

New Hope Borough  
Planning Commission  
**May 18, 2023 / 6:30 PM**

The New Hope Borough Planning Commission met on Thursday, May 18, 2023 at the Borough Hall community meeting room.

**ROLL CALL:**

Present: PC Chairman Keith Voss, PC members Lawrence Greenberg, Lou Bellafronte and new member Kelly Whitman

Also present: Bucks County Planning Commission (BCPC) members Matthew Walters and David Kimmerly as well as Mary Stover, Interim Zoning Officer, and Lisa Littlefield, Zoning Officer.

**CALL TO ORDER:**

Keith Voss called the meeting to order at 6:39 pm.

**PUBLIC COMMENT:**

None.

**CONSIDER APPROVAL OF MINUTES:**

Lou Bellafronte made a MOTION, seconded by Lawrence Greenberg to approve the Planning Commission Meeting Minutes of April 17, 2023.

**NEW BUSINESS:**

The PC continued their review of the proposed Sign code amendments to the Borough Zoning Ordinance prepared by the BCPC.

Keith Voss (KV) had comments and concerns regarding Section A “Definitions” within the proposed amendments. The discussion centered around the word “façade”. He felt the word implies front, and suggested considering a different definition of façade. Perhaps it should mean facing the front of the street instead of front of building. Keith questioned a two faced building; does a canal street building meet the definition of façade if the “front” faces the canal? Lou Bellafronte (LF) suggested same issue with 44 S Main St, they have two tenants on the first floor that don’t face the street but rather public parking lots or walkways. Do or should they meet the definition under façade?

Kelly Whitman (KW) asked if the facade definition should be considered facing a public right of way. KV asked if one building facing a parking lot or street would have the same regulations under the façade definition. Theoretically a property owner could put signs on the front of building, regardless of where the façade faces. KV wants to hammer down what façade really means.

BCPC suggested that you could limit the number of signs depending on the percentage of façade. Rather than limit signs by the number, you could limit it by 25% of the façade, as an example. Lawrence Greenberg (LG) replied saying it could be put into the right

scale. BCPC continued and said we may still go with quantity of signs rather than percentage. The façade generally says the front of the building. One suggestion is to have a primary façade and secondary façade, such as one facing a public street and another facing elsewhere.

Mary Stover (MS) asked if the front (meaning entryway) faces a parking lot, such as a Union Square business, could they be considered a facade? BCPC replied and said yes. Discussion continued saying it could be defined as not just in front of a building. KV said they may not be trying to limit the facade, but just to the front of a building. LG replied that it may not be critical at this time to hammer down facade definition. KV asked if not facing a public street, could a business have unlimited signs? MS said no, only two signs are permitted per street frontage in the current Ordinance.

The next topic discussed was about the definition for foot candle. KV asks how do we define foot candle? If it's technical then we don't need to define it, but maybe refer to it now as lumens. The thought is that unless we're using foot candle as a definition because it takes less writing, then why bother defining it at all? LG believes we don't need to define foot candle. Lumens as a definition have been squishy in the lighting industry. Foot candles are consistent. Meters read them easily. There's a reason to stick with the old fashioned term. KV thinks we should eliminate the definition of foot candle, it's confusing otherwise. KW and LG discussed how foot candles are currently measured.

KV discussed painted signs and how it's unusual to talk about those examples as self illuminated. But not sure that there is an alternative approach, if they fit there, then they fit there. Perhaps by definition could go under a different source.

KV continued that if external light hits a reflective sign like a car's headlights, it's a "notice me sign" but it's not internally illuminated. Generally you control the light as well as the sign. Could make the sign parabolic mirror, more reflective, and more intense than would be if just natural paint. LG said that you could take something you normally can't see like UV, and the sign's lettering reflects it back at you. Perhaps the current definition is fine the way it is, putting illuminated under #9 in the draft Ordinance.

KV also believes we could have difficulty having reflecting signs regulated under illuminated, and worries about having it under this category, since it's external lighting and not internally lighted. It's nice if the definition agrees with the terminology, but would not want to consider these externally illuminated. Self illuminated signs are like light bulbs, a message on a screen, each letter is internally illuminated. LG suggested we may need another letter for a reflective sign. Might be something that the material will cause the image to appear differently when struck by light, appear brighter (workshopping definitions).

LG almost wants to call it "aggressively reflective", something that reflects more light than anything else. KW believes it could be like phosphorus, lump under another category perhaps. KV says maybe there is no solution, maybe like other, external signs could have conditions. Does like the current list of signs as defined.

Other examples given such as radon paint, radioactive paint, most of them require signs to absorb and emit the light back, considered unusual lighting. Maybe put something that picks up from artificial lights like car lights. Suggested to take more time to think about at another meeting.

The next topic was #15, the definition of sign. KV asks if there is a need to consider saying non-commercial or taking out commercial. Topic went to public art and what that means. Asking if we need to define this section more specifically or leave it broadly. LG responded that a business could put out a sign but perhaps it would be considered art.

KV said the art itself could be commercial. If your art is a picture of a camel smoking a cigarette, at some point that is commercial art, perhaps. LG theorized that maybe it has to do with messaging or an advertising message. The art at that point is advertising. KV believes we should be careful, what if you're advertising political signs as art? This is our definition of sign, could it accidentally exclude art signs or something else that shouldn't be. Should art be in sign definition? KW asked what if a sign has arrows. Lisa Littlefield (LL) replied arrows make it a directional sign.

KW asked about murals for residential properties and how might they be handled? LG also asked what if the art store put up a mural of famous authors? How do we handle that? It could be a really large sign as a mural. KW said that would be the commercial aspect. KW believes mural signs could be applied to anywhere within New Hope. Suggested limiting outside of public right-of-way and possibly say sidewalks may not include public art. KV pointed out the problem with the word "may", that it's not enforceable. Could put conditional use on it. MS didn't see the definition of mural in our current Ordinance.

KV suggested going back to the primary definition of sign under 275-49.A(15) any device, structure, fixture,...for the purpose of visual communication or direction which is designed to attract the eye or bring the subject to the attention of the public. BCPC brought up that waving flags were previously discussed, they're not necessarily a commercial attention, but we called it a sign.

KW asks what if we take out sidewalk art? MS added it could be allowed outside of the public right of way (private parking lot, private sidewalk). BCPC (Matt) asks if we should define public art then. We don't want to prevent the public from commissioning a mural. Perhaps leave it up to the Zoning Officer to determine. LG brought up Farley's Bookstore sign as an example. It could be artful, but it could also be a great commercial attraction

BCPC believes we have to define community art. But if there is a consensus, and the public wants to do something in a public place, that's a mural. The property owner would have to agree to it. KW asked about the little wings by new hope arts as an example, what if a building owner painted something on the side of a building? Would they get a violation letter?

Going back to owner vs. community permission, LG said if property owners let someone paint a giant mural/art on private property, then it's not a community decision, it's a property owner decision, however if the sign is in a historic district then it requires HARB approval. LL said she would go to the Solicitor for mural signs especially for commercial property whenever there is ambiguity.

LG said that it comes back to what is the purpose of the sign. Is it commercial, directional, etc., if so it's a sign. If it's art, not a sign, then it could be regulated through HARB. KW asked if someone could paint their house any color(s) they want if they're outside of HARB. LL said that yes as long as the Zoning Ordinance has no restrictions, any color can be used if they are outside of HARB. It was continued that fences must also meet the

conditions of the Ordinance but if they are outside of HARB then there is no restriction as to type, color, etc.

LG believes we should strike sidewalk art from the Ordinance. BCPC said that some larger cities regulate murals akin to graffiti on buildings, such as Philadelphia, Pittsburgh etc. Further discussed, maybe it should not be eliminated from the Ordinance. KW said that sidewalk chalk does wash away. KV suggested defining based on something creative, brought up examples of what people could do such as placing pearls on a sidewalk to spell a commercial message)

LG suggested that Borough Council may want to consider giving input on defining art as it may be dangerous for PC to define on their own, there may be different ideas. KV said he doesn't want to define art, suggesting that it should be defined how it's defined, maybe you attach a conditional use approval for community art.

LB mentioned graffiti painted underneath a bridge months ago, was caught by the Police Department and forced to take down. LL said many times Police Depts have graffiti Ordinances passed in local code. KV said that would not be a sign.

Several signs recently approved for projecting signs, either over sidewalks or other areas that the public would not walk under. Vignette sign was given as an example. A 7.5' clearance is currently required. If no public walk under sign, height clearance may not apply. Suggested to put a projection distance to cover these instances. KV said they will come back to this.

It was brought up why 275-51.A(2) was crossed out. BCPC did not believe it was appropriate to have PC reviewing sign types not listed in the Ordinance and determine the type for an applicant.

Discussion about measuring sign sizes was next. MS said that a sign is measured by greatest length multiplied by greatest height, i.e. a box. KV heard at a HARB meeting that sizes of signs are measured by motorists ability to see signs, i.e. a smaller sign may dictate that a motorist will slow down to read a sign. BCPC believes it is not an issue as there are generally not higher speed zones throughout New Hope. Furthermore, the CC district is very walkable, signs size doesn't matter in this context, meant to attract pedestrians.

KV asked how sign faces are measured, does the sign area include both sides. In both Ordinances, sign faces are measured once if double sided. It was discussed that you could measure both faces if they do not have the same message on both sides.

Discussing snipe signs, such as ones tacked to telephone/utility poles. Ordinance now does not allow signs placed on telephone poles. KV said that right now if he has a property with a tree he could put a sign there, but BCPC said that it would be considered at that point incidental and not a snipe sign. Snipe signs are ones put up without property owner's permission such as political signs placed in right-of-ways. KV suggested rewording the definition to say "where" first in the description.

KV continued that he was concerned about the laundry list of definitions for snipe signs, and the possibility of leaving something out. Asked what is the common characteristic of snipe sign. BCPC said typically a snipe sign is off-premises advertising like a political sign, little league sign ups, etc. If you put up your own little league sign on your own

property, that would not be a snipe sign. MS suggested that we would need to include the property owner as they need to give permission for a snipe sign. KV suggested adding language about how the sign is placed without permission from the property owner.

KV asked if we could start off the definition of snipe sign with signs placed without permission on private property or right-of-way. KW suggested the definition could include, but not limited to, etc.

Next was discussion regarding the proposed Ordinance amendment for RB1 & RB2. KV suggested for signs within these proposed districts, allow for variation in size, such as if the applicant wants the default size, go with the default. But if the applicants want a large size, then it would have to be the average of your neighbors' signage or go to the ZHB.

BCPC mentioned that section F was removed as you could have a nonconforming building or use and you would not be able to install a sign. MV brought up an example of a residentially zoned property with a nonconforming commercial use. If there is no existing signage, then ZHB approval would be needed. BCPC said that if a use went from office to vet office, the use is more intense, and the sign would require ZHB approval. Rephrasing would be needed to make it clearer.

LG mentioned that we should allow like-for-like replacements. This is if the sign is not increasing in size from the previous sign or use is not changing. KW agreed, but suggested thinking about existing signs in Borough that may need to be addressed if they are nonconforming? Suggested Ordinance should be kept simpler if changed. MV said the current Ordinance does address replacing like-for-like nonconforming signs. MV continued and said that a sign is removed and a year has passed, the property loses the nonconforming status and new signage must then conform to Ordinance.

KV suggested a business could replace with a similar size craft sign that could be more reflective of the store to allow nonconformities to be maintained. LB said that defining as a replacement in kind should be in the Ordinance. KV said Ordinance should have in definitions for nonconforming signs to allow replacement of face signs.

The discussion continued about what the phrase currently says, may be replaced in kind. MS believes "in kind" should be defined. Is "in kind" meaning height, dimension, or what manner.

Discussion over whether a wooden sign would be replaced by a plastic sign if that would be considered "in kind". KV believes the definition of "in kind" means dimensionally in kind. Such signs would still need HARB approval if in a historic district. It was continued that except for flags and fluffy materials, the Ordinance doesn't define materials. KV believes we shouldn't write this with any uncertainty. Need to say to accomplish our goal, no larger than (footprint).

The consensus seems to be that if the sign being replaced is the same size or smaller in the same footprint as the existing sign, then it could be placed as is without the need for a variance.

The question was asked whether an attorney is required when an applicant submits a Zoning Hearing Board application. LL mentioned that is not inherently required but an applicant especially for a commercial property should seek counsel.

The discussion continued with how sign size should be defined. LL suggested keeping it basic at height & width. Sign companies appreciate simpler and easier to follow definitions. Snail shapes were mentioned. MS believes that we should keep height & width with respect to the sign definition.

KV and LB discussed existing non-conforming signage and the replacement of such when a new business moves into town. LB believes the new business should be able to keep the sign rights with respect to size and location. Cost prohibitive to new businesses to replace existing nonconforming signage. Beyond what is there, the applicant can go to the ZHB and request relief if necessary.

BCPC suggested saying that the replacement of a nonconforming sign should fit into the same area. If a sign is temporarily removed, need to think about the length of time a current or future property owner has to be able to replace.

The next sections to be discussed are "G" that was crossed out, and further discussion regarding "I", signs in the historic district. KV briefly suggested that HARB should ultimately decide approval of sign designs in the historic district, perhaps with a "carrot" for the applicant in the Ordinance.

**ADJOURNED** at 8:52pm.