

**Minutes from the**  
**DOYLESTOWN TOWNSHIP PLANNING COMMISSION**  
**Regular Meeting**  
June 24, 2013

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Monday, June 24, 2013 in the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Planning Commission in attendance included Chairman; Judy Hendrixson, Vice Chairman; Kenneth L. Snyder with members, Edward Redfield, Thomas Kelso and George Lowenstein. Other in attendance included Township Manager; Stephanie J. Mason, Board of Supervisor Liaison; Richard F. Colello and Township Planning Consultant; Ms. Judy Stern Goldstein.

**Review of Minutes:**

In the form of a motion by Mr. Lowenstein; seconded by Mr. Snyder the April 22, 2013 Doylestown Township Planning Commission Regular meeting minutes were approved.

Motion carried 5 to 0.

**Public\Commission Comments:** None

**Native Plants – Proposed Ordinance:**

Township's Botanist \ Ornithologist; Ray Hendrick of 685 Spring Valley Road reported native plants support a more active and larger bird population in the township's parks system. The pollinators are especially accustomed to the plants by bringing in barberry, burning bush and Branford pears. He was unaware the township had a native tree ordinance in place, but would like to see a total commitment when planting native trees, shrubs or demonstration gardens.

Ms. Stern Goldstein reported Doylestown Township has a history of encouraging planting of native trees and plants. In 2010, per the recommendation of the Environmental Advisory Council, the Board of Supervisors adopted an amendment to the subject of land development ordinance (SALDO) all non-native trees and shrubs be removed from the plant list so to encourage native planting. In many cases, the native planting was a requirement. Also in 2010 the Board approved an amendment to the Brush, Grass and Weed ordinance to have a list of plants on the restrictive list not permitted to grown in a height of 8 inches within 25 feet of a property line unless under certain parameters. Additionally, if an entity will be using existing vegetation as a required buffer yard, they have to eradicate the invasive species and only the species in good standing are able to remain as part of the required buffer yard.

Mr. Hendrick questioned when a developer submits a subdivision land development plan, if the landscape plan cannot include plants such as bamboo. Ms. Hendrixson answered; it will be required for a developer to submit a landscape plan for approval and bamboo will not be approved.

Mr. Lowenstein commented one municipality may provide an incentive or bonus for developers to plant native trees in order to make the ordinance more appealing.

Resident and EAC member; Jeannine Mitchell of 207 Saddle Drive, Furlong noted the Lower Makefield Native Tree ordinance mentions Upper Makefield offers a \$25.00 reimbursement to residents for replacement trees, especially after Hurricane Sandy. She then suggested the township consider providing a similar incentive to residents who replace trees and shrubs with native plantings. Ms. Mitchell then commented how she would like to see the teaching of native plantings to residents rather than just focusing on developers. Ms. Stern Goldstein noted Doylestown Township is considered a Bird town where native planting information is listed on the township's website.

Mr. Snyder questioned if any information is listed in the township's newsletter. Ms. Mason answered several articles from the EAC are included monthly. Mr. Lowenstein suggested scheduling a native planting informational lecture on Doylestown Television (DTV) during the EAC Hour. Ms. Mason informed Ms. Mitchell to contact Assistant Township Manager; Sandra Zadell on scheduling.

#### Hot Air Balloons

Hot Air Balloon Operators; Joe Doerer and Scott Saxton were present to represent the Great Eastern Balloon Association and offer any assistance with answering questions and/or concern with regards to hot air balloon procedures.

Ms. Hendrixson questioned how does the balloons take off and land. Mr. Saxton answered it depends on the wind forecasted for the day. Ms. Saxton's company launches from five different sites within five to ten minutes from Doylestown to include, Ferry Road, and New Galena Road towards Buckingham.

Mr. Redfield questioned if any of the hot air balloon operators have any issues with suggestions from residents who prefer balloons not be flown near residential communities. Mr. Doerer indicated he would like to review the suggestions in detail before answering.

Mr. Lowenstein questioned how often the operators reported problems with flying too low towards a residential community. Resident; Jennifer Mertens of 25 Oak Drive first thanked the commission for placing the matter on tonight's agenda. Ms. Mertens answered upon her dog being killed by a motor vehicle when frighten from a hot air balloon, she researched and found several other residents and one business owner had similar incidents with their pets. She added the purpose of her letter is not to stop hot air balloons services, but request the balloons be prohibited from flying low above residential communities.

Mr. Lowenstein then questioned what the normal height hot air balloons fly. Mr. Doerer answered there are three stages of flight; launch, flying and landing. Once in flight, a balloon is permitted to fly at 500 feet. When landing, a balloon will gradually fly lower.

Ms. Hendrixson questioned if the balloon operators follow designated or common routes. Mr. Doerer answered with the function of a balloon, it's very difficult to steer. There are no wings, ruder or any type of steerage. The balloon solely depends on wind and altitude.

Mr. Snyder questioned if there are predetermined landing sites. Mr. Doerer answered there are no predetermined landing sites, which is why the operators have five different launching sites. Mr. Saxton added based upon the launching sites, the wind will depict where the balloon will go. As the balloon is in flight the operator will then try to determine a landing area. The operator also will try to land along an area where they are welcomed, but it's not guaranteed. Mr. Snyder then questioned how an operator determines where they are going and when landing will occur. Mr. Saxton answered there are several factors. Safety is the first priority, such as landing before sunset and remaining fuel on board. The other is landing availability. At times, the operator will call ahead to request permission to land on private property.

Ms. Stern Goldstein questioned what other areas the balloons land. Mr. Doerer answered every flight has a different landing area. Mr. Saxton added his company has locations marked on their GPS system.

Hot Air Balloonist; Bob Dicks of Holland, PA added wind direction is the only way a landing can be determined. As per the FAA regulations, the balloons are only allowed to fly at 500 feet. When landing, permission is always requested. As a 30 year balloonist, this is the first fatality he has heard of. He concluded by stating the operators are not trying to cause problems but only enjoying a hobby. Permission is requested by a ground chase crew who will drive to a prospective landing location first. Then by radio will inform the balloonist an area is safe to land.

Ms. Stern Goldstein questioned if having a chase crew requests permission a standard procedure when landing. All representatives indicated yes. Mr. Doerer added the chase crew has the ability to drive ahead of the balloon to knock on doors of prospective landing areas and request permission to land.

A resident questioned if Balloonist; Jim Duncan received permission to land at the Doylestown Commerce Center when it was closed for business the day Ms. Merten's dog was struck by a car. Mr. Doerer could not respond on behalf of Mr. Duncan's actions. Ms. Stern Goldstein added the owner of the Commerce Center isn't necessarily the person who was working during that time.

Public Comment:

Resident; Susan Berg of 40 Oak Drive commented over the years she has witnessed low flying balloons at least a dozen times. She added on the day Ms. Mertens' dog was struck, it was particular scary. Ms. Berg confirmed the intention is not to stop the operation of hot air ballooning, but only to prohibit from landing at Commerce Park.

Resident; Kathleen McSherry of 60 Oak Drive commented she also witnessed and was frighten of several low flying balloons. She then questioned if the balloonist have an option to raise the balloon when flying over a community. Mr. Doerer answered the balloonist always try to locate a better place to land, unfortunately the balloons are at the mercy of wind direction. Negotiation of direction over communities is very difficult. Balloonist also have time constraints in terms of how long they can stay in the air. Mr. Doerer continued; it's not in the best interest or desire to land along a crowded area, which is the reason for five different launch areas. Unfortunately, there will be occasions when the wind will change and push the balloon in a different direction.

Mr. Lowenstein questioned if wind direction can determine where a balloonist can land. Mr. Doerer answered the wind direction provides enough information to guide the balloon in a general direction. However, the wind can change at any moment.

Ms. Mertens provided the commission with research materials regarding options on preventing future accidents or fatalities. This first is a prohibit zone be adopted for communities and property owners who had situations with hot air balloons landing near or on their property, such as adopted by the Tennessee Hot Air Balloon Association. Second, is the township to establish a hot air balloon policy to allow take off and landings in certain areas required by a permit, such as adopted by the Columbia Maryland Parks and Recreation Department. Mr. Lowenstein responded by noting Doylestown Township is a fully developed area and is unsure how the township can handle establishing the policy.

Mr. Kelso questioned if direction was provided by the township's solicitor regarding how municipalities regulate hot air balloons. Ms. Mason answered the solicitor indicated the regulations are very limited because of the FAA requirements. However, as a courtesy to the community, he asked the planning commission to review options. Mr. Kelso then commented the municipalities can only regulate what the state or federal government don't or can't. The FAA regulates hot air balloons from cradle to grave, which does not leave a window for municipalities. Ms. Mason added the easiest item to regulate would be where the balloons can take off from. Mr. Lowenstein suggested the township asked for a certain amount of cooperation from the hot air balloon companies.

Mr. Redfield questioned if any township in Pennsylvania have restrictions. Mr. Doerer answered, the FAA only has restrictions with no laws or restrictions in Pennsylvania.

A discussion ensued between the commission and Mr. Doerer regarding details of the incident and if any other accidents were reported.

Mr. Doerer informed the commission upon receiving Ms. Mertens' letter, he has notified all hot air balloon operators in the area not to fly over the community along Oak Drive. Ms. Mertens appreciated the effort, but believes it will not solve the problem for other communities. She then clarified the issue is not for the township to create an ordinance, but an cooperative statement or agreement on record not to have hot air balloons fly low over any residential neighborhood. Ms. Hendrixson agreed it would be a positive step to write a letter of intent for an agreement, but reiterated the township cannot regulate hot air balloons from flying

The commission agreed to discuss creating an agreement further and get back to Ms. Mertens on their decision.

Ms. Stern Goldstein requested Mr. Doerer forward any information on what guidelines are followed by the membership to the township via email. Mr. Doerer agreed to provide Balloon Federation Association (BFA) guidelines.

Mr. Snyder questioned if anyone can become a balloonist. Mr. Doerer answered testing and licensing are all governed by the FAA.

Ms. Stern Goldstein commented no matter what guidelines are in place at some point the balloon will need to land because of circumstances. These guidelines cannot be regulated by the township.

Ms. Berg volunteered to create a pamphlet to be handed out once agreement is created.

**Workshops** – Continued Discussion:

Ms. Hendrixson reported of a discussion regarding a gateway zone on the Route 611 corridor by creating an overlay district from Street Road into Doylestown. The concern is how to unify the corridor with five different zoning districts from agriculture to commercial industrial. Ms. Hendrixson also noted another concern is how to reduce the number of driveways off Route 611 that are extremely dangerous and causes a number of accidents. The goal is not to reduce the traffic but alleviate the congestion so the traffic flows better.

A discussion ensued amongst the commission and Ms. Stern Goldstein regarding maintaining existing trees and how it does not pertain to commercial areas, such as Blueberry Hill Group's site off Almshouse Road.

Ms. Stern Goldstein commented it seems the imperious surface regulation is determining what the density of the non-residential sites. Mr. Lowenstein suggested creating an ordinance that will be economically appealing to the developer so they don't seek another township for construction.

Ms. Stern Goldstein noted trees, imperious or setbacks are areas the commission should first consider for adoptive use. From there, determine the needs and desires to match. Ms. Hendrixson would like to see a proactive approach rather than change the ordinance to show what the township would like to promote.

Mr. Snyder questioned how many vacant commercial buildings are there. Mr. Lowenstein noted several areas. Ms. Mason added an exact number can be determined by the township's Fire Marshall. However, she also noted many business building are unoccupied. Ms. Stern Goldstein indicated the question may be difficult to answer, because not only vacant buildings should be considered. Under-utilized and transitional properties should also be considered.

Ms. Hendrixson stated she would like to implement a similar development guidelines other municipalities have in place of what is needed in the community and where the gaps may be. Ms. Mason provided Route 263 between Route 313 and Edison Furlong Road as an example.

Ms. Stern Goldstein requested clarification. Ms. Hendrixson clarified she would like the guidelines to note what project will the township consider to be viable or succeed at a certain location. Mr. Redfield noted he believes 80% of the ordinance reflects what a viable location is. However, he doesn't believe a developer will pay attention.

Mr. Kelso commented it would be a mistake to place the Planning Commission in the possession to change the ordinance to where a request of what project should be constructed at a certain location. It will not appear well towards the public and that the township knows better than a developer. Mr. Lowenstein suggested discussing a plan with a developer in order to approach a mutual agreement.

Ms. Hendrixson commented the guidelines could assist the township as a community to steer things in a certain directions to what they think the residents will use. Ms. Mason noted the residents would like sites to remain residential. Ms. Stern Goldstein stated no matter how much the neighbors would like to keep residential sites, the township has to consider the highest and best use as consistent with the township's comprehensive plan and zoning ordinance of C1 District. She agreed with Mr. Kelso's comments adding the commission cannot tell a developer what is a viable use. Only they know what is going to work for them.

The Commission agreed to meet with Ms. Mason to review comprehensive studies for further discussions.

**Adjournment:** 8:45 p.m.