



June 20, 2018
Historic Architectural Review Board Minutes
Borough of Gettysburg
Approved July 18, 2018

Chair Gary Shaffer called the Historical Architectural Review Board meeting to order at 7:00 PM on Wednesday, June 20, 2018. The meeting was held at the Borough Municipal Building, 59 East High Street. A quorum of seven (7) members were present. Those in attendance were Board members: Joan Hodges, Jim McCabe, Peggy Gustafson, Phil Goble, Colleen Lingle, and Gettysburg Building Code Official Clem Malot of PA Municipal Code Alliance; Becky LaBarre, Director of Planning and Historic Preservation; and Karen Mesher, Planning Management Assistant;. Also in attendance were: Tammy Myers, President of Gettysburg Heritage Center, and Josh Austin of Mark Austin Building and Remodeling, both representing Tim Shields, Founder of Future Stake and owner of 340 Baltimore Street; Nancie Gudmestad, Director of the Shriver House Museum at 309 Baltimore Street; Connor Phiel of the Gettysburg Anniversary Committee at 344 Baltimore Street; Kathy Reid, Owner of Reid's Orchard and Winery Cider House at 400 Baltimore Street; Tim Woodward, Owner of Gettysburg Polish Pottery at 102 Baltimore Street; Kurt and Nancy Kramer, Residents of 12 Wade Avenue; Ken Trepkowski of 55 Regiment Drive, Gettysburg; Charles Gable; Deb Adamik, President of Main Street Gettysburg; and Jim Hale representing the *Gettysburg Times*.

Call the Meeting to Order

Mr. Shaffer introduced the Board members and explained the procedures that would be followed during the meeting. Mr. Shaffer noted that an overhead projector will be used by Mrs. LaBarre during the meeting to enhance the applicants' presentations. He explained that only the Board members that were present at that meeting can vote on those minutes. He noted that the Board serves as a recommending body to Borough Council, which makes the final decision concerning the issuance of Certificates of Appropriateness. Borough Council will next meet on Monday, July 9, 2018.

Review of Agenda

There were no additions or corrections to the June 20, 2018 Business Meeting Agenda as presented.

Review of Minutes

Mr. Goble made the **motion** to approve the minutes from the May 16, 2018 Business meeting as submitted. The motion was seconded by Mr. Malot, and carried 7-to-0.

Public Comment for Items Not on the Agenda

There were no public comments for items not on the meeting agenda.

Public Comment for Items on the Agenda

There were public comments for items on the meeting agenda:

Nancie Gudmestad, Director of the Shriver House Museum at 309 Baltimore Street, stated that the “Little Brown House” at 340 Baltimore Street was built that way, but has been neglected over time and has no redeeming qualities; and therefore favors demolition. She expressed the need to have public restrooms nearby.

Kathy Reid, Owner of Reid’s Orchard and Winery Cider House at 400 Baltimore Street, stated that the current structure appears unsafe and unsavory and that a new building would permit better use; and she favors demolition. She said that she is currently working with the Baltimore Street Revitalization Project Committee to revitalize the Baltimore Street Corridor in that area to include a possible Visitor’s Center and accessible public restrooms.

Kurt Kramer, Borough Resident at 12 Wade Avenue, stated that he “sweeps the streets” with the From the Ground Up organization and had noticed the structure at 340 Baltimore Street lists to port dramatically; and favors demolition to support the property owner’s effort to revitalize the site.

Tim Woodward, Owner of Gettysburg Polish Pottery at 102 Baltimore Street, stated that he cannot offer public restrooms to the public due to the Americans with Disabilities Act (ADA) compliancy and favors demolition; and said that public restrooms in that area would fit in with the overall vision of Baltimore Street in addressing that need.

Deb Adamik, President of Main Street Gettysburg and Baltimore Street Revitalization Project Committee Member stated that her organization was approached by the Baltimore Street community to address safe travel by visitors along the Baltimore Street Corridor which links Lincoln Square to the Steinwehr Avenue Business District, and that the historic fabric of the buildings located along that corridor is deteriorating due to vehicular traffic. She said that the Baltimore Street Revitalization Committee is working to: slow down vehicular traffic, preserve historic buildings, create a “Historic Pathway” along Baltimore Street that will encourage safe pedestrian traffic by both visitors and residents, and to facilitate a 12-million dollar Master Plan to achieve those goals. She said that Future Stake purchased the property at 340 Baltimore Street with a vision to serve revitalization in that area for that project. She believes that historic buildings should be preserved, but there is a need to preserve the “right buildings”, and favors supporting the neighborhood’s intent for this structure.

Connor Phiel of the Gettysburg Anniversary Committee (GAC) at 344 Baltimore Street stated that there is not much architectural significance to the only existing stick-built structure in that area. He said that the simple architectural elements could be used in a new repurposed structure possibly to include public restrooms; and therefore favors demolition.

Mr. Shaffer recused himself due to his fiduciary role with the next applicant, whereby Vice-Chair Goble assumed the role as chair. Mr. Shaffer rose to speak as a member of the public in defense of 340 Baltimore Street prior to the formal review by the Board.

Gary Shaffer, HARB Chairman for 27 years and Borough resident at 141 East Middle Street gave a brief historical account as part of *General Comments* regarding the formation of the Gettysburg Historic District in the 1970s, and the need to protect and preserve historic structures in the Borough beginning at that time with Baltimore Street. He said that the building at 340 Baltimore Street is not structurally unsound, and could possibly house public restrooms. He said that there is an overall need for public restrooms in the Borough of Gettysburg for both visitors and residents alike, and that a proposed public restroom in that structure is a worthwhile need and goal. He said that although the style of a 100-year old building could be replicated with any new construction coming under the purview of the Board, he would hate to lose it as a “throw away building”, and favors a guarantee that a proposed structure replicating that style would fill that gap. He said that if the Borough keeps losing historic buildings, it therefore risks losing the historic character of the Historic District.

Old Business

A. COA-18-0016, 340 Baltimore Street – Future Stake, Inc.

CRITICAL PROJECT: Demolition of a sensitive building and foundation with grading and temporary stabilization of the site in preparation for new construction (separate application to follow).

Mr. Goble introduced Tammy Myers, President of Gettysburg Heritage Center, and Josh Austin of Mark Austin Building, both representing the property owner of 340 Baltimore Street and answered Board questions. Mr. Austin said that the intent of the property owner, Tim Shields of Future Stake, was to demolish the existing structure and prepare the site for a new structure at a future date that would keep with the character of the neighborhood. He said that the proposed design would include: a proposed Baltimore Street Welcome Center with first floor ADA compliant public restrooms, future office space, and exterior cedar or wood composite siding. He said that an effort would be made to salvage and reuse any existing materials. He said that the building is in poor shape and was neglected over time by previous owners. Mr. Austin referenced the submitted cost estimates ranging from \$298,500 to \$344,260 to make the building code-compliant for residential use only, emphasizing that these quotes exclude any work required to upgrade the building for commercial use. He stated that ADA improvements and commercial construction would be significantly more costly and that he had not prepared estimates for the proposed new use because it was not required as part of the application by the Historic Districts Ordinance.

Ms. Myers said that the owner intended that a new structure would be a vibrant part of the Baltimore Street Revitalization Project and act as a lynchpin to the community; and that a new structure would provide beauty, authenticity, and financial sustainability with revenue potential on all floors to include public restrooms and a vibrant welcome center for visitors.

Mrs. LaBarre said that the application was tabled at last month’s meeting so that the applicant could prepare and submit additional materials requested by the Board. In addition to the new materials submitted in the current meeting packet that included: Contract of Sale of the Real Estate, Boundary Site Plat, and two written proposals: one for residential use and one for the Preliminary Design and Project Costs for a Historical / Interpretative Facility and Gift Shop at 340 Baltimore Street. Mr. Austin said that a cost analysis for the proposed new building was not given because it was still a concept at the time.

Mrs. LaBarre discussed with the Board the demolition requirements and formulated a demolition checklist for the Board's consideration from the Historic District Ordinance (Chapter 11-110) which addresses demolition versus new construction (see attached checklist), and reminded them that the Historic District Ordinance limits the purview of the Board to the building's exterior and what can be seen from the public way. She reminded the Board that the ordinance also permits demolition in the Historic District if proposed new construction would improve the character of the Historic District providing a public benefit that would outweigh the loss of the historic building. She asked the Board to consider other factors not related to cost including whether the community wants to save the 1880s structure; but she said that the onus is on the applicant to submit a completed application that would persuade the Board.

Mr. Austin provided a current Engineer's structural evaluation, and a written cost estimate to demolish the existing building (approximately \$22,000 to include disassembling the building by hand and salvaging the pieces) to complete the demolition requirements needed for Board review. He said that the owner would probably not consider investing the amount of money necessary to bring the existing structure to code, but would consider replicating the existing structure using salvaged materials in a new building that is roughly depicted in the A-3 drawing by Architect Gary Shaffer of Shaffer Design Associates PC.

From the audience, Ms. Adamik requested to address the Board following a comment from Mr. McCabe that it seemed as if Mr. Shields had purchased the property with the express intent of demolition. She explained that when the discussion regarding a need for public restrooms on Baltimore Street first began, Mr. Shields had invited her, contractor Mark Austin (principal of Mark Austin Building & Remodeling, Inc.), and Planning Director LaBarre on a walk-through the property so the group could evaluate its condition and discuss how the historic building might be used, including possible rehabilitation to accommodate restrooms and a small visitors center. Ms. Adamik emphasized that the original intent was indeed adaptive reuse, but following an initial verbal estimate by the owner's contractor while on site, it was determined by Mr. Shields that the cost of repurposing the building for commercial use was unreasonable and he began to consider the possibility of demolition. Director LaBarre confirmed her attendance, the meeting's purpose, and added that Mr. Mark Austin had given \$250,000 that day as a ballpark estimate to bring the building back into plumb and renovate the house.

Mr. Malot gave a Code Official's point of view (see attached written remarks). He stated that the application was incomplete, and that the supporting documents were not submitted for Board review until mid-June, 2018, and did not give sufficient time for Board review. He noted that the Engineer's Review Letter dated June 12, 2018 recommended renovation over demolition; and that a proposed design plan, and photographic evidence or a written description of the degraded conditions were not provided for Board consideration as required by the Historic District Ordinance. He referenced the Future Stake Letter dated June 15, 2018 that is a response letter for demolition required by the Historic District Ordinance regarding Demolition in Sections 1103-A1G and A1H; and noted that that letter captured the owner's view for seeking demolition was for the "public good, intense renovation work, and water in the basement". He said that the application was initially incomplete and did not demonstrate why rehabilitation was not feasible. Mr. Josh Austin said that it was his responsibility for the timeliness of the application.

Mr. Goble reviewed the Board's options regarding demolition:

- **Option 1:** Recommend demolition as submitted
- **Option 2:** Reject the application as presented
- **Option 3:** Postpone demolition for a period not to exceed 9 months to identify alternatives to demolition as provided in Section 11-1103B.(3) of the Historic Districts Ordinance.

Mr. Malot suggested an **Option 4:** Permit the applicant the time to file a complete application for next month's business meeting. Ms. Gustafson asked if arrangements could be made before that meeting for the Board to tour the 340 Baltimore Street site with the Owner, Contractor, Planning Director, and Council.

Mrs. LaBarre said that the applicant must demonstrate to the Board that there is persuasive evidence for demolition. Responding to prior comments and questions by members Goble and Lingle concerning the maintenance and cost associated with operation of public restroom facilities, she strongly cautioned the Board to remain within the purview of the Historic Districts Ordinance emphasizing that the above items fall under the authority of Borough Council and not this Board. She said that, when making a demolition request, the ordinance requires only that the applicant identify that the proposed use of the new structure. In this case, the applicant has offered that it will be a commercial building with public bathrooms. She again cautioned members to consider only what is prescribed within the Historic District ordinance, stating that the Board's focus is on street-view appearance not the interior.

Mr. Goble made a **motion** that the Board recommend that Borough Council postpone demolition for a period not to exceed nine months in order to give Future Stake, the owner of 340 Baltimore Street, time to consider alternatives to demolition in favor of restoration/rehabilitation. The motion was seconded by Ms. Hodges and carried 6-to-0 with one abstention.

Mr. Austin asked the Board for guidance in his next steps. Mrs. LaBarre said that the submitted Certificate of Appropriateness (COA-18-0016) HARB recommendation would go before Council at their July 9, 2018 Business Meeting for consideration. She said that the owner could invite HARB and Borough Council to tour the building prior to that meeting to see first-hand the existing conditions of the building. Mr. Goble asked what would happen to the existing application if Council rejected the HARB recommendation. Mr. Goble said that Council could approve the application as submitted, or return it to HARB for their reconsideration.

Mr. Shaffer resumed his role as chair.

Mrs. LaBarre discussed meeting procedures with the Board, and stressed the need for the Board to present "Proposed Findings of Fact", which is needed for a Board decision to hold up in court. She suggested the need for more Board training regarding an applicant's presentation and guidance.

Mr. Shaffer presented the "Proposed Findings of Fact" as a follow-up discussion to the Board's decision:

- The structure at 340 Baltimore Street is a sensitive building, as defined in Chapter 11 of the

Borough Code of Ordinances, Historic Districts (Historic District Ordinance). A sensitive building is defined as a building that has been standing for at least 50 years at the time of application, even though it has been considerably modified, and that the building structure is of moderate to poor architectural integrity. The building appeared on the Sanborn Fire Map between 1880 and 1885.

- The proposed work is a Critical Project, which is defined in the Historic District Ordinance as "A project involving demolition of all or part of any building, or change of configuration and rhythm of any building as a whole, or any alteration to a sensitive building, as defined in the definition of "sensitive building" in this Subsection 3."
- The building is not structurally unsound; and the submitted COA-18-0016 application dated March 7, 2018 did not meet the criteria for demolition as stated in the Historic District Ordinance, Chapter 11-110 which addresses demolition versus new construction.
- The applicant must respond to Gettysburg Building Code Official's written comments dated June 20, 2018, provide a completed application addressing the review comments in the Engineer's Letter dated June 12, 2018, and must comply with Historic District Ordinance, Section 11-11-3.A.1(g) and (h) requiring the needed information for demolition.

New Business: Applications for Review

There were no new applications presented for consideration at this time.

Reports

Mrs. LaBarre allowed the Board to review the administrative approvals made by the Department of Planning and Historic Preservation since HARB's last meeting on May 16, 2018, and answered related questions.

A. Administrative Approvals Since Last Meeting

- **COA-18-0029, 249 York Street – Frank C. Pizzuto**
CRITICAL PROJECT/REPLACEMENT-IN-KIND: Remove shingle roof system on a sensitive building (pre-1959); replace with GAF Timberline HD roof system w/ all necessary underlayments, flashings, and ridge vent as presented
- **COA-18-0040, 44 W. High Street – Rosemary Meagher**
CRITICAL PROJECT/REPLACEMENT-IN-KIND: Remove existing gutter system on house and shed; and install in existing locations on house new 2x3 downspouts, and on shed 5" half round with new 3" corrugated downspouts
- **COA-18-0042, 210 S. Franklin Street – Michael R. Snyder**
CRITICAL PROJECT/REPLACEMENT-IN-KIND: Removal of existing shingle roof system; and replace with GAF or similar 30-year shingles and drip edge in gray colorway

B. Report of Chair – Gary Shaffer, AIA

Mr. Shaffer encouraged the Board to complete training hours that would address all HARB applications, including the difficult ones that could create difficulties in court. He also discussed the ROR – Residential Office Redevelopment District with the Board relative to the proposed building height of 84 feet. He is not in favor of the increased height, and hoped that Council will not go to that height. He said that there is the need to protect the entire Historic District character per the Historic District Ordinance when making those difficult considerations.

C. Report of Staff – Becky LaBarre, Director of Planning and Historic Preservation

- Mrs. LaBarre invited the Board to view an American Planning Association (APA) webinar entitled: “Planning and Zoning Tools for Historic Communities” on July 6, 2018 at 1PM in Council Chambers. She said the webinar would count toward their Certified Local Government annual training. She said that the APA and the Preservation Leadership Forum both offer more training opportunities, and that she would email log-in information to the Board if interested.
- Mrs. LaBarre reminded that the Board to always be mindful of the Historic District Ordinance when considering applications and making their recommendations to Council. She acknowledged that the weight of their decisions at times are immense and must always be firmly grounded within the boundaries of the legislation.

Other Business

There was no other business.

Public Comment

There was no public comment.

With no other business before the Board, the Mr. Shaffer made the **motion** to adjourn, and it was seconded by Mr. Goble. The motion passed 7-to-0. The meeting adjourned at 9:00 PM.

Respectfully submitted,

Karen M. Mesher
Borough Management Assistant

Demolition.

A. Application Requirements.

- (1) An individual or entity proposing to raze or demolish a building in the Historic District shall first submit a written application, in a form provided by the Borough, which shall contain the following information:
 - (a) The name, address and telephone number of the applicant (and such information for the owner if not the applicant).
 - (b) The address of the building to be razed or demolished.
 - (c) The date and manner in which the current owner acquired the property.
 - (d) The proposed use of the property following the proposed demolition of the building.
 - (e) Photographs of the building or part thereof proposed for demolition.
 - (f) Photographic evidence and a written description of the deteriorated condition of the building.
 - (g) The reason or reasons for the proposed demolition.
 - (h) An explanation as to why rehabilitation, reuse, plan alteration, or stabilization with the intent to market and sell the property is not feasible or desirable.
 - (i) A statement on the proposed disposition of architectural features/building materials.
- (2) The Borough Planning Department shall prepare a report to the Board that includes: the maintenance of the building by the applicant/owner since it was acquired; whether the applicant/owner has neglected maintenance to destroy the building's historic integrity or its structural integrity; whether the applicant/owner has removed architectural fixtures from the exterior of the structure or otherwise damaged the property; and any previous or current code enforcement citations.
- (3) An application involving demolition of a sensitive building, as defined in this Part, shall not be deemed complete or be considered by the Board unless the following information is also submitted for review and consideration:
 - (a) An appraisal report relative to the fair market value of the subject property obtained by the applicant/owner for the purpose of obtaining financing or for other purposes.
 - (b) A report by a registered professional engineer, with experience in structural engineering, setting forth an opinion of the structural integrity of the building to be razed or demolished and any other useful information. The payment of costs of such report shall be the responsibility of the applicant/owner. The Borough shall forward the report to an independent registered professional engineer for review and recommendation to the Board.

- (c) Two written cost proposals from qualified contractors to determine both the cost of the repairs required to bring the building into conformity with all applicable codes and the cost to demolish the building.
- (d) A site plan, prepared by a registered design professional, showing the property boundaries and the location of all buildings, utilities, rights-of-way, easements, entrances, and/or exits on said property as well as a site plan showing new structures, utilities, rights-of-way, easements, entrances, and/or exits.
- (e) A list of bona fide offers for sale or lease of said property and, if the property is for sale, a copy of the contract listing the sales agreement.
- (f) **At its discretion,** the Board may request that a study be completed and a report of such study be prepared by an architect or planner with a background in historical preservation. The study shall address the relationship of the building proposed to be demolished to the Historic District, as well as the impact the demolition of the building and site development will have on the immediate block or area where it is located. The cost and review of such study shall be the responsibility of and shall be paid for by the applicant/owner.

OPTIONAL

B. Criteria.

- (1) In making a recommendation to the Borough Council regarding the issuance of a certificate of appropriateness where a permit is sought for demolition of a building within the Historic District, the Board shall consider the following criteria:
 - (a) Whether the building under consideration for demolition contributes to the character of the Historic District or if the building has significant historic character.
- (2) In requesting the issuance of a certificate of appropriateness for demolition, the applicant/owner shall provide credible evidence that the following conditions exist:
 - (a) The existing building cannot feasibly and reasonably be reused or is structurally unsound, and that its condition is not the result of the intentional neglect or the demolition by neglect by the applicant/owner.
 - (b) The denial of the demolition would result in unreasonable economic hardship to the owner, based on the following criteria:
 - [1] The applicant/owner has demonstrated that the condition of the building constitutes a serious and immediate threat to the safety of the public or occupants, that cannot be eliminated without repairs required to meet specified safety code standards, that would exceed 50% of the appraised value of the structure itself documented in § 11-110, Subsection 3A(3)(a) and (c).
 - [2] The applicant/owner has demonstrated that there would be no reasonable long-term economic benefit from the preservation of the building. In making a claim of unreasonable economic hardship in § 11-110, Subsection 3C, all potential

uses for the building shall be thoroughly examined and addressed in the application. When a claim of unreasonable economic hardship is being made in reference to a proposed demolition pursuant to this Part, the owner/applicant shall present evidence sufficient to prove that, as a result of denial of a demolition permit, the owner/applicant is unable to obtain a reasonable return or a reasonable beneficial use from the property. The owner/applicant of record shall submit by affidavit to the Board all the information set in § 11-110, Subsection 3C. An assertion that the owner/applicant can achieve a greater economic return by demolishing the building or that the owner lacks adequate funds to pursue potential uses or adaptive reuses is considered to be insufficient to sustain a claim of unreasonable economic hardship.

- (c) The demolition is necessary to allow a project to occur that will have substantial public benefit which outweighs the loss of the building, and the proposed project must occur at that specific site.
 - (d) The demolition will result in a new building that will be an improvement to the character of the Historic District, considering the architectural design proposed for the new building.
 - (e) The building proposed for demolition does not contribute to the character of the Historic District.
- (3) When the Board deems a proposed demolition undesirable, it may recommend that the demolition be postponed for a period not to exceed nine months for the consideration of the application by the Borough Council. During this period, so as to render demolition unnecessary, the Board and Borough Planning Department shall make all reasonable efforts in identifying alternatives to demolition or resolving problems that resulted in the request for the proposed demolition.
 - (4) In the case where the Board recommends and the Borough Council approves demolition of a building, a good-faith effort shall be made by the owner/applicant to move the building to a nearby site. If moving a building slated to be demolished is economically or practically infeasible, best efforts shall be made to salvage architectural features of the building for use within the Borough.

C. Unreasonable Economic Hardship.

- (1) When a claim of unreasonable economic hardship is made pursuant to this Part, the owner/applicant must present credible evidence that, if the issuance of a certificate of appropriateness is denied, the owner/applicant will be unable to obtain a reasonable return from or a reasonable beneficial use of the property. The owner/applicant shall submit by affidavit to the Board the relevant information outlined below, which shall include, but not be limited to, the following:
 - (a) The date the property was acquired by its current owner.

- (b) The price paid for the property (if acquired by purchase) and a description of the relationship, if any, between the buyer and seller of the property.
 - (c) The form of ownership or operation of the property, whether sole proprietorship, partnership, for-profit or nonprofit corporation, limited liability company, limited partnership, joint venture or other.
 - (d) The mortgage history of the property, including the current mortgage and the annual debt service, if any, for the previous two years.
 - (e) The current market value of the property.
 - (f) The owner's equity in the property.
 - (g) An income and expense statement for the current year and for the past two years.
 - (h) The capital expenditures made for the benefit of the property during its ownership by the current owner.
 - (i) Any appraisals of the property obtained within the previous two years.
 - (j) The income and property tax factors affecting the property.
 - (k) All studies commissioned by the applicant/owner as to the profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.
 - (l) Estimate(s) of the cost of the proposed demolition and estimate(s) of any additional cost(s) that would be incurred in order to comply with the recommendations of the Board for changes or conditions necessary for the Board's recommendation to the Borough Council for the approval of a certificate of appropriateness.
- (2) The Board may require that an applicant/owner furnish additional information relevant to its determination of unreasonable economic hardship.
- (3) Should the Board determine that the present economic return of the applicant/owner is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable economic return and whether such a return could be obtained through investment in the property for rehabilitation purposes. The Board may choose to recommend that special local, state or federal economic and tax incentives be developed to assist the applicant/owner of the property in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.
- (4) The Board may seek the assistance of appropriate local, statewide or national preservation organizations and/or economic development agencies for solutions or funding, which may relieve the economic hardship of the applicant/owner. If the Board chooses to explore such options, the Board may delay its recommendation for the issuance of a certificate of appropriateness for demolition based on economic hardship

for a period of up to 90 days in addition to any other applicable time periods for approval of the project.

- (5) Should the applicant/owner satisfy the Board that an unreasonable economic hardship will result if a certificate of appropriateness is not approved for demolition, and should the Board be unable to develop with the Borough or appropriate local, statewide and national preservation organization and/or economic development agencies a solution which can relieve the economic hardship of the applicant/owner, the Board shall recommend the approval and the issuance of a certificate of appropriateness for demolition.

D. Issuance of Certificate of Appropriateness Permit for Demolition.

- (1) Prior to the issuance of any permit for the demolition of a building or structure in the Historic District, the applicant/owner shall have obtained all necessary approvals and permits associated with the project, which shall include, but not be limited to, zoning approvals or permits; subdivision and land development approval; any Commonwealth of Pennsylvania approvals, to include, but not limited to, Department of Transportation and Department of Labor and Industry approvals; any Gettysburg Municipal Authority approvals and the issuance of water and sewer connection/disconnection permits; and the issuance of building permits for the construction of new buildings.
- (2) Prior to the issuance of any permit for the demolition of a building in an Historic District, the applicant/owner shall provide financial security in the form of cash, certified funds, or an irrevocable letter of credit for the cost of constructing the proposed new improvements, including any buildings. The applicant/owner shall enter into an agreement with the Borough authorizing said financial security and providing for completion of the improvements within 12 months from the date of issuance of the permits.
- (3) No demolition may occur until all permits necessary for the project, as well as licenses, zoning or land use permits, or other necessary documents or approvals, have been obtained or met and the agreement set forth in § 11-110, Subsection 3D(2) above, has been executed by all parties.
- (4) Vacant structures in the Historic District shall be properly and adequately secured against the elements and vandalism to prevent deterioration, and the exterior of the property shall be maintained in accordance with all applicable ordinances of the Borough.
- (5) The Borough shall have the authority to issue a permit for the demolition of a building in the Historic District when, in the opinion of a registered professional engineer with experience in structural engineering, such building represents an immediate and present danger to the life or property of any residents or visitors of the Borough.
- (6) A permit for demolition without compliance with this Part may be issued if the Borough's Building Inspector certifies in writing that the building represents an immediate and

present danger to public health, safety and welfare and that no other reasonable alternatives exist other than demolition.

E. Demolition by Neglect.

(1) All buildings within the Historic District shall be maintained in good repair, structurally sound and reasonably protected against decay and deterioration, pursuant to the Borough Property Maintenance Code. Examples of such deterioration include:

(a) Deterioration of exterior walls and other vertical supports.

(b) Deterioration of roofs or other horizontal members.

(c) Deterioration of exterior chimneys.

(d) Deterioration or crumbling of exterior stucco or mortar.

(e) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors.

(f) Deterioration of any feature so as to create a hazardous condition that could lead to the claims that demolition is necessary for the public safety.

(2) Any unresolved notices of ordinance violations issued to the property owner may be considered in a determination of demolition by neglect.

4. In cases where applications include substantial excavation under or adjacent to an existing building or to an area of the lot previously undisturbed, thus creating the potential to disturb or destroy archaeologically important cultural resources, the Board shall, where deemed necessary, recommend to the Borough Council that the proposed excavation be postponed for at least 30 days from the date of the Borough Council's decision. During this period, the Board or members of its staff shall consult with a State Historic Preservation Office qualified archaeologist to advise and assist the Board on an appropriate course of action that will mitigate the potential damage to the archaeological resource. In instances where the archaeological resource appears substantial, the Board may seek technical and financial assistance from the Pennsylvania Historical and Museum Commission and/or other preservation organizations to conduct a Phase I and/or Phase II archaeological investigation of the site. In this instance, the Board may recommend to the Borough Council that the application be delayed for a period not to exceed 75 days from the date of the Borough Council's decision. If this is the case, the Board will make every effort to work closely with the applicant to minimize the inconvenience and delays this may cause.

COA - 18-0016

UNTIMELY & INCOMPLETE SUBMITTAL
BOARD RECEIVED SUBMITTAL TODAY 6/20/18
CONTAINING LETTERS UNTIMELY SUBMITTED:
- Future Stake letter 6/15/18
- Engineer letter 6/12/18
- Burd letter 6/20/18

NO GOOD INFO FOR REASON FOR DEMOLITION OTHER THAN
"FOR THE PUBLIC GOOD" DOES NOT COMPLY w/
SEC. 11-1103.A.1(g) & (h)
"FOR THE PUBLIC GOOD", "TOO MUCH WORK", "WATER IN BASEMENT"

ENGINEER LTR. RECOMMENDS RENOVATION
BURD LTR. SAYS CODE COMPLIANT APPLICANT SAYS BIRD INFESTED
NO GOOD PLAN TO MOVE FORWARD - "IN DESIGN"
NO GOOD PHOTOGRAPHIC EVIDENCE OR WRITTEN DESCRIPTION OF
THE DETERIORATED CONDITIONS REQUIRING DEMOLITION
NO EXPLANATION WHY REHAB WAS NOT FEASIBLE