

**Historic Preservation Advisory Commission Meeting
Regular Meeting of December 19, 2016 7:00 pm**

The regular meeting of the Historic Preservation Advisory Commission took place on the above date. Chairman Dennis Becker read the Open Public Meetings Act and requested Commission Secretary Mrs. Citterbart to call the roll. Commission Secretary Mrs. Citterbart stated there was a quorum.

OATH OF OFFICE

None

ATTENDANCE: Mr. Porter, Mr. Kaplan, Mrs. Schulte, Mrs. Diglio, Mr. Becker

FLAG SALUTE: was recited.

CONSIDERATION OF MINUTES:

June 20, 2016

Mr. Kaplan made a motion to accept the June 20, 2016 minutes. Mrs. Schulte seconded the motion. The minutes were approved with a unanimous "aye" vote.

NEW BUSINESS:

George Markou (#HPC-12-2016)
79 Main Street
Block 8.01, Lot 6, T-6 Zone

The applicant would like to demolish the dilapidated and unsafe structure on the property.

Mr. Markou explained that he bought the house in 2014. It was vacant from 1980 to 2014. It is going to cost him more to rehabilitate it than to demolish it and rebuild.

Ms. Caldwell stated: It's in the McGuire Redevelopment Area. When we did this study we found that it's been vacant since the 1980's. It had citations on it for code issues back in the 1980's. It was another owner.

Mrs. Schulte asked: What was your intention when you bought the house?

Mr. Markou stated: I bought it as an investment. It is going to cost me \$600,000 to renovate. If I demolish it I can then build a bigger building for cheaper. I built a historic house in Succasunna.

Mrs. Schulte asked: Who owned it before you?

Mr. Markou stated: Mike Tornue.

Mr. Becker stated: Let's review the estimate.

Discussion ensued on the estimate for the building.

Mr. Becker questioned: What kind of electric is in it now?

Mr. Markou stated: I don't know.

Mr. Kaplan questioned: Any other estimates or just Buck Ridge?

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Mr. Markou stated: Only one.

Mr. Becker stated: It has modern wiring. You don't have to rewire the whole house.

Discussion ensued.

Mr. Becker questioned: Is it commercial or residential use?

Ms. Caldwell stated: Its mixed use residential. It can be retail, office, or residential. In the 1980's the same person owned the two properties, 75 and 79. He started converting the building to office but didn't get the proper site plan approval. He started site plan approval but didn't finish it. He couldn't get the C.O.

Mr. Becker stated: It's our mission to protect historic buildings in the historic district.

Mr. Markou stated: It is my idea to tear this down and make a new house. I can put up a condo. I will make it to match up to your town.

Mr. Kaplan questioned: Did you know it was in the historic district when you bought it?

Mr. Markou stated: Yes.

Mr. Kaplan stated: When you are in a historic district there are guidelines you have to follow.

Mr. Makou stated: If you let me take it down I will make you a new house or give it to the Town if you want it.

Ms. Caldwell stated: I'm here as the Town Planner. This house is in the McGuire Redevelopment Area. I studied this property as part of the site that needed redevelopment. It has been vacant since 1980's. There were a lot of code issues found. I've attached a letter from the engineer from the 2000's that states there were several structural issues at that time. In reviewing the criteria one of the things we worked out is whether the structure is key or contributing to the district. It's not specifically contributing in historic surveys for the Town. In terms of the redevelopment area it was considered that the building could be razed. The permitted uses are mixed use and residential. It could be repurposed but the applicant is stating that it is financially unfeasible for him to do so. It could be either way, but I think being that it's in the Redevelopment Plan there has been consideration for it to be removed.

Mr. Becker questioned: How did private property end up in the McGuire Redevelopment Area?

Ms. Caldwell stated: Any private property can be included. You can see on the front it goes from the post office up to 79 Main Street. In an area where redevelopment is, it's a tool that's permitted under the Redevelopment and Housing Law, it allows municipalities to have additional powers within that area, the power to zone, the power to condemn and make deals and negotiations with developers. We did speak to property owners when we were doing the plan. They were a big part of the holding off on doing any development to allow us to do the plan.

Mr. Becker stated: So tearing this down and building a new building is something that is in the planning for this property?

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Ms. Caldwell stated: It has been contemplated in the planning. Yes.

Mr. Becker questioned: And the Academy School House?

Ms. Caldwell stated: The structure next door is in worse shape than this one. Both properties are in the redevelopment area.

Mr. Markou stated: If you let me demolish both buildings I will make a nice bigger building for the Town.

Mr. Nick Gangemi stated: Our plan is to make it bigger. We want to sit down with a planner at some point. We wanted to wait and see what was going on with McGuire's first, but nothing is happening with that.

Mr. Porter stated: There is an easement between the two buildings.

Mr. Gangemi stated: We understand that we have to come back before the Board. We have both done development but want to see what the planner for the Town says. We will abide by the regulations for the historic district.

Mr. Becker stated: Did you buy it to redevelop it?

Mr. Gangemi stated: Yes.

Mrs. Schulte stated: McGuire came before us awhile back and wanted to raze that property to extend the parking lot.

Portion opened to the public.

1st public stepping forward: Mr. Wayne Thomas McCabe, 125 High Street, Newton. My credentials are that I'm a licensed PP in our State #2009. I've had my license for nearly 40 years. I'm an architectural historian. For the last 13 years I've been on the Freehold Board as County Historian. I also Chaired this Board many years ago. I'm the President of the Sussex County Historical Society. As President of the Society I'm responsible for the day to day operation of our property which is located directly across the street from the subject property.

Mr. McCabe continued: The building is a contributing building within the Historic District. If you look at the National Register nomination that was prepared by Kevin Wright you'll see that it comes up to a certain point and it does address these issues and qualifications. What I'd like to talk about first tonight is the building itself and this application. If you look at the historic ordinance of our Town I suggest you look at Section 139-13D and it regards the information that has to be included in the application for demolition of a historic landmark within the historic district. There is a series of 8 different items that have to be taken into consideration by the commission. The applicant is required to talk about the architectural and historic cultural significance of the building in relation to the criteria that is established in Section 139-9A. It also talks about the significance of the building in relation to the historic character of the district and the impact the removal may have on the district. The third is the potential use of the proposed currently permitted by the ordinances. As Jessica Caldwell has just laid out for you, it's in the T-6 Zone in the Redevelopment Area. That zone has certain ideas of what you can use it for. For the structural condition and the economic feasibility of the proposal, I read the application. The applicant has put in there that he's looking to do the work within the confines of what is historically correct for the district and that is why he got the estimate he did. I work for the

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National Conference. I know what it takes to put a building back on line and to get it back into code compliance. What the applicant has submitted to you in terms of his cost estimate, as you said Mr. Chairman, you don't knock down a house, pull up limestone foundation and put down 12" cinder block. That is not an acceptable practice. I've been through this building from the top down six years ago. I've reviewed the photos in this application. The building was nowhere near the state it's shown now in the photographs. It's a challenge. In the case of this building, you have to keep the roof intact and keep the weather out of it. As the applicant has testified to, there has been no work done on the building in terms of encasing the envelope. That is the first thing he should have done if he was going to have something to market and use. The fifth item talks about the importance of the extent to which the removal of this building will have a historic and architectural detrimental impact to the public interest. As president of our County Historical Society I can tell you that our position as a Board is that the removal of that building will have a significant detrimental impact on the historic district. Also, the extent to which such an old, unusual and uncommon design that the architect of the building incorporated into the structure. You'll note that it has a cut relief over the main entrance of the porch coming in. The porch was restructured only a few years ago. My consulting firm is only two doors away from this. At one time we were called in by the owner to redesign the structure which supports the back porch, which we did. You can bring in heavy file cases and it won't move at all. It also talks about the extent to which the retention will support the general welfare, increase real estate values, generating business, attracting tourists...it goes on and on. Also, within the historic district the impact on the ambience of the historic district. What I suggest to you is that the applicant has come to you this evening with an application package that does not even begin to address any of the 8 points within our ordinance. This is something that has to be completed by qualified individuals and submitted to the Board as part of this application. That is just one section. You then move on to 139-14C. It talks about the effective project approval/denial/appeal on the demolition of landmarks. It goes through a full page of information and specifications. There are six items in here and they are rather lengthy. I'm not going to read it. It talks about land value and a number of other issues in terms of professional evaluation of the building. The one thing it does say in here is about the determination of economic hardship. The State Attorney General approximately 15 years ago issued an opinion that says that Historic Preservation Commissions are not allowed to take economic hardship into account. The reason being is that an economic hardship for Wayne McCabe is different than one for Donald Trump. Therefore economic hardship cannot be taken into account in any decision making process of the commission. I would like to suggest to you that the application this evening be declared incomplete because of the lack of documentation and that the applicant be asked to come back when he has the application fully complete and that it be heard at that time.

Mr. Becker questioned: In your opinion, what would the applicant need to show in order for the building to be demolished and a new one built in its site?

Mr. McCabe stated: They need an architectural historian to determine the importance and significance of the building in the district; its architectural style which is Queen Anne; and whether or not it plays a historically significant role in the community based on ownership or anything that took place there. You also need a structural engineer or architect who's involved in restoration of buildings and qualified by their profession and practice to be able to go through the building and look at and determine what needs to be done to bring it up to code.

Mr. McCabe continued: The applicant took certain pages from Ms. Caldwell's report for the McGuire property and highlighted it. But there is no back up documentation to show exactly what the report was done approximately 10 years ago by the Code Enforcement officer.

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Mr. Becker questioned: I want to know what its going to look like on that site.

Mr. Gangemi stated: We can't spend money until we know we can tear it down. Then we will sit with the architect and planner and draw plans.

Mr. McCabe stated: It was the first public school building in the County from the 1800s. My question is if you were to try and save it and redo it, in your experience, I'm sure you can think of different ways to approach it. You have a very interesting challenge.

Mr. Gangemi stated: Once McGuire's had gone though we decided to hold off. Then we decided to take it down and then see the planner and find out what they want the new building to look like.

Mr. Becker stated: When they built the Aberlour building they made it look historically correct.

Mr. Gangemi stated: We would do whatever we need to do to make it meet requirements.

Mr. McCabe stated: Because it's in a historic district you have construction code alterations that you're allowed.

Mr. Gangemi stated: With the school house I understand that it's a sore point with everybody. But that building is not feasible; unless you turn the back into a rooming house.

Mr. Becker questioned: Ms. Caldwell, do we have anything in place at the moment for what is going to happen at McGuire property?

Ms. Caldwell stated: We have a plan with guidelines and suggested uses. It doesn't specifically give ability but it has guidelines as to what we want to do for that area.

Mr. Becker questioned: Is that something you are willing to go along with?

Mr. Becker stated: My opinion is that if you are going to tear down something that looks historic you should put something up that looks historic and nice.

Discussion ensued on building.

Mr. Gangemi stated: We understand that we would have to come back before the Board and keep within the guidelines. The main reason George is trying to tear it down is he has received four summonses.

Mr. Markou stated: I have to go to court to pay them. I'm 70 years old and I've never been to court. I received summonses for not cutting grass, not painting the house.

Mr. Becker questioned: Ms. Caldwell, if he demolished the building and put a new one on the same site would it fit in with the plan?

Ms. Caldwell stated: We are looking more for a multi-family structure rather than a single family residence. We did the plan knowing there was an easement and there could be two structures on either side. It could also be mixed use with retail on the bottom and residential on the top.

Mr. Becker stated: You are going to have to take care of some issues in the application.

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Mr. Markou stated: I am supposed to be in Court January 9.

Mr. Becker stated: Mrs. Citterbart will contact Code Enforcement to stop writing tickets because the applicant is working on the issues.

Mr. McCabe stated: I suggest you give the applicant a three month extension to give them enough time to do whatever they have to and come back in.

Mr. Becker stated: We will table this until April 17, 2017 to give the applicant time to complete the application.

OLD BUSINESS

None

2017 MEETING DATES

*January 17, 2017
*February 21, 2017
March 20, 2017
April 17, 2017
May 15, 2017
June 19, 2017
August 21, 2017
September 18, 2017
October 16, 2017
November 20, 2017
December 18, 2017
January 16, 2018

*Follows legal holiday.

Mr. Becker made a motion to approve the 2017 meeting dates. Mr. Kaplan seconded the motion. The meetings were approved with a unanimous "aye" vote.

CORRESPONDENCE:

Resolution # 197-2016 – Appointment of Margaret Baldini as Alternate Member of Historic Preservation Advisory Commission.

ADJOURNMENT:

Mr. Kaplan made a motion to adjourn the meeting. Mr. Porter seconded the motion. The meeting was adjourned with a unanimous "aye" vote at 7:56 PM.

The next regular scheduled meeting will be held on January 17, 2017 at 7:00 PM in the Council Chambers of the Municipal Building.

Respectfully submitted,

Katherine Citterbart
Historic Commission Secretary