

New Hope Borough

March 1, 2021

Workshop

Via Zoom

Council President Gering called the meeting to order at 4:00 PM.

Present: Council Members, Connie Gering, Dan Dougherty, Tina Rettig, Laurie McHugh, Ken Maisel, Louise Feder, Peter Meyer. Also present were Chief Cummings, JoAnn Connell, Zoning Officer Tracy Tackett, Matt Walters from Bucks County Planning Commission and Borough Manager Peter Gray.

Absent: Mayor Keller

Ms. Gering – Thank you. Alright the first on the agenda is our HARB update presentation, so I guess it's Louise and Ken. **Mr. Maisel** – Yes and JoAnn is here, because always she is the cog that keeps that HARB thing going. So, she's available today, as well, for our little presentation. I'm going to get it started and then Louise will step in and then we'll close it up. I just wanted to give you a little bit of an idea how this came about. There's been quite a lot of rumblings over the past several months, several years, however you want to call it, in terms of what can be done to make the HARB process less onerous, less costly, more compliant—more people being more compliant with it and all those things. And various things would come up for the Council's approval that were believed to be, maybe could have been handled a little bit better. Could have been more streamlined and I think the numbers that we're going to share with you today, will kind of illustrate why this thing keeps coming up a little more frequently than you would think. We're just moving along to our first page. Again, with JoAnn's help, from a historical standpoint she knows, not so much the historical part of things, although she knows that, but she also knows what she's experienced over the last X amount of years, as it relates to HARB. When we just merely did an assessment of how many applications or in-kind activity existed last year, just to get an idea, instead of trying to go back 3-4 years, take a baseline for 2020 and start calculating and identifying what happened each subsequent year to see what is happening, as it relates to, are we going to get more because an easier process or what have you. At least we'll have some sheer numbers. Also, at some point, to determine the economics of this whole thing. As a result of our last Council meeting, you were allowing us to table the potential fees attached to application until we got our arms around this a little bit better. We have not forgotten that and we will be proposing something at some point, once we collectively and all of Council get our arms around what's involved. The numbers that are in front of you describing the replacement in kind and the concept / administrative combination formal reviews was approximately 15-20 replacement in kind last year and 60-70 applications in front of the Board. We are kind of using 60-70 and 15-20 because several people came back several times, so instead of turning it into, was it really 32 or this or that, so that kind of laid out to the 78 – 22 percentage. So, keeping in mind that the replacement in kind last year was approximately 15-20 and 60-70 applications were submitted. So if you took an average, it's about 75 events that occurred last year that had to go through, in a meaningful way through JoAnn's hands advising and cajoling and walking them through the whole process. So, clearly there's an economics to this thing, not to mention, Tracy's involved in any of these applications and anybody else who's going to chime in. So, from a sheer numbers standpoint, it's a lot. We're certainly mindful of that when we start thinking and talking about the fees and what fees should be thrown to a constituent vs. what fees need to be recompensed for and that would be an ongoing process that will occur, hopefully in the next month or so when we get a better feel for this. So, the main primary goal of our challenge was to try to demystify the whole process, instead of somebody panicking over trying to comply with what they needed to do. Simplify the process and eventually talk to the fees and discuss enforcement. So, that's how we got to where we are today. I was going to hand it over to Louise now, just to explain what we had in mind as a means by which we can simplify this process and, at least, lay it out in such a way that is, while everything is there currently, it's not there in a way that captures everybody's ease of use. That will take us to Louise at this point. **Ms. Feder** – As Ken said, when we were starting out here, we were trying to find ways to make it easier for the applicants and then, as we were talking with JoAnn and looking back over past

agendas and types of projects that were coming before her, we were quickly made aware that because of the nature of the process, JoAnn is very involved, as she should be. She's the hub for all the applications that come through, but as we were looking at the information that was on the website, while there's wonderful information on there, it's very comprehensive, we were finding that there were some gaps for people that were coming to apply to HARB and just trying to get there's arms around what does that process look like, what do I need to do to prepare and notably there was no information about replacement in-kind projects at all, beyond them being mentioned sort of in passing in the design guidelines. And, in talking with JoAnn, because there are so many replacement in-kind applications that come to the Borough, what we're finding is that people would write her a letter or maybe prepare an entire HARB application that then they don't even have to submit. So, we decided what we would do, first, before we go through and make recommendations on parts of the process that can be streamlined, first we would decide to clarify the process as it stands now. And that means developing materials that explain what the process is and perhaps give a good snapshot view of what an applicant needs to do. So, in talking with JoAnn and with Ken, what we decided to do was develop materials that would be best suited for the "how do I" section of the website. I don't know if...Pete, can I share my screen? **Mr. Gray** – Yes, you should be able to. **Ms. Feder** – So, under the Phase 1 section, where we're just trying to demystify. The website, when you go on, certainly you can do the drop down menu under government, you can find out about the HARB Board, but really, if you're somebody coming to this process and maybe you're new to town, maybe you know your house is in the historic district, you may not know, necessarily, that you have to go look up information about the HARB before understanding what you need to do before you start a project. And so we took a look at the "How do I" section of the website which, as you see here on the side, is really facts for people who live in the Borough. Like garbage collection and FAQs and how do I pay for parking. We thought it might be helpful to have something about how do I start a project in the Historic District. That way we can have a sort of 50,000-ft view look at the process and to link to the more detailed materials that are already on the website, but may be too overwhelming for someone to digest. So, when the three of us talked together, we decided that a flowchart might be something that would be best suited to somebody who is just trying to get an understanding of what it is they need to do and how they should start. We did also develop a version of this in google forms. In talking back and forth, we thought it might be helpful to see the whole process laid out. So we're certainly open to feedback on this, but we decided a color coded flowchart might make things easier. So, just for everybody's understanding, we're trying to keep this piece really in plain language. We're not trying to dive in deep on the nitty-gritty of certain aspects of the process. Really this is just to be a way of finding material. So, if you're starting your project, you're step one, obviously is making sure that your property is in the Historic District. We have a link to the zoning map here, so you can double check and there you should determine if your project is replacement in-kind. And for clarification, just for those are listening in, I'm sure everybody on Council knows, but replacement in-kind is a project where you are simply replacing something without making any change to the materials or aesthetics and then, examples down here, that would be like repainting your house the same color, replacing a window with one that's the same size and materials, installing a new roof with one that's the same style and color. So it really is a project, that once you complete it, the house still looks exactly as it did, it's just been updated with a new replacement element. If YES, right now the Borough's process is you have to submit a detailed letter that would go directly to JoAnn and that way, we can keep it on the file. This step we found to be pretty crucial, because right now, it's only something you find out if you happen to apply for HARB the traditional way, because there's no information about it on the website, we want to make this clearer, because it is a good portion of the type of applications that JoAnn is getting. It would save the applicant more work and obviously, in turn, it would save JoAnn more work. So, we're really trying to highlight that as much as we can. After that, if you're making any kind of change you'd move to STEP 3. So for anything that makes a change to the property's exterior, you have to apply for a Certificate of Appropriateness and the examples are down below with a link to the application forms and all of our other material to submit. Copies of the completed application form with all your supporting documents. Then we have a reminder that if you need permits for your project, that you have to apply for those. Then this links over to the more detailed information about what type of forms under the Zoning section of the website. Then it shows if you were to appear before HARB, down here we have information about when HARB meets, when you have to get your materials into JoAnn by, a reminder that you can bring any relevant personnel attached to your project to the meeting to help your presentation and, crucially, it goes to Borough Council for final approval when we meet and, once you're ready, concerning your relative paperwork is in. And, of course, we're highlighting JoAnn as much as possible. Down here, on the right, to make sure that she is the obvious person that you can go to for

questions, but also, we're hoping in highlighting how the process works, she may not get bombarded with as many minutia type questions that she currently does. So this is one piece that we think might be helpful in the demystification first phase of all of this. Another piece that we came up with is just a small chart that shows the three different types of reviews that you can go for in a HARB meeting. This is something that is on the website, but it is, the language that's used there is fine, but it is so detailed that, I have a feeling people who are looking at it are skimming it and perhaps not understanding exactly what those three reviews do. The Concept review, which is really when you want general feedback from the HARB. Underscoring that, no votes are taken. Applicants are going to have to come back. The Administrative review, this is the one that's most often used for large scale commercial projects that require detailed feedback, highlighting the Zoning Officer and the Code Official's role in that type review. And, of course, the Formal review, where the HARB makes a recommendation and then it's passed over to Borough Council and, highlighting again, that all Formal reviews need to be cleared by Zoning before they come to the HARB for that and then highlighting JoAnn, again, here. The hope, just like the replacement in-kind, is that we're trying to make this as seamless for the applicant as possible, so it doesn't create redundant paperwork, like somebody inadvertently applying for a Concept review or an Administrative review when they need a Formal review. We're trying to break down those barriers on the website for people who are coming and are just not in the process, as I think all of us on this call are. Just trying to clarify. JoAnn, do you have anything that you want to say about these two processes or to the flowcharts? Moving on to the other part of Phase 1. As I said earlier, because there's information on the website about replacement in-kind, we're really trying to get folks who are doing replacement in-kind work to feel encouraged to submit that they are doing replacement in-kind work. We would like under the more detailed HARB section of the website, where we have History and Purpose, how to get a COA, when to apply for it, having a section that would detail what a replacement in-kind is and how to apply for it, along with a more comprehensive list of examples, so that people feel comfortable in knowing that that's what they're applying for. As with all applications about the Historic District, this would also go to JoAnn, so if it turns out that someone is applying for a replacement in-kind, when in fact, they should be going for a COA, this is something that would still be caught by JoAnn. But we're hoping that in making the replacement in-kind more of an obvious choice, we will get more feedback from people who are in the Historic District and, therefore, more information collected for the Borough for the property files, which of course, makes things easier for future property owners and we have a more comprehensive history of what's been done to their property. Ken, I don't know if you want to chime in on the Simplification Phase or if, JoAnn, you have anything else that you'd like to say. **Ms. Connell** – I just wanted to say the narratives are perfect. **Mr. Maisel** – the one thing that I wanted to ask, and that was great, Louise, what became really clear is that there's no way and, nor do we necessarily want this to happen, there's no way to get JoAnn out of the equation. Or a "JoAnn-like" person. So you don't feel like you're totally 100% irreplaceable, you're only 99% irreplaceable. But this whole process that's being contemplated, here, is merely just, we think, a little bit more user friendly. Or in a different format that might capture somebody who would be more apt to just run to JoAnn. I think we're still going to have that element and I don't think that we're ever going to get away from that, because some of these things are simply overwhelming for people. But that is the spirit in trying to maybe cull down the amount of activity that JoAnn could, potentially, be unnecessarily engaged in. **Ms. Feder** – Exactly. And hope that what she is receiving from applicants is as close to correct as possible. So that people are submitting the right application, the right materials, so it's not creating redundant work for the applicant and for JoAnn. And also, of course, if people are submitting properly filled out applications, it frees up her time to deal with more complicated, larger scale applications in detail, that we don't know if she's going to have to be alongside Tracy and the Code Officials. So to that and related, the second phase is we're looking at is sort of the actions of the focus of the subcommittee is simplification. So, once we've clarified the process as it stands now, we'd like to look at areas to change and simplify the process. One of the more obvious changes we think we can make is to develop a form for replacement in-kind projects, because right now people are submitting a detailed letter to JoAnn, which she then files. It's wonderful that she's receiving information about the project, but of course, what constitutes a detailed letter for Person A could be very different from what a detailed letter from Person B and if we can create a simple way to have that information provided to JoAnn in a more uniform way, it again, may encourage more applicants to actually submit the information on these projects instead of just doing them without a record or submitting kind of a loose summary. Not really making it a more complicated form, but a pretty simplified checklist. I do have a version of this that we've been tooling around with. We do hope to have it ready to share in later meetings. But this is a simplification that seems like a pretty logical step. And then JoAnn has been doing some great research in

the past agendas, so we're trying to find common projects and see if there's a way to make the process even simpler for certain types of projects. Just examples that we're considering, if there's ways to preapprove materials for things like roofs that come up a lot and find a way to fast track and sort of green light outside of the HARB process. So this is something that, of course is going to take a detailed close look, but it's something that we're really trying to find a way forward. Ken do you have anything that you want to say about this slide? **Mr. Maisel** – No. That was really it. I think, from an action standpoint, what we'd like to be able to do is get your buy-in. Because we're kind of, not all over the place, but the couple things that we would like to do is be able to make some of these changes on the website, if we can agree that we can do that. Were we looking for that today, Louise, in your opinion? The inclusions into the History and Purpose portion, when you're in the HARB section, just including that in-kind box and whether or not the layout of these flowcharts speak to you guys the same way they spoke to us. **Ms. Feder** – Yes. I think in terms of actionable steps, we're looking for group consensus on whether the things for the Phase 1 – Demystification, which is the charts and adding more material about replacement in-kind is the direction that we want to go in. And then looking for suggestions from the group on the simplification portion, so that moving ahead, we know that there's anything else you want us to look out for. But moving beyond Phase 2, as Ken mentioned at the start of all this, the goals were to demystify the process as we have it now. Make it as clear as we can for applicants and make things easier for Admin. Then simplifying the process with specific changes and so, hopefully again, that would make things simpler for applicants and simpler for staff at the Borough. And then, once we feel like we've had our arms around making changes to making the process, itself, simpler, taking a look at what we can do for future steps for the HARB, which means returning to the conversations around fees, again as Ken mentioned earlier. Because I think we were talking about with implemented, after the work session last month, that it seems premature to put fees on a process that is already in flux, where we're trying to simplify it, to change it and to put fees on something before we know how it's going to end up is a little putting the cart before the horse. But know that we haven't put that aside. What we're trying to figure out is if there are there fees that we're talking about across the board or does it make sense to look at larger scale projects that are more detailed. I'm looking at the three types of reviews. Obviously a Concept review has different needs than an Admin and a Formal review, so we're just trying to wrestle with where would a fee go, if at all and at what point and who would pay them. Ken, do you have anything you want to add? **Mr. Maisel** – No. And I think that that kind of rounds it out where we are at this point. So, interested in any feedback you might have. **Ms. Gering** – I'm going to start. I want to compliment you. I know that when the three of you volunteered to do this I was very thrilled because this has been a topic that we've had for the last couple years. How do we simplify the process? We make people jump through hoops then we find out they don't do it or they do it and we don't know about it. I know Solebury has a streamlining process they do and that I think we talked about. So I think what you did, putting it on the website is excellent information. Pete, I know...do we add that on now or do we have to wait when we're redoing the website? Then, of course I'd like to hear feedback from other members of Council. And you're right, when it comes to the fees, I think that's going to need a little more digging in. Because if you have made your project. It's time consuming and the goal is to have revenue neutral, we're not looking to make money on these projects. But again, it's got to cover our administrative costs. And some of these projects are detailed and I know Tracy gets involved and Pete's in and poor JoAnn, she's in there in all of it. So, that's my two cents. I'd like to hear what other Council members have to say. **Ms. Rettig** – You guys did a great job. I'm sitting over here applauding and the flowcharts look great. Everything was easy to read. It was concise. It made sense. I do agree with Connie and both of you guys about the fees. I think we need to see what other communities are doing, but we have to cover our costs. We cannot run at an Administrative deficit by having our Administrative staff, JoAnn, Tracy, whoever, working on projects and not being covered for it. So we do have to have fees of some kind, but we do have to make sure there's not redundancies or applying them fairly across the board. And I just think you guys did a great job. I loved what I saw. **Mr. Meyer** – I am extremely impressed, as well. Thank you very much. I have three specific comments, if I may. And by the way, I want to see these slides up on the website as soon as possible. The comment under Step 4 that the HARB meets at 125 New Street, blah, blah, blah will make a recommendation for each application, which is actually not true, because the application is going through the first review phase you say there is no vote. So you should make that language a little bit clearer at that point. **Ms. Feder** – We wrestled with that. We talked quite a bit and we got caught up in that same point, too. We were worried that.... we can certainly massage the language a little bit more. **Mr. Meyer** – That was one item I had. The other one is, again, under formal review if what you are doing is replacing a roof or repainting a house you're not going to have to get cleared by Zoning. **Ms. Feder** – Sorry, say that one more time, Peter. I

missed part of it. **Mr. Meyer** – I said, if in fact, what you're doing is replacing a roof or painting a house you don't have to go through Zoning. **Ms. Feder** – For sure. Yes, we know that not all projects will need to. **Mr. Meyer** – So, all the word is Most or Many, instead of the word all. **Mr. Maisel** – Ok, that's fair. **Mr. Meyer** – And, by the way I'm going...I think this is phenomenal. I definitely want to see this addition where you want to insert them? One page having gone through replacement in-kinds a couple of times, already, with property that I've got in the Historic District, I spent too much of JoAnn's time on it. **Mr. Maisel** – Excuse me, Peter. I think the point that Louise was about to make and I kind of cut her off. As it relates to the remind to all FRs, Formal Review HARB applications must be cleared by Zoning before coming to the....if it is a Formal Review, then it is not an "In-Kind." So it has to..... **Mr. Meyer** – If I change the color of my house from yellow to green, Zoning? **Mr. Maisel** – Yes. I understand what you're saying. **Mr. Meyer** – I'm talking about the things that don't change the exterior dimensions of the property, don't end up going to Zoning. **Mr. Maisel** – Ok. **Mr. Meyer** – Because, among other things that could deter people from doing certain things. And I guess the point that I wanted to raise is, as you guys go forward, what about some expedited review for signage? **Ms. Feder** – We're working on that. I reached out to other towns to see what they do about signage. It is something that we would really like to do. Because, certainly, we can share this in later workshops. JoAnn has been doing an awesome job looking at all of these past agendas to see what is the most common things that come up and, loosely, it sounds like it's roof, painting and signs. And so, we're trying to see if there are ways to do it. We're finding signs have been tricky, because there are so many variables in putting up a sign when it comes to materials, the size, the font, what can you regulate, what can't you. So, we're definitely spending time with it. Unfortunately, it's not something like roofs where you can say the materials are X, Y and Z and it's we can maybe there's a way we can streamline that very, very easily. But the Borough's unique. We have a lot of signs. We have a lot of types of signs. **Mr. Meyer** – What we have that, since the Planning Commission is now reviewing our planning ordinance, the Zoning Ordinance, there may be room for some language there that may simplify the review of the signage. We might want to coordinate that activity. **Ms. Feder** – that would be super. **Mr. Maisel** – yes, that would be good. **Mr. Meyer** – But we need to have input from you as to what are the problems you're looking at. **Mr. Maisel** – I think one of the problems that we have regarding signs is that I don't think we're all completely in concert regarding what is an acceptable sign. That's even within Council. It's not whether we like a sign or don't like a sign, but I think the vagaries of even that kind of activity is in question. And that's why this whole thing is really difficult. We could fast-track signs if we didn't care what kind of signs somebody put up and if they knew the Zoning was right. There's no reason, why shouldn't you fast track the sign, as long as you have to worry about the language on it or the aesthetics of it or its too scary or its too this or its too that. If we could take all that off the table and only have the dimensions really be the issue, which is a planning/zoning issue, then that way signage would be easy to do a fast-track. I think. **Ms. Gering** – I need to chime in on that one. And this was the conversation I had with Louise as we walked around town. The goal has been to clean up town and one of the things that is giving us a shabby look is a lot of the signs that are out there. In the last 15 years, the quality of the signs that the merchants are hanging up is really, really deteriorated. And I think that's why, if we're going to do some curb appeal, which we're in dire need of doing, I think one things we seriously need to address is the signage. Whether it's the design or the materials, because some of the things that are out there are just atrocious, in my opinion. **Ms. Feder** – Of course, not to put words in Ken's mouth, but of course, we're playing devil's advocate, right? We're trying to find how do you streamline it. I wish it was a simpler thing. If your sign looks like this, you're good. Because, of course, we have so many different types of places. I think everybody up here understands, as well. **Mr. Meyer** – The dimensions, as well. **Mr. Maisel** – the dimensions, most importantly, I think. **Mr. Meyer** – they may be the same square footage, but they may be long or tall or whatever and that makes a difference. **Mr. Maisel** – Absolutely. This is a work in progress. It's actually a little bit bigger than, I think to ultimately get to the finish line, I think there's going to be a few iterations, but this was, in my opinion, a good first stab at it and I think it can be improved and the process and we'll just keep banging away at it. **Ms. Feder** – and more to come, for sure. I think at this point we wanted to come to you to get clearance on just the clarification of the process. **Mr. Meyer** – I think it's fantastic. **Ms. Feder** – Well, great! Thank you! **Ms. Gering** – Your team has done an outstanding job. Seriously, pat yourself on the back. **Mr. Maisel** – Well, at the helm of the whole thing is JoAnn. She's quietly behind the scenes keeping the whole thing. I'm glad that's the consensus and we'll keep at it and keep coming back to you. I think these are workshop discussions, as we move along. So we'll ask for inclusions on workshops as we complete the work. **Ms. Gering** – Good job, Guys. Any other questions from Council? **Ms. McHugh** – No, I just want to echo that it is an amazing job. I love the flowchart. I would love to see that incorporated in other areas of the website, because I think it is

very clean and clear and when you're going to a website, it should be easy to find. It shouldn't be confusing and you've done that with this. You've made it nice and clear and concise. **Mr. Maisel** – Absolutely. But I will say that this material did exist on the website. There's no doubt about it. **Ms. McHugh** – I agree. It's there, but I think this should be put on as soon as possible. **Ms. Feder** – Pete, is it ok if we coordinate with you and the staff to just figure out how to get it on the website. **Mr. Gray** - Sure! Absolutely! We'll start first thing in the morning, get a game plan to get it up. **Ms. Feder** – Awesome. Thank you. **Ms. Gering** – Great job, again. Pete, is there anyone from the audience that has a question. **Mr. Gray** - there are no hands raised at this time. **Ms. Gering** – thank you, again. You did an outstanding job. **Mr. Gray** - I'm sorry, Mr. Duffy just raised his hand. **Ms. Gering** – Hi Mr. Duffy! **Mr. Duffy** – What a great job, Louise and Ken. That's a great start with the whole thing. Super. Long time needed. One question about signs, since we're talking about signs. Are we disregarding the sandwich signs? Are we not paying attention to that at the Borough? Because they seem to be popping up all over the place. And also, other types of street debris that come out of the stores. **Mr. Maisel** – Are you talking about tables out in the street, that type of thing or? **Mr. Duffy** – Balloons, everything. It's like all kinds of tchotchke out there. **Ms. Feder** – And I guess what I'm hoping for is something, not necessarily exactly the same as this flowchart, but ways for people to understand what their options for signs that are within the design guidelines for the Historic District. **Mr. Duffy** – Oh, absolutely! **Ms. Feder** – I don't know that we're at a point where I could tell you, exactly, here's what I think we should do about sandwich signs or tables or whatever else. I've been collecting sign guidelines from other Boroughs and trying to see what we can do here, but we'll try to figure it out. **Mr. Maisel** – The sandwich board is not an acceptable...it shouldn't exist. That's just enforcement, I think. Pete, is that.... **Mr. Duffy** – And who enforces it? Does the police force enforce it? **Mr. Gray** – Tracy? **Ms. Tackett** – So we do have an enforcement officer. It's been tricky with COVID as far as trying to give businesses leniency. He has been developing a master spreadsheet of commercial property downtown and identifying the existing violations and the hope is that that will be discussed with Council at an upcoming workshop, so that we can talk about priorities for enforcement. It's been tricky, though, trying to enforce in the middle of COVID. **Mr. Duffy** – Well, there's a resource out on the street, right now, you might be able to take advantage of, if it's legal. You have ticket people that are walking the streets all the time giving out tickets. Couldn't they look at the sandwich signs or is there a legal stop on that? **Ms. Tackett** – Yes, it's different because signage is regulated by Zoning and there's a violation process you have to go through. You have to give them 30 days and then you have to.... **Mr. Duffy** – Maybe they can hand them a document of some sort. Say, listen, this is what I'm trying to help you. Take a look at this document. **Ms. Tackett** – Yes and that is what the enforcement officer is doing and I think that he's been working on an automated system, so he can issue these letters much more automatically. So, we are hoping to have that discussion with Council in the near future. **Mr. Duffy** – One last thing about the flowcharts. Shouldn't it be something at the beginning of everything saying you are the new homeowner and fall down through am I in a HARB building, do I need, am I adding something to my new structure, this that, so they fall down into the different Zoning and HARB and so forth and Planning. Upfront, so you start at zero, because these people know nothing. **Ms. Feder** – Like where on the Zoning map you are? **Mr. Duffy** – No, like HI, I got just got a new house and I don't know if I have to do stuff with the Borough. Like at the very beginning. **Mr. Maisel** – It is. Do you have the flowchart in front of you? Are you looking at that Ed? **Mr. Duffy** – Yes, I saw it. **Mr. Maisel** – It says If you're doing a project in the Historic District, this is how you begin and it says Made sure your property is in a Historic District. **Ms. Feder** – And I think, if it's just somebody who just doesn't know like anything. What the Historic District is. **Mr. Duffy** – It's a hard thing to capture. **Ms. Feder** - We were trying to be focused on just the Historic District, because of course, if you live outside you're not going to have to deal with HARB. **Mr. Duffy** – What you've done is super for looking at that position. Now all you gotta do is find some people. **Ms. Gering** – thank you, Ed. We're going to move along.

Ms. Gering – Next on the agenda is the Zoning update recommendations from the Planning Commission. Peter Meyer and I guess it's Tracy, the two of you. **Mr. Meyer** - I think you've got a huge of paper in front of you with all sorts of detailed language. But basically, we've got a series of modifications to our zoning that we're proposing and there's going to be a whole bunch more coming at you. And I don't think I'm going to bother to show my screen. Let's just talk about a couple of things here. Again I want to defer is anything that has to do with the details of fees with regard to parking and so on and so forth for the alternative parking arrangements and things on that order, but that is something that we're going to have to eventually set. Right now, we've got four things in front of you and I'm assuming that Tracy is going to beat up on me if I mess up completely on one of them or skip one or anything like that. First, the easiest one. Formula restaurant and general restaurant revisions. What we're

doing here was trying to avoid having to have council go through for Jersey Mikes, when that was already in a shopping center, in a shopping district and we're going to permit the restaurant drive through in the district, however conditional use in regard to the drive through, which gives us the power rather than the Zoning Hearing Board. When it goes to being special exception to conditional use, we are taking power back from the Zoning Hearing Board and putting it in the hands of Council. Just understand that that is the adjustment that's going on. Second on the agenda is we have the creation of the wetland buffer and we do have some wetland, basically north of Union Square heading up to Route 202. This is mostly land that we own, but not all. This is creating a buffer to try and protect the wetlands. With regard to any future plans that we may have up in that area, one of the things to keep in mind as we put this in, is that it turns out that Zoning regulations do not impede the Borough doing what it wants to do with its own land. So it might end up intruding on the 50-foot buffer for some specific purpose, but otherwise, that is what we're trying to do with the buffer to protect the wetlands. Then it turns out that we have as a new potential use and we want to make sure that we can conform to the State requirements and that we conform and make available to all possible uses. In the Borough we have the possibility of a medical marijuana dispensary and a medical marijuana grower processor, they're slightly different. They have different requirements and the like. Both of them have to be 1,000 feet from the school property and the school and, since the industrial land is within a 1,000 feet of the school property and the grower processor use is an industrial use, we're making the conditional use in the shopping center district. Not that we expect it to be there, but the logic is we are, thereby creating a window for a potential use that we have to make available under State law, with regard to the extent that we can restrain land uses within the Borough. So that takes care of those three and then we start getting into more complicated things, which is alternative parking and valet parking. We did a variety of different things, here, trying to restrain the tendency or willingness to go and have all of our parking is over there. We don't need to have any onsite and try to explain that. So, valet parking cannot be more than 75% of the total parking that's available. We're moving things over in such a way that we are moving towards the permitting having to be renewed annually, so we're not giving away the ranch permanently on any of these sites or any of these opportunities. We put in a 30-day provision for alternative parking that meets arrangements to other kinds of problems arise, so that a problem with off-site parking doesn't automatically shut down a business, which didn't seem to be a logical thing to do. And we made it impossible to have fee in lieu parking, where we were charging \$1,000 now charge \$5,000 to be ...50% of the required parking by right. And if they want to use this to buy out more than 50% they've got to get conditional use approval from Borough Council. I'm utilizing, obviously, the attorney's summary to present this to you. That seemed to be the easiest way to go. It needs to get advertised and so on, if we want to move forward for April Borough Council meeting.....we have it in March, rather. On the Borough Council March 16th, which is two weeks to the day today. Then we need to advertise it and everything else, then we have the adoption potentially on April 20th and then away we go. Now, those are the major elements of what we are proposing to you. I can discuss any of the details of this further. Tracy is there something else that you think we need to give to Council, right now? The rest of the massive number of pages that you have here is simply the details and the language of these provisions. We do, eventually, need to establish some fees and get around to that, but the fee decisions can postdate the approval of the zoning pages. The biggest thing that I think that I might mention to you with regard to the fees is that there was some consideration on the part of the Zoning Hearing Board to say that we're going to charge different fees, depending on how many off-site park sites you need and that we might be willing to say for somebody who's got a landlocked building downtown, that has a new use coming in that requires more parking than has been permitted, so far, that additional one or two might be allowed, by right, off-site without any fee, but eventually that fee gets quite high for large volumes of off-site parking. So, that's something that the Planning Commission would tend to recommend to Council. But that's a further decision for Council down the pike. Tracy, you're on. **Ms. Tackett** – thanks, Peter. So, Matt Walters, I think, from the County is also available for this and he's done a lot of work on this for the Planning Commission. I'd just like to apologize for not having any flowcharts. **Mr. Meyer** – Seeing what these guys just did with regard to HARB, I feel like we did a lousy job of presenting to Council! **Ms. Tackett** – I am, too! I am, too! **Mr. Maisel** – There's a lot of words here.....a lot of words, here. I have a quick question..... go ahead, Tracy. **Ms. Tackett** – I was just going to say, I think Peter did a good job giving an overview and we can certainly answer questions. I did, in the beginning of this memo, include some discussion about this fee schedule, because at the Planning Commission meeting it was significantly discussed the concern that while this ordinance is a good idea for the bigger developers, it's still hard for the little guys. Especially if they might be going from, in the existing building, from a use that has a lower parking requirement to a slightly higher and there's no place to put the

parking. And so, that's where this idea, well maybe you do a kind of step fee where you give them some relief for the first few spaces. And so, I think the Planning Commission just want to make sure that you understood that that's where that came from. They were trying to come up with ways to help the smaller businesses downtown, when they're changing. And then the other thing that I noted, here, toward the end of the memo, as I was putting this all together again and looking over it once more it came to my attention that we have a provision in there for joint use parking with valet. So in other words, let's just say there's a bank has parking available that they don't need at night, they work out some agreement that the Borough finds acceptable, my thought is it doesn't, necessarily have to be just valet, it could be valuable for the little businesses that just need a couple spaces to lease. So we're planning on talking about that at the Planning Commission tonight, as far this idea of maybe tweaking that language and rather than calling it joint use valet parking, just call it joint use parking and then have a couple options. So, I just wanted to put that out there. **Mr. Maisel** – I just wanted to say, I really am behind you, personally, on the trying to make an accommodation for the smaller person and not look at this thing as somebody trying to beat us on these big projects and being mindful of it on the smaller scale I think is a non-kneejerk reaction to our reality in this Borough and I commend that. **Ms. Gering** – Yes, most of the businesses in town are Mom and Pop shops, so I think that's great consideration that you guys put in there. **Mr. Dougherty** – I have a is it time for questions? I think this is incredible work. I do think that it's a lot of stuff and that's always going to be the case when you're trying to fix things that have been around for a while. There's going to be a lot of stuff and maybe trying to get everyone up to speed. I'm a little gun shy of the results of unintended consequences. I'm a little gun shy that, with the amount of stuff in here. I'm not an expert in this stuff, at all, but as soon as I see the wetlands stuff and I said to myself, well, does that impact our garage? If you've been back there. I don't know. Is that wetlands? **Ms. Tackett** – It is. **Mr. Dougherty** – It is. **Mr. Meyer** – I just said to you, Dan **Mr. Dougherty** – I'm sorry, I'm going to ask a question, Peter. You don't have to answer me yet. What I'm going to try to say is, this is a lot of stuff impacting a lot of mechanical aspects, as to a lot of parking, different sizes. I think I entrust you, of course, but I think putting it on a March 16 advertising path is too soon. That's what my gut says. There's a lot of stuff, here. And Council, I think all seven of us have to understand each and every one of these things to make sure that we're not accidentally doing something that someone's going to be able to drive a truck through. I think these mostly to be more restrictive, right? It's a general concept, right? **Ms. Tackett** – for the wetlands, yes. **Mr. Meyer** – The wetlands is tightening. Let me point out, that if we put it on the agenda for two weeks from today, we can pass two or three of them on for advertising and keep another one or two out for further review. So, I don't see any reason, your observation. I mean, let me put it this way, the marijuana thing is pretty much to reserve and that thing is almost verbatim for what's required by State law. The formula restaurant one is something that we've discussed before when we were dealing with Jersey Mike. The other two may or may not go through on the 16th, but I'd like to at least tag them on the agenda to begin the discussion, to begin the consideration, to find out what additional information you guys want from the Planning Commission, from the lawyer, lawyers to be plural to get involved in this to find out where we are. I don't think that we're opening up any new holes for a truck to go through, except that a truck that may run over a developer. But that's another story. **Mr. Dougherty** – And I don't want to mean to say that this could open. I also want to be conscience of the fact that we don't want to also make a giant wish list of stuff that's frankly hard to enforce, because we just got our hands burned on this project or that project and now we're going to have twelve pages of hoops for people to jump through. I think it's a lot to absorb and understand. Sort of like when we changed the fees, Peter. Like the fee structure. One of the things that we asked Pete to do, and I think it was helpful, was to say the fee is going from ten bucks to forty bucks, or whatever, how many people pay that fee a year. So what is the real impact. Yes, it's gone up by 300%, but it only happens twice a year. What I can't tell from this, because I'm not a planning person or a zoning person, is what is the real impact on our businesses and / or to our constituents. I don't know enough about it and I don't think I'm going....now agreed, March 16, we're just going to agree to advertise these things and if you think that that's the best place to discuss, in gory detail, the nuances of these six changes, rather at another work session, where we can all get prepared. Now that you've framed it all up, Peter, I think then, it's incumbent upon all Council to get up to speed on what these things mean. But I don't know..... If the thing is just to advertise them. That's the only vote. To advertise, then there's no reason..... **Mr. Meyer** – First of all. No approval can occur without the language being advertised. **Mr. Dougherty** – I understand that. **Mr. Meyer** – That means the next, at the meeting on the 16th, we can agree on some of these items to be advertised and some not be advertised. We can get input from... we can start the process of discussing of these things. We may decide that we want to advertise it knowing full well that we might want to change the language in April. The advantage of

advertising it in March is we then give notice to the parties that will be interested in valet parking that the rules of the game may be changing and we will get their input at that April meeting. The cost to us, as I understand it, of revising in April, after advertising between March and April is the cost of the rewrite plus the cost of advertising again. Which is not that significant a cost. Tracy, am I completely off the beam here? **Ms. Tackett** – Well, I don't know the costs. I think it is relatively high and if we do do substantial changes, once we've advertised, we do have to have it re-reviewed by Bucks County Planning Commission and our Planning Commission. So, once it's advertised, we do want it to be pretty firm what we're looking for. If you want, since we're here at the workshop, if you'd like we can kind of through them each in some kind of detail and kind of talk through them and then, maybe at the end kind of see if you want to push it out, which I think is fine or we can put some of them on for advertising in two weeks. This is our opportunity to really kind of walk through these, so that everyone is comfortable and able to provide feedback as we walk through them. But it's up to you guys how you proceed with that. **Ms. Gering** – I'm going to chime in on this one. I think the formula restaurants and simplifying it in shopping center, I'm personally fine with that. I don't feel there's that much, language wise. The marijuana, I think is fine, but for me, I think I'd like to look into the valet parking. I think that needs more discussion, as does the wetlands. So that my position. **Mr. Maisel** – Peter, in his presentation with Tracy, have identified these four items as being the ones that need attention. Why doesn't everything in its totality need that attention, to Dan's point? **Ms. Tackett** – I would say that we knew the valet parking was a high priority. We chose to delete our previous standards so that we could revisit that and get it readopted. So that was our number one priority when this process started. And then we had the Jersey Mike's situation pop up a few months ago and it was, well let's fix that. That should be fixed, as well. One of the Planning Commissioners, as we were going through this expressed concern about the fact that we have no buffer requirement for wetlands. So, that got pulled in to it and I think, are those the main ones. Oh, the medical marijuana. So that's one where, as we were going through and discussing, we realized we didn't have anything that covered medical marijuana and, since we have County Planning staff helping us, we figured we would go ahead and use that resource and get that taken care of while we were doing that. So really, this all just started with the alternative parking and then kind of a few things jumped in along the way. **Mr. Meyer** – In this situation, Dan, you think you have a lot now, you don't know what's coming. **Mr. Dougherty** – Yes, well Peter... **Mr. Meyer** – we've been over the Zoning Ordinance chapter by chapter, as Tracy knows...look at her face. This evening we're dealing with a couple of more chapters and there's a lot more that's going to be coming at you. We're trying to do it piece by piece. If we go ahead with the two, that Connie is suggesting, which are the two that I thought would be easy to go through, right now, let's then put those two on the agenda for the 16th, if I may make the suggestion. Add to that the wetlands, which I think we can do, showing you where the wetlands are. Tracy will get some maps out for and get them to see what we're looking at right there. Because we don't have very many wetlands in this town. And we can hold back on the parking, if that's what you want to do. **Mr. Dougherty** – I just think, getting us from zero to sixty, where we can have a truly informed, educated Council, who understands the significance of the votes on these four items, is not something that's going to happen unless there's a lot more of what Tracy described and that's not going to be... I think you could spend twenty minutes, thirty minutes on each one of these subjects if Council people were truly engaged and not tired by the end of a meeting. And I don't think that that's the kind of conversation or discussion or education process that can occur at a Council meeting. You can have power point presentations, but people learn in different ways, they absorb knowledge from different ways and they also have different levels of understanding when they start the process, Peter. You know this stuff and Tracy, obviously knows all this stuff. But wetlands... we would look kind of foolish at our meetings to say, well where are the wetlands and everyone looks at each other and says ..I don't know where the wetlands are, but we're changing the rules as to how they apply. I suspect I know a couple of them and I would certainly, before we did anything, want to know exactly how what has been proposed by a Planning Commission or the Bucks County Planning Commission, how their proposal relative to wetlands might impact or not impact our ability to build a garage. **Mr. Meyer** – Let me repeat what I said earlier. None of the provisions of this zoning ordinance are binding upon the Borough of New Hope and how it utilizes its properties. **Mr. Dougherty** – I understand, Peter, but I'm not a fan of that whole line of reasoning, that well government exempts itself from rule. I don't like that to begin with, Peter. I don't like us applying all these rules to the Parry Mansion and to the Logan Inn and that there's a wetland there, but by the way, government can do what it. The wetlands don't really matter because we're the government. So, I think that that's a bad tact to take. To say it don't apply to us, so we can put whatever rules we want to on anybody we want to. That's a degree of arrogance and it's not good. So that's where I'm coming from there. **Mr. Meyer** – Call it arrogance, if you want.

It's State law. **Mr. Dougherty** – But we have an obligation to our constituents and including the businesses to treat them fairly. And so, we need to understand what that means and not just say we don't care what it means to Borough, we have State law behind it. **Mr. Meyer** – I will defy you to find..... **Ms. Gering** – Can I stop you for a second, because this can go on all night. Tracy, do you have a map of the wetlands to show everyone where they're at? **Ms. Tackett** – I was going to say that Matt did prepare a wetland map for us. And I'm not sure if Peter, can see if he has that available to share. **Mr. Walters** - I do. Am I able to share the screen. **Mr. Gray** – Yes. **Mr. Walters** – Ok. Is everyone seeing a map, here? So, what we're seeing here, this green area, here, this is the wetlands area. And this is a 50-foot buffer around the wetlands area. So all these green areas are wetlands. This is the Borough property up here. And then there's an area of wetlands along the Aquetong Creek and, I believe there's a small area down here and an area that kind of comes into the Borough, also. Those are the mapped wetlands in the Borough. Now, there are a possibility of smaller wetlands that aren't identified in this mapping. This is from the National wetlands inventory map. I think it may miss those areas that are under an acre. Let me share one more map, also, that shows the extent of hydro soil, because that's another element of the wetlands margin. I wasn't able to get it on that same map. Here these areas in blue here are hydro soils. Again, this is the Aquetong Creek and then there's a small area down here. Most of these line up with the wetlands, especially along the Aquetong Creek and then this area is another area of hydrosoil. **Mr. Meyer** – that area happens to be where my house is. **Mr. Dougherty** – Matt, I think I had been told by Jim Ennis, previously, that the Aquetong Creek and the banks of the creek are considered wetlands. Is that a true statement? I was told, now that was a while ago. **Mr. Walters** – Yes. Each area would have to be identified through a wetlands inventory a site specific inventory, so it is certainly possible. It would not be out of the realm of possibility. Especially along the creek. **Mr. Dougherty** – and the canal? **Mr. Walters** – the canal does not show up on here. **Mr. Dougherty** – I guess because it's less than an acre, I would imagine, in a specific area. Peter, this is all that I was trying to say. We have to be truly knowledgeable about what we're voting on is what I'm trying to say. It's my nature. I could go through the other three of these and do the same thing. I think getting up to speed in, which I'm willing to do. I think we're all willing to do. But I just would hate us to have to vote on something that not all seven of us aren't fully aware of what it is. So, this isn't going to be one like where a sub-team goes off and decides there should be solar panels on the kiosks and we don't all have to know exactly everything about it. This, I believe, impacts, basically, a lot of people in a lot of ways. I think all of us that have to vote have to be fully informed. That's my sense. **Mr. Meyer** – I not sure I know what, with regards to the wetlands you're not informed about and parenthetically, since I happen to own a property along the Aquetong Creek, I can tell you the only impact that the creek has had on my ability to use my property is that, if I move any of my buildings closer to the creek, or extend anything closer to the creek, I get clobbered by flood insurance. But it's not a wetlands issue. It made it very clearly for me, previously, when we were looking at that possibility. **Ms. McHugh** - I agree with Dan. This is really heavy subject matter and, while it seems you have represented it very well, and on the surface, yes, it seems to make sense and it seems to be the direction that we want to go, but I agree with Dan where I'm not comfortable enough with the material to say yes and vote towards it. I feel I need to do more research, because I don't know what questions I don't know yet. That's the problem. I don't know what I don't know to ask any questions. **Ms. Feder** – Just a quick question. **Ms. Gering** – go ahead, Louise. **Ms. Feder** – If we're going to postpone it for the next workshop meeting, which if that's what the group wants, is fine. I wondering if we can maybe get the materials a little bit more in advance, because it sounds like it's a lot to digest. And I think if we're going to have enough time to have the kind of comprehensive conversation that it sounds like we're trying to have, here, having more than just the weekend to do it would be really, really helpful. Because certainly what it looks like what Tracy and Peter have provided is comprehensive and I think if we had more than just a couple days to try and digest it, perhaps we'd be having the kind of conversation needed. **Ms. Gering** – Hold on, can I chime in, Peter. I'm sorry. I think it would be also good that we can make some questions and send them to either Peter or Tracy who would be able to answer them in regards to the questions that we have. I know for me, I want to know why, all of a sudden do we have to have a buffer zone on the wetlands. I mean, what's the need for it? So, I'm sure other people have questions like that and I think it might be best for us to email them in to either Peter or Tracy to Peter, since he's part of the Planning Commission, so this way, but the next workshop meeting, you can have answers for. And to be honest, the map you showed, I'm really even more confused than I was before. And I'm not sure if it's just me or everyone else that's sitting here. I think that's best way to handle it, because we can go back and forth all night and not resolve anything. So, why don't we do what we did with the fee schedule. Send in the questions and then, in the April workshop meeting we can address them all and hope to be better prepared to make decisions. **Mr. Meyer** – I

have a question, which Pete? Ms. Gering – the question is Peter Meyer, are you the one we should send the questions or maybe Pete Gray and you can go between you and Tracy to get them answered? Mr. Meyer – I think that, to the extent that I'm on the Planning Commission anyway. Tracy and I work together on the Planning Commission, Pete is simply going to have to forward the thing to the two of us, anyhow. Tracy, what do you think. Have them send them to me. I'll send stuff to Pete if there's something that needs to go to lawyers but mostly it will just be to you and me. Ms. Tackett – fine. I was also going to suggest, if it's possible, because we have Zoom available to us, we could possibly do some mini-sessions and record them walk you through each ordinance. If that's. Mr. Maisel – that's a great idea. Ms. Rettig – That would be great idea. Ms. Tackett – Why don't we try that and see if that works for you. Mr. Maisel – Why don't you work on one or two of them. Mr. Dougherty – Exactly! One for one, whole meeting. Ms. Tackett – that way you guys can look at it prior to the meeting and it might help you formulate some additional questions. And then we can go from there. Mr. Meyer – Are you talking about a meeting of all of us, in which case we have to advertise it? Ms. Tackett – No. Either myself or Matt would pick one of these four topics and we would actually walk through the ordinance and record it on a Zoom sort of call and then we would make that link available to all of you. So then you can go at your own leisure you can follow us going through the code, discussing what changed, what was the information. Mr. Meyer – Brilliant idea. My only question is, let's collect some questions ahead of time. If anybody has any. So, let's give it a couple of days, like the next week, if there's something that you really. Mr. Maisel – Peter, I think what we're all struggling with is we're not all sure exactly what the questions we need to ask are. Mr. Meyer – What I'm saying is let's get the ones that you can ask now. It will help inform Tracy and Matt and if you guys want me to join the two of you and the three of us do it together recorded, that's fine, too. But you don't really need me. You've guys are the pros. Ms. Tackett – We'll give it a try. I think that it can be useful for everybody, because then you can look at it at your own schedule, when you're ready to do that and then you have a chance to formulate your additional questions. Mr. Maisel – I think it's a great idea. Ms. Tackett – Ok. We'll try that. Ms. Gering – Great recommendation. Thank you. Any other questions from Council. Ms. Feder – My only question is if we can have that before so we can have more than a weekend to watch it. Ms. Rettig – If we could get it by mid-March, in another couple of weeks. That would be great, because that gives us ten days to look at it and digest it and think of questions before the next workshop. Ms. Tackett – Absolutely. Mr. Meyer – Can I ask, going back to Connie's question and an observation, can we put on the agenda for this coming meeting, the formula restaurants and the marijuana? Ms. Feder – Like we're ok to advertise those? Ms. Rettig – I'm ok with that. Ms. Gering – I'm ok with that. How does everyone else feel with that? Mr. Maisel – I might be missing something. What's the rush? Why does this have to be done now? Why not do all four next month? Why do we even have to rush to put these two on. Mr. Meyer – I'll give you an answer, Ken. Because I'm trying to give us more time at the meeting in which we look at two things that are much more complicated. To give us more time to discuss them and get the other two out of the way. Ms. Gering – So, Pete, we'll put them on for March 16th for advertising. Mr. Gray - Authorization to advertise. Yes. Ms. Gering – any other questions from Council here? Anyone from the public, Pete? Mr. Gray – Yes, Mr. Duffy has his hand raised. Mr. Duffy - Sorry, I didn't mean to have my hand raised. Great meeting. Ms. Gering – thank you, Ed. Any other comments? Mr. Gray – No other hands are raised. Ms. Gering – I'm going to have a motion to adjourn, even though we don't. See you in a few weeks.