

NARBERTH BOROUGH

BOROUGH COUNCIL

MONTGOMERY COUNTY, PENNSYLVANIA

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A public hearing was held before the Narberth Borough Council, in Narberth Borough, Montgomery County, Pennsylvania, at the Narberth Borough Municipal Building, 100 Conway Avenue, Narberth, Pennsylvania, on Monday, April 28, 2016, commencing at 8:00 p.m., for the Borough Council Caucus Meeting, for Form-based Zoning Code, Ordinance 995.

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BOARD MEMBERS PRESENT:

AARON MUDERICK, President
GIGI TEVLIN-MOFFAT, Vice-president
CHARLES SILIO
ROBERT WEGBREIT
ROBERT WEISBORD
MARLENE RICHMOND
BARBARA FORTNER

- - -

COUNSEL APPEARED AS FOLLOWS:

JOHN WALKO, ESQUIRE
for the Borough

- - -

ALSO PRESENT:

THOMAS GRADY, Mayor
SEAN METRICK, Borough Manager

- - -

TIM KUREK
OFFICIAL COURT REPORTER
(610) 278-3237

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BOROUGH COUNCIL CAUCUS MEETING

MR. METRICK: Solicitor Walko.

MR. WALKO: Present.

MS. FORTNER: And Mayor Grady.

THE MAYOR: Here.

THE PRESIDENT: Ms. Richmond,
could you lead us in the Pledge of Allegiance?

MS. RICHMOND: Sure.

(Pledge of Allegiance.)

THE PRESIDENT: Okay. At this
time I would like to offer an opportunity to
Councilor Weisbord, who is chair of the Building
and Zoning Committee, to make a brief statement.

MR. WEISBORD: Good evening.
Am I close enough to the microphone?

THE AUDIENCE: No.

MR. WEISBORD: I'll speak
loud.

Good evening, everybody.
Good evening, Council members, Mr. Mayor,
Mr. Metrick, our solicitor, Mr. Walko, members of
the community. Our Council is privileged this
evening to hold this hearing at the Narberth
Planning Commission's recommendation for the
replacement of Chapter 124, the zoning section of

1 **BOROUGH COUNCIL CAUCUS MEETING**

2 the Borough Code.

3 This revision of our Borough
4 Zoning Code is important to us, because it will
5 help mitigate the impact of new construction that
6 will impact the unique character of our
7 neighborhoods. Anything built new under the
8 Form-Based Code will conform to some guidelines
9 that will help protect and preserve the sense of
10 place that attracted most of us to here. This
11 legislation is a product of the Montgomery County
12 Planning Commission and partnership with our
13 all-volunteer Planning Commission. And some are
14 here this evening. I think most are here this
15 evening.

16 Is Jim Cornwell here?

17 **MR. BRAWER:** He's suppose to
18 come.

19 **MR. WEISBORD:** Wherever he is,
20 I hope he's healing well. Thanks, Dave.

21 Here's a brief history of
22 this document. The effort to review Chapter 124
23 of the Narberth Zoning Code began in 2006. The
24 Building and Zoning Committee at that time --
25 Nancy Lotts, Matt Pettigrew, Heidi Boyce -- asked

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2 the Narberth Planning Commission to meet twice
3 each month and read through the Borough Zoning
4 Code. This exercise took four months and
5 resulted in a working group of Planning
6 Commission members deeply concerned that the
7 Code, the existing Code could not adequately
8 protect the existing built form of the town.

9

10 This original group, ten
11 years ago, Jim Cornwell, Dave Brawer, Ely
12 Holtman, Ben Resonca (ph), and myself worked for
13 several years to find ways just to modify or
14 amend the existing Zoning Code. But the more we
15 dug down, it became clear that Band-Aid solutions
16 did not address the root of the problems that we
17 saw. Too many opportunities for oversized
18 suburban additions that would crowd our streets
19 and send out of place here.

20

21 Councilwoman Heidi Boyce
22 noted that Lansdowne, Pennsylvania incorporated
23 form-based standards into their zoning, and that
24 Narberth Borough Council, under the leadership of
25 Mary Jo Daley, currently our state
representative, agreed that zoning vision would
be a priority for their council.

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2 So, on October 14th, 2011, a
3 statement of intent regarding Form-Based Code was
4 issued by the Borough. It stated that after
5 extensive preliminary study over a period of
6 several years, the Narberth Planning Commission
7 proposes that a replacement Zoning Code be
8 developed under the supervision of the Planning
9 Commission and the Building and Zoning Committee
10 for review by the public and for subsequent
11 adoption by Borough Council with the intent of
12 providing for the following. So that was written
13 October 14th, 2011. Here are the principles.

14 Consistency with Narberth
15 statement of community objectives, 2001 and 2006
16 maintenance of the early 20th century character
17 of the town. Still virtually intact which
18 contributes to the desirability and stable
19 property values of Narberth. Clarity of text,
20 including explanatory illustrations, which can
21 easily be understood by builders, developers, and
22 code officials as well as the homeowners and
23 laypersons. Regulations of land uses in a
24 rational fashion consistent with current and
25 reasonably foreseen patterns. Rationalization of

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1
2 the zoning map. Elimination of any instances of
3 previous spot zoning with the aim of promoting
4 long-term consistency of property uses with their
5 surroundings. Regulation of lot coverage in
6 terms of building footprint and impervious
7 coverage of the ground plain. Establishment of
8 front yard building lines reflecting neighboring
9 existing conditions with the aim of promoting
10 consistency of front yard setbacks within
11 precincts on block-by-block or local basis.

12 Regulation of the essential
13 elements of building form, size, and scale, with
14 the aim of promoting consistency of public face
15 of structures within precincts on a
16 block-by-block or other local basis. The Code
17 will establish a set of objective standards for
18 the above. Freeing code officials from the
19 burden of rendering subjective judgments.

20 Requirement that the zoning
21 application include sufficient documentation to
22 describe proposed development, including
23 appearance from the public right-of-way
24 sufficient to demonstrate compliance with Zoning
25 Code requirements.

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2 Four more -- five more
3 principles. Regulation of parking in both
4 residential and commercial areas in such a way as
5 to promote safety, convenience, and business
6 viability.

7 The next one. Regulation of
8 signage in commercial and residential settings
9 with mandatory limits on placement, size, height,
10 illumination, safety, and other characteristics.

11 Regulation of shade trees
12 along the public right-of-ways, including
13 maintenance of mature trees for their health and
14 for public safety. Removal of dangerous trees
15 and replacing them with significant canopy trees
16 with appropriate species.

17 Retention of the replacement
18 code of many existing regulations that deserve to
19 be carried forward. Regulation of other matters
20 appropriate for inclusion and comprehensive
21 Zoning Code.

22 So, during 2012, work began
23 with professional planners from Montgomery
24 County. The Borough co-sponsored public
25 workshops with the Civic Association. And these

1 **BOROUGH COUNCIL CAUCUS MEETING**

2 engagements, over many, many evenings, guided the
3 early framework for standards that have now been
4 refined by the Borough solicitor, our
5 professional third-party planners during hundreds
6 of hours of public Narberth Planning Commission
7 meetings chaired by Jim Cornwell.

8 Council members, I know you
9 will join the committee -- I mean, all of our
10 entire community in giving ongoing thanks to the
11 many, many, many committed neighbors, many of
12 whom are here tonight, who came to so many of
13 these meetings over so many years and especially
14 since the workshops that were held in 2012.

15 And obviously, special
16 appreciation is well deserved by members of the
17 Narberth Planning Commission -- Jim Cornwell,
18 Dave Brawer, Ely Holtman, Heidi Boyce, Todd
19 Bressi, Maryann Shakow, and Jim Speer for their
20 time and effort in getting us to this hearing
21 this evening.

22 And Mr. Council President,
23 thank you for your leadership with this
24 legislation and for your skillful facilitation of
25 this multi-year community discussion that has

1 **BOROUGH COUNCIL CAUCUS MEETING**

2 brought us to the hearing this evening.

3 **THE PRESIDENT:** Thank you.

4 Mr. Solicitor.

5 **MR. WALKO:** Yes. At this time
6 we are going to be adjourning this public meeting,
7 and we are going to adjourn into the public
8 hearing regarding Ordinance 995, the Ordinance
9 that would incorporate the Form-Based Code and the
10 new Zoning Map.

11 I have a number of exhibits
12 that I would like to mark for the record.
13 Exhibit one or Board Exhibit 1 is the Ordinance
14 itself, which, again, incorporates the Form-Based
15 Code as proposed, Chapter 124, and the Zoning
16 Map.

17 (Ordinance and Zoning Map,
18 marked Board 1, for identification.)

19 **MR. WALKO:** Board Exhibit 2 is
20 the proof of delivery of the notice and of
21 tonight's hearing and the Ordinance itself in the
22 Main Line Times dated March 29th, 2016.

23 (Notification, marked Board
24 2, for identification.)

25 **MR. WALKO:** Board Exhibit 3 is

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2 proof of publication of the notice of tonight's
3 hearing and the Ordinance itself in the Main Line
4 Times for April 3rd and April 10, 2016.

5 (Proof of Publication, marked
6 Board 3, for identification.)

7 **MR. WALKO:** Board Exhibit 4 is
8 the letter of submission of the Ordinance to the
9 Borough Planning Commission dated March 28th,
10 2016.

11 (Letter to Borough Planning
12 Commission dated 3/28/16, marked Board 4, for
13 identification.)

14 **MR. WALKO:** Board Exhibit 5 is
15 the letter of submission of the Ordinance to the
16 County Planning Commission, Montgomery County,
17 dated March 28th, 2016.

18 (Letter to MCPC dated
19 3/28/16, marked Board 5, for identification.)

20 **MR. WALKO:** Board Exhibit 6 is
21 a copy of the letter submission to the Montgomery
22 County Law Library and the attested Ordinance
23 provided to them. That's Board Exhibit 6.

24 (Submission to the Montgomery
25 County Law Library, marked Board 6, for

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identification.)

MR. WALKO: Board Exhibit 7 is this legal notice that was published for tonight's hearing.

(Legal Notice, marked Board 7, for identification.)

MR. WALKO: Board Exhibit 8 is the proof of posting throughout the Borough of the Comprehensive Rezoning and the notice of tonight's hearing.

(Postings, marked Board 8, for identification.)

MR. WALKO: And, Mr. Metrick, you do attest and swear to the postings?

MR. METRICK: I do.

MR. WALKO: Board Exhibit 9 is the proof of delivery of tonight's hearing and of the Ordinance itself, as a courtesy, given to neighboring Lower Merion.

(Proof of Delivery, marked Board 9, for identification.)

MR. WALKO: Board Exhibit 10 will be the incorporation of any and all letters that have been received by the Borough office and

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2 time limit for each individual. And I will start
3 here in the right front. This is your
4 opportunity for public comment. If you would
5 like to speak, you can come up, state your name
6 and address, I will begin the clock.

7 There was a sign-in sheet?

8 **THE AUDIENCE:** Yes.

9 **THE PRESIDENT:** Well, let me
10 get that and make it easy.

11 And while we're adjusting our
12 camera here, so that you're aware, not only do we
13 have a court reporter, who is taking a transcript
14 of this meeting, there also will be a community
15 video.

16 And additionally, I would ask
17 that you address all of your comments to Council
18 rather than the audience.

19 Kathleen Hartnett.

20 **MR. WALKO:** And as there is a
21 court reporter, when you come up to the
22 microphone, please clearly state and spell your
23 last name so the court reporter can have that
24 accurately done, and provide your physical
25 address.

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2 We're going to keep public comment, public
3 comment. One way this evening. There's a lot of
4 us here, and we'll honor the spirit of it. And I
5 think we'll take a note of any questions and at
6 the end of the evening, the ones we can get back
7 to right away, we will. And others, if you want
8 to leave an e-mail address or something, we'll try
9 and get back to you that way. Thank you.

10 Greg Paninos.

11 **MR. PANINOS:** I have no
12 comment.

13 **THE PRESIDENT:** Thank you.

14 Kadir Cannon.

15 **MR. CANNON:** Kadir Cannon, 128
16 Woodside Avenue. C-A-N-N-O-N.

17 One thing I don't know if
18 you're aware of, but this Form-based Zoning Code
19 is a policy that is being pushed all across the
20 country, all under the management of regional
21 planning promoted by national and international
22 policies. Sometimes it's referred to as smart
23 growth or sustainable development or
24 comprehensive planning, but they all have a
25 similar plan agenda, perhaps, Tweet here and

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2 there for local variations. Pretty much it's a
3 cookie-cutter design policy.

4 It first appeared in Seattle,
5 Washington, moved down the coast through
6 California, across the West and Midwest and is
7 now hitting the east coast. They all have
8 nice-sounding programs like green growth, open
9 space, walkable communities and other
10 nice-sounding terms. But one thing they all have
11 in common is increased density along train
12 corridors.

13 This policy is very apparent
14 in Lower Merion where there's development plans
15 with stack-and-pack apartments in Bala Cynwyd,
16 Wynnewood, Ardmore, Haverford, Bryn Mawr.

17 If you look at the footprint
18 of the new Form-based Zoning Code in Narberth, it
19 is very much in keeping with this bigger plan,
20 though, on a smaller scale.

21 The complaints I hear from
22 communities that have adopted form-based zoning
23 code is that the projection for economic and
24 population growth were inaccurate -- leaving the
25 township holding the bag for recovering costs,

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1
2 raising taxes considerably.

3 The other complaint I hear is
4 that local regulations start to be dictated by
5 outside entities like HUD, FEMA, conservation
6 conservancies, taking the local control out of
7 local hands. There are other things we should
8 take into consideration for self-preservation and
9 protection --

10 **THE PRESIDENT:** Thirty
11 seconds.

12 **MR. CANNON:** -- other than
13 economic and population projects. And these are
14 if there's another major economic crash,
15 significant social upheavals, and if a large-scale
16 war were to break out. Narberth is being
17 surrounded by the urbanization of Lower Merion.
18 The best way to protect liberty and freedom for
19 any of these concerns is keeping Narberth
20 independent.

21 **THE PRESIDENT:** Thank you.

22 **MR. CANNON:** I'm just about
23 through. Form-based Zoning Code actually starts
24 to erode Narberth autonomy.

25 You don't have a consensus on

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2 Form-based Zoning Code. There are just too many
3 questions about it. I suggest you implement a
4 moratorium until issues and concerns are
5 resolved.

6 **THE PRESIDENT:** Thank you,
7 sir.

8 Ms. McDonough.

9 **MS. McDONOUGH:** Rosemary
10 McDonough, M-c-D-O-N-O-U-G-H, 9 Wynnewood Avenue.

11 And this is a shortened
12 version.

13 Dear Aaron,

14 I'm writing about the
15 Form-Based Zoning Code. My concern is less about
16 green, red and yellow, and more about Narberth's
17 declining stability. While we debate in closed
18 porches, many of us have already enclosed our
19 hearts and minds from one another.

20 I ran into a neighbor the
21 other day, who's been active in zoning, and
22 though he and I have different views, he said
23 something that really stuck with me. He said he
24 now feels uncomfortable saying hello to someone
25 in town before he knows who the person is. I

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2 think the division he describes is real, and I
3 think it marks a major change in Narberth.

4 Though, our lack of civility
5 began ironically enough over a church, it's
6 gotten worse with the Form-Based Zoning Code. I
7 think because it's so complex.

8 It troubles me that although
9 we have smart, well-informed people on both sides
10 of this issue, we can't even agree on the basics
11 of what this Code says. My gut is that neither
12 side is a hundred percent right or a hundred
13 percent wrong, but that's how we've been treating
14 each other.

15 So I'm writing to appeal to
16 our better angels. I know much work has gone
17 into this Code, and I know many people are eager
18 to pass it quickly. But I'm afraid if Borough
19 Council passes this Code in its entirety, in
20 particular, allowing commercial use of the
21 Baptist church after so much opposition, that
22 Council will do irreparable harm to our
23 community.

24 There needs to be
25 consideration for all sides of this issue

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2 W-E-N-D-Y, W-H-I-T-E, 229 North Essex Avenue,
3 Narberth, PA. That's it.

4 I live on Essex Avenue. And
5 it's my understanding that we were single-family
6 homes pretty much on the east side, and that you
7 could have up to, what, two or three families in
8 a building; is that right?

9 And I guess I'm concerned
10 that now we're going up to five and that if
11 there's enough frontage, you could have flat roof
12 apartment buildings on the two hundred block of
13 Narberth Avenue. And that concerns me. I'm
14 concerned about other things, but that's right on
15 my street.

16 So I don't -- it just feels
17 like we're trying to cram more people in. And,
18 of course, that means more cars, and that's a
19 problem.

20 So we love our house and
21 where we live, but I'm concerned about that.
22 It's very specific.

23 **THE PRESIDENT:** Thank you.

24 M. Simpson. Simpson.

25 (No response.)

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2 Next, Mr. Nixon.

3 **MS. FORTNER:** On deck.4 **THE PRESIDENT:** Oh, no. You
5 will be on deck. Excuse me.6 **MS. TECOSKY-FELDMAN:** I'm Amy
7 Tecosky-Feldman, T-E-C-O-S-K-Y, hyphen,
8 F-E-L-D-M-A-N, I live at 208 Forrest Avenue.9 And I also would urge you to
10 pass the Code tonight. I think there are lots of
11 areas where individual people would have
12 concerns. There are particular pet things that I
13 wish were in or not in the Code. I think that is
14 less important than our taking this, which is
15 basically very good, and doing it. And I am
16 happy to continue talking with you about my
17 particular interests and concerns after we have
18 this in place. But I think we really are putting
19 ourselves at risk by not taking this action.20 So thank you for your time
21 and thank you for the work you're doing.22 **THE PRESIDENT:** Thank you.23 Mr. Nixon, if you would like
24 to come up.

25 And, Ms. Bezak, you're on

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2 Ms. Bezak, you're up.

3 And on deck, Matt McKeever.

4 **MS. BEZAK:** Kimberley Bezak,
5 B-E-Z-A-K, 237 Dudley Avenue.

6 We've seen many examples,
7 particularly over the past year, that have
8 demonstrated that our out-of-date Code does not
9 serve Narberth and leaves us vulnerable to
10 exploitation by developers who come in and knock
11 down our quintessentially Narberth homes and
12 replace them with these out-of-scale "McMansions"
13 that others have referenced. And now, we have
14 even more imminent threats on the horizon.

15 I appreciate the clarity of
16 the proposed Code, and I believe that Form-based
17 Zoning Code provides a fairly right fit for the
18 Narberth that we know and love. And as others
19 have said, once we put it into place, we can
20 really see how the nuts and bolts are working for
21 us and tweak it as necessary.

22 So with that said, I urge
23 Borough Council to pass the Form-based Code now
24 in its current draft.

25 Thank you.

1 **BOROUGH COUNCIL CAUCUS MEETING**

2 **THE PRESIDENT:** Thank you.
3 Mr. McKeever.

4 **MR. McKEEVER:** No comment. I
5 also thought it was a sign-in sheet.

6 **THE PRESIDENT:** Alexandra
7 Tyng. And on deck would be Elizabeth Bright.

8 **MS. TYNG:** My name is
9 Alexandra Tyng, T-Y-N-G, 117 Woodside.

10 Okay. I'm going to read a
11 letter that I already sent in. The premise of
12 the comprehensive rezoning of Narberth is that
13 the existing Code is out of date and does not
14 accurately represent the look and function of
15 Narberth today.

16 By the way, I'm not going to
17 say for or against the Code. I like many parts
18 of it.

19 In many ways, the Form-based
20 Zoning Code is an improvement, but I have deep
21 concerns that there are aspects of the proposed
22 Code that also do not accurately reflect the
23 characteristics of the neighborhoods. I would
24 like to focus on the rezoning of the largest
25 residential districts -- red, orange, and yellow.

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2 The differences between the
3 red district and the other largest residential
4 districts have been exaggerated in the Form-based
5 Zoning Code. The red district will remain the
6 same, allowing only single-family homes, while
7 the orange and yellow districts will see a huge
8 jump in density.

9 The orange district, which
10 now allows singles and twins will allow up to
11 five-family homes and the yellow district will
12 allow all housing to multi-unit apartment
13 buildings.

14 If the new Code has to allow
15 for increased density and growth, then why is the
16 red district allowed to remain the same? Why are
17 the orange and yellow districts taking all the
18 brunt of increased density?

19 Distance from the train. The
20 entire Borough is only about, I think, a half
21 square mile or three-quarters of a square mile.
22 The SEPTA station is approximately 2,800 feet
23 from the northern most tip of the Borough and
24 1,200 feet from the southern most tip of the
25 Borough. In reality, the difference in distance

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2 self-justifying processing. Neighborhoods that
3 grow over long periods of time usually contain
4 more nonconforming buildings than neighborhoods
5 that are built within a short period of time.

6 When we assign the colors, we
7 have to take into consideration that Narberth is
8 an organically-grown town, not an
9 artificially-created town.

10 I suggest continuing the
11 conversation about the residential districts
12 before and after passing the Form-Based Code.

13 And I would like to make a
14 few suggestions. I'll go really fast.

15 Lower the density in the R
16 zone to three-family houses; allow twin houses in
17 the red zone; change borders of districts, i.e.,
18 make some of South Narberth red, make portions of
19 northwest Narberth, not Narbrook Park, orange;
20 change east sides of North Narberth Avenue and
21 North Essex Avenue to orange.

22 All these changes could
23 reflect more accurately what is there and create
24 a more consistent zoning plan.

25 Thank you very much.

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THE PRESIDENT: Thank you.

Elizabeth Bright.

MR. DIEGO: I'm with Elizabeth Bright. I'm the next on the list, Jose Diego. I'm Elizabeth's husband. My name is Jose Diego, D-I-E-G-O. We live in 413 Country Lane.

Even though I haven't studied neither Code either, my understanding, also my wife's, is that the new Code goes more in the spirit of what Narberth. That's one of the reasons we live here. This place is unique. I do many business in the work. This is one of those places that makes you feel, even though I'm not from this area, you feel like you're at home.

I'm concerned about going forward with this current particular or the apartment buildings this blocks. They don't fit here. I would hate the character of this town to get lost. It will not take care of it.

So because of this, again, I don't know the details of both folks, my feeling is that the Form-based Code is where we want to go. So we are both in support of passing that Code as soon as possible.

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Thank you.

THE PRESIDENT: Thank you.

Maryann Shakow.

Maryann Shakow, 149 Merion Avenue, Narberth. And I speak on behalf of myself, as a Planning Commission member, and also on behalf of my husband Rob McGreevey, same with us, who's home with the kids.

So I just want to urge you to pass the Form-Based Code tonight. I wanted to just speak for a few of the primary reasons why I think the Code is really important to pass now.

I'm in agreement with many other speakers. I think that we need to pass it now to preserve the housing stock that is under threat. And also -- but -- and the Code, by discouraging teardowns and discouraging the kind of building that is hostile to walking pedestrians is something that's really important for the feel of the town.

And I also just want to assure everyone that this is not a cookie-cutter code, that it was done specifically starting from Narberth, as its templet, as it currently is, and

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2 really working organically from the current town
3 that exists.

4 And I just want to remind us
5 that the current Code we have is basically a
6 photocopy of a Code that came from Euclid, Ohio,
7 and was photocopied and just kind of adopted
8 everywhere across the country in whatever it was,
9 1940 or so.

10 So the Code we have now just
11 follow current principles in public planning,
12 including in trying to use transportation
13 corridors as a basis for deciding to some extent,
14 what kind of housing types should go over there.
15 But it also has really gone through a very, very
16 rigorous process of review.

17 So please pass the Form-based
18 Code tonight.

19 **THE PRESIDENT:** Thank you.

20 Mr. Bressi and then Michelle
21 Paninopoulos.

22 There is a sign-in sheet if
23 you would like to speak. You don't have to sign
24 in to be here, but if you would like to speak,
25 I'm going to take Page 2 here. I'm going to put

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2 it back over there. I saw some new faces walk in
3 the room. I'm not going to go up and down the
4 rows if I have a sign-in sheet.

5 So if you would like to speak
6 this evening on this issue, please sign in, and I
7 will call on you.

8 Mr. Bressi.

9 **MR. BRESSI:** Thank you,
10 Mr. President. My name is Todd Bressi,
11 B-R-E-S-S-I. And I live at 300 North Essex
12 Avenue.

13 I'm also the vice-chair of
14 the Narberth Planning Commission.

15 And I'm here to speak in
16 support of the Form-Based Code, to urge you to
17 pass it tonight; and to thank you, all of you,
18 for all the work you've done with us over the
19 last months and last year to get us to this
20 point -- all the Council members, although I'm
21 not allowed to address the community, all the
22 people behind me in the community. Appreciate
23 that.

24 We've heard a lot in the last
25 few days about how the Form-Based Code might

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2 encourage teardowns actually. And I think one
3 thing important to say is that no Zoning Code, no
4 law can prevent someone from tearing down a
5 house. You just can't stop that. That's the way
6 things work.

7

8 But what the new Form-based
9 Zoning Code does is it tips the economic
10 incentives towards the preservation of buildings
11 rather than tearing down and replacement of them.
12 By the way, it controls the size of the buildings
13 and defines what you can do on certain-sized
14 lots.

14

15 While the philosophy of the
16 Form-based Code might be a general thing that's
17 currently in the planning world, the details of
18 this Form-based Code are based on very careful
19 measurements of all the properties in Narberth,
20 observations of parking patterns on every block
21 in Narberth, and sometimes the rules change from
22 block to block in this Code simply to reflect the
23 pattern of houses that are there. All of this
24 goes into the measurements that and the details
25 that make it less possible to tear down and build
something out of scale and more advantageous to

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2 keep your house and add onto it. I think one of
3 the things we were very concerned about was
4 allowing homeowners to add to their houses so
5 they can remain in place.

6 We've heard that the
7 Form-based Zoning Code will introduce new density
8 into Narberth. For the most part, the Form-based
9 Code is neutral on density. The last -- pretty
10 much the same density that the current Zoning
11 Code has. In fact, it allows a lot less density
12 that similar codes that are being passed in Lower
13 Merion that's been observed. So it's not really
14 a code that's designed to change what has already
15 been the policy of the Borough.

16 We've heard that the Code
17 should be passed in parts. Well, in essence, if
18 the Code is voted on, that will be passed in
19 parts, because we will be constantly looking at
20 it, adjusting it, fixing it.

21 A friend of mine the other
22 day said she found out she couldn't build a porch
23 on her house, the back of her house, because the
24 Form-based Code won't let her. I don't know why,
25 but that's something we would look at. Maybe

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2 it's something that needs to be fixed. So the
3 Code will always be a work in progress.

4 So, for those reasons, I wish
5 I could turn around and talk to my neighbors to
6 help sway them of the concerns I've heard, but I
7 must address you and I urge you to pass the Code.
8 I look forward to working with you on it in the
9 coming years. And as I hear rumblings of
10 interest in the Historic Preservation Ordinance,
11 I'm really looking forward to working with you on
12 that.

13 Thank you.

14 **THE PRESIDENT:** Thank you.

15 Mrs. Paninopoulos.

16 And Katie Skeen is next.

17 **MS. PANINOPOULOS:** I will be
18 very brief. Thank you.

19 I just want to thank everyone
20 on Council and all the members on the Planning
21 Commission.

22 **THE AUDIENCE:** Name and
23 address.

24 **MS. PANINOPOULOS:** Michelle
25 Paninopoulos, 125 Merion Avenue.

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2 **THE PRESIDENT:** Spell your
3 last name.

4 **MS. PANINOPOULOS:** Paninopou--
5 los, P-A-N-I-N-O-P-O-U-L-O-S. 125 Merion Avenue.

6 **THE PRESIDENT:** Thank you.

7 **MS. PANINOPOULOS:** I just want
8 to thank you for all the hard work. This has been
9 a very long process. I wasn't involved in the
10 earlier planning meetings, but I have subsequently
11 in the last year. So I've looked through all the
12 documents and all the Power Points and all the
13 surveys and have seen how much work went into this
14 to draft a code that was very specific to
15 Narberth's needs, and I think you've done a great
16 job.

17 There are things in the Code
18 I don't like. There are things in the Form-Based
19 Code I'm sure everybody here has something or
20 some things obviously we don't like to see
21 changed. But on balance, I know the old code
22 pretty well. And it needs to be replaced. And I
23 think the Form-Based Code gives us immediate
24 projection, as is mentioned by lots of other
25 folks against over development and thoughtless

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2 redevelopment.

3 So I urge you to just pass it
4 tonight. If there are things we need to work on,
5 let's just keep working on it and move forward.

6 Thank you.

7 **THE PRESIDENT:** Ms. Skeen and
8 then and Michael Bradley.

9 **MS. SKEEN:** Hi. I'm Katie
10 Skeen, S-K-E-E-N. I live at 227 Hampton Avenue.

11 Michael Bradley is actually
12 my husband, and he gave me permission to speak
13 for him also. So he's here and you can ask him.
14 But you can count us as two opinions pro the
15 Form-based Code and in favor of passing it as
16 soon as possible, as is.

17 I've participated in a lot of
18 meetings and written letters so I'm not going to
19 speak at length. I guess my one concern is --
20 and I think it's gotten a little bit lost in the
21 mix is what's happening with the church buildings
22 on Elmwood Avenue. And I would hope that
23 whatever form the Code is in or whatever new
24 ordinances might be coming up, we can restore
25 that possibility of a conditional mixed use in

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2 those buildings and also in the others to make
3 institutional buildings, because I would really
4 like to see those buildings not torn down,
5 because that's a real possibility if a viable
6 mixed use plan is not possible.

7 Thank you.

8 **THE PRESIDENT:** Thank you.

9 Next, Joanne Wallen.

10 This is your last chance if
11 you would like to sign the sign-in sheet, if you
12 have something to say.

13 **MS. WALLEN:** Thank you. I'm
14 Joanne Wallen, J-O-A-N-N-E, W-A-L-L-E-N, 321
15 Merion Avenue.

16 I just find myself confused,
17 because there seems to be a disagreement about
18 whether this Code would encourage higher density
19 development or it wouldn't. And I'd be
20 interested at the end of this, if there's time,
21 that somebody to clarify that.

22 I would like to discourage
23 more density. One of the delights is that we are
24 very small both in footprint and in number. We
25 can know a lot of us and the more of us there are

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2 and the smaller percentage of our community we
3 can know and interact with. And then I'm also
4 concerned about parking and traffic with higher
5 density.

6 Thanks.

7 **THE PRESIDENT:** Thank you.

8 David Schoenhard and then Ken
9 Krivitzky.

10 **MS. SCHOENHARD:** Hi. David
11 Schoenhard, 131 Merion Avenue.

12 **MR. WALKO:** Spell your last
13 name.

14 **MR. SCHOENHARD:** S-C-H-O-E-N-H-
15 A-R-D.

16 Alarminglly, we've seen a
17 rezoning effort gone haywire, which once started
18 with the best of intentions, cohesiveness, and
19 goals has grown into a jungle of tangled
20 proposals, intrigue, and frayed tempers. Where
21 do we differ: on density and on approach.

22 We never signed on to
23 intentional increases in density. We never
24 intended the entire Borough to be comprehensibly
25 rezoned, where streets like the lovely bungalows

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2 on North Essex are destined to be flat roof
3 apartment buildings or our Iona row houses can be
4 multi-story mixed use or our two-family
5 residences can become five, if the property is
6 large enough, or our quaint business district,
7 which is growing yearly with restaurants and
8 pubs, is slated to become three- or four-story
9 developer dreams of higher rent and national
10 chains.

11 But the Form-based Zoning
12 Code, it will be there to save us. No, it won't.
13 It is a failed effort that should never have been
14 started. It is a blunt instrument to protect
15 only a few historic properties, but only if they
16 convert to a historic density -- I'm sorry. A
17 commercial density. It uses subjective language
18 that lawyers will twine around dragging this
19 Borough into endless legal suits. It tries to
20 define appropriate architectural style when
21 historic properties of our vintage need true
22 historic guidance and not generic platitudes.

23 We encourage you to go back,
24 clean up the Zoning Code, adjust the setbacks,
25 institute property combining and teardown

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2 moratoriums, allow property owners to
3 historically list their own properties in order
4 to save them by deed restriction, adjust the
5 garage doors to not face forwards, and institute
6 an ethics code for the Planning Commission, and
7 expand their mission to include historic review.

8

Thank you.

9

THE PRESIDENT: Thank you.

10

Mr. Krivitzky and then

11

Deborah Lonsdorf.

12

MR. KRIVITZKY: Ken Krivitzky,

13

1 Woodside Avenue.

14

THE PRESIDENT: Could you

15

spell your name for the court reporter?

16

MR. KRIVITZKY: Yes. K-R-I,V,

17

as in Victor, I-T-Z-K-Y.

18

Thank you for the opportunity

19

to speak tonight. I'm going to try to be brief

20

since it's a school night and my kids are in the

21

hall. But I do want to thank those that have

22

spoken up on both sides, and in particular,

23

recognize Rosemary McDonough's comments earlier

24

about the importance of civility and what's been

25

happening within our community, as well as

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2 **THE PRESIDENT:** Thank you.

3 **MS. LONSDORF:** There are a
4 number of questions submitted by Terry Fox and
5 those are my questions too. So I would like to
6 know if they're going to be answered. If not,
7 I'll ask them now.

8 **THE PRESIDENT:** We do not have
9 plans to answer questions this evening.

10 **MS. LONSDORF:** You don't have
11 plans to answer questions?

12 **THE PRESIDENT:** No.

13 **MS. LONSDORF:** Okay. When can
14 we get our questions answered? Because we have
15 been asking them on the blog for a very long time,
16 and that blog has gone dormant.

17 Okay. I'll just make a
18 statement.

19 **THE PRESIDENT:** Go ahead.

20 **MS. LONSDORF:** The blog has
21 gone dormant, and we were told we would have the
22 questions answered, but they haven't been
23 answered. So there's a perception that, you know,
24 Council has not been happy with all the questions
25 that we have. And there's kind of an adversarial

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2 relationship that has developed. And I think it's
3 kind of an easy thing to have the questions
4 addressed so that people feel more at ease.

5

I am one who feels that there
6 should be another outside review. The Montgomery
7 County Planning Commission, I guess, reviews
8 this, and you had touted that it was an
9 inexpensive option. Sometimes you get what you
10 pay for.

11

I'm very concerned about what
12 David Schoenhard has brought up, and I'm
13 concerned about density. We are one of the
14 densest communities in the entire State of
15 Pennsylvania. We're a half a square mile. There
16 is not a lot of space here. So more density is
17 going to bring, you know, stormwater run-off,
18 it's going to bring more people, it's going to
19 bring more cars, and it's going to bring more
20 stress on the school system. So I would like to
21 understand why there is more density built in
22 when we're already below the density of where we
23 are. I'm just very concerned about those issues.

24

And, you know, I want to see
25 a new code. Personally, I want to see a new

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2 code. I want to see the design guidelines put
3 in, but I'm kind of scared about what this has
4 brought. I've heard so much that it's the due
5 diligence hasn't been done. It's a very
6 confusing document.

7

8 So I just wish that we
9 weren't under the gun. And I wish that we didn't
10 have a situation where we have a person who owns
11 a property in this community, the Elmwood Avenue
12 church, who seems to be holding a hammer over the
13 heads of this community. Everybody is scared
14 about the church being torn down. They're scared
15 about teardowns. I think the properties that
16 have been torn down and rebuilt, I don't have a
17 huge problem with them, I don't think they're so
18 bad really. I would not like to see the oldest
19 building in Narberth torn down, but if it is,
20 then it is, you know.

21

22 I feel like you're pushing
23 this through for the interest of the developer.
24 I think that's a big problem. You have to listen
25 to the people in the community.

26

Thank you.

27

THE PRESIDENT: Thank you.

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2 20th century character. Again, five-family homes
3 might have been a 20th century character in
4 tenement area, but not in a suburban setting or a
5 rural setting like Narberth at that time.

6 So I would ask you to
7 reexamine what attracted you to Narberth, all of
8 you. Was it more density, sprucing up the place,
9 or did you think it was charming and that's why
10 you came here?

11 I'm running out of voice, but
12 I really want to second what Alex Tyng said and
13 give her my support for all the comments that she
14 enumerated.

15 Thank you.

16 **THE PRESIDENT:** Thank you.
17 Mr. Bates and then Jim Speer.

18 **MR. BATES:** Roderick Bates,
19 R-O-D-E-R-I-C-K, and Bates, B-A-T-E-S, 411 Country
20 Lane.

21 I'm coming to this from
22 slightly a different perspective. Actually,
23 originally from the west coast. Fifth generation
24 from a town called Carmel. Some of you might
25 know it. I would call it a cautionary tale. It

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2 is not the town I grew up and it's not the town
3 my parents grew in, nor is it the town my
4 great-grandfather grew up. So be cognizant with
5 what you have here. This is a town that I want
6 my great great-grandson to grow up in. So what
7 you're doing now is going to have that type of
8 long-term impact.

9 Thank you.

10 **THE PRESIDENT:** Thank you.

11 Mr. Speer.

12 **MR. SPEER:** Jim Speer,
13 S-P-E-E-R, 321 Grayling Avenue.

14 I want to urge adoption of
15 the Code tonight. I've been privileged to serve
16 on the Planning Commission that developed this.
17 I've been involved in many details of this. I'm
18 convinced it's the best thing to keep our town
19 the way it is, as we like it, in the scale that
20 we like it. It's going to -- there's many
21 provisions to keep the historic buildings in
22 place, the civic institutional buildings, to
23 inhabit a new use, and to ensure that any
24 redevelopment, when it does occur, is in the
25 proper scale.

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Thanks.

THE PRESIDENT: Thank you.

Dennis Montagna.

MR. MONTAGNA: Dennis

Montagna, M-O-N-T-A-G-N-A, 306 Grayling Avenue.

I just want to add my voice to many others tonight in support of passage of the Code tonight.

In my 25 years in Narberth, I've spent a lot of time thinking about Narberth, about the way it looks, about the way it's changed and developed over time. It's not a town that is preserved in amber. It's never been a town that's been preserved in amber. What's encouraging me and exciting me about the new Code is that for once, for the first time since the 1940s, we're going to have a code that's actually going to help us to guide what happens here and have a greater influence over the nature of what happens here.

So I would urge passage of it. I feel typically privileged to be working with a group of people to try to get passage of it, that's worked extremely hard. And this is a

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2 process going on for many years, much public
3 involvement. I run public involvement for
4 projects with the National Park Service, and I
5 have never seen public involvement as extensive
6 as the public involvement was for this particular
7 project. So let's move on ahead.

8 As many people have said,
9 there are things that need to be changed and
10 tweaked. And that can be done as we're moving
11 through it. We're going to realize where those
12 things are over time, but I would just say let's
13 go and let's move ahead.

14 **THE PRESIDENT:** Thank you.

15 That concludes the speaking
16 public comment for this evening. If you'll
17 indulge me a moment, I would just like to read
18 the names of those that have sent me e-mails
19 either for or against with questions.

20 Warren Schloss,
21 S-C-H-L-O-S-S, of 10 Narbrook Park, says that he
22 and his wife fully support passing the Code.

23 Frank and Donna Brandolisio,
24 B-R-A-N-D-O-L-I-S-I-O. They have concerns about
25 passing the Code.

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I've received a letter from
Alexandra Tyng.

Katie Skeen spoke.

David Berdow, B-E-R-D-O-W,
has many concerns about passing the Code and a
number of questions.

Terry Fox did send a letter
to Council with a number of questions and is very
concerned about passing the Code along with it
says here her husband David.

Mary Pat Perri, P-E-R-R-I, is
asking for an independent review and is very
concerned about the passage of the Code.

Patsie Higgins,
H-I-G-G-I-N-S, would urge us to adopt it as soon
as possible.

Robin Berenholz,
B-E-R-E-N-H-O-L-Z, is very concerned about
increased density and would like us to spend more
time before considering passage.

Sally Kuder, K-U-D-E-R, would
like it to be passed.

Kimberly Neff, no. Sorry.

Jesse Lytle. Is that how you

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2 comment or action at this point.

3 **MR. WALKO:** As a formality at
4 this time, you're going to adjourn the public
5 meeting and adjourn back into, I'm sorry, the
6 public hearing and back into the public meeting.
7 At this time the Ordinance is in a position for
8 Council to discuss and if Council so desires to
9 vote.

10 **THE PRESIDENT:** Does someone
11 need to make a motion to put the Ordinance on the
12 table for discussion?

13 **MR. WALKO:** At that time, if
14 someone would like to.

15 **THE PRESIDENT:** Why don't
16 we -- Councilor Weisbord, would you like to make a
17 motion?

18 **MR. WEISBORD:** To adjourn?

19 **THE PRESIDENT:** No. To put
20 this Ordinance on the table so we can have a
21 second and then Council members can discuss it
22 publicly.

23 **MR. WEISBORD:** Sure. Council
24 members, Mr. President, I move --

25 **THE AUDIENCE:** Can't hear.

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2 **MS. FORTNER:** Wasn't sure. I
3 don't want to yell. Wave at me if I get too
4 quiet, please.

5 I want to thank everybody who
6 came tonight, the people who spoke, the people
7 who are here, the people who came to all the
8 meetings, because I know I'm new to this table,
9 but I've been coming to the meetings about the
10 Zoning Code, a large number of Council meetings
11 since the beginning of 2015. So I have seen a
12 lot of rooms this full, and it's wonderful. I'm
13 really glad to be a part of this community.

14 So I feel like even though I
15 wasn't around when this Code was first talked
16 about and developed, I feel I do know a decent
17 amount about it from coming to meetings, from
18 reading through a good bit of the Code and having
19 seen what has happened over the last year in
20 Narberth, where we had some developers come in
21 and replace houses that fit the character of
22 Narberth with suburban-style tract home that just
23 don't fit our character. I feel that we need to
24 move ahead with this Code as it is now, knowing
25 that it's a living document, it's going to

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2 change, it's -- no Zoning Code is ever fixed and
3 set in stone. By fixed, I don't mean corrected.
4 I mean, set in stone.

5 So I feel it's important for
6 us to move ahead, because I think this is the
7 best choice for Narberth right now.

8 Having said that, I would
9 like to urge that, as members of Council, that
10 regardless what we do tonight, we make a plan to
11 review and respond to all the issues and
12 questions that have been raised. They've been
13 wonderful questions and wonderful issues, and I
14 really want to make sure we respond to every
15 single one of them.

16 Thank you.

17 **THE PRESIDENT:** Thank you.
18 Councilor Silio.

19 **MR. SILIO:** So to Bob
20 Weisbord's point, this is a process that's been a
21 very long time in making. And I want to thank
22 everybody, not just who's commented or come to
23 meetings recently, but really, over the entire ten
24 years that the process has been going on and five
25 years what started as a Form-Based Code have been

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2 under consideration. And it's interesting, as new
3 faces have come into the dialogue, to see that
4 there's always, on a big issue like zoning, a
5 pretty wide range of opinions and places that
6 people come from, even on the same block when
7 thinking about the community. And what's been
8 very addressing for me to observe from the public
9 meetings on the Code back in 2012 up till now is
10 there's a consistency to some degree in some of
11 the comments and questions and push and pull on a
12 lot of issues, everything from density to
13 setbacks, to architectural details and the like.

14 And having spent more time
15 than I care to think about with the current draft
16 of the Code, the deeper you dig into it, the more
17 you see the amount of thoughtful compromise that
18 was baked into what the final draft has turned
19 out to be based on that very thoughtful push and
20 pull from a wide range of viewpoints in the
21 community.

22 If I went out to design a
23 code by myself for anybody, it would show a lot
24 different than what's here on the table. I'm
25 sure that's the case for most people in the room

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2 too, and what you see is really a result of a
3 great deal of thoughtful compromise that came
4 together over a number of years and really
5 reflecting a lot of the range of comments that
6 we've even heard tonight still.

7 The result, in my opinion, is
8 two things. I won't rehash things I've said
9 before other than what we've wound up with is
10 what I would say is a very conservative document
11 in terms of it is a document that much better
12 reflects the current built environment of this
13 community than does the fairly cookie-cutter
14 mid-century Euclidian Code we have today. And
15 it's visible to you as you walk around town, walk
16 along Montgomery Avenue, walk through certain
17 parts of the downtown overlay district. You can
18 see, particularly the commercial development,
19 that was built after our current Code was
20 adopted, and you can see the difference in
21 streetscape from what you would think is the
22 fabric of Narberth to things that have been
23 built.

24 And I think this Code does a
25 great deal not just in those obvious commercial

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2 districts, but everywhere to really repair that.
3 And it is in a lot of ways a very preservationist
4 code in that regard. The density that can result
5 here is very similar to what's in the Euclidian
6 Code, that its controlled and applies density to
7 the existing density patterns of the town and the
8 existing lot layouts. It's actually I would
9 consider very much almost a preservationist code
10 in some ways. I won't say, when I get a little
11 further down here, where I think we can look
12 forward. I know there's a lot of concern about
13 preservation of historical structures and I do
14 have some concerns that I think we'll want to
15 revisit regarding that.

16 Most importantly, though, I
17 think this Code creates a very important new set
18 point for us to start from as we face additional
19 issues of development, growth, investment in the
20 community, changes in transport, changes in
21 living patterns going forward. It's a set point
22 that much more accurately reflects the way we
23 actually live and the way we build our town. And
24 I do think it's very important to pass it to
25 create that new set point; it will remain as all

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2 of the Ordinances of the town do a work in
3 progress as we go forward.

4 I do want to point out that
5 we will have issues to follow up on here. There
6 are some that I think we will tackle and should
7 tackle in the short term either because they're
8 very simple or because there's been a lot of
9 discussion of them in a fairly small or chunky
10 and easy to tackle.

11 One is we've seen a lot of
12 comments about a relatively minor aesthetic issue
13 in the Code around enclosed porches. And I think
14 that's an issue that can readily be kicked back
15 to the Planning Commission for further review
16 comment in public comment, and it's a pretty
17 identifiable small thing, where I think there's a
18 good public opinion on that.

19 Second. Parking study. We
20 already have circulated an RFP and received a
21 response so far to undertake a Borough-wide
22 parking usage policy of supply and demand study.

23 What I would say, though, is
24 parking, there's a short-term issue and a
25 long-term issue. There's short-term related and

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2 just tactical things that we need to do regarding
3 parking, and that's one of the things that the
4 study will be focused on.

5 The second, though, I think
6 it's a much longer term thing, because I know
7 that where I am on this issue is not where most
8 folks are yet; though, keep your eye on it over
9 the next ten, fifteen, twenty years.

10 While the Code is quite
11 preservationist overall, it still retains minimum
12 parking requirements for off-street parking when
13 you do new construction or changes of use. I
14 find this concerning because much of our town was
15 built before any such requirements existed. And
16 so, even though minimum parking requirements
17 blended mix use of lower than in our very
18 car-oriented mid-century development code that
19 exists today, which is wholly inappropriate for
20 the way the town was, it is still more of a
21 requirement that existed when the town was built.
22 And so I am concerned that will have some
23 residual effects when the town gets developed in
24 making it look more suburban and less dense than
25 it is today with more off-street parking.

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2 And over time, I would like
3 to see us consider, and not right away, but in
4 the longer term, eliminating those minimum
5 parking requirements and rather managing the
6 parking demand in town through some combination
7 of permits, pricing parking, and then centrally
8 provision district parking to enable -- better
9 enable adaptive reuse of the existing buildings
10 in town.

11 And then the last, again, on
12 a longer term issue, because in talking with
13 neighbors, I do see a little bit of a
14 generational issue here. Maybe a lot of a
15 generational issue here around mixed use. I
16 think the Code that we have today is one that a
17 lot of people, particularly people who lived, not
18 in the city for a long time, are sort of familiar
19 with codes that separate residential and
20 commercial uses and institutional uses in the
21 much longer term, I think, as the pattern of work
22 evolves.

23 And I see a lot more people
24 of my generation and younger who are working
25 remotely a lot, working from home a lot,

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2 two-parent working families that are balancing
3 work and life and living, working, and playing in
4 the same place. I think as the community over
5 time evolves more of that model and as our
6 generation and younger is less driving centered,
7 which you're already seeing since the recession,
8 I think over time we'll want to take a harder
9 look at expansion of mixed use out of just the
10 Downtown Overlay District and the Montgomery
11 Avenue District to other places in the Borough to
12 support people who want to have businesses in
13 homes, have, you know, potential for mixed work
14 and life and more of their life occurring
15 naturally in their own neighborhood.

16 Again, that's something that
17 I don't think the community is ready for today,
18 but over time, may evolve in that direction.
19 Again, it's something that you wouldn't see in
20 what you consider a purely form-based code that's
21 really just looking at the form of the community
22 and the form of the buildings and is very
23 dependent as to the use that goes in them that is
24 not this Code. This Code is much more of a
25 hybrid code that governs that kind of space, but

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2 also pretty strictly restricts usage block by
3 block. And over time, I think that's something
4 that we will want to revisit. Again, probably
5 not in the near term, but as the community
6 evolves in the longer term.

7 Last, though, I do want to
8 thank the Planning Commission for years of very
9 detailed work and thoughtful compromise on this
10 issue and thank the community tonight and over
11 the past couple years for a lot of very
12 thoughtful comment, very insightful questions.
13 We are a very rich community in the depth of
14 interest, the passion, and the intelligence of
15 our citizens. We should all be grateful for
16 that.

17 Work is not done. So we will
18 continue to seek public input and help from the
19 Planning Commission, the office and Borough
20 engineer to continue to improve the Code, if it
21 is passed, and to note issues and implementation
22 and make sure those are addressed.

23 And I hope the passers of the
24 Code will free up the Planning Commission -- this
25 has been their primary responsibility for a

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2 number of years -- and allow them to focus on
3 some other matters that are important to us -- a
4 Borough-wide master plan, which could be in the
5 works, and then some detailed follow-up on some
6 other plans that have bubbled up for some of our
7 more recent committee members -- the 2006 Open
8 Space Plan, a Bike Narberth Plan, a Walk Narberth
9 Plan -- all of which are on the self and all of
10 which could use some further life, and also some
11 planning for the long-term run, parks and rec,
12 which we own the property, that's up the road,
13 the way of the rec or with the support of the
14 Planning Commission.

15 So I think we've come to a
16 really good spot on this as a new set point for
17 the community, I encourage the rest of Council to
18 pass it, and I really thank everyone for their
19 engagement and hope it continues.

20 **THE PRESIDENT:** Thank you.
21 Councilor Tevlin-Moffat.

22 **MS. TEVLIN-MOFFAT:** Before we
23 started -- Charlie is a tough act to follow -- I
24 yielded my time to Charlie earlier as a joke, but
25 I second everything that Barbara and Charlie have

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2 said.

3 I would like to thank the
4 Planning Commission, the Montgomery County
5 Planning Commission, and everybody who sent a
6 question, whether you're pro or con.

7 Stay in the game. Stay in
8 the game. There is a lot we are going to have to
9 do. It's a living document. It will be changed.
10 It will changed.

11 And I know for some of you
12 that's difficult to believe or process, because
13 in the past, that wasn't also true. But I
14 promise you, as I am here, sitting with a
15 majority of these Council members, ordinances
16 will be reviewed, this document will be reviewed,
17 processes will be reviewed, policies will be
18 reviewed.

19 Thank you.

20 **THE PRESIDENT:** Thank you.
21 Councilor Wegbreit.

22 **MR. WEGBREIT:** Thank you,
23 everybody, for your participation and obviously
24 coming out. It's really a difficult process,
25 where you get to speak at us and we speak at you,

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2 and there's not an interaction. It's practical,
3 but it's not healthy. We're a community, and
4 we've gone back and forth by e-mail, by phone
5 downtown. I'm on these issues and the questions.

6 One of the things I noted to
7 some of the people that I've spoken to over the
8 last few weeks is, you know, we've got
9 differences of values and we've got differences
10 of facts or what is actually going on in this
11 Code. And I think we have to be careful to
12 separate that, because, you know, the only person
13 that really understands this Code, in my
14 perception, is Sean.

15 There's a lot -- well,
16 actually, the Planning Commission seems to
17 understand it quite well, too. There's a lot of
18 things that come at me that I can't answer still
19 about this Code, and I've spent a lot of time
20 with it. So, you know, I've been asked, after I
21 get through some of my comments, some of the
22 questions that are still out there that either
23 have been answered, that people feel haven't been
24 answered. So let's keep that in mind. And we do
25 need, as a Council and as a staff, to make sure

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2 that we answer every question. We don't have to
3 agree with, you know, you might not hear an
4 answer you like, but we do have to answer it or
5 point you to where that answer is, I think.
6 That's my feeling about our responsibility at
7 this table.

8 One of the other things that
9 comes up when we look at, is this a perfect Code,
10 can we do better, other things, you have to look
11 at the existing Code. And if we have the
12 existing Code brought up here tonight, not only
13 would there be a much louder disdain for it, but
14 I would not be voting for the existing Code. For
15 the new Code, I would probably, unless I hear
16 something different in the next few minutes,
17 would be voting for it. But, you know, a lot of
18 that is because it is such a better alternative.
19 But there's a lot of good things about it.
20 There's a lot of things that you hate to pass
21 something that is not as good of a document as we
22 could complete. And it's not that far. It's
23 98 percent in great shape. Some of the things I
24 don't agree with, but there are still some
25 missing elements in this document that hopefully

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2 will be flushed out over the next case two, five,
3 six months, whatever it is.

4 Density has come up. And I
5 have to agree with most of the people here that,
6 you know, this is not going to add that much
7 density. The opportunities for density may be
8 added, I think it's going to trickle in, in a
9 very minor way that, you know, you won't notice a
10 heck of a lot with it. So I'm not as concerned
11 about density as some of the people who have been
12 opponents of this Code and feeling that we're
13 going to change. There's a lot of other density
14 going on around us, as everybody has pointed out,
15 in some very large apartment complexes, condo
16 complexes coming up. Unfortunately, we don't
17 have that right, because it's Lower Merion
18 Township to object to that. So it is affecting
19 us on Wynnewood Avenue. But the density we're
20 talking about coming out of this Code is fairly
21 nominal at this point.

22 The building height has come
23 up to the downtown going from 35 to 45 feet.
24 It's still three stories. But one of the
25 interesting things, as Charlie pointed out, is

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2 One of the notes that I'm
3 concerned about is, I have a feeling this Council
4 tonight will all vote yes to pass this Code. I
5 hate the idea of referring to it as a unanimous
6 vote, because as so many people have said around
7 the table, there are still problems.

8 Yes, is it better than what
9 we have, absolutely. Is it a unanimous voice
10 that everything in it should go forward as is, I
11 can't accept that. So those who will choose
12 later on to refer to this as a unanimous vote of
13 Council, if it is that way, I ask you to hesitate
14 and I want it in the record that I differ with
15 that concept if it occurs. But I think that,
16 sitting at this table, we all agree that this is
17 an overall, a good thing that some people, and
18 many of us believe it's an excellent thing to
19 move forward on.

20 So I thank the Planning
21 Commission for roughing through this, staying
22 with this, adding so much detail over the last
23 five, seven years of this process.

24 The last little element I
25 want to talk about before I get into my questions

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2 is the outside review and due diligence process.
3 That's come up, you know, should we have a
4 third-party review. There have been several
5 professional planners involved in this over the
6 last five years -- be it multiple members of the
7 County Planning Commission, members of our
8 Planning Commission that our planners, Sean, in
9 his role, as a planner first, John Walko's firm
10 doing a review of the legal aspects. So there's
11 been a lot of review of this Code.

12 Yes, we could go and get
13 another party to do that. I don't think it's
14 necessary at this point. I think we've had
15 multiple voices on this. And even Mr. Schoenhard
16 has a lot of expertise. He's given us a lot of
17 feedback and most of his questions, I believe,
18 have been looked at and hopefully responded to,
19 but certainly looked at, because I don't think
20 anybody wants him telling us I told you so in
21 five years or two years. So there has been a lot
22 of review.

23 And then I'm just going to
24 ask Sean a couple questions that Ms. Fox had
25 asked you that I couldn't answer that I felt, you

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2 know, if there's an answer, if it's simple,
3 great. If there's an answer that can be found,
4 great. And if, you know, try to avoid your
5 opinion aspect, more just a question.

6 And so I'll go the first one,
7 the building height. Do we have anything that
8 tells us it will affect the sunlight if buildings
9 were at 45 feet versus 35 feet in the town, in
10 the center?

11 **MR. METRICK:** A taller
12 building casts more shade, yes.

13 **THE PRESIDENT:** Well spoken,
14 Mr. Metrick.

15 **MR. WEGBREIT:** Was there a
16 reason why a family child care homes are allowed,
17 if they're allowed in 3B, C, 4A and 4B, why aren't
18 they allowed in 3A? Is there a specific reason
19 for that? Or if you don't know, that's fine.

20 **MR. METRICK:** I think that was
21 all part of the discussions about, when we were
22 talking about the gradient of the zoning districts
23 and what use is and dimensions of those uses would
24 be allowed in which districts. So it was in that
25 context that that decision was made.

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2 **MR. WEGBREIT:** She asked about
3 the rationale for not allowing multi-family houses
4 in 3A and allow them in other districts except 5B?
5 Though, I heard Mr. Cornwell wants it and others,
6 but if you want to --

7 **MR. METRICK:** There are no
8 multi-family homes today in the 3A District?

9 **MR. WEGBREIT:** That question
10 is unanswered, but not a question anymore. Maybe
11 it was. Maybe that was the answer, that we
12 changed it. Let me check real quickly.

13 Is there a list somewhere of
14 the revisions that were made to the Form-based
15 Zoning Code after the April 6th caucus meeting?
16 That was a concern we had. Was that posted
17 anywhere for the public?

18 **MR. METRICK:** There were no
19 substantive changes to the Code after the
20 April 6th caucus meeting. So there were spelling
21 and typo corrections made by the county, but they
22 were non-substantive.

23 **MR. WEGBREIT:** And I think I'm
24 going to leave it at that. I think most of these
25 questions have been answered. And if they have

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2 not been answered in the time sequence people
3 prefer it, I'm sorry to hear that. Please come to
4 your Council members if you're not hearing answers
5 and we will push further to get those answers for
6 you. So thank you again.

7 **THE PRESIDENT:** Thank you.
8 Councilman Weisbord.

9 **MR. WEISBORD:** I have very
10 little to add to the conversation that we've
11 already had here tonight from Council members. I
12 just appreciate or already expressed my thanks to
13 everybody. I want to add the people who spoke
14 this evening, both in favor and against passage,
15 as well as those who just came with questions,
16 thank you for your comments.

17 I don't know anyone on earth
18 who's not concerned about unintended
19 consequences? Do you?

20 It's often a reason that we
21 don't do things because we're concerned about the
22 unintended consequence of making the change to
23 change something. But unintended consequences is
24 also common when we don't act. And I think it's,
25 you know, sitting in this seat has been a lesson

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2 on how to manage that kind of conundrum.

3 So I would invite all of you,
4 if you have any interest in volunteering, you
5 know, run for election, volunteer to become on
6 Borough Council at some point in your life. It's
7 a great education and it's a great opportunity
8 that we have in this fiercely autonomous Borough
9 of Narberth. And I know some of you have been on
10 Council in the past and some have been on Council
11 for more than a decade.

12 But it is -- it's a very
13 special community that we have, that can dialogue
14 with each other and actually know one another. I
15 think Rosemary McDonough pointed to that.

16 So I'm not concerned that
17 this document in any way impinges on Narberth's
18 autonomy. I think every Council member here is
19 pretty committed to our independence as a
20 Borough, our independence and our opportunity to
21 independently manage our own Borough.

22 I do see that in the coming
23 year there will be a cue of code amendment
24 possibilities, if we pass this Ordinance tonight.
25 And just as Mary Jo Daley and Nancy Lotts

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2 instructed the Planning Commission and Borough
3 Council to read through the Zoning Ordinance in
4 2006, I think it behooves us to sort of, with
5 fresh eyes, read through this Code, if we adopt
6 it, with fresh eyes and look to see what needs to
7 be amended now, to make a list of those items,
8 ask the Planning Commission to review those, and
9 make recommendations. And Bob spoke to
10 specifics.

11 Also, in the coming year, the
12 Council will be initiating a discussion about
13 historic review practices in partnership with
14 Commonwealth agency called the Pennsylvania
15 Historic Museum Commission that provides this
16 kind of facilitation services to municipalities
17 on how to manage historic -- the inventory of
18 historic properties, and the Lower Merion
19 Conservancy has also offered their services to
20 the Borough. We have ongoing contract with the
21 Montgomery County Planning Commission, who's
22 professional planners will continue to work with
23 the Borough and help us continue to both observe
24 issues as they arise that may be important to
25 address.

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2 I personally believe Todd
3 Bressi, as the chair of the Planning Commission,
4 the vice chair of the Planning Commission, I
5 actually believe him that he has the credibility
6 to say with some authority that the density of
7 the Form-Based Code versus the density of the
8 existing Code is neutral. I believe him because
9 not only do I believe him to be a person of great
10 integrity, but he also has the professional
11 training and credentials to make that assessment.
12 So I tend to believe him, just as, you know, you
13 might, as kind of a fact. So, you know, that's
14 up to you whether you want to believe that's true
15 or not.

16 I'm hesitating because I'm
17 deciding if I should say something about the
18 Elmwood Avenue church and then I'll be finished.

19 I personally had a, kind of a
20 blind spot when we first began, after the new
21 owner of the Elmwood Avenue church approached the
22 Borough Council and members of the Planning
23 Commission, because the owner of the church
24 really only had one idea, which was to develop it
25 into kind of his own office and half residential.

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2 Those ideas were in line with what the Planning
3 Commission had been discussing for many years,
4 along the lines of how to make, you know, put
5 regulations around the adaptive reuse of our
6 civic institution of buildings. So I didn't see
7 that there was going to be an issue in the
8 community or that that would be a controversial
9 item. It just was -- it kind of, like, came out
10 of my peripheral vision and hit me on the head
11 that people would perceive it as a problem.

12 In my mind, here was a person
13 who was willing to take a building that was
14 abandoned and derelict for ten years and repair
15 it for us so that all of us could see that
16 historic property every day, could be, you know,
17 have a historic church beautifully restored,
18 historic property in our community.

19 And I observe that this
20 particular guy, who I don't know, I think I've
21 had five conversations, six conversations with
22 him, perhaps, over the time that he's been the
23 owner of that church, never -- he didn't do what
24 most developers do in most municipalities. They
25 come with a development scheme and say to the

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2 community, if you don't let me do what I want to
3 do with this property, I'm going to tear it down.
4 That's what developers do. Anyone who's lived
5 anywhere where people develop, you know, want to
6 leverage their power over a community to get what
7 they want. That's what they do. They threaten
8 the community.

9

I did not see this guy doing
10 that. He was really, like, making I think, just
11 as members of Council and the community were sort
12 of making -- the Planning Commission were sort of
13 making a good-faith effort to try to save a
14 building that had been vacant for ten years. So
15 I apologize to all of you that it wasn't more
16 evident to us early that there was going to be an
17 issue.

18

At this point I don't know,
19 even despite the fact that there's more than 500
20 signatures on the -- what is it? -- change dot
21 org petition. I don't know that that's going to
22 be enough at this point, everybody.

23

It does not appear to me, and
24 I hope I'm wrong, that even passage of the
25 Form-Based Code, which will allow provisions to

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2 save that church, are going to make a difference
3 at this point. The guy can make a lot of money
4 tearing down the church and building houses.

5 So I hope I'm wrong about
6 that, but I'm very sad that we missed the
7 opportunity. And I accept my part of that and I
8 hope you will accept yours in the outcome.

9 So I have nothing more to
10 add.

11 **THE PRESIDENT:** Thank you.
12 Councilor Richmond.

13 **MS. RICHMOND:** Can everyone
14 hear me?

15 **THE AUDIENCE:** Yes.

16 **MS. RICHMOND:** All right.
17 Actually, I'm not even sure where to start. The
18 Code is not perfect. No code is perfect. There's
19 no such thing.

20 There is a lot of good in the
21 Form-Based Code. I sat through a number of
22 Planning Commission meetings back in the day
23 before I was interested in being on Council and
24 also when I was on the Civic Association. I know
25 that a lot went into all of minutia and all of

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2 the details. I know they were hashed out. I
3 know it took hours. I mean, I remember sitting
4 in on the porch meetings and the pitched-roof
5 meetings and a lot of other things. I appreciate
6 what the Planning Commission has done. I
7 appreciate all of you being here through many of
8 these big meetings. I really hope -- I really
9 hope that everyone stays engaged. I know when
10 there's a big issue people come out. But, you
11 know, we don't have a comprehensive plan in
12 Narberth.

13 A lot of what went on in this
14 process was thinking about what Narberth is, what
15 it represents, what it has become over time. A
16 lot of people who are younger and new may have a
17 different idea about what they want Narberth to
18 be and what the needs of their family and the
19 generation they see, what their needs are going
20 to be. I don't know that there's an answer other
21 than we have to work together. You know,
22 whatever ends up being is going to be because we
23 participate somehow.

24 And so I will say that I
25 really truly hope that when we disagree, that we

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2 disagree with respect and that we understand that
3 people's points of view deserve that respect.
4 And we shouldn't be bitter, we shouldn't be
5 angry, we shouldn't be harsh, we shouldn't be
6 tearing people apart for having a different
7 opinion. We should value those opinions and try
8 to make note of them somehow. And I hope that
9 all the questions that were put in through the
10 blog that were raised do get answered. I think
11 that the respect has to come all the way
12 around -- citizens to the Borough Council to the
13 office. We need to answer each other's
14 questions. A lot of times we don't know the
15 answer. And A lot of times a lot of people are
16 simply saying, you know, put me at ease, answer
17 my questions about a couple of things, let me
18 understand how this might work from my house, my
19 neighborhood, my street. So it's always helpful
20 just to provide more information and timely in a
21 way so people don't think there's something
22 nefarious going on.

23 I really am concerned that
24 the development that's going on, people --
25 obviously, a lot of us are concerned. I don't

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2 know that what, you know, John, you have to say
3 about the combining of lots, and, you know, but I
4 think that one of the primary goals of the Code
5 is to prevent big houses. So if you're going to
6 do that and you're going to try to maintain the
7 character and the size of the houses we have now,
8 you know, that obviously if you have a big house,
9 you have less density. So I don't believe this
10 Code will increase density very much. While I
11 think it does, in fact, keep it in certain areas,
12 and I don't know that that's fair, but that's
13 what it does, I don't think it dramatically
14 increases density.

15 I also think that a lot of
16 the issues will be revisited and put back to the
17 Planning Commission to talk about. Hopefully not
18 only the enclosed porch issue, but the height of
19 the businesses along Haverford Avenue and a
20 number of other issues. But we need the Planning
21 Commission to focus on a comprehensive plan --
22 parking and a number of other things. And this
23 has to move forward.

24 So I just think that
25 that's -- the one thing I am going to say is when

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2 you started, Bob, your comment about how the
3 Form-Based Code was, the principles, the guiding
4 principles, and respecting the character of
5 Narberth, I think changing the mixed use of that
6 church is directly the opposite of that. And
7 that's the only thing that you can't go back and
8 fix. Once we pass this, that's the one thing
9 that doesn't get fixed. All these other things
10 we can fix. That's going to be a permanent
11 change. Whether it's a good change or not, I
12 don't know. We'll see. We'll see.

13 **MR. WEISBORD:** You won't have
14 a building there. It's not a problem, because the
15 building will be gone. The only thing that can be
16 built there is residential.

17 **THE PRESIDENT:** Marlene has
18 the floor.

19 **MR. WEGBREIT:** Yeah, thank
20 you.

21 **MS. RICHMOND:** But the issue,
22 Bob, was that that ship sailed when somebody
23 thought that they had some sort of reason to pay
24 extra for the place so that they could develop it.
25 It's not like there was another option on the

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2 table. And it was years ago at this point.

3

4 At this point everybody here
5 seems to think that we should pass the Form-Based
6 Code because we have, in addition to the church,
7 plenty of other problems. So, for whatever
8 reason, the decision was made to push this
9 forward as one big bill. So, now, we can't pull
10 out the church and deal with it separately or
11 anything else. So if we're passing it, I'm
12 saying, then, let's do it in good faith. If
13 we're saying we do respect people's differences
14 of opinion, whether there's a lot of them or a
15 little of them, then we should actually act on
16 that and make sure that we include people with
17 differences of opinion on the Planning Commission
18 years ago.

18

19 Part of the reason for
20 including people with differences of opinion is
21 that you don't have a blind spot then. You rely
22 on other people that bring things in. You're not
23 going to think about you have to assume you're
24 never going to know everything; so you have to
25 operate all of our plan, all of our commissions,
and all of other our boards with people who don't

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2 just agree with you.

3 That's basically where I

4 stand. Thank you.

5 **THE PRESIDENT:** Thank you.

6 Mr. Solicitor, would you like

7 to comment about combining lots?

8 **MR. WALKO:** Sure. I mean, if
9 the question is whether there should be provisions
10 in the Zoning Code, this Form-based Zoning Code,
11 about combining lots, I would say no. That isn't
12 something that's usually handled with the Zoning
13 Code.

14 The Land Development
15 Ordinance or SLDO covers subdivisions, which also
16 is a combination or reverse subdivision. There
17 are plans that are set up. You submit a plan.
18 And if you want to combine two lots, that plan
19 will need to be approved by Council. That the
20 issue of whether the lots are going to be
21 combined, if that's what's proposed, is a
22 different issue than what can be built, then, on
23 that combined lot.

24 Now, obviously, you can
25 present a plan and combine both, but you need

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2 Council to formally give plan approval -- whether
3 it be a simple lot line, subdivision application
4 or larger application.

5 Council would be -- would not
6 have many options to not grant certain
7 subdivision plans if everything is in accordance
8 with the Municipalities Planning Code of
9 Pennsylvania. If you did not vote for that plan
10 and they wanted to appeal our decision, they
11 could. And if we don't have a basis, they would
12 probably win. But it's not a blank slate. There
13 is a process. And it will be something that's,
14 again, if someone wants to combine lots, that's
15 going to come back before this Council, and
16 Council can hear feedback from everybody again
17 and subdividing of lots on a separate issue from
18 what will be built on that lot. And surely,
19 Council will have the option and more control
20 over what is built on that lot.

21 But, again, there are
22 construction projects that are called "by-right."
23 You have a right based upon what you're
24 presenting to build under the Code. And if that
25 lot is combined, you're by-right right increased,

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2 dense high end of the scale, I encourage
3 everybody to check that out, because there's
4 actually a pretty strong disincentive to proper
5 accommodation built into the Code.

6 The other thing is you look
7 into the issue more -- because I did follow up on
8 Dave Schoenhard's question about this. There's
9 generally more concern on the part of our Borough
10 about subdivision than property combining when
11 you're worrying about amount of development, et
12 cetera. As the solicitor pointed out, that's
13 really governed by separate issues outside of the
14 Zoning Code.

15 **THE PRESIDENT:** Thank you.

16 Mr. Mayor, would you like to
17 say anything?

18 **THE MAYOR:** No comment at this
19 time. Thank you.

20 **THE PRESIDENT:** Thank you.

21 Originally, when I was
22 sitting at the Council table, maybe with only a
23 few months since being elected and sitting next
24 to Nancy Lotts and the Form-Based Code was
25 introduced as something for the Planning

BOROUGH COUNCIL CAUCUS MEETING

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Commission to study, I was very skeptical.

I have an inherent skepticism against things that are stylish, against things that are the way we're doing it now. One of the reasons that I love Narberth was what it had at the time seemed to me to be a timeless appeal.

I was worried about things that committees do when they're just looking for things to do. And I was definitely worried about unintended consequences. I think I said something like I don't want to blow up this town.

What I've learned in the past five years is not only the wealth of intelligent resources that we have on our Planning Commission and through the county and here on Council, people who are really thoughtful, who may have an opinion, but are still listening to their neighbors at the same time and how lucky we are to have that, but also that a complex legal document, like Chapter 124, it can be very frustrating, because you just want to get an answer, and you have to refer through seventeen paragraphs and back and forth on different pages to get that answer. And the reason is because

BOROUGH COUNCIL CAUCUS MEETING

1
2 the Municipalities Planning Code and the laws of
3 the State of Pennsylvania in many ways try to
4 prevent a Borough like ours from doing what we
5 want to do wholesale. And so we have to create
6 rules that operate within a larger legal
7 framework. So that instead of something that
8 says, you will not build this kind of thing, we
9 have a document that's more like a westerly wind,
10 just kind of like blowing developers against the
11 forces of nature so that it will be more likely
12 they will do something we want them to do and
13 less likely they'll do something we don't. But
14 it doesn't mean that they are prohibited, because
15 we cannot prohibit them. And it's the kind of
16 thing that makes some people crazy. And I know
17 that it bothers me. But this is the fish tank
18 we're swimming in.

19 I know there's some
20 skepticism in the audience and in this community
21 about whether Council will be making changes to
22 this document, whether it is just lip service,
23 whether we really believe every single word in
24 here and if we didn't, why would we vote yes. I
25 think what speaks most to that point, that all of

BOROUGH COUNCIL CAUCUS MEETING

1
2 these Council members see this as a living
3 document and a work in progress, is that
4 immediately following the vote on this Ordinance
5 and before we all get to go home -- well, you get
6 to go home, but we can't -- we will be voting on
7 an amendment to the Form-based Zoning Code, and I
8 expect it to be one of many.

9 My hope, and I will be voting
10 in support of this Code, that fifty years' time,
11 when I leave my home, a nice young couple will
12 come in and they will be so excited about the
13 timeliness that this community has preserved and
14 the live ability and really kind of classic way
15 of living that you really only find in cities
16 that are extremely old, that they'll be so
17 excited by it, that they'll ignore my choice of
18 decor, and they will pay top dollar, and then I
19 will sail into the west.

20 So with that, Mr. Metrick,
21 will you call the role for a vote?

22 **MR. METRICK:** Yes. Thank you.

23 Ms. Fortner.

24 **MS. FORTNER:** Aye.

25 **MR. METRICK:** Ms. Richmond.

BOROUGH COUNCIL CAUCUS MEETING

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MS. RICHMOND: Aye.

MR. METRICK: Mr. Silio.

MR. SILIO: Aye.

MR. METRICK: Mr. Weisbord.

MR. WEISBORD: Aye.

MR. METRICK: Mr. Wegbreit.

MR. WEGBREIT: Aye.

MR. METRICK: Ms.

Tevlin-Moffat.

MS. TEVLIN-MOFFAT: Aye.

MR. METRICK: President

Muderick.

THE PRESIDENT: Aye.

And with that, the Form-Based
Code is passed. It goes to the Mayor's desk.

(At 9:54 p.m., proceedings
were concluded.)

— — —

C E R T I F I C A T E

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

Tim Kurek

Official Court Reporter

- - -

NARBERTH BOROUGH

BOROUGH COUNCIL

MONTGOMERY COUNTY, PENNSYLVANIA

- - -

A public hearing was held before the Narberth Borough Council, in Narberth Borough, Montgomery County, Pennsylvania, at the Narberth Borough Municipal Building, 100 Conway Avenue, Narberth, Pennsylvania, on Monday, April 28, 2016, commencing at 9:54 p.m., for the Borough Council Caucus Meeting, for Floodplain Ordinance No. 996.

- - -

BOARD MEMBERS PRESENT:

AARON MUDERICK, President
GIGI TEVLIN-MOFFAT, Vice-president
CHARLES SILIO
ROBERT WEGBREIT
ROBERT WEISBORD
MARLENE RICHMOND
BARBARA FORTNER

- - -

COUNSEL APPEARED AS FOLLOWS:

JOHN WALKO, ESQUIRE
for the Borough

- - -

ALSO PRESENT:

THOMAS GRADY, Mayor
SEAN METRICK, Borough Manager

- - -

TIM KUREK
OFFICIAL COURT REPORTER
(610) 278-3237

I N D E X

	Page

Questions/Comments from the Board	15
Comments from the Audience	10

- - -

E X H I B I T S

BOARD'S

Number	Marked	Rec'd
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B-1 Notification	3	6
B-2 Proof of Publication	4	6
B-3 Letter to Borough Planning Commission dated 3/28/16	4	6
B-4 Letter to MCPC dated 3/28/16	4	6
B-5 Submission to the Montgomery County Law Library	4	6
B-6 Ordinance No. 996	5	6
B-7 Legal Notice	5	6
B-8 Postings	5	6
B-9 MCPC Review and Letters	5	6

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1 **BOROUGH COUNCIL CAUCUS MEETING**

2 **THE PRESIDENT:** I'm going to
3 allow Council to decide whether we should take a
4 five-minute break or whether we should move
5 through this.

6 **MR. WEISBORD:** I prefer we
7 move through.

8 **THE PRESIDENT:** Ladies and
9 gentlemen, we are going to continue because we
10 are expecting that this Floodplain Ordinance will
11 move very quickly.

12 Mr. Solicitor, would you like
13 to speak?

14 **MR. WALKO:** At this time we
15 are going to adjourn from the public meeting
16 of -- the public hearing and address the
17 Floodplain Ordinance, which is Ordinance 996.

18 At this time I have a number
19 of exhibits to admit regarding the Ordinance.
20 The first exhibit is Board Exhibit 1, which is
21 the delivery of this Ordinance and the notice of
22 tonight's hearing in the Main Line Times dated
23 March 29th, 2016.

24 (Notification, marked Board
25 1, for identification.)

1 **BOROUGH COUNCIL CAUCUS MEETING**

2 **MR. WALKO:** Board Exhibit 2
3 is proof of publication in the Main Line Times
4 for tonight's hearing, which appeared on
5 April 3rd and April 10, 2016.

6 (Proof of Publication, marked
7 Board 2, for identification.)

8 **MR. WALKO:** Board Exhibit 3
9 is the letter presenting the Ordinance to the
10 Borough Planning Commission on March 28th, 2016.

11 (Letter to Borough Planning
12 Commission dated 3/28/16, marked Board 3, for
13 identification.)

14 **MR. WALKO:** Board Exhibit 4,
15 presenting the Ordinance to the County Planning
16 Commission and review on March 28th, 2016.

17 (Letter to MCPC dated
18 3/28/16, marked Board 4, for identification.)

19 **MR. WALKO:** Board Exhibit 5
20 is a copy of the attested Ordinance to the
21 Montgomery County Law Library that was marked and
22 received on April 1st, 2016.

23 (Submission to the Montgomery
24 County Law Library, marked Board 5, for
25 identification.)

BOROUGH COUNCIL CAUCUS MEETING

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marked Board 9, for identification.)

(Exhibits B-1 through B-9,
received in evidence.)

MR. WALKO: And at that time
that's all the exhibits that I have.

I would like to make some
comments just so we're all on the same page
regarding this Ordinance.

Someone in the previous
hearing made a comment about how the Form-Based
Code took control out of local hands. This
Ordinance and the history of this Ordinance
certainly was an Ordinance that took control out
of the hands of Narberth Borough. And it's
something that FEMA has been doing and continues
to do for all municipalities across Pennsylvania.
They finished with Montgomery County and now
they've moved onto Chester County.

And I think it's important
for the public to understand that Borough Council
did not draft this map. We did not delineate
where the floodplains were. That was FEMA. And
the FEMA maps were previously in place from 1996.
And at that time Council was forced to pass an

1 **BOROUGH COUNCIL CAUCUS MEETING**

2 **MS. FARBER:** Back again.

3 **THE PRESIDENT:** We're getting
4 closer to the end of seeing what we can discuss.

5 **MS. FARBER:** Vicky Benedict
6 Farber, 515 Conway Avenue.

7 Again, I've been a resident
8 for 31 years. My house is at the end of Conway
9 and part of a twin. And behind my twin is a
10 single-family house. And these three properties
11 were built in 1977. And the spring runs right
12 under from Montgomery Avenue, runs right under my
13 property, down Conway, then comes up through
14 Narbrook Park, and then goes under the ball
15 field.

16 And when the houses were
17 first built, they had water problems. And
18 whoever was on the Borough Council that allowed
19 the developers to build these houses never put in
20 drainage for our three houses. So all the water
21 from these three houses has to funnel down under
22 my fence into the adjacent apartment complex. So
23 two buildings from the apartments, three houses
24 all drain into this little cocked-up drain for
25 five properties. Two of them commercial.

1 **BOROUGH COUNCIL CAUCUS MEETING**

2 And over the 31 years I've
3 lived here, I tried to get Borough Council to
4 help me to figure out what can we do to help the
5 drainage problems that we have, because I get the
6 brunt of it. And I've done everything in my
7 power to shore up my house, short of putting a
8 moat and alligators around my house.

9 So I just wanted to know, is
10 there anything that we can do?

11 **THE PRESIDENT:** Well, in this
12 instance, I would defer to Councilor Wegbreit,
13 who's served on public works for many years and
14 is aware of many of the stormwater management
15 intersections in the Borough.

16 **MR. WEGBREIT:** For the
17 purpose of the hearing, I don't know if I should
18 respond, but for the purpose of answering you,
19 I'm going to ask Sean to look at it and see if
20 there's anything we can do. We're working on a
21 grant right now with some stormwater runoff
22 issues down in Windsor. This is a bigger issue
23 you're bringing up.

24 I have to say I've been on
25 Council, you know, for many years, I haven't

1 **BOROUGH COUNCIL CAUCUS MEETING**

2 heard about this problem. So I appreciate you
3 bringing it up. I feel bad that you have this
4 issue.

5 **MS. FARBER:** Well, I was
6 written up in the Main Line Times and here is a
7 copy of it.

8 **THE PRESIDENT:** Thank you. I
9 think Bob has spoken very well to this point,
10 which is we are not aware. That is, people
11 currently sitting at this table were not aware.
12 So I appreciate you coming down. And I ask also
13 if you could stay afterwards and we could follow
14 up on that as well.

15 **MR. WALKO:** I have quick
16 comment.

17 **THE PRESIDENT:** Go ahead.

18 **MR. WALKO:** Those properties
19 that have those issues, the way the status of the
20 law right now is if they needed to seek land
21 development, they would have to correct that
22 issue. They can't just say, hey, it's bad, we're
23 going to leave it bad, I'm going to build around
24 it. So if any of those properties, again, are
25 developing in a manner where they have to come

1 **BOROUGH COUNCIL CAUCUS MEETING**

2 before Council to seek land development, they're
3 required under the law to comply with new
4 stormwater management requirements. So that
5 would actually improve that situation.

6 **MS. FARBER:** Thank you.

7 **THE PRESIDENT:** Thank you.

8 Maryann Simpson. We asked
9 about her earlier.

10 (No response.)

11 **THE PRESIDENT:** Okay. I
12 don't have any letters on the table regarding
13 Floodplain Ordinance, so that will conclude
14 public comment.

15 **MR. WEGBREIT:** I have
16 questions on it.

17 **THE PRESIDENT:** We'll get to
18 Council comment. Would you like to make a motion
19 to introduce it and then we'll get it on the
20 table?

21 **MR. WALKO:** For the record,
22 there is no more public comment on this Ordinance
23 at this time. So we will adjourn back into the
24 public meeting where this Ordinance is before
25 this Council for review and a potential vote.

1 **BOROUGH COUNCIL CAUCUS MEETING**

2 **THE PRESIDENT:** Okay.

3 **MR. WEISBORD:** Council
4 members, I move that we adopt Ordinance No. 996,
5 an Ordinance amending Narberth Floodplain
6 Conservation District of the Narberth Borough
7 Zoning Ordinance to require all persons,
8 partnerships, businesses, and corporations to
9 obtain a permit for any construction or
10 development; providing for the issuance of such
11 permits; setting forth certain minimum
12 requirements for new construction and development
13 within areas of the Borough which are subject to
14 flooding; and establishing penalties for any
15 persons who fail, or refuse to comply with, the
16 requirements or provisions of this Ordinance.

17 **THE PRESIDENT:** Is there a
18 second?

19 **MR. WEGBREIT:** Second.

20 **THE PRESIDENT:** All right.

21 Now, if you could give a dollar to the court
22 reporter.

23 Okay. Council members can
24 discuss.

25 Councilor Wegbreit.

1 **BOROUGH COUNCIL CAUCUS MEETING**

2 **MR. WEGBREIT:** Real quick
3 question to the solicitor. It was referred that
4 it's going to be amending the Form-based Code
5 Ordinance. Is that officially added? Doesn't
6 the Mayor have to sign off on that?

7 **MR. WALKO:** That's a
8 technicality. It will be amending whatever
9 Zoning Code that we have at that time. Ideally,
10 it's the same chapter.

11 I believe when this was
12 presented to the county review, again, we weren't
13 sure of the status of the Form-Based Code, but we
14 didn't want to be put into a situation that if it
15 had passed, since this wasn't in the Form-Based
16 Code, that it would then be overruled by the
17 passing of the Form-Based Code. So that was sort
18 of done out of caution. But, again, it will
19 directly impact 124, which is whatever that
20 Zoning Code will be.

21 **MR. WEGBREIT:** Okay.

22 **THE PRESIDENT:** Anyone else?

23 (No response.)

24 **MR. SILIO:** I just wanted to
25 clarify the legislative history here. We had a

1 **BOROUGH COUNCIL CAUCUS MEETING**

2 floodplain ordinance previously that amended our
3 prior code also strongarmed, you know, by federal
4 regulation. And I think what happened was, as we
5 went through and as we had third-party review of
6 the Form-Based Code, we noticed that -- it might
7 be the Planning Commission that noticed -- this
8 prior amendment didn't make it into the
9 Form-Based Code. So rather than going back and
10 amending and relisting the whole Form-Based Code,
11 we just said, whenever that was, a couple months
12 ago, we'll just bring this up separately as an
13 amendment and keep it on a parallel track.

14 Is that right?

15 **MR. WALKO:** Yeah. That's
16 accurate. There's also the need that this
17 floodplain needed to be approved.

18 **MR. SILIO:** Also, yeah.

19 **MR. WEISBORD:** Right. The
20 federal.

21 **THE PRESIDENT:** Any other
22 comment?

23 (No response.)

24 **THE PRESIDENT:** Given that
25 we're in a hearing, a formal Ordinance,

BOROUGH COUNCIL CAUCUS MEETING

1

2 Mr. Metrick, could you call the role?

3

MR. METRICK: Yes.

4

Ms. Fortner.

5

MS. FORTNER: Aye.

6

MR. METRICK: Ms. Richmond.

7

MS. RICHMOND: Aye.

8

MR. METRICK: Mr. Silio.

9

MR. SILIO: Aye.

10

MR. METRICK: Mr. Weisbord.

11

MR. WEISBORD: Aye.

12

MR. METRICK: Wegbreit.

13

MR. WEGBREIT: Aye.

14

MR. METRICK: Ms.

15 Tevlin-Moffat.

16

MS. TEVLIN-MOFFAT: Aye.

17

MR. METRICK: President

18 Muderick.

19

THE PRESIDENT: Aye.

20

All right. This amendment

21

passes and goes to the Mayor's desk. Thank you.

22

I'll take a motion for

23

adjournment.

24

MS. TEVLIN-MOFFAT: I so

25

move.

BOROUGH COUNCIL CAUCUS MEETING

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THE PRESIDENT: Is there a
second?

MR. WEGBREIT: Second.

THE PRESIDENT: All in favor?

MS. FORTNER: Aye.

MS. RICHMOND: Aye.

MR. SILIO: Aye.

MR. WEISBORD: Aye.

MR. WEGBREIT: Aye.

MS. TEVLIN-MOFFAT: Aye.

THE PRESIDENT: Aye.

The meeting is adjourned.

Thank you.

(At 10:11 p.m., proceedings
were concluded.)

— — —

C E R T I F I C A T E

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

Tim Kurek

Official Court Reporter

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