

HISTORIC AREA COMMISSION
1 Municipal Drive
June 12 2025

Present: Tera Hayward-Olivas, Chairperson
Cynthia Batty, Planning Commission Liaison
Kevin Wade
Michael Westman

Absent: Lisa Doak

Also Present: Leila Hamroun, City Architect
Jeff Bergstrom, City Building Official

Ms. Hayward-Olivas convened the meeting at 6:30 p.m. Roll call followed and a quorum to conduct business was declared.

Minutes

May 8, 2025 – A motion to approve the minutes of the May 8, 2025 meeting as presented was made by Mr. Westman. The motion was seconded by Mr. Wade and was unanimously carried.

New Business

Signage in the Historic Commercial District

Ms. Hayward-Olivas stated that signage is still being reviewed with the City Administrator. Ms. Hamroun met with the City Administrator and City Solicitor regarding signage in the Historic Commercial District (HCD) and gave an overview of the proposed project to provide signage elements that would be approved in the HCD. Ms. Batty noted her concern with excluding the Code references, and Ms. Hamroun explained that decision.

Ms. Batty noted that she recently found an article on How to Communicate from the National Association of Preservation Commissions (NAPC) and she would like to set up HAC communications. Ms. Hamroun noted that the NACP is a great resource and would be able to set up a workshop.

Vernacular Architectural Forum (VAF)

Ms. Hamroun noted there was a recent VAF tour was of the City of New Castle, noting that participants were astounded at how rich New Castle is and how unique the experience was to walk through the town and experience both high end and vernacular architecture that has kept such integrity in materials, scale, etc. Ms. Hayward-Olivas noted that New Castle had the highest sign-up for tours of the tours offered.

Yellow Public Notice Signs

Ms. Hayward-Olivas stated that the yellow Public Service signs can be removed after this meeting.

Old/Tabled Applications

122 - 124 Delaware St - Al Boland - Build deck in back of property.

An application was received to construct a new two-tier deck in the rear yard with new stairs and a ramp down to the lower level and new stairs up from grade to the new deck.

Messrs. Boland and Hafer were present and represented by their architects, Anthony Bruttaniti and John Fitzpatrick. Ms. Hamroun explained that a previous application for 122-124 Delaware Street was tabled, and after a meeting on-site with her, the applicant and architect submitted updated plans; however, due to a clerical error the updated plans are not included in the HAC Packet. Ms. Hamroun confirmed that the new application with updated drawings was submitted. Ms. Hamroun stated that because the updated application and drawings are not in the Packet, HAC could deny the original application and consider this a consultation of the modified application with possible administrative follow-up as Tier 1. Ms. Hamroun explained what an administrative follow-up is.

Mr. Bergstrom explained that the applicant's choice is to (1) ask that the application be tabled or (2) accept it to be denied and present tonight and ask for Tier 1 review. The applicant accepted option 2.

A motion to deny the application for 122-124 Delaware street was made by Mr. Wade. The motion was seconded by Ms. Batty and was unanimously passed.

Consultation:

Mr. Bruttaniti explained that the first application was for a two-tiered deck. After discussions with Ms. Hamroun and concern about massing of the two-tiered deck the decision was made to eliminate the upper deck, and the current proposal is to have a deck on the main level, a stair access from grade level down to the lower level, and stairs at grade that could also access the deck itself. There was also a problem with deliveries into the restaurant, so the proposal is to create a ramp from grade level that would scissor back to the lower level. The ramp is for deliveries only.

In response to a question from Ms. Hamroun, it was confirmed by the applicant that the railings will be wood and the deck will be Trex®.

Ms. Hamroun stated that proposing the deck in a composite would have to be discussed by the Commissioners. She also recommended further discussion on the detail of the vertical railing after construction drawings are submitted.

Ms. Hamroun deferred to Mr. Bergstrom regarding the ramp. Mr. Bergstrom confirmed that Mr. Bruttaniti has a structural engineer on his team because the deck is in a high-wind and flood zones. Mr. Bergstrom stated that he would let Mr. Bruttaniti use the International Building Code IBC-24.

Historic Area Commission Minutes
June 12, 2025

Ms. Hamroun stated that she would be comfortable approving that the design be approved if the entire deck and stairs are in wood. In response to a question from Mr. Bergstrom, Ms. Hamroun noted that the deck is at eye level from the landing; and she would not recommend composite.

In response to a question from Ms. Batty, Ms. Hamroun explained in detail her issue with Trex®. She added that skirting had been proposed and that the Commissioners should make that decision. Ms. Hayward-Olivas stated that she concurred with Ms. Hamroun's recommendation. During discussion it was noted that there are a number of other wood products that are available.

Mr. Fitzpatrick made a case for Trex®, opining that the deck is almost 20' from the walkway and no one will be able to tell that the deck is not made of wood unless they are looking directly down on it. The applicant concurred, noting that as long as the end-boards are skirted in wood, no one will know that the decking is Trex® from the pavement or the walkway. Ms. Hamroun reiterated her recommendation that the entire structure should be wood.

Mr. Fitzpatrick stated that the rear of the building is not historic, but he wants to keep the historic flavor of the project. Mr. Bruttaniti suggested that they could make the ramp, the stairs, and the landing wood, but use Trex® for the decking.

Ms. Hayward-Olivas explained that HAC must follow specific Guidelines and Standards; this is a highly visible area, and the Commission must be consistent. This is an area visible from all elevations from the public right-of-way. Ms. Hayward-Olivas further stated there is no room for flexibility because of the visibility and location and that the structure should be all wood.

In response to a question from the applicant, Ms. Hamroun explained how the Guidelines and Standards were developed, who was on the Historic Area Review Commission (ARC), that public meetings were held, and that after a consensus of ARC was reached, it was presented to City Council and adopted. She also explained the Administrative Review Process (Tier 1), and the appeals process through the Commission and through the Board of Adjustment.

Ms. Batty opined that look-alike materials get better all the time, and questioned at what time the HAC would tolerate a look-alike the material. Ms. Hamroun opined that is a discussion to be held in another forum and another day; but today, HAC can only proceed with the Guidelines and Standards in place. She added that the Commission does not have a way to treat commercial properties differently than residential properties.

Mr. Wade explained the composition of the Commission and that the Commissioners bring an interpretation that comes with living in New Castle. He added that he is sympathetic to the applicant's wish to use an alternate material, but he only has one vote.

In response to a question from the applicant, Ms. Hamroun explained the process for the work to start as quickly as possible.

A motion was made by Ms. Hayward-Olivas to approve the design in terms of how it is presented with the stipulation that the materials are all wood and once everything is drawn

up and everything matches it can be approved as Tier 1. The motion was seconded by Ms. Batty and was unanimously passed.

21 E 5th St - Lewis McConnell - Replace 2 windows on the 1st floor front of the house.

Mr. McConnell was present with his contractor. Mr. McConnell stated he would like to replace two windows on the first floor on the front of the house. Ms. Hamrout met with the applicant and stated that based on her observations of the windows and the muntins, there is coating to be done, but there are no structural issues in the windows that would require full-scale replacement; based on the parameters in the Guidelines and Standards, they do not demonstrate the extent of damage that requires their replacement and they could easily be refurbished.

Ms. Hamrout added that the Guidelines state that we have to demonstrate that they need to be fully replaced, and that is not a condition that she could recommend.

In response to a question from Mr. McConnell, Ms. Hamrout stated that when the Guidelines and Standards were established the ARC decreed that the Commission could not take into consideration cost and/or hardship.

In response to a question from the applicant's contractor, Ms. Hamrout stated that if there was loss of section in the bottom rail, the top rail, or muntins, or if anything she tapped was soft, then replacement could be considered; noting that there were elements that needed to be tightened, but there was nothing in the wood itself that could not be cleaned, adjusted and tightened. The contractor noted that the windows are very simple and are not ornate or architecturally special.

Ms. Hayward-Olivas explained the State Preservation Tax Program to the applicant, and recommended that the applicant reach out to Kara Briggs, who oversees the program. In response to a question from Mr. Wade, it was noted that it is a 30% tax credit. Ms. Hayward-Olivas reiterated that pursuant to the Guidelines and Standards if a window is repairable it must be refurbished.

Ms. Batty noted that based on personal experience, she found that it is less expensive to repair the windows than to replace them. Mr. Wade stated his view that this part of the interpretation is particularly burdensome and egregious to the residents and suggested that the applicant start a petition to present to City Council to change the Code. Ms. Hayward-Olivas noted that this is part of living in a Historic District, and everyone must be held to the same standard. In response to a comment from the contractor, Ms. Hayward-Olivas stated that aluminum storm windows are allowed.

A motion was made by Ms. Batty to deny the application to replace the windows and recommended a renovation of the windows. The motion was seconded by Mr. Westman and was passed with a vote of three (3) in favor and one (1) opposed.

New Applications

117 E 3rd St - Ty Tobey - Replace 14 windows and add shutters

An application was submitted to replace 14 wood windows with new wood windows and replace shutters to match the neighboring home.

Mr. Tobey noted that the windows are old, they rattle, they are not efficient, and they have storm windows; but they do not want to remove the storm windows unless they can replace their wood windows. Ms. Tobey opined that their part of preserving the Historic District is preserving the historic aesthetic quality of the town.

Ms. Hamroun explained why storm windows were approved when the Guidelines and Standards were approved. Mr. Tobey read the intent of the Guidelines, noting that they are trying to match the intent of the Guidelines by fitting in better with the character of the town.

Karen Marshall, a member of the audience and a professional preservationist, asked if they could replace the windows because they have to have storm windows which prohibit the restoration of shutters, which the applicant has requested. Ms. Hamroun opined that storm windows were approved as a compromise because they are easily removable and it doesn't create any risk to the window behind it. Mr. Tobey stated that he investigated having the windows refurbished, but vendors who came out never got back to him; and the one vendor who did had a two-year waiting list.

Ms. Tobey stated that the City accidentally removed a street tree in the front of their house that was the only source of shade and cooling they had; and the sun causes a greenhouse effect.

Public Comment

Leonard Matas stated that he has storm windows and shutters on the outside of the house that open and close very well, and he has no issue with a greenhouse effect.

Ms. Hamroun opined that all but one of the windows can be refurbished. It was noted that there are no specs for the shutters in the application, which is required. Ms. Hayward-Olivas also noted that there were no specifics about replacing the sills. She added that there is nothing in the photos that were submitted that show damage that would warrant full-scale replacement; and no evidence that the windows are damaged beyond repair.

A motion was made by Mr. Wade to approve the application as submitted. There was no second to the motion, and the motion failed.

A motion as made by Ms. Hayward-Olivas to deny the application as presented based on a lack of supporting evidence that the windows are damaged beyond repair and there is no spec sheet or information on the shutters. The motion was seconded by Ms. Batty and was passed with a vote of three (3) in favor and one (1) opposed.

406 Delaware St - Jenna Albright - Sign for Business

An application as submitted to attach a 24" x 18" rectangular sign on a pre-existing bracket that is attached to the building.

Ms. Hamroun explained that the applicant wants to install a sign on an existing bracket. The proposed sign is 1/2" high-density fiberboard; stating the sign should be wood and it should be painted. Ms. Hamroun stated that she would not recommend approving the application as submitted. Ms. Batty opined that 18" x 24" may be too large for the space and Ms. Hamroun suggested that the applicant consult with her regarding the proposed size of the sign.

Ms. Hayward-Olivas opined that HAC could approve a sign that is wood and painted, and refer it to Ms. Hamroun for an on-site consultation. The application could then be revised and reviewed as Tier 1 as long as everything is consistent with what has been discussed at the meeting. Mr. Bergstrom added that the sign must be 7' off the deck.

Ms. Hayward-Olivas opined that the location of the arm is somewhat precarious.

A motion was made by Ms. Batty to approve the concept in principle with the exception that materials must be made to conform and after a consultation with Ms. Hamroun it can be approved as Tier 1. The motion was seconded by Mr. Westman and was unanimously passed.

Ms. Hamroun stated that it is important that the consultation occurs within the next two months. Ms. Hayward-Olivas will add that in her write-up to Ms. Levine.

Bull Hill Park - NSCDA-DE - Install sign at site in Bull Hill Park

Ms. Karen Marshall, Chair of the Historic Activities Committee of the National Society of Colonial Dames of America in Delaware, was present representing the applicant, Mary Henderer. Ms. Marshall explained that the project is to erect a second educational sign to be placed to the front right of the commemorative stone to create a triangular configuration of two signs, a park bench, and a monument.

Ms. Hamroun stated that it is consistent with the signage that is there, the materials are consistent, and the purpose is consistent; and she would be happy to recommend approval.

Ms. Marshall stated they will be working with the City for installation to match other pathway signage.

A motion was made by Mr. Wade to approve the application as submitted. The motion was seconded by Mr. Westman and was unanimously passed.

142 E 2nd St - Charles & Elen Kentnor - 12x6 addition.

An application was submitted to construct a 12' x 16' addition with a 4' long covered breezeway connecting to an existing home. Mr. and Mrs. Kentnor explained that only a small portion of the

room will be seen down the alley and they have met with the adjacent neighbors, who have no objection.

Ms. Hamroun stated that the proportions are fine, and it is almost completely shielded from the public right-of-way so alternate materials are appropriate including the fiberglass windows at the rear. She noted that there is only a 2' setback from the neighbor. Ms. Hamroun asked for clarification of the breezeway. Ms. Kentnor explained that the breezeway is enclosed. Ms. Hamroun suggested that the motion may have a caveat stating that when the building permit is applied for the building materials of the breezeway are provided.

Ms. Kentnor added that the neighbors at 144 East 2nd Street have requested that the addition and breezeway are shifted so it is attached to their house. Mr. and Mrs. Kentnor opined that they will be able to eliminate the mini split compressor noted on the drawings. Ms. Hamroun opined that moving the addition and breezeway conceals the structure even more from the public right-of-way and the details and location of the breezeway can be reviewed administratively when the drawings are completed. Mr. Bergstrom concurred, adding that the applicants will need to apply for a Building Permit.

Ms. Kentnor noted that their application to the State Preservation Tax Program was denied because they said their home was non-contributing. She noted that they do have the option to appeal. Mr. Bergstrom suggested that they reach out to him before they appeal. Ms. Hamroun also offered her assistance, noted that there is a differential between when you apply for new construction or for restoration/preservation and she can help with how the application is worded.

Ms. Hamroun requested that the motion mention that vinyl windows are not approved.

In response to a question from Mr. Kentnor, Ms. Hamroun stated that when the final plans are submitted and they conform to what has been discussed, it can be reviewed and approved as Tier 1. In response to a question from Mrs. Kentnor, Ms. Hamroun stated that the proposed fencing to hide the trash cans should be part of the final plans and can also be reviewed as Tier 1.

A motion was made by Ms. Batty to approve the concept in terms of design, scale, massing, and materials, with the exception that vinyl windows are not used, as modified with a shifting of the footprint 2' toward the adjacent property. As long as the final plans conform it can be approved as Tier 1. The motion was seconded by Mr. Westman and was unanimously passed.

203 Delaware St - Courtney Lamb - Install wooden sign.

An application was submitted to add a round wooden sign approximately 24" x 24", painted, and hung on the side of the building by metal chains and a metal bracket.

Ms. Hamroun stated that the location is a key building. She noted that the sign is quite tall and prominent. She recommended that the sign is a surface-applied sign using the existing anchor holes instead of having the sign hung from brackets. Ms. Hamroun added that the size of the sign may need to be adjusted due to the location. She suggested the printing be more discrete. Ms.

Hayward-Olivas added that Ms. Lamb can discuss the size and location of the sign with Ms. Hamroun on site.

In response to a question from Mr. Wade, Ms. Hamroun recommended that the Commission approve a sign that does not protrude from the building; noting that the size of the sign would be maximized by the brick. The sign must be below floor-level of the second story. Ms. Hamroun added that the applicant might be able to use the cartouche as the location of the sign if the Commission approves. Mr. Bergstrom stated that if the cartouche is used the sign must be attached carefully so the bricks are not damaged.

Ms. Hayward-Olivas stated the application could be approved for Tier 1 approval after the applicant has met with the City Architect on-site and a revised application has been submitted and approved. Ms. Hayward-Olivas asked that the site visit is done within 60 days to avoid the application being denied. Mr. Wade stated that the sign must be painted, as appliquest lettering is not acceptable.

A motion was made by Ms. Batty to refer the application as Tier 1 pending a site visit and a revised application with the sign being flat against the brick and size adjusted based on the location. The motion was seconded by Mr. Wade and was unanimously passed.

Ms. Hayward-Olivas stated that if Ms. Lamb wishes to use the cartouche, the sign for The Weekly should also use the cartouche.

I44 E 3rd St - Jack Garnewski - Replace exiting wood fence.

An application was submitted post facto to replace an existing fence with a cedar wood fence.

Ms. Hamroun stated that this is an irregularization. The fence matches in height in length and height, but it is not the same fencing that was there. The original fence was saw-tooth. Ms. Hamroun stated that she would not have approved this fence because it is not saw-tooth and there is no spacing between the slats. Ms. Hayward-Olivas stated that it is unfortunate that the applicant did not seek approval from HAC before installing the fence, and concurred with Ms. Hamroun that it would not have been approved. Ms. Hayward-Olivas stated she would be comfortable denying the application with the fencing; noting that the typical saw-tooth design is not tight.

Ms. Hayward-Olivas stated that if the applicant can use the fencing, it should be saw-tooth and the slats should not be tight. In response to a question from Ms. Batty, it was noted that from a design standpoint it is a very dense fence. It was noted that the original fence had various distances between the slats. Ms. Hayward-Olivas stated that the aesthetic of a saw-tooth fence is that there is some movement and light that goes through, similar to a picket fence.

Ms. Hamroun opined that the fence is more like a privacy fence that would be used in the rear of the property. Mr. Bergstrom noted that the property owner stated he needed the fence to block the backyard from view.

Ms. Batty reiterated her question regarding the spacing between slats. Mr. Bergstrom stated that the average fence does not have spacing, and the spacing occurs as the wood shrinks. Ms. Batty asked if the Commission is content to let the boards shrink, or if Ms. Hayward-Olivas is saying that the applicant must space the slats out. Ms. Hamroun opined that this is a conversation they should be having with the respondent. Ms. Hamroun reiterated that it is not an appropriate fence.

In response to Ms. Batty's original question, Ms. Hayward-Olivas stated this is something installed without the process of being able to have the design evaluated with the HAC subject matter expert. Ms. Hayward-Olivas stated that she understood that the boards will shrink over time, but it is visible from the public right of way, it is in a very prominent position. Again, Ms. Batty reiterated her question. Ms. Hamroun opined that this is very tight for a street-side fence, and fences in the front are typically spaced out.

Mr. Bergstrom stated that if the application is denied, each Commissioner must state their reason why he must take the applicant to court and have him remove the fence. Ms. Hamroun opined that the matter does not need to be pursued in court; adding that, as in the past, the application can be denied with the requirement that it be adjusted and fixed.

In response to a question from Ms. Batty, Ms. Hamroun noted that for the motion it should be stated that the fence is not appropriate; the application is denied, and it can be resubmitted as a Tier 1 if it is adjusted as a saw-tooth; and any other issues of enforcement are secondary.

Ms. Hamroun recommended because the application is presented for a fence that is not appropriate the application is denied with the caveat that a revised application be submitted with an appropriate design and reviewed as Tier 1.

A motion was made by Ms. Batty to decline the application in its current form and that we ask that it come back as a Tier 1 to have a discussion with the City Architect a for a revised design that can be approved as a Tier 1. The motion was seconded by Mr. Westman and was unanimously passed.

A motion was made by Ms. Hayward-Olivas to adjourn the meeting. The motion was seconded by Mr. Wade and the meeting adjourned at 9:05 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer