



# United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240



IN REPLY REFER TO:  
ADCR (2201)

January 2, 2009

Rural Housing Action Corporation

PROPERTY: **124 Lander Street, Newburgh, NY**

PROJECT NUMBER: **11378**

Dear Ms. Mallam:

My review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I would like to thank your representatives,

for meeting with me  
in Washington on October 15, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the above project is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on August 26, 2008 by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

The property listed above is one of twelve individual projects undertaken by the Rural Housing Action Corporation, located on two streets within the East End Historic District of Newburgh, New York. All properties were listed as "contributing" to the district on April 23, 2003. The properties existed in varying conditions though all had some remaining exterior and interior historic fabric. On August 26, 2008, TPS denied the projects, consolidating their concerns in a single letter, for combinations of the following reasons: removal of paint from exterior brick; removal of historic interior features, including door surrounds, window surrounds and aprons, baseboards, mantles, pocket doors, and plaster medallions; removal of historic interior stairs;

alterations to historic door hoods and porches; blocking down historic window and door openings; installation of inappropriately large windows; unpainted wood entrance steps, stoops, and balustrades; removal of historic cornice brackets; and installation of a new cornice that did not match the historic cornice. I am making my decisions on each of these properties individually, based on each project's individual merits.

With respect particularly to the project at 124 Lander Street, TPS denied the project because of concerns regarding changing the front porch hood, blocking down windows, removing and replacing the historic newel and stair rail with inappropriate generic elements, and stripping paint from the exterior brick. TPS found that these items caused the project to fail to meet Standards 2, 5, and 6. Standard 2 states, *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.* Standard 5 states, *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.* Standard 6 states, *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

I have determined that removing the historic porch hood and replacing it with a different design, replacing two sets of windows facing Farrington Street on the rear wing with shorter windows set above a solid infill panel, and removing the historic stair newel and railing and replacing them with inappropriate designs, contravene Standards 2, 5, and 6. On these three issues, I agree with TPS that the project fails to meet Standards 2, 5, and 6. However, I have determined that removing the paint from the historically painted brick exterior, while not a recommended treatment, is not sufficient to cause the overall project to fail to meet the Standards. Accordingly, that issue is not a factor in my decision.

While the project at 124 Lander Street, as completed, cannot be approved, I have further determined that the project can be brought into conformance with the Standards, and thereby achieve the requested certification, if corrective measures are undertaken. Outlined below is the remedial work for the property that, if completed, will bring the project into conformance with the Standards.

At the appeal meeting, you addressed TPS' concerns by proposing three corrective measures. You have proposed to modify the new porch hood by replacing the large brackets with turned columns based on those visible in the pre-rehabilitation photographs. You have proposed replacing the two sets of windows which had been blocked down with windows that fill the full height of the masonry openings. Finally, you were able to recover the historic newel and stair rail, and propose to reinstall them. I find that these corrective measures would allow the project to be certified as meeting the minimum requirements for certification established by law.

If you choose to proceed with the corrective measures described above, you may secure certification of the rehabilitation by submitting photographs of the completed work to Technical Preservation Services, National Park Service, Attention: \_\_\_\_\_ with a copy to the New

York State Historic Preservation Office. Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Burns". The signature is fluid and cursive, with the first name "John" being the most prominent.

John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-NY  
IRS



# United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240



IN REPLY REFER TO:  
ADCR (2201)

January 2, 2009

Rural Housing Action Corporation

**PROPERTY: 126 Lander Street, Newburgh, NY**

**PROJECT NUMBER: 11379**

Dear Ms. Mallam:

My review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I would like to thank your representatives.

for meeting with me  
in Washington on October 15, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the above project is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on August 26, 2008 by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

The property listed above is one of twelve individual projects undertaken by the Rural Housing Action Corporation, located on two streets within the East End Historic District of Newburgh, New York. All properties were listed as "contributing" to the district on April 23, 2003. The properties existed in varying conditions though all had some remaining exterior and interior historic fabric. On August 26, 2008, TPS denied the projects, consolidating their concerns in a single letter, for combinations of the following reasons: removal of paint from exterior brick; removal of historic interior features, including door surrounds, window surrounds and aprons, baseboards, mantles, pocket doors, and plaster medallions; removal of historic interior stairs;

alterations to historic door hoods and porches; blocking down historic window and door openings; installation of inappropriately large windows; unpainted wood entrance steps, stoops, and balustrades; removal of historic cornice brackets; and installation of a new cornice that did not match the historic cornice. I am making my decisions on each of these properties individually, based on each project's individual merits.

With respect particularly to the project at 126 Lander Street, TPS denied the project because of concerns regarding removing historic interior features, including door and window surrounds and aprons, baseboards, a mantle, and a plaster ceiling medallion, replacing the historic turned newel with an inappropriate generic newel, and stripping paint from the exterior brick. TPS found that these items caused the project to fail to meet Standards 2, 5, and 6. Standard 2 states, *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.* Standard 5 states, *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.* Standard 6 states, *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

I find that replacing the historic turned newel and stair rail is an inappropriate treatment in violation of Standards 2 and 5. I further find that the paneled aprons, mantle, and ceiling medallion, located in the two parlors on both the first and the second floor, were character defining features of those spaces that should have been retained, and that their removal contravenes Standards 2, 5, and 6. On these issues, I agree with TPS that the project fails to meet Standards 2, 5, and 6. I also have determined that removing the paint from the historically painted brick exterior, while not a recommended treatment, is not sufficient to cause the overall project to fail to meet the Standards. And, I have determined that the replacement door and window surrounds and baseboards in the two parlors on the first and the second floors marginally comply with the Secretary's Standards. Accordingly, these issues are not a factor in my decision.

While the project at 126 Lander Street, as completed, cannot be approved, I have further determined that the project can be brought into conformance with the Standards, and thereby achieve the requested certification, if corrective measures are undertaken. Outlined below is the remedial work for the property that, if completed, will bring the project into conformance with the Standards.

At the appeal meeting, you stated that you fortunately were able to recover the historic newel and stair rail, and propose to reinstall them, a corrective measure I find acceptable. In addition, the historic configuration of paneled aprons under the windows in the two parlors on the first and second floors must be restored, using trim matching the replaced surrounds. Finally, the mantle and ceiling medallion must be restored. If the original mantle and ceiling medallion cannot be located and reinstalled, an alternative is to replace them with new materials. Please submit any proposed replacement materials to me, at the address cited below, for review and approval prior

to completing the work. I find that these corrective measures would allow the project to be certified as meeting the minimum requirements for certification established by law.

If you choose to proceed with the corrective measures described above, you may secure certification of the rehabilitation by submitting photographs of the completed work to Technical Preservation Services, National Park Service, Attention: \_\_\_\_\_, with a copy to the New York State Historic Preservation Office. Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Burns". The signature is fluid and cursive, with a long horizontal flourish at the end.

John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-NY  
IRS



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1849 C Street, N.W.  
Washington, D.C. 20240



IN REPLY REFER TO:  
ADCR (2201)

January 2, 2009

Rural Housing Action Corporation

PROPERTY: **128 Lander Street, Newburgh, NY**

PROJECT NUMBER: **11380**

Dear Ms. Mallam:

My review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I would like to thank your representatives

for meeting with me in Washington on October 15, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the above project is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on August 26, 2008 by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

The property listed above is one of twelve individual projects undertaken by the Rural Housing Action Corporation, located on two streets within the East End Historic District of Newburgh, New York. All properties were listed as "contributing" to the district on April 23, 2003. The properties existed in varying conditions though all had some remaining exterior and interior historic fabric. On August 26, 2008, TPS denied the projects, consolidating their concerns in a single letter, for combinations of the following reasons: removal of paint from exterior brick; removal of historic interior features, including door surrounds, window surrounds and aprons, baseboards, mantles, pocket doors, and plaster medallions; removal of historic interior stairs;

alterations to historic door hoods and porches; blocking down historic window and door openings; installation of inappropriately large windows; unpainted wood entrance steps, stoops, and balustrades; removal of historic cornice brackets; and installation of a new cornice that did not match the historic cornice. I am making my decisions on each of these properties individually, based on each project's individual merits.

With respect particularly to the project at 128 Lander Street, TPS denied the project because of concerns regarding removing historic interior features, including door and window surrounds and aprons, baseboards, and stripping paint from the exterior brick. TPS found that these items caused the project to fail to meet Standards 2, 5, and 6. Standard 2 states, *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.* Standard 5 states, *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.* Standard 6 states, *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

I find that the window aprons, located in the two parlors on both the first and the second floor, were character defining features of those spaces that should have been retained, and that their removal contravenes Standards 2, 5, and 6. On this issue, I agree with TPS that the project fails to meet Standards 2, 5, and 6. However, I have determined that removing the paint from the historically painted brick exterior, while not a recommended treatment, is not sufficient to cause the overall project to fail to meet the Standards. I also have determined that the replacement door and window surrounds and baseboards in the two parlors on the first and second floors marginally comply with the Secretary's Standards. Accordingly, these issues are not a factor in my decision.

While the project at 128 Lander Street, as completed, cannot be approved, I have further determined that the project can be brought into conformance with the Standards, and thereby achieve the requested certification, if corrective measures are undertaken. Outlined below is the remedial work for the property that, if completed, will bring the project into conformance with the Standards.

The historic configuration of paneled aprons under the windows in the two parlors on the first and second floors must be restored, using trim matching the replaced surrounds. I find that this corrective measure would allow the project to be certified as meeting the minimum requirements for certification established by law.

If you choose to proceed with the corrective measure described above, you may secure certification of the rehabilitation by submitting photographs of the completed work to Technical Preservation Services, National Park Service, Attention \_\_\_\_\_ with a copy to the New York State Historic Preservation Office. Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read 'John A. Burns', with a long horizontal flourish extending to the right.

John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-NY  
IRS



# United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240



IN REPLY REFER TO:  
ADCR (2201)

January 2, 2009

Rural Housing Action Corporation

**PROPERTY: 132 Lander Street, Newburgh, NY**

**PROJECT NUMBER: 11381**

Dear Ms. Mallam:

My review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I would like to thank your representative

for meeting with me  
in Washington on October 15, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the above project is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on August 26, 2008 by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

The property listed above is one of twelve individual projects undertaken by the Rural Housing Action Corporation, located on two streets within the East End Historic District of Newburgh, New York. All properties were listed as "contributing" to the district on April 23, 2003. The properties existed in varying conditions though all had some remaining exterior and interior historic fabric. On August 26, 2008, TPS denied the projects, consolidating their concerns in a single letter, for combinations of the following reasons: removal of paint from exterior brick; removal of historic interior features, including door surrounds, window surrounds and aprons, baseboards, mantles, pocket doors, and plaster medallions; removal of historic interior stairs;

alterations to historic door hoods and porches; blocking down historic window and door openings; installation of inappropriately large windows; unpainted wood entrance steps, stoops, and balustrades; removal of historic cornice brackets; and installation of a new cornice that did not match the historic cornice. I am making my decisions on each of these properties individually, based on each project's individual merits.

With respect particularly to the project at 132 Lander Street, TPS denied the project because of concerns regarding adding a front porch hood, removing and replacing the historic newel and stair rail with inappropriate generic elements, removing a set of pocket doors, door surrounds, window surrounds and aprons, baseboards, and stripping paint from the exterior brick. TPS found that these items caused the project to fail to meet Standards 2, 5, and 6. Standards 2 states, *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.* Standard 5 states, *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.* Standard 6 states, *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

I believe that the new porch hood is conjectural, and replicates the one installed at 126 Lander Street. You did not submit any documentary basis for installing a porch hood or any physical evidence on the building to indicate it ever had one. I note that the virtually identical building next door, at 130 Lander Street, does not have a porch hood or visible evidence that it ever had one. Further, the design of the new porch hood implies a false historical relationship between 132 Lander Street and 126 Lander Street. Accordingly, I find that the new porch hood is an inappropriate treatment, contravening Standards 2, 5, and 6. I also find that replacing the historic turned newel and stair rail is an inappropriate treatment in violation of Standards 2 and 5. I further find that the paneled aprons, located in the two parlors on both the first and the second floor, were character defining features of those spaces that should have been retained, thus their removal contravenes Standards 2, 5, and 6. On these issues, I agree with TPS that the project fails to meet Standards 2, 5, and 6. However, I have determined that removing the paint from the historically painted brick exterior, while not a recommended treatment, is not sufficient to cause the overall project to fail to meet the Standards. I have also determined that the replacement door and window surrounds and baseboards in the two parlors on the first and the second floors marginally comply with the Secretary's Standards. The replacement surround for the pocket door opening is also marginally acceptable. The loss of the pocket doors themselves, while lamentable, is not sufficient cause for denial of the overall project. Accordingly, these issues are not a factor in my decision.

While the project at 132 Lander Street, as completed, cannot be approved, I have further determined that the project can be brought into conformance with the Standards, and thereby achieve the requested certification, if corrective measures are undertaken. Outlined below is the remedial work for the property that, if completed, will bring the project into conformance with the Standards.

At the appeal meeting, you stated that you fortunately were able to recover the historic newel and stair rail, and propose to reinstall them, a corrective measure I find acceptable. In addition, the historic configuration of paneled aprons under the windows in those rooms must be restored, using trim matching the replaced surrounds. Finally, the inappropriate porch hood must either be removed or sufficiently changed to dispel the perception that 126 Lander Street and 132 Lander Street are historically related buildings. If you choose to retain the porch hood, please submit any proposed changes to me, at the address cited below, for review and approval prior to completing the work. I find that these corrective measures would allow the project to be certified as meeting the minimum requirements for certification established by law.

If you choose to proceed with the corrective measures described above, you may secure certification of the rehabilitation by submitting photographs of the completed work to Technical Preservation Services, National Park Service, Attention: \_\_\_\_\_, with a copy to the New York State Historic Preservation Office. Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,



John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-NY  
IRS



# United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240



IN REPLY REFER TO:  
ADCR (2201)

January 2, 2009

Rural Housing Action Corporation

**PROPERTY: 140 Lander Street, Newburgh, NY**

**PROJECT NUMBER: 11382**

Dear Ms. Mallam:

My review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I would like to thank your representatives,

for meeting with me  
in Washington on October 15, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the above project is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on August 26, 2008 by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

The property listed above is one of twelve individual projects undertaken by the Rural Housing Action Corporation, located on two streets within the East End Historic District of Newburgh, New York. All properties were listed as "contributing" to the district on April 23, 2003. The properties existed in varying conditions though all had some remaining exterior and interior historic fabric. On August 26, 2008, TPS denied the projects, consolidating their concerns in a single letter, for combinations of the following reasons: removal of paint from exterior brick; removal of historic interior features, including door surrounds, window surrounds and aprons, baseboards, mantles, pocket doors, and plaster medallions; removal of historic interior stairs;

alterations to historic door hoods and porches; blocking down historic window and door openings; installation of inappropriately large windows; unpainted wood entrance steps, stoops, and balustrades; removal of historic cornice brackets; and installation of a new cornice that did not match the historic cornice. I am making my decisions on each of these properties individually, based on each project's individual merits.

With respect particularly to the project at 140 Lander Street, TPS denied the project because of concerns regarding replacing the front porch hood, removing and replacing the historic newel and stair rail with inappropriate generic elements, removing door and window surrounds, aprons, baseboards, and stripping paint from the exterior brick. TPS found that these items caused the project to fail to meet Standards 2, 5, and 6. Standard 2 states, *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.* Standard 5 states, *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.* Standard 6 states, *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

With respect to the porch hood, I have determined that the new porch hood does not match the historic hood visible in the pre-rehabilitation photographs, which featured a flat roof supported on four turned columns. Instead it replicates the one installed at 126 Lander Street, implying a false historical relationship between 140 Lander Street and 126 Lander Street. Accordingly, I find that the new porch hood is an inappropriate treatment, contravening Standards 2, 5, and 6. I also find that replacing the historic turned newel and stair rail is an inappropriate treatment in violation of Standards 2 and 5. I further find that the paneled aprons, located in the two parlors on the first floor, were character defining features of those spaces that should have been retained, thus their removal contravenes Standards 2, 5, and 6. On these issues, I agree with TPS that the project fails to meet Standards 2, 5, and 6. However, I have determined that removing the paint from the historically painted brick exterior, while not a recommended treatment, is not sufficient to cause the overall project to fail to meet the Standards. I have also determined that the replacement door and window surrounds and baseboards in the two parlors on the first floor marginally comply with the Secretary's Standards. Accordingly, these issues are not a factor in my decision.

While the project at 140 Lander Street, as completed, cannot be approved, I have further determined that the project can be brought into conformance with the Standards, and thereby achieve the requested certification, if corrective measures are undertaken. Outlined below is the remedial work for the property that, if completed, will bring the project into conformance with the Standards.

At the appeal meeting, you stated that you were able to recover the historic newel and stair rail, and propose to reinstall them, a corrective measure I find acceptable. In addition, the historic configuration of paneled aprons under the windows in the two parlors on the first floor must be restored, using trim matching the replaced surrounds. With regard to the inappropriate porch

hood, it can be modified to closely replicate its historic appearance and thus comply with the Standards. This can be accomplished by converting the gable roof to a flat roof and by removing the brackets and replacing them with four turned columns. I find that these corrective measures would allow the project to be certified as meeting the minimum requirements for certification established by law.

If you choose to proceed with the corrective measures described above, you may secure certification of the rehabilitation by submitting photographs of the completed work to Technical Preservation Services, National Park Service, Attention: \_\_\_\_\_, with a copy to the New York State Historic Preservation Office. Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Burns". The signature is fluid and cursive, with a long horizontal stroke at the end.

John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-NY  
IRS



# United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240



IN REPLY REFER TO:  
ADCR (2201)

January 2, 2009

Rural Housing Action Corporation

**PROPERTY: 196 Lander Street, Newburgh, NY**

**PROJECT NUMBER: 11383**

Dear Ms. Mallam:

My review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I would like to thank your representatives,

for meeting with me  
in Washington on October 15, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the above project is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on August 26, 2008 by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

The property listed above is one of twelve individual projects undertaken by the Rural Housing Action Corporation, located on two streets within the East End Historic District of Newburgh, New York. All properties were listed as "contributing" to the district on April 23, 2003. The properties existed in varying conditions though all had some remaining exterior and interior historic fabric. On August 26, 2008, TPS denied the projects, consolidating their concerns in a single letter, for combinations of the following reasons: removal of paint from exterior brick; removal of historic interior features, including door surrounds, window surrounds and aprons, baseboards, mantles, pocket doors, and plaster medallions; removal of historic interior stairs;

alterations to historic door hoods and porches; blocking down historic window and door openings; installation of inappropriately large windows; unpainted wood entrance steps, stoops, and balustrades; removal of historic cornice brackets; and installation of a new cornice that did not match the historic cornice. I am making my decisions on each of these properties individually, based on each project's individual merits.

With respect particularly to the project at 196 Lander Street, TPS denied the project because of concerns regarding removing historic interior features, including door and window surrounds and aprons, and baseboards. TPS found that these items caused the project to fail to meet Standards 2, 5, and 6. Standards 2 states, *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.* Standard 5 states, *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.* Standard 6 states, *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

I find that the paneled aprons, located in the two parlors on the first floor, were character defining features of those spaces that should have been retained and that their removal contravenes Standards 2, 5, and 6. On this issue, I agree with TPS that the project fails to meet Standards 2, 5, and 6. I have determined that the replacement door and window surrounds and baseboards in the two parlors on the first floor marginally comply with the Secretary's Standards. Accordingly, these issues are not factors in my decision.

While the project at 196 Lander Street, as completed, cannot be approved, I have further determined that the project can be brought into conformance with the Standards, and thereby achieve the requested certification, if corrective measures are undertaken. Outlined below is the remedial work for the property that, if completed, will bring the project into conformance with the Standards.

The historic configuration of paneled aprons under the windows in the two parlors on the first floor must be restored, using trim matching the replaced surrounds. I find that this corrective measure would allow the project to be certified as meeting the minimum requirements for certification established by law.

If you choose to proceed with the corrective measures described above, you may secure certification of the rehabilitation by submitting photographs of the completed work to Technical Preservation Services, National Park Service, Attention: \_\_\_\_\_ with a copy to the New York State Historic Preservation Office. Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or

interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Burns". The signature is fluid and cursive, with a long horizontal flourish at the end.

John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-NY  
IRS



## United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240



IN REPLY REFER TO:  
ADCR (2201)

January 2, 2009

Rural Housing Action Corporation

PROPERTY: **125 Chamber Street, Newburgh, NY**

PROJECT NUMBER: **11384**

Dear Ms. Mallam:

My review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I would like to thank your representatives,

for meeting with me  
in Washington on October 15, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the above project is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on August 26, 2008 by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

The property listed above is one of twelve individual projects undertaken by the Rural Housing Action Corporation, located on two streets within the East End Historic District of Newburgh, New York. All properties were listed as "contributing" to the district on April 23, 2003. The properties existed in varying conditions though all had some remaining exterior and interior historic fabric. On August 26, 2008, TPS denied the projects, consolidating their concerns in a single letter, for combinations of the following reasons: removal of paint from exterior brick; removal of historic interior features, including door surrounds, window surrounds and aprons, baseboards, mantles, pocket doors, and plaster medallions; removal of historic interior stairs;

alterations to historic door hoods and porches; blocking down historic window and door openings; installation of inappropriately large windows; unpainted wood entrance steps, stoops, and balustrades; removal of historic cornice brackets; and installation of a new cornice that did not match the historic cornice. I am making my decisions on each of these properties individually, based on each project's individual merits.

With respect particularly to the project at 125 Chamber Street, TPS denied the project because of concerns regarding installing oversized windows on the third floor, installing unpainted wooden entrance steps, stoop and railings, removing and replacing the historic newel and stair rail with inappropriate generic elements, removing historic interior features, including door and window surrounds, baseboards, cornice trim, a plaster ceiling medallion, and mantles. TPS found that these items caused the project to fail to meet Standards 2, 5, and 6. Standards 2 states, *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.* Standard 5 states, *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.* Standard 6 states, *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

I find that enlarging the third floors windows and modifying the cornice to accommodate the taller openings contravenes Standards 2, 5, and 6. I also find that leaving the new entrance unpainted is incompatible with the historic character of the property, in violation of Standards 2 and 6. I find that replacing the historic turned newel and stair rail is an inappropriate treatment in violation of Standards 2 and 5. I further find that the cornice trim, plaster ceiling medallion, and mantles, located in the two parlors on the first floor, were character defining features of those spaces that should have been retained and that their removal contravenes Standards 2, 5, and 6. Thus, on these issues, I agree with TPS that the project fails to meet Standards 2, 5, and 6. I have also determined that the replacement door and window surrounds and baseboards in the two parlors on the first floor marginally comply with the Secretary's Standards. Accordingly, these issues are not a factor in my decision.

While the project at 125 Chamber Street, as completed, cannot be approved, I have further determined that the project can be brought into conformance with the Standards, and thereby achieve the requested certification, if corrective measures are undertaken. Outlined below is the remedial work for the property that, if completed, will bring the project into conformance with the Standards.

At the appeal meeting, you addressed TPS' concerns by proposing three corrective measures. You have proposed to install correctly-sized windows on the third floor and to restore the original bracket configuration under the cornice. You have proposed to paint the entrance steps, stoop, and railing, in a compatible color to match the historic character of the house. And, you were able to recover the historic newel and stair rail, and propose to reinstall them. You also clarified that the mantle was retained. In addition the parlor cornice trim and ceiling medallion must be restored. I find that these corrective measures are acceptable. If the original parlor

cornice trim and ceiling medallion cannot be located and reinstalled, an alternative is to replace them with new materials. Please submit information on any proposed replacement materials to me, at the address cited below, for review and approval prior to completing the work. I find that these corrective measures would allow the project to be certified as meeting the minimum requirements for certification established by law.

If you choose to proceed with the corrective measures described above, you may secure certification of the rehabilitation by submitting photographs of the completed work to Technical Preservation Services, National Park Service, Attention: \_\_\_\_\_, with a copy to the New York State Historic Preservation Office. Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Burns". The signature is fluid and cursive, with a large initial "J" and "B".

John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-NY  
IRS



# United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240



IN REPLY REFER TO:  
ADCR (2201)

January 2, 2009

Rural Housing Action Corporation

**PROPERTY: 143 Chamber Street, Newburgh, NY**

**PROJECT NUMBER: 11385**

Dear Ms. Mallam:

My review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I would like to thank your representatives,

for meeting with me  
in Washington on October 15, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the above project is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on August 26, 2008 by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

The property listed above is one of twelve individual projects undertaken by the Rural Housing Action Corporation, located on two streets within the East End Historic District of Newburgh, New York. All properties were listed as "contributing" to the district on April 23, 2003. The properties existed in varying conditions though all had some remaining exterior and interior historic fabric. On August 26, 2008, TPS denied the projects, consolidating their concerns in a single letter, for combinations of the following reasons: removal of paint from exterior brick; removal of historic interior features, including door surrounds, window surrounds and aprons, baseboards, mantles, pocket doors, and plaster medallions; removal of historic interior stairs;

alterations to historic door hoods and porches; blocking down historic window and door openings; installation of inappropriately large windows; unpainted wood entrance steps, stoops, and balustrades; removal of historic cornice brackets; and installation of a new cornice that did not match the historic cornice. I am making my decisions on each of these properties individually, based on each project's individual merits.

With respect particularly to the project at 143 Chamber Street, TPS denied the project because of concerns regarding installing unpainted wooden entrance steps, stoop and railings, removing and replacing the historic newel and stair rail with inappropriate generic elements, removing historic interior features, including door and window surrounds, baseboards, and a plaster ceiling medallion. TPS found that these items caused the project to fail to meet Standards 2, 5, and 6. Standard 2 states, *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.* Standard 5 states, *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.* Standard 6 states, *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

I find that leaving the new entrance unpainted is incompatible with the historic character of the property, in violation of Standards 2 and 6. I also find that replacing the historic turned newel and stair rail is an inappropriate treatment in violation of Standards 2 and 5. I further find that plaster ceiling medallion, located in the parlor on the first floor, is a character defining feature of the room that should have been retained and that its removal contravenes Standards 2, 5, and 6. Thus, on these issues, I agree with TPS that the project fails to meet Standards 2, 5, and 6. I have determined that the replacement door and window surrounds and baseboards in the two parlors on the first floor marginally comply with the Secretary's Standards. Accordingly, these issues are not a factor in my decision.

While the project at 143 Chamber Street, as completed, cannot be approved, I have further determined that the project can be brought into conformance with the Standards, and thereby achieve the requested certification, if corrective measures are undertaken. Outlined below is the remedial work for the property that, if completed, will bring the project into conformance with the Standards.

At the appeal meeting, you addressed TPS' concerns by proposing two corrective measures. You have proposed to paint the entrance steps, stoop, and railing, in a compatible color to match the historic character of the house. You were able to recover the historic newel and stair rail, and propose to reinstall them. I find that these corrective measures are acceptable. In addition, the parlor ceiling medallion must be restored. If the original parlor ceiling medallion cannot be located and reinstalled, an alternative is to replace it with new materials. Please submit information on any proposed replacement materials to me, at the address cited below, for review and approval prior to completing the work. I find that these corrective measures would allow the project to be certified as meeting the minimum requirements for certification established by law.

If you choose to proceed with the corrective measures described above, you may secure certification of the rehabilitation by submitting photographs of the completed work to Technical Preservation Services, National Park Service, Attention: \_\_\_\_\_ with a copy to the New York State Historic Preservation Office. Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Burns". The signature is fluid and cursive, with the first name "John" being the most prominent part.

John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-NY  
IRS



# United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240



IN REPLY REFER TO:  
ADCR (2201)

January 2, 2009

Rural Housing Action Corporation

**PROPERTY: 147 Chamber Street, Newburgh, NY**

**PROJECT NUMBER: 11386**

Dear Ms. Mallam:

My review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I would like to thank your representatives.

for meeting with me  
in Washington on October 15, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the above project is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on August 26, 2008 by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below building are undertaken.

The property listed above is one of twelve individual projects undertaken by the Rural Housing Action Corporation, located on two streets within the East End Historic District of Newburgh, New York. All properties were listed as "contributing" to the district on April 23, 2003. The properties existed in varying conditions though all had some remaining exterior and interior historic fabric. On August 26, 2008, TPS denied the projects, consolidating their concerns in a single letter, for combinations of the following reasons: removal of paint from exterior brick; removal of historic interior features, including door surrounds, window surrounds and aprons, baseboards, mantles, pocket doors, and plaster medallions; removal of historic interior stairs;

alterations to historic door hoods and porches; blocking down historic window and door openings; installation of inappropriately large windows; unpainted wood entrance steps, stoops, and balustrades; removal of historic cornice brackets; and installation of a new cornice that did not match the historic cornice. I am making my decisions on each of these properties individually, based on each project's individual merits.

With respect particularly to the project at 147 Chamber Street, TPS denied the project because of concerns regarding removing and replacing the historic newel and stair rail with inappropriate generic elements, removing historic interior features, including door and window surrounds, aprons, and baseboards, stripping paint from the exterior brick, and replacing the cornice brackets with ones that do not match the historic brackets. TPS found that these items caused the project to fail to meet Standards 2, 5, and 6. Standard 2 states, *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.* Standard 5 states, *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.* Standard 6 states, *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

I have determined that removing the historic stair newel and railing and replacing them with inappropriate designs, contravene Standards 5 and 6. I further find that the cornice brackets, and the paneled aprons located in the two parlors on the first floor, were character defining features of those spaces that should have been retained and that their removal contravenes Standards 2, 5, and 6. I also find that the replacement cornice brackets do not match the historic brackets, in violation of Standards 2 and 6. On these issues, I agree with TPS that the project fails to meet Standards 2, 5, and 6. However, I have determined that removing the paint from the historically painted brick exterior, while not a recommended treatment, is not sufficient to cause the overall project to fail to meet the Standards. I have also determined that the other removed interior fabric cited by TPS, with the exception of the aprons under the parlor windows, was replaced with new materials that marginally comply with the Secretary's Standards. Accordingly, these issues are not a factor in my decision.

While the project at 147 Chamber Street, as completed, cannot be approved, I have further determined that the project can be brought into conformance with the Standards, and thereby achieve the requested certification, if corrective measures are undertaken. Outlined below is the remedial work for the property that, if completed, will bring the project into conformance with the Standards.

At the appeal meeting, you addressed TPS' concerns by proposing two corrective measures. You have proposed to replace the new cornice brackets with replicas that match the originals. If you are able to recover the historic newel and stair rail, you propose to reinstall them. I find that these corrective measures are acceptable except that if the original newel cannot be found a compatible replica must be substituted. The aprons under the parlor windows must be restored to their historic configuration, using trim that matches the new window surrounds. I find that these

corrective measures would allow the project to be certified as meeting the minimum requirements for certification established by law.

If you choose to proceed with the corrective measures described above, you may secure certification of the rehabilitation by submitting photographs of the completed work to Technical Preservation Services, National Park Service, Attention \_\_\_\_\_ with a copy to the New York State Historic Preservation Office. Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read 'John A. Burns', written in a cursive style.

John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-NY  
IRS



# United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240



IN REPLY REFER TO:  
ADCR (2201)

January 2, 2009

Rural Housing Action Corporation

PROPERTY: **151 Chamber Street, Newburgh, NY**

PROJECT NUMBER: **11387**

Dear Ms. Mallam:

My review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I would like to thank your representatives,

for meeting with me  
in Washington on October 15, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the above project is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on August 26, 2008 by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

The property listed above is one of twelve individual projects undertaken by the Rural Housing Action Corporation, located on two streets within the East End Historic District of Newburgh, New York. All properties were listed as "contributing" to the district on April 23, 2003. The properties existed in varying conditions though all had some remaining exterior and interior historic fabric. On August 26, 2008, TPS denied the projects, consolidating their concerns in a single letter, for combinations of the following reasons: removal of paint from exterior brick; removal of historic interior features, including door surrounds, window surrounds and aprons, baseboards, mantles, pocket doors, and plaster medallions; removal of historic interior stairs;

alterations to historic door hoods and porches; blocking down historic window and door openings; installation of inappropriately large windows; unpainted wood entrance steps, stoops, and balustrades; removal of historic cornice brackets; and installation of a new cornice that did not match the historic cornice. I am making my decisions on each of these properties individually, based on each project's individual merits.

With respect particularly to the project at 151 Chamber Street, TPS denied the project because of concerns regarding installing unpainted wooden entrance steps, stoop and railings, removing and replacing the historic newel and stair rail with inappropriate generic elements, removing historic interior features, including door and window surrounds, aprons, and baseboards. TPS found that these items caused the project to fail to meet Standards 2, 5, and 6. Standards 2 states, *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.* Standard 5 states, *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.* Standard 6 states, *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

I find that leaving the new entrance unpainted is incompatible with the historic character of the property, in violation of Standards 2 and 6. I also find that replacing the historic turned newel and stair rail with inappropriate designs violates Standards 2 and 5. Pre-rehabilitation photographs show that there were two remarkably intact historic features in the front parlor, a paneled niche behind a cased opening with carved brackets, and a semi-hexagonal oriel bay window and flanking decorative cabinets, with two-toned wooden trim. These are significant, character-defining, features and must be preserved. Unfortunately, the niche was altered by removing the casing trim and replacing it with painted drywall, and by refinishing the paneling and carved brackets in a significantly darker tone. The historically dark-toned wood window surrounds in the oriel bay were replaced with white-painted trim, and the two-toned wooden cabinets, brackets, window seat, and trim, were refinished in the same dark tone as the niche. The replacement windows are white even though the original sash probably matched the historic finishes. I have determined that these inappropriate treatments significantly compromise both features, contravening Standards 2, 5, and 6. Thus, on these issues, I agree with TPS that the project fails to meet Standards 2, 5, and 6. I have also determined that the door and window surrounds, aprons, and baseboards, with the exception of the niche and bay window cited above, were replaced with new materials that marginally comply with the Secretary's Standards. Accordingly, these issues are not a factor in my decision.

While the project at 151 Chamber Street, as completed, cannot be approved, I have further determined that the project can be brought into conformance with the Standards, and thereby achieve the requested certification, if corrective measures are undertaken. Outlined below is the remedial work for the property that, if completed, will bring the project into conformance with the Standards.

At the appeal meeting, you addressed TPS' concerns by proposing two corrective measures. You have proposed to paint the entrance steps, stoop, and railing, in a compatible color to match the historic character of the house. If you are able to recover the historic newel and stair rail, you propose to reinstall them. I find that these corrective measures are acceptable with the condition that a compatible replica will be substituted if the original newel cannot be found. In addition, both the niche and oriel must be restored to their pre-rehabilitation appearance, with the interior of the replacement windows finished to match. While it is likely that other finishes in the front parlor matched the historic finishes in the niche and oriel, pre-rehabilitation photographs show that the remaining trim was painted white, thus can remain white. I find that these corrective measures would allow the project to be certified as meeting the minimum requirements for certification established by law.

If you choose to proceed with the corrective measures described above, you may secure certification of the rehabilitation by submitting photographs of the completed work to Technical Preservation Services, National Park Service, Attention \_\_\_\_\_ with a copy to the New York State Historic Preservation Office. Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,



John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-NY  
IRS



## United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240



IN REPLY REFER TO:  
ADCR (2201)

January 2, 2009

Rural Housing Action Corporation

**PROPERTY: 161 Chamber Street, Newburgh, NY**

**PROJECT NUMBER: 11389**

Dear Ms. Mallam:

My review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I would like to thank your representative

for meeting with me  
in Washington on October 15, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the above project is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on August 26, 2008 by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

The property listed above is one of twelve individual projects undertaken by the Rural Housing Action Corporation, located on two streets within the East End Historic District of Newburgh, New York. All properties were listed as "contributing" to the district on April 23, 2003. The properties existed in varying conditions though all had some remaining exterior and interior historic fabric. On August 26, 2008, TPS denied the projects, consolidating their concerns in a single letter, for combinations of the following reasons: removal of paint from exterior brick; removal of historic interior features, including door surrounds, window surrounds and aprons, baseboards, mantles, pocket doors, and plaster medallions; removal of historic interior stairs;

alterations to historic door hoods and porches; blocking down historic window and door openings; installation of inappropriately large windows; unpainted wood entrance steps, stoops, and balustrades; removal of historic cornice brackets; and installation of a new cornice that did not match the historic cornice. I am making my decisions on each of these properties individually, based on each project's individual merits.

With respect particularly to the project at 161 Chamber Street, TPS denied the project because of concerns regarding stripping paint from the exterior brick, replacing the cornice brackets with ones that do not match the historic brackets, and installing an incompatible railing on the ADA ramp. TPS found that these items caused the project to fail to meet Standards 2, 5, and 6. Standard 2 states, *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.* Standard 5 states, *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.* Standard 6 states, *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

I have determined that the replacement cornice brackets do not match the historic brackets, in violation of Standards 2 and 6. I have also determined that the railing on the ADA ramp is not compatible with the historic character of the property and contravenes Standards 2 and 6. On these issues, I agree with TPS that the project fails to meet Standards 2 and 6. However, I have determined that removing the paint from the historically painted brick exterior, while not a recommended treatment, is not sufficient to cause the overall project to fail to meet the Standards. Accordingly, that issue is not a factor in my decision. Finally, I would like to note that, given the condition of the building and the extensive fire damage, it is a significant accomplishment that you were able to save and rehabilitate the building.

While the project at 161 Chamber Street, as completed, cannot be approved, I have further determined that the project can be brought into conformance with the Standards, and thereby achieve the requested certification, if corrective measures are undertaken. Outlined below is the remedial work for the property that, if completed, will bring the project into conformance with the Standards.

At the appeal meeting, you addressed TPS' concerns by proposing two corrective measures. You have proposed to replace the new cornice brackets with replicas that match the originals. You have also proposed to replace the unpainted wooden railing on the ADA ramp with a painted metal railing. I find that these corrective measures would allow the project to be certified as meeting the minimum requirements for certification established by law.

If you choose to proceed with the corrective measures described above, you may secure certification of the rehabilitation by submitting photographs of the completed work to Technical Preservation Services, National Park Service, Attention: \_\_\_\_\_ with a copy to the New York State Historic Preservation Office. Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Burns". The signature is fluid and cursive, with the first name "John" being the most prominent.

John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-NY  
IRS



# United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240



IN REPLY REFER TO:  
ADCR (2201)

January 2, 2009

Rural Housing Action Corporation

**PROPERTY: 165 Chamber Street, Newburgh, NY**

**PROJECT NUMBER: 11390**

Dear Ms. Mallam:

My review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I would like to thank your representatives.

for meeting with me  
in Washington on October 15, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the above project is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on August 26, 2008 by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

The property listed above is one of twelve individual projects undertaken by the Rural Housing Action Corporation, located on two streets within the East End Historic District of Newburgh, New York. All properties were listed as "contributing" to the district on April 23, 2003. The properties existed in varying conditions though all had some remaining exterior and interior historic fabric. On August 26, 2008, TPS denied the projects, consolidating their concerns in a single letter, for combinations of the following reasons: removal of paint from exterior brick; removal of historic interior features, including door surrounds, window surrounds and aprons, baseboards, mantles, pocket doors, and plaster medallions; removal of historic interior stairs;

alterations to historic door hoods and porches; blocking down historic window and door openings; installation of inappropriately large windows; unpainted wood entrance steps, stoops, and balustrades; removal of historic cornice brackets; and installation of a new cornice that did not match the historic cornice. I am making my decisions on each of these properties individually, based on each project's individual merits.

With respect particularly to the project at 165 Chamber Street, TPS denied the project because of concerns regarding removing and replacing the historic newel and stair rail with inappropriate generic elements, removing historic interior features, including door and window surrounds, baseboards, and mantles, and stripping paint from the exterior brick. TPS found that these items caused the project to fail to meet Standards 2, 5, and 6. Standard 2 states, *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.* Standard 5 states, *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.* Standard 6 states, *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

I have determined that removing the historic stair newel and railing and replacing them with inappropriate designs, contravene Standards 2 and 5. I also find that the trim surrounding the cased opening between the parlors was removed and not replaced, contravening Standards 2, 5, and 6. On these issues, I agree with TPS that the project fails to meet Standards 2, 5, and 6. However, I have determined that removing the paint from the historically painted brick exterior, while not a recommended treatment, is not sufficient to cause the overall project to fail to meet the Standards. I have also determined that the other removed interior fabric cited by TPS, including the door and window surrounds and baseboards, was replaced with new materials that marginally comply with the Secretary's Standards. At the appeal meeting, you showed that the first floor mantle had been retained in its original location. Accordingly, these issues are not a factor in my decision.

While the project at 165 Chamber Street, as completed, cannot be approved, I have further determined that the project can be brought into conformance with the Standards, and thereby achieve the requested certification, if corrective measures are undertaken. Outlined below is the remedial work for the property that, if completed, will bring the project into conformance with the Standards.

At the appeal meeting, you addressed TPS' concerns by proposing two corrective measures. You have proposed to replace the new cornice brackets with replicas that match the originals. If you are able to recover the historic newel and stair rail, you propose to reinstall them. I find that these corrective measures are acceptable except that if the original newel cannot be found a compatible replica must be substituted. In addition, the trim surrounding the cased opening between the parlors must be restored to its historic configuration, using trim that matches the new window surrounds. I find that these corrective measures would allow the project to be certified as meeting the minimum requirements for certification established by law.

If you choose to proceed with the corrective measures described above, you may secure certification of the rehabilitation by submitting photographs of the completed work to Technical Preservation Services, National Park Service, Attention: \_\_\_\_\_ with a copy to the New York State Historic Preservation Office. Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is completed and so designated.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Burns". The signature is fluid and cursive, with a long horizontal stroke at the end.

John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-NY  
IRS