

New Hope Borough Planning Commission
Monday, May 19, 2022
Meeting Minutes

The New Hope Borough Planning Commission met on May 19, 2022 in the public meeting room. In attendance and voting were Chairman Keith Voss and members Peter Meyer, Jason Apuzzio, Lawrence Greenberg and Lou Bellafronte. Also in attendance were David Kimmerly and Matthew Walters of the Bucks County Planning Commission (BCPC), Mark Labrum, Esq., and Mary Stover, Interim Zoning Officer.

Call to Order: Mr. Voss called the meeting to order at 7:00 PM.

Public Comment: None.

Minutes: Monday, April 18, 2022 Meeting Minutes; Mr. Greenberg made a motion to approve the minutes for Monday, April 18, 2022. Mr. Bellafronte seconded the motion. The minutes were approved with a vote of 3-0-2 with Mr. Meyer and Mr. Apuzzio abstaining.

Short Term Rental Ordinance Draft:

It was noted that the first statement starting with “Whereas” references hot tubs and should be revised. It was also noted that the 3rd and 4th “Whereas” statements are almost identical. It was suggested that the 3rd “Whereas” statement be removed.

A question was raised regarding the definition for “dwelling unit” as to whether it could be shared by the owner. It was noted that a dwelling unit should be a separate living unit.

Under Section 102-6.A.1., it was questioned why the person in charge is required to be within 15 miles and within 1 hour. It was discussed that this is also repetitive with the definition and possibly this section should be modified to refer to the definition. Also, Section 102-6.A.2 references a similar requirement. Mr. Labrum suggested that these sections be revised to reference the person in charge throughout rather than using different terms.

It was suggested that Section 102-6.A.8 be modified to state “owner and person in charge, if applicable”.

Mr. Meyer questioned the requirement in Section 102-6.A.12 requiring written notice to the Homeowners Association of the intent to apply to allow a short term rental use. He noted that they could show the bylaws or approval from the HOA. Mr. Labrum said he would make modifications to this section.

Mr. Labrum stated that the insurance requirements are important because some people do not realize that their homeowner’s insurance may not cover the period that the house is rented. He stated that it should be required that the owner comply with their insurance company’s requirements which may also require that the renter have insurance.

It was noted that AirBnB has it’s own insurance requirements. Maybe the owner should be required to demonstrate that they are meeting the insurance requirements of the service used to rent the property.

Mr. Meyer noted that the insurance requirements are to protect the owner. Mr. Voss asked if there was a different requirement if the owner was not a person, but was an LLC or business. Mr. Labrum noted that in Pennsylvania a business is the same as a person.

Mr. Meyer asked about the requirement under Section 102.6.B.4 which requires that the dwelling unit be owner occupied when not rented as a Short Term Rental.

Mr. Greenberg noted that it seems like a burden to have to update the permit every year. Mr. Bellafronte stated that if you are renting a property, you would want a fire inspection and up to date insurance. The requirements protect the renter.

Mr. Labrum noted that Sections 102.6.B.2 & 3 include procedures for permit applications and renewals. There was a discussion regarding the frequency of renewals or reduced fees for renewals.

Mr. Greenberg questioned the requirement that the dwelling unit be owner occupied. Mr. Bellafronte questioned how this is addressed if the owner does not live in the unit 6 months out of a year. Mr. Meyer also questioned if a unit could be used as a short term rental in the interim while a longer term rental unit is unoccupied.

Mr. Meyer stated that there is a difference between a residential unit above a commercial building vs. a home in a residential district. Mr. Greenberg felt there was no need to discourage short term rentals in the Commercial Zoning Districts. He stated that a residential unit in a Commercial District could be rented as a short term rental year round.

Mr. Meyer suggested that the owner occupied and maximum of 180 days of use as a short term rental could apply in the residential areas of the Borough, but maybe not the Central Commercial District.

Mr. Labrum cautioned that the application of different requirements in different districts should be reviewed carefully to make sure there was not a challenge to the ordinance.

There was a concern that in a Commercial District that the dwelling unit could be vacant for a six months instead of owner occupied.

Mr. Labrum asked the Planning Commission to describe what they would like to see in the ordinance. Mr. Meyer suggested that the owner occupancy requirement apply in a residential district and not in the Central Commercial District. Mr. Voss stated he could see the use of a residential unit in a mixed use building be permitted as a full time short term rental. Mr. Greenberg questioned that if there was a fully residential building in the Central Commercial District would the owner occupied requirement apply. Mr. Apuzzio asked if the intent was to allow short term rentals as a business use.

Mr. Labrum stated that the definition of dwelling would need to be refined. If there was a permitted residential use in the Commercial District and the unit was fully rented as a short term rental, would this make it a commercial use? This would need to be reviewed. The current intent was to allow for a residential property owner to rent their home for part of the year as a short term rental.

Mr. Greenberg questioned why the ordinance included disorderly conduct and other requirements that are governed by other Borough Ordinances in Section 102.7.E. Mr. Bellafronte stated that the owner of

the dwelling unit would be responsible for the actions of the renters. These violations could be used in the enforcement of the ordinance. There are consequences for repetitive violations.

Mr. Voss stated that there should be a requirement that trash should be kept in appropriate containers.

Mr. Meyer asked the Planning Commission if the 180 days aggregate and a maximum of 15 rental periods was desired in the Commercial District. Mr. Greenberg felt that these requirements should not apply to units in the Commercial District. Mr. Meyer noted that the Borough does not have a lot of low cost housing and, if more short term rentals are permitted, there would be less long term rentals. Mr. Greenberg noted that it is being done today and noted that there could be some limit but the proposed requirements were too restrictive in the Commercial District.

Mr. Voss suggested that the Planning Commission allow Mr. Labrum determine if it is possible to divide the ordinance to apply differently in residential districts vs. commercial districts, then the details could be worked out.

Mr. Meyer suggested that Mr. Labrum could clean up the ordinance and forward it to Borough Council and, later, come back to the Planning Commission to address the Commercial District.

Ms. Michele Becci, 186 S. Main St, was in the audience and requested to comment. Ms. Becci asked if there was a limit to the total number of people or people per bedroom that could be at the short term rental. It was noted that the ordinance did include limits on the number of people based on the building code requirements with a maximum of 10 guests.

There was a discussion about County and State taxes that must be paid and when a penalty is assessed.

Mr. Jay Freeo, 186 S. Main St, was in the audience and requested to comment. Mr. Freeo questioned how the requirements for noise, number of people, etc. would be enforced. It was noted that this would be similar to today, in that a complaint would need to be made with the police or the Borough.

Mr. Bellafronte left the meeting at 8:43 pm.

Mr. Labrum stated that the ordinance requirements can be cumbersome for an owner to use their home as a short term rental because they would be required to obtain the appropriate permit from the Borough, pay the required taxes, have the appropriate insurance and have safety inspections. Currently, there are no requirements by the Borough for short term rentals.

Mr. Freeo asked about the costs for enforcement. Mr. Meyer stated that there are permit fees that would cover the permitting and inspection costs and there is a penalty for violations. There was further discussion regarding insurance requirements, notifying renters of the requirements, and enforcement of the number of people and/or guests in a dwelling unit.

Mr. Voss asked if there were any further comments or questions. There were none.

The Planning Commission took a 5 minute break before the next agenda item.

125 North Main Street – Preliminary Plan

Peter Edwardson, the developer, was present to discuss the proposed development. He stated that they are proposing a twin (two-family unit) which is a permitted use in the RB – Borough Residential Zoning District. They would not be requesting any variances.

Mr. Edwardson stated that they would comply with all of the comments in the review letter from CKS Engineers, Inc., dated May 11, 2022. He noted it is their intent to address all of the Zoning issues. The letter noted that a 24 inch tree is proposed to be removed which require a report from an arborist. He noted that he already had an arborist review the trees and he would be submitting a report. In addition, they will be providing the required street trees.

Mr. Voss stated that it would be beneficial to have trees along the front of the property to screen the proposed garage doors. He asked if it would be possible to save the 24 inch tree in the front of the property.

Mr. Edwardson noted that they will be providing the required street trees plus providing replacement trees for any trees that are removed.

Mr. Meyer asked if the portion of the property noted as “Area claimed by Delaware Division Pennsylvania Canal” was included in the property area noted on the plans and if it was included in the impervious area calculations. Mr. Edwardson stated that he did not know. Ms. Stover stated that this was a comment in the CKS review that would need to be addressed by the applicant.

Mr. Edwardson noted that they may be updating the proposed architectural design of the façade to soften the view such as providing shadow doors.

Ms. Catherine Kerr, 123 N. Main St., was present and asked to comment. Ms. Kerr noted that until the late 1980’s there was a pond in the back yard of 125 N. Main Street. This is now a stream through the rear yard and she wanted to make sure that there were provisions that the stream would continue to flow. Mr. Edwardson said the stream would remain open. He offered to drop off a copy of the plans for Ms. Kerr and will try to address any concerns she may have.

There was a discussion of possible modifications that could be made to try to save the 24 inch tree. Mr. Edwardson stated that he would try to save the tree.

Mr. Voss made a motion to recommend approval of the Preliminary Plan for 125 N. Main Street subject to: 1) compliance with the CKS Engineers, Inc. review dated May 11, 2022 from the Borough Engineer and the Interim Zoning Officer, 2) all required street trees and replacement trees be provided and 3) the developer would try to save the 24 inch tree near Main Street. The motion was seconded by Mr. Meyer. The motion was approved with a vote of 4-0.

Protection of Historic Resources:

This item was tabled due to the length of the meeting.

CC – Central Commercial District

Mr. Walters noted that the proposed ordinance revision was updated to remove “dwelling in combination with a business” since the new “mixed-use building” would allow more than one dwelling in a building with commercial use at street level.

There was a discussion about the proposed changes in Section 275-22.D and below. It was noted that the Planning Commission wanted to protect the commercial uses and limit residential uses. The proposed section appears to do the opposite. Mr. Walters noted that they misunderstood what the Planning Commission wanted. They will rewrite the section.

There was a concern that if the building size were increased, any increase in the residential use should also require an increase in the commercial use. There was a discussion that the residential use should not be more than 50% of the floor area if the building were 2-stories or if a 3-story building, the residential use should not be more than 60% of the building. Mr. Voss noted that Mr. Gialias had a suggested method to restrict an increase in the floor area at the last Planning Commission meeting.

Mr. Meyer noted that Section 275-22.D.2 does not match Section 275-23.C.3.

There was a discussion about the proposed parking requirements and the possible use of the fee-in-lieu of parking. It was felt that the parking requirement should be less than the sum of the commercial and residential uses. The parking requirements will be revisited at a future meeting.

BCPC staff will make further revisions for discussion at a future meeting.

Adjournment: Mr. Greenberg made a motion to adjourn, Mr. Meyer seconded. The meeting adjourned at 10:03 PM.