

BEFORE THE NEW CASTLE COUNTY

HISTORIC REVIEW BOARD

STATE OF DELAWARE

Department of Land Use
New Castle, DE

January 16, 2018

PRESENT

DEPARTMENT OF LAND USE

Matt Rogers
Richard Hall

HISTORIC REVIEW BOARD

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

Colleen Norris

MS. BENSON: Good evening everyone. I'm sorry we have a slight chair problem but I like to call the New Castle County Historic Review Board hearing or meeting for January 16, 2018 to order. We begin with roll call. I'm Barbara Benson.

MR. DAVIS: John Davis.

MR. BROOK: John Brook.

MR. JOHNS: Steven Johns.

MS. SILBER: Barbara Silber.

MS. BENSON: Thank you. We also have from the Department of Land Use the Director, Richard Hall. We have planner, Matthew Rogers, and.

MS. NORRIS: Colleen Norris.

MS. BENSON: From the Law Department. The first item on the agenda under old business is oh Matt would you read it into the record.

MR. ROGERS: Certainly. Application 2017-09534, 1309 Cedar Lane Road (West side Cedar Land Road, South of Boyd's Corner Road), Middletown vicinity. A Demolition Permit Application for the T. J. Houston House, National Register Eligible.

MS. BENSON: Thank you. We have this demolition permit hold at the moment. Do we have any information over the last month?

MR. ROGERS: I have not received any.

MS. BENSON: Then is it the Board's pleasure to continue the hold?

MR. BROOK: Yes.

MS. BENSON: A motion.

MR. BROOK: I move we continue the hold.

MS. BENSON: A second.

MR. BROOK: We need a second.

MR. JOHNS: I'll second it.

MS. BENSON: All in favor.

. . . (Everybody said aye except for Ms. Anderson who had not arrived yet) . . .

MS. BENSON: Thank you.

MR. ROGERS: The next item on the agenda is Application 2017-16275, 11 Walkers Mill Road, West side New Bridge Road and east side of Brandywine River, Brandywine Hundred. A Demolition Permit Application for the Walker's Bank building which is listed in the National Register of Historic Places and is located within the Eleutherian Mills National Historic Landmark District.

MS. BENSON: Some of you I recognize in this audience and I suspect your here to talk about Walker's Mill or Walker's Bank. Unfortunately that can't happen because we had the public hearing before. We are holding the record open but only for written comments. So I really ask all of you who feel strongly to make sure you get written comments to the Department before our February 6th hearing. Okay. I'm sorry there appears to have been a misunderstanding here. Okay.

MR. BROOK: Is the applicant here?

MR. ROGERS: The applicant is here if you would like him to make some comments.

MS. BENSON: Oh is the applicant here?

MR. ROGERS: Yes.

MR. JOHNS: Madam Chair.

MS. BENSON: Yes.

MR. JOHNS: Before you proceed with the Walker's Bank I have to recuse myself due to my relationship with the owners of the Walker's Mill.

MS. BENSON: Yes. Thank you.

MR. JOHNS: Do you need me to leave the room?

MS. BENSON: Yes please. Now the applicant is allowed to give us a report. That's different from comments. Mr. Tracey.

MR. TRACEY: Thank you Dr. Benson and members of the Board. John Tracey here on behalf of the property owner. We've done several things since our initial meeting in this process. As we've discussed this was a process initiated by the fact that a complaint was filed against the property to deal with a laundry list of things that needed to be done to bring the building up to code. That's what in turn at looking at size of the list and the utility of the building we started this process by filing a demolition permit.

At the last meeting we indicated we would do several things or get the Board several things for its consideration. So just for purposes of the record I wanted to make sure that that is clear of what we've submitted to you. You will recall when I was here last month we've talked about the fact that there was a restriction against residential use of this property that was placed on the property by DuPont prior to the sale from DuPont to my client. We've submitted that deed restriction to the Board.

Secondly we had talked about some environmental concerns with the property. We were able to locate a narrative of a report that

Duffield prepared prior to the time that we purchased the property that outlines some of the concerns. It wasn't a full Phase One. We are still seeing what we can find but we were able to locate this narrative report which I submitted to the Board as well.

And then thirdly today I submitted to the Board because there was some discussion about this at the last meeting a copy of the variance decision that was awarded as part of the renovation of the Mill building. I think that that's important for two reasons. One, the exhibit that was attached to the back of that which was prepared by the Department shows some of the constraints that exists on the property with floodplain, riparian buffer, and then most importantly steep slopes and perhaps some of the areas you would think about additional parking.

The second part of that was to demonstrate that at the time the initial renovation of the Mill building was completed we got a variance to reduce the required parking from 161 spaces which is what the square footage of that building would require down to 35 spaces. That variance was also conditioned on only 11,800 square feet of the Mill building being used for traffic generating uses, office uses, and things of that nature. So I saw that today so I submitted that as well.

Lastly as I'm sure you are aware based on the conversations at the last meeting and based on the fact that this is not a short process we are taking certain steps to insulate the building from the elements while the process plays out so if there are alternatives for alternative uses for the building they can be pursued. We are in the process and I haven't been by the building

so I'll say in the process of in case it hasn't occurred yet of obviously covering the holes on the roof and insulating the windows and the door areas to prevent the elements from getting into the building, of further getting into the building, and also removing the loose debris that is around the building. So that's what we've done since we were before you last.

I know as I'm sure the Board is aware there's been a lot of comments, suggestions, thoughts regarding the property. We have not begun yet to parse those through because I was focused on the tasks that we received that were discussed at the last meeting. And obviously we will take a look at those. And if there are some suggestions that are positive suggestions that we can utilize moving forward obviously we will be considering those. But again as I said at the last meeting I did not expect a permit to be issued after the first meeting. I did not expect a permit to be issued after this meeting but we wanted to take the steps with the building to allow the process to unfold so.

MS. BENSON: Thank you.

MR. TRACEY: That's our report.

MS. BENSON: Thank you.

MR. BROOK: Madam Chair.

MS. BENSON: Yes.

MR. BROOK: Can I ask a question or you say not?

MS. BENSON: Mr. Brook wants to know if he can ask a question.

MS. NORRIS: Yes John you can ask a question.

MR. BROOK: Thank you. Mr. Tracey would you tell me again about the environmental restrictions placed on the property that would

prevent it from being used as housing.

MR. TRACEY: It's not an environmental restriction Mr. Brook.

MR. BROOK: The deed restriction.

MR. TRACEY: It was a deed restriction. It's not necessarily tied to environmental. It was when DuPont sold the building to my clients prior to selling that building they were quoted a restriction on the property saying that the property this would be both the Mill building and the Bank building could not be used for residential purposes.

MR. BROOK: Do you know the reason for that?

MR. TRACEY: I do not know the reason.

MR. BROOK: Are we finding out why?

MR. TRACEY: I can certainly inquire. I do know the attorney who put together the restrictions so I can reach out to that person.

MR. BROOK: Okay. I thought it was for environmental reasons.

MR. TRACEY: I would have surmised it was but it doesn't say in, I don't believe it says it in the document that I sent to you. It's about a 10 or 11 page document.

MR. BROOK: Okay.

MR. TRACEY: So I don't know.

MR. BROOK: So I would appreciate it if you would be able to do that. That'd be great.

MR. TRACEY: Okay. I can do that.

MS. BENSON: Thank you. Now I really do encourage all of you who have comments to write them to us and particularly if you have some suggestions for the owner how the building can be used that

would facilitate forward discussion on everyone's part I think. So having said that there can be no public testimony tonight thank you all for coming. You can stay and listen to the rest of the exciting meeting if you'd like.

MR. WEINER: Madam Chair. Councilman Weiner. I'd just like to enter a couple of documents on the record.

MS. BENSON: Thank you.

MR. WEINER: Thank you Madam Chair and members of the Board. I'd just wanted to let you know that the letter on my letterhead was officially submitted to the Land Use Department. It's very brief. I'll just read it to you for the record.

I'm pleased to provide the attached wonderful news from Tim Ashford's legal counsel, Tim Ashford doing business as Walker's Mill Associates has forthwith committed to New Castle County to one, install a tarp barrier to prevent further moisture from entering the building. Two, place wood or plexiglass over all openings in windows or doorways to prevent further weather entry. And three, remove all loose debris from around the building. We can now visualize the dawn of a rebirth of our beloved and iconic Walker's Bank. At the risk of offending anyone I applaud the collective tenacity and dedication of all stakeholders including but not limited to Tim Ashford, Michael Malloy, John Lindtner, and Michael Christopher. I again publicly thank DuPont Company for its willingness to consider the removal of redeveloped restrictions of record which restrictions currently preclude residential use as part of Walker's Bank future adaptive reuse.

In light of the above I'm confident that the New Castle County

Historic Review Board will continue to delay the issuance of a demolition permit which we know by law while a restoration or reuse plan can be development as evidenced by the attached documents. Tim Ashford listened with compassion and heard our pleas. I might add parenthetically that I've also submitted a letter from the Irish Culture Club of Delaware. Of course this was a home for Irish and Italian and mill workers and a number of other personal histories that have come by way from family members and people who have lived there.

And I'm pleased to say that I've just had a conversation with the DuPont Company within the last 30 minutes. They wanted to reiterate that they wanted to be here today. The government relations person, Jason Gonzalez, was called out on business to Richmond, Virginia but he wanted me to tell the Board that they are committed to having their legal team research the viability of removing restrictions in order to have the broadest impossible readaptive uses. And let me just say that the community has risen to the occasion but we have a willing owner who understands the passion of our community. Thank you.

MS. BENSON: If you would encourage DuPont to respond in writing as soon as they can that would be helpful I think to move this all along.

MR. WEINER: I did submit a letter, an email if you will to the Department. And the text that I just received was that they stand by the email that they had previously submitted when I had requested them to take a look at it. And one of the attorneys who had drafted this Dick Beck is on the advisory committee for

DuPontDow on land use issues like this. And John Tracey I don't know if that was the gentleman you were referencing but he certainly is a person of our community who cares.

MS. BENSON: Thank you very much.

MR. BROOK: Thank you.

MR. WEINER: Thank you.

MS. BENSON: Thank you all who came. I look forward to seeing your comments in writing. Thank you very much. Now we move onto new business.

MR. BROOK: We'll persevere anyhow won't we.

MS. BENSON: Okay.

MR. ROGERS: The next two items on the agenda I'm going to read together. They are Applications 2017-0718-S, 6 South Old Baltimore Pike, Northeast side Maguire Street, Southeast side Old Baltimore Pike and Southwest side East Main Street, Village of Christiana. White Clay Creek Hundred. Exploratory Major Land Development Plan for Christiana Fire Company proposes to demolish existing buildings and construct a 34,000 square foot fire house and associated improvements. As well as Application 2017-0760-S, 17 East Main Street, Northeast side East Main Street, East of Old Baltimore Pike and West of Old Kings Highway, Village of Christiana. White Clay Creek Hundred. Exploratory Minor Land Development Plan for Christiana Fire Company #17 East Main Street proposes to construct a 3,570 square foot building and two temporary trailers. Christiana Historic District.

The Department has been working with the applicant and the applicant is seeking to reach out to the community and spending

more time developing a plan that may incorporate their recommendations. As such the Department is recommending that we table this item.

MS. BENSON: Is there a motion?

MR. DAVIS: Madam Chair.

MS. BENSON: John.

MR. DAVIS: Yeah. I move we as recommended by the Department table discussions on these two applications until we get further information from the applicant on what their path is forward.

MS. BENSON: Yes and we are very glad the applicant wishes to have recommendations.

MR. BROOK: I'll second that motion but I would like to ask do we know how long that might be?

MR. ROGERS: They are looking to schedule meetings in early February with the applicant prior to going back to the Board of Adjustment as well. So we may end up looking at it being on February 20th or we'll let the applicants determine a final date.

MR. BROOK: Okay.

MS. BENSON: We have a motion and we have a second. All in favor.

. . . (Everybody said aye except for Ms. Anderson who had not arrived yet) . . .

MS. BENSON: Motion carries unanimously.

MR. ROGERS: The next item on the agenda is Application 2017-16871, 5482 Summit Bridge Road, north corner of Old Baltimore Pike and E. Main Street, West of Route 1 and East of Route 273. Appoquinimink Hundred. Associated with Exploratory Major Land

Development Plan for Blackston Cove. A demolition permit application for the A. S. Naudain House (N-5845). The applicants.

MR. PEARCE: How are you doing?

MR. ROGERS: Excellent. Yourself.

MR. PEARCE: Good.

MS. BENSON: Give us your name, names for the record and you may make your presentation.

MR. PEARCE: I'm Zachary Pearce with Landmark Homes. This is Homer Williams.

MR. WILLIAMS: Homer Williams, the owner.

MR. QUINN: Bill Quinn with Landmark Homes.

MR. HEILMAN: And Jay Heilman with Landmark Homes as well.

MS. BENSON: Thank you.

MR. PEARCE: We've been working with Homer for a few years because we've purchased the Blackston Cove property with him. And we are almost to recordation with that piece. But Homer has not lived in that property for 20 years and it has since kind of dwindled and I'll let him get into the reason why he wants to demo it. But our original plan was for him to just sell the house outright and we are developing the land adjacent to it where that's been subdivided off of it. And I guess I'll let Homer tell you why, why he has chosen to demo it instead of, you know, trying to restore the house.

But I do know that it would cost far more than he would ever get. It's currently kind of in a condemned state. Kids have gone through and gutted the whole house. Pipe hole, pipe work, and everything in the house so it would basically have to be demoed

anyhow to restore it back to its state. I'll do anything Homer wants us to do with the property so we are not pushing him to demo it. He would just like to sell the whole property and kind of be done with it. In today's market unfortunately it's a hard case to try and sell his house so.

MS. BENSON: All right one second. I just want to note for the record that Karen Anderson has joined the Board. So please.

MR. WILLIAMS: Okay well I think the first thing I would just like to briefly make you all aware of my familiarity with the house because it's not a casual association. My grandparents purchased the property and moved there late in 1942. At the time my parents lived in a neighboring farm and I spent a lot of time traipsing back and forth across the fields to grandma and grandpa's house. I only lived there for about a year next to them and then my parents moved to Townsend. But my grandparents lived there on the property until they died. My wife and I lived there for one month after our honeymoon with my grandmother before we returned to the University of Delaware for my senior year. When my grandmother passed my mother and father bought the place and they lived there as owners/occupants until 1994. So between the grandparents and the parents we were owners of the property for 50 years.

I've been renting it since 1994 until 2016. I was lucky in the beginning. I got a, my first renter stayed 14 years. My remaining renters have been mostly more than two year people. They, the house is not in good condition from an appearance standpoint and other structural issues so the rent is not high. I would get a renter in who liked the rent. But once they went through a winter those

houses are not insulated at all. The heat bills are awful. Even though it has a good old burning furnace it was not a very economical opportunity.

So I stopped renting in 2016 because I had to evict my last renter. They weren't paying their bills. So I had to evict them. And on inspection after they left they had trashed the property to the point where I couldn't rent it any more without serious renovations. So I have been talking to Landmark in the meantime about the development of the property Blackston Cove and I've made arrangements, an agreement to sell my farm to Landmark that I would retain the farmhouse for my own purposes and my idea then would have been to fix it up and sell it. I wouldn't have gutted it. Had no interest in it and I wouldn't keep it but I would have tried to fix it up and sell it.

After the renter left in February of 2016 a winter storm came through and tore 50 percent of the roofing and some of the siding and I mean some of the shingles off the side porch. And I got a builder, Classic Contractor, Gregg Smith who had done a lot of work for me to come up and take a look at the damage for an estimate. And he came up and took a look at it and he looked around the house while he was there. And after he gave me the estimate he said what are you going to do with this? And I said well I might submit an insurance claim or I may well just at least try to fix it. He said I wouldn't get it fixed. I wouldn't spend any more money on this house. I've been all over this house inside and out. It has systemic structural problems. Any money you spend on it at this point you won't get out of it. And my suggestion to you would be to

demolish the house and concentrate on the lot which is a nice 1.6 acre high build up lot. So I heard what he said. But I have a lot of attachment as I mentioned earlier to the property.

So I over the course of the next couple of months I contacted a couple of realtors that I knew. Told them my idea was to fix up the property and sell it. What do they think? One of them, Mike Salvalgio, your Delaware home, Townsend, very familiar with the area said I wouldn't go that route. I don't think any money you put in it you would be fortunate to get out of it. There's enough damage that it's difficult to tell where a fix up might end. It is certainly not, it's nowhere near affordable to restore it. And my recommendation would be that you demolish it and concentrate on the lot.

So I later went to Lonnie Hemmer, a senior realtor at ReMax in south Smyrna and explained the situation to him. Asked him his recommendations and they were the same thing. I sent a letter to the Board from Classic Contracting, Gregg Smith where he says that his recommendation is demolition. I talked to Landmark to Zach in October of '17 after he had, we signed our agreement for sale in February of '15. But he hadn't at that time had any significant exposure to the house. He's been in the house a fair amount since. I talked to him in October about the possibility of some type of fix it up for selling it and his recommendation was well I don't think, you know, your not talking about a fix up situation here. Your talking about an unstable situation with systemic problems. In order to restore it your talking about large amounts of money. I have no interests in restoring it. My interests was in selling it

but I'm no longer really willing to spend any more family money trying to piecemeal, upgrade, or cosmetically improve this house. So I thought it over and I asked Zach if he would submit a demo application to you people for your consideration and I respectfully request that you consider approval of our application.

MS. BENSON: Thank you. Do we have, is that Zach your presentation?

MR. PEARCE: I think so. I mean I've also offered, Homer has a set budget, a family budget that he is working with. So we kind of doubled, we are paying double what we should for that lot and demoing it for him. So we've also told him we'd help him with that if he is approved. But other than that it's.

MS. BENSON: Do we have any questions? And as you know this is a demolition permit application. We can only hold it for nine months. But I have to say your application would do wonders in my mind if we could see some dollars and cents numbers rather than just a realtor's general discussion. That's just me. Any other questions? John.

MR. BROOK: Go ahead Steve.

MS. BENSON: Steve.

MR. JOHNS: I got a couple of questions. First of all our package includes this photograph. Is this the house?

MR. BROOK: No that's a different house.

MR. JOHNS: What house is this?

MR. WILLIAMS: I have no idea.

MR. JOHNS: It says Naudain on it. Is that for the next application?

MR. WILLIAMS: Ours is a farmhouse.

MR. JOHNS: Oh I understand so this is the house?

MR. WILLIAMS: Yes.

MR. JOHNS: Okay.

MS. ANDERSON: So this photograph is, your saying these are the?

MR. JOHNS: Right. So that photograph is not their house.

MR. BROOK: Oh.

MS. BENSON: It's this one.

MR. WILLIAMS: Right.

MR. JOHN: The package that we were given has the wrong photograph.

MR. PEARCE: I will say. Go ahead. I'm sorry.

MR. JOHNS: You mentioned systemic problems a couple of times. And one time you said systematic structural problems.

MR. WILLIAMS: That's what I was told by.

MR. JOHNS: Do you know what those problems are? Somebody said you have systemic structural problems. Do you know what it is?

MR. WILLIAMS: I'm of the opinion that it's a basic structure that has degrading as a result of periodic leakage of the roofs.

MR. PEARCE: I mean from the foundation to the roof. The whole third floor is just one big black mold mess. I mean.

MR. WILLIAMS: It's around the chimney on the third floor periodically depending on which way the wind was blowing.

MR. PEARCE: I do know it would cost more then what our contract is for the whole farm to restore the house. And if Homer wants to go out and get contract numbers for you guys I'd suggest

he do it and then you'd probably exceed that by 30 percent.

MS. BENSON: John.

MR. BROOK: Yes Madam Chair. The pictures, the photographs we have of the property show those in fairly decent condition for a house that's obviously.

MR. WILLIAMS: It had been painted well on the outside.

MR. BROOK: Yeah it looks pretty good. I would like some, if there are real structural problems with the house I guess I would like to see some evidence of that. Some photographs or some report by a structural engineer or somebody who is willing to sign their name on a piece of paper to say this is wrong, this is wrong, and this is wrong. It could be termite damage. It could be ground settling. I mean I don't know what all but this, how old is this house?

MR. WILLIAMS: I think it was built, it was built probably 1850.

MR. BROOK: So it's been there a long time. It's been part of that neighborhood for a long time. And I know that you have a lot of connection to it through your family.

MR. WILLIAMS: Yeah.

MR. BROOK: It was there long before your family.

MR. WILLIAMS: Oh sure. My family as I said bought it in 1940.

MR. BROOK: Let me ask you one more question. Have you attempted to sell this house as it to someone who might be interested in restoring it?

MR. WILLIAMS: Yes I attempted to sell it for some four, five years before I sought to create a development with Landmark and I

wasn't able to get any serious, I got a lot of people interested but after, it's rather spartan inside to say the least.

MR. BROOK: Yeah I can see that. It's got some wonderful big wide doors and the floors and many other things you can see.

MR. WILLIAMS: Rodents have messed up the drop ceiling and the kitchen is open and, you know, some side. We haven't rented for two years. We've had vandals and vagrant visitors and consequently, you know, the boarded up fire places are all kicked in. All the tubing, all the copper tubing for the floor distribution is gone cause that had some value.

MR. BROOK: Sure. When you tried to sell it did you have listed with a real estate agent?

MR. WILLIAMS: No I tried to sell it myself.

MR. BROOK: Did you advertise it in the paper?

MR. WILLIAMS: Yes.

MS. BENSON: Barbara you have a question?

MS. SILBER: Yes I have a question. Has the subject, I see that we have a form here, I'm assuming this is part of a National Register form.

MR. ROGERS: Yeah.

MS. SILBER: Has an architectural survey of this house, historic wise architectural survey has, has an architectural survey been conducted for this house?

MR. WILLIAMS: Not to my knowledge.

MS. SILBER: Okay.

MR. WILLIAMS: I didn't even know it was historic. I mean my grandparents and parents both the owners.

MS. SILBER: Okay.

MR. WILLIAMS: Had a combination of 50 year I'm sure they didn't know anything about it a historical significance. They just bought a farm and took care of it. Lived there and took care of it.

MS. BENSON: All right thank you very much all of you. I'm going to ask if there is any comment from the, if there is nothing more from the Board I'm going to ask if there is any comment from the public. First those who would be in favor of this demolition. Then anyone who is opposed to the demolition.

MS. KEELEY: I just wanted to clarify context of the picture.

MS. BENSON: Oh come forward and give us your name for the record please.

MS. KEELEY: Laura Keeley. There's a house just down the street that is on the National Register also identified as the Arnold S. Naudain House and that is the one with the hitch roof that you have pictures of. That is National Register listed. That is not part of this property. Yes that one.

MS. BENSON: So this is not National Register.

MS. KEELEY: It does not appear to be.

MS. BENSON: All right.

MS. KEELEY: It has been previously identified but it does not appear a survey has actually taken place nor a determination of its eligibility.

MS. BENSON: That helps clear this up immensely.

MS. KEELEY: I'm happy to explain. But yes so the other house is listed in Delaware and this farm does appear to be connected to the Naudain family in the area.

. . . (Inaudible) . . .

MS. KEELEY: They do appear to be built by the same family. Not necessarily at the same period. I didn't really spend a lot of time on this. But I don't know that as far as a demolition permit I would simply say yeah I've lived here for a long time. I know what the limits are. I think it would be really great to see further documentation or an understanding of the Naudain's history before anything is approved.

MS. BENSON: Thank you.

MS. KEELEY: Thank you.

MS. SILBER: May I ask a question?

MS. BENSON: Yes Barbara.

MS. SILBER: So this house has no CRS numbers is what you are saying?

MS. KEELEY: It does have a CRS number. It's been previously identified. It's just never been formally evaluated or.

MS. SILBER: Okay.

MS. KEELEY: Had a determination of eligibility.

MR. SILBER: Okay. Thank you.

MS. BENSON: Anybody else wish to speak. Yes.

MR. CAPANO: Yes. I'm.

MS. BENSON: You have to come up so we can get you on the mike.

MR. CAPANO: Michael Capano. I went to a Board of Adjustment meeting that actually had this house on an application. And I just wanted to know what happened to the idea to rotate it? Was that just thrown out?

MR. BROOK: I think that's a different house.

MR. WILLIAMS: I don't own it.

MR. BROOK: That's a different house.

MR. WILLIAMS: It's not this house.

MS. BENSON: This is the house.

MR. CAPANO: Right. Right. I just saw the application and the name of the development I thought it was this one.

MS. BENSON: Yeah I think there are several Naudain houses.

MR. BROOK: Right. Thank you.

MS. BENSON: All right anybody else? We will be meeting on February 6th. Yes I know. I just wanted the applicant to know we will be meeting on this application on February 6th and we'll discuss it and vote on it then.

MR. WILLIAMS: Okay. And then you'll just send me a letter or something.

MS. BENSON: Yes or you can be here to hear.

MR. WILLIAMS: Okay. All right.

MS. BENSON: Now was there someone else. I saw a hand up.

MR. PEARCE: Talk to you guys.

MR. BROOK: Yeah I think you heard some of the things that we were interested in receiving.

MR. PEARCE: Okay.

MR. BROOK: For more information about what's wrong with the property.

MR. PEARCE: Okay. I can certainly help you with that.

MR. BROOK: It would be good if somebody could give us an assessment who has particular knowledge about these kinds of things and do it in writing.

MR. PEARCE: Would you guys have any recommendations from a historic standpoint of where we could get any more background on the property from that aspect of it?

MR. WILLIAMS: Somebody who could.

MR. PEARCE: It sounds like it's been labeled but it's never been, you know, really researched.

MR. BROOK: I'm not asking you to do a deed search.

MR. PEARCE: Okay.

MR. BROOK: I'm asking you to tell me you say the property is in back shape. I want to know a little bit more about why it's in bad shape and what's wrong with it.

MR. PEARCE: Okay.

MS. BENSON: And the sooner we hear that then the sooner we can make a real decision.

MR. PEARCE: Okay.

MR. QUINN: And in conjunction with and whether or not it's in the Historic Register or not is there something that this you mentioned that we can do to show that whether it is or not. I mean because it sounds like there's a confusion with this actual house being even in that realm.

MS. BENSON: But we can find that out but I don't think there's a general confusion. I think that.

MR. PEARCE: It's been cleared up.

MS. BENSON: It's been cleared up.

MR. QUINN: Okay.

MR. PEARCE: Well thank you everyone for your time.

MS. BENSON: Thank you. We have one more item on the agenda.

MR. ROGERS: The final item on the agenda is Application 2017-17754, 740 Dutch Neck Road (North East of the intersection of E. Windmill Way and Dutch Neck Road), St. Georges Hundred. A Demolition Permit for a single family dwelling circa 1920.

MS. COLE DECARO: Hello.

MR. BROOK: Hello.

MS. COLE DECARO: I'm Kairsten Cole Decaro. This is Paul Davolos.

MR. BROOK: I'm sorry I didn't hear your name.

MS. COLE DECARO: Kairsten Cole Decaro. I'm here representing.

MR. BROOK: Cole Decaro.

MS. COLE DECARO: C O L E. My dad is the owner.

MR. BROOK: Okay.

MS. COLE DECARO: I have a brief handout. I don't know if you guys have this or not telling who owned the property when since our family did it. We are in I'd say a similar situation as Homer but I don't know that I can speak as well as he did.

MR. DAVOLOS: You want me to hand these out then.

MS. COLE DECARO: Yes I don't have enough of those for everybody.

MR. DAVOLOS: They can share.

MR. JOHNS: We have copies of that.

MS. COLE DECARO: Okay they do. All right. And then when I was getting ready today I realized that in the structural engineer's report there was no pictures of the house and I like to see what I'm talking about. So here's sort of exterior pictures that go along with everything.

MR. BROOK: Don't we have those?

MS. COLE DECARO: No. Your don't have those.

MR. DAVOLOS: There's some pictures in the structural engineer report and there's some additional ones.

MR. BROOK: Oh these are different.

MR. DAVOLOS: Yes.

MR. BROOK: Okay.

MS. COLE DECARO: So I think that we are in the process of requesting a demo permit because the house has been condemned by the County and it's unfit and unstable and I'll let Paul speak to that on the engineer report. Do you want me to go over this handout or have you all kind of looked at it and do you have any questions?

MS. BENSON: Is there anything we should highlight in the report?

MS. COLE DECARO: Um sort of and he spoke of the renters. We have had one renter since I think about 1998 or so, 1995 I think we had a caretaker and he was great for the first 15 years. Required to cut the grass, do repairs on the farmhouse, and he has not followed through on that commitment. We think he had some health issues and weren't really aware of it.

I think our biggest concern is that the house is so unstable and unsafe. The pictures that I sent there's a picture of the back of the house that has a wall. In about August the wall collapsed and so nobody should really go on the second floor any more.

MR. DAVOLOS: Yeah the structural engineer report is pretty self-explanatory. I mean you can see the significant damage throughout the whole house.

MS. COLE DECARO: And the one thing to highlight is the Port Penn Fire Department has come over with the Fire Marshal and he is willing to burn the house as a training exercise.

MS. BENSON: I want to be clear you said it has been condemned.

MS. COLE DECARO: It has been condemned by the County.

MR. DAVOLOS: Yes.

MS. COLE DECARO: And it says unsuitable for human habitation.

MS. BENSON: Thank you. Questions. Comments. John.

MR. BROOK: There might be a couple of things we'd like to have done if we approve the demolition.

MS. COLE DECARO: Okay.

MR. BROOK: Long before you have the fire company burn it down is to get it documented and to see if there are any historic sort of interesting materials in there that could be repurposed and saved for the future.

MS. COLE DECARO: Okay.

MR. BROOK: For other applications. And documentation is also measurements and photographs and who would help them with that? Matt would be the person.

MS. BENSON: Matt then I think could give them suggestions of people who can do that work.

MS. COLE DECARO: Okay. There are some old doors and stuff that I would love for somebody to have.

MR. BROOK: Well yeah and fixtures and all kinds of things like that are valuable.

MR. COLE DECARO: And would I be subject to any liability if someone is in the house and fall down then. I'm legitimately

concerned about that.

MS. BENSON: I understand that.

MR. DAVOLOS: Yes the floor moves when you walk in. The floor joist and everything a lot of them have separated from the termite damage. And I mean I advised the structural engineer when they were down there to take pictures not to go in. I mean he sat foot in there a little bit obviously to get some pictures and everything like that but it's pretty shaky. The one whole exterior wall is actually missing and the only thing holding it up is like a piece of a four by four and a make shift column. It's pretty unsafe.

MR. BROOK: Well that means that it might not be possible to do what I'm asking.

MR. DAVOLOS: Yeah.

MR. BROOK: I'd like that considered.

MR. DAVOLOS: Absolutely.

MS. BENSON: Barbara.

MS. SILBER: Yeah I have a question. I see you have a CRS form right here.

MR. DAVOLOS: Yes.

MS. SILBER: Is this is just the CRS form or was this tied to an evaluation?

MR. DAVOLOS: Just a CRS form.

MS. SILBER: So there was not a formal evaluation?

MR. DAVOLOS: No.

MS. SILBER: Okay. Thank you.

MS. ANDERSON: I have a question.

MS. BENSON: Yes Karen.

MS. ANDERSON: Is the demolition just for the house? I see there are some other structures on the property.

MS. COLE DECARO: Yes.

MR. DAVOLOS: Just for the house.

MS. ANDERSON: Okay.

MS. BENSON: Any one else? If not I want to thank the applicant. I want to ask if there is anyone from the audience who wishes to make comments in favor of this demolition application. Seeing no one raising their hand is there anyone who wishes to speak against it? Seeing no one thank you.

MS. COLE DECARO: Thank you.

MR. DAVOLOS: Thank you.

MR. BROOK: Thank you.

MS. BENSON: Thank you.

MR. DAVOLOS: For this historic documentation is it one of the only things that you want us to look into?

MR. BROOK: Well look into it. If it's not safe to do it then I mean to do that they would have to go into the property and measure and draw, you know, draw diagrams.

MR. DAVOLOS: I mean I wouldn't recommend it but they certainly can if they want to.

MR. BROOK: Well I don't know.

MR. JOHNS: You might want to make them sign a whole list of waivers.

MR. DAVOLOS: Yeah.

MR. JOHNS: In which case they might do it.

MS. COLE DECARO: Well is there any value to once it's burned.

I don't think our family has a blueprint or anything like that so.

MR. BROOK: I don't think there are blueprints to this. And I would be very surprised.

MS. BENSON: Thank you. We end the meeting with any public comments. Yes sir.

MS. DIPAOOLI: We would just like to share with the Board.

MS. BENSON: Come forward and give us your name for the record.

MR. DAVOLOS: Thank you.

MS. BENSON: Thank you.

MR. ROGERS: And I'd like to give a little preface. I ask them to come in today. They are not actually required to do a demolition permit for what they are doing but they want to bring forward and look for any information or pointers that the Board can provide on this issue.

MS. DIPAOOLI: And I also have a thumb drive of pictures.

MR. ROGERS: Yes.

MS. BENSON: Before you begin may we have your names for the record.

MR. STARK: My name is Frank Stark and we purchased a property on Lancaster Pike.

MS. DIPAOOLI: My name is Jennifer DiPaoli.

MR. STARK: My daughter Jennifer. And there's an old barn that's.

MR. BROOK: You said Lancaster Pike?

MR. STARK: Yes.

MS. DIPAOOLI: 4923 Lancaster Pike.

MR. STARK: 4923 Lancaster Pike. There's a barn there that has

three walls, no roof, and some of the walls have collapsed and there's stone laying around. I don't know which side it's the front wall facing Lancaster Pike that has a plague in it.

MS. DIPAOLO: A date stone.

MR. STARK: A date plague, date stone, 1832 by Moses Journey. And everybody says oh that thing needs to come down because it's dangerous. The stones are falling. Some of the walls have collapsed. When Jenn brings up the pictures you'll be able to see. My concern is I'd like to try to maybe keep part of the structure but make it safe. The back walls are collapsing pretty good. The front wall stands probably about 35 feet tall. Just a free standing wall of stone. No real block work. Masonry work. It's just all double stone work on both sides of the.

MR. BROOK: Is it this dangerous?

MR. STARK: When you see pictures it's very dangerous.

MR. BROOK: Yeah.

MR. STARK: My thought was lowering that wall probably to maybe like 15 feet.

MR. BROOK: That sounds dangerous too.

MR. STARK: Not with the right people.

MR. BROOK: Okay.

MR. STARK: I've been in this, I've been in the stone business. I mean taking with lifts, taking, you know, stones at a time not just pushing them over.

MR. BROOK: Okay. All right.

MR. STARK: The other walls are pretty bad. They could be just pushed over with a back hoe with a safe, in a safe manner because

they are probably about 12, 13 feet tall. And then most of the debris is still laying on this property around it.

MR. BROOK: Is it field stone or cut stone?

MR. STARK: It's a granite stone. It's a gray granite stone mixed with some brown stone.

MS. DIPAOOLI: The property itself is listed as an additional structure to something that is listed on the National Register. The actual barn walls have been ruined for years. We want to reduce the height to keep it safe. Move the date stone down to preserve the historical aspect of it and repurpose the stone that has been basically crumbling laying on the grass on a home that will be built on the property.

MR. STARK: There are some nice features in the front of the stone at the front of the wall. It does have three arches in this wall with like a brick walk archway.

MR. BROOK: Do you have pictures of that?

MS. DIPAOOLI: I do on the thumb drive.

MR. STARK: And then restore fixing up the doors and maybe even putting in some lighting in front of the doors. So from the road it still has some type of a.

MR. BROOK: What function would it serve?

MR. STARK: There is no, there really is no function but.

MR. BROOK: Like a sunken garden.

MR. STARK: Historic. Pardon.

MR. BROOK: Like a sunken garden.

MR. STARK: Not really. It goes inside of the barn where the barn had the interior part it's just all grass and some trees have

fallen over. Some of the branches.

MR. ROGERS: This right here.

MS. DIPAOLO: Yes that right there.

MR. BROOK: Oh okay.

MS. BENSON: Some of you who were on the Board will remember to the far right there is a small building attached to a larger building and that was the tavern.

MR. STARK: That was the tavern. And there is a four mile marker on that. I believe that part is the historic part of.

MS. DIPAOLO: That's what is actually listed.

MR. BROOK: Right.

MR. STARK: And the gentleman did build a house and attached it to this existing tavern.

MS. DIPAOLO: Which is that house right there.

MR. BROOK: Is this the Springer or the?

MS. BENSON: Yes Springer Tavern.

MR. BROOK: Yeah okay.

MR. STARK: And that's why I didn't really want to take down the front wall. I wanted to keep it. I wanted to make it safe.

MR. BROOK: Will you tell me where that barn is in relation to the tavern?

MR. STARK: It's right next to it.

MS. DIPAOLO: The tavern.

MR. JOHNS: Right there. It's the.

MS. DIPAOLO: It's basically right behind these trees.

MR. STARK: That's it right there. Yes.

MR. BROOK: Oh.

MR. JOHNS: You can see that portion of the stone.

MR. BROOK: Oh okay. All right.

MS. DIPAOOLI: The mile marker is right there and then this is also what we are, our attempt is to reduce this wall, move the date stone which is up at the top down to a lower portion and then do landscaping and lighting to accent the doors. You have the actual drawing correct?

MR. STARK: Well I did a scale drawing of what we'd like to do. I don't know if you have that on there Jenn.

MS. DIPAOOLI: I do.

MR. STARK: There's a sidewalk. There's some space here. Grass space. Then there's another stone wall which is about a three foot wall in front of this sidewalk which is really nice. Also I'd like to keep that and clean it up. It's got all ivy growing over it. But this is the front wall of the arches. And this wall does have a return to it. Approximately I think it was a 20 feet return. Leave this. Leave this. Just lower the elevation because like I said it's probably about 35 feet and the back section is really ruined. You can really see it.

MR. BROOK: What is the back?

MS. DIPAOOLI: It's all stone.

MR. STARK: It's all stone.

MR. BROOK: All stone.

MR. STARK: There were some windows in there that the windows have decayed.

MR. BROOK: How high is this wall?

MR. STARK: That wall is about 10, 12 feet.

MR. BROOK: Oh it is.

MR. STARK: Most of that wall has fallen and there's stone still like the other gentleman that had the property.

MS. DIPAOLO: Lancaster Pike is on the left side of the drawing.

MR. STARK: This is Lancaster Pike here.

MS. DIPAOLO: So this part is actually viewed from Lancaster Pike will stay and be reduced to a safe height. We've already met with.

MR. STARK: This wall is a shorter wall. The back wall that's collapsed is actually 65 feet long and it does go all the way down to.

MS. DIPAOLO: So that's an example of what it would look like.

MR. STARK: Within about eight feet from the road. Stone Barn Lane. So it's pretty close to there and it could fall into the street. It could do some damage. Taking it down and leaving this section some people just say take it all down but I really like the look of this.

MR. BROOK: Yes.

MR. STARK: You know, the historic. I like having the sign having that 1832 it's just.

MR. BROOK: Okay. All right. And then where would you build a house?

MR. STARK: Well the property goes from here down to the other end where the other end of the property is. It's 300 feet deep.

MR. BROOK: Okay.

MR. STARK: And it's a 100, I'm sorry 308, 300 feet wide and a

188 feet deep. So the other gentleman that had the property wanted to put three home sites there. There are two laterals on the property so it laterals there's water there. I don't believe there's any gas or there's gas right at the corner right up at this corner right here on the bumper on the sidewalk.

MR. BROOK: Okay.

MR. STARK: Where the sidewalk is there's gas here. He had the property and I don't know he didn't do anything with it. His wife got transferred. And I think they live in Maryland and he sold the property. And I want to build two, excuse me I want to build two houses.

MR. BROOK: Two houses.

MR. STARK: Two houses.

MR. BROOK: One for my daughter and one for myself.

MS. ANDERSON: This drawing was existing. Is that correct?

MR. STARK: This drawing here?

MS. ANDERSON: Yeah.

MR. STARK: No. I did this drawing.

MS. ANDERSON: That drawing right there.

MR. STARK: Right now the engineer, there's engineers.

MS. DIPAOOLI: Also a structural engineer.

MR. STARK: A structural engineer looking, is going to look at it to give me a little bit more of an idea of what he thinks. I've been in the stone and marble business for 45 years. I think we can take this wall down very gently and lower it down to a safe level. If you saw some of the pictures there's branches growing out of the stone on the pile which are growing and loosening up and then

falling. So that's why we brought it to the Board to receive maybe any recommendations or anything else.

MR. BROOK: So to be clear is to leave this as an architectural monument.

MR. STARK: A little bit. Just this one section a little bit and a safer, a much safer.

MR. BROOK: Your going to save the corner store?

MR. STARK: Yes. The date stone.

MR. BROOK: All right.

MS. BENSON: Barbara.

MS. SILBER: Yes. Sorry. Just to clarify right now the actual height of the wall from surface is.

MR. STARK: Is 35 feet.

MS. SILBER: About 35 feet.

MR. STARK: To the top of the peak.

MS. SILBER: Right. And it's not level at the top right?

MR. STARK: No.

MS. SILBER: It's irregular.

MR. STARK: Well the barn did probably at one time did have like a roof structure to it.

MS. SILBER: But it's irregular the heights of the.

MR. STARK: All broken up.

MS. SILBER: Okay. So your thinking about.

MR. STARK: Lowering.

MS. SILBER: Your envisioning where that is is that a telephone line or something?

MR. STARK: Correct.

MS. SILBER: Possibly.

MR. STARK: Well no a little bit lower then that. Maybe about 15 feet, 10 or feet above the arches. Fix the doors. Redo them nicely. They are getting looked at and everything. Maybe put some lighting in there. Clearing some of this brush and ivy and stuff and just making it nice and presentable. My house would be behind this probably about I think it's 30 feet behind us so there would be a nice distance away from that.

MS. SILBER: Right.

MR. STARK: Not that if anything ever did fall later which I doubt because once I do take the wall down I would like to cap the wall at the top.

MS. SILBER: Good.

MR. STARK: Because most of it is with weather and rain, rain and frost getting up in there. You know, it absorbs, that cement just absorbs them and freezes and stones are falling little by little. And eventually the back wall.

MS. DIPAOOLI: There's actually piles in the back which you can see here in these pictures where the stone did fall.

MR. BROOK: Okay. And your going to use that stone.

MS. DIPAOOLI: On my property yes.

MR. JOHNS: Would your new house be within the footprint of the barn?

MR. STARK: Not really. Not really. This area here about 43 feet I think from here from this part here my house is going to maybe about 40 feet on this part here.

MR. JOHNS: So you might be into where that wall that you want

to tear down is?

MR. STARK: I could be. Maybe not because there's still a lot of land there. There's still a lot of area. If we got, when we go through the subdivision which will take time and they are doing that now they are doing the lines and grades I could probably instead of giving Jennifer a lot that's a 140 feet I could give her a lot that's maybe 120 feet wide and still be in the safe zone.

MR. JOHNS: What we've seen done before is to knock the wall down to just a little bit above the grade to preserve the footprint of where the barn used to be.

MR. STARK: You mean even lower it to the arches?

. . . (Inaudible) . . . (Everybody talking at once) . . .

MS. DIPAOLO: This portion is actually the part that's crumbling.

MR. JOHNS: So I understand that. There's a foundation and there's stones coming out of the ground.

MR. STARK: Yes.

MR. JOHNS: So if you just cleaned it up and left this much coming up out of the ground it could be a nice garden feature. It could be a nice landscape feature.

MR. STARK: That part could be a garden.

MR. JOHNS: It could preserve the footprint of a structure. As a recommendation.

MR. STARK: That's a recommendation. That's not bad but as a safe feature just keeping this front.

MR. JOHNS: I'm not suggesting to leave anything that can fall over and create problems.

MS. DIPAOOLI: For this project we are looking to get a building permit on the actual wall and that's what we are going to submitting.

MR. BROOK: Right. And you are going to cap the wall?

MR. STARK: Cap the wall.

MR. BROOK: You also have to repoint the stone.

MR. STARK: Yes.

MS. DIPAOOLI: And keep the date stone.

MR. STARK: And keep the date stone.

MR. BROOK: Move it.

MS. DIPAOOLI: Move it down and keep it yes.

MR. BROOK: Okay.

MS. SILBER: I think you were talking about doing your wall and it would be a very short garden wall.

MR. STARK: Yeah so that's to protect the wall that's in the front really.

MS. SILBER: The front exactly correct.

MR. STARK: That front wall that's right along the sidewalk it's out of the ground about three feet.

MS. SILBER: Three feet.

MR. STARK: About three feet.

MS. SILBER: That's a good height. Yeah.

MR. JOHNS: Maybe it wouldn't be that high. Six feet would be a nice seat wall, you know.

MR. STARK: I gotcha. I understand.

MS. BENSON: Yes I mean I think that the Board very much appreciates that you have come for suggestions. Very few people

seem to really want suggestions from us about how to do something and it's nice to see somebody who is very interested in preserving this. As someone who drives by this all the time I love looking at it. And anything you can do I think to memorialize this.

MR. STARK: Again we are talking about we are going to use the stone.

MS. BENSON: Yes.

MR. STARK: For the house.

MS. BENSON: And I think Mr. Johns' idea of a basic frame work of stones to show the size of it and a garden would be lovely. But you have to be guided by what is practical there.

MR. STARK: Okay.

MS. BENSON: And safe.

MS. ANDERSON: Yeah I think, you know, it's nice because that you recognize that this is something that makes your property very unique. You know, you have this thing that is really sort of cool.

MR. STARK: Yes.

MS. ANDERSON: And so what by doing that and you incorporating it into sort of your property sighting it's nice because it sort of shows that that this property we are just another generation that is now making this a home.

MR. STARK: Absolutely.

MS. ANDERSON: And so I like that. You know, and that's one of the reasons I think that they suggested this sort of foundation with a little bit of a garden because so when you look at your property you can visualize yourself how big that barn really was at one point, you know, so.

MR. STARK: Once the lines and grades are done and then I do have the blueprints of the house so the engineer could almost, he can pretty much, they are out there taking points now of everything of the barn and the property. My suggestion is if we do end up dropping this down to like a safe level like the wall three feet or whatever there are windows on this back wall which are probably that back window maybe about five feet out of the ground where the window was where there was a board and it has collapsed now. But seeing how and going over it with them. See how the engineer plans on placing my house, how close, and where to move it to with like I said if we need to take an extra 10 feet from Jenn's property from that 105. I gave her about a 100, I'm thinking in my mind give her about a 140 feet, maybe 130, that shifts me down an extra 10 feet, leave that. Because in this area right here although trees and stuff have fallen in there this is all grass. This is all like grassy area because there's no flooring in it or anything. So I could leave that just the way it is and not touch that pretty much.

MS. BENSON: Good.

MR. STARK: Unless the engineer comes with some paperwork and saying no this thing is really dangerous. I don't know what he is going to say about the front wall. Me being in the business, the construction business for 45 years being a stone mason, a tile setter, and in the tile business for many years I would love to preserve that and repoint it. So taking it down even if it was 10 feet above the arches, you know, I would like that. I would like to, you know, have that.

MR. BROOK: I think if it was done well it would be an

enhancement to your property.

MR. STARK: Absolutely. Absolutely.

MS. BENSON: It would be an architectural remnant for people driving by.

MR. STARK: And then I don't know as far as where it stands like on the Historic Board, you know, looking at it and what the County feels if they, you know, come up with some kind of idea and say look we'll give you the permit to do this and to do, you know, to take that down or leave it up. We'd like to see it up. And then we'll see what the engineer says. I'm supposed to meet with the structural engineer on Friday. He couldn't make it any earlier. He's pretty busy so.

MS. BENSON: I think you now have a sense of what the Board thinks about it. We applaud you for trying.

MR. STARK: Thank you.

MR. ROGERS: And the good thing is you will have an opportunity when you are going to subdivide the lot.

MR. STARK: Yes.

MR. ROGERS: To bring back, when you come back into that this they'll have a review because it's an historic property. It's not an overlay but they will still get an opportunity to see it and that will be a great opportunity bringing in what the finished product is.

MR. STARK: Yes. Absolutely.

MS. BENSON: Thank you very much.

MR. BROOK: Thank you very much.

MS. BENSON: Thank you very much. Is there any other public

comment? Is there a motion to adjourn?

MR. BROOK: I move we adjourn.

MS. ANDERSON: Second.

MS. BENSON: All in favor.

. . . (Everybody said aye) . . .

MS. BENSON: Motion carries. Thank you. Good luck. (Whereupon this hearing was concluded at 6:11 p.m.).