

**MINUTES**  
**ARCHITECTURAL REVIEW COMMISSION**  
Meeting of August 9, 2022

The monthly meeting of the City of Newburgh Architectural Review Commission (“ARC”) was held on Tuesday, August 9, 2022 at 6:30 p.m. using Zoom videoconference.

Members Present: Michele Basch, Chairperson  
Michael Buonanno  
Carson Carter  
Kate Flanagan  
Chris Hanson  
James Kelly  
Schnekwa McNeil (Alternate Member) (arrived at the meeting 7:05 p.m.)  
Gregory Nato (Alternate Member)

Also Present: Jeremy Kaufman, Assistant Corporation Counsel  
Charlotte Mountain, Code Compliance Supervisor  
J.K. Gentile, Secretary to the Land Use Boards

Meeting called to order at 6:38 p.m.

**Minutes of the June 14, 2022 Meeting**

Chris Hanson moved to accept the minutes from the June 2022 ARC meeting.  
The Chairperson seconded the motion.  
The motion passed 6-1 via roll-call vote.

**CONSENT AGENDA**

**AR 2022-113**

**Applicant:** Alvin Moonesar  
**Owner:** VIP Partners LLC  
**Location:** 85 William Street

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

**AR 2022-114**

**Applicant:** DuBois Law Group, PLLC  
**Owner:** 107 Liberty, LLC  
**Location:** 107 Liberty Street

Application to install a blade sign and window lettering and painting using colors from the Benjamin

Moore Historic color palette.

The Board discussed needing additional detail on dimension, location, and material of the blade sign, and proposed location of paint work with respect to application 2022-114.

The Chairperson moved to approve application 2022-113 on the Consent Agenda and remove application 2022-114 from the Consent Agenda for placement on the September 13, 2022 regular meeting calendar.

Chris Hanson seconded the motion.

The motion passed unanimously via roll call vote.

### **OLD BUSINESS**

#### **AR 2022-086**

**Applicant:** Robert Fontaine  
**Owner:** Industrial House LLC & Monica Coronatti  
**Location:** 47 Lander Street

Returning for determination to restore storefront cornice, install new lighting under storefront cornice, and paint trim and cornice using colors from the Sherwin Williams Historic color palette.

Robert Fontaine appeared before the Board.

The Chairperson asked if he will be cladding the top of the cornice in copper.

Mr. Fontaine confirmed.

Mr. Hanson asked how far the gooseneck lighting will move down.

Mr. Fontaine said the gooseneck lighting will move down about 2 inches from what is represented on the current plan.

Mr. Carter asked about the number of bookend corbels in total and location of each.

Mr. Fontaine said there will be 3 bookend corbels, one located on the First Street side and two located on the Lander Street front façade.

Chris Hanson moved to approve the application as submitted.

James Kelly seconded the motion.

The motion passed unanimously via roll call vote.

#### **AR 2022-107**

**Applicant:** Wendy Smith  
**Owner:** Wendy Smith  
**Location:** 400 Liberty Street

Returning for determination to install new windows, repoint/replace brick, install new wall dormers, replace roof tiles and paint using colors from the Benjamin Moore Historic Color palette.

Chris Hanson recused himself from the application.

Wendy Smith and William Rockwell appeared before the Board.

Mr. Rockwell gave an overview of the rendering updates. He addressed the details requested at the July 2022 meeting.

Mr. Nato said it is a great adaptive reuse, good proportions and it is not modifying the building in an inconsiderate way.

The Chairperson agreed and said the changes are needed to adapt to the new use.

Mr. Carter agreed and added that the changes being made are reversible. He asked about the treatment of the bricks and asked about the simulated divided lights.

Mr. Rockwell said they are using historic clad Marvin windows with a spacer bar that is the same width and elevation as true divided lights. He said they propose to clean the building with a 300 PSI maximum gentle wash. They do not plan to seal the bricks.

Mr. Carter asked how they plan to address the spalling bricks on the South elevation.

Mr. Rockwell said they will examine the bricks post cleaning. He said they plan to restore, repoint and replace any bricks that are unsalvageable.

Ms. Flanigan said she has concerns about the South elevation, as it is a significant change to the original look.

Mr. Kelly said he has concerns about the dormer roofs.

The Chairperson opened the public hearing.

Michael Gabor spoke in favor of the application.

The Chairperson closed the public hearing.

The Chairperson referred to the East End Historic District Guidelines. She said the dormers do not change the massing of the house and the original size and shape of the roof remain preserved.

Mr. Carter said it does not change the roofline.

Mr. Buonanno said the changes made to the original design have been done carefully.

Ms. Flanagan said the dormers are out of alignment with the guidelines.

Carson Carter moved to accept the application as submitted.

Gregory Nato seconded the motion.

The motion passed 6-1 via roll call vote.

**AR 2022-109**

**Applicant:** Naomi Miller  
**Owner:** Naomi Gail Miller  
David Louis Miller  
Ann Farner Miller  
**Location:** 27 E. Parmenter Street

Returning for determination to install mini split inverter.

Chris Hanson recused himself from the application.

Naomi Miller appeared before the Board and addressed the changes requested at the July 2022 meeting. She presented two options: placing the unit next to the porch or placing the unit on the side of the house.

Mr. Nato said he preferred placing the unit next to the porch.

Mr. Carter agreed and said mature plantings will help hide the unit.

Ms. Flanagan agreed. She asked why her contractor prefers the unit on the side of the house instead of next to the porch.

Ms. Miller said because it offers better clearance for a direct line to mechanicals in the attic.

Mr. Kelly agreed with the unit next to the porch.

Mr. Buonanno agreed.

The Chairperson agreed.

The Code Compliance Supervisor does not appear to be a building code issue with the either installation location.

Mr. Carter said lattice will draw more attention to the area.

Carson Carter moved to approve the application as submitted, subject to the condition that the condenser unit shall be located next to the porch.

James Kelly seconded the motion.

The motion passed unanimously via roll call vote.

**AR 2022-082**

**Applicant:** John V. Waters  
**Owner:** Dubois Street Associates LLC  
**Location:** 27 Dubois Street

Returning for determination on front entry door, installation of new windows, repair/replace roof, remove paint from brick, repoint brick and paint using colors from the Benjamin Moore Historic Color palette.

Kristine Magliano appeared before the Board and addressed the front entrance double door, basement door, and window details requested at the July 2022 meeting.

Chris Hanson moved to approve the application as submitted.  
The Chairperson seconded the motion.  
The motion passed unanimously via roll call vote.

**AR 2022-035**

**Applicant:** Chris Berg / Berg + Moss Architects  
**Owner:** Randy McMurtrie and Stephanie Bloomer  
**Location:** 35 South Lander Street

Returning for determination on installation of sidewalks.

Chris Berg and Randy McMurtrie appeared before the Board.

Mr. Berg gave an overview of the project update. He suggested the project is substantially different than the application that was denied because this proposal accepted granite curbing but requests a deviation from the sidewalk standards to used brushed concrete for the sidewalk surface.

Mr. Nato asked if this is a deviation from the Streetscape Standard of dyed, stamped concrete.

The Chairperson said yes.

Mr. McMurtrie said his concern with stamped concrete is its slippery nature. Brushed concrete offers traction.

Mr. Hanson agreed that brushed concrete is durable better look and choice for the neighborhood.

Mr. Buonanno preferred brushed concrete.

Ms. McNeil preferred brushed concrete.

Mr. Kelly preferred brushed concrete.

The Chairperson preferred brushed concrete.

Gregory Nato moved to approve the application as submitted.  
Chris Hanson seconded the motion.  
The motion passed unanimously via roll call vote.

**AR 2022-068**

**Applicant:** Chris Berg / Berg + Moss Architects  
**Owner:** 47-49 Liberty LLC  
**Location:** 47-49 Liberty Street

Returning for determination to install new storefronts, install new lighting and paint using colors from

the Benjamin Moore Historic color palette.

Chris Berg and Eli Vaknin appeared before the Board.

Mr. Berg addressed the changes made to the storefront design requested at the July 2022 meeting.

Mr. Hanson spoke in favor of the changes made to the storefront design.

Mr. Nato spoke in favor of the changes made to the storefront design.

Mr. Carter spoke in favor of the changes made to the storefront design. He said he researched the Sanborn maps and 47 Liberty was marked as a storefront.

Mr. Kelly preferred in favor of the changes made to the storefront design.

Ms. Flanagan preferred in favor of the changes made to the storefront design. She referred to Mr. Carter's research that 47 Liberty was originally a storefront and said she had no objection to the applicant considering the design originally presented to the Board.

Mr. Vaknin said he has no intention to refer to the original storefront design submission.

Chris Hanson moved to approve the application as submitted.

The Chairperson seconded the motion.

The motion passed unanimously via roll call vote.

#### **AR 2022-101**

**Applicant:** Chris Berg / Berg + Moss Architects  
**Owner:** Aamir Mumtaz / Dupar Reality  
**Location:** 10 Dubois Street

Returning for determination to construct a new three-story building.

Chris Berg appeared before the Board and addressed the changes requested at the July 2022 meeting.

Chris Hanson moved to approve the application as submitted.

Carson Carter seconded the motion.

The motion passed unanimously via roll call vote.

#### **AR 2022-104**

**Applicant:** Chris Berg / Berg + Moss Architects  
**Owner:** Nutopia Development Group  
**Location:** 152 Third Street

Returning for determination to install new wood and glass front door, install new windows, install new lighting, wash and repoint brick, remove fire escape, remove existing paint and paint using colors from the Benjamin Moore Historic Color palette.

Chris Berg and Albert Mizrahi appeared before the Board.

Mr. Berg addressed the changes requested at the July 2022 meeting.

Mr. Kelly said his concern is the roof. He said the architectural shingles, the lack of a rolled ridge cap, and no definition to the mansard roof are all concerns. He asked if there are any plans to address the roof.

Mr. Berg said there are no plans to alter the roof.

Mr. Nato spoke in favor of the application.

Mr. Hanson spoke in favor of the application and agreed with Mr. Kelly regarding the roof.

Mr. Buonanno spoke in favor of the application.

Ms. McNeil spoke in favor of the application.

Mr. Carter spoke in favor of the application. He asked if the downspouts in the middle of the building are remaining.

Mr. Berg said there are no plans to alter the gutter arrangement.

Gregory Nato moved to approve the application as submitted.

Chris Hanson seconded the motion.

The motion passed unanimously via roll call vote.

### **AR 2020-105**

**Applicant:** Chris Berg / Berg + Moss Architects  
**Owner:** Newburgh SHG 43 LLC  
**Location:** 36 Liberty Street

Returning to seek approval for a new blade signage.

Chris Berg appeared before the Board and gave an overview of the new design submission.

The Chairperson moved to approve the application as submitted.

Chris Hanson seconded the motion.

The motion passed unanimously via roll call vote.

### **AR 2022-008**

**Applicant:** Chris Berg / Berg + Moss Architects  
**Owner:** 75 Grove, LLC  
**Location:** 191 North Miller Street

Returning for determination to demolish the existing 2-story wood frame structure.

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

Chris Berg appeared before the Board

The Assistant Corporation Counsel explained the overall scope of the project for the Board, as it implicated and required other land use board approvals. He said the project seeks approval to demolish the existing building on the site, subdivide the lot into two parcels, and construct two, three-family structures, one on each lot.

Mr. Berg gave an overview of the ARC portion of the proposal.

The Chairperson asked the Assistant Corporation Counsel if the letter is a legal determination and, based upon the letter, whether the ARC could vote demolition.

The Assistant Corporation Counsel said it is possible to vote for demolition, as the ARC is the deciding authority on the issue. He said the SHPO letter was advisory in nature. He referred to paragraph four in the SHPO letter as evidence of that proposition.

The Board discussed the process of declaring Lead Agency for SEQR purposes.

The Assistant Corporation Counsel explained the reasoning and purpose of the SEQR analysis. He said the Board needed to consider the environmental impact of the entire project, not just the demolition, to avoid a segmentation claim. On the other hand, he said that if the applicant proposed to construct a three-family structure on each lot, each application would be considered a Type II action, meaning the proposal would have met the regulatory definition of “no environmental impact.”

Chris Hanson moved to declare the Architectural Review Commission as Lead Agency under SEQRA.

The Chairperson seconded the motion.

The motion passed unanimously via roll-call vote.

Chris Hanson moved to issue a negative declaration under SEQRA

The Chairperson seconded the motion.

The motion passed 6-1 via roll-call vote.

Mr. Hanson said this structure on site should remain. He said it adds a unique contribution to the neighborhood.

Michael Buonanno agreed with Mr. Hanson. He said it is important to see what options there are to maintain as much of the existing building as possible.

Ms. Flanagan said the structure does not meet the qualifications for demolition.

Mr. Kelly agreed with Mr. Hanson and would not approve demolition.

Mr. Carter said he could not approve demolition under the circumstances.

The Chairperson said she would like to see the building remain and for the applicant to explore design possibilities within the existing structure.

The applicant requested a table of the application based on the Board’s feedback.



**AR 2022-038**

**Applicant:** Gibbons Engineering  
**Owner:** Sarah Mekhail  
**Location:** 31 Lutheran Street

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

James Gibbons appeared before the Board and addressed the details requested at the June 2022 meeting.

Mr. Carter spoke in favor of the application.

Mr. Hanson spoke in favor of the application.

Mr. Nato spoke in favor of the application.

Ms. Flanagan spoke in favor of the application.

Mr. Kelly spoke in favor of the application.

The Chairperson spoke in favor of the application.

James Kelly moved to approve the application as submitted.

The Chairperson seconded the motion.

The motion passed unanimously via roll call vote.

**AR 2022-005**

**Applicant:** Jonathan Powell  
**Owner:** AHNA 52 Chambers LLC  
**Location:** 52 Chambers Street

Returning to seek approval of a new treatment to the party wall and new porch treatment.

Jon Powell appeared before the Board and addressed the new treatment to the party wall. He presented feedback from SHPO regarding the front porch and his revision in response to SHPO's recommendations.

Chris Hanson moved to approve the application as submitted.

Carson Carter seconded the motion.

The motion passed unanimously via roll call vote.

**AR 2022-079**

**Applicant:** JRK Restoration LLC / James R. Kelly  
**Owner:** 74 Carson, LLC  
**Location:** 74 Carson Avenue

Returning for determination on installation of new windows.

James Kelly recused himself from the application.

James Kelly and Erik Cooney appeared before the Board.

Mr. Kelly gave an overview of the proposed windows.

Gregory Nato moved to approve the application as submitted.

Carson Carter seconded the motion.

The motion passed unanimously via roll call vote.

**NEW BUSINESS**

**AR 2022-110**

**Applicant:** Pamela Ziolkowski/Infinity Solar Systems  
**Owner:** Moises Santiago  
**Location:** 45 Chambers Street

Application to install 16 solar panels on the back roof.

Pamela Ziolkowski appeared before the Board and gave an overview of the proposed project.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

Chris Hanson moved to approve the application as submitted.

Carson Carter seconded the motion.

The motion passed unanimously via roll call vote.

**AR 2022-111**

**Applicant:** Ruth J. Betancourt  
**Owner:** Ruth J. Betancourt  
**Location:** 504 Liberty Street

Application to install a front yard fence.

Applicant did not appear for the application.

The Board tabled the application.

**AR 2022-112**

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

Application 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.

James Kelly and Eric Cooney appeared before the Board.

Mr. Kelly gave an overview of the proposed project in concept only (i.e. no specific design plans).

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson closed the public hearing.

The applicant asked to table the application for further design submissions.

With no further business to discuss, the meeting adjourned at 10:44 p.m.

Respectfully Submitted:

Approved:

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J.K. Gentile, Secretary

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Michele Basch, Chairperson