

HISTORIC AREA COMMISSION
New Castle Town Hall
2nd and Delaware Streets
September 12, 2019

Present: Laura Fontana, Chairperson
David Baldini
Marty Wright
Mark Chaump

Absent: Cynthia Batty

Also Present: Leila Hamroun, Architectural Consultant
Jeff Bergstrom, City Building Inspector

Ms. Fontana convened the meeting at 6:30 p.m. Roll call followed and a quorum to conduct business was declared.

Approval of the Minutes

Mr. Baldini noted a correction to page 5: Jo Brown should be Jo Moore.

Ms. Fontana asked for clarification under Approval of the Minutes of “asked if the Applicant for 113 The Strand was aware that he would have to get a Resolution from City Council to approve the minor encroachment”, noting that she believed the Applicant needed to get an “easement” and not a “Resolution”. Mr. Bergstrom explained that City Council cannot give an easement on a public right of way, but City Council did pass a Resolution stating they had no objection to his encroachment, and the Applicant received a Letter of No Objection from the City. Ms. Fontana asked that the July Minutes be amended to reflect “Letter of No Objection” instead of “Resolution” in all instances.

A Motion to approve the Minutes of the July 11, 2019, meeting, as amended, was made, seconded and unanimously carried.

Ms. Fontana noted that at the July Meeting, the Commissioners had a lengthy discussion on the requirements of submitting an Application to come before HAC. She stated that any Applicant who comes before HAC must have a completed Application as outlined in the Historic Area Guidelines as far as the Application Process and required documentation, or the Commission will not hear the Application. She added that the process and procedure will be further defined with the Building and Code Secretary to ensure that incomplete Applications are not added to the Agenda.

Ms. Fontana also noted even last-minute consultation requests are required to have all applicable documentation to ensure that the Historic Area Commission can make the best recommendation. Mr. Wright questioned if consultations should be required to comply with the documentation requirement, and Ms. Hamroun explained that if an applicant has general questions, either she or Mr. Bergstrom can have a preliminary conversation with

the Applicant to determine if a formal Application needs to be filed or if the issue can be handled as a Tier 1. If a consultation does come before HAC for an informal review without all documentation, an informed conversation with the Commissioners cannot be held. Ms. Fontana noted that if a consultation is on the Agenda without the requisite documentation, the Commissioners do not have the opportunity to familiarize themselves with the substance of the matter and properly prepare for the meeting.

CONSULTATION

157 East 2nd Street – Bernadette Ruf

Ms. Ruf advised that she requested a consultation and provided the materials, and that she did discuss the matter with Mr. Bergstrom.

OLD APPLICATIONS

31 West 4th Street – Jo Moore

Ms. Fontana noted that this application was heard in July, and at the July meeting a very specific Motion that “the Application with Marvin wood windows included in the Application as presented, no Anderson 400 series windows” was made, seconded and passed unanimously.

Ms. Moore explained that she wished to replace four windows on the 3rd floor of her home with Renewal by Anderson that would match the existing windows. She did research and spoke with neighbors who have been approved to replace windows in their homes with Renewal by Anderson windows. Ms. Fontana explained that the application that came forward still states “Anderson 400 series”, and that a new application is required if the materials have changed. Ms. Moore explained that when she went to Town Hall, she was not advised to submit a new application indicating the change in materials, but was only told her application needed to be added to the Agenda. Ms. Hamroun explained that the 400 series vinyl clad windows are not appropriate and asked if Ms. Moore wished to use another window. Ms. Moore stated that the Renewal by Anderson window is wood with a resin polymer made of pine or fir, so it is a wood product; and she reiterated that she would have submitted a new application with the change of materials if she knew that was a requirement. She added that neighbors have been approved to replace windows with Renewal by Anderson. After discussion it was recommended that a new application be filed with the change of materials to Renewal by Anderson, which would be a Tier 1 decision.

Ms. Fontana stated that since the Commission made a Motion at the July meeting stating that Anderson 400 windows are not an approved replacement window, the only action required was for the Commission to instruct the homeowner of 31 West 4th Street to file a new application stating Renewal by Anderson as the intended replacement product.

Ms. Fontana recommended that Ms. Moore attach a cut sheet and the quote for the Renewal by Anderson product with the application. Ms. Hamroun added that the requested

documentation will allow the application to be reviewed as Tier 1 and Ms. Moore will not be required to come before HAC for approval.

Ms. Moore asked if she would need to appear before HAC again in order to replace other windows, and Ms. Hamroun advised that she and/or Mr. Bergstrom can review her request and provide advice on the parameters on what can and cannot be done.

NEW APPLICATIONS

158 East 3rd Street - Timeless Finds, LLC

Mr. Joe Hollis came forward with regard to a request for a remodel of the upper level of the property. Ms. Fontana explained that the Application submitted does not contain all the necessary documentation for the Commission to review and make a determination on the request. She recommended that Mr. Hollis review the Historic Area Guidelines on the City website. Mr. Bergstrom explained that the Application needs to show elevations, include drawings and explain what is intended in order to ensure that all structural requirements are met. He added that the Application included sketches; however they are not sufficient. Ms. Hamroun explained that the required documentation includes: detailed plans, scale drawings, photographs of the existing conditions, photographs of the adjacent properties, and a list of all materials. Ms. Hamroun suggested that Mr. Hollis reach out to either her or Mr. Bergstrom for guidance.

After discussion, it was agreed that the Application as presented should be denied and a new Application submitted.

A Motion to deny the Application was made and seconded.

Mr. Wright added that the Applicant has been instructed to submit a new Application with all required documentation.

The Motion was unanimously approved.

MISCELLANEOUS

Delaware Street Project

Mr. Wright stated that he attended the last City Council meeting, and there was a lengthy discussion on the Delaware Street project. He wanted to make the Commission aware that the City Solicitor has stated to City Council that the project does not need to be discussed with HAC. Mr. Wright learned that they had discussed the project with Ms. Hamroun; however he did not believe she was aware that it was presented as a safety issue. Mr. Wright stated it is not a safety issue and HAC has a duty and responsibility to protect the streetscape. He added that he felt the Commissioners should have a discussion and at a minimum make a recommendation to City Council as to their opinion.

Ms. Fontana noted that another City Council meeting on the project is scheduled for Monday, September 16, 2019, and that they have made some changes to the original designs. Mr. Wright added that it is his understanding City Council has taken any plan for widening Delaware Street between 2nd Street and the Wharf off the table; however, two

important aspects are still under consideration: (1) bump-outs and (2) crosswalks. He recommended Commissioners discuss what they deem appropriate. He explained that there are three options of crosswalks: (1) piano keys (aka zebra stripes) which is preferred by the State; (2) simulated brick using thermoplastic; and (3) real brick. He added there is a significant difference in cost between Nos. 1 and 3.

Ms. Fontana asked if the issue is not safety, whether it was water management, and Mr. Baldini stated it was both safety and water management. Relative to the safety issue, statistics based on last 10 years have been quoted, which is close to zero. However, looking forward, there are more bicycles in town due to the Markel Trail; there are more pedestrians; more cars; and potentially more tourists. All of these are elements of safety; however, historic preservation must also be considered and should be reviewed in concert with safety. Mr. Baldini added that bump-outs are an environmental issue. While it has been discussed that their depth is not adequate at the current time, environmental requirements will become more stringent in the future. Installing bump-outs now will be more economical; however, they must also be looked at in concert with historic preservation. The historical preservation aspect is being lost in the current discussions. It is important to put the safety and environmental issues in balance with historic preservation.

Mr. Wright suggested discussing crosswalks first and expressed his opinion that crosswalks are generally ignored by pedestrians and drivers, even when there is a sign stating that Delaware law requires you to stop for pedestrians in the crosswalk. He opined there is no need to spend extra money on crosswalks.

Ms. Hamroun interjected a point of procedure that the HAC meeting is a public meeting, and a discussion of the Delaware Street project was not on the Agenda. She added that this project could potentially come before HAC and there may be questions about the appropriateness of the Commissioners holding a detailed conversation within the format of a meeting where the topic was not on the Agenda. She added that if there is going to be a public meeting where it is the acknowledged topic people would have the opportunity to attend and hear discussion about certain topical issues and preferred approaches.

Mr. Wright stated that although Ms. Hamroun had a valid point, he is concerned that the City Solicitor has already stated to City Council that they do not need to go before HAC. It was reiterated that City Council will hold a meeting on the topic on Monday, September 16, 2019, and it was suggested that the September 16, 2019, meeting would be the better forum to have this conversation. After discussion, the Commissioners were encouraged to attend the September 16, 2019, meeting to get more insight and have an opportunity to speak with the City Solicitor, the City Administrator and City Council President. Ms. Hamroun reiterated her opinion of the appropriateness of holding a discussion of a topic that was not on the Agenda that could potentially come before HAC in the future.

Ms. Fontana stated that Mr. Wright's initial comments were appropriate, and reiterated her encouragement that all Commissioners attend the September 16, 2019, meeting. Mr. Wright asked if their attendance would be as individuals in a subsidiary role or as unified representatives of HAC in an active role. Mr. Wright added his view that someone from HAC should attend the meeting to represent the opinion of HAC proactively to City Council. Ms. Fontana stated that she had intended to ask the City Solicitor why he felt there was no historic preservation aspect of the project that should come in front of HAC. She also wanted to see the design. Mr. Bergstrom asked if the Commissioners had seen the letter from the Historical Preservation Office, and the Commissioners advised they had not. Mr. Bergstrom will email the letter to each of the Commissioners.

Mr. Wright restated that it was the intent to attend the September 16, 2019, meeting as individuals and that HAC would not be represented as a position, and Ms. Fontana confirmed his understanding. Mr. Wright expressed his disagreement. Ms. Fontana stated that she wanted to get more information, have her questions answered, and see the design in order to formulate a better opinion about the project.

Mr. Wright made a Motion that the Commissioners take a position as HAC and represent themselves as HAC at the meeting. The Motion was seconded. On vote:

Mr. Wright - Aye

Mr. Chaump - No

Ms. Fontana - No

Mr. Baldini - No

The Motion failed.

Mr. Baldini added that he wanted to read the letter from the Historical Preservation Office and review the planning. Ms. Fontana added that she needs more information to make a better decision. Mr. Baldini also stated that the Commission needs a collective conversation where HAC has a position and a rationale for the position. Ms. Fontana confirmed that there will be public comments at the September 16, 2019, meeting. Ms. Hamroun added that the project can be added to the October Agenda, and Ms. Fontana concurred that it could be included on the Agenda. Ms. Hamroun added that she is not saying the Commissioners should not discuss the project; however, she recommended that there is a conversation that looks at all the parameters because it is part of the Record. Mr. Chaump stated his agreement with Ms. Hamroun's recommendation to follow the correct procedure and that having the project on the October Agenda is the proper course.

There being no further business to discuss, Ms. Fontana called for a Motion to Adjourn.

A Motion to adjourn the meeting at 7:13 p.m. was made, seconded and unanimously approved.

Kathy Weirich
Stenographer