

BEFORE THE NEW CASTLE COUNTY

HISTORIC REVIEW BOARD

STATE OF DELAWARE

Department of Land Use
New Castle, DE

October 16, 2018

PRESENT

DEPARTMENT OF LAND USE

Elizabeth Caufield
Matt Rogers

HISTORIC REVIEW BOARD

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

Colleen Norris

MR. BROOK: Are we ready to begin? I like to begin by moving that we elect John Davis to act as our temporary Chair.

MS. SILBER: I second.

MR. BROOK: All in favor say aye.

. . . (Everybody said aye except for Steve Johns who had not arrived yet) . . .

MR. BROOK: Your elected John.

MR. DAVIS: So with that we'll call the New Castle County Historic Review Board public hearing to order. This is October 16, 2018 and the meeting room clock says it's 5:02. We'll start with roll call. I'm John Davis.

MR. BROOK: John Brook.

MS. SILBER: Barbara Silber.

MS. ANDERSON: Karen Anderson.

MR. DAVIS: With us tonight also is Colleen Norris from the Law Department and Elizabeth Caufield and Matt Rogers from the Department of Land Use. Betsy will you read in The Rules of Procedure.

MS. CAUFIELD: Okay. This is a public hearing conducted by the New Castle County Historic Review Board. The purpose of these hearings is to compile a record of relevant information regarding each application and how the proposed projects affects the County's historic resources. To make the most efficient use of time at this hearing the following rules of order are established.

Following the reading of each agenda item the applicant and their representatives will make a presentation not to exceed a total of 15 minutes. Board members may ask questions of the

applicant at the conclusion of the presentation. The public will then be invited to speak in the following order: 1) Those who wish to speak in favor, 2) Those who wish to speak in opposition and, 3) Those who wish to offer general comments. Speakers are encouraged to be brief and to focus their remarks on historic issues. So that everyone has an opportunity to be heard all speakers are limited to five minutes. Any speaker may ask the Board to hold the record open for submittal of written testimony if the time limit is not sufficient for their needs. Speakers are not permitted to debate the applicant but may ask questions that the applicant may choose to answer during his rebuttal period at the close of the public comment period.

All testimony is recorded and transcribed, therefore, all speakers must come forward to the table one at a time and state their name, address, and organization affiliation if any before offering comments. Random comments from the audience will not be recognized and the public is asked to respect the applicant's right to an orderly hearing.

No recommendations or decisions will be made by the Historic Review Board at the public hearing portion today. The Board will evaluate the information, testimony, and comments received here at the public business meeting which are generally held the first Tuesday of next month.

MR. DAVIS: Thank you. The next item on business is old business. We have none so we move onto new business. You want to read it in the first item.

MS. CAUFIELD: Okay. Our first application for this evening is

Application 2018-10618, 501 Powder Mill Road. It's located at the south side of Black Gates Road, south west of the intersection of Black Gates Road and Rockland Road. It's located at Brandywine Hundred. It's tax parcel 06-109.00-101. A Demolition Permit to demolish a National Register listed dwelling known as the Upper Louviers & Black Gates, circa 1900, also known as 9 Black Gates Road. OR Zoning. Council District 2.

MR. DAVIS: Thank you. Do we have the applicant here?

MR. MITSDARFER: Yes we do.

MR. DAVIS: Okay.

MR. MITSDARFER: Good evening. My name is Fred Mitsdarfer. I'm here on behalf of the applicant. With me is Robert Wirth who is the CEO of Rockland Sports, the applicant. We also have Steve Huff, a structural engineer from Duffield. Jennalee Fede, who is the environmental engineer from Duffield and Scott Parks, the project engineer from Duffield.

Before we get into I just want to give you a guys a quick overview and background of everything kind of a road map. Essentially if you look up at here at the board we've identified the structure we are talking about. It's difficult to see from the road. It's a little ways back. It's on what's called the Nemours Golf Course as part of the DuPont Country Club Complex. T h e applicant after DuPont decided to sell off the properties in 2014 and 2015 the applicant actually ended up purchasing the property in May of 2018. So fairly recently. In their due diligence and in a short time that they've owned the property this structure was identified both for the history of trespassers and vagrants. There

is a good deal of vandalism that goes on in the structure and as well as a potential environmental issue related to an underground storage tank beneath a portion of or closely adjacent to the garage portion of the structure.

MR. DAVIS: Let me interrupt for one second to say that Steve Johns has joined the Board.

MR. JOHNS: Thank you.

MR. DAVIS: Thank you.

MR. MITSDARFER: So during the process of acquiring the property the applicant was not made aware of the fact that this structure was part of the Upper Nemours Black Gates historical umbrella. So when the structure was identified as in poor repair and there was a potential environmental issue they decided that it was prudent to seek a demolition permit. Upon seeking a demolition permit they were informed rather that this was part of the historic registry.

So we've done some research and looked at the historic registry and, you know, the structure itself is identified and we got some great resources from the board but we just realized that and you'll see from the testimony that this structure unfortunately has been allowed to deteriorate from the previous owner to a point where it leaves significant concerns. And addressing those concerns would add substantial costs to the applicant. So that's largely the case that we are going to make today.

Additionally we wanted to mention and we believe that a copy has been provided to the Board that the Code Enforcement Division has been out to the property and has identified this structure as

in violation of the code and has suggested that it needs to be demolished or significantly repaired to prevent collapse and hazard. If, the violation notice it seems like it might not be in your packet we'd be happy to provide that to you and ensure you all folks have a copy of that before your business meeting.

So with that all said and understanding the kind of concerns here I just want to have Mr. Wirth talk a little bit about, you know, kind of purchasing the property and kind of how this all came about so you can hear from him. So if you could kind of explain what the plans are and kind of why you guys decided to buy the property.

MR. WIRTH: Good evening everybody. I'm Robert Wirth. Like he said the CEO of Rockland Sports. And we purchased the DuPont Country Club on May 31st of this year. This is a two year process in which we negotiated with DuPont for the purchase of the property against many other people that wished to own this 500 plus acre area into houses and all kinds of other things. We negotiated actually even though we won the bid we negotiated the strictest land use agreement for the property. So in nothing in the agreements we signed with DuPont can this land be used for anything else but to support the country club function that supports the community or is in support of that fitness/health related activities.

So when we bought the club part of the sale agreement was that we would reinvest and we have just started doing that yesterday. We bought the place, you know, on May 31st and we just started redoing parts in the clubhouse. We are putting a 18 million dollar capital

campaign initially into basically the refurbishment and revitalization of the club. We are moving the driving range which you can't see here which is anybody aware of the DuPont Country Club at all and play there a little bit into the driving range it's like all the way over and no where and it's not contiguous to the club. So we are moving the driving range to that course right there where Scott is pointing and creating a state of the art practice facility that is pretty much no where else in the east coast that has that.

And we are also building a 17,000 square foot fitness facility with three swimming pools and all kinds of amazing things and childcare and that is that is solely needed for the country club. So our goal when purchasing this club was to maintain it and to improve it and to make sure that we kept this open space and great community asset.

As far as the house is concerned that was something that we had known about it for a while. Everyone knew of this old abandoned deteriorated house out there. And during the negotiations and due diligence process that Duffield participated in we became aware from DuPont that there was to their records which is anyone knows DuPont they record this stuff there was an underground storage tank underneath this building that with a couple of others on the property. And that it was Duffield's recommendation that it was to be taken out. And because it's been there we took photos of this stuff. It goes back a long way. At least over 40 years.

MR. BROOK: What are you talking about? The tank?

MR. WIRTH: The tank. Yes. I mean the house has been there

since I think we said 1910.

MR. MITSDARFER: Roughly.

MR. WIRTH: And DuPont demolished the Upper Louviers property I believe in the 80's.

MR. MITSDARFER: In the late 70's or early 80's I believe.

MR. WIRTH: Right. Is that correct?

MR. MITSDARFER: Yeah.

MR. WIRTH: And this was like a carriage house that was associated with it that they just kind of left because it was in the middle of the golf course and they ended up using it for in the 80's and early 90's they used it as employee housing. And it was kind of destroyed and it's totally destroyed now. So yes this all stems from the fact that there was this underground storage tank that had to be removed. The house is in complete disrepair. It has no valuable use to anyone really in the middle of the golf course out there because it has no road access. And that's kind of how we got there.

MR. MITSDARFER: And as you mentioned you entered into an agreement that that can't serve a residential purpose.

MR. WIRTH: Yes.

MR. MITSDARFER: Under the purchase agreement. It's not something that can be subdivided off and sold. There's agreements in place that would require a significant revision to make this some sort of habitable subdividable residential dwelling.

MR. WIRTH: Right. And just to say we also have the Bramlin Estate as well as part of the sale.

MR. MITSDARFER: So next just to get some information from

Steve Huff to give a kind of analysis that goes behind his structural report that he prepared.

MR. HUFF: Thanks.

MR. MITSDARFER: Steve just do kind of an overview of the property as you see it.

MR. BROOK: Do we have a copy of the structural report?

MR. DAVIS: Do you have copies of the report?

MR. BROOK: If you don't will you get them to us?

MR. MITSDARFER: Absolutely.

MR. BROOK: All right.

MR. HUFF: And what we did bring we brought copies of the photo log as well which I think we certainly have a report we can provide.

MR. BROOK: A picture of what we are talking about would be good.

MR. HUFF: There you go right in front of you. That's why I figured that probably the report we will eventually provide is going to be informative but this way you can kind of get a sense and see what I saw during my site visit. We'll just err on the side of caution.

MR. MITSDARFER: You guys need another one if you need one.

MS. CAUFIELD: I think we are good.

MR. HUFF: Once again good evening my name is Steve Huff. I appreciate your guys time tonight hearing us. The photo log, excuse me, starts with the exterior observations of the home for the residence and then work to the interior. And you can kind of see it I guess the first thing that jumps out to my attention when I got

a chance to visit this site last month is a portion of the building which appeared to be a garage at some point. Portions of the wall and the roof frame of the garage in my opinion were in critical condition. Many of the members had actually failed and this is a portion of the structure where I feel is in a critical condition. Something that failure could be, could happen actually at any sudden time.

The picture that you see in the top left is similar to some of the ones you see in your photo log in front of you. You can see that there is portions of the roof framing, the wall framing of this addition, the garage that seemed to be critical. That was the first thing that jumped out at me.

As I walked around the structure I noted that numerous windows of the building were broken. And this was certainly a concern to me as I understood that the interior of the building had been exposed to the elements for some time. That was something that I saw consistently throughout the building. Another big thing you can kind of see is in addition to the vegetation on a portion of the building it's an L-shaped building. It's about 2,100 square feet. Forgive me for not bringing that up. But obviously the vegetation actually on the building was a big area of concern. This actually was it had accumulated I noticed in some of the gutters. Some of the down spouts throughout the building which led me to believe that that system of dispersing the storm water away from the building roof and away from the foundation was no longer serving the purpose. So that was something where it's pretty easy to see from the outside.

We are going to proceed to the interior of the building as well and I actually noted that that vegetation that you see there's some photos in there that show the trees actually kind of entering the structure. Some of the open windows in the second floor. Those are the big things I saw. The exterior. The photos kind of take you around the perimeter a little bit. Once I got into the interior some of the big things that kind of jumped out to my attention in addition to the building envelope being exposed or kind of compromised with the windows is where I saw some water stains of the dry wall both in portions of the dry wall on the wall as well as the ceiling. That led me to be concerned that there would be structural elements that maybe we couldn't see some of the wall studs, the roof framing members. It naturally led me to believe that they were being exposed to the elements as well.

And that's where although we could not directly review some of these roof framing members and the wall framing members without further demolition I certainly had some concerns. This structure had appeared to be not maintained for some amount of time. So that was an area where I thought there were certainly some problems. I also observed a slight slope to the second floor framing as I walked around the building. There could be a number of reasons of what is causing this. I know in the report you'll eventually see there is maybe a possibility of settlement of the foundation perhaps because of the storm water we touched on earlier. Not necessarily being dispersed properly from the building. But all of these areas of concerns kind of push me to be of the opinion where I'm led to believe that was not a building that could be lived in.

Some of the exposure, some of the elements I guess you could say that materials that maybe have infiltrated the building over some time as far as having this be a livable space. And those were the big things and the report kind of outlines some of those comments. But I did really feel that it was important to bring those photos along so you can kind of see the same things that I saw when I had a chance to visit the building.

MR. MITSDARFER: Steve if I could ask you mentioned you didn't think this livable. You think it's not livable. It just needs cosmetic clean up or is it a deeper issue then that?

MR. HUFF: It certainly is, naturally cosmetic there was a lot of health concerns I mean with some of the conditions of what's happened. I also thought there was a concern with the I mentioned the garage portion of the building. I thought that was of a critical nature. A couple of comments with the slope of the building. There was also portions of the exterior sheathing of the building in some of the photos you'll see that are no longer present which I believe is contributing to the lateral load resistance system of the building. So that also has an affect on the stability I believe of the building.

MR. MITSDARFER: Do you think it's in, you know, like the structural integrity do you think that it's at risk of imminent collapse or is it more of a localized issue?

MR. HUFF: Probably more of a localized issue. I state in the report that I guess the other portion of the building there wasn't anything visible that that led me to believe to a critical collapse but I also certainly had some concerns even walking around that