

**Town of Milton**  
**Historic Preservation Board**  
**April 25, 2006**

Members Present:

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

**Historic Preservation Board**

Chairman John Collier opened the meeting and introduced two new members of the board, Ms. Brenda Burns from Morris Avenue and Mr. Jack Vessels, from Mill Street.

John Collier - We are going to deviate from the printed agenda tonight because we have one thing that we need to resolve by ordinance first before we go into the actual meeting. We need to take care of the nomination of the chairman. I checked Roberts' Rules of Order and all it requires for a group this small is the nomination. No need for a second. The only other thing that has to be done is when everybody is satisfied with nominations, nominations will be closed. The floor is opened.

Joan Martin-Brown - Mr. Chairman, I would be please to re-nominate John Collier to continue as chair for this board of adjustment.

John Collier - Any other nomination? I move nominations be closed. Nominations have been moved and closed. There is a provision for the secretary of this board and what I would like to do, in speaking with the mayor, he would like a synopsis in addition to the total minutes and the code enforcers report. The synopsis basically gives him the action heard, the decision and the basis for the decision without all the other things. I am going to open nominations for secretary. I nominate Marian Jones.

Joan Martin-Brown - Motion to close nominations. Mr. Chairman, for the record, the synopsis is particularly important because these transcripts go on interminately and Stephanie has about 8 of them and they are supposed to be transcribed and it's a very problematic task so if we have it on tape and a descent synopsis, we can make those records of our meeting quickly and maybe lessen the workload for the town.

John Collier read application:

1. *The applicant, Loblolly L.L.C. is requesting a demolition permit for the razing of the building located at 204 Union Street and 206 union Street further identified by Sussex County Tax Map and Parcel number 2-35 14.19.100.00 and 2-35 14.19-101.00, which is located in the historic overlay district.*

My name is John Hopkins, I am here on behalf of Loblolly L.L.C. The building across the street is the old Lofland's garage, cement block construction, flat roof. We would like to tear it down. Obviously, we can't do anything with the property at this time, we would like to tear it down and be done with it.

John Collier - Cement block and construction and the style of it, I tried to find a date on it myself and the best I could do is sometime in the late 1950's or early 1960's. The other thing I want to state for the record, because it's not been used as a gas station or a facility for automotive repairs, it will require a change of use to do anything with it. Are any other questions?

Joan Martin-Brown - Is there a pressure to knock it down and let that vacant lot lay, is there an urgency and secondly, when you remove the gas station, will you be removing the gasoline tanks?

Johnny Hopkins - As far as I know, they have been removed prior to our owning it. There should be a record of that and be provided. There will be no plan to do anything with it other than to knock it down, it could become an eyesore, we don't want to spend any money on the building at this time.

Marion Jones - Once you do that, the surrounding concrete, is that also in the demolition?

Johnny Hopkins - You are basically going to leave the land. The plan is to just knock down the station and leave the concrete. I know the historical society is using some of that for parking. If that were a problem we could raze the concrete as well. The land in the back would be ground, it would just be leveled.

Brenda Burns - Will it be graded and thoroughly cleaned up?

Johnny Hopkins - It would be graded flat and we had no plans to pull the concrete up out of the ground, but, if that would be a problem, we can do that but we were going to leave that as a little bit of parking for the historical society.

Helen Raider – I would support taking out the cement that is currently there in the parking lot even though the historical society just happens to be using it for two cars right now. It would add more green space and it certainly would look a lot prettier than a big slab of cement.

Marion Jones - Well within the scope to ask this, to the board, can we ask that the concrete be removed and seed it? It would make a nicer site. I don't know what it would cost the demolition.

Johnny Hopkins - It will affect it to a degree, but we can certainly think about that.

Brenda Burns - I have a problem, I think the demolition should be approved with conditions that the cement be removed, the lot graded and seeded and maintained by Loblolly L.L.C. I make the motion that we approve the demolition permit with conditions that the cement be removed, the lot graded and seeded and maintained by Loblolly L.L.C.

Marion Jones - second.

All those in favor, say "Aye" – aye. Opposed, none.

Brenda Burns - Mr. Chairman, you're not going to tear up the cement where the sidewalks are. Just to the property line. The sidewalks are still the town. Are you going to tear down the Getty sign? The sign is in the right of way, there is a question about that and the answer not known. We will amend the motion as such.

- 2. The applicant Victor Frush, is requesting approval of the existing structure located at 208 Chestnut Street, further identified by Sussex County Tax Map and Parcel number 2-35 20.07-97.00. This building differs from the structure approved by the historic Preservation Board during the May 24, 2005 meeting.*

Victor Flush - I have the finished photos of the dwelling on the first page, the second page shows the prototype for which I was trying to follow in the very beginning, the third page shows the structure that was there before as well as the street view as it is currently. At the bottom, it shows the interior of the wall where there is a missing the half circle window, that's the part that scares me, the homeowner, because it has already been, the joists are in and what not, the next copy in the middle is the letter outlining what is different about the structure. Four different points that the town needs to have clarity on.

1. The roof connection in the plans that were submitted by the contractor, the architecture, the roof is straight across, but it was not my intention and I got these

plans at 9, the roof went straight across. It's connected in the back with an arbor type of fence. It connects the two buildings, a new roof can be added to bridge the span, but I actually think it would visually be a detriment to do that. It will make the building look so long in such a small lot, I think it's good to have a little break up there.

2. The four panel doors – the architect of the plan just threw any doors on there, never contacted me as to what the doors would look like. My intention was to pay tribute to the one shed, so I personally, with a construction worker, made the doors to match exactly the doors that are on the original shed. That was the original intent.
2. The contractor, the eyebrow window, that is on the plan with the window put in to mimic the window that was currently on the old structure, but the builder didn't frame that in when the trusses were ordered. That window is missing.
4. The fourth issue will be taken care of by the surveyor in the next two weeks and be submitted.

John Collier - This occurred so long ago and I've been sitting here and thinking about this and one of the points that came up and I had no one else to speak to, I contacted the former code enforcer and asked what he remembered about this. I do know the original structure was a single structure. It wasn't two separate buildings. I believe part of the basis for the approval for this building was that it had a connective roof and it was a continuous structure. Without the connective roof, it becomes two structures. There are several things in the code that before you proceed with changes you are supposed to bring before this board, you actually received two letters, one dated 11/01/05 and 01/12/06 and at no time did we receive a response to the letters except to say thanks for the letter and we've not completed the work and we hope to before winter is over. It doesn't lend itself to anything as to making changes or anything else. I understand your position with the window; I have a set of plans that were altered at the meeting, signed by you that shows a decorative soffitt in the pictures that I see have no soffitt. The decorative window is missing and there was also a gable end type decoration, all these appear to be missing.

Marion Jones - I found seven variations from the original plan. Only to add as well that was to be a concrete base with stucco over the block work and I believe that the vinyl is pulled all the way down on the outside.

Victor Flush - I thought I had a contractor who would look after my interests. He failed me and the town and I did the best I could to alleviate that so that I could give the neighbors and myself something much better than what was there before.

Jack Vessels - Wasn't that originally one long shed?

Victor Flush - It was wider, with a two car garage, now it's narrower and longer.

John Collier - It was a single structure before but now it's two structures. You have the pictures. The lattice work doesn't really constitute a roof.

Marion Jones - Do you think that it is a detriment other than aesthetics to the building to cover this roof?

Victor Flush - I think it would be such an elongated structure in a small back yard, I think it would be out of balance with the scale of the rest of the yard. The arbor, with flowers, will give it the appearance of being one structure, but soften it. One thing that I asked for was that the back part be brought in at an angle so you didn't have a square monopoly building next to a square monopoly building. There is an attempt to soften that look so

it's not so heavy. I think putting the roof back on would just minimize all that, it will look like a long, long building.

Joan Martin-Brown - My own reaction to this dynamic is that whether or not the space above the doors would take a window, but from my perception, the most aggrevous situation is to have two buildings instead of one. I question how someone can come forward with one building and go out and end up with two buildings. The rest of it becomes less problematic if at least a good faith attempt was to replicate the look in a modified way that my colleagues could agree to. This is a dangerous precedent.

Matt Dotterer – As far as the structure that's across from Kings Ice Cream, the only thing I really see that is comparable to it is the board and batten and the doors.

Victor Flush -The building across the street, Kings Ice Cream, is taller and the gables would not work on this house.

Matt Dotterer - The scalloped pieces can actually be fit in there, instead of the squared off. The eyebrow, because of the gable and truss, I understand why you can't have a window in there, but that is because the contractor didn't order the proper truss. That could actually be rectified. The four panel doors, I understand about changing the doors, I think they look fine the way they are. The two structures connecting, I definitely don't think that a connection of the two roofs would be what is existing now, the lattice work. That would not constitute being a connecting roof. As far as county is concerned, for their building code and the national residential code, as per any code, that would not constitute a connected structure.

Victor Flush - Do you see a remedy for that?

Matt Dotterer - I am a draftsman so it would not be proper for me to say to the board. I think the main thing upset about is the notification. I understand the problems you had, but when there are approvals to the board, we expect to have notification of any kind of changes that are going to happen and not just assume that we will make the changes and assume that they will be approved. That's what gets the board upset.

Victor Flush - I had hired a person to finish it and twice I went down to try to secure plans, unfortunately Eric was in the field, but I still had this guy sitting on the property who I hired to do work, I didn't have any plans from the original contractor.

John Collier – Are there any more comments?

P.D. Commenish – I speak for the neighbors on Chestnut Street that we gave him a variance to build the property, we saw the plans and we thought this was really going to be a nice improvement to the neighborhood and what he has now is nowhere near what it looked like on the plans that we approved. We would like him to finish it like it was approved. We are now looking at two buildings, which are not conforming to the neighborhood, nobody else in the neighborhood has two buildings on any property in our area. I know it can be connected, I'm a contractor and I know that things can be done, he can have the truss changed, he can put a window in and he is making excuses about the contractor, he had the problems he knew what the plans were, he brought the plans to you.

Marion Jones - I make a motion that points to be corrected is the roof line, according to the original drawing, I do not know if the board made a recommendation on the type of window or if they are staying with the original, but to place some type of window or device in the peak as well, to stay with the original plan of a decorative soffitt, and the cedar shakes on the gable once the window is in place, and the decoration.

John Collier - We have a motion to follow the plans to place decorative soffitt on the front of the building, there is a gable end decoration, which is essentially, an inverted cross looking device, the eyebrow window to be fitted in the front of the building and the roofs be connected.

There was some discussion on the motion.

John Collier - Do we have a second?

Jack Vessel – Can we hear the motion again?

Marion Jones - I recommend that we stay very close in these points to the original recommendation by the board. The gable end decoration and the inverted cross, the 4 foot circle top window on the gable, the decorative soffitt and the connection of the roof line.

Discussion about the gable decorations.

Marion Jones - I amend the motion to remove the decorative soffitt as the applicant has proved that they already exist there.

Joan Martin-Brown - Would you consider an amendment to your amendment? With the pitch of the roof, will the window size fit in under that pitch and that maybe one possible modification would be half, have four of the windows rather than eight. If that space is too low for the soffitt, is that another option. A description of the window was given by one of the councilwomen. That would be the only modification that I would ask you to consider.

John Collier - Do we have this properly amended and does everyone on the board understand the motion?

Stephanie Coulbourne – Your original motion was to correct the roof line as to the original drawing, an eyebrow window in the front, a gable end decoration – an inverted cross and if that eyebrow window doesn't fit, do to the roof pitch, he can use a 24x24 square window and install cross fascia.

Jack Vessels – second.

All those in favor say “Aye” – aye, opposed.

John Collier - Mr. Frush, we will provide you with everything that is within this motion of what is expected. I would anticipate, upon completion, that you contact town hall, have someone come over and verify that it is done and put this thing to rest.

3. *The applicant, Raymond Petersen, is requesting changes to the original plans for a two-story library approved by the historical preservation board on February 28, 2005. The property is located at 317 Mill Street further identified by Sussex County Tax Map and Parcel number 2-35-20.08-36.00 which is located in the historic overlay district.*

Raymond Peterson - I would like to change the plans. If you are looking at the door, next to the shed, we aren't doing anything with the “X” on the door, he wants to put an entrance door directly to the left of it. An entrance door similar to the one on the left side. Also on the left side, next to the window there is a blank wall and he would like to put a triple window in there next to that. I don't think it changes the character of the building any from what he wanted. You can't see the triple window from the street anyway.

John Collier - I don't have any questions but I ask this just for the record, the triple window will be in similar characteristic to the already proposed ones, correct?

Raymond Patterson - Yes. The same windows. Nothing is going to change on the shed.

Jack Vessels - I move that we grant the request.

Matt Dotterer - second.

John Collier - We have a motion and a second to grant the request. All in favor say “Aye” – so be it.

4. *The applicant, Goshen Methodist Church/Sunshine Preschool, is requesting a building permit to erect a fence on the property located at 103 Mulberry Street further identified by Sussex County Tax Map and Parcel number 2-35 20.07-7.00 which is located in the historic overlay district. The applicant tabled this application at the December 13, 2005 meeting until the church board could discuss further suggestions regarding the type of fencing.*

Applicant not present.

5. *The Applicant, Gwen Foehner, is requesting a building permit to replace the existing roof on the carriage house and the house located at 411 Federal Street, with architectural shingles. Sussex County Tax Map and Parcel number 2-35 20.07-42.00, which is located in the historic overlay district, further identifies the property.*

Applicant not present.

Motion to adjourn.