



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, March 28, 2018

5:30 PM

Council Chambers

Special Meeting

Call to Order: Council President MacLean

Present: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

[15-2208](#)

R35

Authorization for Engagement of Professional Services with McMahon Associates in the amount of \$500 for preparation of engineering documents compliant with the requirements of Pa-DCED Multimodal Transportation Fund program.

Attachments: [R35 McMahon - eng docs](#)

[Resolution #29620](#)

Mr. Brent Hartzell stated that he was reading Mr. Lightner's notes and from what I can decipher it appears the state Department of Community and Economic Development had reduced the grant that was anticipated and awarded for this particular project. We need to come up with a new cost proposal and it is time sensitive. They were in a hurry to get this done. The total amount in doing the new cost proposal is \$500.

Mr. Roger MacLean asked if we are budgeted for that. How much less are we getting from them?

Mr. Brent Hartzell stated that he doesn't know.

Mr. Roger MacLean asked if there were any questions from his colleagues or the public.

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

Enactment No: 29620

[15-2212](#)

R36

Denial of a Certificate of Appropriateness – 417 N. 10th Street

Attachments: [R36 HARB Denial - 417 N. 10th Street](#)
[417 N 10th St FINAL REVIEW SHEET DENIAL](#)
[417 N 10th Street Google Earth 092017](#)
[415 and 417 N 10th Street 10072017](#)
[417 N 10th St 10092017](#)
[417 N 10th St Presentation](#)
[417 N 10th St Presentation II](#)
[Resolution #29621](#)

Ms. Christine Ussler, Artefact Architecture, stated that Mr. Kimmerly asked that she give a description of the building and read the motion from HARB and why he denied the project. This is a three story brick row home circa 1893. It is a Queen Ann porch style house. The roof has asphalt shingles with gable roof dormer. The issue is with the roof of the porch which currently has a rubber sheaving over its half of a shared roof of a neighboring property. They put on inappropriate shingles. HARB adopted the proposal to recommended a denial of a certificate of appropriateness. The proposal was denied because the work performed does not meet the historic standard. The character defining pediment was removed. They recommended the inappropriate shingles will be replaced. We would need to approve that roofing. The pediment half on this property and half on the neighboring property must be reconstructed with the appropriate wood or fiber cement board siding in a smooth, painted finish. HARB asked for it to be reviewed before it is constructed. The proposal of the denial of the COA was unanimously at approved at the meeting. It was a 5 - 0 vote.

Mr. David Kimmerly stated that he wanted to give them an idea of the process so far and how it came to be denied. On October 7th he received an email from the HARB chairman that came across this property when the work was being done. The property owner did not request a building permit. It would be required as well in addition to the HARB denial. Shortly after that he sent a first notice of violation which is sent by regular mail. Approximately two weeks after that I sent a second notice of violation which is a letter that is certified with a return receipt and the final notice went out two weeks after that. The property owner did come to the counter on the fourth floor and I discussed the case with him and let him know that this is what he had to do to rectify the situation. He said he would not do that. I told him the only options was to come to HARB and present his case there and make your argument. He was scheduled for February 5th HARB meeting and he did not show up. He was rescheduled and re-notified for March 5th and he did not show up for that meeting. We are on a 75 day time limit from the time he made the application until it is expired and approved. April 2 is the end of 75 day deadline.

Mr. Rafael Garcia, 417 N. 10th Street, stated that the old roof was getting rotten and water was leaking in to it. He stated that he had a roof repair with three piece shingles. He stated that he bought three piece shingles from Home Depot and installed it. Almost half of the houses on the block around the area using the same material. He thought it was the best choice. He stated then he received a letter stating that it was not permitted.

Mr. Roger MacLean asked Mr. Garcia why he did not show up for the two HARB hearings that were scheduled. He asked if he did the work on a Sunday at his house.

Mr. Rafael Garcia stated that he did not get permission from his work so he could not make it. He stated that he had a contractor.

Mr. Courtney Robinson stated he lives in the historic district as well. If you would have done the proper thing by applying for a building permit you would have been told you are in the historic district and you need to speak to HARB as well. There are two issues: The historic aspect and you did not apply for a building permit.

Mr. Roger MacLean stated that all contractors know you need to pull a permit.

Mr. Julio Guridy asked why wouldn't the contractor request a permit.

Mr. Rafael Garcia stated that he could have fixed it in a day. I didn't think it was a big problem. It is my property and I am paying taxes.

Mr. Julio Guridy stated that there are certain rules when you move in the historic district that you have to follow those requirements. It is going to cost you more money because you paid the contractor, you had to take it down and now you have to fix it the right way. He stated most of the homes in the area are old homes and need fixing. He suggested that Mr. Garcia stay in contact with HARB. They are there to help you.

Ms. Christine Ussler stated that oftentimes what we recommend costs less. We are really sensitive of the cost of materials. There are substitute materials that can be used. We do try to help the applicants. We are not there to make you spend more money.

Ms. Cynthia Mota stated that it is important to work with the real estate agencies and homeowners to let them know there are rules when it comes to fixing your home especially when it is located in a historic district. it is a lack of information and education. The reality is that no one wants to fix

something and pay twice as much.

Ms. Christine Ussler stated that they are trying very hard to get the information out. We had public sessions last year and meetings where we invited all property owners to come and went over the process. We spent a lot of time helping people understand what we do, how we can help and how sometimes save money. We did the three historic districts last year. With the real estate agents we are talking about that on occasion. How we can help with getting them on board to understand what we do.

Mr. David Kimmerly stated that all new property owners get within a month or two of their moving or a change in the title or deed. They get a letter from the city that explains that they are in a historic district as well. We try to get the word out there. The sessions that Christine was talking about we had about 100 people total. There are about 4,000 properties in the three districts. He stated that 100 sounds like a lot, but it is a drop in the bucket. He stated that he felt it was a successful campaign and they need to do it every other year.

Mr. Roger MacLean asked if the city was sending out letters to people that buy housing in the historic district.

Mr. David Huber, HARB Chairman, stated that he was the one that encountered the work going on and took the pictures. The ceiling boards were laying on the sidewalk as well as the pediment. Everything was in pieces. I talked to the contractor and made him aware that he was in the historic district. I told him that it was in his best interest to stop what he is doing so he can bring it to HARB and get it right the first time. We always try to work with people to get a good result.

Mr. Roger MacLean stated that it kind of sounds that way. A couple of things were let go.

Mr. David Huber stated that it is actually more violations then he is being cited for.

Mr. Roger MacLean asked if there were any other comments from the public.

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

Enactment No: 29621

ADJOURNED: 5:48 PM