

HISTORIC AREA COMMISSION
New Castle Town Hall
2nd and Delaware Streets
February 8, 2018

Present: Laura Fontana, Chairperson
David Baldini
Jean Norvell
Marty Wright

Absent: Lynn Briggs

Also Present: Leila Hamroun, Architectural Consultant

The meeting was convened at 6:30 p.m. Roll call followed. A quorum was declared.

Approval of Minutes – One correction was made. **A motion was made and seconded to approve the minutes of the 1/11/18 meeting as amended. Motion was approved.**

Ms. Fontana provided the audience with the purview of the Historic Area Commission (HAC) as related to the application for 27 West 3rd Street. HAC will be reviewing the application following the design guidelines and standards for Street-scape and what treatments are appropriate in terms of layout, size, materials, etc. They are not looking at any other element with relation to how the application got to HAC. She asked that those wishing to speak to keep their comments/questions relative to the facts of HAC's purview. Ms. Fontana made it clear that location in the historic district is not within HAC's purview.

NEW APPLICATIONS

167 East 2nd Street

Remove damaged stucco; replace with vinyl siding.

Discussion: (*Plans provided.*) Applicants Judy and Paul Guttenplan are seeking to replace damaged stucco on the structure. They had an inspection done and decided to replace the stucco with vinyl siding, citing it will be maintenance free and be an improvement. Mr. Guttenplan spoke with Jeff Bergstrom, City Building Official, explaining what they were considering. According to Mr. Guttenplan, Mr. Bergstrom informed him that the Guidelines had changed and suggested the back part of the house may be approved for vinyl siding. Mr. Guttenplan said two of their neighbors have vinyl siding.

Ms. Fontana said the home is considered a "contributing" home and a certain set of parameters need to be followed. Vinyl is not an appropriate material for contributing buildings. Their home is on a corner lot, meaning all sides of their home can be seen from the public right of way.

Ms. Hamroun said contributing buildings are determined by the age of the building and the building keeps enough of its features to be part of the street scape and it has not been transformed. Ms. Hamroun said there is a provision for alternate materials such as siding made of engineered wood. Appropriate cladding would be repairing the existing stucco or installing real wood siding. Vinyl, however, is not appropriate on any building in the historic district, contributing or non-contributing building, unless it was originally built with vinyl siding. She suggested that unless the stucco is damaged extensively over a large

area it would be more prudent to repair it. Ms. Hamroun is available for guidance to discuss various alternate materials and recommended having additional conversations with Mr. Bergstrom and their contractor to look at materials deemed to be appropriate. Doing an in-kind repair such as repairing the stucco would be considered as a Tier I application and they would not return to HAC. Ms. Hamroun can provide information about alternate materials and what has been used in the past.

Disposition: Ms. Fontana made a motion to table the application, so that applicant may have further discussion with Mr. Bergstrom and Ms. Hamroun to see if the applicants can come to an agreement to either fix the stucco or look at appropriate materials. If they need to return to HAC they have 30 days or get it accomplished within the timeframe as a Tier I (staff) application with in-kind repair of appropriate replacement. Mr. Baldini seconded the motion.

Action: Motion to table the application was approved by unanimous vote.

Tax Parcel 21-015.30-194, also known as the “Bowling Alley Parcel”, Proposed Parking Lot in Historic Zone – Consideration of Application for Plan Review and Approval per Section 230-28.1 of the City Code.

Discussion: Andrew Taylor, counsel for the Trustees of the New Castle Common (Trustees), presented. The applicant has been before the Planning Commission seeking their recommendation, which is the first of two steps. He informed HAC that the Planning Commission did recommend the special exception be approved for this site as a parking lot. The Trustees are now seeking HAC’s review of materials and street scape. He deferred to Andrew Hayes of ForeSite Engineering to give an engineering presentation.

Resident Roger Clark raised a question about location. Ms. Fontana reiterated that HAC will not be discussing location. HAC will be addressing materials specific to driveways and parking lots, lighting, size and scope as it relates to the historic district. Resident Dorsey Fiske said HAC should be dealing with the special exception according to the ordinance. Ms. Fontana stated HAC is dealing with the special exception in regards to bringing the applicant before the Board of Adjustment. She said that HAC can only follow what is in its purview and we will make a decision if it should move to the Board of Adjustment.

An unidentified member of the audience spoke about a posting in the park about this meeting to discuss location of a proposed parking lot in the historic district.

Ms. Fontana said that HAC is going to review the application looking at the materials and guidelines for Street-scape (materials, fence, brick, design, asphalt, lighting). HAC does not control location. She cannot speak to the posting referenced noting that HAC is not responsible for the posting. HAC cannot discuss any other elements related to the application to HAC.

The unidentified person said they were under the impression this would be a discussion about changing the purview of the historic area and zoning in the historic area to allow the parking lot and now they will be talking about materials to be used for the parking lot as though it was already approved. He was under the impression this would be a Board of Adjustment meeting and referred to a sign stating same.

Ms. Fontana stated that HAC is following the process in place. Mr. Hayes will be given the floor.

Andrew Hayes is a professional engineer with ForeSite Engineering. Using a slide program he gave a general background about the site. Mr. Hayes noted there are long-standing drainage problems in the area and a project is in the works to solve this drainage problem. It redirects drainage to a new outfall in the Delaware River. The site plan shows landscaping, general layout and reflects a couple of changes since the Planning Commission meeting. The Planning Commission requested they add a line of shrubs to act as a boundary between the entrance to the M&T Bank parking lot and the proposed parking lot. And, the proposed low retaining wall and privacy fence were shifted to align with the property line of the adjacent residential lot.

Mr. Hayes said the landscaping plan uses native species that provide ecological benefit to the front of the site. Mr. Hayes reviewed the plantings they plan to use. In front of the planned brick piers and fence in the front there is a planting bed, and there are shrubs that were added to the common boundary line. Along the common boundary line with the residential lot there is a clay brick retaining wall (gets to about 30 in. high) with a cast cap on top similar to the Read House. The privacy fence will be the same as the fence on the adjoining property. A clay brick walkway will extend across the entire frontage of the site. Reset granite curbing is planned. Flush granite curbing in the sidewalk will provide a visual cue for pedestrians that there is something crossing the walk and is a visual cue where the grade changes occur. Grade is situated so that on the lot side the sidewalk continues straight across the entrance, there is no ADA ramp on either side. A Herringbone pattern will be used for the brick. In the rear, ADA access from accessible spaces to the park provides a point close to the playground area and future park improvements. Concrete is being proposed for this area because it provides a smooth, long-lasting durable surface for ADA accessibility.

Mr. Hayes continued with his presentation.

Lighting – A series of fixtures are proposed. Two lights are planned for the front on the brick piers and there will be a series of post-mounted fixtures. The latter are the same as fixtures on Delaware Street. The same person who did the design for MSC did this design. LED fixtures will be used. Light will be directed away from neighboring properties and onto the parking lot. Bollards are the same as in front of Old Town Hall, protecting from potential vehicular impact. They are proposing a reinforced turf for part of the park that would be used for events such as concerts.

Entrance—The lot entrance is aligned with Foundry Street. Curbs and sidewalks will be replaced with a clay brick along Third Street. Ironwork between the brick piers is the same as what is used on the wharf. The piers and ironwork are set back slightly from the street line with landscaping and screening in the front.

Fence – The privacy fence will be wood similar in style to the neighboring fence.

Mr. Hayes addressed comments from the AECOM letter that relate to HAC. (*AECOM provides planning services for the City.*) Items included ADA ramps, location of the accessible parking spaces, future sidewalk connections, retaining wall and cedar fence, how the fence sat with the wall, drainage behind the retaining wall, landscaping, foot candles, angle of fixture and distribution of light, and labeling on the plan. AECOM questioned whether an electrical engineer was involved with the lighting. Mr. Hayes already reported that ForeSite went to the specific manufacturer and specific designer that MSC preferred and spoke to them. He informed HAC that the Planning Commission deferred to this body as it pertains to fencing, bollards and lighting.

Mr. Wright asked if there is a specified color of the brick. Mr. Hayes said the brick is Glengarry 52WW, which is approved by the City. Mr. Wright asked how deep below grade the retaining wall would be and if there is a footing for it. Mr. Hayes said the retaining wall would go down a minimum of 32 inches (frost depth) and has a reinforced concrete footing. Because the footing aligns with the property line, the footing extends back into the subject parcel and the front of the wall goes down a flush 32 inches. Mr. Wright inquired whether the property owner has granted approval to go onto their property. Mr. Taylor confirmed that he has met with the president of the corporation that owns the adjacent property and there has been an easement agreement executed that would be recorded with this project. Mr. Wright asked who will be the owner of the parking lot. Mr. Hayes said it would be the Trustees. The Trustees will make the parking lot open to the public. Mr. Taylor confirmed the lot would continue to be owned by the Trustees.

Ms. Fontana asked how many lights are being proposed for the parking lot. Mr. Hayes said there are six post-mounted lights and two pier-mounted lights. The pier-mounted lights have a lower wattage. Ms. Fontana wanted to clarify that the wrought iron fence (similar to the pier) will wrap around adjacent lots. Using the appropriate slide, Mr. Hayes illustrated the wrought iron fence will tie into the existing fence it is intended to match. Ms. Fontana said that asphalt is not an approved material and asked if they looked at any other materials.

Ms. Hamroun made her recommendations to HAC.

Ms. Hamroun commented that the Guidelines are clear in terms of street scape, driveways and off-street parking; this project is significant off-street parking. HAC looks at location only when it relates to parking spaces attached to a house or a structure. List of the points in the guidelines –Ms. Hamroun said the only point in the Guidelines that the applicant did not address is the material surface. She is concerned with putting small light fixtures on top of the piers saying they will give prominence to the wall rather than the wall being more discreet. Plantings are not in HAC's purview. Concerning concrete to be used for ADA spaces, more discussion is needed to make it match what is around it.

Light pollution – Ms. Hamroun said the design of the light fixtures is appropriate, but a conversation is needed about foot candles and light levels. Perhaps there is a compromise where building code standards may require a certain level of lighting in the parking lot, but these may be reduced due to the sensitivity of the location (not a shopping center parking lot).

Privacy fence – Ms. Hamroun asked about height of the retaining wall. Mr. Hayes said the brick retaining wall varies in height, it is about 6 inches above ground on either end and the smaller leg is about 30 inches tall. Ms. Hamroun noted the intent of a privacy fence is not having varying heights; from the ground level it should be 6 feet consistently. Ms. Hamroun prefers the fence not vary in height. She would like to see a sketch showing the retaining wall as it will look and the height and elevation of the fence above it so she can put it in context.

Paving material – Ms. Hamroun reiterated the Guidelines are very clear that paving materials be compatible with the historic district and that macadam – or “blacktop” is not appropriate. She noted the presentation did not address this prominent feature. The Guidelines suggest using grass pavers because the use of macadam or concrete is not in the historic district. There are also other alternate materials that can provide ADA access. The Guidelines state there should not be large areas of blacktop. Other materials presented are appropriate and have been used elsewhere, but the blacktop is not. If this application were to be submitted for a building permit she would recommend it not be approved as proposed.

Ms. Fontana shares Ms. Hamroun’s concern. She asked the applicant if there are other materials they would consider for the parking lot surface. Mr. Hayes said the lots are proposed to be open to the public every day. It is a four-season lot subject to plowing and salting. The advantage of the material selection is that it provides durability, is long-lasting that can withstand tight turning movements in a parking lot, simple to stripe and maintain. They are open to suggestions. Mr. Wright understands the advantage and ease of using macadam; however, it is not appropriate in the historic district. Mr. Hayes said any place you have vehicles making tight turns the surface should be blacktop. He added that reinforced turf products are not appropriate. Ms. Hamroun noted the core value of the historic district is there will always be a material that lasts longer, be easier to maintain, is more durable, but because the lot is in the historic district and in the public right of way, an effort needs to be made to use appropriate materials. She strongly encouraged the applicant to look into an alternate paving treatment. She recognizes the challenge involved for the applicant; however, this is a critical component for this location, which should be addressed with the same thoroughness shown with other aspects of the design. There will be another process (Board of Adjustment) that will handle approval of the building permit.

Ms. Norvell said they have been using grass pavers without much problem in certain high traffic areas in Europe. She does not support using macadam.

Mr. Baldini stated there are other porous surfaces, but maintenance needs to be considered. The alternate material could break down quicker than blacktop. He believes consideration needs to be given in this case. This is a significant area that will contribute to the historic district. Ms. Hamroun said in terms of durability, there is a range of materials that will weather well or possibly a combination of options.

Mr. Taylor asked for clarification about the surface material and is it something that can be addressed at the building permit stage. Ms. Hamroun said from HAC’s perspective the paving is not appropriate and would need to be revisited.

Mr. Wright referred to Mr. Hayes' statement that there is no ADA-compliant transition on the sidewalk. He wonders how you get down to the cut (in the curb). Mr. Hayes said the sidewalk across the front continues straight across; vehicles go up the ramp and across the sidewalk. None of the ramp goes out into the street, it is behind the curb line. Mr. Hayes stated the entrance will be ADA-compliant to the extent that the grades on the street are compliant. They will work with the City and Building Code Official to ensure they are satisfied with the grades of the sidewalk as it runs across the entire frontage.

Ms. Fontana said there was concern raised to the Planning Commission with regards to where the handicap spots are situated in regards to getting to the sidewalk. Mr. Hayes said the purpose of the handicap spaces in the parking lot is to serve those going to the park. The parking spaces are not intended to be remote handicap spaces for Delaware Street.

Ms. Fontana opened the floor to public comment.

Concerning ADA, an unidentified member of the audience stated you cannot get from this parking lot to Delaware Street and be ADA-compliant because on Third Street no sidewalk can be more than 2 degrees in grade. Third Street from the entrance up to Delaware Street is more than 2 degrees and you cannot encourage ADA people towards Delaware Street. Ms. Fontana appreciates the comment; however, these are City Code comments and are not in HAC's purview. We do not have a building permit for the applicant. This is like a consult discussion. Do we move the applicant along to the Board of Adjustment, and if we do so we can place conditions on any open items, making it clear the paving material being proposed is not appropriate.

Kyle Gay, Connolly Gallagher, attorney representing the City group Residents for a Livable City asked for a percentage of proposed vegetation that is proposed to be evergreen for the project. She requested information as to the level of transparency of the proposed wrought iron fence and the height of the proposed vegetation on the front side of the proposed parking lot near the public right of way. Referencing the comment that HAC "should present alternate proposals" to the Board of Adjustment, pursuant to §230-28.1, the Code mandates that this body "shall approve" and submits it is HAC's responsibility to look at the proposal as it has been proposed, including details, and if there are concerns with the proposal then provide the applicant the opportunity to return with a revised proposal.

Mr. Hayes said that plantings were discussed in detail at the Planning Commission and one of the items raised was the rationale for the planting selection versus the idea that plantings must be mostly evergreen. The Planning Commission agreed with the applicant's rationale that using predominantly evergreen plantings is not keeping within the park. Further Mr. Hayes said they propose evergreens at key locations, at the front corner of the lot and the back corners. They prefer using mostly native vegetation. He said the applicant is willing to revisit planting selections.

Screening on the front of the site – Mr. Hayes said the Ordinance has provisions for breaks in screening for appropriate reasons. In this case screening along the front was selected to be visually permeable to assist with site distance, allowing motorists leaving the parking lot

to see people walking on the sidewalk. Ms. Gay noted she was not looking for an explanation of rationale but requests more information from the project's engineers.

Ms. Hamroun reiterated that plantings are not within the purview of HAC. As for the fence, earlier in the meeting she indicated suggestions to make the fence more discreet.

Suzanne Souder, City resident, read a statement outlining her opposition to the proposed parking in the historic district and asked that HAC reject the application. *(Ms. Souder's full statement was provided for the record.)*

James Workman, City resident, questioned the effects of the proposed lot on neighboring properties. He asked if residents living on West Third Street will be required to put in footlights. Homeowners are responsible for sidewalks in front of their properties. He wonders if the City will have to widen West Third Street. He stated he has incurred substantial damage to personal vehicles from vehicles using West Third Street. Mr. Workman asked if curbing similar to the parking lot will be required for Foundry Street since traffic exiting the lot can go straight across to Foundry Street, and are there plans to widen Foundry Street to accommodate vehicles and pedestrian traffic. Concerning grade, Mr. Workman has concerns that the proposed parking lot will cause drainage issues. Lastly, he asked where the fire hydrant on West Third Street will be located.

Ms. Fontana attended the Planning Commission meeting to get a better understanding of the project. At that meeting she said the architect spoke in detail about drainage of the park and the proposed parking lot. The minutes will be available on the City website soon. Mr. Workman suggested that HAC should look at issues the Planning Commission did not address. He thinks that HAC's purview should expand beyond aesthetics. Further, it is Mr. Workman's belief it would be in the interest of HAC to question decisions made by other bodies in the City.

Karen Whalen, City resident, asked when considering applications, who does HAC envision will be visually impacted by the application. Ms. Hamroun said the Guidelines have a section about street scape that talks about the "experience" as a whole in the historic district that includes buildings, signage, façade, street grid, public spaces, roadways, and off-street parking. From HAC's perspective she said they look at the pedestrian walking through the historic district. Further, Ms. Hamroun said the experience includes brick sidewalks, granite curbing, and pavers. In this case, "pedestrian" is defined to include nearby residents, what is visible from the public right of way. Ms. Whalen questioned the integrity of HAC -- why people who live in homes in the historic district and pay property taxes are not considered more than pedestrians. She said that property values are being impacted. She said she asked the Planning Commission at their October 2017 meeting for a definition where the historic district is located and no one could answer her question. Further, the applicant is the Trustees of the New Castle Common. She believes the Planning Commission is moving forward based on lies and falsehoods. Trust land is administered with two purposes in mind; the main provision of open space is for the benefit of the citizens of the City of New Castle. Ms. Whalen believes this parking lot is not for the benefit of the citizens. HAC is ignoring the residents of the City.

Robert Parker, City resident, noted that earlier it was stated that HAC will look at materials only and not the location. The function of HAC is to preserve the historic character of the area using four guidelines. The fourth guideline says new construction should be compatible with neighboring properties and with the historic area. This is new construction and is not appropriate to neighboring properties.

Marianne Caven, City resident, commented the site is something that HAC should be addressing. She is concerned with the lack of a gate to the lot and the tall privacy fence that would obscure the lot, citing safety/crime issues associated with the park. Putting the lot in a residential neighbor is a concern. It is a pedestrian-heavy street and this lot will produce more vehicular traffic.

(Councilman) John DiMondi, City resident, agrees the location for this proposed parking lot is not appropriate. West Third Street is the narrowest street in the City. As for the use of an asphalt material, concrete pavers are stronger than concrete or asphalt. He wonders how much pervious ground will be left on the project since storm water regulations call for 30%. Mr. DiMondi believes the entrance to the lot is difficult. Residents in the area should be given more consideration. The current Comprehensive Plan says that no parking lots are permitted in the historic district or close to it. Mr. DiMondi suggested putting the parking lot on Chestnut Street.

Gail Levinson, City resident, talked about the high volume of traffic on Third Street on Friday evenings. She said that asphalt attracts skate boarders and bicyclists. She disputes the notion there is a parking problem in the City. Shortages do exist during good weather and special events, but people find places to park. She asked how garbage will be handled in the parking lot.

Dorsey Fiske, City resident, is concerned with the process. She talked about comments in the AECOM letter to the Planning Commission. In the letter City Planner Chris Rogers said there are numerous recommendations regarding public parking in the 2009 Comprehensive Plan. The nature and relevance of those recommendations as they relate to the subject application should have been discussed in more detail at the Planning Commission meeting. Ms. Fiske said they were not discussed. In the letter AECOM notes the volunteer Parking Subcommittee reported there was no need for a parking lot; people should utilize areas in town not currently being used. She thinks the application should be tabled.

Betsy McNamara, City resident, lives across West Third Street from the park. When they first moved to the City they appeared before HAC for replacement of a wooden door. Before receiving a permit they were told that an aluminum screen door had to be removed and they complied. Ms. McNamara thinks if they could be denied an aluminum screen door then this parking lot should be denied.

Andrew Camac, City resident, expressed his opposition to the proposed parking lot by way of a poem.

The public comment portion of the meeting was closed. Commissioners began deliberations of the application.

Ms. Norvell thinks the Guidelines are clear that asphalt is not appropriate.

Mr. Wright said the presentation tonight was more about the site plan that has not been passed by the Planning Commission. He recommends denying the application until the Planning Commission approves it. Mr. Baldini informed the way the Code is written there are elements in conflict. Speaking to the process, he said that per §230.28-1, going to the Planning Commission to look at the parking lot does not require a site plan. The application goes from the Planning Commission to HAC because the location is in a historic zone, and then to the Board of Adjustment. All comments from HAC and the Board of Adjustment will be incorporated into the drawing package and will go back to the Planning Commission. The Planning Commission will look at it as the entire site plan with issues presented. Mr. Wright is opposed to the application as presented. It is not his purview to decide if the parking lot is needed or not or where it is needed. He is opposed to macadam being used.

Mr. Baldini said he is not a champion of blacktop; however, he is looking at the site plan saying the Code mandates decisions are associated with HAC and recommendations are associated with the Planning Commission. He acknowledged there are gaps. Mr. Baldini said the application, if approved, goes to the Board of Adjustment for consideration of a building permit and HAC recommendations will appear in the permit process. Ms. Gay said if HAC approves the application then the statute permits the Board of Adjustment to issue a special exception and it is important for HAC to see itself as a gatekeeper outside the normal planning process. The Board of Adjustment is the final overseer. Further, Ms. Gay said that HAC has the power to insist on a proper application. There is no rush involved with tabling the issue to allow more discussion and education on the matter. Mr. Wright disagrees with tabling the application; the application should be approved or denied.

Ms. Hamroun provided the framework HAC is to use. HAC can make an approval with conditions or HAC can disapprove and make recommendations for changes necessary in order to make approval of the application possible, if approval is indeed possible.

Addressing the process, Ms. Hamroun explained that if this were a building, not enough information has been provided and enough elements are not in compliance with the Guidelines that her recommendation would be not to approve.

Mr. Taylor said the Trustees are clear they do need to return to the Planning Commission. They ask for clear guidance as to what specifically needs to be addressed in order to return to the Planning Commission and then the Board of Adjustment. They would still need to go through the permit process.

Citing Code §350.52-C (Disapprovals), Ms. Hamroun informed there could be a finding of approval or finding of disapproval with an accompanying statement that contains the reason for the disapproval and can include recommendations of changes necessary to make approval of a future application possible, if approval is indeed possible.

Disposition: Mr. Wright made a motion to disapprove the application as presented with a letter recommending use of a non-blacktop surface, look at the height of privacy fence and retaining wall, look at level of illumination of foot candles and light intrusion, and clarify the sidewalk will be ADA-compliant. The motion was seconded by Mr. Baldini.

Action: The motion to disapprove the application with conditions was approved by unanimous vote.

Adjournment -- There being no further business to address, the meeting was adjourned at 8:58 p.m.

Debbie Turner
Stenographer