Strange Bedfellows: Developers, Townships and Preservationists
Delaware County Heritage Commission
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INTRODUCTION

IS THIS BUILDING WORTH SAVING?
SOMETIMES YOU HAVE TO COMPROMISE!
THE PROBLEM

“Local history is more important in a neighborhood than the history of the world in general. The ground we tread, and the houses we look upon, teem with lessons of the past to guide the present. Americans go thousands of miles across the sea to admire foreign relics, and come home to destroy their own. They gloat over ancient antiquity, and despise or overlook modern antiquity, which is the real antiquity.”

Reverend H. F. Hotchkiss, Rural Pennsylvania in the Vicinity of Philadelphia (1897)

An email, a phone call, or a newspaper article brings you the news that an old home, a barn, a crossroads tavern, or the like is going to be demolished to make way for some new construction in the community: a road widening, a housing development, a new shopping center, an office park. For people who value history and the historic resources of the community, what do you do?

Olympic gold medalist killed at DuPont estate

NEWTOWN SQUARE, Pa. (AP) — An Olympic wrestler was shot and killed Friday at the sprawling suburban Philadelphia estate of John E. duPont, and police said the chemical company heir was a suspect.

Dave Schultz, 36, was shot once in the arm and twice in the chest shortly before 3 p.m., said police, who surrounded a building on the estate where duPont was believed to be inside.

Officers from at least 10 departments surrounded the wrestling training building, and two SWAT teams were headed there Friday evening, said John Boyd, a Delaware County 911 dispatcher.

Schultz, a 1984 Olympic gold medalist and 1983 world champion in the 163-pound category who worked as a wrestling coach for duPont, was pronounced dead at Mercy Hospital.

Few other details were immediately available. The estate is home to the Foxcatcher National Training Center, a wrestling training facility. duPont is founder and head coach of Team Foxcatcher and contributes about $300,000 a year to USA Wrestling.

The duPont Pavilion at nearby Villanova University is the current home of the Wildcat men’s and women’s basketball teams, and the school was named after the philanthropist and sports enthusiast.

Newtown Square is located 13 mile west of Philadelphia in an exclusive section of rural Delaware County.
WHO IS TYPICALLY INVOLVED?

You can’t tell the players without a scorecard!

The Landowner: Someone owns the land and the threatened historic building. It may be an individual owner, or perhaps a developer who has purchased it. It may be a family farm owned for several generations, but who now need the money for their retirement. It may be a home where the longtime owner passed away, and their heirs live far away, and have no emotional connection to the house, and simply want to realize the highest value of their inheritance.
**The Developer:** Developers are in the business of acquiring land and building projects that they believe the community needs: homes, stores, restaurants, office buildings, business parks, industrial centers. They invest significantly in local infrastructure – roads, sewers, utilities, traffic improvements, etc. – and then build out their projects. They employ workers and they invest in the chosen communities because they believe they can successfully sell a project or continue to own and rent what they build. They do the research and determine that there is a need for their particular project in the community, while also realizing that it must be nice enough to be attractive and exciting enough to be more desirable than someone’s existing, home, office, grocery store, restaurant, etc.
The Municipality: The municipality has an interest in what is built in their community, which they exert in the form of zoning, building codes, and the subdivision and land development process. They do not have the absolute authority to reject a project that is presented to them, simply because they feel "We don’t need another drugstore", "We don’t need more houses.", or "We don’t want that in our backyard." The municipality has to work within their regulatory framework. If an owner has proposed a project that is consistent with local zoning, and meets the building codes, then they are legally entitled to build their project **BY-RIGHT**.
The Preservation Community: The people in a community who are most interested in the status and fate of the historic resources in the community are typically the preservationists who live there – the local historical society, and those people who value what old buildings add to the aesthetic look and feel of the community. They are typically the people with the least power in the situation.
WHAT ARE THE INTERESTS OF EACH GROUP?

*The win-win situation is the basis for America's entire business world. Instead of wasting our time attempting to defeat each other, let's find a way that will make both of us gain and go home satisfied.*

*Yair Lapid*

If you look down the road to the end of a project where the historic resource has been saved in some way, how do you get there? You need to address in some fashion the needs of each of the principal parties involved:
THE OWNER

The owner generally wants to maximize the value of what he is selling. If you can get to an owner before he has agreed to sell the property by signing a contract obligating him to do so, then there are some alternatives that can be explored:
PRESERVATION IDEAS THAT MAY BE SUGGESTED

- **Voluntary preservation** through a preservation easement; certain restrictions are placed on the property before it is sold. Restricting the uses of a property can reduce its value – and so this only works with an owner who is willing to accept a reduced sales price in return for some measure of preservation. However, the donor of a preservation easement can obtain a charitable deduction for the value by which the property has been reduced. [Public School No. 2]

- **Sympathetic Addition/Adaptive Re-use**: A historic structure can be re-purposed for an economic use that does not reduce the value of the property. It can have an addition that provides for other uses, while not obscuring the original architecture.

If the owner has already signed an agreement of sale, then the interests of the Developer now come into play.
• The developer wants to build his development, and needs to jump over many hurdles along the way, while also paying attention to the economic conditions and the local market conditions that could affect his eventual sales.
• He has big up-front expenses – lawyers, engineers, architects, application fees, various expert fees for environmental & traffic studies, etc.
• Once he obtains his approvals and permits, then he has to build the necessary infrastructure – roads, sewers, utilities, stormwater management, township improvements and impact fee contributions - then he has to construct the actual buildings, parking areas, landscaping, etc.; then he has to market and sell this new project.
• His first dollar of income is at the far end of his project, and may be years away, and in the meantime is making significant interest payments every month to lenders.
• Goal is to get to market as quickly and efficiently as practical
• Municipalities that push preservation too far may miss out on opportunities to have partners helping the cause if Developer walks away from the project.
• Municipal/Developer Partnerships are more successful
• Municipalities should have justifiable reasons and present defendable long-term benefits of preserving older structures
• Ordinances that encourage Preservation by providing certain incentives to Developers for doing so
• Adaptive Re-use of structures
Some communities value their history. Some communities don’t. Some think it is a luxury that they cannot afford.

A developer who wishes to build in their community holds out the promise of jobs, construction period economic activity with their merchants, and increased tax revenues resulting from the development.

If the historic resource standing in the way is an old run-down building that has stood vacant for years, why should they hold up development to save that building?

Why is this building worth saving? Preservationists have to be prepared to answer that question posed by its Township officials. And the answer is not always clear.
Preservationists can play a role in the process – by not waiting until the demolition permit applications are submitted.

Preservation has to be a value that the community embraces, and so you need to have an active preservation society working to educate their community on its history, and the roles that the surviving buildings may have played in that history.

Have an inventory of historic sites, with detail on their history. PMHC has inventory worksheets.

Push to educate Township officials on the existence of the resources, and the tools that a Township may adopt to protect them.

If you don’t have some level of broad based community support for preservation efforts, then you are not going to have a seat at the table.
PLAN AHEAD: HAVING TOOLS ALREADY IN YOUR PRESERVATION TOOLBOX

If Your Only Tool Is a Hammer Then Every Problem Looks Like a Nail

National Register Designation
“The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological resources.” Source: https://www.nps.gov/ site.

Pennsylvania Constitution
Article 27 of the Pa. Constitution provides: “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”

Historic Districts
“The [Pennsylvania] Historic District Act is one of two pieces of state enabling legislation that allow municipalities to enact local historic preservation ordinances. The law authorizes cities, boroughs, and townships to designate areas within their communities as historic districts, require property owners to receive a Certificate of Appropriateness (COA) before altering or demolishing a historic building, and appoint a Historic Architectural Review Board to review COA applications.” Source: https://www.phmc.pa.gov/ website.
Historic Preservation Overlay

“The Municipalities Planning Code (MPC) includes provisions that allow municipalities to enact zoning ordinances that protect and enhance historic properties. The language in the MPC is broader and less specific than the Historic District Act, and municipalities have used this authority to protect individual properties in rural or suburban settings, require special consideration of historic preservation when reviewing variance, subdivision, and special exception applications, and provide development incentives that protect important characteristics of historic properties that are undergoing changes or development.”

Source: https://www.phmc.pa.gov/ website.

A community that values preservation and its historic resources will educate owners of its historic properties as to what they can do (preservation easements); educate their township officials – the solicitor and the governing officials, on what is specifically permitted in Pennsylvania; and then work to see preservation measures put into place.

If a municipality has the preservation tools in its toolbox, then it has a legal basis to have preservation issues be part of any proposed development involving or affecting its historic resources.
NEGOTIATING FOR A WIN/WIN OUTCOME

HOW DOES THE OWNER WIN?
- He realizes the value that is locked up in his land.
- He is not made to wait for years to be paid out.
- He may choose some forms of private preservation, if he is made aware of them and wishes to do so.

HOW DOES THE DEVELOPER WIN?
- He gets his land development approval to build his project without years of contentious and costly hearings.
- He is not made to subsidize a preservation effort that should be done by the Township.
- The preserved resource may bring interest or notoriety to the project.

HOW DOES THE TOWNSHIP WIN?
- It keeps the Voters happy.
- It improves the ambience and quality of life in the Township.
- It increases real estate values, and brings in more tax revenue.

HOW DOES THE PRESERVATION COMMUNITY WIN?
- Mobilizes the people who value history.
- Makes them articulate what is important in their community;
- Makes them take efforts so that their community has the tools it needs to fight the good fight when its historic resources are threatened.
LEARNING THE LESSONS OF HISTORY

Those who cannot remember the past are condemned to repeat it.

What lessons to be learned from going through the process?

- Does your local government care about history – if not do you want to elect people who do?

- Do you have preservation tools in your toolbox – if not, then work to get them.

- Do your historic homeowners know what voluntary measure they can take – preservation easements and charitable deductions? If not, send them materials to educate them.

- Does your community have pride of ownership in its historic resources – if not, then educate them to seek recognition.