

Saratoga Springs
Preservation Foundation

December 9, 2020

A Voice
FOR
PRESERVATION



Ms. Tamie Ehinger
Design Review Commission
City Hall
474 Broadway
Saratoga Springs, NY 12866

RE: 65 and 69 Phila Street

Dear Ms. Ehinger,

The Saratoga Springs Preservation Foundation has reviewed the applications to demolish the two structures at 65 & 69 Phila Street and construct new structures. The Foundation strongly opposes the proposed demolition.

The Italianate style wood frame house at 65 Phila Street was constructed in 1851 by architect and builder Alexander A. Patterson and Robert Hunter, a mason, built the brick Italianate style house at 69 Phila Street that same year. Both houses are contributing buildings to the East Side Historic District listed on the National Register of Historic Places.

While both of the houses are in a deteriorated condition, they still retain architectural significance for being representative examples of the Italianate style in the area known as “The Gut,” a Jewish enclave located in downtown. Equally important are their historical associations with our community’s history of springs, the Jewish community and philanthropy.

The person who built 65 Phila Street became the proprietor of the Patterson Mineral Springs Company in 1889 after building a spring pavilion at 22, 24, and 26 Phila Street. The house remained in the Patterson family for 90 years. Following the Patterson’s ownership, the house became a boarding house. From 1970 until when the current owners purchased the house in 2002, it was owned by the Congregation Bais Moishe in Brooklyn. It was the summer residence of the Chasidid Kaliver Rabbi of Williamsburg, Moshe Taub, who was sixth in line of Rabbies (beginning in 1781).

The building located at 69 Phila Street is significant because of its associations with Reverend Hawley, a Methodist minister who purchased the house in 1854. In 1891, Hawley established and served as president of the Hawley Home for Children, a home for orphaned children. For the Home’s first 16 years orphaned children were cared for in different locations throughout the city. In November 1904, the Hawley Home moved to its own building at 64-66 Ludlow Street eventually housing 34 children from Saratoga and Warren counties. The home continued to operate for 61 years until August 1965, when increasingly complex state regulations forced its closure. The Hawley Foundation still exists today and continues to serve the underprivileged children of Saratoga County through its financial support. Reverend Hawley and those who followed his legacy have assisted thousands of children of our community.

For the reasons stated above the demolition applications for these properties should be reviewed under Section 7.4.11. B. Demolition, Architectural or Historical Significance.

The proposed demolition would have a significant adverse impact on historic structures, the integrity of the East Side District, a locally and nationally designated historic district, and the predominant character of the existing built landscape. This is a Significant

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Adverse Environmental Impact and should be considered a Type I action under the New York State Environmental Quality Review. An environmental impact statement is required.

Furthermore, the application is incomplete. It fails to address all of the requirements of the Demolition for Architectural or Historical Significance.

1. The applicant shall document “good faith” efforts in seeking an alternative that will result in the preservation of the structure including consultation with the Commission and the Saratoga Springs Preservation Foundation. The relocation of structures may be permitted as an alternative to demolition;
2. The applicant shall document efforts to find a purchaser interested in acquiring and preserving the structure;
3. The applicant shall demonstrate that the structure cannot be adapted for any other permitted use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
4. The applicant shall submit evidence that the property is not capable of earning a reasonable return regardless of whether that return represents the most profitable return possible. "Dollars and cents proof" shall be required to demonstrate such hardship.
5. Application for demolition of a structure with historic or architectural significance shall include acceptable post-demolition plans for the site. Such plans shall include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project. The Commission may condition the issuance of a demolition approval on the applicant’s receipt of all other necessary approvals and permits for the post demolition plan.

The Foundation has listed these two historic properties on its *Ten to Save* list since its inception in 1998. The properties were listed at that time because they were vacant and in a deteriorated condition. The current owners purchased 69 Phila Street in 1995 and 65 Phila Street in 2002. Since that time the buildings have continued to deteriorate to the point that portions of the structures and architectural details have been removed and are a blight on the neighborhood.

The Foundation has periodically contacted the owners to offer assistance with the preservation of the buildings. During my 12-year tenure as Executive Director of the Saratoga Springs Preservation I have only had one meeting with Helen and Case Simpson where the 65 and 69 Phila Street were discussed. At the meeting that took place on September 25, 2017 the Phila Street properties were not the only ones discussed. They also discussed 68 and 74 Caroline Street and 32 Park Place. I expressed to them that the Foundation had great interest in seeing the three houses listed on the *Ten to Save* list that they owned – 32 Park Place and 65 and 69 Phila Street – preserved. I shared that numerous potential buyers interested in preserving the properties had contacted the Foundation and that at that time the properties were eligible for both federal and state rehabilitation tax credits, which could offset as much as 40% of the rehabilitation costs. I offered to provide them with assistance with seeking those credits. While Helen followed up with me regarding questions about the other properties they owned, the owners never sought any assistance with applying for the rehabilitation tax credits or further discussed the potential for preserving the buildings at 65 & 69 Phila Street. The Foundation does not feel that one meeting demonstrates a “good faith” effort to preserve the buildings.

Shortly following that meeting on October 3, 2017, the Foundation received the structural assessment report that it underwrote for one serious potential buyer of both properties. The assessment determined that the buildings could be preserved. That buyer was unsuccessful in negotiating a price to purchase the properties. Since 2017 other potential buyers have continued to contact the Foundation about purchasing the buildings for the purpose of rehabilitating the structures. I have provided copies of not only the structural assessment paid for by the Foundation, but also a copy of the July 7, 2017 structural assessment provided to the City of Saratoga Springs by The Chazen Companies as well as offered to assist with seeking the rehabilitation tax credits. In this year alone, there have been four serious potential buyers. To the Foundation's knowledge, none of the interested parties were successful in negotiating a price to purchase either or both of the buildings, indicating that the owners have ignored market pricing to seek maximum financial gain.

Most importantly, even if the owners were able to submit evidence that the property is "not capable of earning a reasonable return regardless of whether that return represents the most profitable return possible" it is irrelevant because **it is a self-created hardship. Therefore, demolition should not be approved.** For that simple reason, the Design Review Commission should not entertain the proposals for new construction.

Furthermore, the plywood covering the walls and windows, porch railings and columns, and the chain-link fence around the property are not in accordance with the City's Historic Review Ordinance. While initially thought to be temporary, those temporary measures have been in place for several years. They do not meet the standards and design guidelines of the Historic Review Ordinance. The owners should be required to comply with the Historic Review Ordinance:

No owner or person with an interest in real property designated as a City Landmark or included within a Historic District shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgement of the Commission, produce a detrimental effect upon the character of the Historic District as a whole or the life and character of the property itself. Examples include:

1. Deterioration of exterior walls or other vertical supports
2. Deterioration of roofs or other horizontal members
3. Deterioration of exterior chimneys
4. Deterioration or crumbling of exterior stucco or mortar
5. Ineffective waterproofing of exterior walls, roofs or foundations including broken windows or doors
6. Deterioration of any feature so as to create a hazardous condition that would lead to the claim that demolition is necessary for public safety.

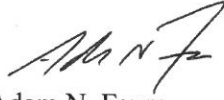
Both properties show signs of several examples listed above.

The owners have demonstrated a willful intent to neglect the buildings. They have cost the City of Saratoga Springs thousands of dollars in resources by requiring Code Enforcement Department and the City Attorney to continue to attempt to enforce the NYS Property Maintenance Code and the requirements of the Vacant Building Registry and seek court action in order to do so which is the only reason that these applications are before the Design Review Commission today.

The demolition applications should not be approved. The owners should be required to repair and preserve both buildings in compliance with the Historic Review Ordinance. Their intentional neglect is slowly dismantling the architecture and history of our community and it must not be rewarded!

Thank you in advance for your thoughtful consideration.

Sincerely,



Adam N. Favro
President



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Executive Director

Cc: Helen & Case Simpson, Owners
Matt Chauvin, Owner Attorney
Vincent DeLeonardis, City Attorney
Tony Izzo, Assistant City Attorney
Robin Dalton, Commissioner of Public Safety
Eileen Finneran, Deputy Commissioner of Public Safety
Bradley Birge, Administrator of the Office of Planning and Economic Development