

**THE MINUTES OF THE 408th STATED MEETING OF THE
PHILADELPHIA HISTORICAL COMMISSION
14 August 1996**

**City Council Caucus, Room 401 City Hall
Wayne S. Spilove, Chair**

Present

Wayne S. Spilove, Chair
Robert Barnett, Commissioner, Department of Licenses and
Inspections
David Brownlee, Ph.D.
Barbara Kaplan, Executive Director, City Planning Commission
Arlene Matzkin
Steven Mullin, Director, Department of Commerce
Michael Sklaroff, Esq.
Scott Wilds, Office of Housing and Community Development
Stephanie Wolf, Ph.D.

Richard Tyler, Historic Preservation Officer
Randal Baron, Assistant Historic Preservation Officer
Jeffrey R. Barr, Historic Preservation Technician
Laura M. Spina, Historic Preservation Specialist

Also, with affiliation and/or project

Martin Fricko, John Weber Brick Pointing Company
John Weber, John Weber Brick Pointing Company
Jeff Walker, University Barge Club
William Link, Historic Landmarks for the Living
Judith Eden, Center City Residents Association (CCRA)
Lenore Millhollen, CCRA
Marcus Goldberg, Universal Christian Gnostic Movement of the USA
Joseph Lisa, Moore College of Art
William Kerr, Moore College of Art, Blank Rome Comisky & McCauley
Michael Corenzwit, 718 Arch Street
M. Golenski
Milton Marks, Preservation Alliance
Sheldon Kauffman, S.J.K. Distributors
Stephen Bonitatibus, 122 N. Lambert Street
Lisa Bonitatibus, 122 N. Lambert Street
Joshua Grimes, Esq., Preservation Alliance
Bernard Nearey, Rittenhouse-Fitler District

Wayne S. Spilove, Chair, recognized the presence of a quorum and called the 408th Stated Meeting of the Philadelphia Historical Commission to order at 10:05 A.M.

MINUTES of the 407th Stated Meeting of the Philadelphia Historical Commission. Mr. Barnett made two corrections to the minutes. Page 9, second paragraph, last sentence should read "the fund may not". Mr. Barnett also corrected the second

sentence of the third paragraph by striking the words "this mechanism and". Upon a motion made by Mr. Wilds and duly seconded, the Commission unanimously approved the Minutes of the 407th Stated Meeting of the Philadelphia Historical Commission held on 10 July 1996, Wayne S. Spilove, Chair, as corrected.

ARCHITECTURAL COMMITTEE REPORT, 30 July 1996, Arlene Matzkin, Chair

Ms. Matzkin, at the request of some attendees, read the Committee's recommendations before the presentation of each proposal.

2051 Walnut Street AKA 119 South 21st Street

Sheldon Kauffman, Applicant

PROPOSAL: Visible ductwork

Architectural Committee Recommendation: Deferment until the Committee receives more information, including a scaled north elevation and floor plan with the fire tower.

The proposal was not discussed because it will return to the Committee.

133 South 23rd Street

Marcus Goldberg, Applicant

PROPOSAL: Sign

Architectural Committee Recommendation: Approval on the condition that the top of the sign be made flush with the top of the window.

Mr. Tyler stated that the proposal follows the Secretary of the Interior's *Standards* because it does not remove or obscure historic fabric.

The applicant revised the drawing to reflect the condition stipulated by the Committee. Mr. Sklaroff asked counsel for an opinion on the Religious Freedom Restoration Act of 1993 and its impact on the jurisdiction of the Historical Commission.

Mr. Zecca, counsel to the Commission, stated that he had undertaken research on the Religious Freedom Restoration Act in which Congress expressly rejected the United States Supreme Court's laws of general applicability standard in *Employment Division, Department of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990), and restored the compelling governmental interest test of *Sherbert v. Verner*, 374 U.S. 398 (1963), and *Wisconsin v. Yoder* 406 U.S. 205 (1972). The Act forbids government from imposing a substantial burden on the exercise of

religion, except in the instance of a compelling governmental interest and that burden is the least restrictive means. While historic preservation does not constitute a compelling governmental interest, courts have not interpreted *Sherbert* and *Yoder* as exempting religious properties from zoning, planning and preservation laws. So long as the application of the City's Historic Preservation Ordinance does not create a substantial burden on the exercise of religion, it does not violate the federal statute.

If the Commission wants a formal, binding decision by the Law Department on this or any legal issue, it must submit a request in writing to the Law Department. Mr. Sklaroff asked for a formal decision by the Law Department that outlined the parameters of the Historical Commission's jurisdiction in reference to this legislation. Mr. Spilove stated that Mr. Tyler will formally file that request. Mr. Wilds noted that, based on counsel's statement, the location of a sign does not pose undue burden and, therefore, the Commission's review of this application does not violate the federal statute.

Marcus Goldberg, the applicant, testified that the organization, Universal Christian Gnostic Movement of the USA, is not affiliated with a religious organization.

Mr. Wilds made a motion to accept the recommendation of the Committee. Mr. Brownlee seconded the motion which passed unanimously.

7 Boathouse Row, University Barge Club

Jeffrey Walker, Applicant

PROPOSAL: Shingles, repointing, balcony

Architectural Committee Recommendation: Approval of the shingles, the repointing and the balcony, but with a lower plinth; staff to give final approval.

Ms. Matzkin reported that revised drawings, showing a lower plinth, have been submitted. The balcony does not recreate the original balcony, which is now missing, but is compatible with the building. Mr. Tyler noted that Secretary of the Interior's *Standards and Guidelines* state that a new porch may be identical to the original or may be a new design in keeping with the historic building, if the original is missing.

Ms. Kaplan asked if the balcony will be functional. Ms. Matzkin said that the balcony will be large enough to accommodate people. Mr. Tyler, in answering a question, stated that the City owns the land, but the University Barge Club owns the building. Mr. Sklaroff questioned the abbreviated design of the balcony. Jeffrey Walker, the architect, noted two reasons: the club has a

limited budget and security. If the balcony extended the entire length of the building, it would be accessible from the security fences.

Mr. Brownlee made a motion to accept the recommendation of the Committee. Mr. Wilds seconded the motion which carried unanimously.

2131-2133 Pine Street

James Cho, Applicant

PROPOSAL: New storefront, roll-down gate

Architectural Committee Recommendation: Approval of the new windows and denial of the roll-down gates.

The owner has requested that the Commission defer its vote to next month.

Mr. Brownlee made a motion to defer a decision for a period not to exceed six months. Mr. Wilds seconded the motion which passed unanimously.

2411 Spruce Street

Zvi Barzilay, Applicant

PROPOSAL: New windows

Architectural Committee Recommendation: Approval.

Ms. Matzkin explained that the applicant had installed vinyl replacement windows without a permit. This proposal is for replacing those windows with wood, true muntin sash. Mr. Tyler stated that the new windows conform to the Secretary of the Interior's *Standards* because they replicate the originals.

Ms. Wolf made a motion to accept the recommendation of the Committee. Mr. Wilds seconded the motion which passed unanimously.

2024 Locust Street

Marcia Karasek, Applicant

PROPOSAL: Minor facade restoration

Architectural Committee Recommendation: Approval of the facade restoration and the replacement of the window with the addition of a heavy wood transom bar. Final details to be approved by staff.

Mr. Tyler stated that the Secretary of the Interior's *Standards* allow a new design if the historic window is missing. The *Standards* also recommend cleaning masonry with the gentlest method possible.

Mr. Wilds made a motion to accept the recommendation of the Committee. Mr. Mullin seconded the motion which carried unanimously.

1834-1836 Delancey Street

Rudy D'Alessandro, Applicant

PROPOSAL: Clean, repoint, partial re-paint

Architectural Committee Recommendation: Approval with staff to approve the replacement bricks and repointing.

Mr. Tyler stated that cleaning by the gentlest methods and repointing in kind are recommendations of the Secretary of the Interior.

Mr. Brownlee made a motion to accept the recommendation of the Committee. Ms. Wolf seconded the motion which carried unanimously.

2034-2050 Walnut Street, First Presbyterian Church

Dana Reed, Applicant

PROPOSAL: Stone repair

Architectural Committee Recommendation: Approval with staff to make final approval of patching and repointing.

Ms. Matzkin stated that the existing stones vary widely in color and the new stone will blend well. Mr. Tyler noted that the work is consistent with the Secretary of the Interior's Standards.

Mr. Brownlee made a motion to accept the recommendation of the Committee. Mr. Wilds seconded the motion which passed unanimously.

162 North 3rd Street

Seth Carter, Applicant

PROPOSAL: Paint masonry storefront

Architectural Committee Recommendation: Denial. The Committee had no problem with painting the columns a light color but objected to the stencils painted directly on the stone.

Ms. Matzkin reported that painting of the first floor a light color is more in keeping with the architecture than the present dark green. However, the Committee found the stencils inappropriate. The time period of the stencils, early 20th century, conflict with the early 19th century building. The Committee suggested painting the stencils onto a board and treating the design as a sign rather than a part of the

architecture of the building. Mr. Tyler stated that the Secretary of the Interior's *Standards* recommend repainting with colors that are historically appropriate to the building. Mr. Baron noted that the stencils will act as an advertisement for the Arts and Crafts Antique store that will be in the building.

Mr. Wilds questioned the need to have the stencils on a sign rather than on the building itself. Mr. Baron stated that the sign would separate the motif from the building itself, avoiding the confusion that the stencils form an historically correct part of the building.

The Commission members discussed at length the integrity of the first floor of the building and the appropriateness of the stencils. Mr. Brownlee noted that the proposal creates a melange of forms not present in the history of the building. Painting the building a cream color which reflects the Greek Revival style of the building and then the addition of the Arts and Crafts style stencils is anachronistic. Mr. Sklaroff believed that the stencils are merely commercial expression. Ms. Wolf stated that the commercial expression is not compromised if signs feature the stencils and they would emphasize that the decoration highlights the store not the building. Ms. Matzkin noted that the murals approved at the Sunoco Station were on former party walls that did not have architectural elements. This proposal involves the main historic facade of a building.

Mr. Sklaroff made a motion to approve the painting of the building a light color and to reject the recommendation of the Committee and approve the stencils painted directly on the wall.

Mr. Mullin seconded the motion which passed by a vote of five to four. Ms. Wolf, Ms. Matzkin, Ms. Kaplan, and Mr. Barnett dissented.

257 South 24th Street

Ann Agee, Owner

PROPOSAL: New windows

Architectural Committee Recommendation: Approval with staff to review shop drawings.

Ms. Matzkin explained that a previous owner had replaced the windows and made them smaller. This proposal will return the windows to their historic size and appearance. Mr. Tyler noted that the proposal follows a recommendation of the Secretary of the Interior.

Mr. Wilds made a motion to accept the recommendation of the committee. Mr. Sklaroff seconded the motion which passed by a unanimous vote.

305 Market Street

Stephen Pollack, Applicant

PROPOSAL: Roll-down gate

Architectural Committee Recommendation: Approval with the condition of the addition and maintenance of an awning to cover the housing, to be approved by staff.

Ms. Matzkin reported that a member of the City Planning Commission attended the Committee meeting. The Code requires open grates in the area bounded by Vine, Pine, Second and Eighteenth Streets. Mr. Barnett added that this property appeared on the list prepared by the Preservation Coalition (now Preservation Alliance) as threatened by demolition by neglect in conjunction with the Department of Licenses and Inspections for the Historic Stabilization Fund. The building still has violations for demolition by neglect for stucco, paint, and glazing. He emphasized that the violations are not serious.

Mr. Brownlee questioned the requirement of maintaining the awning. The Commission requires regular maintenance of all aspects of the historic properties. Mr. Baron explained that "maintenance" referred to the retention of an awning. The Committee wanted to ensure the presence of an awning to cover the gate housing, regardless of ownership of the building or passage of time. Mr. Baron emphasized that the exterior housing will not obscure or remove any historic fabric. Mr. Tyler stated that the proposal conforms to the Secretary of Interior's *Standards* because no historic fabric is lost and awnings are an historic feature.

Milton Marks of Preservation Alliance testified that in making the list for the Historic Stabilization Fund, they interviewed other City Commissions about policies and procedures.

The New York Landmarks Commission denies the issuance of any new permits for a building that has violations except for permits for work that would eliminate the violations. He stated that the policy is a powerful tool and perhaps this Commission should consider the policy as well. Mr. Barnett noted that the Commission must be sensitive to the economic factors of a property's development. Also, the contingency of the retention of an awning may be difficult to enforce. Ms. Kaplan stated that the Planning Commission is happy to see any investment in a property, especially if it allows the property to produce income again. The policy followed by the New York Landmarks Commission may limit those possibilities. The Commission discussed the requirement to retain an awning.

Mr. Wilds made a motion to approve the roll-down gate subject to the addition and retention of an awning. Mr. Mullin seconded the motion which carried unanimously.

145 North 2nd Street

Patrick Dewey, Applicant

PROPOSAL: Awnings

Architectural Committee Recommendation: Approval of a single awning of the shed type, with canvas fabric. If the Art Commission requires individual awnings, the Committee voted to recommend approval of three awnings of the same shape and material, matching the width of the windows and door, lowered to cover the top of the openings.

Ms. Matzkin explained that the owner wants a single awning, but the Committee also approved a proposal for three individual awnings, in case the Art Commission did not approve the single awning. The Committee emphasized the height of the awning at its meeting, which is 120 inches. Several Commission members questioned the designation of the building which has suffered from unsympathetic alterations.

Mr. Wilds made a motion to accept the recommendation of the Committee. Ms. Wolf seconded the motion which carried by a unanimous vote.

700-724 Arch Street, Cast Iron Building

Jeff Wyant, Architect

PROPOSAL: Sign; utilities enclosure; steel and glass canopy at the entrance; paint facade

Architectural Committee Recommendation: Approval.

Ms. Matzkin explained that the proposal has two parts. Part one consists of a sign that identifies the building and a covering for the gas meters on the corner of the building. Both will be on the side of the building which is a former party wall.

Part two describes a new steel and glass canopy and entrance further down the side of the building. The Art Commission may not approve the sign because it projects from the facade, but the Committee thought the design compatible. Mr. Tyler stated that the applicant will apply for a variance.

Mr. Sklaroff noted the misspelling of Mr. Corenzwit's name in the Minutes of the Architectural Committee meeting. Mr. Barnett noted that 700 Arch Street is a separate building.

Mr. Wilds made a motion to accept the recommendation of the Committee. Mr. Mullin seconded the motion which passed unanimously.

220 West Rittenhouse Square

T. Douglas Culbertson, Contractor

PROPOSAL: Replace flashing and some brick; clean and paint aluminum panels

Architectural Committee Recommendation: Approval of the replacement flashing and brick, with staff approval; approval of cleaning the aluminum panels; and denial of painting the aluminum panels.

Ms. Matzkin reported that the aluminum panels are corrugated. The contractor removed and cleaned one of the panels. However, the cleaning of the panels must be done from swing staging and the removal of each panel for cleaning is not feasible. The Committee did not recommend painting the panels, especially the silver color. Mr. Baron stated that the owners want to paint the panels because the cleaning may not be thorough, if done from the staging. Mr. Baron contacted several conservationists who recommended the identification of the metal to enable the selection of proper cleaning technique. After cleaning, the panels should be coated with a protective sealant.

The owner wants to paint the panels while the rigging is up to replace the flashing and brick. Mr. Brownlee stated that aluminum should not be cleaned because the oxidation layer offers protection. Mr. Brownlee and Ms. Matzkin agreed that the exact metal should be determined and the metal will determine the paint color. Mr. Sklaroff questioned the discussion of the proposal regarding a building constructed in 1952. Mr. Brownlee explained that the building is historic because it is a contributing building in the Rittenhouse-Fitler District. Ms. Kaplan stated that there were a number of unknowns and the staff could work with the owners of the building to reach a decision. Mr. Sklaroff noted that, if the owner disagrees with the staff, she can return to the Commission itself for approval. Mr. Tyler suggested that the Commission vote for approval with staff to give final approval.

Mr. Sklaroff made a motion to approve the proposal with the owner and staff to decide the details of cleaning and painting the panels. If the owner disagrees with the staff, he can return to the Commission itself for approval. Mr. Mullin seconded the motion which passed unanimously.

1035-1037 Spruce Street

Martin Fricko, Contractor

PROPOSAL: Brownstone repair, facade coating

Architectural Committee Recommendation: Deferment of a decision for all work until the Committee has more information and a complete application.

Ms. Matzkin stated that the building was coated with Thorocoat several years ago without Commission approval. The

coating is now failing in areas and needs patching. This proposal is for the patching.

Mr. Baron reported that the contractor began patching the building without a permit and when Mr. Baron inspected the building for a violation, he noted the coating and replacement windows. On the segmented arched windows, straight storm windows had been installed. William Link from Historic Landmarks for Living told Mr. Baron that the storm windows had existed for a long time. Recently, the owner replaced some of the storm windows with windows that significantly alter the appearance. The new windows have introduced a new horizontal element. At Mr. Baron's request, the storm windows were included in the patching violation. The owner spoke with the inspector, Mr. Dillon, and claimed that the storm windows had existed. Upon that testimony, Mr. Dillon removed the storm windows from the violation.

Martin Fricko from John Weber Brick Pointing Company testified that he was hired to patch the failing coating. He described the patching process: wire lath, with Thorocoat, colored to match the existing, applied.

Mr. Tyler cited the Secretary of the Interior's *Standards and Guidelines*. One guideline does not recommend coating masonry. The building was coated after designation and without the Commission's approval. Another guideline does not recommend failure to evaluate and treat the various causes of deterioration such as leaking roofs or gutters, differential settlement of the building, capillary action or weather exposure. The need for coating in the first place and major patching after only a few years indicate that other factors have not been addressed.

Ms. Wolf stated that clearly a complete case has not been submitted to the Committee and its recommendation for deferment is correct. Ms. Kaplan asked the owner's name and the function of the building. Mr. Spilove asked that the owners' names be listed in the Architectural Committee's minutes.

William Link represented Historic Landmarks for Living, the owner of the building. Mr. Spilove stated that the proposal should be given back to the Architectural Committee and asked Mr. Link to testify at the next Committee meeting.

Mr. Mullin made a motion to defer a decision for a period not to exceed six months and to refer the proposal back to the Committee for a recommendation on a complete application. A complete application should include details for the original coating of the facade and the new storm windows as well as the patching proposal brought to Committee. Mr. Brownlee seconded the motion which passed with eight affirmative votes. Mr. Sklaroff abstained.

2039 Cherry Street, Moore College of Art

William Kerr, Applicant

PROPOSAL: Legalize 153 vinyl replacement windows

Architectural Committee Recommendation: Denial.

Ms. Matzkin detailed the history of the proposal. Without a permit, Moore College of Art began to replace 153 windows with vinyl replacement windows with snap-in muntins. The neighbors noticed and notified the Historical Commission and the Department of Licenses and Inspections. The contractor applied for a fast-form accelerated permit. The computer did not indicate the historic designation of the building and a permit was issued in error. The permit was then revoked, but the work had been finished. The original wood frames still exist, only the sash were replaced.

William Kerr, counsel for the Moore College of Art, testified that the contractor had called the City and was told that a permit was not necessary. When a violation issued, the contractor did apply and receive a permit. The work was completed the day the permit was revoked. To do anything more would pose financial hardship on the College. Ms. Matzkin stated that the Committee was astonished that the contractor from Windoor Home Improvement did not know that a project of this size would require a building permit. Mr. Kerr stated that the contractor should be able to rely on information given by a City employee. Mr. Tyler noted that the contractor had asked for permit information over a year prior to the completion of the work and should understand that regulations do change. Also, Moore College of Art should know the historic nature of the buildings on its campus.

Mr. Sklaroff suggested the Commission require a formal affidavit from the applicant to testify to the facts for the Commission's consideration, rather than the Commission's relying on hearsay and informal conversation. Mr. Barnett stated that the question of the permit is one thing and the work being done is another. The Commission should vote on the work itself and the impact on the historic fabric.

Steven Bonitatibus, a neighbor, testified that he notified the Commission staff about the window replacement. He questioned the time table presented by the contractor and Mr. Kerr. The day before Memorial Day he spoke with Commission staff. The stop work order issued that Tuesday and only half of the windows had been replaced. After several weeks, the work resumed. The removed sash were in a dumpster on site until the end of June. Also, members of the Logan Circle Neighborhood Association had spoken with Moore College and had informally agreed to have true-

muntin sash replacements.

Mr. Tyler stated that the replacement sash do not conform to the Secretary of the Interior's *Standards and Guidelines* because they do not convey the same visual appearance.

Ms. Wilds made a motion to accept the recommendation of the Committee. Mr. Brownlee seconded the motion which carried with seven votes. Mr. Sklaroff and Mr. Barnett abstained.

Mr. Barnett noted that the police enforce stop-work orders. Work performed during a cease-work order is treated as a crime-in-progress.

1109 Spruce Street

Joel Spivak, Applicant

PROPOSAL: New dormer windows

Architectural Committee Recommendation: Approval.

The present windows are jalousy windows installed by a previous owner. The proposal is for new windows identical to the original three-pane casement sash. Mr. Tyler noted that the proposal conforms to the Secretary of the Interior's *Standards*.

Mr. Wilds made a motion to accept the recommendation of the Committee. Ms. Wolf seconded the motion which carried unanimously.

917 South 2nd Street

Charles Langley, Owner

PROPOSAL: Restore/rebuild front facade

Architectural Committee Recommendation: Approval of the addition; approval of the clapboarding, with a bead if evidence proves it existed, and with a fascia board with a bead; approval of a metal hanging gutter painted to match the facade. Approval of a three-over-six window in the dormer, but denial of the expansion of the dormer. Details to be approved by staff.

Ms. Matzkin reported that this house is one of the wood-frame houses in Southwark that dates to about 1800. Mr. Baron noted that the plans do not mention painting of the clapboards. Historically, the boards should be painted and the paint should form a condition of the approval.

Mr. Wilds made a motion to approve the proposal with the condition that the clapboarding is painted. Mr. Brownlee seconded the motion which passed by a unanimous vote.

William Penn Statue - City Hall Tower

Randall Cotton, Applicant
PROPOSAL: Re-waxing
Architectural Committee Recommendation: Approval.

Ms. Matzkin stated that the Preservation Alliance will underwrite the costs for the project. Scaffolding is kept in the tower for this purpose and will be in place for about six weeks.

Mr. Tyler noted that the Secretary of the Interior's *Standards and Guidelines* recommend applying an appropriate protective coating to an architectural metal feature.

Ms. Wolf made a motion to accept the recommendation of the Committee. Mr. Mullin seconded the motion which carried by a unanimous vote.

5201 Vicaris Street, William Paine House

Jim Burton, Applicant
PROPOSAL: Facade restoration, rear addition
Architectural Committee Recommendation: Approval of the rear addition with a slight set-back on the side facades, approval of closing the rear porch, approval of the facade restoration.

Ms. Matzkin stated that the Fairmount Park Commission had sold the house to the applicant. The front and side facades will be re-stuccoed and an addition on the rear, inset from the original sides of the building. Several years ago, the Park Commission sought to demolish this designated building. Mr. Tyler noted that the proposal conforms to the Secretary of the Interior's *Standards*.

Ms. Wolf made a motion to accept the recommendation of the Committee. Mr. Brownlee seconded the motion which passed unanimously.

The Report of the Activities of the Historical Commission Staff, June 1996, Richard Tyler.

Certified Local Government National Register Nominations

Terminal Commerce Building, 401 North Broad Street, meets the National Register Criteria as contributing to the broad pattern of commerce in the city as well as being architecturally significant.

Mr. Brownlee made a motion to support the nomination. Ms. Wolf seconded the motion which passed unanimously.

Mr. Mullin stated that the City Archives are located in the building and it is appropriate that the office is in an historic

building.

St. Joseph's House for the Homeless and Industrious Boys, 16th Street and Allegheny Avenue, meets the National Register Criteria for social history and philanthropy and as a work of Hoffman-Henon and Company. Mr. Wilds stated that the owner intends to use both the low-income tax credits and the historic preservation tax credits. Tara Development will develop the project.

Ms. Kaplan made a motion to support the nomination. Mr. Wilds seconded the motion which carried by a unanimous vote.

The meeting adjourned at 12:05 p.m.

Respectfully submitted,

Laura M. Spina