

City of New Castle Board of Building Appeals

**Community Room - 1 Municipal Blvd.
New Castle, DE 19720**

Tuesday, November 16, 2021 – 6:30 p.m.

Present: Mayor Michael J. Quaranta
Daniel R. Losco, Esq., City Solicitor
David J. Athey, City Engineer

Also Present: Jeff Bergstrom, City Building Official

The hearing was called to order at 6:32 p.m. Mayor Quaranta presided.

Mayor Quaranta noted for the Record that the Board is meeting in the Community Room, 1 Municipal Boulevard, New Castle Delaware.

Mayor Quaranta read the Notice of Public Hearing for three properties, each seeking a one-time waiver of registration fee of vacant property pursuant to City Code §141.19F.

- 16 West 10th Street, New Castle, Delaware 19720 - 21-014.00-261 - Gladys Clark
- 148 Casimir Drive, New Castle, Delaware 19720 - 21-007.00-092 – Joseph Nicotra
- 211 Baldt Avenue, New Castle, Delaware 19720 - 21-007.00-239 – Lisa Smith

Mayor Quaranta stated his appreciation for residents making investments in their properties and that the goal is to have better neighborhoods in New Castle. The Mayor explained how the meeting would progress for the benefit of all Applicants.

Karla-Dee Clark, Joseph Nicotra, Chris Smith and Lisa Smith were all sworn in by Mr. Losco.

16 West 10th Street – Gladys Clark

Ms. Carla-Dee Clark appeared to testify before the Board. Mr. Bergstrom stated that the property is vacant and Ms. Gladys Clark passed away last year. The property is being maintained and does not pose a negative externality in the community.

Under questioning from Mr. Losco, Mr. Bergstrom testified that:

- The property has been vacant since 2016.
- The date of vacancy was established when utility use dropped to zero.
- No vacant property registrations have been filed since 2016.

Ms. Clark explained why she was late to the meeting and apologized to the Board. She stated that she inherited the property from her mother and her goal is to renovate the inside of the house in order to put it on the rental market. In August 2021 she invested \$7,500 to maintain and clear the yard and surrounding grounds. Ms. Clark stated that she plans to do renovation to the inside of the house and is requesting nine months to complete the necessary work. She noted that she is currently looking for a contractor and is concerned about supply-chain issues.

In response to a question from Mr. Losco, Ms. Clark stated that the internal renovations include:

- Painting all the rooms.
- Renovate the kitchen with new appliances and cabinets.
- New washer and dryer.
- Upgrade the rooms.
- Address plumbing issues of major leaks in the upstairs bathroom and kitchen.

In response to a question from Mr. Losco, Ms. Clark explained that her mother (Gladys Clark) passed away in 2019. Mr. Losco asked what efforts have been made to make the property habitable. Ms. Clark explained that her mother's passing was very difficult, and with two young children and a very demanding job as a Federal Prosecutor in Washington D.C., it was very challenging to accomplish much. She stated that she had planned to start renovations sooner, but then the pandemic hit and both Delaware and Virginia imposed travel restrictions. Ms. Clark stated that she started creating a plan and a timeline for renovations during the summer of 2021. She expressed that she is still concerned about supply-chain issues.

Mr. Bergstrom stated he concurred with the length of time it is taking to get things done and with supply-chain issues, and recommended that the Board look favorably on the Application.

A Motion to close the hearing on 16 West 10th Street was made, seconded and unanimously carried.

Discussion

Mayor Quaranta stated that it would be reasonable for the Applicant to engage a contractor and order materials by January 31, 2022. He noted that supply-chain issues are healing. The Mayor also stated that he would be willing to give an extension to June 30, 2022, to complete all renovations.

In response to a question from Mr. Athey, Mayor Quaranta stated his view is to grant a one-time waiver providing there is a plan, that contracts are signed and materials are ordered by January 31, 2021, and that all work is completed by June 30, 2022.

Mr. Athey stated the Code states "demonstrates with satisfactory proof", and opined that the Mayor is, in essence, giving the Applicant time to demonstrate proof. Mayor Quaranta responded that considering the fact that we are coming out of a pandemic and there are still supply-chain issues, he is willing to be more lenient and grant the Applicant time to get the property into the rental market. Mr. Athey stated he was agreeable with the Mayor's proposal.

Mr. Losco opined that the language of the Ordinance is problematic: "demonstrates with satisfactory proof that you are actively and continuously in the process of demolition, rehab, or other substantial repair". He stated the testimony is evidence, but expressed his concern about the lack of activity since the August timeframe when the grounds were maintained. He stated his understanding that the pandemic and supply-chain issues are a factor, but opined that most of the renovation is painting and minor repairs (appliances, cabinets, plumbing), and that kind of work should not take nine months. He further stated that the main concern is the lack of action since August. Mr. Losco summarized that he would not interfere with the collective judgment of the Board, and is inclined to grant an extension to June 30, 2022. Mayor Quaranta stated that under normal circumstances, the project should take 60-90 days

Mr. Athey made a Motion to grant a one-time waiver of the vacant building registration fee for the subject property for a time period to June 30, 2022, conditioned upon the Applicant providing demonstrated proof to the Building Official of a contractor being hired and materials being ordered by January 31, 2022. The Motion was seconded and on vote was unanimously carried.

Mr. Bergstrom noted that he can provide Ms. Clark with a list of contractors.

Ms. Clark thanked the Board, and noted that she had not received written notice of the Hearing and asked for a copy of the written notice. Mr. Bergstrom explained that written notice of the meeting was

inadvertently not sent out and that he phoned all the Applicants to inform them of the date and time of the Hearing. Mayor Quaranta thanked Ms. Clark for informing the Board of the misstep and apologized to all the Applicants. He stated the process would be refined to ensure timely notification is sent out to Applicants going forward.

148 Casimir Drive – Joseph Nicotra

Mr. Nicotra appeared to testify before the Board. Mr. Nicotra asked if the vacant property fee was new, and Mr. Losco explained that there has always been a vacant property registration fee; however, it was recently modified to create the Appellate Process to adjust the fees being charged and the Board of Building Appeals was set up to hear appeals of people who were in the process of rehabbing properties. Mr. Nicotra noted that his tenant notified him of the Hearing.

Mr. Bergstrom stated the property became vacant on March 1, 2019, and the property is in good condition. Mr. Losco noted that the property must not be currently vacant and Mr. Nicotra explained that the property was rented on August 5, 2021, but had previously been vacant since March 1, 2019. According to Mr. Nicotra's Application, he filed a vacant property application on November 8, 2019, but was not aware that he had to refile. Mr. Bergstrom stated there are no issues with either the exterior or interior of the premises.

Mr. Nicotra explained that the previous tenant turned off the gas and refused access to the premises for Delmarva Power to run a new gas line to the property. After he evicted the tenant, there was a delay for Delmarva to run a gas line to the property. In the interim Mr. Nicotra had a new roof and new patio installed. He stated that the tenant did considerable damage to the kitchen and bathroom that needed to be fixed before he could rent the property. After the gas, heater and air conditioning were all hooked up he had difficulty finding a contractor, noting that many contractors were unable to find qualified employees. Mr. Nicotra added that while the property was vacant he continued to have the grounds maintained.

Mr. Bergstrom added that he was compelled to cite Mr. Nicotra because of the length of time the property was vacant. Mayor Quaranta briefly explained the purpose of the Ordinance and how vacant properties affect the City.

In response to a question from Mr. Losco, Mr. Nicotra stated the property had been empty from March 1, 2019 to August 5, 2021. Mr. Losco clarified Mr. Nicotra's testimony regarding his challenges with contractors and work being done.

Mr. Athey asked if a substantial amount of the work described was done under a Building Permit, and Mr. Bergstrom stated all necessary permits were acquired.

Public Comment

Mr. Phil Gross asked why a vacant property registration is necessary if the property is not vacant. Mayor Quaranta suggested that Mr. Gross discuss that issue with Mr. Bergstrom off-line.

Mr. Losco made a Motion to close the Hearing on 148 Casimir Drive. The Motion was seconded and unanimously carried.

Discussion

Mr. Losco stated that the property is occupied and recommended that the case be dismissed. Mr. Athey stated he concurred with Mr. Losco's statement.

Mr. Losco made a Motion to dismiss the case. The Motion was seconded and unanimously carried.

211 Baldt Avenue – Lisa M. Smith

Mr. Chris Smith appeared for the Applicant to testify before the Board.

Mr. Bergstrom explained he noticed the house was vacant when utilities were cut. The owners are making progress with the exterior and have discussed interior work with Mr. Bergstrom. Contractors have been employed and applicable Building Permits have been issued.

Mr. Smith stated the house was willed to his wife in 2013. He is currently working with Stuart Thomas of Thomas Brothers on the interior of the house. Mr. Smith noted that Mr. Thomas has experienced employee and supply-chain issues. Additionally, Mr. Thomas and Mr. and Mrs. Smith all had Covid and they were unable to work on the house for approximately 5 months. The goal is to put the property on the market for sale as soon as possible. New siding and a new roof were installed in September. Mr. Smith opined that all renovations should be complete by summer 2022. He noted that the house was built in 1925 and many upgrades need to be done.

Mayor Quaranta expressed his appreciation to Mr. and Mrs. Smith for investing in the property and remodeling an old house. He stated he would recommend approving a waiver conditioned on the Applicant formalizing a plan and providing all information to the Building Official by January 31, 2022, and have all renovations completed by June 30, 2022.

Mr. Losco opined that the January 31, 2022 status report is unnecessary because the Applicants have a contractor and Building Permits have been obtained. He noted that work needs to be continuous in order to complete renovations. Mr. Losco stated he would be in favor of granting the Applicant seven months to complete the project.

Mayor Quaranta expressed his concern with the project moving forward and reiterated his opinion that notification of materials being ordered and a formalized plan be submitted to the Building Official by January 31, 2022.

Mr. Athey concurred with Mayor Quaranta in granting a waiver conditioned on proof of satisfactory proof by January 31, 2022.

Mayor Quaranta made a Motion to adjourn the Hearing on 211 Baldt Avenue. The Motion was seconded and unanimously carried.

Discussion

Mayor Quaranta stated the right strategy going forward is to waive the penalty.

Mr. Losco made a Motion to grant a one-time waiver of the annual vacant building registration fee conditioned upon the Applicant providing a status report to the Building Official by January 31, 2022, confirming all materials have been ordered and providing the scope of work remaining to be done, with the extension to expire on June 30, 2022. The Motion was seconded and unanimously carried.

There being no further business to discuss, Mayor Quaranta called for a Motion to adjourn.

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Mr. Athey made a Motion to adjourn. The Motion was seconded and unanimously carried, and the Hearing adjourned at 7:27 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer