



**Division of Development Administration and Review**

City of Pittsburgh, Department of City Planning

200 Ross Street, Third Floor

Pittsburgh, Pennsylvania 15219

Minutes of the Meeting of November 2, 2011

Beginning at 12:30 PM

200 Ross Street

First Floor Hearing Room

Pittsburgh, PA 15219

In Attendance:

<b><i>Members</i></b>	<b><i>Staff</i></b>	<b><i>Others</i></b>	<b><i>Others</i></b>	<b><i>Others</i></b>
Noor Ismail	Sarah Quinn	Darrell Woodrow	Alice S.	Mark Fatla
Ernie Hogan	Makenzie Diehl	Anthony Benvin	Mary Petrich	Jay Vetere
Linda McClellan		Andrew DeWitt	Elaine L.	Richard Sestric
Arthur Sheffield		Jean Ehrman	Janet Kopec	Ron Graziano
John Jennings		Diana N. Jones	Bob Ehrman	Anne Nelson
Joseph Serrao		Rose Marie Profozich	Christopher Ponticello	Drew Chelosky
		Rose M. Augustine	Kristin Boosee	Adam DeSimone
		James J. Augustine	Anthony Barna	Stephen Varenhorst
		Donna Schmitt	Susan Petrick	Raymond A. Pietrone
		Anna Maria Cvitkovich	Evelyn Jones	Bob Russ
		Edward Stankovic	Fr. Daniel Whalen	Gerald Lee Morosco
		Mary Jane Stankovic	Steve Sivic	Daniel Dillow
		Michael Sambol	Sallyann Kluz	Jameson O'Donnell
		Erika Butira	Bernice Goyak	Pat Polaritz
		Russ Blaich	Michael Shealey	Bronco Brnardic

***New Business***

**Approval of Minutes:** In regards to the October 2011 minutes, Mr. Jennings moved to approve. Ms. Ismail seconded the motion. Mr. Serrao abstained from voting. Mr. Hogan, Ms. McClellan, and Mr. Sheffield voted in favor.

**Certificates of Appropriateness:** In regards to the October 2011 Certificates of Appropriateness, Mr. Serrao moved to approve. Mr. Jennings seconded the motion, all members voted in favor.

**Applications for Economic Hardship:**

**St. Nicholas Church**

1326 East Ohio Street

Pittsburgh, Pa 15209

St. Nicholas Parish Charitable Trust, owner and applicant

Ms. Quinn says she recommends the Commission take public testimony today, close the record and, based upon the ordinance deadlines, take a vote at the next meeting.

**Internal Business:**

- Ms. Quinn and Ms. Ismail discuss the PreservePGH Management Committee meeting.
- Mr. Hogan asks about windows on Lincoln Avenue property, and requests follow-up.

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- Mr. Hogan asks about Market Square Primanti Brothers ATM.
  - Mr. Serrao asks about Iron City Brewery. Mr. Jennings says the owner is trying to market the property. Mr. Hogan says the client walked away from the deal and engineering has not been pursued.
  - Mr. Hogan asks about recision of Liberty Ave. CofA. Ms. Quinn says staff visited the owner with her architect and at this point they do not plan on making changes to the building.

**Upcoming Demolitions:** None

**Adjourn:** Mr. Jennings moved to adjourn, Ms. McClellan seconded the motion, all voted in favor.

Discussion on hearing items follows on the attached pages.

**2205 East Carson Street**

OWNER: Carnegie Library of Pittsburgh 4400 Forbes Avenue Pittsburgh, Pa 15213	WARD: ..... 16th LOT & BLOCK: ..... 12-G-220 INSPECTOR:..... PAT BROWN	APPLICATION RECEIVED: 10/17/11 SITE VISITS: CERTIFICATES OF APP.:00-000
APPLICANT: Loysen & Kreuthmeier Architects 5115 Penn Avenue Pittsburgh, Pa 15203	COUNCIL DISTRICT: ..... 3rd ZONING CLASSIFICATION: ..... ARCH. RATING: .....	
NATIONAL REGISTER:	LISTED ..... <input checked="" type="checkbox"/>	ELIGIBLE..... <input type="checkbox"/>

**Proposed Changes:** Infill of basement window, infill of rear door way, installation of metal louvers, construction of a shed.

**Discussion:**

1. Sallyanne Kluz, architect, says they were previously here in January with review of exterior package. She says the six month period has expired, and some miscellaneous pieces were required to be added to project and need approval. She says construction has started. She says the project is primarily a restoration of existing facility. She says the work that they are looking at on the exterior is restoration including: masonry cleaning and repair, replacement of existing shingle roof with new slate roof, in-kind repair to wood windows and trim, etc.
2. Ms. Kluz says that since that work was approved there are additional pieces, one of which is a proposal to create a freestanding wood shed which is separate from the building. She says there is an existing maintenance shed tacked onto building which will be removed, and one will be built in keeping with the neighborhood. The proposed shed includes a simple wood frame structure with simple detailing, a low slope shingle roof, and small profile siding. She says they have not decided on paint colors but are looking at historic trim colors. In addition to the shed they are also seeking approval of installation of new painted metal gutters on wood dormers. She says they were previously asking for them to be copper, but given they are not visible they would like to choose a painted metal.
3. Ms. Kluz says there is a proposal to infill a few openings on the side and rear with brick from salvaged chimneys. She says one opening is tucked behind the shed and would be tucked back. She says there is a new exit so this door will be abandoned. She says there are two original windows which are currently infilled with plywood that will be infilled with brick. She says there is an abandoned coal shoot that would also be infilled with brick. She says they would like to install three basement windows with metal louvers for ventilation for a new mechanical system that are not visible from Carson Street.
4. Ms.Kluz says they have the original paint colors, uncovered through research, and they are looking to reuse something within this palette.
5. Mr. Hogan asks if they can walk through the ramp and materials.
6. Karen Loysen says they have tried to reinstall the civic scaled staircase down the center line and bring a new ramp, as minimal as possible, off to the side. She says the new stair will be constructed using a replica of the original handrail at the top and a minimal one going down. She says they are trying to minimize the visual effect of the ramp as much as possible. She says the ramp will be concrete with a limestone aggregate so it has a stone like texture. She says this is very close to the original footprint.
7. Ms. Kluz says the stair will quote historic images and attempt to go back to the more civic feel of the original structure and the ramp will be on grade.
8. Mr. Hogan says you will not see any of it.
9. Ms. Kluz says yes it will be landscaped and you will not see any of the retaining walls, etc.

**2205 East Carson Street**

10. Ms. Loysen says they are replacing shrubs in the front and will install up lighting on the building.
11. Ms. Loysen says there wont be any new signage on the building but a banner sign on the sidewalk indicating if the library is open or not. She says there will be benches, book drops, and bike racks along the sidewalk as well as recycling and trash on the landing.
12. Mr. Serrao asks if the existing sign is going away.
13. Ms. Kluz says yes. She says there will be no additional signage on the property, except for the existing stone sign, which will remain and is being cleaned.
14. Mr. Hogan asks about the window louvers.
15. Mr. Hogan asks about replacement of sconces.
16. Ms. Kluz says these are from the 1940s and they are proposing simple replacements flanking the door.
17. Mr. Hogan says at this time you have not picked colors.
18. Ms. Kluz says no, but they have original palette but have not decided yet.
19. Mr. Jennings says they will grade the stair and it will not have more than a 30” fall off.
20. Ms. Loysen says yes.
21. Mr. Hogan asks for public comment.
22. Bob Russ, South Side LRC, says the LRC got an e-mail of the proposal but did not get a chance to review it. He says however that the changes seem agreeable. He raises the question of zoning with regards to the out building.

**MOTION:**

Mr. Serrao ..... Motions to approve the application as submitted for 2205 East Carson St., with final color selection to be approved by staff.

Mr. Jennings ..... Seconds the motion.

All members ..... Voted in favor

.....**Motion passes.**

**1611 East Carson Street**

OWNER: 17 <sup>th</sup> Street Partners LP 1715 Sarah Street Pittsburgh, Pa 15203	WARD: .....17TH LOT & BLOCK: .....12-E-294 INSPECTOR:.....PAT BROWN COUNCIL DISTRICT:..... 3rd ZONING CLASSIFICATION: ..... ARCH. RATING: .....	APPLICATION RECEIVED: 10/17/11 SITE VISITS: CERTIFICATES OF APP.:00-000
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NATIONAL REGISTER: LISTED .....  ELIGIBLE.....

**Proposed Changes:** Installation of cell antennae screening on building – various locations proposed

**Discussion:**

1. Kathy Clark, counsel to AT&T, says currently there are two separate antenna installations (Sprint and Clear Wire) on the rooftop and the carriers used masonry screening to match the existing chimneys.
2. Ms. Clark says in addition to the rooftop installation they have provided a proposal to do a side wall mount to match existing façade and signage. She says they have provided photo simulations to display proposals.
3. Mr. Serrao asks if it would just be a bump out.
4. Ms. Clark says yes. She says the equipment for the antennas will be located internally. Mr. Serrao says how many bump outs would there be.
5. Ms. Clark says three: one on the side, one on the back, and one on the front. She says if they prefer the rooftop installation (to match the existing installations) they will be willing to do that as well.
6. Ms. Quinn says there have been antenna installations since 1999, but they have been behind the screening, and the HRC has not reviewed it.
7. Ms. Clark says the drawings for both proposals are included. She says that Z-3 should be the side mount and C-3 is the rooftop.
8. Mr. Hogan asks how far it protrudes. He asks what the dimension of the bump is.
9. Matthew Smith, project engineer, says the width is about fourteen feet wide and the depth is about sixteen inches. He says the first proposal had the cupola style chimneys on the rooftop (similar to what is existing). The second proposal is to bump out on the side.
10. Mr. Smith says there is no existing bump out and the three glazed tiles on the façade would be mimicked by a high-density polymer tile.
11. Mr. Jennings asks how high the chimney would be (if they went with that option).
12. Mr. Smith says about eight feet above the parapet.
13. Mr. Hogan asks if they have any material samples.
14. Mr. Smith says it is a high density polymer. He says the technology has improved since the first installations, approximately ten years ago. He says it is basically heavy duty plastic so the signals can be transmitted.
15. Mr. Hogan asks for public comment.
16. Bob Russ of the Southside LRC says they did not see this application. He says ten years ago when other companies added the towers, the installed masonry screening never matched that of the existing building, despite the applicant's claims that it would. He says this is one of the most visible corners in the district. He says adding all the blocks on top is becoming a visual problem. He says the guidelines for the East Carson Street Historic District say these should be out of the public view. He says they could be pushed into the back corners and be out of the public view.

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17. Aaron Sukenik, of SSLDC, says this building is one of the buildings that is credited when showing the historic district to visitors. He asks if the applicant is willing to put this proposal on hold and maybe come back with more options.
18. Matt Hogue, from Councilman Bruce Kraus’s office, enters the concerns of the community and says he would like further discussion with the community. He says the Councilman’s office will facilitate these discussions.
19. Gerry Morosco, Southside LRC, says if the file were researched, there was no enforcement to the original installation where the brick screen was supposed to match the building. He says there was a second tower that went up and he is curious if there was HRC approval issued. He says anything that is added would be adding to the clutter and is setting a bad precedent for the district.
20. Anne Nelson of PHLF says that PHLF mirrors the prior public comments.
21. Ms. Clark says her party was not directed to anyone else to present the drawings. She says they are limited because of what is already there. She says that is why they presented the bump out proposal, because in their opinion it is less obtrusive than something like the existing chimneys. She says if it is of the Commission’s opinion that the bump outs are not less obtrusive then they will be forced to put up something similar to what is existing.
22. Mr. Hogan says he would like to see a sample of the material. He says he thinks they would benefit from having a month to meet with stakeholders on the street.
23. Ms. Clark says they would be happy to.
24. Mr. Hogan says if they were to continue for thirty days, would that be enough time.
25. Ms. Clark says yes.
26. John DeSantis, former HRC chairman, says he was on the Commission when they approved two additions to the building. He says the claim was that the brick would match the building and it does not. He says there is an additional chimney that wasn’t part of the application, and it doesn’t sound like it was ever approved. He says he would encourage the commission, LRC, and community to consider if historic buildings are cell towers. He says the proposal is outrageous. He says the existing towers are egregious and regrets that they approved them. He says the prior owner managed to generate revenue from cell phone payments and neglected the building. He says how the proposal got in front of the HRC without going to the LRC is questionable. He says the LRC process is critical and that you can’t cheat the review process.
27. Ms. Clark says that according the Telecommunications Act of 1996, the door has been opened, but that being said they are more than happy to work with the community groups to find a design which is acceptable to everyone.

**MOTION:**

Mr. Serrao .....Motions to table the application for further discussion between owners and community, and to address concerns from the Commission including materials at the next month’s meeting.

Ms. McClellan..... Seconds the motion.

All members ..... Voted in favor

.....**Motion passes.**

**1601-1605 East Carson Street**

OWNER: 16 <sup>th</sup> and Carson Street Partners 1601 East Carson Street Pittsburgh, Pa 15203	WARD: ..... 17TH LOT & BLOCK: ...12-E-290 TO 292 INSPECTOR:.....PAT BROWN	APPLICATION RECEIVED: 10/17/11 SITE VISITS: CERTIFICATES OF APP.:00-000
APPLICANT: 16 <sup>th</sup> and Carson Street Partners 1601 East Carson Street Pittsburgh, Pa 15203	COUNCIL DISTRICT: ..... 3rd ZONING CLASSIFICATION: ..... ARCH. RATING: .....	

NATIONAL REGISTER:	LISTED .....X	ELIGIBLE..... <input type="checkbox"/>
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**Proposed Changes:** Modification of western wall

**Discussion:**

1. Adam DeSimone, applicant/owner, says he is here for a modification to a previously approved façade addition for a rooftop deck. He says they were here last year and were approved prior to going to the Zoning Board.
2. He says they previously asked for a stainless steel and glass railing system on a two tier deck, being two tier because of the pitch of the roof, and it had to sit on top of the pitch. He says it was approved by the HRC in March pending final finish details to be reviewed by staff.
3. Mr. DeSimone says that he was subsequently asked to go to the Southside planning forum, Southside LRC, Southside LDC and three public meetings with Councilman Kraus. He says the outcome was that the community asked them to make the wall a soundproof wall which went 8’ above the finished deck height. He says this was folded into zoning approval.
4. He says they were approved for masonry materials but the structural engineer said they were crazy. He says they have found a material that is 7lbs per sq ft, sound-absorbing natural fiber board with rock wool insulation and a cavity to accept the sound.
5. He says they have shown the proposal to staff and their structural engineer and the current design includes 10 structural beams that cantilever down the side of the building to give it the proper support with the sound insulation panels slid in between.
6. He says the interior package shows the outside view of the panel which looks like concrete. He says it is 6’ wide but 2’ tall. He says the panels are approximately 4” wide with a 2” cavity of rock wool insulation that is waterproof, and another 2” cavity to accept the sound. He says the outside is a smooth finish, much like a concrete, that would be painted to match the existing masonry building, and the structural supports that hold them would also be painted satin black to match the exterior.
7. He says while the previous approval has a 3’6” glass railing, and in terms of safety and visibility, he does not think a glass railing will be the best option. He says the front of the building as previously approved was a stainless steel wire mesh to shield the rooftop units, as a concession to the community as well.
8. Mr. Hogan says (in regards to the cantilever) the proposal at this point is to affix on the side of the building about half way up and going up.
9. Mr. DeSimone says his engineer said they must be equidistant to where they cantilever over the deck height for structural support and wind, and building code requirements. He says they would like to make them blend with the building as much as possible.
10. Mr. Serrao asks if the existing wall is masonry. Mr. DeSimone says yes.
11. Mr. Serrao asks if he has a sample of the panel. Mr. DeSimone says no.
12. Mr. Hogan asks what the thickness is. Mr. DeSimone says 4”

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13. Mr. DeSimone the actual panels would be protruding.
14. Mr. Hogan says so he is proposing, instead of the masonry addition to the side wall, this fixation to this high way wall concept, and proposing changing the railings out to what was submitted today.
15. Mr. DeSimone says the approval was for a 3'6" glass railing sitting flush at the top of the deck, but it does not provide enough security and safety. He says in going through the community process the community asked for an 8' soundproof wall, which is how they came up with this design.
16. Mr. Hogan asks if he has had discussion with neighborhood regarding change.
17. Mr. DeSimone says he would be happy to go to LRC. He says this is an outcome of public meetings and the zoning hearing.
18. Mr. Russ says they did not see the application. He says they would like to work with him, and they have in the past. He says in accordance with the guidelines, rooftop additions need to be out of view from the right of way. He asks that they table the application.
19. Matt Hogue, Councilman Kraus' office, asks them to table it as well.
20. Mr. Sukenik, SSLDC, says he would like them to table it.
21. Mr. Hogan says he is concerned with the addition on the side of the building. He says it might be less obtrusive if it spans the whole way down the building so the addition is continuous.
22. Mr. Jennings asks if he would be on his property line. Mr. Jennings says if they were to continue down he would have to work with Public Works.

**MOTION:**

Mr. Serrao ..... Motions to table to the subsequent month's hearing, asks for material samples and a meeting with the neighbors.

Mr. Sheffield..... Seconds the motion.

All members ..... Voted in favor

.....**Motion passes.**

**1401 East Carson Street**

OWNER: John Vetere 1401 East Carson Street Pittsburgh, Pa 15203	WARD: ..... 17TH LOT & BLOCK: ..... 3-H-123 INSPECTOR:.....PAT BROWN	APPLICATION RECEIVED: 10/16/11 SITE VISITS: CERTIFICATES OF APP.:00-000
APPLICANT: John Vetere 1401 East Carson Street Pittsburgh, Pa 15203	COUNCIL DISTRICT: ..... 3rd ZONING CLASSIFICATION: ..... ARCH. RATING: .....	

NATIONAL REGISTER: LISTED .....  ELIGIBLE.....

**Proposed Changes:** Installation of a two-story roof deck

**Discussion:**

1. David Maclean, architect, says 1401 East Carson St is a contributing structure with a classical façade. He says he believes 1890 was the original construction era. He says it was originally a German Bank. He says six years ago they designed the interior of the building into the restaurant it is today and they have an interest in outdoor serving space at a rooftop location. He shows images of the existing building and a proposed visualization with the addition. He says the challenge was to minimize what is seen and be sure what is placed there is respectful historically.
2. Mr. Maclean says their first design effort is to pull the deck back from front of Carson City Saloon so the railing does not come out to front face. He says once you are directly across the street you would not see the structure since it is pulled back from the front line of the façade. He says there will be a black iron rail that will be respectful to the original era of the building. He says it will be accessed from an interior stair and an exterior stair on the rear of the building. They are extending the interior stair to the rooftop and adding an additional stair on the rear of the building. He says they have met with the LRC.
3. Mr. Maclean shows sight-line diagrams that indicate the roof deck will not be visible.
4. Mr. Maclean says this is a classical façade, and the precedent for balustrades and railings, and there are many buildings in Italy which have similar construction and rooftop gardens.
5. Mr. Hogan says they are proposing an entire addition.
6. Mr. Maclean says yes. He says there is rooftop equipment which they would enclose and add restrooms and an additional mezzanine level which is all the way at the back and in from the side to minimize sightlines.
7. Mr. Jennings asks if the rear stair is new.
8. Mr. Maclean says yes. He says there is an existing fire escape but it would be replaced.
9. Mr. Jennings asks if there will be glass installed in the railings referring to the building code.
10. Maclean says yes there will be glass panels attached to the back of the railing.
11. Jay Vetere, owner, says they have talked with Susan and Brendan in Zoning. He says the restrooms are handicap restrooms.
12. Mr. Hogan asks how they would get to the second level.
13. Mr. Maclean says the restrooms would be accessible to latest accessible code design, even though they are not accessible to that level. He says because of the size of the total area up there they are not required to have an elevator. He says the logic is that if access needs to be implemented according to future ADA standards the restrooms will already meet requirements.
14. Bob Russ, LRC, says they did meet and they advised him not to come to this hearing as its currently drawn. He says they went through a previous lengthy process with Diesel so everything is hidden

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- from view. He says the solution there was to raise the parapet wall so everything on the rooftop deck is hidden from view. He says Diesel is non-contributing, but this is a very contributing, distinctive building and this could use another go around so the addition is hidden from view. They suggested trying to shorten the height. He says they want to work with this owner. He says there is a great push for East Carson Street to expand capacity.
15. Aaron Sukenik, SSLDC, says Jay has been a frequent visitor to their office. He says at the last meeting the discussed two things, one that he is going to the Planning Forum on November 8<sup>th</sup>, and they did prefer he did that prior to the HRC meeting. He says they are also awaiting revised plans. He says the letter from the design committee references the last drawing, because they did not receive the updated one.
  16. Matt Hogue of Councilman Bruce Kraus' office, says Jay is one of the best business owners in the district. Says they have concern that he did not go to the planning forum yet. Says they would also like to hold community meetings, and that this project has to be held to the same standard that Mr. DeSimone's was. He expresses concern that the community does not know what it going on and suggests a minimum of two committee meetings. He requests the Commission tables the proposal.
  17. Gerry Morosco, South Side LRC, says they took pains as a community to lay in testimony at the time of applications for Diesel and subsequently Local Bar & Kitchen, to ensure that the consideration of these rooftop decks was clear and consistent in terms of interpretation of the ordinance. He says his own testimony as well as others reiterated the portions of the ordinance that clearly call for these rooftop additions, whether decks or anything else, to be inconspicuous from a public right of way. Says there is a key step which is the Southside Planning Forum, and that should be continued through the process.
  18. Mr. Vetere says they are scheduled to go before the committee on November 8<sup>th</sup>, and this was posted in the South Side Reporter to notify the community about the project.
  19. Mr. DeSantis says he feels like sending condolences to Southside residents. He says the proposal is outrageous. Says if they send the message that they are going to consider these rooftop additions in a positive manner, they will be opening the door to future additions and that there will be a flood of these additions in the future. He suggests sticking to the guidelines. He says that adding new floors has a whole new set of impacts outside of historical. He says he encourages the Commission to come up with a plan for how to deal with these kinds of applications. He says if for some reason staff is not forwarding these applications to the Local Review Committee he would encourage the HRC to hold a public hearing as to why not.
  20. Mr. Hogan asks what the height of the addition is that is protruding past the parapet.
  21. Mr. Maclean says the height at the top of the upper mezzanine is 47'8" and the lower one is about 10' down from that, which would put it at 37' 8".
  22. Mr. Serrao asks what the current height of the East Carson Street façade is.
  23. Mr. Maclean says 37'.
  24. Mr. Serrao says and the actual addition is approximately 10'.
  25. Mr. Maclean says yes.
  26. Mr. Hogan asks if that includes the railing.
  27. Mr. Maclean says no.
  28. Mr. Hogan says personally there is no way he could consider approving something that is nearly twice, at least half, of the façade right now with additional height on top of this building and imagine that he is not going to see it.
  29. Mr. Maclean says he understands and the only reason it is possible is because it is set back so far, and the upper part is in the back corner.
  30. Mr. Hogan says this is a prominent corner, and this is a substantial building.
  31. Mr. Serrao says they are not against the rooftop deck, per se. He says this is a significant visual impact and change. He says they need to minimize the impact as much as possible.

**1401 East Carson Street**

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32. Mr. Hogan says he is willing to consider tabling.
  33. Mr. Maclean says they will have new drawings for the Planning Forum.
  34. Mr. Hogan says the addition adds significant massing onto the building and at bare minimum they cannot see the restrooms addition.
  35. Ms. Quinn says this is the second set of drawings staff received after the first application.
  36. Matt Hogue, from Councilman Bruce Kraus’s office says these plans are not going to work, so they will need enough time for the new plans to be submitted. Concerned about timeline for the Planning forum on November 8<sup>th</sup>. Asks if these will these be the plans submitted at the forum, or if there will be new plans.
  37. Mr. Hogan says that they could grant an additional 60-90 days and go through the process again.
  38. Mr. Vetere says they have already talked about alternatives. He says they are prepared with new drawings for November 8<sup>th</sup> and he would like to present at next month’s HRC meeting.
  39. Mr. Hogue says he is concerned that the plans will not have enough time to go through the proper community channels.

**MOTION:**

Mr. Serrao ..... Motions to table the application for up to 60 days.

Ms. McClellan..... Seconds the motion.

All members ..... Voted in favor

.....**Motion passes**

**915 Penn Avenue**

OWNER: PMC Penn Avenue Associates 1411 Walnut Street Philadelphia, Pa 19102	WARD: ..... 2ND LOT & BLOCK: ..... 9-N-58 INSPECTOR:..... BOB MOLYNEAUX	APPLICATION RECEIVED: 10/17/11 SITE VISITS: CERTIFICATES OF APP.:00-000
APPLICANT: Thomas Bisignaro 230 North 21 <sup>st</sup> Street Philadelphia, Pa 19103	COUNCIL DISTRICT: ..... 6th ZONING CLASSIFICATION: ..... ARCH. RATING: .....	

NATIONAL REGISTER: LISTED .....  ELIGIBLE.....

**Proposed Changes:** Adjustments to rear elevation to accommodate a car lift

**Discussion:**

1. Ms. Quinn introduces the application. She says they propose to expand the rear opening of an existing loading dock and turn it into an entrance for a car lift, and replace some of the back panels into windows.
2. Steven Varenhorst, architect, says there is a good amount of the building that was unused so they will be turning it into apartments. Mr. Varenhorst says there are 2 buildings one 10 one 8 story, with commercial uses on the first floor. He says there are 117 apartments, and they are adding 34. He says there is a spacious lower level with loading docks and they plan to add a car lift, and add 22 parking spaces. Mr. Varenhorst displays the changes on the rendering.
3. Mr. Varenhorst says the apartments will be on the mezzanine floor and ground floor. He say they will add windows in the existing loading dock doors, and modify the other loading dock to accommodate the lift. He says they will also be replacing some windows in-kind.
4. Mr. Hogan asks for public comment, there is none.

**MOTION:**

Mr. Serrao ..... Motions to approve the application as submitted.

Mr. Jennings ..... Seconds the motion.

All members ..... Voted in favor

.....**Motion passes**

**1321 N. Franklin Street**

OWNER: Joyce Coleman Jr. 10 Shady Hollow Drive Pittsburgh, PA 15239	WARD: ..... 21 <sup>ST</sup>	APPLICATION RECEIVED:
APPLICANT: City of Pittsburgh, BBI	LOT & BLOCK: ..... 22-K-333	SITE VISITS:
	INSPECTOR:..... RUSS BLAICH	CERTIFICATES OF APP.:00-000
	COUNCIL DISTRICT: ..... 6th	
	ZONING CLASSIFICATION: .....	
	ARCH. RATING: .....	
NATIONAL REGISTER:	LISTED ..... <input checked="" type="checkbox"/>	ELIGIBLE..... <input type="checkbox"/>

**Proposed Changes:** Demolition.

**Discussion:**

1. Mr. Hogan asks if there is anyone from the community to comment on this building.
2. Evelyn Jones from the Local Review Committee says they still have not gotten in touch the owners. She says they were working with MCC but their director left last month, and after sending him e-mails they have not received a response and therefore have no way to get funds from MCC.
3. Mr. Jennings says the problem is that this building is starting to affect the structure of adjacent buildings.
4. Anne Nelson, PHLF, says this building is part of a continuous streetscape and it is important for the community and district and hope that it can be saved.
5. Mr. Hogan asks if PHLF is working with MCC on this building.
6. Ms. Nelson says she hasn't spoken with them in regards to this building, so she doesn't know if they have plans for it or what the ownership issues are.
7. Mr. Hogan says the rear roof has collapsed.
8. Mark Fatla, Executive Director of Northside Leadership Conference, says executive director of MCC has left and they are short staffed. He says MCC should have the opportunity to weigh in. He asks for an additional thirty days.
9. Mr. Jennings says the party wall program is now shut down for the winter so it will sit until the spring anyway. He says it should be moved to the April hearing.

**MOTION:**

Mr. Serrao ..... Motions to table the application until April 2012.

Mr. Hogan ..... Seconds the motion.

All Members.....Voted in favor

.....**Motion passes.**

**1326 East Ohio Street**

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OWNER: St. Nicholas Parish Charitable Trust 24 Maryland Avenue Pittsburgh, Pa 15209	WARD: ..... 24TH LOT & BLOCK: 24-H-90-000 TO 002 INSPECTOR: ..... RUSSELL BLAICH COUNCIL DISTRICT: ..... 1st ZONING CLASSIFICATION: ..... ARCH. RATING: .....	APPLICATION RECEIVED: 10/05/11 SITE VISITS: CERTIFICATES OF APP.: 00-000
APPLICANT: St. Nicholas Parish Charitable Trust 111 Blvd. of the Allies Pittsburgh, Pa 15222		
NATIONAL REGISTER:	LISTED ..... <input checked="" type="checkbox"/>	ELIGIBLE ..... <input type="checkbox"/>

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**Proposed Changes: Certificate of Economic Hardship.**

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**Discussion:**

1. Father Dan Whalen, Parish Administrator, calls Robert Urman to speak.
2. Bob Urman, Chairman of Parish Finance Committee for the last sixteen years, says he has witnessed the financial burden of the East Ohio building on St. Nicholas Parish resulting in a struggle to keep the Millvale church open to the faithful. He says the burden began before the building was closed, and years before they had to subsidize the building due to the decreasing number of parishioners and offertory. He says the building was eventually closed when the boiler was identified as a safety hazard and they lacked the resources to replace it. He says since closing the building the Parish has spent \$360,000 in maintenance costs, with \$1800 per month for insurance which constitutes 17% of the monthly charitable offerings and 15% of monthly expenses. He says that without relief, the parish's Millvale church, a National Historic Landmark, is in danger of reaching the same fate. He says that the Millvale church depends on funding from secular groups to preserve Maxo Vanka murals. He says that the Parish has no reasonable use for property and it is in need of millions of dollars of repair. He says the parish has made zero profit, and the property is incapable of generating income. He says while there have been several contingent offers, they have all fallen through due to liability issues. He asks the HRC for a Certificate of Economic Hardship to lessen the financial burden of the church on the Parish.
3. Father Dan Whalen says he has not been with the parish for 16 years, but since July of 2008. He says he has seen the wearing down and continual strain this building places on their parish. He says when considering the Northside building you must consider the Millvale building as well. He says Millvale is an active parish with 225 active parishioners, and of the money from their offertory, about 17% is going into the North Side property. He says they have done everything they can to reduce costs including cutting off water and electricity. He says the only reason anyone goes down there is when police or neighbors complain about vandals at the building. He says they do not have a reasonable use for this building, he says they are barely maintaining it at this point. He says they already have five buildings in Millvale. He says there is no reasonable return for them and they can't afford any restoration or preservation. He says the Parish has relied on the secular group Society for Preservation of Maxo Vanka Murals and they have tried to bring in extra money for preservation of murals alone.
4. Anthony Barna, real estate appraiser, says he was asked to look at this property and make a determination of the impact of the present condition on the value of this property. He says he did an appraisal of this property, and an analysis of the condition of the market relative to this property. He says he concluded the parish has no reasonable use for this property and can expect no return from this property. He says the property would have more value as an unimproved site.

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5. Christopher Ponticello, Parish counsel, says ten years ago this body saddled the Parish with historic designation against the will of the then pastor, the majority of the parishioners, and the trustee of the Parish Charitable Trust. He says many of them raised concern of the negative effects historic designation could have on an active house of worship and shortly thereafter the ordinance was changed disallowing the non-consensual historic designation on an active house of worship. He says they have heard the building has been abandoned for past seven years and declining membership has endangered the Millvale church. He cites Father Whalen's and Mr. Barna's testimony. He says they have engaged in negotiations with the Northside Leadership Conference (NLC) relative to the possible sale of this structure, and those negotiations have not resulted in an agreement that is acceptable to all parties. He says they are willing to continue dialogue with the NLC - or any other interested party- but still suffer with the yoke of this designation. He asks the HRC to consider the Parish's rights under the ordinance and consider the request to remove historic designation.
6. Daryl Woodrow, member of St. Nicholas Parish Finance Council, says it pains him to see the amount of money diverted from their Christian mission. He says \$500,000 dollars has been spent since the merger. He says they have experienced financial roadblocks and undue responsibilities in maintaining the building. He says they acted in a responsible manner given the circumstances thrust upon them and if they continue in this manner the future of the Parish is in danger.
7. Jan Kopec, lifetime member of St. Nicholas Millvale says she commends City Council for changing the ordinance. She says the community in Millvale has made every effort to preserve Croatian heritage. She says she is asking the fellow Northside parishioners to join with them in preserving their sister church which has the same name and was built by parents and grandparents with nickels and dimes. She says the Millvale site is a historic site, on the National Register, and features the murals of Croatian artist Maxo Vanka. She says the future of the Croatian Catholic faith community depends on coming together to save the Millvale church and let go of the dilapidated Northside building. She asks the HRC to visit the sites and determine which site would make the best and safest location.
8. Mary Petrich, lifetime member of St. Nicholas Millvale, says she still does tours at the church and manages the Parish cemeteries. She says Hurricane Ivan came through in 2004 and stripped away a lot of their savings and damaged their murals. She says they have had six murals restored by the secular society, but are out of money. She says they cannot get grants, it is very difficult. She says people from all over the world visit the Millvale church and it needs to be preserved by way of demolishing the East Ohio Street church.
9. Richard Sestrich, says when they nominated the church for historic designation in 2000 the HRC recognized its value to Pittsburgh. He says that the nomination was meant to preserve the heritage of immigrants who came to the Pittsburgh region. He says they see the reuse of St. Nicholas as an Immigration Museum to stimulate the economic growth of the region. He says many attempts have been made to assist the Parish with funding. He says they now must accommodate the PennDOT plan and save the church building and its associated structures.
10. Father Whalen says he would like to add for the record that Mr. Sestrich is not a member of the St. Nicholas Millvale Parish.
11. Michael Samble, says he was baptized at the St. Nicholas Millvale member and has been a lifelong member. He says he cannot remember one paid position at St. Nicholas unless they were told to do so. He says they constantly try to keep their ethics to build the church and keep it strong. He says he is for the destruction of the North Side building.
12. Rose Marie Profozich, lifetime member of St. Nicholas Millvale, says the financial burden on the parish continues. She says if the goal of the HRC is to preserve the historic treasures of this area, she hopes they will lift the burden of designation on the basis of Economic Hardship.

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13. Ed Stankovic, says they are talking about hardship financially, and they are talking about potential wishful development. He says the hardship is that the Parish was given the undue responsibility of maintaining the church that could not be supported due to declining membership. He says they wish to make a museum out of it, put a road in, and improve it and he wonders how much money has been collected in the ten years they have tried to do this. He says they have spent so much more money maintaining the property than they have collected.
14. Steve Zivick, lifelong member of St. Nicholas Parish, says the HRC has heard what the financial situation is. He says after the merger in 2004 the Millvale church was subsidizing \$35,000/year largely in insurance payments; after the Northside church closed the insurance bill for the Parish was \$75,000, of that \$62,000 went towards insurance for the Northside building. He says to drop property and casualty and only keep liability, most of the bills are still for insurance. He cites the engineer's report presented at the last hearing, and cites that the same engineer had told them that the adjacent building that collapsed into route 28 was structurally unsound. He says the same engineer has told them that the structure for the church building is now failing. He says they need to renew the insurance and notify the insurance company of the structural issues, so the payments will only increase. He says that 17% of collections go for Parish share and, as Father Whalen stated, 18% percent goes to the structure that's not needed, now over 1/3 of the budget is gone before Millvale has any money to service their own needs. He says that he has been involved with five groups who were interested in buying the building but these offers fell through due to liability.
15. Kristin Boose, from the Diocese legal office cites testimony that the building is uninhabitable and needs millions of dollars of repair and the Parish has no reasonable use for the building. She cites Mr. Barna's testimony that it has no value in the market place. She says the church has not generated a dollar in the last seven years, and it has incurred \$1800 dollars in bills for the Parish. She says the only offer out there is a \$1 contingent offer and the church would get no return.
16. Mr. Hogan says the parish is testifying the expenses are \$1800. He says currently the building is tax exempt except for the rectory. He asks if they filed an appeal for relief of taxes.
17. Ms. Boose says no, by law they are not eligible for tax exemption.
18. Mr. Hogan says no, they are allowed by law to file an appeal and asks if this has been done.
19. Ms. Boose says again that rectories are taxable by their nature.
20. Mr. Hogan asks have they have filed an appeal on the value.
21. Ms. Boose says no, they have not, they just received their new appraisal.
22. Mr. Hogan confirms that they have not filed an appeal in their ten years of ownership.
23. Ms. Boose says no.
24. Mr. Hogan says appraisal states that the appraiser didn't visit the building.
25. Mr. Barna says he did not visit it at the site of the appraisal at the time of the dating, but he has visited it on numerous prior occasions.
26. Mr. Hogan asks if based on his inspection he currently still stands by this appraisal.
27. Mr. Barna says when he says "visiting the site" he means physically going inside the building; as of the date of that writing he did not go in the building.
28. Mr. Hogan asks when the last time was that he was in the church.
29. Mr. Barna says he thinks it was within the last 4 years.
30. Mr. Hogan says it has been a while since Mr. Barna was in the building.
31. Mr. Barna says he was not inside the building but that he depended on the engineering reports as well as viewing the exterior.

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32. Mr. Hogan asks if he was asked to look at the estimates that were provided by the engineer for the restoration costs.
33. Mr. Barna says he has no qualifications to look at them from an analytical standpoint, but that he used them as part of his analysis.
34. Mr. Hogan asks if he looked at possible revenue streams if it were restored.
35. Mr. Barna says without knowing specifically how it would be restored and the physical configuration as well as parking and accessibility that he couldn't make a viable determination.
36. Ms. Boose says the report indicates that the millions of dollars of repairs would prohibit a for-profit entity going in there and making the investment.
37. Mr. Barna says he agrees with Ms. Boose and there has to be some kind of economic viability determined for the property before a restoration is done.
38. Mr. Hogan says based on its zoning, UI, it could be re-used as anything. He says you didn't take a look at any possible income streams to prove that it was not economically viable.
39. Mr. Barna says until he is told what the renovation money is going to be spent on, he can't make a determination. He says he would have to know specifically that it would be, e.g.: hotel.
40. Mr. Serrao asks for the breakdown of the monthly \$1800 payments.
41. Ms. Boose says insurance costs and taxes.
42. Mr. Hogan says based on his quick math that they are estimating \$50 in water, \$1600 in insurance and the balance is taxes.
43. Daryl Woodrow says that Mr. Hogan's estimates are close. He says he is in a mess with the PWSA over this nonsense.
44. Mr. Hogan asks why the church has never been formally listed to engage the full market.
45. Ms. Boose says the church has its own laws regarding the sale and use of former church buildings and due to those restrictions it is very difficult to list it for sale.
46. Mr. Ponticello says very rarely churches are listed or sold through conventional real estate listings because there are restrictions on future uses of church buildings and they are not the type of buildings that the multilist are going to assist in the sale of.
47. Mr. Hogan asks if they could talk about how the building is marketed for sale.
48. Mr. Ponticello says at the time that it closed, some of the Croatian community came forward and they were involved in negotiations with them. He says years ago the Croatian Community Economic Alliance was a group that was very close to an agreement with, so they weren't going to list it while that dialogue was open. He says another buyer then came forward. He says by word of mouth people who are looking for church buildings find out about the sale. He says just because it is not listed doesn't mean they didn't let realtors know.
49. Mr. Hogan says that the report states in October of 2006 the American Croatian Culture offered \$325, 000 but it was rejected due to covenants.
50. Mr. Ponticello says the offer was rejected by the purchaser due to covenants. He says the purchaser declined because of restrictions of the church.
51. Mr. Hogan asks about the Lamar Advertizing deal.
52. Ms. Boose says the problem with the property is liability, no one wants to assume liability i.e. title to the property. She says Lamar worked out a deal where they were willing to buy the property with an automatic lease to the NLC, and they would retain an easement for their billboard. The contingencies of the deal were that they get city permission for the billboard and that NLC would take title, but NLC refused to take title despite the fact that Lamar was going to give them the property and give them a

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- lump sum of money for the property. She says Lamar also never got permission from the city to put their sign up.
53. Mr. Ponticello says that when Lamar's national offices became involved it took a look at the building's liability and the Parish was advised that they were not permitted to take title to the property as an internal decision. He says the only way Lamar could have bought the property was the way Ms. Boose described.
  54. Ms. Boose says that there is no use or return from the property knowing the liability exists.
  55. Mr. Hogan says the HRC requires a for profit reuse plan. He says you understand the reuses that are permissible reuse. He asks why wouldn't you give your appraiser those potential uses so he could determine economic viability.
  56. Ms. Boose says we pointed the questions to the expert but without the plan in front of him he could not determine.
  57. Mr. Hogan says he was not directed to explore any revenue streams that could be created.
  58. Ms. Boose says that Mr. Barna said the investment necessary to make the building inhabitable for a for-profit use is prohibitive.
  59. Mr. Ponticello says he doesn't understand requirements for economic hardship to disprove any for profit use of the building.
  60. Mr. Hogan says that the code states clearly in the case of buildings for reuse all reuses must be examined. He says if there are restrictive covenants, then you should have been able to demonstrate if there is a reuse to go forward.
  61. Mr. Ponticello says there is no physical access to property given Route 28.
  62. Mr. Hogan asks about discussions with PennDOT regarding accessibility to the site during the Route 28 project. He says that his understanding is that you can still access the building
  63. Mr. Ponticello says if you make a difficult turn by car you can enter the parking lot. He says people are afraid to do this. He says they had discussions with PennDOT about what would be possible. He says he still doesn't understand the responsibility to disprove that there could be a for-profit use.
  64. Mr. Zivick says he has attended hearings with PennDOT and heard testimony from various PennDOT engineers and saw preliminary and final plans. He says there will be no parking lot on the site, but an emergency pull off. He says that a PennDOT engineer said the road as it is configured is illegal because there is no shoulder so they need a variance—that is still open to debate. He says the current plans call for the road within 24" of the church with no parking lot and no ingress or egress on a 55mph highway. He says that part of the lot has already been condemned by PennDOT.
  65. Mr. Ponticello says they have seen plans for what may be feasible, but none have been able to come to fruition in order provide any return for the church.
  66. Mr. Sarrao asks if the \$1800 per month is unsustainable by the Parish
  67. Ms. Boose says yes.
  68. Mr. Sarrao asks if they are looking to alleviate the debt or get a return, because it is two separate questions.
  69. Ms. Boose says they are talking with the NLC for the \$1 contingent offer, but first they have to do core drillings to see if the hillside behind the property is stable. He says they are concerned about the stability.
  70. Mr. Sarrao asks if they are able to alleviate the debt structure, will that alleviate the debt to sustain the parish.

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71. Mr. Ponticello says it would alleviate future debt. He says no one knows what will happen in the future in terms of the road construction.
72. Mr. Ponticello says the church would like to be protected from some aspects in the future which could occur that could provide a windfall for the property.
73. Mr. Serrao asks if the debt is removed, will the St. Nicholas Church be viable, or are you looking for income from a sale.
74. Mr. Jennings says even if they tear the church down they would still owe taxes on the property,
75. Mr. Hogan says the tax exempt statues goes away.
76. Mr. Ponticello says the property would be subject to a reassessment, but the Parish would still have liability concerns.
77. Mr. Serrao says you are maintaining the property which means you are incurring expenses. He asks if it is sold, does that sale remove economic hardship from Millvale.
78. Mr. Ponticello says yes it would help moving forward.
79. Ms. Boose says the church is an economic drain, but no one will take it, the only offer is a contingent.
80. Mr. Ponticello says they began the process in the summer and would like the HRC to move forward with a decision.
81. Mr. Hogan asks if there is a formal offer and who is in the driver's seat.
82. Mr. Ponticello says they are having discussions with Mark Fatla, but there is nothing in writing.
83. Mr. Hogan asks whose responsibility it is to produce the document.
84. Mr. Ponticello says they would both produce a draft.
85. Mr. Hogan asks if the HRC awards demo and the property were sold at a profit, the value according to the appraiser is undervalued, but since it is a UI property, where would the funds go, to St. Nicholas Millvale or the Diocese?
86. Mr. Ponticello says the funds for any Parish owned property would go to the Parish Charitable Trust, no funds would go to the Diocese.
87. Mark Fatla, Executive Director of the NLC, asks if the HRC would incorporate the record of the previous hearing (and all documents received) into this hearing.
88. Mr. Ponticello agrees to these terms.
89. Mr. Hogan agrees to the terms.
90. Mr. Fatla asks that the HRC receive correspondence from Anne Nelson of PHLF. He says that the petitioner for Economic Hardship must show that the building has been deprived of all reasonable use. He says that no one is antagonistic to the Millvale Parish, but that they must speak to obligations of Diocese of bishop of Pittsburgh in maintaining their properties. He cites discussions with the Parish with Councilwoman Harris of the terms and conditions of the sale. He says the Diocese has explained what the contingencies are and the NLC is comfortable with that. He says in the event the NLC ceases to use the property as a museum that any windfall benefits revert back to Diocese, they could also take it back at any time. He says that the agreement is contingent on a geotechnical study of the hillside, but they do not have access to the site. He says their off is to sign a sales agreement, conduct the study, and in the event the study comes back with expenses/repairs that are within their capacity, they will proceed and close on the acquisition of the property, and will thereby alleviate financial pressures on Parish. He says if the study proves that the property is beyond NLC's means then they will not close and will no longer oppose the demolition of the church.
91. Mr. Fatla says with regard to the terms of the agreement he has two e-mail correspondences with Mr. Ponticello and meeting minutes from Councilwoman Harris' office. He says in regard to draft of sales

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- agreement Mr. Ponticello would represent the conditions of the Diocese and that he is to draft the agreement.
92. Mr. Falta says in regard to operational costs he believes the Diocese is self-insured and establishes the premium rate for individual Parishes. He cites Parish financial reports for St. Nicholas from the years 2000-2004 which show the St. Nicholas Pittsburgh (Northside) Parish was assessed for insurance with no closed buildings for \$46,000 annually, \$50,000, \$59,000, \$66,000, \$66,000, a substantial portion of the Parish's cost. He says the key is that comparable parishes do not pay comparable rates. He says they have limited access to that data and the methodology by which the Parish has assessed its premium. He asks that if the Economic Hardship hearings proceed that the Diocese would disclose the comparable rates and methodology to insurance rates. He says it looks like the Parish has been heavily assessed. He says he has an independent estimate of \$2500 per year to insure the properties.
  93. He says the Parish has not been bearing the burden of securing the properties, the cost has been bourn by Preserve Croatian Heritage Foundation and the NLC, including staff support and funds to secure building. NLC offered to install and maintain a security system as well as pay for electrical service, but the offer was refused by Father Whalen. He says the Parish has refused to prosecute criminals who damage the site. He says that is sending a message that it is "open season."
  94. Mr. Falta says with regard to operating costs there will be a difference compared to the status quo insurance but there would be a demo cost, would be reduced and there would still be a cost to bear once the demo occurs.
  95. Mr. Fatla says with regard to capital cost the Patel report suggests an excess of \$2,000,000 for restoration, but not to secure or protect the property. These estimates includes a \$197,000 for a utility trench, \$60,000 for a new parking lot, \$10,000 for landscaping, \$300,000 for a new rectory, and \$10,0000 for lighting and fencing. He says these are not costs the Parish is expected to take on during this time, so it is not a fair indication of economic hardship.
  96. Mr. Hogan gives Mr. Fatla to submit the rest of his testimony in writing if he does not have time to finish.
  97. Mr. Fatla says the Parish is choosing between two assets and has the capacity to raise funds, they have chosen to use it for the Millvale building.
  98. Mr. Fatla says the hardship should not be measured by the Parish but the \$20,000,000 annual revenue of the Diocese. He says the HRC heard about self-imposed hardship as they have declined previous sales agreements. He says even an offer of a dollar would be better than the negative value suggested by the appraiser.
  99. Mr. Hogan asks if the NLC has put their offer in writing to them.
  100. Mr. Fatla says yes, in an e-mail.
  101. Mr. Hogan asks why he hesitates to remove contingencies to the agreement and if is because they do not have access to the \$50,000 to do the geo-tech study.
  102. Mr. Fatla says they cannot spend \$50,000 for the study unless a written agreement has been reached.
  103. Mr. Fatla says in regard to reasonable use refer to market study of use as museum that shows that use as profitable.
  104. Mr. Hogan asks for further public testimony.
  105. Mark Masterson, Executive Director of the Northside Community Development Fund. He says that they have been involved in discussions surrounding the building since November 2008 when they attended a meeting with PennDOT. He says Preserve Croatian Heritage Foundation (PCHF) has offered to put in security and electricity, but this offer was rejected by Whalen. He says they have also sat down with Councilwoman Harris to work out a framework for the sales agreement. He says

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- he understands that they were waiting on an agreement from Ponticello, but would be happy to do it themselves. He says they discussed the necessity of coming to HRC, and says they could be getting the geo-tech study done now instead of wasting time. He says that since reports on feasibility for museum use their offers have been rebuffed by the Parish due to the deterioration of past agreements. He says they have been willing to make the deal for almost two years and that PCHF raised \$50,000 to pay for geo-tech, they are just waiting for a sales agreement.
106. Andrew DeWitt, staff person for Council District 1, Councilwoman Darlene Harris' office, confirms that there was a meeting between the NLC and who Harris thought were representatives of the Diocese, though they said they were legal representatives of the Parish. He says that any final sale would require approval from the Diocese.
  107. Bill Vergot, co-chairman of Preserve Croatian Heritage Foundation, says he is familiar with the Millvale church members. He says that PCHF attempted to help the Millvale Church with their financial burden (see copy of letter from PCHF to Parish members dated October 2003). He says PCHF is prepared to commit to substantial financial resources to the Parish and would like to work together on fund raising events. He says they have made every effort to work together because they want to save both churches. He said he did not hear back from phone calls or letters. He says an additional letter shows that they were willing to pay for the church's boiler assessment and replacement and they received no reply.
  108. Bronco Brnardic, general contractor, says that to date the building is in fairly good condition, there seems to be no structural damage. He says all costs have been paid by PCHF to board up property. He says over the years items have been stolen from site.
  109. Mr. Hogan asks when he visited the site.
  110. Mr. Brnardic says he has been at the site about twelve times, roughly once per month in the past year, every time someone breaks in.
  111. Mr. Hogan asks from Mr. Bernardic's expertise.
  112. Mr. Bernardic says he has been in business for thirty years and has worked on numerous churches including the Millvale church.
  113. Anthony Benvin, former professor or Art and Architectural History speaking as chairman of the board of directors of Troy Hill Citizens says that they are against the destruction of St. Nicholas. He cites offers including the offer made by Mr. Fatla of NLC. He says there is an underlying possibility for why the Parish has refused offers and cites the Post Gazette article from April 2011 where Father Whalen says the buildings are "a source of inconvenience and waste of time," and that he, "wants to see these buildings demolished." He says his group is interested in the preservation of the church due to the independent study as a living immigrant museum. He says even if they are off in their numbers, St. Anthony's Chapel (in Troy Hill) draws tourism numbers from 10-12,000 . He says the museum would provide a new economic focus for the neighborhood. He says the community sees it as an anchor tenant to establish economic development in the area.
  114. Ray Pietrone, resident of Troy Hill, lives behind the church, and member of former St. Nicholas church says the Diocese wants to demolish the church. He says it is self-insured and that the insurance costs are self-inflicted. He offers photos to the HRC of what the interior used to look like. He says he has seen enough demolition on the Northside and he is against demolition of the church.
  115. Mr. Zivick says that there has been testimony claiming that the Diocese owns the building, however St. Nicholas is a Croatian National Parish and the Diocese has no ownership interest. It is not a territorial ownership like other Parishes in the Diocese are. He says Bishop David Zubic is only the trustee, any finance decision must be approved by the Parish Finance Council and the Parish Pastoral Council. He says there is no Diocese in aid for the Parish. He says the insurance is risk based, the condition of the building is generating the high premium.

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116. Jack Schmitt, says that he would like to discuss possible parking for the proposed museum. He says Louis Astorino has designed a new access to the church that would come in from a private road, from Troy Hill road. He says the reason they want to tear down the property is not hardship but profit. He says there is another buyer, PennDOT, which is willing to pay the Diocese for two slivers of the property. He says the reason the Diocese is here is so they can sell the church to PennDOT for hundreds of thousands of dollars and not have to tear it down themselves. He cites the petition for historic designation asks the HRC not to give permission for Economic Hardship. He says they would like to make the proposed museum into the trailhead for the Allegheny Riverfront heritage trail.
117. John DeSantis, Northside resident and former chairman of HRC during the time that Title 11 to the ordinance was drafted. He says he conducted the only other economic hardship hearing conducted under Title 11. He says Title 11 has been tested in the courts of PA and constitutes the case law in PA, and cites the Howe-Childs Gate House case from the PA Supreme Court. Legislation was found to be worthy, and the instance of the HRC denial of economic hardship was upheld through court system. He says that the Diocese may send the HRC a letter that says that you do not have the power to say NO. He says if you read § 1101.06 carefully it will be clear that the Diocese has not presented a case today. He says the HRC has heard ample testimony that there are other people willing to make use of the building and willing to provide reasonable return to the Diocese.
118. Michael Shealey says he has been involved in a number of historic designations in Pittsburgh. He says the decision if in favor of demolition will set a bad precedent for other historic landmarks in the city.
119. Susan Petrich, secretary of PCHF, says she does not favor demolition due to its historic designation. She says PCHF covered the cost of maintaining the building since it has closed. She says their accumulated cost is \$3,000. She says Father Whalen has stated publicly that he wants to demolish the building and that he failed to prosecute vandals. PCHF's offers were never responded to. She says in 2006 and 2008 the Croatian American Cultural and Economic Alliance proposed agreements to buy the church, but neither followed through due to restriction of the Diocese. She says Councilwoman Harris initiated a third agreement between the NLC and Diocese and that both parties have agreed to sign, however the Diocese has delayed signing the agreement. She says demolition costs would be \$250,000 and asks why they would take on this debt if economic hardship truly exists.
120. Mr. Hogan asks that Mr. Ponticello submits his information in writing.
121. Mr. Ponticello says he is an expert in Church property law and would like to underline that the Parish, not the Diocese owns the property and the bishop is the trustee. He says he also want to address the statement that the Diocese is self-insured; he says that there are some layers of self insurance and some layers of contracted insurance, and they have third party managers who set the premiums. He says that each Parish pays its own insurance premiums.
122. Mr. Hogan says that the HRC based on the Ordinance that questions have arose that they need further answers to. He will request information from various parties so they have full documentation.
123. Ms. Quinn says the commissioners should send requests for information to her and she will compile an official letter which she will send to Diocese and other parties and once that information is received the application will be complete.
124. Mr. Hogan says they will continue the hearing for thirty days so the HRC can request further information to finalize the application and then review it at the December meeting and ask any questions they have of the information. He says they expect information from the NLC and then will formalize a request to the Diocese, and add PHLF documentation. He says additional fact finding will be conducted.

**MOTION:**

Mr. Serrao ..... Motions to continue the application of economic hardship for the purpose of fact finding and completing the application.

Ms. Ismail..... Seconds the motion.

All members ..... Voted in favor

.....**Motion passes.**