

BEFORE THE NEW CASTLE COUNTY

HISTORIC REVIEW BOARD

STATE OF DELAWARE

Department of Land Use
New Castle, DE

September 4, 2018

PRESENT

DEPARTMENT OF LAND USE

Matt Rogers
Elizabeth Caufield
George Haggerty
Stacey Dahlstrom
Mark Veazy

HISTORIC REVIEW BOARD

Barbara Benson, Chair
John Brook
John Davis
Steve Johns
Barbara Silber
Rafael Zahralddin
Karen Anderson

Colleen Norris

MS. CAUFIELD: All right this is a business meeting conducted by the New Castle County Historic Review Board. The purpose of this meeting is for the Board to discuss and evaluate the information and testimony received at the prior public hearing. As part of the meeting the Board may choose to engage the applicants in additional discussion. The public is invited to listen but not to speak, however, the public record remains open for submittal of written comments. This meeting is recorded and transcribed.

MS. BENSON: Okay we will call the New Castle County Historic Review Board business meeting of September 4, 2018 to order. It is 5 o'clock by the meeting room clock. We'll start with roll call. I'm Barbara Benson.

MR. DAVIS: John Davis.

MR. JOHNS: Steven Johns.

MR. BROOK: John Brook.

MS. BENSON: And we have with us and we'll do everybody Elizabeth Caufield, Stacey Dahlstrom, Matt Rogers, Colleen Norris, George Haggerty, and Mark Veazy.

MR. HAGGERTY: Thank you Madam Chair. I think actually we can win the vote.

MS. BENSON: Yes.

MR. HAGGERTY: If we had to. We could draw sides right now.

MS. BENSON: Okay. The first order of business minutes. We have two minutes. Is there anyone who wants me to handle these separately?

MR. BROOK: I move Madam Chair that we accept both the August 7th and 21st minutes.

MS. BENSON: Is there a second?

MR. JOHNS: Second.

MS. BENSON: All in favor.

MR. BROOK: Aye.

MR. JOHNS: Aye.

MS. BENSON: Aye.

MR. DAVIS: Aye.

MS. BENSON: Motion carries. Old business. Will you read it into the record please.

MS. CAUFIELD: Application 2018-06806, 1027 Alley Mill Road (West side of Alley Mill Road, south west of the intersection of Alley Mill Road and Vandyke Greenspring Road), Black Bird Hundred. This is a Demolition Permit to demolish a Colonial Home (ci. 1900). SR Zoning. Council District 6.

MS. BENSON: Okay. I believe Mr. Haggerty is going to speak to us.

MR. HAGGERTY: Madam Chair representing the Department you sent a letter to me after you had conducted two hearings, two meetings on this. One was to obtain information and the second one was to make a decision on it. And you so noticed the Department with the recommendations from the Board and I just wanted to and I was not able to attend that business meeting. I got this document and I wanted to go back and just have a small conversation with you to make sure I understood where you were hearts where and where you were going and what your intentions were with this and to give you a little bit of reflection on it. You say in this letter and I think Betsy actually put the letter together for you and

incorporated your thoughts that the structure was historic and it was demolished. It was done without a permit. And your recommendation for the young farmer lad that did this was to withhold building permits for him for three years. He is not in the business of building necessarily but withhold building permits for three years and seek action by the County Attorney for prosecution.

I've actually forwarded the letter, this letter to the County Attorney. And I've told them that I intended to come back and have a conversation with you all to making sure that I had a good understanding of what it was that you were looking for and to have just a really great discussion and I'm interested in trying to walk you all through this.

MS. BENSON: I understand.

MR. HAGGERTY: I like to give you, you know, a kind of reflection per say. So if, as you all know what the code says if somebody wants to do nothing they can file a demolition permit and they can wait nine months. They have to keep coming back in front of you but they wait nine months and then they go on about their business. And if they don't then we have the ability to review what this is all about.

And the maximum that we could, the sentence that we could impose on somebody or the conditions we can impose upon somebody your recommendation would be to hold the building permits for three years. And we have done that in a previous case. If you recall this Harvey Hannah case off of 48 I believe. They actually destroyed a building that was part of church ruins I believe. And we worked through that.

In this particular case I'd be interested in a reflection of if you were, would like to try to get something positive out of this as opposed to just for all intensive purposes punitive action. In other words would it be worth because the building as I understand was a 1900's building. Would it be worth trying to see if we can find any pictures, you know, task him to do some of those things. Work with the state folks to see if any of them have any interest to see if we can get some kind of recording or documentation on this particular building as opposed to we got nothing and we are getting nothing out of him and he is getting nothing out of us for a period of time. I didn't know whether that was something that you might want to consider.

And I actually met the young man two weeks ago, maybe two and a half weeks ago. He was here on another matter. Following the rules seems to be a challenge for him along the way. I don't think he is, you know, intent on doing that. He just assesses what the circumstances are and what he has got to do. I mean it's kind of, you know, funny. I just wanted to make sure that I had with the will of the Board not that it's not very well defined.

MS. BENSON: I'm trying to review in my mind this situation. I think we all remember it. But the thing that was difficult to the Board I think and you can all join me in discussing this was the willfulness of doing it. And I think we were upset by that. Now if the Board wants to consider being more amenable, if there are things that could be supplied to give us an archive on that house I could suppose we could consider that. And I just need to interrupt for a second that Barbara Silber has joined the Board.

MR. HAGGERTY: So I'm not interested necessarily in setting this aside yet but I am interested in knowing whether it's worthwhile to try to explore something more positive from him or just call it a day and we leave it here. I'm assuming the Board is aware what is motivating the underlying factors of his decision. His decisions were.

MS. BENSON: I believe so.

MR. BROOK: He didn't say a whole lot when he came in here. He said.

MR. HAGGERTY: He's getting married. And he is trying to get married on the farm and he is trying to get a place to put the farm up.

MS. BENSON: He just said that he in a fit of peak in a sense decided it just needed to go.

MR. HAGGERTY: Well marriage can draw you to that place.

MS. BENSON: She may need to reconsider this.

MR. JOHNS: So he torn it down in order to create a place to have a wedding.

MR. HAGGERTY: Yeah.

MS. BENSON: Now there's a new one for us.

MR. BROOK: That's interesting.

MR. HAGGERTY: You want to see what that looks like.

MR. JOHNS: So he built a pavilion then.

MR. HAGGERTY: I wouldn't call it a pavilion.

MR. JOHNS: A pole barn.

MR. HAGGERTY: A pole barn.

MR. BROOK: He already built something then.

MR. HAGGERTY: Oh yes.

MR. JOHNS: As an agricultural structure can he build that without a permit?

MR. HAGGERTY: No. Almost.

MR. JOHNS: Almost.

MR. HAGGERTY: Yeah. It's going to get a little fuzzy but, you know, if you wanted a hobby project I guess this is an interesting one as a project. I'm not trying to make light of it.

MR. JOHNS: I thought we already had some documentation on this building.

MR. BROOK: Had pictures of the house.

MS. BENSON: I thought we had very modest documentation. I think we have to pull up maps ourselves to see because we had absolutely no record to go by. We had no historical chain on it. We had no visual material. We had nothing to go on. And a man who did not seem totally repentant.

MR. HAGGERTY: He doesn't appreciate history. Fine art.

MR. BROOK: I think the Board was upset when he had a disregard for the law and for the regulations that were applied to his property. And we didn't have a whole lot to go on to decide whether the house was historic or not. We had to go based on what we had because he destroyed most of what we would have looked at to determine if the house was historic, you know, in the end.

MR. HAGGERTY: So I don't think it's at this point proper to ask you to take an official position. I think you've taken an official position about what I was trying to do is to get to just engage in a conversation to say if you would not be offended I'd

like to try to figure out if I could make something positive happen out of this as opposed to just, you know, he did what he did and we are not going any further on with it. And you could evaluate that at a later point in time. I want you evaluating with some facts in front of you.

MS. BENSON: Rather then.

MR. HAGGERTY: Not me just spinning a story to you.

MS. BENSON: Yeah. Yeah.

MR. JOHNS: My thoughts were that I didn't want to set a precedent that says, you know, we didn't care if somebody tore down a historic building. So he didn't seem to be repentant or have any care. Maybe if he came in with a story and documentation and an apology maybe I would consider saying well in that case maybe we can reconsider or modify.

MR. BROOK: Modify.

MR. HAGGERTY: I would encourage you to be more more focused on any information that he brings you. Not his sympathies or his contriteness.

MS. SILBER: Well I think the difficulty is becomes a slippery slope.

MR. HAGGERTY: I hear what you are saying.

MS. SILBER: It becomes a slippery slope, you know, once it's like oh I demolished it. Sorry. There's got to be some kind of, you know, amends that have to be made.

MS. BENSON: Well and sadly we didn't even get the oh sorry.

MS. SILBER: Right.

MR. BROOK: Yeah.

MS. SILBER: Exactly. So, you know, I think maybe we maybe need to treat this as a type of a situation where what is the mitigation level that would sort of satisfy this. I mean I know from the beginning we thought well we have to give the building the benefit of doubt that because there is no proof to prove that it was not historic we had to assume that that was sort of the stance he took.

MR. HAGGERTY: Sure.

MS. SILBER: Until proven that it's not historic we have to take with a grain of salt that it has to be under consideration as an historic property. So in this case maybe we approach it from a perspective of okay what would be a treatment measure right now.

MR. BROOK: Well I disagree. I think we've done what we were able to do. I think if anything further is to be done with this he has to come forward. I don't think we need to reach out and offer things to him that he can do to mitigate what we might have decided in this case. I think the ball is in his court.

MS. BENSON: Let me just interrupt that Rafael Zahralddin has joined our group. And I agree with you John but I wouldn't be opposed to George.

MR. BROOK: Yeah. I wouldn't but.

MS. BENSON: Having a talk with him.

MR. HAGGERTY: Okay. I didn't want to have that conversation.

MS. BENSON: And see if he is willing to do that.

MR. HAGGERTY: I guess really I didn't want to have that conversation and you being offended by that.

MR. BROOK: No.

MS. BENSON: No.

MR. HAGGERTY: That's why I wanted to come here.

MR. BROOK: You could never offend us.

MR. HAGGERTY: Yeah. You know me and you know I can. Steve definitely knows I can.

MR. JOHNS: Yeah he can.

MR. HAGGERTY: So I was trying to, you know, really be respectful of the Board.

MR. BROOK: Thank you.

MR. HAGGERTY: And say I think I might be able to make something out of this more than what it is because there's nothing.

MS. BENSON: Which is nothing.

MR. BROOK: Nothing right now.

MS. SILBER: Nothing.

MR. HAGGERTY: Yeah. That's a low bar for me. So see what we can do.

MS. BENSON: Thank you very much. And what is it? It's just a pole barn?

MR. HAGGERTY: Just a pole barn.

MS. SILBER: May I see it?

MR. JOHNS: Well you can't see much.

MS. BENSON: And Karen Anderson has joined the Board.

MR. BROOK: Here you go.

MS. BENSON: Maybe he can rent it as a wedding venue.

MR. JOHNS: Well if he does that he'll need a permit.

MS. BENSON: Oh. Okay. All right next on the agenda.

MS. CAUFIELD: All right the next item under old business is Application 2017-0288-S, 400 Paladin Drive. It's an Exploratory

Major Land Development Plan, and PLUS Review for Village Park @ Paladin and Paladin Club XII proposes to reconfigure lot lines and to construct 30 apartments and 9 garages on previous Parcel 2, construct 34 apartments on Parcel 3, remove existing house and construct 6 apartments on Parcel 4. This is also for a Demolition Permit to demolish a Colonial Home and accessory structures (D. Beeson House ci. 1812). NCap Zoning. Council District 4.

MS. BENSON: All right. Yes.

MR. ROGERS: Andrea Finerosky from Pettinaro would like to speak regarding the application for potential changes.

MS. BENSON: That would be fine. Come forward please and yet again give us your name.

MS. FINEROSKY: Andrew Finerosky from Pettinaro Construction. I just wanted to update the Board that at this point we officially withdrawn our demo application from the County. We are going to look at some other options for the house. We are not sure what yet at this time.

MR. BROOK: Good.

MS. FINEROSKY: And we are amending the plan that's subject right now to show that and we are just deleting the six apartment units so we will be minus six units when the revised plan comes back to you.

MS. BENSON: Thank you.

MR. BROOK: Thank you very much.

MR. JOHNS: Thank you very much.

MR. BROOK: We appreciate it.

MS. BENSON: Yeah. It is a beautiful and historically

significant building so we really appreciate the efforts on this.
Thank you. Well.

MR. ZAHRALDDIN: How did you get in?

MS. BENSON: What do you mean how did I get in?

MS. SILBER: Teleported.

MR. ZAHRALDDIN: There's nobody there.

MS. BENSON: There were people.

MR. ZAHRALDDIN: A nice man who was cleaning up.

MS. BENSON: Yes we've had that before.

MS. SILBER: I do have a question.

MS. BENSON: Yes.

MS. SILBER: This is the one we are only under this under when they brought this case to our attention we were only looking at the demolition permit for this and not the rest of the?

MR. BROOK: Yeah.

MR. ROGERS: If I may?

MS. BENSON: Yes.

MS. SILBER: Yes.

MR. ROGERS: So when this was brought before you you were looking at both demolition and the land development plan for it because the land development plan showed the demolition.

MS. SILBER: Right.

MR. ROGERS: They didn't have a demolition application number at that time.

MS. SILBER: Okay.

MR. ROGERS: So it was all wrapped under the land development plan and noting that if there was a nine month hold there would be

an attached demolition permit from the time it got pulled.

MS. SILBER: So my understanding is that this will come before us again.

MR. ROGERS: Not for the land development plan.

MS. SILBER: Not for land development. So are we allowed to comment on the construction of the piece of the project that wasn't involved in demolition of the house?

MR. ROGERS: Absolutely you are allowed to comment on it. Now you did take, you did have a hearing and you had a business meeting already for it.

MS. SILBER: Right.

MR. ROGERS: So that's closed.

MS. SILBER: Okay.

MR. ROGERS: She's coming to give you an update on it.

MS. SILBER: Okay.

MR. ROGERS: Once she has removed it there's no reason to believe that it's more.

MS. SILBER: Okay.

MR. ROGERS: If it's something that is a more extreme impact on the historic house from the demolition she will definitely bring it back to you.

MS. SILBER: Okay. Thank you. I just wanted to clarify that because I wasn't here for that meeting. Yes.

MR. JOHNS: My understanding was that they were planning on demolishing the building and putting in six apartments. And she just said that she is more or less taking.

MR. ROGERS: It's off.