

WrNew Hope Borough Planning Commission
Thursday, March 10, 2022
Meeting Minutes

The New Hope Borough Planning Commission met on March 10, 2022 in the public meeting room for a Special Meeting to discuss the proposed amendment to the RB Zoning District and to hear comments from the public. In attendance 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) and Mary Stover, Interim Zoning Officer.

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

Discussion on Proposed RB-1 / RB-2 Zoning Ordinance Amendment

Mr. Voss stated that the proposed ordinance amendment has been reviewed by both the Bucks County Planning Commission and the New Hope Borough Planning Commission. This meeting is to allow for the public to ask questions. The members of the Planning Commission introduced themselves.

Mr. Voss briefly described that the ordinance divides the current RB – Borough Residential Zoning District into RB-1 closest to the center of New Hope and RB-2 for the remainder. The motivation was to try to make some parcels closer to the center of New Hope more conforming and reduce the number of variances needed. The minimum lot size in the proposed RB-1 Zoning District has been reduced to 3,500 SF and remains the same as the current RB District for the area to be rezoned as RB-2. Both RB-1 and RB-2 redefine the front yard setback, height and building footprint using an average of adjacent properties to keep the character of the neighborhood. Mr. Greenberg indicated that the ordinance does allow for some wiggle room with an allowance for a 15% dimensional variance.

Mr. Voss opened the floor for public comment.

Cherie Weller, 118 North Main St., spoke. She stated she was concerned about the impact to North Main Street and asked why the average only uses older homes built prior to 2002. Ms. Weller asked if the Planning Commission considered the floodplain along North Main Street where the flooding is from Main Street more than the river. Older homes were built close to the street. Newer homes were located further back to avoid or reduce the floodplain issues.

Mr. Meyer stated that the Planning Commission did not look at the floodplain. Also, he thought that the requirement was to remove buildings built in the last 10 years, not the last 20 years.

Ms. Weller stated that the requirements would not meet the FEMA floodplain requirements. Her house was constructed in 2009 and was set back further from the street to meet the FEMA requirements. Some of the older houses are only a few feet off of Main Street. With this ordinance new houses would have to be closer to the street than her house.

Mr. Meyer asked the staff from Bucks County Planning Commission if they looked at the floodplain. Mr. Walters stated that they had not looked at the floodplain specifically, but noted that there is floodplain on both sides of North Main Street.

Ms. Weller stated that she had to elevate her house because of the floodplain and any new house would have to do the same. She questioned the averaging method for the maximum height which may require

a lower height even when the building has to be elevated, restricting the number of floors that could be constructed.

Mr. Voss indicated that some of the houses built in the last 10 years were constructed under the previous definition of "Height" in the Zoning Ordinance which had allowed for higher rooflines than the current definition.

Ms. Weller stated that her house was 35 ft. high. She asked if she would be able to rebuild her house as it currently exists if it were to burn down. Ms. Stover stated that the Zoning Ordinance allows for buildings to be rebuilt if they were demolished due to fire or other natural disasters.

Ms. Weller questioned if the goal was to reduce the size of new houses. She described the size of the existing smaller houses on both sides of her property and indicated that if she were to build her house according to this proposed ordinance her house could only be 1/3 to 1/4 the size of her current house. She asked about the intent of the revisions. She stated that the averaging creates a situation where each property would have different requirements as a result of the proposed averaging of adjacent buildings. She felt this was unfair, unequal and discriminatory. She also stated that this ordinance would reduce the value of properties.

Mr. Voss stated that the intent was preserve the neighborhood. She also questioned the advertisement of the ordinance and the speed of the proposed adoption.

Ms. Stover stated that the Borough Solicitor prepared and submitted the advertisement and approved of the timeline for consideration and adoption which is in conformance with the requirements.

Ms. Weller stated that if the Borough wanted to reduce the maximum height they should just change the height from 35 ft. to 30 ft. She felt it should be a set number, not an average. She stated a house similar to the size of her house would not be able to be built.

Mr. Voss indicated that there are other codes that require averaging and also indicated that an applicant could still apply for a variance from the Zoning Hearing Board.

Ms. Weller stated again that she felt the ordinance was unfair and inequitable and also very confusing. She stated that there should be consistent requirements. She did not think the ordinance was ready for adoption on March 15th by Borough Council.

Arthur Corsini, 8-10 Waterloo, spoke. Mr. Corsini stated that he agreed with the previous speaker. He felt the proposed revisions were probably unconstitutional. He questioned why the ordinance divides the RB District into RB-1 and RB-2.

Mr. Meyer stated that the rationale was to change the dimensional requirements in RB-1 so more properties are in conformance and less variances would be required. In the current ordinance there no room to build in the RB-1 District without having to go before the Zoning Hearing Board for variances.

Mr. Corsini asked what factors were considered to determine the RB-1 and RB-2 Zoning Districts.

Mr. Greenberg stated that the Buck County Planning Commission had provided a study of non-conforming properties.

Mr. Corsini asked if studies were done to determine the impact on properties. He stated that if a building had to be removed because it was dilapidated, it could not be rebuilt.

Mr. Voss stated that the Planning Commission was not trying to reduce the size of homes.

Mr. Corsini stated that the Borough should study the lots and determine what could be built using the proposed ordinance requirements.

Mr. Voss stated that part of the process was to consider why people come to New Hope. He stated that he did not come to New Hope to change the community. If a person was happy with their home, it is not necessary to try to maximize the size of house that can be constructed on the property. He stated he would like people to "do more" with their existing house and not try to build something that will disconnect with the neighbors.

Mr. Corsini said he respectfully disagreed. He felt the ordinance was unfair.

Alexander Salek, 135 North Main St., spoke. He said he agreed with the first speaker. He asked for clarification on the height requirement and noted that it stated that it should be lesser of the calculated average or 35 ft.

Mr. Voss indicated that about 2 years ago the definition of "height" in the Zoning Ordinance had been changed.

Mr. Salek said that the proposed ordinance introduces non-conformity between lots and limits the perimeter and height for new construction. He stated that it drastically reduce what can be built. He noted that there is a house on North Main that is proposed for \$7.5 million which he assumes has been approved. Now this ordinance is penalizing other properties. He also felt the ordinance was unconstitutional.

Mr. Meyer responded stating that New Hope is attractive place to live with a low municipal taxes due to the tourism in town. If the Borough is overbuilt and dominated by 21st century buildings, the tourist attraction is reduced. The Planning Commission is trying to preserve the attractiveness of New Hope.

Richard Gacek, 90 North Main St., spoke. He said he was there to gather information. He has a 3 year old home that would be excluded from the averaging. He was able to construct his home without any variances. He stated he also owns 105 North Main St. Using 105 N. Main St. as an example he stated the existing house is a 1,400 SF ranch house setback 40 ft. The houses on either side are both non-conforming smaller houses that would be included in the analysis. He said that the proposed ordinance would devalue the property by 60% from the existing value. He stated that the ordinance as written would allow a single family house with a 2,650 SF footprint. He indicated that the properties were not in the Historic District and they were not in an area that would be visited by tourists. He stated that North Main Street was developed in the 1920's. He was concerned about the impact of the ordinance on property values and the impact on existing and future homeowners. He did not understand the rationale.

Peter Ratherson(sp?) spoke. He stated that the proposed ordinance was destructive for property values. He believed that the Planning Commission was directed to extend the Historic District. He asked who are the Planning Commission to tell people what to do. He noted that there is not one conforming use in New Hope.

Tom Kelly, 130 North Main St., spoke. Mr. Kelly agreed with the comments regarding property value. He said he is builder and his goal was to build a twin or a single family on the property. He questioned how someone would get information on the neighboring properties and who pays for that.

Mr. Meyer stated that most of the information was available through Borough records. He indicated that the averaging for height is based on the view from the street since it would be difficult to obtain the height based on the definition in the Zoning Ordinance.

Mr. Kelly asked if there was a grace period since he is already working on a project.

Mr. Meyer asked if the representatives from Bucks County Planning Commission knew the answer.

Mr. Walters said this was best answered by the Borough Solicitor.

Mr. Kelly indicated that he has a potential buyer for the single family house and it is all conforming with the current Zoning Ordinance. He also noted that he had submitted plans for a duplex in January.

Ms. Stover indicated that the ordinance, as written, would be effective 5 days from the date of adoption.

Mr. Kelly stated that he needs to move the building location to be out of the floodplain. He thought not counting newer houses in the average did not make sense.

There was a discussion regarding the maximum height of 35 ft. It was noted this is a Borough-wide requirement.

Mr. Kelly stated that if the building footprint is smaller, people would want to build higher like the townhouses at the north end of Main Street. He does not think this would be beneficial for the Borough.

George Fernandez, Waterloo St., spoke. He asked how long it took to put this ordinance together.

Mr. Voss stated that the Planning Commission has been working on this for the past 18 months.

Mr. Fernandez asked how the Borough could expect the residents to go through this new ordinance in 15 days.

Mr. Greenberg stated that all of the discussions by the Planning Commission over the last 18 months have been at public meetings.

Mr. Fernandez asked if the property owners had been consulted during the process. He felt the Planning Commission should ask the Borough Council to delay the adoption of the ordinance. He questioned if the Planning Commission intended to make all of the houses look the same.

Mr. Voss stated that that was not the intent. They were just trying to keep the size and scale of new construction to be appropriate for the neighborhood.

Mr. Fernandez stated that he did not know why this ordinance was being pushed on the property owners. He felt the Planning Commission should listen to the concerns of the owners instead of dictating what can be done. He asked how many of the Planning Commission members lived in the Borough.

Mr. Voss stated they all live in the Borough.

Mr. Fernandez stated that he applauds those that spoke today and respectfully requested that the adoption of the ordinance be delayed at least a few months.

Mr. Bellafronte stated that he and Mr. Greenberg have been on the Planning Commission since August 2021. There are minutes of the Planning Commission meeting available and all of the meetings have been public. There were studies performed of lot sizes and non-conformities. He noted that he lives in a non-conforming house and learned a lot during the process of obtaining approvals for an addition. He stated that maybe the timing for adoption is not ideal and that the residents have the right to ask questions and participate in the discussions.

Mr. Fernandez stated that he understands and feels that the Planning Commission was acting in good faith. He noted that the ordinance will affect a lot of people. He again requested the Planning Commission to recommend that the adoption of the ordinance be postponed at least for 2 months.

Mr. Voss asked if everyone was in RB-2 or if there were people from the RB-1 District. The response was that there were people from RB-1.

General Discussion. It was suggested by the public that the Planning Commission look at individual properties and “do the math” to determine what would be permitted under the proposed revisions to the ordinance. It was discussed that the averaging makes it too difficult for a potential buyer to determine what could be constructed on a property.

There was further discussion with the public regarding the limitations on the size of the buildings that could be constructed using the proposed ordinance amendment as compared to what could be built using the current requirements. It was questioned how these new requirements would impact existing buildings. It was noted that all of the requirements should be consistent and a set value so that everyone would have the same opportunity on their property.

Joe Balderston spoke. He noted that they have listened to many objections. He thanked the Planning Commission for their work over the last 18 months. He told the people in the audience that they should attend the Council meeting on March 15th.

Mr. Meyer stated that the ordinance amendment is on the agenda for Tuesday, March 15th. It was noted that the subject would be raised, there would be a discussion by Council and then the topic would be opened for public comment. He stated that it could potentially be tabled by Council.

There was a question about “grandfathering” current property owners.

Mr. Voss thanked the public for their comments.

The meeting concluded at 8:36 pm.