

Summary of HP Incentive Ordinance Modifications

1. Make explicit that the enhanced zoning regulations are available even for applications not involving an alteration to the main dwelling itself but some other improvement on the property, including a new or altered accessory structure or other improvement such as a garage, swimming pool, terrace or driveway. (§ 40-49A and throughout)
  - The current ordinance is being applied only to proposed additions to the contributing dwelling structure itself and not to “accessory” structures or other improvements to the property.
  - The ordinance language has been modified throughout to make explicit that the bulk incentives are available in connection with any application for which the standard bulk incentive regulations would come into play, including without limitation the addition of any new accessory structure.
  
2. Make explicit that, for eligible contributing dwellings, variances are measured against the enhanced zoning regulations, so long as all other eligibility requirements are satisfied and the procedural requirements for taking advantage of the incentives are met (architects certification, extra copy submitted for the HPC, etc.). (§ 40-49A)
  - This provides benefits even for homes that can no longer benefit from the existing regulations by avoiding the need for a variance altogether.
  - We understand this is how the ordinance is now being interpreted and applied, but additional language is being added to remove all doubt.
  
3. Limit street-facing façade restrictions to a “primary” street-facing facade only. (§ 40-49B(1) and (4), and Definition of “Primary Street-Facing Façade”)
  - The ordinance places greater constraints on street-facing facades (“SFF”) than on other parts of the home that are visible from the street. This may place a hardship for a home that has two (and in some cases 3) SFFs, such as homes on corner and through lots, which account for nearly one-fourth of the historic homes.
  - The proposed revised ordinance defines the single SFF that would be considered the “Primary” SFF to be subject to greater restrictions formerly applicable to all SFFs:
    - Where there is more than one SFF, the Primary SFF is the SFF with the greatest width, unless the “front door” is on the street of the home’s address, in which case it is that street.
    - The homeowner may also seek HPC approval to designate a different SFF from the default SFF to be the “Primary” SFF where HPC determines that

such designation will better preserve the historic integrity of the contributing dwelling or the historic streetscape.

4. Add new Contributing Dwellings to Ordinance consistent with 2005 Historic District Application (Definition of “Contributing Dwelling”)

- There are approximately 22 dwellings that were constructed by developers other than Hapgood and Belhall prior to 12/31/38 that were identified as “contributing” in the 2005 HDA and should have the benefit of the ordinance. See listing in Appendix. These are being added with a “bulk incentives effective date,” for purposes of the eligibility requirements, of approximately the date of the ordinance modifications.

5. Grade Plan Calculations (§ 40-49C(4))

- Eliminate height restrictions on expansions that are at least one story lower than the adjoining portion of the pre-existing structure.
- This would not eliminate requirement to do calculations for purposes of determining if basements or attics should be included in FAR calculation after completion of the project.

6. Allow for alterations to be made with HPC/Zoning Board approval without affecting eligibility for incentives. (§ 40-49B(5))

- Provide homeowners a streamlined process for allowing changes that are inconsistent with the strict ordinance requirements for SFFs based on an HPC interpretation that the past, or proposed future, changes are compatible with the original or existing structure, and therefore do not disqualify the home from being eligible for the incentives in the future. This allows for some flexibility in how the ordinance is implemented, but doesn’t undermine the “incentive” basis for the ordinance since the homeowner is always free to make the changes without pre-approval (and thereby lose eligibility for the incentives). For these exception cases, the changes would require HPC and Zoning Board concurrence – not just architect certification.
- Upon approval of the application and completion of the alteration, the ordinance photo database would be updated to reflect the modified SFF as the new baseline for purposes of ordinance compliance going forward.

7. Changes in payment and other requirements for demolition permit fee (§ 40-50)

- Require an initial nonrefundable payment of \$500 to the Borough prior to commencement of 90-day notice period. (§ 40-50A(1)(a)[2])

- After requirements are met, owner pays \$1,000 (standard \$500 plus additional \$500) to apply for a permit (no change from current ordinance). (§ 40-50A(2))
- Require affirmative HPC confirmation of compliance with either subsection of § 40-50A(1)(c) – allow access for documentation to be performed by HPC or self-documentation -- prior to issuance of demolition permit (today, it is only required for the latter). (§ 40-50A(1)(d)[3])
- Once permit is issued, it's good for a total of 1 year from the date of expiration of the initial 90-day notice period. (§ 40-50A(4))

8. Subdivisions (§ 40-49D(5))

- Clarify that, for subdivisions involving contributing dwellings, only the subdivided lot that has the contributing dwelling on it will be eligible for the incentive regulations.

9. HPC Oversight (§ 40-49D(2)(b))

- Current ordinance requires 3 extra copies of applications for HPC. This requirement has not been observed.
- Reduce requirement from 3 copies to 1 for HPC, require delivery of HPC copy to HPC, and add confirmation of delivery to the mandatory checklist for construction permit applications (as well as Zoning Board or Planning Board applications) that rely on the ordinance.

10. Miscellaneous

- Allow for co-chairs of HPC (§ 40-47F); freely allow non-residents to be HPC members. (§ 40-47D)
- Require architect's checklist and certification whenever bulk incentives are relied on in Zoning Board or Planning Board applications (not just for construction permits). (§ 40-49D(2))
- Modify architect's checklist to conform to the ordinance updates and also require certification:
  - Incorporating the updated eligibility requirements in the ordinance.
  - That a copy of the application has been delivered to the HPC.
  - That current photos of the contributing dwelling from the ordinance website, as well as photos representing the current condition of the contributing dwelling, have been included with the application.

Appendix

Additional “Contributing Dwellings” (22 total)

<b>Street Number</b>	<b>Street Name</b>	<b>Year</b>
6	Ball Road	1928
11	Barton Road	1927
324	Boulevard	1917
341	Boulevard	1938
115	Briarcliff Road	1926
34	Howell Road	1936
16	Midvale Road	1936
294	Morris Avenue	1926
1	North Crane Road	1937*
21	North Glen Road	1931
14	Oak Lane	1930
2	Park Lane	1938
3	Park Lane	1938
0	Pocono Road	1912
99	Pocono Road	1732
9	Point View Place	1937
32	Tower Hill Road	1930
54	West Shore Road	1933
2	Woodland Avenue	1935
6	Woodland Avenue	1935
7	Woodland Avenue	1936
32	Woodland Avenue	1923

\* Appears in 2005 National Register of Historic Places Registration Form as 365 Boulevard.