

MINUTES

HARRISBURG ARCHITECTURAL REVIEW BOARD REGULAR MEETING

March 6, 2023

THE MARTIN LUTHER KING, JR. CITY GOVERNMENT CENTER
CITY COUNCIL CHAMBERS

MEMBERS PRESENT: Trina Gribble, Chair
Kali Tennis, Vice Chair
Bruce Henry, Deputy Codes Administrator
Kent Hurst

MEMBERS ABSENT: April Rucker
Camille Bennett

STAFF PRESENT: Geoffrey Knight, Planning Director
Neil Grover, City Solicitor

OTHERS PRESENT: See Sign-In Sheet

CALL TO ORDER: 6:02 PM

APPROVAL OF MINUTES:

Mrs. Gribble asked whether the Board members had a chance to review the minutes from the January 9th meeting; she stated that she was not aware that the minutes had been posted to the Planning Bureau's website. She asked whether the Board members wanted to take a few minutes to review the hard copy documents provided by Planning Bureau staff. Mrs. Tennis stated that she preferred to read the minutes before the next meeting so that she had time to thoroughly review them; the other Board members concurred. Mrs. Tennis moved, and Mr. Henry seconded the motion, to Table a vote on the minutes from the January 9, 2023. The motion was adopted by unanimous vote (4-0).

OTHER BUSINESS:

1. Introduction of Kent Hurst as new Board member

Mr. Hurst stated that he was delighted to be on the Board, and noted that while he had an urban planning degree, he did not practice. He stated that he had previously lived in the Old Uptown historic district and now lived in Bellevue Park, and that he had a strong interest in maintaining the look, feel, and history of the city's neighborhoods. Mr. Hurst stated that the Board had a very important job and that he looked forward to contributing.

OLD BUSINESS:

- 1. 1504 Penn Street**, filed by Daniel & Melody Witwer, to replace the existing one-over-one, double-hung windows on the first and second floors with aluminum-clad wooden windows. **[Applicant has requested a Continuance to the April 2023 HARB Meeting.]**

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Mrs. Gribble noted that the Applicant had requested a continuance to the April meeting and asked Planning Bureau staff whether the Board needed to act on the request. Mr. Knight stated that the Board should act on the request. He noted that the Applicants had not attended the previous month's meeting and that he believed they were waiting until Frank Grumbine's presentation to the Board on the appropriateness of various window products. Mr. Knight noted that he had requested that they submit a formal request for the current meeting so that the Board could confirm the Applicants interest in having their case continued.

Mr. Hurst asked whether something was planned between the current meeting and the April meeting, so that the Board would have more information which they could consider in acting upon the request. Mr. Knight noted that Frank Grumbine, who worked for PHMC but was previously the City's Historic Preservation Specialist, would be discussing best practices and his perspective on the appropriateness of different products based on his experience both at the city and in his current professional capacity. He stated that he intended on transmitting documentation on various window products to Mr. Grumbine for his consideration ahead of the next meeting. Mr. Hurst asked whether that information would be provided to the Board; Mr. Knight confirmed that he would provide that as soon as it was compiled and organized.

Mrs. Gribble stated that it might be difficult to consider the information discussed at that meeting and then act on it for the continued case. Mr. Hurst noted that the Board might be more focused on "information gathering" at the April meeting, but not necessarily be ready to make a final determination on any cases. Mr. Knight stated that he believed the Applicants intended on attending the meeting for informational purposes and did not expect the Board to act on their case.

Mrs. Tennis asked whether the information she had researched had been provided to Mr. Hurst; Mr. Knight stated that he hadn't provided that information but would do so.

Mr. Hurst moved, and Mr. Henry seconded the motion, to Table the application. The motion was adopted by a unanimous vote (4-0).

NEW BUSINESS:

2. 1223 North 2nd Street, filed by Grant Elledge, to install a metal fire escape along the southern elevation in the rear yard to provide access to the third-floor rooftop deck.

The case was represented by Grant Elledge (the property owner), 1223 North 2nd Street, Harrisburg, PA 17102 (aka "the Applicant").

Mr. Knight gave a synopsis of the case report recommending the request be Approved with the following conditions:

1. The Applicant will receive approval of the Special Exception application to establish an accessory use on the third floor, as that proposal will necessitate the addition of a secondary emergency egress in the form of the proposed fire escape.
2. The Applicant must submit a design of the proposed fire escape with the Building Permit application, to be reviewed and approved by Planning Bureau staff.

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Mrs. Gribble asked the Applicant whether they wanted to provide additional information on the proposal. The Applicant noted that he had recently purchased the property and that the existing pergola on the rooftop deck was installed by a previous owner; he also noted that some of the other properties on the block also had rear fire escapes.

Mrs. Gribble asked whether there were any questions or comments from the other Board members. Mr. Hurst asked how people would access a fire escape in the rear of the property; the Applicant noted that there was a small alley behind the row of homes fronting 2nd Street. Mr. Hurst clarified that he was asking how the rooftop deck was accessed; the Applicant noted that there was a door from the third floor out onto the deck.

Mr. Hurst inquired as to whether the installation of a fire escape in the small space between the buildings would create access issues. Mr. Knight stated that he didn't believe it would create any access issues in getting in underneath the fire escapes, but that Mr. Henry could likely confirm that. Mr. Hurst stated that he wasn't sure if the Applicant would need to get underneath the staircase to get to the back of the house. Mr. Henry confirmed that a three-foot-wide fire escape was required, and that so long as the minimum requirements were met, the proposal should be acceptable.

Mr. Hurst asked whether the Applicant was considering a "switchback" fire escape design; he confirmed that he was not considering such a design and that it would likely need to be custom-made given the space configurations. Mr. Hurst stated that he felt the fire escape might end up being fairly steep. The Applicant stated that he was planning on having the proposed fire escape match the one at the adjacent property, and noted that that design included a second-floor landing; he noted that it would end up connecting to the existing deck above the rear, second-floor addition.

Mrs. Gribble referenced Condition #1 in the Planning Bureau's case report, and asked whether the fire escape plans needed to be submitted for the zoning relief application that was being reviewed by the Zoning Hearing Board. Mr. Knight confirmed that the Applicant was proposing to establish an "Airbnb unit" and would be heard by the Board at an upcoming meeting, and that one of the considerations would likely be the installation of an emergency egress provided by the proposed fire escape. He confirmed that the Planning Bureau's case report for that application recommended that the interior access to the proposed third-floor unit not be closed off in the event that a future property owner may want to remove the unit and re-establish single-family occupancy of the full structure.

Mr. Gribble noted that while materiality was generally a consideration of the Board, they might not have much choice regarding the material for a fire escape as building code regulations generally required metal fire escapes. Mr. Hurst stated that he felt a metal fire escape would be better than a wooden fire escape, especially since it would match the adjacent property. Mr. Henry stated that he wasn't sure whether the neighbor's fire escape met code requirements based on the photos accompanying the application.

Mrs. Gribble noted that the proposed fire escape would be slightly visible from the public right-of-way, and asked whether any of the other Board members had concerns about the materiality and design; there were no other comments or questions.

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Mrs. Gribble moved, and Mr. Hurst seconded the motion, to Approve with Staff Conditions. The motion was adopted by a majority vote (3-1).

- 3. 205 Kelker Street, filed by Dan Mouzon, to replace existing wooden, two-over-two windows on the side and rear elevations of the home with one-over-one, Fibrex windows; additionally, some recently-installed, non-historic windows on the front and side elevations will be replaced with one-over-one, Fibrex windows.**

The case was represented by Dan Mouzon (the property owner), 205 Kelker Street, Harrisburg, PA 17102; and Kevin Smith with Home Depot (the project contractor), 2455 Paces Ferry Road, Atlanta, GA 30339 (aka “the Applicants”).

Mr. Knight gave a synopsis of the case report recommending the request be Denied.

Mrs. Gribble asked the Applicants whether they wanted to provide additional information on the proposal. They noted that some of the windows which had been installed had received approval, as they had utilized wood composite windows, and that they were under the impression the review was only addressing the two-over-two windows replaced with one-over-one windows, and the one-over-one-one windows replaced with three-sash windows. They noted that those were windows included in the COA application. The Applicants stated that they were unsure of what the Planning Bureau was referencing in discussing the profile of the windows because they used a standard size; however, they noted that they had wrapped the wooden frames in aluminum.

Mr. Hurst asked whether the windows were only inserts; the Applicants confirmed that was the case.

Mr. Mouzon (the property owner) noted that he had recently purchased the home and had moved to the city from Brooklyn, and that the felt Harrisburg’s homes reminded him of the rowhomes from Brooklyn, but that they were much more affordable. He stated that he had spoken to four contractors when considering work on the property, and had notified each that the property was in a Municipal Historic District and thus required additional reviews and permitting. He stated that he had secured permits for other interior work that he had done and that he had not intended to circumvent the required permitting processes.

Mr. Mouzon noted that his initial contact with Home Depot was promoted, which resulted in communication issues with the permitting contractor (GoPermits), which claimed that the property was not located in an historic district. He stated that he left the house while the work was ongoing and that several days into the project, Codes Bureau inspectors conducted a site visit and noted that work was occurring without permits. Mr. Mouzon noted that when he contacted the permitting contractor, they stated that their systems did not have the property as being in the city, much less an historic district. He noted that he was frustrated with the delays in the project.

Mr. Mouzon confirmed that he had installed the fiberglass front door, and that he was willing to do whatever was necessary to get Board approval. He noted that it was a Craftsman-style door and asked whether he just needed a wooden version of the same door. Mr. Knight noted that installing

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a Craftsman-style design in a Second Empire building would be a conjectural feature which would not be historically-appropriate, but that a solid wooden door would be appropriate; he noted that the previous door was a tri-paneled wooden door with a small pane and wooden grating that he had not seen elsewhere and thus believed it might be difficult to find. The Applicant stated that he was willing to use a similar door and asked whether he could install it himself; Mr. Henry confirmed that he could. Mr. Mouzon asked if he had to have the style of the door approved by the Board; Mr. Knight stated that he could provide product specifications to the Planning Bureau and he would confirm whether it was appropriate.

Mrs. Tennis stated that beyond the materiality of the replacement door, it also appeared that the replacement door had been “packed out” in the doorway opening; the Applicant stated that the door had come pre-hung and he had just inserted in place of the previous door. Mrs. Tennis stated that she had an issue with the appearance of the door, noting that while it would be tough to get a door that matched exactly, the Applicants should find one that fits the rough opening of the former door. The Applicants stated that he would submit a new door to the Planning Bureau for review.

The Applicants reiterated that they were somewhat surprised by the Planning Bureau’s recommendation that all the windows be removed; they stated that they understood that the three-sash windows would have to be removed, but thought that the in-kind, one-over-one replacement windows were acceptable. Mr. Knight confirmed the Applicants’ testimony regarding the role of the permitted company was accurate, recounting his own communications with them. He also confirmed that he had administratively approved the one-over-one, wood composite windows, but that he was concerned about the metal wrapping around the window frames; he stated that he wasn’t sure whether the wrapping was part of the window packet.

Mr. Knight noted that he tried to reflect previous deliberations and decisions in reviewing COA applications, even if he felt differently, noting some disagreement between Bureau staff and the Board members in a recent similar case. He stated that if the wrapping was removed from the frames around the one-over-one windows, then they would likely have a similar profile to the previous windows and would thus be appropriate.

Mrs. Gribble asked the Board members how they wanted to approach the review of the project. Mrs. Tennis stated that she was having difficulty identifying which windows had been administratively approved by the Planning Bureau. Mr. Knight noted that he had approved the replacement of one-over-one windows with one-over-one wood composite alternatives, which were primarily on the third floor of the front, side, and rear elevations. He noted that the primary concerns for the Board’s considerations were the installation of the three-sash windows and the replacement of two-over-two windows with one-over-one windows.

Mrs. Tennis stated that she had conducted a site visit and that it appeared there were multiple types of windows; she asked whether the windows were all the same product. The Applicants confirmed that the recently-replaced windows were all the same wood composite material, but noted that because some of the frames were wrapped, they might appear to be different types of windows; they also confirmed that four windows on the second floor of the front elevation were replaced several years ago by a previous owner. The Applicants reiterated that some of the windows had frames that were wrapped with aluminum, and acknowledged that that would need to be removed.

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Mrs. Tennis inquired about the profiles of the windows underneath the aluminum wrap; the Applicants stated that it was similar to the profile of the recently-installed windows, and that no wood had been removed in the installation of the windows.

Mr. Hurst asked whether the removal of the aluminum wrap would address the concerns regarding the window profiles. Mrs. Tennis agreed and noted that she was concerned about the condition of the wood frames. The Applicants stated that they would need to have a contractor evaluate the condition of the wood frames, but that they would replace any rotted wood with in-kind materials.

Mr. Hurst asked whether it was possible to replace the previous two-over-two windows with a simulated two-over-two appearance. The Applicants stated that the reason they had used one-over-one replacement windows was because they wanted all of the windows in the house to match, and there would otherwise be only be five two-over-two windows in the building. Mr. Hurst noted that it was more difficult to find real divided lite windows and that most modern products used simulated divided lite grills over single panes. Mr. Knight noted that manufacturers often had both internal and external simulated divided lite grills for windows.

Mr. Hurst stated that he felt the most pressing issue was the three-sash windows that were installed; Mrs. Gribble concurred. She noted that three were installed on the front elevation and two on the side elevation. Mr. Hurst noted that they were double-hung, but also included a fixed pane above. Mrs. Gribble asked whether the windows were Andersen 400 series windows. The Applicants confirmed that they were 100 series windows and noted that the 400 series windows were slightly larger because they were stronger structurally; they confirmed that they could install the 400 series in a one-over-one pane configuration. Mrs. Gribble stated that she felt that was appropriate for the front elevation.

Mrs. Gribble noted that windows in the rear additions of historic properties were usually originally installed in a two-over-two pane configuration. The Applicants confirmed that it was their intention to install one-over-one windows in the rear along the porches; Mrs. Gribble stated that the Board generally did not support the replacement of two-over-two windows in these locations with one-over-one windows. She noted that it was particularly prevalent in the Engleton neighborhood. The Applicants requested clarification on the requirement for two-over-two windows; Mrs. Gribble noted that this pane configuration involved two sashes, which were each divided into two distinct panes; the Applicants discussed the previous windows amongst themselves.

Mrs. Tennis asked whether the basement windows in the front elevation were original wood windows. The Applicants confirmed that they were; Mr. Knight confirmed that they were divided lite wooden windows.

Mrs. Gribble asked whether the Board supported the use of the stronger Andersen 400 series windows for replacement of the installed three-sash windows. Mrs. Tennis asked whether it was a Fibrex material and Mr. Hurst asked whether it was paintable. The Applicants stated that it was not. Mr. Knight noted that the Fibrex manufacturers (Andersen) had previously testified that the product could be painted without voiding the warranty; the Applicants stated that they may have been mistaken in thinking it was not.

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Mr. Hurst noted that the issue was relevant to the Board's discussion and consideration of alternative materials because it spoke to the sustainability of the material over time. Mrs. Tennis concurred and noted that the issue of longevity was also critical. Mr. Hurst stated that if a future property owner wanted to paint the windows to match a new color palette for the property, they should be able to do so without requiring special materials or treatment. Mr. Knight confirmed that was the case. The Applicants stated that the material had been approved frequently approved for use in historic districts in Harrisburg and other regional municipalities, and noted that he wasn't sure what an appropriate alternative material would be otherwise.

Mrs. Gribble noted that the Board appeared to be amendable to the use of one-over-one windows, and noted that the Board had approved Fibrex material in the past. She asked if the Board felt okay with permitting the one-over-one replacements for the three-sash windows on the front elevation; Mr. Knight noted that those windows were originally one-over-one windows and thus would not require Board approval to install such a pane configuration.

Mr. Hurst asked whether internal or external simulated divided lite grills would be acceptable replacements for the two-over-two windows; Mrs. Gribble stated that she believed that Andersen could not produce the required real divided lite configuration in the size of the windows in the subject property. Mrs. Tennis stated that she didn't feel that the simulated divided lite, especially the interior grills, reproduced the appearance of real divided lite windows. Mrs. Gribble stated that the Board would likely require the use of both interior and exterior simulated divided lite grills, but Mrs. Tennis stated that Fibrex windows could not be manufactured in that way. Mrs. Gribble concurred.

Mrs. Gribble again asked whether the Board wanted to follow the recommendation in the Planning Bureau's case report. Mrs. Tennis asked the Applicants what their preference would be; they stated that they would prefer to utilize new windows that matched so that it looked the same all around the building.

Mrs. Tennis asked whether the burden was placed on the homeowner in consideration of the mistakes of the permitting company; the contractor stated that it would not be their responsibility. Mrs. Tennis stated that she was glad to hear that. The property owner stated that he understood the issue was created by employee movement within the contractor's company, and that he felt it would not have occurred had that not happened, and that he understood it led to the oversight.

Mrs. Tennis asked if the Applicants were prepared to recreate custom millwork of the capped frames if it previously existed on-site; she noted that if any of the wooden framing had been removed as part of the previous window installations, they would need to recreate that. The Applicants confirmed that they were intending to do that.

Mrs. Gribble noted that based on the discussion, the Board seemed to want to modify the conditions of approval. Mrs. Tennis concurred and stated she wanted to propose that the three-sash windows would be replaced with one-over-one windows and that all aluminum frame wrapping would be removed and the wooden frames would be restored. She noted that some of the sills were stone and asked whether all of the windows had stone sills; the Applicants confirmed that some of the

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sills were wood. Mr. Knight confirmed that the windows on the side and rear of the building were wooden, but that the windows on the front had stone sills and headers.

Mrs. Gribble asked for confirmation that the wooden sills had been wrapped with aluminum; the Applicants confirmed that they had. Mr. Knight stated that it appeared to him that the wrapping had only included the window frames, but not the sills. The Applicants confirmed that the headers and sills had not been wrapped.

Mrs. Tennis revisited her proposed conditions and stated that they included replacing the three-sash windows with one-over-one windows; the removal of any metal wrapping that had been installed; and the rehabilitation/reinstallation of wooden frames. Mr. Hurst clarified that the frame-wrapping condition was proposed with the expectation that it would ameliorate the window profile issues. Mrs. Tennis asked whether she need to repeat all of those conditions when making a motion. Mrs. Gribble asked whether they need to address the installed front door as a condition; Mr. Knight noted that the Applicants had agreed to replace the door.

Mrs. Tennis asked Mrs. Gribble to clarify the conditions of approval. Mrs. Gribble noted that the conditions included: 1) replacing the three-sash windows with one-over-one, Andersen 400 series windows; 2) removing any aluminum wrapping of the frames and restoring/rehabilitating the wooden frames; 3) submitting a proposal for a new wooden entrance door to the Planning Bureau for review for conformance with historic district standards. Mrs. Tennis noted that it might be difficult to find a wooden door in the size of the rough opening and that wooden doors sometimes did not weather well.

Mr. Grover asked whether the Historic District Design Guidelines approved by City Council in 2021 contained standards for replacement doors. Mr. Knight stated that he wasn't sure whether that Guidelines permitted administrative approval of fiberglass doors or not, but noted that the Board had recently approved the use of fiberglass entry doors. He stated that the more important consideration was replicating the previous three-panel design of the door, and that it would likely be easier to find that in an alternative material. He stated that he felt a fiberglass replacement door in that design would be an appropriate compromise. The Applicants stated that they were willing to submit multiple replacement door proposals.

Mrs. Tennis moved, and Mr. Hurst seconded the motion, to Approve with Staff & Additional Conditions; the additional conditions were that: 1) the three-sash windows will be replaced with one-over-one windows; 2) the aluminum wrapping around the frames would be removed and replaced with cedar; and 3) the installed door would be replaced with a new door similar in size and design to the previous door, with a final determination to be made in consultation with the Planning Bureau. The motion was adopted by a unanimous vote (4-0).

OTHER BUSINESS:

1. Discussion of HARB by-laws

Mrs. Gribble noted that the Board had previously been discussing updates to their by-laws, and asked Planning Bureau staff whether there were any updates. Mr. Knight directed the question to Law Bureau staff and noted that some of the urgency to address the by-laws was being mitigated through the recent appointment of Mr. Hurst to fill a vacancy on the Board, and noted that there

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may be pending appointments as well, which would reduce some of the urgency to address the revisions related to appointments.

Mr. Grover noted that he had recently added new staff and that the Bureau would thus be able to devote more attention to the issue.

Mr. Hurst asked whether there were written by-laws and discussion of the proposed revisions he could review. Mr. Grover noted that there was a draft of the proposed revisions, but noted that some of the proposals involved powers and responsibilities that were held by City Council and thus could not be unilaterally changed by the Board. He noted that the revisions would likely result in a resolution that would be presented to City Council for them to adopt. Mr. Grover noted that one of the issues was whether residents from the city's Eligible Historic Districts were able to serve on the Board; he noted that a strict interpretation of the existing statutes seemed to indicate that they could not, although he noted past Board members have lived in Bellevue Park.

Mr. Grover acknowledged that the regulations needed to be cleaned up to address any such inconsistencies. He noted that in recent discussions, City Council seemed interested in addressing these issues; he suggested that a meeting between the Board and one or more councilmembers would be advisable. Mr. Grover stated that the current Board members' input into the by-laws and recommendations for future standards would be helpful.

Mr. Grover noted that the Board has had many personalities over the years, alternating between addressing high-profile, hot-button projects and periods of relative quiet. He noted that in times when the Historic Harrisburg Association was more robust and active within the community, the Board was closely engaged and involved in their efforts. Mr. Grover stated that the Board may need to lead City Council on where the historic regulations and standards moved in the future.

Mrs. Gribble noted that it sounded as though it would be a long process; Mr. Grover stated that it was not necessarily the case, noting that the Board had done a lot already in adopting new Guidelines, reviewing the by-laws, and recommending revisions and updates. Mr. Knight noted that the by-law revisions broke down into curative recommendations to ensure that they were compatible with related ordinances and legislation, as well as more philosophical considerations. Mr. Grover noted that it was often hard to find clear guidance on issues like requiring historic materials that may no longer be viable or available versus allowing properties to deteriorate, and that it was not a problem specific to Harrisburg.

Mr. Hurst stated that in reviewing the by-laws that he was able to research online, he thought they were a bit deficient, and that they did not cover some of the issues that he understood were brought before the Board. Mr. Grover stated that the relative ambiguity of the regulations was somewhat indicative of other Boards in the city, that preferred looser regulations that gave them more flexibility.

Mr. Knight noted that a discussion on by-laws under "Other Business" might be removed from the agenda in future months to allow the Law Bureau to research and review the best regulatory path forward.

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Mrs. Gribble asked whether there were any other thoughts or questions regarding “Other Business” items. Mr. Hurst asked whether the Board could have ex-officio conversations regarding the issue. Mr. Grover stated that under the State Sunshine Act, Board members were prohibited from deliberating on particular cases or issues outside of a public meeting. Mr. Hurst asked whether they were able to have informal conversations regarding some of the pertinent issues, such as the by-laws, so that they could come to a meeting with City Council with an agenda and list of topics to discuss.

Mr. Knight noted that if the Board wanted to reconsider their stance on topical issues, he could invite Frank Grumbine (currently with PHMC and formerly the City’s Historic Preservation Specialist) to a discussion.

Mr. Grover noted that Board members could assemble outside of the monthly meeting to discuss issues but that they couldn’t make formal decisions or determinations on those issues. Mrs. Gribble noted that the issue had previously arisen when the Board was updating the Historic District Design Guidelines and wanted to have informal meetings to discuss topics. Mr. Grover noted that HARB was an advisory board and that the application of the Sunshine Act was a bit vaguer when it came to such bodies. He reiterated that any discussions about specific cases needed to be held at a public meeting.

ADJOURNMENT: 7:11 PM

Mrs. Tennis moved, and Mr. Henry seconded the motion, to adjourn. The motion was adopted by a unanimous vote (4-0).