

THE MINUTES OF THE 319th STATED MEETING  
OF THE

PHILADELPHIA HISTORICAL COMMISSION

9 March 1988

Edward A. Montgomery, Jr., Chairman

Present: Edward A. Montgomery, Jr., Chairman  
Christine Washington, Vice-Chairman  
Caroline Golab  
David Hollenberg  
Jason Nathan  
Charles Finney, Deputy Commissioner, Department of Public  
Property  
Barbara Kaplan, Executive Director, City Planning Commission  
John Street, Esq., Councilman, Fifth District  
Scott Wilds, Office of Housing  
  
Susan Shinkman, Esq. and Lawrence W. Lindsay, Esq., Law  
Department  
Richard Tyler, Historic Preservation Officer  
Patricia Siemiontkowski, Assistant Historic Preservation Officer  
Randal Baron, Preservation Planner  
Sally Elk, Historic Research Technician  
Carmen Weber, Archaeologist  
Maureen Heaney, Clerk Steno I

Also: Edna M. Irving, Councilman Street's Office  
Michael LaRussa, 123 Queen Street  
Edward McGoohan, Department of Public Property  
John J. Murphy, Architect  
Ervin Davis, Arno Cassel and Judge Nicholas Cipriani, Family  
Court Building  
Margaret O'Kirk, The Philadelphia Inquirer Magazine  
Thomas Hine, reporter for The Philadelphia Inquirer  
And others.

Unless otherwise noted all actions taken herein are the results of motions  
correctly made, seconded and carried.

THE MINUTES of the 318th Stated Meeting of the Philadelphia Historical Commission, held on 27 January 1988, Edward A. Montgomery, Jr., Chairman, were reviewed and approved.

THE REPORT of the Architectural Committee Meeting of the Philadelphia Historical Commission held on 11 February 1988, David Hollenberg, Chairman. Mr. Hollenberg stated that all but two submissions meet with the approval of the Architectural Committee. The Committee recommends that the following submissions be approved as submitted, 2129 Chestnut Street, Furness Library-University of Pennsylvania, 257 S. Hutchinson Street, St. Augustines Church-4th & New Streets, 122 Fitzwater Street and 900 Pine Street. Mr. Hollenberg informed the Commission members that the National Park Service has rejected the submission for 2129 Chestnut Street mainly on the basis of proposed interior alterations which will change the plan of the original space.

Mr. Hollenberg stated that additional information was requested for 309-315 S. Chadwick Street, this information has been received and an approval is now recommended. Mr. Hollenberg also stated that additional information is needed along with a site visit before an approval can be recommended for 528 Spruce Street.

The Commission unanimously voted to approve the report of the Architectural Committee meeting held on 11 February 1988.

Patricia Siemiontkowski added that at the January meeting of the Architectural Committee a submission was reviewed for 350-352 N. 16th Street - The Middishade Clothing Factory. At that time there were serious problems with the proposed rehabilitation which needed to be resolved. Since that time the staff has worked with the developer and the architect and reached a reasonable compromise with regard to exterior alterations. The Committee members have reviewed the revised drawings and an approval is now recommended for this project.

The Commission unanimously voted to approve the recommendation for 350-352 N. 16th Street.

Mr. Montgomery introduced Susan Shinkman and Lawrence Lindsay from the Law Department. They will be acting as counsel for the Commission at today's meeting.

Richard Tyler stated that Frederick Bader, present counsel for the Commission, is on vacation now and when he returns will be leaving the City's Law Department. A new attorney is now being sought.

THE REPORT of the Philadelphia Historical Commission Staff Activities for 15 January 1988 - 1 March 1988, Richard Tyler Historic Preservation Officer, was reviewed and approved.

## OLD BUSINESS

123 Queen Street

Mr. Tyler stated that a building permit was approved for interior work which included the demolition of interior partitions for the building located at 123 Queen Street. The building permit was exceeded and substantial portions of the building were demolished violating Section 14-2007 of the Philadelphia Code entitled "Historic Buildings".

Subsequently, the Department of Licenses and Inspections declared the remains of the building imminently dangerous and proceeded to clear the remainder of the site and remove the demolition debris.

These facts were reported to the Commission at its January meeting. At that time, the Commission asked the staff to explore with the Law Department all remedies available to the Historical Commission in cases where a violation has occurred leading to demolition of a designated building. Richard Tyler stated that the Commission can request that L & I issue an order to rebuild as permitted under Section 9(d) of the Preservation Ordinance.

Subsequent to the January Commission meeting, the staff met with the owner and proposed that the house be rebuilt. The owner was advised to reestablish the appearance of the street scape. If a larger building with additional space is desired, an addition could be constructed at the rear of the house provided all code requirements are met.

The owner subsequently reported to the staff his preference not to rebuild the frame house and expressed his wish to appeal the Commission's order.

Mr. Tyler introduced the owner of 123 Queen Street, Mr. LaRussa, and invited him to present his case to the Commission. Mr. LaRussa stated that it was not his intention to demolish the entire building. Mr. LaRussa stated that while work on the inside of the building was being done several problems arose. One involved the discovery of termite damage. According to Mr. LaRussa, in the course of removing the interior partitions and the rear sheds, the roof collapsed. At this time, L & I stopped the work. Two weeks later L & I designated the building as "imminently dangerous" and tore down the remainder of the building without notifying the owner. Mr. LaRussa finds this situation unfair to him and stated his desire to reach a compromise with the City in restoring the building. He explained his intention to construct a brick building on the site rather than to restore the frame house.

Caroline Golab asked Mr. LaRussa what his intention was when the building permit was obtained.

Mr. LaRussa stated again that his intention was to demolish the interior and remove the rear sheds. However, by removing the sheds the structure of the front of the building was effected. It also was his intention to retain the two-story frame house.

Mr. Tyler stated that the removal of the rear sheds was not included on the building permit. In fact the building permit application specifically disallows any exterior change to the building.

Scott Wilds requested to know the date when this house was built.

Mr. Tyler stated that this building is a wood frame house c. 1800 and that these buildings are increasingly rare owing to the fact that in the 1790's an ordinance was passed prohibiting wood frame structures in the City.

Ms. Golab asked Mr. LaRussa what he wants to do with the site.

Mr. LaRussa stated that the neighborhood group has no concern with regard to the type of building constructed on the site, provided that the building reflect the character of the street. Mr. LaRussa does not believe that he should be required to replace exactly what was existing since the building that was considered historically significant is no longer standing.

Mr. LaRussa stated that the proposed new building would be a colonial type, brick front, 3-story house with a carriage opening for garages and keystone lintels above windows and doors.

Mr. Nathan stated that if the purpose of the penalty in the ordinance is to serve as a deterrent than a compromise between the owner and the City seems absurd.

Mr. Montgomery stated that the question to be resolved centers upon whether the willfully demolished the building or whether the damage occurred without the full intention of the owner.

Mr. Tyler stated that the damage on this building was not a collapse but was active demolition.

John Street asked Mr. LaRussa if the demolition of this building was intentionally done through instructions from him.

Mr. LaRussa stated that the collapse of the building resulted from the removal of the rear sheds. Mr. LaRussa was not present on the site when the structure collapsed. Mr. LaRussa stated, however, that he gave the instructions to demolish the rear sheds, which resulted in the collapse of the house.

Mr. Tyler suggested that the Commission ask the Department of Licenses and Inspections, pursuant to the ordinance, to issue an order to rebuild the house.

The Commission concurred that the demolition of the rear sheds was a direct violation of the permit and unanimously voted to request that the Department of Licenses and Inspections issue an order for the house to be rebuilt to its original condition before the violation.

Mr. LaRussa asked if the land could be sold and something new constructed on the site.

Mr. Tyler stated that the land could be sold, however, the prospective purchaser would inherit the violation and would be required to reconstruct the house as ordered by the Department.

#### Family Court Building - 1801 Vine Street

Richard Tyler stated that the Commission received a report from the Family Court on the replacement of the windows.

A study undertaken in 1984-1985 reported that the repair of wooden windows on the outside and metal windows on the interior would cost an estimated \$304,000, with the wood repair costing \$240,000 and the metal repair \$64,000. Aluminum replacement windows at that time were estimated to cost \$643,000. The repaired wooden windows would have a life expectancy of about ten years. Replacement with aluminum would last some 25 years.

In 1987 two estimates were received for replacement of the windows in mahogany. They ranged in price from \$632,000 to \$693,000.

The City also received an estimate for aluminum replacement windows at a cost of \$505,000.

Mr. Tyler stated that the drawings submitted for the aluminum replacement project specify double hung windows rather than casement windows and therefore, would entail significant changes in the planes of the window sections and appearance of the building.

Mr. Tyler reported that there were two on-site inspections by the Architectural Committee members who came to the conclusion that there is some deterioration of the windows; however, they are repairable.

Mr. Tyler further stated that he had suggested to the Department of Public Property three possible options:

1. repair of the existing windows;
2. replacement in kind;
3. replacement in aluminum to replicate the existing windows in profile, plane and appearance.

Representatives from the Family Court addressed the Commission and stated that the bids cited by Mr. Tyler were manufacturer's price estimates not bids.

John J. Murphy, architect, addressed the Commission and stated if the existing wooden windows were replaced with aluminum windows the cost and the maintenance requirements would be less and the life expectancy would be greater.

Jason Nathan stated that he has no objection to the windows being replaced in aluminum. However, he does think that the original design should be followed.

Caroline Golab requested an estimate on the repair of the existing

windows along with the hardware repair and an estimate on the replacement with aluminum casement windows to match the existing design. Judge Cipriani of the Family Court explained that the City has limited funds and has only been allotted a certain amount of Federal Money to do these repairs.

Richard Tyler stated that the Benjamin Franklin Parkway including the Family Court Building has been determined to be eligible for the National Register and any Federal involvement affecting a resource on or eligible for the National Register must be reviewed by the State Historic Preservation Officer and the Advisory Council on Historic Preservation. The fact that there will be federal money used to fund this project will require several more layers of historical review for this project.

Richard Tyler suggested the following options be considered for the Family Court window replacement problem:

1. Repair of existing original window frames and sash. City will supply the architect with names of contractors that can repair the existing windows; or
2. An alternative aluminum design for replacement windows should be explored that matches the profiles of the current windows.

Richard Tyler will work with the Department of Public Property and the Courts to assume proper compliance with the statutes and regulations which apply to this project.

The Commission unanimously voted to approve Mr. Tyler's suggestions concerning this project.

Open Lot

Armen Weber presented an oral report on her excavation of the lot at Delaware Avenue and Vine Streets illustrated with slides.

The Commission expressed its appreciation to Ms. Weber for the fine work on the archaeological site and also to the various city agencies that cooperated with Ms. Weber on this excavation.

There being no further business, the meeting adjourned at 12:23 p.m.

Respectfully submitted,

Maureen Heaney  
Clerk Steno I