

**Town of Milton
Historic Preservation Board
February 7, 2008**

Members Present:

Brenda Burns	Jack Vessels	Sally Harkins
Gwen Foehner	Michael Ostinato	Amy Kratz

Members Absent:

Richard Greig

Others Present:

Robin Davis John Brady

The meeting was called to order at 7:05 pm

Brenda Burns: I would like to introduce our newest members: Sally Harkins, Amy Kratz, Michael Ostinato and welcome to you all. We are going to do a roll call please. Would you go down the line state your name for the record, for those attending tonight?

Item #2 & #3 - Additions or Correction/Approval of Agenda

Brenda Burns: Are there any changes or corrections to the agenda this evening?

Jack Vessels: I think we've got one housekeeping matter we ought to take care of.

Looking over the minutes from the last...

Robin Davis: You're gonna do that down here.

Brenda Burns: We're gonna do minutes...that's further down.

Jack Vessels: No, no. This is coming out of there. John Brady, quoting here, the code says the members shall pick the chair, a vice-chair and a secretary. We did not pick a vice-chair. You get sick we don't have a meeting.

Brenda Burns: You're right, we did not. You're correct in that, Jack. Ok, would anyone like to nominate someone for vice chair?

Amy Kratz: I would like to nominate Jack Vessels.

Jack Vessels: Well that backfired. (laughter)

Brenda Burns: May I have a second?

Michael Ostinato: Second.

Brenda Burns: So carried. Congratulations, Jack.

Jack Vessels: That's a nomination, that's not a vote.

Brenda Burns: Oh, I'm sorry, we have to vote. Okay Amy, we'll start with you this time.

Amy Kratz: I approve that vote

Michael Ostinato: I approve that vote

Jack Vessels: I recuse myself

Brenda Burns: I approve

Gwen Foehner: Approve

Sally Harkins: Approve

Brenda Burns: Ok, so carried. Now congratulations. Okay, were there any other changes or corrections to the agenda? Do we need to add anything, or change anything? Okay, we'll follow it as it is. Make a motion to accept the agenda as written? May I have a motion?

Jack Vessels: So moved.

Gwen Foehner: So moved.

Brenda Burns: So moved. Okay, lets have a vote on that one.

Sally Harkins: Approved

Gwen Foehner: Approve

Brenda Burns: Approve

Jack Vessels: Approve

Michael Ostinato: Approve

Amy Kratz: Approve

Brenda Burns: We have an approval of the agenda.

Item #4 - Approval of Minutes

Brenda Burns: Hopefully everyone's reviewed the minutes from the last meeting, the December 6, 2007 meeting. Do we have any changes to that?

Jack Vessels: I move that we accept it as presented.

Brenda Burns: May I have a second?

Sally Harkins: Second.

Brenda Burns: So moved. Let's have a vote on that. We don't have to vote.

Robin Davis: You have to vote, just not a roll call.

Brenda Burns: Okay. Everyone that approves the minutes, may I see you hand.

Robin Davis: Just say it.

Brenda Burns: (All "Aye's") Anybody Opposed? So moved.

Item #5 - Business

Brenda Burns: Alright. So we get down to business and the first applicant:

- a. The applicants, Frank & Mary Presta, are requesting approval to install a fence on the property located at 114 & 116 Union Street further identified by Sussex County Tax Map and Parcel # 2-35-14.19-110.00 & 111.00.

Brenda Burns: They're requesting approval for a fence which they've included in their packet, a picture with the Tax map, of course. Is there anyone here on behalf of the Presta's this evening?

Robin Davis: Madame Chair. I talked to Mr. Steele, the president of Herring Creek Builders. They are the builders, or contractors, that are going to be working on the fencing and the construction of the replacement building that's going to be on that property. Mr. Steele, earlier this week went in for surgery. He had planned on being here, thought everything would be ok. Evidently the doctor's kind of put a halt to that and said no, you can't make it here tonight. The other partner I think in the business, Matt, had a prior engagement so they requested that if the board sees fit that I kind of go over this with you. All the information is there. For the members that weren't on the

board at the time when this went through the demolition process, the previous board had one of the conditions put on the demolition was that they erected a fence, once the demolition was done, to keep people off the property. So what they've done is to come back with a, look's like an aluminum/alloy type fence, which is going to be 6' high. It's going to be black in color. I know color is not an option with the board, but that is one of the things that he just said that he wanted to say, to put in there. All the sample, there's a copy in the packets of what the fence looks like and also exactly where the fence is going to be on the property. It's going to run along the sidewalk, and then turn and kind of touch with what's there at the bridge now. It's not a temporary fence; it's going to be permanent. It look's like it's going to be cemented into the dirt, but once the building construction comes, then they will probably go ahead and remove it at that time.

Brenda Burns: Okay. Are they going to follow the guidelines that were in this installation instruction which is a 30" depth of concrete?

Robin Davis: Yes, exactly. That's why he supplied that information.

Brenda Burns: They will follow that? Okay. Does anyone have any questions or comments concerning this request?

Jack Vessels: I would move approval.

John Collier: Madame Chair, may I ask a question, please?

Brenda Burns: Yes, certainly.

John Collier: I heard 6' fencing. Alright, John Collier, 301 Coulter Street, and I heard you say 6' fence and I would like to know if there's any provision for the height of the fence where it reaches out in front of the, the front setback lines, because I believe it's supposed to be reduced to 30" or 36" at that point. 6' all the way around would not be in compliance with the current ordinance for fence.

Robin Davis: It would be. You talked about intersections at that point. That's what I think you're looking at. If it's 25' away from an intersection, the site of view, I think that's what is in, how it's referenced in the book. It has to be 3-1/2', but anything past that point can be 6'.

John Collier: Correct, and I'm assuming you're saying it's going around the perimeter of the property, is that correct?

Robin Davis: It's going in the front.

John Collier: Across the front? Well that would be the whole streetscape so anybody coming out on the street and side would have a 6' fence they would have to look through to see to their right.

Robin Davis: As long as it is 25' away from the point of the intersection, from Magnolia, the ordinance states that as long as it's 25' from where Union and Magnolia meet, if it runs parallel to Union, 25' back, then the fence can go up to 6'.

John Collier: Okay. Then that's right, because that would be the setback.

Jack Vessels: It's not going to block the visibility anyway. It's one of these, every 6" you got a...

John Collier: The ordinance is pretty clear that, you know, from the setback line out to the right of way line the fence should (unintelligible – 7:13:56). But if it's not going to be in that area then it doesn't matter.

Jack Vessels: Well you got the...

Brenda Burns: It's not. The water's there.

Jack Vessels: You got the Broadkill in between.

Brenda Burns: Right.

Amy Kratz: And the parking lot.

Libby Zando: I have a question. 210 Chandler Street. I kind of agree with John because I've had to deal with fences a lot myself. So the street, as we walk along the street, we're going to have a 6' fence there, not 25' back or 15' back from the set back. It's going to be right there along the sidewalk, a 6' fence.

Brenda Burns: Because the property actually is being built in the footprint, the existing footprint, and as you remember, it was right along the sidewalk. So I don't know, the only setback there is the sidewalk.

Libby Zando: Yeah, I know. But is there a different fence requirement height for commercial than there is for residential because you can't put a 6' fence in the front of your property in a residential neighborhood.

Brenda Burns: Ma'am you're correct.

Libby Zando: My only issue on this is that I mean I'm sure they're concerned about safety, but it is a pretty unsightly thing to have right there and its going to look very utilitarian, not knowing how long it's going to be before they construct. Is it a possibility that something else could be done on the front side? Obviously they're fearful of the water but, or no trespassing or proceed at your own risk, or something that would make it a little bit more street friendly. Is it...

Brenda Burns: I think as far as a fence goes, now they had the option for a chain link. They're not going to do that. This is one of the black iron fences. As far as a fence goes it's somewhat attractive.

Jack Vessels: I don't think they could have picked a better fence for there.

Libby Zando: It's a...the entire thing is iron. But it's got to be 6' tall, you can't make an exception and make it 5' or 42"?

Brenda Burns: Well I think for safety sake we probably should but we do want to comply with the ordinance.

Libby Zando: That's all I needed to say. Thank you.

Brenda Burns: Yes, Mrs. Jones.

Marion Jones: Behringer Avenue. Mine is not a question that requires an answer, just a question of procedure, if you aren't setting a precedent. Hearing your case, when the applicant is not present to be questioned by either the public or the board, thank you.

Brenda Burns: If I'm not mistaken, and I'll turn this over to Mr. Brady, this doesn't require any public comments or hearing on this issue, correct?

John Brady: If the members of the board have a question that they do not feel can be answered by the materials they have in front of them, they have the right to table the application. For public comment on the agenda as listed, there was no public comment period permitted on there, so the public comments go to the board. If the board members have a question that they can't answer from the paperwork submitted, then you have the right to either vote on it or defer it.

Brenda Burns: Well we were aware of that fact and we felt that there was adequate information in our packet and that's usually do let the public speak you know as we're, whatever we're working on. You know, public input is welcomed.

Marion Jones: Thank you for that opportunity.

Brenda Burns: And...but our decision is based on the information we have in front of us. But I would like some clarification from you Mr. Brady as to the ordinance as it pertains to the setbacks for this fence. Does that setback apply in this instance and also...

John Brady: He's got the ordinance book so he's going to bring it to me.

Brenda Burns: Okay.

Robin Davis: Mr. Brady, I was looking at 7.6.4; it talks about fence and wall regulations.

All districts except light industrial and marine, maximum height of 3-1/2' above street pavement shall be allowed for fences and/or walls located in a front yard at a street intersection. Walls and fences shall be constructed of materials that shall not hinder clear vision in conformance with section 7.6.2. It talks about fences inside the rear yard shall not exceed 8' above. When it talked about the section of clear vision, I looked at 7.6.2. It says the minimum for clear vision at a street intersection shall be 25', measured from the intersection along the lot lines of the lot.

John Brady: This is the Town Center Overlay District, correct? Is that considered the front yard or the rear yard or the side yard in the town list?

(Taking amongst members)

John Brady: The overlay district does not include...this doesn't include the light industrial district or the marine resource district.

(?? 7:21:52): May I say something.

John Brady: I'm having a problem trying to get the 8'. I'm at 3-1/2' in the front yard but not 8'.

Brenda Burns: It's 6'.

Jack Vessels: 6'.

John Brady: Okay.

Jack Vessels: I don't think the lower fence would give you the safety you need. A kid could get over that easy.

John Brady: I understand but the...

Brenda Burns: And also it's considered a construction site, so...

Jack Vessels: Yeah.

Gwen Foehner: And it's much prettier than the chain link fence that's there now.

Jack Vessels: There's no fence there now.

John Brady: There was a temporary chain link fence until they finished that part of it.

Libby Zando: 210 Chandler Street. IF they get onto the property, the place that's all surrounded by the water is a 6' fence. If you just put the 42' in the front so there's still the water side is protected. You're just keeping them from getting into a construction site which is a different situation. And, you know, you could walk along the water here a kid could fall in the water in the water that's not fenced all along the Governor's walk. I don't see why that's particularly different than having a higher fence in front of the street if there...if we can't resolve it, it just seems that it's a very, you know within that construction site itself, they need to be secure and they will provide other safety fences as they need them along the course of construction, I would imagine.

Brenda Burns: Well, the fence does not run the length of the river. I don't know if you're aware but there's a small little cut-out on the right hand side, and what they're going to do is fence the front and come down the side and block off access along that wall that they built (unintelligible – 7:23:59).

Libby Zando: So it's not actually near the water's edge that they're fearful of, it's actually the construction site.

Brenda Burns: Well, if a child or someone walked across, as you know the lot has been filled in, it's level now, and it goes to the top of the foundation. So it gives you access to the side which is the water side. Yes, so I think it is a safety issue to keep people off the lot and away from the water.

Libby Zando: Thank you.

Brenda Burns: I think the fact that it is a construction site and it is for safety sake, I think the 6' fence is reasonable and makes sense to me.

Jack Vessels: I do too. I would make a motion to approve it, the Presta request.

Brenda Burns: Is it okay that we proceed in that direction Mr. Brady.

John Brady: My concern is that it's a way this phrase is written: fences or walls located in a front yard at a street intersection. It's not at a street intersection per say, it's fronting a street.

Brenda Burns: No it isn't.

Jack Vessels: It really don't apply.

John Brady: And...but there's nothing here to say what size for the areas that front a street, so you look and you try not to do what's ridiculous under an ordinance. You try and do what the ordinance is trying to guide...I think it was for the reasons Mr. Collier brought up that it was not to be so tall so it's not to block the turning at an intersection or a corner, but you're not going to have that at that point, because you can't make a right turn, well you can make a right turn there, but you're looking over the bridge and the water's edge anyway.

Brenda Burns: Well, I don't think in this instance that it impedes traffic sight, you know vision for traffic in any way.

John Brady: Robin, is it more than 25' away from the intersection?

Brenda Burns: Yes it is.

John Brady: Oh, okay.

Brenda Burns: There's a river between that fence and the intersection, so I think we're going to go ahead and proceed and we have a motion on the table to approve the request.

John Brady: And I apologize for coming late but were the new members sworn in?

Brenda Burns: No, they were not.

John Brady: Then if you vote now, then that could be a slight problem because...

Brenda Burns: Okay. Let's do that one. Let's get that out of the way. We'll let you take care of that Mr. Brady.

John Brady: The new members need to be sworn in although they may have already voted on a couple things...

Brenda Burns: We have voted.

Michael Ostinato: Nothing important.

Brenda Burns: Well, we approved the minutes.

John Brady: The minutes I think are okay. That's not...the agenda, vice chair...but I do think any substantive vote, I think you need to be sworn in for.

Brenda Burns: Well lets get that taken care of.

John Brady: Okay, let me now look at my little roster here to make sure I know, let's see Michael Ostinato. You weren't here last time?

Michael Ostinato: No.

John Brady: You need to raise your right hand.

Sally Harkins: Sally Harkin.

John Brady: Sally Harkins

Brenda Burns: And Amy Kratz.

John Brady: Who's book I have. Okay. The three of you, will you repeat after me. (John Brady administers the oath to the three members to be sworn in.)

John Brady: You are now officially sworn in. Madame Chair, now you can have a motion, because you now have a full board.

Brenda Burns: Do I have a motion to approve or...

Jack Vessels: I move to approve the Presta request.

Brenda Burns: Okay. Do I have a second?

Sally Harkins: I second.

Brenda Burns: Okay, let's have a roll call vote please.

Sally Harkins: Approve

Gwen Foehner: Approve

Amy Kratz: In favor

Michael Ostinato: Approve

Jack Vessels: Approve

Brenda Burns: Approve

Brenda Burns: Okay. Moving onto the next applicant:

- b. The applicant, The Sussex County Council, is requesting approval of the exterior renovations to the Milton Library located at 121 Union Street further identified by Sussex County Tax Map and Parcel # 2-35-14.19-182.00 & 183.00. Exterior renovations include the construction of a stairway for the emergency fire exit (required by the State Fire Marshall), the installation second floor windows and new railing and treads at front entrance.

Brenda Burns: I also noticed in your application there is a second floor fit-out for a meeting room and office project. Is that still on the table or not? It's not part of this...

Robin Davis: The historic preservation has no...

Brenda Burns: Okay. Alright then, it explains that one.

John Brady: Outside not the inside.

Brenda Burns: Okay. Alright, and you're here?

Julie Cooper: I'm from the Sussex County Engineering Department.

Brenda Burns: Okay. Does anyone have any questions for Ms. Cooper?

Amy Kratz: Ms. Cooper, I'm concerned about the stairway here. In the...what kind of construction is it going to be? Is it going to be one of those metal stairways that fold up so that people could walk under it or is it going to be a permanent structure that's always there?

Julie Cooper: It's a permanent structure and it's inside the boundary of the governor's walk, the brick walkway. The foundation will actually be a little bit under that brick walkway but upon completion the brick walkway will be completely the same width and the stairway fits in the gap between the building wall and the walkway.

Amy Kratz: Okay, my other question would be will that stairwell enable handicapped individuals to get down if they were upstairs and there were a fire?

Julie Cooper: Well the door widths are the required width and yes, they can...wheelchairs can be taken down. I mean, it's a fire escape and you have that same difficulty in any type of building. It's an ordinary, it's to standard stairway. It's called a fire escape but it's actually...the stairs are built to the same requirements as any other stairway, with the same tread type and the same stair width. It's not any harder to get up and down than any other stair.

Amy Kratz: So someone in a wheelchair can get down that stairwell?

Julie Cooper: Well, somebody...I'm sure somebody would have to help them. It was what the fire marshal required of us; that we install that and it was approved by...yes, it's been approved by the fire marshal.

Brenda Burns: Looking at your plans it looks like the stairway is enclosed. What is it, dry-vit on the outside with an asbestos shingle roof?

Julie Cooper: Yes. It's going to match the existing siding and the roof, I have to look at that. I looked at the foundation. Our architects did everything they could to make sure it matched the existing building and that we didn't...

Brenda Burns: Well, it's quite a little bump-out and you said that it was going for the foundation actually is under the existing brick...

Julie Cooper: Some of it...just this...

Brenda Burns: Some of it. So what are you going to do when you put the walkway back? Go around it?

Julie Cooper: No. You won't see any change.

Brenda Burns: You won't see any change?

Julie Cooper: You won't see any change. The walkway will go right back where it is.

Brenda Burns: Okay.

Julie Cooper: Asphalt Class A, is the roof cover.

Brenda Burns: Alright. Does anyone else on the board have any questions?

Amy Kratz: Can you explain to me what exactly what you are doing with the front railing and tread?

Julie Cooper: Right. It's a potential safety hazard and to increase the visibility and provide more...

Amy Kratz: But there would still be a step there?

Julie Cooper: Yes.

Amy Kratz: Yes.

Julie Cooper: But the step will be more visible. As you can see right now, if you came in the front, there's been temporarily painted to increase the visibility of the step. What we're going to do is replace the top front brick of the step, the paver, and facing of it with a lighter color to add a softer edge...

Amy Kratz: So it's just a visibility thing. And the railing?

Julie Cooper: So that the visibility and safety if somebody did fall on it, it would be rounded edges instead of pointed and the handrail is to go into, near the center and just like the other two that are there. It's just a safety, increase the safety of the step.

Brenda Burns: Because currently we've had brick on brick which is not very visible. Has there been a problem there, Mary Katherine or anybody, stepping off of that and not realizing there's a drop there.

Julie Cooper: I know when I walk out it, and I'm not even an old... (Laughter)...I think it's a safety hazard.

Brenda Burns: Yeah, I do too. So it's just going to be a lighter color?

Julie Cooper: Yes. Right now it's painted yellow and it's kind of tacky looking but it will look a lot better when they actually do the work.

Brenda Burns: Okay. Do we have any other questions from the board? Comments, questions? Anyone from the audience, that they'd like to make? May I have a motion to either approve or disapprove?

Gwen Foehner: I make a motion that we approve the Sussex County Council application?

Brenda Burns: May I have a second?

Sally Harkins: I second.

Brenda Burns: So carried. We'll have a roll call vote. We'll start with Amy Kratz.

Amy Kratz:	Approve
Michael Ostinato:	Approve
Jack Vessels:	In Favor
Sally Harkins:	In Favor
Gwen Foehner:	In Favor
Brenda Burns:	In Favor

Brenda Burns: So carried.

Julie Cooper: Thank you.

Brenda Burns: Alright. The next applicant:

- c. The applicants, Fred and Shelly Sposato, are requesting approval to construct a replacement house on the existing foundation at 305 Mill Street due to the order of condemnation by the Code Enforcement Officer. This property is further identified by Sussex County Tax Map and Parcel # 2-35-20.08-40.00.

Brenda Burns: Who's here on behalf of the applicant to speak? Which one of you would like to speak? Alright, we've received your set of plans and essentially you want to leave the garage as it is, with the existing roof on that garage and are you building in the same exact footprint?

Fred Sposato: Yes.

Brenda Burns: So that's why you wanted to use the same foundation?

Fred Sposato: Yes, and I have an engineers...

Brenda Burns: You do have that?

Fred Sposato: Evaluation of the property.

Brenda Burns: Alright. Pass that out. That's great. Okay, it says here in the last paragraph that new interior footings and girders will most likely...did they find out whether there were existing piers down the center of the...

Fred Sposato: No, we didn't demolish the floor.

Brenda Burns: Okay, so they don't even know if they're there but it will definitely have to be there.

Fred Sposato: Yes.

Brenda Burns: Right. Okay. Does anyone have any questions of Mr. Sposato, on the board? This, on your plans, I noticed this first floor foyer. Does that project out where the...is that in the area that the existing porch is now?

Fred Sposato: Yes.

Brenda Burns: Yes it is, okay, and then the door is another projection? Is that a new projection?

Fred Sposato: Well the door is part of the house but the covered entrance is new.

Brenda Burns: Because it looks like from your side elevation, I mean the front of the house keeps going, and I'm assuming that this part is where the existing covered porch is now but not that...**(unintelligible – 7:41:02)**...right, okay. And that still meets all your setback requirements? Alright, any questions, comments?

Jack Vessels: I would move for approval.

Brenda Burns: Okay. Second.

Amy Kratz: Second.

Brenda Burns: Alright. Let's have a roll call vote:

Sally Harkins: I approve
Gwen Foehner: Approve
Amy Kratz: Approve
Michael Ostinato: Approve
Jack Vessels: Approve
Brenda Burns: Approve

Brenda Burns: Congratulations.

Fred Sposato: Thank you. Now, I can start demolition now?

Michael Ostinato: I tell you what...anything you can do to get rid of that piece of crap is fine with me. (Laughter)

Robin Davis: You need the permit taken care of.

Fred Sposato: Okay, I'll stop by. Thank you all.

Item #6 – Adjournment

Brenda Burns: Okay, I'd like to have a motion for adjournment please.

Sally Harkins: I make a motion.

Brenda Burns: Sally has made a motion. What was that?

Robin Davis: Mr. Brady, originally before you came here, Mr. Vessels brought up an issue that we did not vote for a vice- chair, and they went ahead and did that prior to...

Brenda Burns: Being sworn in.

Robin Davis: Is that something that should be revisited again?

Jack Vessels: A new vote?

Brenda Burns: Well let's just do that over, okay. We had a motion on the table. Who made the motion, please make it again.

Amy Kratz: I made Jack Vessels the new vice chair.

Brenda Burns: Second, and may I have a second?

Michael Ostinato: Second.

Brenda Burns: So lets have a roll call vote:

Sally Harkins: Approve
Gwen Foehner: Approve
Brenda Burns: Approve
Jack Vessels: Already Approved.
Michael Ostinato: Approve
Amy Kratz: Approve

Brenda Burns: Okay. Congratulations again Jack. You're it. Now I'd like to have a motion for adjournment please:

Sally Harkins: I make a motion to adjourn.

Jack Vessels: Second.

Brenda Burns: So carried. Thank you very much.

Meeting for was adjourned at 7:44 P.M.