

BEFORE THE NEW CASTLE COUNTY

HISTORIC REVIEW BOARD

STATE OF DELAWARE

Department of Land Use
New Castle, DE

August 7, 2018

PRESENT

DEPARTMENT OF LAND USE

Betsy Caufield
Stacey Dahlstrom

HISTORIC REVIEW BOARD

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

MS. BENSON: Good evening. I want to call the New Castle County Historic Review Board business meeting for August 7, 2018 to order. It is 5:03 by the meeting room clock. We'll begin with roll call. I'm Barbara Benson.

MR. DAVIS: John Davis.

MR. BROOK: John Brook.

MS. ANDERSON: Karen Anderson.

MS. BENSON: Thank you. We have minutes, transcripts. Now we are going to take these separately. July 3, 2018.

MR. BROOK: I move approval.

MS. BENSON: Is there a second?

MS. ANDERSON: Second.

MS. BENSON: All in favor.

. . . (John Davis, John Brook, Karen Anderson, and Barbara Benson all said aye) . . .

MS. BENSON: Motion carries. Barbara Silber has joined us. So she can vote on the July 17th, 2018.

MR. DAVIS: Madam Chair.

MS. BENSON: Yes John.

MR. DAVIS: I was not present for the July 17th public hearing so I'll abstain from the voting.

MR. BROOK: I move approval.

MS. BENSON: Second.

MS. ANDERSON: Second.

MS. BENSON: All in favor.

. . . (John Brook, Barbara Benson, Karen Anderson, and Barbara Silber all said aye) . . .

MS. BENSON: Motion carries. Steve Johns is also joining us. Hi Steve.

MR. JOHNS: Sorry I'm late. You have voted on something.

MS. BENSON: We are done.

MR. BROOK: We are finished. We are done.

MS. BENSON: So this is a business meeting and you can listen and we like to talk. But if we have any questions we might ask then for information. So would you read into the record.

MR. DAVIS: Madam Chair before we start.

MS. BENSON: Yes John.

MR. DAVIS: Again I want to acknowledge that I was not here for the July 17th public hearing. I did read the minutes and am prepared to participate in the discussions.

MS. BENSON: Thank you John.

MS. CAUFIELD: Application 2018-0256-S, 2209 Millers Road (East side of Harvey Road, 388 feet north of Veale Road), Ardentown Hundred, tax parcel 27-001.00-515. Exploratory minor land development plan for Ivy Gables proposes to construct a 22,781 square foot assisted living facility (The Lewis B. Harvey House, mid-18th century). NC-10 zoning with H Overlay Zoning. Council District 8.

MS. BENSON: Thank you. Is there any discussion? We have heard the applicant and then we heard their revised plans. John.

MR. BROOK: Madam John for purposes of the discussion I move that we approve the plan the applicant submitted that we discussed at our last meeting on July 17th.

MS. BENSON: Thank you. Discussion? Oh we need a second. Is

there a second?

MR. JOHNS: I'll second.

MS. BENSON: Discussion?

MR. JOHNS: Our purpose for this is to recommend approval of this.

UNKNOWN: Excuse me ladies and gentlemen I'm sorry we are getting ready to do a fire alarm test on the system so you don't have to get up and run. You can stay right where your at because we are testing the system. Thank you.

MR. BROOK: Hold it down a little bit will you.

UNKNOWN: I will do my best.

MR. BROOK: Okay.

UNKNOWN: I'm trying. Thank you.

MR. BROOK: Sorry Steve.

MS. BENSON: Go ahead Steve.

MR. JOHNS: What we are supposed to be doing here is recommend approval of the exploratory plan. That's, that.

MS. BENSON: That's what the option is.

MR. JOHNS: That's basically what the motion is.

MS. BENSON: Yeah.

MR. BROOK: My motion yeah.

MS. BENSON: Discussion? John.

MR. BROOK: Let me again I was pleased with the applicant's revised plan which moved the addition back so that it does not severely encumber the view of the historic home that we are interested in. I recognize that it is a unique community. It's rather eclectic and has a number of different characteristics

associated with it and it has identity in there and it has a garden. It has a nursing home. It has housing of various styles of construction. And I think that the preservation of the historic gardens and the historic house is what we are interested in. And I think what the applicant has done has accomplished that to my satisfaction.

MS. BENSON: Other comments? Well let me just say then that conceptually I think that it is disappointing to me that anything has to be moved for the sake of the community. But to go down that road not you all but whoever started it long before and I compliment you being willing to adjust the plan to make your needs work but to make it better for the community and from our perspective the historic house. So if there is no further discussion wait Karen go ahead please.

MS. ANDERSON: I would just like to say that just comment wise that I think that the scale of the project is is overwhelming for the site and the conceptual precedent for Arden, for this community. I understand that there was a previous addition that was placed on the site but I think as I said before I think exacerbating a negative situation with a second negative situation is not necessarily the best approach. It is acknowledged that they did make some changes to that, to the location of the large building. But just for commentary I really don't believe that it is in keeping with being sensitive to the existing farmhouse and the, I want to say the intent of what that space was supposed to be.

MS. BENSON: Barbara.

MS. SILBER: I think my comments sort of, you know, reflect

some of the aspects that Karen brought up. What I do worry is a little bit is that we are losing any vestige of that 18th century landscape by adding this big thing to it, this big building. Once again I commend the project planners for creating this configuration and and working very hard to maintain all of our comments. But what I do worry is that some of the subsurface remains that may have been in that portion of the property maybe could be present still. And without any investigation could be lost, you know, if they are literally down there. That is in keeping with Karen's comments by saying that the original parcel how that landscaping was originally designed to function and I think that's what, I think in some ways my comments are sort of, you know, correlated to Karen's.

MS. BENSON: Understand that we are handcuffed because we inherit a situation that is complete with what has happened with the landscape and I think this is an acceptable option. Okay. Voting.

MR. BROOK: Sure.

MS. BENSON: All right. All in favor.

. . . (Everybody said aye except for Karen Anderson who was opposed) . . .

MS. BENSON: Opposed.

MS. ANDERSON: Opposed.

MS. BENSON: Karen Anderson. Oh and I forgot because it's summer and my brain is in and out we have with us Elizabeth Caufield, Betsy, our Preservation Planner and Stacey Dahlstrom from the Department of Land Use. Okay.

MS. CAUFIELD: Our next application is 2018-08385, 1773 Old Coochs Bridge Road (East side of Old Coochs Bridge Road, north of the intersection of Old Coochs Bridge Road and Phoenix Avenue) Pencader Hundred. It's a Demolition Permit to demolish 3 sheds (G. H. Baynard House circa 1750). I Zoning. Council District 11.

MS. BENSON: Thank you. John.

MR. BROOK: I move approval on the demolition.

MS. BENSON: Is there a second?

MR. JOHNS: I second.

MS. BENSON: Discussion? We knew this would be coming back eventually.

MR. BROOK: Yeah we did and the sheds really have lost any historical significance as far as I can determine and they are in.

MS. BENSON: They seem so to me and I'm very worried that they can't have insurance on them.

MR. BROOK: I am too. And I think we really have the best option for us is to approve the demolition.

MS. BENSON: Okay. Then lets, any other comments?

MR. DAVIS: Has the applicant indicated that by demolishing these sheds they will be insurable?

MS. BENSON: Yes.

MR. DAVIS: Okay.

MS. BENSON: All right. All in favor.

. . . (Everybody said aye) . . .

MS. BENSON: Opposed. Motion carries. Thank you.

MS. CAUFIELD: Our next application is 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. It's a Demolition Permit to demolish a Colonial Home circa 1900. SR zoning. Council District 6.

MS. BENSON: Thank you. Now if we will recall here we have three motions. The first one we have to decide was it historic. So lets take one.

MR. JOHNS: Is this the Young House?

MS. CAUFIELD: Circa 1900. I have pictures of the property here.

MR. BROOK: The P. Young House.

MS. BENSON: The unfortunate thing here I think.

MR. BROOK: Yeah that's it.

MS. BENSON: Was that.

MR. BROOK: We don't have a whole lot of information.

MS. BENSON: They were told to hold demolition until we review the property and they did not.

MR. BROOK: Is this the one that got torn down?

MS. BENSON: What we have to do is decide on was it historic and then decide on what has been demolished and then what we are going to do. We can make a recommendation if we wish to the Department of Land Use. And I believe our choices are we could recommend that they hold a release of anything for one, two, or three years.

. . . (Inaudible) . . .

MS. SILBER: I have that. Yeah that one.

MR. BROOK: Yeah these are the pictures.

MS. ANDERSON: My sense is that.

MR. BROOK: The guy torn it down remember.

MS. BENSON: Yeah I remember.

MR. JOHNS: What do we know about the building?

MS. BENSON: We know I believe there is a CRS form is all you see and of course we had no chance to look at it ourselves or get any information from the applicant because it vanished.

MR. JOHNS: So we believe it was constructed in 1893.

MR. BROOK: It was earlier then that. It says 1893.

MR. JOHNS: 1893 John Young.

MS. SILBER: I think the other thing was that it was demolished because it was in disrepair and what it says his reason why it was demolished.

MS. BENSON: Yes don't I remember it was in the middle of a corn field.

MS. SILBER: Right. And it was becoming a safety hazard.

MS. CAUFIELD: Right.

MS. SILBER: What was the?

MS. CAUFIELD: Our code enforcement had actually posted the property correct that it was not a safe structure.

MR. BROOK: Was the structure unsafe?

MS. CAUFIELD: Right.

MS. SILBER: Okay so at this point then it seems to me that as it was prior to it being razed it was losing integrity pretty quickly it sounds like. Okay so that's the first place I think we can start the discussion is that did it retain any, you know, how was its physical integrity at that point before it was gone. It sounds like it was already starting to get a little on the iffy

side.

MS. BENSON: Can you come up and give us your name for the record.

MR. VEAZY: My name is Mark Veazy. I'm an administrator for the Department of Land Use. I conducted an administrative hearing on the matter because the Department did in fact post the property as unsafe. And the code requires within 10 days whenever we do that that we hold an administrative hearing to get the particulars. I can't say for sure that the unsafe posting was the result of anyone looking at the house and deciding that it was in need of, that it was in disrepair. My impression is that that unsafe posting was more a procedural matter based on a complaint that we received either externally or internally about it having been torn down and us not having seen anything so we'll post it as unsafe and and try to ask the important questions at the hearing.

MS. BENSON: Okay. And there was no hearing?

MR. VEAZY: There was a hearing.

MS. BENSON: There was a hearing.

MR. VEAZY: There was a hearing. I haven't issued a decision from the hearing yet because I wanted to hear what you all had to say about the historical significance of the structure.

MS. ANDERSON: So can you repeat. So it was posted as being unsafe but it was still there or this was after they had demolished it?

MR. VEAZY: I think it was after. Afterwards it was posted unsafe.

MS. ANDERSON: Okay. So then I guess sort of demolished it.

Then it was posted unsafe.

MR. VEAZY: Right.

MS. ANDERSON: That's how it got brought to you.

MR. BROOK: It was posted unsafe after it was demolished.

MS. ANDERSON: After it was demolished.

MR. VEAZY: That's correct. Yeah.

MS. SILBER: Let me see this picture.

MR. VEAZY: As a means of trying to really get to the bottom of the situation. And exactly how much of the building was demolished. I don't know that any building inspector has actually seen what's left of the historical house.

MS. BENSON: Now my understanding is surrounding that is the owner came in for a demolition permit. And because it has a CRS form and because it was on one of the atlas, Dave's Atlas I think. Hello Rafael you make a real statement when you come in.

MR. ZAHRALDDIN: They wouldn't let me because they were testing.

MS. BENSON: For the record Rafael Zahralddin has joined us. He was told he couldn't tear it down until he had come before us.

MR. BROOK: Yeah he torn it down anyhow.

MS. BENSON: And then he torn it down anyhow.

MR. BROOK: And I guess Madam Chairman that is what bothers me the most.

MR. JOHNS: Well the first thing we have to decide is whether the building is historic.

MS. BENSON: Is historic. Yeah.

MR. JOHNS: So the question is how does it fit in? The only

thing I can figure is I haven't heard anybody's name of importance who lived there. It doesn't look like it was designed by an important architect. I guess is it an example of the cultural lifestyle of the area involved. That would be the only.

MR. BROOK: Well plus it's more then 50 years old.

MR. JOHNS: Well yes it has to be over 50 years old.

MR. BROOK: Yes.

MS. BENSON: Yes.

MR. JOHNS: And one of the other items so the question is which item is it? And the only one I can figure is that it's.

MS. BENSON: With a cultural landscape.

MR. JOHNS: Right.

MS. SILBER: Right.

MR. JOHNS: Of the area. An example of the culture and society of the time. It doesn't look like from the picture it doesn't look like the exterior is original in any way.

MS. BENSON: No. I think what bothers me is that again.

MS. SILBER: It looks like we have replacement windows as well.

MR. JOHNS: First we have to decide whether it's historic.

MR. BROOK: I don't know if we any information that we would have needed to decide that.

MS. SILBER: That's right.

MS. BENSON: Well it's gone.

MR. JOHNS: We'll never able to.

MS. ANDERSON: Is the concept here is the only thing that we are doing is trying to determine if it's historic. Because I think there's another issue here in that the proper procedure wasn't

follow.

MR. BROOK: That's right.

MS. SILBER: That's the second piece.

MR. JOHNS: Well so the first piece is they would have to ask us if it's historic.

MS. SILBER: That's right.

MR. JOHNS: We have to determine if it's historic.

MR. BROOK: But by tearing it down it deprived us of the opportunity to be able to make that determination.

MS. ANDERSON: I think that's a good summary of where we are.

MS. SILBER: Right.

MS. ANDERSON: Because we have nothing but.

MS. SILBER: This. This is the only photo.

MS. ANDERSON: Photo.

MS. SILBER: Right.

MS. BENSON: I think. I mean that's all I see on it.

MR. JOHNS: There is a CRS on it.

MS. BENSON: Yes there is that.

MR. JOHNS: So there is an application that somebody thought.

MR. BROOK: Was historic.

MS. JOHNS: That it was. It could be historic. It could be.

MS. BENSON: Barbara.

MS. SILBER: I have a question. Are we allowed to ask our planner for?

MS. BENSON: Now please.

MS. SILBER: Are we allowed to ask our planner our technical opinion on a particular aspect of this, this building?

MR. ZAHRALDDIN: Sure why not.

MS. SILBER: Right. We can. Okay. So I'm looking at this because I think the other thing we have to think about is does this retain prior to a demolition whether or not it's historic. Okay. It's 50 years, it's over 50 years old but does it retain any physical integrity at this moment. This is the last picture we have I think we have at this point.

MS. ANDERSON: So also that picture it says here the original front entrance was on the north side of the home which could not be photographed because of trees. Is this that? I mean is this north or is this south?

MR. JOHNS: There aren't any trees around it so.

MS. ANDERSON: So maybe it's not the original. So maybe this isn't even the best photo of it. If the other elevation was saved and the back and if this is the back of the house which many times people do renovate but the front of the house could have very well been preserved.

MS. SILBER: Or not.

MS. BENSON: Or not.

MS. SILBER: I mean here's the question are these windows do they look original or replaced? That's the question I want to ask. So I don't know if, I mean how much alteration do we have assuming that this obviously we can see the original main structure here based on this picture right. How much of this is still particularly, how much is this contemporaneous with its estimated construction date?

MR. BROOK: I don't think we'll ever know.