

New Hope Borough

May 19, 2020

Council Meeting

Minutes

Council President Gering called the meeting to order at 7:01 PM held via teleconference.

Present: Council Members, Connie Gering, Dan Dougherty, Tina Rettig, Laurie McHugh, Ken Maisel, Louise Feder, Peter Meyer. Also present were Mayor Keller, Borough Solicitor David Truelove, Chief Cummings, Zoning Officer Tracy Tackett and Borough Manager Peter Gray.

Mayor's Report

The Mayor gave a brief update regarding the weekend. There were adequate officers and both ends of town thru Marsha Brown's and Ferry Market had a good flow of traffic.

Council President's Report

Consider Amendment to the Zoning Ordinance to remove alternatives to on-site parking in certain zoning districts; repealing all inconsistent ordinances or parts thereof; providing a severability clause; and providing an effective date

Mr. Truelove provided a summary regarding the ordinance before Council this evening. This is in regard to alternate parking within the Borough. Mr. Truelove indicated this has been advertised properly and is before Council this evening for vote.

Mr. Mark Baker asked who has seen amendment? Mr. Truelove noted advertising took place twice in the Intelligencer and available at the Borough administration offices. Mr. Baker stated he is not a resident although he tried to go to the office, stated he saw people there but the door was locked. Mr. Gray indicated copies of ordinances were available inside the vestibule and door opened until 8PM. Mr. Baker finished his comments. At this time there were no further comments.

Ms. Gering called for a motion to approve Ordinance 20-01. Mr. Dougherty made the motion, seconded by Ms. McHugh, all were in favor.

Consider Amendment to the Zoning Ordinance Section 275-171, "Inn" as permitted by a special exception in the CC – Central Commercial Zoning District and to Provide for Use 275-171, "Inn" by Conditional Use in the CC – Central Commercial District.

Mr. Truelove provided a summary regarding the ordinance before Council this evening. This proposed zoning amendment changes the approval process for INNS from special exception to conditional use. Mr. Truelove indicated this has been advertised properly and is before Council this evening for vote. There was not public comment on this matter.

Ms. Gering called for a motion to approve Ordinance 20-02. Ms. Rettig made the motion, seconded by Ms. McHugh, all were in favor. Ordinance approved.

ZHB Application – 73 W. Mechanic St. – Variance Application for building setback and driveway requirements for single-family residential property Glen Stephan represented the applicant, Carolee Hammond. Everyone has the information. This is a single family home at the corner of West Mechanic Street and Oscar Hammerstein Way. This is an old home that we are looking to do an addition for. It does require variances at the Zoning Hearing Board meeting on June 4, 2020. This does require a side yard setback, a front yard setback and a driveway variance. The home was built circa 1820, it has been Carolee's home for 30 years and it is 520 square feet foot print. The addition would go to the left

of the house and back. We are trying not to disturb the existing hardscape and landscape. The front yard setback is a formality. The addition is starting at the rear, due to the nonconforming condition of the house, putting it close to the road and needed due to the existing ordinance. The parking area we are trying to get in front, Carolee has been renting parking for 30 years. There are other houses with similar parking in the front and it is 15 mph speed on street. Pretty simple to me. Questions by Council? Ms. Gering had a question. Ms. Gering and Ms. Retting walked the property today. You said the addition would be to the left of the house? Yes, it will be to the left of the house. The side yard requirement is 12 feet. The setback will be 6.6 feet. It will tie into the existing left part of the house and not disturb the hardscaping, pool and landscaping that is there now. I have spoken to the neighbor about the project. Ms. Rettig asked about the left side in question is a parking lot, correct? There is still property between existing house and property. Do you have pictures? Mr. Maisel indicated we have a picture with the American flag and the lot to the left, correct? Mr. Stephan, said yes, there still is yardage between the addition and the property line and the neighboring property. Ms. Rettig indicated there is a significant incline there. Mr. Stephan said the backyard is level, the incline is less than 4 feet. Most of the addition is flat, similar to the hardscape, which is level. It is deceiving with the berm that is built up between the 2 properties, but as the site plan shows the topography it is a bit misguided. Ms. Gering indicated the driveway on Mechanic Street is a steep, a slight hill, is it being removed to get the driveway in? Mr. Stephan stated yes, it will be flattened out. The addition and retaining wall is part of the back wall and the parking spot. Most of the construction on the site is limited, like many New Hope properties so there is no access to the property from the parking spot to bring in equipment and materials. Ms. Rettig asked, how high of an addition are you talking about on the left side. Mr. Stephan, it is a one story addition. With the addition as the same level as the first floor of the house, you won't see much of the addition. It is not as steep as it may appear. You can see the patio and pool area on the existing plan, that is all flattened out and to the right is the existing the yard, which is flattened to. Ms. Gering, the big old trees will need to be removed? Mr. Stephan indicated there is one tree on that corner and we will replace it, it has its useful life. There is a tree on the other side that is dead, not doing well, we would be happy to replace. Ms. Tackett asked Glenn if the proposed addition, will it align with the second story? Mr. Stephan said it lines up with the first story. The second story will be the highest point of the house. It is a simple gable roof line. It lines up with the first floor. Mr. Meyer asked if there is a lot of excavating of where the proposed addition itself is? You said it is a lot higher than the front is. So in addition to excavating to the parking lot area, are you excavating where you are putting the addition or if it is up on a hill it is going to be a lot taller than the front of the building as it sits now. Mr. Stephan stated, if you look at the existing photo of the house, you can see the first story. What you see in the picture is the basement. You can see where the windows for the first floor of the house and that is where it would line up with. The first floor of the house is where the bigger windows are. Below there is the foundation, the basement. The house will continue with the first floor which is level with the ground in the backyard. Ms. Retting said so what we see in the front, from the flag over, that is the foundation and the basement, not the first floor. Mr. Stephan, correct. Ms. Gering, so basically it is a 2 story property you are putting in, correct? Mr. Stephan said it is a one story, slab on grade addition, level with the first floor, with a one story addition. Ms. Tackett, are you considering the first floor the one with the two windows in the center there? Ms. Stephan, yes. Ms. Tackett, ok. Mr. Meyer, the flag is hanging from the basement? Mr. Stephan, yes. The first floor does not start at the windows, it is lower. The first floor is level with bottom of the fence line in the picture. Ms. Gering, when were these pictures taken. We looked at these today, I thought there was another fence along the side and the front hill was steeper than what the picture is showing. Mr. Stephan, these pictures were from October or November. Ms. Gering, this is a lot different than what we saw. I have another question, this property came to Council or Zoning before and was turned down, do you have any information on that? Mr. Stephan, I have nothing. Ms. Hammond, I have never been to Zoning for an addition before. Ms. Gering, were you ever at Council before? Ms. Hammond, no. Mr. Dougherty, related to the last question, you were not before Council or Zoning for an addition before Carolee or Mr. Stephan? Mr. Stephan, yes, this is the first time for all of us. Mr. Dougherty, so what is before us is brand new, so what you know, right? Mr. Stephan, yes. Mr. Dougherty, Carolee have you asked for other accommodation for the same space? Ms. Hammond, I did a dormer in maybe 2000 in the bedroom. Mr. Dougherty, so you have not asked for a driveway before? Ms. Hammond, No I have not. Ms. Tackett, I think this application has been in for quite a while, it was

going to be on prior agendas but did not make it on those agenda, you have not seen it officially yet. Mr. Meyer, can I try and reconcile some of the stuff here, when you look at the image you have up on the screen, the front view of the house, it does not look like much of an elevation to the left of the house. If you go down to image number 3 below, this goes back to the question Connie and Tina asked about the fence and the elevation. This is the parking lot that has a fairly steep elevation immediately behind that, which goes to the house. Is that the fence we were seeing in the picture of the house front on and I think that is what we are talking about what is going to happen to that elevation, am I correct? Mr. Stephan, that is the same fence you see in the front, it is the same height in the front as it continues around the back. Mr. Meyer, if you are not excavating, the bottom of the fence, is the bottom of the addition, which will be one story up from the fence, which means it could easily be as tall as the existing first floor of the existing building. MR. Stephan, correct. Ms. Rettig, looking at this picture now, what we would see, instead of trees, would be the top of a house, the side and top of a building. Mr. Stephan, if you picture the fence being the wall of the first floor addition, then there would be a roof above that, the fence is only 6 feet high, the addition of the walls would be 8 feet high, so picture a roof above the fence line for the roof of the first story, but it coincides with the fence there. Ms. McHugh, do you have a rendering of the completed building? Mr. Stephan, yes, the color drawing, the left one, you can see the addition is lining up with the first floor and staying below the second floor. The right side is looking from Oscar Hammerstein way which lines up with the first floor of the house. Mr. Dougherty, the addition you are describing, the 900 square foot addition, the whitish looking box on the right side of the picture with the french doors that are open at this moment in the picture, it is that box? Or is it the white box plus the black box just to the left? Mr. Stephan, correct, it is both. It is about a 51 feet addition. The roof line has since this was presented in January to HARB has changed, it is both. Mr. Dougherty, I have a question for Solicitor Truelove. In the past, Council has said we don't see anything now, but after it gets out of zoning and they put 4 or 5 stamps upon it, there is really nothing that can be done. My question is, to what extent, as we sit here tonight, is Council weighing in to opine later? Or if we are neutral tonight and we find items that are unsatisfactory to us, what opportunity would we have? Mr. Truelove, you have a right to be a party at the Zoning Hearing Board proceeding, if you want to do that, you can send someone from the Solicitors office to participate to determine if additional information is available and discussed as part of the zoning process. If the Zoning Hearing Board grants relief that Council disagrees with, Council can appeal as a party if they want to go that route. The other part is Council will have the opportunity under the Subdivision and Land Development review to weigh in, but those issues will be different from you will hear from the Zoning Hearing Board will be discussing variances, such as the things discussed tonight, setbacks, driveway requirements. If the Zoning Hearing Board decides on those issues and the Council doesn't appeal, the owner will have the right proceed on those issues. Subdivision and Land Development is different. Are the specifics of that ordinance met, whether waivers are requested? You have a couple opportunities but in terms of zoning issues themselves, what you are doing tonight is testing the applications, but in terms of contesting it, that comes at the Zoning Hearing Board hearing itself and you can participate and if you don't like the result you can appeal. Mr. Dougherty, so the applicant is before us tonight, asking for our input with regard to the zoning variances they are going to request from the Zoning Hearing Board on June 4, nothing more, nothing less. The design of the building, how tall it is, is not one of the variances they are asking for, is that correct? Mr. Truelove, that is correct, from what I can see, they are not asking for that. In terms of other issues in terms of subdivision or land development, you still have the right to deal with those. To their credit, the property owner is proceeding with zoning and if they get their relief before subdivision and land development, if they didn't, they haven't spent a lot of money on subdivision and land development and engineering and those kind of things before getting zoning relief first. They are proceeding in a way that makes most sense. Mr. Dougherty, Mr. Stephan and Carolee, can I ask your feedback, is that your understanding on what you are here for tonight, we are here for setbacks? Mr. Stephan, you are correct, we are not increasing, we have plenty of imperious coverage, just side setback, and front setback we are looking for a variance and the driveway. We will deal with the aesthetics from HARB. Right now, we are just presenting to you the variances we are taking to Zoning. Ms. Gering, any other questions from Council? Mr. Dougherty, with regard to the new driveway, and the proximity of driveway opening to Oscar Hammerstein private road. The distance of the opening of the opening of the driveway to the intersection, what would dictate normal distances for a driveway exit from an intersection with a blind corner. Are

there restrictions that need to be weighed? Ms. Tackett, I don't believe there is a zoning standard, perhaps the Borough Engineer will take a look when they come in for a grading permit. Because it is an expansion of a single family dwelling, it would not trigger subdivision land development. It would require a grading, zoning and building permit. I think they submitted their HARB permit. Mr. Dougherty, is it fair to say having a driveway 18 feet away from a blind corner, isn't going to pass muster, isn't that something the applicant should be made aware of before getting zoning variances for the setbacks for the new structure? The parking capability is just as important as the extra flooring space. Trying to save the applicant the aggravation if the engineer has issues if there are driveway issues. Ms. Tackett, I believe it is more than 18 feet. Mr. Stephan, can you scroll down. Mr. Dougherty, this is not part of the variance request. It is not fair to the applicant, for us to nod our heads for the setbacks when we know there is a parking spot there, when we are the experts and we have an engineer that could say, no that is not safe for people to make a right turn onto Mechanic anymore or for people to pull out of the driveway. Everyone is going to have to pull out of the driveway. Mr. Stephan, across the street, there are three pictures showing parking, across the street from her, everything from Oscar Hammerstein Way to Stockton Street. There is the same parking that would have to back out, on that street. These are the other ones that pull back on the street, as representative of what is on the street. Ms. Gering, any other discussion? Council, neutral or opposed? All neutral, good luck at Zoning. Mr. Stephan, thank everyone for WinterFest. We raised \$66,000, sent \$10,000 to Parks and Rec I believe, New Hope Borough, hopefully we can replicate it this year, if everything gets back on track.

ZHB Application – 385 W. Bridge St. – Variances Application for parking dimension requirements, impervious coverage requirements, extension of parking areas and Borough design standards.

Ms. Gering, next on the agenda is 385 West Bridge Street. I think Mr. Murphy is there for this? Mr. Gray, yes. Mr. Murphy, good evening, I am here tonight to talk about the 385 West Bridge Street application. Also with me is Joe Blackburn, that works with me and Justin Geonotti, that worked on the project. 385 West Bridge is the former site of the Raven. What is presently in front of you for Phase I is the proposed conversion to a valet parking lot to service the River House. Tracy is putting on the screen an exhibit we used most recently when we appeared at your Planning Commission to compare the evolution of the plan from its first submission four or five months ago to what is presently being proposed which is the subject of the application. Hopefully everyone can see the screens. It looks like on the screen, on the left is the current proposal, and on the right is what originally proposed in January or February of this year. Peter, has been the liaison to the Planning Commission is an active participant throughout the multiple meetings with the Planning Commission so he is familiar with the evolution with the plan, conversation with the Planning Commission, the staff, and neighbors on Old York Road. Over time, the parking lot has been reduced in size and the buffers have been increased in size. Access that exists today on Old York Road, has been eliminated at the request of the neighbors. We have also introduced storm water management controls, which have not existed and will protect downstream properties. To Dan's comment, to the prior application, what is in front of Council this evening is the application to the Zoning Hearing Board which seeks a number of items of zoning relief, which I will go thru. The overall land development plan, is subject to a subsequent Council review, following our appear before the zoning hearing board, scheduled for June 4. What we are here for tonight, is for Council to take a position with regard to the application as it is presently proposed. What is proposed now, on the left screen, is a parking lot that would contain 155 parking spaces that are sized to accommodate valet parking. Patrons of the River House would not be permitted to park their cars. They are intended they would be dropping their cars off for others to park their cars and patrons conveyed to River House. We spoke to staff about the route of going from the Raven parking lot to the River House and the route that would be followed by valets when they are headed back from the River House to the parking lot. Tracy is now displayed on your screen, both routes. The route in blue is the route that has been suggested from the Raven to the River House. The route in red is the one that would be preferred/required from the River House to the Raven parking lot. Last week during a virtual meeting, there was a comment to make sure there was incentive or attractiveness to do any type of cut thru Riverwoods or Village 2 to go from the River House to the Raven parking lot. Connie suggested

there be financial penalties associated with any violations of that, which we have no issues with. What is proposed on the red route, you would exit the River House, go up Windy Bush to Sugan, turn right, down Sugan, then Bridge Street. The route in blue, would be down Bridge, turning right by the library, then across New Street, past the Legion, then across to the River House. That is the suggested route when vehicles would be operating between the River House and the Raven parking lot. In terms of other issues, one of the focus points was establishing wider, deeper, thicker buffers to make sure head lights from vehicles would not shine on adjacent properties and to the fullest extent possible that the existence of the parking lot be screened. The sketch on the left, pretty well demonstrated that. The only access points would be the two that currently exist that access West Bridge Street. You will see a proposed shelter where patrons to the River House can wait for the shuttle that will take them to the River House after they drop their cars off. That is the only structure located on the property. In terms of specific items of zoning relief, the first is the sizing of the valet parking spaces, that are 9 x 18 when your ordinance would otherwise require 10 x 20 parking spaces. The parking lot itself is designed for valet parking, that is another item of relief. The other item of zoning relief is today, there are many nonconformities in the parking lot itself, the impervious ratio at the site is a little more than 75%, we are going to 62%, we are reducing the impervious today, the ordinance however allows 50%. Today it is nonconforming, by 25%, we are cutting that in half. We are also taking a couple of the side yards that have no side yard or no buffer, and we are eliminating that nonconforming by increasing the buffers to either no less than 8 feet up to 10 feet. Other buffers on Old York Road are wider than that. You should also be aware there is a 3 foot high berm that runs across in green. We are confident there will not be impact on the neighbors in terms of lights or glare that would be minimized with the berms. That is pretty much it in terms of the big picture. One item of zoning relief is the access points on West Bridge, the ordinance says it cannot be wider than 20 feet, but in some places they are wider. Peter, you indicated traffic may back up at Sugan and Bridge. It may be best to reverse the flow so vehicles exiting on the eastern side of the site be reversed so they would exit on the western side of the site for less traffic, so we are going to incorporate that as well. I think that is it. We are scheduled for June 4. Planning Commission has recommended to move forward. That is where we are at the moment. Mr. Maisel, I have a comment, may I be heard? This is a vast improvement than what was initially contemplated. The one question is the structure, when the patrons drop off their cars, I thought the this was only being accessed by the valet drivers, as opposed to me dropping my car off here, would I? How does that work? Mr. Murphy, Ken you are correct, originally that was our thought, if Ken was going to a function at the River House, he would drop his car off at the River House and the valet would return his car to the Raven parking lot. To minimize unnecessary trips thru the Borough, it would be best if all patrons would drop their car off at the Raven, and have a shuttle take them to the River House. If there was a wedding, the wedding invitations would include directions to not drive directly to the River House and go to the parking lot. Mr. Maisel, anyone who drops their car there, would not drive the prescribed route. They are going to drive thru town, right? Mr. Murphy, there is always that possibility. Mr. Meyer, an observation, we need to pay attention, the Planning Commission said this is above the impervious surface, there is a complex, sophisticated storm water management design, that is not going to present an issue. If they do execute the switch, the building you are looking at the left, will be at the other side of the frontage closer to Sugan. The other thing was, we spent a lot of time on the planting that would provide screening along West Bridget Street, not just Old York Road and they satisfied the Planning Commission on that issue. Then we had discussion on the route. I preferred Aquetong. Does this still come back to us as part of SALDO? Mr. Murphy, yes, Zoning Board first, our intention is, hopefully, next month. Mr. Meyer, and at that time we can introduce penalties to drive thru Riverwood. Ms. Rettig, I have a problem with the route going thru New Street. Walking on New Street, there are parts of New Street that are so narrow that right now you cannot get a regular car, as long as there are cars parked on the street, now you have a shuttle going down, I have a problem with that. I think that is going to add issues, especially if we are at this point in time, with social distancing, how can you have people on sidewalk, you can't be in the street, now we are going to have a shuttle, there are cars parked, cars coming down a two way street, it is narrow and I have a problem with that route. Mr. Murphy, we can talk about that. That is not the first time we heard that comment. We heard at the Planning Commission. I think Peter was the one who said the routes that are listed are recommended. It may turn out that the Windy Bush/Sugan route, as it may turn out to be the most efficient and quicker, even though it may be longer. If

Council decides next month that that route is not used, then so be it. That's fine. We do not want to create unsafe conditions. Mr. Dougherty, Ed, I have some questions, with regard to this, we are being asked for variances, some setbacks, etc. There is all this other stuff, that Planning has looked at and you have been responsive and accommodating to our concerns and you have responded to, the Planning Commission and you have worked on. What operationally, maybe this is for Dave, when this applicant goes to Zoning, they are not going to do anything relative to the trees, I counted 14 trees, there are 30 large plants. What if, you can't plant in July and August and this place looks like an airport parking lot. Where is it going to be written and enforceable that this stuff will happen and if it does not happen, what is the Borough's recourse? Mr. Truelove, during the SALDO process, when it comes before Council, you can make certain conditions to the applicant, consistent with the SALDO ordinance, such as the number, type and caliper of the trees, for example. Also some storm water management issues. Mr. Dougherty, Dave you say that, who writes that, Council? Planning? Zoning? Mr. Truelove, that would be Council with input of your professionals, your engineers and others that talk about requirements for SALDO. The engineer would have review letters to make sure different things are part of the approval. Once Council is satisfied, you will have the right to approve the development, subject to the conditions. As the project proceeds forward, the engineers, inspectors will monitor. After that, there is an 18 month maintenance bond, where is certain requirement are not met, you can go against that. Mr. Murphy, you hold all the cards here, to make sure all of your concerns are adequately taken care of. Mr. Dougherty, that has nothing to do with you as an applicant. Mr. Murphy, I understand, you control the process. Mr. Dougherty, this maintenance phase, I have not heard that phrase before, maybe we never used that phrase before with prior Solicitors. Mr. Truelove, Mr. Murphy is well aware of the maintenance bond concept, his clients have always been part of that process, part of the standard. Mr. Dougherty, the other thing, in terms of the route, Ed, you stated it will come down to what makes sense, driving vans thru the residential blocks of Ferry Street and New Street, pure residential, whereas Bridge Street is a commercial strip, with residents on it, but it is a state highway. I don't feel comfortable with buses coming or going thru Ferry Street and across the Stockton Avenue Bridge and down Mechanic and making a right. I think it is something that doesn't fly. I realize the intersection of Bridge and Main can be unpleasant at times, I think Bridge Street is a more appropriate means as far as our residential constituents are impacted. Mr. Murphy, I understand, that is an issue we need to finalize at the land development stage in June, if that is what we need to do, we will do. Ms. Rettig, that is the same I was saying before. Mr. Meyer, if I may, the other thing to keep in mind, is the number of turns needed to be made. It may be easier to do it the other way. Where the Odette's is located, your ability to see what is coming from the left is somewhat limited when you come out of Riverwoods. It may turn out your vans may want to come down Windy Bush. All of that is subject for discussion for the SALDO. What role do we want to play for the Zoning Hearing Board? Ms. Feder, is there any input you have for the bus? Is it a van? Is it a fleet of vans? Mr. Murphy, a month ago we did supply the specifications, I think they are Mercedes, 3 of them, upper end, high end shuttles, comfortable, fitting the types of events that are being held at the River House. Ms. Feder, if you have 200-300 people, are they congregating at the little shuttle? Mr. Murphy, yes. It is 800 square feet. The intention is for the experience to be a good one. Ms. Feder, that is good to know and that is very nice. My concern is the more the route and the size of the vehicle. Ms. Rettig, are you talking about the Mercedes Sprinter vans? Is that what you are talking about? They hold about 12 people or something? Mr. Murphy, I think they hold 18 people. We submitted photos, with width, they are on file and we can circulate them. Ms. Feder, the penalties for cutting thru and the speed limits. There are sharp turns even on the route. If you have those vans going back and forth and they are trying to get those people real quick to the parking lot that is far away, we just need to be mindful. Mr. Murphy, for the record, I was disappointed in myself for not thinking about the shortcut, I wish I had, but I did not. Kudos to Peter and other for saying, don't even think about it. We will not shortcut. Ms. Gering, anyone else from Council have any questions? Alright, Council, neutral or opposed. Several Council comments, neutral. Ms. Gering, Ok, Ed, good luck. Mr. Murphy, thank you all.

ZHB Application – 49 W. Mechanic St. – Variance Application for utilization of existing dwelling and porch foundation for reconstruction of dwelling.

Ms. Gering, ok next on the agenda is 49 West Mechanic Street, they are asking for variances. Mr. Gray indicated Ms. Christen Pionzio is on representing the Borough and we also have Mike Meginnis representing the applicants. Mr. Aspite is present as well. Mr. Meginnis, we may also have Joel Petty as well who is an architect. I am representing Jerry and Susan Aspite, owners of 49 West Mechanic. I believe Council is familiar with this property, my clients appeared before Council thru Mr. Petty, for borough approval for the certificate of appropriateness on September 17 of last year, for a raised second floor addition, a new roof, replacement of siding and windows and removing a front bump out. Council is aware after the COA was granted and permits obtained, the contractor who was hired demolished the first floor walls on November 5. There was a violation notice issued afterwards. My clients complied very quickly to correct those issues. We are here because the ordinance requires, in the case of demolition, that the Code be complied with. This is a nonconforming lot, there is no buildable envelope without zoning relief. My clients do realize if they do receive zoning approval they have to go back to HARB since the HARB recommendation and Council issuance of the COA did not apply to what occurred with the first floor. So I want to make that clear if zoning approval was granted, they will have to come back to Council for the COA reissued with respect to the work being done on the first floor. The plan for the structure has not changed. It is being built on the same footprint. The intention is to make a beautiful property that fits in the community. My clients are not a business, not trying to rent the property, they want to live in New Hope and want to be active upstanding participants in the community. They can't rebuild the house and they are out the entire purchase price. In respect to zoning relief, they applied for a couple variances as the lot is nonconforming. Ms. Tackett issued an opinion that would not need variances for lot width and impervious surface coverage because they are preexisting nonconformities which leaves side yard setback and lot areas. I would suggest the lot area is not implicated by the structure because the lot area remains unchanged whether there is a structure there. We are really looking for a side yard setback of about 7 1/2 feet. In speaking with my clients there was never an intention to circumvent the ordinance, it was not a case where the permit was denied and they built something anyway. They understand how this looked, they want to do the right thing, they want to do right by the community, they want to live here, and be good upstanding members of New Hope Borough. I do think it would be useful, if acceptable by Council, to hear from Jerry, so he can provide, from his perspective sort of a recitation of events as they transpired in 2019 so Council can be informed as to what happened from his opinion. Mr. Jerry Aspite, I would like thank you guys for giving us the opportunity. We purchased the house in December, 2018. Before we made settlement, we went to the HARB meeting to introduce ourselves to the members, learn the process and what we needed to do. I reached out to the Building Inspector who walked me thru the process for getting the various permits, in January. We had a different contractor, different architect and we went to the first HARB meeting with our plans and told them what we were doing with the house. We went thru another process of vetting architects and hired Joel, who has been great since day 1, who got what we wanted to do with the house. We obtained the COA in, I believe October, 2019. I then believe we had everything we needed. Then we hired another builder, EDW. I told him we had the permits to do the second floor demo. We hired him to do that, he was a friend from the old neighborhood. Then he began the demolition on that Monday, then on Tuesday he did what is done for demo, I was not there. What he explained to me as he was demo-ing, as it is an old house, one thing led to another, one wall came down, then another came down. It was a safety issue. That is what I got out of it. Then I got an email from EJ informing the demo was completed without a demo permit. This is before I found out what happened. Then I was dealing with Rick, Steve, EJ and Tracy trying to get things in order as to what we need to do. Ms. Susan Aspite, I think the most important thing is, I guess we were naïve to the process, we were under the impression we went thru the right steps. Before the demolition, I stopped by the office and spoke with JoAnn to make sure the permits were in our name and out of the previous builder's name. Our intention was really to go thru things the right way. Unfortunately, they spiraled out of control and it ended up where we are now. What we are building is not changing, based on what happened, but what we were initially approved thru HARB. This is impacting us financially and emotionally as we have moved twice in six months. We move into temporary rental and hoped we would be in at this point. Now we signed a year lease based on everything that has transpired, and that is where we are now. Mr. Meginnis, so all I would reinforce and I am bias, the Aspites have always seemed sincere to me and I don't

believe this was their intent. I don't think it was their intent to demolish the entire structure. There has been no major modification in the last seven months. What they are intending to build is consistent with what they intended previously, as I indicated during the initial summary, in addition to zoning, they are cognizant they have to go back to HARB. Council will certainly have purview over design to make sure the first floor is consistent with the surrounding community, consistent with the intent of HARB. From a legal standpoint, in terms of zoning relief requested, the relief is minimal, there is not an option to build a house in a reasonable different location where the existing foundation is. We are asking the Council see it for what it was, an honest mistake for what the Aspite's went thru. They are trying to right by that and work with the Borough moving forward and what it is built at this location is something that the Borough will be happy with at the end of the day. Ms. Gering, any questions from Council? Mr. Dougherty, you mentioned the existing, prior dwelling, you mentioned there doesn't seem to be much option. Right now, it is a blank slate, it is empty. There is a foundation, but it is probably no good, as it is hardwood floor. My sense is you are not going to build new walls on top of the edges of the perimeter of the foundation, is that true? Mr. Aspite, I think our architect Joel can answer better than any of us. Mr. Dougherty, it is an empty lot, no structure on it. Mr. Petty, the foundation is still there, no house, the intent is to reuse the foundation, yes. Mr. Dougherty, if Council were presented with a lot of this size that someone wanted to build a house on, we would tell them, no. the setbacks from the street, side and driveway, we would tell them no. We would tell them it should be centered on the lot and not on the roadway on Mechanic street like it was placed 200 years ago. Tracy, if you were faced with an applicant who wanted to build a house of this size on a lot like this, is it fair to say the house would tend to be placed on the center of the lot? Ms. Tackett, yeah, typically yes, you would want to minimize the encroachments and setbacks. Mr. Meginnis, I think the reality is, with a 50 foot lot and the side yard setbacks in this zoning district is 12 feet a piece, no matter where the structure is oriented, I don't think we could comply for example with both side yard setbacks, I think we would need relief. Mr. Dougherty, absolutely, because the lot is too small for a house is what it boils down to. That is the root of the problem. With the current zoning we have, with the setbacks, it is literally the size of a postage stamp in the center, there is not enough space on the lot. It was all grandfathered, the house that was sitting there. When the house went away, there was an easement for that driveway for many years for a car to pull a car up and park next to the house. The borough owns the driveway. It is used by a couple hundred walkers every day. There is a large parking area at the top of the driveway. In a new state of affairs, it is not something we would approve. The issues with the setbacks, trying to address them, but not in the manner in which this council would work with the applicant to make the thing as safe as possible. Ms. Tackett, part of your concern is the location of the existing driveway and how it has to have access from Borough property. If it were a clean slate, we would probably encourage them to redesign the site. Does that sound right? Ms. McHugh, it is a clean slate, right? It is a clean slate since it has been demolished. Mr. Dougherty, Laurie, that is what I am saying. Don't we want the best result possible? Ms. McHugh, We can't look at it as the way it was, we have to look at it as a new structure. Ms. Aspite, wouldn't the foundation be what you build from? We are looking to rebuild on the existing foundation. Mr. Meyer, the existing foundation does not qualify the property to constitute what you have said is the present use of the property as single family detached. Once everything above ground level was demolished, it ceased to have that status. I am looking at the application. You have said the present use is single family detached. I do not believe that is legal. What exists, and if it does exist, then the subject we are discussing now, is not the subject at all. In other words, you would have the right to go ahead, if it were single family detached right now. I think we have a problem with the application. You say you are not represented by Council and you are. I could challenge the application. I am more concerned with the current status of the property. As I understand, we have to discuss legally as if it is a vacant lot. Mr. Meginnis, ok, if we are having a discussion about the legal analysis, accepting for a second the legal analysis the foundation does not factor into the property being grandfathered any longer, then you enter into a legal analysis of Hertzberg, a zoning case, the location of the property, the relief being sought, being dimensional in nature, the economic hardship of moving the property from the existing foundation with the concrete stone as it is situated and to Mr. Dougherty's point, my concern would be, as discussed we are talking about a 50 foot lot, so you are saying if we center the property, the practical impact of centering the residence is moving it 5 feet to the right. We are not going to be able to center the residence in a way that is compliant. If we center it, I don't have a financial quote as

to the foundation, or the stone or concrete that would have to be moved. If you do a cost benefit and what is reasonable vs. the value gained of moving the structure 5 or 6 feet to the right while still needing zoning relief, I don't think that comes out in the wash in a way that is legally persuasive from my position. Mr. Dougherty, I am not trying to litigate the case, I am trying to point out, and I feel for the applicant that they are in the position they are in. My sense is it is not something they planned. It has happened. This council spends a lot of time trying to protect the historical architecture of our Borough. We probably have 50 homes that are comparable to the home that was demolished in the Borough right now. Each and every one of the houses that could be replaced with variances would be 3 or 4 times more valuable on the real estate market than what is there now. If we put armed guards at every one of these houses, it is very easy to take a backhoe and take down these houses. This house was removed in 90 minutes. It is Council's job to say ok, this was a historic structure in a historic section of town. I walked past it when it was happening. That backhoe was at the back corner of the house tearing in when I walked by. The second floor was there. The back corner by the steps, was gone, the backhoe was working its way into the house. If the backhoe operator felt he was finding structural issues, they started at one corner and worked their way in to find those issues. Mr. Aspite you weren't there, you can't attest to that. You understand there was a historical structure, it is now gone, and we are going to use the stone foundation and build something new. We will have 50 brand new houses in the Borough. In place of historical structures today, on a Saturday, I can rent a backhoe from Home Depot and have a house down in 90 minutes. It is a terrible precedent. We want to work with you. At the same time, we can't pick and choose this one vs. that one. Ms. Feder, the whole town saw it happened, it was unfortunate, it happened on Election Day and we had people walk by the backhoe and almost every time, people asked, why is that being demolished. Mr. Aspite, I understand everyone's comments, but if that were our intention, it would have not been on a property next to Borough office and it would not have been during Election Day. I understand the concerns. There were photos of when we purchased the home. It was an old house and it was not historic. We went the process thru HARB to get it approved to build a house to have it fit the rest of the street. All I can ask, I don't know what to ask, I am sorry, I don't know what to ask you guys except for your time and consideration. Mr. Meginnis, I completely understand the concerns Mr. Dougherty, you raised, from a legal standpoint each application would be looked at on a case by case basis, that is what the case law says. I will defer to Ms. Pionzio or Mr. Truelove, you can chime in if I am incorrect but it is not the case, if this were approved by zoning, that it would utilized defacto as precedent for every other individual who owns a property in the historic district and can do the same thing. I would suggest the circumstances are different and the intent behind the applicant I would presume is different than somebody who is coming in from the beginning and demoing the property and asking for permits to be issued afterwards. I understand the concern and get the concern but it would be analyzed on a case by case basis. Ms. Rettig, Christina what do you have to say about this from your point of view? Ms. Pionzio, I did have a conversation with Mr. Aspite after this first occurred and asked, what happened? There seems to be some confusion, why was there a backhoe on the property for renovating the second floor. It doesn't make sense to me. Jerry said to me he had conversations and a contract. I asked Jerry what the scope of work was supposed to be. I never got that information. I never got an invoice or a scope of work as to what the instructions were. I found it curious the renovation would occur from the outside in, instead of inside out on an old structure. I wasn't there, I don't know what transpired, I don't have the information. What it comes down to is what is reasonable. The code says if something comes down, other than fire, the nonconformities go away. You have to comply with the setbacks that are in the Code. The setbacks do provide a building envelope. A small one, but still by my calculations, a 29 by 33 foot house. That is where Mike and I would get into what is reasonable for the property, if relief is necessary. He would argue that it is not reasonable and I could argue it is. That is what the Zoning Hearing Board's job is to do, look at the facts and hear testimony and consider the circumstances. How do you want to proceed to the application? Ms. Gering, any other comments from Council? Mr. Meyer, I just ran numbers provided by Christen, assuming it is a 2 story house, it would be about 1,800 square feet, a little bit less perhaps. I thought you would need that, in terms of what is reasonable. Ms. Gering, any other comments? Alright Council, the position is we oppose or stay neutral. First recommendation is opposing it. Who is in favor? Mr. Dougherty, aye. Mr. Meyer, aye. Ms. McHugh, aye. Ms. Gering, neutral? Alright, we are going to oppose the application and recommend we send Council to the Zoning Hearing Board. Ms. Pionzio, can I add one more thing? IN

light of you don't meet again until June 4, I ask Council to consider authorizing Tracy as a witness and also if necessary, the President of Council or Manager authorize additional testimony if deemed necessary and have the ability to review proposals. Ms. Gering, alright thank you. Can we have a motion? Mr. Meyer, I move to authorize the presence of Tracy, our Zoning Officer, and any other expert personnel or witnesses our Council considers to be necessary for purposes of appearing before the Zoning Hearing Board. Ms. Gering, can I have a second? Ms. Rettig, I second that. Ms. Gering, all in favor. All, aye. Ms. Gering, thank you, Christen, we will see you at the Zoning Hearing Board meeting.

ZHB Application – 2 Stockton Ave (New Hope Arts) – Variance Application for projecting signs

Ms. Gering, we had a Zoning Hearing Board application for 2 Stockton Avenue. That has been withdrawn to a later date.

Consider Resolution Authorizing Peter Gray as Signatory for the PennDOT Multimodal Transportation Fund Grant for the Main Street Pedestrian Improvement Project

Ms. Gering, next on the agenda is consider resolution to authorize Peter Gray as signatory for the PennDOT Multimodal Transportation Fund Grant for the Main Street Pedestrian Improvement Project. Can I have a motion. Mr. Meyer, so moved. Ms. Gering, Second? Ms. McHugh, I'll second that. Ms. Gering, all in favor? All, aye.

Consider Appointing Peter Gray as Signatory for Penn Community Bank accounts replacing EJ Lee

Ms. Gering, next on the agenda is consider Peter Gray as Signatory for Penn Community Bank accounts replacing EJ Lee. Can I have a motion? Ms. Rettig, I'll make the motion. Ms. Gering, can I have a second? Mr. Meyer, second. Ms. Gering, all in favor? All, aye.

Consider Authorizing letter of support for Solebury Township's DCED grant application for trails

Ms. Gering, next on the agenda is consider authorizing letter of support for Solebury Township's DCED grant application for trails. Ms. Gering, can I have a motion? Ms. Feder, I will make the motion. Ms. McHugh, I will second it. Ms. Gering, discussion from Council? Mr. Meyer, may I point out this particular pathway crosses where there would be a driveway requested by WAWA if they were to try and pursue construction at the corner of 202 and Sugan and we may want to pay attention if this will present a problem for future purposes. I don't know the nature of the trail is and whether it can be further intersected. It is definitely intersected at several points at what has already been already been built by the river out to Sugan. I don't know if this one little section from Sugan to Kitchen, is going to present a problem. I don't know if WAWA is moving forward. Since we haven't made a decision, I am concerned. Ms. Gering, any other concern from Council? Mr. Dougherty, is it a 1.2 million dollar grant? It looks like the part that is not connected. To Peter's point, it can't be developed, as it is too close to a walking trail. I don't know that much about what they are trying to get built, to approve it. Mr. Meyer, according to the map we have, in green, on the upper right, what appears to be existing, then orange, it appears to be the piece they are trying to get funding for. Then there is a plan which is turquoise. It is not clear the plan is going to be built. Can we table this until we find out more about it? Ms. McHugh, I am comfortable tabling it. Ms. Gering, I agree, can we have a motion? Ms. Hugh, I will make the motion. Mr. Meyer, I will second. Ms. Gering, all in favor? All, aye.

Consider Resolution for the sale of the Borough's surplus vehicles

Ms. Gering, next on the agenda is consider resolution for the sale of the Borough's surplus vehicles. That is the stuff at Public Works. Can I have a motion? Mr. Dougherty, I make the motion. Ms. Rettig, I second it. Ms. Gering, any discussion from Council? All in favor? All, aye. Ms. Gering, opposed? Alright, thank you.

Consent Agenda

Meeting Minutes: Consideration to approve the minutes from the April 21, 2020 Council meeting.

Ms. Gering, next on the agenda is consider approving the minutes from the April 21, 2020 Council meeting. Can I have a motion? Ms. Rettig, I will make that motion. Mr. Maisel, second. Ms. Gering, all in favor? All, aye.

Approval of Accounts Payables: April accounts payable in the amount of \$186,835.43 and April 24 and May 8 payrolls in the amounts of \$64,682.43 and \$81,570.07.

Ms. Gering, next approval of Accounts Payable. April accounts payable in the amount of \$186,835.43 and April 24 and May 8 payrolls in the amounts of \$64,682.43 and \$81,570.07. Can I have a motion for approval? Ms. McHugh, I'll make the motion. Ms. Gering, second? Mr. Dougherty, I'll second it. Ms. Gering, any questions? All in favor? All, aye.

Council Member Reports on Committees

Parks and Recreation Board

Ms. Gering, any report? Ms. Feder, our meeting was cancelled, Parks and Rec members have been attending to plantings in town, to make sure the flowers look nice, as the spring stuff dies off and we move into summer. Ms. Gering, thank you so much. Ms. McHugh, they look fabulous by the way. Tell them we appreciate it.

Shade Tree Commission

Ms. Gering, Shade Tree? Ms. McHugh, Shade Tree did not meet last month, but we will be doing a zoom meeting tomorrow. All the information, if anyone wants to join, will be on the agenda and posted on the Borough website.

Finance Committee

Ms. Gering, Finance Committee, Mr. Dougherty? Mr. Dougherty, Finance Committee will have a meeting later this month. Any members of the public that are we on, thanks to the efforts of Pete and Christina, we are getting our arms around the impact of the COVID virus on our revenue stream. It is still preliminary because there are lag times in some of these monies, including earned income tax. Some of these are broad brush estimates. We think this is going to impact a half of dozen revenue streams. At this point, it is about a 9%, assuming we open up in June, and things get back to normal, from our revenue perspective, parking, etc., we are going to be about 9.2% below on the revenue side. Expenses are not that bad. Mostly it's revenue, kiosks, parking meters and earned income tax. The earned income tax and parking meters are 80% of the shortfall. Stay tuned. At this time, due to the lag between the time of the event and the time it hits our books or doesn't hit our books, there is too much wiggle room to give hard numbers. It is going to be significant. My sense is it is going to be a 9 or 10% hit, assuming we get back to business in the next month or so. That is the report. Ms. Gering, thank you.

HARB

Ms. Gering, Ken do you have any reports? Mr. Maisel, no we haven't had a meeting the last couple months. We are having one next month, it will be a combined zoom and in person. That is the way we are approaching that.

Planning Commission

Ms. Gering, Mr. Meyer? Mr. Meyer, you have heard the outcome of the majority of the Planning Commission time and effort which had to do with the Gateway to New Hope and Raven. We were given schedules with numbers of different types of plantings, dimensions of trunks, how tall they would be. There was excruciating detail. The planting that went in off of Lower York Road are all evergreens of one sort or another so we do not lose the masking when the leaves fall off. Ms. Gering, thank you Peter. Mr. Meyer, I have one more thing. We had the project on North Main Street. We went over that, we told them we did not want the same uniformity we had on Lower York Road. We wanted more variety. They will come back with alternative plans. That Planning Commission is great. Ms. Tackett, we are hoping that

applicant will come to your workshop session in June for preliminary feedback. Ms. Gering, thank you Tracy. Peter are you done? Mr. Meyer, I am done.

Ms Gering, one more items under reports. Ken, Laurie and I have been sitting in on the roundtable discussions with Lambertville with how we are going to open our towns. We also had a discussion this past week with the merchants and this Thursday we will have a discussion with restaurants. Ken is going to comment. Mr. Maisel, alright thank you. Very briefly, there is consideration for bathrooms when we do open and the likely hood where restaurants may not want people to come in to use their restrooms. Connie has been instrumental in this. We are going to take over the Visitor's Center, after it was previously operated by the Playhouse. Public Works will be cleaning it up, freshening it up, making it an option for when the Borough opens up. There is a requirement for reopening it, I would like to make a motion, with the assumptions that starting on June 19 thru the end of December, 28 weeks, Fridays, Saturdays and Sundays, 12 noon to 6 pm, with one working at \$12 per hour, with the expenses, it looks like \$11,400, to do that, thru the end of the year. Mr. Dougherty, how many hours is that Ken? Mr. Maisel, Friday, Saturdays and Sundays for 6 hours, noon to 6 pm. I would feel more comfortable with an amount somewhat higher. I feel more comfortable with an amount like \$15,000 just so we have wiggle room. Then we kicked around some opportunities to make this a revenue generating environment, to some extent, but we are not ready for that. We want this open as safely and quickly as possible. The motion is, if you don't mind, put a couple thousand dollars additional and put it up to an amount not to exceed \$15,000. Mr. Dougherty, what is this person doing? Mr. Gering, this person is going to monitor the visitor center. We have always had somebody there. I am going to add on to that. We are probably at the beginning just do Saturday and Sunday. Mr. Dougherty, this isn't cleaning. This is somebody taking the spot of the Bucks County Playhouse use to have an employee sitting there. If open, we need someone there, I have no problem. Ms. Gering, who seconded the motion? Ms. McHugh, I second it. Ms. Gering, any discussion on this? All in favor? All, aye. Ms. Gering, alright, thank you.

Manager Report

Ms. Gering, do we have a Manager's report? Mr. Gray, not at this time.

Solicitor Reports

Ms. Gering, do we have a Solicitor's report? Mr. Truelove, no.

Public Comment

Ms. Gering, do we have any public comment? People in the audience? Mr. Gray, we do have a few hands raised. First one is Kristen Yount. Ms. Gering, go ahead Kristen. Ms. Yount, concerns for anyone working the restrooms and someone just using the restrooms. Discussion about hazard pay. Ms. McHugh, possibly put up plexiglass. Ms. Yount, you don't put up plexiglass. Ms. McHugh, there is a counter there. We can put up plexiglass so they are behind the counter and plexiglass. Mr. Dougherty, I think what Kristen is saying is bathroom odors in general, if someone uses the bathroom after someone uses it, maybe putting themselves in danger, is that what you are saying Kristen? Ms. Yount, yes I am. They have found that the gas is infectious. I can't imagine how plexiglass will protect someone. Ms. McHugh, do you have options? We have to open the bathrooms. Ms. Yount, I know, I started this thing by saying, hazard pay. Ms. Rettig, use at your own risk. Ms. McHugh, that is what I think we have to do. Mr. Meyer, one of the issues maybe we don't want someone in an enclosed space for a long time. Ms. Gering, at this time, we are trying to get them open, there are new guidelines out there, we will have to look into this. Ms. McHugh, I think it's more dangerous not to have facilities open to people. We have found people are going in parking lots and the river. It is more of a public nuisance than hazard. I agree we have to have procedures, but we have to get them up and ready. Mr. Yount, it may be better off for people to go in the canal than to have them come in the visitor center to use the bathroom and having a person

six to eight hours a day inhaling everything. Ms. Gering, thank you Kristen. Who is next, Pete? Mr. Gray, next person is Edward Duffy. Ms. Gering, Mr. Duffy, unmute yourself. Mr. Duffy, am I touching down? One of my treasured duties on revitalization is counting public toilets. I did an inventory a long time ago. Fred's Breakfast has two toilets with outside access. Have you thought about using them as public access? Ms. Gering, that is going to have to be a discussion with them. When they open up, that will have to be a discussion. Mr. Duffy, as part of the contingency of them doing business there, was them having the restrooms open to the public. That is a possibility. At the Visitors Center, the outside port a potties, they may people to clean, because the inside becomes a hazard. Ms. McHugh, we have been kicking that around. It is not one of our favorite options, but we are researching it. Mr. Maisel, we are even more compromised without Logan being a central point as people used their bathrooms indiscriminately. None of the restaurants want people coming in and out. It is a real concern, that we cannot overlook. In terms of the Visitors Center, they are not locked down in the chair, they can get relief periodically. Mr. Duffy, one last thing. Thank you Dan, for putting this report together. Lambertville is in deep financial trouble. I was glad to hear Dan provide a report. Thank you.

Ms. Gering, anyone else out there who wants to make a comment? Mr. Gray, no one with their hand raised at this time.

Announcements

Ms. Gering, any announcements?

Adjournment

Ms. Gering, can I have a motion to adjourn? Ms. McHugh, I will make that motion. Ms. Retting, second. Ms. Gering, all in favor? All, aye. Ms. Gering, it was great, stay safe out there. Meeting ended at 9:24 pm.