

## New Hope Borough Planning Commission

Monday, March 1, 2020, 7:00 PM

### MINUTES

The New Hope Borough Planning Commission February meeting was held virtually. Members in attendance included Jason Apuzzio (JA), Nick Gialias (NG), Peter Meyer (PM), and Keith Voss (KV). Staff members included Tracy Tackett (TT), Zoning Officer and Matthew Walters (MW), Bucks County Planning Commission.

A. Call to Order at 7:00 PM

B. Public Comment

- No public comment

C. Approval of Meeting Minutes

1. Monday, February 1, 2021- KV moved to approve the minutes subject to revision relating to basement discussion completing of sentence; seconded by NG.

D. New Business

1. Sketch Plan Application for 218 Towpath

- It was noted that the sketch plan application for 218 Towpath was removed from the agenda to allow for the Applicant to submit a response to the review letters. It is anticipated the application will be on the April Planning Commission meeting and that they will go before the HARB for a concept review at the next HARB meeting.
- Public Comments:
  - Donna Muchnicki- concerned about the development being approved in town in the recent past.
  - Michele Becci- concerned about traffic on the Towpath and the development directly north of her property.
  - Marianne Fenimore- concerned about the scale of development in town.

E. Old Business

1. Review of Zoning Articles I, II, & III- The PC reviewed the proposed revisions as incorporated into Articles I-III per the discussion at the February 2021 PC meeting.
  - Several updates were language clean-ups. It was suggested that MW would do a word search to ensure that the words 'will' and 'should' are not found elsewhere in the code, prior to being deleted.
  - Right-of-way definition- language added per the solicitor's recommendation. PC finds the language acceptable.
  - Future right-of-way- changed the language street improvements to public improvements.
  - Zoning Permit Definition- questioned whether the definition should include change of tenant, occupant or owner. It was noted that later in the chapter there are

specific standards regarding zoning permits. It was suggested that MW compare the definition to the other section of the ordinance to ensure that the two sections are consistent. It was suggested that the definition is too broad and should be narrowed.

- It was questioned whether a hardship definition is appropriate in the definition section. It was mentioned that there are hardship criteria in the Zoning Hearing Board section of the code. PM will discuss the issue with the manager and the Borough Solicitor to determine if there are options to strengthen the language. NG noted that often at a ZHB hearing professionals provide testimony. Experts should be required to provide testimony.
- **KV made a motion to approve all the changes discussed, pending Jason confirming the terms 'will' and 'should' are not located anywhere else in the document. PM seconded the motion. Approved unanimously.**

2. Discussion of suggested change to Joint Valet Parking- it was noted that the joint parking language as written is oriented to valet parking and it was suggested that the PC may want to consider amending this language so that it could incorporate lease agreements for smaller businesses in addition to valet alternatives. MW provided an overview of proposed changes that would be incorporated into the draft language if the PC agreed with the proposal. This section would reference the valet parking section. MW stated it will be clearer and allow more flexibility. It was discussed, whether an agent (JA) should be authorized to work with MW on the revisions so it can be forwarded to Borough Council in advance of their next meeting. It was asked whether this could allow for multiple uses. TT stated the use requires conditional use approval and this would be addressed during that approval process. Motion by KV to amend the joint valet parking language to include an alternative that allows for lease/non-valet parking subject to review by the agent. Seconded by PM.

#### F. New Business (continued)

##### 1. Use Regulations (Article IV):

- 275-11.E(1)- this section identifies multiple uses required by leasehold. TT noted that from a tracking standpoint at the Borough, it does appear that some property owners have divided the commercial space into multiple spaces, and the Borough may not have realized in the past that this happened. KV wondered is there are safety considerations that should be addressed relating to use changes. MW questioned whether the Borough wants to encourage multiple uses and not limit them by requiring separate uses. It was suggested this should get revisited in the future. It was noted that it is common for a use to have a primary use, but also have some ancillary uses that go along with it. Starbucks was used as the example, they are primarily a restaurant use, but they also have a retail component. It was agreed that this would be revisited in the future. NG noted that many businesses are regulated by other government agencies. It was questioned whether a secondary use should require additional approvals from the Borough. It was noted that it is difficult to regulate some of these sub-uses. It was suggested that the code continue to be supportive of multiple uses, but build in safeguards to protect from uses that are not permitting in the district.

- 275—11.G- requires review by HARB and issuance of a C of A prior to receiving a zoning permit. KV asked TT to outline the process. TT explained that the internal review process at the Borough is that when a HARB application is received the zoning officer conducts a review for zoning compliance, but a zoning permit is not approved until the C of A is issued. Then depending on the type of work proposed, it would then be forwarded to the Code Official, if applicable, or the permit issued.
- 275—11.H- adding language regarding the Riverfront Overlay District- this is a code clean-up item and found to be acceptable. KV asked if the language regarding the more restrictive standards to apply could include clarifying language that it be 'as determined by the zoning officer.' **Following discussion, it was agreed that this is a good addition.**
- 275—11.K- Principal building protection zone- MW suggested an illustration may be appropriate in this section. MW will begin to add illustrations as appropriate. KV noted that this section appears to be overly wordy, and if a rectangle is intended, it should be mentioned earlier. **It was agreed that an illustration would be helpful.**
- Cluster standards- it was questioned whether or not there are many parcels remaining in the Borough that are large enough to qualify for cluster developments. There may be a couple parcels on Windy Bush that could possibly comply, or be merged to comply. It was asked what happens if there are no properties remaining that meet the minimum base site area. Parcels could be merged to meet the requirements, or larger parcels such as the school property could be redeveloped if the school chose to relocate.
- Age Qualified Housing-(K) MW is going to do more research to make sure this section is consistent with the Fair Housing Act. It was questioned if there is a height issues.
- Traditional Neighborhood Development Use- MW asked if there is a need to allow a mix of uses in association with this use? It was asked if home offices/occupations should be addressed. TT noted that home occupations are addressed under accessory uses. MW wondered about whether commercial uses should be allowed on the first floor. TT noted there is not a lot of opportunity remaining for this type of development and given that there are already areas of the Borough dedicated to a range of commercial uses, it did not appear to be necessary. NG asked if this would apply to the uses of Village II. It was noted that is a different zoning district. PM & KM suggested adding language to prohibit commercial uses; the next to last line of Section 275-14.L(1) 'does not permit commercial uses.' It was noted the Water Works development is in the Mixed- Use. Discussion continued regarding the potential of future development under this provision. **The PC agreed that language should be added to clarify that commercial uses are prohibited.**
- Live-work units- a proposed new use presented by MW. MW provided an overview of this proposed new use. MW suggested that if the PC supports the addition of this use then they would need to determine where the use should be permitted within the Borough. TT asked if a parking requirement would be associated with this use. MW said yes. KV asked if the maximum number of employees would include residents. PM suggested there should be clarification that the owner does not count. It was suggested that the owner should at least be the occupant of either the residence or the business. KV noted that the maximum language is confusing. The language should be clarified to limit the commercial

space to a maximum of 50% of the space. KV mentioned a concern about artist space that may need more space. MW suggested the PC come back to this after he has a chance to research this more. KV asked about education uses, such as dance and other educational type uses. TT asked MW to compare this use to Dwelling in Combination in the code that may already be similar. KV asked if this would be an opportunity to allow any use anywhere. TT stated it would depend on where it was permitted and if a set of specific uses would be associated with it.

- Day-care Center- MW explained that existing language allows for below school age children. It was explained that the state allows for six or fewer children to not fall under day care centers, so the proposal is to remove the word 'below' in reference to school age children and add the standard that these provisions apply to situations where seven or more children are being cared for. This brings the definition into alignment with state standards. KV asked whether overnight childcare is allowed. MW will check whether the hours (overnight) can be regulated.
- PM will talk to the solicitor regarding some of the items that require legal opinions.

G. Discussion

- None

H. Adjournment at 9:05 PM.