

CITY OF MUSKEGON
HISTORIC DISTRICT COMMISSION
SPECIAL MEETING MINUTES

June 15, 2021

Chairperson S. Radtke called the meeting to order at 4:01 p.m. and roll was taken.

MEMBERS PRESENT: T. Emory, Muskegon, Michigan; A. Riegler, Muskegon, Michigan;
K. George, Muskegon, Michigan; D. Gregersen, Muskegon,
Michigan (arrived late); S. Radtke, Muskegon, Michigan

MEMBERS ABSENT: None

STAFF PRESENT: J. Pesch; C. Cashin; O. Bailey (CNS); A. Briggs (CNS); S. Carson
(CNS)

OTHERS PRESENT: T. Tollenaar (contractor), 1305 Jefferson St.

NEW BUSINESS

Case 2021-24 – 1305 Jefferson – Windows

Applicant: City of Muskegon Community and Neighborhood Services Department (CNS) -
District: Campus - Current Function: Residential

J. Pesch presented the staff report. The property owner had applied for a program through the City of Muskegon's Community and Neighborhood Services Department (CNS) for a lead abatement project at the house, which led to the request to remove and replace 27 windows of 12 different sizes. Wood replacement windows had already been purchased and were of the same overall dimensions, but did not match the appearance of the house's current windows.

K. George was excited to see that lead abatement funds were being directed to the house, making the community safer. O. Bailey stated that she was grateful that the HDC understood the importance of addressing lead in households with children under the age of six with elevated blood levels, and that this household represented that along with additional health concerns; CNS was in the process of moving the family out of the house and into a hotel until abatement work was completed. O. Bailey noted that the windows had lead paint and that the State Historic Preservation Office (SHPO) had responded to the project summary shared with them with a determination that the work would have no adverse effect.

A. Riegler asked that Staff explain the conversation with the SHPO regarding the replacement windows. J. Pesch explained that he received a Section 106 Review letter from the SHPO that stated that the lead abatement work proposed for the house would have no adverse effect based on the state statute, however that statute specified that work with no adverse effect was defined as

not being in violation of the Secretary of the Interior's Standards for Rehabilitation. J. Pesch further explained that he communicated via informal emails with an architect with the SHPO who clarified that their determination of no adverse effect was made based on the information that they had at the time; in this case, that information did not include images of the proposed windows (which, at that point, had not been ordered) and was instead based on the project specifications stating that "New windows must comply with Historic Preservation guidelines, i.e. match the size, design, proportions, profile and whenever possible, materials of the existing windows." J. Pesch noted that while he did share a photo of the proposed replacement windows with the SHPO architect, they were unable to provide specific comments as the decision to approve or deny installation of the windows was a local decision that would need to be made by the City of Muskegon Historic District Commission. The HDC was not bound by the SHPO's determination that the project will have no adverse effect, and the Section 106 Review letter would not overrule any HDC decision nor replace the required HDC review of the project.

A. Riegler noted the gap in information that existed during the SHPO review of the project and asked if the contactor for the project was provided with the same project specifications shared with the SHPO. J. Pesch stated that the same information was shared with both, but that the contractor had been unaware that the work would require HDC review until very recently. He noted that the contractor did the best that he could to order replacement windows which met the project specifications, but that at no point was there conversation between the HDC, the HDC Staff Liaison, and the contractor prior to the purchase of the windows. A. Riegler asked if the replacement windows ordered did not meet the parameters of what the SHPO approval allowed. J. Pesch explained that the Section 106 letter was written in November of 2020 before the replacement windows had been purchased, and that the SHPO would not be involved with the project at this time. Based on the documents shared by the SHPO, the proposed replacement windows would meet the definition of an adverse effect on the historic nature of the property. The SHPO also shared their specifications for replacement windows with Staff:

"Existing original windows should be repaired rather than replaced. If these windows are beyond repair, or documented lead levels preclude reuse, then the replacement windows must match the size, design, proportions, profile, and where possible materials of the existing original windows. If sash replacements are used in lieu of replacement windows, they must match the size, design, proportions, profile and material of the existing sash, with no modern materials exposed. Aluminum or vinyl clad sashes are not generally acceptable. If true divided light windows are not used, grilles must be permanently affixed to both the interior and the exterior of the windows. Enclosed is a copy of Preservation Brief #9: "The Repair of Historic Wooden Windows" that provides further guidance on this issue. Vinyl windows generally do not meet these requirements."

J. Pesch noted that, while the proposed replacement windows were wood windows and met the overall dimensions of the existing windows, they did not match the design of the existing

windows as the mullion patterns varied and grills were only affixed to the interior of the windows.

J. Pesch stated that as the proposed replacement windows did not follow national-level standards, they would also not follow the State's standards as both standards were the same.

D. Gregersen arrived at 4:12p.m.

A. Riegler asked if the project's funding would be put in jeopardy if the work did not follow the State's standards. J. Pesch explained that, based on his understanding, the Section 106 Review letter only offered a recommendation, but he was not sure if funding would be affected. O. Bailey stated that in past projects where it was determined that there would be an adverse effect, the SHPO provided an outline of what would need to be done in order to receive approval for the funding. S. Radtke stated that it seemed the project was structured in a way that the HDC had the final say. O. Bailey explained that, based on the information presented at the meeting, the SHPO would not be reversing their determination that the work would have no adverse effect.

K. George explained involvement in a past project where the work did not meet SHPO standards so alternate funding sources were sought, and asked the contractor if he assumed that ordering a wood window would meet the project specifications and if the grills were affixed to the inside of the glass and between the panes. T. Tollenaar confirmed that this was correct. Given those conditions, K. George and T. Tollenaar agreed that there would be no way to alter the mullion pattern of the proposed replacement windows.

J. Pesch stated that he was unsure if there was a situation in which the determination of no adverse effect could be revisited by the SHPO or reversed. O. Bailey said that such a change had never happened in her experience. K. George stated that while the HDC wanted to allow the abatement work needed at the house to continue, they did not want to make a decision that could potentially jeopardize the project's funding source.

J. Pesch asked the HDC why they were concerned that their decision would potentially vary from what would be approved by the State if all entities were following the Secretary of the Interior's Standards for Rehabilitation. A. Riegler replied that there was more discretion in decisions made at the local level and that the HDC had to review work on a case by case basis; there were a lot of factors to consider with this project beyond strictly following the Standards. S. Radtke pointed out that the proposed replacement windows would also not meet the HDC's local standards.

D. Gregersen asked if there was the possibility to have the proposed replacement windows installed to allow the family to move back into the house, with the condition that the sashes and panes are replaced with ones that match the appearance of the house's existing original windows.

T. Tollenaar stated that the windows were not constructed in a way that would allow for replacement of just the window sashes and panes – the entire window would need to be replaced.

S. Radtke proposed tabling the case until more information is available regarding how the HDC's decision may affect funding availability. J. Pesch expressed concerns that if the HDC's decision was influenced by external factors that had nothing to do with local or national standards or the concerns of the HDC, that would set a precedent where future cases could lean on similar circumstances to have work approved that doesn't meet the standards. T. Emory concurred that she was worried that the decision made has the potential to set a precedent.

S. Radtke stated that the windows were a defining feature of the house. K. George asked the contractor if they had looked into reordering the correct windows. T. Tollenaar stated that he had not received an official quote, but did find a company that could create windows that would meet the standards. S. Radtke asked if the windows that had already been purchased could be returned. T. Tollenaar said that they could not be returned since they had been ordered so long ago. J. Pesch presented a drawing of an alternative window design that was provided by the contractor shortly before the meeting; the design would more closely match the existing windows.

The HDC determined that the east (front) and north facades were very visible from the surrounding streets, reviewed the existing windows that were to be retained, and determined that 15 windows on those two facades were proposed to be replaced. S. Radtke proposed a compromise in which the already-purchased replacement windows would be allowed on less-visible facades. T. Tollenaar stated that the homeowner would likely not be in favor of that as all the windows would not match.

D. Gregersen asked if there were HDC standards that required replacement windows with simulated divided light when the originals were true divided light windows. J. Pesch recalled the SHPO's specifications for replacement windows, noting that they required doing everything possible to mimic true divided light windows.

A motion that the HDC deny the request to remove and replace 27 wood windows with new wood windows of the muntin configuration presented at the June 15, 2021 HDC Special Meeting was made by A. Riegler, with additional discussion following.

K. George asked if there was a way that the HDC could approve the alternative replacement window style presented at the meeting that more closely resembled the grill pattern on the existing windows to allow Staff to give final approval of new windows. S. Radtke pointed out that the current motion was no longer accurate due to the fact that two different replacement window styles were presented at the meeting. O. Bailey asked if the motion would need to include wording that would allow the existing windows to be abated of lead paint and reinstalled. J. Pesch stated that the motion would not need to address abatement of lead paint and restoration of the existing windows as that work could be approved by Staff, if HDC review was required at all.

A motion that the HDC approve installation of 27 replacement windows that meet the size, design, proportions, profile, and materials of the existing original windows including a grill pattern that matches the existing windows' grill patterns as closely as possible and with the condition that if true divided light windows are not used, grills must be permanently affixed to both the interior and the exterior of the windows as long as the work meets all zoning requirements and the necessary permits are obtained was made by A. Riegler, supported by K. George and unanimously approved with T. Emory, A. Riegler, K. George, D. Gregersen, and S. Radtke voting aye.

OTHER BUSINESS

Public Comment Period – Time was allotted for public comment with contact information provided. No comments were received.

There being no further business, the meeting was adjourned at 5:04 p.m.

JP