

Village of Kinderhook

Historic Preservation Commission

Regular Meeting on March 13, 2014

Present: R. Piwonka, Chairperson; K. Neilson, R. Blackburn, R. Puckett, Trustee Liaison and Glenn Smith, Code Enforcement Officer

Absent: T. Husband

Also Present: P. Calcagno and M. Urbaitis

Minutes: R. Blackburn made the motion to approve the minutes of February 20, 2014, with corrections, seconded by K. Neilson, all in favor

Funds Available: \$1,440.08

Correspondence: None

**WORKSHOP**

**6 Broad Street/PJC Development/Tax #43.20-1-28**

As the HPC regular meeting was about to start, R. Piwonka responded to G. Smith's request for a clarification of "a conflict in the minutes", saying that perhaps it could be addressed as a Workshop session. That appeared to be agreeable to G. Smith, who indicated that he wondered about the use of cement (aka Hardie) board siding. Before the Workshop session was opened, Mr. Calcagno was asked about the windows on the building and he stated that the windows will be a separate issue. K. Neilson stated that he thought the Commission needed a set of plans before anything else is approved for the building. He stated that the last time the Commission received a set of plans showing the front of the building it was not built according to the plans. He said that the proposed front elevation is not what is there. It is not just the front door. The angles on the front fascia are different. He said it is higher than it was and putting a piece of trim on it is not going to alter the shape. Also, K. Neilson stated that the front door should not have been put where it is. He also stated that originally there was going to be one or two steps and now there will be three or four. G. Smith said a paraffin wall was there before and is part of the fascia. Mr. Calcagno stated that the front fascia is not done and it is a rough framing of the fascia. He stated that the height has never changed. Also, the front door is not the door that will be used and is a temporary door. Mr. Calcagno stated the bottom of the door is the floor level of the building. He also said there was no way to step down the concrete and step down the floor inside to keep the original three steps going up. He said there would then be a step inside the door. K. Neilson stated that the footings could have been stepped down and the door could have been closer to the sidewalk. He stated the trusses could have been dropped down lower with more concrete in the back. R. Piwonka interrupted, stating that G. Smith asked to have a workshop meeting and would like to continue with the meeting. G. Smith's question which he did not believe it

was addressed was the cement siding. He wanted to be sure that the last item to be done on the existing permit is to put the cement siding on the building. He stated that it does make mention that he wants to put cement siding (Hardi board). On the approval it does not specifically mention and he wants to clarify what is agreed there and what is approved. R. Piwonka stated that she does remember the mention of using Hardi board and R. Blackburn does not remember specifically but said that he would have approved. Also, K. Neilson remembers the mention of Hardi board. Mr. Calcagno will get a set of drawings for the front, how it is going to be designed and how it is to be built. Mr. Calcagno was asked if he was putting the siding on without any doors or windows. He stated that there will be a rough frame opening for the door on the side where the stairs go up and down. This is on the left hand side looking at the building (on the Dutch Inn side). G. Smith said that the person who leases the buildings will be coming to the HPC for the positioning of the windows. He also said that he will be leaving it sided and put the new store front in and have it looking like the picture. He has to look at the front and having drawings done.

R. Piwonka closed the discussion, declaring that it had not been a Workshop session, but an interruption; she brought the regular meeting to order.

## **NEW BUSINESS**

### **23 Hudson Street/Keating-Urbaitis/L-Shaped Porch/44.17-1-13**

#### **Application**

M. Urbaitis submitted an application for a porch for 23 Hudson Street with a letter of authorization from the Keatings. The application fee of \$10.00 was paid.

#### **Review**

The Commission reviewed the archive file for 23 Hudson Street. There is no picture in the file which shows the previous porch. The porch to be built will be similar to the one next door at 25 Hudson Street. The Commission reviewed the posts and the plan is to use wood. The proportions of the posts are similar to next door with the width being the same. The ceiling height is nine foot, but the height of the porch from the street will be different than next door. He said the deck level to the height of the rail is 32". G. Smith said that it needs to be 36" by Code and M. Urbaitis said he could do that. This requirement of the Code can be avoided if the floor level is less than 30 inches from the ground, but if is more than 30 inches it needs a compliant railing. G. Smith also stated the way the Code reads any portion around the deck that is more than 30 inches needs a complaint railing. M. Urbaitis said he thought there would be portions more than 30 inches. There are four steps on the house now which do not meet Code, and M. Urbaitis is thinking of going with three steps. The risers now are about 5 1/2 inches and G. Smith said that for Code it needs to be a minimum of 6 inches. It was figured that using three steps would be 24 inches. The Commission reviewed a list of the wood to be used. Cedar wood is being used where it is exposed. On the inside will be an unnamed wood. A discussion resulted in making the posts more weather resistant at the bottom. A railing will be 36" and there will be wainscoting on the underside (wood to be determined). Mike Urbaitis suggested a grey trek on the deck with a cedar blue nose on the outside so that you are looking at a strip of cedar. The boards will be perpendicular to the house with a mitered corner. R. Blackburn stated that tongue and groove trek is more

appropriate from a historic preservation point of view, which also can be painted. This can be painted. Both G. Smith and R. Blackburn have samples which they would be willing to show. Further discussed was a pitch to the deck so the water would run off. Also the trek material would be used on the steps with risers being cedar. The steps that are there now are made of concrete faced with slates which are falling apart. The roofing material will be the 19.5 Evarseam with the color being Gallery Blue. A built-in gutter is not going to be used. It will be a half-round. The Commission requested in order to approve the work to be done that samples of the roofing material be presented, the type of wood which the posts will be made of so that any change to be made can be approved, a detailed drawing of the steps needs to be presented. Also, what material is the half-round gutter.

### **OTHER MATTERS**

R. Piwonka stated that she had some other items which she would like to bring up at the meeting.

(1) She suggested appointing alternate HPC members so there would be no quorum problems. She thought in order to do it an amendment of HPC law would have to be made. She stated that if there were one or two alternates, they would not run into a problem with a quorum and also that they would be in a much better position to have qualified people to carry on. They would attend a meeting but would not vote. Also, the Commission would decide if they wanted the alternates to be included in questions and discussions. R. Puckett suggested adding another person to the Commission but that would make the terms of office longer and the number of the quorum would go up. G. Smith explained how the Planning Board for the Town of Kinderhook does their meetings. There are two alternate members and they are obligated to attend the meetings and are inclusive in the meetings, but are not voting members until someone is absent and then they are invited to vote. They are familiar with all the actions going on at the meetings. K. Neilson stated he had talked with Mr. Curtin and he is not interested in becoming a member of the HPC and he has been unable to contact Mr. Dawkins to find out if he would be interested. K. Neilson read from the HPC law that when vacancies exist with fewer than 3 members, the Trustees shall designate one or more members from the Planning Board to serve on the Historic Review Commission until the Trustees appoint new members of the Commission. R. Piwonka said that the last few meetings have been frustrating and thought it would also be good to engage more individuals. R. Puckett said terms are up March 30 and it would be helpful to make an appointment by April 1. G. Smith said that he would check with the Village Attorney regarding the procedure for using alternates.

(2) Whether a different Thursday evening during the month would be better for both G. Smith and T. Husband. The meeting date was changed in the past and there may be a better Thursday for T. Husband to make a meeting. R. Piwonka said that she would ask T. Husband what Thursday evening works best for him. The Village's Planning Board meetings are the first Thursday of the month. G. Smith said that now that he is no long on the Town Board any Thursday would be good for him.

(3) R. Piwonka stated that G. Smith more recently stated at a meeting that he is not suppose to act as CEO for any of our Certificates of Appropriateness.. R. Piwonka said she would like some confirmation from the Village's Attorney. If it is true, the Commission needs clarification from the Village's attorney as to G. Smith's role, if any, and perhaps he does not

APPROVED  
APRIL 10, 2014

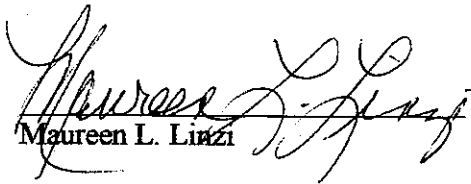
need to attend the HPC meetings. If he is suppose to serve as CEO for the Commission's COAs , the HPC needs better instructions/directions from the Village's attorney as to his role. R. Piwonka recalled that he said that if the HPC details certain things, that he would not follow through and check them out. G. Smith denies saying the above and does not understand what context it was said. G. Smith said that primarily his obligation is to look over applications, deem them necessary or not necessary, to apply for a COA. He also at these discussions has to look at the State Code as well. An example, at tonight's meeting was the height of the rail which is mandated by the State. There are areas that the Building Code, the residential code of New York State has some caveats that allow historic buildings to have a certain amount of leeway. G. Smith suggested that everyone have a copy of the residential code book, especially the appendices relating to historic areas (appendices J for residential) and for commercial properties as well. The Commission said they would be interested in this material. K. Neilson brought up that he thought that the application submitted by the Keatings should have been more closely looked at when brought in so that it would be known that the railing should be 36" and G. Smith agreed.

A discussion occurred that at a previous meeting G. Smith had a question as far as following state law. Any time a state code or a state law is enforced the Village Board would have to make a resolution enabling the HPC to do that. He believes it is a simple resolution and becomes a local law. The Building Code, 1203 the rules and regulations of Title 19, is the adoption that the Village took to enable him to enforce state codes. Without this and he cites someone, a good lawyer could come back and ask what his authority is. The Village Board should pass a resolution authorizing the HPC to enable and enact state law. G. Smith will check with the Village attorney with regard to this matter.

Next Meeting: April 10, 2014

Adjournment: R. Blackburn made a motion to adjourn the meeting; seconded by K. Neilson; all in favor.

Submitted by:

  
Maureen L. Linzi