

New Hope Borough Planning Commission
Thursday, February 24, 2022
Meeting Minutes

The New Hope Borough Planning Commission met on February 24, 2022 in the public meeting room. In attendance and voting were Chairman Keith Voss and members Jason Apuzzio, Lawrence Greenberg and Lou Bellafronte. 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 7:01 PM.

Public Comment: There was no public present.

Approval of the November 4, 2021 Minutes: Minutes from the November 4, 2021 meeting had been revised as discussed at the December 8, 2021 Planning Commission meeting.

Mr. Apuzzio made a motion to confirm the revisions made and reapprove the minutes of the November 4, 2021 Planning Commission Meeting. The motion was seconded by Mr. Bellafronte. The motion passed 4-0.

Approval of the December 8, 2021 Minutes: The minutes were reviewed.

Mr. Apuzzio made a motion to approve the December 8, 2022 meeting minutes as written. The motion was seconded by Mr. Greenberg. The motion passed 3-0-1 with Mr. Bellafronte abstaining since he was not in attendance at the December meeting.

2022 Proposed Amendment – RB-1 and RB-2: There was discussion about two items in the proposed ordinance amendment. The Planning Commission asked if minor changes could be made without having to re-advertise, etc. Mr. Walters suggested that the Borough Solicitor be consulted to determine if changes could be made.

Mr. Voss asked about the language in Section 275-29.C.6.b.3 (and the same language in Section 275-29.1.C.6.b.3) which excludes building constructed during the period from January 1, 2002 through December 31, 2002. It was asked what the word “constructed” meant as to whether the building had to permitted, started, or finished during this time period. Mr. Greenberg suggested that the requirement be clarified to be that a building permit was issued for the construction. There was discussion about permits being obtained with work not proceeding, but the permit would define the requirements of the proposed construction. It was also noted that the permit date would be easier to track.

Mr. Voss asked about the language in Section 275-29.C.6.g (and the same language in Section 275.1.C.6.g) which discusses the maximum height calculation for a new principal building or addition to a principal building. The section refers to a maximum building height of 35 ft. or “the calculated average as measured to the roof top from the street front, whichever is less”. If the 35 ft. maximum is intended to be measured using the standard definition in the Zoning Ordinance, there would be two different methods to measure height. Mr. Voss liked the idea of measuring the height using the street view for the averaging of the nearby lots since the street view is most important to preserve the character of the neighborhood. Mr. Voss suggested that the sentence regarding the maximum height of 35 ft. be one sentence and the next sentence would provide for the height from the street view for the calculated average. There was a

discussion of the various lots, particularly sloping lots, in the Borough that would be affected by the height requirements.

There was a discussion regarding the division between RB-1 and RB-2 on the proposed map. It was indicated that generally the zoning district lines follow parcel lines. There are few exceptions such as the long thin parcels along the canal.

There was a discussion regarding the language change in Section 275-29.C.6.a (and 275-29.1.C.6.a) where an adjustment had been made to refer to properties on the “same side of the street or streets”. This language was added so the averaging would follow on the same side of the street and wrap the corner on the same side if the lot was close to an intersection.

Mr. Greenberg made a motion to recommend adoption of the proposed Zoning Ordinance Amendment for RB-1 and RB-2 and, if possible, to make minor changes to the language without the need to re-advertise, etc., to recommend corrections to Sections 275-29.1.C.6.B.3, 275-29.1.C.6.b.3, 275-29.C.6.g and 275-29.1.C.6.g to clarify the meaning as discussed. The motion was seconded by Mr. Bellafronte. The motion passed 4-0.

Protection of Historic Resources: Mr. Voss asked if there any new suggested changes in the document provided. Mr. Kimberly stated this was the same information that had been provided in January where there had not been a quorum.

Mr. Voss suggested a few items that he thought should be edited.

- In Section 275-46.F.1, it was suggested that a period should be added after the phrase “in which case the demolition has been approved by Council” with the next sentence being “However, Council may impose conditions.....”
- In Section 275-46.H, it was suggested that the phrase “whether by current or past owner” should be in the first sentence rather than the second sentence. The first sentence could be revised to state “The deliberate neglect of a building whether by current or past owner will not be used as an excuse or justification by the applicant, owner, equitable owner, or developer for demolition of a historic building.” This suggestion was discussed and the Planning Commission members agreed with the proposed change.

Ms. Stover stated that it had been discussed by Borough staff that the Inventory of Historic Buildings should be created prior to adoption of the proposed ordinance amendment. Ms. Stover asked Mr. Kimberly if there were changes that were needed to Section 275-46 now if they waited to adopt the proposed revisions until after the Inventory was prepared. Mr. Kimberly stated that it was fine to leave the current language for now.

There was a discussion of what the Inventory should include. Mr. Kimberly indicated that Section 275-46.C.2 of the proposed ordinance includes the criteria for a building to be included on the Inventory. Mr. Voss and Mr. Kimberly also discussed updating the information regarding the buildings in the designated Historic District at the same time. It was noted that some buildings that were listed at “non-contributing” at the time the list was prepared, may now be considered “contributing”.

The proposed ordinance includes a requirement that the Inventory “shall” be reviewed and updated every 10 years, or more often if needed. Ms. Stover asked if the Borough does not update the list in 10 years,

would it leave the ordinance requirements open for a challenge. It was suggested to change the language to “may” be reviewed and updated every 10 years, or more often if needed.

Mr. Greenberg asked what happens if a property owner does not want their house listed on the Inventory. Mr. Kimberly said that the Inventory list would be advertised and adopted like a Zoning Map change so the residents would be informed and given the opportunity to comment. However, if the Borough were adopting an Inventory of numerous buildings in the Borough after a thorough review, it is not likely that an individual property owner could opt out of the list.

There was a discussion about how an Inventory is performed and what would be included in a possible Request for Proposal by the Borough to have an Inventory prepared. Mr. Kimberly indicated that the evaluation should look at the age of the structure, materials, height, architectural style and potential historical significance to prepare the Inventory.

There was a discussion about preventing properties from being removed from the list for a 10-year period. It was noted that a building may be demolished due to a natural event and the reconstructed building would likely not have the same historical significance.

Mr. Kimberly explained that the Inventory of Historic Buildings is different than the Historic District. The Inventory is intended to address historic buildings or resources outside of the designated Historic District. However, during the preparation of the Inventory, there may be recommendation to expand the designated Historic District if it is determined that there are other historic resources adjacent to the District.

Mr. Greenberg stated that there should be a way that a property owner could have due process to remove a building from the Inventory. Mr. Kimberly stated that a building on the Inventory that is not in the Historic District would only have additional requirements for any proposed demolition. These structures would not have to have any proposed changes to the building reviewed by the Historic Architectural Review Board like in the designated Historic District.

Ms. Stover stated that the proposed ordinance should be revised to clearly provide the different procedures for a property in the Historic District and a property listed on the Inventory of Historic Buildings outside of the Historic District.

Mr. Kimberly asked if the proposed process using the Conditional Use process was acceptable. Ms. Stover stated that she had spoken to the Borough Solicitor and he felt the Conditional Use process would be acceptable.

Mr. Voss had a question about the opening sentence in Section I which states “the following regulations shall be in effect and shall apply to all properties in the Historic Buildings Overlay District and to properties adjacent to any other designated historic building, including historic buildings in the New Hope Historic District.” The requirements include items such as no drive-through facilities, no gasoline sales, and no parking in the front yard. Mr. Voss was concerned about including properties adjacent to properties with historic buildings. There was a discussion that generally the drive-through use or gasoline sales are not permitted on properties adjacent to the Historic District. However, the Planning Commission members were concerned about restricting the parking in the front yard for adjacent properties. Mr. Greenberg stated that adjacent buildings should not be bound by the requirements listed. Mr. Voss agreed that the

requirement for adjacent properties could be removed since it was unlikely that the uses indicated would be located adjacent to the Historic District based on the requirements for the various Zoning Districts.

Mr. Kimberly asked about the requirement for architectural drawings for buildings outside the Historic District and what the drawings should demonstrate. It was discussed that the Design Guidelines for the Historic District could be referenced as a standard for Historic Buildings outside of the Historic District.

Mr. Kimberly asked about Section F that is titled "Criteria for Demolition", which does not contain actual criteria. This section discusses documents that should be provided. It was noted that more details for what the applicant had to provide to justify the demolition of a building should be required. Mr. Voss asked if they should be required to prove hardship or disrepair. It was also discussed if the applicant should be required to provide a cost comparison for demolition as compared to repair and reuse.

Mr. Kimberly stated that since this is a Conditional Use specific criteria must be defined in order to obtain approval of a proposed demolition.

There was a discussion regarding Section I.6 of the proposed ordinance. It was noted that this language is in the current ordinance in a different section. Mr. Kimberly noted that the language was changed because the current language gave Borough Council the ability to disregard the dimensional requirements in the Zoning Ordinance which is not appropriate.

It was discussed what the penalty would be if a developer or property owner demolished a building, but did not proceed with the proposed redevelopment of the lot. It was noted that if it was part of a land development, there would be financial security for any proposed improvements to the site. However, if the Conditional Use is not part of a land development, enforcement would be through the Zoning Ordinance.

Nonconforming Study: Mr. Walters had provided copies of the New Hope Borough Nonconforming Study that had been prepared previously as requested by the Planning Commission. The report included a suggestion the Section 275-62.A.3 of the Zoning Ordinance be removed since the requirement precludes expansion on a significant number of lots in the study area. Section 275-62.A.3 states that "if a nonconforming structure is on a nonconforming lot, no expansion is permitted."

There was a discussion regarding this requirement. The definition of nonconforming lot was discussed since this generally means that the lot dimensions or area are not consistent with the current requirements in the Zoning Ordinance and a nonconforming structure means that the setbacks, height, building coverage, impervious coverage, etc. is not consistent with the current Zoning Ordinance requirements.

Ms. Stover questioned if it had been evaluated how much the proposed changes in the RB-1 and RB-2 district had decreased the number of nonconformities in the Borough. Mr. Voss stated that he was concerned about increased flooding from increased impervious area. There was further discussion about if there was any benefit to the suggested removal of this requirement. No action was taken.

CC Commercial District: The proposed amendments to the CC Commercial District include the provision that there could be two principal uses which is not currently permitted. This section needs further consideration. No detailed discussion was held.

Recommendation: The Planning Commission wanted to make a recommendation that the Borough Council begin the process of preparing the Inventory of Historic Resources for buildings outside the Historic Building. It was also suggested that the inventory of the buildings within the Historic District also be evaluated.

Mr. Apuzzio made a motion to recommend that the Borough Council prepare and advertise a Request for Proposals to obtain a qualified consultant to prepare the Inventory of Historic Buildings outside the Historic District and update the inventory of buildings in the Historic District. Mr. Greenberg seconded the motion. The motion passed 4.0.

Adjournment: Mr. Bellafronte made a motion to adjourn, Mr. Apuzzio seconded. The meeting adjourned at 9:10 PM.