

Swarthmore Planning Commission

Meeting Minutes

Meeting Date January 18, 2023

Commission Attendees	Chris DeBruyn – Chair, Acting Secretary David Virgil - Vice Chair Rex Brien Don Jones Nancy Templeton James Levine	Steve Minton Douglas Perry Doug Harnsberger John MacCallum Chris Kenney
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Also in Attendance	Kristen Seymore Bill Webb Eric Johnson David Boonin	Borough Council Liaison Borough Manager Borough Engineer Borough Council Member
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Meeting Location Borough Hall

- Chris D. called the meeting to order at approximately 7:35 PM
- **Agenda Item 1:** Approval of December meeting minutes.
- **Agenda Item 2:** Land development Application – Swarthmore Swim Club
 - **Presentation**
 - Jeff Orlando, SSC Board Member – The project is to replace the existing structure that was destroyed by a tree fall, and make the “Grove” more useful for the club.
 - Catania Engineers
 - 3 waivers are requested
 - A reduced riparian buffer at the channelized stream crossing the site.
 - The stream course was modified in the past and is channelized with concrete and masonry walls. Stormwater design should reduce run-off direct into the stream.
 - Combine preliminary and final land development applications
 - This is a small project, and the club hopes to complete it for use during the upcoming summer season.
 - Waive requirement for a traffic study
 - The improvements will not increase club capacity, and the club has no intention to grow its membership beyond the current cap.
 - **Discussion**
 - **Rex** – Waiver for the combined application can only be approved under demonstrated hardship, pursuant to Section 512.1 of the MPC and Section 1286.10(g) of the Borough Subdivision and Land Development Code.

- **Chris** – access to the stormwater facility is required to allow construction vehicles to perform maintenance, that access pathway should be indicated on the plans.
 - **Public comment**
 - **Virginia Thompson (430 Rutgers Avenue)** – Concerned about stormwater implications, Will this worsen existing flooding issues in the area?
 - **Catania Engineering** – The stormwater management plan for the project will reduce runoff through a large seepage bed
 - **David Boonin (203 Riverview Road)** – Noted the replacement trees, stormwater control, and noted he was in favor generally as long as the updated facility was not intended to allow different types of use or increased use outside of existing club hours. Concerned about the “fire pit” which didn’t appear to be a need for a summer day-use facility, noted that the pit would increase fire risk, and smoke pollution for near-by residents.
 - **Motion:**
 - **PC recommends approval of the proposed (preliminary) land development application:**
 - **Subject to:**
 - Satisfaction of Borough Engineer Comments
 - Designation of Riparian Buffer on plans
 - Review and comment by:
 - EAC
 - Delco Planning
 - Fire Marshall
 - Including:
 - Waiver to combine preliminary and final application
 - Waiver of requirement for traffic study
 - Waiver for a reduced riparian buffer to a 10’ buffer.
 - Motion is seconded and passes.
- **Agenda Item 3: Discussion of Town Center Height Limit ordinance**
 - **John** via email –
 - “The proposed revision to the Town Center maximum building height has been hastily introduced without the benefit of proper study. Furthermore, it would set a precedent for knee-jerk policy making, undermining what should be a thoughtful and deliberate process conducted in partnership with planning professionals. I fully understand and sympathize with concerns regarding scale and historic character, but strongly suggest Council allow the process of working with the community and the newly retained planning firm prior to proposing any changes to zoning.”
 - **Chris D.** –
 - I attended the borough council meeting at which the council voted to send this back to us with no changes, after our previous recommendation not to approve. It was not clear to me at the time what their intentions were after watching the deliberations which appeared to be mainly regarding the approval schedule.
 - I believe that no purpose is served in altering the zoning code just a few months prior to a comprehensive re-write by a third party consultant.
 - The fear of massive development of Swarthmore Town Center in the absence of this restriction is unfounded.
 - I note that the already newly approved revisions to the demolition section of the TC zone will effectively prevent any development of properties listed in the historic survey.
 - I note that the height limit for the TC area has been either 55’ or 65’ since at least 1976, and only one application has been presented in that nearly 50 year span.

- I also note that the massing difference between a 55' and 65' structure is difficult to recognize from ground level.
 - The current state of the economy also reduces the likelihood of any developer finding a mixed-use project in Swarthmore to be financially attractive, as funding sources are currently pulling back from residential multifamily development and mortgage rates are high, as are Swarthmore land values.
 - Adjusting the building height limit without adjusting the FAR will encourage more massive appearing structures.
 - There are several 50-60' buildings in the districts adjacent to town center, that don't appear to be problematic, including the Swarthmore Inn (IN District), and the two apartment buildings on SR 320 (AR district).
 - Reducing the allowable building height substantially reduces the likelihood of any affordable housing being constructed in Town Center, as the return to the developer is not likely to be attractive compared to competing opportunities.
 - **Rex** – Believe we should consider similar height ordinances adopted by comparable municipalities. Rex circulated a list of 28 other local municipalities' comparable restrictions (attached to these minutes). Rex referenced the previously circulated Village Mixed Use District guidelines and model ordinance published by the Montgomery County Planning Commission Board which recommends a 45 feet maximum building height. Rex also referenced the Delaware County Planning Commission's November 17, 2022 recommendation to adopt the proposed amendment to the Borough zoning ordinance to revise height requirements within the Town Center District. The DCPC's recommendation states that the proposed 45 feet maximum height in the TC "will be more in keeping with the scale of the existing Town Center buildings. The Town Center is National Register Eligible, and the scale and character of the area will be retained in the future with this change. Height is one of the factors for retaining historical character within a district. We commend the Borough for taking this initiative to make this important change."
 - **Chris K** – BC discussion also included adjusting height to various levels.
 - **Don** – As previously noted in my emails to Scarlett McCahill, in my opinion the 45' height limit is arbitrary and is not carefully considered in comparison to the current 65' limit. Benchmark standards presented by Rex are useful, if not directly applicable to our situation.
 - **James**: Suggested a motion:
 - PC declines to vote to recommend approval
 - Members of the PC expressed concern about altering the Code on a one-off basis, particularly while a more comprehensive review is in process
 - Members of the PC also expressed concern about the 45 foot limit based on compression of the floors, and suggested that a 4-story building with an overall height of 48-52 feet would be more appropriate if BC were to move forward with this amendment to the Code
 - An extended discussion followed regarding how to convey comments to BC. Several suggestions to create a document noting the suggestions and competing viewpoints, particularly because this matter has been before PC since October 2022. Rex mentioned that PC was not fulfilling its role by failing to provide its comments to BC regarding the proposed amendment.
 - **Chris D** made a motion to table discussion, encapsulate PC comments in the meeting minutes, and use the minutes as the document to transfer comments to the BC. Discussion could then be continued if warranted in the February meeting.
 - Motion seconded. Vote in favor, the motion passes.
- **Agenda Item 4**: Discussion of Chicken Coop ordinance.
 - **Chris D** – the BC has presented a suggested ordinance to regulate chicken coops.
 - **Public comment**

- **Susan Kelley (339 Vassar Avenue)** – Chickens kept as pets should not be permitted to be close to the edge of lots. They are noisy and smell. Holly & Bill Lynch (337 Vassar Avenue), had to leave due to time, provided a note to be read by Susan K– “Chickens in adjacent lot are noisy and odorous, rats are also a big problem. Backyard farming does not belong in dense neighborhoods, grandfathering existing coops is not a good idea.” Believe chickens should be banned completely.
- **Adam Silverman (506 Harvard Avenue)** – Opposed to an ordinance. Evidence should be provided to prove that rats are a problem; according to several experts, infestations do not appear to be a widespread problem in Swarthmore. Flaws with the ordinance – would exclude most RB residents from keeping chickens based on lot size. Max numbers of chickens are too restrictive, chickens flocks should be a minimum of 6 birds. Should be able to be located with a 3’ setback like a shed. Chickens don’t smell.
- **Andy Rieger (404 Drexel Place)** – Chicken owner, believes chickens could be properly regulated. Wondered why roosters aren’t prohibited. Doesn’t support the idea of requiring neighbor approval. Chickens are loud from 6 to 7 in the am – egg laying is a noisy process. Same noise level as his dog. His chickens are kept 30’ from his house. Number of chickens is too low. Proposed coop dimensional requirements are oversize on a per bird basis. The proposed ordinance does not address the complained-of issues.
- **Susan Smythe 207 (Cornell Avenue)** – Some regulation is appropriate but this draft ordinance is not connected to the issues that it seeks to solve. This ordinance doesn’t regulate food and waste. Don’t cut and paste other ordinances; make the ordinance fit the borough. Chickens are occasionally noisy. Grandfathering should be considered.
- General comments – keeping small quantities of chickens as pets is a positive experience for growing children – chores, exposure to food production, good pets. Run heights should allow up to 8’ at least.
- Discussion:
 - **Rex** – owned chickens in the past in Swarthmore. Noisy when laying eggs. Setbacks don’t make a difference. “Neighbors loved my chickens.” Did not notice a smell. Has never seen a rat. The ordinance should require a covered and fully enclosed run to restrict predators.
 - **David V** – should we be restricting discussion to the zoning aspects of this issue? Is how to store food in our purview?
 - **David B** – Another ordinance is in the works regarding chicken coops, not sure what is happening with it.
 - **James** – Why is height regulated at all?
 - **Chris D** – Recommend that we define Coops and runs as an accessory structure.
 - Max height regulation seems unnecessary.
 - Can we table this and pick up again next month with a better draft ordinance as a starting point?
 - David B: Yes.
 - James agreed to draft a new ordinance.
 - **Chris D.** – Motion to table until a new draft is available
 - Seconded, vote in favor.
- **Agenda Item 5: Reorganization**
 - **New Member** – Chris Kenney appointed by BC to replace Elizabeth.
 - Vote for Chair
 - Nominations – Chris D, James
 - Vote – James to be Chair
 - Vote for Vice Chair
 - Nominations – Doug H
 - Doug H to be Vice Chair

- Vote for Secretary –
 - Nominations – Rex
 - Rex to be Secretary
- **Agenda Item 6:** Select 2 PC members to serve on a technical committee to advise FHI Studio
 - **Nominations** – Nancy, Chris K
- **Agenda Item 7:** Committee Notes

Committee	Meeting info(time is PM unless noted.)	Planning Commission Liaison
Borough Council		Kristen - FHI Kickoff meeting. Conditional use hearing held and is continuing.
Environmental Advisory Council (EAC)	4 th Tuesday @ 7:30	
Traffic Advisory Committee	Meetings as needed.	James Levine – No meeting
Tree Committee	David Page – Meets as needed.	Chris noted that there are conflicts in the various locations that trees are controlled in our ordinances, forwarded the info to EAC for review.
UCC Board of Appeals	Meets as needed.	Steve Minton didn't meet
Zoning Hearing Board	Meets as needed, 4 th Tuesday.	Rex - SSC variance hearing scheduled
Borough Council – Environment	4 th Wednesday 7:30	Don Jones – PECO issues, appeal to PUC to delay PECO work, Bird Town designation. Energy buy in opportunity
Borough Council – General Government & Hum. Services (Library, town center,)	Sarah Graden – 3 rd Monday @ 7:30	David Virgil - Meeting on Jan 26
Borough Council - Planning & Zoning	Kristen Seymore – 2 nd Wednesday 7:30	Nancy Templeton – Meeting scheduled for February
Borough Council - Public Safety	Jill Gaieski – 3 rd Tuesday	Doug Perry Meeting with GV on January 26
Borough Council - Public Works/Parks & Rec.	Francie Halderman – 3 rd Thursday 8:30 AM	John MacCallum – Not present.
Development and Affordability Task force	1 st Thursday 7:00	Doug Harnsberger – Nearing the end of warrant - Summary Presentation – End April 1
Borough Council – Finance	TBD – 4 th Monday @ 7:30	Steve Minton – No meeting.

The meeting adjourned at approximately 10:20 PM.

NEXT MEETING:

The next scheduled meeting is scheduled for February 15, 2023 at Swarthmore Borough Hall.

End of Meeting Minutes

Building Height Ordinances

1. Montgomery County Planning Commission Board's model zoning ordinance for "Village Mixed-Use District – max. 45 feet
2. Narberth Borough – max. 45 feet
3. Lower Merion Township, Commercial Center VC and TC Districts – max. of 4 stories
4. Lewisburg Borough, Downtown Commercial District – max. 45 feet
5. Doylestown Borough – max. 42 feet / 3 stories
6. Tredyffrin Township, Town Center District – max. 42 feet
7. Hanover Township – max. 45 feet
8. Cranberry Township – max. 45 feet
9. Bangor Borough, Northampton County – max. four stories or 48 feet
10. New Hope Borough, combined development use – max 35 feet or 3 stories
11. Atglen Borough, Business District – max. 35 feet
12. Mifflensburg, Downtown District – max. 35 feet
13. Gettysburg Borough, General Commercial District – max. 48 feet
14. Upper Milford Twp. – max. 3 stories or 40 feet, whichever is more restrictive
15. Honesdale, Downtown Historic Preservation District – "building heights should be similar to those of existing nearby buildings"
16. Bellefonte, Central Business District – height "shall be within 10% of the average height of all buildings along the shared street front of the block within which the building is to be constructed"
17. Charlestown Township, Neighborhood Commercial – max. 35 feet.
18. South Lebanon Township, General Commercial District – max. 2 ½ stories or 35 feet.

19. O'Hara Township, Commercial District – max. 30 feet
20. Kingston Borough General Commercial – max. 3 stories or 40 feet
21. Hilltown Township – max. 35 feet
22. Buckingham Township – max. 35 feet
23. Milesburg Borough, Central Business District – max. 40 feet
24. East Brandywine Township, Village Commercial District – max. 3 stories or 35 feet, whichever is less
25. Abington Township, Main Street/Village Center – max. 35 feet
26. West Caln Township, Village District – max. 35 feet
27. Warminster Township – max. 35 feet
28. Brookhaven Borough, Commercial District – max. 35 feet.