

## **Chapter 11**

# **Historic Resource and Preservation Plan**

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### **Introduction**

The Pennsylvania Municipalities Planning Code (MPC) requires that municipal Comprehensive Plans address historic resource preservation, specifically identifying cultural and historic resources. The MPC adds that municipalities are not limited by this list, but may provide for the protection of other resources of local importance

The results of the citizen survey indicated that the Region's residents are very concerned about historic and natural resource preservation. Respondents also indicated a high level of interest in historic preservation.

### **Historic Resources**

The Region's history is reflected in its architecture, people, and character. Historic resources connect us to the past, emphasize our sense of community, and often provide aesthetic value. In addition, historic resources can provide tourism benefits which often lead to economic development opportunities. Planning for the protection of historic resources is especially important because historical resources are not renewable.

Many of the buildings found along the Region's highways, country roads, and village streets are examples of vernacular architecture. Although they may feature some of the elements commonly found in a particular style, mainly Germanic, vernacular architecture incorporates an individual builder's ideas into an overall design. The mixture of the vernacular and German examples enhances the overall character of the Region. Distinctive Pennsylvania German stone farmhouses, barns and outbuildings, outstanding in quality and quantity, define their time and place. The historic rural landscapes of the Region add to the context of this architecture, and provide a glimpse of the Region's rich heritage and history.

### **History of the Region**

The earliest known inhabitants of eastern Berks County were the Delaware or Lenni Lenape Indians. By the early years of the 1700's after England's King Charles granted 40,000 square miles to William Penn in what is now eastern Pennsylvania immigrants came from Germany, France, Sweden, England, Wales, Ireland, Scotland and elsewhere, often seeking religious freedom. Many moved inland from Philadelphia along the Schuylkill River.

Ruscombmanor Township began as the "Manor or Ruscombe". It was originally surveyed as a tract of ten thousand acres of land near Oley in Philadelphia County.

Oley Township was founded in 1740, although residents petitioned to be a Township in 1720. The Court failed to act on the original petition and a second petition was submitted and approved in 1740.

German settlers petitioned to establish Alsace Township in 1744. Settlers from the Palatine region in Germany were the most influential in the formative years of the Oley/Alsace area.

Berks County was incorporated in 1752 from parts of Lancaster, Chester, and Philadelphia Counties. Early Eighteenth Century immigrants were Swedes, followed by Germans, Welsh, English and French Huguenots. Results from the first federal census in 1790, showed Germans and German descendants comprised almost 75% of Berks County's population. Their farming traditions, religious convictions and self-reliance, which came to be known as "Pennsylvania Dutch" characteristics, have dominated in the region for nearly 300 years. Religion was a major factor in the development of the Oley/Alsace area. French Huguenots, Moravians, Quakers, Lutheran, Reformed and other congregations each built places of worship in the area prior to the mid 1800's.

In addition to farming, water powered industry was a dominant economic activity in the area's formative period. The Manatawny and Monocacy Creeks and their tributaries were hosts to mills for grain, lumber, paper and other commodities until the mid 1800's. The Oley Forge and Oley Furnace iron works, which supplied weapons and wagon hardware to the Continental Army during the Revolutionary War, were the largest of the area's water powered industries. Berks County was a leading early iron producer. Evidence of the area's early industries still exists, including old mill buildings, furnace sites, mine holes and other remnants.

Industrial development stalled in the first half of the 1800's as the region's iron ore and forests were gradually depleted. Then the Schuylkill Canal and major railroads between Philadelphia, Reading, Allentown and the coal regions were constructed which bypassed the two townships. Oley Village developed during this time as a local commercial center along Main Street. Today, its concentration of Victorian structures is a unique historic resource. Smaller villages, such as Yellow House and Limekiln, are examples of other local crossroads that were once stagecoach stops or trading posts in the Oley/Alsace area. Another example is Pleasantville, an important stop on the old Oley Turnpike.

Farmsteads, stone houses, barns, cemeteries, churches and other structures from the 1700's and 1800's are widely recognized and treasured resources in the Region. Well organized grassroots support for preserving the region's living history, and extensive research and documentation, led to the U.S. Department of the Interior placing the entire Township of Oley on the National Register of Historic Places in 1983. In 1980, the National Trust For Historic Preservation selected Oley as a Rural Project. Between 1980

and 1983, over 435 structures in Oley Township and the immediate vicinity were inventoried and noted as contributing historic resources. (See Appendix) More than 50 of these properties were found to feature 18<sup>th</sup> century structures. Preserving the area's heritage remains a prominent planning goal in Oley and Alsace today.

According to the Pennsylvania Historical Museum Commission, there are no locations in Alsace or Ruscombmanor Townships on the National Register of Historic Places. The following Table 11.1: National Register of Historic Places, lists all the Oley Township places that are listed on the National Register as separate listings from the Oley Historic District, which encompasses the entire Township.

The Oley Township Zoning Ordinance includes an HV – Historic Village District designed to help preserve the historic integrity of Spangsville Village on Spangsville Road along the Manatawny Creek. The Township established a historic architectural review board to review proposals for new construction and exterior building alterations in this district.

### **Historic Districts**

Local historic districts are areas in which historic buildings and their settings are protected by public review. Historic district ordinances are local laws adopted by communities using powers granted by the state. Historic districts consist of the Region's significant historic and architectural resources. Inclusion in a historic district signifies that a property contributes to a group of structures that is worth protecting because of its historic importance or architectural quality.

The entire Township of Oley is listed on the National Register of Historic Places, and the Village of Spangsville contains a historic district, however, there are some specific areas in the Region that should also be noted, including the Villages of Pricetown, Pleasantville, Oley, and as well as the numerous clusters of historic graveyards, churches, grist mills, and schools that make up the Region's wealth of cultural and historic features.

### **National Register of Historic Places**

The National Register of Historic Places is the nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering and culture. Table 11.1 lists all of the sites in the Oley, Alsace, and Ruscombmanor planning area that are listed on the National Register.

## **Cultural Resources**

Cultural resources are the special characteristics that make a community unique. A community that takes pride in and respects its traditions is typically a community with a well-defined character. Alsace, Oley and Ruscombmanor Townships contain a rich, diverse heritage with significant cultural resources that should be embraced and preserved. Much of the rich culture in the Region is derived from the influences of the early German settlers who arrived in the Townships in the mid 1700s. Many examples of the architecture and customs of these people still remain, reflected in the historic farmhouses, stone barns, churches, and grist mills that enhance the Region's heritage.

**TABLE 11.1: LISTINGS ON THE NATIONAL REGISTER OF HISTORIC PLACES**

<b>Historic Name</b>	<b>Partial Address</b>	<b>Year Built</b>	<b>Historic Function</b>	<b>Sub-function</b>	<b>Area of Significance</b>
Fisher, Henry, House	About 1.25 mile North of Yellow House on Pa 662	1801	Domestic	Single Dwelling	Architecture
Greisemer's Mill Bridge	Northwest of Boyerstown on T-579	1832	Transportation	Road Related (Vehicular)	Transportation Engineering
Knabb-Beiber Mill	Beiber Mill Rd. T-539 1/4 mile from W. School Rd. (T-500)	1809 - 1819	Industry/Processing/Extract	Manufacturing Facility	Architecture, Engineering, Industry
Oley Township Historic District	Entire Township	1700 - 1899	Domestic, Agriculture/ Subsistence	Single Dwelling, Animal Facility, Secondary Structure, Horticultural Facility	Agriculture, Architecture, Industry
Pleasantville Bridge	Covered Bridge Rd. T-916	1850, 1874	Transportation	Road Related (Vehicular)	Transportation Engineering
Reiff Farm	Old State Road T-454, 1000ft. Southwest of Reiff Rd. (T-569)	1815	Domestic, Agriculture/ Subsistence	Single Dwelling, Animal Facility, Secondary Structure, Horticultural Facility	Architecture, Agriculture

Figure: 11.1 The Historic Features map shows the National Register Sites and Surveyed Sites for Oley, Alsace and Ruscombmanor Townships. The following tables list the sites found on the Historic Features Map, Figure 11.1.

**Oley, Alsace Ruscombmanor Joint Comprehensive Plan**  
**Historic Features Site Key:**

**Alsace Township**

Map ID	Historic Feature	Map ID	Historic Feature
1	John D. & Magdalena Miller House	19	Daniel Hartman Farm
2	Shalter's Union Church	20	J. Lorah Farm
3	Brenda & Donald Morgan Property	21	Oley Valley Fruit Farm
4	John Willy Farm	22	Hoch Farm
5	Blankenbiller Log Cabin	23	Conrad Log House
6	Noll Farm	24	Hartman Farm
7	Benjamin & Louise Shaltz House	25	Heist Log House
8	McKnights Mansion	26	Zimmerman Forge
9	F.J. Pauclski Property	27	Chapel Rocks
10	James Ripley Fehr Property	28	Weber's Hotel
11	Spies Union Church Site	29	Old Spies School
12	Hinnerschitz Farm	30	Parochial School
13	Kemmerer Farm	31	Old Spies Graveyard
14	Hartman Farm	32	Kerper School
15	Fies Tavern	33	Wheelwright Shop
16	David Kinsey Farm	34	Zions Evan Lutheran Church
17	Gary L. Reinert	35	Zions Evan & Reformed Church
18	Kinsey Farm		

**Oley Township**

Map ID	Historic Feature	Map ID	Historic Feature
36	Samuel Gulden Settlement	110	Walnut Farm
37	J & A Steppleton Property	111	Elmer Eyrich Property
38	Fisher's Mill	112	Snyder / Gheer Homestead
39	Daniel Baum Farm	113	Knabb-Kauffman Grist Mill
40	Gerald Houpp Property	114	Barrie Williamson Property

Map ID	Historic Feature	Map ID	Historic Feature
41	Nicholas Hunter House	115	Bernard Zackson Property
42	Leshner House	116	Wentzel Tannery
43	Enoch Griesemer Inn	117	Tom Knecht House
44	Michael J. Misiaszek Property	118	Holcraft
45	Spangsville Store	119	Laucks Homestead
46	Spang House	120	Estella Hoch Property
47	Oswald Estate	121	Heffner Farmstead
48	Dr. Fegley Property	122	General Daniel Udree Mansion
49	Elwood Hoch Sr. Property	123	Furnace Hill
50	Henry Wagner Property	124	Arthur Homan Property
51	Omar Zook Property	125	Oley Furnace Boarding House
52	Earl Rhoads Property	126	Addison Kohout Property
53	Lowell Kurtz Property	127	Martin Eshelman Property
54	Guy Corson Estate	128	Franklin Galambos Property
55	Whitner House	129	Yoder Homestead
56	Wilmer Richard Property	130	Dr. Wilfred Heinbach Property
57	Rothenberger Farm	131	Dr. Wilfred Heinbach Property
58	Donald Shelley Property	132	Carl Herbein Property
59	Samuel Rhoads Property	133	Stitzer Road House
60	Griesemersville Hotel	134	Richard Geissenhainer Property
61	National Gypsum Property	135	Breil Homestead
62	Elmer Eyrich Property	136	Leroy Howard Property
63	Kaufman House	137	Levan Homestead
64	Catherine Stahler Property	138	Ralph Richard Property
65	George Schlegel Property	139	Regina Lebe Property
66	Paul Lechner Property	140	Mark Hoch Property
67	Samuel Dunn Property	141	Raymond Conrad Property
68	Covered Bridge Rd House	142	William Lunt Property
69	Jacob Hartz Property	143	Paul Hoppes Property
70	Locust Ford Farm	144	Herbert Levan Property
71	John Bertolet Homestead	145	Paul Labe Property
72	Thomas Rutter Property	146	Victor Miller Property
73	Abraham Bertolet Property	147	Ralph C. Richard Property
74	Bertolet Tenant House	148	Yoder Road House
75	Charles Schaeffer Property	149	Paul Labe Property
76	Christman's	150	Glase's General Store
77	Bertolet Gristmill Farm	151	Oley Inn
78	Samuel Guldin Settlement	152	Crawley Property
79	Hunter Settlement	153	Jones Property
80	Edwin Lichenstein Property	154	Kohn Property

Map ID	Historic Feature	Map ID	
81	Erma Lapp Property	155	McCarthy Property
82	Marquette Homestead	156	Oley Forge
83	Harold Herbin Property	157	Oley Furnace
84	James Cassidy Property	158	Snyder Cemetery
85	Jean Bertolet Burial Home	159	Tollhouse #2 Oley Turnpike
86	Bertolet Settlement Tenant House	160	Snyderville Sunday School
87	Bertolet Home	161	Tollhouse #3 Oley Turnpike
88	Knabb Picnic Woods	162	Spangsville Oley Reformed Church
89	DeBenneville Home	163	Tollhouse #4 Oley Turnpike
90	Charles Roshon III Property	164	Pleasantville Hotel
91	Abraham Knabb Barn & House	165	General Store
92	Rodger Wagner Property	166	Sally Boone School
93	Double Schoolhouse	167	Weidner Graveyard
94	Allentown Portland Cement Proper	168	Hoch Graveyard
95	Trout Farm	169	Levan Graveyard
96	Herbein Settlement	170	John Leshner Graveyard
97	Angstadt Homestead	171	Trolley Cars
98	Knabb House	172	Sawmill
99	Knabb Homestead	173	Oley Furnace Gristmill
100	Knabb Homestead	174	Scared Oak Tree
101	Kemp's Tavern	175	Oley Village
102	Daniel Hunter Home	176	Reiff Graveyard
103	Deturk House	177	Graveyard
104	Isaac Deturk Homestead	178	Jean Bertolet Graveyard
105	Donald Miller Property	179	Herbein's Cave
106	Earl Hoffman Property	180	Stone Schoolhouse
107	Earl Hoffman Property	181	Moravian Church
108	John Moxon Property	182	Graveyard
109	Mary Youse Property	183	Tree in Road



### Ruscombmanor Township

Map ID	Historic Feature	Map ID	Historic Feature
184	Union Church	206	C.R. Care Property
185	Yoder Pottery	207	Rothermel Farm
186	Dr. Weber Farm	208	Jacob Price Homestead
187	Old Baptist Society	209	Irwin Eby Property
188	Martin Gaube House	210	C. Eugene & Phyllis Pyle Prop
189	Snyder Farm	211	Fox Homestead
190	Doug Zucco Property	212	Keller Farm
191	Bush Tavern	213	Pricetown (Village of)
192	Ann & Richard Kennedy Property	214	Pricetown Hotel
193	Dale & David Schwoyer Property	215	St. John's Union Church
194	Douglass & Linda Wegman	216	Tilt Forge
195	Hartman Farm	217	Schoolhouse
196	Baum Farm	218	Log Cabin
197	Klein's Tree Farm	219	Pricetown Schoolhouse
198	J. Holyoke Foundry	220	Ancient House
199	Link's School House	221	Emblem Arms Hotel
200	Link Farm	222	Graveyard
201	Daniel D. Derolf Property	223	Graveyard
202	H. Klein Property	224	Graveyard
203	Boyer Farm	225	Basket Store / Post Office
204	Edgewood Mills	226	Country Inn
205	Jacob Mill Farm	227	Log Cabin

## **Historic, Architectural and Cultural Resources**

**Goal:** To protect, preserve, and enhance the remaining historic, architectural, and cultural resources and their surroundings.

### **Objectives:**

- Protect the character of Oley Village, Pleasantville, Pricetown, and the area's other villages with appropriate zoning strategies.
- Encourage the development of design guidelines to preserve historic architecture and village design patterns.
- Support the efforts of local and county historic preservation groups to continue identifying and protecting historic resources.
- Preserve recognized historic sites and structures. Discourage inappropriate development in historic areas.
- Maintain partnerships with private and non-profit organizations, such as the Berks County Conservancy, to protect the Region's historic resources.
- Require impact studies for development near important historic resources, and require mitigation of potential adverse impacts to historic resources.
- Review and update the Historic Preservation Ordinance in Oley Township, implemented by the Historic Architectural Review Board (HARB).
- Discourage demolition by neglect and deterioration of historic resources.
- Encourage responsible conservation and maintenance of vintage architecture, especially the stone farmhouses located in the Region.
- Consider the degree to which suggested historic preservation guidelines might be legally enforced through revised township ordinances without unduly infringing on property owners' rights.
- Subject rental units to the same standards of good repair as owner-occupied dwellings and perform adequate inspections to guarantee enforcement of existing codes.

- Support the efforts of the Berks County Conservancy to preserve historic resources.
- Identify existing contemporary sites which could be considered part of the historical or cultural heritage of future generations and work to preserve these sites.
- Preserve historic landscapes and view sheds that protect the context of the history of the Region.
- Maintain the regional survey of historic resources contained within the Berks County Greenway and Open Space Plan.

**Historic and Cultural Resource Actions:**

- A. Update zoning ordinances as necessary to protect historic resources and community character. Options include:
1. Adopt or refine Historic Resource Overlay Zoning. Concentrate on the Historic Overlay District, as depicted on the Future Land Use Map.
    - a. Create historical commissions and / or committees where they do not exist or a joint historical commission
    - b. Identify historic resources
    - c. Require developers to analyze:
      - Nature of historic resources on and near property
      - Impact of proposals on historic resources, and
      - Mitigation measures
    - d. Encourage adaptive reuse of historic buildings
    - e. Establish use, coverage, density, intensity, and yard bonuses for architectural treatments, building design, amenities, and open spaces/buffers compatible with existing resources, appropriate reuse of existing resources and donation of façade easements
    - f. Encourage architecture, materials, and development patterns characteristic to the area.

2. Adopt Demolition by Neglect Provisions:
  - a. Require property owners to protect and maintain historic properties to avoid demolition by vandalism or the elements by requiring unoccupied structures to be sealed or secured by fencing
3. Identify provisions to protect the character of villages, and have streets, buildings, and public spaces integrated to create a sense of place with pedestrian scale. Consideration can be given to adopting the following as standards or promoting them through incentives:
  - a. Allow only appropriate uses in scale with, and compatible with, existing appropriate uses, discouraging uses that would transform the character of the areas.
  - b. Establish coverage, density, intensity, and yard bonuses for architectural treatments, building design, amenities, street furniture, open spaces, and parking designs consistent with the character of the area.
  - c. Require pedestrian amenities as necessary improvements to be made by land developers.
  - d. Construct parking areas to the rear and side of buildings and establish standards for design, buffering, and landscaping of new parking facilities.
  - e. Require signage appropriate to the area.
  - f. Establish appropriate standards for driveway design and access to streets to provide for appropriate access management.
  - g. Minimize use of drive-through facilities.
  - h. Encourage new development to be compatible with, and integrated into, existing streetscapes when appropriate, with consideration of:
    - Appropriate siting patterns, such as setbacks of buildings on lots
    - Materials of similar appearance and texture to those on existing buildings

- Similar architectural details as other buildings in the neighborhood
- The scale and proportion of buildings near new structures. Scale deals with the relationship of each building to other buildings in the area; and, proportion deals with the relationship of the height to the width of a building and with the relationship of each part to the whole
- Similar roof shapes
- Similar footprints of buildings and rooflines (matching façade masses with existing buildings)
- Similar building heights

4. Regulate conversions of buildings, addressing:

- Locations where permitted
- The procedural treatment of the use
- The type of building that can be converted
- Density of converted units
- Lot size for converted building
- Impervious surface/open space requirements
- Units allowed per structure
- Structure size requirements
- Minimum size of dwelling units
- Neighborhood compatibility standards
- Adequate parking requirements
- Screening of parking and common areas
- Limits on the structural revisions for buildings

B. Appoint a regional or municipal historical commission or committee if none exist, which is actively involved in historic preservation. The commission would be instrumental in administration of any historic resource overlay zoning that is adopted. The commission would also continue to:

1. Identify, evaluate, mark and foster awareness of historic resources
2. Investigate participation in Certified Local Government Program

3. Encourage retention, restoration, enhancement and appropriate adaptive re-use of historic resources and discourage removal of historic structures
  4. Develop programs, events and interpretive signage and exhibits that emphasize the history of the Region
  5. Evaluate the potential for historic districts and support their creation if warranted. If created, support the adoption of voluntary or mandatory Design Guidelines and Sign Controls for the Historic District.
- C. Support the activities of individuals and groups that identify, document, evaluate, and protect historical resources and increase public awareness of the area's history and historic resources.

### **HISTORIC PRESERVATION AT THE STATE AND LOCAL LEVEL**

Establishing a local Historic District requires an assessment of the present status of the community's historic resources, knowledge of past historic preservation efforts, and a list of goals and objectives. Taking such an assessment enables the designating community to take advantage of historic preservation incentives available at the national, state, and local governmental levels, such as grants, income tax credits for historic rehabilitation, low-interest loans, and local tax abatements. A requirement of establishing a local district, provided it was created pursuant to Act 167, the Historic District Act, is the establishment of a Historic Architectural Review Board (HARB). The HARB reviews all proposed erection, reconstruction, alteration, restoration, or demolition of buildings within the district before the issuance of any municipal permits pursuant to these actions. HARB reviews and recommendations must be consistent with the design guidelines established at the enactment of the Historic District. The Township Supervisors have the right to incorporate any of the HARB's recommendations into the permit requirements, but they may also override those recommendations. Townships whose districts are not created under Act 167 are not required to have a HARB, but instead may appoint a Historic District Commission or Committee.

Two Pennsylvania laws provide the legal foundation for municipalities to adopt historic ordinances and regulatory measures.

## **Act 247 – The Pennsylvania Municipalities Planning Code (MPC)**

Acts 67 and 68 of 2001 amended the MPC, strengthening the ability of local governments to protect historic resources through their Comprehensive Plans, Zoning Ordinances and Subdivision and Land Development Ordinances. The following passages and paraphrases from the MPC are the most critical sections regarding this power.

- §603(C)(7) – Zoning ordinances may promote and preserve prime agricultural land, environmentally sensitive areas, and areas of historic significance.
- §603(G)(2) - Zoning ordinances are required to protect natural and historic resources.
- §702(1)(ii) – The governing body of each municipality may enact, amend and repeal provisions of a zoning ordinance in order to fix standards and conditions for traditional neighborhood development. In the case of either an outgrowth or extension of existing development or urban infill, a traditional neighborhood development designation may be either in the form of an overlay zone, or as an outright designation, whichever the municipality decides. Outgrowths or extensions of existing development may include development of a contiguous municipality.
- §1106(a)(6) – Multi-municipal Comprehensive Plans shall consider the conservation and enhancement of natural, scenic, historic, and aesthetic resources in their municipalities.

A Historic Overlay Zoning District, unlike the protection offered through the establishment of an Act 167 Historic District (discussed below), can include individual sites as well as clusters, as long as the resources are documented and identified on a historic resources map. A historic overlay district could require new buildings to be similar in type and scale to those already existing. Setbacks should be consistent with the common building setback. Requirements to replicate the existing building line, building height, and bulk could help to preserve the character of the neighborhood.

## **Act 167 - The Historic District Act (1961)**

Municipalities may create historic districts within their borders to protect the historic character through regulation of the erection, reconstruction, alteration, restoration, demolition, or razing of buildings in the district. The Pennsylvania Historical and Museum Commission must certify districts, including a *determination of eligibility* for the National Register of Historic Places. In this way, historic districts established pursuant to Act 167 have the same protection from federal projects as do National Register properties. Act 167 also requires appointment of a HARB.

## **Historical and Museum Commission Act 1945**

Act No. 446, approved June 6, 1945, created the Pennsylvania Historical and Museum Commission (PHMC) by consolidating the functions of the Pennsylvania Historical Commission, The State Museum, and the State Archives. The PHMC is an independent administrative board, consisting of 14 members: 9 citizens of the Commonwealth appointed by the Governor, the Secretary of Education (ex officio), 2 members of the Senate, and 2 members of the House of Representatives. The Executive Director is appointed by the Commission and is an ex officio member of three groups: the Environmental Quality Board, County Records Committee, and the Local Government Records Committee.

The PHMC is the official agency for the conservation of Pennsylvania's historic heritage. The powers and duties of the Commission fall into these principal fields: care of historical manuscripts, public records, and objects of historic interest; museums; archaeology; publications; historic sites and properties; historic preservation; geographic names; and the promotion of public interest in Pennsylvania history.

The PHMC is funded partially through an annual legislative appropriation, federal grants, and private donations. Officially recognized local historical organizations may benefit financially through the Commission's eligibility to receive matching funds from various federal programs. The PHMC is active in many phases of historic preservation. The PHMC also conducts a landmark identification program, presenting identification plaques to property owners for attachment on structures included in the Pennsylvania Inventory of Historical Places. The landmark identification program also includes the placement of roadside historical signs at various sites and locations having statewide and national historic significance. Today there are nearly 1,900 such markers across the state.

The Office of Historic Preservation is an arm of the PHMC responsible for assisting the public and private sectors in implementing the Commonwealth's policy to "protect and enhance our irreplaceable resources." To this end, the Office has implemented a five-point program:

- Registering historically and architecturally significant sites and structures on the National Register of Historic Places and on the Pennsylvania Inventory of Historic Places;
- Advising and guiding individuals and organizations regarding historic preservation and its funding;
- Reviewing applications for federal preservation grants;
- Working for legislation at the state level to provide effective tools for historic preservation; and



- Working with other governmental agencies to review the impact of projects, such as highways, on the Commonwealth's historic resources.

### **Pennsylvania Bureau for Historic Preservation**

The Bureau is an agency of the PHMC. The Executive Director of the Bureau is designated as the State Historic Preservation Officer (SHPO).

The Bureau provides technical assistance for the preservation, rehabilitation, and restoration of historic buildings. The Bureau reviews architectural plans and specifications and provides comments on historic building projects for state and federal compliance. They also assist in code-related issues and accessibility programs in the form of letters of support for variances for historic buildings. To inform the public, public agencies, local governments, and other stewards of historic properties, the Bureau assists in the development and distribution of materials on applying the Secretary of the Interior's *Standards for Rehabilitation* when repairing historic buildings.

The Bureau also administers the Federal Rehabilitation Investment Tax Credit (RITC) program in partnership with the National Park Service. The tax credit program is one of the most successful programs for encouraging private investment in the rehabilitation of historic properties. Since the establishment of the PHMC in 1976, Pennsylvania has been a national leader in certified tax credit projects, completing over 1,800 projects and generating over \$2.5 billion in qualified rehabilitation expenditures. The Bureau provides technical assistance throughout the application process.

The Bureau also administers the State's Historic Preservation Program as authorized by the Pennsylvania History Code and National Historic Preservation Act of 1966. The program is guided by advisory boards as well as the Pennsylvania Historic Preservation Plan.

The Pennsylvania General Assembly is considering legislation to establish a Historic Homesites Grant Program. Once established, this legislation will provide funds to the Pennsylvania Historical and Museum Commission to support rehabilitation grants (up to \$6,000) to individuals owning and residing in a historic residential building, as well as to individuals intending to purchase and reside in a historic residential building. Possible conditions for eligibility include the following:

- The building must serve as the owner's principal residence,
- The building must be listed in the National Register of Historic Places or be determined to be a contributing building in a listed National Register Historic District,

- The building must be located in an Act 167 historic district or be designated as a historic property under the local ordinance or city code in Pittsburgh and Philadelphia, and
- All rehabilitation work must conform to the U.S. Secretary of Interior's *Standards for the Treatment of Historic Properties*.

## **NATIONAL EFFORTS AND LEGISLATION FOR HISTORIC PRESERVATION**

Federal programs encouraging historic preservation include:

- the National Register of Historic Places,
- Historic Preservation Tax Credits on federal income tax for qualifying rehabilitation and adaptive reuse of historic buildings used for income-producing purposes,
- Section 106 Review of federally funded or assisted projects that impact historic resources, and
- the Certified Local Government Program, which facilitates historic preservation at the local level.

The earliest Federal preservation statute was the Antiquities Act of 1906, which authorized the President to set aside historic landmarks, structures, and objects located on lands controlled by the United States as national monuments. It required permits for archeological activities on Federal lands, and established criminal and civil penalties for violation of the act.

The Historic Sites Act of 1935 was the second major piece of Federal historic preservation legislation. This act declared it national policy to preserve for public use historic sites, buildings, and objects of national significance and directed the Secretary of the Interior to conduct various programs with respect to historic preservation.

In 1964, The United States Conference of Mayors undertook a study of historic preservation in the United States. The resulting report, "With Heritage So Rich," revealed a growing public interest in preservation and the need for a unified approach to the protection of historic resources. This report influenced the Congress to enact a strong new statute establishing a nationwide preservation policy: The National Historic Preservation Act of 1966.

## **National Historic Preservation Act of 1966 (NHPA)**

The National Historic Preservation Act of 1966 and its subsequent amendments established a legal basis for the protection and preservation of historic and cultural resources. Historic resources are defined as *"any prehistoric or historic district, site, building, structures or object included in, or eligible for inclusion in the National Register; the term includes artifacts, records, and remains which are related to such a district, site, building, structure or object"*.

The Act promoted the use of historic properties to meet the contemporary needs of society. It directed the Federal Government, in cooperation with State and local governments, Native Americans, and the public, to take a leadership role in preservation. First, the Act authorized the Secretary of the Interior to expand and maintain the National Register of Historic Places. This is an inventory of districts, sites, buildings, structures, and objects significant on a national, State, or local level in American history, architecture, archeology, engineering, and culture. Once a property is eligible to be placed on the list, the property, site, or object can be qualified for Federal grants, loans, and tax incentives. Second, the NHPA encourages State and local preservation programs. States may prepare and submit programs for historic preservation to the Secretary of the Interior for approval. Approval can be granted if they:

- designate a State Historic Preservation Officer (SHPO) to administer the State preservation program,
- establish a State historic preservation review board, and
- provide for adequate public participation in the State program.

Since 1966, the Congress has strengthened national preservation policy through other statutes, including the National Environmental Policy Act, several transportation acts, and statutes directed toward the protection and preservation of archeological resources. These laws all require Federal agencies to consider historic resources in their decision making and overlap with provisions of NHPA.

### **Section 106 Review**

Section 106 of the NHPA requires Federal agencies to consider the effects of their actions on historic properties and provide the Council an opportunity to comment on Federal projects prior to implementation. Section 106 review encourages, but does not mandate, preservation.

To successfully complete Section 106 review, Federal agencies must:

- determine if Section 106 of NHPA applies to a given project and, if so, initiate the review,
- gather information to determine which properties in the project area are listed on or are eligible for the National Register of Historic Places,
- determine how those historic properties might be affected by the project in question,
- explore alternatives to avoid or reduce any negative effect upon those historic properties, and
- reach agreement with the SHPO on specific measures to mitigate any adverse effects.

The Executive Branch has also expressed support for preservation through several Executive Orders. Examples include Executive Order No. 11593 of 1971, which instituted procedures for Federal agencies to follow in their property management activities. Executive Order No. 13006 encourages the location of Federal offices and facilities in historic districts and properties within the inner cities. Executive Order No. 13006 also directs Federal agencies to use and rehabilitate properties in such areas wherever feasible and reaffirms the commitment to Federal leadership in the preservation of historic properties set forth in NHPA. Executive Order, No. 13007, signed in 1996, expressed support for the protection of Native American sacred sites.

### **Federal Tax Incentives for Historic Buildings**

According to the Tax Reform Act of 1986, a property owner is eligible for a 20% tax credit, along with a 27.5 to 31.5% straight-line depreciation for the substantial rehabilitation of historic buildings for commercial, industrial and rental residential purposes (not owner-occupied buildings). In addition, the Act allows a 10% tax credit for the substantial rehabilitation of nonresidential buildings built before 1936. The 10% tax credit is not available for rehabilitations of certified structures.

Two Federal Tax Incentive Programs currently apply to preservation activities in Pennsylvania: the rehabilitation investment tax credit and the charitable contribution deduction.

Rehabilitation investment tax credits are the most widely used incentive program. Certain expenses incurred in connection with the rehabilitation of an old building are eligible for a tax credit. Rehabilitation investment tax credits are available to owners and certain long-term leases of income-producing properties that are listed on the National Register of Historic Places. There are two rates: 20% for historic buildings and 10% for non-residential, non-historic buildings built before 1936.

The charitable contribution deduction is taken in the form of a conservation easement and enables the owner of a "certified historic structure" to receive a one-time tax deduction. A conservation easement usually involves the preservation of a building's facade by restricting the right to alter its appearance.

The Federal Tax Incentive Programs are coordinated through the State Historic Preservation Office, Bureau for Historic Preservation, Pennsylvania Historical and Museum Commission in conjunction with the National Park Service. Federal Historic Preservation Certification. Applications are available on-line.

### **The National Park Service “Certified Local Government” (CLG) Program**

This program was created in 1980 under the National Historic Preservation Act and is administered by the Pennsylvania Historical and Museum Commission. The Certified Local Government Program provides additional benefits to municipalities interested in historic preservation. Once certified, the local government is then eligible for:

- Direct participation in the federal historic preservation program,
- Greater access to historic preservation funds,
- Greater level of information exchange with the State Historic Preservation Office (SHPO),
- Access to technical assistance and training from the SHPO, and
- A higher degree of participation in statewide preservation programs and planning.

This program was established to allow local governments to participate directly in the national historic preservation program and to provide funding to local governments to carry out their historic preservation responsibilities (survey, inventory, designation and protection of their historic resources). To achieve CLG status in Pennsylvania, a municipality applies to the Bureau for Historic Preservation. All states are required to set aside 10% of their federal historic preservation grant funds to CLGs. These grants are presently offered as a ratio of 60% funding from the Pennsylvania Historical and Museum Commission (PHMC) and 40% match from the CLG.

Critical requirements for CLG designation are:

- adopt and enforce appropriate legislation for designation and protection of historic properties,
- establish a qualified historic preservation commission,
- enact a system for surveying historic properties,

- enact a public participation component as part of the local program,
- adequately perform duties and responsibilities delegated through the certification process,
- provide continuing in-service historic preservation training for HARB and Historical Commission members (8 hours training annually per member),
- a good faith effort to appoint HARB members with appropriate professional qualifications for historic preservation backgrounds,
- submit an annual report of the municipality's historic preservation activities, and
- enforce the historic district ordinance.

Oley Township is a Certified Local Government.