

Town of Milton
Historic Preservation Board
March 28, 2006

Members Present:

John Collier	Larry Savage	Marian Jones	Joan Martin-Brown
Paul Camenish	Matt Dotterer		
Town Employee:	Stephanie Coulbourne		

Historic Preservation Board

Chairman John Collier opened the meeting and introduced the first application:

- 1. We had an action last month that we tabled for an opinion from the town solicitor and this is in reference to the applicant John Booros, which is for an existing house at Broad Street, further identified by Sussex County tax map and parcel 2-35-14.1992.00 and it is located in the Historic Overlay District.*

We got the opinion from the town solicitor, Mr. Willard. 03/17/06 – in response to our March 8 memo. I believe the board should look at zoning ordinance article 9 non-conforming building use and lots. To the extent that this building is non-conforming, that is, it is within a restricted set back but is allowed because it is grand fathered. I believe this section applies. Specifically, I am attaching a copy of 9.02 and 9.03, which refers to extensions for that use and the standard of review. It goes on to say article 4.9.8 references the historic zoning also applies. It seems that the board of adjustment has significant discretions to deny or allow such an extension. It is my opinion that extending the setback encroachment for the first floor to the second floor is not something that is automatically allowed. On the contrary, the board of adjustment must review it and consider whether it impairs the value of the joint properties or adversely effects the character of the neighborhood. To go further, sections – 9.0.2 – any extension of a non-conforming use must conform to the provisions of this ordinance and it will not impair the value of adjoining properties or adversely effect the character of the neighborhood. 9.0.3 – no non-conforming use shall be enlarged, extended or increased during it's life to an extent exceeding 15% of its existing gross floor area or ? value 50% of the replacement cost of the building, which ever is greater. Unless said building or structure is changed to conform to the requirements of this ordinance. 4.9.8 – the criteria that applies says in reviewing the plans for construction, change or demolition the board of adjustment shall give consideration to the following: item 8 – other factors that the board of adjustment deems pertinent consistent with the use of the municipal code of the Town of Milton and the laws of the state of Delaware and the United States of America.

Mr. Booros, with what I have received from the town solicitor, you are probably going to have to apply for a variance. That is based on 9.0.3 that references you are increasing the floor by greater than 15%. It's about 26% for the increase. At the pleasure of the board, I will request that we give you the opportunity to apply for the variance and because it requires a public notice, we can't hear this immediately. We'll try to expedite it for the variance and for the historic preservation stuff at the same time. Unless someone on the board objects, I think that's what we need to do at this time. Is everyone in agreement? Yes. Mr. Booros asked for a transcript for the last month's meeting, he was told it would be online. We will supply you with the opinion of the town solicitor and also the specific

sections that he references. We can give you the minutes of last meeting after we have the signature approval. The minutes won't do him any good. I requested the information three weeks ago. I wanted them before I came to this meeting. Nothing can be released until this board approves it. It will take at least 1 week to get you the transcription of your information.

2. *The applicant, David Wolfe, is requesting a building permit to replace the existing 404 Union Street, asphalt shingles with metal roofing material on his home located at further identified by Sussex County tax map at parcel 2-35 14.19-43.01, which is also located in the Historic Overlay District.*

David Wolfe has been in the house approximately 10 years, has an asphalt shingle roof and we desire to put on a metal roof on it because we have seen a lot of them in the similar historic districts. The tin roof seem to go with the style of architecture we have, it's not original, but its meets from two different times. For your information, I walked the historic district from where it starts on Federal Street to where it ends on Union Street and there are 10, full metal roofs, in which 2 of them are probably original in character, the others are modern replacements and then there are 12 partials. I don't think that the idea of a metal roof is a problem. I would like a better description of whether its going to be standing seam, corrugated; it's exactly like the one in the picture that I showed you on the plan. Unless you say its going to be a corrugated roof, I don't have an objection. The color is not an issue but I'm curious, it will be tin. To me, it's acceptable material but the rest of the board has the opportunity to speak and ask questions.

The one up the street with the blue, is it going to be a similar design? Picture was shown. A description was given. Was there a reason that the replacement of a similar looking roof was discarded or not considered? We've had quite a few homes and we wanted a tin roof. We thought it was in keeping with the historical district. There wasn't any material problems or aesthetic issue for you, no. With this type of roof we hope to never have to put another one on. I realize the asphalt shingles are severely deteriorated.

Mary Hudson – 406 Union Street - My house is right next to that and I realize there are other homes with tin roofs and, personally, his personal preference, I really don't care for them. I don't think this house originally had a tin roof, it hasn't had one in the last 10 years and I think the home is very bright, while it might look appropriate on a porch I think when you consider he wants to cover the whole roof with it, facing east, you're going to have the glare on it, it's going to be, in my opinion, very bright, almost an eyesore and I have put a considerable amount of money into the house, \$7,000 for a new roof, I've had it re-painted twice, \$4,000 average each time, that's just for paint. While I don't want to have to put a new roof on my house either, but when you look at the other houses around it, they all have some type of wood shingles or architectural shingles, except down the street, think if you consider what 's going to happen when the sun hits that, historically, it's been on porches and it's been on smaller homes where workers put less money into a house. When you get these bigger homes where, for the most part, were owned by shopkeepers, captains, etc. who put more money into them, they didn't put a tin roof on. I think that color is going to scream at you when the sun hits it.

By ordinance, we cannot dictate to an applicant, a specific color, we can dictate materials and even the general look of the façade. I appreciate your feeling and maybe you can work out something with Mr. Wolfe independently of this board. An explanation to Ms. Hudson about what or what not the board can dictate.

Mr. Wolfe, the back of the house, with the slanted roof, it looks like the chimney, is that going to be tin? None of the back is going to be tin. Only the two existing in the front. The ones in back will be replaced? . One of the things, that is struggled with in terms of the cohesive look of adjacent properties fitting in, the issue is the materials and their appropriateness. Is there some possibility that you might want to reflect more on this before it's brought to conclusion? I have been waiting three months just to have this date. We've thought long about this.

I can't find a reason why the material submitted can't be used. It is my recommendation to accept the proposal. I second. We have a motion and a second. All in favor – "Aye", opposed, we have three in favor and one opposed. You have your roof as requested.

3. *The applicant, Richard Reed, is requesting a building permit to remove, to remodel the existing, overhead doors and individual entrances and uses the spaces for office, retail, on his property located at 113 Union Street, further identified by Sussex County tax map and parcel 2-3514.19-184.00, which is located in the historic overlay district. Just for the record, it is the old sausage and scrapple?. That's right.*

One thing that I want to make clear to you before you proceed is any recommendation that we make tonight, is conditional upon you getting a change of use from planning and zoning, because, at this time, our recommendation would not be binding nor would it give you the right to proceed until you have that change of use. All it does is eliminate you having to come back after you go to the planning and zoning. The next planning and zoning meeting is April 21.

I'm Richard Reed, what I'm proposing to do is convert the garage area and the existing area where the processing was done in the building to commercial space. I've had numerous calls inquiring about it, although I've not done anything about it, because I don't know the outcome of this yet. What I want you to do is look at the second page, ? is on my garage door, a couple of windows and the entry door with a transom on those four garage door openings, that would be the biggest change, with some added trim across the top of each of those doors and window combinations, there would be a sign for whoever the tenant would be, the existing siding on the front of the building is going to remain, I'm planning on just painting that, raised panels on each side of the door. The existing structure where the offices were of Milton Sausage and Scrapple nothing is going to change there. That's going to remain the same. On the side elevation, that ? drawing, that's showing the view if you were standing in the river, I was hoping to open that up and take advantage of that view. The roof is going to remain the same, although recoated. The siding you see on the A2 side elevation is a vinyl vertical siding that would simulate what is on the front of the building. I tried to carry that theme around to the back. A3 is an existing side elevation, nothing changes there, A4 the rear elevation, another garage door conversion to a entrance. I thought I might be able to take advantage of the ? bridge, maybe some ?. the windows would be added. They would be in the same area as the ? elevation above it. The masonry, I just plan on painting that on the back wall, I'll have to add a door in that wall from what I'm being told for safety issues, fire exit. The doors that you have represented on these forms. Are they going to look specifically like that door? Yes. What I want to use there is a smooth, fiberglass door, the grills will be in the air space, similar to what is on the existing office front. I plan on putting a light on each of the store fronts for the signage. I'm looking at one that looks

like an outside lamp. It would be the first unit next to the existing office space. The rendering shows a lamp in the drawing. Mr. Reed gave a description of what he was thinking about for the lighting.

I don't see anything too wrong with this, based on what is there, it's hard to visualize this look. To look at this, it certainly has an historic taste to it. Whether it is compatible with the rest of downtown, probably not, because everything downtown is eclectic. You're making good use of the space, making it look more of an asset. My thought in the back, I notice there is an easement across one property to get to the governor's walk, I don't know if there is across the other one. I don't know about the hardware and the restaurant, that might become an issue, you may want to explore that before you continue with that rear idea unless this is going to connect to something where you can set a deck out there or something. There is a flat roof on the garage part, it's a tar base on corrugated metal. Any other questions?

Do you have any plans for the apron in front of the existing shops? I haven't really entertained any ideas. Maybe just parking for the tenants. There is a parking requirement per our ordinances as well as talking to you about the foot print.

Any other questions? Would anyone like to look at the drawings? The front elevations, are they being converted to store fronts? Yes. There was a description of how many square feet per unit.

I make the recommendation to approve this with an understanding that it has to go before planning and zoning and that we don't have jurisdiction over whether cars are parked in front of this design, I second that. We have a recommendation and a second. All in favor say "Aye", opposed, none. You have our conditional recommendation.

4. *At 208 Chestnut Street, there was an approval granted for some work to be done and it has been noticed that it hasn't been quite the same as what we approved. The gentleman is here to speak to us. Victor Frush – what I have here is what we talked about at the meeting that you brought in for consideration and approval. I have your pictures. The two things are, one you presented this to be a continuous roof from building to building and it doesn't appear to be that in this picture. Second, there was a proposed gable end decoration and a circular eyebrow type window, doors that are in the rendering are not quite the same as what is on there, but the doors that are on there are very much in character as to what you brought to us for inspiration for us.*

The history with the drawings was that the night of the meeting was the first time I was also presented with these from the contractor, who was fired off the job for not following the architectural details that I had wanted and are handwritten in the drawing. Eventually, I kept asking him to show me the plans and go over it and he did not have plans in his truck, I called his wife and they promised to get me plans and that was five or six weeks the project was delayed. My original inspiration was the garage structure that I've always been a big fan of that has a big steeple. I didn't want a steeple, obviously, but that's what I wanted. When I received them on the night of the meeting, we went through the drawing and handwrote in changes that I expressed that I didn't want, that what you would see would not be something that I would desire. I never intended for it to go straight through because the property is so small it makes this huge elongated structure. My intentions were to add an arbor, that would bridge the structure, connect

them, but in a softer design and a more aesthetically pleasing. That tin roofing is nice, but straight across I think it would look like a garage gas station overhang. I have an arbor with plantings and I added some azaleas that would climb up and create the look that they are adjoined. The original plan with changes was signed by Mr. Frush that he agreed with the plan. If he decided along the way to change things, the procedure would have been to re-apply to the board and submit the change for board approval. After the fact doesn't weigh well with the board. I will recommend at this time, you will have to make another formal application to appear before this board with your presented changes that you would desire and then we will have to consider, based on your presentation. That should have happened tonight then, the committee says you have to make the formal application, if you had made the application you would have been on the agenda tonight for our approval. We need to find out what exactly is going on here because this is not what we thought we approved and it doesn't look like it. I understand you are only a part time resident and that's been a lot of the problem. Again, without a formal application I can't tell you this is ok to make the changes. There isn't a real penalty phase for this ordinance but it will be changed. Several letters have been written and the last response was that the building is not finished but it will be soon. It's obvious that it is occupied, the lights are on, so you got the electrical inspection, so somewhere along the line, I feel you were a little lax in taking care of business. My advice is to sit down, get a presentation together, give us real good reasons why we should allow you to make these changes after the fact. We will be glad to hear you at the meeting to make your presentation. One of the requirements once the project was done, you were to have an as built survey conducted, hire a surveyor, locate the building and place it on a plot plan with its relationship with the side line because there were some issues about that when we made this approval. We haven't seen that either. I went to my contractor, he hired a surveyor, he said that it was his recommendation that the survey be done before the building was built to make sure there weren't problems in the future. The surveyor came out and surveyed it, my contractor, who no longer works for me, didn't tell me who that was or give me any paperwork that goes with it. That's still going to be a requirement of this because you were so close to the sideline and we were concerned that you were going over a footprint that had been removed, we wanted to make sure that everything was done properly. Until I see something stamped and sealed, we have no guarantee that it was done.

Just for the record, I did come down twice to speak with Eric and unfortunately, twice he wasn't available. I left my phone number for him to call. I just wanted to let you know I wasn't diligent but I did try to physically establish communication.

Can we bring Mr. Booros' case back up, we will listen to you but it doesn't change the fact that based on the attorney's opinion, that it requires a variance. My problem is, had Mrs. Dotterer not brought the things to the board's attention, would that have been a question? The answer was that the variance had been thought of without anyone bringing it to the boards' attention. We have to listen to everyone's opinion. Mr. Dotterer is not on the board because he drew up the original prints. The original prints that Mr. Dotterer drew were 217 square feet and by what you are saying is that 15% would only be 144 square feet. My question is that if Mr. Dotterer's plan had not been brought up? This has nothing to do with Mr. Dotterer or Ms. Parker or anybody else. We are not influenced by anyone but the regulations.

Explanation was given as to the process that was told to Mr. Booros in the beginning of the meeting.

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