

# Swarthmore Planning Commission

## Meeting Minutes

Meeting Date October 19, 2022

Commission Attendees	Chris DeBruyn – Chair, Acting Secretary	James Levine
	David Virgil - Vice Chair	<del>Elizabeth Jenkins</del>
	Steve Minton	<del>Douglas Perry</del>
	Nancy Templeton	Doug Harnsberger
	Don Jones	<del>John MacCallum</del>
	Rex Brien	

Also in Attendance	Kristen Seymore	Borough Council Liaison
	<del>Bill Webb</del>	<del>Borough Manager</del>
	Scarlett McCahill	Borough Council Member
	Francie Halderman	Borough Council Member

Meeting Location Swarthmore Borough Hall

- C. DeBruyn called the meeting to order at approximately 7:35 PM
- **Agenda Item 1** – Approval of September meeting minutes
  - Chris noted that Rex took exception to the formatting of a portion of his notes, and Chris proposed a revision.
  - Approval of the amended version was moved, seconded and approved.
- **Agenda Item 2** – Committee Reports:

Member	Committee	Notes
Elizabeth Jenkins	EAC	Not Present
James Levine	Traffic Committee	No meeting.
Chris DeBruyn		
Steve Minton	Finance	
Rex Brien	Zoning Hearing Board	10/4 – 2 special exceptions: setback issues 1 variance request. Mostly Lot line issues.
Don Jones	BC - Environment	TBD
David Virgil	BC - General Government & Hum. Services	TBD
Nancy Templeton	BC – P&Z	No meeting.
Doug Perry	BC – Public Safety	Rat issues in TC, Extensive discussion regarding fire and police costs.
Doug Harnsberger	Development and Affordability Task force	Dimensional standards and methods of funding discussions.
John MacCallum	BC - Public Works/Parks & Rec.	Not present.
	Tree Committee	
	BC - General Government & Hum. Services	

- **Agenda Item 3** – Approval of proposed revision to the Town Center District height limit.
  - Extensive discussion
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  - Chris noted:

- BC provided a completely revised proposed ordinance, ready for signature. In a separate email, additional documents were provided including various drafts, and a narrative of various discussion points regarding the proposed ordinance. This document contains several significant errors:
  - The council's note states that "Swarthmore Planning Commission raised the Town Center maximum building height from 35' or 3 stories to 65' or 5 stories in 2013."
    - PC recommended a new zoning district called Town Center, to take the place of the Business Apartment district in 2013.
    - In fact, the preceding BA district permitted heights up to 55'.
    - Borough Council implemented the new zoning district.
    - Basing a decision with these two glaring errors in the first sentence of the rationale would seem to indicate a less than thorough understanding of the situation.
  - Several locations in the notes refer to conflicts and ambiguities in the code as justification for the revision.
    - The TC district language regarding height is completely clear and unambiguous. This repeated assertion is either a string of errors, or a weak understanding of the code.
  - The Council notes suggest that a height reduction in the district would be a "thoughtful pause".
    - This language is misleading at best. Revising the ordinance is not a pause, nor is this a thoughtful process. Revising the heights in the TC district is a permanent revision to the code.
  - The notes indicate "Planning and Zoning committee...approved by a majority of the committee in both July and August 2022 meetings...the planning commission chair declined to accept this assignment within the requested time period..."
    - Planning Commission is required to act in accordance with direction from the Borough Council, not individual committees or committee members. When not under BC direction, PC will often discuss topics relating to their sphere of responsibility if requested and time permits.
    - Planning Commission did not meet in August so could not respond to any informal requests from P&Z from July or August, if those requests had been made. They were not made. The September meeting was devoted to discussion regarding the proposed Demolition Ordinance revision, and the October meeting (this meeting) discussed the Height restriction revision.
    - At no time has the Planning Commission Chair "declined to accept the assignment". No request was made by P&Z, and no request was made by Borough Council. The statement is either another error in the notes, or something else.
  - The Council note indicates that the proposed height limit is to "...reducing a profit motivation to redevelop historical properties."
    - There are sufficient provisions in the current code to protect Town Center properties from inappropriate redevelopment. The 110 Park application, now a year old, with a highly engaged and responsive developer, and has yet to receive BC approval, is one good example.
- Don noted:
  - The current Town Center 65 foot height limit generates a 5 floor building with a floor to floor height of 13 feet (in rough terms); the proposed 45 feet limit generates a building with a floor to floor height of 11'-3", which could be considered substandard for a good quality residential building, but is certainly a less generous dimension and a more difficult design parameter than 13

feet. If the intention is to reduce the building height limit by one story, 45 feet is not the correct limit. Further, the ground level story might be taller / higher (to take grade differences into account), tightening the available floor heights above.

- James expressed concern that the Commission had not been afforded sufficient time to evaluate the proposed amendment, and that any revisions should be considered in the context of the Code as a whole to ensure that amendments are consistent with other Code sections and the overall intent of the Code.
- Rex agreed that we needed additional time to review and comment on the proposed revision to the Town Center District height limit. The PC Chair provided us with a copy of the proposed amendment on October 16, 2022. With respect to the proposed wording of the motion on the amendment, Rex objected to stating that PC “rejects” or “does not approve” the proposed amendment, as it would give the impression that PC had fully considered and rejected (or disapproved) the proposed change in height limit, which simply is not true. PC merely sought additional time to review the proposal.
- Extended discussion regarding the language of a motion to recommend or not recommend the proposed ordinance revision.
  - **Motion:** “PC does not approve the proposed amendment. PC requests additional time to review the proposed amendment, to review dimensions, impacts on other areas of the ordinances, and other considerations. 45’ for a 4 story structure will not result in an appropriate ceiling heights, among other possible issues.”
- The motion was seconded. Chris noted that typically a voice vote would be held, but that any member can request a role call, and he requested a roll call.
- The motion passed, 6-2, with no abstentions and 1 of the 9 voting members or alternate members not present.

Member	Vote
Elizabeth Jenkins	Not Present
James Levine	Yes
Chris DeBruyn	Yes
Steve Minton	Yes
Rex Brien	No
Don Jones	Yes
David Virgil	Yes
Nancy Templeton	Yes
Doug Perry	Not Present
John MacCallum - Alternate	Not Present
Doug Harnsberger– Alternate	No

**Future Agenda Items**

- With respect to future agenda items, Rex mentioned that Borough Manager, Bill Webb, advised that he would be happy to address PC about municipal codes of ethics but would not be available until after the New Year.

**Public comment:**

- Council Member Scarlet McCahill expressed appreciation to the PC for their labors and interesting discussion, and fielded questions regarding the process and intent of the ordinance revisions. A discussion regarding a more appropriate height limit for 4 stories and other topics were covered, including topics mentioned as part of the PC member discussion above.

- Kristen noted that the Council note referenced above supporting the amendment did not appear to have been voted on by BC for reference to the PC, and Scarlet confirmed that was the case.
- Rachael Pastan noted that the Affordability and Development Committee was working on aligning funding methods, locations and methods of providing affordable housing in the borough.

Meeting adjourned at approximately 9:30 PM.

**NEXT MEETING:**

The next scheduled meeting is scheduled for Wednesday November 16, 2022 at Swarthmore Borough Hall.

**End of Meeting Minutes**