

Town of Newburgh
Historic Preservation Commission
Minutes July 9, 2020

Members Present:

Jim Renne, Troy Wells, Brent Grafe, Heather Cutrell, David Wills

Advisory Members Present:

Sue Morrison,

Administrative Present:

Stacie Krieger, Council Liaison; Chris Wischer, Town Attorney; Tavi Wydicks, Zoning Administrator

Members & Administrative Absent:

Jeff Cox, Candice Croix

Citizens Present:

Matt Malcolm; Kahn, Dees, Donovan, Kahn Law Office
Janet Richard, 221 State Street

Reading, Correction and Approval of Previous Minutes:

David Wills made a motion to accept the minutes from the March, April, May, and June meetings.
Brent Grafe seconded. No discussion. Motion was approved.

REPORTS:

Town Council Liaison:

Stacie Krieger stated that Council had their first in person meeting last night and the meeting went well. Ms. Krieger stated that 23 Town businesses will be receiving grant funds from the COVID-19 Program. Ms. Krieger stated that Council tabled the sewer fee increase until the July 22, 2020 meeting. Jim Renne stated that there was a minor modification to the Preservation Hall contract, and the contract was approved. Chris Wischer stated that the Town is pursuing a revision to an existing bond to create half a million in additional funds for renovations to Town Hall and Preservation Hall. Mr. Wischer stated that the public hearing for the revision to the bond will be held at the July 22, 2020 Council meeting, and that the Town is spreading the term so the payment will not increase.

Indiana Landmarks Southwest Field Office:

No report.

Staff Report and Code Enforcement Update:

Tavi Wydicks stated that now that she is back in the office, she will get back to code enforcement on the historic homes that are in need of attention.

Newburgh Neighbor Residential Grant Program:

Tavi Wydicks stated that she submitted the final report to the ONB Foundation and will look at submitting a new application for a second round of grant funds.

Certified Local Government:

No report.

Unfinished Business:

Discussion – 221 State Street Garage

Matt Malcolm spoke and stated that he is representing Janet Richards, and he plans to discuss resolutions to the issue. Mr. Malcolm stated that he sent an email with exhibits. Tavi Wydicks provided the Commission with copies of the email and exhibits. Mr. Malcolm discussed the issue in detail and the exhibits he provided the Commission. Mr. Malcolm stated that the site plan submitted for the permit stated “insulated walls and ceiling” which gave Ms. Richards the impression that metal was permitted. Mr. Malcolm referenced 227 Cypress Street and the use of vinyl siding and discussed how the Commission handled that violation. Mr. Malcolm discussed the use of vinyl siding in the Town. Mr. Malcolm stated that Ms. Richards has always done what is right for the property and did not intentionally go against the guidelines. Mr. Malcolm presented four possible solutions – 1) Consider the detached garage as non-contributing, non-historic structure, 2) \$1,000.00 fine with a covenant that future replacement will be correct material, 3) \$2,500.00 fine with a covenant that future replacement will be correct material, and 4) If Commission requires the removal of the vinyl, to allow 6 months to do so with a formal decision issued so Ms. Richards can appeal the decision.

Chris Wischer stated that he wanted to state a few things for the Commission and the record. Mr. Wischer stated that in the email exchange when Ms. Richards inquired about obtaining the permit, Tavi Wydicks asked if there were any changes to the plan approved by HPC, and Ms. Richards stated that there were changes to the size and that the garage would no longer be connected. Mr. Wischer stated that the reason Ms. Wydicks asked if there would be HVAC, electric, or plumbing in the garage is because these items require additional permits. Mr. Wischer stated that in regards to the metal statement previously discussed, if this was a list of exterior materials why did it reference the ceiling which is interior, provide no reference to the additional exterior materials. Mr. Wischer reminded the Commission that the difference between this issue and the issue at 227 Cypress Street is that 227 Cypress Street is in the expanded district, and Ms. Richards' property is in the core district. Mr. Wischer explained the difference between the COA requirements in the expanded and core districts, and discussed SHAARD and historic ratings. David Wills stated that 227 Cypress was the owner's reaction to existing and the Commission's reaction to existing, and in this case, Ms. Richards presented materials, discussed the materials, received approval for the materials, and then went against the approval. Jim Renne questioned if Graber had done work in the historic district previously and Ms. Richards stated that she did not believe so. Mr. Renne stated that vinyl is not appropriate material in the historic districts, and that is a uniform decision among other historic districts. Mr. Renne stated that the question now is what can the Commission do now to ensure this does not happen again, with the goal being not to have vinyl siding in the historic districts. Mr. Malcolm stated that the garage next door to Ms. Richards has vinyl siding, and that he does not believe that this will set a precedent because he does not see anyone wanting to follow in Ms. Richards' footsteps. David Wills suggested adding a statement to the covenant that before the house was sold the purchaser would be required to replace the vinyl siding. Mr. Wischer stated there are few different options with a statement like this, but stating that if the house is sold the purchaser or buyer will have to correct the issues is an option. Mr. Wischer clarified that the Commission is not looking to punish Ms. Richards for doing something against the Commission, but for the removal of the vinyl siding. Mr. Wills stated that the Commission is more interested in the visible portions of the structure and noted that there are some sections missing stone. Ms. Richards stated that the portion on the back does not have stone because of the way the lot angles down. Ms. Richards stated that she will be painting this section. Mr. Wills asked if Ms. Richards added the retaining wall, and Ms. Richards answered yes and stated that she had to, to be able to use the garage. Mr. Renne proposed whatever resolution that a fine is included, even if just \$1.00, to set a precedent that violations are fined. Mr. Malcolm stated that if it is a higher fine, they request a reasonable time to pay. Troy Wells stated that he knows Ms. Richards and her intent for the home, and how much work she has put into it. Mr. Wells stated that he is in favor of adding to the covenant that upon sale, the seller would bear the responsibility of correcting the siding. Mr. Wells stated that he does not believe the use of vinyl siding was intentional or done with ill will. Mr. Wischer discussed the covenant and options for the wording. Mr. Wills stated that he believes the attorneys and Ms. Richards should work together to draft a covenant and bring it to the August meeting for the Commission to review. Ms. Wydicks stated that she agreed with Mr. Wills and provided the August meeting date to Mr. Malcolm and Ms. Richards.

David Wills moved to continue the discussion to the August 13, 2020 meeting. Troy Wells seconded the motion and the motion passed unanimously.

Discussion picked back up under Announcements:

Chris Wischer stated that he envisioned an agreement that would be a resolution and discussed resolution options with the Commission. Mr. Wischer stated that he believes the resolution would include a monetary fine; a covenant stating that if the siding requires replacement that vinyl cannot be used, if sold buyer is required to replace the vinyl with appropriate material, and a time limit for the replacement. Ms. Wydicks stated that she thinks the extent of damage warranting replacement should be defined. The Commission continued discussion on the resolution and agreed to \$2,500.00 fine, and covenant stating that replacement with correct material is required upon damage, sale, or 5 years whichever happens first.

Discussion – District Expansion

Tavi Wydicks stated that this item is on hold.

New Business:

COA Application – 515 E. Jennings Street

Tavi Wydicks stated that this application was sent to the Commission via email and the Commission granted approval. Ms. Wydicks stated that she just needs a formal approval of the demolition.

Troy Wells moved to approve the COA. Brent Grafe seconded the motion and the motion passed unanimously.

Announcements:

Petitions and Comments from Citizens Present:

Adjourn:

David Wills moved to adjourn the meeting. Troy Wells seconded the motion and the motion passed.

Approved @ Virtual Mtg. 3/11/2021
Chair

TWydicks
Recorder