

**HISTORICAL AND ARCHITECTURAL REVIEW BOARD
MEETING MINUTES
August 9, 2016**

Present: Sam McGinley; Mack Mahan; Megan Tooker; Marie Day, Alt.; Walt Schneider

Excused: Pat Long; Alan Uhler; Robert Lingenfelter

Staff Present: Vana Dainty, Keystone Community Coordinator

Guests:

Call to Order:

- S. McGinley called the meeting to order at 8:30 AM.

Additions/Corrections to the Agenda:

- None

Declaration of Conflict of Interest:

- None.

Declaration of Ex Parte Communication:

- None.

Approval of Minutes: W. Schneider made a motion to approve the meeting minutes of July 26, 2016 as amended. M. Mahan seconded the motion. A voice vote was unanimous.

Project Review and Public Comments:

Project Review #1

137 West High Street

Represented by:

Description of Proposed Work: Signage

HARB Discussion: She is opening a dog boutique in town and would like to add signage to the shop similar to Cool Beans. The signage does meet all the zoning requirements. She will be adding a bracket. The bracket will be installed above the door to the entrance. It is wood above the entrance that the bracket will be fastened to. There is currently a flag holder there that the sign will be above. W. Schneider feels the bracket should be wrought iron, which is more period appropriate. They prefer not to use wrought iron because it will rust so he is going with aluminum that will look like wrought iron. HARB members would like him to use a black one similar to other businesses in the downtown area.

HARB Recommendation: W. Schneider made a motion for approval with coordination with staff on approval of the bracket. M. Tooker seconded the motion. HARB members approved the motion for recommendation to Borough Council at their meeting of August 15, 2016.

Administrative Approval:

- None.

Information/Discussion Items:

- Ms. Dainty said the structure on Water Street is in the process of coming down and may be completely down by this time. W. Schneider has not heard anything on the roof. They have been cited and dropped off. It takes a couple weeks until the turn around on those types of things. W. Schneider said when the state put the Statewide Building Code into place there was political push and in those municipalities that had nothing in place prior there is a 1,000 square foot if it's accessory to a single-family home. With that being accessory to a single-family home the trigger for a building permit would be 1,000 square feet. That is the trigger for a building permit, but it has to be built to the code. You are not allowed to not build to the code, even if you don't require a building permit. It would have to be built to the code, even though it didn't require a permit.

- W. Schneider reported Dominos Pizza is coming to town. The signage will be discussed at the next meeting. Ms. Dainty said that will be a tough one to work on. W. Schneider said the other thing with that building that will come up at some point in time as an issue, the front of the building is where the line stops for the public way. The seating out front is actually owned by the Borough. Ms. Dainty said that is permitted as long as they allow a 6' walkway. HARB members would like to see the architect's rendering of the front of the building. HARB never has to accept corporate signs. Ms. Dainty will send the information out to HARB members so they can review it before the next meeting.

- Rewrite of two HARB Ordinances – Some things came to light over the last couple months so W. Schneider took Chapter 330 and its successor section, which is 62 and took a stab at augmenting or rewriting sections of it so HARB would have a more cohesive document as well as update it. When this was written in the 1970's the Statewide Building Code was not in effect and things were done differently. He brought it for HARB members to review. If they like it and feel it is cohesive it can be put in an ordinance revision format and get it moved towards Council. Anything he modified is in red, including strike-outs.

Building Permit Certificates of Appropriateness Required - Building Code Official shall issue a permit for any erection, reconstruction, alteration, restoration, demolition, or raising of a building or structure; or for the erection or construction of a fence. How it would read today is: Building Code Official shall issue a permit for any erection, reconstruction, alteration, restoration, demolition, or raising of a building or structure; or for the erection or construction of a fence; nor shall any person, corporation, or organization undertake modification or alteration of any structure or fence or erect a structure or fence in the Historic District, until the Bellefonte Historical Review Board has reviewed the proposed alteration, modification or construction project and Council has issued a Certificate of Appropriateness. This should clean up the gray area. Signage would be an alteration to the building. This would also include paint. Retaining walls would be covered under structure. W. Schneider said if you start listing say a retaining wall and forgot something else someone could argue that retaining walls are specifically mentioned but the other one isn't, so in some ways it is better to be broad. This is the Ordinance and on top of this the educational material is written for the public.

The next section he recommends: Procedure upon receipt of the Building Permit Applications taken out and call that section Project Consideration Procedure. For any property located in the Historic District the property owner or legal representative shall make application to the Bellefonte Historic Architectural Review Board prior to making application to the Building Code Official or Zoning Officer for any project that proposes to erect, reconstruct, alter, restore; demolish or raises a building or structure or for the erection or construction of a fence. At the code office W. Schneider will not consider any building permit application unless there is zoning approval and HARB approval in the Historic District. For commercial projects they will take application but will not issue because they are the last gatekeepers in the line from a building permit standpoint.

The next paragraph he recommends removing Building Code Official. It will say Architectural Review Board shall act in accordance with procedures set forth by this document of rules and procedures adopted by the Board. It allows HARB to adopt some policy internally and indicates that HARB will follow this document.

Next he recommends getting rid of: a building permit for and in the office of the Building Code official, which refers it to it's been filed here.

Ms. Dainty recommended a change where it says street or way only. It should be street or public right-of-way. W. Schneider said way includes public right-of-way.

Decision of Council – in 330-9 Council shall consider at a regular or special meeting the question of issuing to the property owner a Certificate of Appropriateness...not the Building Code official. If Council approves the application it shall issue the Certificate of Appropriateness authorizing the start of the work after all other permits that are required by this or any ordinance or regulation have been legally obtained. They can't start the work without everything else being in place.

At the new paragraph – one thing that is not listed anywhere is limitations on how long a project can last, be open, etc. It used to be on the Certificate of Appropriateness and then it got removed. Ms. Dainty has added it back on, but there is nothing to regulate it. It was probably voted on by HARB to put it on at some time. This puts it in and gives teeth to it: once issued, the property owner has one year to initiate the project or the Certificate of Appropriateness shall be considered abandoned. If the project is not completed within the allotted time the Borough may contract to have the project completed at the property owner's expense. If the property owner cannot pay the costs associated with the project completion then the Borough may lean the property until such time that lien has been satisfied. Under the Building Code they have six months to initiate the project, otherwise the permits starts over again. Once the project is started it goes in to six month time frames. Having six months to start is because the state didn't want you to get a permit and leave it open forever. The Code Office benchmarks that work is actually being done because you have to call for inspections. People can always appeal a Borough Ordinance through Borough Council. If you are moving along with a project and the weather is good and you are trying and you didn't get it done after one year you can appeal to Borough Council to get additional time. The big advantage to this is that it allows the Borough to maintain the Historic District. It doesn't allow you to start a project and not finish it.

Under enforcement of the authority of the Building Code Official add it shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code or fail to obey the law or order of the code official. It puts teeth into this. It makes everything above it a violation. If someone says they're going to do their project without coming to HARB this statement makes it a violation.

330-13 – there were no penalties before. Because there are no penalties it is up to the District Magistrate to set the penalty. It is recommended: Any person, firm or corporation who shall violate any provision of this ordinance shall upon a conviction thereof be subjected to a fine of not less than \$300.00 nor more than \$1,000.00; or imprisonment for a term not to exceed thirty days, or both, at the discretion of the Court. Each day that the violation continues after due notice has been served in accordance with the terms and provisions thereof shall be deemed a separate offense. It means if you are found guilty the lowest fine the court can give you is \$300.00.

The modification recommendation in the next section that goes into the review board is: shall be a registered architect or landscape architect. Instead of merchant list a business owner with their principal place of business in the Bellefonte Borough Historical District.

W. Schneider made a motion to table this until the next HARB meeting for consideration for approval. M. Mahan seconded the motion to table. A voice vote was unanimous.

Old Business:

- None.

New Business:

- None.

Adjournment:

- With no further business to come before HARB a motion was made by W. Schneider to adjourn the August 9, 2016 meeting. M. Tooker seconded the motion. The meeting was adjourned at 9:25 a.m.