

From: Tom Comitta <tom@comitta.com>
Sent: Tuesday, December 31, 2024 4:19 PM
To: Carol Quigley
Cc: James Cherry, III; Erin Gross
Subject: RE: West Chester Borough Ordinance Amendments (and HARB Reviews & Evaluations)

Agreed!

Thomas J. Comitta, AICP, CNU-A, RLA
President



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From: Carol Quigley <cquigley@patterhn-ives.com>
Sent: Tuesday, December 31, 2024 2:09 PM
To: Tom Comitta <tom@comitta.com>
Cc: James Cherry, III <jcherry@arconcepts.com>; Erin Gross <erin@comitta.com>
Subject: RE: West Chester Borough Ordinance Amendments (and HARB Reviews & Evaluations)

If I recall correctly, it was this project – specifically the folks at Bernardon who wrote up a memo responding to each point within the “Guidelines for New Construction” within the DG – and submitted that back to PC. I believe Kevin (and surely Brian!) deemed this satisfactorily compliant with the language in the code and it enabled them to avoid further discussion of review by the HARB.

Please note, Patterhn Ives will be closed from December 24th through January 1st. Happy Holidays!

Carol Jean Quigley
Senior Designer / Project Manager
FRENS & FRENS Studio

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From: Tom Comitta <tom@comitta.com>
Sent: Tuesday, December 31, 2024 2:01 PM
To: Carol Quigley <cquigley@patterhn-ives.com>
Cc: James Cherry, III <jcherry@arconcepts.com>; Erin Gross <erin@comitta.com>
Subject: RE: West Chester Borough Ordinance Amendments (and HARB Reviews & Evaluations)

Hello again Carol,

So, I am at a loss to figure out how Kevin Gore did what he did, unless he “allowed Brian Nagle, Esq. to put the rabbit in the hat” by formulating Condition #10 on page 6 of the attachment. In other words, it appears that Condition #10 was an “end around” that enabled Kevin to wiggle out of actually obtaining HARB advice (by indicating some vague reference to comments by the Planning Commission).

All things considered, it appears that Erin’s suggestions merit attention for next steps. Therefore, since **Section 112-401.B.(5)(a)[1]** requires the use of the Design Guidelines for the West Chester Historic District for building elements in the HO-60 (but does not reference review by the HARB, this section should be Amended to include a needed/required review by the HARB). Further, since **Section 112-402.B.(7)(a)** includes a similar provision pertaining to the HO-75, that Section should also be Amended to indicate a needed/required review by the HARB.

Erin and I will coordinate with Jim Cherry in January, and then we will be back in touch. In the meantime, have a Happy & Healthy New Year!!

Tom

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President



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From: Tom Comitta
Sent: Tuesday, December 31, 2024 1:50 PM
To: Carol Quigley <cquigley@patterhn-ives.com>
Cc: James Cherry, III <jcherry@arconcepts.com>; Erin Gross <erin@comitta.com>
Subject: RE: West Chester Borough Ordinance Amendments (and HARB Reviews & Evaluations)

Hi Carol,

Thanks for your reply, Happy New Year, and collectively/collaboratively “we will get to the bottom of this” (and report back to you in January)!!!

Tom

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President



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From: Carol Quigley <cquigley@patterhn-ives.com>
Sent: Tuesday, December 31, 2024 1:45 PM
To: Tom Comitta <tom@comitta.com>
Cc: James Cherry, III <jcherry@arconcepts.com>; Erin Gross <erin@comitta.com>
Subject: RE: West Chester Borough Ordinance Amendments (and HARB Reviews & Evaluations)

Thank you for the email, Tom and I hope you all are gearing up for a fabulous New Year!

I really appreciate the premise of your question – which I believe relies upon some optimistic expectation that Kevin would have felt that he needed to back up his disposition with some specific working in our codes and ordinances. 😊 I don't know that was the case and have no idea of any other portion of the code / ordinance that would give him the additional support he may have wanted.

So I cannot help you there because I never had much conversation directly with him about it --- or if I did, I would only have expressed a willingness on the part of the HARB to take on those reviews when requested by Council or directed to do so by the Building Department. And he would have avoided any furtherance of that discussion.

I have shared that general sentiment with you, Allen and Thomas – who have each brought the topic up with me – but I have never been pro-active about the issue. I DO agree that the language should be made more clear since we keep getting into the question of WHO or WHICH entity should determine if a project IS in compliance with each of those code sections, and I DO agree that the logical choice is the HARB.

But I don't push this myself because I know very well many people (Kevin likely included, along with several developers / property owners) see review by the HARB as a hindrance to a project (rather than acknowledging the potential benefit that can result), and I don't want it to ever seem that I am individually trying to insert the HARB into the process. I concur it makes the most sense, as do many members of the HARB, and would be happy to partake in discussions about edits and timelines whenever needed!

THANK YOU for your attempts to make this fuzzy spot more clear!
Have a Happy New Year!!

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From: Tom Comitta <tom@comitta.com>
Sent: Monday, December 30, 2024 2:12 PM
To: Carol Quigley <cquigley@patterhn-ives.com>
Cc: James Cherry, III <jcherry@arconcepts.com>; Erin Gross <erin@comitta.com>
Subject: West Chester Borough Ordinance Amendments (and HARB Reviews & Evaluations)

Hello Carol,

Hope you have had/are having Happy Holidays!!

At the West Chester Borough Planning Commission (WCB PC) meeting on December 23rd, they continued to discuss Procedures to strengthen the Plan Review & Evaluation Process. Essentially, the WCB PC would like Borough Council to enable the HARB to review all applications in the HO-60 and HO-75 Height Option Overlay Districts.

After the meeting, Erin and I looked at our Review Comments for 330 W. Market Street when the issue pertaining to HARB Review emerged. **Section 112-401.B.(5)(a)[1]** requires the use of the Design Guidelines for the West Chester Historic District for building elements in the HO-60. However, this section does not reference review by the HARB. Perhaps this section should be expanded to include a needed/required review by the HARB. **Section 112-402.B.(7)(a)** includes a similar provision pertaining to the HO-75, that should also be expanded to reference a needed/required review by the HARB.

Do you recall what provision Kevin Gore relied upon, so that he unilaterally decided not to ask the HARB for your review? If there is an Ordinance provision to this effect, we are thinking that Borough Council should repeal such a provision. If there is "something else" outside of the Ordinances, then we would like Borough Council to repeal that "something else".

In any event, any light that you can shine upon this will be much appreciated, as the WCB PC, TCA, and Borough Staff all would like the HARB to have the opportunity to weigh-in on projects like 330 W. Market Street!

Thanks for your help.

Tom

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