

**THE MINUTES OF THE 536TH STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION**

**13 APRIL 2007
1515 ARCH STREET, ROOM 18029
MICHAEL SKLAROFF, ESQ., CHAIR**

PRESENT

Michael Sklaroff, Esq., Chair
Rosalie Leonard, Office of City Council President
Sara Merriman, Commerce Department
Vincent Rivera, AIA
David Schaaf, RA
Denise Smyler, Esq.
Frank Stavola, Department of Public Property
Thomas Sugrue, Ph.D.
Scott Wilds, Office of Housing & Community Development

Randal Baron, Historic Preservation Specialist
Erin Cote, Historic Preservation Planner
Jorge Danta, Historic Preservation Planner
Jonathan Farnham, Acting Historic Preservation Director
Rebecca Sell, Historic Preservation Planner
Karen Gonski, Administrative Technician
Leonard Reuter, Esq., Assistant City Solicitor, Law Department

ALSO PRESENT

Richard Thom, R.W. Thom AIA
Amie Leighton, Daley & Jalboot Architects
John Gallery, Preservation Alliance for Greater Philadelphia
Mark Flood, Preservation Alliance for Greater Philadelphia
David Slovic
Anthony Forte, Esq.
Mitchell Harding
J. Martin Tackett, Tackett & Company
Joseph Romano
Matthew Millan, Millan Architects, Inc.
John Loonstyn, Loonstyn Properties
Liz Blazeovich, Preservation Alliance for Greater Philadelphia
John Gilligan, VFW Post 5205
Gary Lorenzon, VFW Post 5205

CALL TO ORDER

Michael Sklaroff, Chair, recognized the presence of a quorum and called the 536th Stated Meeting of the Philadelphia Historical Commission to order at 9:10 a.m. Commissioners Sklaroff, Leonard, Merriman, Rivera, Schaaf, Smyler, Sugrue, Wilds, and Frank Stavola, who represented Joan Schlotterbeck, were in attendance.

MINUTES OF THE 535TH STATED MEETING OF THE PHILADELPHIA HISTORICAL COMMISSION

ACTION: Upon a motion proffered by Mr. Sugrue and seconded by Mr. Wilds, the Commission unanimously approved the minutes of the 535th Stated Meeting of the Philadelphia Historical Commission, held 12 March 2007.

THE REPORT OF THE COMMITTEE ON HISTORIC DESIGNATION, 12 MARCH 2007

Thomas Sugrue, Chair

1328 RACE STREET, FIRE STATION

Owner: City of Philadelphia, Department of Public Property

Applicant: Anthony Forte, Esq., Saul Ewing LLP for PA Convention Center Authority

History: 1925, John Molitor, architect

Proposal: Rescind historic designation

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation recommends that the fire station building at 1328 Race Street is historically significant, but the land on which it stands is not; therefore, 1328 Race Street may be rescinded from the Register pursuant to Section 5.5.c.1.1 when “the qualities that caused its original entry have been lost or destroyed.”

OVERVIEW: This application proposes the rescission of the designation of the firehouse at 1328 Race Street. The firehouse stands in the path of the expansion of the Pennsylvania Convention Center. In November 2006, the Commission approved the demolition of the firehouse with conditions as necessary in the public interest to clear the site for the expansion of the Pennsylvania Convention Center. The applicant now seeks the rescission. He initially requested that the Commission rescind the designation as of the demolition. He has revised his application and now requests that the Commission rescind the designation as of the issuance of the demolition permit.

DISCUSSION: Mr. Farnham presented the rescission request to the Commission. Attorney Anthony Forte represented the application.

Mr. Forte explained that he is now requesting the rescission of the designation prior to the actual demolition owing to the complex project schedule and the numerous dependencies on that schedule. He stated that the Convention Center Authority must have building permits to bid the project. It would like to bid the project prior to the demolition of the buildings on the site because litigation related to some of the properties may be protracted. If the firehouse must be demolished last and its designation cannot be rescinded until it is demolished, its designation will be in force when the Authority applies for building permits to begin the bidding process. Owing to the designation, the Commission will have jurisdiction over and be required to review the plans for the convention center expansion. The requirement that the Commission review the plans at a monthly meeting will impede the project's progress; the project is moving very quickly. Mr. Sklaroff suggested that there may be another solution to the problem that would allow compliance with the Rules & Regulations and the firehouse to remain designated until demolished. Mr. Forte requested that the Commission waive its right to review the design of the expansion.

ACTION: Mr. Wilds moved to waive the Commission's right to review the plans for the expansion of the Pennsylvania Convention Center and to rescind the designation of 1328 Race Street as of the demolition of the firehouse. Mr. Schaaf seconded the motion, which passed unanimously.

507 S. BROAD STREET

Owner at the time of notification: Circle Mission Church

Nominator: Mark Flood, Preservation Alliance of Greater Philadelphia

History: 1882, George T. Pearson, architect

Proposal: Designate as historic and list on the Philadelphia Register of Historic Places

COMMITTEE ON HISTORIC DESIGNATION RECOMMENDATION: The Committee on Historic Designation recommends that the property at 507 S. Broad Street (without the mural on the north party wall) satisfies Designation Criteria a, d, and e and should be designated as historic and listed on the Philadelphia Register of Historic Places.

OVERVIEW: The J. Dundas Lippincott House at 507 S. Broad Street is historically and architecturally significant and therefore qualifies to be listed individually on the Philadelphia Register of Historic Places. It satisfies Designation Criteria (a), (d), and (e) as defined in Philadelphia's Historical Preservation Ordinance, Section 14-2007 of the Philadelphia Code. Satisfying Criterion (a), the building has significant interest or value as part of the city's development and is associated with important individuals; J.D. Lippincott, Charles H. Cramp, and Father and Mother Divine; satisfying Criterion (d), the Lippincott House is a high style patterned masonry Queen Anne town house, and one of the last to grace its block on S. Broad Street; and satisfying Criterion (e), the building is the design of architect George T. Pearson, a significant local architect, prolific in the Philadelphia area at the time of the construction of the Lippincott House.

DISCUSSION: Ms. Coté presented the nomination to the Commission. John Gallery of the Preservation Alliance acknowledged the efforts of Mark Flood, who prepared the nomination.

ACTION: Mr. Wilds moved to adopt the recommendation of the Committee on Historic Designation that the property at 507 S. Broad Street (without the mural on the north party wall) satisfies Designation Criteria a, d, and e and designate it as historic, listing it on the Philadelphia Register of Historic Places. Mr. Rivera seconded the motion, which passed unanimously.

THE REPORT OF THE ARCHITECTURAL COMMITTEE, 27 MARCH 2007

Vincent Rivera, Chair

1213-15 LOCUST STREET

Owner/Applicants: David & Ligia Slovic

History: 1896, Frank Miles Day, architect

Project: legalize doors and skylights

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend the legalization of the skylights, but denial of the legalization of the doors, pursuant to Standard 6.

OVERVIEW: This application seeks to legalize the installation of two skylights on top of the dormers as well as the removal of historic varnished oak doors and frames and their replacement with flush metal doors and frames. The applicant now proposes to apply a painted wood veneer and panels onto the illegal metal doors. The Commission had approved an interior-only permit application for this property that explicitly excluded any exterior work; nonetheless, the applicant undertook the exterior work. Although the applicant claims that the doors were not the original doors, but later replacements, historic documents indicate that the removed doors matched the originals.

DISCUSSION: Mr. Baron presented the application to the Commission. Property owner David Slovic represented the application.

Mr. Slovic explained that the property had been vacant for seven years before he purchased and rehabilitated it. He reported that he had replaced the doors following a break-in. He acknowledged that, in his haste to secure the building after the break-in, he failed to obtain the proper permit or to install a historically appropriate door. Mr. Sklaroff noted that the Commission had approved a permit application for interior alterations for Mr. Slovic, but it specifically precluded any work to the exterior. Mr. Wilds noted that the applicant must have ordered these metal doors specifically for these openings; the lead time for those doors must have been extensive. He asked the applicant how much time elapsed between the ordering and installing of these doors. Mr. Slovic responded about two weeks. Mr. Wilds suggested that the applicant had sufficient time to apply for approval of the doors. Mr. Slovic stated that he would replace the metal doors with the appropriate wood doors. He asked to retain the metal door frames and cover them with wood. Mr. Baron noted that the metal door frames had not been installed in the historic door-frame locations. The Commission stated that Mr. Slovic could retain the metal frames and cover them with wood molding to replicate the originals if it was also possible to achieve the historic placement and configuration.. It relegated the review of the details to the staff. It noted that Mr. Slovic could return to the Commission if he could not craft a solution the staff could approve.

ACTION: Mr. Sugrue moved to adopt the recommendation of the Architectural Committee and legalize the skylights, but deny the legalization of the doors, pursuant to Standard 6. Mr. Wilds seconded the motion, which passed unanimously.

100 MARKET STREET

Owner: ESK Ventures

Applicant: Allison Fritch

History: 1882

individually designated 10/7/1976

contributing to the Old City Historic District

Project: Install ADA ramp along Front Street elevation, replace windows on first story elevation, and clean and repoint brick.

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, with the staff to review details, pursuant to Standard 9.

OVERVIEW: The applicant submitted a proposal in November 2005 for interior renovations and a handicap access ramp to be installed along Market Street. The Commission approved the application providing that the ramp was paved with brick and granite, with the staff to review details. The staff approved the restoration of the second through fifth-story windows, cast-iron columns, wood sills and trim, and wood base panels on the first story in September 2006.

The applicant returned to Commission in October 2006 proposing the replacement of six large storefront windows with tall, vertical, double-glazed, four-paneled, bi-fold windows opening accordion style. The Commission denied the application as submitted, but approved the replacement of each large storefront window with two casement or pivot windows, provided the historic transoms were retained, with the staff to review details.

This application proposes to install the ADA ramp along the Front Street elevation; it was previously approved for the Market Street elevation. The owner has changed the interior design, moving the residential portion to Market Street, necessitating the relocation of the ramp to Front Street. This application also proposes to replace six large storefront windows on the first story with six casement windows. The casements have two vertical glazed panels in wood frames that will open into the interior. The existing transoms and sills are to remain and be repaired. The application also proposes brick cleaning and spot repointing.

DISCUSSION: Mr. Sklaroff recused because his firm represents the property owner. Ms. Sell presented the proposal to the Commission. Architect Martin Jay Tackett represented the application.

Mr. Tackett explained that the dimensions of the storefront window mullions must be increased from the originally proposed 1.5" to 2.5"; as originally proposed, the frames would not be strong enough to support the large pieces of glass.

ACTION: Mr. Rivera moved to adopt the recommendation of the Architectural Committee and approve the application, with the staff to review details, pursuant to Standard 9. Ms. Smyler seconded the motion, which passed unanimously.

6333 MALVERN AVENUE, 64TH AND MALVERN, OVERBROOK SCHOOL FOR THE BLIND

Applicant: Daniel Jalboot, Daley & Jalboot Architects

History: 1897-1900, Cope & Stewardson, architects

Project: Construct aquatic center

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval as submitted.

OVERVIEW: This application proposes the construction of a building for an aquatic center. It would be adjacent to the main historic building and within the walls of the historic complex. Eventually, an old pool building will be demolished, but that demolition is not part of this application. The new building will attach to a 1960s-era structure. The aquatic center will be positioned close to the historic main building and the street and will preempt some views of the main building. The primary façade material will be Hardi Plank or a similar cementitious molded board. The architecture of the proposed building relates to the nearby non-historic buildings, but not the historic structures.

DISCUSSION: Mr. Baron presented the proposal to the Commission. Architect Amie Leighton of Daley & Jalboot represented the application.

ACTION: Mr. Rivera moved to adopt the recommendation of the Architectural Committee and approve the application as submitted. Mr. Schaaf seconded the motion, which passed unanimously.

129 N. 10th Street

Owner: Tung On Association

Applicant: Leon Lee

History: c. 1825, individually designated in 1984

glazed brick façade and storefront added by this owner without a permit

Project: Rehabilitate building, rebuild front façade, demolish and rebuild rear ell

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial as submitted, owing to incompleteness, but approval in concept.

OVERVIEW: This application proposes to convert this rowhouse to offices and apartments. The glazed brick façade and storefront would be removed and the original façade restored. The rear ell would be demolished and rebuilt in a wider form. The rear is visible only from a narrow alley.

The architectural plans included with this submission are incomplete. They are not to scale and do not provide complete information about the demolition and reconstruction of the front façade and rear ell. The proposal for the historic main-block roof is ambiguous. The staff has met with the applicant and his architect on numerous occasions to discuss the documentation, but they have not produced complete or accurate plans.

DISCUSSION: Mr. Baron presented the proposal to the Commission. Mr. Baron explained that the applicant, Leon Li, had stated that he was not able to attend the Commission meeting. No one represented the application.

MOTION: Mr. Sugrue moved to adopt the recommendation of the Architectural Committee and deny the application as submitted, owing to incompleteness, but approve it in concept. Mr. Wilds seconded the motion.

Mr. Schaaf asked Mr. Baron to clarify the submission. Mr. Baron stated that the non-historic front façade would be removed and rebuilt to match the historic façade. He stated that the rear ell would be demolished and a wider rear addition constructed. He noted that the drawings are not accurate and do not precisely detail the proposed work.

Mr. Wilds asked if the original front façade remained beneath the non-historic facade. Mr. Baron responded that he believed that one wythe of brick of the historic façade had been removed. Therefore, information about openings and other façade features would be provided by the underlying façade, but the outer wythe of historic brick is missing and would need replacement.

Mr. Schaaf remarked these architectural plans included in the submission are incomplete and incorrect. He stated that the applicant should provide detailed working drawings. He noted that the building could not be reconstructed from the plans presented, which are “unsophisticated.” Mr. Sklaroff suggested that an approval in concept would be inappropriate in this circumstance because the architectural plans are flawed.

WITHDRAWAL OF MOTION: Messrs. Sugrue and Wilds withdrew their motion.

Mr. Sklaroff stated that not only better architectural plans, but also better documentation of the existing conditions such as photographs must be presented at any subsequent review.

ACTION: Mr. Sugrue moved to deny the application owing to incompleteness. Mr. Wilds seconded the motion, which passed unanimously.

310-312 QUINCE STREET

Owner: The Mask & Wig Club of the University of Pennsylvania

Applicant: Mathew Millan

History: c. 1834, rehabilitated as clubhouse by Wilson Eyre in 1894 and 1904
interior artwork by Maxfield Parrish, designated 2/28/1961

Project: Add climate control system, rehabilitate exterior

ARCHITECTURAL COMMITTEE RECOMMENDATION: The members of the Architectural Committee voted to recommend approval, pursuant to Standard 9.

OVERVIEW: This application proposes alterations to the Mask & Wig Club, a drama club associated with the University of Pennsylvania, in Washington Square West. The club is installing a climate control system and an elevator. The club, which houses a theater for live performances, currently lacks air conditioning and ventilation. Owing to the highly significant interior, which includes numerous Maxfield Parrish paintings, Mercer tiles, and other outstanding features, and also the live performance space, the design of the climate control system has been considered very carefully. It has been designed to minimize both disruptions to the historic spaces and noise in the performance space.

The majority of the work would take place in the interior of the building. In addition to the ducting and other climate control equipment, the interior work would include the installation of an elevator, which would be located at the northeast corner of the building. Two windows would be modified in the interior to accommodate the elevator shaft. However, the exterior appearances of the windows would not change.

Most of the exterior modifications would occur at the sides and roof. At the front façade, only a code-mandated fire alarm bell would be installed. A Fire Department connection would be installed in the sidewalk in front of the building. Two vent caps and an air intake grille would be installed on the north facade. Three vent caps would be installed on the south facade. These modifications would be inconspicuous. The most visible modifications would be the alterations to the roof for mechanical equipment. The applicant proposes to install three HVAC relief hoods along the northern slope of the roof. In addition the applicant proposes to install three condensing units on a platform on the roof. A section of the roof gable at the rear of the building would be removed and a platform with railing added. The building is built out to the property lines at the east, south and west. A narrow fire egress alley borders the building at the north. There is no open space for the installation of the mechanical equipment at grade.

DISCUSSION: Mr. Danta presented the proposal to the Commission. Architect and club member Matthew Millan represented the application. Mr. Sklaroff commended the applicant for a thorough and informative application.

ACTION: Ms. Smyler moved to adopt the recommendation of the Architectural Committee and approve the application, pursuant to Standard 9. Ms. Merriman seconded the motion, which passed unanimously.

419 S. 3RD STREET

Owner/Applicant: Mary Gallo and Joseph Romano

History: c. 1825, altered c. 1961, new façade c. 1975

contributing in Society Hill Historic District, designated 3/10/1999

Project: Construct two-story rear addition

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, pursuant to Standard 9.

OVERVIEW: This application proposes to construct a two-story addition on the rear of the building. The existing rear façade is not original; it has been greatly altered. The rear addition would be constructed over an existing one-story wing of the building. The proposed work would involve the partial demolition of the existing rear façade. The addition would extend out to the rear face of a non-historic stair tower. The addition would be finished in stucco and have large multiple-light fenestration. The massing of the existing dormer on the rear slope of the roof would not be altered; however, a French door with railing would be installed in an existing opening. Two windows in the non-historic stair-tower would be replaced with double-hung units.

DISCUSSION: Mr. Danta presented the proposal to the Commission. Property owner Joseph Romano represented the application.

Mr. Wilds noted Bernice Hamel's comments at the Architectural Committee meeting and stated for the record that the staff is not obligated to refer applications to civic associations. He stated that civic associations receive notice of the Commission's reviews like all other interested parties, through the interested parties mailing list.

ACTION: Ms. Smyler moved to adopt the recommendation of the Architectural Committee and approve the application, pursuant to Standard 9. Ms. Merriman seconded the motion, which passed unanimously.

1942 PANAMA STREET

Owner: Nancy Needham

Applicant: Dennis Torres

History: c. 1960

contributing in Rittenhouse Fidler Historic District, designated 2/8/1995

Project: Replace windows and doors

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend approval, with the staff to review details.

OVERVIEW: This application proposes to replace all doors and windows in the building at 1942 Panama Street. The building, which is listed as Contributing in the Rittenhouse Fidler Historic District, retains its original metal windows and doors. The narrow window units along the front and side facades would be replaced with units that swing and tilt. The sliders on the second, third, and fourth floors would be replaced with clad sliders to fit within the existing openings. The existing three-part patio door system with transom would be replaced with a four-part French door and side light system without transom. The patio door is minimally visible from 20th Street over a garden wall. The new clad units would be in grey color.

DISCUSSION: Mr. Danta presented the proposal to the Commission. Property owner Nancy Needham represented the application.

Mr. Sklaroff asked if this building contributes to the Rittenhouse Fidler Historic District. Mr. Danta stated that it is classified as contributing. Mr. Sklaroff asked about the district's period of significance. Mr. Baron responded that the district's has no endpoint to its period of significance. He stated that the Commission decided at the time of designation to classify buildings not based on date of construction, but on use, materials, scale and other factors. Mr. Wilds confirmed that, unlike the Society Hill Historic District, which includes the redevelopment era within its period of significance, the Rittenhouse Fidler Historic District has no period of significance. Turning to the application, Mr. Wilds stated that he would accept some deviation from the historic windows owing to the reasons outlined in the manufacturer's letter. Ms. Needham responded that the windows need immediate replacement and that a slightly wider frame is required according to the manufacturer's specifications.

ACTION: Ms. Smyler moved to approve the proposal as submitted. Mr. Rivera seconded the motion, which passed unanimously.

209 CUTHBERT STREET

Owner: 805 Capital Group

Applicant: Richard Thom

History: c. 1870, Designated 1984, Contributing to Old City Historic District

Project: Door legalization and roof deck

RECOMMENDATION: The members of the Architectural Committee voted to recommend legalization of the door and approval of the deck, pursuant to Standards 3 and 9.

OVERVIEW: This project proposes the legalization of the removal of wood and glass double-leaf doors and their replacement with flush metal doors. The wood and glass doors were not historic, but were installed as part of rehabilitation project in 1982. Moreover, the opening is not historic. It was widened significantly, probably in 1982. Originally, it was narrow and open, like the fire stair openings above it.

This project also proposes the reconfiguration of a roof deck that was previously approved. The deck would be constructed on the back portion of the building. It has been redesigned to avoid visibility from surrounding streets, but it will remain minimally visible from some public locations.

DISCUSSION: Ms. Sell presented the proposal to the Commission. Architect Richard Thom represented the application. Mr. Thom explained that the door replacement was undertaken without his involvement or consent.

ACTION: Ms. Smyler moved to adopt the recommendation of the Architectural Committee and legalize the door and approve the deck, pursuant to Standards 3 and 9. Mr. Wilds seconded the motion, which passed unanimously.

2041 APPLETREE STREET

Owner/Applicant: Mitchell Harding

History: c. 1850s, designated 4/28/1970

Project: Roof Deck

RECOMMENDATION: The members of the Architectural Committee voted to recommend approval, pursuant to the Historical Commission's approval of the deck at 2033 Appletree Street.

OVERVIEW: This application proposes to construct a roof deck on the main roof of the rowhouse. A similar proposal for this property was presented to the Architectural Committee in January. At that time, the Committee agreed that the deck itself satisfied the Standards, owing to its complete lack of visibility from the public right-of-way, but urged the applicant to withdraw and resubmit a proposal with a more appropriate stair. The original stair design included a very large and bulky multi-story stair tower. This application proposes a much smaller spiral stair to access the roof deck from a third-story rear door, which would be cut down from a window. The Commission approved a nearly identical deck and stair proposal for 2033 Appletree Street.

DISCUSSION: Ms. Cote presented the proposal to the Commission. Property owner Mitchell Harding represented the application.

Ms. Cote explained that the applicant's architect had devised and submitted a new design since the Architectural Committee meeting. Mr. Harding stated that he had not had an opportunity to consider the new proposal. He requested that the Commission review both the original and new proposals. Mr. Wilds remarked that the new proposal was significantly different from the original and should be reviewed by the Architectural Committee before any action by the Commission. Mr. Sklaroff concurred. Mr. Harding withdrew the revised plan and requested a review of the original design.

ACTION: Mr. Wilds moved to approve the application with the spiral stair (original design). Ms. Merriman seconded the motion, which passed unanimously.

1605, 1607, 1609 WALLACE STREET

Owner: Spring Garden Community Development Corporation

Applicant: John Loonstyn

History: Vacant lot in Spring Garden Historic District

Project: Review and Comment: Construct three townhouses

COMMENT: The members of the Architectural Committee commented that the buildings as documented in the revised plans are appropriate for the historic district.

OVERVIEW: This application proposes to construct three three-story multi-unit townhouses on three adjacent vacant lots in the Spring Garden Historic District. The Commission's jurisdiction is limited to review and comment.

DISCUSSION: Ms. Cote presented the proposal to the Commission. John Loonstyn, the developer, represented the application.

Mr. Wilds asked if the Philadelphia Housing Authority is involved in this project. Mr. Loonstyn stated that it is not; he is involved in a project with the Authority, but it is distinct from this project.

ACTION: Mr. Sugrue moved to adopt the comments of the Architectural Committee and comment that the buildings as documented in the revised plans are appropriate for the historic district. Mr. Rivera seconded the motion, which passed unanimously.

8217-8219 GERMANTOWN AVENUE

Owner: VFW Post 5205

Applicant: John P. Gilligan

History: 1859, designated 11/29/1966

Project: Legalize vinyl windows and panning

COMMITTEE RECOMMENDATION: The Committee on Financial Hardship recommended that the Commission table the matter for 90 days to allow the applicant to study his options and respond to the Committee's suggestion that all of the front windows be replaced with the historically appropriate windows.

OVERVIEW: VFW Post 5205 owns and operates the building at 8217 Germantown Avenue. Over several years and without Commission approval, the Post replaced the original wood windows with vinyl windows that approximate but do not replicate the original windows. No openings were altered. At the request of the Commission, the Department of Licenses & Inspections issued a violation for the illegal windows. In the summer of 2006, the Post applied to the Commission to legalize the windows. The Commission denied that application with the assertion that the windows do not adequately replicate the historic windows. The Post then applied to the Commission to legalize the windows because their replacement with historically appropriate windows would impose an impossible financial burden on the veterans' organization. In December 2006, the Committee on Financial Hardship reviewed the application and suggested that the Post consider installing historically appropriate windows on the front façade. The Committee likewise suggested that the Post seek to compel the contractor, who is familiar with the Commission's jurisdiction and procedures, to bring the work into compliance. The Commission tabled the matter to allow the Post to consider its options.

The Post appears today to request that the Commission legalize the windows based on financial hardship. The applicants report that discussions with the contractor have not produced the compromise sought by the Committee. They also state that they have decided not to pursue legal action against the contractor. Moreover, the Department of Licenses & Inspections cannot take any action against the contractor because the Post has not filed a complaint with the Department. Without the cooperation of the applicants, the contractor cannot be held responsible.

The financial statement presented by the Post clearly documents that it cannot afford to replace many or perhaps even any windows immediately. Replacing the windows would, without a doubt, impose a significant financial hardship. One could argue that this would be a self-imposed hardship owing to their knowledge of the designation and the need for a permit regardless of the designation. The Post remains steadfast in its request for relief under the hardship provision.

DISCUSSION: Mr. Farnham presented the application to the Commission. John Gilligan, the Commander of the Post, with Gary Lorenzon, a member and building contractor, represented the application.

Mr. Sklaroff asked Mr. Reuter if the Department of Licenses & Inspections issued a violation for the illegal vinyl windows. Mr. Reuter stated that it had issued a violation for replacing the

windows without a permit. Mr. Sklaroff asked him if there is a remedy against the window contractor. Mr. Reuter stated that there is not because the contractor was not required to be certified, as an electrician or plumber would. The contractor was acting as an agent of the owner. The owner is ultimately responsible for obtaining the permit. Mr. Sklaroff stated that the contractor should be responsible because he is knowledgeable of the Historical Commission process, has appeared before the Commission many times, and must have seen the Commission plaque on the front façade of the building. Mr. Reuter stated that the preservation ordinance only addresses property owners, not contractors. Mr. Sklaroff stated that there should be remedy against a contractor, who knew or should have known that the building was designated and the windows needed the Commission's approval and a permit.

Mr. Wilds stated that the Post has been given sufficient time to forge a mutually acceptable compromise, but has not and merely requests that the Commission pardon it and release it from any obligations to correct the illegal work. Mr. Wilds asked Mr. Reuter to explain the consequences of allowing the violation to stand in the short and long terms. Mr. Reuter responded that, typically, the violation would be referred to the Municipal Court after 60 to 90 days, where the Department would seek to have the court require the corrective work or issue fines. Mr. Wilds asked if the City could request that the judge allow the violation to stand, but not seek fines. Mr. Reuter explained that the maintenance or clearing of the violation is an administrative act. He also noted the outstanding appeal to the Board of License & Inspection Review of the Commission's earlier denial of these windows. Mr. Reuter stated that the Commission is not required to aggressively or pro-actively enforce violations. Mr. Wilds noted that, if the violation was allowed to stand, the City Certification would alert a potential buyer of the violation in the future. Mr. Sklaroff remarked that a future buyer may or may not remedy the violation after a sale. Mr. Reuter noted that a deed restriction could be recorded to require rectification in the future. Mr. Sklaroff suggested that the Commission decide the matter on the merits, not postpone the decision to a later date.

Mr. Reuter explained that the Commission may consider two types of financial hardship. First, the property itself may pose a financial hardship for any owner. Second, the owner itself may suffer a financial hardship if he or she were required to meet the Commission's normal standards.

Mr. Gilligan introduced himself. Mr. Sklaroff reminded him that the Commission had offered a compromise that consisted of the legalization of the all side and rear vinyl windows in exchange for the replacement of the front-façade windows with historically appropriate windows. Mr. Gilligan responded that the Post could not afford to comply with that proposal. He stated that the Post saved for five years for the vinyl windows. He also noted that the wood windows would be expensive to maintain.

Mr. Sklaroff asked Mr. Gilligan to comment on any discussions with Matus Windows. Mr. Gilligan stated that the Post is not protecting Matus Windows; it has no relationship with Matus. He explained that the Post requested that Matus correct the problem. In response, Matus offered to replace the six front-façade windows for \$5,600. Mr. Sklaroff asked Mr. Gilligan if the Post was willing to replace those windows. Mr. Gilligan asked to make a statement before responding to that question. He reported that the Post has 134 members, most of whom are elderly. He stated that the membership of the Post must review any compromise plan for approval. Mr. Gilligan stated that he did not have the authority to approve a compromise. He stated that many members of the Post are angry about the Commission's jurisdiction and requirements. Mr. Gilligan stated that replacing the windows would inconvenience the first-floor tenant, who pays \$1,600 in monthly rent. Mr. Sklaroff stated that the Commission is charged

with protecting historic fabric; it does not act on applications based on potential inconvenience. Mr. Gilligan responded that the Post must placate its tenant, which provides most of the Post's income. Mr. Wilds stated that the Commission is frustrated with Mr. Gilligan because he is not working to find a solution. Mr. Wilds noted that the Post had not forged a compromise proposal during the three-month tabling period, even though the Commission tabled the matter to provide the Post with that opportunity. Mr. Wilds remarked that Mr. Gilligan has come before the Commission and its committees several times, but is never authorized to act on behalf of the Post. He noted that Matus had proposed a compromise to the Post, but the Post did not authorize Mr. Gilligan to accept or reject that plan. Mr. Wilds stated that the Commission would like to reach a conclusion on this application, but the applicants are never prepared. Ms. Smyler asked if the Post would be willing to replace the vinyl windows with appropriate windows on an as-needed basis. Mr. Gilligan stated that it would depend on the time frame. Several Commission members noted that the vinyl windows would last a very long time and therefore the replacement would be many years in the future. Mr. Gilligan stated that he could not make a commitment. Mr. Sklaroff noted that these issues had been discussed at great length with Mr. Gilligan at past meetings. He again stated that a minor inconvenience to the tenant was not a sufficient reason to reject outright the generous compromise proposed by the Commission.

Mr. Sklaroff asked if Mr. Gilligan had any new or different information to present. Mr. Gilligan stated that one circumstance had changed; he explained that the Post had sought the assistance of the Councilwoman Donna Reed Miller's and Councilman Frank Rizzo's offices. Vernon Price and Frank Galioto of the Council offices visited the Post and are "supporting" the Post's "position." Mr. Sklaroff asked if they would comment on the preservation aspects of the windows. Mr. Gilligan replied that they had concluded that the building should not be listed on the Philadelphia Register of Historic Places. Mr. Sklaroff stated that the legitimacy of the designation is not before the Commission and would not be discussed.

Mr. Wilds stated that the compromise was appropriate because it would restore the very significant and unusual second-story windows. Mr. Wilds noted that the Commission would, in its normal course of business, review proposed replacements for the other vinyl windows when they reached the ends of their useful lives.

ACTION: Mr. Wilds moved to legalize the vinyl windows owing to a financial hardship, provided the six windows at the first and second-floor front façade are replaced with historically-appropriate wood windows, with the staff to review details. Ms. Merriman seconded the motion, which passed with a vote of 8 to 1. Mr. Rivera dissented.

401 N. BROAD STREET

Owner: Gerald S. Kaufman Corp

Applicant: David G. Orphanides

History: 1929-1931; designated 5/11/1994

Project: Relocate two rooftop antennas

ARCHITECTURAL COMMITTEE RECOMMENDATION: The Architectural Committee voted to recommend denial of the proposal as submitted, pursuant to Standard 9.

OVERVIEW: This application proposes to relocate three existing Nextel antennas atop the penthouse of the North American Building on N. Broad Street. The existing antennas are located at the rear of the penthouse and extend above the roofline. The application proposes to remove those existing Nextel antennas and replace them with two new antennas mounted to the south side of the penthouse. The mounting structure would not be flush with the penthouse

wall, but would extend outward from the wall. The antennas and the mounting structure would be visible from N. Broad Street. The penthouse façade is finely detailed with decorative brick and terra cotta detailing like the front façade.

DISCUSSION: Mr. Danta presented the proposal to the Commission. No one attended to represent the application.

ACTION: Mr. Sugrue moved to adopt the recommendation of the Architectural Committee and deny the application, pursuant to Standard 9. Ms. Merriman seconded the motion, which passed unanimously.

NATIONAL REGISTER COMMENT

RODEPH SHALOM SYNAGOGUE, 607-615 N. BROAD STREET

DISCUSSION: Mr. Farnham presented the nomination to the Commission. He explained that the Pennsylvania Museum and Historical Commission has requested that the Commission comment on the National Register nomination for Rodeph Shalom Synagogue at 607-615 N. Broad Street. The nomination contends that the synagogue satisfies National Register Criterion C: It has distinctive architectural characteristics. He noted that the staff has assessed the nomination, agrees with its conclusion, and notes that the important building is listed on the local register and was designed by the first chair of this Commission, Grant Simon.

ACTION: Mr. Sugrue moved to recommend to the Pennsylvania Museum and Historical Commission that Rodeph Shalom Synagogue at 607-615 N. Broad Street satisfies National Register Criterion C and should be added to the National Register of Historic Places. Ms. Smyler seconded the motion, which passed unanimously.

REPORT ON THE ACTIVITIES OF THE HISTORICAL COMMISSION STAFF FOR MARCH 2007

Jonathan E. Farnham, Acting Historic Preservation Director

Mr. Farnham presented the report to the Commission. When asked if they had questions about the report, the Commissioners replied that they had none.

ADJOURNMENT

ACTION: At 11:00 a.m., Mr. Rivera moved to adjourn the meeting. Mr. Wilds seconded the motion, which passed unanimously.

STANDARDS AND GUIDELINES CITED IN THE MINUTES

Standard 3: Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

Standard 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new works shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.