

SOCIETY HILL CIVIC ASSOCIATION

# THE RESIDENT NEWSLETTER

Box 3, Philadelphia, Pennsylvania 19105

March, 1990

## “FRIENDS OF HEAD HOUSE” TO EXPLORE LEASE-MANAGEMENT

*The historian, Lewis Mumford spoke of Head House as a “building that should be treated tenderly and remain undisturbed.”*

The increasing state of deterioration of Head House was reported in the last issue of *The Resident Newsletter*. As you may know, this beautiful building (originally a fire engine house containing a cupola and alarm bell) with attached market sheds, is probably the oldest surviving colonial marketplace in the country. Listed as a National Historic Landmark, it is owned and managed by the City of Philadelphia which, unfortunately, has neither the funds nor resources to maintain it much less preserve it for future generations.

In response to this critical situation, a few Society Hill residents have organized a planning committee to create The “Friends of Head House.” The preservation of this important building is vital, not only because it is the centerpiece of our community, but because it belongs to all Americans. To that end, the Planning Committee met with Commissioner of Public Property, Benjamin F. Ellis, Jr., at City Hall to explore realistic ways of saving Head House from further deterioration. Mr. Ellis suggested a lease-management arrangement such as the one in operation with Belmont Mansion and other City properties. For the cost of one dollar a year, FHH could “adopt” the building by leasing it from the City.

With a leasing arrangement administered by FHH the building would be restored in a cost-efficient and labor-efficient way, using historically accurate preservation techniques. In practical terms, this means that without bureaucratic involvement and impossibly high bureaucratic labor costs, FHH could implement the repair and restoration of the building to its former grandeur — in a realistic time frame! That grandeur, you may recall, had been achieved in the late 1950’s when Mayor Richardson Dilworth halted the demolition  
*(Continued on Page 5)*

## PARKING LOT:

## Judge DiNubile Denies Nuisance Ruling; Levin Sues For 1.1 Million

It has been non-stop action on the parking lot dispute since late in January when Commonwealth Court Judge David W. Craig’s opinion became known. In his ruling Judge Craig overturned the earlier decision by Common Pleas Court Judge Victor J. DiNubile Jr. to grant an injunction against construction of a parking lot on the southeast corner of 3rd and Lombard Streets.

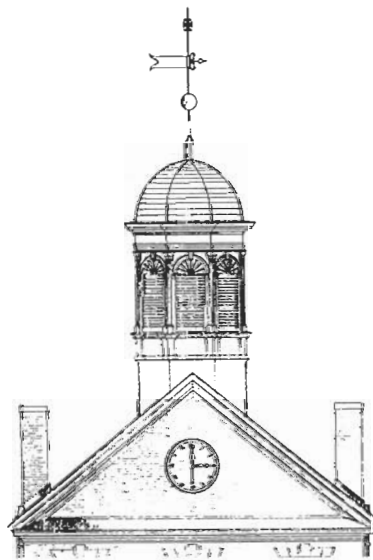
Ms. Gloria B. Levin, owner of the lot, sent her bulldozers back to the site immediately.

The legal team for St. Peter’s School, Queen Village Neighbors, South Street Neighbors and the Society Hill Civic

associations have appealed to reargue the case before the full Commonwealth Court and asked Judge DiNubile to rule on the *nuisance aspect* of the case which he reserved in July when he based his decision solely on the validity of Ms. Levin’s permits to build the parking lot. On February 20th Judge DiNubile ruled that the nuisance issue was premature.

Finally, Ms. Levin filed a suit against the neighborhood organizations, their leaders and others for \$1.1 million, which she broke down as follows: \$480,000 for lost revenues and \$636+ thousand for legal fees. This suit is obviously meant to complicate matters; it is not a part of the basic litigation. SHCA President Becky Stoloff, one of those named, said, “What this does is put anybody who gets involved on behalf of their community as a volunteer . . . in personal jeopardy. The implications are far-reaching and outrageous.” Unfortunately, those named in the suit will be forced to spend additional money to defend themselves.

These are the latest (but certainly not the last) episodes in a story that began back in the 1950’s, when Abbott’s Dairy gained approval of the Redevelopment Authority and City Council to extend industrial use to the entire block between 2nd and 3rd, South and Lombard Streets. In a rezoning program in the 1970’s, all industrial zoning in the area was eliminated except for this one block. After Abbott’s went out of business in 1980, the City Planning Commission  
*(Continued on Page 14)*

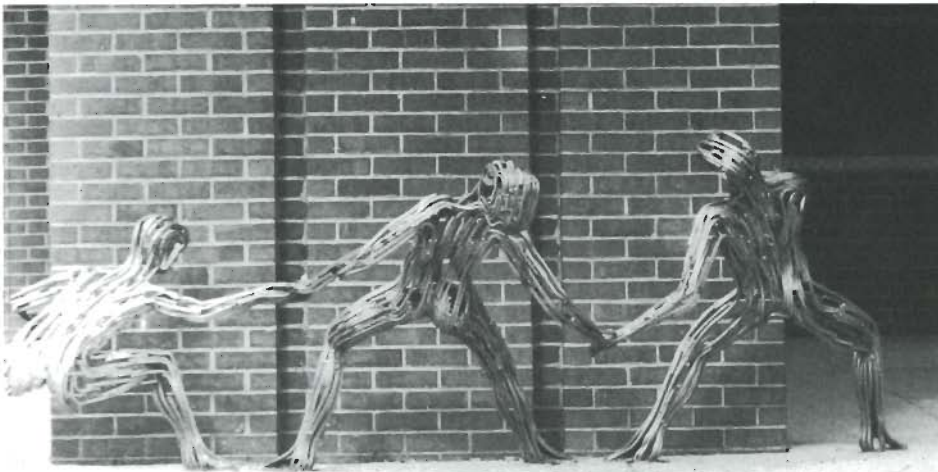


## MARK YOUR CALENDARS!

The next SHCA general membership meeting will be on **Thursday, March 22**, instead of the usual Wednesday in order to accommodate special guest, the Honorable Vincent J. Fumo.

The 8 pm meeting is at Old Pine Community Center, 4th and Lombard Streets. The agenda includes the status of the Jefferson incinerator, the parking lot (3rd and Lombard), Head House Square maintenance, and by-law amendments.

# STARR GARDEN: AN OLDIE BUT A GOODIE



(Photos by Nancy Frenze)

## SCULPTURE AT STARR GARDEN

In the spring of 1989, the Friends of Starr Garden was organized as an active advisory group. Its goals are to renovate and maintain Starr Garden, the oldest continuously operating municipal park and playground in Philadelphia.

Friends of Starr Garden also incorporated under the laws of the Commonwealth with the able help of *pro bono* attorney, Society Hill resident, Bernice Koplin. Koplin is currently helping the organization file an application to receive tax-exempt status with the IRS. This will enable any donations to be tax deductible under applicable federal, state and city laws.

In May, 1989 the Friends of Starr Garden requested and received a \$25,000 grant from the Commonwealth of Pennsylvania's Department of Community Affairs through the support and efforts of our State Senator Vincent Fumo. It is likely that the grant will be renewed annually. This allocation will be used primarily to refurbish the recreation room, and to enhance its usage by groups such as Boy Scouts, Brownies, folk dancers and private groups. It is anticipated that revenue from donations for the use of the room will accrue to the benefit of Friends of Starr Garden. The remainder of the grant will be used to replace broken and missing swings in both the toddler and older child play areas.

On February 2, Ann Spector, president of Friends of Starr Garden, and Howard Lander, treasurer, met with Councilman James Tayoun who assured them that he was requesting an allocation of funds totalling \$800,000 over the next three years to renovate and maintain the grounds, equipment and recreation building.

Starr Garden is currently in need of



## SHOOTING HOOPS

support from neighbors of all ages — donations of time, talent, services and, of course, money are welcome. Society Hill resident Susan Dictor is working on a brochure detailing the history of Starr Garden — it once included a well-baby clinic! Architect and neighbor, John Lawson, has been generously donating his expertise to prepare preliminary plans for a multi-use park extraordinaire.

If you are interested in helping turn this prime parcel into a model urban oasis comprised of playground, playing fields, basketball court, picnic/garden area, jogging path and tennis court, to be enjoyed by residents of all ages, contact the Friends of Starr Garden, 600 Lombard St., 592-5641 (after 1 pm) or Ann R. Spector 563-4748 (anytime).

Anyone can be a Friend of Starr Garden. Suggested donations are \$15 for individuals, \$25 for families, \$50 for businesses. But remember: you don't need to make a donation to join or help.

## Architecture Announcements

### From THE ATHENAEUM:

The Athenaeum is pleased to announce that it has acquired the archive of **Paul Phillipe Cret** (1876-1925), one of the most influential Philadelphia-based architects of the early 20th century. Cret, who was born and educated in France, moved to Philadelphia in 1903 and became a professor of design at the University of Pennsylvania. His highly successful practice included many major Philadelphia area commissions, including: the Delaware River Bridge, the Rodin Museum, and the Barnes Museum and Art Gallery in Merion. As consulting architect for the American Battle Monuments Commission (1923-45), Cret affected the image of the United States abroad through the design of memorials, chapels, and cemeteries.

The Gladys Brooks Foundation of New York has awarded a \$100,000 grant to The Athenaeum of Philadelphia to complete a \$5,000,000 endowment for The Athenaeum's curator of architecture. Bruce Laverty, head of the Architecture Department, has been appointed the first Gladys Brooks Curator of Architecture. The department consists of 125,000 architectural drawings, nearly 1,000,000 manuscripts, and 25,000 photographs relating to the work of more than 450 American architects working prior to 1945. The department cares for such national treasures as the presentation drawings for the United States Capitol and the earliest drawing by an architect of Independence Hall.

The Athenaeum of Philadelphia, founded in 1814, is a not-for-profit independent research library with museum collections. In addition to its library and museum collections, The Athenaeum sponsors a diverse program of lectures, concerts, and exhibitions. Housed in a National Historic Landmark building, The Athenaeum is open to the public without charge, and is located in Society Hill at East Washington Square. Phone 925-2688 for more information.

If you have mailed back the recently distributed *Newsletter* poll, we thank you. If you have not yet completed and returned your copy, we hope you will do so. Your cooperation will be a great help to us — and to you.

# **TAX WOES...?**

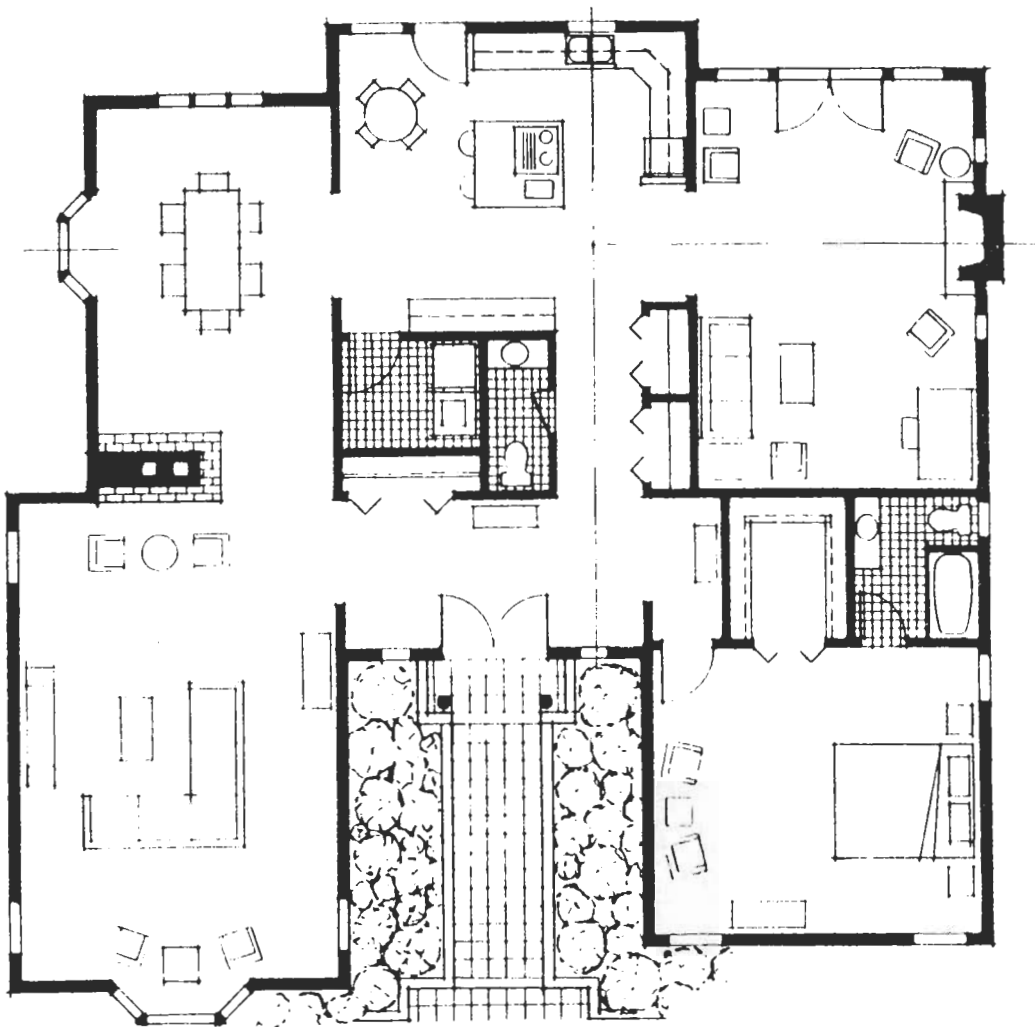
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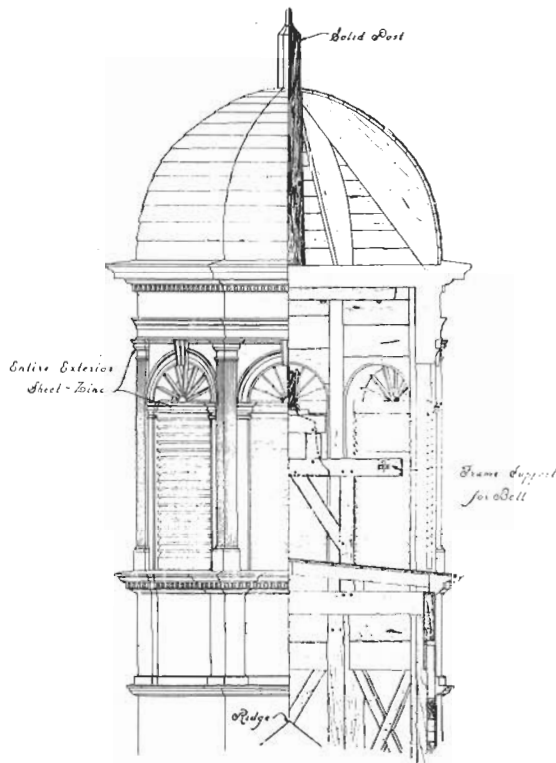


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**CUSTOM INSTALLATIONS WITH ATTENTION TO DETAIL**



## HEAD HOUSE

(Continued from Page 1)

of some of the market sheds. Following that near debacle, the City proceeded with a full-scale rehabilitation — including repairs to the building's magnificent weathervane and cupola. The clock, which was built by Isaiah Lukens and installed originally in 1819, was also fully repaired to working order at that time. But as we said, that was in the '60s. Enter the '90s. The clock tells the correct time only twice in every 24-hour period and the woodwork in many places is rotted.

The Planning Committee met on February 1 to set up the framework of the organization and here is what has been accomplished thus far:

- A Physical Plant Subcommittee was created. Penny Batchelor, preservation architect with Independence National Historical Park and architect Roland Davies have volunteered to co-chair. This team will inspect and assess the damage to the building, as well as draw up plans for its restoration, with cost estimates and a list of priorities.

- Myrna Field Baum has volunteered to investigate the mechanics of developing such a leasing agreement with the City.

- Many people are unaware that there is an apartment within the building. The committee is in the process of scheduling an inspection of this space to determine how best to utilize it and what work, if any, needs to be done. A possibility is to find more suitable uses for the apartment, perhaps

a revenue-producing tourist gift shop and using the room for community meetings.

It was determined that help will be needed to organize and publicize all aspects of this project and to explore the possibility of working with other groups — for example, Queen Village Neighbors.

Fundraising and PR efforts will be needed throughout the City. Also, it was suggested that since 1990 is being celebrated as the "Year of Benjamin Franklin," the restoration of Head House could be tied in with a special Ben Franklin Event.

Another goal of FHH would be to expand the uses of Head House Square and improve the quality of events held there. Some suggestions include encouraging Pennsylvania Dutch farmers to sell their produce in the sheds and considering the shed

space as a park to be used for outdoor entertainment, such as concerts and performances. For the last twenty-odd years the shed space has been used during summer weekends by the "Head House Crafts Fair Association," a nonprofit organization. With the closing of many NewMarket shops, as well as a lack of adequate care from the City, recently the Crafts Association has been having a hard time attracting craftspeople to display their wares.

It is sad to realize that just a few years ago John Francis Marion said in his book, *Walking Tours of Historic Philadelphia*, that Head House Square was "beautifully restored with shops, restaurants, an ice cream parlor, an apothecary shop, antique shops, all contributing to its 18th century feeling."

By the laws of physics, as well as politics, it is always easier to break down than to build up. Therefore, the Friends of Head House must remain clear about its goals and vigilant in its purpose. If a leasing arrangement with the City is to proceed, FHH will have to develop strategies to garner community-wide, as well as City-wide, private sector support.

Enthusiasm for the Head House repair project seems unanimous in our community, but this effort will require a team of dedicated volunteers who can follow through on all phases of the undertaking. Without a real commitment from our neighbors, Friends of Head House will never come to fruition. The Planning Committee needs your hands and your heart! So, please help us launch the "Friends of Head House." Fill in the coupon below and volunteer your support. If you have an area of interest or expertise (such as grant-writing, fundraising, organizing, secretarial, etc.), please let us know. Any questions? Feel free to call either Becky Stoloff at 627-4924 or Bernice Hamel at 925-4363.

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### I (WE) WANT TO JOIN "FRIENDS OF HEAD HOUSE"

Names(s) \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ (day) \_\_\_\_\_ (eve)

I Can Help With \_\_\_\_\_

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Mail to: Society Hill Civic Association,  
P.O. Box 3, Phila., Pa. 19103  
ATTN: FRIENDS OF HEAD HOUSE

# ZONING UPDATE

The following have come before SHCA's Zoning Committee in recent weeks:

**Proposed Antique Toy Gallery at Perelman Toy Museum** — A letter was sent to Drs. Rothman and Booth, co-owners of this property, objecting to the proposed commercial use of a property zoned R-10A. The main consideration is that such use would set a bad precedent and increase the likelihood for more conversion of residential to commercial use. Secondary considerations were increased traffic and trash, lack of control over future commercial interests on the premises, and the inappropriate character of commercial signs in a residential neighborhood.

**New Townhouses On Addison Street near 6th** — Having obtained a variance for his Lombard Street houses on the strength of his promise to proceed with construction of new houses at Addison Street — whether the Lombard houses were sold or not — the developer is now delaying construction pending the sale of the Lombard Street houses.

**630 Pine Street through to 629 Addison Street** — The Zoning Board of Adjustment refused the variance application of Dr. Berenholz to subdivide the existing property into two separate lots in order to build a new single family home on Addison Street. The Zoning Board supported SHCA's view that the owner did not show hardship, which is generally a prerequisite for being granted a variance.

Dr. Berenholz appealed the decision on January 18 and the Zoning Committee recommended that legal intervention be taken by Steve Skale, SHCA vice-president.

**255 Pine Street** — The Zoning Committee met with developers Miles and Generalis on January 31 to discuss their proposal to build additions onto the back of the property which would in effect create 100% coverage. After much discussion, the committee reached the following conclusions: unanimous disapproval of the proposed garage additions with roof deck; approval of first-story addition; approval of deck on top of first-story addition, subject to approval of actual design and materials. The third story deck might be considered if it does not interfere with the view, light and air of 253 Pine. The developers were asked to come back with a more complete proposal and were commended for converting a multi-family dwelling into a single family residence.

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## The Pub and The Inn

Talks have continued between Joseph and Trupert Ortlieb and a committee of neighbors of NewMarket regarding the Ortlieb proposal to open a Brewpub Restaurant at the northeast corner of 2nd and Lombard Streets on the site of the departed "Market at NewMarket."

Committee head, Elliot Field, reports that the committee has submitted a list of restrictions to be written into the lease — limiting the number of seats at the bar and assuring that food will be served during all hours of operation. The Ortliebs have agreed to all the restrictions and the lease now awaits action of NewMarket's management.

Concerning the rumor that the Dickens Inn would be joining the exodus from NewMarket: Not true. The Dickens Inn is staying. In fact, it is expanding into the Artisan's Gallery space.

## PROJECT "SAVE" COMES TO SOCIETY HILL (Stolen Auto Verification Effort)

Last June a pilot program designed to cut down on auto theft and vandalism was introduced to our neighborhood by the Sixth District Police. This program was modeled after a similar program in New York City where vandalism and theft were substantially reduced among participating vehicles.

Here's how it works: A decal is used to identify a vehicle owned by a resident of the district. This decal gives the police permission to stop the vehicle if it is being operated between midnight and 6 am. If your car is stopped and the operator cannot produce proof of ownership, or cannot provide the owner's name and address, the operator of the vehicle will be taken to the nearest police district and the owner will be contacted.


If the operator can provide proof of ownership or proof that he or she is driving the vehicle with the owner's permission, this information will be verified and the operator will be permitted to go on his way. For neighborhood residents who have not yet registered for the program and wish to do so, representatives of the Sixth District Police SAVE Program will be registering vehicles at McCall School (at 6th & Delancey Sts.) the following Saturdays: March 24, April 21 and May 19 between the hours of 11 am and 2 pm. Bring your car and your PA owner's registration. The cost of the decal is \$2.

With the increase of auto theft and vandalism in our neighborhood in recent months, this effort by our Sixth District Police should be supported and encouraged.

**REMINDER:** Report every incidence of vandalism or theft to the police; police coverage in any given neighborhood is determined by its crime statistics!



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(Photos By Nancy Frenze)

## LIVING WITH INDEPENDENCE PLACE, SOCIETY HILL CLUB, CHAIN-LINK FENCE AND BARBED WIRE

The cyclone fence and barbed wire that was erected on these properties without a building permit and in violation of the City Code have been in contention since the fall of 1988. Citations were issued after L&I's inspection in December of 1988 and summonses were issued after the non-compliance period elapsed.

A third hearing was scheduled for January 24, 1990 — the first time that the complainants had any notification of the hearing dates. Receiving notification of the hearing happened only after many phone calls complaining about the City's arcane bureaucratic process. Five neighbors from

Hopkinson House and Washington Sq. East condominiums were at the January hearing and instead of fines (\$25 plus \$16 for court costs) being accepted by the court, as had been the procedure at the earlier hearings, a new date was set. This time the principals were subpoenaed for February 28, 10th floor, City Hall Annex at 9:30 am.

The shame of all this is that the neighbors and owners of the Society Hill Club have been willing and tried, many times, to reconcile differences, using the SHCA Zoning Committee as a sounding board. No one can afford to be unsympathetic to the safety and security needs of his neighbors. A pro-

fessional security agency suggested the use of in-place closed circuit TV camera, better lighting and light sensor devices are alternatives. Also, there are fences *and* there are decorative barriers. Witness all the decorative wrought iron in our community.

If everyone in Society Hill who experienced a break-in or feared one, erected 14 and 20-foot-high cyclone fences and barbed wire, this historic area would look more like a WW1 battleground than a residential area.

Neighbors who have 14 feet of glass windows looking at the fencing and those whose terraces look out on it, find the view offensive and unacceptable.

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# WANTED

## MARBLE MANTEL

Call 923-3714  
after 6:00 pm or on  
weekends.

## FRIENDS OF NICHOLAS MORE TO MEET

Charter Day for Society Hill will be observed again on the anniversary, March 25. William Penn granted the charter in 1682 to the Free Society of Traders who gave their name to Society Hill. The temporary marker for the waterside establishment of President Nicholas More — put up in Philadelphia's tricentennial year — may be seen in the little triangle at 2nd and Spruce Streets.

This year the anniversary date falls on a Sunday which will give us more time for lunch and a walking tour: A Walk Down Old Fourth Street. Plenty of fresh historical information about the old sites along the way will be given by real experts, both professional and amateur.

Subscriptions will be limited. For details call Mrs. Sanchez, at 922-3623.



**WE ARE NOT A CLUB!  
SO WHY JOIN SHCA?  
NOT**

**HILL-PHYSICK-KEITH  
HOUSE PLANT SALE  
BEING HELD  
APRIL 27 — 29**

For more than 20 years the fundraising plant sale for Hill-Physick-Keith House has been a source of good buys for local gardeners. The 1990 sale will have a large selection in bedding plants and herbs, flowering plants, hanging baskets, and decorative posts — all carefully selected with the city gardener in mind. The sale will be held, rain or shine, in the garden at the rear of the house at 321 South 4th Street on the following dates:

Friday, April 27 .....3 pm - 6 pm  
Saturday, April 28 .....10 am — 6 pm  
Sunday, April 29 .....10 am - 6 pm



**FROM THE COLLECTION  
OF INDEPENDENCE  
NATIONAL HISTORICAL PARK**

**SOCIETY HILL HOUSE AND  
GARDEN TOURS**

The doors of Society Hill will be opened once again for PHILADELPHIA OPEN HOUSE on Sunday, April 29 and Saturday, May 12. The 12th annual House and Garden Tours, April 26 through May 13, coordinated by Friends of Independence National Historical Park, has 38 tours on its 1990 schedule, with homes throughout the City and adjacent suburbs, from Princeton to Chester County.

The tours of Society Hill are among the most popular on the POH calendar and have attracted visitors since the tours began in 1977. Since then, many thousands of visitors have wandered through gardens in full spring bloom, explored the alleys and walkways, maneuvered the cobblestone streets, and have enjoyed the warmth and hospitality of Society Hill homeowners.

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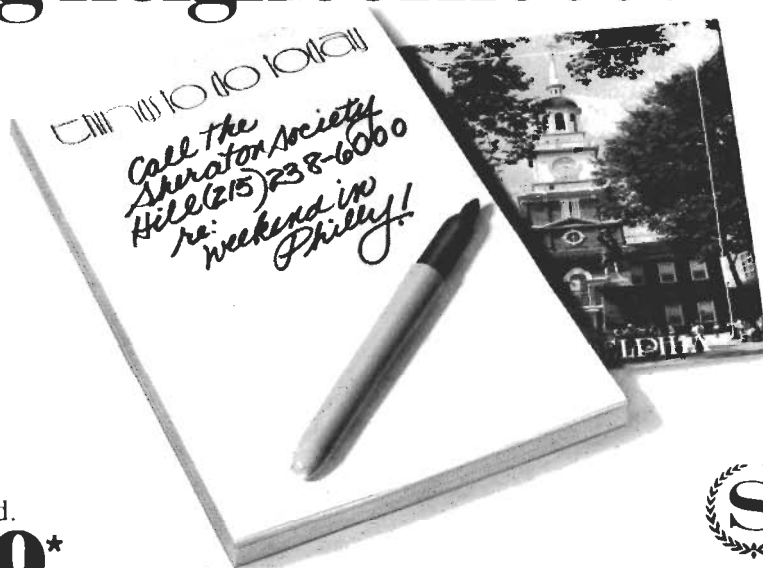
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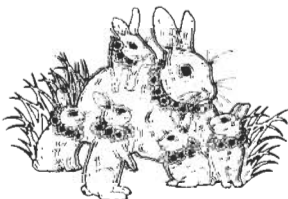
## Prize Ribbons For Holiday Decorations

Bob, the beautiful, blanketed, and belled Clydesdale, was the only warm body when the judges for the First Annual Society Hill Civic Association Holiday Decorations Contest ventured forth on the evening of December 21st to judge this year's best holiday decorations. Barely recognizable under piles of carriage robes, ear muffs, scarves, and mufflers were the distinguished members of the panel: Becky Stoloff, SHCA president; Steve Bell, KYW-TV news anchor; Sam Maitin, notable local artist; Ron Cuie, from the Managing Director's Office; and Ann Mooney, manager of the 2nd and Pine branch of Meridian Bank which sponsored the event.

Teeth chattering, and limbs shaking, this noble band of selfless citizens drove to every nook and cranny of Society Hill seeking out those decorations best illustrating the spirit of the holiday season. Their frozen choices included the following: Carol Feuerborn, 276 S. 3rd; the Hal & Judy Pote, 533 Delancey; Jeanne Potamkin, 305 S. 3rd; Susie and Jay Pattison, Pine St. and Lawrence Court; Judy and Alvin Block, 219 Delancey; Larry and Ann Spector, 410 S. 6th; Frank Ongaro, 239 Pine; Joanne and Carter Buller, 200 Delancey; Jerry Daye, 300 Delancey; Yvonne Rothburgh, 432 Pine (Three cheers for one of our newest neighbors!); all the residents of the 500 block of Delancey for the Best Block. St. Peter's School and the Society Hill Sheraton also earned ribbons for their beautiful light displays, as did the residents of 405 S. 3rd and 336 S. 2nd.

Although we did not find as many decorations as we had hoped for, those we did find were beautiful. Fanlights heaped high with fruits and, in one case, red peppers, creches and antique street scenes, lavish ropes and wreaths of greens, and candles twinkling in so many windows gave a real holiday glow to our streets.

So congratulations to all of you! Your splendid efforts should encourage us all to even greater heights next year. Meanwhile, start thinking about the May Basket you'll be putting on your front door when we have our Annual Society Hill Spring Clean Up Day on April 28.



**BLUE-RIBBONED DOOR OF JUDY AND ALVIN BLOCK**

*(photo by Judy Block)*

### **DREXEL STUDENTS UNDERTAKE NEW SOUTH STREET SURVEY**

Sometime within the next few weeks a Drexel University student, carrying proper identification, will be coming to your door or calling on the telephone as part of a South Street survey. This Drexel study is being done in cooperation with the City's Managing Director's office in order to learn how Society Hill residents use the South Street corridor. Valuable information, to be used by the South Street Task Force, is expected to be gleaned from this legitimate survey. We urge your cooperation.

### **LOCAL LANDMARKS NEED GUIDES**

Society Hill's two historic house museums with city gardens and 18th and 19th century decorative arts collections need volunteer guides — the Hill-Physick-Keith House at 321 S. 4th Street, the only free-standing mansion in the area; and the Powel House, at 244 S. 3rd Street, a significant example of Georgian architecture that was the home of the first mayor of Philadelphia. If you have a few extra hours a month, please call Patsy Novo at the Landmarks Society, 925-2251. Experience is not necessary. Landmarks will teach you what you need to know.

# JEFFERSON INCINERATOR CONTINUES TO CONFOUND!

After eighteen months confusion still exists regarding construction of the Jefferson Hospital incinerator. Therefore, a review of the facts seems warranted:

- In October of 1988, Thomas Jefferson University Hospital came to community meetings in Society Hill and Washington Square West to describe its plans for a medical waste incinerator to be built at 10th and Sansom Streets.

- After careful consideration, SHCA's Board of Directors decided in December 1988 to reject the plans as proposed and *declared its official opposition to the incinerator*. This opposition was based on the hospital's lack of definition of what would be burned — concern that a large amount of chlorinated plastics (PVCs) would be burned and that deadly carcinogens, such as dioxin and furan would be released into the air.

- At that time the Washington Square West community elected to defer a decision to either oppose or accept construction of the incinerator based upon a study of its own — to be completed at an undesignated time. With Washington Square West's deferral of decision on the issue, SHCA's opposition to the incinerator was considerably weakened. For that reason, the Incinerator Committee of SHCA suggested an alternative defensive position in order to protect our community's interests in the event the incinerator became a reality.

- To that end, the committee drew up a document listing demands and restrictions that SHCA would place on the hospital, **if and only if the incinerator were built**. It was the committee's position that if the incinerator was inevitable, due to lack of cohesive opposition by all communities affected, the very best way to protect our community would be to impose the most stringent restrictions on the incinerator construction and operation.

- The SHCA Board of Directors considered the matter carefully and accepted this contractual agreement as a means to protect Society Hill **should the incinerator be built**.

- Meanwhile, the community of Washington Square West was unable to reach a decision to either oppose or accept the incinerator from December 1988 until December 18, 1989 when, in a 7-to-6 deci-

sion, they voted to oppose. Since that date, however, there has been discussion to re-examine the question, and as of this writing the issue has been sent back to their study committee for further consideration.

## SPECIFICS OF THE CONTRACT

The contract, dated September 1989, between Thomas Jefferson University Hospital and The Society Hill Civic Association stipulates that if the incinerator is built, the hospital would be legally bound to enforce certain restrictions. This agreement was reached after an exhaustive and realistic appraisal by the SHCA Incinerator Committee, headed by a technical expert in environmental and solid waste disposal issues.

The hospital agreed that on the date of the first dioxin test — administered by the Pennsylvania Department of Environmental resources (DER) — whatever the level of PVCs burned, this level would become the upper limit from that date forward. Obtaining the hospital's agreement to be legally bound by these test results was considered a major concession by the hospital for two reasons:

- 1) If the hospital elects to burn high percentages of PVCs on that test date, they would be likely to *fail* the DER's dioxin test.

- 2) If, on the other hand, the hospital elects to keep the PVC levels below their normal averages for the purpose of passing the DER's dioxin test, the hospital would be forever bound to that lower number.

It should be pointed out that this agree-

ment goes considerably beyond Pennsylvania's DER requirements, in that it focuses on what actually will be burned rather than dealing with "pollution control" systems. The hospital, of course, will remain bound by the DER's emission regulations which are reputed to be among the most stringent in the nation.

The contract states that SHCA will neither oppose nor interfere with the operation of the incinerator, if in fact it does get built. The provisions of this contract state that the incinerator's emissions will be monitored by a waste management system that the hospital is bound by the contract to install. An SHCA committee will review periodic reports generated by this system of what has been burned, thereby insuring the hospital's compliance with the agreement.

It is the opinion of many Society Hill residents that SHCA acted in a way most likely to realistically protect community interests. On the other hand, many other neighbors disagree and distributed a flyer in January to Society Hill residents urging individual political action in opposition to the incinerator. It appears that although our community is united in wanting to protect itself from the effects of such an incinerator, many individuals differ on how best to achieve that protection. Nevertheless, the contract between Thomas Jefferson University Hospital and SHCA was accomplished in good faith and is legally binding on both parties. Therefore, while SHCA does not support the building of the incinerator, it will not oppose it.

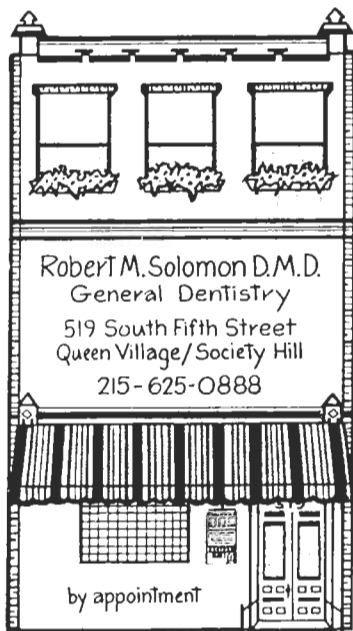
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## rites of Spring

Birds are singing...trees are greening... flowers are budding...people are luncing on park benches. The signs are definitely here — SPRING is arriving in Society Hill. And along with all the wonders of the season, robins are heralding the advent of that long-awaited and best-loved neighborhood tradition — OH NO! CLEAN-UP DAY!!!

OH YES!!! This year's main event is scheduled for April 28. So, gather the trash bags, find the outside broom, enlist the help of family and friends (bribery helps) and roll up your sleeves. This year's clean-up, from the look of things, promises to be more than a little light housekeeping. Mark your calendar now for April 28 and watch for a flyer with all the details.

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## MUSIC IN THE AIR Brunch With Bach

The Philadelphia Chamber Ensemble, Society Hill's only resident chamber music group, will perform its last program of the season at its new neighborhood home, Old Pine Street Church on Friday, March 16, at 8 pm, and Sunday, March 18, at 3 pm. This program includes works by Beethoven, Turina, Caplet and Strauss-Schoenberg. For ticket information, call Cynthia Eiseman at 923-5492.

On Sunday, March 25, at 1 pm, the Board of Directors and members of the Philadelphia Chamber Ensemble are sponsoring a benefit, *Brunch With Bach*, at the Samuel S. Fleisher Art Memorial at 709-721 Catherine Street. Tickets are \$50 per person, \$40 of which is tax-deductible. Reservations can be made by sending your check, payable to the Philadelphia Chamber Ensemble, to Mrs. Anne P. Meyers, 7 St. James Court, Philadelphia, PA, 19106. Your reservation will be held at the door on the day of the brunch.

## Liquor Store "De-Fortifies"

In a recent *Inquirer* article it was announced that the State Liquor Control Board was removing all "fortified" wines from eight Center City Philadelphia liquor stores in an attempt to reduce vagrancy in the areas surrounding these stores. According to the *Inquirer*, the fortified wines (Thunderbird, Ripple and Night Train, to name a few) currently on the shelves will continue to be sold until stock is depleted, but will not be replaced. Senator Vince Fumo worked very hard to accomplish this and should be congratulated for his efforts. This initiative on the part of the State Liquor Control Board will be of immense help in keeping 5th Street between Spruce and Pine free from panhandlers and vagrants.

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**Parking Lot...** (continued from page 1)

recommended that the main use for the block be residential with limited commercial activity on ground floors along South and 2nd Streets.

The Commission noted at that time that no single zoning category existed which precisely met the design objectives drafted for the site. Then in 1981 Jack W. Blumenfeld purchased the block and obtained a variance to allow residential development. In June, 1982 City Council enacted Ordinance 1294, which was intended to change the land use and related controls, from industrial to residential/commercial — to have the redevelopment use conform to the developer's plan and variance. At that time the commission and City Council erroneously concluded that no further zoning legislation was needed because of the developer's variance and Ordinance 1294.

Developer Blumenfeld ran into financial difficulties before he was able to complete work on the block, and in April of 1989 sold the vacant 1.5 acre site to Ms. Levin, who having obtained city permits, commenced construction of an open-air parking lot for 245 cars.

Neighborhood opposition was strong; dozens of residents and St. Peter's School faculty and pupils stood on or near the lot to block the bulldozers while a volunteer team of lawyers sought and obtained a preliminary injunction to stop the work. This became permanent in July through Judge DiNubile's ruling made after long days of hearings.

Concurrent with these hearings City Council finally passed an ordinance rezoning the block from industrial to residential.

In winning a reversal of Judge DiNubile's decision, Ms. Levin has simply gained a validation of her permits to build and operate a parking lot at that site. Without a variance, the only other use she can make of the lot is residential.

At a neighborhood meeting on February 12, lawyers representing the neighbors explained the ins and outs of the case and the many options available to follow. If a seven-judge panel of the Commonwealth Court does not overturn the three-judge decision (Judge Craig's opinion), we have the right to ask the Pennsylvania Supreme

Court to hear our case. Even if the parking lot is open and functioning, it could be taken to court and ordered closed and dismantled if **deemed a nuisance.**

The neighbors are determined to continue the fight. But, as anyone in today's litigious society knows, justice comes at a high price. The super legal team, Tom Kline, Bob LaRocca, Arthur Kaplan and William J. Cluck are willing to add more hours to the generous amount of time they've already donated to the cause — for which we are most grateful. However, there have been (and will be) heavy costs, and we are \$25,000 in arrears right now.

If you haven't made your contribution, or if you wish to give more, please make out your check to the St. Peter's School Parking Lot Fund, c/o Caroline E. Seamans, St. Peter's School, 319 Lombard Street, Philadelphia, PA 19147. Be generous.



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