

**Community Board 9
890 Nostrand Avenue
Brooklyn, New York 11225**

**Minutes of Housing Committee Meeting
Wednesday, January 13, 2016**

Attendance:

Committee Members: Carmen L. Martinez (Committee Chair); Eve-lyn Williams – CB9; Patricia Moses – CB9; Hector Robertson – CB9; Denise Mann – CB9; Diane Wheelless-Sheppard – Community Resident

Board Member: Ben Edwards

Community Residents: Jay Rasin-Waters, Foster Henry, Jeremy Vealey (Ben Herzog Architect, PC)

Other Guests: Chaim and Anna Lazaros (prospective buyers for 71 Midwood Street)

Absent Members: Beverly Newsome (Committee Co-Chair) – CB9 (Excused); Unella Rhone-Perry – CB9 (Excused); Kenya Sollas – CB9; Donna Mossman – Community Resident (Excused); Paula Jones – Community Resident; Vivia Morgan-Frett – Community Resident; Cameron Page – Community Resident

A meeting of the Housing committee was held on Wednesday, January 13, 2016. Community Board 9 member, Ben Edward, was invited to attend the meeting in his capacity as President of the Lefferts Manor Association, to share his expertise in Landmarks Preservation Commission (LPC) matters as the Committee was to review two presentations from homeowners needing resolutions from Community Board 9 in connection with their respective applications to the LPC for Certificate of Appropriateness. The prospective buyers for 71 Midwood Street, Chaim and Anna Lazaros, were also in attendance at the meeting as interested parties.

Meeting was called to order by Carmen L. Martinez at 6:45PM. The following was discussed:

1. Application to Landmarks Preservation Commission (LPC) for Certificate of Appropriateness: 71 Midwood Street – Prospect Lefferts Gardens Historic District – Block 5031; Lot 75 – owner seeking to obtain legalization of work done to replace windows without permit.

The building is a Romanesque Revival style four-story semi-detached single-family townhouse with arched windows and stone transoms, designed by architect William M. Miller in 1898 and built in 1901. Owner, Jay Rasin-Waters, appeared before the Housing Committee again and presented his proposal for the legalization of work completed without LPC permit. Mr. Rasin-Waters had initially engaged the services of architect Dick Boschen for drawings and materials for an application to the LPC for a permit for the replacement of existing aluminum double sash windows on the third and fourth floors with JeldWen all-clad windows, in keeping with the windows LPC approved on his neighbor's property, and LPC approved Marvin Windows for the ground and parlor floors. The application was submitted in May 2015. LPC staff member Derek Dandurand, subsequently contacted Mr. Rasin Waters and requested the property's 1940 tax photo. At issue was whether the windows above the transoms on the third and fourth floors needed to be leaded or stained glass to match historical requirements. The 1940s tax photo was provided to the LPC and there was no evidence of leaded or stained glass in the tax photo. Per Mr. Rasin-Waters, the windows were just glass.

Mr. Dandurand again contacted Mr. Rasin-Waters in June 2015 and indicated that he should investigate 52 Midwood Street, the architectural "sister house" on the block to examine the cottage windows on the third and fourth floors. Mr. Rasin-Waters pointed out that the 1940s photo clearly showed double sash windows in place on the third and fourth floors. Furthermore, after a site visit, the Marvin Windows representative from Bay Ridge Windows and Doors explained the vulnerability of water damage and deterioration with the installation of cottage windows on the property with the stone transoms, and therefore they could not offer the full warranty on cottage windows installation.

After his wife accepted a job position out-of-state that required that the family relocate, Mr. Rasin-Waters explained that they decided to repair the existing windows instead. Therefore, they requested the withdrawal of the application to the LPC for replacement windows. During the course of the repair work on the existing windows, it was determined

that there was significant deterioration and rot to the existing structures that could not adequately be repaired. Consequently, they proceeded to replace the windows with all wood frames – the same style windows in the 1940s tax photo. The LPC subsequently performed a site visit and, after finding that the work had been completed, cited the notice of withdrawal of the application to install windows, and informed Mr. Rasin-Waters that a Notice of Violation will be issued. Mr. Dandurand indicated that the matter could be addressed by submitting a new application describing the work as “legalization of work commenced without work permits.”

Mr. Rasin-Waters proceeded to submit the application on October 28, 2015, along with a letter summarizing the chain of events since the submission of his original application, explaining why the windows had to be replaced, and the rationale for replacing them with the type of windows that matched the 1940s tax photo – all wood double-hung windows on the third and fourth floors – rather than the aluminum storm windows that were on the property when it became landmarked. Mr. Rasin-Waters was subsequently informed by Mr. Dandurand on November 19, 2015 that he could only approve the legalization of the windows at the LPC staff level had cottage style windows been installed on the third and fourth floors. Therefore, Mr. Rasin-Waters would have to go through a public hearing process in order to have the LPC approve the legalization of the work on the windows. As part of the hearing process, he is required to have a meeting with the community board, present his proposal for the legalization of the work, and obtain a full board resolution prior to his hearing before the LPC.

Furthermore, according to the LPC, the houses on both sides of the street are identical construction. The even side from Flatbush to Bedford is mirrored by the odd side from Bedford to Flatbush. Therefore, per the LPC, 52 Midwood is an identical match to 71 Midwood, and 54 Midwood should be a match for 69 Midwood. Mr. Rasin-Waters disputes the LPC’s contention and provided photos of the houses. The photos shows a stone transom on the fourth floor of 54 Midwood while 69 Midwood has no stone transom on the fourth floor. Mr. Rasin-Waters therefore contends that if the details on these “sister houses” can differ, then there is the possibility that 71 Midwood is also not an identical match to 52 Midwood. Conclusively, Mr. Rasin-Waters asserts that the double sash windows that were evident in the 1940s tax photo and were in place when the neighborhood was landmarked are architecturally appropriate. He, therefore, seeks CB9’s support of his application to the LPC for the legalization of the work completed. The LPC hearing is scheduled February 16, 2015.

In addition to his written presentation, Mr. Rasin-Waters provided photographs of his home (including the 1940s tax photo), emails from LPC staff member Derek Dandurand, the September 30, 2015 Notice of Withdrawal from LPC, and emails from his neighbors at 70 Midwood and 83 Midwood indicating how the new windows are a “perfect fit” for the house and its original architectural style and supporting the legalization of the work.

2. Application to Landmarks Preservation Commission (LPC) for Certificate of Appropriateness: 43 Rutland Road – Prospect Lefferts Gardens Historic District – Block 5034; Lot 88 – architect, acting on behalf of owners, seeking to obtain approval to expand the scope of renovation work currently in progress to the interior and at the rear façade of the property, modifying masonry openings, not visible from any public thoroughfare, and approved under LPC Docket #172392. Also seeking approval to change paint color of the existing door, transom and trim, windows trim and existing cornice on the front façade from off-white to black.

The building is a three-story neo-Renaissance style single-family row house designed in 1897 by architect John J. Petit and built in 1901. The project manager, Jeremy Vealey, RA, of Ben Herzog Architect, PC, appeared on behalf of the homeowners, Mr. and Mrs. Devine, and presented their proposal to expand the previously approved masonry opening at the rear, from the basement to the first floor, to align with the existing masonry openings at the upper floors. To reduce the spandrel and install new taller steel windows system (outswing casement windows) on the first floor, and wider outswing French doors at the basement level, leading to the patio, and adding a 2” bluestone curb. Photographs of the existing rear façade of 43 Rutland Road and the neighbors’ homes to the left and right of the property were provided, along with drawings of the existing rear façade, the LPC approved version and the proposed new scope of work.

The new application to the LPC includes proposal to change the beige front façade of the property by painting the existing door, transom and trim, the new front windows trim, and the existing cornice black. The new rear windows, metal lintel, new metal spandrel, and new metal railing on the roof are to also be painted black. The 1940s tax photo

and a photo depicting the current off-white trimmings on the front of 43 Rutland Road, and the properties at 45, 47, 51 and 53 Rutland Road which currently have black painted windows trim, doors and cornice were presented, as well as a sample of the proposed paint to be used, Benjamin Moore "Black" 2132-10. The LPC hearing is scheduled February 2, 2016.

Following discussion on the above-referenced presentations, receiving input from Mr. Edwards, and having questions posed by some committee members answered by both Mr. Rasin-Waters and Mr. Vealey, the Housing Committee voted unanimously to support both proposals and will present drafts of resolutions to the full board for their vote.

Item 3 on the agenda – Discussion and collaboration on Affordable Housing presentation project was tabled until the February meeting.

Ms. Eve-lyn Williams provided an update on the status of 265 Hawthorne Street. She was happy to report that they met the requirements for the tenants to be able to purchase their respective units by January 15, 2016 and become shareholders of what will be known as 265 Hawthorne Street HDFC. They needed 80% of the 69 units – at least 55 – to agree to purchase. The Housing Committee was elated and congratulated Ms. Williams on her hard fought battle and ensuing victory.

Meeting was adjourned at 7:50PM.

**Respectfully Submitted by
Carmen L. Martinez, Chair
January 22, 2016**

Community Board 9

Resolution to the Landmarks Preservation Commission

71 Midwood Street, Block 5031; Lot 75, Prospect Lefferts Gardens Historic District – a Romanesque Revival style four-story semi-detached single-family townhouse with arched windows and stone transoms built in 1901. The application is to legalize the replacement of the aluminum double sash windows on the third and fourth floors with all wood frames without the required Landmarks Preservation Commission permits.

Whereas, the applicant originally applied for a permit to replace the windows; and,

Whereas, the applicant was informed by Landmarks Preservation Commission staff to investigate the architectural “sister house” on the block and to examine the cottage windows on the third and fourth floors; and,

Whereas, the applicant was subsequently informed by representative from Bay Ridge Windows and Doors that because of the vulnerability of substantial water damage due to water penetrating behind the stone façade between the transom and window, they could not offer the full warranty on cottage windows installation; and,

Whereas, the applicant subsequently withdrew his application upon learning his family had to relocate due to employment opportunity; and,

Whereas, the applicant then decided to repair the existing aluminum double sash windows instead; and,

Whereas, according to the applicant, because significant deterioration and rot was discovered during the course of repairing the windows, it was determined they could not be adequately repaired; and,

Whereas, the applicant then proceeded to replace the existing windows with all wood frames – the same style windows on the property in the 1940s tax photo; and,

Whereas, upon inspecting the site and finding the work completed without the required permits, the Landmarks Preservation Commission issued a Notice of Violation; and,

Whereas, the applicant was advised by Landmarks Preservation Commission staff to submit a new application describing the work as “legalization of work completed without permits” in order to address the matter; and,

Whereas, the application submitted a new application as instructed; and,

Whereas, the applicant was subsequently informed that the legalization could only be done at LPC staff level if he had installed cottage windows and, therefore, he would have to have a public hearing before the Landmarks Preservation Commission; and,

Whereas, the applicant appeared before the Housing Committee on January 13, 2016 and presented his proposal for the legalization of the work, along with copies of emails from two neighbors indicating that the new windows fit the architectural style of the house and therefore support his application; and,

Whereas, the Housing Committee voted unanimously to recommend approval of the application.

Therefore, while Community Board 9 does not condone the performance of work without required Landmarks Preservation Commission permits, it recommends approval of the application with respect to legalizing the windows replacement work on the third and fourth floors of 71 Midwood Street.

Community Board 9 _____ this resolution on January 26th by a vote of ___ in favor, ___ opposed, and ___ abstentions.

Community Board 9
Resolution to the Landmarks Preservation Commission

43 Rutland Road, Block 5034; Lot 88 – Prospect Lefferts Gardens Historic District — a three-story neo-Renaissance style single-family rowhouse built in 1901. The application is for approval to expand the scope of renovation work currently in progress to the interior and at the rear façade of the property modifying masonry openings, not visible from any public thoroughfare, and approved under LPC Docket #172392. Also to change paint color of the existing door, transom and trim, windows trim and existing cornice on the front façade from beige to black.

Whereas, the owners are being represented by the architect currently working on the renovation; and,

Whereas, this is a proposal to expand the previously approved masonry opening at the rear façade, from the basement to the first floor, to align with the existing masonry openings at the upper floors; and,

Whereas, the applicant also proposes to reduce the spandrel and install new taller steel windows system (outswing casement windows) on the first floor, and wider outswing French doors at the basement level, leading to the patio, and adding a 2" bluestone curb; and,

Whereas, the proposed expanded rear façade modifications are not visible from the public thoroughfare; and,

Whereas, this is also a proposal to change the beige front façade by painting the existing door, transom and trim, the new front windows trim, and the existing cornice black; and,

Whereas, the adjacent property and several others on the north side, heading to Bedford Avenue, currently have black painted doors, windows trim, and cornice; and,

Whereas, the project manager appeared before the Housing Committee on January 13, 2016 and presented the proposal for the expansion of the masonry opening at the rear façade, along with photographs of the existing rear façade, drawings of the previously approved plans and the plans for the proposed modification, the 1940s tax photo of the property, and photo depicting the neighboring properties with the black trims on front facade; and,

Whereas, the Housing Committee voted unanimously to recommend approval of the application.

Therefore, Community Board 9 recommends approval of the application with respect to the modification to the masonry opening at the rear façade and painting the existing door, transom and trim, the new front windows trim, and the existing cornice black at 43 Rutland Road.

Community Board 9 _____ this resolution on January 26th by a vote of ___ in favor, ___ opposed, and ___ abstentions.