

New Hope Borough Planning Commission
Thursday, January 19, 2023
Meeting Minutes

The New Hope Borough Planning Commission met on January 19, 2023 in the public meeting room. In attendance and voting were Chairman Keith Voss and members Peter Meyer, Lawrence Greenberg and Nick Gialias. Also in attendance were David Kimmerly and Matthew Walters of the Bucks County Planning Commission (BCPC), and Mary Stover, Interim Zoning Officer.

Call to Order: Mr. Voss called the meeting to order at 6:30 PM.

Jason Apuzzio has resigned. The Borough will be looking for new member. Since Mr. Apuzzio was Vice-Chairman, the Planning Commission will need to appoint another member to this post. Mr. Gialias volunteers. Mr. Voss nominates the reappointment of himself as Chairman and the appointment of Mr. Gialias as Vice Chairman. Mr. Greenberg seconds the motion. Motion passes 4-0.

It was noted that Mr. Apuzzio indicated that he could act as an alternate member for items that he was previously involved with. Mr. Meyer stated that he can report to Borough Council and request that he be retained as an alternate member.

Public Comment: None.

Minutes:

Monday, September 19, 2022 Meeting Minutes; Mr. Voss makes a motion to approve the September 19, 2022 minutes. Mr. Meyer seconds the motion. Motion passes 4-0.

Monday, October 17, 2022 Meeting Minutes; The minutes for October 17, 2022 are tabled for lack of quorum of the members present at that meeting.

Review of RB-1 / RB-2 Ordinance

The Planning Commission reviewed the changes recommended by the Borough Solicitor and Special Council.

The Purpose section was reviewed for both the proposed RB-1 and RB-2 Zoning Districts. In the draft ordinance, the same purpose was listed for both. The purpose in the RB-1 ordinance section states that it is “adjacent to central core of the Borough”. The RB-2 District is not adjacent to the central core. Mr. Walters notes that the previous draft of the ordinance had the phrase “outside the central core of the Borough and at densities typical of Borough’s development” in the purpose for the RB-2 District. It was suggested that the previous language be used for the purpose of the RB-2 District.

Mr. Voss had a question about the averaging descriptions in Section C.6.b in both the RB-1 and RB-2 Districts. He questioned the revision in subsection (1) that vacant lots were excluded except if buildings demolished in last 10 years. The previous ordinance had a set year, but this version has the 10 year requirement. Subsection (3) also has a reference to the preceding 10 years period. Mr. Meyer stated that it was intended to be rolling 10 year period.

Mr. Voss asked about a building that was built and demolished in a 10 year period. Mr. Meyer stated that if it was both built and demolished in the previous 10 years, there would be two reasons to exclude it from the average.

Mr. Voss asked if subsection (1) should be rephrased to be similar to subsection (3) where it states “demolished in the previous ten year period preceding the date of the subject application” . The members agreed with the proposed revision.

Mr. Voss asked what happens if there are two existing buildings on one property, which building is used in the averaging described in Section C.6.a. There may be two different existing building setbacks. It was questioned if you would use the building that is more restrictive or average the two buildings. The purpose of the averaging is to maintain the neighborhood look. It was noted that they cannot account for every situation that may arise. It was noted that if the requirement is vague, the interpretation is usually in favor of developer. It was suggested that this language was fine as written.

Mr. Greenberg asked about Section C.6.B.2 in both the RB-1 and RB-2 Districts. He questioned how the outlier definition of 1.5 or more times the average is applied. Mr. Voss indicated that this requirement relates to the Build-To Line, the Building Footprint or the Building Height. Mr. Greenberg asks if it is an outlier only if it is larger. Mr. Voss stated that he thought that was the intent. Mr. Meyer stated that he felt “dimensions” was an ambiguous term. Mr. Meyer suggested that the “outlier” should be “defined as lots where any dimension regulated in this Section is equal to or greater than 1.5 times the average of that dimension on the other lots”.

There are three proposed changes for this ordinance. It was suggested that the Borough Solicitor be consulted to determine if the changes could be made without having to re-advertise the ordinance.

It was asked if there were any public questions or comments on this discussion. Ms. Cathy Kerr of 129 North Main Street stated that she was interested in preserving the character of the town. It was also discussed that the ordinance being reviewed was not yet available to the public.

Mr. Greenberg asked if, in the future, there would be a way to get documents onto big screen during the Planning Commission meetings. Other methods of sharing documents were also discussed.

Mr. Voss made a motion to recommend approval of the proposed ordinance for the sRB-1 and RB-2 Zoning Districts with the changes discussed, if possible. Mr. Gialias seconded the motion. Motion approved 4-0.

Protection of Historic Resources:

The discussion started with the proposed definitions.

Mr. Greenberg asked about the definition for “Beneficial use”. It was determined that it was missing a verb. It was determined that the entire second sentence should be removed from the definition.

Mr. Greenberg asked if the beneficial use was to benefit the community, the owner or tax collection. Mr. Meyer noted that it could be any of the above. Mr. Voss noted that it will tie into a requirement later in the ordinance. It was agreed to remove everything in the definition after the first sentence.

Mr. Kimmerly noted that the term “Beneficial use” appears in two places in ordinance.

Mr. Voss had a question about the definition of “demolition”. He agreed with the comments noted in the document since HARB has its own definition.

Mr. Greenberg was concerned that the ordinance may upset property owners. Mr. Meyer stated that they are trying to produce best ordinance and allow Council to address concerns.

Mr. Voss asked about the comments noted in the document regarding “demolition”. Mr. Kimmerly noted that the definition is different than HARB. The concern is that it may be a problem in areas outside the Historic District. Outside of the Historic District, the proposed ordinance defines a process if the owner plans to demolish a structure that is considered a historic resource. Mr. Meyer asked about the reference to “the removal or covering of the street facing façade” in the definition. He questioned if it would be demolition if someone were to cover a portion of façade. Mr. Kimmerly stated that it could be revised to say “complete covering”. Mr. Meyer asked about if something could be constructed in front a building that would block the view of the historic resources. Mr. Kimmerly said photographs could be provided to illustrate the meaning. For example, brick or stucco can completely alter the look of the house. Mr. Meyer felt that new products will make examples or photographs obsolete over time.

Mr. Greenberg stated that the intent was to restrict changes to the outside of the building, not the inside. Mr. Meyer agreed that the word “complete” should be added to the statement about removal or covering. Mr. Voss suggested using the word “masking” instead of covering. It was agreed that masking would be better than covering.

For the definition of “Historic Resource”, “site” was removed from the definition. It the understanding that only structures are being protected. Structures includes historical markers.

Mr. Voss discussed the definition of “positive rate of return”. It was determined that this definition was fine as presented.

There was a brief discussion of the intent of the ordinance to protect historic resources located outside of the Historic District and to provide incentives to preserve the historic resources both inside and outside of the Historic District.

Mr. Clapper asked about the difference between damage and demolition. Mr. Voss explained that “damage” is not addressed in this ordinance. Mr. Clapper was concerned that if there was an accident there would be a problem. It was noted that for resources outside of the Historic District, there was no penalty for accidental damage. Mr. Gialias noted that the goal is to give incentive to preserve buildings and structures both in and out of Historic Districts. Mr. Voss noted that if the historic resource is gone, the uses provided for incentives to preserve the resource would no longer be available.

Mr. Voss explained the intent was to protecting resources while allowing for adaptive reuse of historic structures. An inventory as defined in C.2. would need to be prepared. The inventory requires that the structure is at least 50 years old and is associated with significant feature. The phrase “or older” should be removed from this section.

Mr. Voss noted that they may want to modify the opening phrase of this section that states the “historic resource is placed in the inventory”. It was discussed if the words “shall” or “may” would be appropriate.

It was determined that this phrase would remain since it is defining how a resource is added to the inventory.

Mr. Kimmerly noted that any changes to the inventory would be incorporated using the same procedure as a Zoning Ordinance revision. There was a discussion of whether the inventory should be obtained first or if the ordinance should be adopted first. It was noted that if both were adopted at the same time, everyone knows which properties affected. Mr. Greenberg was concerned that this would require spending money to have the inventory prepared without knowing if Council would adopt the ordinance.

Mr. Voss suggested that the Historic District revisions could be adopted first so that the benefits to these properties could start immediately. The proposed ordinance revisions for resources outside the Historic District could wait, if needed, to prepare an inventory. Mr. Meyer agreed that separating the two sections would make easier for Council. Definitions would have to get adopted with first section, the ordinances revisions were adopted separately.

It was suggested that the Planning Commission could recommend entire ordinance to Council and then Council could separate the sections if they wanted. Council would have to determine if/when to do inventory. Mr. Meyer noted that the section for historic resources outside of the Historic District could not to be implemented until the list was created.

It was discussed if the ordinance should be modified and brought back to the Planning Commission or should they send it to Council.

Mr. Meyer made a motion to recommend the ordinances to Council with the changes discussed. The motion was seconded by Mr. Voss. Motion passed 4-0.

Mr. Kimmerly and Mr. Walters will make the revisions noted and forward to the Borough.

Mr. Clapper made a comment that the public is not fully involved in the process of the various ordinance amendments such as the RB-1/RB-2 Ordinance and they do not understand or appreciate full intent of proposed ordinance. He hopes that there can be a way to improve on the process for reviewing and adopting ordinance revisions. Mr. Meyer indicated that this is why we need more participation at the workshop level. There was a discussion about how to encourage more public participation.

Signs.

Mr. Voss stated that he liked the sample definitions provided. It was discussed that there is a full explanation of the Montgomery County Model Ordinance available on their website. He asked that the Planning Commission members be sent a link to this model ordinance. Further discussion will be tabled to the next meeting.

Trees.

Mr. Voss brought up a discussion item regarding tree removal. He stated that he is tired of 60 year old trees getting cut down by the property owner saying it is dead and dying. He questioned how the Borough can strengthen the requirements for removing mature trees. He suggested that if the tree is over a certain minimum size requirement, then whoever wants removed, must pay to have borough approved arborist

to look at tree. He also questioned what happens if a tree is removed without approval. The current ordinance requires a determination by a certified arborist. Mr. Gialias said he had experience with these requirements and noted that arborists are not preservationists.

Mr. Greenberg asked about the Shade Tree Commission. It was noted that they only regulate trees in the public right-of-way. Mr. Gialias noted that you can have large tree that is not a quality tree that may not be worth saving where an arborist may say the tree needs to be removed because it is invasive.

Mr. Voss noted that they may want to update the ordinance section and noted too many trees are being removed. He requested that a copy of current ordinance be provided in a future packet for discussion.

Mr. Meyer also noted that they need to start revising the Borough's Comprehensive Plan. This should be put on the agenda for discussion. A Request for Proposal will be needed for Council to proceed with this item.

Meeting was Adjourned at 8:40 pm.