflected on the Building Permit, “this permit is issued for the following work performed: temporary shoring as per sheets GC405, GC205 and GC203 to repair the roof up to ice and water shield, no changes to the roof line. ARC approval is required for all exterior work prior to work being performed.”

Mr. Martinez said the building is not in good condition and it will not stay up. He said even if it is repaired it is not going to stay up. He said either you keep it the way it is and it will collapse or you fully rebuild it maintaining the same line.

The Assistant Corporation Counsel said what Mr. Martinez stated sounds like structural safety concerns and for Building Department review.

The Chairperson asked the Board members for review of the proposed porch.

The Board members were unanimously in favor of the proposed porch.

The Chairperson asked the Board members for review of the two submitted proposed front entry doors.

Ms. Flanagan asked if the submission is the actual door, or photos of proposed salvaged doors.

Ms. Ellis-Smith said they are photos of proposed salvaged doors.

Mr. Carter asked the applicant to explain the choice of a double door for an existing single entry door system.

Ms. Ellis-Smith both submitted proposals will fit in the opening.

Ms. Flanagan requested submission of the door opening measurements, the proposed door measurements, and the door specifications required for review and approval.

The Chairperson said the opening could not be infilled.

Ms. Ellis-Smith said she will source the correct door when the larger issues are resolved.

Mr. Carter asked about the proposed siding.

Mr. Ellis-Smith said smooth Hardie Board up to the gable.

The Board agreed with the Hardie Board siding.

Mr. Carter asked to return the ledge to the northern elevation.

The Board requested submission of a complete and updated plan set.

The applicant requested a table of its application to submit the requested details.

AR 2023-096

Applicant: Julian Mann
Owner: 46 Lutheran Street, LLC
Location: 46 Lutheran Street

Returning for determination to rebuild the front porch.

Julian Mann appeared before the Board and gave an overview of the design submission.

The Chairperson asked if the porch will be painted.

Mr. Mann said it will not be painted and he will only add a clear stain to protect the wood.

Carson Carter moved to approve the application as submitted.

The Chairperson seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2023-087

Applicant: Chris Berg/Berg + Moss Architects, PC
Owner: Nutopia 203 Grand LLC
Location: 203 Grand Street

Returning for determination to request ratification of work performed: installation of a fence.

Chris Berg appeared before the Board and said the fence was installed quickly and at six feet high due to a multitude of security reasons.

Ms. Flanagan said the East End Historic Guidelines are clear regarding fences along the right of way.

James Kelly moved to approve the application as submitted, subject to the following conditions:

- The fence shall be no more than 5 feet high with a 1' x 5' horizontal cap on the top of the fence.

James Kelly seconded the motion.

The motion passed 5-1 via roll-call vote.

AR 2022-112

Applicant: James Kelly
Owner: North River Opportunity Fund Holdings 1, LLC
Location: 6-12 William Street

Returning for determination to rebuild and restore partially existing storefront, restore doors, remove and replace spandrel header hood and remove stucco parging.

James Kelly recused himself from the application.

Chris Berg appeared before the Board and gave an overview of the design updates, particularly the change to the paint colors.

Ms. Flanagan asked if there are any changes to the windows.

Mr. Berg said all the windows will remain, no changes. He said all the doors will be replaced.

Gregory Nato moved to approve the application as submitted, with the new colors specified, and a new plan submitted to reflect the approved color scheme:

- Historic Paint palette color CW-310 to replace CW285.
- Historic Paint palette color HC-187 to replace CW625.
- Historic Paint palette color HC-133 to replace CW630.
- Historic Paint palette color CW-670 will not be used.

Michael Buonanno seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2023-062

Applicant: Chris Berg/Berg + Moss Architects, PC
Owner: Darkei Hakolelim Inc.
Location: 60 Benkard Street

Returning for determination to paint using colors from the Benjamin Moore Historic Color palette and a request for ratification of work performed: rebuilt front entrance stairway.

Chris Berg appeared before the Board and gave an overview of the updates made to the design.

Mr. Carter asked if the height of the risers had been resolved.

Mr. Berg said it had not been resolved.

Mr. Carter spoke in favor of the bullnose treads.

Ms. Flanagan asked about the material on the risers and sides of the stoop before the change.

Mr. Carter said brick.

The applicant requested a table of its application for further design review.

AR 2023-098

Applicant: Chris Berg/Berg + Moss Architects, PC
Owner: Nutopia 203 Grand LLC
Location: 23 Dubois Street

Returning for determination to request ratification of work performed: installation of new windows and masonry restoration.

Chris Berg appeared before the Board and gave an overview of the updates made to the window design.

Mr. Kelly recommended that the side bay windows return to operating windows.

Mr. Carter asked about the plans for the basement windows.

Mr. Berg said they will keep the basement windows boarded.

Mr. Carter asked about the masonry restoration.

Mr. Berg said masonry restoration is not part of this application.

Gregory Nato moved to approve the application as submitted for windows only, subject to the following conditions:

- All of the windows shall be 1/1 style, including the side bay windows that will return to operating, double hung windows.

The Chairperson seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2023-061

Applicant: Sisha Ortuzar/85 Renwick Street LLC
Owner: 85 Renwick Street LLC
Location: 85 Renwick Street

Returning for determination to construct a new, mixed-use building.

The State Historic Preservation Office (SHPO) comment letter was made matter of record.

Chris Berg appeared before the Board and presented the material samples requested at the July 2023 meeting and updates made to the design.

Mr. Carter asked if the recommendations made by SHPO will be incorporated into the design.

Mr. Berg said no changes have been made. He said they recently received the letter and the SHPO recommendations are being considered internally.

The Assistant Corporation Counsel said the local authority makes the determination as SHPO is advisory and the ARC is the binding authority.

Mr. Carter agrees with the SHPO recommendation of one detail wrapping the masonry of the entire building.

Mr. Kelly was not in favor of a cornice. He said the intent is a modern looking building. He recommended a metal capped parapet and removal of the cornice on the Renwick Street corner.

Ms. Flanagan was in favor of the windows in the Renwick Street elevation. She was not in favor of the windows and the color of the Liberty Street elevation as the symmetry did not feel natural. She asked for clarification on the squares labeled "D" on the Liberty Street elevation.

Mr. Berg said they represented fixed glazing. He said it is an inside view into the residential lobby portion of the building.

Mr. Buonanno was not in favor of the windows on the Liberty Street elevation.

Mr. Nato was in favor of the undulation of the different stripes, the cornice on the Renwick Street corner, and the fenestration and balconies on the Liberty Street elevation.

The Chairperson agreed with Mr. Buonanno and Mr. Nato. She said the proposed design is in harmony with the neighboring buildings. She said she is in favor of the Liberty Street block windows if there is an open sight line.

The Chairperson moved to approve the application as submitted.
Carson Carter seconded the motion.

The motion passed 4-2 via roll-call vote.

NEW BUSINESS

AR 2023-114

Applicant: Maria Ferguson
Owner: BEM Nguyen, LLC
Location: 411 Liberty Street

Application to request ratification of work performed: installation of new front entry stairway system.

Maria Ferguson appeared before the Board and gave an overview of work performed.

The Assistant Corporation Counsel said that a previous ratification of work performed application was before the Board in April 2022 and was denied. He said a violation was issued and the owner did not appear in City Court to answer the violations and defaulted. He said the property owner continued to install the front entry stairway system. He said the property needs to be restored back to what it was prior to this new installation.

Ms. Ferguson said the property was sold in October 2023.

The Assistant Corporation Counsel said the new owners will inherit the violations. He said the new owners will need to provide an architectural design elevation drawing and submit it for Board review.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson held the public hearing open.

The applicant requested a table of its application for further design review.

AR 2023-115

Applicant: James Tyler
Owner: James Tyler
Location: 185 North Miller Street

Application to install new windows and new siding.

James Tyler appeared before the Board and gave an overview of the proposed project.

Mr. Kelly asked if the proposed windows are double hung.

Mr. Tyler said the proposed windows would be single hung.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Carson Carter moved to approve the application as submitted.

Michael Buonanno seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2023-116

Applicant: Elizabeth Ahten
Owner: Elizabeth Ahten
Location: 128 Renwick Street

Application to request ratification of work performed: installation of new windows.

Elizabeth Ahten and Damiane Charles appeared before the Board.

Ms. Ahten gave an overview of the work performed. She said she was in correspondence with the ARC secretary and historian back in 2021 who provided a historic photo for reference. She said the 1/1 window design is modeled after the work of Frank Estabrook and Joseph Sneed.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Carson Carter moved to approve the application as submitted.

Kate Flanagan seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2023-117

Applicant: Thomas Wright
Owner: Consolidated Spring LLC
Location: 10 Spring Street

Application to install a fence.

Justin Catania appeared before the Board and gave an overview of the proposed project. He said the proposed fence was 6 feet in height to match the neighboring property's fence but hearing the previous applications, is willing to reduce the height to 5 feet high.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

The Chairperson asked about the material of the fence and if there are plans to paint the fence.

Mr. Catania said the material will be pressure-treated wood and there are no plans to paint the fence.

Gregory Nato moved to approve the application as submitted, subject to the following conditions:

- The fence shall be no more than 5 feet high with a 1' x 5' horizontal cap on the top of the fence.

James Kelly seconded the motion.

The motion passed 5-1 via roll-call vote.

AR 2023-118

Applicant: Joel M. Flowers and David L. Gustafson
Owner: Joel M. Flowers and David L. Gustafson
Location: 206 Grand Street

Application to install a fence and paint using colors from the Sherwin Williams Historic Color palette.

Joel Flowers appeared before the Board and gave an overview of the proposed project.

Mr. Carter asked how the fence will connect to the existing stone wall.

Mr. Flowers said the fence will be placed behind the stone wall.

Mr. Carter asked if there would be a gate.

Mr. Flowers said no.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

The Chairperson asked to confirm the paint color.

Mr. Flowers said pure white, Sherwin Williams SW 7005

Carson Carter moved to approve the application as submitted, subject to the following conditions:

- The fence shall be no more than 5 feet in height and painted in Historic Color palette SW-7005.

The Chairperson seconded the motion.

The motion passed 5-1 via roll-call vote.

James Kelly departed the meeting.

AR 2023-119

Applicant: Eli Vaknin
Owner: 13 Liberty, LLC
Location: 13 Liberty Street

Application to install a new storefront, main entry door and paint using colors from the Sherwin Williams Historic Color palette.

Eli Vaknin appeared before the Board and gave an overview of the proposed project.

Mr. Carter asked about the lighting.

Mr. Vaknin said the lighting design had not been decided and that he will return to the ARC Board with that detail.

Mr. Carter asked about the signage band design.

Mr. Vaknin said the signage band will be decided when a tenant has been secured.

Ms. Flanagan asked about the canopy material.

Mr. Vaknin said three quarter plywood.

Mr. Nato asked if the existing fascia would remain.

Mr. Vaknin confirmed.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Kate Flanagan moved to approve the application as submitted.

Carson Carter seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2023-120

Applicant: Adam Shayenfekr
Owner: Newburgh SHG 59 LLC
Location: 42 Farrington Street

Application to request ratification of work performed: paint using colors from the Benjamin Moore Historic Color palette.

Chris Berg appeared before the Board and gave an overview of the work performed.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

The Chairperson moved to approve the application as submitted.

Michael Buonanno seconded the motion.

The motion passed unanimously via roll-call vote.

AR 2023-121

Applicant: Chris Berg/Berg + Moss Architects, PC
Owner: GRGNY
Location: 58-62 William Street

Application to construct a new mixed-use building.

Chris Berg appeared before the Board and gave an overview of the work performed.

The Chairperson asked about the type of brick proposed.

Mr. Berg said a simple, standard brick.

Mr. Carson asked why the bulkhead appears so large.

Mr. Berg said there are two separate proposed staircases that lead up to the roof and an elevator. He said the bulkhead is set back.

Mr. Carson asked if the roof will be usable.

Mr. Berg said the roof will not be accessible to the tenants.

Ms. Flanagan said the scale of the bulkhead does not appear appropriate. She said the treatment of the 4th floor windows is not placed appropriately and recommends moving the windows up.

She said the 4th floor color selection appears stark against the brick. She asked if there are three distinct storefronts.

Mr. Berg said they propose two stores, one store being larger than the other.

Mr. Carter said the piers are throwing off the look of the storefront.

The Chairperson asked to identify the storefront entrances.

Mr. Berg said drawing no. APPX-000.00, P1 indicates the entrance to the building, the grey door to the right of the entrance door is egress, the doorway located in the northern corner is for the small store and the doorway located in the southern corner is for the larger store.

Mr. Nato agreed that the column massing does not align with the story above.

The Chairperson recommended addressing the bulkhead issue.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

The applicant requested a table of its application to submit the requested details.

AR 2023-122

Applicant: Chris Berg/Berg + Moss Architects, PC
Owner: Mid Hudson Film LLC
Location: 50-72 Liberty Street

Application to construct a new mixed-use building.

Andrew Schrijver and Chris Berg appeared before the Board.

Mr. Schrijver gave an overview of the proposed project.

Mr. Berg gave an overview of the proposed design, referencing historic photos of factories and row houses on the lot.

Mr. Buonanno asked if the applicant is pursuing tax credits and if yes, whether there are necessary design requirements to satisfy for funding purposes.

Mr. Schrijver said New York State Homes and Community Renewal is a main funder and there are requirements.

Mr. Buonanno said the raised roof adds additional height to an already large building and recommended a flat roof. He said a flat roof is an opportunity to engage in solar panels. He said he recommended considering VRF or other alternative heating systems.

Mr. Berg said they will not be implementing VTAC systems but will be implementing vertical heat pumps.

The Chairperson agreed with the consideration of a flat roof and the opportunity to engage in solar panels.

Mr. Schrijver said they are considering solar and a hip roof.

Mr. Buonanno said a flat roof would accommodate solar more efficiently and would not be visible.

Mr. Carter recommended providing a viewshed analysis.

Ms. Flanagan asked what the highest point would be.

Mr. Schrijver said the proposed building stands five stories, 55 feet, and the highest corner is at Liberty and Lafayette, the northwest corner.

Ms. Flanagan said she has concerns about the massing. She asked for consideration to differentiate between the 4th and 5th story as there is a repetition of visual elements across the whole building.

Mr. Berg said the idea is to bring out the spirit of a large building and to handle it with different scale and element.

Ms. Flanagan said historic factory type buildings did not alternate colors and materials. She said she could see two large buildings that speak to one another. She said the signage does not seem historically accurate. She said this is going to be a significant building for Newburgh.

Mr. Nato said to consider its proximity to Washington Headquarters.

Mr. Carter said several masses would be historically accurate.

The Chairperson asked to confirm the building will be six stories high on Johnes Street.

Mr. Berg confirmed.

Mr. Carter asked about the proposed balconies and no rooftop accessibility.

Mr. Schrijver said the balconies provide amenities to all residents. He said the balconies allow a visual shield from the heat pumps. He said they are not proposing rooftop accessibility.

Mr. Carter asked about the stair stacks.

Mr. Berg said the stair stacks establish rhythm and pattern.

Mr. Carter asked if the decision for a hip roof a design choice or was it based on necessity.

Mr. Berg said the hip roof is an economic consideration.

The Chairperson asked the applicant to consider a simpler façade design. She said this project will be speaking to the factories that were there.

Mr. Carter agreed.

Mr. Nato agreed.

Ms. Flanagan agreed.

Mr. Carter asked about the façade material.

Mr. Berg said full standard dark brick, cement board panels, and mixed metal panels.

Ms. Flanagan asked what colors are being considered.

Mr. Berg said earth tones.

Ms. Flanagan recommended exploring Newburgh red brick in keeping with historic accuracy.

The Chairperson opened the public hearing.

Nicole Blair asked a question about the proposed use of the building.

The Chairperson held the public hearing open.

The applicant requested a table of its application for further design review.

AR 2023-121

Applicant:	Chris Berg/Berg + Moss Architects, PC
Owner:	The Foundry at Washington Park Condominium Association
Location:	70 Johnes Street

Application to replace windows and storefront at existing residential building.

Andrew Schrijver and Chris Berg appeared before the Board.

The Assistant Corporation Counsel said to streamline window replacement at the Foundry, this application has presented one type of manufacturer's window for consideration. He referred to the window elevations submitted for review. He said if an individual unit owner proposes to install

new windows, the HOA Board would have this standing approval for the selected window from the Architectural Review Commission. He said if the unit owner should propose to deviate from the approved window type, it would be the responsibility of the unit owner to present its window choice to both the Architectural Review Commission and the HOA Board for review/approval.

Mr. Schrijver said these are the windows the HOA would recommend to maintain the aesthetic integrity of the building. He said these windows match the windows that were approved in Phase 3. He said the unit owners own their windows and are responsible for the type of window selected.

Ms. Flanagan said the Architectural Review Commission approval lasts for two years.

The Assistant Corporation Counsel said the applicant would need to renew the approval after two years.

Mr. Carter asked to describe the storefront window replacement.

Mr. Berg said they will be incorporating some lighting and a security intercom.

The Chairperson opened the public hearing.

Roy Spells spoke against the application.
Nicole Blair spoke against the application.

The Chairperson closed the public hearing.

Ms. Flanagan asked about the paint colors.

Mr. Berg said the new window color will be brown. He said Phases I and II are green and the intention is to move forward with the brown color.

Ms. Flanagan asked to consider that for a period there will be two different colored windows until they all fall into uniformity.

Carson Carter moved to approve the application as submitted.
The Chairperson seconded the motion.
The motion passed 4-1 via roll-call vote.

With no further business to discuss, the meeting adjourned at 11:25 p.m.

Respectfully Submitted:

J.K. Gentile, Secretary