

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

- I. Call To Order**
- II. Roll Call**
- III. Approval Of Minutes**
- IV. Chair Report**
- V. Public Hour**
- VI. Work Program**
 - A. HARB Review And Discussion
- VII. Official Reports And Correspondence**
- VIII. Adjournment**

Documents:

Historic Resources Commission - August 16, 2016.pdf

**Meeting Agenda
State College Borough
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August 16, 2016
Room 241 / 7 p.m.**

I. Call to Order

II. Roll Call

Eric Boeldt, Chair
Katsu Muramoto
Gary Patterson
Eric White
Vacant

III. Approval of Minutes – July 12, 2016

IV. Chair Report

V. Public Hour - Hearing of Citizens

VI. Work Program

A. HARB review and discussion

The Commission has continued their review of a draft HARB ordinance. The Commission is using the PHMC *Model Historic District Ordinance for Local Governments In Pennsylvania* (2005 version) to draft the ordinance.

During this meeting the most recent draft will be the item for review.

Commission members are asked to bring the other documents previously shared with the Commission to the meeting.

Per the Chair's please review at several design guidelines from other communities before the next meeting.

The link below shows the current *Design Guidelines: Historic Resources Commission Borough of State College*:

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

Commission Action: Review, discuss and continue work.

VII. Official Reports and Correspondence

A. Planning Commission

B. Borough Council

C. Design Review Board

VIII. Adjournment

**Meeting Minutes
State College Borough
Historic Resources Commission
July 12, 2016**

The State College Borough Historic Resources Commission (HRC) met on Tuesday, July 12, 2016 in the State College Borough Municipal Building, 243 South Allen Street in Room 242. Chairman Boeldt called the meeting to order at 7:00 p.m.

Members Present

Eric Boeldt, Chairman; Susan Bardo, Katsuhiko Muramoto, Gary Patterson and Eric White

Others Present

Anne Messner, Planner/Zoning Officer and Denise Rhoads, Staff Assistant

Approval of Minutes

A motion to approve the April 19, 2016 minutes as amended was made by Dr. White and seconded by Ms. Bardo. The vote was unanimously in favor.

Chair Report

Chairman Boeldt has nothing to report.

Public Hour

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

Work Program

Historic Architectural Review Board (HARB) Review and Discussion

Chairman Boeldt stated there were monetary reasons, especially, behind the vetoing of this ordinance. He also stated there was a lot of misinformation distributed during meetings back at that time.

Ms. Messner noted there were several letters from residents against this as well in the file.

Commissioners' comments included:

- Dr. White asked about the merging of this Commission and the Design Review Board (DRB) that was discussed at the Council Work Session last evening. He understood someone to say, at that meeting, that by doing so, we would then have a HARB. Ms. Messner stated that was not the case.
- Dr. White also suggested this Commission have rebuttals ready to each of the objections listed in Mayor Welch's letter.

- Chairman Boeldt noted that Council, at their meeting last evening, offered three options: 1) do nothing, 2) merge HRC/DRB groups and 3) appoint some members of each to overlap both commissions.

Ms. Messner noted it does require a change of legislation which presents some challenges.

- Dr. White noted that Council also noted there were issues with not having quorums on a regular basis. And, that Council stated it might be more efficient by merging these boards.
- Ms. Messner stated both boards have their own separate Work Plans but could be merged.
- Dr. White stated Council noted they were not really interested in the decisions of the HRC because HRC has no real authority.
- Dr. White asked what the timeline is for a decision. Ms. Messner stated staff needed to have something presented to Council by their August 1 or August 15 meetings.
- Dr. White stated he does not feel merging the two commissions just because there might be some quorum issues is necessary. He noted he thought the merging of the two is more of an efficiency issue. He stated it does not seem to be a compelling issue for Council.
- Chairman Boeldt stated he met with Council President, Tom Daubert, Borough Manager, Tom Fontaine, Planning Director Ed LeClear and Anne to discuss this. He noted that Mr. Fontaine stated additional members could be added to both boards.

Ms. Messner asked this Commission, should both boards merge, would this board be willing to move their meeting up to 10 a.m. on the first and third Tuesdays to match the DRB. Some members are not able to accommodate this request.

Ms. Messner asked if there would be any opposition to having a joint meeting with the DRB to discuss this topic. Everyone agreed this would be a good idea.

Ms. Messner stated she would summarize the Commissioners' comments made at this meeting and relay them to Council.

Chairman Boeldt asked Ms. Messner what the next step would be for this draft of the HARB. Ms. Messner stated she would make all the edits and send it to the Pennsylvania Historical and Museum Commission (PHMC) for review and ask them to give feedback based on their experience. She also noted, at a future meeting, that the Commission should decide if they are satisfied with the draft so it could be forwarded to Council.

Dr. White suggested sending this draft down to PHMC right away.

Chairman Boeldt shared some of his edits that Ms. Messner stated she would make for the next draft review.

Chairman Boeldt noted the current guidelines need to be revised. He asked for volunteers. Ms. Messner stated the Word version of the guidelines cannot be found.

Chairman Boeldt stated the Commissioners' should look at several different design guidelines before the next meeting.

Official Reports and Correspondence

Planning Commission (PC): Ms. Messner reported the PC heard a presentation from Roger Dunlap, Assistant Borough Manager regarding the Capital Improvement Plan (CIP). She noted they reviewed the Ag and Engineering Building land development plans as well.

Borough Council (BC): Ms. Messner reported Council met last evening and discussed the HARB and also discussed the Blue Course Drive project and Property Maintenance Code (PMC) items.

Design Review Board (DRB): Ms. Messner reported the DRB will meet next week to discuss the Ag and Engineering Building land development plans and will be discussing the merger between the HRC/DRB.

Ms. Messner also noted the State College Food Bank is in need of donations and gave the particulars of this.

Ms. Messner noted PennDOT is asking if the Commission would be interested in being informed about a project that will be occurring on North Atherton Street on a regular basis. The storm sewer is deteriorating and needs to be replaced. She asked if the Commission is interested in receiving information on this project. The general consensus is they are not interested in being informed.

Adjournment

With no further business to discuss, a motion to adjourn the meeting at 8:32 p.m. was made by Ms. Bardo.

Respectfully submitted by:
Denise L. Rhoads, Staff Assistant

DRAFT ORDINANCE

An Ordinance of the Borough of State College creating a historic district, defining its limits, providing for the appointment of a Board of Historical Architectural Review (BHAR) to give recommendations to the Borough governing body 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 building 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 districts(s).

Section 100 – Legal Authorization

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

This Ordinance shall be known and may be cited as the Borough of State College Historic Preservation Ordinance.

Section 101 – Purposes

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 Borough of State College to promote, protect, enhance, perpetuate, and preserve historic districts for the economic, educational, cultural, 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 city's economic base by 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 for which the Borough has been determined to be of local, state or national , historical and/or architectural significance.

Section 200 – 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 use.”

Section 200 – Definitions

- A. Architectural Character – This visual character of a building which includes but not limited to the shape of the building, the size and placement of openings, the roof materials, slope and presence or absences of dormers, projecting porches or balconies, the width and style of trim, the setting and set back of structures and parking from the public right-of-ways and the material and craftsmanship of the buildings surfaces, including the treatment of mortar joints.
- B. Alteration – Any act or process requiring a building permit and any other act or process not requiring a building permit but specifically listed in this ordinance as a reviewable action, including without limitation the repair, replacement, reconstruction, demolition or relocation of nay structure or object or any part of a structure which is visible form the public way. Alteration is not a change in paint color.
- C. Main 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 manufactures homes.
- D. Building or Demolition Permit – An approval statement signed by the zoning officer authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building listed in the as contributing Borough’s Historic Resources Property File or is not contributing but is 50 years old and is within the Historic District boundary.
- E. Building Permit Application – The request filed by any person with the Zoning Officer that seeks authorization to erect, alter, reconstruct, repair, restore, demolish, or raze all or a part of any building or structure listed in the Borough within a historic district that requires a certificate of appropriateness.
- F. Building Code Inspector– An individual from the center Regional Code Administration or other recognized code profession that is a resident of Centre County who enforces compliance of building and/or fire codes and issues the permit for the erection, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building or structure within a historic district.
- G. Certificate of Appropriateness – The approval statement signed by the Borough Council which certifies to the historical appropriateness of a particular request for the erection, alteration, reconstruction, restoration, demolition, or razing of all or a part of any building or structure within a historic district and authorize the Issuance of a building permit (if required) for said request.
- H. Completed Application – A completed permit or certificate of appropriateness application is an application which conforms to the submittal criteria for specific historic preservation projects, as determined

by this ordinance.

- I. Demolition – The dismantling or tearing down of all or part of any main building and all operations incidental thereto, including neglecting routine maintenance and repairs which can lead to deterioration and decay.
- J. Demolition by neglect – The absence of routine maintenance and repair which can lead to a building's or structure's structural weakness, decay and deterioration resulting in its demolition.
- K. Erection – The result of construction such as a building, structure, monument, sign, or object on the ground or on a structure or building.
- L. 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 as a specific period of time but not necessarily of original material.
- M. Replacement in Kind – Using material to replace a damaged item. It shall match the original items design specification, visibly and functionally.
- N. Reviewable Action – Any alteration which may change the architectural character of any building covered by this ordinance that meets the following list below:
 - a. Window replacement
 - b. Front door replacement
 - c. Shutter replacement
 - d. Roof shingle replacement
- O. Borough of State College – Historical Architectural Review Board – (HARB)
 - a. The agency that advises the Borough of State College governing body on any requests for authorization to erect, alter, reconstruct, repair, restore, demolish all or part of any building within a historic district.

Section 300 – Delineation of Historic Districts

The Borough 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 Building Inspector and made available for public inspection.

Section 400 – The Creation and Membership of the Board of Historical Architectural Review.

- A. A Board of Historical Architectural Review, hereafter referred to as HARB, is hereby established to be composed of members appointed by the Borough governing body. The membership of HARB shall be as follows:
 - a. One (1) member shall be a registered architect;

- b. One (1) member shall be a licensed real estate brokers;
 - c. One (1) member shall be the building code inspector;
 - d. Four (4) member(s) shall be person(s) with demonstrated interest, knowledge, ability, experience or expertise in restoration, historic rehabilitation, or neighborhood conservation or revitalization who have interest in the preservation of the Historic District(s) and are property owners who reside in the district.
- B. The initial terms of the first member shall be so fixed that no more than members shall be replaced or reappointed during anyone calendar year. Vacancies on the HARB shall be filled as soon as possible no more than two members during a calendar year shall have the same expiration of the term. 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, planning commission member, 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, promptly upon his determining he has a conflict himself relative to any matter brought, shall disqualify himself from participating, in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on ant such manner, including temporarily absenting himself from the room in which the discussion is being held.

Section 401 – Powers and Duties of HARB

- A. Advisory Role – HARB shall give recommendations to the Borough governing body 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 in this ordinance.
- B. 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 the governing body, but not before he or she has been given the opportunity of a hearing to defend to ant alleged infractions of said Act.
- C. Annual Reports – The members of HARB shall make an annual report to the Borough governing body, which shall be included in the State of Preservation report and can include:
- a. any recommendations for the changes in the ordinance;

- b. the number and types of cases reviewed;
 - c. the number of cases for which a certificate of appropriateness was either approved or denied;
 - d. number of HARB meetings which each member attended;
 - e. a narrative summary describing the state of preservation in the Borough's Historic District with recommendations in policy, goals, and objectives for the Borough governing body's consideration.
- D. Meetings and Records – Within 30 days of its appointment, the HARB shall meet, elect a Chair and Vice-Chair. The term of the Chair and Vice-Chair shall be on year, and they shall be eligible for re-election.
- a. The Commission shall adopt rules for the transaction of its business and shall keep a record of its resolutions; discussions, findings and recommendation, and these records shall be open to the public. These records will be held in the Planning Department Office.
 - b. For the purpose of taking any official action, there shall be present a quorum.
 - c. All meetings of the Commission shall be conducted in conformity with Pennsylvania's Sunshine Act. All records shall be retained in conformity with applicable record retention regulations as promulgated by the Pennsylvania Historical and Museum Commission.

Section 402 – 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; action in coordination with the Borough of State College when needed.
- B. To propose, from time to time as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts.
- C. 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, historical and/or architectural sites and buildings.
- E. To cooperate with and advise the Borough governing body, the Borough agencies in matter involving historically and/or architecturally significant sites and buildings (such as appropriate land usage, parking facilities and signs, as well as adherence to lot dimensional 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 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.

Section 500 – Design Guidelines

In determining the recommendations to be made to the Borough governing body concerning the issuance of a Certificate of Appropriateness, the Board of Historical Architectural Review (BHAR) shall consider only those matters that are pertinent to the preservation of the historical and/or architectural aspect and nature of the building, or structure site, area, or district, certified to have historical significance, the BHAR shall consider the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or replacement document.

In addition, the Board, when applicable, shall consider 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 style of method of construction.
- D. The effect of the proposed change upon the general historical and architectural nature of the District.
- E. The appropriateness of the exterior architectural features which can be seen from a public street.
- F. The general design, arrangement, texture, and material of a building or structure and the relation of such factors to similar features of buildings or structures in the District. Consideration shall be given but not limited to the following:
 - a. Proportion of Building Front Facades – Preserving the relationship between the width of the front of the building and the height of the front of the building.
 - b. Proportion of Openings within the Building – Preserving the relationship of width to height of windows and doors.
 - c. Rhythms of Solids to Voids in the Front Façade – Preserving the relationship between a recurrent alteration of strong and weak

architectural elements thereby maintaining a rhythm of solids to voids.

- d. Rhythm of Spacing of Buildings on Streets – Preserving the existing rhythm of recurrent or repeated building masses to spaces between each building.
- e. Rhythm of Entrance and/or Porch Projections – Preserving the existing rhythm of entrances or porch projections to maintain a pedestrian scale.
- f. Relationship of Materials – Preserving the predominant materials of the district such as brick, stone, stucco, wood siding, or other material.
- g. Relationship of Textures – Preserving the predominant textures of the district which may be smooth, such as stucco or rough such as brick with tooled joints or horizontal wood siding or other textures.
- h. Relationship of Architectural Details – Preserving character defining features of buildings such as architectural details including but not limited to, cornices, lintels, arches, quoins, balustrades and iron work, chimneys, etc...
- i. Relationship of Roof Shapes – Preserving compatible roof shapes such as gable, mansard, hip, flat, gambrel, and/or kinds of roof shapes.
- j. Maintenance of Streetscape – Preserving physical elements which comprise streetscapes such as brick walls, wrought iron fences, building facades or combinations of these which form visual continuity and cohesiveness along the street. Exclude raised planting beds, retaining walls, stone walls and walls interior to the lot.
- k. Directional Expression of Front Elevation – Preserving the orientation of structural shapes, plan of openings and architectural detail that reflect a predominately vertical, or horizontal character to the building's façade.
- l. Scale – Preserving the scale of the built environment created by the size of units of construction and architectural detail that relate to the size of persons. In addition, preserving building mass units in relation to open space.
- m. Variations – The HARB shall grant variations in a manner that will be in harmony with the character of other buildings or structures on the street and/or districts.
- n. Paint Color –
- o. Storm Windows – Aluminum storm windows should be painted to match window trim.

- p. In such rare cases where HARB recommends and the governing body approves demolition of a historic building or structure a good faith effort shall be made by the Borough and the owner(s) to move said building or structure to a proximate site. If moving a building or structure slated to be demolished is economically or practically infeasible, efforts shall be made to salvage architectural features of said building or structure for use within the Borough.
- q. In addition to the above, the Borough zoning ordinance shall be so amended as to be compatible with the purpose of and objectives of the historic district ordinance.
- r. All other Borough laws and ordinances shall be complied with, including the zoning and subdivision ordinances.
- s. Financial Feasibility – The review board shall consider the financial feasibility of its recommendations in response to a request for a certificate of appropriateness or building permit for the erection, reconstruction, alteration, and restoration of a building or structure. Financial feasibility shall be determined by the HARB on the basis of an unreasonable cost for repair or replacement in-kind of whole or part of a building or structure.

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 repair in-kind is unreasonable. The board shall determine as to the condition of said architectural feature based on its inspection, photographs or report from the building inspector or preservation staff or consultant. No substitute material shall be approved which is inappropriate, incompatible, or is destructive or has the potential to be destructive to the original fabric of the building or structure.

No vinyl or aluminum siding or other material shall be allowed on the exterior of any masonry wall of a building or structure. No capping with aluminum or vinyl or other material shall be allowed on the exterior of character defining features of a building or structure.

Section 501 – Signs

- A. All signs must comply with the Borough Sign Ordinance or its successor document. Historical markers may be authorized by HARB subject to the provisions stipulated and such markers shall not be considered as signs but are to be erected in accordance with the requirements established for historic markers by HARB.

Section 600 – Application Review Procedure

Note: If certain exterior alterations and repairs to buildings and structures do not require a building permit and a municipality's certificate of appropriateness procedure is triggered to the building permit application process this may preclude review of those inappropriate alterations by the Board of Historical Architectural Review.

- A. Upon receipt of a completed application for a building permit or a certificate of appropriateness for work to be done in the district, the

Building Inspector shall act in accordance with the procedures being followed in that office, except those procedures that are modified by the following requirements:

- a. The Building Inspector shall determine whether the work proposed needs to be forwarded to HARB staff for administrative review. If not, he shall forward copies of the completed application for a building permit together with copies of any plot and building plans and specifications filed by the applicant to HARB.
 - b. The Building Inspector shall not issue a building permit for any erection, alterations, reconstruction, repair, restoration or demolition of all or part of any building in the District until the Borough governing body has issued a Certificate of Appropriateness. *If the building inspector or his or her representative issues a building permit without a COA due to an administrative or clerical error said building permit shall be voided.*
 - c. The Building Inspector shall require applications to submit a sufficient number of additional copies of material required to be attached to a completed application for a building permit or certificate of appropriateness so that the information needed to make the determination set forth in Section 600 will be available.
 - d. The Building Inspector shall maintain in his office a record of all such applications and final dispositions of the same.
- B. Timeframe for Board Decisions – Upon receipt of a completed building permit or certificate of appropriateness application under the jurisdiction of this Ordinance, HARB shall consider such at its next regularly scheduled meeting or special meeting.
- C. 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 building 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 desired to attend its meeting.
- D. Design Guidelines – In determining *both oral and written* recommendations to be presented to the Borough governing body concerning the issuance of a Certificate of Appropriateness authorizing a permit for the erection, alteration, reconstruction, repair, restoration, demolition by neglect of all or a part of any building within the Historic District, HARB shall consider the Design Guidelines set forth in Sections 500 and 501, and such design guidelines developed by the HARB pursuant to and congruent with the objectives of this ordinance.
- E. Time Frame for Board Decisions – HARB shall render a decision and recommendations on any application for a building permit under its review no later than 30 working days after the hearing/meeting provided for in Section 401 of the Ordinance and shall submit, in writing to the Borough governing body recommendations concerning the issuance of a Certificate of Appropriateness.

- F. Should the Board fail to notify the applicant of its decision within 30 working days of its review of the application, it shall be assumed, as a matter of law, that the application is deemed approved, unless the applicant waives the time limit in writing.
- G. Application Disapproval by HARB – If the HARB decided to advise against the granting of a Certificate of Appropriateness, it shall so indicate to the applicant for a building 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 suggests changes in his plans and specifications. If the applicant determines that he or she will make the necessary changes, he or she shall so advise the HARB, which shall in turn advise the governing body accordingly.
- H. 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 characters of the structure to be erected.
 - c. A list 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, which can be seen from a public street.
 - f. The general design, arrangement, texture, and material of the building, and the structure and the relation of such factors to similar features of buildings or structures in the district.
 - g. The specific recommendations of HARB based on findings of fact as to the issuance by the Borough governing body or its refusal to issue a Certificate of Appropriateness.
- I. Notification of Applicant by the Borough governing body of their consideration upon receipt of the written report from HARB as provided in G of this section, the Borough governing body shall consider at the next regularly scheduled or special meeting, the question of issuing to the Building Inspector a Certificate of Appropriateness authorizing a permit for work covered by the application. The applicant shall be advised by the Borough Secretary of the time and place of the meeting at which his application shall be considered. The applicant shall have the right to attend this meeting and be heard as to the reasons for filing this said application.

- J. Design Guidelines – 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 building within the historic district, the Borough governing body shall consider the same factors as HARB set for tin Section 500 and 501 of this Ordinance and the report of the Board.
- K. Approval by the Borough governing body – If the Borough governing body disapproves, a written reason(s) shall be given to the Building Inspector, the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the condition for protecting (1) the distinctive historical character of the district and (2) the architectural integrity of the building or structure.

Upon receipt of a written disapproval of the Borough governing body the Building Inspector shall disapprove the application for a building 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

- L. Final Notification by Borough governing body – In either case of approval or disapproval the Borough shall notify the applicant of its decision within five (5) days of its meeting at which the application was considered.
- M. *Should the governing body fail to notify the applicant of its decision within 30 working days of its review of the application, it shall be assumed, as a matter of law, that the application is deemed approved, unless the applicant waives the time limit in writing. (Added as a revision on September 9, 2004)*

Section 700 – Unreasonable Economic Hardship

When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner of record must present evidence sufficient to prove that as a result of the review board's action, he is unable to obtain a reasonable return or a reasonable beneficial use from a resource. The owner of record shall submit by affidavit to the review board some or all of the information below at the discretion of the HARB, which shall include nut 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 review board may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.

Should the review board determine that the owner'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 review board may choose to recommend to the Borough 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 review board may seek the assistance of appropriate local, statewide or national preservation organizations in developing solutions which would relieve the owner's economic hardship. If the review board chooses to explore such options, the review board 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 review board that he will suffer an unreasonable economic hardship if a Certificate of Appropriateness is not approved, and should the review board be unable to develop with the Borough or appropriate local, statewide and national preservation organizations, a solution which can relieve the owner's economic hardship, the review board must recommend a Certificate of Appropriateness for demolition.

Section 800 – Demolition by Neglect

All buildings and structures within the Borough historic district shall be maintained in good repair, structurally sound, and seasonably protected against decay and deterioration. Examples of such deterioration 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 for 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 which could lead to the claim that a demolition is necessary for the public safety.

Section 900 – Notice of Violation

The Building Inspector shall serve a notice of violations 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 building permit required for the erection, reconstruction, alteration, restoration, demolition, demolition by neglect, or razing of any building or structure which can be seen from a public way, and (2) failure to comply with HARB approved work. Such notice shall direct the abatement of said violation.

Section 901 – Enforcement

The Building Inspector or his designated representative shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this Ordinance.

Note: If the municipality does not enforce its historic district ordinance the purpose of the ordinance is subverted,

Section 902 – Penalty

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

Section 903 – Repealer

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

Section 904 – 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 a whole, or any part thereof.

Section 905 – 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 906 – Effective Date/Certification by Pennsylvania Historical and Museum Commission

Immediately upon the adoption of this Ordinance, the Borough Secretary 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 Historical District and, (2) it has been duly advertised once in the newspaper of general circulation in the Borough as required by law.