

BEFORE THE NEW CASTLE COUNTY
HISTORIC REVIEW BOARD
STATE OF DELAWARE

Department of Land Use
New Castle, DE

August 1, 2017

PRESENT

DEPARTMENT OF LAND USE

Valerie Cesna

HISTORIC REVIEW BOARD

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

Adam Singer

APP. 2017-08793
P. 2-32



Department of Land Use

AGENDA
HISTORIC REVIEW BOARD
Business Meeting
Department of Land Use, New Castle Room
87 Reads Way
August 1, 2017
5:00 p.m.

ROLL CALL

MINUTES/TRANSCRIPTS

July 5, 2017 Business Meeting
July 18, 2017 Public Hearing

OLD BUSINESS

NEW BUSINESS

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.

REPORT OF THE PRESERVATION PLANNER

REPORT OF THE CHAIR

PUBLIC COMMENTS

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Individuals needing reasonable accommodations according to the Americans with Disabilities Act call 395-5400 (TT/TTY/TTD: DRS, 1-800-232-5460).

MS. BENSON: I like to call the New Castle County Historic Review Board business meeting for August 1, 2017 to order. It is 5:00 p.m. by the meeting room clock. We begin with roll call. I'm Barbara Benson.

MR. DAVIS: John Davis.

MS. ANDERSON: Karen Anderson.

MR. JOHNS: Steven Johns.

MR. BROOK: John Brook.

MS. BENSON: We also have Valerie Cesna, the Preservation Planner from the Department of Land Use and Adam Singer from the Law Department. Next item on the agenda are minutes of transcripts. We have two July 5, 2017 and July 18, 2017. John.

MR. BROOK: Madam John on the minutes for July 18th on page 31, the beginning of Ms. Maulson's testimony she says that I bought the old Commodore House. It's the Commodore MacDonough House.

MS. BENSON: Yeah.

MR. BROOK: Other than that I move that we accept the minutes of the 18th and the 5th.

MS. BENSON: Is there a second?

MR. DAVIS: Second.

MS. BENSON: All in favor.

. . . (Everybody said aye except for Mr. Zahralddin who had not arrived yet) . . .

MS. BENSON: Motion carries. No old business. New business. Valerie will you read it into the record for us please.

MS. CESNA: Application 2017-08793, 2010 Choptank Road, near Middletown. A Demolition Permit Application for the S. Holton House

listed in the National Register of Historic Places.

MS. BENSON: Thank you. We heard the applicant at the last meeting, at the last hearing as well as a number of people from the public and now we have to make some decisions on this.

MR. BROOK: Madam Chair you might also want to note that we received copies of correspondence.

MS. BENSON: Yes I'm sorry we should note that for the record. Try and get to them so we can read them into the record.

MS. CESNA: I handed out hard copies.

MS. BENSON: Oh yes a packet that we have.

MR. BROOK: Yes.

MS. BENSON: From the applicant. Well if it is appropriate I will ask our lawyer if this is true. Well let me, let me note for the record that Rafael Zahralddin has joined us. In reviewing all of this Adam I'm unclear about some things whether we have asked for them and we wish to have received them. May I ask the applicant a couple of questions about that?

MR. SINGER: Absolutely for this type of application a demolition permit the record remains open both under the County Code and under this Board's Rules of Special Procedure.

MS. BENSON: Thank you. I am unclear and I am just for me and I would like to be able to ask the applicant in his testimony Mr. Crossland you.

MS. CROSSLAND: He had ear surgery and can't have his hearing aids in so maybe you can.

MS. BENSON: Well lets see if I can speak louder.

MS. CROSSLAND: Move up a little.

MS. BENSON: Yes why don't you come down here to the table and then we can come up here to the table.

MS. CROSSLAND: Yeah I think he will hear better up here.

MR. BROOK: Would you like him to sit up here?

MS. BENSON: I think that would be just great so you can really hear me.

MR. CROSSLAND: Okay.

MR. BROOK: Sit right here.

MS. BENSON: Between your testimony at the hearing and one of your sisters in the letters I was unclear about the level of structural analysis you had done on this house. Was a full structural analysis done or did you bring in someone who just did a cursory survey of it?

MR. CROSSLAND: The latter.

MS. BENSON: Okay.

MR. CROSSLAND: Bear with me. To go through an analysis starting at this point all the way to that point nothing has been done.

MS. BENSON: Okay. And when you met with Carolyn Roland.

MR. CROSSLAND: Yes.

MS. BENSON: Did she give you her remarks in a written form or just verbally?

MR. CROSSLAND: Verbally.

MS. BENSON: Thank you.

MR. CROSSLAND: I don't know if I can add this or not but last night I received a phone call from Carolyn and I told her that a letter was on the way to her. She wanted to know what the letter

said. I told her that I was very gracious for all the work that she had done as we went from Point A to Point Z that completely covered the house. And she, I think you've read the letter she said that the house was down. It had been deplorable for quite a long time.

MS. BENSON: Thank you.

MR. BROOK: Madam Chair.

MS. BENSON: Yes John.

MR. BROOK: Referring to that letter that you received, that you wrote to Ms. Roland.

MR. CROSSLAND: Yes.

MR. BROOK: You say in your second sentence that you stated by coupling the house.

MR. CROSSLAND: Yes.

MR. BROOK: With all the property it would be very beneficial.

MR. CROSSLAND: Good. She said.

MR. BROOK: Does that mean that the property would be more valuable with the house?

MR. CROSSLAND: I'll tell you what I took that to mean. And I think she will automatically confirm me. She said that house had degraded to such a point that by offering all 30 acres with it would be advantageous and she was even in hopes that my neighbor who had 20 acres would join in and make it 50 acres. So in essence she told me that the property land value would be X number of dollars and by incorporating it I have not put in there, in fact I won't say that there's what I, just leave it there.

MS. BENSON: Steve.

MR. JOHNS: Was she saying that the 30 acres has a certain

value with the house or without the house it does not matter?

MR. CROSSLAND: She said that it would be advantageous to have 30 acres included in.

MS. CROSSLAND: That would help. She didn't see the house getting sold without the 30 acres.

MR. BROOK: Okay.

MR. JOHNS: But are you talking, I mean you got 30 acres. Are you saying that if you subdivided some portion of it out to include the house so that you only had 20 acres that wouldn't be as valuable as the 30 acres? Or is she saying I mean.

MR. CROSSLAND: Nothing has been discussed along those lines.

MR. JOHNS: Because I don't understand what you mean. I heard you say, I heard you say that the house adds no value to the property. But then we see this where it looks like the house is a benefit to the value of the property so which one is it?

MS. CROSSLAND: The house on its own has no value. The hopes would be that it would entice someone to perhaps think about the house if they could purchase like a developer to purchase that's an if, if they could find the right person.

MR. JOHNS: So.

MR. SINGER: Can you identify yourself for the record please.

^{CROSSLAND}
MS. ~~CROSSING~~: Oh I'm sorry Linda Crossland.

MR. SINGER: Linda Crossland.

MS. CROSSLAND: Yes.

MR. SINGER: Thank you.

MR. JOHNS: Again are you saying that the house would be more valuable to a developer with the house or it would be more valuable

to a developer without the house or it wouldn't matter whether the house was there or not?

MR. CROSSLAND: The items were not discussed.

MS. BENSON: John.

MR. BROOK: Mr. Crossland I think when you appeared before us you said that your interest was to take the house down and to sell the land.

MR. CROSSLAND: That's our interest.

MR. BROOK: All right. Now let me ask you this if you could sell the land with the house on it without taking it down why wouldn't you do that particularly if you could find somebody who would restore the house?

MR. CROSSLAND: I understand. We got a tax bill in the house cost us in excess of \$2,000.00. We have to hold the land for I believe four years to get the value.

MR. BROOK: I don't understand.

MS. CROSSLAND: He's saying that at this point in time with what Carolyn said five to 15,000 an acre and we looked into that and we just don't see that being reasonable when we in the past had offers for many many times more then that. And looking ourselves at the area and land that has been sold that's not appropriate.

MR. BROOK: So you think the land is worth more then what she said.

MS. CROSSLAND: Yes.

MR. BROOK: You might be able to get.

MS. CROSSLAND: Yes. And they are willing to wait and see because the other 20 acres belong to his cousin they work together.

Benefits all the same farm.

MR. BROOK: Oh okay.

MS. CROSSLAND: The cousin owns the other 20 acres. So we have a lot of people with a lot of decisions.

MR. JOHNS: So you don't want to sell right away. You want to wait a few years before you sell but you don't want to pay \$2,000.00 a year in taxes for the house and have to maintain the house for those years while you wait for the value of the land to go up to sell.

MR. CROSSLAND: It goes further then that. But insurance is \$3,000.00 a year. It all adds up. A lot goes into that place. And now we've honestly have had lots of people going through the house and it's not going to be suitable for a person to live in.

MR. CROSSING: We've have a liability too because we've had people break into the house. There's space heaters in where the fire places are that's the only heat. And they took all the copper with it. Several times he's had to replace doors and replace things that have been damaged from people just coming in the house because it is vacant. And he has worked like really hard to even find somebody that would insure us.

MR. BROOK: Is the insurance the \$3,000.00 a year because the house is not occupied?

MS. CROSSLAND: Correct.

MR. BROOK: I mean that seems like a very high premium.

MR. CROSSLAND: That's it.

MS. CROSSLAND: That's it. And we can't get somebody to occupy it because of the condition it's in. So we are in a Catch 22.

MR. BROOK: Is there not a way to repeal your real estate tax bill in this County? I thought there was. Years ago I repealed mine because I thought they charged me too much compared to my neighbors and I got it knocked down a little bit. Oh well. Okay.

MS. BENSON: I don't know.

MR. CROSSLAND: Would automatically be insured.

MR. BROOK: All right so.

MS. BENSON: We understand a lot of these problems.

MR. CROSSLAND: Yeah.

MS. BENSON: And we are very grateful that your two sisters wrote us letters that help us understand.

MR. CROSSLAND: I hope so.

MS. BENSON: The complexity of this.

MR. BROOK: Tell me why you think that the value of the land will increase dramatically in the next what four years. Because they are not making any more of it I suppose is one. One piece of it right?

MR. CROSSLAND: All you got to do is pick up the paper and look at Amazon.

MR. BROOK: Yes.

MR. CROSSLAND: Walgreens. Kohls. They've been very busy.

MR. BROOK: And what?

MR. CROSSLAND: There's no land left.

MR. BROOK: What, what, if you don't mind me asking what dollar amount do you anticipate that would make you happy to sell this property?

MR. CROSSLAND: I don't want to comment on it right now.

MR. BROOK: Okay. Because I was thinking you could try to sell it for that amount now.

MR. CROSSLAND: Yeah that would be good.

MR. BROOK: Being that the value is something that is really what somebody is willing to pay for it. Can you, do you understand that our our responsibility here is to try to preserve and protect properties.

MR. CROSSLAND: I understand.

MR. BROOK: That are of historical significance.

MR. CROSSLAND: See I don't understand. I being a person who is very evident I reserve the right to automatically respond to you provided I've discussed it with my sisters.

MS. BENSON: We understand that. We understand that. So you believe and you believe that Ms. Roland suggested that the value is in development?

MR. CROSSLAND: I don't know what you mean.

MS. BENSON: That not for farmland but for people to develop something on that property.

MR. SINGER: Mr. Crossland can you speak in the record because you nodded your head I think but the record is not going to pick up what you do as opposed to what you say. So what was the answer to the question?

MR. CROSSLAND: Which question?

MS. BENSON: Is it more valuable. Do you see that it would be sold by you or someone else for development rather than agriculture?

MR. CROSSLAND: Agriculture I don't think will be it. It will

be either a developer or commercial.

MR. BROOK: Madam Chair.

MS. BENSON: John.

MR. BROOK: Is this Ms. Roland the only person that has given you a recent estimate on the value of the property?

MR. CROSSLAND: Yes.

MR. BROOK: Okay.

MR. CROSSLAND: Recent.

MR. BROOK: Without telling me the amount that you would sell this land for have you and your sisters come up with a number that you would be willing to sell this for?

MR. CROSSLAND: That's why we've said four or five years.

MR. BROOK: Okay.

MR. CROSSLAND: The price out there today.

MR. BROOK: I have no idea what the price is today down there. I mean I know they can find out.

MR. CROSSLAND: I understand.

MR. BROOK: Yeah.

MS. BENSON: Well to get back to the house itself one of the things we usually seek is to understand exactly the level of deterioration on a property and how bad it is and how much it would cost to rehab it.

MR. CROSSLAND: We have to get it in writing.

MS. CROSSLAND: He doesn't know exactly.

MS. BENSON: Yes. No. I understand that.

MR. CROSSLAND: Because the house everything underneath has to be jacked up and that will be number one. We haven't gone

throughout the house to see what the termites, the ants, have really downgraded. Your saying you want to have it really who pays for it? Is that going to be me or will that be you? So all of a sudden I end up with lots of these items.

MS. BENSON: Yes. And I should be clear this Board has only the ability to delay, withhold a permit for nine months.

MR. CROSSLAND: I agree. And it maybe that's what we are on.

MS. BENSON: Okay. Right then we will have to discuss, we will have to discuss that then.

MR. CROSSLAND: I understand.

MS. BENSON: I have another question. I'm not sure if this is what I heard you say at the hearing but I guess I need a clarification on this. Were you saying that you wanted to bring people in to look at the interior pieces, the wood work?

MR. CROSSLAND: Yes.

MS. BENSON: To give you an appraisal on it or did you think you wanted to take them out now?

MR. CROSSLAND: I would like an appraisal of each one that comes in that we are going to decide out of each one that comes in up. It will be item B will be the one and then I'm ready to get it going. I don't know if demolition has to be in place for me to do that or maybe I'm up but in that house starting up top all the way to the bottom are lots of good ^{LUMBER}~~lumber~~.

MS. BENSON: Okay. I think now I understand the parameters of that we have to discuss to make our decision. Does have anyone else have questions of the applicant? Okay. Thank you very much.

MR. CROSSLAND: Thank you.

MR. SINGER: Madam Chair can I just address a couple of housekeeping matters?

MS. BENSON: Of course.

MR. SINGER: I just want to there was reference at the beginning of this hearing there were some letters and I think it's important and it's much easier to just read in some identifying information about what these letters are.

MS. BENSON: Yes.

MR. SINGER: That's it's in the record that the members of the Historic Review Board have received. First there is a July 31, 2017 letter to Ms. Cesna from S. George Crossland. The next letter is also July 31, 2017 to Ms. Carolyn Roland from Mr. Crossland. The third letter is addressed to members of this Board from the ^{Buff}~~Duff~~ ^{MEDE}~~Meade~~ Farm and it's signed by Peggy Crossland Starkey. And the last letter is also addressed to the Board and signed by Sandra Crossland Stark from Lincoln, North Carolina. Thank you. That was the first thing.

And the second thing is I just ask the Board I think you've done a good job in the past but it's important that that record whatever your decision is that the record reflects the reasons for the decision and number one and also precisely what your, what the motion is that somebody may propose. Thank you.

MS. BENSON: Thank you. Steve.

MR. JOHNS: Point of order maybe but when we looked at demolition permits before we haven't had to go to that detail is that because this is on the National Historic Register? Or is there another reason why we have to each present our reason for whatever

our decision is?

MR. SINGER: It's important. I'm sorry.

MS. BENSON: You didn't say that did you Adam?

MR. SINGER: Well I didn't but actually Mr. Johns articulated probably better than I did what is important to have in the record. Ideally I'm not saying it's required but the ideal record every member articulates their reason for a motion whether they are in favor or in opposition. But at some point it will get redundant for everyone to say me too, me too, I agree, I agree. So as long as there is a general sense of what the reasoning for is for a motion that would suffice. Not every Board member has to restate their reasoning because that's going to come up in the context of the voting on the motion. Does that answer your question?

MR. JOHNS: I think so. I mean when we nominate things for the National Historic Register that we each have to go around and state why we believe this.

MR. BROOK: The category.

MR. JOHNS: The category. Yeah.

MS. BENSON: And that's why.

MR. JOHNS: But that's not what your saying here.

MS. BENSON: He has to have a very clear, he is telling us that we need to be perhaps clearer than we sometimes are in the specificity on a motion.

MR. JOHNS: Okay.

MR. SINGER: It's a significant application with ramifications either way so yeah.

MR. JOHNS: Okay.

MR. SINGER: So yeah just want to set the ties that the Board understood that.

MS. BENSON: Okay. All right any discussion before we go to a motion? John.

MR. BROOK: Madam Chairperson this, this situation presents itself quite differently then many that we have faced in the past. My belief is that this house is historic because of its age, because of the type of architecture, and the time period that represents, and that it would be worthy of restoration if the proper person or persons could be found to do that. But we have, but we have a situation where the people that own it obviously value this property. It's very dear and near to them. It's been in their family for almost 100 years. All of three of the principals are getting up in years. Two of those folks already have historic properties that they are, I mean that indicates to me that they are really interested in this kind of thing. So I don't think that this proposal that is before us for any reason other then necessity as viewed by the applicant.

Nevertheless I feel that in view of our charge and our responsibility that all the things that could be done to save this property haven't been fully deployed. I think there are some additional things could be done. And I would think that for reason that we should hold the demolition permit until we get some more information and until some other steps are taken. That the information that I think we need to get is more structural information. I don't know if there's a way that this could be done without placing a burden on the owners of the property or not. I

think that the sale of this property I think could be more fully explored in terms of somebody who is in the real estate business being able to give us some advice as to whether it is now at its peak value or that it might increase in value in the future. And to kind of clear up what that discussion was about whether the property is more valuable or less valuable or no difference with the house being on it or not. So I move that we hold the permit.

MS. BENSON: Is there a second?

MS. ANDERSON: I second.

MR. ZAHRALDDIN: I'd like some more discussion.

MS. BENSON: Yes.

MR. BROOK: Oh yeah we'll have more.

MS. BENSON: But we have to have a motion on the floor.

MR. JOHNS: We have a motion and a second.

MS. BENSON: All right.

MS. CESNA: Who seconded it?

MS. BENSON: Steve.

MR. JOHNS: First of all this not that I'm not opposed to the motion but the question of whether somebody could come into the house and remove some of the features of the house I don't think that's an issue for this Board to discuss. I just want to put that out there. I think that's a question for the County in their permit department to tell them whether that would require a demolition permit.

MS. BENSON: Karen.

MS. ANDERSON: But the items that are in the home are of historical value.

MR. JOHNS: But but there's nothing that says somebody who owns a house can't remove pieces of that house and sell it. And, you know, that's not in our purview. Our purview is whether the house can be demolished or not. So I stress this first. But secondly I think the owners of this house have really been disserved by the State of Delaware and DelDOT holding them up, hold them up by putting a road right through their property. And I think the true value of the property will not be realized for a few more years because the highway is still under construction. It won't be until the highway is constructed and the traffic is on that until you really know what the value of this house is. Somebody may want to make it commercial because it will be near the highway. Maybe they will want to do residential. Maybe it will reduce value because of this noisy highway being right by it. Nobody knows but that's what the real value will be.

And the house is not occupiable right now. It will take a lot of money to fix it up to have somebody move into it and live in it for a few years until the real value of the house is obtained. So there's a question of, you know, should the owner of the house, you know, put the money into this house when the value of their investment in the property won't be known for a few years.

And I'd like to read a part of the last sentence of Sandra Crossland Stark's letter. I'm not aware of any group in New Castle County that takes a proactive stance in connecting potential buyers and sellers of historic properties. I've said this before and I think that's a real failing in the historic preservation community in Delaware. They also say they would be delighted to hear from a

group that would exist. So I think if there was somebody who could actually help them sell this as a historic house they, you know, they don't know anybody to go to. I don't know anybody to direct them to. I don't know if there's a historic realtor who specializes in historic properties. Maybe there is. If there was I'd like to connect them with that person. But at this point I would say that it's a disservice to them to withhold the demolition permit any longer and force them to go through the expenses that they are occurring.

MS. BENSON: Rafael.

MR. ZAHRALDDIN: I have a concern that if we don't get some more information and we don't flush out some of these things this is a very sympathetic case. Extremely sympathetic for all the reasons that Mr. Johns laid out, you know, it's very sympathetic. The problem with very sympathetic cases is that and I'm not sure until we see it what more needs to be put forth but right now I have an assessment that we don't have enough in front of us. Specifically, you know, in talking about this idea of somebody who handles historic properties well I don't even have a letter from a realtor. And while the applicants are I think weary of putting things into the record that's what I get here because they don't want something to come back and they are not sure of the procedure and they don't want something to come back and hurt them.

If you own this much property and your going to sell it at some point your going to have a relationship with a realtor of some sort. I know the economy is not so great but the realtors are picking and choosing who it is that they represent. So there is a

incentive, an economic incentive for some realtor to at least put on letterhead we've looked at the house and, you know, here are some of the issues. There is an incentive for a contractor, okay, maybe even one who may have to demolish the house to come in and give an estimate and put on letterhead and provide that to us.

And it's not the Crosslands fault on any of this but I don't want someone to else come in, okay, if it weren't the Crosslands and put forth, if somebody else came in and wasn't as sympathetic and put this in front of us we would say come on you got to be kidding me. All you doing is letting this thing fall apart so you can hold it for a little bit and sell it for as much as you can. And if there had been circumstances that are out there that are different, that had been bought by somebody else, etc. I mean there are some things here and I understand that the Crosslands have held this property for a long time. And I'm not necessarily saying that they have to do a lot. But for example it would be really nice to have in our record as a minimum threshold some sort of of, something on a letterhead from a realtor and a contractor that would address some of these concerns. So the next guy that comes in doesn't come in and think I mean we've had some very good attorneys in here. If you all think some of them are not going to come in here and sit down and say you know what, you know what you guys did out at Choptank Road well you said didn't even have to have, so why is my guy any different? That's my concern. My concern is we'll slide into that.

And though I don't want to put an undue pressure on the Crosslands and not necessarily hold this thing out for the maximum

I think there are some things that I'd like to see to make me more comfortable that the next person that comes up doesn't think we've lowered the bar. And again I am sympathetic. I understand here and I think there a lot of people in the preservation community that probably are also sympathetic I mean how could you not be but I'd like to see a little bit more.

And I think there is a little bit of fear. When I read this letter to Valerie I see fear from George that he if talks about or even starts to get somebody to come in and talk about the salvageable items that somehow he is going to get pulled into something or we are going to be forced to say it's demolition by neglect. Now I don't even understand the kind of the threat there but it is obvious that this applicant is confused about the current law and what they should be presenting to us. They are afraid of what they should be presenting to us. And if that's the reason that there is hesitancy that should be resolved and we should get them to get the information to us so we can make a proper decision.

MS. BENSON: Anyone else have comments? I'm wondering if we could almost be partly to blame reaching your concerns Rafael in that at least to my knowledge and I do not dabble in real estate at all but Carolyn Roland is probably the person most of would think of as the person who deals in historic buildings. And I'm wonder if we could ask for the applicant to ask her to put in writing what she thinks. I mean she made the verbal statement to the applicant. Just in writing that would give us one item. And then to see if some contractor would look at it. And my sense is because the Crosslands didn't say it tonight that no one from the public has

reached out to them at least as of yet.

And it is extremely difficult for someone in this case who has health concerns to handle this. And I would hate to see them decide just to let the nine months go and not do anything because there might be some very valuable pieces in the house that could be preserved if the whole house will not be preserved. So I'm wondering if we need to ask the applicant if he is willing, if they are willing to go back to Ms. Roland and then I think he said a contractor had looked at it and have that in writing too as you said on a letterhead.

MR. ZAHRALDDIN: Yeah and then come back next month with that information.

MS. BENSON: Yeah.

MR. ZAHRALDDIN: At our next meeting.

MS. BENSON: Yeah. We've have done that many times. We have held a demolition permit for a month or two as we are gathering information and then either decide that we will it the whole time or release it so that is a possibility. But I want to say something and I was going to hold this till the end but maybe I shouldn't. I have to agree with Steve Johns very much in that it is a very major disappointment to me that the preservation community is so disorganized that they come and lecture to not just this Board but to applicants whom they don't help. They don't reach out and help. It would be easy to put a kit together to help people but they don't.

Now where do we stand we have a motion and we have a second.

MR. BROOK: Can I just?

MS. BENSON: John.

MR. BROOK: For clarification for my purposes the discussion about the removal of architectural items, trim, and so forth inside the property is really not something that we have any purview over. Aren't we just involved with the exterior?

MS. BENSON: I believe so although I would probably defer to Valerie and our legal counsel as to whether that's considered a portion of demolition.

MR. ZARHALDDIN: Does it depend on the, I mean is the interior is protected here?

MS. BENSON: Nothing is protected with the National Register.

MR. ZARHALDDIN: Well I mean the cover. For example I know of buildings where only the exterior is an issue and you can do whatever you want with the inside of it. I was curious. I just didn't remember what the.

MS. BENSON: A National Register property unless the applicant, unless the owner has taken federal funds they can do anything they want with the house. Interior. Exterior. And I went back and checked that today to be sure because I had asked Valerie about it earlier.

MR. BROOK: But if the Crosslands wanted to just remodel the inside of the house they wouldn't have to be here.

MS. BENSON: No.

MR. BROOK: At all.

MS. BENSON: No. Valerie.

MS. CESNA: I did.

MR. BROOK: Clarify us will you Valerie.

MS. CESNA: I did try and pursue this question earlier today with our permits section. And the code although I understand comments by the Board members that when you review the interior architectural features it affects the historic value of the house I agree. Our code is silent on that issue. And I talked to our permits section and asked if salvaging interior features is considered demolition and the response I got is if you weren't going to tear down the building you can do that without a permit. And a demolition permit is really to remove the square footage of the building, to remove structure. It doesn't really address removal or alteration of architectural features. So the answer is yes salvage can occur without a demolition permit.

MR. BROOK: Okay.

MS. CESNA: I mean I know that's not in the best interest of trying to preserve a historic building in a discussion like that but that's all that's involved.

MR. ZAHRALDDIN: But that's not based on the National Historic Register. It's based on our code.

MS. CESNA: Yes.

MS. BENSON: And the National Register is silent.

MS. CESNA: The National Register program does not involve itself in local government.

MR. ZAHRALDDIN: No but local governments like in Virginia, like in Charlestown in what I've seen they will use that as a standard of what happens with something.

MS. CESNA: It can't hurt.

MR. ZAHRALDDIN: Yeah.

MS. CESNA: There are local governments that have done that to use the National Register as the basis for creating their own local legislation.

MR. ZAHRALDDIN: Correct.

MS. CESNA: But that's not here in New Castle County. At least not yet.

MR. BROOK: Could I ask another question?

MS. BENSON: Yes John.

MR. BROOK: Do we feel that it would be advisable for the process to reach out to somebody like Mr. Talley with Preservation Delaware to see if he can be of any assistance to them regarding this property. I mean he was quite vocal at our hearing.

MS. BENSON: Oh Mr. Hanby.

MR. BROOK: I'm sorry, yes Hanby. Hanby and Talley, you know, mixed up in my mind. Yes.

MS. BENSON: It's the first thing that goes.

MR. BROOK: Yes Hanby.

MS. BENSON: To someone maybe yeah. Mr. Hanby.

MR. BROOK: Does Preservation Delaware have any resources available to them that might be of use to the process? I mean I just don't know. I'm asking the question.

MS. BENSON: I can't answer that for sure except to tell you I think it'd be very hard to get a hold of that organization.

MR. SINGER: I think it's out of the purview of this Board to provide that information.

MR. BROOK: Make some other suggestions like a letter from a real estate agent I don't know or a contractor.

MR. ZAHRALDDIN: But I think those kind of evidentiary. I mean we want to make sure they are based, we want to base our determination on a certain level of standards of of material.

MR. BROOK: Okay.

MS. BENSON: John.

MR. DAVIS: Yeah and I just want to add to that because Rafael had basically stated what I was feeling much more eloquently probably then I could have put it. But I think also, you know, should this application be held I think there may be an opportunity also to seek additional opinions as to the value of that land.

MS. BENSON: That the Crosslands can do that.

MR. DAVIS: Yeah the Crosslands could seek additional opinions. I mean what I understand is they reached out to one realtor. Is that correct?

MR. BROOK: I think that's right.

MS. BENSON: Yes. I think that is correct. Although I won't be surprised that most people in that area know the value of the acreage.

MR. BROOK: Well they certainly have heard values.

MS. BENSON: Yes.

MR. JOHNS: And the value will change in the next three or four years but what that change will be will not be known until that highway is completed.

MS. ANDERSON: Well I think that in either case that I'm very much in agreement with Rafael. I think that there is and I understand that there are extending circumstances but as a Historic Board I think it's important that when a package comes before us as

a minimum it has some type of written documentation from some professional that has an assessment about at least what state the house is in. I understand that there has been a lot of information presented. People have walked through I understand. The real estate person walked through. Mr. Crossland has stated some items but we have nothing from an engineer, a structural person, something so that we for the record can feel comfortable with having some type of decision like this. I don't feel comfortable because I feel like I don't have anything to base it on.

There was some discussion about some failed support beams. A picture of that along with a structural engineer. And I understand that there's an issue about costs, however, there is the cost of the insurance, there is the cost of all these other things. So while one is not going to do this I am going to continue paying these other taxes and insurance while something is being held up when if perhaps I had somebody come out and look at it and gave a report this could be closed I think relatively quickly. But I think that we need more professional, something written on a professional letterhead with some specific information about the current state of the property and what is going on with it. I think that's what missing from this request.

MS. BENSON: Rafael.

MR. ZAHRALDDIN: And look I think that the applicant should be encouraged because the letters for example that have been added into the record I mean I think at least one of us has spoken favorably in regards to what's in here. And I certainly appreciate what's in here. It certainly adds to it. And to have two, two other

members, first of all have two other members of this willing partnership actually, you know, say that this is what we like to do was essential. We needed to have that for the reasons I stated. But to have in here the expressions in here on regret that DelDOT has split this property that they also have lived in historic properties and have appreciation I think those are all valuable parts of this record. Which quite honestly at least those piece are something I would look at very favorable to grant the, you know, and I'm not saying that's the way it necessarily will go just because of those letters but they certainly help right. They are the things that will push it towards towards that type of a determination. And without them I think it's not a full record. So that's why I would encourage the other things to come in because I don't think anybody is trying to play a game of gotcha here. And that's what I'm hoping it's not what the applicants feel. I think instead what we are saying give us enough so we can try and do an honest decision here.

MS. BENSON: We have the motion on the table from John. Do you want to keep that motion the way it is or did you?

MR. BROOK: I think so.

MR. SINGER: I have a question about that motion.

MS. BENSON: Yes.

MR. BROOK: Okay.

MR. SINGER: Mr. Brook said he wanted to move to hold the issuance of the permit. Was that for the full nine months or should there be a time period?

MR. BROOK: Hold it until we act otherwise.

MR. SINGER: Up to nine months.

MR. BROOK: Up to yeah but necessarily.

MS. BENSON: Would you be willing to add some specificity to that to the things that we are looking for.

MR. BROOK: If you would like to do that.

MR. JOHNS: Until the next business meeting.

MR. BROOK: I'd be happy to do that.

MR. JOHNS: Until at least the next business meeting.

MR. BROOK: Until at least the next business meeting.

MS. BENSON: Can we do that just go by month to month?

MR. SINGER: Yes. It would be preferable if we know the date of the next business meeting to have it in the record.

MR. BROOK: Well if somebody has a calendar we would know that wouldn't we.

MS. BENSON: It's the first.

MR. BROOK: The first Tuesday in.

MS. BENSON: September.

MR. BROOK: September.

MS. BENSON: The 5th.

MR. BROOK: So September the 5th.

MR. SINGER: I recommend actually that.

MR. BROOK: Okay. I amend my motion to say September 5, 2017.

MR. SINGER: I recommend that if I hear a concern the Board can correct me that you build a little cushion so the motion be proposed to go for a week after that because you could have a situation for some reason there's not quorum and then the hold will dissolve without this Board being able to act to continue the hold.

MR. BROOK: All right. Then I want to revert my motion to hold it for the entire length of time because if we get the information that we are looking for and can act at the next business meeting then that could be done.

MR. SINGER: Yeah.

MS. BENSON: Yes. And we have a second.

MR. ZHRALDDIN: Second.

MS. BENSON: Any more discussion? All in favor of the motion that would be to hold it up up to.

MR. BROOK: The maximum that is allowed.

MS. BENSON: Up to nine months to see if more information could be given to us that would expedite the decision. Okay. No further comments. All in favor of the motion.

. . . (Everybody said aye except for Mr. Johns) . . .

MS. BENSON: You are negative.

MR. JOHNS: Nay.

MS. BENSON: Abstentions? Nobody. Motion carries. Thank you. Now do you understand what we've just discussed?

MR. CROSSLAND: I think so.

MS. BENSON: All right so I just want to be clear. I'm going to go over it one more time with you.

MR. CROSSLAND: I understand that Valerie has that obligation to go to Carolyn Roland to ask for a written.

MS. BENSON: No you do.

MR. BROOK: You do.

MR. CROSSLAND: So I got to ask them if she will do that.

MS. BENSON: Yes. And you can pick any other if you want to add

another realtor. You can ask another one to come and see.

MS. CROSSLAND: We choose her specifically because her knowledge on historic issues.

MR. BROOK: Yeah she was recommended by Mr. Hanby I think.

MS. BENSON: Okay. And and did you, if you had a contractor walk through with you the more information you can give us of the deteriorated state of the house on someone's letterhead it would help us determine.

MR. CROSSLAND: . . . (Inaudible) . . . I did have.

MR. BROOK: It was not a contractor was it?

MR. CROSSLAND: Yeah.

MR. BROOK: Oh it was a contractor?

MR. CROSSLAND: Yeah. And I was after him to just to give me what it would cost for the demolition. Now this man specializes in rejuvenating and it automatically so that is going to cost me some dollars.

MR. BROOK: Are you saying it would cost you money to have him tell you what it would cost to restore it?

MR. CROSSLAND: Yeah and I think he automatically has what you are referring to.

MS. BENSON: All right.

MR. BROOK: The more information we can get will be better for us to make a decision.

MS. BENSON: And the quicker we can make a decision.

MS. CROSSLAND: And I just have a question like I think I heard you say a demolition permit is not required for salvation.

MR. BROOK: Salvage.

MS. CROSSLAND: Salvage.

MR. BROOK: That's right.

MR. ZAHRALDDIN: Well we can't give out legal advice but I think what Ms. Cesna said was that the statute is silent. Meaning it doesn't say you can't, doesn't say you necessarily can. So it's silent you have to go and ask your lawyer. I'm not going to it. But I don't think anybody here gave any sort of legal opinion.

MR. SINGER: I don't have an opinion. I don't have anything to add other than what Ms. Cesna said. And I'm here to advise the Board. Not members of the public.

MR. CROSSLAND: And I have 30 days to get these to you as you are going to address this in September.

MS. BENSON: Yes. It's the first time we could look at it.

MS. CROSSLAND: We send that to you or to Valerie.

MR. BROOK: Valerie.

MS. BENSON: Valerie. And then Valerie very kindly gets it to all of us. Any other questions? Thank you very much.

MR. BROOK: Thank you for coming tonight. It's been helpful.

MS. BENSON: Yes it has been. And I hope we've helped you move forward.

MS. CROSSLAND: Thank you very much.

MS. BENSON: Now we come down to the report of the Preservation Planner.

MS. CESNA: I don't have a report this month.

MS. BENSON: Then we move on to the report of the Chair and I've finished my report. There are no public comments motion to adjourn.

MR. ZAHRALDDIN: So moved.

MR. BROOK: Second.

MS. BENSON: All in favor.

. . . (Everybody said aye) . . .

MS. BENSON: Motion carries. (Whereupon this hearing was concluded at 5:56 p.m.).