

**Meeting Agenda  
State College Borough  
Historic Resources Commission  
February 16, 2016  
Room 241 / 7 p.m.**

**I. Call to Order**

**II. Roll Call**

Eric Boeldt, Chairman  
Mary Ann Schreck, Vice-Chairman  
Susan Bardo  
Guido Cervone  
Katsuhiko Muramoto  
Gary Patterson  
Eric White

**III. Approval of Minutes – *January 19, 2016***

**IV. Chair Report**

**V. Public Hour - Hearing of Citizens**

**VI. Historic Resources Commission Partial Demolition**

**A. Partial Demolition to a Contributing Building in the Holmes-Foster/Highlands Historic District, 200 East Beaver Avenue, Dave Breon, Contractor**

The Borough Planning Department received an application to demolish the stone chimney. This removal is proposed due to deficiencies with the chimney and it is no longer in use. Since this building is located within one of the Borough's Historic Districts, it warrants a review based on the Borough ordinance which requires a review of resources listed in the 1982 Historic Resources of the Centre Region or listed within a National Register Historic District. Based on the 1994 survey information, this house was built in 1925.

Located in the R-2 Zoning District, this property is owned by Sigma Alpha Epsilon, c/o R. B. Rutherford III.

Attached to the agenda on **page 6** are photos of the existing building conditions.

Commission Action: Review and offer any suggestions deemed appropriate.

## **VII. Work Program**

### **A. 2016 Work Program**

The Chairman presented the Work Program developed by the Commission to Council on February 8, 2016. It is anticipated that the program will be approved on February 15, 2016. Staff will provide an update from the Council meeting.

The Chairman has also drafted a memo in anticipation of the Work Program approval for the Historical Architecture Review Board (HARB). This memo and the 2002 vetoed ordinance are attached to the agenda on **pages 7-30**. An additional information item related to the HARB is the necessity of having a design guide. The design guide that was developed by the HRC can be found at this link:

<http://www.statecollegepa.us/DocumentCenter/Home/View/2724>.

Commission Action: Receive and discuss.

## **VIII. Official Reports and Correspondence**

### **A. Planning Commission**

### **B. Borough Council**

### **C. Design Review Board**

## **IX. Adjournment**

**Meeting Minutes  
State College Borough  
Historic Resources Commission  
January 19, 2016**

The State College Borough Historic Resources Commission (HRC) met on Tuesday, January 19, 2016 in the State College Borough Municipal Building, 243 South Allen Street in Room 241. Chairman Boeldt called the meeting to order at 7:06 p.m.

**Members Present**

Eric Boeldt, Chairman; Mary Ann Schreck, Vice-Chairman; Guido Cervone, Katsuhiko Muramoto and Eric White

**Others Present**

Anne Messner, Planner/Zoning Officer; Connie Randolph, Community Development Block Grant/Citizens' Advisory Committee (CDBG/CAC) member and Denise Rhoads, Staff Assistant and other interested parties

**Approval of Minutes**

A motion to approve the December 15, 2015 minutes as submitted was made by Dr. White and seconded by Ms. Schreck. The vote was unanimously in favor.

**Chair Report**

Chairman Boeldt had nothing to report.

**Public Hour**

No one in the audience wished to discuss matters not on the agenda.

**Election of Officers**

A motion was made to have the current Chairman and Vice-Chairman remain the same for 2016 by Ms. Schreck and seconded by Dr. White. The vote was unanimously in favor.

**Presentation**

State College History Presentation

Ms. Messner introduced Ms. Randolph, a resident of the Borough who has offered to present information on State College Borough history.

Ms. Randolph asked the Commission if they are following what is happening with the Autoport Restaurant. She stated she read an article in the Centre Daily Times that the Autoport had filed for bankruptcy and was being sold to an outside entity.

She noted she travels around to postcard shows trying to collect postcards pertaining to the local State College Borough history and presented some cards of the Autoport in past years.

Her discussion included:

- She stated that the Borough has to fight Penn State University (PSU) for their identity.
- She stated the Autoport is a gem for State College.
- She stated Don and Marion Meyer originally bought the building in 1936.
- She noted back in 1940 it was a teenage hangout.

Her suggestions:

- A plaque to recognize the Autoport as the first motel in PA.
- Make the public aware of the situation.

Chairman Boeldt suggested a historical marker of some sort to commemorate this building.

## **Work Program**

### House Plaque – 363 Ridge Avenue

Ms. Messner stated an application for 363 Ridge Avenue has been submitted by the property owner to purchase a plaque for their home which is located in College Heights Historic District. The Commission considered the following text.

Sears Catalog Home  
The Lynnhaven, built 1935  
For Mary L. Willard

A motion to approve this plaque was made by Ms. Schreck and seconded by Dr. White. The vote was unanimously in favor.

### Draft 2016 Work Program

Ms. Messner noted Borough Council will review the 2016 ABC Work Programs during their February 8, 2016 meeting.

Ms. Messner stated staff has been looking carefully, overall, to what the Planning Department should be concentrating on in 2016. She discussed the five priority objectives:

- Student home rental licenses.
- Complete the Property Maintenance Code (PMC).
- Make substantial progress on the State College Town Center project.
- Continue operating the Homestead Investment Program (HIP).
- Begin zoning update process.

Ms. Messner noted the “high” priorities are:

- Plan Reviews.
- House Plaques.
- Items Referred by Council.

- 2016 State of Preservation Report.
- Update the HRC webpage as needed.

She also noted “future” activities included:

- Initiate actions to implement a Historical Architecture Review Board (HARB).
- Welcome opportunities to promote preservation.
- Monitor status of the Train Station and Post House.
- Continue to work on the expansion of the Historic Districts.

Chairman Boeldt suggested adding a historical marker for the Autoport Restaurant to the “Other Activities” column as a medium priority.

Chairman Boeldt also suggested moving the HARB up to a high priority and place it in the first and second quarters.

Dr. White asked what the status is regarding the discussion of combining both the Design Review Board (DRB) and Historic Resources Commission (HRC) committees. Ms. Messner stated it will be an action of Council.

A motion to approve this 2016 Work Program was made by Ms. Schreck and seconded by Dr. White. The vote was unanimously in favor.

### **Official Reports and Correspondence**

Planning Commission (PC): Ms. Messner reported the PC will meet on Thursday. Council has asked them to revisit the Inclusionary Housing (IH) ordinance regarding a proposed building that is looking to segregate their IH units to one area. She noted they will also be looking at the fence ordinance again.

Borough Council (BC): Ms. Messner reported Council had their first meeting to swear in the new and re-elected members.

Design Review Board (DRB): Ms. Messner reported the DRB met today and reviewed two signs, approved their Work Program and they reviewed a wireless installation proposal.

Conflict of Interest Policy: Ms. Messner noted the policy was placed in the agenda and is something that is distributed at the beginning of every year for information purposes only.

### **Adjournment**

With no further business to discuss, this meeting was adjourned at 8:30 p.m. by Dr. White and seconded by Ms. Schreck.

Respectfully submitted by:  
Denise L. Rhoads, Staff Assistant



View from South Pugh Street (Source: Google Maps)



View from Highland Avenue (Source: Google Maps)

# Memo

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From: Eric Boeldt  
To: Historic Research Commission members,  
HRC agenda for 2/16/2016 meeting

At the HRC's last meeting, we agreed that moving the HARB forward toward enactment was our highest priority. I delivered that message to Council on February 8<sup>th</sup>. Assuming that council votes to approve the HRC's work plan, we will work to develop a HARB ordinance. If council disagrees with our work plan, we will re-analyze our functions.

The HRC only meets monthly, so we HRC members will have to work diligently outside of meetings to learn about HARBs then write and edit a HARB ordinance. Attached is the HARB ordinance approved by Borough Council in 2002 and then vetoed by the Mayor. Please review it closely to see if there is anything that does not fit within the overall intent of a HARB. {Hint: I have over a dozen comments with a couple that would have made that HARB useless.}

The real purpose of this memo is to help fellow HRC members find relevant information related to our duties. In addition, I included some sites from Pennsylvania towns with active HARBs and web sites. I think all of these are worth some review. Pardon the un-polished nature of this memo.

Preservation Briefs from the National Park Service

<http://www.nps.gov/tps/how-to-preserve/briefs.htm>

#14 New Exterior Additions to Historic Buildings: Preservation Concerns

#41 Maintaining the Exterior of Small and Medium Size Historic Buildings

These briefs may well be of use to you and your house. We will discuss adding links to this site at our meeting.

The item of most interest is

A Manual for Pennsylvania Historical Architectural Review Boards and Historical Commissions

Go to <http://www.phmc.pa.gov/Pages/default.aspx> and search for HARB or use this link:

<http://www.phmc.pa.gov/Preservation/About/Documents/Manual-PA-Historical-Architectural-Review-Boards-Historical-Commissions.pdf> This is the 1998 version of how the HARB should be formed.

I looked at many Pennsylvania HARBs to review what they were regulating and how they handled the process. Some of the sites I reviewed are listed below.

## Mechanicsburg

The Mechanicsburg site had by far the best. Its Guidelines were and some notes from the sites.

- Great reference guide which includes **Guidelines**. Go to <http://mechanicsburgborough.org/harb/> then click on HARB Guidelines. This looks like a very useful manual which would probably be adaptable for State College if significantly revised.
- Their ordinance is published on line. It will be very useful for comparing to the State College ordinance during the coming year. Their HARB went into effect about 2005.

## Lancaster:

- City Council created **a local historic district in 1967** in order to protect the city's architecture. <http://cityoflancasterpa.com/harb> “The HARB district was created to safeguard this architectural heritage by establishing a thoughtful review process **for all changes** to the exterior of buildings in order to prevent hasty or inappropriate alterations or demolition. Like building and fire codes, historic district ordinances help to protect the health and welfare of the City.”
- The HARB reviews all applications for new construction, demolition, and exterior alterations to buildings within the historic district.
  - **When is a HARB review not necessary?**  
The HARB **does not review any interior work or exterior painting** (including the choice of colors). General repairs and routine maintenance, and replacement of deteriorated features with in-like-kind materials and with an identical appearance to the original, does not require formal review before the HARB, but does require a permit within the historic district. **Staff can give "administrative approval" for in-kind repairs that meet certain criteria.** These activities include repointing of brick, in-kind replacement of roof shingles, and the installation of storm windows and storm doors.

## York

- HARB is a **local historic district**, which is separate from the National Register Historic District. If you live in the HARB District and are proposing to do any exterior work which is visible from a public street or alley, you must receive HARB approval before undertaking the work even if a permit is not required. York City Council established York’s HARB by ordinance in 1970, and its second in 1975. A larger HARB district, which encompasses the first two, was established in 2002. <http://yorkcity.org/historical-architectural-review-board>
- Read some of the agendas and meeting minutes. Board members provided detailed information concerning methods, materials, and techniques for Do-It-Yourself repairs.

## Reading

- A Certificate of Appropriateness (COA) is required for all new construction and exterior alterations to structures in a historic district that can be seen from a public right of way,

including those visible from public streets and alleys. The application must be completed to include all specifications for proposed exterior work (**submit paint color samples**, material samples, and detailed drawings illustrating finished dimensions for signs, new construction and alterations)

- Repair in kind (porch floor replacement, railing replacement) approved by Staff.

## Allentown

- General repair and maintenance, and replacement of deteriorated features with like materials of the identical appearance does not require Board review. Historical Architectural Review Board

### When Is HARB Review Necessary?

Any exterior changes visible from a public street or alley in the historic districts must be reviewed. Changes included:

- **A Change in Design** - for example: adding a third floor dormer, enclosing a porch, replacing the existing door, putting up a satellite dish, etc.
- **A Change in Material** - for example: installing vinyl or aluminum siding, replacing wooden railings with wrought iron, replacing wood windows with vinyl, etc.
- **A Change in Texture** - for example: replacing scalloped shingles with square shingles, replacing decorative porch columns with straight porch columns, etc.
- **A Change in Arrangement** - for example: blocking up a window, adding a new door opening, etc.

Major changes such as demolition, removal of porches, construction of additions, or other fundamental alterations all require review. **The installation of satellite dishes on requires review!**

- **When is HARB Review NOT Necessary?**  
General repair and maintenance, and replacement of deteriorated features with like materials of the identical appearance does not require Board review.

## Greensburg

- Southeast of Pittsburgh      Just minutes and agenda on web site.

## Bradford

- Application on web site but no other information

## For House Plans, fixtures, and furniture:

Vintage Lights.com      <http://www.vintagelights.com/>

Click on “Old Catalogs” for house parts including lights, bath fixtures, and furniture. You have to register for access but there is no charge.

**ORDINANCE NO. 1707**

**Local Historic District Ordinance**

An Ordinance of State College Borough creating a historic district, defining its limits, providing for the appointment of a Historical Architectural Review Board (HARB) to give recommendations to the Borough Council regarding the issuance of Certificates of Appropriateness in connection with the granting or refusal of permits for the erection, alteration, restoration, reconstruction, demolition or razing of any contributing and non-contributing building (as defined in this Ordinance) within the district and for appeals from such refusals and providing for the notification to the Pennsylvania Historical and Museum Commission (PHMC) of the adoption of this Ordinance and obtaining from the Commission a certificate as to the historical significance of the district.

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## **ARTICLE I**

### **Section 100. Legal Authorization**

Pursuant to authority contained in the Act of June 13, 1961, Public Law 282, No. 167, as amended, there is hereby created a historic district within the State College Borough.

This Ordinance shall be known and may be cited as the State College Borough Local Historic District Ordinance.

### **Section 101. Purpose**

This District is created for the following purposes:

1. Pursuant to Article I, Section 27 of the Pennsylvania Constitution which states that:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

Now, therefore, it is the purpose and intent of the State College Borough to promote, protect, enhance, perpetuate, and preserve historic districts for the educational, cultural, economic and general welfare of the public through the preservation, protection and regulation of buildings, structures, and areas of historic interest or importance within the Borough; to safeguard the heritage of the Borough by preserving and regulating historic districts which reflect elements of its cultural, social, economic, political, and architectural history; to preserve and enhance the environmental quality of neighborhoods; to strengthen the Borough's economic base by the stimulation of the tourist industry; to establish and improve property values; to foster economic development; to foster civic pride in the beauty and accomplishments of the Borough's past; and, to preserve and protect the cultural, historical and architectural assets of the Borough which the Borough has determined to be of local, state or national, historical and/or architectural significance.

## **ARTICLE II**

### **Section 200. Delineation of Historic Districts**

The State College Borough Local Historic District shall be described in writing in this section and delineated on a map designated as the Historic District Map of the Borough.

The Historic District Map of the Borough shall be located in the office of the Planning Department and made available for public inspection.

The State College Borough Local Historic District is described as following the boundary lines of the Holmes-Foster/Highlands and College Heights National Register Historic Districts, as defined by the Borough's Official Local Historic District Map.

### **ARTICLE III**

#### **Section 300. Creation & Membership of the Historical Architectural Review Board**

- A. A Historical Architectural Review Board, hereafter referred to as HARB, is hereby established to be composed of five (5) members appointed by Borough Council. The majority of the HARB membership must be composed of Borough residents. All members should be persons with demonstrated interest, knowledge, ability, experience or expertise in restoration, historic rehabilitation, or neighborhood conservation or revitalization practices. The membership of HARB shall be as follows:

One (1) member shall be a registered architect in the State of Pennsylvania

One (1) member shall be a licensed real estate broker

One (1) member shall be a building inspector

Two (2) members who have an interest in the preservation of the Local Historic Districts and are property owners who reside in the Borough.

- B. The initial terms of the first member shall be so fixed that no more than two (2) members shall be replaced or reappointed during any one calendar year. Vacancies on the HARB shall be filled within one hundred and twenty days (120). However, every member shall continue in office after expiration of the term until a successor has been appointed. Their successors shall serve for a term of five (5) years. The position of any member of HARB appointed in his capacity such as a registered architect, a licensed real estate broker, building inspector, etc., who ceases to be so engaged shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.
- C. It shall be the duty of each HARB member to remain conscious of, and sensitive to, any possible conflict of interest (including, but not limited to, financial considerations) that may arise by virtue of his or her membership on the Board. A member, upon determining that he or she has a conflict relative to any matter brought, shall disqualify himself or herself from participating, in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such matter, including temporarily absenting himself or herself from the room in which the discussion is being held.

#### **Section 301. Powers and Duties of HARB**

- A. **Advisory Role.** The HARB shall give recommendations to Borough Council regarding the advisability of issuing any Certificate of Appropriateness required to be issued in accordance with the said Act of June 13, 1961, as amended, and by this ordinance.

- B. Board Rule-Making Power.** HARB may make and alter rules and regulations for its own organization and procedure, provided that they are consistent with the laws of the Commonwealth, all provisions of this ordinance, and are approved by Borough Council.
- C. Removal of Members.** Any board member may be removed for misconduct or wrongdoing, unlawful execution of this Act, or failure to perform his or her responsibilities pursuant to this Act, or for other just cause by a majority vote of Borough Council, but not before he or she has been given the opportunity of a hearing before Borough Council.
- D. Annual Reports.** The HARB shall make an annual report to Borough Council that shall include:
1. Any recommendations for changes in the ordinance.
  2. The number and types of cases reviewed.
  3. The number of cases for which a Certificate of Appropriateness was either approved or denied.
  4. Number of HARB meetings, which each member attended.
  5. Historic preservation-related training which each member attended.
  6. A narrative summary describing the state of preservation in the Borough's Local Historic District with recommendations in policy, goals, and objectives for Borough Council's consideration.
- E. Compensation.** HARB may employ secretarial and professional assistance, and incur other necessary expenses with the approval of Borough Council.
- F. Meetings.** HARB shall meet publicly at least once each month at regularly scheduled intervals. Further, HARB may hold any additional meetings it considers necessary to carry out its powers and duties indicated in this ordinance. Such meetings shall be open to the public. A majority of HARB shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the members present. All meetings of the HARB are subject to laws of Pennsylvania concerning open meetings.
- G. Training.** HARB members and HARB support staff shall attend, at the Borough's expense, a minimum of eight (8) hours annually of officially sponsored seminars, conferences or workshops related to historic preservation and HARB administration offered by the State of Pennsylvania.

### **Section 302. Additional Powers and Duties of HARB**

In addition to the above, HARB shall have the following powers and duties:

- A.** To conduct a survey of buildings, structures, objects and monuments for the purpose of determining those of historic and/or architectural significance and pertinent facts about them; act in coordination with the Borough Planning Commission, Zoning Hearing Board, and other appropriate groups and to maintain and periodically revise the detailed listings

(resource inventories) of historic resources and data about them, appropriately classified with respect to national, state and local significance in accordance or consistent with the Pennsylvania Historical and Museum Commission's Cultural Resource Management in Pennsylvania: Guidelines for Historic Resource Surveys.

- B. To propose, from time to time, as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts.
- C. To formulate recommendations concerning the establishment of an appropriate system of markers for selected historic and/or architectural sites and buildings including proposals for the installation and care of such historic markers.
- D. To formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about the Borough's historical and/or architectural sites and buildings.
- E. To cooperate with and advise Borough agencies in matters involving historically and/or architecturally significant sites and buildings (such as appropriate land usage, parking facilities and signs, as well as adherence to lot dimension regulations and minimum structural standards).
- F. To cooperate with and enlist assistance from the National Park Service, the National Trust for Historic Preservation, Preservation Pennsylvania, the Pennsylvania Historical and Museum Commission, the Centre County Historical Society, and other agencies, public and private, from time to time, concerned with the preservation of historic sites and buildings.
- G. To advise owners of historic buildings regarding rehabilitation, repairs, maintenance methods and technologies, adaptive use, economic and tax incentives and other historic preservation strategies.
- H. To promote public interest in the purpose of this Ordinance by carrying on educational and public relations programs.

## ARTICLE IV

### **Section 400. Certificate of Appropriateness**

- A. **Certificate of Appropriateness Required.** Except for activities exempted by Part B below, a Certificate of Appropriateness shall be required prior to commencing any of the following activities in the local historic district:
  - 1. Any building addition, erection, alteration, reconstruction, restoration, or demolition to any part of a contributing and non-contributing building.
  - 2. Any building addition greater than 400 s.f. of floor area or any modification that increases roof height or changes roof pitch or style.

3. Removal from a lot or demolition of a contributing and a non-contributing building.
4. Construction of new buildings (including detached garages) on lots containing contributing and non-contributing buildings.
5. Construction of new buildings on any vacant lot or lot where a contributing and non-contributing building was removed or demolished.

**B. Exemptions.** The following activities are exempted from the requirement of obtaining a Certificate of Appropriateness:

1. Any building addition, erection, alteration, reconstruction, repair, or restoration that does not increase the existing floor area of a contributing and a non-contributing building by more than 400 s.f.
2. Changing the color of any exterior elevation.
3. Installing siding on any exterior elevation.
4. In-kind replacement of windows, doors, porch railings, shutters, light fixtures, or other details of any elevation.
5. Replacement of roofing materials on all parts of any building.
6. Construction or erection of any accessory building with a building footprint of 150 s.f. or less and not greater than 15 feet in height.

**Section 401. Application Review Procedures**

**A. Borough Planning Staff Review Procedures**

Upon receipt of an application for a zoning permit or other information that work is proposed to be done in the local historic district, planning staff shall proceed as follows:

1. The planning staff shall determine whether the scope of work requires a Certificate of Appropriateness. If a Certificate of Appropriateness is required, staff shall forward copies of the completed application for a zoning permit, when applicable, together with copies of any plot plan, building plans, and written specifications filed by the applicant to the HARB for review at the HARB's next regularly scheduled meeting. If a Certificate of Appropriateness is not required, the zoning permit and work may be authorized as usual.
2. Whenever a Certificate of Appropriateness is required as provided for in Section 400, the planning staff shall not issue a zoning permit or otherwise authorize the work until such time that the Borough Council issues a Certificate of Appropriateness.

3. The Applicant for a Certificate of Appropriateness shall be required to submit additional information, within the bounds of reason, as needed by the HARB or Borough Council to evaluate the Applicant's request.
4. The planning staff shall maintain a record of all requests for a Certificate of Appropriateness and the final dispositions of the requests.

**B. HARB Review Procedures**

Except for activities exempt under Section 400, upon receipt of a completed zoning permit application or Certificate of Appropriateness application under the jurisdiction of this Ordinance, HARB shall consider such at its next regularly scheduled meeting or special meeting by the following procedures:

1. **Notification of Application of HARB Meeting.** The owner of record or his or her representative(s) applying for a Certificate of Appropriateness and/or a zoning permit shall be advised of the time and place of said meeting and be invited to appear to explain his or her reasons at least ten (10) days before the HARB meeting. HARB may invite such other persons as it desires to attend its meeting.
2. **Consideration of Design Criteria.** In determining both oral and written recommendations to be presented to Borough Council concerning the issuance of a Certificate of Appropriateness authorizing a permit for the erection, alteration, reconstruction, repair, and restoration, or demolition, or demolition by neglect of all or a part of any contributing and non-contributing building within the Local Historic District, HARB shall consider the Design Standards set forth in Sections 500, 501, 502, and 503, and such Design Guidelines developed by the HARB and approved by Borough Council pursuant to and congruent with the objectives of this Ordinance. Such Design Guidelines shall be printed and made available for the general public.
3. **Time Frame for Board Decision.** HARB shall render a decision and recommendation on any application for a zoning permit under its review as soon as possible and no later than 30 days after the hearing/meeting provided for in Section 301(F) of the Ordinance and shall submit, in writing to Borough Council, recommendations concerning the issuance of a Certificate of Appropriateness.
4. **Disapproval of Application by HARB.** If the HARB decides to advise against the granting of a Certificate of Appropriateness, it shall so indicate, in writing, to the applicant for a zoning permit. The disapproval shall indicate to the applicant the changes in plans and specifications, if any, which would protect (1) the distinctive historical character of the historic district and (2) the architectural integrity of the building or structure. The HARB shall withhold its report for five (5) days to allow the applicant to decide whether or not to make the suggested changes in the plans and specifications. If the applicant determines that they will make the necessary changes, they shall so advise the HARB, which shall in turn advise the governing body accordingly.

5. **Contents of Written Report.** The written report to Borough Council concerning HARB's recommendations on the issuance of a Certificate of Appropriateness shall set out the findings of fact that shall include but not be limited to the following matters:
- a. The exact location of the area in which the work is to be done.
  - b. The exterior changes to be made or the exterior character of the structure to be erected.
  - c. A list and photographic record of the surrounding structures with their general exterior characteristics.
  - d. The effect of the proposed change upon the general historic and architectural nature of the district.
  - e. The appropriateness of exterior architectural features of the building. The general design, arrangement, texture, and material of the building and the relationship of such factors to similar features of buildings in the district.
  - f. The opinion of HARB, including any dissenting opinions stated in writing, as to the appropriateness of the work or the project proposed, so that it will preserve or destroy the historic character and nature of the district.
  - g. The specific recommendations of HARB based on findings of fact concerning the Borough's issuance or refusal to issue a Certificate of Appropriateness.

**C. Borough Council Review Procedures**

1. **Notification.** Borough Council shall notify the applicant of consideration of the application by Borough Council upon receipt of the written report from HARB, as provided for in Section 401B(5), at their next regular or special meeting. Such meeting is to take place as soon as possible but no later than 30 days after receipt of HARB's recommendation, and the determination of issuing to the planning staff a Certificate of Appropriateness authorizing a permit for work covered by the application. The applicant shall have the right to attend the meeting and be heard, and state reasons for filing said application and why the applicant believes a Certificate of Appropriateness should be issued.
2. **Consideration of Design Criteria.** In determining whether or not to certify to the appropriateness of the proposed erection, alteration, reconstruction, repair, restoration, or demolition of all or a part of any contributing and non-contributing building within the historic district, the Borough Council shall consider the same factors as HARB set forth in Sections 500, 501, 502 and 503 of this Ordinance and the report submitted by HARB.
3. **Approval by the Borough.** If Borough Council approves the application, it shall issue a Certificate of Appropriateness authorizing the planning staff to issue a zoning permit for the work covered.
4. **Disapproval by Borough Council.** If Borough Council disapproves an application, a written report shall be provided to the planning staff, the applicant, and to the Pennsylvania Historical and Museum Commission containing the facts found by Borough Council and the reasons, apart from HARB's, why those facts justify disapproval. The written report may

include what changes could be made to the plans and/or specifications that would meet the conditions for compliance with this ordinance.

Upon receipt of a written disapproval by Borough Council, the planning staff shall disapprove the application for a zoning permit and so advise the applicant. The applicant may appeal this disapproval to the County Court of Common Pleas within the time specified by law.

5. **Final Notification by Borough Council.** In either case of approval or disapproval, the Borough Council shall notify the applicant of its decision within five (5) days of its meeting at which the application was considered.

## ARTICLE V

### **Section 500. Criteria for HARB Certificate of Appropriateness**

In determining recommendations to be made to Borough Council concerning the issuance of a Certificate of Appropriateness, HARB shall consider only those matters that are pertinent to the preservation of the historical and/or architectural aspect and nature of the contributing and non-contributing building, site, area, or district, certified to have historical significance, including the following:

- A. Broad historical values representing the cultural, political, economic, or social history of the Borough.
- B. The relationship of the building or structure to historic personages or events.
- C. Significant architectural types representative of a certain historical period and a method of construction.
- D. The effect of the proposed change upon the general historical and architectural nature of the District.
- E. The appropriateness of exterior architectural features of a building.
- F. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
- G. In addition to the above, the Borough Zoning Ordinance shall be so amended as to be compatible with the purpose and objectives of this Local Historic District Ordinance.
- H. All other Borough laws and ordinances shall be complied with, including the zoning and subdivision ordinances.

- I. The review board shall consider the financial feasibility of its recommendations in response to a request for a Certificate of Appropriateness or zoning permit for the erection, reconstruction, alteration, and restoration of a contributing and non-contributing building. Financial feasibility shall be determined by HARB on the basis of an unreasonable cost for repair or in-kind replacement of whole or part of a contributing and non-contributing building.

The applicant shall submit a minimum of three (3) estimates from bona fide contractors and/or vendors substantiating his or her claim that the financial feasibility of in-kind replacement is unreasonable. The board shall determine as to the condition of said architectural feature based on its inspection, photographs or report from the planning staff.

If modern exterior materials of wood or masonry are used or if modern materials are used that do not meet the specified criteria, then one should consider installation in such a manner that is reversible.

#### **Section 501. Demolition Criteria**

Except as provided in Section 400, any act of demolition, whether it is in whole or in part, of a contributing and non-contributing building that is located within the local historic district shall be subject to the following criteria prior to any demolition activity. However, the criteria mentioned in this Section are supplemental to building code requirements for demolition.

- A. Demolition of any contributing and non-contributing building within the Local Historic District shall be prohibited unless such removal is approved by the procedures outlined in Section 401 of this ordinance and it is found by Borough Council and HARB that the demolition is justified for the reasons identified in Section 501.
- B. Where HARB recommends and Borough Council approves total demolition of a contributing and non-contributing building, a good faith effort shall be made by the Borough and the owner(s) to investigate moving said building to another site. If moving a building slated to be demolished is economically or practically infeasible, efforts shall be made by HARB to salvage architectural features of said building for use within the Borough.
- C. When application for demolition is presented, the HARB having considered facts stated in this Section, may recommend denial of demolition if it determines that the building is structurally safe and sound and does not pose a threat, in terms of safety, as defined by building code regulations.
- D. When HARB deems a proposed demolition undesirable, it may recommend that demolition be postponed for a period, not exceeding three (3) months, from the date of Borough Council's decision. During this period, so as to render demolition unnecessary, the HARB or members of its staff shall make all reasonable efforts to advise or assist the applicant in resolving problems that caused them to propose demolition. In the event that the HARB is

persuaded that the building cannot remain on its present site, then moving of the building shall be encouraged as an alternative to demolition.

- E. If the landowner claims that the building cannot be used for any purpose for which it is or may be reasonably adapted, or when the stated reason for demolition is based, in whole or in part, on financial hardship, the Board may require the landowner to submit, by affidavit, the following information, which must be kept confidential:
1. Amount paid for the property, date of purchase, and party from whom purchased, including description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased.
  2. Assessed value of the land and improvements thereon according to the most recent assessment.
  3. For income producing property, financial information for the previous two years, or the period of current ownership, that shall include, as a minimum, annual gross income from the property, itemized operating and maintenance expenses, real estate taxes, annual debt services, annual cash flow, the amount of depreciation taken for federal income tax purposes, and other federal income tax deductions produced.
  4. Appraisals obtained by the landowner in connection with the purchase or financing of the property that occurred during their ownership of the property.
  5. Listings of the property for sale or rent, price asked, and offers received, if any.
  6. Consideration by the landowner of future alternative uses for the property.
  7. Proof that renovation costs exceed more than 20% of the fair market value of a property for properties that have been used for residential purposes for five years or more.

Based on this information, the Board must consider an attempt by the landowner to demonstrate that the sale of the property is impracticable, that commercial rental cannot provide a reasonable rate of return, and that other potential uses of the property are foreclosed. In rendering its decision at the end of the delay period, the HARB may recommend demolition if it finds that the building cannot be used for any purpose for which it is or may be reasonably adapted.

### **Section 502. Design Criteria for Existing Buildings**

- A. The general design, arrangement, proportion, and material(s) of a building and their relationship to other buildings in the Local Historic District should be a consideration when designing for any alteration, restoration, reconstruction, and addition to a contributing and a non-contributing building. Consideration shall also be given, but not limited to the following:

1. **Compatibility.** Any change made to a building should be well-matched with the architectural features of the original building, its size, location, and building materials.
2. **Façade.** Maintain and preserve an existing building's orientation of structural shapes, plan of openings (fenestration), and architectural details, as well as relationships between the width and height of all exterior walls.
3. **Openings.** Maintain the width to height proportions of windows and doors. If front doors and windows are being replaced, then replacement shall be done in the same style, size, and shape as the existing windows and doors, replicating existing horizontal lines to assure continuity and rhythm.
4. **Porches.** Any change made to a porch, including an enclosure, shall be consistent with the architectural style of the existing building through the use of similar materials and construction techniques.
5. **Materials.** Any changes made to a building should incorporate similar materials as found on the original building. In-kind replacement materials are acceptable. If modern exterior materials of wood or masonry are used, or if modern materials are used that do not meet the specified criteria, consider installation in such a manner that is reversible.
6. **Distinctive Architectural Details.** Maintain character-defining features that are unique to the style of the building by retaining existing materials or repairing with in-kind replacement materials. Distinctive architectural details include, but are not limited to: cornices; lintels; arches; gables; dormers and other roof features; door and window number(s), size, shape, arrangement, and trim; ornamental moldings; distinctive siding such as stone, stucco, brick, or patterned shingling; and distinctive roofing materials.
7. **Roof Shapes.** Preserve the style and shape of the existing roof by maintaining original elements such as dormers, gables, and cornice lines, as well as overall pitch and height.
8. **Stairtowers.** Stairtowers shall not be located on the front of any contributing and non-contributing building. The preferred location shall be at the rear of the building, and it is suggested they be enclosed and the roofing materials be similar to the existing building's roofing materials.
9. **Adaptive Uses.** The HARB may provide for additional flexibility in the application of the Design Criteria including, but not limited to changes in window and door openings, entrance changes, and additions and changes to accommodate barrier-free accessibility.

### **Section 503. Design Criteria for New Buildings**

- A. Efforts shall be made to contextually place new structures to complement older structures. New construction shall be judged on the basis of compatibility of scale, mass, and height. Consideration shall be given, but not limited to the following:
1. **Height.** Building height contributes to the overall pattern and rhythm of a streetscape. The height of any new building shall be within 20 percent of the average height of adjacent buildings. This average shall be calculated from the heights of the first two buildings along the street on each side of the new construction. This requirement shall also apply to any proposed modifications to existing buildings or structures.
  2. **Façade.** Maintain and preserve the appearance of existing, adjacent buildings by relating the new construction to their structural shapes, fenestration, and architectural details, as well as to the relationship between width and height of the existing exterior walls.
  3. **Streetscape.** Any new construction shall maintain the pattern of traditional building forms and shapes along the public street or way.
  4. **Materials.** All building materials shall be visually compatible with and similar to adjacent structures, and they shall not contrast conspicuously with them. Use of modern exterior materials is acceptable, as long as it conveys the visual appearance of the remaining parts or elements of the existing surrounding buildings.
  5. **Roof Shapes.** New roof construction shall be similar to that of roof construction for surrounding buildings that are located within the local historic district.
  6. **Setbacks.** Uniform building setbacks help to achieve balance and order within a neighborhood. All building setbacks shall be within 10% of the average setback established by adjacent buildings along the street. The average shall be calculated by using the existing setbacks of the first two buildings along the street on each side of the new construction.
  7. **Stairtowers.** Exterior stairtowers are prohibited in the local historic district.

## **ARTICLE VI**

### **Section 600. Unreasonable Economic Hardship**

When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the landowner of record must present evidence sufficient to prove that as a result of the HARB's action, they are unable to obtain a reasonable return or a reasonable beneficial use from a resource.

The landowner of record shall submit by affidavit to the HARB some or all of the information below at the discretion of the HARB that shall include but not be limited to the following:

- A. Date the property was acquired by its current owner.
- B. Price paid for the property (if acquired by purchase) and a description of the relationship, if any, between the buyer and the seller of the property.
- C. Mortgage history of the property, including current mortgage and the annual debt service, if any, for the previous two (2) years.
- D. Current market value of the property.
- E. Equity in the property.
- F. Past and current income and expense statements for the past two (2) years.
- G. Past capital expenditures during ownership of current owner.
- H. Appraisals of the property obtained within the previous two years.
- I. Income and property tax factors affecting the property.
- J. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or state that none was obtained.
- K. All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.
- L. Estimate(s) of the cost of the proposed erection, reconstruction, alteration, restoration, demolition or razing and an estimate(s) of any additional cost(s) that would be incurred to comply with the recommendations of the planning board for changes necessary for it to approve a certificate of appropriateness.
- M. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other.

The HARB may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.

Should the HARB determine that the landowner's present return is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes. The HARB may choose to recommend to the Borough Council that special economic incentives be

developed to assist the owner of the resource in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.

The HARB may informally seek the assistance of appropriate local, statewide or national preservation organizations in developing solutions that would relieve the landowner's economic hardship. If the HARB chooses to explore such options, the HARB may delay issuing a Certificate of Appropriateness for demolition on the basis of economic hardship for a period of ninety (90) days in addition to time periods otherwise applicable.

Should the applicant satisfy the HARB that they will suffer an unreasonable economic hardship if a Certificate of Appropriateness is not approved, and should the HARB be unable to develop with the Borough or appropriate local, statewide and national preservation organizations a solution which can relieve the landowner's economic hardship, the HARB must recommend a Certificate of Appropriateness.

## **ARTICLE VII**

### **Section 700. Demolition by Neglect**

Contributing and non-contributing buildings within the Borough's Local Historic District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration. Upon identification of instances of demolition by neglect, the HARB may recommend to the property owner how to bring the property back into good condition. Examples of neglect include:

- A. Deterioration of exterior walls or other vertical supports.
- B. Deterioration of roofs or other horizontal members.
- C. Deterioration of exterior chimneys.
- D. Deterioration of crumbling of exterior stucco or mortar.
- E. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors.
- F. Deterioration of any feature so as to create a hazardous condition that could lead to the claim that a demolition is necessary for the public safety.

## **ARTICLE VIII**

### **Section 800. Notice of Violation**

The Planning staff shall serve a notice of violation on the person in violation of this ordinance which would result in, but not be limited to: (1) failure to apply for a Certificate of Appropriateness or a zoning permit required for the erection, reconstruction, alteration, and restoration of any contributing and non-contributing building, or the demolition or razing of any contributing and non-contributing building (2) failure to comply with HARB approved work, and

(3) failure to comply with Section 700 of this Ordinance. Such notice shall direct the abatement of said violation.

**Section 801. Enforcement**

The planning staff or its designated representative shall have the power to institute any proceedings, at law or in equity, necessary for the enforcement of this Ordinance.

**Section 802. Penalty**

Any person, property owner, occupant, firm or contractor failing to obtain a zoning permit or Certificate of Appropriateness pursuant to this Ordinance or for violation of Section 700 may be fined up to the sum of \$300.00 for each day the violation is unabated.

**Section 803. Repealer**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**Section 804. Severability Clause**

If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as whole, or any part thereof.

**Section 805. Amendments**

The provisions of the Ordinance may be amended in the future by the governing body of the Borough after notice and hearing as provided by law.

**Section 806. Effective Date/Certification by Pennsylvania Historical & Museum Commission**

Immediately upon the adoption of this Ordinance, the Borough shall forward a copy thereof to the Pennsylvania Historical and Museum Commission. This Ordinance shall not take effect until: (1) the said Commission has certified, by resolution, to the historical significance of the Borough's Local Historical District and, (2) it has been duly advertised once in the newspaper of general circulation in the Borough, as required by law.

**ARTICLE IX**

**Section 900. Definitions**

For the purpose of this ordinance, all words used in the present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise.

The word shall is mandatory. The word used includes designated, intended, built, or arranged to be used.

1. **Alteration.** Any change to a building or structure including the repair, replacement, reconstruction or demolition or relocation of any structure or object, or any part of a contributing and non-contributing structure.
2. **Building.** Any enclosed or open structure that is a combination of materials to form a construction for occupancy and/or use for human or animal habitation and is permanently affixed to the land, including manufactured homes.
3. **Certificate of Appropriateness.** The approval statement signed by Borough Council, which certifies the appropriateness of a particular non-exempt request for the erection, alteration, reconstruction, repair, and restoration of any contributing and non-contributing building located within a historic district.
4. **Completed Application.** A completed permit or Certificate of Appropriateness application is an application that conforms to the submittal criteria for specific historic preservation projects, as determined by the Historical Architectural Review Board (HARB).
5. **Contributing Building.** A building that is identified as contributing, as defined in the National Register of Historic Places designation for the Holmes-Foster/Highlands and College Heights Historic Districts.
6. **Demolition.** The dismantling or tearing down of a contributing and non-contributing building, or rendering the building uninhabitable, as defined by the Building Code regulations, including incidents of neglect.
7. **Demolition by Neglect.** The absence of routine maintenance and repair that can lead to a building's structural weakness, decay and deterioration resulting in its demolition.
8. **Erection.** The result of construction such as a building, structure, monument, sign, or object on the ground or on a structure or building.
9. **Façade.** The face or exterior surface wall of a building
10. **Historical Architectural Review Board (HARB).** The agency that advises the Borough and applicant applying for Certificates of Appropriateness on any requests that require review and authorization related to erecting, altering, reconstructing, repairing, restoring, or demolishing any contributing and non-contributing building within a historic district.
11. **In-Kind Replacement.** Items that will approximate the dimensions and detailing of the original architectural features of a building, using original or alternative materials.

12. **Landowner.** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase, a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in the land.
13. **Non-Contributing Building.** A building that is identified as non-contributing, as defined in the National Register of Historic Places designation for the Holmes-Foster\Highlands and College Heights Historic District.
14. **Planning Department.** A Borough department designated to enforce compliance of the Zoning Ordinance and issue permits for the erection, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any contributing and non-contributing building or structure, including those within a historic district.
15. **Public Street or Way.** A public or dedicated right-of-way 33 feet or more in width or a private right-of-way or easement or a proposed right-of-way widening or extension of an existing street or public way on any plan approval by the Planning Commission.
16. **Reconstruction.** The act or process of reproducing, by new construction, the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time, but not necessarily of original material.
17. **State College Borough Council.** The governing body of the Borough of State College.
18. **Structure.** Anything constructed or erected, having a permanent or semi-permanent location on another structure or in the ground, including without limitation buildings, sheds, manufactured homes, garages, fences, gazebos, freestanding signs, billboards, antennas, satellite sending or receiving dishes, vending machines, decks, and swimming pools.
19. **Zoning Permit.** An approval statement signed by the Zoning Officer as required by Section 304 of the Zoning Ordinance.
20. **Zoning Permit Application.** A request filed by any person, with the Planning Department, that seeks authorization to erect, alter, reconstruct, repair, restore, demolish or raze all or a part of any contributing and non-contributing building, including those within a historic district, that requires a Certificate of Appropriateness.

ENACTED AND ORDAINED as an Ordinance this 3<sup>rd</sup> day of September 2002.

BOROUGH OF STATE COLLEGE

Richard J. McCarl

President of Council

Attest:

Barbara J. Natalie  
Barbara J. Natalie  
Assistant Borough Secretary

Vetoed  
EXAMINED AND ~~APPROVED~~ as an Ordinance this 11<sup>th</sup> day of September 2002.

\_\_\_\_\_  
Bill Welch, Mayor