

**Town of Milton
Board of Adjustments
Historic Preservation Board
August 22, 2006**

Chairman John Collier opened the meeting of The Historic Preservation Board

Members Present: John Collier Brenda Burns Matt Dotterer
 John Vessels Marion Jones Joanne Martin-Brown

Others Present: Robin Davis John Brady

Historic Preservation Board

Chairman John Collier opened the meeting.

1. *The applicant, Frank and Mary Presta is requesting a demolition permit to remove two buildings located at 114 & 116 Union Street further identified by Sussex County Tax Map and Parcel # 2-35-14.19-110.00 & 111.00. The property is located within the Historic Preservation District..*

John Collier-Is anyone present in behalf of this application?

Martin Dusbiber (George, Miles & Buhr, LLC). – Our clients, Frank and Mary Presta, would like a demolition permit to demolished the two buildings they own on Union Street. They would like to construct a building with retail store on the first floor and apartments on the second floor. The new building would have a brick face. The new building would be narrower by 10 feet so a walkway could be around the building. (Conceptual drawings were passed around to the board members and the audience).

John Collier – How are you going to demo the building?

Martin Dusbiber – We would work with the town & Deldot to insure things are done properly.

John Collier – How do you plan to stabilize the area by the sidewalk?

Martin Dusbiber – On the water side, they plan on leaving the foundation wall in place. There are currently no cracks in the walls of the building.

John Collier - How do you intend to maintain the safety of the hole beside the sidewalk once the hole is opened up?

Martin Dusdider – We agree we will have to put on code approved/city approved barricades until we can begin the construction.

John Collier – Concerned not only with the demolition itself but must feel assured that if this happens we have covered every bases to preserve the integrity of the town and not open the liability because we didn't cover a base as far as the safety of the citizens and the visitors of this town.

Martin Dusbiber – I propose that we do it in conjunction with the town to make sure all the concerns are met and we don't pose any safety hazard.

John Collier – This building is within the flood zone. How is this going to fall in place with your plan?

Martin Dusdider – This is controlled by FEMA. We have talked to the Army Corp and we plan to flood proof.

Brenda Burns – In the memorandum (J), you refer to the wall between the theater and your property as a party wall and you have indicated with your photos that it's a separate wall.

Martin Dusdider – That's correct. The memorandum was done before we went into the theater and looked. We took a bucket truck and looked on the roof and saw there were actually two walls, the theater has it's own wall and the building we are proposing to demolish has it's own wall. There are about 8 –12 inches between the two walls and the buildings are not connected.

Brenda Burns – Have you had a structural engineer look at that?

Martin Dusdider – Yes we have. In fact, our structural engineer has met with the theater's structural engineer and they are fairly confident that we can put the building down and not affect the theater. The theater has been working with us very closely and Dr. Wagner has been very supportive. The two structural engineers are currently working on a plan to support that wall to protect it during demolition.

Brenda Burns – What kind of time frame are you looking at?

Martin Dusdider – Demolition 2-3 days, construction 1 year. We want the new building to be period correct and not draw from the feeling of the rest of the downtown area. We want input from the town.

Marion Jones – Memorandum from September 9, 2005. They also were unable to open the door to the building on the right, as we couldn't tonight. Would like to look in that building before voting. This memorandum was written before a physical inspection was completed. That concerns me.

Martin Dusdider – There has been numerous inspections. When that memorandum was written, that was the initial inspection and we did not get into the theater at that point nor could we get on the roof. Since then we have been numerous inspections and we have determined that there are in fact two walls.

Marion Jones – Are there any other updated memorandums that cover all the points?

Martin Dusdider – Not in the format where I could show this committee.

John Collier – Opened the meeting for public comments or questions. There were concerns about traffic problems since Mulberry Street is closed and parking spaces.

Brenda Burns – Can you give a demolition permit with conditions? Notes – no demolition can begin until all permits are obtained and approved so they may start construction immediately upon demolition. Barricades to be erected. Trees not to be removed. Any damage to the theater wall to be repaired or replaced at their expense. No obstruction to the walkway, traffic or businesses on that street.

John Brady - You can require that the permits for demolition or any permits that may be required, my concern that this is a street road and has there been a letter received from Deldot, because when you interrupt traffic on a street road, you must have Deldot approval. I see nothing in the record about the chief in police being consulted. Members of the board have asked questions about the nature of the time and in convince. I didn't see how it can be done without closing the sidewalk in front of that area because it becomes a safety hazard. Safety barriers are required in the code. They are liability for any damage to town or neighboring properties. But when you talk about permits, it's a two-step process. What you have before you tonight is only a demolition permit, they could demolish it but there is nothing to compel them to

rebuild. You do not have the power to require the permits for a new building replacement at the time in front of you. The only thing in front of you is a demolition permit.

John Collier – Would like to have the documents stating the conversations between the two structural engineers. The issue about barriers, trees, repairs, replacement, traffic control, consulting with the chief of police are issues that were brought up by the members of the board and this information is not front us. Read ordinance – Section 4.9.7 Article 3 Item e. Feels the board needs to be very cautious when making this decision.

Joanne Martin-Brown – Section E of the memorandum states the one of the party has settled and the exterior walls look pretty good. Have the exterior walls deteriorated greatly since the time of the memorandum?

Martin Dusdider – The ones that are along the river are the ones in the best shape and we didn't know why. The exterior wall and foundation along the river seems to be in good shape because there are no signs of stress cracks. We can't leave more of the exterior walls do to FEMA requirements on waterproofing.

Marion Jones – Could you provide the board with copies of the structural engineer reports that have occurred between yourselves and the theater structural engineer?

Martin Dusdider – I don't have a problem with it as long as they are comfortable in doing it.

Marion Jones – I make a motion that we need more information before I could consider the demolition permit. If I need to be more specific, I will.

John Brady – You have three chances tonight. You have to approve, deny or defer. Your motion must say approve, deny or defer.

Marion Jones – I make a motion that we defer the decision on demolition on this property until the next meeting or until the applicant returns with the material requested.

- 1) Need access to the building on the river (letter d in the memorandum).
- 2) Need structural engineer reports from G.M.B. & theater.
- 3) Need report from Deldot and Chief of Police.

Jack Vessels – Second.

John Collier – Roll call vote.

Jack – yes, Brenda – yes, Matt – yes, Marion – yes, Joanne – yes, John – yes.

Motion carried.

Discussion on holding a workshop prior to the next meeting.

Motion to adjourn.