

BEFORE THE NEW CASTLE COUNTY

HISTORIC REVIEW BOARD

STATE OF DELAWARE

Department of Land Use
New Castle, DE

November 7, 2017

PRESENT

DEPARTMENT OF LAND USE

Valerie Cesna
Matt Rogers

APP. 2017-08793: P. 3-4

APP. 2017-09534: P. 4-9

APP. 2017-12553: P. 9-11

HISTORIC REVIEW BOARD

John Davis, Acting Chair
Karen Anderson
John Brook
Steve Johns
Barbara Silber

Marlene White



Department of Land Use

**REVISED
AGENDA
HISTORIC REVIEW BOARD
Business Meeting
Department of Land Use, New Castle Room
87 Reads Way
November 7, 2017
5:00 p.m.**

ROLL CALL

MINUTES/TRANSCRIPTS -

October 3, 2017 Business Meeting
October 17, 2017 Public Hearing/Special Business Meeting

OLD BUSINESS

3-4 **App. 2017-08793: 2010 Choptank Road** (E side Choptank Rd., S of Bohemia Mill Rd., and N of Sharp Lane), Middletown (TP 13-017.00-093). Demolition permit application for the **S. Holton House**, listed in the National Register of Historic Places. CD 6.

4-9 **App. 2017-09534: 1309 Cedar Lane Road** (W side Cedar Lane Rd., S of Boyd's Corner Rd.), Middletown vicinity (TP 13-013.00-246). Demolition Permit application for the c. 1840 **T.J. Houston House**, National Register eligible. CD 12.

NEW BUSINESS

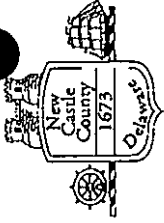
9-11 **App. 2017-12553: 1080 Old Lancaster Pike** (SW side Old Lancaster Pike between Kings Grant Rd. and Kenwick Rd.), Hockessin (TP 08-013.10-210). Demolition permit for c. 1936 **Walker Dairy Barn**. CD 3.

REPORT OF THE PRESERVATION PLANNER

REPORT OF THE CHAIR

PUBLIC COMMENTS

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DEPARTMENT OF LAND USE
HISTORIC REVIEW BOARD

Please print legibly!

ATTENDANCE RECORD

MEETING DATE: Nov. 7, 2017

NAME	MAILING ADDRESS	AGENDA ITEM(S) OF INTEREST
1. SHANNON CASSIDY		
2. DANNY BURRIS		
3. MIKE CASSIDY		
4.		
5.		
6.		
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12.		
13.		
14.		

MS. CESNA: Okay we are recording.

MR. BROOK: Valerie one of the first things we need to do is to elect an Acting Chair for tonight's meeting and I like to nominate John Davis.

MS. SILBER: I second.

MR. BROOK: All in favor say aye.

. . . (Everybody said aye except for Mr. Johns who hadn't arrived yet) . . .

MR. BROOK: Opposed. John.

MR. DAVIS: Thank you. We'll call the New Castle County Historic Review Board business meeting of November 7, 2017 to order. It is approximately 5:10 by the meeting room clock. We'll start with roll call. I'm John Davis.

MR. BROOK: John Brook.

MS. ANDERSON: Karen Anderson.

MS. SILBER: Barbara Silber.

MR. DAVIS: The next item on the agenda is.

MR. BROOK: You need to introduce others.

MR. DAVIS: Oh I'm sorry yes. With us also are Marlene White from Law. Valerie Cesna and Matt Rogers from the Department of Land Use. The next item is minutes, transcripts. We have two. We have the October 23, 2017 business meeting minutes.

MR. BROOK: Mr. Chairman.

MR. DAVIS: Yes.

MR. BROOK: I would like for these to be considered separately because I did not attend the meeting on the first one and I have to abstain on the vote.

MR. DAVIS: Thank you. We want to take them separately. So we have the October 3rd.

MR. BROOK: And October 17th.

MR. DAVIS: October 3, 2017 business meeting minutes.

MS. ANDERSON: I move that the minutes be accepted.

MS. SILBER: I second.

MR. DAVIS: All in favor.

MS. SILBER: Aye.

MS. ANDERSON: Aye.

MR. DAVIS: Aye.

MR. BROOK: Abstain.

MR. DAVIS: One abstention.

MR. BROOK: Mr. Chairman I move that the minutes for October 17th be accepted.

MS. ANDERSON: I second.

MR. DAVIS: All in favor.

MR. BROOK: Aye.

MR. DAVIS: Aye.

MS. SILBER: Aye.

MS. ANDERSON: Aye.

MR. DAVIS: Opposed. Abstentions. Onto old business.

MS. CESNA: We have two items of old business. They are both demolition permit applications that are on hold for your review. the first one Application 2017-08793, 2010 Choptank Road, a demolition permit application for the S. Holton House which is listed in the National Register of Historic Places.

I will just give you an update on the status of this

application. This Board is still holding the application and had asked the applicant to provide a structural engineer's report or a contractor's estimate for repairs on the building. In my last conversation with the applicant last month they had indicated to me that they now do not intend to submit any additional information and will simply wait out the remaining time. The maximum period for the nine month hold will expire on March 22, 2018.

^{DAVIS}
MR. ~~BROOK~~: Mr. Chairman.

^{BROOK}
MR. ~~DAVIS~~: This application has as I understand some characteristics and considerations associated with it that many others don't. And I don't truly anticipate that any further progress will be made in trying to preserve this property. But in the hopes of maybe some miracle occurs by March 22nd I think we should continue the hold and that's my motion.

MR. DAVIS: Discussion.

MS. CESNA: That was a motion. Is there a second?

MS. ANDERSON: I'll second that motion.

MR. DAVIS: No further discussion. All in favor.

MS. SILBER: Aye.

MS. ANDERSON: Aye.

MR. BROOK: Aye.

MR. DAVIS: Aye.

MS. CESNA: Four in favor and three members are absent. The next item is Application 2017-09534, 1309 Cedar Lane Road. This is a demolition permit application for the T. J. Houston House which is eligible for the National Register.

I will give you an update. I just want to review for you your

prior motion on this application and then also clarify that prior to reviewing this demolition application you had reviewed a land development plan referred to as Northeast Christian Church. But this is a separate application for demolition of the house.

I have in front of you I just pasted together a record of your motions from the October 3rd business meeting and you will see on the second one down it's the application under discussion right now. And your motion was really a two part motion. There was a motion to maintain your hold on the demolition permit application and asking the owner to seek alternative rehabilitation measures or to move the structure. And if those options were not possible the owner was asked to provide measured drawings and photographs of the house.

The applicant did send us measured drawings and photographs. I emailed that documentation package to you I think on November 1st and I have had here. Now the computer screen has gone to sleep and I'll try to reactivate it so we can look at it in case you want to discuss it. But this is just a photograph from the front of the applicant's report just for a refresher that this is the house under discussion.

And these are the drawings that have been submitted. Measured plans. The foundation plan. The first floor plan. The second floor plan and an attic plan. So they have covered every level of the house. Elevation drawings of all four sides. And a series of exterior photographs. So they submitted what you requested as part two of your motion from the previous meeting.

MS. SILBER: Are these the only copies of the photographs or

have they submitted individual JPEG's as well or it is just the comprehensive sheet?

MS. CESNA: This is just what they have submitted so far.

MS. SILBER: Okay.

MS. CESNA: Usually we'll retransmit documentation of photographs to the State Historic Preservation Office for their archive. They usually want JPEG's and TIFF files of the photographs. So if this is documentation that you decide is acceptable according to your previous motion I can work with the applicant to obtain the proper format for the photograph files.

MS. SILBER: Okay. Thank you.

MR. DAVIS: John.

MR. BROOK: Mr. Chairman it appears that the applicant has had success with what was requested and I think that we should find the second part of your motion acceptable and ask that the applicant be contacted to get this information in the proper format for submission to the State of Delaware.

MS. SILBER: Would it be possible to have the photographs of the interior shots that they included in their structural report also submitted as part of that package? The original JPEG's and TIFF's.

MR. DAVIS: Let me interrupt and say for the record that Steven Johns has joined the Board.

MR. JOHNS: I apologize.

MR. BROOK: I question then again can we require photos of the interior property perhaps for those?

MS. ANDERSON: They are already done. We are just asking for

these photos and JPEG's.

MR. BROOK: Well I don't think it will hurt to ask for them.

MS. ANDERSON: It's not anything additional.

MR. BROOK: Yeah.

MS. ANDERSON: It's just whatever photos they have if they can submit them in JPEG and TIFF.

MS. SILBER: As part of the final.

MS. ANDERSON: Yeah then that's fine.

MS. SILBER: Photograph library.

MR. BROOK: So that would be my motion that they be asked to do that.

MR. DAVIS: I think that's a reasonable request.

MS. ANDERSON: So is that a motion on the floor?

MR. BROOK: Yeah it was a motion.

MS. ANDERSON: Can you restate it?

MR. BROOK: I move that we accept the photographs of the applicant and the drawings that the applicant has submitted including the photographs of the interior of the property and ask the staff of the Historic Review Board to contact the applicant to have him, have them submit these items in the proper format for submission to the State of Delaware.

MR. DAVIS: By doing so are we then ^{RELEASING} ~~reducing~~ the hold?

MR. BROOK: No. We are accepting, we are saying the applicant met our second part of our request.

MS. ANDERSON: So we are not releasing the hold?

MR. BROOK: We haven't voted on that yet.

MS. ANDERSON: Okay.

MR. BROOK: That's another matter.

MS. ANDERSON: Then I second the motion.

MR. DAVIS: Any further discussion? All in favor.

MR. BROOK: Aye.

MS. ANDERSON: Aye.

MR. DAVIS: Aye.

MS. SILBER: Aye.

MR. DAVIS: Opposed.

MR. JOHNS: I abstain. I haven't heard the discussion.

MR. DAVIS: One abstention.

MR. BROOK: Mr. Chairman.

MR. DAVIS: John.

MR. BROOK: As to the hold on the property let me just say that I've been a member of this Board for a long time and I've seen a number of properties that have been demolished. But that I don't know that I've ever seen one that's been proposed for demolition that is as attractive and in such good condition as this property. And it bothers me that the applicant had not accepted some of the alternatives that we suggested for them to consider in terms of preserving this property. And I really think that I would like to propose an historic overlay on this property. I think it's probably too late in the scheme things for that to ever happen before the demolition permit expiration occurs, for the time period occurs for it. So I think my only option is to move that the demolition permit be continued. That the hold be committed.

MR. DAVIS: Sure. We have a second.

MR. BROOK: It fails for the lack of a second.

MR. JOHNS: I second.

MR. DAVIS: Discussion. No discussion.

MR. BROOK: No discussion.

MR. DAVIS: Okay. All in favor.

MR. BROOK: Aye.

MR. DAVIS: Aye.

MR. JOHNS: Aye.

MS. SILBER: Aye.

MR. BROOK: Three.

MS. ANDERSON: Aye.

MR. BROOK: Four.

MR. DAVIS: Okay. Opposed. Abstentions.

MS. CESNA: So for the record it was five voting in favor to continue holding the demolition permit.

MR. DAVIS: Yes.

MS. CESNA: Okay we move to the item of new business. Are we ready for new business?

MR. DAVIS: Yes.

MS. CESNA: Okay. The item of new business is Application 2017-12553, 1080 Old Lancaster Pike. This is a demolition permit for the circa 1936 Walker Dairy Barn in Hockessin.

As usual I'll just give you a very quick summary of the public hearing. I have the three aerial photographs that I showed you at the last meeting. To the right here is the Walker Farm Estates subdivision that's under construction and the dairy barn is here. Just a view from the other direction. A closer up shot.

At the hearing what I had provided to you as background

material before the hearing was a short historic research report that had been prepared by members of the community several years earlier when the Walker Farm Estates subdivision plan was under review by this Department and by this Board. So it provided the background information on this having a construction made on about 1936 and it was a dairy barn.

The public testimony that we heard at your prior public hearing on this the civic association president informed us that they had met with the local historical society, the Hockessin Historical Society as well as neighbors, and they were all in favor of the demolition seeing that it is in very poor condition and a safety hazard. Really that was the extent of it.

MR. DAVIS: Thank you.

MR. BROOK: Mr. Chairman.

MR. DAVIS: John.

MR. BROOK: I found that there was little of historic value to this property, that it constitutes a nuisance and a hazard to the community, that there is no prospects for its reuse, and that the neighbors agree that it should be removed. Therefore, I move that we release the permit, demolition permit for this property.

MR. DAVIS: Thank you.

MS. ANDERSON: I second.

MR. DAVIS: Discussion. Are we ready for a vote? All in favor.

MR. BROOK: Aye.

MS. SILBER: Aye.

MS. ANDERSON: Aye.

MR. DAVIS: Aye.

MR. JOHNS: Aye.

MR. DAVIS: Opposed. Abstentions.

MS. CESNA: The vote was five in favor and two members absent.

MR. DAVIS: Next we have the report of the Preservation Planner.

MS. CESNA: Just one item. And you may have seen it in the news.

MR. BROOK: Yeah. I saw that.

MS. CESNA: We lost one of our historic overlay zoning district properties the Vandyke House which was located outside of Townsend. It was destroyed by fire.

MR. BROOK: Arson.

MS. CESNA: It was arson.

MR. BROOK: I hope the guy is still in jail but he probably made bail by now.

MR. JOHNS: But it wasn't the owner.

MR. BROOK: No.

MR. JOHNS: Burning it down because they didn't want go through.

MR. BROOK: No. No. The tenant was mad at his family I guess.

MS. SILBER: What was the approximate date of that house?

MS. CESNA: It was built in three sections but the oldest part was a late 18th century log building. So it is really a significant log building.

MR. BROOK: Was it destroyed beyond any rehabilitation Valerie do you know?

MS. CESNA: I don't know. Just from the photographs I saw.

MR. BROOK: I just wondered if the log part remained.

MS. CESNA: On the News Journal website it looks.

MR. BROOK: Yeah.

MS. CESNA: Quite bad. I mean the house as well as a barn were just engulfed in flames.

MR. BROOK: Yeah.

MR. JOHNS: It looked like I mean the photos you saw after the fire showed the log portion of the house.

MR. BROOK: Yeah I was just wondering.

MR. JOHNS: And it looked like it was still in pretty, you know, pretty good condition. It maybe charred but the logs and the packing still look viable.

MS. CESNA: Well maybe there will be more news next month.

MR. BROOK: If they decide to raze that will they have to come here first?

MS. CESNA: They'll need to apply for a demolition permit.

MR. BROOK: Yeah. Okay. Valerie would you mind during your report if we had a little discussion about what if anything we might do to forestall the automatic nature of demolitions occurring and our inability to stop demolitions of property beyond putting them under a historic overlay. Right now that's our only option and it's complicated. And County Council in the past has been reluctant to place an overlay on a property without the support and approval of the owner of the property. Sometimes that has happened. Well I think that all the properties that have an overlay have had support from the owner of the property. I mean I don't know it bothers me and I don't know if bothers anybody else or not and I don't know if

there is anything we can do short of getting County Council to enact some different legislation. And I don't know if it's appropriate for us to propose such legislation or not.

MS. CESNA: Well I think that's a good discussion for this Board to have. I would suggest that it's something for you all to think about and then maybe schedule it as a discussion item.

MR. BROOK: Okay.

MS. CESNA: For the Board at an upcoming meeting. I think it's worthwhile for all of you to, you know, take a closer look at the few tools that you are given. Just look at and examine what your options are with the tools you have and then consider other tools that you'd like to have to help you do your work. And then, you know, I think there needs to be a broader discussion, you know, of educating County Council and the public on these preservation issues. There's no easy answer and I'm not sure that just throwing stronger regulations at the problem is really the solution. That maybe one part of it, one step. But things like arson happen.

MR. BROOK: Yeah.

MS. CESNA: And as Steve Johns was suggesting in the past often times we've seen arson of historic buildings because people just like plan arson because they don't want to go through a delay of the historic review process.

MR. BROOK: Sure.

MS. CESNA: And there's a lot of things that the larger preservation community should be discussing and getting involved with this Board in general. There are historical societies out there. There's Preservation Delaware. There's the State Historic

Review Board. There's this Board. And each group has a slightly different mission and I would just hope that at some point in time all of these various interested parties would get together and try to understand what each group is working towards and try to fill the gaps the other one can't fill. But there's no easy solution to any of it. Really I think it takes a lot of cooperation. A lot of public education. A lot of working with property owners. Reaching out to them before things get to a crisis state.

MR. BROOK: One of the problems associated with this is there are a number of different jurisdictions that are involved. The cities and the county and the state. And I wonder is it something that the State of Delaware should have over the entire state as opposed to the various of only parts of it or is that a violation of some sort of provisions in the constitution of the State? I don't know. But I think it's good if we have a discussion. But I don't know how you pull all those folks together. And I don't know if the Historic Review Board is the Board that should manage that kind of operation or not because I don't really think it's in our charter.

MS. CESNA: Well that vision to get everyone talking to each other is probably, you know, my wish list.

MR. BROOK: Yeah.

MS. CESNA: But I think a good start as you say John is to start with this Board having a discussion.

MR. BROOK: Yeah.

MS. CESNA: Of its own operations and its own regulations and just having as a start of maybe having a strategy for how to use

the existing tools that you have. So that every time an application hits the table you don't feel like your starting from scratch. And I think just having some overall discussions about the issues, the tools you have, the tools you don't have, what your problems are. To maybe, you know, sort things out so that when a new application is on your agenda.

MR. BROOK: I think that's probably a.

MS. CESNA: It's a little easier to engage in a discussion.

MR. BROOK: I think that's probably a good suggestion to go over all of that. And I think what we will find is that we have very few tools that are effective but that doesn't mean that we shouldn't consider what we have. So I'd like to have that discussion. I don't know if the rest of the Board would or not.

MS. SILBER: Yes.

MR. DAVIS: Yes.

MR. BROOK: All right. Lets do that.

MR. JOHNS: I think our rights, our ability to tell somebody what they can or cannot do with their property is limited.

MR. BROOK: Oh yeah.

MR. JOHNS: On whether we can rezone a property without the owner's permission is a pretty difficult task to do.

MR. BROOK: It is difficult.

MR. JOHNS: While being told by somebody whether they can or can't, you know, consider their house historic, you know, and I don't know if we have the legal ability to do that.

MR. BROOK: We don't right now. But the zoning does tell people what they can do with their property whether they want to or not,

you know. We are running against the notion in this country that a person has the right to do what they wish with their own property and that's a hard thing to go against. That's fine. Thanks Valerie. Sorry to interrupt your report.

MS. SILBER: When is our next business meeting?

MR. BROOK: December.

MS. CESNA: Your next business meeting is the first Tuesday in December.

MS. SILBER: So it's.

MR. BROOK: What is that?

MR. JOHNS: Do we have an application for the next hearing?

MS. CESNA: Yeah your next hearing on November 21st the agenda is set. You will be getting an update on the demolition by neglect inspection process.

MR. BROOK: Oh good.

MS. CESNA: We will be updating you on how far along we are with that and we will be presenting the first two inspection reports to you.

MR. JOHNS: And that's at the hearing, the hearing?

MR. BROOK: The hearing. Yeah.

MR. JOHNS: It wouldn't generate any need for a business meeting would it?

MS. CESNA: It will.

MR. JOHNS: It will.

MS. CESNA: Because the demolition by neglect ordinance charges this Board with determining whether demolition by neglect has occurred.

MR. JOHNS: Oh okay.

MR. BROOK: Okay.

MS. CESNA: So the two inspection reports that will be under discussion at the November 21st hearing will be on the agenda for the December 5th business meeting. And at the business meeting that's when you will decide whether or not what you see in the inspection report constitutes demolition by neglect and we will also discuss following through for them.

MS. SILBER: I will not be able to be at the November 21st hearing due to travel.

MS. ANDERSON: November 21st. Yeah I'll be here.

MR. BROOK: I think I'll be here.

MR. JOHNS: I believe I'll be here.

MR. DAVIS: I plan to be here.

MR. BROOK: Your getting your quorum.

MR. JOHNS: It is the Tuesday before Thanksgiving right?

MR. BROOK: Yeah.

MR. DAVIS: Is that it for your report?

MS. CESNA: Yes.

MR. DAVIS: Okay. Thank you. Next on the agenda is the report of the Chair. We do not have our Chair person with us so there is no report. Next is public comment. Seeing no public present I'm going to assume that there is no public comment.

MR. BROOK: Mr. Chairman.

MR. DAVIS: John.

MR. BROOK: I move we adjourn.

MR. JOHNS: Second.

MR. DAVIS: All in favor.

. . . (Everybody said aye) . . .

MR. DAVIS: Thank you.

MR. BROOK: Thanks John. (Whereupon this hearing was concluded at 5:30 p.m.).