

Swarthmore Planning Commission

Meeting Minutes

Meeting Date September 21, 2022

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| Commission Attendees | Chris DeBruyn – Chair, Acting Secretary | James Levine |
| | David Virgil - Vice Chair | Elizabeth Jenkins |
| | Steve Minton | Douglas Perry |
| | Nancy Templeton | Doug Harnsberger |
| | Don Jones | John MacCallum |
| | Rex Brien | |
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| Also in Attendance | Kristen Seymore | Borough Council Liason |
| | Bill Web | Borough Manager |
| | David Boonin | Borough Council Member |
| | Francine Halderman | Borough Council Member |
| | Scarlett McCahill | Borough Council Member |
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Meeting Location Borough Hall Council Room

- C. DeBruyn called the meeting to order at approximately 7:33 PM
 - **Agenda Item 1** – Approval of July meeting minutes
 - So moved, seconded, and approved.
 - **Agenda Item 2** – Committee Liaison Appointments
 - **Public works** – Runoff management @ Henderson field, composting.
 - **Nancy** – no meeting
 - **Planning & Zoning** – Need to find a way to attend.
 - **Public safety** - meeting next week
 - **Agenda Item 3** – Demolition Ordinance
 - Rex:
 - It was Rex’s understanding that Borough Council did not intend to replace the entirety of Section 1256.06 of the Borough Ordinance but only paragraph (a) of the existing Ordinance section. He believed that Borough Council sought to add additional factors to be considered when reviewing a conditional use application to demolish an historic building. If that were not the intent, the amendment would effectively remove consideration of a proposed demolition of an historic building from the conditional use application procedure, which would, inter alia, remove any involvement by the Planning Commission from the determination. Rex also pointed out that Section 1256.07 of the Ordinance requires that permits for demolition “must follow the conditional use application procedures outlined in Section 1264.11.”
 - Rex responded to Chris DeBruyn’s comment that “demolition” did not seem to be a conditional “use” and that the conditional use application process unduly complicated developers’ projects. Rex mentioned that proposals to demolish historic buildings are typically addressed throughout the Commonwealth through a conditional use application and that it likely derives from the Pennsylvania Municipalities Planning

Code. Rex mentioned that the Swarthmore Ordinance's conditional use application procedure allows for consideration of a wide range of factors consistent with the intent of the Town Center Zoning District, as set forth in Section 1256.01 of the Ordinance, including the MCP- and Pennsylvania Constitution-mandated obligation of municipalities to preserve buildings of historic value. The proposed amendment to Section 1256.06 serves the purpose of the Town Center Zoning District by providing additional factors for consideration addressing both historic preservation and developers' concerns.

- With respect to the proposed amendment to Section 1256.06, Rex suggested adding clarity as to who bore the burden of demonstrating that the conditions set for in subparagraphs (1) or (2) of paragraph (A) have been met. Rex proposed adding "by the applicant" to the provision.
- Rex proposed revising paragraph (B) of the amendment to read: "When considering whether to permit demolition of a building of historic value, additional consideration should be given to the following:" That would be consistent with Section 1264.11 Conditional Uses which requires review of a conditional use application by both the Planning Commission and Borough Council.
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- John:
 - "Historic" is clearly defined in the zoning text. No need to debate if a building is historic. The ordinance draft improves the way in which buildings are evaluated by the borough for possible demolition. The additional criteria, and the explicit requirement that puts the onus on the applicant, makes for more thorough consideration
- Nancy:
 - Do not start with the assumption that a building is historic, have a process to determine.
- Doug P.
 - Questions the use of the word "all" in sub section (B) item (2).
Whether the applicant has demonstrated they have considered all alternates to demolition;
- Chris:
 - Utilizing the Conditional use process creates multiple public referendums for the same project, for several reasons:
 - It is difficult to limit comment and discussion to the scope of the conditional use approval.
 - Most criteria in 1264.01 Conditional Use are not well suited to the temporary use of demolition, so are disregarded.
 - Removing the zoning permit section loses the original feature of requiring demolitions to be part of confirmed new construction to replace the demolished building.
 - Conflicting "clocks" between land development and Conditional use, combined with the need for the conditional use to follow the land development/zoning permit create difficulties for the borough to manage its responsibilities in the process.
 - Buildings of up to or close to 65' height were allowed prior to the inception of the TC ordinance.
 - One project has been proposed since 2013 and after a year of meetings and discussions, has yet to achieve an approval. The additional language proposed will increase the perceived difficulty for a developer getting an approval. This makes it evident that the current ordinance language is adequate for protecting the character of town center. Increasing the difficulty of achieving an approved project will reduce the chances of any developer making an investment in Swarthmore, eliminating potential for increasing density in town center.

- The net effect of this change will be to discourage any development in the TC district. Chris wants to emphasize that the borough has a moral imperative to increase transit oriented development due to it's location situated on a transit hub.
- Are there any historic buildings in Swarthmore Town Center?
 - Mr. Harnsberger
 - reminded the commission that the 2002 "Determination of Eligibility" letter for a "Swarthmore Commercial Historic District" meant that the PA Historic Preservation Officer then gave her state office's recommendation to the Borough to establish a state and federal historic district designation for Swarthmore's Commercial Center;
 - A review of the 2001 "Swarthmore Historic Resources Inventory" document reveals that about 55% of the structures in the town center were determined then to be "contributing" historic buildings. About 45% of the structures were designated as "non-contributing";
 - According to the State Historic Preservation Officer's letter of eligibility determination, preservation protections would be warranted for the 55% of the TC structures that were designated "contributing" historic status;
 - *If the current Borough Council were to entertain a historic district designation for the TC Commercial District, that would mean that the "non-contributing" buildings would be designated as development opportunities to raze and erect new buildings – that is, for just under half of the commercial district's real estate;*
 - For those structures designated as "contributing", federal and state Historic Tax Credits would be achievable to recoup 20-30% of the owner's rehabilitation expenses, including the costs for constructing compatible additions made either vertically or horizontally;
 - After many months of conversations with concerned Swarthmore neighbors about the scale and impact of the proposed 110 Park development application, a consensus opinion emerges that there are many architectural (and landscape) qualities that our existing Borough Town Center features that its residents want to see preserved and enhanced. At the same time, many Swarthmoreans are open to seeing how high-density housing projects may be best accommodated at certain designated Village Center sites.
 - In my opinion, one of our pressing Planning Commission challenges appears to be to balance these two simultaneous planning objectives: to preserve the essential Village Center character of the borough while promoting its commercial vitality and future smart growth.
- **Vote:** "Planning Commission to recommend approval of the proposed amendments to section 1256.06 – Demolition"
 - Vote moved and seconded.
 - Motion fails.
- **Vote:** "Planning Commission to recommend approval of the attached amendments to section 1256.06 – Demolition - titled "Proposed Ordinance Revisions – 1256.06 – Planning Commission markups 9-21-2022"
 - Vote moved and seconded.
 - Motion passes.

Future Agenda Items: – Rex proposed inviting Borough Manager, Bill Webb, to speak to the Planning Commission about municipal codes of ethics, given his considerable experience as a planning professional and having taught ethics at West Chester University. While a proposed code of ethics for the Borough has been a topic of discussion on the Planning Commission, there have been divergent opinions about the need for same. Rex pointed out that most municipalities in our region have codes of ethics.

Public Comment:

- Francine Halderman: “Historic value” as defined in the borough ordinances seems to be widely thought of as something that could be modified.
- The borough council members present stated that Borough Council’s proposed amendment to Section 1256.06 Demolition of the Swarthmore Ordinance was not intended to replace the existing Section 1256.06 of the Ordinance in its entirety but rather the intent was to propose an amendment to paragraph (a) of the existing section.
- General Discussion

NEXT MEETING:

The next scheduled meeting is scheduled for Wednesday October 19, 2022, at the Borough Hall Council room.

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End of Meeting Minutes