

NEW HOPE BOROUGH COUNCIL
 BUCKS COUNTY, PENNSYLVANIA
 - - -
 COUNCIL WORKSHOP - JUNE 2023
 - - -

NEW HOPE BOROUGH COMMUNITY ROOM
 123 NEW STREET
 NEW HOPE, PENNSYLVANIA 18938
 - - -

MONDAY, JUNE 5, 2023
 COMMENCING AT 4:00 P.M.
 - - -

BOARD MEMBERS PRESENT:

CONNIE GERING - PRESIDENT
 LAURIE McHUGH - VICE-PRESIDENT
 KEN MAISEL
 PETER MEYER
 LOUISE FEDER
 - - -

ALSO PRESENT:

PETER GRAY - BOROUGH MANAGER
 MARK LABRUM, ESQ. - BOROUGH SOLICITOR
 MARY STOVER - BOROUGH ENGINEER
 JOANN CONNELL - BOROUGH ADMINISTRATOR
 MATTHEW DECKER - AUDIO TECHNICIAN
 LISA LITTLEFIELD - ZONING OFFICER
 STEVE OLKOWSKI - CODE ENFORCEMENT

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 2 PRESIDENT GERING: I would like to call
 3 the meeting to order.
 4 Pete, if you can take roll, please.
 5 MR. GRAY: Certainly.
 6 Ms. McHugh?
 7 MS. McHUGH: I am here.
 8 MR. GRAY: Ms. Rettig?
 9 Ms. Feder?
 10 MS. FEDER: Here.
 11 MR. GRAY: Mr. Dougherty?
 12 Mr. Maisel?
 13 MR. MAISEL: Here.
 14 MR. GRAY: Mr. Meyer?
 15 MR. MEYER: Here.
 16 MR. GRAY: Mayor Keller?
 17 Ms. Gering?
 18 PRESIDENT GERING: Here. Thank you.
 19 How many residents are online?
 20 MR. DECKER: Two.
 21 PRESIDENT GERING: Thank you.
 22 Do we have any public comment on what is on
 23 the agenda for today?
 24 All right. We will start with the first
 25 one, discussion on the proposed --

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 2 MR. DUFFY: Excuse me, I thought that was a
 3 general comment and not agenda comment.
 4 PRESIDENT GERING: Did you read what it
 5 says there? And there is also if you read the second page
 6 -- was that available online?
 7 MR. GRAY: Yes.
 8 PRESIDENT GERING: It tells you that this
 9 is the time that you can comment on what we have got on
 10 the agenda.
 11 MS. FEDER: Connie, not to split hairs but
 12 it does say that you can comment on any subject and then
 13 after the presentation of each agenda item you can comment
 14 on those specifically.
 15 MR. DUFFY: That is my interpretation.
 16 PRESIDENT GERING: Okay. I'm sorry. Do
 17 you have any public comment?
 18 MR. DUFFY: I should say no after that but
 19 yes, I do. Ed Duffy. Hello, everybody. Ed Duffy, New
 20 Hope, 23 Arden Way. Long-term resident -- long-time
 21 resident I should say. I am not serving anything.
 22 I am representing Bill Clapper. Bill is
 23 having a good time, he is watching his grandson win --
 24 hopefully win the State Championship in tennis. So he is
 25 having a good time.

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PRESIDENT GERING: Very nice.

MS. McHUGH: Nice.

MR. DUFFY: He's a cool guy. But the issue

is Bill represents New Hope -- just for the record, New Hope -- Bill represents New Hope Speaks blog and he kind of runs that and he gets the feedback from the blog people which numbers around 200 e-mails, 400 people.

PRESIDENT GERING: I am sorry, how many?

I didn't hear you correctly, how many are on your e-mail list?

MR. DUFFY: Over 200.

PRESIDENT GERING: Over 200. Okay. Thank you.

MR. DUFFY: Over 200. See this -- we are not here to beat you guys up on a regular basis. We are trying to help you but it is hard to do that when we don't have any information so -- but that has been our challenge.

Anyway he wanted to know -- wanted to ask the status of his e-mails about the vote taking in the May Council meeting. I wasn't there, so I don't know. It is concerning the Council meeting, the Solicitor making a motion for Council to vote on a reestablishing a relationship with the engineering group that is associated

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project.

MR. DUFFY: So were they disengaged? I mean I don't -- can you tell me about this motion here? I don't quite understand it.

MR. GRAY: It was a motion for next steps for the project. They are in the design phase for the project. THA is the consultant for the project and the request was to move forward, to continue in the design phase and also for the engineering portion with Bohler Engineering, who were also approved as part of that agreement back in 2021.

So this again, was just next steps in the approval of the project.

MR. DUFFY: Okay. That is what I was going to ask when I got through this, to kind of rehash what it was about, was a lack of communication. If not, when. That type of thing. So that was my big thing there.

But irregardless of that, that whole situation was not visible to the public. There was no notice that you were going to do this again, and there was nothing on the agenda, May's agenda, to say that you were going to do this particular transaction.

So again we are looking at you now --

PRESIDENT GERING: Hold on. I will let

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with the parking garage.

And what we saw was that there was no public notice of this transaction.

PRESIDENT GERING: Can I stop you there for a second? It is my understanding and, Pete, please correct me, that Mr. Clapper reached out to you and you explained this to him.

MR. GRAY: I did.

PRESIDENT GERING: Could you just address

--

MR. DUFFY: When did you do that?

MR. GRAY: Last -- late last week, I had a telephone conversation with --

MR. DUFFY: Like Friday?

MR. GRAY: I believe it was Friday.

PRESIDENT GERING: Do you want to explain it to him and whoever is online can also understand?

MR. GRAY: There was an item that was presented to Council, Mr. Fenningham brought it up, and it was in regards to proceeding with the garage project and it was regarding next steps to an existing contract that was approved by Council in June of 2021.

There was no financial implication. It was just a procedure to move forward with next steps for the

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Pete or Mark answer that one.

MR. GRAY: It was a continuation of an item that was from executive session, Mr. Fenningham brought it to the floor for Council to consider.

MR. DUFFY: Who did?

MR. GRAY: Mr. Fenningham did, the Borough Solicitor. John Fenningham.

MR. DUFFY: Okay.

MR. GRAY: And that is why it wasn't on the agenda.

MR. DUFFY: So doesn't sound --

MS. McHUGH: Basically confirmation of something that Council has previously voted on unanimously so it was just confirmation of that previous --

MR. DUFFY: When you have the vote it doesn't sound like a continuation, it sounds like a reinitiation.

PRESIDENT GERING: No, Ed, it was based on --

MR. DUFFY: I am not trying to argue --

PRESIDENT GERING: It was a vote of confidence. There has been such a lag in time because of the lawsuit, everything has been on hold, and they wanted to -- basically a vote of confidence that they can

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 2 continue now that the lawsuit has been settled. That is
 3 what it was about.
 4 MR. DUFFY: You might have thought about
 5 also asking for a vote of confidence from residents
 6 because just Council --
 7 MR. GRAY: We are --
 8 MR. DUFFY: You represent us, you don't
 9 keep us in the dark.
 10 PRESIDENT GERING: Ed, we normally allow
 11 three minutes. You're past your three minutes. How much
 12 more do you have on your list there?
 13 MR. DUFFY: That was the bulk of it. I
 14 know you don't like to listen to the residents too much.
 15 MS. McHUGH: Very unfair.
 16 MR. DUFFY: Okay. I wanted to do that for
 17 Bill to make sure we had some feedback on it and we did.
 18 All right.
 19 PRESIDENT GERING: Thank you.
 20 Any one else have a comment?
 21 Okay. We will start with the first item on
 22 the agenda, discussion for the proposed ordinance
 23 amendment to Chapter 275-31, the CC Central Commercial
 24 District.
 25 This started with the Planning Commission

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 2 last time we were asked to consider this or is this just
 3 the next step, this discussion?
 4 MS. STOVER: It didn't change.
 5 MS. FEDER: Okay. Great. That is what I
 6 wanted to know.
 7 PRESIDENT GERING: Ken?
 8 MR. MAISEL: Unlike the RB-1 and RB-2
 9 ordinance that we are going to discuss later that did have
 10 a special --
 11 PRESIDENT GERING: Let's wait until we get
 12 to that one.
 13 MR. MAISEL: This one did not, correct?
 14 PRESIDENT GERING: Correct.
 15 MR. MAISEL: I think one of the concerns
 16 -- and I don't remember all of the issues that we were
 17 dealing with but there was a concern about the -- whether
 18 this would stand up to, you know, a legal challenge.
 19 So I know talking about the other issues
 20 that we are going to be talking about later, this one
 21 didn't necessitate a special counselor on -- would that
 22 have been potentially prudent here as well?
 23 MR. GRAY: No. This has been presented to
 24 the Planning Commission for their comments and concerns.
 25 It was presented at a workshop meeting and we haven't gone

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 2 back in 2021 and has been continued and has been to
 3 Council I think two other times where it was tabled.
 4 There were residents and that had questions.
 5 We have had it reviewed by the Bucks County
 6 Planning Commission. It has been reviewed by our attorney
 7 and we had it reviewed by special counsel. Am I missing
 8 another counsel that reviewed it, Pete, or that was --
 9 MR. GRAY: Our Planning Commission has
 10 reviewed it and was reviewed by the Solicitor for this CC
 11 Central Commercial District item.
 12 And at this time, Council is asked to
 13 consider this item for future presentation and
 14 authorization to advertise it at next month's meeting.
 15 MR. MEYER: Will we be voting on
 16 advertising? Where are we --
 17 MR. GRAY: This is just discussion now.
 18 This would be presented back to you at the June Council
 19 meeting for authorization to advertise.
 20 MR. MEYER: Thank you.
 21 MS. FEDER: Just a quick question for Mary
 22 because I think -- did we see this -- this was the
 23 multi-use definition amendment to the ordinance?
 24 MS. STOVER: Yes.
 25 MS. FEDER: Is this different from the

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 2 any -- we don't anticipate any issues, potential
 3 challenges for this item so we feel pretty confident.
 4 MR. MAISEL: Okay. Thank you.
 5 PRESIDENT GERING: Anyone else? All right.
 6 Next on the agenda is discussion on
 7 policies and procedures for signs and banners.
 8 This was a discussion we had last year and
 9 what this deals with is does the Borough want to allow
 10 outside entities to put banners and signs in the Borough
 11 if they are not running an event here.
 12 What the discussion was up to now, we have
 13 allowed for example; Arts and Crafts Festival, Run Now
 14 Wine Later, any one that has an event to put a banner up
 15 in -- primarily at the Eagle Fire Company.
 16 What triggered all of this is Phillips Mill
 17 wanted to put their banner up there and even though they
 18 are not a New Hope entity, they are our neighbors, and it
 19 was the conflict with Arts and Crafts and Run Now Wine
 20 Later all being around the same time.
 21 So it became a major discussion how do we
 22 want to handle. Do we want to allow whoever applies for
 23 an event to have first priority and put their signs up?
 24 Do we want to allow outside entities that are not running
 25 an event in the Borough to also put banners up?

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 2 This is what the discussion is. So Ken,
 3 any feelings because I know this was something that you
 4 were --
 5 MR. MAISEL: Yeah. Thank you. I just want
 6 -- based on questions presented, which I think
 7 encapsulated the issue, and I can read them for anyone's
 8 interest here, do those applicants in the Borough
 9 sponsoring a Borough event have preference?
 10 Can multiple signs -- this is what Connie
 11 referenced. I just wanted to reiterate. Can multiple
 12 signs and banners be posted in one location and
 13 availability. Okay.
 14 So I was going to talk to each one of these
 15 and I think those applicants in the Borough sponsoring an
 16 event have preference. I would say yes. I mean it seems
 17 logical but then there was some doubt as to whether or not
 18 the Eagle firehouse, where these signs are located, is
 19 even in the Borough. I am not -- is that --
 20 MS. McHUGH: I thought they were.
 21 MR. MAISEL: Is it possible that is not in
 22 the Borough?
 23 MS. McHUGH: I thought across the street
 24 wasn't.
 25 MR. GRAY: This intersection where those

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 2 if there is an availability because there is two spots
 3 available or the one is being eliminated because the event
 4 is over, then it should be allowed.
 5 I would think my feeling would be to allow
 6 for a -- certainly for a precedent setting user, you know
 7 like the --
 8 PRESIDENT GERING: Phillips Mill --
 9 MR. MAISEL: -- Phillips Mill Foundation.
 10 That is that issue.
 11 I don't know whether we can have two up
 12 there or not. If we can do two, then that certainly would
 13 diminish the conflict that might or might not come up
 14 again. Sorry about that. I don't know if we can put two
 15 there and whether it would allow for it or is it just too
 16 busy of a thing to have.
 17 And then the first come/first served thing,
 18 as long as they meet the threshold at a time in advance of
 19 wanting that space. Those are my feelings regarding that
 20 signage.
 21 I think if we wanted to -- like one other
 22 thing, could we make a case that it would be for
 23 non-profit purposes, you know for non-profit
 24 organizations, as I don't know if that is allowable or not
 25 or if that might be -- instead of trying to have somebody

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 2 poles are located are in the Borough.
 3 MR. MAISEL: It is in the Borough. Okay.
 4 So my feeling was inconsistent with what
 5 was contentious at the time last year is that certainly an
 6 event that is occurring in the Borough should have
 7 precedence, if they get their application in in a timely
 8 manner and then we would want to identify the timeliness
 9 of that application so that it is consistent with, you
 10 know not just saying well now I want it because somebody
 11 else wants it.
 12 It would have to be within a two month
 13 period or something identifying their interest in it and
 14 for the period of time that they were interested in it.
 15 And anybody else that comes after that is on a waiting
 16 list from the outside who we deem to be -- I think -- the
 17 Phillips Mill Foundation seemed to be somebody who
 18 utilized this opportunity for many, many years until it
 19 became a contentious moment in time because local users,
 20 potential users, were not going to potentially have it
 21 available to them.
 22 So that is a roundabout way of saying it
 23 shouldn't be just there for anybody just to show up. And
 24 it should be secured up to two months in advance of when
 25 they want it for a time period that is identified and then

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 2 have a commercial operation and be wanting to put their
 3 signs there on 202, which I would think a lot of people
 4 would want that for. So I don't know if we can make that
 5 distinction or not.
 6 This came up primarily because of the
 7 foundation and the previous organization of that space.
 8 MS. FEDER: I know my thoughts are
 9 somewhere -- are similar to Ken. I appreciate you going
 10 through these questions that Connie added to the agenda.
 11 So my thoughts are similar. I will say I
 12 wanted to take a look at the question of the availability
 13 for only one sign at the location in part because since we
 14 had this discussion last summer, I drive by that corner
 15 all of the time. I am pretty sure everybody in this room
 16 does.
 17 And as recently as a few weeks ago, we had
 18 two signs there. One for the Upper Makefield Carnival and
 19 there was one for another local event, I apologize I can't
 20 remember what it was. We had a banner and a sign. And
 21 there have been a few other examples, I believe since
 22 then. That was the one that stuck out the most to me
 23 because they were both happening around the same time.
 24 It was a good example of an event that I
 25 think people in our town and in Solebury who drive past

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1 the intersection would logically want to know. They would
2 want to know about the carnival. They would want to know
3 about the other event. I apologize, I don't remember what
4 that was.

5 But the reason I am bringing that up is
6 because I think when we got so wrapped around this issue
7 it was two questions that we were trying to figure out at
8 once. One was do we think the corner is large enough for
9 two signs and the other was for -- how do we feel about
10 events that are outside of the confines of our Borough.

11 So I would like to address both of those.
12 Personally I think it would make sense for us to consider
13 for the next year as a trial point -- a trial period
14 allowing two signs on that corner just because we have
15 done it in the past.

16 I would like us to take a closer look at it
17 and see if it turns out that it is you know, under a more
18 structured sign policy. So if it becomes onerous to have
19 two signs there -- we have tried a few times, it seems
20 like it is okay.

21 I would just like to give us a grace period
22 and see if that is something that we can continue to do,
23 especially while we are working out the rest of the sign
24 policy. So that is thing one.

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1 Thing two is I think something we talked
2 about when it came to organizations outside the confines
3 of the Borough was -- there was a concern -- I apologize,
4 I can't remember who brought it up, but someone was
5 wondering what if someone from I don't know, farther
6 afield, an organization in Delaware County wanted to put a
7 banner up there.

8 As far as I know it is not happening but I
9 can understand why proactively while we are defining these
10 terms, I am wondering if we can set a mile limit around
11 our zip code and say something within I don't know, ten or
12 fifteen miles of the Borough would make sense for that
13 intersection. And if it is outside of it, we can take it
14 on a case by case basis.

15 That is more a question for our legal team
16 than for me. I was trying to think of a way we can define
17 it because obviously something like a fireman's festival
18 wouldn't fall under the non-profit -- like the fireman's
19 carnival -- I am thinking more recent ones, that wouldn't
20 fall under a non-profit designation like Ken was
21 suggesting, which I think is a good one.

22 But I am wondering if we can try this first
23 step to find a policy here instead of making it more about
24 proximity to our town versus what the organization is

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1 doing. And if that turns out to be a problem, we can
2 redefine it further.

3 PRESIDENT GERING: How about -- I am not
4 sure, I know we talked about this last year, that when an
5 event's application comes in, they have to check off that
6 they are going to put a banner up and they do it at the
7 time of the application that is filed so in a way they
8 know that they are putting a banner up.

9 MS. FEDER: That makes sense.

10 PRESIDENT GERING: That one is an easy one.
11 The second question is you know, I think a ten mile radius
12 -- they could be coming from Lambertville and so forth.

13 Do we really want to clutter the place up
14 with -- that is a key location. Right there it is a major
15 key location. I think this is where the hiccup is. I
16 think if it is a non-profit within our town that are
17 advertising, I personally think that is fine. Because
18 sometimes even though they are not doing a big event, I
19 mean like New Hope Arts could just say that we have a new
20 show coming or something, even though we are not getting
21 fees from their event because there is a fee associated
22 with events so putting a sign up -- JoAnn, I will ask you
23 this. When Phillips Mill came in, did we charge them for
24 -- a fee for their sign or not?

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1 MS. CONNELL: There is a check but it has
2 not been processed because it went under review.

3 PRESIDENT GERING: So I guess the question
4 is -- I mean that is what stirred this up was Phillips
5 Mill so I mean -- do you guys -- what is your thoughts?

6 MR. MAISEL: Again the issue is that
7 Phillips Mill happened to get their application in and
8 they did everything that they thought they needed to do
9 and then the Crafts identified well we want it.

10 PRESIDENT GERING: There were three
11 events.

12 MR. MAISEL: I don't know how many people
13 were there but they triggered the -- because we
14 anticipated that they -- that other entities would be
15 interested in it, which is -- you know, we are on top of
16 it so we recognize that. Well we just don't want to give
17 it up where there is an event that is coming up.

18 So the timing of an application is really
19 what is important, whether we allow two or not and the
20 timeliness of it. So we don't have to think for the
21 Crafts Fair as to whether or not they are going to use it,
22 they should have their application in two months in
23 advance or whatever the time period is in advance of that.
24 We don't have to think about what people should be doing

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 2 to properly obtain that spot.
 3 MS. FEDER: I think I almost want to put
 4 the Phillips Mill to one side. There were so many unusual
 5 parts that happened with that conversation. I think here
 6 what we have is we just need to figure out what do we do
 7 for people that want to put a banner up essentially at
 8 that site.
 9 And I think just because this is a newer
 10 thing for this group, I think we need to propose a few
 11 starting steps and then check in again next summer and see
 12 how they work out.
 13 I think -- again, this is just me, I think
 14 because this is so new, I think Connie's idea about
 15 putting a check box on the event application, as long as
 16 that makes sense to JoAnn, for proposed --
 17 MS. CONNELL: Yes.
 18 MS. FEDER: That makes complete sense. Do
 19 you want a banner there? Yes or no. That will help us.
 20 PRESIDENT GERING: Then a spot is
 21 committed.
 22 MS. FEDER: Sure. I think they need to --
 23 while we are implementing that, I do think we should
 24 consider having spots for two banners there so -- since we
 25 have done it a number of times, and see what that looks

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 2 event is going to jump the gun and get the sign.
 3 I think this is where we are going into
 4 that little hiccup of an area.
 5 MS. FEDER: I think that is another good
 6 reason for allowing for multiple signs for this, right?
 7 If we run into that again, we don't have to say well you
 8 followed the rules and got your application in but we have
 9 this other event, you can put -- both can put your banners
 10 up this year. We will see how it works over the course of
 11 the year. If we run into other snags that we want to help
 12 untangle, we can do that.
 13 MS. McHUGH: Can I ask how come we didn't
 14 have three up there? It is a pretty big spot. I don't
 15 think it is cluttered.
 16 MS. FEDER: I agree. I think for now if we
 17 can just figure out -- in my head I am thinking two
 18 banners, I am thinking ten mile radius outside of town,
 19 two month time for outside of town. That is kind of what
 20 I am thinking. This is just based on general assumptions
 21 about the use of that space and what we have heard.
 22 PRESIDENT GERING: Your ten mile radius, is
 23 it going to New Jersey also? Is it just Pennsylvania and
 24 Bucks County?
 25 MS. McHUGH: Seems very complicated for a

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 2 like over the course of the year.
 3 And three, I think we need to figure out
 4 how to handle out of town events. How far out of town are
 5 we willing to go. And I think a trial benchmark would be
 6 helpful, whether we want it to be based on mileage outside
 7 of town or another determining factor. I think we can
 8 decide that as a group.
 9 For now those should be the -- probably the
 10 three measurable ways to go forward with a sign policy for
 11 banners there.
 12 MR. MEYER: There is one thing missing in
 13 your proposal is which is the process by which the
 14 non-local entity applies and what the deadlines are for
 15 them to apply for the proposed sign because we need to
 16 incorporate that into the same thing.
 17 PRESIDENT GERING: I think the problem
 18 you're going to run into for example this year, well Arts
 19 and Crafts haven't applied yet but Run Now Wine Later did.
 20 Last year they were dragging their feet.
 21 You have these non-profits, whoever is
 22 running them doesn't also know that they should -- I don't
 23 want to put the events that are coming in every year
 24 feeling that they have to run and get their application in
 25 because some out of town entity that is not running an

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 2 sign.
 3 MS. FEDER: We are -- I think we are over
 4 thinking that aspect of it.
 5 PRESIDENT GERING: Okay. Can I make a
 6 suggestion? Why don't we -- let's do this, we will have a
 7 check box and then if anybody else comes in, put them on
 8 the waiting list. And if there is no events you know,
 9 give them the --
 10 MS. FEDER: The reason I will pause on that
 11 is that is very -- I think the reason I would say that
 12 can't be the only solution for this year is because I
 13 think there is a risk of that coming right back to where
 14 we were last summer which is if we don't hear from
 15 somebody until the very last minute that everybody in town
 16 loves and hears about puts in their application and they
 17 bump somebody who has already put their application in --
 18 PRESIDENT GERING: Stop right there. If
 19 they are not running an event, they should not have
 20 priority just because they jumped the line. That is my
 21 personal feeling.
 22 MR. MEYER: That is what I was going to say
 23 is that an applicant who is sponsoring or holding an event
 24 in the Borough automatically has preference.
 25 MS. FEDER: Again I agree with you and

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 2 that is why I think we should allow multiple banners.
 3 MR. MEYER: Nobody is objecting to the
 4 multiple banners. I think what we are talking about is
 5 what the sequence is.
 6 MS. FEDER: You're okay with multiple
 7 banners at that site?
 8 PRESIDENT GERING: Yeah.
 9 MS. FEDER: Great.
 10 PRESIDENT GERING: We talked about two
 11 banners.
 12 MS. McHUGH: I go for three.
 13 PRESIDENT GERING: It might get cluttered.
 14 MS. FEDER: When have we ever had three
 15 banners?
 16 PRESIDENT GERING: Last year.
 17 MR. MEYER: Last year.
 18 MS. McHUGH: They shared.
 19 MS. FEDER: There was an application for
 20 one banner and one for Phillip Mills Community
 21 Association. That is two banners, that is not three.
 22 PRESIDENT GERING: Yeah. Okay.
 23 MS. McHUGH: I think that is a lot of work
 24 for a couple banners.
 25 PRESIDENT GERING: Pete?

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 2 MR GRAY: Do we want to set a time limit,
 3 so 30 days in advance or --
 4 MR. MEYER: To when it goes up?
 5 MR. GRAY: Yes, until the time it comes
 6 down.
 7 PRESIDENT GERING: I thought we had a time.
 8 MR. GRAY: We do have 30 days for total
 9 time.
 10 MS. FEDER: We have a standing time. That
 11 is fine.
 12 What do we want to do about out of town
 13 events, see what comes in and revisit next year? I think
 14 that might be --
 15 PRESIDENT GERING: Let's see how it goes.
 16 If there is no hiccups, we don't need to address it. If
 17 there is a problem, bring it back to Council.
 18 MS. FEDER: Okay. So for now two banners,
 19 check box on the application and we will see what goes
 20 from there.
 21 PRESIDENT GERING: Yeah. Everybody okay?
 22 All right. Good. Thank you.
 23 Next is the discussion on proposed
 24 ordinance amendment to Chapter 275-29 RB Borough
 25 Residential District.

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 2 And this one has been in front of us quite
 3 a bit of time also.
 4 Any one have questions, comments?
 5 MS. McHUGH: Can we get a summary for the
 6 record?
 7 MR. MEYER: You have a summary in effect
 8 in the letter that New Hope residents -- which is the
 9 second page.
 10 PRESIDENT GERING: Mary, you had a summary
 11 in there, if I remember correctly.
 12 MS. STOVER: I did previously. I don't
 13 know whether it is still here but essentially it is
 14 dividing the RB Districts into RB-1 and RB-2. Where the
 15 RB-1 is the one closer to the central core where the lot
 16 sizes would be smaller so that there won't be as many
 17 variances, the setbacks are a little smaller.
 18 And then RB-2 is as you move out of the
 19 central core. The difference or the one thing that is the
 20 same in both of those, we are adding something so that you
 21 look at the houses on both sides of you to figure out what
 22 your front height can be, what your front yard setback can
 23 be and -- what is the third thing? I think floor area was
 24 the third one.
 25 So that you are similar size, similar look

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 2 to the houses adjoining.
 3 PRESIDENT GERING: Thank you. And this one
 4 came about -- the comments we have gotten from residents
 5 of the massive properties that are being built on lots in
 6 town. So this would kind of control the size of what you
 7 have on each side of you. Am I correct on that one?
 8 So I know everybody -- some of the builders
 9 were not happy about this but you know you can't have
 10 these small houses on each side and then have this
 11 massive, oversized house that doesn't fit the character
 12 and changes the look of the Historic District. That was
 13 one of the primary reasons.
 14 MR. MEYER: That applied to RB-1 and the
 15 Historic District is one thing. The entire town is
 16 another.
 17 PRESIDENT GERING: Yeah.
 18 MR. MEYER: There is a map by the way of
 19 the districts but it is fairly easy to describe. You know
 20 I spent forever on this because this is the Planning
 21 Commission but --
 22 MS. STOVER: The average is in both the
 23 RB-1 and RB-2. You will end up with bigger houses in the
 24 RB-2. Those are bigger lot sizes.
 25 MR. MEYER: Those are the bigger lot sizes.

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 2 The main thing about RB-1 versus RB-2 on the division was
 3 we had something in excess of 80% of all of the properties
 4 in what is in the RB-1 zone -- well to the whole downtown
 5 area including the RB-1, the houses that are closer to
 6 downtown. Those are the old Colonial era and early, early
 7 lots. They are tiny.
 8 Eighty percent of all of the properties
 9 down there were con-conforming and created all sorts of
 10 problems in terms of applications to the Zoning Hearing
 11 Board because you had a property -- you had a building
 12 that -- where they wanted to extend a porch by three feet
 13 and they had to go through all of the engineering and all
 14 of the other requirements to go before the Zoning Hearing
 15 Board at great expense.
 16 This way if they are not non-conforming
 17 uses that is going to happen, and a heck of a lot of that
 18 non-conformance had to do with the size of the building
 19 relative to the lot of the setback relative to the lot.
 20 That is what we have corrected in the RB-1
 21 arena.
 22 PRESIDENT GERING: Any questions?
 23 MR. MAISEL: Yeah. And I guess this is
 24 directed to Peter, Peter Meyer.
 25 You're bringing up something about the

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1 setbacks and the RB-1 and I get that. But in RB-2 I --
 2 just on a practical basis, if there is a lot that let's
 3 say it is a half acre in RB-2 and what has been happening
 4 here is wherever the -- whatever the house was there was
 5 eliminated and destroyed.
 6 It is not in the Commercial District, it is
 7 not in the Historic District and it is knocked down in
 8 favor of two twins. Would that effect -- will this
 9 effectively eliminate that from occurring going forward?
 10 MR. MEYER: It would not necessarily
 11 eliminate it but what would happen would be that the new
 12 building would have to conform more or less to its
 13 environment, which means the existing building -- the
 14 existing building for example might have a particular
 15 footprint which is similar to the footprints around it.
 16 The new building would also -- or new
 17 buildings plural, would also have to have the same kind of
 18 footprint as the buildings around it. If all of the
 19 buildings are two story, it would be inappropriate to have
 20 a three story, et cetera.
 21 So to that extent and given what you are
 22 talking about, I suspect that the two townhouses would be
 23 difficult to build, but I can't say it is absolutely
 24 impossible. It is the overall picture.
 25

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 2 MR. MAISEL: It sounds like it is based on
 3 my reading of this, it is a little bit more and that gets
 4 back to the point of whether or not there has been like a
 5 free for all as it relates to that activity in the last
 6 several years.
 7 And that is probably why I assumed it had
 8 gone to a special solicitor for this as well because of
 9 you know, things that are in the process, which I am
 10 assuming there is no -- anything that is a precedent
 11 attached to because there is a couple of these things
 12 going on right now I think in town. They would be
 13 grandfathered in and they would not be bothered by this.
 14 MR. GRAY: This new ordinance would not
 15 apply to those existing properties.
 16 MR. MAISEL: All right. So we went to a
 17 special solicitor on this because why?
 18 MR. GRAY: To get an opinion, a second
 19 opinion to make sure that this was in compliance. That
 20 was an attorney from Christen Pionzio's office, Steve
 21 English.
 22 He felt that what we have in our draft
 23 ordinance is in compliance and meets the constitutional
 24 requirements and he was satisfied with what we have.
 25 MR. MAISEL: So there were no reservations

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1 that needed to be addressed?
 2 MR. GRAY: No.
 3 MR. MAISEL: Okay.
 4 PRESIDENT GERING: Anyone else? Any one
 5 --
 6 MS. McHUGH: There is a lot of time that
 7 went into this and I thank you, Peter. Come up.
 8 PRESIDENT GERING: Jay, come up.
 9 MR. FREEO: He may have -- Jay Freeo, 186
 10 South Main Street.
 11 I attended two prior Council meetings where
 12 this issue came up before the public and we know there was
 13 a lot of opposition and et cetera. And the question that
 14 came up both times was this does not have legal standing,
 15 this ordinance. And I think getting this second opinion
 16 confirms or perhaps lends confidence to the fact that it
 17 does.
 18 MR. GRAY: Yes.
 19 MR. FREEO: The question is were any
 20 tweaks made to the ordinance that were previously
 21 submitted to give it more validity in terms of --
 22 MR. GRAY: So this latest version of the
 23 ordinance has not been changed since the one that was
 24 presented to Council earlier this year. So this draft is
 25

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 2 the same one that we saw back in January/February time
 3 period. So nothing has been changed.
 4 MR. FREEO: Thank you.
 5 PRESIDENT GERING: Anyone else? All right.
 6 Can I have a motion to adjourn?
 7 MS. McHUGH: I will make that motion.
 8 PRESIDENT GERING: Thank you, everybody.
 9 - - -
 10 (The proceedings were concluded.)
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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me in the above cause and that this is a correct transcript of the same.

Karen W. Browndorf, RPR
Official Court Reporter

- - -

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