

BEFORE THE NEW CASTLE COUNTY
HISTORIC REVIEW BOARD
STATE OF DELAWARE

Department of Land Use
New Castle, DE

October 2, 2018

PRESENT

DEPARTMENT OF LAND USE

Matt Rogers
Elizabeth Caufield

HISTORIC REVIEW BOARD

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

Colleen Norris

MR. DAVIS: Okay I'll call the New Castle County Historic Review Board business meeting for October 2, 2018 to order. It is 5:04 by the meeting room clock. Lets start with roll call. I'm John Davis.

MR. JOHNS: Steve Johns.

MR. BROOK: John Brook.

MS. SILBER: Barbara Silber.

MS. ANDERSON: Karen Anderson.

MR. DAVIS: Our first order of business is actually to nominate an Acting Chair in Dr. Benson's absence.

MR. BROOK: I move that we have John Davis serve as our Acting Chair.

MR. JOHNS: Second.

MR. DAVIS: All in favor.

. . . (Everybody said aye) . . .

MR. DAVIS: Motion carries.

MR. BROOK: Congratulations John.

MR. DAVIS: Thank you.

MR. JOHNS: There's no discussion I suppose.

MR. DAVIS: Next.

MR. BROOK: Are you going to put that on the record?

MR. DAVIS: Yes thank you. Also with us tonight are Betsy Caufield and Matt Rogers from the Department of Land Use and Colleen Norris from the Law Department.

MS. CAUFIELD: All right so I'll read the Rules of Procedure for the business meeting. 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. The meeting is recorded and transcribed.

MR. DAVIS: Thank you. Next up are minutes, transcripts. I'd like to take them one by one so the first set is September 4, 2018.

MR. BROOK: I move that we accept the September 4, 2018 minutes as written.

MS. ANDERSON: Second.

MR. DAVIS: All in favor.

. . . (Everybody said aye) . . .

MR. BROOK: I move that we accept the September 18, 2018 minutes as written.

MR. DAVIS: Before we receive a second on that I have to state for the record that I was not present for the September 18th meeting but I have read the minutes and I am prepared to engage in any discussion that occurs tonight.

MR. BROOK: We need a second.

MR. JOHNS: Second.

MR. DAVIS: All in favor.

. . . (Everybody said aye except for Mr. Davis who abstained)

. . .

MR. DAVIS: One abstention. So moved. Old business. We have none. Moving onto new business.

MS. CAUFIELD: All right. The only item under new business

tonight is Application 2018-0453-S. This is 1130 Ogletown Road (North side of Ogletown Road, 621 feet west of the intersection of Stafford Way) White Clay Creek Hundred. This is an Exploratory Major Land Development Plan for Newark Commons Daycare to construct a 10,000 square foot daycare facility, associated parking, and to utilize an existing Dutch Colonial home (James Morrow house circa 1860). CR Zoning. Council District 5.

I have also provided to you actually I just received it today but this is the information from Mr. Heisler answering questions that the Board had asked at the public hearing so that is attached with your information.

MR. DAVIS: Thank you. Discussion.

MR. BROOK: So Mr. Chairman I must say that I have some mixed emotions about this building, this property has sat, this historic has sat vacant for a long time. As far as I know this is the first proposal we have had for an adaptive reuse of the building. I am very much supportive of that. I know that if this building is to survive it needs to be adapted to some modern use.

I've reviewed the materials that Reybold has given us in response to our discussion at the hearing. And the only, I'm satisfied with all of the answers with the exception of the ADA entrance requirements and the siting of the elevator. I'm not comfortable approving this without really understanding better what the options are and what they propose to do. And that's my quandary. And I was hoping somebody would be here to give us more information.

And let me say that we've had dealings with Reybold before and

they've also been, you know, upright and done what they said they were going to do so, you know, I have a lot of trust in what they want to do but I'd still like to know for sure.

MR. DAVIS: I agree with you. I think there are some avenues that need to be explored with relocating that elevator. I don't believe it needs to be in front of that building. If it is it's really going to detract from the appearance.

MR. BROOK: I think so unless they can show me something that convinces me otherwise.

MR. JOHNS: I agree with Mr. Brook to a certain extent. There are a few things that I wish would have been done differently when they relocated the house. I wish it would have been relocated closer to the street. But unfortunately it is where it is and they are not going to move it again. And I can live with it with where it is.

I think Mr. Heisler does a wonderful job with the development that he gets involved with. And I trust him to do the best that he can in restoring this house for reuse. And although it would be nice if the ADA access wasn't in the front I understand the problems associated with adapting a historic house for ADA accessibility because a lot of times, you know, with a smaller and having two entrances is problematic. So he wants to have one entrance fronting the street I can understand all that. And although the elevator maybe a distraction in the front I think the other alternatives maybe worse. So I'm willing to trust Reybold to do a good job with this as good as can be done.

MR. DAVIS: John.

MR. BROOK: A couple of observations. The first thing that we need to remember is this is a very small property. It's about a little more than 2,000 square feet. They are going to have to somehow accommodate the ADA requirements or receive certain waivers in order to because this is a historic property in order to get, to be able to adaptively reuse this property.

One of the things I asked at the last hearing which they didn't respond to was whether they would be able to put it inside. It may not need a full elevator to meet ADA requirements. There are smaller units that are out there that, you know, might might accommodate the need of getting the handicap to the first and second floor if they made the entrance the basement level could easily have a ramp entrance to it or it is at ground level now. It could go to the second and third, the first floor and second floor. Not being an engineer I don't know if that's feasible or not.

The other option, of course, is to relocate that elevator and, you know, it would necessitate a special handicapped entrance. And I think well it would certainly require two entrances in and out of this building. It can't just have one entrance I mean. So I don't know if creating a second entrance as such is really creating a second entrance it just would be, you know, well a second entrance they are going to certainly need anyhow.

MS. SILBER: Well I think once again I like to, you know, reiterate that it's coming before the Board the house is going to be subject to adaptive reuse. So but I think we had entertained the idea at the meeting of possibly suggesting that they consider keeping the front facade just a formal entrance that is not touched

and then once again put the elevator on the side which would sort of serve the purpose.

I think in some ways the way that the daycare is oriented its formal entrance actually will face the side of the house which would make sense, you know, since they would still have to put a crosswalk of some sort for them to sort of treat the side of that building that faces the front entrance of the daycare as their, you know, practical entrance. Which if they did that then they could put the ADA accessible installation on the side to keep the front its formal facade that fronts the road and.

MR. BROOK: And serve as a second.

MS. SILBER: Serve as a second, you know.

MR. BROOK: Exit.

MS. SILBER: And in many ways I mean I don't know if that requires a lot of reconfiguration on their part. But that would be a solution. I mean both a practical solution and an aesthetic solution in this case. I mean there are a lot of adaptive buildings there subjected to adaptive use where the original formal entrance is not really used any more. I mean there are people that have houses where they do that, you know.

MR. BROOK: My house I mean anybody who comes to the front door is a stranger.

MS. SILBER: That's right. You normally don't answer the door if they knock right.

MR. BROOK: Right.

MS. SILBER: So that maybe an option is that suggesting that they consider, you know, leaving the entrance. Then they could

restore the entrance to its original condition, you know.

MR. JOHNS: I appreciate what's being said. I mean it would be nice if they could do something to limit the impact of the ADA entrance to the building. But the way the building is located on the site that I don't see any alternative to having the parking in front of the building and they are going to want the entrance easily visible and accessible for the parking. But I would like to go ahead and make a motion that we recommend to.

MS. ANDERSON: Yeah I believe that the rear should be maintained and left original. I think that the entry should be moved to the other side. That's there no issue to having.

MR. BROOK: To which side?

MS. ANDERSON: To the side that.

MR. BROOK: Facing the daycare center.

MS. ANDERSON: Yes. So that the main elevation, the main historical elevation which is facing the parking lot is restored. The rear elevation which kind of faces the daycare center should be the one which is using the main elevation. Having your parking behind a building is very typical. Parking does not have been in front of your door, you know. In many buildings parking is behind the building and you come in from the rear or the back area. So I don't think that that is a big issue at all. So having them leaving the building where it is, leaving the parking where it is, and reorienting the entry to the other side so that you are not using the historic sort of the side as the entry.

I agree in regards to the response there was no, there was nothing here that addressed the elevator that they are proposing to

have next to the double stair at the entrance. So that's, there is no additional information on that on how that's going to be treated.

MR. BROOK: So just to respond to your there is about a 20 foot high pile of dirt behind this property that will have to be moved. But they do say in here that it could be moved as needed and I don't know what that really means.

MR. JOHNS: It's going to be moved because it does have to be moved.

MR. BROOK: Oh it does have to be moved. Okay. Well then they would be able to put parking back there.

MR. DAVIS: Yeah I think the placement of the daycare center with the parking.

MR. JOHNS: The daycare and the playground is.

MS. SILBER: Right. I think they need to put the playground in the back. I mean that's a logical place for them to put the playground.

MR. BROOK: Yeah. So they are not going to have a hill there.

MS. SILBER: But I'm looking at how their parking is configured. So they have two handicap spots next to the proposed daycare facility. They have two in front of the house but they have one, two, three, four, five, six spots.

MR. BROOK: Where you want to put the entrance.

MS. SILBER: Where the entrance would make sense, you know. They could technically move these over here in some ways because I think what's on the side.

MS. ANDERSON: So your referencing the with the.

MS. SILBER: West.

MR. BROOK: Same side you were talking about.

MS. ANDERSON: Your referencing the west elevation.

MS. SILBER: Um um.

MS. ANDERSON: As a possibility.

MS. SILBER: This would be the logical place.

MS. ANDERSON: For having an alternate entrance.

MS. SILBER: Right.

MS. ANDERSON: That way the south which is I'm just going to clarify for the record so that when it goes in so that the south's more historical side can be restored as it is and then perhaps using the west side as the entry area.

MR. BROOK: It's east isn't it?

MS. ANDERSON: So east.

MR. DAVIS: Yeah I believe it's east.

MS. ANDERSON: I'm sorry the east side or I would say either the east side or the north side. The north or the east side as the main entry.

MS. SILBER: I mean I'm looking at this thing on the side right.

MR. BROOK: I don't know if that's still there or not.

MS. SILBER: This is, I don't think it's there right.

MR. BROOK: I don't know.

MS. SILBER: I can't remember. Right.

MR. JOHNS: I think that is there.

MS. SILBER: Right.

MR. JOHNS: So that is there so.

MS. SILBER: This could be retooled.

MR. JOHNS: I was at a meeting yesterday with a developer and we were talking about the layout of a development and as funny as it is the realtor who was responsible for trying to lease the building when it was done was adamant that the value of the building was significantly reduced if the parking was on the opposite side of the building from the entrance. So I understand that you can put the parking in the front and the entrance in the back and everybody will just walk around to the back. But it does significantly reduce the value of the building to a development.

And the east side of the building which faces the daycare my understanding is this building is not going to be leased in conjunction with the daycare. It's going to have a separate tenant. And those parking spaces on the daycare side are probably meant to be for the daycare. And the parking on the other side of the building would probably be intended for the building. All that being said and I agree that we want to try and limit the impact. Maybe the entrance could be on the west side instead of the east side.

I would recommend, I'd like to make the motion that we recommend to the Department of Land Use that the Exploratory Plan be accepted with our recommendation and request that the ADA access to the building be limited in its impact to the building by hiding it as much as possible and possibly placing it on facing the entrance on the one side or the other.

MR. BROOK: On the back.

MR. JOHNS: So that it doesn't impact the front.

MR. BROOK: Or the back.

MR. JOHNS: Of the building.

MS. ANDERSON: What was that?

MS. SILBER: No. They can't do it in the back.

MR. BROOK: They can't do it in the back.

MS. SILBER: There's no parking.

MR. BROOK: All right.

MS. SILBER: A place to put parking. But there is definitely I agree there's parking.

MR. BROOK: I thought they said they were going to use this an office building for the.

MS. SILBER: Daycare.

MR. BROOK: Daycare.

MR. JOHNS: No I don't think it's the office for the daycare. I thought it was a separate use.

MR. BROOK: I thought I heard that.

MS. SILBER: I thought it was the office for the daycare.

MS. ANDERSON: So the recommendation is.

MR. BROOK: That was a good recommendation.

MR. DAVIS: Would you repeat the motion.

MR. BROOK: I'll second it. I'll second the motion.

MR. DAVIS: Well lets let Steve repeat the motion.

MR. JOHNS: So the motion is to recommend acceptance of the Exploratory Plan with a recommendation request that the impact of the ADA access be limited as much as possible by either hiding it or placing the entrance on one side or the other.

MS. ANDERSON: On one side or other of the building.

MS. SILBER: On the side.

MS. ANDERSON: But which side.

MR. JOHNS: Either side.

MS. ANDERSON: The east or the west.

MR. JOHNS: Right.

MS. ANDERSON: I would have.

MR. JOHNS: The concept is just get it out from the front right.

MS. ANDERSON: Yeah.

MR. JOHNS: You want to hide it so that it doesn't impact the front so.

MS. ANDERSON: Good. I would like to amend it and say that the recommendation is that the entry ends up on, the ADA entry ends up on the east, west, or north side of the building thereby minimizing the impact on the historic elevation.

MR. BROOK: Well I'm told we can't put it on the.

MR. JOHNS: I'm okay with that amendment.

MS. SILBER: Okay.

MR. BROOK: All right let me ask something and what was I going to ask? Oh should we add to your recommendation that if exceptions need to be made to accommodate ADA requirements in lieu of this being a historic structure that the Department of Land Use provide those exceptions or approve those exceptions.

MR. JOHNS: I don't think the Department of Land Use can provide an exception.

MR. BROOK: So.

MR. JOHNS: To the ADA. That's a federal requirement and.